



# City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON PLANNING COMMISSION	
<b>MEETING DATE:</b> September 12, 2023	<b>LOCATION:</b> City Council Chambers, City Hall
<b>CALLED TO ORDER:</b> 5:15PM	<b>RECORDER OF MINUTES:</b> Shalin Patel

ROLL CALL		
COMMISSIONERS PRESENT:	PRESENT:	ABSENT:
Nicholas Corcoran (Chair)	X	
Joseph De Angelo	X	
Christopher Dziedzic (Vice Chair)	X	
Mario DiFulvio	X	
Steve Seepersaud	X	
Kelly Weiss	X	
Emmanuel Priest		X
STAFF MEMBERS PRESENT:	TITLE & DEPARTMENT:	
Shalin Patel	Planner, Planning Department	
Greg Buell	Zoning Officer, Planning Department	
Elisabeth Rossow	Corporation Counsel	

APPROVAL OF MINUTES		
<b>MOTION</b> to approve the August 1, 2023 meeting minutes as written		
<b>FIRST:</b> De Angelo	<b>SECOND:</b> Dziedzic	<b>VOTE:</b> Carried (6-0-1)
<b>AYE(S):</b> Dziedzic, Weiss, Corcoran, De Angelo, Seepersaud, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Priest

SEQR DETERMINATIONS	
<b>ADDRESS:</b> 23 E Clinton St	<b>CASE NUMBER:</b> PC-2023-0025
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Review and special use permit for the conversion of a portion of the ground floor of an existing building into 2 two-bedroom dwelling units, resulting in 5 total dwelling units in the C-1 Service Commercial District	
<b>APPLICANT:</b> Charles Ackerman	
<b>REPRESENTATIVE(S):</b> Charles Ackerman	
<b>DISCUSSION POINTS:</b>	
<ul style="list-style-type: none"> <li>▪ The building has a 30' commercial setback as required.</li> <li>▪ 800 sq. ft per apartment</li> <li>▪ <b>Vice Chair (Dziedzic) asked</b> the applicant to clarify what their plans are for garbage disposal.               <ul style="list-style-type: none"> <li>- <b>Applicant (Ackerman) replied</b>, Binghamton blue bags. I believe the blue bags are acceptable for this particular use, there is no space to put a dumpster on property due to lot lines.</li> </ul> </li> <li>▪ <b>Counsel (Rossow) asked</b>, will the blue bags full of garbage be in the containers? And the blue bags would be outside just sitting there? Where would the blue bags be before garbage days?               <ul style="list-style-type: none"> <li>- <b>Applicant (Ackerman) replied</b>, it is a 0-lot line building, there is nowhere to put a container. The blue bags would be put on the curb on Tuesdays per Downtown Binghamton regulations. Before garbage days, they would be in the apartments with the tenants.</li> </ul> </li> </ul>	

- **Counsel (Rossow)** mentions about a rat problem in the city and that not keeping garbage in containers could lead to an increase in this problem.
- **Applicant (Ackerman) commented**, he is opened to any suggestions recommended by the Planning Commission, but again he has no idea on where to possibly put containers due to the situation with the lot line and limited space.
- **Vice-Chair (Dziedzic) asked**, referring to the staff report, “staff is recommending a fence or landscape buffer along the northern property line of 19 E Clinton St, preventing encroachment by tenants on the neighboring parking area.” Is this something you will be able to amend in an amended plan?
  - **Applicant (Ackerman) agreed** saying he will.
- **Commissioner (Seepersaud) asked**, how many cars use the parking area currently and how many more can you accommodate?
  - **Applicant (Ackerman) replied**, there are 6 parking spots present right now. Do not think another one could be accommodated. None of the spots are being used by the current tenants. Existing current tenants do not have a parking in their lease, they lease spots around the corner.
- **Chair (Corcoran) asked**, are there any plans to repave the parking lot?
  - **Applicant (Ackerman) commented**, it was just repaved this summer.

**VOTING**

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

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

**MOTION** to schedule a public hearing at the October regular meeting

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

**SEQR DETERMINATIONS**

**ADDRESS:** 33 Court St      **CASE NUMBER:** PC-2023-0028

**DESCRIPTION FROM AGENDA:** Site Plan Review for the conversion of the second floor of an existing mixed-use building into 3 two-bedroom dwelling units, resulting in 4 total dwelling units in the C-2 Downtown Business District

**APPLICANT:** Owen Bly

**REPRESENTATIVE(S):** Owen Bly

**DISCUSSION POINTS:**

- Applicant said there was a mistake in the description, it should be [3] two-bedroom dwelling units and [1] studio apartment with an existing unit located on 3<sup>rd</sup> floor, resulting in 5 total dwelling units.
- No exterior changes are being proposed for this project, painting of the front façade was completed as part of a separate project.
- **Vice-Chair (Dziedzic) asked**, what is/was currently up on the 2<sup>nd</sup> floor of this building? As we asked previous applicant, can you spell out for us what the garbage disposal plan is?
  - **Applicant (Bly) commented**, it is a vacant floor. It was owner occupied, completely vacant, 4500 square foot hardwood floor.
  - **Applicant (Bly) commented**, we have a dumpster behind the building, in addition to the dumpster, there is trash pickup available too, but everyone in the building uses the dumpster out back.
- **Chair (Corcoran) asked** if the space in the back of the building where dumpster is located was a common area?
  - **Applicant (Bly) commented**, there is a parking lot behind the building that I have an easement through to access both the freight elevator and my back garage, at the edge of the garage, there are several dumpsters. Several of the neighbors in the area split the cost of the dumpsters.

**VOTING**

<b>MOTION</b> that the Planning Commission intents to act as Lead Agency in SEQR review and that the action is Type II under SEQR		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Seepersaud	<b>VOTE:</b> Carried (6-0-1)
<b>AYE(S):</b> Dziedzic, Weiss, Corcoran, De Angelo, Seepersaud, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Priest
<b>MOTION</b> to schedule a public hearing at the October regular meeting		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (6-0-1)
<b>AYE(S):</b> Dziedzic, Weiss, Corcoran, De Angelo, Seepersaud, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Priest

<b>PUBLIC HEARINGS &amp; FINAL DELIBERATIONS</b>	
<b>ADDRESS:</b> 135 Conklin Ave	<b>CASE NUMBER:</b> PC-2023-0019
<b>DESCRIPTION FROM AGENDA:</b> 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 8,900ft2 of lower-level commercial space in the C-4 Neighborhood Commercial District	
<b>APPLICANT:</b> Crowley Factory Lofts LLC	
<b>REPRESENTATIVE(S):</b> Charles Devine (Johnson-Schmidt & Associates)	
<b>DISCUSSION POINTS:</b>	
<ul style="list-style-type: none"> <li>▪ These units are not tailored towards students, instead will be market rate housing</li> <li>▪ Many historical elements will be saved due to applicants applying for historical tax credits though NY State</li> </ul>	
<b>PUBLIC COMMENT:</b>	
<ul style="list-style-type: none"> <li>▪ <b>Chris Papastrat (business owner/neighbor in the area) spoke</b> in favor of the project. Mr. Papastrat had following to say about the project: “The dairy plant has there been over 100 years, my brother and I have our business there for about 50 years. We welcome the new development, we want to be good neighbors, so we look forward to working with the owners as far as whatever it takes to beautify the area. Just wanted to say word of encouragement if they need anything from us and welcome them to the neighborhood.”</li> <li>▪ No letters received.</li> </ul>	
<b>VOTING</b>	
<b>MOTION</b> that the Planning Commission intents to act as Lead Agency in SEQR review and that the action is Type II under SEQR was determined at the last Planning Commission meeting on 8/1/2023.	
<b>MOTION</b> that the requirements for Site Plan Review and Special Use Permit have been met and therefore the application has been met and approved.	
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Weiss
<b>AYE(S):</b> Dziedzic, Weiss, Corcoran, De Angelo, Seepersaud, DiFulvio	<b>NAY(S):</b>
<b>VOTE:</b> Carried (6-0-1)	
<b>ABSTENTION(S):</b> Priest	

<b>PUBLIC HEARINGS &amp; FINAL DELIBERATIONS</b>	
<b>ADDRESS:</b> 29, 31, 32, 33 34 Munsell St & 75-77 Liberty St	<b>CASE NUMBER:</b> PC-2023-0022
<b>DESCRIPTION FROM AGENDA:</b> 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	
<b>APPLICANT:</b> Greater Opportunities for Broome & Chenango	
<b>REPRESENTATIVE(S):</b> Kelly Robertson (Deputy Director, Greater Opportunities for Broome & Chenango), Patricia Every (PA Every Architect PLLC)	
<b>DISCUSSION POINTS:</b>	
<ul style="list-style-type: none"> <li>▪ No changes to the site plan from previous Planning Commission meeting</li> <li>▪ Received additional funding (\$778,000 from NY State) for the project</li> <li>▪ <b>Chair (Corcoran) asked</b> about 37 Munsell St property, which seems to be right in the middle of the project undertaken by the applicant. What is going on with that property?</li> </ul>	

- **Representative (Robertson) commented**, it is owned by a woman who lives in Canada, who wants an extreme amount of money for it, for a building that is falling apart. The last time it was known, the city was going to condemn it, the owner said she would let them take it, which would be fine for us. We would like to have that property/parcel, but we are not willing to pay for the extreme asking price.
- **Representative (Every) commented**, we would either tear the building down or would look to salvage the building to put additional units.
- **Counsel (Rossow) commented**, there was an issue with 39 Munsell St, about plantings.
- **Representative (Robertson) replied**, our contractor has ordered them, the majority are already in, we are just waiting for them to arrive. They are on backorder.

**PUBLIC COMMENT:**

- No one spoke in favor nor in opposition of the project
- No letters received

**VOTING**

**MOTION** to issue a negative declaration under SEQR

<b>FIRST:</b> Corcoran	<b>SECOND:</b> Dziejczic	<b>VOTE:</b> Carried (6-0-1)
<b>AYE(S):</b> Dziejczic, Weiss, Corcoran, De Angelo, Seepersaud, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Priest

**SEAF PART 2 IMPACT ASSESSMENT.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available. When answering the questions the reviewer should be guided by the concept "Have our responses been reasonable considering the scale and context of the proposed action?"

<b>TYPE OF ACTION:</b> Unlisted	<b>LEAD AGENCY:</b> Planning Commission
---------------------------------	---

*The Chairman should make a motion to (1) declare intent to act as lead agency, and to (2) define the type of action under SEQR. The Chairman should then open the public hearing or set the date for the public hearing on the case. Following the closing of a public hearing, the Chairman should lead a discussion evaluating the following potential impacts.*

	<b>NO OR SMALL IMPACT MAY OCCUR</b>	<b>MODERATE TO LARGE IMPACT MAY OCCUR</b>
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
Will the proposed action result in a change in the use or intensity of use of land?	✓	
Will the proposed action impair the character or quality of the existing community?	✓	
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
Will the proposed action impact existing: A. public / private water supplies? B. public / private wastewater treatment utilities?	✓	
Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources?	✓	
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	
Will the proposed action result in an increase in the potential for erosion, flooding, or drainage Problems?	✓	
Will the proposed action create a hazard to environmental resources	✓	

or human health?		
------------------	--	--

**EAF PART 3 - DETERMINATION OF SIGNIFICANCE.** For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term, and cumulative impacts.

<b>BASED ON THE ABOVE, MOTION:</b>	Negative Declaration	
------------------------------------	----------------------	--

**MOTION** that the requirements for Site Plan Review and Special Use Permit have been met and therefore the application has been met and conditionally approved, subject to the following: Applicant must install complete landscaping/plants outlined in the site plan dated February 7, 2020 for the 39 Munsell St application.

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

<b>ADJOURNMENT</b>		
--------------------	--	--

<b>MOTION</b> to adjourn	<b>TIME:</b> 5:53 PM	
--------------------------	----------------------	--

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