Permanent No. <u>023-78</u>



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.

Introductory No. O23-79
Permanent No
Sponsored by City Council Members: Resciniti, Friedman, Burns, Strawn, Scaringi
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
The within Ordinance was adopted by the Council of the City of Binghamton.
Date City Clerk
Date Presented to Mayor
Date Approved Mayor
V

	Ayes	Nays	Abstain	Absent
Councilwoman Resciniti	✓			
Councilwoman Riley	\checkmark			
Councilwoman Friedman	✓			
Councilman Burns	V		4	
Councilman Strawn	✓			
Councilman Scanlon	\checkmark			
Councilman Scaringi	✓			
Total	7	0	0	0

☐ Code of the	City of Binghamton	
Adopted	☐ Defeated	
Ayes C	Nays O Abstain	Absent

I hereby certify the above to be a true copy of the legislation adopted by the Council of the City of Binghamton at a meeting held on 5 10 23. Approved by the Mayor on 5 11 23

Park Ave C-4 Rezoning



Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

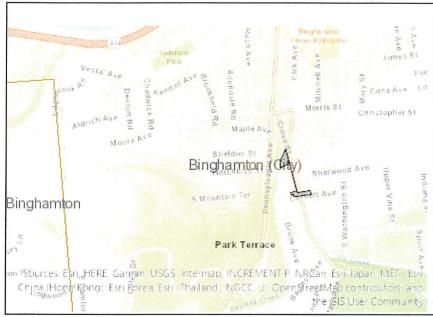
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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 Neighborhoo Commercial in accordance with the adoption	ted land use plan from the 20	14 Comprehensive Plan.			
Name of Applicant or Sponsor:	Telephone: 6077727028				
City of Blnghamton Planning Dept.	E-Mail: planning@cityofbinghamton.gov				
Address:					
38 Hawley St					
City/PO:	State: Zip Code: NY 13901				
Binghamton		13901			
1. Does the proposed action only involve the legislative adoption of a plan, loca administrative rule, or regulation?	il law, ordinance,	NO YES			
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.					
2. Does the proposed action require a permit, approval or funding from any other		NO YES			
If Yes, list agency(s) name and permit or approval:					
3. a. Total acreage of the site of the proposed action?	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. Urban Rural (non-agriculture) Industrial Commercial Residential (suburban)					
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):					
Parkland					

5. Is the proposed action,		NO	YES	N/A
a. A permitted use under the zoning reg	ulations?			
b. Consistent with the adopted comprehe	ensive plan?			
6. Is the proposed action consistent with the	predominant character of the existing built or natural landscape?		NO	YES
o. Is the proposed action consistent with the	predominant character of the existing built of natural landscape?	,		
7. Is the site of the proposed action located in	n, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
If Yes, identify:				П
			✓	Ш
8. a. Will the proposed action result in a su	bstantial increase in traffic above present levels?		NO	YES
b. Are public transportation services ava	ailable at or near the site of the proposed action?		믐	井
c. Are any pedestrian accommodations action?	or bicycle routes available on or near the site of the proposed			
9. Does the proposed action meet or exceed t	the state energy code requirements?		NO	YES
If the proposed action will exceed requirement	s, describe design features and technologies:			
			П	
10. Will the proposed action connect to an exist	sting public/private water supply?		NO	YES
If No, describe method for providi	ng potable water:			
			Ш	Ш
11. Will the proposed action connect to existing	ng wastewater utilities?		NO	YES
If No describe method for providing	wastewater treatment:			
111 vo, describe method for providing	wastewater treatment.			
	stantially contiguous to, a building, archaeological site, or district of Historic Places, or that has been determined by the	t .	NO	YES
Commissioner of the NYS Office of Parks, Rec	creation 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, le	ocated in or adjacent to an area designated as sensitive for		\checkmark	
archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?				
13. a. Does any portion of the site of the propuetlands or other waterbodies regulated by	posed action, or lands adjoining the proposed action, contain y a federal, state or local agency?		NO	YES
b. Would the proposed action physically a	Iter, or encroach into, any existing wetland or waterbody?	_	片	✓
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:				Ш

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:			
Shoreline Forest Agricultural/grasslands Early mid-successional			
☐ Wetland ☐ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES	
Federal government as threatened or endangered?			
16. Is the project site located in the 100-year flood plan?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES	
If Yes,			
a. Will storm water discharges flow to adjacent properties?			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:			
Tes, otherly describe.			
18. Does the proposed action include construction or other activities that would result in the impoundment of water	NO	YES	
or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:		IES	
if Tes, explain the purpose and size of the impoundment.		П	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES	
If Yes, describe:			
		Ш	
	NO		
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?		YES	
If Yes, describe:	V	П	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor/name: Tito Martinez Date: 5-5-2023			
Signature:			



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.



Sources: Esri, HERE, Garmin, USGS. IntermatorNCREMENT P. VRCan, Esri Japane Malarinasri China i Bong Kong, Esri Korea, Esri Ko

Part 1 / Question 7 [Critical Environmental Area]

Part 1 / Question 12a [National or State Register of Historic Places or State Eligible

Sites]

Part 1 / Question 12b [Archeological Sites]

Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]

Part 1 / Question 15 [Threatened or Endangered Animal]

Part 1 / Question 16 [100 Year Flood Plain]

Part 1 / Question 20 [Remediation Site]

No

Yes

No

Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.

No

Digital mapping data are not available or are incomplete. Refer to EAF

Workbook.

No

State Environmental Quality Review NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: None **Date**: May 10, 2023

This Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The City of Binghamton City Council as lead agency has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Amendment to the Official Zoning Map to rezone various lots from R-2 Oneand Two-Unit Dwelling District to C-4 Neighborhood Commercial District.

SEQRA Status: Type 1 Unlisted $\mathbf{\Lambda}$

Conditioned Negative Declaration: Yes П $\mathbf{\Lambda}$ No

Description of Action:

The City of Binghamton wishes to amend the Official Zoning Map of the City of Binghamton to rezone seven (7) properties along Park Ave to conform to the recommendations adopted as part of the 2014 Comprehensive Plan.

Location: City of Binghamton, Broome County, New York

Reasons Supporting This Determination:

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.

The lead agency has reviewed an Environmental Assessment Form and the criteria contained in 6 NYCRR 617.7 (c) to identify the relevant areas of environmental concern, thoroughly analyzed the identified relevant areas of environmental concern, and determined that the action will not have a significant adverse impact on the environment for the following reasons:

- 1. The proposed action will not involve construction or the physical alteration of land, is in harmony with current land use patterns, and will not occur adjacent to historic resources on the State or National Register of Historic Places.
- 2. The proposed action will not result in a loss of recreational opportunities or open space, will not be located within or adjacent to a CEA, and will not result in a change to existing transportation systems.
- 3. The proposed action is consistent with adopted land use plans in the Comprehensive Plan and is consistent with the existing community character.

For Further Information

Contact Person: Giovanni Scaringi, President

City of Binghamton City Council

City Hall Address:

38 Hawley Street

Binghamton, NY 13901

Telephone Number: 607-772-7005 (City Clerk's Office)