



City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON PLANNING COMMISSION	
MEETING DATE: May 2, 2023	LOCATION: City Council Chambers, City Hall
CALLED TO ORDER: 5:15PM	RECORDER OF MINUTES: Shalin Patel

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

April 4th meeting minutes failed to receive approval due to not having enough votes because two of the commissioners (DiFulvio and Priest) were not present at the April meeting, therefore they could not vote on approving the minutes on May 2nd.

APPROVAL OF MINUTES		
MOTION to approve the April 4, 2023 meeting minutes as written		
FIRST: Weiss	SECOND: Seepersaud	VOTE: Failed (3-0-2)
AYE(S): Corcoran, Weiss, Seepersaud	NAY(S):	ABSTENTION(S): DiFulvio, Priest (were absent during the April 4 meeting).

SEQR DETERMINATIONS	
ADDRESS: 191 Front St	CASE NUMBER: PC-2023-
DESCRIPTION FROM AGENDA: Site Plan Review and special use permit for the construction of one mixed use building with 6,000 sf of ground floor drive-through commercial space and two studio units, (58) one-bedroom units and (16) two-bedroom units and the construction of one four-story multi-unit dwelling with (64) one-bedroom units and (16) two-bedroom units in the C-4 Neighborhood Commercial District.	
APPLICANT: Walison Corp	

REPRESENTATIVE(S): Sal Rajput

DISCUSSION POINTS:

- Project was previously approved on March 22nd, 2021, looking for an amendment to one of the 2 buildings (both 4 stories) part of the original project.
- No changes taken place in the building located towards Oak St. (80 units w/ 64 one-bedroom apartments and [16] 2-bedroom apartments).
- While the 2nd building on Front St is approved for 45 apartments, [36] are one-bedroom and [9] are two-bedrooms with 12,000 sq. ft of ground floor commercial space.
- Looking to scale back about 6,000 sq ft of commercial space and increase the unit count.
- Now will be able to fit total of 76 units in that building, with 6,000 sq ft of commercial space.
- Composition of 76 units is as follows:
 - [2] studios, [58] one-bedroom, and [16] two-bedrooms. Parking requirements are still met despite this change in scale of the project. There may be a variance for minimum of 1 to maximum of 4 spaces that may be required for parking in the future.
- Other objective is to have an alternate unit mix in case the applicant utilizes that. There is additional interest from a lender that would like to see an even count between the breakdown of one- and two-bedroom units.
 - If the new alternate unit mix were to take place, total units between two buildings would go from 156 units to 140 units combined, with enough parking as it stands.
- **Staff (Martinez)** commented, the Planning Commission needs to see both floor plans of the new proposed use with amended changes and for the new alternate unit mix and then they will be able to vote on it.
- The applicant wants a conditional approval on the alternate unit mix without providing a floor plan, they just want an assurance, so if they decided to go with the specific lender requesting the alternate use mix, they would have the conditional approval in the near future.
- Applicant presented a certified letter from their architects that says that both buildings on Oak and Front Streets meet the bulk requirements for the number and type of units proposed and the parking requirements.
- **Chair (Corcoran)** asked whether or not this was just a modification or a whole review?
 - Staff (Martinez) replied, this is a site plan modification. Technically it is a new project in SEQR terms, so it will need to be reviewed.
- **Commissioner (Priest)** asked the representative (Rajput), according to the staff report, the staff recommends planting of row of trees along Gerard Ave and closing of curb openings on Front St. Are you willing to incorporate that into your project and plan?
 - **Representative (Rajput)** commented, planting along Gerard Ave will beautify and give us little privacy. And we will close all the curb cuts on Front St, we will not need them anymore. There is no entrance and exit from Front St.

VOTING

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

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

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

FIRST: Corcoran	SECOND: Priest	VOTE: Carried (5-0-2)
------------------------	-----------------------	------------------------------

AYE(S): Corcoran, Seepersaud, Weiss, DiFulvio, Priest	NAY(S):	ABSTENTION(S): De Angelo, Dziedzic
--	----------------	---

SEQR DETERMINATIONS	
ADDRESS: 87 Chapin St	CASE NUMBER: PC-2023-
DESCRIPTION FROM AGENDA: Site Plan Review and special use permit for a Congregate living facility in an existing residential building with 6 sleeping rooms in the R-3 Multi-Unit Dwelling District	
APPLICANT: Nathan Weinberg	
REPRESENTATIVE(S): Nathan Weinberg	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ 6 bedrooms, congregate living facility (it has been used as a 6-bedroom house for a long time) ▪ Applicant had a question on what would constitute needing a congregate living approval and what would not. ▪ Staff (Martinez) commented, our records show that 87 Chapin St is a 4-bedroom house. Legalizing those additional 2 bedrooms requires a Planning Commission Approval. ▪ Applicant (Weinberg) commented, he found a listing of the property from 17 years ago that states that the property was a 6-bedroom for a long time. And what year did the Zoning change take effect? - Staff (Martinez) replied, this is something our zoning Officer can investigate, if he determines that those bedrooms were established legally or established before the rule change took place that required a special approval for more than 4-bedrooms, then you could be grandfathered in as congregate living. If a property legally has 5+ bedrooms, that when the Zoning change took effect, those properties were automatically considered congregate living. - The most recent zoning change we made, where if you have five bedrooms or more, that that is congregate living. The zoning change that required special approval for more than 4 bedrooms happened in 2009. ▪ Chair (Corcoran) asked when the applicant had purchased the property? Lately we have found out that people who have purchased houses and that they find out they were being used in a way it was not approved. Is that what is happening here? - Applicant (Weinberg) replied, he purchased it in late 2021 to early 2022. No, this property has always been used as a 6-bedroom house back from 2006-time frame, so it has been used this way for a long time. It was designed inside as a 6-bedroom, I have not made any physical changed, moved any walls or done any stuff like that. ▪ Commissioner (Seepersaud) asked, how many people are currently living on the premises? And were those people tenants when you purchased the property? - Applicant (Weinberg) replied, there is 5 people in there now. And no, I put those people in there as tenants. ▪ Chair (Corcoran) mentioned the staff report, citing it is hard to define what the current parking area is and whatnot. Is that something you would take care of as part of the defining what are the whatever number of parking spaces that are required? You would pave them? - The parking or lack thereof has seen better days in terms of its condition. Yes, I would do that. Along with the application submitted, I added a CAD drawing of the property next door (which I also own), which has 7 parking spots. We could fit maximum of 5 cars behind 87 Chapin St, if I did 	

one parking spot per bedroom, I could use one from property next door, which has extra spots available.

- **Chair (Corcoran)** asked the applicant (Weinberg) since you have owned 87 Chapin St, has every person that has lived in there has owned a car? And do you only rent to students or?
- Applicant (Weinberg) replied, people in there now maybe have 4 cars. In general, roughly 2/3 of the tenants have cars, some tenants have no cars at all. "I have decent amount of student rentals, but also have non-student rentals too, little more than half are students.
- **Chair (Corcoran)** asked staff (Martinez) if the Planning Commission (PC) has the ability to wave 1 parking space? Because if we wave 1 and you can fit 5, then you would not have to use spaces from another property to meet the requirements.
- **Staff (Martinez)** commented, yes, the PC can waive up to half of the space required.

VOTING

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

FIRST: Corcoran	SECOND: Weiss	VOTE: Carried (5-0-2)
AYE(S): Corcoran, Seepersaud, Weiss, DiFulvio, Priest	NAY(S):	ABSTENTION(S): De Angelo, Dzedzic
MOTION to schedule a public hearing at 5:25 PM at the June regular meeting		
FIRST: Corcoran	SECOND: Weiss	VOTE: Carried (5-0-2)
AYE(S): Corcoran, Seepersaud, Weiss, DiFulvio, Priest	NAY(S):	ABSTENTION(S): De Angelo, Dzedzic

SEQR DETERMINATIONS

ADDRESS: 31-33 Pine St	CASE NUMBER: PC-2023-
DESCRIPTION FROM AGENDA: Site Plan Review and special use permit for a Congregate Living facility and ground floor Office use in an existing mixed-use building in the C-4 Neighborhood Commercial District	
APPLICANT: Thomas Grosso	
REPRESENTATIVE(S): Brian Doak (Project Engineer, Doak Engineering Design, PC)	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Re-establish existing buildings located at 31 and 33 Pine St parcels where the zoning has been changed as of March 30th, 2023, to C-4 Neighborhood Commercial District. ▪ The building will be restored, rehabilitated, renovated in its existing condition. No changes to the floor plans, either on the 1st or 2nd floor will be made. The parking is adequate for the property, based on two buildings, there is a need for 16 spaces on the premises, there is enough for 15 in the parking lot, with one additional space being in a two-car garage facing Fayette St. ▪ Parking lot will be repaved, but it will make use of what was previously not proper for the zoning. ▪ Commissioner (Seepersaud) asked, looking at the staff report, the applicant will need a variance(s). Is it because too many people were living there or what is it about the property that would require a variance(s)? - Representative (Doak) failed to answer it but referred to Staff (Martinez) to answer the question. - Staff (Martinez) commented, in that zoning district, the first 30 feet frontage of the ground floor has to be commercial (non-residential). The applicant is looking for a variance to have a unit up front, on part of the façade. There will be an office space, but there will also be a residential unit that fronts on Pine St. 	

- **Chair (Corcoran)** asked if the applicant had any plans to change the front façade (brick layer) right up to the sidewalk? And as far as you know there are no questions about the structural integrity of either of these buildings? Are there windows on the property but just not shown on the site or floor plans?
- **Representative (Doak)** commented, so far there are no plans to change the front. The representative commented that he has not performed a thorough review of the property but has looked at it from the outside. The lines look good. Neither the representative nor the applicant have gone into the buildings to take a thorough look at it. It just needs cleaning up on the inside. Representative repeats back the same notion that he has not reviewed the property thoroughly. But the windows will have to be there of course, you have to have an egress window.
- **Staff (Martinez)** commented, there is a comment that the applicant said the garbage disposal would be stored in the garage. Is that still the case? The reason for the question is that there was a mention that the garage would be used to park one vehicle. And you do not need that 16th space in the garage, you only need 15 spaces.
- **Representative (Doak)** replied, yes, that is the plan as it was stated in the plans. It is a two-car garage in case we do need the extra spot.
- **Chair (Corcoran)** asked, in terms of who would be renting these spaces, is it individual rooms rented to individual people who then share a kitchen, but they have their own bedroom that has a lock, and their lease would only be written more or less for that specific bedroom?
- **Representative (Doak)** commented, it would be all within the definition of congregational living.
- **Commissioner (DiFulvio)** asked the representative (Doak) if the applicant plans on combining the 31.5 and 33 Pine St parcels into one parcel per staff recommendation?
- **Representative (Doak)** replied, that is a question for the applicant / potential owner. It will likely be combined.
- **Staff (Martinez)** replied, it is just a recommendation, the Planning Commission can make it a requirement as part of a conditional approval to have the applicant combine the two parcels into one parcel. It makes things cleaner, because the parking is dedicated to building on the adjacent parcel and combining it would make it permanent.
- **Chair (Corcoran)** commented, the board would recommend that the applicant combine both 31.5* Pine St and 33 Pine St parcels into one parcel.

VOTING

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

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

MOTION to schedule a public hearing at 5:30 PM at the June regular meeting

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

PUBLIC HEARINGS & FINAL DELIBERATIONS

ADDRESS: 13 Main St	CASE NUMBER: PC-2023-0007
----------------------------	----------------------------------

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:

- Applicant is asking for 2 separate approvals – one for the retail food sales (grocery + takeout food), and another for sale of tobacco within 500' of a school.
- No changes have take place since the last meeting in either front (retail food sales or tobacco), but the applicant presented some examples and reiterated reasons why other businesses within 500' vicinity of the high school was allowed to sell tobacco, but he was not.
- **Applicant (Khan)** commented, after doing little bit more research, there are a lot of bars right next to the high school and churches, according to those distance guidelines, I do not know what the difference is between me and them. I am only violating the school; they are violating both the churches and the school.
- **Commissioner (Weiss)** asked/commented to staff (Martinez), these pubs are all godfathered before the laws we are trying to establish, the same with other grocery stores and markets?
- **Staff (Martinez)** replied, what the applicant is referring to about the bars, that is governed by the State Liquor Authority (SLA), that is their rule, that is nothing that they city has control over. The tobacco rule is in the local zoning ordinance.
- **Commissioner (Seepersaud)** commented, making similar comments as previous meeting, certainly sympathetic to the concerns the applicant brought up previously regarding location of certain businesses in the map in proximity to the high school and why certain businesses were allowed to sale tobacco and others were not. Anything that was being operated prior to the law is grandfathered in, but the intent of the law is to not add any new businesses from selling tobacco within 500' of a school. With knowing the intent of the law, "I" would be against having tobacco as a part of this project.
- **Retail Food Sales portion of the application constitutes a Type II action, but the portion for tobacco usage constitutes an unlisted action. But the entirety of the motions was performed as if the application as a whole was unlisted.**

PUBLIC COMMENT:

- No one spoke in favor nor against the project.
- No letters received.

VOTING

MOTION to issue a negative declaration under SEQR

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

MOTION that the requirements for Site Plan Review and Special Use Permit to establish a Retail Food Sales facility in an existing commercial building have been met and therefore the application has been met and approved

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

MOTION for a recommendation of denial to City Council to allow sale of tobacco within 500' of a school

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

PUBLIC HEARINGS & FINAL DELIBERATIONS	
ADDRESS: 14 Ayres St & 77 Chapin St	CASE NUMBER: PC-2023-0015
DESCRIPTION FROM AGENDA: Site Plan Review and special use permit to convert two existing residential buildings into two separate Congregate Living Facilities with 7 sleeping rooms at 14 Ayres St and 6 sleeping rooms at 77 Chapin St in the R-3 Multi-Unit Dwelling District	
APPLICANT: Blue Water Capital Group	
REPRESENTATIVE(S): Bruce Ethan Cook (Pyramid Brokerage)	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ 63 Murray St property did not have to go through the congregate living approval process upon research since previous Planning Commission meeting (04/04/2023). ▪ 6 beds at 77 Chapin St and 7 beds at 14 Ayres St. Can provide 7 parking spaces at 77 Chapin St, but do not have any parking at 14 Ayres St at the moment. These properties are currently under contract, as part of the contract, the applicant needs to have congregate approval. The new owner(s) will allocate from one location to the other. ▪ Applicants are seeking for a little bit less than 50% reduction in parking than what is required. ▪ Site plan(s) are updated according to what was asked for at previous PC meeting – parking spots are drawn out. ▪ Chair (Corcoran) asked staff (Martinez) to elaborate the waiver of 5 parking spaces for this applicant. - Staff (Martinez) commented, there is a net increase in off-street parking being provided on the property with paving and striping at 77 Chapin St, it does not appear that 14 Ayres St is physically capable of providing such spaces. They did submit several other options, but those options did not qualify for different reasons, some were too far, some were on property that needed their own parking. So, this is existing, it was not established legally, but it was existing, and they will be taking some cars off Chapin St. It is a less than 50% reduction, they need 13 total, but are providing 8, so we just are not opposed to the waiver. 	
PUBLIC COMMENT:	
<ul style="list-style-type: none"> ▪ Constance Barnes (neighbor at 65 Murray St) spoke in opposition of the project: Ms. Barnes said she owns a shared driveway with 63 Murray St (which was part of the original application and has been to one round of PC meeting previously). She commented, since 63 Murray St stopped being a single-family house, the process of shared responsibility of maintaining the shared driveway has never happened again. If there are 4 cars parked in the parking space on property, no one will be able to get into the 3-stall garage to park additional 3 cars. College students living in that house do not take great care of the shared driveway, especially when grandchildren are running around. This would decrease the value of my home by allowing this to move forward. Ms. Barnes further mentioned that she is happy to have a conversation with the owner of 63 Murray St to see if they can come up with a plan to resolve these issues. ▪ One call was received in opposition to the project, but they did not submit a letter 	
APPLICANT RESPONSE TO PUBLIC COMMENT:	

- **Bruce Ethan Cook commented** while they were able to remove 63 Murray St from the application process based on the information found, he will relay the information to the owners, just so they are aware of it. And see if there is something that can be done about coming up with a plan regarding the shared drive between 63 Murray and 65 Murray St.

VOTING

MOTION that the requirements for Site Plan Review and Special Use Permit have been met and therefore the application has been met and conditionally approved, subject to the following: Parking lot at 77 Chapin Street be resurfaced with asphalt and stripped to provide the [7] compliant parking spaces that were shown on the updated plan(s).

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

MOTION for a waiver of 5 parking spaces for the project

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

OTHER BUSINESS

DESCRIPTION: Rezoning of Park Ave between Cross St and Hotchkiss St (according to the Comprehensive plan): westside of Park Ave, which is between Cross St and Hotchkiss St, and NW and NE corner of the intersection of Park Ave and Corbett Ave. Those are historically commercial, there are existing businesses there now, they were zoned out of compliance in 2006. The plan calls for rezoning of that area into a C-4 Neighborhood Commercial, which would legalize existing building businesses there, allow them to expand, change their signage, change business type, and so on.

MOTION: To recommend approval of rezoning of Park Ave between Cross St and Hotchkiss St to the City Council

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

ADJOURNMENT

MOTION to adjourn		TIME: 6:19 PM
FIRST: Weiss	SECOND: Priest	VOTE: Carried (5-0-2)
AYE(S): Corcoran, Priest, Weiss, Seepersaud, DiFulvio	NAY(S):	ABSTENTION(S): Dziejdzic, De Angelo