



City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON PLANNING COMMISSION	
MEETING DATE: August 1, 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	X	
Christopher Dzedzic (Vice-chair)	X	
Mario DiFulvio	X	
Steve Seepersaud	X	
Kelly Weiss	X	
Emmanuel Priest		X
STAFF MEMBERS PRESENT:	TITLE & DEPARTMENT:	
Tito Martinez	Assistant Director, Planning Department	
Shalin Patel	Planner, Planning Department	
Greg Buell	Zoning Officer, Planning Department	
Elisabeth Rossow	Assistant Corporate Counsel, Corporation Counsel	
Nicole Sabasowitz	1st Assistant Corporation Counsel, Corporation Counsel	
Dylan Pelton	Historical Planner, Planning Department	

APPROVAL OF MINUTES		
MOTION to approve the July 11, 2023 meeting minutes as written		
FIRST: Weiss	SECOND: Dzedzic	VOTE: Carried (6-0-1)
AYE(S): Dzedzic, Weiss, Corcoran, De Angelo, Seepersaud, DiFulvio	NAY(S):	ABSTENTION(S): Priest

SEQR DETERMINATIONS	
ADDRESS: 135 Conklin Ave	CASE NUMBER: PC-2023-
DESCRIPTION FROM AGENDA: Site Plan Review and special use permit for the conversion of an existing industrial facility to a mixed-use building with 48 dwelling units and 8,900ft ² of lower-level commercial space in the C-4 Neighborhood Commercial District	
APPLICANT: Crowley Factory Lofts LLC	
REPRESENTATIVE(S): Charles Devine (Johnson-Schmidt & Associates)	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Converting former Crowley factory into commercial space with minimal indoor parking and upper story dwelling units <ul style="list-style-type: none"> - Two upper levels will have 48 apartments. ▪ Exterior will provide additional parking spaces to meet the requirements for parking – part of the parking (13 spaces will be located at a lot owned by the applicant at 149 Conklin Ave, which is less than 250' away from the principal project) 	

- Applicant is applying for SHPO and NPS tax credits – will have to meet the secretary of interior and preserve a lot of the interior of the building for historical tax credit purposes.
- **Vice-chair (Dziedzic) commented**, “I do not see anything in the plans regarding garbage collection and dumpster or garbage rooms.” And in theory, are you willing to abide by the rules set by Planning department of hiding the dumpster from public eye and making it look appropriate?
 - **Representative (Devine) replied**, over on the east side of the building there is space for one dumpster for now. The project is still in the early stages of planning, so there will be more space made for larger capacity/commercial dumpster(s).
 - **Representative (Devine) replied** yes to the 2nd question. Each side of the building (as noted in the site plan(s)), the trash is not enclosed at the moment, but it will be once everything is finalized. The exterior parking lot on the main parcel will be enclosed.
- **Chair (Corcoran) asked**, as far as repaving goes, are you (the applicant) going to be using the existing asphalt or repaving completely?
 - **Representative (Devine) replied**, the plan at the current moment is to repave the lot, there are some rough spots out there in the lot – but plan to use the existing curb cuts and everything, so that it does not have to be redone.
- **Chair (Corcoran) asked**, as far as the applicant is aware, you are under an acre, so you would not have to do full storm water permits? And also asked, how about parking?
 - **Representative (Devine) replied**, the whole site is about 1.54 acres, taking out the building area, the project will be under an acre of land.
 - **Representative (Devine) replied**, he read in somewhere where it said, “existing buildings were exempt from having to provide bike parking”, but there is space available in the back area by green space and an entrance where bike parking could be added.
- **Chair (Corcoran) commented**, in the space labeled commercial spaces, you do not know who tenant(s) will be, so you do not know what the use will be? So, when you did your bulk table for parking requirements, you must have assumed one of the uses that is in the table.
 - **Representative (Devine) replied**, right now those are spaces that were predetermined for commercial uses, so there are no specific tenants at the moment.
 - There may have been an assumption of some sort of business, but it’s not definite. All of the parking spaces are on site – have 61 spaces on the outside and 9 spaces on the inside of the building.
 - **Staff (Martinez) replied**, the number of parking spaces mentioned in the staff report is for general retail.

VOTING

MOTION that the Planning Commission intends to act as Lead Agency in SEQR review and that the action is Type II under SEQR, per NYCCRR.6 § 617.5 (c)(18), because it involves the reuse of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceed any of the thresholds in section 617.4.

FIRST: Corcoran	SECOND: Dziedzic	VOTE: Carried (6-0-1)
AYE(S): Dziedzic, Weiss, Corcoran, De Angelo, Seepersaud, DiFulvio	NAY(S):	ABSTENTION(S): Priest

MOTION to schedule a public hearing at the September regular meeting

FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (6-0-1)
AYE(S): Dziedzic, Weiss, Corcoran, De Angelo, Seepersaud, DiFulvio	NAY(S):	ABSTENTION(S): Priest

SEQR DETERMINATIONS

ADDRESS: 53 Chenango St

CASE NUMBER: PC-2023-

DESCRIPTION FROM AGENDA: Site Plan Review and special use permit for the conversion of the upper stories of an existing commercial building to 30 dwelling units in the C-2 Downtown Business District

APPLICANT: James Slocum

REPRESENTATIVE(S): James Slocum

DISCUSSION POINTS:

- It will be conversion of an office building into *56 dwelling units with total of 80 bedrooms*.
- Floors 4-8 will each contain [4] one-bedroom and [2] two-bedroom units. And Floors 2 and 3 will have [7] one-bedroom units, [5] two-bedroom units, and [1] three-bedroom unit.
- **Staff (Martinez) commented**, the applicant had just submitted a new floor plan on the morning of the meeting with the new number of units/bedrooms, the original plan had fewer units/bedrooms.
- There will be no changes taking place to the exterior of the building, all the changes will be interior only.
- **Vice-Chair (Dziedzic) asked**, can you tell us about the plans for garbage disposal? Not seeing anything on the plans for dumpsters or garbage collection.
 - **Applicant (Slocum) replied**, on the corner of Henry St and Commercial ally, there is already a presence of a dumpster there with plenty of room to increase it in size. The dumpster currently present in the corner is for the current tenants of the building.
- **Chair (Corcoran) asked**, are there any plans to bring the dumpster space up to code requirements? Enclosing it?
 - **Applicant (Slocum) replied**, it is currently something that is not in the plans, but if that is the demand or a condition from the commission, then that is something we can work towards.
- **Chair (Corcoran) commented**, one of the big comments is about the basement of this building.
 - The comment from the staff report regarding the basement is as follows: "Assembly spaces are not permitted in basement areas. While the applicant has not stated that the basement is part of the application, and no change to the basement floorplan is proposed, the Planning Commission should ensure that the basement cannot/will not be used as residential tenant assembly space. The current basement floorplan shows large open areas, a kitchen, and bathrooms."
 - **Applicant (Slocum) commented**, the comments show bathrooms and a kitchen in the basement. Due to the slope of the property, what is considered a basement at the Chenango St side is a ground level retail space you see on the Hawley St side. There will be no party rooms here. Underneath the tower section (side of the building with big stories), there is a traditional basement that is currently used for storage. The plan is not to target students for these dwelling units, so it will be little bit different in how it is operated.
- **Vice-Chair (Dziedzic) asked**, what is your vision and plan for room 2 on the existing basement plan?
 - **Applicant (Slocum) replied**, room 2 is the ground level where all of the windows are. Windows that are setback behind the pillars in the picture in reference about room 2. There are actually 2 floors in there, of which used to be an electrical manufacturer. There used to be staircase that would go through between 2 floors. Currently there are no set plans for that space. Working with company that will hopefully rent that space. But as of right now, that space will be to be left as is as office/retail space.
 - **Staff (Martinez) asked**, can I suggest that the floorplan be labeled that way? Whatever is commercial tenant space be labeled? Whatever is part of the night club space is labeled? Just so it is clear what space will get a commercial tenant and what will be basement?
- **Commissioner (Seepersaud) asked**, looking at the plans, proposed floors 4-8, one-bedroom apartments have 2 full baths, but no closets, am I seeing this right?
 - **Applicant (Slocum) replied**, you are seeing it right. It was just printed wrong, the revised floor plans show that there will be only one full bath in each of the one-bedroom apartments, while there will be an addition of a walk-in closet in the other space that was previously labeled as an additional full bath.
- **Chair (Corcoran) asked**, is the building currently empty?

<ul style="list-style-type: none"> - Applicant (Slocum) replied, the building is currently mostly empty. All of the tenants are month to month, with the exception of one tenant, their lease is up in December. Engineering firm is still a tenant there, but they are month to month. The building is currently about 25-30% occupied. 		
VOTING		
MOTION that the Planning Commission intends to act as Lead Agency in SEQR review and that the action is Type II under SEQR		
FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (6-0-1)
AYE(S): Dziedzic, Weiss, Corcoran, De Angelo, Seepersaud, DiFulvio	NAY(S):	ABSTENTION(S): Priest
MOTION to schedule a public hearing at the September regular meeting		
FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (6-0-1)
AYE(S): Dziedzic, Weiss, Corcoran, De Angelo, Seepersaud, DiFulvio	NAY(S):	ABSTENTION(S): Priest

SEQR DETERMINATIONS	
ADDRESS: 32-34 Munsell St & 75-77 Liberty St	CASE NUMBER: PC-2023-
DESCRIPTION FROM AGENDA: Site Plan Review and special use permit for the construction of 2 new multi-unit dwellings containing a total of 12 units and 18 total bedrooms and an associated parking area in the R-3 Multi-unit Dwelling District	
APPLICANT: Greater Opportunities for Broome & Chenango	
REPRESENTATIVE(S): Kelly Robertson (Deputy Director, Great Opportunities for Broome & Chenango), Patricia Every (PA Every Architect PLLC)	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Land was purchased through the City of Binghamton – plans set in place to construct 2 new buildings; each building will have 2 floors each. ▪ There will be an even split of 6 units per building – [6] one-bedroom units in one building, [6] two-bedroom units in another building. ▪ 6 of the 12 units will be reserved for individuals 62 years of age and older, while the remaining 6 units will be for individuals with low-income between 30% - 80% AMI. ▪ The first-floor units will be ADA compliant. ▪ Vice-Chair (Dziedzic) commented, reviewing the Planning Department’s Staff report, they noted that this project is an expansion of a previous development centered on 39 Munsell St. Some of the required landscaping from previous project has not been completed. Can you comment on that? <ul style="list-style-type: none"> - Representative (Robertson) replied, “I believe we have all the landscaping done now.” The previous project was ongoing, we are just finishing up on Munsell St, we have not been notified by the City of Binghamton that any landscaping is not completed, or that we are not in compliance with landscaping issues. There will be no problems finishing up on the previously approved plans. - Staff (Martinez) commented, the biggest gap is on the Lyon St side, the landscape buffer and the parking area is supposed to have shrubs and trees, and its missing required trees throughout, currently there is only grass present. We did not want to jump into sending a notice of violation right away. We wanted to let it be addressed through this application, because this is a site plan modification of the previous approval. ▪ Representative (Robertson) commented, per the staff report, there was a comment about the staff recommending combing various Munsell St and Liberty St properties owned by the applicant into one parcel. We cannot combine the parcels per the city of Binghamton restricted covenant on the properties. We tried to combine it when we were planning the 39-49 Munsell Street project, and we were told by the city of Binghamton lawyers because of the restricted covenant, we cannot do that. 	
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: Weiss	VOTE: Carried (6-0-1)
AYE(S): Dziedzic, Weiss, Corcoran, De Angelo, Seepersaud, DiFulvio	NAY(S):	ABSTENTION(S): Priest
MOTION to schedule a public hearing at the September regular meeting		
FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (6-0-1)
AYE(S): Dziedzic, Weiss, Corcoran, De Angelo, Seepersaud, DiFulvio	NAY(S):	ABSTENTION(S): Priest

PUBLIC HEARING & FINAL DELIBERATIONS		
REPRESENTATIVE(S): Jason Stupski (Co-owner, J & R Upholstery)		
DISCUSSION POINTS:		
<ul style="list-style-type: none"> ▪ Construction/addition of a 24' x 30' building at 20 Emma St and their neighbor 5 Belknap Ave's parcel(s) for expansion of their business *will need an area variance from ZBA* ▪ The purpose of the building is to undercoat vehicles and equipment 		
The public hearing for this application was waived because it is a permitted use and does not require SEQR, so it is eligible for a waiver of the public hearing. This applicant will have a public hearing for the Zoning Board of Appeals (ZBA) meeting taking place on 8/8/2023.		
VOTING		
MOTION to waive the public hearing requirement for the project		
FIRST: : Dziedzic	SECOND: Weiss	VOTE: Carried (6-0-1)
AYE(S): Corcoran, Dziedzic, Weiss, De Angelo, Seepersaud, DiFulvio	NAY(S):	ABSTENTION(S): Priest
MOTION that the requirements for Site Plan Review have been met and therefore the application has been met and approved		
FIRST: : Corcoran	SECOND: Weiss	VOTE: Carried (6-0-1)
AYE(S): Corcoran, Dziedzic, Weiss, De Angelo, Seepersaud, DiFulvio	NAY(S):	ABSTENTION(S): Priest

PUBLIC HEARINGS & FINAL DELIBERATIONS	
ADDRESS: 15 Charles St	CASE NUMBER: PC-2023-
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): Sarah Campbell (Attorney, HHK), Carmela Pirich (Executive Director of ACBC), Janet Inglesby (ACBC)	
DISCUSSION POINTS:	
Representative (Campbell) begins with following series of comments:	
<ul style="list-style-type: none"> ▪ Functionally, nothing has changed about the project from previous meeting in March. ▪ Property is located in I-1 Urban Business Park District surrounded by a Neighborhood Commercial District ▪ ACBC – Medically supervised outpatient clinic that deals with care and management of various at-risk populations, serves more than 1000 individuals and has more than 100 employees. ▪ Application is to locate a 40-bed warming unit in this facility – it should only be open in the winter unless there are days when the temperature is below 32-degree Fahrenheit. ▪ Hours of operation are proposed to be 5:00 PM to 7:00 AM – clients will not be allowed to re-enter the facility once they leave; this is a code blue location, it is fairly unlikely anyone would be leaving the facility into the depths of the cold. 	

- There will be criminal background performed at the entrance of the facility before people are allowed an entry into the building – people with various felony convictions would not be allowed to enter.
- ACBC involved in another project on Chenango St – Comfort Station, at the United Presbyterian Church. The prolonged wait in appearing in front of the Planning Commission again was to gain real world experience in how that center operates and bring over the experience to ACBC proposed location on Charles St.
 - Comfort Station is open all season, it is not just a warming station, but it would be operated as such.
 - In May that facility had 282 heads and beds (people per bed), 402 in heads and beds June.
 - Identification coordination with the Sheriff's department, enrolling in healthcare coverage.
- Measurement of the facility to the nearest residential dwelling (performed by representative Campbell): from the north ~475 ft away, from the east ~610 ft, from the west ~611 ft, and there is nothing located to the south as of right now, it is only a vacant plot of land. At least a Football field away from the closest residential dwelling and almost two fields away from the further residential dwellings.
- The residential neighborhood in this section of the area has no connection to any other major corridors, walking north from this building from Clinton St and back towards Charles St, it does not connect you to a street that might get you to Downtown or a street that might have a commercial bus stop for you to get somewhere. There are bus stops and routes on Clinton St, the shortest route to Downtown is via Clinton St.
- When it is freezing outside, it is unlikely that people will choose to travel in a way that does not get them anywhere.
- 114 Clinton Street location was constructed and used as a social services building, located across from the Boys and Girls Club. Giving an idea that social services is something that is not unknown to the area and the neighborhood.
- Nearly all of the businesses on Clinton St are zoned 'Neighborhood Commercial', a district that similarly allows social services uses in the same way and through the same process that this project is going through.
- The experience of the agency and their facility downtown, partnerships with other mental health providers, the police department and training of their staff, all of those things make ACBC a very good organization to run such a facility.
- There is no traffic burden, no parking conflicts (they own a lot that contains only parking), there is no traffic burden (the population is not a group people that will be bringing lots of cars to the building).
- It is an adaptive reuse of a large industrial building that otherwise might be difficult to occupy.
- The organization estimates their total investment into the whole building will be approximately \$20 million.
 - The organization would like to provide an employee daycare within the same building as the warming station, showing their comfort level by having their own employees' children present in the same building as people coming to seek warmth at the warming station.
- **Representative (Pirich) commented**, she heard from one of the letters (from Councilwoman Friedman) that a woman by the name of Angela Cade froze to death on Court Street last winter.
 - This is a voluntary service, no one is directed to come to our warming station, it is just for people that really need to be out of the cold for the night.
- **Chair (Corcoran) asked**, one important question, what percentage of what we are looking at tonight is this warming station? So, it will be approximately 2,000 out of 63,000 sq. ft of space. A small portion of space being utilized in an enormous building.
 - **Representative (Inglesby) replied**, it will be approximately 2000 sq. ft space.
- **Vice-chair (Dziedzic) asked**, during your statements, did I hear that there will be background checks to deny entry to felons?
 - **Representative (Pirich) replied**, "we will not take in anyone that has a charge of a sex offense or an arson conviction or someone with an active warrant, we cannot take someone with a warrant, and we are the only shelter in the area that has access to the New York State Unified court system. So, we have been doing out due diligence with anyone entering the United Presbyterian Comfort station and only 11% of individuals have had any criminal history whatsoever.
- **Commissioner (Weiss) asked**, as we know many people come in without identification, so how do you approach that scenario? How do you do background checks on people without identification?

- **Representative (Pirich) replied**, supervisor of the comfort center made arrangement with the Sheriff's department to bring about 4 people up to the Broome County Jail to get their fingerprints and their IDs. "We are going with the name, and you know if they don't have identification, they are right in front of us so we can tell who it is."
- **Commissioner (Seepersaud) asked**, so, you are able to search your database on the fly to make a decision on whether to let an individual in whom you had just met and had never been to your warming station?
 - **Representative (Pirich) replied**, yes, we can pull up the guest criminal history using Unified Court System Database.
- **Commissioner (Seepersaud) asked**, you said if they had committed arson and sex offense they are not allowed, but felony assault is, okay? How was it determined?
 - **Representative (Pirich) replied**, the only rule outs are the sex offense and the arson status, and so far since all of the individuals that have come since April 27th (at the Comfort Center) only 11% had any criminal background. Largely who's coming are people with physical disabilities and some mental health disabilities.
- **Representative (Campbell) commented**, warming stations are not a new thing, there are tons of them (there is a list in the package provided to the commission), certainly borrowed practice and procedures from existing warming stations. The content in the package is from ACBC's experience with the new Comfort Center and from visiting other warming stations over the last few months.
- **Commissioner (Seepersaud) asked**, "if the commission does not approve the site plan, does that reduce the level of appeal this property has your organization (ACBC) just say well we're going to go look at something else altogether or are there other plans on table for you?"
 - **Representative (Campbell) replied**, the other plans are still on table. They own the property, so they are fully invested into it. Perhaps they (ACBC) would seek another location for this project, but a lot of the locations would be fronting on Clinton Street in the neighborhood. It would only make sense for them to open a warming station in close proximity to where their operations are located.

PUBLIC HEARING was not closed from public meeting in March, therefore it is a continuation of the previous public hearing, because the applicant showed interest in coming back with additional information.

PUBLIC COMMENT:

Full statements of the public can be retrieved from the video recording on City of Binghamton You Tube channel, below are brief excerpts from the public voicing their opinion(s)/concern(s) on the project only:

- **Rebecca Rathmell (works in the Homeless services sector) spoke in favor of the project.** Ms. Rathmell had following to say: have worked on former Mayor David's Blue-Ribbon Commission to end Veteran Homelessness in 2014. Have lead County Executive Garner's State housing task force by appointment from 2017-2018. Have advocated as well as engaged with every level of projects when it comes to homeless assistance services locally, primarily Street Outreach, specifically with the unhoused individuals who will need to access this facility. We have seen an increase in about 70% of families experiencing homelessness in the last decade within the city, 20% if we look at among individuals. Last year over 2300 individuals had to access emergency shelter within Binghamton and Broome County as a whole because they had no other housing option. Over 430 families with children were among 2300 individuals who had to seek emergency shelter in Broome County (including the city itself). The department of Social Services has increased contracts with local motels and hotels every single year; furthermore, this community has added over 100 beds since 2020 to try and meet the need of the increasing homeless population. Despite the availability of the resources and efforts made, there are approximately 70-100 unhoused individuals sleeping on the streets each night. Angela Cade was not the only person who became a victim of homeless and not having the ability to access a shelter, Street Outreach team worked closely with an unhoused man just last winter, who had to have a leg amputated, due to frostbite, because of the

extent to which he had been exposed to the harsh elements around Christmas. Homeless is a very big issue all the time, but specifically harsher during the winter months. Much of the opposition on this project is predicated on what experts within the field know to be a false association between homelessness and increases in crime; “that report has been debunked over and over again”. “Our data represents that well over 60% of individuals who are accessing emergency shelter locally report having a physical disability or a behavioral health disability, either or both, that limit or inhabit their capacity to work and earn gainful income. More than anything else homelessness is a housing issue; it is not a character defect. It is not a personal deficit, and it is not a result of poor lifestyle choices.” Because of those deficits, shelters are having to expand, DSS is having to add contracts and ACBC is having to propose what will be literal lifesaving work in putting a roof over humans’ heads. This project will not bring unhoused individuals to Clinton Street or to that area, they are already here, and unless there is an option and support provided to them, they are being left to die on our streets.

- **Kachadourian (owns a business and other properties in the First Ward) spoke in opposition of the project.** Mr. Kachadourian had following to say: The parking issue has not been brought up. They (ACBC) claim they have plenty of parking, they do not. They need 100-150 more employees (representative Pirich said this at one of two meetings in the past), there is not that many parking spaces in that parking lot to accommodate all of those future employees. They are parking about 8-10 feet into my property right at this time. “The property was surveyed, I know where the stake is, their pavement goes on to my property, and they are parking 17 vehicles on to my property during the day. That is on the north end of the property.” My vehicle(s) on my own lot have been broken into, one time it was at 5:30am in the morning, (referencing back to incidents in May) by one certain individual, a week or two later ACBC’s own vehicles got broken into as well. Their own vehicles are being parked on the IDA’s property that is leased by Mark Hibner, that they park on along with their personal vehicles because they do not have enough parking on their own site. “The person who broke into my vehicle(s) in May was the same person who I used to take to ACBC at the Colonial building when I had the transportation company.” The building up in Glenwood Road is not occupied at full capacity, why are they not using that building since they are funded by the state as a non-profit? That building (on 15 Charles St) is not conducive to what they want to do there. “It is a predominantly residential business area and I feel very strongly against this project, I’ll be very upset about it because it borders my property.” Someone cut the locks going into the gate bordering my property and theirs to gain access to either property, they just cleaned out the vegetation/greenery in that alleyway, it was really bad, it grows up really fast in 3-4 years. “Recently the police told me, due to the break-ins into vehicles, they were trying to access the cameras that are located on ACBC’s property, either these cameras are not used or are dummies, but they were having a hard time to access the video.” There are rumors that they are going to put up cameras, that may be a good thing as long as they are working.
- **Christopher Scott spoke in favor of the project.** Mr. Scott had following to say: “in 2017 I came home from a Federal Prison, when I came home, I didn’t know what I had to do, but knew I didn’t want to commit a crime and I knew I needed help. I was sent to ACBC by my Parole Officer. While at ACBC, I was able to get the resources that were unbeknownst to me, as a former criminal, someone who wanted to change my life, in the process of going to ACBC, I ended up getting an opportunity to work there and have been working there since 2017. Out of the 11% of the people with criminal history, one of them could have been someone like me, coming home with nothing, nowhere to go, could have said the hell with this and gone and committed crime again. But I had support from an agency that did not judge me, did not care about stigma, and offered me an opportunity and here I am sitting in front of you guys.” This is insane that we have to be here (in

front of the Commission) to fight for people to be warm and safe, everybody present at this meeting has an opportunity to go home and sleep and not worry about it, some people do not have that opportunity. Everybody has an opinion on what this warming station will bring, I will tell you what it will bring, it will bring safety to a community. Gentleman (Kachadourian) that spoke before about someone breaking into his car, well there is no warming station there now, there are no clients there right now, so maybe whoever broke into his car, maybe if there was a warming station, they wouldn't have been out at 5:30 in the morning.

- **Gentleman #3 (Janitor, no name given) spoke in favor of the project.** He had following to say: “I do not know all of the statistics on homelessness and none of that. But as a Janitor at night, I deal with so much homelessness. I could tell you a story, but I would like to tell you what I experienced. I worked on one night until 3am in the morning. I went to throw out the trash, hearing noises – something rumbling, it was freezing outside, I thought it was an animal, so I slide the door to the dumpster open, and all of the garbage was ripped open, seeing it moved. When I opened the top of the dumpster, a husband and wife were sleeping under the trash in the cold. The husband gave his clothes to his wife to stay warm. So, I gave him my jacket to stay warm. The guy was not mental, was not on drugs, him and his wife were just hungry and homeless. They filled their bellies with trash, they did not want to feel like they were intervening. The warming station is going to help out a lot of people.”
- **Becca Moore spoke in favor of the project.** Ms. Moore had following to say about the project: “my journey has taken me from a really dark place, from depths of homelessness, drug addiction and alcoholism to find its way to a light and to becoming the Director of Health Homes at ACBC. I do not speak from my bias from working for the ACBC, but because I believe in what we do at ACBC. I was homeless, I was caught up in grip of addiction and I had no idea at nighttime where I would stay, and that time Broome County did not have anything after hours for me to go stay and so I was left to fend for myself. I was left to figure out where to stay that night if I could find a place to stay. ACBC's dedication in giving back to the community was something that was completely apart of who I wanted to be and my mission to give back to the community that I had taken from so much. At ACBC we started with 26 staff when I started working, now we employ about 100 employees, offering wide array of services working with an amazing Executive Director (Carmela Pirich). Health Home Care managers go out to try and find housing for people at the end of the day on a Friday at 3:45, when people come in and its winter and its cold and we have nowhere to put these people, because there is nothing available and housing is scarce. It is too expensive for people to find any place to go. As people, as human beings, not just employees of ACBC, but as people who are invested in this community and wanting to see it better, not just the community, but people who are invested in people and want to see good for human beings, in giving back to other people. We will make sure that, that person has a roof over their head, for that night, for that weekend, whatever it takes. The Comfort Center at 42 Chenango St is a haven for people who struggle to put a roof over their head, it's a haven I wish I could have had, back when I was on the streets looking for a safe place to go, looking for the next meal. Every individual deserves a chance to rebuild their lives, ACBC just wants to give these people a chance to rebuild their lives.”
- **Judy Au Pont spoke in favor of the project.** Ms. AuPont had following to say: It is very hard to hear from my staff who have to turn away people because the hotels are full, and we have nowhere else to take them but the Sheriff department because it is very cold out. Not to be bias for anyone, but all of us get to leave at the end of the day and go home, we do not have to worry about homelessness because we all have jobs. I have a degree in Social Work and have loans to pay, if I were to lose my job and a source of income and not be able to pay my loans, I could lose home and become homeless, it could happen to anyone at any moment. “I'm asking that I did not go to

college in order to have a great salary because I work for a nonprofit and I come in every day and I give my best to staff and to homeless people who come to our office, they come for clothes, food, to talk to someone to talk to them, for us to transport them to their medical appointments/to their families (out of the county, sometimes out of state), because they have no transportation themselves and need to see their children.”

- **Danielle Dunster spoke in favor of the project.** Ms. Dunster had following to say: A lot of us in the room are scared, we are putting the cart before the horse. We have to have some faith that only 3-5% of those that have mental or physical illness have committed crimes. This is not just about a place to sleep; this is about our community. Change is scary, all of my family has lived for a long time and this community has gone through many changes during that time, but why are we assuming that if people sleep overnight at Charles St, that something is going to happen? Part of this is just faith, we do not have any statistics to prove that it is not, but it may not, so what you should all think about in your decision making is how scared are you and why are you?
- **Barb Donnelly (Director of Outreach Ministries for Showers of Hope) spoke in favor of the project.** Ms. Donnelly had following to say: we service the less fortunate in our area by offering groceries, bagged lunches, clothing, and other services we can offer or direct them to. 99% of the time our program depends on ACBC. There was a young girl who’s water broke, CPS would not help because there was no baby born yet, ACBC was there, you call their number and they will give it to you gladly, you get to talk to a real person. June and July of this year we have served 10,000 individuals, little bit over this month, 2300-2400 families each month come to 16 St. Cyril Ave. Inflation, homeless due to lack of affordable housing, poverty, unemployment, and life events (which we can’t prevent) have caused all of this. Last survey done in the United States, said that 59% of Americans are one paycheck away from being homeless, a medical issue, bad financial decision was all there. If I had my dog tied to a tree out in the cold and believe me, I should be arrested, I would be arrested, but we are allowing families to live in vans. I have a family that came in today that rented a U-Haul because its \$19.99 a day rather than a hotel for \$70 and they are working so they cannot afford a hotel. Now at St. Cyril, without the warming station being available or if its overcrowded, people are sleeping on our steps, in our gazebo and the elevator out in the hall. Homelessness is nationwide, it will never go away, it is like the elephant in the room, and we have to deal with it as best as we can.
- **Sarah Nevis (Clinic supervisor at ACBC) spoke in favor of the project.** Ms. Nevis had following to say: Single most pressing issue for our clients is housing. Lack of affordable housing in the area is keeping people trapped in cycles of poverty and homelessness. “I’d like you to consider how difficult it would be to tackle the task of changing something, anything about your life, a big thing, gaining my child’s custody or may I am trying to find work, when all I’m thinking about is where is my next meal coming from and will I have a roof over my head tonight?” When we help people meet their material needs and conditions, that they do better, they are able to do the work of build themselves back up. This project is not just a place to stay for the night, it’s a foot in the door for that kind of support. They will meet supportive staff at the shelter who can help connect them to the right supports so they can start to make those difficult changes with a good night’s sleep and food in their stomach.
- **Amy Iverson (Employee of ACBC) spoke in favor of the project.** Ms. Iverson had following to say: when we talk about community and the fear of such project taking place nearby a residential neighborhood, I live in the First Ward, my children come there, have grand children that play in my yard. I sit on my front porch at night, and I see homelessness, I see people walking the streets. To and from work I am able to see people that are sleeping on the sidewalks, walking down the street, so we engage with those people. There are homeless people that are living in the lot right behind

the building at Charles St. Warming station is going to give us opportunities to provide the services that are lacking in the community. All of the businesses that are around the area will now have the resource to be able to pick up the phone and call ACBC to come over to talk with and take homeless people off of their businesses, but without the ACBC, they will not have that resource.

- **Dakota Kamishek (program participant at ACBC; not an employee) spoke in favor of the project.** Mr. Kamishek had following to say: This time last year I was homeless, living by the Nanticoke Creek, sleeping as a homeless for 3-4 months in the winter, because Broome County DSS could not house me because I had a dog with me, which I was not going to give up. Today I am 12 months clean because of ACBC, I would not be here if it was not for them, they have helped me through and through for my mental health and stability. Now I have an apartment, have had it for about 4 months, standing on my two feet, doing good.
- **Jacques Cosby (lives in First Ward) spoke in favor of the project.** Mr. Cosby had following to say: Charles St is not my backyard like his, but functionally my backyard (living on Hazel Street), I drive past it every day. The reality of the situation is that homeless people are in the community. Right now, regardless of if this warming station happens or not, I run a business in Binghamton in the First Ward, I'm in contact with the landlords all the time because of my business, the number of houses that get broken into is astounding. I am sure some of those are homeless people who when your option is freeze to death or commit a crime, I know what I am picking 10/10 times. Have been in the First Ward for about 15 years and own my own home. There was a winter where my garage got broken into and I looked inside and it looked like someone built themselves a nest and you know what I did, I forgot I saw it. Come summertime I fixed my door, put a new lock on, hadn't had that problem since, but anyone who opposes this, I would challenge you how is a homeless person in your house? The problem is there, you can either fix it yourself, or you can let a company know what they are doing fix it.
- **Jeff Pryor (small business owner and works alongside ACBC and Southern Tier AIDS Program) spoke in favor of the project.** Mr. Pryor had following to say: We have served 136 unique individuals at the up-comfort center since its opening on April 27th. 48% of those 136 have identified substance use disorders, 52% have some sort of mental health diagnosis and only 11% are formerly incarcerated. My staff has assisted 4 guests into their own apartments, 15 have either NY State or Sheriff's ID, and 10 now have health insurance, reducing the tax burden that everyone pays every year, because now they are paying into tax services. 10 individuals have been engaged in mental health services, and 6 people are now fully employed at companies supporting Broome County's tax base, yet they are still homeless, because do not have enough money to get an apartment or find an apartment to meet their needs. Code blue warming stations cannot end homelessness, they simply provide immediate relief during severe weather, among the things that makes ACBC unique is their staff. ACBC staff working inside the center are all NY State credential recovery peer advocates. These peers have over 500 hours of working in the field and have personally experienced issues they are advocating for. Paraphrasing Adam Kip from last meeting in (April), "this is not a homeless shelter, it is for someone who just has to go and stay in a basement overnight and that is not right and does not sit with him," it does not sit well with me either.
- **John Burdick (owner of 99 Clinton St) spoke in opposition of the project.** Mr. Burdick had following to say: as a Planning Board if you want to see the city decay more, then you should pander more to crime, poverty, drug addiction, mental illness, drive away business and then your solution will be all solved. Just one more building off the tax rolls to pass on to us taxpayers. "I run a business, I am a very companionate person, I have hired amputees, crackheads, drunks, I have worked with these people, but it is not good for business on the street. This is one of the last bastions of commercialism left in Binghamton and you are slowly destroying it. You have allowed

the Greater Binghamton mental health club come to Clinton Street and what happened there, now we have another empty building waiting for another NGO to fill it, to drive away more business.

- **Julie Sauger spoke in opposition of the project.** Ms. Sauger had following to say about the project: for starters, why Clinton St? Rogers Trucking, All Spec, The Old Union Hotel, Kovarik Hardware, Mad Hatter, Treasure Hunt, and 99 Clinton St antiques, The Brass Rail, 'Old, Odd, and Unique', Clinton Street Café, Parlor City vegan, if these businesses were in Downtown Binghamton, the downtown would be rocking, because they are all valid businesses. They are not a bunch of crappy bodegas; these are the businesses of Clinton St, and the city does not support us. Every day we are facing drug addicts, homeless and poor people. We are compassionate to people every day, I do business with poor people on the street, but it is driving away the people who have money, who are paying the taxes for our buildings and businesses.
- **Kimberly Harrington (employee of ACBC) spoke in favor of the project.** Ms. Harrington had following to say about the project: "in December when it was freezing, I had to hand one of our clients (referring to Dakota Kamishek) a tent, because there was nowhere for him to sleep, and he slept on a riverbank in Endicott for months." It is a human right to have shelter, it does not matter who you are or what drugs you have done, does not matter if you are rich or poor. There are churches on Clinton St that give away free food; there is a line out the door every day of people waiting for food, is anyone going to fight that church to tell them that they cannot hand out free food? Homelessness and drug addiction are real, people are dying because of such issues.
- **Jason Kovarik (Owner of Kovarik Hardware) spoke in opposition of the project.** Mr. Kovarik had following to say about the project: Nobody is here to dispute ACBC's mission or to be not compassionate to homeless folks. It can be agreeable that everyone present in the meeting is compassionate towards the homeless people in some degree, way, shape, or form. If this permit is granted to them, what is stopping them from turning this 40-person warming shelter into a 400-person warming shelter? There is currently a petition being circulated in the First Ward that is in opposition of this project. The petition reads as follows: "we the business owners and residents located in and around Binghamton's First Ward oppose a special permit for use granted to the Addiction Center of Broome County for warming shelter located on Charles Street in Binghamton for the following reasons.
 - There has been no outreach by the Addiction Center of Broome County to any of the local businesses or residents that could be impacted by an influx of homeless persons into the First Ward of Binghamton.
 - They have failed to provide a specific plan for a security if such a warming shelter is approved.
 - They have failed to provide clarity regarding criteria for the selection process for admittance to the warming station and furthermore have not provided a clear and defined process for dismissal of patrons that will prevent more homeless persons from occupying Binghamton's First Ward upon the shelter's daily closure.
 - As of July 31, 2023, they (ACBC) have failed to provide data or show hard evidence of a positive social or economic impact of such a shelter that has been erected in other communities as per the request of this board.
 - This shelter is not in line with Mayor Kraham's vision of a revitalized Clinton Street being a natural extension of Downtown Binghamton. We believe that it will significantly discourage any new businesses, families, or students from moving into the First Ward and thus stifle any future economic growth of the area.
 - We believe that there are other suitable locations with better infrastructure already in place to house a warming shelter that are not in the heart of Clinton Street, an area that is in a desperate need of revitalization.

- The shelter will most probably act as further encouragement to more homeless people camping at the site at First Ward Park by Spring Forest cemetery thus adding to issues such as sanitation and potential crime in the neighborhood.
- **Matthew Pringle (employee at ACBC) spoke in favor of the project.** Mr. Pringle had following to say about the project: ACBC operates and is open when most of the businesses on Clinton St are not open at night. If a burglary were to happen, businesses should install security cameras and call the cops based on who burglarized your business. Bringing homeless people to a warming station at nighttime is not going to decrease business when most of the businesses are closed during that time.
- **Jana Inglesby (employee at ACBC) spoke in favor of the project.** Ms. Inglesby had following to say about the project: we are bringing 100 employed people to that building whether there will be a warming shelter or not and going to be investing 20 million dollars into the building over next 5 years. Our buildings are well maintained, anyone can go on any of the tours, have already started the renovations and have been cleaning up waste out of the parking lot that have been left there over the years, it is going to be better place. Where we currently operate out of, it is not working, it is overgrown, people are sharing offices, we do not have any space.
- **Amanda Lewis (previous patient at ACBC) spoke in favor of the project.** Ms. Lewis had following to say about the project: “ACBC supported me when I had no other support, when I was in in legal trouble, on drug court, actually graduate from Broome County drug court because of the support ACBC provided me. I was sleeping behind houses, I was a person out there doing criminal behavior, but through the program at ACBC, I had been reformed. The homeless individual that came here and spoke, he was speaking from his heart and the pain that he experienced living out behind my house in Endicott for months.”
- **Nora Heath (business owner at 52 Clinton St) spoke in opposition of the project.** Ms. Heath had following to say about the project: Totally understand that there is a huge drug and homelessness problem, have all of the compassion in the world having it experienced first-hand. There were all these dreams and things that were going to happen on Clinton St, still waiting on Christmas decorations and garbage cans from the city. Nothing has happened in 25 years. Titchener building basically is a shelter for homeless people; it is not on the tax rolls, it is an eyesore, and homeless people hang out there, have seem crime being committed there for the last 25 years. There should be a warming station, just not in a business district. Customers have said they do not like coming to their diner at 52 Clinton St, because they are afraid of the neighborhood. Last year there was a big grant, southside got it, but we did not and have been waiting for grants forever. There were two homeless people fighting on Titchener building the other day, one homeless guy was stealing another homeless person’s stuff. The mental health clinic used to be on Clinton St, but have not seen any benefit of all of these social programs to any of the businesses on Clinton St.
- **Courtney Elliott (employee of Broome County DSS) spoke in favor of the project.** Ms. Elliott had following to say about the project: from social service side of things, there is a lack of affordable housing in the area, everyone here has been affected by inflation, but also people who receive these social services, the rate that they are given for food stamps, temporary assistance, housing it has not gone up as the same rate as inflation. There are contracts with motels and hotels in the area and during those cold blue nights, there was no room to put anyone in the motels, so people are just going wherever.
- **Daniella (employee at ACBC) spoke in favor of the project.** She had following to say about the project: “every day on the way to work I drive down Clinton St, they are sleeping on the doorways of all of your businesses, in the bushes behind the businesses. We are trying to make that stop, because we do have a passion for the businesses out there.” We understand the value that these

businesses bring to the community, but the issues are that homelessness is already there, we are trying to come in and help them. Peer advocates that work these people, it had been proven over and over again, that repeated exposure to these peers will eventually get them in a situation where we can get them help and we can get them off of the streets and out of businesses on Clinton St.

- **Adam Kipp (Owner of The Old Union Hotel) spoke in opposition to the project.** Mr. Kipp had following to say about the project: ACBC runs great programs, and it is nice to know that so many people that are so passionate about what they do in helping our community. We do have a major homeless crisis, about 10,000 individuals (quoting Jeff Pryor), so 40 bed facility seems like a drop in a bucket. We have a land bank that spends millions of dollars on one or two houses, in which that money could stretch a little further; there are other ways to combat the homeless problem here in our city. “I am against the warming center, not that I do not think one is needed, I do not think that this is the correct area for it. I agree on a lot of what (Rebecca Rathmell) said, but I do not agree with one of the things “crime does not increase around these warming centers.” All of the research I have done says quite the opposite. From Journal of Experimental Criminology, average crime counts per year within 300 meters of shelters: total property and mischief crime is 1780, which is almost five a day, breaking and entering residential is 75, so one in about every five days, breaking and entering commercial is 137, one every ~other day. Almost 600 thefts from vehicles, which is about twice a day, and other theft at 709, which is 2 per day. Another thing is, it is very sad to see children walking on the streets, children without a place to stay, (has 3 children of his own), and is very sentimental to the fact that every child not just in city, but in the entire country should not have to worry about their next meal or where they are going to be sleeping. One individual mentioned at prior meeting was a candidate for warming center, an individual with mental health issues, he was in a hotel and got kicked out of it, placed into a new hotel next day and was kicked out of that one too, because he was simply not stable.
- **Marianne Callahan (Chair of the CDAC) spoke in a neutral tone towards the project (neither for nor in opposition).** Ms. Callahan had following to say about the project: There is a homeless problem, and it is getting worse, noticed from where she lives and who she lives around with as well as her work on the block grant with CDAC. On both side of these issues, there are people with good hearts who want to do the right thing. We have a system that is failing the businesses, the homeless, and residents who live around the Charles St proposed project, where they have the First Ward Park homeless enclave. Have friends who live on Seymour St who are already experiencing negative repercussions of what is happening. “My neighborhood has experienced a series of break-ins recently, people coming right into the bedrooms of homes, unheard of when I was growing up.” No matter the decision for this proposed project, the community needs to begin working together on these problems of homelessness, drug addiction, and the housing stock. City council needs to be more proactive in making sure that resources are found that meet the needs of this community. It is recommended that ACBC and anyone else interested should come and participate in the First Ward watch meetings, because working together is the only way to solve these issues.
- **Ron Rogers (Roger’s Service Group) spoke in opposition of the project.** Mr. Roger’s had following to say about this project: Clinton St has been in the worst condition that it has ever been in 50 years, because the city does not have the ability to keep up on buildings that are run down and falling apart. Only with commercialism that we get a better tax base so that we can do more for social services, homelessness, food, and helping people. Our company is not against that at all, but it has become very dangerous in the winter months when it is dark at 4-5 in the morning, we have to walk all of our female employees to their cars. Drivers have been held up at night when they

come in late at night to park their trucks. 4-5 acres of vacant land across from this planned warming station had been underdevelopment, people have been working on it for over a year to construct 100 housing units on it, and 15 to 20 commercial spaces. If these developers find out that there is a homeless shelter directly across the street from them, they will walk or hit a stink, and that hurts everybody, the tax base, and residents in the First Ward and all the residents in the city. The bottom lines come down to whether or not you want large tax base, you want to clean up Clinton St and make it a proud street that it used to be 50 years ago, or do you want to keep it a mediocre street and it'll just keep deteriorating. If you want to develop the street, you need to get tax base up to increase taxes via commercialism so the city can spend more money on services everyone needs.

- **Liana Tosani (VP of Board of ACBC) spoke in favor of the project.** Ms. Tosani had following to say about the project: The problem of homeless was already present before ACBC bought the building located at 15 Charles St. We paid taxes this year, yes, we are non-profit, and we will move towards being tax-free, but 20 million dollars is an investment into the building that ACBC is making. Whenever ACBC decides to leave the building, that building will have all of the upgrades made by ACBC already present. Crime is a city-wide issue; it is not just a Clinton St issue.

- **Giovani Scaringi (Councilman) spoke in opposition of the project.** Mr. Scaringi had following to say about the project: the proposal proposed this evening falls short objectively on several merits, of which many neighbors, local businesses, and individuals have been communicating to this commission for months. Under Site Plan Review, there are 2 important categories that each member of the Planning Commission needs to pay particular attention to: public safety and comparability of the general neighborhood. There have been many articles and periodicals submitted this evening (months after the former discussion), while they inferred 'why warming centers are not magnets for crime and issues of public safety', people should turn to same articles and news reports that report on the exact opposite. Example 1. In June 2023, a homeless man was arrested for a stabbing incident that had three other charges with it (happened in New York), by extension, now the warming center is closed. There is copy provided of a longitudinal 10-year study conducted not just by researchers and social sciences but Criminologists at the University of Pennsylvania, researching the impacts of shelters of all type on public crime. From the article: "we found strong evidence that the presence of a shelter is associated with an increase in property and mischief crime. When shelters open, we find that within 100 meters of the shelter total property, property and mischief crimes increase by 56.3%." Residents (many but not all), small businesses, and other stakeholders in the community are saying that they do not see this warming station in compatibility with a main thoroughfare that has both industrialized and small businesses as well as homeowners and renters and tenants. Antiquing was a 2.6-billion-dollar industry in the United States last year, you want homeowners and small businesses to have a positive sense of what is moving in the community, because they all contribute to it.

- ***There are several letters of recommendation received in support of the warming station. (Full list of names of the senders and copies of the letters themselves can be acquired by contacting the Planning Department).***

- **One letter of recommendation (from Sheriff Akshar)** was read at the meeting, it says the following: he has concerns with respect to individuals being released from correctional facility right onto the streets. Someone gets released and its cold outside, they are outside, that is a problem he is experiencing. Currently the existing comfort center accommodates approximately 25 guests each evening, they provided 834 nights of safe, crime free, abuse free

sleep for those in need. 15 guests received Sheriff's IDs, health insurance, and 5 individuals at the center are now employed and that is just the beginning.

APPLICANT RESPONSE TO PUBLIC COMMENT:

- **Representative (Campbell)** commented, this is an application for a site plan review and special use permit. Special permit use is social services use in the zoning district – a legislative decision that has already been made, that this use can be appropriate in this district. This is not a shelter; it is a warming station and is opened for a discrete period of time during the year and discrete number of hours when its in operation. This is a 2000 sq. ft of a 63,000 sq. ft building, a very small portion at that. There has been allegation and suggestions that some of the questions were not answered, but there was packet provided that contained information that addressed all of the questions and concerns such as plan for security, criteria for admission, dismissal protocol, empirical evidence, and data with respect to the issue of crime. ACBC owns 15 Charles St and also own adjacent lot of almost an acre with nothing on it, which would be utilized for parking. In terms of the site plan, this project would only be an improvement. In terms of the special permit criteria, we would ask that you look at criteria and base your determination on the objective information provided to you, rather than generalized community opposition.
- **Carmela Pirich (Executive Director, ACBC)** commented, we do intend to put more camera on the building, because like a lot of the residents of Clinton St have said there is crime going on, but I don't think having a warming station is going to contribute to that, it is already very rampant. If we don't have warming station and it gets colder or doesn't get colder, we will still see homelessness and crime is going to continue and not get better. Would be happy to meet with any local business owners, have met with some, would like to have relationships with business owners, we need to be able to get hardware products and have a place to get lunch that is within a walking distance. Having 100 employees working would be of a great benefit to businesses in the area and we want to have positive relationships. Regarding security, the standard industry protocol is providing at least a background check, to see if anyone has any warrants, that is the bare minimum. We are doing full background checks on individuals that come in, have an airport/prison quality metal detector that our guests walk through in addition to other measures that they are required to. Regarding the correct location/area for this kind of service, it seems like the community is on the same page that we need this service. Is the YWCA in an ok place? Is the YMCA in an ok place? Is St. Cyril's Outreach, where 10,000 people are getting food every month in an ok place? I am not sure that there is any perfect place that individuals that need to walk to a service can get to that a community would necessarily agree. We absolutely do not intend to take in kids, but if they show up, we are not going to turn them away like on April 27th when we took in 9 kids at the Comfort Center.
- **Vice-chair (Dziedzic) asked**, previously you (referring to Pirich) said that families would be placed in hotels via DSS and only individuals would be allowed in the warming station to reserve space. Is that still the case or has it changed? What happens when folks who are determined to be child sex offenders or arsonists (from your background check screenings) are turned away at the door?
 - **Representative (Pirich) replied**, that is still the case. As of now most program would not take a sex offender or an individual with arson conviction, so they will be placed in hotels (the county uses a certain hotel or two).
- **Vice-chair (Dziedzic) asked**, would a ACBC employee reach out to DSS afterhours and say that certain individual has certain criminal conviction, and we cannot let them into our warming station, that individual is now your problem?

- **Representative (Pirich) replied**, DSS already knows who ACBC would and would not be able to take in, it is already noted in the material provided to the DSS. ACBC would have to call the DSS afterhours on call person to handle individuals that have a criminal background and cannot be brought into the warming station.
- **Vice-chair (Dziedzic) commented**, its concerning that some of your advocates and self-identified staff at times seemed indifference and hostile to the local businesses that in theory are going to be your neighbors and how that is going to be affect the character of the neighborhood.
 - **Representative (Pirich) replied**, they are very passionate and dedicated to helping people. We want to be a part of that community, be able to go shopping and eat, buy gas, be able to attend First Ward neighborhood watch meetings.
- **Commissioner (Weiss) asked**, you do not buy a large facility of 60,000+ sq. ft to only utilize 2,000 sq. ft space of it. This is a greater concern, because is the idea of what ifs? What is this going to evolve into and what are we looking at? And then this is no longer just a warming station, it is now housing with 150 employees.
 - **Representative (Campbell) replied**, one of the biggest things that will happen is the consolidation of office and the centralization of the organization. Office usage is allowed by right under this district, so it has not been mentioned. Uses to comeback to the Planning Commission would involve overnight accommodations, employee daycare and gym, growth of the warming station, expanding the hours of operation, making it into a 12-month Comfort Center (refers to Downtown location).
- **Commissioner (Weiss) asked**, would there be any way to have you consider expanding the parameters of the crimes that were allowed to include more violent crimes for people who are not allowed into the warming station (besides sex offense and arson)? Through the metal detector, if you find/remove knives or whatever individuals have in their pockets, are they given it back at the end of their release when they are going back into the community?
 - **Representative (Campbell) replied**, would certainly be opened to consider that if that is helpful to the community. There are all sorts of individuals with all sorts of felonies from varying crimes that work as gas attendants, serving food and washing dishes. Yes, whatever the person comes in with is what they would leave with. We are not getting people coming in with weapons or drugs. We would not take people's things unless we knew it did not belong to them.
- **Commissioner (Weiss) asked**, is there anything ACBC can do to make sure that once its morning and people are let go from the warming station, that they are not in the neighborhood, just hanging around?
 - **Representative (Pirich) replied**, we can offer transportation, we can pick-up and drop-off people to certain locations in the community for when servicing begins in the evening and once it ends in the morning.
- **Staff (Martinez) commented**, addressing something the applicant said about what uses would have to comeback to the Planning Commission (PC). Majority of the uses outlined in the vision that the applicants gave to the Commission back in February would require PC approval. They could make a case given they could provide evidence that part of the space in the building was formerly used as office space and now is being turned into ACBC's offices, that it would not require PC approval, but it is a gray area, because social services as a land use requires a special use permit and the offices for social service agencies do fall under that land use. It is possible that any expansion or additional use of the building.
- **Commissioner (Seepersaud) asked**, sexual offense committed against a child is a disqualifying factor, are you treating sexual offense committed against an adult the same way?

- **Representative (Pirich) replied**, it is all sex offenses, not specifically limited to just children.
- **Commissioner (Seepersaud) asked**, if permission was granted for the site plan review and special use permit, do we as the Commission have the permission to revoke it the permit and shut down the facility if we have concerns about safety and the administration of this property?
 - **Staff (Martinez) commented**, there is a provision in the Zoning code that a special use permit can be revoked by the Supervisor of Building and Construction. There is also a lockdown provision, if certain number of points are accrued and those points are based on criminal activity, the facility could be locked down.
- **Representative (Campbell) commented**, the issue about people leaving in the middle of the night, if you look at the Comfort Center that is there now, there has been very few people that are leaving in the night and it's warm. Charles St station would be where people are coming into the station from a freezing situation, they are not going be leaving the station, it is not going to be zero, but it is very low.
- **Vice-chair (Dziedzic) asked, how is the First Up Comfort Center (at Presbyterian Church on Chenango Street), similar to or different from the proposed Warming Center? How many beds are there?**
 - **Representative (Pirich) replied**, the comfort center does not follow the 32-degree protocol, it has been open 5 nights a week since April 27th. The same policies that were proposed for the warming station are in place for the comfort center. There were some changed made to the policies, where individuals are no longer allowed to go outside for any breaks, once they are in, they are in for the night. It is a great pilot program to help gain experience for the code blue warming station. There are 42 beds.
- **Commissioner (De Angelo) commented**, 10-15 years ago, Volunteers of America bring in Halfway house or a recovery center on Clinton St. It was a similar situation as tonight (referring to the meeting). The Planning Board voted to not allow the project due to a strong opposition from the local businesses. Because it was a permitted use, the Volunteers of America sued the members of the board individually (were defended by the city). About 10 years ago the city was going to purchase the co-generation plant located across from 15 Charles St – but the project fell through after 3-4 years of work. That site has not had a good history about bringing in businesses. So, it takes us to present day and bringing a humanitarian business on Clinton St – and there is an opposition from local businesses are residents.
- **Staff (Martinez) points out that “social services” as a land use is not permitted by right, it requires a special use permit. Special Use permits do not have to be approved, if it was permitted by right, then you could address issues with the site plan, but that use has to be approved. Need a very good reason to deny it, but it is not an automatic permitted use.**
- **Commissioner (DiFulvio) asked**, if something goes bad during the night, do you people there that are ready to handle a situation like that?
 - **Representative (Pirich) replied**, our staff are trained in de-escalation and crisis management, if it was something that could not be deescalated, we have to ask the person to leave and if necessary, we would have to call the police.
- **Commissioner (DiFulvio) commented**, there are people on both sides that would benefit from additional information. It would be good if folks from ACBC and the local business owners were able to get together and have a better understanding of what you (ACBC) are doing and what you are going to do to solve some of their issues and vice versa.

Commissioner (De Angelo) recused himself from the case – because of conflict of interest and may sway his vote one way or another.

VOTING

Commissioner Seepersaud withdraws his motion to approve the Site Plan and Special Use Permit which negates it from going to a vote		
MOTION to TABLE the project		
FIRST: Seepersaud	SECOND: DiFulvio	VOTE: Carried (4-1-2)
AYE(S): Seepersaud, Corcoran, DiFulvio, Weiss	NAY(S): Dziejczic	ABSTENTION(S): Priest, De Angelo (abstained due to conflict of interest)
MOTION to close the public hearing for the project		
FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (5-0-2)
AYE(S): Seepersaud, Corcoran, DiFulvio, Weiss, Dziejczic	NAY(S):	ABSTENTION(S): Priest, De Angelo (abstained due to conflict of interest)

PUBLIC HEARING & FINAL DELIBERATIONS		
REPRESENTATIVE(S): Applicant/representative was unable to travel to the meeting.		
DISCUSSION POINTS:		
<ul style="list-style-type: none"> ▪ A structure that was previously approved by CAUD on August 26th, 2014, but it was never built. ▪ The proposed structure has been scaled down; it is a utility structure on the roof of the Kilmer building. It is an enclosure for the staircase. ▪ CAUD approved it earlier on 8/1/2023. ▪ It requires a site plan review because it is a new construction, but there is no change of use, it has no use, it is considered as utility. 		
VOTING		
MOTION to waive the public hearing requirement for the project due to it being a Type II action per SEQR		
FIRST: : Dziejczic	SECOND: Weiss	VOTE: Carried (6-0-1)
AYE(S): Corcoran, Dziejczic, Weiss, De Angelo, DiFulvio, Seepersaud	NAY(S):	ABSTENTION(S): Priest
MOTION that the requirements for Site Plan Review have been met and therefore the application has been met and approved		
FIRST: : Corcoran	SECOND: Seepersaud	VOTE: Carried (6-0-1)
AYE(S): Corcoran, Dziejczic, Weiss, De Angelo, DiFulvio, Seepersaud	NAY(S):	ABSTENTION(S): Priest

ADJOURNMENT		
MOTION to adjourn		TIME: 9:07 PM
FIRST: Seepersaud	SECOND: Weiss	VOTE: Carried (6-0-1)
AYE(S): Corcoran, Dziejczic, Weiss, De Angelo, DiFulvio, Seepersaud	NAY(S):	ABSTENTION(S): Priest