



City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON PLANNING COMMISSION	
MEETING DATE: June 6, 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:	
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	

Election of Chair and Vice-Chair		
MOTION to TABLE the election of the Chair and Vice-Chair of the Planning Commission until end of the meeting		
FIRST: Corcoran	SECOND: Dziedzic	VOTE: Carried (5-0-2)
AYE(S): Corcoran, Seepersaud, DiFulvio, Priest, Dziedzic	NAY(S):	ABSTENTION(S): Weiss, De Angelo

Commissioner Dziedzic abstained from approving May 2nd, 2023, meeting minutes because he was not present at that meeting. While meeting minutes from April could not be approved because they would require a vote from Commissioner Weiss, who was not present at the June 6, 2023, meeting.

APPROVAL OF MINUTES		
MOTION to approve the May 2, 2023 meeting minutes as written		
FIRST: Seepersaud	SECOND: Priest	VOTE: Carried (4-0-3)
AYE(S): Corcoran, Seepersaud, DiFulvio, Priest	NAY(S):	ABSTENTION(S): Dziedzic, Weiss, De Angelo

PUBLIC HEARINGS & FINAL DELIBERATIONS	
ADDRESS: 31-33 Pine St.	CASE NUMBER: PC-2023-0014

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): Thomas Grosso

DISCUSSION POINTS:

- There has been a slight alteration made to the parking lot; parking space 15 (handicap space) was moved down towards the bottom of the lot.
- **Applicant (Grosso)** commented, this is not a proposal to change the current layout of the building. This building has been operated illegally in its capacity as is for past 25-30 years. The living room to rest area structure has been in existent for quite a while, it is not something new that we are proposing. This building has been operating as 13 bedrooms, where legally it should only have 3 and changed to 4 bedrooms per unit.
- **Commissioner (Dziedzic)** asked the applicant (Grosso) to clarify/explain the hashed off areas labeled as rest areas on 1st and 2nd floor of the site plan. What are these rest areas?
- **Applicant (Grosso)** commented, it would just be an extension of a living room. Not sure on the reason for why they are marked as rest areas, my engineer Brian Doak made this plan and called it a rest area. It could use as a dining room area or an extension as a living room.
- **Commissioner (Dziedzic)** commented, the reason to bring this up is for the feeling of nervousness regarding the 1st rest area on the first floor having 3 walls around it, looks to have identical set of dimensions to a bedroom. Either the applicant or the successor owner could turn this into an illegal, unauthorized bedrooms if we are not careful. Potentially something can be done to mitigate this concern for the future, for ex: moving that closet so this is not easily marked off and you throw up some plywood and some drapes and you get some illegal bedroom.
- **Staff (Martinez)** commented, the Commission members can ask the applicant to make bedroom 11 that full space; you are able to request a change to the site plan.
- **Commissioner (Dziedzic)** commented, to reduce “my” concern, if the door to bedroom 11 is moved to the north wall which is the south wall of rest area 10. So, some future person would not be able to turn rest area 10 into another illegal bedroom. And likewise on 2nd floor, moving the door on bedroom 21, so now it is on that wall against rest area 20, reduces “my” concerns.
- **Applicant (Grosso)** commented, if that were the recommendation from the board, I would do that. But it would render that space useless. Because you would not be able to utilize that space for a couch or a TV or some furniture for the residents to use, since there would be a door there.
- **Staff (Martinez)** commented, if you put the door off onto one side rather than centering onto the wall, you could still have a sofa on that wall and something to left of the door, a tv or whatever. (All of this was referencing the site plan).
- **Commissioner (Priest)** commented, last meeting we discussed about requiring the applicant to combine the parcels. Chair (Corcoran) agreed with the statement and asked the applicant (Grosso) if he was ok with it.
- **Applicant (Grosso)** commented, the only downside about required to combine the parcels would be with potential financing in the future. Having them combined it would be much difficult to have Upstate area properties to get financing on two properties vs. only financing one property outright.
- **Commissioner (Dziedzic)** commented, referring back to the staff report, it states that the parcels should be combined, ***is there a reason the city or the planning staff has a preference for the parcels being combined.***
- **Staff (Martinez)** commented, when you have parking on one lot and the use that is using most of that lot on another, we prefer to see it combined. It is not a requirement, parking within 250 ft is allowed.
- **Chair (Corcoran)** commented, the tying factor is if you were to sale one of the buildings, the parking is tied to the other approval, you would have to include that in your sales.
- **Commissioner (Seepersaud)** commented, a variance of some sort was needed for this property. Was that granted by the ZBA?
- **Staff (Martinez)** commented, that was not granted because that meeting had to be postponed, if the Planning Commission wants to make a decision, they could grant it subject to the ZBA’s decision next week

on the variance(s). The variance was for drive aisle width for parking lot, part of the ground floor facing Pine St to be residential (doing part of it as commercial and part of it as residential).

PUBLIC COMMENT:

- **John Patterson (184 Helen St)** was neither for nor against the project, commented: just a curiosity question. What is currently on the property right now? Are these residential buildings? Will it all be leveled and rebuilt?
- **Chair (Corcoran) replied**, there are 2 buildings on there right now.
- **Staff (Martinez) replied**, the building on the corner had a commercial space on the ground floor which will remain as commercial, the rest of that building is residential. The house on the adjacent lot will remain as residential. No, it will just be the interior remodeled and there will be work done on the parking lot too.
- No letters received.

VOTING

MOTION that the requirements for Site Plan Review and Special Use Permit have been met and therefore the application has been met conditionally approved, subject to the following:

- The door leading into bedroom 11 is shifted to the wall along rest area 10 on the floor plans.
- The door leading into bedroom 21 door is shifted to the wall along rest area 20 on the floor plans.
- The applicant receiving ZBA approval for the required variances.

FIRST: Corcoran

SECOND: Dziedic

VOTE: Carried (5-0-2)

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

NAY(S):

ABSTENTION(S): Weiss, De Angelo

PUBLIC HEARINGS & FINAL DELIBERATIONS

ADDRESS: 191-197 Front St; 1-13 Elizabeth St; 6-16 Gerard Ave; 168-171 Oak St

CASE NUMBER: PC-2023-0016

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:

- No new changes have occurred within the realm of the project since last meeting. (*Applicant briefly recapped the overview of the project from the May meeting*).
- **Chair (Corcoran) asked** if the applicant had already filed for the variances or if that is upcoming?
- **Representative (Rajput) answered**, our attorney has given paperwork, but not sure if she has filed for the variances yet. The only variance needed is for the parking spaces. Total parking spaces needed for buildings A and B is 188, we are providing 187, requesting a variance for one less parking space. For the alternate unit mix, we are required to provide 191 parking spaces, we are providing 187, requesting a variance for 4 less parking spaces.
- **Chair (Corcoran) asked** staff (Martinez) if we wanted to, could we do a 5% reduction in parking spaces required so the applicants do not need to do variances?
- **Staff (Martinez) commented**, you could reduce up to 50%. So, the board can just reduce up to the actual number the applicant is short for parking spaces. Just for the sake of being exact, it would be recommended to grant a reduction of 4 spaces, rather than a percentage.
- **Representative (Rajput) commented**, if the board allows us to have a 5% reduction in parking spaces, it will just allow us to have extra green space, which would further be used for sitting, lounging, etc.
- **Commissioner (Seepersaud) asked** if there were any studies conducted when the applicant first came to the Planning Commission in 2021 to acquire approval?
- **Staff (Martinez) replied**, there were no traffic studies conducted at that time. We also did not have a phase 1 environmental study done at that time either.

- **Staff (Martinez) commented**, as far road closures, the applicant would need a street work permit for any of the side work being done. As part of that process the city can ensure that neighboring property owners would maintain access. The Front St project was little different because it was a reconstruction of the actual road itself. The other question about pollution and water: this project requires a storm water pollution prevention plan that would be reviewed and approved by the Engineering department before the issuance of building permits, because it is over an acre.
- **Staff (Martinez) talked about the 239 Review comments from Broome County:** Planning Commission should consider whether or not there is adequate on-site vehicular stacking spaces for the drive thru facility. We also continue to suggest that more complete streets element be added to the parking areas and site development, including painted or raised pedestrian crosswalks, more bicycle parking and landscaping consistent with the city's complete streets policy. They are in agreement that all of the curb cuts on Front St should be closed. They also said that further curb cuts from surrounding streets could be reduced, and internal circulation should be used to move across the parking lot as opposed to coming off of Gerard and Oak streets.

Public meeting was opened at 5:43 PM.

PUBLIC COMMENT:

- **Mark Sorochinsky (Dealer Principal, Botnick Chevrolet) spoke in favor of the project, but had some questions:** "Mr. Botnick and I "have vested interest in this project and are excited about the prospect about improving the city, the space, and the value of the land. Have no idea on what work has been performed on this project to get us to this point. Has either Phase 1 or 2 been completed on the side of environmental issues? There is a concern, even on our property there was a body shop, somewhere else in the vicinity was a body shop, environmentally we were not exactly friendly back in the 60s and 70s. We both have been for a long time, if the studies have been done, are they available to be looked at? That is something we would be interested in. In particular with the groundwater, we would be interested in learning about the flow of the water and is somewhat of a concern for us. Also, we have been in the business for about 100 years, we have been through a renewal project on Front St, where there was tremendous amount of construction, dirt, and disruption to our business, so coming into this project, I am concerned about it. Can you tell us that during the construction of this project, that the access to our business will not be negatively impacted during the process? Has there been any traffic studies done? What is the net effect after this project is completed after as far as the traffic flow? This is concerning to us, because between Gerard St and our dealership, is our major parts delivery area, it is where vehicles are dopped for our dealership, that could be an issue for us if we will see a disruption. We just do not need any more negative effects. Last time through we had a lot of road closures where we went days where people could not get onto Gerard St. Furthermore, is this project going to be geared towards student housing or more of a community housing? If so, are there any restrictions as far as parties, loud noise, etc., being considered?"
- **Chair (Corcoran) asked** the community member (Sorochinsky) are you suspecting that there is a reason for needing a phase 1 or 2?
- **Cecily O'Neal (Owner of 184 Front St, across the road from 191 Front St) spoke** in front of the commission, overall was in favor of the project. She had the following to say, "I have been involved with activities around the community where I have seen the urgent need for decent housing and I am glad that someone is taking initiative to provide better quality housing in our community, that I hope will be affordable for working families. I do trust the Planning Commission will cross all the Is and Ts about environmental concerns, we should all be focused on that especially in the proximity to the river. I think it will be a great improvement from an empty car lot covered with eroding black top, which in itself is an environmental situation that cannot be good for any of us or the Chenango River."
- **John Patterson (Owner of 184 Front St, across the road from 191 Front St) spoke** in favor of the project. He had the following to say, "I really believe this project is going to be great for the neighborhood and for the city. I am encouraged about this project, but I do have some questions." You have a lot of units that will be introduced in that area, a lot of people living in those units, is the wastewater system prepared for that or will it need be redone? Could not quite hear how many parking spaces were being allocated for this project. Furthermore, I have not heard any discussions on creating greenspace in that lot at all. Maybe some nice

greenspace between the sidewalk and the parking lot would be very nice. Some small trees that do not get huge, things of that nature. The greenspace (trees, bushes, etc.) do help our environment and also helps reduce the sound of traffic in the area. And because we live in the close proximity from where this development is going to take place, is the street in front of our house going to be dug up (because we do have tenants living there)? We really need some low-middle income housing, and this is a great opportunity for that. And in the commercial space, I would love to see some type of eating establishment in there, whether it is a small coffee shop or anything because there is nothing in that area now that some of other eating businesses in that area are closed.”

- No letters received.

Public meeting was closed approximately at 5:58 PM.

Response following the public meeting:

- **Chair (Corcoran) asked representative (Rajput)** the following, environmentally, at this point, has anyone done a phase 1 or 2 study?
- **Representative (Rajput) commented**, AEI consultants completed phase 1 and 2 as well as the remediation estimates.
- **Commissioner (Dziedzic) asked** if the applicant could share with the board and the public, the complete findings from phases 1 and 2 process completed by AEI Consultants.
- **Representative (Rajput) told** the board it would be best if they did not ask him to present the findings because it was a private information with details pertaining to specific entities and development that he did not want to share with the public. But that when the board looks at the findings, they will see that the remediation is minimal. “We were happy to find that the remediation was minimal, and we had the option to not close on the site if the environment was not satisfactory.”
- **Representative (Rajput) commented**, “I will speak truthfully, and I have papers to back what I am saying. Previously a negative SEQR declaration was reached for this project. FAGAN Engineers did a long form environmental, for which a negative declaration for SEQR was issued. There was a little bit of a contamination soil up towards the northern part of the property, in the middle to close to the train tracks. It is a small portion of the land, and we have an estimation on the remediation.”

The applicant has a full storm water plan and knows to submit proper documents and meet the expectations that would be required to obtain building permits for their project.

- **Chair (Corcoran) commented**, the disruption of the construction from start to finish has to stay on site and on the applicant’s property, it cannot interfere with the public streets and flow of traffic.
- There was a question about if this housing will be a student housing.
- And even though it’s not for students, there is a question about parties and noise in the building, you would have a manager(s) in house?
- **Representative (Rajput) answered**, this is not a student housing from the get-go, it is not intended for such.
- Yes, we are already speaking with property managers, actual firms that will be managing the property, so they will have on-site presence, in form building superintendent and property manager on-site. This will be a properly managed facility because we want to set an example.
- **Staff (Martinez) commented**, the applicant is showing 8 spaces in the queue for drive through (DT) for 8 vehicles, right now it is proposed to be general retail in those 6,000 square feet of commercial space, but is the applicant’s plan to change that use in the future? Because if it is a DT restaurant like a Dunkin Donuts or a chain restaurant, along those lines, you may need more than 8 spaces. And we have traffic problems at other Dunkin Donuts and DT locations around the city. If the business in the space is anything other than a retail space, the applicant would have to come back to acquire approval from the PC for that portion.
- **Representative (Rajput) commented**, right now they have not started to market the commercial space(s), but some good business like a chain restaurant of some sort would be a good anchor. But said that they would come to the Planning Board/department if there happened to be some changes that needed to be made.
- **Commissioner (Seepersaud) asked** if the applicant was particularly looking for a fast-food chain type of restaurants as compared to a drive-through drugstore or a dry cleaner pickup.

<ul style="list-style-type: none"> - Representative (Rajput) replied, if a business-like Walgreens comes around and asks for all 6,000 square feet of space, they would be more than welcome to take that space. Single tenant is better than two different tenants. 		
VOTING		
MOTION to issue a negative declaration under SEQR		
FIRST: Corcoran	SECOND: Priest	VOTE: Denied (3-2-2)
AYE(S): Corcoran, Priest, DiFulvio	NAY(S): Seepersaud, Dziedzic	ABSTENTION(S): Weiss, De Angelo
<p>The original motion was denied via a vote count of 3-2-2 (4 votes are needed to pass the vote). But after chatting with the board, the representative (Rajput) was allowed to read a long letter consisting of a summary of Phase 1 and 2 findings to the board and be it made into a public record. Upon completion of the summary read-through, a re-motion of the negative declaration was issued with the following vote.</p> <p>Full summary letter (written by AEI Consultants, March 17th, 2021) can be acquired from the city of Binghamton Planning department upon request, but here is some overview of the summary read-through by the representative (Rajput):</p> <ul style="list-style-type: none"> - As summarized in AEI's limited Phase 2 subsurface investigation report dated May 21, 2020, the results indicated the following: the geophysical survey did no identify anomalies or other evidence of underground storage tanks (USDS) at the suspected location of 2000 gallon gasoline and other USDS to the south of 13-15 Elizabeth Street. Therefore, no additional investigation of the area is warranted. - The analytical results did not indicate the presence of contaminants of soil, soil vapor, or ground water greater than the applicable New York State Department of Environmental Conservation (NYSDEC) restricted residential soil cleanup objectives, and therefore should not preclude development of the site for its intended use, i.e., multi-family residential housing, with municipal supplied potable water. - Volatile organic compounds (VOCs) 1, 1, 1 – trichloroethane and 1,2,4 trimethylbenzene were detected in soil at one location, sb-11, at levels that exceed their respective NYSDEC protection of groundwater NY-PGW standards. This suggests a potential for these constituents to leech from the soil and impact groundwater. - AEI also noted the presence of a former painting booth and vent structure present at the existing Elizabeth Street building, although no contamination was detected of applicable NYSDEC SCOs in the soil sample collected within paint booth area and no obvious signs of contamination associated with exterior portion of the paint booth structure were identified. Dismantling of the paint booth structure and off-site disposable of the vent structure and other component warranted the use pest management practices during the demolition based on the localized presence of VOCs in soil at sb-11 where boc impacts above NY-PGW standards were detected. - Removal of impacted soils in the immediate area of sb-11 is recommend preventing potential future groundwater impacts. 		
Re-MOTION to issue a negative declaration under SEQR		
FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (5-0-2)
AYE(S): Corcoran, Dziedzic, Seepersaud, Priest, DiFulvio	NAY(S):	ABSTENTION(S): Weiss, De Angelo
<p>MOTION that the requirements for Site Plan Review and Special Use Permit have been met and therefore the application has been met conditionally approved, subject to the following:</p> <ul style="list-style-type: none"> ▪ With the inclusion of a Planning Commission approved reduction of 4 parking spaces 		
FIRST: Corcoran	SECOND: Dziedzic	VOTE: Carried (5-0-2)

AYE(S): Corcoran, Dzedzic, DiFulvio, Priest, Seepersaud	NAY(S):	ABSTENTION(S): Weiss, De Angelo
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Election of Chair		
MOTION to elect Nick Corcoran as the Chair of the Planning Commission		
FIRST: Dzedzic	SECOND: Seepersaud	VOTE: Carried (5-0-2)
AYE(S): Corcoran, Seepersaud, DiFulvio, Priest, Dzedzic	NAY(S):	ABSTENTION(S): Weiss, De Angelo

Election of Vice-Chair		
MOTION to elect Christopher Dzedzic as the Vice-Chair of the Planning Commission		
FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (5-0-2)
AYE(S): Corcoran, Seepersaud, DiFulvio, Priest, Dzedzic	NAY(S):	ABSTENTION(S): Weiss, De Angelo

Other Business:

Staff (Martinez) commented: 221 Washington St came to the Planning Commission earlier this year for an underground amenity space. They have asked whether or not the PC would be okay with the partitions be required be 8 feet tall which would not reach the basement ceilings. The reason why is that if they make those floor to ceilings walls, then they would have to redo the entirety of a fire suppression system. If they keep those walls 8 feet, then the sprinklers could hit what they need to hit. Is the Commission okay with those walls being 8 feet, or do you think that does not meet the goals of those walls, which is to keep it from being one large communal space? The floor plan would remain same, the doors can be closed, the location of the walls are same. The question is, is 8 feet enough?

ADJOURNMENT		
MOTION to adjourn		TIME: 6:48 PM
FIRST: Corcoran	SECOND: Priest	VOTE: Carried (5-0-2)
AYE(S): Corcoran, Seepersaud, DiFulvio, Priest, Dzedzic	NAY(S):	ABSTENTION(S): Weiss, De Angelo