



City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON PLANNING COMMISSION	
MEETING DATE: August 30, 2023	LOCATION: City Council Chambers, City Hall
CALLED TO ORDER: 5:15PM	RECORDER OF MINUTES: Tito Martinez

ROLL CALL		
COMMISSIONERS PRESENT:	PRESENT:	ABSENT:
Nicholas Corcoran (chair)	X	
Joseph De Angelo		X
Christopher Dziejdzic (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	
Brian Seachrist	Corporation Counsel	
Nicole Sabasowitz	Corporation Counsel	

PUBLIC HEARINGS & FINAL DELIBERATIONS	
ADDRESS: 15 Charles St	CASE NUMBER: PC-2023-0004
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): Carmela Pirich (Executive Director of ACBC), Sarah Campbell (Hinman, Howard, and Kattell)	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Attorney Campbell stated the decision to deny a plan or special permit has to be based on the record before you and cannot be based on generalized community opposition. This proposal fits a land use that the legislative body deemed appropriate for this zoning district and all of Clinton Street. ▪ Corp. Counsel Seachrist stated that his interpretation of a special use permit is different. City Council determined that the uses on that list <i>may</i> meet the criteria and <i>may</i> not be in conflict with the neighborhood, but there is a reason there are 11 factors that the PC must consider before granting the special use permit ▪ Chair Corcoran asked if there was any interest in reopening the public hearing. ▪ Commissioner Priest stated that although he was not present at the previous meeting, he reviewed the minutes and recordings and was ready to proceed without reopening the hearing. Also stated that he is an employee of the Broome County Sheriff's Office and that, while he acknowledged that Sheriff Akshar submitted a letter of support for this project, he had no involvement with the letter, he weighed it equally with all other public comment, and his employment would not affect his vote. ▪ Corp. Counsel Seachrist stated members of the Commission should consider all 11 criteria pertaining to a 	

special use permit before making a decision.

- Criteria 1 and 2: Is the proposal design located and operated as to protect public health, safety, and welfare? Will the proposal promote a safe environment and not cause substantial injury to the value of other properties in the surrounding neighborhood?
 - **Chair Corcoran** stated that this proposal involves a small fraction of a much larger building, only involves a small number of clients, and is only open in cases of emergency, and therefore does not conflict with any of the 11 criteria.
 - **Commissioner Weiss** stated that she still has concerns about people entering with weapons, illegal drugs, and other illegal/dangerous items and having those items returned to them upon release in the morning. If there is a long cold spell, clients may not go far from the warming station, and would remain in the immediate area, close to services, with illegal items. That would cause potential problems in the neighborhood and safety of the community, which pertains to criteria 1 and 2. With those being concerns, new businesses may not locate in the area.
 - **Commissioner Dziedzic** stated that regarding criterion number 1, he has concerns regarding public safety and concurs with Commissioner Weiss. He referenced the scholarly article submitted at the last meeting that showed evidence that there is a relationship between homeless shelters and criminal activity. Stated his concern that this project could impact property values in the neighborhood.
 - **Commissioner Priest** also referenced the scholarly article. Stated that he spoke to some members of the law enforcement in other communities that recently opened similar warming stations; asked them if this had positive or negative effects on the immediate surrounding communities. They said there are a lot of good things about warming stations in general, but that they did see a rise in calls and illicit activity in the immediate vicinity of the warming stations.
- Criterion 3: Is the proposal compatible with existing adjoining development?
 - **Chair Corcoran** stated that for this criterion we are only considering the 2,000 sq. ft space for the warming station and not the entirety of the building. Plans for rest of the building would have to come back as a separate application.
 - There were minimal concerns raised by the members.
- Criterion 4: Is effective landscaping and buffering provided? To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping.
 - Not a factor for this application
- Criterion 5: Is adequate off-street parking and loading provided?
 - **Chair Corcoran** noted that the amount of parking exceeds the requirement.
 - **Commissioner Dziedzic** asked the applicant if there are any ongoing legal disputes with neighbors about parking or encroachment in reference to a comment made by a public speaker at the previous public hearing.
 - Applicants stated there are none.
- Criterion 6: Is egress and ingress to parking and loading areas designed as to minimize the number of curb cuts and not unduly interfere with traffic or abutting streets?
 - Not a factor for this application
- Criterion 7: Does the proposed site development minimize erosion and surface water runoff onto abutting properties?
 - Not a factor for this application
- Criterion 8: Are existing public streets and utilities servicing the site adequate?
 - Not a factor for this application
- Criteria 9: Will significant existing vegetation shall be preserved to the extent practicable?
 - Not a factor for this application
- Criterion 10: Is there adequate lighting of the site and parking areas proposed, and are exterior lighting sources designed and located so they produce minimal glare on adjacent properties?
 - **Chair Corcoran** asked the applicant about existing lighting.

- **Carmella Pirich** replied, there are existing lights, and some of the clearing of vegetation has made lighting more effective.
- **Criterion 11:** Does the proposal conform with all applicable regulations of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission?
 - It was determined that it does.
- **Attorney Campbell** asked, if the applicant were to come back to the Planning Board with another location on Clinton St, what the difference would be. Pointed out that the use is permitted with a special use permit along the majority of Clinton St. If the PC does not believe that any condition could alleviate concerns about public safety and impact to the neighborhood, then they are implying that this use should not be permitted at all.
- **Planning staff** noted that not all of the properties on Clinton St would abut a residential neighborhood. This site abuts a residential neighborhood, whereas many properties on Clinton St, particularly the southside, do not.
- **Commissioner Weiss** reiterated her concern about returning weapons and drugs to clients upon release, and thinks an area with less residential activity would be more appropriate.
- **Commissioner Priest** stated that his position could change if an alternative location was chosen for the project.
- **Commissioner Dziejcz** stated that his concern is not primarily about the location, but that the application as proposed does not meet the 11 criteria and does not address his outstanding concerns about public safety and character of the neighborhood. Says the applicant may come back with an application that adequately addresses those concerns.
- **Attorney Campbell** asked if there were any conditions that would be acceptable Commissioner Dziejcz.
 - **Commissioner Dziejcz** replied that he was not comfortable dictating to the applicant how to remedy their own application. his concerns are operational (security process and intake of clients into the warming station).
- **Commissioner Weiss** stated that she would prefer if contraband items were not returned to clients upon release.
 - **Carmella Pirich** stated that she was open to that as a condition.
- **Attorney Campbell** asked if there were any other conditions of approval that would help.
- **Carmella Pirich** talked about possible community outreach
- **Attorney Campbell** stated that ACBC owns the building, and they can't change locations without acquiring a different building. Stated that it sounds like PC is opposed to the use itself, not the location.
- **Chair Corcoran** asked if a secure fenced area around the facility would be helpful
- **Attorney Campbell** stated that ACBC would be open to hiring off-duty police officers to move people along upon release

VOTING

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

FIRST: Corcoran	SECOND: Weiss	VOTE: Failed (1-4)
AYE(S): Corcoran	NAY(S): Dziejcz, Weiss, Priest, DiFulvio	ABSTENTION(S): De Angelo, Seepersaud

MOTION that the requirements for Site Plan Review and Special Use Permit have not been met and therefore the application has been denied.

FIRST: Dziejcz	SECOND: Priest	VOTE: Carried (4-1)
AYE(S): Dziejcz, Weiss, Priest, DiFulvio	NAY(S): Corcoran	ABSTENTION(S): De Angelo, Seepersaud

ADJOURNMENT

MOTION to adjourn	TIME:
FIRST: Dziejcz	SECOND: Weiss VOTE: Carried (5-0-2)

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