



# City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON PLANNING COMMISSION	
<b>MEETING DATE:</b> March 7, 2023	<b>LOCATION:</b> City Council Chambers, City Hall
<b>CALLED TO ORDER:</b> 5:15PM	<b>RECORDER OF MINUTES:</b> Shalin Patel

ROLL CALL		
COMMISSIONERS PRESENT:	PRESENT:	ABSENT:
Nicholas Corcoran (chair)	X	
Joseph De Angelo (vice-chair)	X	
Christopher Dzedzic	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	Historic Planner, Planning Department	
Shalin Patel	Planner, Planning Department	
Greg Buell	Zoning Officer, Planning Department	
Elisabeth Rossow	Corporation Counsel	

APPROVAL OF MINUTES		
<b>MOTION</b> to approve the February 7, 2023 meeting minutes as written		
<b>FIRST:</b> Seepersaud	<b>SECOND:</b> Priest	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Seepersaud, Priest, De Angelo, DiFulvio, Corcoran, Weiss, Dzedzic	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

SEQR DETERMINATIONS	
<b>ADDRESS:</b> 30 Charlotte Street	<b>CASE NUMBER:</b> PC-2023-0005
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Review and special use permit to establish Vehicle Sales in an existing industrial building in the I-2 Light & Medium Industrial District	
<b>APPLICANT:</b> Vintage Auto Imports LLC	
<b>REPRESENTATIVE(S):</b> Michael Bagrevandian (Vice President of Vintage Auto Imports LLC)	
<b>DISCUSSION POINTS:</b>	
<ul style="list-style-type: none"> <li>▪ Primary focus for importing and selling cars that were never sold in the US market.</li> <li>▪ Would like to utilize the limited space in the industrial zone at the above address to operate and sell motor vehicles.</li> <li>▪ Chair (Corcoran) asked if this business is invite only? (Because the location is sort of tucked away from public eye)               <ul style="list-style-type: none"> <li>- Applicant: It is not by invite only; it is public. The primary sales will be through auction, but both public and private sales will be welcome.</li> </ul> </li> </ul>	

<ul style="list-style-type: none"> <li>▪ Commissioner (Seepersaud) asked what the remainder of the building will be used for at this address? (The applicant is only using 3 parking spaces and a portion of the building for office space).</li> <li>- Applicant: Cannot really answer that as we are only leasing a portion from the building owner, 30 Charlotte Street LLC. I will only be a tenant of a small space.</li> </ul>		
<b>VOTING</b>		
<b>MOTION</b> that the Planning Commission intends to act as Lead Agency in SEQR review and that the action is Type II under SEQR		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Seepersaud, De Angelo, DiFulvio, Priest, Dziedzic	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>
<b>MOTION</b> to schedule a public hearing at the April regular meeting		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Seepersaud	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Seepersaud, De Angelo, DiFulvio, Priest, Dziedzic	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

<b>SEQR DETERMINATIONS</b>	
<b>ADDRESS:</b> 108 Henry St	<b>CASE NUMBER:</b> PC-2023-0006
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Review and special use permit for the conversion of an existing residential building into 15 units with 38 total bedrooms, including the construction of a rear addition, and the resurfacing of an ancillary parking area in the C-4 Neighborhood Commercial District.	
<b>APPLICANT:</b> John Tager	
<b>REPRESENTATIVE(S):</b> Tyler Lozzi (Designer, Keystone Associates), Kanti Patel (Architectural Designer, Keystone Associates)	
<b>DISCUSSION POINTS:</b>	
<ul style="list-style-type: none"> <li>▪ Project involved 2 additions – 191 sq. ft foyer area with access to the building in the front with a new lift. In the rear, there is an addition for a stairwell and another elevator.</li> <li>▪ New parking – utilized existing parking spaces but shrunk down the asphalt area.</li> <li>▪ Will be asking for a rear setback area variance – since there is reduction in the rear area, the landscape areas will be placed in the front near roadway and will be directing stormwater runoff to those landscaped areas.</li> <li>▪ The building is in a really bad shape, but with the new ownership of the building, it will look really spruced up and better. 15 apartments for all 5 floors – 3 bedrooms max per apartment. Basement will have a laundry and an exercise room.</li> <li>▪ Everything on the exterior and interior will be new.</li> <li>▪ Commissioner (Dziedzic) asked, how many parking spots are in the planned gray shaded lot, and how many spots are you guys required to have for the number of units and proposed plans? <ul style="list-style-type: none"> <li>- Representative (Lozzi) shows the parking spots on the proposed plan(s) and comments, they are required to have 19 spots, but are providing 21 spots.</li> </ul> </li> <li>▪ Chair (Corcoran) asked if the applicants plan to redo the entire sidewalk and curbing in front of the building along the street? <ul style="list-style-type: none"> <li>- Representative (Patel) commented, yes.</li> </ul> </li> <li>▪ Commissioner (Weiss) asked, could the applicant mention the dimension of the exercise room in the basement? And will it include exercising equipment that you guys provide in there? <ul style="list-style-type: none"> <li>- Representative (Patel) commented, it will be 25’ x 14’ approximately and yes it will contain equipment provided by us.</li> </ul> </li> <li>▪ Commissioner (Dziedzic) commented, there are 4 rooms labeled 1-4 in the basement. What are the plans for those rooms?</li> </ul>	

<ul style="list-style-type: none"> <li>- Representative (Patel) commented that one of those rooms will be laundry room and the other will be the gym room. While the other 2 rooms will be locked and not be accessible by tenants.</li> <li>▪ Chair (Corcoran) asked if the building will have an all-new sprinkler system?</li> <li>- Representative (Patel) commented yes.</li> </ul>		
<b>VOTING</b>		
<b>MOTION</b> that the Planning Commission intents to act as Lead Agency in SEQR review and that the action is Unlisted under SEQR		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Dziezic	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Seepersaud, De Angelo, DiFulvio, Priest, Dziezic	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>
<b>MOTION</b> to schedule a public hearing at the April regular meeting		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Seepersaud	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Seepersaud, De Angelo, DiFulvio, Priest, Dziezic	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

<b>174 Clinton St project was tabled until end of the meeting: the applicant was not present at the time of their presentation.</b>		
<b>MOTION</b> to table the project until end of the public hearings		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Dziezic	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Seepersaud, De Angelo, DiFulvio, Priest, Dziezic	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

<b>PUBLIC HEARINGS &amp; FINAL DELIBERATIONS</b>	
<b>ADDRESS:</b> 127 Murray St	<b>CASE NUMBER:</b> PC-2023-003
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Review and special use permit for the addition of 2 dwelling units to the third floor of an existing 7-unit dwelling, for a total of 9 units with 9 total bedrooms, in the R-3 Multi-Unit Dwelling District	
<b>APPLICANT:</b> Flower Hill Hob LLC	
<b>REPRESENTATIVE(S):</b> Michael de Cordova	
<b>DISCUSSION POINTS:</b>	
<ul style="list-style-type: none"> <li>▪ Added 1 parking space to make it to 8 spaces.</li> <li>▪ Other changes were cosmetic, changed the stairs in the rear of the building to face a different direction.</li> <li>▪ Staff (Martinez) commented, 239 comments from the county were received, they found no significant countywide impacts. They did suggest that the Planning Commission should consider the compatibility of design, colors, and materials for the proposed new shed dormer roof. Exterior egress staircase and porches and exterior stairs with the historic character of the house.</li> <li>▪ Commissioner (Dziezic) commented the following: I do want to thank the applicant and his team for increase the parking to an 8<sup>th</sup> spot, the proposal still requires 9 spaces, so the applicant would be looking for a reduction by 1? <ul style="list-style-type: none"> <li>- Staff (Martinez) commented, the Planning Commission could have granted the parking variance from 9 required spaced to 8, but the Zoning Board already granted that variance.</li> </ul> </li> </ul>	
<b>Public meeting was opened at 5:45 pm and closed at 5:46 pm.</b>	
<b>PUBLIC COMMENT:</b>	
<ul style="list-style-type: none"> <li>▪ No one spoke in favor or against the project</li> </ul>	
<b>VOTING</b>	

<b>MOTION</b> that the requirements for Site Plan Review and Special Use Permit have been met and therefore the application has been met and approved.		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Priest	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Seepersaud, De Angelo, DiFulvio, Priest, Dziedzic	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

<b>PUBLIC HEARINGS &amp; FINAL DELIBERATIONS</b>		
<b>ADDRESS:</b> 407 Court St	<b>CASE NUMBER:</b> PC-2023-0001	
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Review for the construction of a 364 ft <sup>2</sup> one-story sales office building on an existing Vehicle Sales lot in the C-1 Service Commercial district		
<b>APPLICANT:</b> Garrison Paugh <b>REPRESENTATIVE(S):</b> Garrison Paugh, Kathy Paugh		
<b>DISCUSSION POINTS:</b> <ul style="list-style-type: none"> <li>▪ There will be a 6x12 addition added onto the east side of the office building space for a bathroom and more storage space – tire shine, cleaning material, shop vac, and other materials.</li> <li>▪ The office building will still be located in the center of the lot.</li> </ul>		
<b>Public meeting was opened at 5:42 pm and closed at 5:42 pm.</b>		
<b>PUBLIC COMMENT:</b> <ul style="list-style-type: none"> <li>▪ No one spoke in favor or against the project</li> </ul>		
<b>VOTING</b>		
<b>MOTION</b> that the requirements for Site Plan Review and Special Use Permit have been met and therefore the application has been met and approved.		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Seepersaud, De Angelo, DiFulvio, Priest, Dziedzic	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

<b>PUBLIC HEARINGS &amp; FINAL DELIBERATIONS</b>		
<b>ADDRESS:</b> 138-140 Washington St	<b>CASE NUMBER:</b> PC-2023-0009	
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Review for the construction of a new two-story 1,984ft <sup>2</sup> Eating & Drinking Establishment in the C-2 Downtown Business District.		
<b>Commissioner Weiss recuses herself from this case at 5:49pm and comes back at 5:53pm) due to her involvement with Rich David's previous work.</b>		
<b>APPLICANT:</b> Mikaila Fagnoli <b>REPRESENTATIVE(S):</b> Rich David		
<b>DISCUSSION POINTS:</b> <ul style="list-style-type: none"> <li>▪ No significant changes from last minute</li> <li>▪ Applicant plans to incorporate all of the comments received from CAUD – regarding the symmetry of the garage doors and their comments being consistent with the goals set forth by the applicants (building blending in with the neighboring buildings and the neighborhood itself)</li> <li>▪ Staff member (Martinez): 239 comments were received from the County, they found no significant impact. But they did concur with the staff comments that the city should consider a maintenance and/or security plan for the 2 alleys created by the construction of the building.</li> </ul>		
<b>Public meeting was opened at 5:50 pm and closed at 5:51 pm.</b>		
<b>PUBLIC COMMENT:</b> <ul style="list-style-type: none"> <li>▪ No one spoke in favor or against the project</li> </ul>		
<b>VOTING</b>		
<b>MOTION</b> to reduce the rear yard setback requirement by 33%		

<b>FIRST:</b> Corcoran	<b>SECOND:</b> Priest	<b>VOTE:</b> Carried (6-0-1)
<b>AYE(S):</b> Corcoran, Dziedzic, DiFulvio, De Angelo, Priest, Seepersaud	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Weiss (Recused herself from the case)
<b>MOTION</b> that the requirements for Site Plan Review and Special Use Permit have been met and therefore the application has been met and approved.		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Dziedzic	<b>VOTE:</b> Carried (6-0-1)
<b>AYE(S):</b> Corcoran, Seepersaud, De Angelo, DiFulvio, Priest, Dziedzic	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Weiss (Recused herself from the case)

<b>PUBLIC HEARINGS &amp; FINAL DELIBERATIONS</b>	
<b>ADDRESS:</b> 91 Front St	<b>CASE NUMBER:</b> PC-2023-0010
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Review and special use permit for the conversion of an existing private parking lot to a Commercial Parking Area in the C-1 Service Commercial District	
<b>Commissioner Seepersaud recused himself from this case (at 5:54pm and comes back at 6:23pm) due to his involvement with Binghamton City School and its location being close to 91 Front St.</b>	
<b>APPLICANT:</b> 91 Front St Development LLC (John Burns)	
<b>REPRESENTATIVE(S):</b> John Burns	
<b>DISCUSSION POINTS:</b>	
<ul style="list-style-type: none"> <li>▪ No changes since last meeting – applicant is on board with agreeing to make changes based upon the comments made by Planning Board on February 07, 2023, meeting.</li> <li>▪ Chair (Corcoran) commented, the property has a garage and a significant retaining wall that runs on the left of the side of the plan. What is happening with the garage? <ul style="list-style-type: none"> <li>- Applicant (Burns) commented, the garage is gone. They removed the garage and ramp up to the garage which was on the same altitude as the Binghamton Club. Applicant put preliminary asphalt on the demolished site.</li> </ul> </li> <li>▪ Staff member (Martinez) commented because this is an existing parking area, the way interprets it as, as long as its not becoming less conforming, it does not require a variance. This is moving towards conforming. Even though it does not meet the current code, it is an existing parking that becoming more conforming, in practice we typically don't make applicants acquire variances for that. It is an opportunity to bring the parking lot up to our current standards, I do agree that those things would be beneficial, but that's just an explanation as to why we didn't ask the applicants to seek variances.</li> <li>▪ Applicant (Burns) commented the following after the public comment. As far as snow removal, we would either remove it using trucks or have some of the parking spots be eliminated during that time in the back. Thai Time and another restaurant around the corner both have a free parking lot, they are parking in our parking lot, it is full all the time at night. I think this parking lot will help the bars, any restaurants, businesses there, someone will be able to park, stay for a period of time and leave. We will try to keep the neighbor's garbage off our parking lot.</li> <li>▪ Commissioner (Dziedzic) asked, why has this lot not been repaved since the planning commission decision in 2019? Could you address the lack of landscaping in and around the parking lot since 2019? When did you take ownership of this lot? Are you and your team willing to address some of the items such as adding landscaping islands, bicycle parking, and adding snow storage per section 410-55, section D-3, H, and I per the letter that was submitted during public hearing? Would you be willing to work with the company that completed your initial site plan to update it based on new specifications and conditions?</li> <li>▪ Commissioner (Dziedzic) asked staff (Martinez), what are the rules regarding a fence setback?</li> </ul>	

- Applicant (Burns) commented, it has been repaved, I was not part of that process, but we did a lot of paving in there, it just was not all done at once. It will be all done at once now, it is a paid parking lot, we want to attract people to it rather than have it looked not its best. But it has been being paved, it's just kind of patching than complete paving.
- Applicant (Burns) was unable to answer the 2<sup>nd</sup> question, because this was before he got involved with the lot. When there is a capital inflow on an investment, that people pay more attention to get things done. When there is a parking lot business, you will take care of it like a business. It has been like a parking lot that was revenue negative for years and I was not running it. Took ownership of this land last year. Snow storage, we have 40 parking spaces, if we get enough snow that takes up 2 spots, we will downsize it to 38 spots and so forth. If that is not working, we would get it removed like a lot of the areas in city space. As far as landscaping goes, we will not have an operating parking lot until the code tells us that its good for operation, until it has all of the landscaping needs met.
- Applicant (Burns) commented, he is willing to add bike spots, but there are not enough parking spots in that parking lot. He seemed unsure about adding the landscaping islands. Our fence very well may be an upgrade from a chain linked fence.
- Staff (Martinez) commented, a fence can be built right up to the property lines. In some cases, if it's near a window, it can't be a privacy fence of a certain height that would obstruct that window. It would have to be setback 3' from that window. But that is clearly not the case here.
- Chair (Corcoran) asked Commissioner (Dziedzic) would he be ok if there was a conditional approval made, where in general in a parking where it doesn't have interior parking spaces for islands for landscaping, but that landscaping be provided on the outside of the chain linked fence? In the past we have been ok with shifting the landscaping aspect on the outside of a lot to accommodate for spacing concerns as a compromise. One of the conditions would be that the applicant must submit a revised plan to the Planning Department that meets the landscaping requirements in the code.
- Staff (Martinez) commented, pointing out that upon approval of this case, it should be a subject to an agreement being submitted between owners of 91 and 88 Front St. Reserving a minimum of 4 spaces in this lot for the use of 88 Front St, per the previous approval.

**Public meeting was opened at 5:57 pm and closed at 6:04 pm.**

**PUBLIC COMMENT:**

- Attorney Nathan VanWhy (from Coughlin and Gerhart LLP) represented Front St APTS LLC at 93 Front St. Mr. VanWhy spoke in opposition of the project citing variety of things noted below (if you need full copy of the response, please contact the Planning Commission):
  - The property is not in compliance with the site plan that was approved on January 30<sup>th</sup> of 2019. The site plan contemplated on use at 88 Front St as well as this property. That plan required that this property be fully restriped and repaved and have some landscaping in front of the property along Front St, neither have been done. Just walking by there, you can see there is no landscaping in sight, it hasn't been there since the approval in 2019. We think it is inappropriate that a site plan be approved for a use when they haven't been able to show compliance even though the current site plan has been in use for 4 good years.
  - The proposal they submitted does not appear to meet the code requirement for an off-street parking lot. There are 3 things, for every 10 parking spaces there is supposed to be a 9x18 landscaping areas (either 3 or 4 landscaping island that should be there). There should be approximately 3 or 4 bike spaces shows on this property. There is no area shown for a designated snow storage area. This is an opportunity for the Planning Board to bring this

parking lot up to appropriate standards. Code has a goal in mind of having an aesthetic, pleasing, impact, beneficial area useful to the community instead of what it currently is.

- This property operated illegally as a paid parking lot since the approval in 2019. As the owner of the building next door, he has residents who paid for parking at that lot.
- Largely community impact in that particular area, the plan we believe doesn't add anything aesthetically or of character to the street of that area. The plan otherwise does not align with the goals of the Front St. The black chain-link fence would be an eyesore, out of character with the surrounding properties, which has historic prewar aesthetic to them. The businesses in that area who might be potential customers of off-street parking lot have been successful without that parking lot.
- That chain linked fence is proposed to be directly on the property line which would be prohibitive of his ability to access and make repairs or visually inspect the side of his building from the public view, if there was ever any issues or concerns with his building. In addition, there is that stone wall that extends in the back from the property line, garage in the back owned by someone else would prohibit my client to access his property. "We are asking either deny the project outright or at least recognize that variances would need to be received for many of design failures that are evident."

**VOTING**

**MOTION** for negative declaration.

<b>FIRST:</b> Corcoran	<b>SECOND:</b> Priest	<b>VOTE:</b> Carried (6-0-1)
<b>AYE(S):</b> Corcoran, Dzedzic, De Angelo, DiFulvio, Priest, Weiss	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Seepersaud (Recused himself)

**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: a revised plan be submitted to the planning department that shows landscaping, that meets all code requirements, that shows anticipated snow storage on the parking lot, and one which includes required code compliant bike parking spaces. It will also note that the lot is to be resurfaced and striped. Furthermore, a letter that documents 4 parking spaces that are assigned to 88 Front St approval are being reserved in this lot.

<b>FIRST:</b> Corcoran	<b>SECOND:</b> Dzedic	<b>VOTE:</b> Carried (6-0-1)
<b>AYE(S):</b> Corcoran, Weiss, De Angelo, DiFulvio, Priest, Dzedzic	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Seepersaud (Recused himself)

**PUBLIC HEARINGS & FINAL DELIBERATIONS**

<b>ADDRESS:</b> 81 State St	<b>CASE NUMBER:</b> PC-2023-0002
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**DESCRIPTION FROM AGENDA:** Site Plan Review and special use permit for the establishment of an Eating & Drinking Establishment (tavern) in a below-grade commercial tenant space in the C-2 Downtown Business District.

**APPLICANT:** Diane King

**REPRESENTATIVE(S):** Diane King (owner operator of Aqua night club and future bar of 81 State St); Dylan Young (General Manager of Aqua nightclub), Jim Slocum (building owner)

**DISCUSSION POINTS:**

- Updated security plan that is reflective of the engineering floor plan.
  - Will be utilizing a camera system along with existing cameras in the exterior of the building.
- Move the trash room to the rear part of the bar – "we don't want to have a lot of traffic since main attraction would be in the front and that is also where the patrons would be entering and exiting, we just wanted to reduce the conflict with that." (Voiced by representative Young).
- Chair (Corcoran) asked if the applicant will be utilizing the elevator or not?

- Representative (King) commented no.		
<b>Public meeting was opened at 7:37 pm and closed at 7:38 pm.</b>		
<b>PUBLIC COMMENT:</b>		
<ul style="list-style-type: none"> <li>▪ No one spoke in favor or against the project</li> </ul>		
<b>VOTING</b>		
<b>MOTION</b> that the requirements for Site Plan Review and Special Use Permit have been met and therefore the application has been met and approved.		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Corcoran, Seepersaud, Weiss, De Angelo, DiFulvio, Priest, Dziedzic	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

<b>PUBLIC HEARINGS &amp; FINAL DELIBERATIONS</b>	
<b>ADDRESS:</b> 15 Charles St	<b>CASE NUMBER:</b> PC-2023-0004
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Review and special use permit to convert the basement of an existing mixed-use building to Social Services use (warming station) in the I-2 Light & Medium Industrial District	
<b>APPLICANT:</b> Addiction Center of Broome County	
<b>REPRESENTATIVE(S):</b> Sarah Campbell (Attorney representing applicant from Hinman Howard & Kattell); Carmela Pirich (Executive Director of ACBC); Ken Gay (Keystone Associates)	
<b>DISCUSSION POINTS:</b>	
<ul style="list-style-type: none"> <li>▪ No changes from last meeting</li> <li>▪ Commissioner Weiss asked, what would be the time frame people would be in/out from the facility on the days it would be cold/hot? How are they transported back and forth to assure they are not in the neighborhood? <ul style="list-style-type: none"> <li>- Representative (Pirich) commented, they would be able to come in at 5pm and leave at 7am in the morning. We have a fleet of vehicles, so we can coordinate pickup spots for people. While some of the other people might be walking.</li> </ul> </li> <li>▪ Commissioner Priest asked, if the temperature is 35 degrees and someone tries coming in after 5pm, are they not allowed to enter the facility? <ul style="list-style-type: none"> <li>- Representative (Pirich) nodded no.</li> </ul> </li> <li>▪ Commissioner Seepersaud commented, please tell me about the security procedures in place, particularly what is keeping people in once doors are locked in the night. He furthermore asked, so, it is not locked in per night per se, I turn in my pocketknife at 5pm when I arrive, 3 am I decide I don't want to stay and decide to leave, I can take my pocketknife with me? <ul style="list-style-type: none"> <li>- Representative (Pirich) commented, it is on a volunteer basis, we would not require anyone to stay. People would be required to go through a metal detector, if they had anything that was unsafe, they would have to give that to the staff. If someone came in with a pocketknife, we would hold that and return to them in the morning. We would have staff that trained in crisis management, de-escalation, mental health (all of our staff is currently trained in all these areas). And if need be, we would call the police or give someone a warning. Generally, the policies are 3 strikes, and you are out, if the person is not able to redirect their behavior. Representative Pirich nodded yes to the second question.</li> </ul> </li> <li>▪ Commissioner Weiss asked the applicant if they could explain more about the outpatients' services there to follow? <ul style="list-style-type: none"> <li>- Representative (Pirich) commented, ACBC currently has a main location in Binghamton, outpatient clinic on Main St in Endicott, clinic on the campus of the children's home on Chenango Street, and a clinic in Norwich. These are similar to outpatient primary care places. People go in for assessments, individual/group counseling, family counseling, referrals (higher level of care such as detoxing, or in patient), often times ACBS provides transportation all over the state or PA if they need referrals in a 20-vehicle fleet.</li> </ul> </li> </ul>	



- Commissioner Seepersaud (referring to the staff report) asked, what are the hours of the dance school that is renting out space in the building and how much overlap would there be between hours of the dance school and opening time of the center? Also, “I can come in at 5pm but I can come and go until 10?” “ But I could leave at 3am if I do not want to stay anymore.”
  - Representative (Pirich) commented, we know we will not be able to open this warming center up for this winter, we would be looking for next winter. The dance studio stays open until 8 or 9pm, but we would not be renewing their lease after their current lease is over.
  - No, you are not just allowed to come and go at your leisure, there are scheduled breaks, if a person wants to have a cigarette, we could go outside, they can take a break. After 10 pm, there are no more breaks, lights are out, and people are supposed to go to sleep. It is not a locked facility where people would be forced to stay inside the facility until 7am, they could leave at any point.
- Commissioner Dziedzic asked, the current plan curfews at 10pm and current capacity under the site plan has 40 beds, so the 41<sup>st</sup> person who shows up or someone who comes in at 10:01, what happens to those people? One of the concerns that many residents have raised is that regardless of the current homeless situation throughout the city, county, nationwide, will this be a magnet that will draw more people to this neighborhood that are currently there with all the ancillary concerns for public safety, quality of life issues, etc.?
  - Representative (Pirich) commented, if it’s 10:01, I would take them in, but if it is much later, then we would have to refer them to other agencies. What we would do during code blue (also proposed by YMCA, YWCA, VOA) night is to have the person(s) call 911 and be routed through emergency services. There is around 350 people being housed in hotels right now because they are homeless right now. “I had mentioned before, our hope would be to take in single individuals, so the families could be placed in DSS hotels, which are full.”
  - No more than the library, no more than McDonald’s, or other warming stations that are usually in churches in other communities.
- Commissioner Dziedzic asked if the applicant has any reports or study or information about the success of those warming stations in other locations (Oneonta, Syracuse, etc.) as far their impact on the community and surrounding businesses (if any)?
  - Representative (Pirich) commented, this is something that I can look into. It does feel uncomfortable and very othering, because look at Downtown after St. Patrick’s Day parade, after Santa Con, red solo cups. What are 40 people in a basement really going to do? We are going to connect them to services. **One example:** there was an encampment in Endicott on riverbed towards Mercereau Park, there were couple encampments. We did outreach to those spots, one of the young persons that was homeless, he'd been homeless the entire summer. He was waiting on a list for housing, at one point he said he was going to either commit suicide or walk to Florida. He is housed right now. These are people that are looking for help, some of them are very stuck, but I feel very confident we will be able to help people out where they will not need the warming station.
- Commissioner Weiss commented saying she would like to see more community impact studies from other areas. Her concern is beyond the businesses, it is an industrial district, but there is a walking aspect of school children, it makes her concerned about such matter. She is not against the project, because it is needed, but would like to see impact studies before moving forward.
  - Attorney (Campbell) commented, we just do not know whether or not these studies exist, we do not have the data or independent knowledge. We could certainly reach out and ask for it if it is available.
- Staff (Martinez) commented, the applicant has talked about plans for rest of the building. What is being proposed currently is a Type II action under SEQR. SEQR does require you as a board to look at the big picture that the applicant has proposed to build in rest of the building. It is something that should be considered, otherwise it raises issues regarding segmentation. Given the size of the facility, there is a possibility that if the project was considered as a whole rather than parts at a time, that it would not be considered a Type II action under SEQR.
- Commissioner Seepersaud commented, he would need more information and planning from the applicant to move forward with this project. He is just not going to vote no for the project and outright deny it

because the public is in opposition and does not want something like this in their backyard, but also wants to make sure that public safety and security aspects will be met by the applicant.

- Attorney (Campbell) asked, what more is the board looking for from the applicant in terms of moving forward with the project and reaching a decision?
- Commissioner Seepersaud would like to see the applicant perform a search for studies of impact on neighboring communities, increased supervision, etc. But he also talked about his concerns regarding the possibility that someone can leave in the middle of the night, it was very negatively received by the neighbors.
- Attorney (Campbell) responded; would you rather have someone walking around all night than stay in the warming center with a possibility that they might leave at any point of the night?
- Commissioner Dziedzic asked, what happens after the warming center closes in the morning and clients are dispersing to their other daily activities? One thing that would help is if there was a more detailed plan (ex: on Monday here is our plan to get these 40 people to the library, to DSS, etc.). If such impact studies do not exist, the applicant could reach out to the MPA program at Binghamton University and ask master's students to help develop these studies.
  - Carmela Pirich commented, we can provide a plan of things people can do and give a schedule of when the vehicles could assist.

**Public meeting was opened at 6:28 pm and closed at approximately 7:02 pm.**

**Commissioner De Angelo recused himself at approximately 6:51 pm until the conclusion of the case based on hearing some of the public opinions and his involvement with those people.**

**PUBLIC COMMENT:**

**(The following comments are not typed word for word, please refer to the audio/video version for full transcript)**

- **Adam Kipp (Owns 3 businesses on Clinton St, couple blocks away from 15 Charles St)** spoke against this project. Following is what Mr. Kipp said in opposition: Over the past decade, he has invested over a million dollars in the renovation and cleanup on the Clinton St area. He owns Old Union Hotel, Old Union Banquet Hall, and warehouse rented to a contractor and use as a vehicle storage. Started a charity called First Ward Charities that hold numerous benefits, helps with anything that may be needed in the community. Mr. Kipp says, he personally carries multiple coats and winter accessories in his car and gives them out if he sees someone outside in the cold without proper clothing to tackle the winter weather. Broome County has a major homeless issue, but I am a concerned citizen. What is very concerning is that this is not a homeless shelter, it is for someone to go get warm and can just decide to leave in the middle of the night, just to have a basement for someone to go get warm, just does not sit right with me. The neighborhood is full of children, elderly people that have lived there for a very long time. The city has adopted a vision of revitalizing the Clinton Street, have met with City officials from current and prior administration, the vision is to have a vibrant commercial area with mixed used properties, and to have a warming station for the homeless seems to go directly against that vision for the city and for the residents of that area. There are other areas of the city that possess the infrastructure needed to provide these services, Clinton St is not setup for this. We do not want to bring crime back to this neighborhood and area that we worked so hard to minimize years ago along with the help from the Binghamton police. He asked a series of questions: what is the plan for when these people leave the facility? Where are we taking them? What is the plan when we do not have enough space on a very cold night, where are rest of them going, the once that are turned away? Already we do deal with a lot of people walking the streets, coming by, going through our garbage's, dumpsters, ashtray for cigarette butts, taking bathroom in our parking lot.
- **Rachel Hendricks (resident of 43 Charles St)** spoke against the project, voicing following concerns: I have two young children that I brought with me intentionally, so you could see there are young children in this area. I am located less than 2 blocks from this proposed site. Not opposed to solutions for the homeless and shelters but opposed to the location. Have resided in the immediate area of 43 Charles St from 2012-14 and 2018-Present, the crime rates have increased significantly since COVID hit in 2020. There are younger families with children that are increasingly moving to this area, as well as the ones already present there. The proposed site is 0.3 miles from the popular first ward park, 0.5 miles from Boys and Girls Club, and 1 mile from Woodrow Wilson Elementary, where my daughter is in 2<sup>nd</sup> grade. Student from pre-k to 5<sup>th</sup> grade

are considered walkers if they live within 1 mile of the school. If someone decided to leave at 7am and they had a pocketknife, my daughter would be walking to school at that time, totally unacceptable, and unsafe. I do not think there is any reason we should subject our children to unsafe areas where homeless people will be loitering the streets and walking around. How would this homeless population be vetted? Not all homeless population are bad people, but what about those that are? Felons, sex offenders? Are we really considering housing them so close to areas where our children live, play, and go to school? We already have had issues in our neighborhood with crime, we do not need to add to it anymore, this would be bringing more unwanted drugs into our neighborhood which we do not need. Home values will go down on nearby properties (states a homeowner would get 24-25% less value from their property near a shelter versus a property without a shelter nearby (from NYT study in 2019)). "While shelters are a critical service, they impact a lot of surrounding community, I do not think 15 Charles St is a place for this."

- **Amy Iverson (resident at 34 Miles St)** spoke in favor of the project, voicing following thoughts: "I am a resident of the First Ward, and we already have a problem with homeless in that area. So, when I heard when there would be a shelter, that would house and help people that struggling with drug addiction and homelessness, I knew that ACBC would be participating in that, I knew a lot of resources would come along with that. So, when we are looking at the barriers that people have to reduce homelessness and to get into treatment, like those are all things that will be part of the program. It is not just a warming station, it is an avenue to assess where people are at, look at crisis prevention, give necessary mental health treatment. So, there are lot of things that involved here than just have someone walk off the street. We are not talking about bussing people here from all over the State, this is just in Broome County. Homeless people and people with addiction issues will be able to engage with trained staff and receive proper care, which is more than just a warming station. I know people are concerned with property values and taxes, I am concerned about it too, but I also know that if we are able to have some place for people to go, we might be able to talk to these people that are presumably carrying a knife whether they are at the warming station or out on the street wondering around. We can talk to them about where they are at and assess whether or not they need to seek help. Other thing that is taxing is our police department, when the officers are on call all night long because people do not have any places to go, right now the hospital emergency rooms are being taxed with people using those resources as some places to stay warm. Voices of Recovery Center has a daytime program that is open five days a week right on Glenwood Ave. Those resources are already right there in the community.
- **Jason Kovarik (Owner/operator of Kovarik True Value Hardware at 276 Clinton St)** spoke in opposition of the project, voicing following concerns: The mayor had talked about his vision, and he described it very well, that Clinton St is a natural extension of the Downton area, a cultural center for the arts, ideal for a place to live for families with young children and college students. How can we achieve this vision when we have homeless and vagrants to come setup their shop? "We already have a problem with squatters and nonpaying tenants. Multiple times per week I need to ask someone to leave because they are harassing my customers and employees, I do not need anymore of that. I do not need my business to suffer because people are afraid to come into my business to shop." Where are people going to go afterwards once they leave the warming station on 15 Charles St? They will wind up staying by and spreading out in the first ward community. "I personally do not think that this is the type of initiative that is going to help revitalize Clinton St."
- **Kachadourian (owns a business and other properties in the First Ward)** spoke in opposition of the project, with following concerns: As others have said, we already had a problem with the homeless and we are dealing with it now. Have caught vagrant several times trying to access a vehicle, to rifle through cars, caught them on the vary property owned by ACBC now, several times late at night. There are no high impact lights that are able to light the parking lot. The issue also comes down cutting of fencing to access the property. These people have cut the lock to the alley way that is between the body shop and next parcel to gain access to the body shop. Police are so busy as it is and they are not able to keep an eye out on these people, it is incomprehensible to see this project go forward. "I heard that they are planning on putting apartments down in the basement to house some of these people, well it will not even pass fire code." I am not against housing people that need it, the developmental center on Glenwood might be a better place to

put something like this so it is away from the populous of city of Binghamton and First Ward. It does not feel or seem right.

- **Cody (resident at 43 Charles St)** spoke in opposition of the project with following concerns: it is gone to the point now, in the last year there are more homeless people, more people in the area that we notice, that me as someone who works out of town, I can't trust. I had to put cameras up, we had to put everything under lock and key, we had multiple things stolen. And the fact I cannot leave for work without knowing my family will be safe while I am gone, I do think housing them at 15 Charles St is the right opportunity, because I am not the only one who goes out and works. I also house cars at Garo Kachadourian's lot, to point we had to throw people out that are living in our cars. I find 20 some needles, find cough medicine, anything that takes for people to get high, right next to where they want to put this facility in. Where will these people go after 7am? Possible rampaging though people's cars and out in the neighborhood while people go to work.
- **Olivia Bridge (16 McNamara Ave)** spoke in favor of the project with following thoughts: There is already a problem in this neighborhood, the purpose of this warming station is from my understanding, to not only give them a safe place to sleep for the night, but to connect them with services that could potentially get them off the street. If there is already a problem, why not give them services that they need? "I have directly been affected by the services that ACBC provides. Myself was homeless, I am personally in recovery, and ACBC has played a huge role in my recovery. And why not have those services to the people that need them?"
- **Matthew Myette (Co-owner of 17 Charles St)** spoke in a neutral manner with following thoughts: "I am all for support for the homeless, I am just not sure of the mechanics of where they enter and leave. My business, a physical therapy outpatient practice, we have a tenant downstairs, out operations starts at 7am in the morning. We have people driving to the parking lot down Charles St, some are walking, some are taking public transportation go get to our office and clinic. I have a staff that arrives at 6am in the morning, our parking lot in well lit, I am just concerned about the proximity to possibly more people, foot traffic in that area, at that time. My tenant downstairs has mentioned that people walk in wanting use bathroom, he has to turn people away. We have security cameras, but not other means of security. I am curious about how that area at 15 will be policed, if there will be added security, if people will be escorted when they leave or are they just going to leave out of the Charles St door (assumption), which is right next to our building. Our business is opened till 6pm, so we are getting them on both sides, from start to finish." I am all for it, I have a son that had addiction issues, and had he was nearly homeless and had great benefits from the support staff of the addiction center will be providing. I am just concerned about the mechanics of public safety and people using businesses next door.
- **A letter in opposition was received from one Michael Andrews.**
- **Jeffrey Swan (resident at 27 Park St)** spoke in favor of the project with following thoughts: This isn't San Francisco, San Diego, or Arizona, this is Binghamton, NY., the problem is right here in our front door. No one really has the right answer, but they have the right motive and connection to turn this around and make connections with these people. The homeless population, yeah, there are issues there, there will always be issues there, but if they do not have a place to go where they can possibly get connected to the services they need, we will always have a problem. Why not give them an opportunity to connect to these services, maybe it will work, maybe it will not. That is a crapshoot. "I happened to be one of those examples where it did work, I was homeless sleeping under the bridge, I was doing drugs, I was doing all of that great stuff, but the thing was, the connections that I made that allowed me the ability to turn things around. That is my own personal experience. I would like to see that possibility for other people as well. I guarantee that there is risks out there, and I understand that there is mental health, drugs, there is some bad behaviors out there, I guarantee that. But this problem isn't going to go away, it is just going to get worse. I do not have the answer, but we have to try something.

**Applicant's Response to Public Comments:**

- **Sarah Campbell (Attorney representing applicant):** This property is zoned industrial; this is not a residential district that this building is located in. This is one of the highest zoned classifications in the city of Binghamton. Within those industrial classifications, by special permit are social services. The legislative

body have made a determination that this location is zoned as it is industrial, and these types of uses are permitted subject to special permit in these districts. There has already been a decision that this is an appropriate location for this type of use. We are not thinking about using it as a residential use. We need to consider the existing conditions of these neighborhoods in parts to the city. People will not be wandering around in the middle of the night, they will be inside where they are warm, where they are safe and getting something to eat, where they are connecting with other available services and mental health professionals. The whole point is to make an effort to help eliminate some of these concerns expressed by some neighbors and some business owners. It will not completely cure the homelessness issue in the city of Binghamton. We are talking maximum occupancy of 40 people; we are not talking about several hundred people. These are people that are entitled to services as much as any of us are. These are people that are seeking out attention and treatment, and those of the people that we should be focusing on helping out. This is a place where you can come and you can go, but you cannot come in at all times of the night. There is a smoking break, but other than that you are not allowed to come in and out.

- **Carmela Pirich (Executive Director of ACBC):** Generally, the model implemented is folks coming in at a 5pm and leaving at 7am. TO address the concerns about timing of when kids maybe going out to the bus stop or walking to school, we could certain stay open late in the morning, we could stay open until 10am. Typically where are homeless people during the day? They are everywhere, they are at McDonald’s, they are at the library, at Boscov’s, there is no place that you will go in Binghamton where there aren’t homeless people. We had a mental health clinic on Clinton St, they left because they said that the neighborhood was unsafe. We are not coming in and creating a problem, we will come in to help solve the problem. When you are outside all day, not knowing where they will go to use a bathroom if you will be able to get something to eat. Once people come in, they eat dinner, they will pretty much want to go to sleep. It will not be a situation where we will expect lots of issues and problems, it is volunteer, people want to come eat and get some rest. We would certainly be willing to have people stay longer and get connected to resources. In other environments they have timed when individuals leave to when DSS opens, so then hopefully we would be able to bring people right over to DSS and help them work on more permanent housing solutions. This is a significant problem; we are not looking to make it worse or spoil a neighborhood where there are already tremendous issues. I applaud the revitalization efforts and vision; we are not going to come in and disrupt the revitalization efforts. Our intent is to put \$20 million into this building, that it is going to be beautiful, employing 100 people, we already have 100 employees on staff, we need the space, and the community needs the resources if you want to see things get better. Having a bar that is opened late at night like that attracts activity, we will try to provide a place that does not involve drinking or substance use. For a context, this model has been implemented by Catholic Charities in Syracuse, Oneonta, and Albany, we are little bit behind, but it is something that can be done in a way that is not disruptive to the community. With regards to staffing, we have approximately 20 Certified Recovery peer advocates that work at ACBC, they complete 46 hours of training, working with people that are impaired with substance issues, how to connect them with resources, keeping things calm and safe, etc. We are able to perform fire safety and other measures without having law enforcement or security present at our current facility.
- We would be implementing additional safety features such as metal detectors, cameras, lighting. And we will not have people congregating outside, the whole point of going to a cold weather shelter is to remain inside, Carmela Pirich commented.

**VOTING**

**MOTION** to table the project

**FIRST:** Seepersaud

**SECOND:** Weiss

**VOTE:** Carried (6-0-1)

**AYE(S):** Corcoran, Seepersaud, Weiss, DiFulvio, Priest, Dziedzic

**NAY(S):**

**ABSTENTION(S):** De Angelo (Recused himself)

**SEQR DETERMINATIONS**

<b>ADDRESS:</b> 174 Clinton St		<b>CASE NUMBER:</b> PC-2023- 0011
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Review and special use permit for the establishment of a Retail Cannabis Business (delivery only) in an existing commercial space in the C-4 Neighborhood Commercial District		
<b>APPLICANT:</b> William Durham		
<b>REPRESENTATIVE(S):</b> William Durham		
<b>DISCUSSION POINTS:</b>		
<ul style="list-style-type: none"> <li>▪ Will be opening a retail location in Ithaca, NY., while Binghamton was granted as a delivery location.</li> <li>▪ Storage of cannabis products and delivery only</li> <li>▪ Commissioner Dziedzic asked, when you say delivery only, does it mean you will be mailing things out? Like Uber eats or door dash? <ul style="list-style-type: none"> <li>- Applicant (Durham) commented, we will be doing car, bike, and moped deliveries. Right now, we are sticking to vehicles, it is a new business, so we plan to start off little slow then move onto other avenues of delivering.</li> </ul> </li> <li>▪ Chair (Corcoran) commented, we had one other approval recently for a cannabis retail establishment and they talked about security a little bit. Do you mind talking a little bit about security concerns? <ul style="list-style-type: none"> <li>- Applicant (Durham) commented, we are working on a security system in Ithaca location, we would be able to monitor the location 24/7 basically. "There are no security concerns for me personally, my wife operates a salon directly across from the building and we own a couple properties in the area, so not too worried. We do have plans in place for certain procedures as far as deliveries, setting up in the morning, moving our orders, and securing the location at night."</li> </ul> </li> </ul>		
<b>VOTING</b>		
<b>MOTION</b> that the proposal involves the reuse of an existing building, which is a type II action under SEQR, and that no further environmental review is required.		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Priest	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Seepersaud, De Angelo, DiFulvio, Priest, Dziedzic	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>
<b>MOTION</b> to schedule a public hearing at the April regular meeting		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Seepersaud	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Seepersaud, De Angelo, DiFulvio, Priest, Dziedzic	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>
<b>OTHER BUSINESS</b>		
<b>DESCRIPTION: Stadium District Rezoning:</b> <i>Stadium District Master Plan</i> – economic development and planning proposal for the area around the Mirabito stadium, adopted by the city. That plan called for rezoning of certain parts of the stadium district to make developments in those areas easier. Industrial areas will become commercial to allow more uses, including residential which is what we want. The industrial districts do not allow residential usage. The lower intensity commercial district that Henry St is now would be upgraded to a higher density district. The intersection of Pine and Fayette St, which historically has had a cluster of commercial businesses there would be made a low-intensity commercial pocket, so businesses there now will become legal, and can expand or change business types, put up new signs, etc., which they are unable to do right now because it is zoned residential.		
<b>MOTION:</b> to recommend adoption of the zoning map change		
<b>FIRST:</b> Weiss	<b>SECOND:</b> Priest	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Seepersaud, De Angelo, DiFulvio, Priest, Dziedzic	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>
<b>MOTION:</b> to recommend that city council makes a motion for negative declaration		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Seepersaud	<b>VOTE:</b> Carried (7-0-0)

<b>AYE(S):</b> Corcoran, Weiss, Seepersaud, De Angelo, DiFulvio, Priest, Dzedzic	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>
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<b>ADJOURNMENT</b>		
<b>MOTION</b> to adjourn	<b>TIME:</b> 7:55 PM	
<b>FIRST:</b> Seepersaud	<b>SECOND:</b> Dzedzic	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Seepersaud, De Angelo, DiFulvio, Priest, Dzedzic	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>