



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Giovanni Scaringi, Ph.D., City Council President
Janine Faulkner, City Clerk

COUNCIL OF THE CITY OF BINGHAMTON
Business Meeting Agenda
City Hall, 38 Hawley Street, Binghamton, NY 13901
Wednesday, May 10, 2023

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. ACKNOWLEDGEMENTS AND RECOGNITIONS

V. REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES

Approval of Minutes

Approve the Minutes from the April 26, 2023 Business Meeting.

City Council Finance Committee: Scanlon (Chair), Strawn, Friedman

No items to report.

City Council Planning & Community Dev. Committee: Resciniti (Chair), Scanlon, Friedman

No items to report.

City Council Municipal & Public Affairs Committee: Strawn (Chair), Resciniti, Riley

No items to report.

City Council Public Works/Parks & Recreation Committee: Resciniti (Chair), Scanlon, Riley

No items to report.

City Council Employees Committee: Strawn (Chair), Resciniti, Burns

No items to report.

City Council Rules & Procedures/Special Studies Committee: Scanlon (Chair), Strawn, Friedman

No items to report.

VI. APPROVAL OF APPOINTMENTS

VII. PUBLIC HEARING

1. The City of Binghamton will hold a Public Hearing regarding RL23-100, "An Ordinance to amend the zoning map to rezone sections of Park Avenue from R-3 to C-4."

Residents wishing to participate in the Public Hearing(s) may do so electronically by emailing their comments prior to 1:00pm on the day of the meeting to clerk@cityofbinghamton.gov or in-person during the meeting.

VIII. SET PUBLIC HEARINGS



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IX. PUBLIC COMMENT/COMMUNICATION

Residents wishing to submit public comment may do so electronically by emailing their comments prior to 1:00pm on the day of the meeting to clerk@cityofbinghamton.gov or in-person during the meeting.

X. REVIEW OF MAYORAL VETO

XI. SECOND READING LEGISLATION

XII. FIRST READING LEGISLATION

A. PREFERRED AGENDA

B. NON PREFERRED AGENDA

Introductory Ordinance 23-78. Considered in Finance: Scanlon

An Ordinance to amend the 2023 Code Enforcement budget to defund 2 code inspectors and increase wages

Introductory Ordinance 23-79. Considered in Planning: Resciniti

An Ordinance to amend the official zoning map of the City of Binghamton to rezone sections of Park Avenue from R-3 Multi-Unit Dwelling District to C-4 Neighborhood Commercial District

Introductory Ordinance 23-80. Considered in Finance: Scanlon

An Ordinance to amend the 2023 Clerk's Office budget to fund a temporary training position in Vital Statistics

Introductory Ordinance 23-81. Considered in Finance: Scanlon

An Ordinance to amend the 2023 Parks and Recreation budget for seasonal aquatic employees

Introductory Resolution 23-29. Considered in Finance: Scanlon

A Resolution authorizing the Mayor to amend the agreement with Keystone Associates for additional fees for special inspections and material testing at the fire station

Introductory Resolution 23-30. Considered in Finance: Scanlon

A Resolution authorizing the Mayor to enter into an agreement with Roblee Historic Preservation for Professional Services

Introductory Resolution 23-31. Considered in Finance: Scanlon

A Resolution authorizing the Mayor to amend the agreement with New Heights Ministries for use of FY47 CDBG and ESG funds



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

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Introductory Resolution 23-32. Considered in Finance: Scanlon

A Resolution authorizing the Mayor to enter into an agreement with Labella Associates for design of Parlor City Commons Improvements

Introductory Resolution 23-33. Considered in Planning: Resciniti

A Resolution determining that the acquisition and remediation of properties located at 29, 31, 33, 37 and 41 West State Street will not have a potential significant adverse impact on the environment

Introductory Resolution 23-34. Considered in Planning: Resciniti

A Resolution authorizing the adoption and publication by the City Council of the City of Binghamton of the determination and findings under section 204 of the New York Eminent Domain Procedure Law concerning the proposed condemnation of certain real property consisting principally of 5 tax parcels and approximately 24.21 acres in connection with the project

Introductory Resolution 23-35. Considered in Finance: Scanlon

A Resolution authorizing the Mayor to amend the agreement with Keystone Associates for additional fees for design services at the fire station

Introductory Resolution 23-36. Considered in Finance: Scanlon

A Resolution authorizing the Mayor to accept a healthy schools and communities grant from the Broome County Health Department

XIII. COMMUNICATIONS FROM COUNCIL MEMBERS

1. Friedman
2. Burns
3. Strawn
4. Scanlon
5. Resciniti
6. Riley
7. Scaringi

XIV. ADJOURNMENT



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: May 10, 2023

Sponsored by Council Members: Resciniti, Burns, Strawn, Scaringi

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2023 CODE
ENFORCEMENT BUDGET TO DEFUND 2 CODE
INSPECTORS AND INCREASE WAGES**

WHEREAS, the Supervisor of Building and Construction and the Comptroller of the City of Binghamton find it proper and necessary to amend the 2023 Code Enforcement budget to defund 2 vacant “Code Enforcement Inspectors” positions at an annual salary of \$36,394 and an annual salary of \$34,641, and increase wages for the Code Inspectors, Code Officers, Plumbing Inspector, Electrical Inspector, Building Inspector, Administrative Assistant, Assistant Supervisor of Building and Construction and the Supervisor of Building and Construction; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on May 10, 2023.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Comptroller and City Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2023 Code Enforcement budget to (i) defund 2 vacant “Code Enforcement Inspectors” positions at an annual salary of \$36,394 and an annual salary of \$34,641 and (ii) increase wages for the Code Inspectors, Code Officers, Plumbing Inspector, Electrical Inspector, Building Inspector, Administrative Assistant, Assistant Supervisor of Building and Construction and the Supervisor of Building and Construction positions from May 27, 2023 to December 31, 2023 as follows:

Transfer From (Decrease):

\$65,689 A8664.51000 (Per.Ser.Code Insp.)

Transfer To (Increase):

\$ 6,916 A8664.51000 (Per.Ser.Sup.
Bld.Con.)

8,942 A8664.51000 (Per.Ser.Asst.Sup.
Bld.Con.)

8,942 A8664.51000 (Per.Ser.Bld.Insp.)

4,173 A8664.51000 (Per.Ser.Plb.Insp.)

4,173 A8664.51000 (Per.Ser.Elc.Insp.)

12,519 A8664.51000 (Per.Ser.Code Enf.
Off.)

4,173 A8664.51000 (Per.Ser.Admin.)

**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: May 10, 2023

13,711 A8664.51000 (Per.Ser.Code Insp.)

2,140 A1990.55000 (Contingency)

\$65,689

Section 2. That this Ordinance shall take effect May 27, 2023.

I HEREBY CERTIFY that the above described funds
are unencumbered and available

Chuck Shager, Comptroller



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: May 10, 2023

Sponsored by Council Members: Resciniti, Friedman, Burns, Strawn, Scaringi

Introduced by Committee: Planning

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE OFFICIAL
ZONING MAP OF THE CITY OF BINGHAMTON
TO REZONE SECTIONS OF PARK AVENUE
FROM R-3 MULTI-UNIT DWELLING DISTRICT
TO C-4 NEIGHBORHOOD COMMERCIAL
DISTRICT

WHEREAS, the Planning, Zoning & Historic Preservation Department recommends an amendment to the Code of the City of Binghamton, Chapter 410, *Zoning*, to amend the Official Zoning Map of the City of Binghamton to rezone sections of Park Avenue from R-3 Multi-unit Dwelling District to C-4 Neighborhood Commercial District; and

WHEREAS, on May 2, 2023, the Planning Commission considered the proposed rezoning, and as a result, recommended the approval of the proposed rezoning without changes, as the amendment was in harmony with the adopted land use plan for the area; and

WHEREAS, the Planning Commission also recommended a Negative Declaration under SEQRA, which passed unanimously; and

WHEREAS, on May 10, 2023 City Council held a public hearing regarding the proposed zoning amendments.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the City of Binghamton Planning Department is hereby directed to amend the Official Zoning Map of the City of Binghamton to rezone sections of Park Avenue from R-3 Multi-unit Dwelling District to C-4 Neighborhood Commercial District as shown in the attached map.

Section 2. That this Ordinance shall take effect immediately.

Park Ave C-4 Rezoning



1 inch = 167 feet

0 100 200 ft

Broome County, NY
GIS
www.broomecountyny.gov

- Parcels
- R-1 Residential Single-Unit Dwelling Zone
- R-3 Residential Multi-Unit Dwelling Zone
- Existing C-4 Neighborhood Commercial Zone
- New C-4 Neighborhood Commercial Zone

DISCLAIMER: Broome County does not guarantee the accuracy of the data presented. Information should be used for illustrative purposes only.

Short Environmental Assessment Form

Part 1 - Project Information

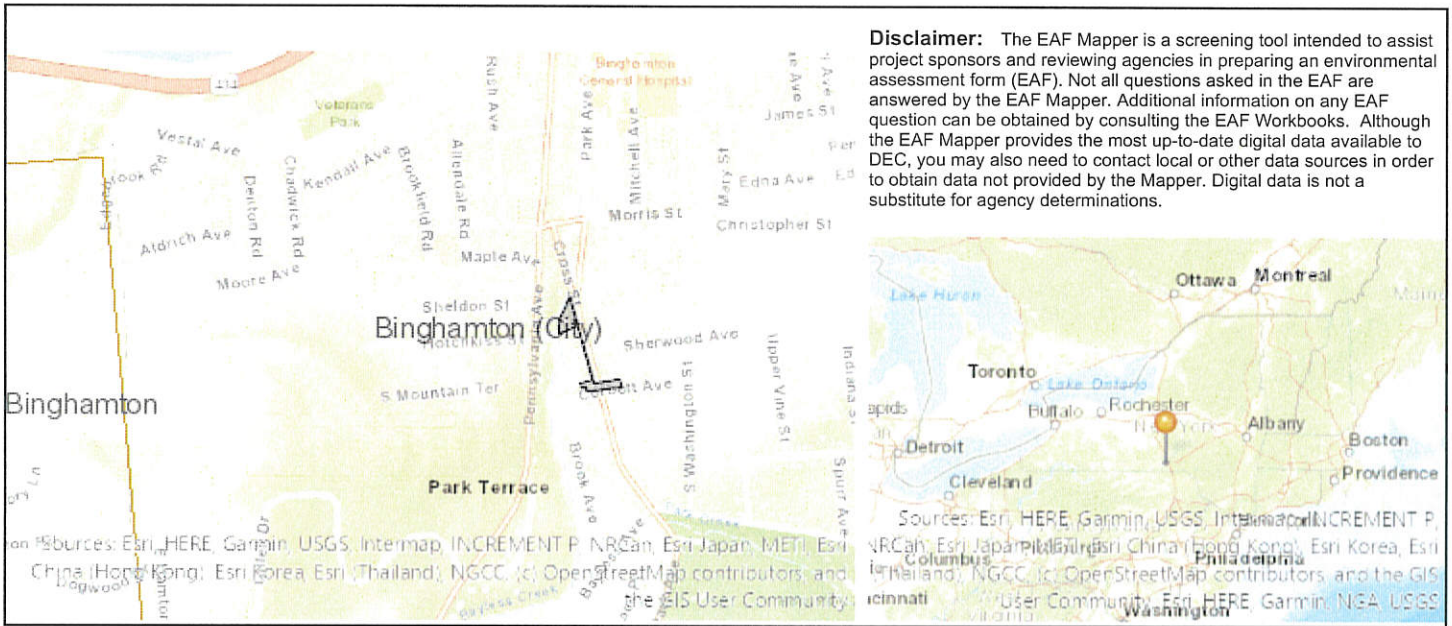
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
City of Binghamton			
Name of Action or Project: Rezoning Portion of Park Ave			
Project Location (describe, and attach a location map): Park Ave between Hotchkiss St and Cross St, Intersection of Park Ave and Corbett Ave			
Brief Description of Proposed Action: Rezoning 7 parcels from residential to Neighborhood Commercial in accordance with the adopted land use plan from the 2014 Comprehensive Plan.			
Name of Applicant or Sponsor: City of Binghamton Planning Dept.		Telephone: 6077727028	
		E-Mail: planning@cityofbinghamton.gov	
Address: 38 Hawley St			
City/PO: Binghamton		State: NY	Zip Code: 13901
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

SEQRA

Chair of Planning Committee Reads:

The following SEQRA motions are in reference to the legislation before us, **Introductory Ordinance 23-56** entitled *“An Ordinance to amend the official zoning map of the City of Binghamton to rezone sections of Park Avenue from R-3 Multi-unit Dwelling District to C-4 Neighborhood Commercial District”*.

1. I make a Motion to declare City Council as Lead Agency for a proposed amendment to the Official Zoning Map of the City of Binghamton to rezone sections of Park Avenue from R-3 Multi-Unit Dwelling District to C-4 Neighborhood Commercial District.

Motion made by _____,

Second _____,

All in favor (majority required)

2. I make a Motion to list the proposed action as a “Unlisted” action under SEQRA.

Motion made by _____,

Second _____,

All in favor (majority required)

3. I make a Motion to issue a negative declaration under SEQRA for the following reasons:

The proposed amendment to the Zoning Map to allow mixed-use development with low-intensity neighborhood commercial uses in the subject area is consistent with the recommended land uses adopted in the Comprehensive Plan, as well as with the existing character of the area. As noted, the rezoning is supported by an adopted land use plan and, as such, has been determined to be a sensible and beneficial change. In addition, the proposed change was reviewed by the City Planning Commission, which recommended approval of the rezoning and the issuance of a Negative Declaration under SEQRA. Lastly, there were no comments in opposition submitted to the record during the public hearing. Therefore, City Council, acting as the lead agency, has found that the proposed rezoning will not have an adverse impact on the environment.

Motion made by _____,

Second _____,

Full Roll Call Vote (majority required)

After SEQRA: Introduce & approve the legislation, roll call vote.



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: May 10, 2023

Sponsored by Council Members: Resciniti, Friedman, Burns, Strawn, Scaringi

Introduced by Committee: Finance

ORDINANCE

entitled

AN ORDINANCE TO AMEND THE 2023
CLERK’S OFFICE BUDGET TO FUND A
TEMPORARY TRAINING POSITION IN VITAL
STATISTICS

WHEREAS, the City Clerk and the Comptroller of the City of Binghamton find it proper and necessary to amend the 2023 Clerk’s Office budget to fund a temporary training position in Vital Statistics to help train the new Registrar in the amount of \$1,600; and

WHEREAS, such budget amendments were approved by the Board of Estimate and Apportionment on May 10, 2023.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Comptroller and City Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2023 Clerk’s Office budget to fund a temporary training position in Vital Statistics to help train the new Registrar in the amount of \$1,600 as follows:

Transfer From (Decrease):

\$1,600 A1410.51000 (Per.Ser.Sr.Lic.Clerk)

Transfer To (Increase):

\$1,600 A1430.51800 (Temp.Ser.)

Section 2. That this Ordinance shall take effect immediately.

I HEREBY CERTIFY that the above described funds are unencumbered and available

Chuck Shager, Comptroller



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: May 10, 2023

Sponsored by Council Members: Friedman, Burns, Scanlon, Scaringi

Introduced by Committee: Finance

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE 2023 PARKS
AND RECREATION BUDGET FOR SEASONAL
AQUATIC EMPLOYEES**

WHEREAS, the Commissioner of Parks and Recreation and the Comptroller of the City of Binghamton find it proper and necessary to amend the 2023 Parks and Recreation budget for seasonal aquatic employees to remain competitive with the local market; and

WHEREAS, the payrates will increase for the Assistant Aquatics Supervisor from \$19.20/hr to \$19.50/hr; the Pool Operation Manager from \$15.95/hr to \$17/hr; and the Lifeguards from \$14.70/hr to \$16/hr.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Comptroller and City Treasurer of the City of Binghamton are hereby authorized and directed to amend the 2023 Parks and Recreation budget to increase the Assistant Aquatics Supervisor from \$19.20/hr to \$19.50/hr; the Pool Operation Manager from \$15.95/hr to \$17/hr; and the Lifeguards from \$14.70/hr to \$16/hr.

Section 2. That this Ordinance shall take effect May 11, 2023.



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: May 10, 2023

Sponsored by Council Members: Resciniti, Burns, Strawn, Scaringi

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO AMEND THE AGREEMENT WITH
KEYSTONE ASSOCIATES, ARCHITECTS,
ENGINEERS, AND SURVEYORS LLC FOR
ADDITIONAL FEES FOR THE NEW FIRE
STATION

WHEREAS, pursuant to Permanent Resolution 20-10, dated February 9, 2022, the City entered into an agreement with Keystone Associates, Architects, Engineers, and Surveyors LLC for special inspections and material testing at the new fire station; and

WHEREAS, the City Engineer recommends the City amend the agreement for special inspections and material testing in the amount of \$3,055 for additional fees at the new fire station.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session does hereby:

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to amend the agreement, approved as to form and content by the Office of Corporation Counsel, with Keystone Associates, Architects, Engineers, and Surveyors LLC for special inspections and material testing at the new fire station in the amount of \$3,055; and that funds will be available in budget line H3410.525326.72720 (Fire Station) for this purpose.

I HEREBY CERTIFY that the above described funds are unencumbered and available

Chuck Shager, Comptroller



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: May 10, 2023

Sponsored by Council Members: Resciniti, Friedman, Burns, Strawn, Scaringi

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN AGREEMENT WITH
ROBLEE HISTORIC PRESERVATION FOR
PROFESSIONAL SERVICES

WHEREAS, pursuant to Permanent Resolution 22-60, dated June 22, 2022, the Council of the City of Binghamton accepted a grant from the New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP) to complete a citywide comprehensive survey of historic public education resources and compile a multiple property documentation form (MPDF) in the amount of \$25,625; and

WHEREAS, the Mayor of the City of Binghamton wishes to enter into an agreement with Roblee Historic Preservation for professional services in an amount not to exceed \$25,625.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session does hereby:

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to enter into an agreement, approved as to form and content by the Office of Corporation Counsel, with Roblee Historic Preservation for the comprehensive survey of public education resources and the preparation of a MPDF, in an amount not to exceed \$25,625; and that funds will be available in budget line H8684.555555.C0043 (Historic Education Survey Grant) for this purpose.

I HEREBY CERTIFY that the above described funds
are unencumbered and available

Chuck Shager, Comptroller



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: May 10, 2023

Sponsored by Council Members: Resciniti, Friedman, Burns, Strawn, Scaringi

Introduced by Committee: Finance

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING THE MAYOR
TO AMEND THE AGREEMENT WITH NEW
HEIGHTS MINISTRIES FOR USE OF FY47
CDBG AND ESG FUNDS**

WHEREAS, pursuant to Permanent Resolution 22-07, dated February 9, 2022, the Council of the City of Binghamton authorized the Mayor to enter into contracts with various agencies for the use of FY47 CDBG and ESG funds; and

WHEREAS, the Mayor of the City of Binghamton entered into an agreement with New Heights Ministries for use of FY47 CDBG and ESG funds for brick façade improvements and handicap ramps in an amount not to exceed \$30,000; and

WHEREAS, the Manager, HUD Administration and Housing, recommends to amend the agreement with New Heights Ministries to extend the contract that ended August 31, 2022; and

WHEREAS, the brick façade improvements and handicap ramp projects can now begin and the new contract end date will be August 31, 2024.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session does hereby:

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to amend the agreement, approved as to form and content by the Office of Corporation Counsel, with New Heights Ministries for the brick façade improvements and handicap ramp projects in an amount not to exceed \$30,000; and that the new contract end date will be August 31, 2024; and that funds will be available in budget line CD8662.533552.CDY47 (Human Services Capital Set Aside) for this purpose.

I HEREBY CERTIFY that the above described funds
are unencumbered and available

Chuck Shager, Comptroller



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: May 10, 2023

Sponsored by Council Members: Resciniti, Friedman, Burns, Strawn, Scaringi

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO ENTER INTO AN AGREEMENT WITH
LABELLA ASSOCIATES, D.P.C. FOR DESIGN
OF PARLOR CITY COMMONS
IMPROVEMENTS

WHEREAS, the Mayor of the City of Binghamton wishes to enter into an agreement with Labella Associates, D.P.C. for design of Parlor City Commons Improvements in an amount not to exceed \$149,400.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session does hereby:

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to enter into an agreement, approved as to form and content by the Office of Corporation Counsel, with Labella Associates, D.P.C. for design of Parlor City Commons Improvements in an amount not to exceed \$149,400; and that funds will be available in budget line H1440.525340.12523 (Engineering Design Projects) for this purpose.

I HEREBY CERTIFY that the above described funds
are unencumbered and available

Chuck Shager, Comptroller



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: May 10, 2023

Sponsored by Council Members: Resciniti, Burns, Strawn, Scaringi

Introduced by Committee: Planning

RESOLUTION

entitled

A RESOLUTION DETERMINING THAT THE ACQUISITION AND REMEDIATION OF PROPERTIES LOCATED AT 29, 31, 33, 37 AND 41 WEST STATE STREET WILL NOT HAVE A POTENTIAL SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

WHEREAS, the Mayor of the City of Binghamton has directed that the commencement of all steps necessary for the acquisition of approximately 24.2 acres of predominantly vacant and derelict properties located at 29, 31, 33, 37 and 41 West State Street, City of Binghamton, New York, Tax Parcel Nos. 144.74-1-8, 144.74-1-19, 144.74-1-1, 144.66-1-17, and 144.74-1-7 (collectively referred to as the "Property") occur, including if a voluntary transfer of all or a portion of the Property is not consummated, condemnation proceedings, all relating to the City Council's efforts to facilitate the productive re-use of the Property, which is currently underutilized, through municipal and/or economic development uses in connection with the public use, benefit and/or purpose of advancing the general prosperity and economic welfare of the residents of the City by the undertaking of: 1) a 2.25-acre expansion of the City of Binghamton's (the "City") existing and adjacent Cheri Lindsey Park located at the northern portion of the Property to provide for additional and enhanced public park and recreational facilities, amenities and open space; 2) a 9.5-acre expansion of new and enhanced public access to the existing River Walk located along the eastern bank of the Chenango River and the western portion of the Property in order to further the public purpose of providing additional public park and open green space; 3) site and infrastructure improvements as appropriate and permissible including, but not limited to, demolition of all or a portion of the existing structures comprising the Binghamton Plaza, surface subsidence restoration, sidewalk repairs, enhanced remediation of existing environmental conditions, and other ancillary and related amenities, facilities and improvements on approximately 12.45 acres located along the eastern portion of the Property fronting West State Street in order to return this portion of the Property to a productive and economic use which has yet to be determined, formulated and/or conceptualized thereby, among other things, promoting employment and increasing the economic and tax base of the City, while also utilizing portions of the Property to enhance existing City-related parklands, public purposes and uses (collectively referred to as the "Project"); and

**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: May 10, 2023

WHEREAS, pursuant to and in accordance with the New York Eminent Domain Procedure Law (“EDPL”), on February 21, 2023, a duly noticed public hearing regarding the Project was held at City Hall, 38 Hawley Street, Binghamton, New York (the “February 2023 Hearing”); and

WHEREAS, in accordance with the EDPL and pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as “SEQRA”), the City Council must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination on whether to undertake the Project; and

WHEREAS, the City Council has identified the Project as a Type I Action pursuant to SEQRA, and the City Council has caused to be prepared, with the input of the City of Binghamton Planning Department and Counsel, a Full Environmental Assessment Form (“FEAF”) for the Project, including the preparation of Parts 1, 2 and 3 of the FEAF, as well as reviewing other information concerning the Project and its potential impacts; and

WHEREAS, the City Council, as Lead Agency, conducting a coordinated review of the Project pursuant to 6 N.Y.C.R.R. §617.6(b)(3) of the SEQRA regulations and distributed Part 1 of the FEAF and accompanying information to all involved and interested agencies; and

WHEREAS, the City Council has considered the potential impacts on the environment that may be posed by the Project by undertaking a thorough review and examination of (i) the completed FEAF, including Parts 1, 2 and 3, as well as the EAF Mapper results for the Property; (ii) written and verbal comments submitted at the February 2023 Hearing; and (iii) other supporting information and materials available concerning the Project, including documents and information on file with the City Council; and

WHEREAS, based on the information contained in the completed FEAF and the other information summarized above and below herein, comprising the administrative record in this matter, the City Council determines that the Project will not result in a potential significant adverse environmental impact as specified below.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session does hereby:

RESOLVE that the Project is classified as a Type 1 Action pursuant to SEQRA as that term is defined in 6 N.Y.C.R.R. §617.2(aj) of the SEQRA regulations, and each of the whereas clauses in this Resolution is incorporated by reference as specific findings of this Resolution and shall have the same effect as the other findings herein. Based on a thorough and comprehensive review by the City Council of the FEAF, including Parts 1, 2, and 3, the EAF Mapper results, comments made and submitted at the February 2023 Hearing, and other documents concerning the Project, the City Council hereby finds that the Project will not result in a potential significant adverse environmental impact requiring the preparation of an environmental impact statement. Thus, the

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City Council, having conducted a coordinated review of the Project pursuant to SEQRA, issues a Negative Declaration for the Project pursuant to 6 N.Y.C.R.R. §617.7; and be it further

RESOLVED the City Council has considered the Project pursuant to the parameters and criteria set forth in SEQRA including, but not limited to, those parameters set forth in 6 N.Y.C.R.R. §617.1 and §617.3 of the SEQRA regulations; and be it further

RESOLVED the City Council has considered the significance of the potential adverse environmental impacts of the Project by (i) carefully reviewing and examining the responses to the Part 1 of the FEAF, including the information in the EAF Mapper results, and completing the analyses set forth in Parts 2 and 3 of the FEAF for the Project, together with examining other available supporting information and documents concerning the Project including comments associated with the February 2023 Hearing, to identify the relevant areas of environmental concern with respect to the potential impacts to air, groundwater and surface water, wetlands, land, historic, archaeological and other recognized and/or protected resources, threatened or endangered species, community character, potential cumulative impacts, if any, and other potential impacts as required by the applicable SEQRA regulations; (ii) considering the criteria set forth in 6 N.Y.C.R.R. §617.7(c) of the SEQRA regulations; and (iii) thoroughly analyzing the identified areas of relevant environmental concern; and be it further

RESOLVED based on its thorough review, the City Council approves, adopts, and incorporates the responses to the FEAF, including Parts 1, 2 and 3 thereof, and finds that the Project will not result in a potential significant adverse impact on the environment for the following reasons:

(i) Air Quality: The Project will not result in a potential significant adverse impact to air quality. The Project will not create any air emission sources requiring a New York State Air Registration, Air Facility Permit or federal Title IV or Title V permit. All demolition and remedial related activities undertaken as part of the Project shall be completed in compliance, as necessary, with applicable permitting requirements of the New York State Department of Environmental Conservation (“NYSDEC”). The acquisition of the Property and expansion of existing and adjacent City parklands and recreational areas will not result in any air impacts.

(ii) Groundwater, Stormwater and Wetlands: The Project will not have a potential significant adverse impact on groundwater, stormwater, and/or wetlands. The Property may be located within a 500-year flood plain, but the Project will greatly reduce the areas of impervious surfaces existing at the Property, as well as adding open space resources to existing public lands, which together shall improve conditions pertaining to stormwater and potential flooding.

(iii) Impacts to Land: The Project will involve a large impact on the land comprising the Property, but such impact does not constitute a potential significant adverse impact. The Project may involve the excavation and removal of approximately 1,000 tons of materials. However, those areas excavated will be filled to grade with

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clean fill and topsoiled and seeded as appropriate. The Property is currently subject to a Site Management Plan and certain engineering and institutional controls required by NYSDEC based on historical remedial actions undertaken at portions of the Property. The City shall comply with the engineering and institutional controls NYSDEC has in place for the Property, and shall work with NYSDEC to, where possible, complete additional remediation on the Property in accordance with applicable statutory and regulatory requirements. As such, the Project will result in improved environmental conditions at the Property, as well as added acreage to adjoining public parks and recreational areas, which will benefit both the environment and the community. Any future economic development use of the 12.45-acre portion of the Property has not been presently formulated or conceptualized and will be subject to independent NYSDEC and SEQRA reviews at the time such future use is determined.

(iv) Traffic: There will be no potential significant adverse impact on traffic resulting from the Project. Those portions of the Project providing additional acreage to the adjoining Cheri Lindsey Park and River Walk will not result in a significant increase in traffic beyond current levels. When a future use for the 12.45-acre portion of the Property is identified and proposed, traffic concerns will be evaluated at that time based on any plans proposed for such use in accordance with applicable laws including SEQRA.

(v) Noise, Odors and Light: The Project will not result in potential significant adverse impacts regarding noise, odor, or light. Any noise or odor emissions occurring during demolition and remedial activities will be temporary in nature, and the City will require that all contractors working at the Property meet applicable City and NYSDEC requirements for noise, odor, and dust suppression.

(vi) Solid Waste and Hazardous Waste Production: The Project will involve the excavation and removal of approximately 1,000 tons of materials. However, those areas excavated will be filled to grade with clean fill and topsoiled and seeded as appropriate. The Property is currently subject to a Site Management Plan and certain engineering and institutional controls required by NYSDEC based on historical remedial actions undertaken at the Property. The City shall comply with the applicable engineering and institutional controls NYSDEC has in place for the Property, and shall work with NYSDEC, where possible, to complete additional remediation of the Property in accordance with applicable statutory and regulatory requirements. Having said this, at some point the NYSDEC controls may no longer be appropriate, or necessary, once the structures, impervious surfaces and any remaining subsurface contaminants are removed. All alterations to the Property will nevertheless be completed in compliance with applicable NYSDEC requirements, including any new permits, engineering and institutional controls and other restrictions thereby avoiding any potential significant

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adverse impacts associated with solid and hazardous waste. The Project will result in improved environmental conditions at the Property, as well as added acreage to adjoining public parks and recreational areas, which will benefit both the environment and the community. Any future economic development use of the 12.45-acre portion of the Property has not been presently formulated or conceptualized and will be subject to independent NYSDEC and SEQRA reviews at the time such future use is determined.

(vii) Soil Erosion and Drainage: The Project will not result in a potential significant adverse environmental impact to soil erosion or drainage. To the contrary, the Project will greatly reduce impervious surfaces existing at the Property, thus reducing runoff drainage, and improving stormwater conditions. All excavated areas will be filled to grade with clean fill and topsoiled and re-seeded with appropriate erosion measures implemented to protect the integrity of the newly filled areas. Moreover, all stormwater management facilities currently existing at the Property will remain, or shall be modified, as necessary, in compliance with applicable NYSDEC requirements.

(viii) Vegetation and Wildlife: The Property consists of previously disturbed land with existing commercial buildings and a large amount of impervious parking areas located thereon. The Project will therefore not result in or require significant disturbance to vegetation or wildlife (to the extent they exist) at the Property. The Property is neither home to, nor will the Project interfere with, the movement of any migratory wildlife. Further, there exists no records of rare or state-listed protected plants, or significant natural communities, at the Property or in its vicinity. Although the brook floater is identified as a threatened species in the greater area, the Project will not impact the species or threatened its natural habitat. Based on the foregoing, the Project will not result in a potential significant adverse impact to vegetation or wildlife.

(ix) Critical Environmental Area Pursuant to 6 N.Y.C.R.R. § 617.14(g): The Property neither adjoins nor is located in a designated critical environmental area.

(x) Conflict with Community's Plans or Goals: The Project will not result in a potential significant adverse impact relative to officially approved or adopted community plans or goals. To the contrary, the Project is consistent with the City's goals of enhancing the public use of Cheri Lindsey Park and the River Walk, while also promoting economic redevelopment along West State Street. The Project is also consistent with, and supportive of, the City's goal of returning vacant, dilapidated, and derelict commercial properties to productive economic use. The Project is consistent with the goals of, and will complement and advance, the public purposes envisioned by the North Chenango River Corridor Brownfield Opportunity Area Step 2 – Nomination Study (October 2014) (the "North Chenango BOA Study"). The Property

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has been a focal point of both the North Chenango BOA Study and the Comprehensive Plan, and redevelopment and reuse of the Property is the most impactful way to revitalize the area. The North Chenango BOA Study further emphasizes both the enhancement of Cheri Lindsey Park and redevelopment that reinforces the West State Street Corridor. In similar vein, the Comprehensive Plan also identifies the Property as a focus point for reuse. Thus, the Project is fully consistent with both the North Chenango BOA Study and the Comprehensive Plan.

(xi) Historical, Archaeological, Architectural or Aesthetic Resources: The Project shall occur on a fully developed site that has been significantly disturbed and physically altered since the 1970s by the construction of a large commercial facility with acres of parking area and multiple structures. It does not include any unusual or unique landforms. Although the Property is located with 500 feet of property line of the Binghamton Railway Complex at 375 State Street (the "BRC"), the structures to be demolished and removed from the Property are not of the same or similar period as the BRC; are not historic in nature; are nearly 1,000 feet away from the BRC; and are not in direct line of sight from the historic trolley barn at the BRC. In addition, the removal of the any structures located at the Property will be subject to review and approval by the City's preservation board ("CAUD"). As such, the Project does not present a potential significant adverse impact to historical, archaeological, architectural, or aesthetic resources.

(xii) Energy: The Project will not result in an increase in energy usage or a change in the quantity of energy currently used at the Property. For the reasons stated above, the Project involves the enhancement of existing parklands and recreational uses and does not involve the development of any new structures or uses at this time.

(xiii) Hazard to Human Health: There will be no significant adverse impact resulting from the Project on human health or safety. The Project involves the excavation and removal of material from the Property which is listed on NYSDEC's Environmental Remediation Database. The NYSDEC controls in place may no longer be appropriate, or necessary, once the structures, impervious surfaces and any remaining subsurface contaminants are removed as part the Project. All excavations and physical alterations to the Property shall be completed in compliance with applicable NYSDEC requirements, including permits, new engineering and institutional controls, and other restrictions thereby avoiding any potential significant adverse impacts to human health.

(xiv) Open Space and Agricultural Land: The Project does not present a potential significant adverse impact to agriculture, open space, and public recreation. To the contrary, the Project will result in an increase in open space and enhancements to the Cheri Lindsey Park and River Walk.

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(xv) Movement of People: The Project will not result in a significant increase in the number of persons visiting the Property and will therefore not adversely impact existing traffic patterns along and on surrounding the roads.

(xvi) Public Services: The Project will not create a significant and/or adverse demand for public services. Although a portion of the Project will result in an increase of acreage of adjoining parklands and recreational areas, such increase will not adversely impact the existing levels of public service.

(xvii) Potential for Multiple Environmental Impacts: For the reasons set forth above and as supported by the administrative record before the City Council, the Project will not result in multiple changes to the environment which, when considered together, result in a potential substantial adverse impact on the environment.

(xviii) Cumulative Impacts and Subsequent Review: There will be no significant adverse environmental impacts associated with potential cumulative impacts. There are no simultaneous actions being taken at the Property in conjunction with Project, or simultaneous actions being taken at other properties located in the proximity of the Property. Any potential impacts of a future economic development use of the 12.45-acre portion of the Property will be reviewed pursuant to SEQRA, the applicable zoning ordinances of the City, and other applicable laws and/or regulations when such future use is formulated.

RESOLVED there is therefore no improper segmentation associated with the SEQRA review of the Project. At this time, the City Council is completing its SEQRA review of the acquisition of the entire 28.148 acres comprising the Property; the expansion of the Cheri Lindsay Park and enhancing its park and recreational facilities, amenities and open space, together with ancillary related improvements, to be located on approximately 2.25 acres of the Property; creating new and enhanced public access to the existing River Walk on approximately 9.5 acres of the Property; and site and infrastructure improvements including, but not limited to, demolition of all or a portion of the existing structures comprising the Binghamton Plaza, surface subsidence restoration, sidewalk repairs, enhanced remediation of existing environmental conditions, and other ancillary and related amenities and facilities and improvements on approximately 12.45 acres of the Property after its acquisition, all of which are being done in connection with the City's efforts to return the underutilized Property to municipal and/or economic development (or other productive) uses. Because no specific future use or action is currently proposed for the remaining 12.45-acre portion of the Property, an assessment of the potential impacts of such future use and action is speculative. Nevertheless, any future use of the 2.45 acres will be subject to a review pursuant to the City's applicable zoning ordinances, including but not necessarily limited to, site plan review. An independent assessment pursuant to SEQRA of the potential environmental impacts of a future proposed use of the 12.45 acres shall be completed at that time when the use is

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formulated and proposed, and such review shall be no less protective of the environment; and be it further

RESOLVED, this Resolution has been prepared in accordance with Article 8 of the New York Environmental Conservation Law by the City Council, City of Binghamton City Hall, 38 Hawley Street, Binghamton, New York 13901; and be it further

RESOLVED, copies of this Resolution and the completed FEAF shall be placed on file in the offices of the City of Binghamton, City Clerk where the same shall be available for public inspection during business hours; and be it further

RESOLVED, the City Council, and/or any person whom it may designate or has designated for such purpose, is authorized to file this Negative Declaration in accordance with applicable provisions of the law, and this Resolution shall constitute a Notice of Negative Declaration. The requirements of SEQRA have therefore been satisfied; and be it further

RESOLVED, this Resolution shall take effect immediately.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Acquisition of Binghamton Plaza		
Project Location (describe, and attach a general location map): 29, 31, 33, 37, and 41 W State St, Binghamton, NY 13901		
Brief Description of Proposed Action (include purpose or need): The acquisition, contemporaneously or in stages pursuant to the EDPL, of the predominantly vacant and derelict site through the undertaking of (A)(i) an expansion of the City’s existing and adjacent Cheri Lindsey Park located at the northern portion of the Proposed Site to provide for additional and enhanced City public park and recreation facilities, amenities, and open space together with other ancillary and related improvements (collectively, “City Park Expansion Improvements” and constituting approximately 2.25 acres of the Proposed Site) and (ii) a new and enhanced public access to the existing and adjacent multi-use River Walk located along the eastern bank of the Chenango River and at the western portion of the Proposed Site together with other ancillary and related improvements (collectively, “River Trail Access Improvements” and constituting approximately 9.5 acres of the Proposed Site), in each case, to further the public purpose of providing additional public park and open green space. (B) site and infrastructure improvements, as appropriate and allowable, including, without limitation, demolition of all or a portion of the improvements located at the Binghamton Plaza, surface subsidence restoration, sidewalk repairs and other ancillary and related amenities, facilities and improvements, on approximately 12.45 acres of the site and along the eastern portion of the site along W State Street in order to prepare the site for an as yet undetermined productive use.		
Name of Applicant/Sponsor: City of Binghamton	Telephone: 607-772-7028	E-Mail: planning@cityofbinghamton.gov
Address: 38 Hawley St		
City/PO: Binghamton	State: NY	Zip Code: 13901
Project Contact (if not same as sponsor; give name and title/role): Tito Martinez	Telephone: 607-772-7028	E-Mail: tlmartinez@cityofbinghamton.gov
Address: 38 Hawley St		
City/PO: Binghamton	State: NY	Zip Code: 13901
Property Owner (if not same as sponsor): BINGHAMTON PLAZA INC	Telephone:	E-Mail:
Address: 30 Galesi Dr		
City/PO: Wayne	State: NJ	Zip Code: 07470

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	City Council, Ordinance to authorize acquisition	4/19/2023
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Commission on Architecture & Urban Design (Determination of Historical Significance for Demo)	5/2/2023
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Broome County Planning Dept.	
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC	
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	US Army Corps of Engineers	
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): NYS Major Basins:Upper Susquehanna, Remediaton Sites:704022, Remediaton Sites:C704049	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
C-1 Service Commercial District

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? BINGHAMTON SCHOOL DISTRICT

b. What police or other public protection forces serve the project site?
BINGHAMTON POLICE

c. Which fire protection and emergency medical services serve the project site?
BINGHAMTON FIRE

d. What parks serve the project site?
CHERI LINDSAY PARK, CHENANGO RIVER PROMENADE

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? recreational, commercial

b. a. Total acreage of the site of the proposed action? 28.148 acres
b. Total acreage to be physically disturbed? 24.2 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 38.348 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
• Total number of phases anticipated _____
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
• Anticipated completion date of final phase _____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? Demolition and removal of existing structures and pavement
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): ~630,825 yd³
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
Asphalt, concrete, fill (rock and clean soil), solid waste from former landfill on site.

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ approximately 24 acres
 vi. What is the maximum area to be worked at any one time? _____ unknown acres
 vii. What would be the maximum depth of excavation or dredging? _____ Extent of waste layer at 17 feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____
Remove all structures and pavement, and remove existing fill and waste layer. Replace with clean fill, topsoil, and seed.

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No • Will a line extension within an existing district be necessary to serve the project? <input type="checkbox"/> Yes <input type="checkbox"/> No <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> <p>_____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">N/A Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. No new point sources</p> <p>_____</p>	
<p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p>Amount of water required to be contained on site by SWPPP will be contained by on-site stormwater infrastructure and pervious surfaces. Any remaining stormwater will be directed into existing stormwater system.</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ <li style="padding-left: 40px;">N/A • Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ unknown _____ • Saturday: _____ unknown _____ • Sunday: _____ unknown _____ • Holidays: _____ unknown _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ unknown _____ • Saturday: _____ unknown _____ • Sunday: _____ unknown _____ • Holidays: _____ unknown _____
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration: _____

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No

Describe: _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s): _____

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe:

Site is a strip mall surrounded by an urban/commercial environment to the east and south, a public park to the north, and a river to the west.

b. Land uses and covertsypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	24.2	0	-24.2
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:
KURIOUS KIDS CHILDCARE

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No

- If yes, cite sources/documentation: DEC SITE RECORD FOR C704049 (BINGHAMTON PLAZA)

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____
Ground water use restriction, vapor mitigation, soil management plan, cover system maintenance, and other control elements are in place.

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:
Operated as a landfill from 1946-1957. From 1957- early 1960's, incinerator ash was stored on site.

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): 704022, C704049
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
Ground Water Use Restriction, Vapor Mitigation, Soil Management Plan, Cover System, Landuse Restriction, Monitoring Plan, Site Management Plan, O&M Plan, IC/EC Plan

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): 704022, C704058, C704049, C704057
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

A cover system is in place across the site which is comprised of concrete building slabs, concrete sidewalks, asphalt paving and clean soil. Contamination remains below the cover system. Systems to mitigate soil vapor intrusion are in place in the on-site buildings.

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: C704049
- Describe the type of institutional control (e.g., deed restriction or easement): easement
- Describe any use limitations: Commercial, Industrial, and Restricted Residential as described in 6 NYCRR Part 375-1.8(g)(2)
- Describe any engineering controls: Ground Water Use Restriction, Vapor Mitigation, Soil Management Plan, Cover System, Landuse Re
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

Proposal involves removal of all subgrade contaminants, which will result in many of the above controls no longer being required. _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 40 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

<u>Cy</u>	_____	_____	<u>97</u> %
<u>Cv</u>	_____	_____	<u>3</u> %
_____	_____	_____	_____ %

d. What is the average depth to the water table on the project site? Average: _____ 16.09 feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ 100 % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 99.8 % of site
 10-15%: _____ .1 % of site
 15% or greater: _____ .1 % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:

i. Name of aquifer: Principal Aquifer, Primary Aquifer, Sole Source Aquifer Names: Clinton Street Ballpark SSA

m. Identify the predominant wildlife species that occupy or use the project site: _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____

 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____
 Brook Floater

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: _____
 ii. Basis for designation: _____
 iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: Binghamton Railway Company Complex	
<i>iii.</i> Brief description of attributes on which listing is based:	
Areas of significance: Transportation; Architecture	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: <u>Otsiningo Park</u>	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>County Park</u>	
<i>iii.</i> Distance between project and resource: _____ .52 miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6 NYCRR Part 666?	
<div style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</div>	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

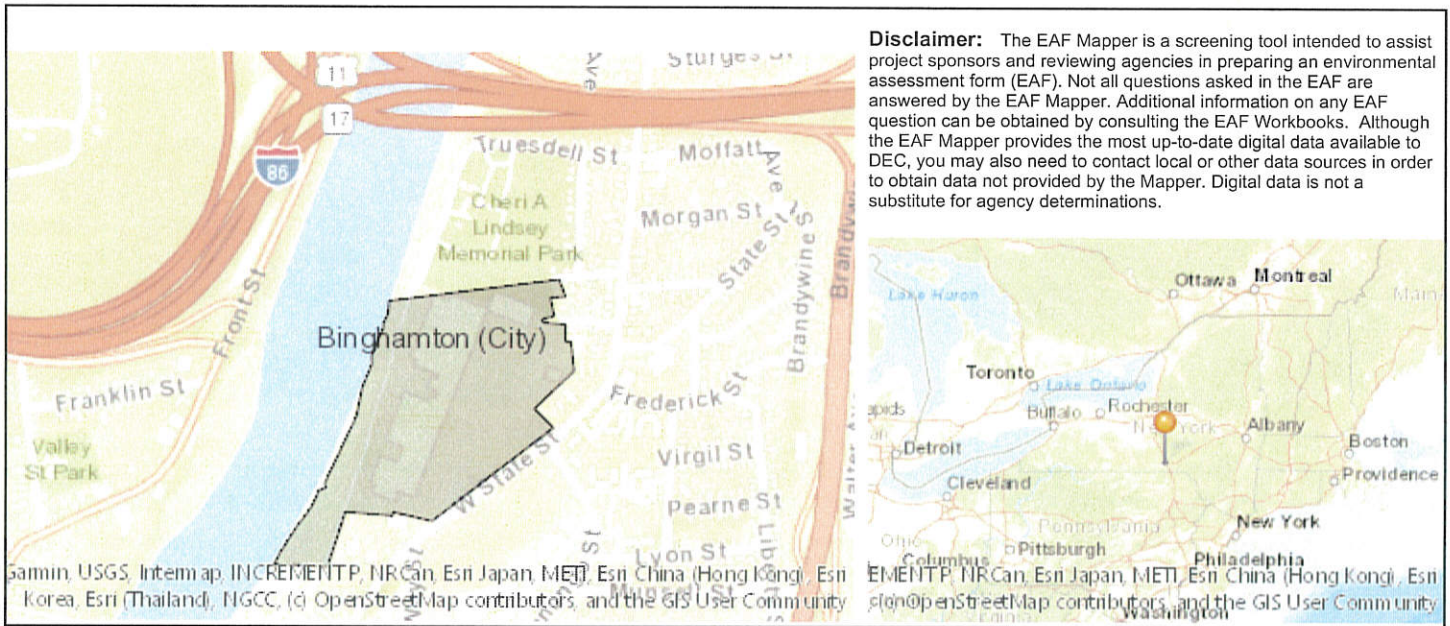
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Tito L. Martinez Date 4-10-2023

Signature  Title Assistant Dir. of Planning



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYS Major Basins:Upper Susquehanna, Remediaton Sites:704022, Remediaton Sites:C704049
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	704022, C704049
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	704022, C704058, C704049, C704057
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer, Primary Aquifer, Sole Source Aquifer Names:Clinton Street Ballpark SSA
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Brook Floater
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Binghamton Railway Company Complex
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

FULL ENVIRONMENTAL ASSESSMENT FORM PART 1

F. ADDITIONAL INFORMATION

Cumulative Impacts/Permissible Segmentation

The proposed action only currently involves the acquisition of the site by eminent domain, the demolition and remediation of existing structures, and the transfer of approximately 11.75 acres to neighboring parklands. The remainder of the site will be made available for a future development and use that are currently unknown. Absent a specific development and use, a SEQRA assessment of such future development and plan cannot be completed at this time. Nevertheless, any future development will be subject to comprehensive SEQR and planning review by the City of Binghamton Planning Commission, and, depending on the nature of any future proposal, the Zoning Board of Appeals, and/or the Commission on Architecture and Urban Design.



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: May 10, 2023

Sponsored by Council Members: Resciniti, Burns, Strawn, Scaringi

Introduced by Committee: Planning

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE ADOPTION AND PUBLICATION BY THE CITY COUNCIL OF THE CITY OF BINGHAMTON OF THE DETERMINATION AND FINDINGS UNDER SECTION 204 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW CONCERNING THE PROPOSED CONDEMNATION OF CERTAIN REAL PROPERTY CONSISTING PRINCIPALLY OF FIVE TAX PARCELS AND APPROXIMATELY 24.21 ACRES IN CONNECTION WITH THE PROJECT

WHEREAS, the City of Binghamton (the "City") is a municipal corporation with the authority, pursuant to subdivision 2 of Section 20 of the General City Law of the State of New York, as amended (hereinafter called the "Legislation"), to take real property, either within or outside the limits of the City, required for any public purpose; and

WHEREAS, the City Council of the City of Binghamton (the "City Council") desires to exercise its power of eminent domain, if necessary, for the "acquisition" of certain "real property" as such quoted terms are defined in the New York Eminent Procedure Domain Law (the "EDPL") located in the City of Binghamton, Broome County, New York comprising of approximately 24.21 acres +/- of real property consisting of five (5) tax parcels located at 31 W State Street (identifiable by Tax ID#: 144.74-1-19; approximately 2.72 acres), 37 W State Street (identifiable by Tax ID#: 144.66-1-17; approximately 0.61 acres), 33 W State Street (identifiable by Tax ID#: 144.74-1-1; approximately 20.38 acres), 41 W State Street (identifiable by Tax ID#: 144.74-1-7; approximately 0.43 acres) and 29 W State Street (identifiable by Tax ID#: 144.74-1-8; approximately 0.07 acres), and upon which is located, among other things, an existing and predominantly vacant multi-tenant retail shopping center with a mixed-use office building, along with three (3) outparcels, one (1) of which is vacant (collectively referred to as the "Parcel" and commonly known as the "Binghamton Plaza"), all in connection with the Project (as defined in the hereinafter defined Determination and Findings); and

WHEREAS, in accordance with the EDPL, the City Council conducted a duly noticed public hearing on February 21, 2023 at 2:00 p.m. to inform the public and to review the public use, benefit or purpose to be served by the Project, the proposed location of the Project and its general effect on the environment and the residents of the locality where the Project is proposed to be

THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: May 10, 2023

constructed and whereat, the public was provided an opportunity to provide any comments (the "Hearing"); and

WHEREAS, by Resolution adopted prior hereto on May 10, 2023, the City Council, in accordance with the EDPL and pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereunder at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), issued a Negative Declaration determining that the Project will not result in a potential significant adverse impact to the environment and thereby satisfying the applicable requirements set forth in SEQRA as necessary; and

WHEREAS, the City Council, having considered the foregoing, now desires to adopt and publish the Determination and Findings in accordance with the EDPL and any applicable laws, rules, or regulations.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session does hereby:

RESOLVE that the City Council, pursuant to Section 204 of the EDPL, hereby (i) adopts the determination and findings in the form presented at this meeting with such changes as approved by Counsel to the City (the "Determination and Findings") as more fully set forth in Exhibit A annexed hereto and made a part hereof and (ii) authorizes its members, officers, employees and agents of the City, (including Corporation Counsel and special Counsel to the City) to (A) publish a brief synopsis of the Determination and Findings (B) mail notice of such brief synopsis to owner(s) of the Parcel (and/or their attorney of record) and (C) take all steps appropriate to comply with applicable provisions of the EDPL and all other applicable laws, rules or regulations to implement this Resolution; and be it further

RESOLVED that this Resolution take effect immediately.

EXHIBIT A

Form of Determination and Findings

Attached Hereto

DETERMINATION AND FINDINGS OF THE CITY OF BINGHAMTON ADOPTED PURSUANT TO SECTION 204 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW FOR THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT 31 W STATE STREET, 37 W STATE STREET, 33 W STATE STREET, 41 W STATE STREET AND 29 W STATE STREET IN THE CITY OF BINGHAMTON, BROOME COUNTY, NEW YORK COMPRISING FIVE (5) TAX PARCELS COMPRISING APPROXIMATELY 24.21 acres +/- ACRES.

Overview and Background

The City of Binghamton (hereinafter referred to as the "City") is a municipal corporation with the authority, pursuant to subdivision 2 of Section 20 of the General City Law of the State of New York, as amended (hereinafter called the "Legislation"), to take real property, either within or outside the limits of the City's boundaries, required for any public purpose.

The City desires to exercise its power of eminent domain, if necessary, for the "acquisition" of certain "real property" (as such quoted terms are defined in the New York Eminent Procedure Domain Law, herein the "EDPL") located in the City of Binghamton, Broome County, New York and comprising approximately 24.21 acres +/- consisting of five (5) tax parcels identifiable by the following street addresses and tax identification numbers (collectively, the "Parcel" and commonly known as the "Binghamton Plaza"): (1) 31 W State Street (identifiable by Tax ID#: 144.74-1-19; approximately 2.72 acres), (2) 37 W State Street (identifiable by Tax ID#: 144.66-1-17; approximately 0.61 acres), (3) 33 W State Street (identifiable by Tax ID#: 144.74-1-1; approximately 20.38 acres), (4) 41 W State Street (identifiable by Tax ID#: 144.74-1-7; approximately 0.43 acres) and (5) 29 W State Street (identifiable by Tax ID#: 144.74-1-8; approximately 0.07 acres), and upon which is located, among other things, an existing and predominantly vacant multi-tenant retail shopping center with a mixed-use office building, along with three (3) outparcels, one (1) of which is vacant, all

in connection with a certain "public project" (as such quoted term is defined in the EDPL; and collectively referred to herein as the "Project") consisting of facilitating the productive reuse and redevelopment of the predominantly vacant, underutilized and derelict Parcel through the undertaking of (A)(i) a public park expansion of the City's existing and adjacent Cheri A. Lindsey Memorial Park (the "Cheri Lindsey Park") located at the northern portion of the Parcel to provide for additional and enhanced City public park and recreation facilities, improvements, amenities and open space together with landscaping, site, infrastructure and other ancillary and related amenities, facilities and improvements (collectively, "City Park Expansion Improvements" and constituting approximately 2.25 acres of the Parcel) and (ii) a new and enhanced public access to the existing and adjacent multi-use Two Rivers Greenway Trail (Chenango Promenade Segment) system (the "River Walk") located along the eastern bank of the Chenango River and at the western portion of the Parcel together with landscaping, site, infrastructure and other ancillary and related amenities, facilities and improvements (collectively, "River Trail Access Improvements" and constituting approximately 9.5 acres of the Parcel) and (B) site and infrastructure improvements, as appropriate and allowable, including, without limitation, demolition of the improvements located at the Binghamton Plaza, surface subsidence restoration, sidewalk repairs and other ancillary and related amenities, facilities and improvements, on approximately 12.45 acres of the Parcel and along the eastern portion of the Parcel along W State Street, in each case contemporaneously or in stages pursuant to the EDPL, all in connection with serving the public use, benefit or purpose described herein.

In addition, the Project is consistent with the goals of and will complement and advance the public purposes envisioned by the (A) North Chenango river Corridor Brownfield Opportunity Area Step 2 – Nomination Study (October 2014) (the "North Chenango BOA

Study"; available at <https://docs.dos.ny.gov/opd/boa/BinghamtonNCRBOA.pdf> and is incorporated herein by reference) and (B) Blueprint Binghamton: Forward Together (August 2014 update to the City's 2003 Comprehensive Plan) (as so updated, the "Comprehensive Plan"; available at <https://www.binghamton-ny.gov/government/departments/planning-zoning-historic-preservation-department/plans-reports-studies> and is incorporated herein by reference). The Binghamton Plaza has been a focal point of both the North Chenango BOA Study and the Comprehensive Plan, as the Binghamton Plaza is the most prominent commercial property on the North Side, if not in the entire City of Binghamton, in large part due to its riverfront location at the confluence of three major interstates, and redevelopment and reuse of the Binghamton Plaza is an impactful way to revitalize the area.

The Binghamton Plaza is one of the focus areas of the North Chenango BOA Study due to the potential positive impact the rehabilitation/redevelopment of the Parcel would likely have on the local community regarding the potential to create meaningful employment opportunities (p 4). The North Chenango BOA Study identified nine (9) different development opportunities for the Binghamton Plaza, all of which prioritize the goal of connecting the riverfront/riverwalk with the balance of the community (pp 4-5, 34-35, 54, 61) and generally creating a more cohesive district (pp 4-5, 55, 61-62). As a strategic site identified under the North Chenango BOA Study, the focus of redevelopment activities at the Binghamton Plaza were targeted at those that would have a positive benefit to the surrounding community in the form of new economic activity which would generate new jobs and tax revenue and in turn spur additional reinvestment in the area (p 5). Other goals identified in the North Chenango BOA Study emphasized both the enhancement of Cheri Lindsey Park and redevelopment that reinforces the West State Street Corridor through infill development at the street edge (pp 4-5, 34, 54, 61-62).

In a similar vein, the Comprehensive Plan identifies the Binghamton Plaza as a focus point for redevelopment, as was the case in the City's 2003 adopted Comprehensive Plan (pp 4, 279). It notes that "Binghamton Plaza is an unattractive and underperforming commercial property" and its "existing condition as a single use commercial space is not conducive to the current market conditions and does not serve the community's needs" as evidenced at such time by the large number of vacancies at the Binghamton Plaza (p 279), and which remains the case today. It emphasizes that any future investment in the Binghamton Plaza should incorporate improved access to the River Walk trail and Cheri Lindsey Park and also notes that a plan which "meets the street and offers a connection to the River and trail would greatly benefit the community and City" (pp 247, 250, 279). Thus, the acquisition of the Parcel in connection with the Project is fully consistent with both the North Chenango BOA Study and the Comprehensive Plan and, in addition, is within the City's statutory authority and will fulfill its statutory purposes.

In order to complete the Project, it may be necessary for the City to exercise its power of eminent domain if a voluntary transfer of the Parcel is not consummated. No alternative locations exist in the City that are being considered for the Project.

The Public Hearing and Comment Period

In accordance with the EDPL, on February 21, 2023 at 2:00 p.m., a duly noticed public hearing (the "Hearing") was held in the City Council Chambers located at Binghamton City Hall, 38 Hawley Street in the City, to inform the public and to review the public use, benefit or purpose to be served by the Project, the proposed location of the Project and its general effect on the environment and the residents of the locality where the Project is proposed to be constructed. At the Hearing, the public was provided an opportunity to provide any comments and a record of the

Hearing was made, including written statements submitted at or prior to the Hearing, and was provided to the members of the City Council.

The comments received during the Hearing have been reviewed, made part of the record and accorded full consideration by the City. The EDPL does not require that the City address in its determination and findings any specific concern or objection raised at the Hearing. The City's responses to certain of the comments that were received during the Hearing are summarized below, and in some cases as more fully set forth in the determination and findings:

- (i) In response to the comment that the notice of the Hearing was defective or "vague" insofar as it referred to the proposed acquisition of "all or a portion" of the Parcel, the City adequately described the Parcel and thus adequately provided the public with notice and an opportunity to present their views on the Project. The City adequately described the location of the Project for purposes of the EDPL because the notice set forth the location of the Parcel and/or described such location with reasonable specificity, including by reference to both the addresses and Tax ID numbers of the Parcel. The EDPL does not require that the City describe the location of the Parcel with exacting accuracy. Further, the EDPL sets forth the required contents of a notice of public hearing, which the City's notice of the Hearing complied with in all respects.
- (ii) In response to comments questioning whether the City has sufficiently identified the public use to be served by the proposed acquisition of the Parcel, and whether it would serve a valid public purpose, the EDPL simply requires that the determination to exercise eminent domain power be rationally related to a conceivable public purpose. As set forth herein, the City's proposed acquisition of the Parcel serves multiple public purposes because it would permit the City to undertake: (A) both the City Park Expansion Improvements and the River Trail Access Improvements, in each case, furthering the public purpose of providing additional public park and open green space; and (B) site and infrastructure improvements on the remainder of the Parcel and along the eastern portion of the Parcel along W State Street in order to return the underutilized Parcel to productive use, thereby furthering the public purpose of advancing the general prosperity and economic welfare of the residents of the City by attracting and accommodating appropriate and allowable development and end user(s) and thereby, among other things, allowing for the provision of the much needed City Park Expansion Improvements and the River Trail Access Improvements and allowing for safe, welcoming and convenient access to such recreation amenities for the residents of the City and the general public thereby to promote their health, safety, wellness and general welfare, creating employment opportunities, promoting economic revitalization, decreasing the negative impacts associated

with large vacant buildings within the City and increasing the City sales tax revenues and the property tax base within the City. Additionally, an outline of the public purposes to be served may be brief, and there is no requirement under the EDPL that every aspect of a project, or its implementation, be contained within the outline of the public purpose.

- (iii) In response to the comment that the public purposes outlined in the notice of the Hearing are "illusory" because public statements made by the City's Mayor in July 2022 did not specifically outline the public purpose to be served by the proposed acquisition of the Parcel, the notice of the Hearing, dated February 6, 2023, governs for purposes of whether the requirements of the EDPL have been met, and the notice adequately described the public purposes for the reasons previously set forth herein.
- (iv) In response to the comments that the City violated Sections 101 and 301 of the EDPL because the City made no attempt to negotiate an acquisition with the current owner of the Parcel prior to issuing the notice of the Hearing, and that the City has not complied with the Constitutional requirement that it pay just compensation for taking the Parcel under its eminent domain powers, a municipality is not obligated to make an offer to justly compensate a person for property it intends to acquire by eminent domain, or to negotiate concerning what constitutes just compensation, *until* the municipality determines to exercise its eminent domain powers. Upon the City's adoption of the Determination and Findings, the City will comply in all respects with its obligations under the EDPL as it proceeds with initiation of eminent domain proceedings.
- (v) In response to the contradictory comments that, on the one hand, the City's proposed Project would disrupt the environmental remediation of the Parcel, and, on the other hand, would require the City to undertake extensive and expensive environmental remediation to make it suitable for the uses contemplated under the Project, the City is aware of the current environmental status of the Parcel, including the Environmental Easement held by NYSDEC, and will comply in all respects with applicable statutes and regulations in its reuse and/or redevelopment of the Parcel. The City does plan on doing additional remediation at the Parcel.
- (vi) In response to comments that the public purpose and economic development goals sought to be achieved by the City's acquisition of the Parcel are "contradictory" or "unnecessary" because the current owner is equally as capable of advancing the public purposes sought to be advanced, the mere fact that an individual is ready, willing and able to participate in redevelopment of underutilized property does not prohibit the City from acquiring the Parcel for its own public purposes, provided it satisfies the requirements set forth in the EDPL which the City has for the reasons set forth herein.

- (vii) In further response to comments suggesting the current owner is capable of redeveloping the Parcel, the record of the Hearing and information available to the City suggests that the current owner of the Parcel is either not willing, or able, to accomplish redevelopment of the Parcel to return it to productive use, insofar as over eight (8) years have lapsed since issuance of the Brownfield Cleanup Program (BCP) certificate of completion for the Parcel (Hearing Ex. I[2], dated December 23, 2014), and approximately four (4) years have lapsed since the date of the "conceptual schematic site plan" of the current owner's purported plan for redevelopment of the Parcel presented at the Hearing (Hearing Ex. I[1], dated April 17, 2019), and yet the Parcel now has an even higher vacancy rate than prior to its participation in the BCP, notwithstanding the availability of lucrative tax credits to the current owner to incentivize redevelopment. The credibility of the current owner in developing the Parcel is suspect when their "conceptual schematic site plan" presented at the Hearing is dated over four (4) years ago (April 17, 2019) and yet they claim they are very near to an agreement with a "national developer". No explanation was given for this years-long delay in action by the current owner on its redevelopment plan (or why it took over four years from receipt of the Certificate of Completion to devise a redevelopment plan). And, despite the current owner's statements at the Hearing that it is now "close to an agreement with a national developer" to complete its redevelopment plan, the City is aware that the current owner approached a local affordable housing not-for-profit to set up a meeting to discuss potentially partnering for development at the Parcel as recently as April 2023 (i.e., after the date of the Public Hearing).
- (viii) In response to comments that because the current owner of the Parcel has been actively seeking to redevelop and/or repurpose the Parcel, and there are active tenants at the Parcel, including a daycare, the Parcel is thus not underutilized, the City refers to its prior responses regarding its ability to acquire property for its own public purpose even though an individual is otherwise ready, willing and able to privately develop or redevelop said property. Further, the City is vested with broad discretion in determining what use of property is necessary to serve its public purpose and it is not for the property owner, or its tenants, to suggest that alternative uses may be more suitable for the public purposes sought to be served.
- (ix) In response to the comment suggesting that the City violated the EDPL by failing to conduct a SEQRA review prior to the Hearing, the EDPL does not require that a SEQRA review be completed prior to a public hearing. Prior to the approval of the Determination and Findings, the City conducted a SEQRA review as set forth more fully in the City Council's SEQRA Resolution. The City has also evaluated the general effect of the Project on the environment as discussed below. The environmental review required under SEQRA and the EDPL, while similar and overlapping, nonetheless impose different responsibilities, and under the EDPL, all that is required is that the City assess the general effects of the acquisition on the environment, which it did at the Hearing and within this Determination and Findings.

- (x) In further response to the comment concerning SEQRA, the City has undertaken a review in accordance with the requirements of SEQRA by identifying the relevant areas of environmental concern, taking the necessary hard look of the potential impacts, and setting forth a reasoned elaboration.
- (xi) At the Hearing, it was referenced by the City that the website of Galesi Group, believed to be the management company and/or affiliate of the current owner, made no mention of the Binghamton Plaza. This was noted as seemingly contradictory to any notion that the current owner is interested in increasing occupancy at the Binghamton Plaza and/or redeveloping the Parcel. The current owner's counsel acknowledged Galesi Group is, in fact, related to the current owner "in terms of the family," but stated Galesi Group is an "entirely different entity than that which deals with and owns and operates and is involved in the Binghamton Plaza, Inc." Nonetheless, documents on file with the Broome County Clerk indicate that Francesco Galesi, the current Chairman of Galesi Group, previously served as Binghamton Plaza Inc.'s President, and other publicly available records confirm the "family" affiliation alluded to at the Hearing, specifically, that Francesco Galesi is the older brother of the current CEO of Binghamton Plaza, Inc., M. Michael Galesi. In any event, the affiliation between these entities, or even a lack thereof, is a red herring. The point is that the current owner has demonstrated over a course of many years that it is either unable, or unwilling, to either increase the occupancy rate of the Binghamton Plaza in its current form, or to accomplish redevelopment of the Parcel to put it to some other productive use.

EDPL Section 204

At a duly noticed and scheduled meeting on May 10, 2023, in addition to the above findings, the City makes the following specific determination and findings (collectively with the foregoing, the "Determination and Findings") concerning the Project pursuant to EDPL Section 204:

- I. The Public Use, Benefit or Purpose To Be Served by the Project [EDPL § 204(B)(1)].

The proposed acquisition of the Parcel in connection with the undertaking of the Project will serve a public use, benefit and/or purpose because it will advance the overall general prosperity and economic and social welfare of the residents of the City by returning the underutilized and derelict Parcel to productive use and by attracting and accommodating

appropriate and allowable development and end user(s), and thereby, among other things, (i) allowing for the provision of additional and much needed public park and open green space and allowing for safe, welcoming and convenient access to recreation amenities for the residents of the City and the general public thereby to promote their health, safety, wellness and general welfare, (ii) create employment opportunities, (iii) combat economic stagnation at the Parcel through stimulating, promoting and/or supporting new and/or existing economic revitalization and redevelopment efforts, (iv) decrease the negative impacts associated with large vacant buildings within the City, (v) enhance the overall functionality and/or attractiveness of the area and surrounding area, (vi) increase the City sales tax revenues and the property tax base within the City and/or (vii) as appropriate, may include, but not limited to, compliment and/or advance any public purpose contemplated by the North Chenango BOA Study and the Comprehensive Plans.

II. Location of the Project and Reasons for Selection of that Location [EDPL § 204(B)(2)].

The location of the Project is in the City and identifiable by the following street addresses and tax identification numbers: (1) 31 W State Street (identifiable by Tax ID#: 144.74-1-19; approximately 2.72 acres), (2) 37 W State Street (identifiable by Tax ID#: 144.66-1-17; approximately 0.61 acres), (3) 33 W State Street (identifiable by Tax ID#: 144.74-1-1; approximately 20.38 acres), (4) 41 W State Street (identifiable by Tax ID#: 144.74-1-7; approximately 0.43 acres) and (5) 29 W State Street (identifiable by Tax ID#: 144.74-1-8; approximately 0.07 acres). Such location was determined based upon information in each of the North Chenango BOA Study and the Comprehensive Plan, the longstanding vacancies and derelict condition of the Binghamton Plaza, the sheer footprint of the Parcel within the City, the proximity to major highways, the Chenango River and open green park space and its potential

for economic revitalization and redevelopment. No alternative locations exist in the City that are being considered for the Project.

III. General Effect of the Project on the Environment and Residents of the Locality [EDPL § 204 (B)(3)].

By resolution of the City Council, duly adopted on May 10, 2023 (the "City SEQRA Resolution") and the completed Full Environmental Assessment Form ("FEAF"), including Parts 1, 2 and 3 of the FEAF and the attachments thereto, the City Council, pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively known hereafter as "SEQRA"), having found that the Project constituted a "Type I" action (as that term is defined in SEQRA) and conducted a coordinated SEQRA review of the Project, further concluded that the Project will not result in a potential significant adverse environmental impact. Such determination of the City Council constituted the adoption of a Negative Declaration which required no further review or action pursuant to SEQRA with respect to the Project. The City SEQRA Resolution and the FEAF, together with any other documents and information on which it was based, is incorporated herein by reference and is made a part hereof.

In sum, the City Council concluded that the Project, including the acquisition of the Parcel, will not result in a potential significant adverse impact on the environment. Any potential impacts from any future development of the 12.45-acre portion of the Parcel will be appropriately addressed in accordance with applicable land use and zoning reviews, including a SEQRA review, once the details of the future developments plans are formulated, and such review will be no less protective of the environment. The acquisition of the Parcel, the City Park Expansion and the River Trail Access Improvements, as well as the potential future development

of the 12.45-acre portion of the Parcel will positively impact the residents of the City, thereby expanding the benefits of the City's parks and recreation areas, advancing the creation of additional job opportunities, expanding the tax base in the City, and otherwise supporting the general prosperity and economic welfare of the City's residents.

IV. Other Relevant Factors [EDPL § 204 (B)(4)].

The City has given due consideration to the Hearing record including, but not limited to, comments received during the Hearing. In addition, the City has taken into account public opinion and concerns, if any, expressed through the SEQRA process associated with the Project. If a voluntary transfer of the Parcel cannot be consummated by the City, then the City may proceed with condemnation of the Parcel in connection with the undertaking of the Project.

Conclusion

Based on due consideration of the foregoing, the City hereby makes its Determination and Findings in accordance with the EDPL in connection with the acquisition of the Parcel by condemnation, if necessary, in connection with the undertaking of the Project.

Dated: May 10, 2023

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**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: May 10, 2023

Sponsored by Council Members: Friedman, Burns, Scanlon, Scaringi

Introduced by Committee: Finance

RESOLUTION

entitled

A RESOLUTION AUTHORIZING THE MAYOR
TO AMEND THE AGREEMENT WITH
KEYSTONE ASSOCIATES, ARCHITECTS,
ENGINEERS, AND SURVEYORS LLC FOR
ADDITIONAL FEES FOR THE NEW FIRE
STATION

WHEREAS, pursuant to Permanent Resolution 20-72, dated August 5, 2020, the City entered into an agreement with Keystone Associates, Architects, Engineers, and Surveyors LLC for design services for the new fire station; and

WHEREAS, the City Engineer recommends the City amend the agreement for design services in the amount of \$18,939.32 due to unforeseen expenditures during the design phase.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session does hereby:

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to amend the agreement, approved as to form and content by the Office of Corporation Counsel, with Keystone Associates, Architects, Engineers, and Surveyors LLC for design services for the new fire station in the amount of \$18,939.32; and that funds will be available in budget line H3410.525326.72720 (Fire Station) for this purpose.

I HEREBY CERTIFY that the above described funds
are unencumbered and available

Chuck Shager, Comptroller



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: May 10, 2023

Sponsored by Council Members: Friedman, Scanlon, Scaringi

Introduced by Committee: Finance

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING THE MAYOR
TO ACCEPT A HEALTHY SCHOOLS AND
COMMUNITIES GRANT FROM THE BROOME
COUNTY HEALTH DEPARTMENT**

WHEREAS, the City of Binghamton is eligible for the healthy schools and communities grant from the Broome County Health Department in the amount of \$5,000 to be used pedestrian signage and streetscape features; and

WHEREAS, the Grant does not require a local match; the grant funds will be reimbursable, and the Grant will be administered by the Director of Economic Development or his designee; and the estimated date of completion will be May 2023.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session does hereby:

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to execute any and all documents, approved as to form and content by the Office of Corporation Counsel, as may be necessary to accept the healthy schools and communities grant from the Broome County Health Department in the amount of \$5,000; and that funds will be available in budget line A1210.54410 (Professional Services) for this purpose.