



# LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President  
Angela Holmes, City Clerk

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**MINUTES**  
**City Council Business Meeting**  
**Council Chambers, 38 Hawley Street, Binghamton, N.Y.**  
**Wednesday April 23, 2014**

**CALL TO ORDER**

Called to order by City Council President Rennia at 5:06pm.

**PLEDGE OF ALLEGIANCE**

City Council President Rennia led the Pledge of Allegiance.

**ROLL CALL**

**Present:** Jerry Motsavage, Joseph Mihalko, Teri Rennia, Lea Webb, Chris Papastrat, John Matzo, Bill Berg

**Absent:** None

**Also in attendance:** Angela Holmes, City Clerk; Jeremy Pelletier, Deputy City Clerk; Allison Sosa, 2<sup>nd</sup> Assistant Corporation Counsel

**REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES**

Motion to approve from the Business Meeting held on Wednesday April 9, 2014, from the Special Business Meeting held on Thursday April 10, 2014 and from the Joint Work Session held on Tuesday April 8, 2014.

Moved by Motsavage, seconded by Webb.

**Voice vote, none opposed.**

Motion to approve the minutes from the Planning and Community Development Committee meetings held on Wednesday April 9, 2014 and Monday April 21, 2014.

Moved by Webb, seconded by Motsavage.

**Voice vote, none opposed.**

Councilwoman Webb noted for the record that the Planning and Community Development Committee will hold several meetings to review the proposed Comprehensive Plan, Form-Based Code and Housing Market Study. Several City Council Work Sessions and Business Meetings will start earlier than normal in order to accommodate these Committee Meetings. Unless otherwise noted, all such meetings will take place in the City Council Work Room, located through the City Clerk's Office on the first floor of City Hall. In addition to the regularly scheduled Work Sessions and Business Meetings, these meetings are as follows:

Wednesday April 23, 2014	6:00pm	Planning and Community Development Committee meeting to review Comprehensive Plan, Form-Based Code and Housing Market Study.
Monday April 28, 2014	5:00pm	Planning and Community Development Committee meeting to review Comprehensive Plan, Form-Based Code and Housing Market Study.



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Wednesday April 30, 2014	5:00pm	Planning and Community Development Committee meeting to review Comprehensive Plan, Form-Based Code and Housing Market Study.
Monday May 5, 2014	5:00-6:30pm 6:30pm	City Council Work Session Planning Commission public hearing on Comprehensive Plan, Form-Based Code and Housing Market Study
Wednesday May 7, 2014	6:30pm	City Council Business Meeting and public hearing regarding Comprehensive Plan, Form-Based Code and Housing Market Study (City Council Chambers)
Monday May 12, 2014	5:00-9:00pm	Joint Session with City Council and interested agencies to review the Comprehensive Plan, Form-Based Code and Housing Market Study. (Broome County Public Library, 185 Court Street)
Wednesday May 14, 2014	5:00pm	Joint Session with City Council and interested agencies to review the Comprehensive Plan, Form-Based Code and Housing Market Study. (Broome County Public Library, 185 Court Street)
Wednesday June 18, 2014	6:30pm	City Council Business Meeting and public hearing on Comprehensive Plan, Form-Based Code and Housing Market Study (City Council Chambers)
Wednesday July 9, 2014	6:30pm	City Council Business Meeting and anticipated vote on Comprehensive Plan, Form-Based Code and Housing Market Study (City Council Chambers)

For more information on the Comprehensive Plan, Form-Based Code and Housing Market Study, and for more information on the anticipated agendas for each Planning and Community Development Committee meeting, please visit [www.binghamton-ny.gov/blueprint-binghamton-forward-together](http://www.binghamton-ny.gov/blueprint-binghamton-forward-together).

Motion to approve the minutes from the Employees Committee meeting held on Monday April 21, 2014.  
Moved by Berg, seconded by Webb.

**Voice vote, none opposed.**

### **PUBLIC HEARING**

#### **Introductory Ordinance 14-22. Considered in Planning and Community Development, Chair: Webb**

An Ordinance amending Chapter 410, Article XI of the Code of the City of Binghamton, regarding sign regulations  
*Note: Introductory Ordinance 14-11, regarding amendments to sign regulations, was originally scheduled for Second Reading Legislation at this Business Meeting. Council members Mihalko, Berg, Renna, Motsavage and Papastrat removed their support from this legislation. Item failed without support from the majority of the committee in which it was considered or from the majority of Council as a whole. The proposed amendments to the sign regulations were redrafted as Introductory Ordinance 14-22. Notice of this public hearing was published in the Press & Sun Bulletin on Thursday April 17, 2014.*



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1. Councilman Matzo requested permission to abstain from this legislation, due to a conflict of interests.  
Motion to allow Councilman Matzo to recuse himself from this legislation.  
Moved by Webb, seconded by Matzo.  
**Voice vote, none opposed.**
2. In Favor: None  
Opposed: None

### **Introductory Resolution 14-23. Considered in Municipal and Public Affairs, Chair: Motsavage**

A Resolution authorizing a noise variance for the Belmar Pub

*Note: Notice of this public hearing was published in the Press & Sun Bulletin on Thursday April 17, 2014.*

In Favor: Edward Hickey, James McCabe, Kevin Kober, Kimberly Felton, Jennifer Fiala, James Nicholson, Victor Lay, Elizabeth, Matthew Eckard, Alex Fischer, Brendan Fitzgerald, Kristen Juliusson, John Premman, Benjamin Bronson

Opposed: John Darrow, Tari Donahue<sup>1</sup>, Petition<sup>2</sup>

<sup>1</sup>*Note: Tari Donahue submitted the following email to the City Clerk's Office on April 17, 2014. A copy of the original email is attached to these minutes.*

To whom it may concern:

We are vehemently opposed to approving a noise variance for the Belmar. Since we have moved to Arthur Street, close to 30 years ago, we have seen the neighborhood continue to decline. The noise level from the transient neighbors, drug dealers, BU students and the Belmar crowds have significantly decreased our quality of life. I don't want to hear those bands while I am trying to relax outside on our deck. To listen for hours to music and have to remain inside is unfair to the neighbors. Although we appreciate Mr. Hickey's business in the area, it is simply too close and too loud as evidenced by his outdoor bands last year. Additionally, his premises are an eyesore. Thank you.

Tarik W. Donahue  
12 Arthur Street

<sup>2</sup>*Note: A petition signed by thirty-four (34) residents was submitted to the City Clerk's Office on April 23, 2014. A copy of the original petition is attached to these minutes.*

City Council Members: We the undersigned are opposed to the noise and event variance as proposed by the Belmar bar located at 95 Main Street Binghamton New York, 13905.

### **SET PUBLIC HEARING**

The City of Binghamton will hold a public hearing on the proposed Comprehensive Plan on Wednesday May 7, 2014 at 6:30pm, during the regularly scheduled City Council Business Meeting held in the City Council Chambers.

The City of Binghamton will hold a public hearing on "An Ordinance adopting a Comprehensive Plan for the City of Binghamton" on Wednesday June 18, 2014 at 6:30pm, during the regularly scheduled City Council Business Meeting held in the City Council Chambers.



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### **PUBLIC COMMENT/COMMUNICATION**

Jack Sheehan, Cathy Sostre<sup>2</sup>, Marian Hollander<sup>3</sup>, Joy Stalker<sup>4</sup>, Ryan Comfort<sup>4</sup>, Rebecca Miller<sup>4</sup>, Cynthia S. Burger<sup>4</sup>, Charles Carr, Jason Camp<sup>4</sup>

<sup>2</sup>Note: Cathy Sostre submitted the following email to the City Clerk's Office on April 10, 2014. A copy of the original email is attached to these minutes.

I am in support of changing the zoning code that would prohibit new tobacco and e-cigarette retailers from locating within 500 ft of public schools.

<sup>3</sup>Note: Marian Hollander submitted the following email to the City Clerk's Office on April 21, 2014. A copy of the original email is attached to these minutes.

Dear City Clerk,

I urge the City to support the proposed tobacco zoning that would prohibit tobacco selling within 500 feet of schools. Tobacco marketers are targeting youth and we need to protect our children. If we can keep our young citizens tobacco-free into early adulthood there is very little chance that they will ever start smoking.

Best,

Marian Hollander  
53 Morgan Road  
Binghamton, NY 13903

<sup>4</sup>Note: Joy Stalker, Ryan Comfort, Rebecca Miller, Cynthia S. Burger, Charles Carr and Jason Camp all submitted copies of the same letter to the City Clerk's Office between April 10-22, 2014 on behalf of the YMCA, Broome County Dental Society, Junior League of Binghamton, Broome County Medical Society, AARP and Binghamton Senators, respectively. Copies of the original letters are attached to these minutes.

Letter of Support for Reducing the Density and Proximity to Schools of Tobacco Retailers

In New York State, the tobacco industry spends approximately \$1.1 million per day to market its product. The U.S. Federal Court of Appeals concluded in 2006 that the tobacco industry created highly sophisticated marketing campaigns to get young people to initiate smoking. Greater concentration of tobacco retailers is associated with illegal cigarette purchases by young people and higher rates of youth smoking prevalence. In-store tobacco displays can influence kids' smoking, increasing the likelihood of teenagers being susceptible to initiating, experimenting, or becoming current smokers. Experimental smoking among youth was related to the density of tobacco outlets both in high school neighborhoods and in neighborhoods where youth live. Advertising is more prevalent in stores located near schools and where adolescents are more likely to shop.

[The YMCA/Broome County Dental Society/Junior League of Binghamton/Broome County Medical Society/AARP/Binghamton Senators] supports protecting youth from tobacco marketing by reducing the density of tobacco retail outlets and/or their proximity to schools, playgrounds and parks.



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### **FIRST READING LEGISLATION**

#### **Introductory Ordinance 14-17. Considered in Planning and Community Development, Chair: Webb**

An Ordinance amending Chapter 410 of the Code of the City of Binghamton, regarding the sale of tobacco products near schools

*Note: Notice of this public hearing was published in the Press & Sun Bulletin on Friday April 4, 2014.*

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

#### **Motion carried. Legislation adopted as Permanent Ordinance 14-19. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg

Nays: None

#### **Introductory Ordinance 14-22. Considered in Planning and Community Development, Chair: Webb**

An Ordinance amending Chapter 410, Article XI of the Code of the City of Binghamton, regarding sign regulations

*Note: Introductory Ordinance 14-11, regarding amendments to sign regulations, was originally scheduled for Second Reading Legislation at this Business Meeting. Council members Mihalko, Berg, Rennia, Motsavage and Papastrat removed their support from this legislation. Item failed without support from the majority of the committee in which it was considered or from the majority of Council as a whole. The proposed amendments to the sign regulations were redrafted as Introductory Ordinance 14-22. Notice of this public hearing was published in the Press & Sun Bulletin on Thursday April 17, 2014. Public hearing occurred at the Business Meeting held on April 23, 2014. Council President Rennia requested to be added as a sponsor to this legislation.*

1. Motion to approve legislation.  
Moved by Webb, seconded by Motsavage.
2. Motion to declare City Council as lead agency.  
Moved by Webb, seconded by Motsavage.  
**Voice vote, none opposed.**
3. Motion to declare Introductory Ordinance 14-22 as a Type I Action, as a change affecting more than twenty-five (25) acres.  
Moved by Webb, seconded by Motsavage.  
**Voice vote, none opposed.**
4. Motion to declare that there will be no significant, adverse environmental impact due to the following: The proposed amendments to the Zoning Ordinance replace the existing Sign Regulations in their entirety. The new regulations will apply to all new signage, in all Zoning Districts. The new regulations provide property owners and businesses a greater degree of flexibility to better suit their particular project site and conditions. The new regulations seek to make the review process faster and easier by reducing the number of steps in the application process for applicants, while still maintaining and encouraging a high level of aesthetic quality for signage in the City of Binghamton. The new regulations also address changes in technology and best practices in the sign industry.  
Moved by Webb, seconded by Motsavage.  
**Voice vote, none opposed.**
5. Councilman Matzo requested permission to abstain from this legislation, due to a conflict of interests.  
Motion to allow Councilman Matzo to recuse himself from this legislation.



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Moved by Berg, seconded by Motsavage.

**Voice vote, none opposed.**

6. Motion to approve legislation.

Moved by Webb, seconded by Berg.

**Motion carried. Legislation adopted as Permanent Ordinance 14-20. (Vote 6-0-1)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Berg

Nays: None

Abstain: Matzo

### **Introductory Resolution 14-24, Considered in Employees, Chair: Berg**

A Resolution authorizing a second amendment to the Police Benevolent Association Agreement for 2012-2014

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

**Motion carried. Legislation adopted as Permanent Resolution 14-23. (Vote 7-0)**

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Matzo, Berg

Nays: None

### **COMMUNICATIONS FROM COUNCIL MEMBERS**

Mihalko, Webb, Papastrat, Matzo, Berg, Motsavage, Rennia

### **ADJOURNMENT**

Motion to adjourn at 6:38pm.

Moved by Webb, seconded by Motsavage.

**Voice vote, none opposed.**

## Letter of Support for Reducing the Density and Proximity to Schools of Tobacco Retailers

- In New York State, the tobacco industry spends approximately \$1.1 million per day to market its product.<sup>1</sup>
- The U.S. Federal Court of Appeals concluded in 2006 that the tobacco industry created highly sophisticated marketing campaigns to get young people to initiate smoking.<sup>2</sup>
- Greater concentration of tobacco retailers is associated with illegal cigarette purchases by young people and higher rates of youth smoking prevalence.<sup>3,4</sup>
- In-store tobacco displays can influence kids' smoking, increasing the likelihood of teenagers being susceptible to initiating, experimenting, or becoming current smokers.<sup>5,6</sup>
- Experimental smoking among youth was related to the density of tobacco outlets both in high school neighborhoods and in neighborhoods where youth live.<sup>7</sup>
- Advertising is more prevalent in stores located near schools and where adolescents are more likely to shop.<sup>8</sup>

AARP

\_\_\_\_\_ supports protecting youth from tobacco marketing by reducing the density of tobacco retail outlets and/or their proximity to schools, playgrounds and parks.

Communities have been granted the authority through the Federal Family Smoking Prevention and Tobacco Control Act to set a maximum number of tobacco retailers within a geographic region and to prevent tobacco retailers from locating near schools, parks, playgrounds, etc.

Charles Carr \_\_\_\_\_  
Signature Date 9/19/12  
CHARLES CARR \_\_\_\_\_  
Print name Title PRESIDENT  
AARP CARDICOTT, N.Y. \_\_\_\_\_  
Organization (if pertinent)  
500 HARVARD ST. VESTAL, N.Y. 13850 \_\_\_\_\_  
Address  
CHARLIE CARR 2003@MSN.COM \_\_\_\_\_  
Email  
607-494-9294 \_\_\_\_\_  
Phone

## Letter of Support for Reducing the Density and Proximity to Schools of Tobacco Retailers

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- Advertising is more prevalent in stores located near schools and where adolescents are more likely to shop.<sup>8</sup>

Binghamton Senators supports protecting youth from tobacco marketing by reducing the density of tobacco retail outlets and/or their proximity to schools, playgrounds and parks.

Communities have been granted the authority through the Federal Family Smoking Prevention and Tobacco Control Act to set a maximum number of tobacco retailers within a geographic region and to prevent tobacco retailers from locating near schools, parks, playgrounds, etc.

Jason Camp 8-16-20  
Signature Date  
Jason Camp V.P. of Sales  
Print name Title  
Binghamton Senators  
Organization (if pertinent)  
1 Stuart St 3rd Floor Arena Binghamton NY 13901  
Address  
jcampa@binghamton-senators.com  
Email  
(607) 722-SENS  
Phone

## Letter of Support for Reducing the Density and Proximity to Schools of Tobacco Retailers

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- Experimental smoking among youth was related to the density of tobacco outlets both in high school neighborhoods and in neighborhoods where youth live.<sup>7</sup>
- Advertising is more prevalent in stores located near schools and where adolescents are more likely to shop.<sup>8</sup>

Broome County Dental Society supports protecting youth from tobacco marketing by reducing the density of tobacco retail outlets and/or their proximity to schools, playgrounds and parks.

Communities have been granted the authority through the Federal Family Smoking Prevention and Tobacco Control Act to set a maximum number of tobacco retailers within a geographic region and to prevent tobacco retailers from locating near schools, parks, playgrounds, etc.

  
Signature \_\_\_\_\_ Date 8/16/12

RYAN COMFORT DDS  
Print name \_\_\_\_\_ Title Treasurer

Broome County Dental Society  
Organization (if pertinent) \_\_\_\_\_

4700 Vestal Pkwy East Scribe 2P2 Vestal NY 13856-3770  
Address \_\_\_\_\_

\_\_\_\_\_  
Email \_\_\_\_\_

\_\_\_\_\_  
Phone \_\_\_\_\_

## Letter of Support for Reducing the Density and Proximity to Schools of Tobacco Retailers

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- Experimental smoking among youth was related to the density of tobacco outlets both in high school neighborhoods and in neighborhoods where youth live.<sup>7</sup>
- Advertising is more prevalent in stores located near schools and where adolescents are more likely to shop.<sup>8</sup>

The Broome County Medical Society supports protecting youth from tobacco marketing by reducing the density of tobacco retail outlets and/or their proximity to schools, playgrounds and parks.

Communities have been granted the authority through the Federal Family Smoking Prevention and Tobacco Control Act to set a maximum number of tobacco retailers within a geographic region and to prevent tobacco retailers from locating near schools, parks, playgrounds, etc.

Cynthia S. Burger

Signature

August 14, 2012

Date

Cynthia S. Burger

Print name

Executive Director

Title

The Broome County Medical Society

Organization (if pertinent)

65 Pennsylvania Ave, #201, Binghamton, NY 13903

Address

medsociety@medsocieties.org

Email

607-777-8493

Phone

## Holmes, Angela

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**From:** Cathy Sostre [cathysostre@gmail.com]  
**Posted At:** Thursday, April 10, 2014 4:34 PM  
**Conversation:** Form submission from: Contact Form  
**Posted To:** Inbox  
  
**Subject:** Form submission from: Contact Form

Submitted on April 10, 2014 - 4:34pm Details:

Your name Cathy Sostre

Your e-mail address [cathysostre@gmail.com](mailto:cathysostre@gmail.com)

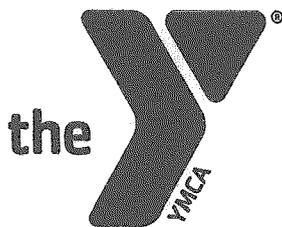
To Angela Holmes

Subject Center for Public Health & Tobacco Policy

Message

I am in support of changing the zoning code that would prohibit new tobacco and e-cigarette retailers from locating within 500 ft of public schools.

The results of this submission may be viewed at: <http://www.binghamton-ny.gov/node/1427/submission/2698>



**FOR YOUTH DEVELOPMENT®  
FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY**

April 8, 2014

Angela Holmes  
Binghamton City Clerk  
38 Hawley Street  
Binghamton, NY 13901

**RE: LETTER OF SUPPORT FOR REDUCING THE DENSITY AND PROXIMITY TO  
SCHOOLS OF TOBACCO RETAILERS**

In New York State, the tobacco industry spends approximately \$1.1 million per day to market its product. The US Federal Court of Appeals concluded in 2006 that the tobacco industry created highly sophisticated marketing campaigns to get young people to initiate smoking.

Greater concentration of tobacco retailers is associated with illegal cigarette purchases by young people and higher rates of youth smoking prevalence. In-store tobacco displays can influence kids' smoking, increasing the likelihood of teenagers being susceptible to initiating, experimenting, or becoming current smokers.

Experimental smoking among youth was related to the density of tobacco outlets both in high school neighborhoods and in neighborhoods where youth live. Advertising is more prevalent in stores located near schools and where adolescents are more likely to shop.

The YMCA of Broome County supports protecting youth from tobacco marketing by reducing the density of tobacco retail outlets and/or their proximity to schools, playgrounds, and parks.

  
Joy Stalker  
Chronic Disease Specialist

YMCA of Broome County  
Binghamton Branch, 61 Susquehanna Street, Binghamton, NY 13901  
West Family YMCA, 740 Main Street, Johnson City, NY 13790

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- In-store tobacco displays can influence kids' smoking, increasing the likelihood of teenagers being susceptible to initiating, experimenting, or becoming current smokers.<sup>5,6</sup>
- Experimental smoking among youth was related to the density of tobacco outlets both in high school neighborhoods and in neighborhoods where youth live.<sup>7</sup>
- Advertising is more prevalent in stores located near schools and where adolescents are more likely to shop.<sup>8</sup>

The Junior League of Binghamton supports protecting youth from tobacco marketing by reducing the density of tobacco retail outlets and/or their proximity to schools, playgrounds and parks.

Communities have been granted the authority through the Federal Family Smoking Prevention and Tobacco Control Act to set a maximum number of tobacco retailers within a geographic region and to prevent tobacco retailers from locating near schools, parks, playgrounds, etc.

Rebecca Miller

Signature

8/8/12 & continued 4/8/2014

Date

Rebecca Miller

Print name

President

Title

The Junior League of Binghamton

Organization (if pertinent)

475 Main St, Johnson City, NY 13790

Address

www.juniorleaguebinghamton.org

Email

607-205-9831

Phone

## Holmes, Angela

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**From:** Marian Hollander [marian424@gmail.com]  
**Posted At:** Monday, April 21, 2014 5:55 PM  
**Conversation:** Proposed Tobacco Zoning  
**Posted To:** Inbox  
  
**Subject:** Proposed Tobacco Zoning

Dear City Clerk,

I urge the City to support the proposed tobacco zoning that would prohibit tobacco selling within 500 feet of schools. Tobacco marketers are targeting youth and we need to protect our children. If we can keep our young citizens tobacco-free into early adulthood there is very little chance that they will ever start smoking.

Best,  
Marian Hollander  
53 Morgan Road  
Binghamton, NY 13903

## Pelletier, Jeremy

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**From:** Donahue, Tari [tdonahue@lourdes.com]  
**Posted At:** Thursday, April 17, 2014 8:05 AM  
**Conversation:** Noise Variance-Belmar  
**Posted To:** Clerk  
  
**Subject:** Noise Variance-Belmar

To whom it may concern:

We are vehemently opposed to approving a noise variance for the Belmar. Since we have moved to Arthur Street, close to 30 years ago, we have seen the neighborhood continue to decline. The noise level from the transient neighbors, drug dealers, BU students and the Belmar crowds have significantly decreased our quality of life. I don't want to hear those bands while I am trying to relax outside on our deck. To listen for hours to the music and have to remain inside is unfair to the neighbors. Although we appreciate Mr. Hickey's business in the area, it is simply too close and too loud as evidenced by his outdoor bands last year. Additionally, his premises are an eyesore. Thank you.

*Tari W. Donahue  
12 Arthur Street*

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