



City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON PLANNING COMMISSION	
MEETING DATE: April 4, 2023	LOCATION: City Council Chambers, City Hall
CALLED TO ORDER: 5:15PM	RECORDER OF MINUTES: Shalin Patel

ROLL CALL		
COMMISSIONERS PRESENT:	PRESENT:	ABSENT:
Nicholas Corcoran (chair)	X	
Joseph De Angelo (vice-chair)		X
Emmanuel Priest		X
Steve Seepersaud	X	
Mario DiFulvio		X
Kelly Weiss	X	
Chris Dziedzic	X	
STAFF MEMBERS PRESENT:	TITLE & DEPARTMENT:	
Dylan Pelton	Historic Planner, Planning Department	
Tito Martinez	Assistant Director of the Planning Department	
Shalin Patel	Planner, Planning Department	
Elisabeth Rossow	Corporation Counsel	
Greg Buell	Zoning Officer, Planning Department	

APPROVAL OF MINUTES		
MOTION to approve the amended March 7, 2023 meeting minutes as written		
Commissioner Dziedzic asked to remove Dr. Juliet Berling's name from the staff members present list from the March meeting's minutes.		
FIRST: Dziedzic	SECOND: Seepersaud	VOTE: Carried (4-0-3)
AYE(S): Dziedzic, Corcoran, Weiss, Seepersaud	NAY(S):	ABSTENTION(S): De Angelo, DiFulvio, Priest

SEQR DETERMINATIONS	
ADDRESS: 13 Main St	CASE NUMBER: PC-2023-
DESCRIPTION FROM AGENDA: Site Plan Review and special use permit to establish a retail food sales facility in an existing commercial building and a recommendation to City Council to allow the sale of tobacco within 500' of a school in the C-1 Service Commercial District	
APPLICANT: Hamza Khan	
REPRESENTATIVE(S): Hamza Khan	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Retail food store with tobacco and takeout food – one stop shops for that side of the city and bridge ▪ Applicant does not own the building; they are only renting it. ▪ Chair Corcoran asked staff member Tito if this applicant required any parking. <ul style="list-style-type: none"> - Staff (Martinez) commented, no, they will not require it, because it is an existent building under 4000 square ft. 	

- Commissioner (Dziedzic) commented that there is a requirement that the applicant will need to get an approval to be able to sell tobacco within 500' of the Binghamton high school. If you do not get the permission, are you still setting up shop or not if you cannot sell tobacco?
 - Applicant (Khan) commented saying that he will be hesitant to, because these days that labor rates are so high, and other factors that contribute to fulfilling the store. He can't just depend on one thing to run his store, it would be easier for everyone to allow tobacco sale to at least cover rent, and other cost that go into a business. Just want to have a little bit of help.
- Commissioner (Dziedzic) asked, why should we allow grant an exception for the store since it is within 500' of a school?
 - There are other stores that are within 500' of the high school that are selling it, Speedway, Sunoco, Family Dollar. I am no exception, those are big companies, I cannot compete with them, but I am a local resident of Binghamton. I would take precaution of selling tobacco, but I think everyone else is doing it, but would be a little bit of help for the local community for a business owner.
- Commissioner (Dziedzic) asked, are those above-mentioned locations within 500' of the Binghamton high school?
 - Staff member (Martinez) commented, the main thing is that the legislation to disallow sale of tobacco within 500' of a school was passed in ~2014. So those locations were selling tobacco before the legislation passed, they are grandfathered in, and we cannot make them stop selling after the law was passed. The objective of the legislation was to stop sales within school zones from spreading, it couldn't stop existing retailers from selling a licensed product because they already had that state tobacco license.
 - Applicant (Khan) commented, if I do get the approval, I am not willing to sell tobacco during school hours, only after school is finished. There are lockers (showed pictures of the lockers to the commission), which could be used to lock tobacco products during school hours.
- Chair (Corcoran) asked if there will be any exterior changes taking place at this location?
 - Applicant (Khan) commented, there will be no changes taking place. Everything was completed previously by the owner of the building.
- Chari (Corcoran) commented "when they came and presented and went through the process of passing the legislation in place, they were very passionate about 500', making it a restriction. There were a lot of people involved in figuring out what the right distance was and pushing that legislation through. I am not inclined to change that or to grant an exception, I would be a no on tobacco sale. Without the tobacco sale, I think your plan is great, it would be a yes from me, but it would absolutely be a no from me in regard to tobacco sale."
- Commissioner (Weiss) commented, she would also be a no in regard to the sale of tobacco.
- Commissioner (Seepersaud) commented, he would be inclined against it too. He has noticed the distance between Family Dollar and Speedway to the high school, they are all very close by, but understanding that those are all grandfathered in, and intent of the law is we do not want any new vendors to sell tobacco.
- Commissioner (Dziedzic) commented, he would also be inclined to not recommend this to the City Council for an approval.
- Staff (Martinez) commented, the Planning Commission would just vote on the site plan review and land use. And Tobacco use would be a recommendation to the City Council. The City Council then ultimately has the authority to say yes or no.
- This is an unlisted action for SEQR because of the sale of tobacco

VOTING

MOTION that the Planning Commission intends to act as Lead Agency in SEQR review and that the action is Unlisted under SEQR

FIRST: Corcoran	SECOND: Dziedzic	VOTE: Carried (4-0-3)
AYE(S): Dziedzic, Corcoran, Weiss, Seepersaud	NAY(S):	ABSTENTION(S): De Angelo, DiFulvio, Priest

MOTION to schedule a public hearing at the May regular meeting

FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (4-0-3)
AYE(S): Dziedzic, Corcoran, Weiss, Seepersaud	NAY(S):	ABSTENTION(S): De Angelo, DiFulvio, Priest

SEQR DETERMINATIONS

ADDRESS: 14 Ayres St, 77 Chapin St, 63 Murray St **CASE NUMBER:** PC-2023-0015

DESCRIPTION FROM AGENDA: Site Plan Review and special use permit to convert four existing residential buildings into four separate Congregate Living Facilities with 7 bedrooms at 14 Ayres St, 5 bedrooms at 22 Ayres St, 6 bedrooms at 77 Chapin St, and 6 bedrooms at 63 Murray St in the R-3 Multi-Unit Dwelling District

APPLICANT: Blue Water Capital Group

REPRESENTATIVE(S): Matthew Carcone, Bruce Ethan Cook (Pyramid Brokerage)

DISCUSSION POINTS:

- Staff member (Martinez) commented, 22 Ayres St is not a part of this application anymore, so it should be disregarded.
- Looking to acquire a congregate living approval from the Planning Commission for the above-mentioned properties.
- Representative Cook commented, they have been marketing these properties and have these properties under a contract, with one of the contingencies being that a congregate living approval is acquired to verify that these are legal bedrooms, and there is parking for the requirements.
- Commissioner (Dziedzic) asked the applicants what would happen if you do not get the congregate living approval?
 - Representative (Cook) commented, the deal will not go through without the approvals.
- Chair (Corcoran) commented, these buildings look like non-compliant. Were the applicants involved in carving them up into the current layouts? You purchased them and found out that they are not compliant, and you are coming for kind of retroactive?
 - Representative (Carcone) commented, we were not involved in carving them up to their current layouts.
- Commissioner (Dziedzic) asked the applicants to talk about parking.
 - Representative (Cook) commented, they have hired Hulbert Engineering and Land Surveying, DPC, to do the surveys for the applicants. Applicants own couple different properties that has green space that could be paved into parking spaces.
 - 14 Ayres St requires 7 parking spots, but applicants can only provide one. No green space available at that location for additional spaces. 6 other spaces will be located at either 77 Chapin St, 63 Murray St, or even 22 Ayres St.
 - Applicants own two other properties within 250 ft of 14 Ayres St, one of which is 77 Chapin St. There are 6 required spaces at 77 Chapin St, one is provided by an asphalt driveway and a gravel lot in the rear, which is not compliant with the code, but after talking with the owners, they are more than willing to pave it to make it compliant. The rear area should fit [6] 9’x18’ parking spaces, which is great.
 - Hulbert Engineering said they could fit 10 cars in the rear based upon their survey results.
 - 63 Murray St parcel has 6 parking spaces required, but there are only 3 spaces available there.
- Representative (Cook) asked whether the garage located on 63 Murray St parcel was a part of parking requirements or not?
 - Staff (Martinez) commented, 3 compliant spaces is the 3-bay garage.
 - Representative (Carcone) asked staff (Martinez) on whether they could make additional parking spaces in the back by the garage bay?
 - Staff (Martinez) commented, if the applicant were to have their designer draw up 9’x18’ spaces with adequate backup space with drive aisles behind those spaces, then it can be submitted, and those spaces could be applied to pool of parking. The commission would have to see that on the drawing. It would add additional 4 spaces making it 7 total spaces.

- Representative (Carcone) asked, would they be able to request a parking waiver for 3 spaces for 63 Murray St parcel?
 - Commissioner (Dziedzic) replied back, yes, you could request that we as a Planning Commission would wave the requirement for having only 3 spaces as compared to have all 6 spaces. But there would have to be a good reason, not just because you (the applicant) want the waiver. "I myself am generally opposed to granting parking waivers unless there are some real amazing reasons. I hear constantly from constituents in these areas that are tired of college kids' cars all over the streets causing chaos."
- Chair (Corcoran) asked whether or not the applicants are willing to pave the parking lot according to the survey results?
 - Representatives (Cook and Carcone) replied, "absolutely. Right now, it is gravel and to meet the new requirements, we would pave it to meet the code."
- Chair (Corcoran) asked the applicants to show the new overlays in regard to parking and stripping of allocated spaces on a new version of the site plans for future Planning Commission meeting.
- Commissioner (Dziedzic) asked staff (Martinez) the following: if the PC approves the application with the updated plans with parking located elsewhere for some of the properties, how would we in theory would be approving this? What happens if in 5 years, 14 Ayres is sold to a new person. Are they going to have a claim in random parking spots by the previous owners in other locations at Murray and Chapin St?
 - Staff (Martinez) commented, they would have to provide some documentation showing that those parking spots are to be made available going forward.
- Representative (Cook) asked the Chair (Corcoran) for an explanation on contingency process involved in the decision making (to prove to their buyer on that they are capable on getting the congregate living approval)
 - Chair (Corcoran) replied with the following: If the applicants were to update the drawings to staff (Martinez) by the next meeting, in theory you will get an outright approval at the next meeting based on what is there. But if there are things that need to be changed, it is possible the applicant will get a contingent approval based on what the Commission comes up for changes and submitted to staff (Martinez) for approval.
- Commissioner (Seepersaud) commented, looking at 63 Murray St on Google Streetview and linking a comment made on the staff reports about paving the driveway and the slop and surface combination resulting in stormwater going into the street. There are some concerns about that, just something that struck out and was interesting to note.
 - Staff (Martinez) commented, as the applicant is looking to provide more parking on these sites, there is a maximum lot coverage regulation. So, there is a maximum amount of each lot that can be paved or built on, that is something to be considered as the applicants are planning on expanding.
 - The Planning Commission should weigh the need for parking at these properties against what it can do to neighborhood character and environmentally with stormwater to over pave (referring letter comment to Commissioner Seepersaud' s comment).
- Commissioner (Seepersaud) asked if these buildings will be student rentals? And how long the applicants have owned these buildings for?
 - Representative (Carcone) replied, yes, these will generally be student rentals. Have owned the longest one for 9 years.
- Chair (Corcoran) asked, in the history of you owning these properties, does every person that lives in the house own a car?
 - Representative (Carcone) replied, not every time, it depends, if you get a bunch of people from Queens or any of the boroughs in the city, probably not. If they come from Long Island, NJ, or other areas of Upstate NY, possibly. Typically, maybe 80% of the kids in the houses have cars.

VOTING

MOTION that the Planning Commission intents to act as Lead Agency in SEQR review and that the action is Type II under SEQR and no further environmental review is required

FIRST: Corcoran	SECOND: Weiss	VOTE: Carried (4-0-3)
AYE(S): Dziedzic, Corcoran, Weiss, Seepersaud	NAY(S):	ABSTENTION(S): De Angelo, DiFulvio, Priest

MOTION to schedule a public hearing for 5:25PM at the May regular meeting		
FIRST: Corcoran	SECOND: Dzedzic	VOTE: Carried (4-0-3)
AYE(S): Dzedzic, Corcoran, Weiss, Seepersaud	NAY(S):	ABSTENTION(S): De Angelo, DiFulvio, Priest

PUBLIC HEARINGS & FINAL DELIBERATIONS		
ADDRESS: 30 Charlotte St	CASE NUMBER: PC-2023-0005	
DESCRIPTION FROM AGENDA: Site Plan Review and special use permit to establish Vehicle Sales in an existing industrial building in the I-2 Light & Medium Industrial District		
APPLICANT: Vintage Auto Imports LLC		
REPRESENTATIVE(S): Michael Bagrevandian (Vice President of Vintage Auto Imports LLC)		
DISCUSSION POINTS:		
<ul style="list-style-type: none"> ▪ No changes since last meeting 		
PUBLIC COMMENT:		
<ul style="list-style-type: none"> ▪ No one spoke in favor or against the project 		
VOTING		
MOTION that the requirements for Site Plan Review and Special Use Permit have been met and therefore the application has been met and approved		
FIRST: Corcoran	SECOND: Weiss	VOTE: Carried (4-0-3)
AYE(S): Dzedzic, Corcoran, Weiss, Seepersaud	NAY(S):	ABSTENTION(S): De Angelo, DiFulvio, Priest

PUBLIC HEARINGS & FINAL DELIBERATIONS		
ADDRESS: 108 Henry St	CASE NUMBER: PC-2023-0006	
DESCRIPTION FROM AGENDA: Site Plan Review and special use permit for the conversion of an existing residential building into 15 units with 44 total bedrooms, including the construction of a rear addition, and the resurfacing of an ancillary parking area in the C-4 Neighborhood Commercial District.		
APPLICANT: Henry Street preferred LLC – Attn: John Tager		
REPRESENTATIVE(S): Kanti Patel (Architectural Designer, Keystone Associates), Mark Parker (Keystone Associates)		
DISCUSSION POINTS:		
<ul style="list-style-type: none"> ▪ Representative (Parker) commented about the discrepancies identified in the 239 comments from the county and addressed them as such: <ul style="list-style-type: none"> - Number of units per floor and number of bedrooms have been updated on the site plan as suggested. - 15 units and 44 bedrooms - Parking was modified from previous time to meet the requirement for 44 bedrooms. ▪ Applicants will have to comeback to the ZBA meeting to acquire a setback variance. 		
PUBLIC COMMENT:		
<ul style="list-style-type: none"> ▪ One call was received from a neighbor asking a question on the specification of the project related to the setback variance requested. ▪ No one spoke in favor or against the project 		
VOTING		
Motion for a negative declaration under SEQR		
FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (4-0-3)
AYE(S): Dzedzic, Corcoran, Weiss, Seepersaud	NAY(S):	ABSTENTION(S): De Angelo, DiFulvio, Priest
MOTION that the requirements for Site Plan Review and Special Use Permit have been met and therefore the application has been met and approved		
FIRST: Corcoran	SECOND: Weiss	VOTE: Carried (4-0-3)

AYE(S): Dziejdzic, Corcoran, Weiss, Seepersaud	NAY(S):	ABSTENTION(S): De Angelo, DiFulvio, Priest
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PUBLIC HEARINGS & FINAL DELIBERATIONS

ADDRESS: 174 Clinton St	CASE NUMBER: PC-2023-0011
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DESCRIPTION FROM AGENDA: Site Plan Review and special use permit for the establishment of a Retail Cannabis Business (delivery only) in an existing commercial space in the C-4 Neighborhood Commercial District

APPLICANT: William Durham
REPRESENTATIVE(S): William Durham
DISCUSSION POINTS:

- No changes have occurred since the previous meeting

PUBLIC COMMENT:

- Giovanni Scaringi spoke in opposition of the project. He had following to say: There is quite a bit of research in the body of literature in respect to what referred as dispensary effects on the impact of safety, crime, and drug use in local neighborhoods. Marijuana usage has pretty correlative relationship with increases in hospitalizations.
 - The negative impact particularly with respect to the geographical location of the commercial zoning and the closeness to R-1 Residential neighborhood with area that particularly high volume of families and children attending the Woodrow Wilson elementary school.
 - Dealing with this type of business/situation is something neither my neighbors nor I have had a positive relationship with as well as positive sense. Used to run down the Clinton St a lot but cannot do it anymore due to increased ease of access of marijuana makes the entire business and neighborhood corridor in the immediate area unbreathable and unattainable.
- Marianne Callahan (lives in the First Ward, couple blocks away from Clinton St) spoke in opposition of the project. She had following to say: Live around suspected drug dealers, people who have changed the nature of the neighborhood completely with illegal activity. Clinton St is not as vibrant as it used to be, there are a lot of places where nobody is looking. Such a shop and such a place would not be conducive to be revitalizing, what we hope to be revitalizing in the first ward. It is probably not a bad thing to happen, but on Clinton St, it is something that does not need and should not happen. It is already a place where parents will not let their kids play outdoor anymore on my street, it is heartbreaking. Unfortunately bringing this type of business in rather than more traditional one, is not the direction in which many of the residents in that area would like to go.
- No letters received

Applicant response to public comments: Am a local business owner in the area, have had owned for over 15 years. We do share some of the same concerns as mentioned by the public comments, there has been decline all around the city, not just on Clinton St. It is not a location where people will be showing up and honestly it will not be any different than cars leaving from the location as far delivery goes. There is not any activity going on in the area, there will be no smoking allowed on premises. It is not that type of business. Right now, there are armed guards at the other location, but is willing to place guards at this location too depending on what the situation is.

VOTING

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

FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (4-0-3)
AYE(S): Dziejdzic, Corcoran, Weiss, Seepersaud	NAY(S):	ABSTENTION(S): De Angelo, DiFulvio, Priest

PUBLIC HEARINGS & FINAL DELIBERATIONS

ADDRESS: 15 Charles St	CASE NUMBER: PC-2023-0004
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DESCRIPTION FROM AGENDA: Site Plan Review and special use permit to convert the basement of an existing mixed-use building to Social Services use (warming station) in the I-1 Urban Business Park District

APPLICANT: Addiction Center of Broome County		
REPRESENTATIVE(S): None present.		
DISCUSSION POINTS:		
<ul style="list-style-type: none"> ▪ No points were discussed 		
PUBLIC COMMENT:		
<ul style="list-style-type: none"> ▪ Giovanni Scaringi spoke in opposition of the project. Considering this outside entity is looking to come into our neighborhood, that respectfully the onus should be on them to make their case first. While not having the opportunity hear any public comments a month ahead of time prior to them doing that. Will definitely be back here next month to provide public feedback and comment next month. ▪ 3 letters were received in opposition from Wolf, Salamida, and Rogers. 		
VOTING		
MOTION to table the project until May meeting		
FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (4-0-3)
AYE(S): Dzedzic, Corcoran, Weiss, Seepersaud	NAY(S):	ABSTENTION(S): De Angelo, DiFulvio, Priest

OTHER BUSINESS
<p>DESCRIPTION: 530 State St - Broome County Veteran’s Center. Development of a Veterans center, one that would be a one stop shop source for Veteran resources. Will feature a main building of roughly 13,000 sq ft, plus five duplexes for Veteran housing. The Veteran housing would be tiny home style building (all ADA compliant). There are two different styles of housing in this ecosystem, one unit is smaller (831 sq ft), while the larger unit is (965 sq ft). 2 units per each building, so a total of 10 units on the campus. Overall area of the campus equals to 1.566 acres of land. There will also be a new community garden, replacing the one that is current present on the site. The developers are partnering with county services + other partner organizations that will be able to be housed into the Veteran’s center. Depending on the bid situation, in the future the developers are providing a future space for growth out there also, that is all ADA compliant and acceptable. The original users or occupiers of the space was going to be for homeless Veterans, but the developers are trying to look at transitional housing for Veterans who are coming back into the area to get re-established. There is already a facility that provides resources and works with Veterans (located on Pine St), but it is at full capacity at the moment, but there is still an excess need of resources, hence why Broome County Veteran’s Center is in development. The developers evaluated the site and decided to leave the residential aspect to residential side of the street/neighborhood and place the commercial aspect towards the high density residential and commercial area. The center is proposed to be opened by Veteran’s Day 2024.</p>

ADJOURNMENT		
MOTION to adjourn		TIME: 6:33 PM
FIRST: Corcoran	SECOND: Dzedzic	VOTE: Carried (4-0-3)
AYE(S): Dzedzic, Corcoran, Weiss, Seepersaud	NAY(S):	ABSTENTION(S): De Angelo, DiFulvio, Priest