



City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON PLANNING COMMISSION	
MEETING DATE: January 3, 2023	LOCATION: City Council Chambers, City Hall
CALLED TO ORDER: 5:15PM	RECORDER OF MINUTES: Shalin Patel

ROLL CALL		
COMMISSIONERS PRESENT:	PRESENT:	ABSENT:
Nicholas Corcoran (chair)	X	
Joseph De Angelo (vice-chair)	X	
Christopher Dziejczak	X	
Mario DiFulvio		X
Steve Seepersaud	X	
Kelly Weiss	X	
Emmanuel Priest		X
STAFF MEMBERS PRESENT:	TITLE & DEPARTMENT:	
Dr. Juliet Berling	Director, Planning Department	
Tito Martinez	Assistant Director, Planning Department	
Dylan Pelton	Building, Construction & Code Enforcement	
Shalin Patel	Planner, Planning Department	
Greg Buell	Zoning Officer, Planning Department	
Elisabeth Rossow	Corporation Counsel	

APPROVAL OF MINUTES		
MOTION to approve the December 12, 2022 meeting minutes as written		
FIRST: Weiss	SECOND: De Angelo	VOTE: Carried (5-0-2)
AYE(S): Weiss, De Angelo, Corcoran, Dziejczak, Seepersaud	NAY(S):	ABSTENTION(S): DiFulvio, Priest

SEQR DETERMINATIONS	
ADDRESS: 75 Court St	CASE NUMBER: PC-2022-0018
DESCRIPTION FROM AGENDA: Site Plan Review and special use permit for the establishment of a Cannabis Retail Business in an existing commercial tenant space in the C-2 Downtown Business District	
APPLICANT: Damien J. Cornwell	
REPRESENTATIVE(S): Damien J. Cornwell	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Applicant was awarded (by NY State) one of the only 2 licenses in Broome County to sell cannabis, out of some 900 applications ▪ Partnered with the Broome County Urban League as part of the non-profit qualifying entities, so that the applicant can do some philanthropic work with some of the revenue being generated ▪ Chair (Corcoran) asked about what the review process was like in acquiring the license? <ul style="list-style-type: none"> - The biggest thing that was important was, the state wants to make sure that all parties interested are clearly identified. The policy from a state perspective is to ensure that larger corporate actors can't take 	

advantage of the licensing and that they don't come in make the market so filled that there is no area for other people to get in and generate new wealth and new communities and pull them out.

- "I love our model better. We are position in way where we can do good things. Our whole goal is to generate more wealth, create more jobs, do more training and things. We have a history of development in the town. There was a lot of things we needed to show on the application as a requirement."
- There were two sides into this process: folks that were justice involved (a prior justice impact) and people who have done social justice work with no justice impact ("I have gotten a lot of parking tickets, but never anything that would raise level of justice impacts"). But we do tons and tons of programming that helps folks that have suffered justice impact.
- Commissioner (Dziedzic) asked the staff what will happen to the status of the abundance of stores in the city that do not possess the similar license as the applicant and are selling cannabis illegally?
 - Staff member (Martinez): we have few options:
 - They can be reported NY State, which puts them on a list, where they are blacklisted in a way from getting a license in the future
 - We can address through an illegal land use and cite them and take them to court
 - It could even be a criminal investigation (ex: Product seized in JC from illegal shops)
- We have different options, right now we are in the citing and taking to court process. And I believe we have sent letters to the state as well. We are doing what we can in our department to address it. We have gotten feedback from at least two of the known places that they will shutting down soon.
- Check in customers into the store via a POS system right at the gate, identify them and have their info at hand. They can't gain entry until they can get through that system.
- Applicant: shipping is illegal, but we can deliver. There are different rules and logistics that go along with different regions that we have to work with. Area in the back is where we would stage our delivering products stuff. Per the state we are no longer allowed package anything, they have to come pre sealed and packed from cultivators.
- We anticipate about 6 people working in our store. We will only allow 12 customers per day at a time in the store at once.
- Security is a big concern, not for our area, but for the industry as a whole the state puts a huge emphasis on security. We will have 8 cameras or so in total. Put staff on from security firms and retired law enforcement folks.

VOTING

MOTION that the Planning Commission intents to act as Lead Agency in SEQR review and that the action is Type II under SEQR

FIRST: Corcoran	SECOND: Weiss	VOTE: Carried (5-0-2)
AYE(S):	NAY(S):	ABSTENTION(S): DiFulvio, Priest

MOTION to schedule a public hearing at the February regular meeting at 5:20 PM

FIRST: Corcoran	SECOND: Weiss	VOTE: Carried (5-0-2)
AYE(S): Weiss, De Angelo, Corcoran, Dziedzic, Seepersaud	NAY(S):	ABSTENTION(S): DiFulvio, Priest

PUBLIC HEARINGS & FINAL DELIBERATIONS

ADDRESS: 45 Carroll St & 20-24 Lisle Ave	CASE NUMBER: PC-2022-0011
DESCRIPTION FROM AGENDA: Site Plan Review and special use permit for the construction of a 5 story Social Services facility with 60 sleeping units and a childcare center in the R-3 Multi-Unit Dwelling District	
APPLICANT: FAHS Construction	
REPRESENTATIVE(S): Carl Guy (President, FAHS Construction Group), Carole Coppens (Executive Director, YWCA)	
DISCUSSION POINTS:	

- 5 stories on the newer building to avoid side setback as mentioned in original plans. Only requests side yard setbacks on the Urban League building
- 23 parking space within the new building, but the applicant will sign a lease agreement with AVRE down the street to rent 40 additional spaces once application for the project has been approved
- Going to leave ~10 feet of building space between the neighboring building and existing apartment building located at 34 Lisle Ave soon to be demolished for the project (joint easement between the neighbor Jefferey Kent and the applicants)
- Commissioner (Dziedzic) addressing from the letter submitted by a neighbor, asked the staff member (Martinez), are there any laws that require the applicants to have specific marked handicap spots?
 - Staff member (Martinez): Applicant needs 1 handicap parking space per every 20 spaces
 - Electronic vehicle charging station(s): there are no requirements for them in the code, a station counts for 2 spaces of parking instead of 1 (incentive to alleviate the parking requirements to some extent) (Martinez)
- Is there a requirement for incorporating green infrastructure into new building projects? (Commissioner Dziedzic)
 - (Staff member Martinez): construction of a new parking lot they will need a landscape buffer, but there are no requirements for the building itself
 - There will be some energy efficiency (LEED designed program) designed for this project (applicant)
 - Commissioner De Angelo asked if they are looking to acquire a LEED certification?
 - Applicant: LEED certification is very expensive to acquire, but we plan to design energy efficiencies
- There may be a distinction between the project being proposed here and the incubator, the letter is not overshadowing a neighboring building – there is not somebody next door who will have their light blocked out
 - We are not going block the light out with one story, a 4v5 story building is not going to make a hole in the ground.
- Commissioner Dziedzic asked if they have performed a light analysis to be confident that it will not affect the neighbors?
 - There are 3 sides of that building that are wide open to natural light. We are talking about one side here
 - Our original plans would have made a problem, so we refined our plans and now it is not a huge problem like before (Guy)
- Commissioner Dziedzic asked the applicants to address the problems raised by the neighbor regarding the height added by stairwell and elevator heads
 - Applicant (Guy) responds: The elevator shafts or the stairwells are incidental to the design of the building to allow roof access and elevator overlay, they will not add drastic height
 - Applicant asked staff member (Martinez) on whether the stairwell and elevator shaft (go up 4 ft to give some clearance) will add to the height of the roof?
 - Staff member (Martinez): the parapet wall does count; will the stairwell and elevator shafts be higher than the parapet wall? Some incidental projections for the roof that are not counted in the official roof of the height
- Commissioner (Seepersaud) said that there was an overhead Google shot taken in the afternoon (not sure of the date it was taken, etc.), trees spouting, grass is green and what the sun was doing with respect to the shadows and the location
- Chair (Corcoran) asked if there were existing curb cuts to access the new location of the dumpsters
 - Applicant (Guy): other applicant (Richard Vito) has been to the site and thinks there is already an existence of curb cuts/driveway, but if not, we will implant them
 - The dumpster location has screens, it is fenced and will have gates on it

PUBLIC COMMENT:

- **Jefferey Kent (owner of 47, 50, 52, 56 Carroll St)** talked against the project.
- No side setback between my building and the one story attached to 34 Lisle Ave building
- Attachment of a toilet and reception area proposed in the new plans to my building are in non-conformance with the R-3 requirement in that zone is not something that they really have justification seeking. Lounge area (282 sq ft) which could easily accommodate toilet and reception area.

<ul style="list-style-type: none"> ▪ Height variance is a problem – the requirement for the zone is that the maximum height in the R-3 zone may not exceed 45 feet. They are proposing a large 5 story building (53’7”), height of the elevator and stair bulkheads are not mentioned which will add to the height. ▪ Mention of energy efficiency factors in terms of solar panels potentially, no plans have been shown for the method of placement, etc. ▪ They could construct a 4-story vs 5 story tall and conform to the requirements of the R-3 Zone and would not need to exceed the maximum height requirements. <p>Chair Corcoran asked the applicant how the height of the building would personally affect the neighbor’s building?</p> <ul style="list-style-type: none"> ▪ There are windows on the west side of 47 Carroll St, the higher the building (10.5 ft) from my building, the less natural light my building will have, there are 6 apartments located in that space with tenants living there.
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<p>APPLICANT RESPONSE TO PUBLIC COMMENT:</p> <ul style="list-style-type: none"> • Reason for going up 1 more story is to mitigate the side yard setbacks, so it will reduce requests for variances along that line • No egress put into the 10 ft shared easement between the 2 buildings. Have taken a dumpster out of the area, although the neighbor (Mr. Kent) does have his dumpster still located in the area • The height is really consistent with the new development in that neighborhood that is going on
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VOTING

MOTION to issue a negative declaration under SEQR
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FIRST: Corcoran	SECOND: De Angelo	VOTE: Carried (5-0-2)
AYE(S): Corcoran, Weiss, Dziedzic, De Angelo, Seepersaud	NAY(S):	ABSTENTION(S): DiFulvio, Priest

MOTION that the requirements for Site Plan Review and Special Use Permit have been met and therefore the application has been met and conditionally approved, subject to the following: the applicant receiving the required zoning variances and that the ultimate plan does include handicap spaces that meet code requirements.

FIRST: Corcoran	SECOND: Weiss	VOTE: Carried (4-1-2)
AYE(S): Corcoran, Weiss, De Angelo, Seepersaud	NAY(S): Dziedzic	ABSTENTION(S): DiFulvio, Priest

PUBLIC HEARINGS & FINAL DELIBERATIONS
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ADDRESS: 131 Hawley St	CASE NUMBER: PC-2022-0019
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DESCRIPTION FROM AGENDA: Site Plan Review and special use permit for the conversion of an existing 2-story building into a Congregate Living facility with 6 sleeping units in the R-3 Multi-Unit Dwelling District
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APPLICANT: Eagle Properties LLC
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REPRESENTATIVE(S): Jeff Smith, Chianis & Anderson Architects, LLC
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<p>DISCUSSION POINTS:</p> <ul style="list-style-type: none"> ▪ Listed as 4 bedrooms in the city of Binghamton records, but the owners want to make it legal as a 6-bedroom home (which it is currently) ▪ No further changes have been made since the first meeting in December
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VOTING

MOTION that the requirements for Site Plan Review and Special Use Permit have been met and therefore the application has been met and approved

FIRST: Corcoran	SECOND: Dziedzic	VOTE: Carried (5-0-2)
AYE(S): Corcoran, Dziedzic, Weiss, De Angelo, Seepersaud	NAY(S):	ABSTENTION(S): DiFulvio, Priest

OTHER BUSINESS

DESCRIPTION: 12-month extension for 200 Court Street for Planning Commission granted on February 15, 2022. The applicant is waiting for the State and Federal review of their grant funded project and are still working with the park service for their project. They expect to submit their permit applications in July. This is the rehabilitation of the Sheltered workshop building into 110 total units – 3 story addition on the rear of the building.

MOTION: for an extension for 12 months

FIRST: Seepersaud	SECOND: Weiss	VOTE: Carried (5-0-2)
AYE(S): Seepersaud, Weiss, Corcoran, De Angelo, Dziedzic	NAY(S):	ABSTENTION(S): DiFulvio, Priest

ADJOURNMENT

MOTION to adjourn		TIME:
FIRST: Seepersaud	SECOND: All	VOTE: Carried (5-0-2)
AYE(S): Seepersaud, Weiss, De Angelo, Dziedzic, Corcoran	NAY(S):	ABSTENTION(S): DiFulvio, Priest