



Department of Planning, Housing, & Community Development

Mayor, Richard C. David
Director, Dr. Juliet Berling

SUMMARY OF MINUTES CITY OF BINGHAMTON COMMISSION ON ARCHITECTURE & URBAN DESIGN	
MEETING DATE: January 8, 2019	LOCATION: City Council Chambers, City Hall
CALLED TO ORDER: 12:00 PM	RECORDER OF MINUTES: S. McGee

ROLL CALL	
BOARD MEMBERS PRESENT:	BOARD MEMBERS ABSENT:
<ul style="list-style-type: none"> ▪ K. Ellsworth (Chair) ▪ M. E. Mauro ▪ M. Atchie ▪ M. Lombardini ▪ P. Klosky 	<ul style="list-style-type: none"> ▪ J. Darrow ▪ S. Edwards
STAFF MEMBERS PRESENT:	TITLE & DEPARTMENT:
S. McGee	Historic Preservation & Neighborhood Planner, PHCD
J. Berling	Director, PHCD
T. Konetchy	Planner, PHCD
B. Seachrist	First Assistant Corporation Counsel

BUSINESS ITEM		
ADDRESS: 21 Main Street	CASE NUMBER: CAUD-2019-01	
DESCRIPTION FROM AGENDA: Certificate of Appropriateness		
DISCUSSION POINTS & THOSE SPEAKING:		
<p>Staff presented the application. E. Olsen spoke about the existing awning. He indicated that the lights will be mounted to the front of the awning. There is an 18" header. Existing signage is present on the building. The proposed 7' by 30". The panel is 48". The Commission asked about the current signage on the building.</p> <p>Staff asked about the color of the gooseneck lights. E. Olsen said that they would be black in color.</p>		
PUBLIC COMMENT:		
<ul style="list-style-type: none"> ▪ Eric Olsen speaking on behalf of the application ▪ No other comments received 		
VOTING		
MOTION: To approve the sign as presented for 21 Main Street.		
FIRST: M. Lombardini	SECOND: M. E. Mauro	VOTE: (5-0-0)
AYE(S): All	NAY(S): All	ABSTENTION(S): None

VOTING
MOTION: To appoint M. Lombardini as interim Chairman.

FIRST: K. Ellsworth	SECOND: M. E. Mauro	VOTE: (5-0-0)
AYE(S): All	NAY(S): All	ABSTENTION(S): None

BUSINESS ITEM	
ADDRESS: 15 Hawley Street	CASE NUMBER: CAUD-2018-98
DESCRIPTION FROM AGENDA: Certificate of Appropriateness	
DISCUSSION POINTS & THOSE SPEAKING:	
<p>K. Gay introduced the proposal and the revisions of the application since the December meeting.</p> <p>Revisions included the following:</p> <ol style="list-style-type: none"> 1) Canopy is not attached, vertical post now go through. 2) Televisions 3) Vertical lift windows <p>K. Gay provided details on each of the revisions as follows.</p> <ol style="list-style-type: none"> 1) Canopy <p>The Canopy will be freestanding and have a single slope. The existing trees will remain.</p> <ol style="list-style-type: none"> 2) Televisions <p>The television will be placed off the façade of the building and affixed to the free standing canopy system.</p> <ol style="list-style-type: none"> 3) Vertical lift opening above bar <p>Raised panels will added to both vertical lift windows to mimic the bulkheads along the Washington Street storefront display.</p> <p>He explained the flashing along the canopy and the façade in greater detail.</p> <p>M. Lombardini clarified the previous approvals in regard to the application.</p> <p>Staff asked about the replacement double door.</p> <p>Staff provided the historical information about the property that was requested at the previous meeting.</p> <p>Staff asked that the Commission clarify their previous approval of the vertical opening at the last meeting due to the lack of clarity in the meeting record.</p> <p>M. Lombardini wanted to review the project by item.</p> <ol style="list-style-type: none"> 1) Canopy <p>M. Lombardini asked if it would come past the railing.</p>	

K. Gay said it would not.

M. Atchie asked about runoff.

M. Lombardini asked about whether or not run-off would be on the sidewalk.

K. Gay indicated that there would be planting strip for runoff.

M. Lombardini indicated runoff would need to be collected in some manner.

K. Gay indicated that if a gutter was installed it would be internal type gutter into the roof system and drop a vertical where the tree is.

A motion was made.

2) Televisions

M. Lombardini spoke about liking the concept as presented but stated the issue was still with digital signage outdoors.

P. Klosky asked how visible it is.

M. Lombardini stated it would be visible.

Staff stated that it seemed the televisions would appear visible from the public right-of-way.

K. Gay indicated it really was the form of entertainment for the space.

B. Seachrist asked if they would be outdoors.

K. Gay said they were outdoor televisions.

B. Seachrist asked if they would be used when the patio was not in use.

K. Gay said no.

B. Seachrist said the issue would be signage.

M. Atchie stated that the space was different.

M. Lombardini asked about the sizes of the spaces.

K. Gay said that was not necessarily the sizes to be used.

P. Klosky stated he wasn't bothered by the function of the TVs.

M. Lombardini said that the TVs use in this case was a little different.

Staff mentioned other relevant examples of outdoor television use.

M. Atchie ask about the number of TVs and setting size parameters.

M. Lombardini spoke about setting precedent.

K. Gay spoke about the size of the proposed TVs.

M.E. said she was not opposed to the TVs and didn't think they would be a distraction.

P. Klosky asked about the drop to the ground.

M. E. Mauro asked about precedent in this case as compared to others.

K. Gay explained.

Staff explained that if approval was desired, it would need to be narrowly defined.

B. Seachrist explained further.

Staff asked the applicant is projectors could be used instead.

M. Lombardini asked if that was possible.

K. Gay said they had not looked into it and there are some concerns.

B. Seachrist asked about seasonal use.

M. Lombardini asked if the TVs could be used for seasonal use.

M. Atchie made a motion.

M. Lyons explained the proposed sound system for the eatery.

The motion failed. Staff explained that the composition of the Commission could change and the motion could pass at different meeting.

3) Vertical lift opening for the bar area

M. Lombardini explained the approval from the previous meeting.

4) Vertical lift opening where the current display window is located

Staff asked about the panel configuration.

K. Gay explained the intent behind the configuration.

M. Lombardini asked about horizontal mullions.

He further asked about the decorative trim along the display windows.

K. Gay explained they would leave that in place if they could.

A motion was made.

5) Circular bar

The Commission discussed the bar area.

K. Gay explained the bar itself will be located on the deck.

M. Lombardini explained that the issue from the last meeting.

A motion was made.

The Commission discussed the issue of the digital entertainment displays.

Staff recommended that the applicant could return before the Commission with entertainment displays that were temporary such as a projector.

PUBLIC COMMENT:

- Rafael Diaz (Parlor City Pub), Ken Gay (Keystone Associates), Kyle Ellsworth (Keystone Associates), Mark Lyons (Parlor City Pub) speaking on behalf of the application
- No other comments received

VOTING

MOTION 1: To approve the canopy covering for the patio with the following conditions:

1) A design will be submitted to Planning Staff demonstrating a plan for run-off mitigation and control for rainfall and will illustrate the flashing/drainage along the building.

FIRST: M. Atchie	SECOND: M. E. Mauro	VOTE: (4-0-0)
AYE(S): All	NAY(S): All	ABSTENTION(S): None

MOTION 2: To approve the digital displays with the following conditions:

- 1) The digital entertainment displays will only be located underneath the previously approved canopy.
- 2) The digital entertainment displays will not be permanently affixed to the building.
- 3) The applicant will not utilize more than 6 digital entertainment displays, none of which will exceed 50" per manufacturer's specifications. The applicant may return before the Commission for a larger display size in the future.

FIRST: M. Atchie	SECOND: M. E. Mauro	VOTE: (3-1-0) (Failed)
AYE(S): All	NAY(S): All	ABSTENTION(S): None

MOTION 3: To approve the new cut-in, opening, and vertical lift window that appears between the double door and single door for the circular bar as presented at the December CAUD meeting

FIRST: M. Atchie	SECOND: M. E. Mauro	VOTE: (4-0-0)
AYE(S): All	NAY(S): All	ABSTENTION(S): None

MOTION 4: To approve the vertical lift opening in place of the current display window (near the Parlor City Sign) with the following conditions:

- 1) The paneling along the base of the window will match the design of the existing display window bulkhead.

FIRST: M. E. Mauro	SECOND: P. Klosky	VOTE: (4-0-0)
AYE(S): All	NAY(S): All	ABSTENTION(S): None
MOTION 5: To approve the bar as presented in the rendering with the following conditions:		
1) The bar will not be attached to the building;		
2) The opening and closing of the vertical lifts windows will not be hindered by the bar shape.		
FIRST: M. Lombardini	SECOND: M. Atchie	VOTE: (4-0-0)
AYE(S): All	NAY(S): All	ABSTENTION(S): None

MOTION: To appoint K. Ellsworth as Chairman		
FIRST: M. Lombardini	SECOND: P. Klosky	VOTE: (4-0-0)
AYE(S): All	NAY(S): All	ABSTENTION(S): None

BUSINESS ITEM	
ADDRESS: 211 Henry Street	CASE NUMBER: CAUD-2019-02
DESCRIPTION FROM AGENDA: Certificate of Appropriateness	
DISCUSSION POINTS & THOSE SPEAKING:	
<p>Staff presented the application.</p> <p>Rich Abrams spoke about the proposal. He stated he was just looking for the existing displays to be removed.</p> <p>He told the Commission that the new cabinets had not been selected yet.</p> <p>K. Ellsworth asked about SEQR.</p> <p>Staff informed the Commission that the type of action should be stated on the record.</p> <p>B. Seachrist stated that it would be appropriate to make a motion to declare the action on the record.</p> <p>A motion was made.</p> <p>Removal of the existing signs, no change of the structure.</p>	
PUBLIC COMMENT:	
<ul style="list-style-type: none"> ▪ Rich Abrams, RWA Installations, speaking on behalf of the application ▪ No other comments received 	
VOTING	
MOTION: To declare the action as a Type II action under SEQR	
FIRST: K. Ellsworth	SECOND: M. E. Mauro
AYE(S): All	NAY(S): All
VOTE: (5-0-0)	
ABSTENTION(S): None	
MOTION: To approve the removal of the existing signage.	
FIRST: M. E. Mauro	SECOND: M. Lombardini
AYE(S): All	NAY(S): None
VOTE: PASSED (5-0-0)	
ABSTENTION(S): None	

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BUSINESS ITEM	
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ADDRESS: 67 Ridge Street	CASE NUMBER: CAUD-2018-94
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DESCRIPTION FROM AGENDA:
Certificate of Appropriateness

DISCUSSION POINTS & THOSE SPEAKING:

Staff presented updates to the application.

Staff reviewed the response letter from the County with the Commission.

Staff noted the FCC exception and urged the County to review the full FCC programmatic agreement to ensure that they were meeting all Section 106 requirements.

Additionally, staff conveyed that the question about other locations in the CAUD letter to the County specifically asked whether or not other sites within the immediate project area had been considered, not if other sites in the City had been considered.

M. Ponticiello said yes that other properties in the project area had been considered but, that, based on the elevations, any other site would require a much larger tower.

Staff asked about the coverage area.

M. Ponticiello said that the proposed site provided the best coverage.

K. Ellsworth asked what actions could be taken by the Commission at the meeting.

Staff asked when the County intended to perform SEQR.

M. Ponticiello stated SEQR could be performed in February.

Staff informed the Commission that the question the Commission specifically asked for at the previous meeting regarding the sites potential NR eligibility had not been answered and that that information had been determined to be a condition for issuance of a COA. Staff said the Commission could act without that information if it was determined that it was no longer needed or the Commission could request it again and ask that the County make certain that they are meeting their regulatory requirements or the Commission, as mentioned in the County letter, could seek the answer to that question on their own.

B. Seachrist stated that this was correct but clarified the FCC programmatic agreement requirements for visual effects versus direct effects. He stated that if the County decided not to answer the question, the Commission could pursue on their own.

M. Lombardini asked about what SHPO would be reviewing specifically.

B. Seachrist said it would be the Golf Course itself.

M. E. asked about the current access road.

M. Ponticiello stated that the current access road involved driving over the Golf Course and that the new access road would not.

K. Ellsworth stated that staff feels that the golf course itself has not been considered as a cultural/historic resource and that the County had said it was not historic so that no further review was required.

B. Seachrist spoke about the visual versus direct effect.

K. Ellsworth said the Commission could either act on the information provided or request the information they had asked for and hold again.

M. Ponticiello stated that the application had been on hold for at least 3 months.

Staff clarified that the application could not have been considered complete until the present meeting and that SEQR had not been completed. Specifically, staff mentioned that the access road had been decided upon.

B. Seachrist asked if this was the final selection for the access route.

M. Ponticiello said it was and that it had been agreed on by the Mayor's Office.

Staff indicated that it had been reviewed by the Mayor's Office.

M. Ponticiello asked what that meant.

Staff said that the Mayor's Office was aware of it and that any final decision would be contingent on an agreement with the Mayor's office.

M. Ponticiello stated that the agreement was present in both legal offices.

B. Seachrist mentioned the importance of the historical resources being evaluated during the SEQR process and that the County may look to CAUD for input on that. He stated that this is why SHPOs determination is important in this matter and what the direct effect would be in this instance.

M. L. asked about SHPO review.

Staff explained SHPOs previous review and the missing information in the Phase 1 Cultural Resource Survey. He stated the County does not think they need to ask the question, so the Commission must decide whether or not to seek the answer on their own.

M. Atchie asked about the changes to the golf course over time.

Staff explained those changes would be taken into account in the eligibility review.

K. Ellsworth asked M. Ponticiello if County would ask the question.

M. Ponticiello said he could not answer the question.

K. Ellsworth said that if the County did not ask the question, staff should ask the question. He indicated that he would like that completed before their February SEQR review.

<p>M. Lombardini stated he thought the question needed to be asked.</p> <p>K. Ellsworth stated he thought it was needed due to the record.</p> <p>Staff discussed the SHPO review process.</p> <p>A motion was made.</p>		
<p>PUBLIC COMMENT:</p> <ul style="list-style-type: none"> ▪ Michael Ponticiello, Director of Broome County Emergency Services, speaking on behalf of the application ▪ No other comments received 		
<p>VOTING</p>		
<p>MOTION: For the County to determine whether they will seek a determination from SHPO and if not, Planning Staff will seek a determination from SHPO.</p>		
FIRST: K. Ellsworth	SECOND: M. Lombardini	VOTE: PASSED (5-0-0)
AYE(S): All	NAY(S): None	ABSTENTION(S): None

<p>BUSINESS ITEMS</p>	
<p>ADDRESS: 266 Main Street</p>	<p>CASE NUMBER: CAUD-2018-89</p>
<p>DESCRIPTION FROM AGENDA: Hardship Application for Demolition</p>	
<p>DISCUSSION POINTS & THOSE SPEAKING:</p> <p>Staff provided a summary of the application and reviewed the materials submitted by the applicant. Staff identified that only one appraisal of value had been submitted.</p> <p>B. Seachrist explained that the other information that was provided was an estimation of value by a real estate agent.</p> <p>J. Zuwiyya stated that no one wanted to do it. He said other appraisers said that it was not worth it.</p> <p>K. Ellsworth reviewed the application with the Commission.</p> <p>Staff indicated the Commission could now review economic and financial considerations related to the property.</p> <p>B. Seachrist informed the Commission that the appraisal that was received was an RAR, meaning it only applies to the residential value of the property. It does not consider its commercial value.</p> <p>K. Ellsworth asked for clarification in regard to the zoning.</p> <p>The Commission discussed the average of the two values received.</p> <p>Staff mentioned the previous listing values of the building.</p>	

Staff explained the he had spoken with the applicant and asked that the application be held to the next regular meeting so that materials could be gathered.

K. Ellsworth stated that he was not sure if the information presented was enough to outweigh the historic significance.

M. Lombardini said that historic significance really wasn't really in question at this point.

Staff said review should be based on the criteria for hardship.

K. Ellsworth asked what the applicant's next steps were following the outcome of CAUD's decision.

Staff said the applicant could appeal the decision to City Council.

B. Seachrist mentioned that quorum had been lost as two members had to leave and that no official action could be taken any longer but that one of the remaining Commissioners still wanted to ask further questions while the applicant was present.

M. Lombardini ask about the renovation cost submissions and the appraisals of value. He also asked about fair market value of the property.

B. Seachrist asked for what the property was being sold as, residential or commercial.

Staff clarified based on online records.

M. Lombardini asked about if the current appraisal was based residential or commercial value.

K. Ellsworth clarified.

K. Ellsworth also asked about the demolition costs.

He also mentioned that he did not want the applicant to keep having to return to the Board.

M. Lombardini said he did not think that he needed another appraisal.

Staff stated that the appraisal that is used for the basis of the Commission's decision should be accurate reflection of the properties potential use.

B. Seachrist said that would be a much more expensive appraisal. He said the Commission could ask the City assessor what the commercial value of the property.

K. Ellsworth asked that information be sent to the Commission.

M. Lombardini asked what the property could be sold as.

B. Seachrist clarified the property conditions.

J. Zuwiyya stated that 264 Main Street was a parking lot.

M. Lombardini asked if the building was demolished and a new building was built, how that building would be classified.

B. Seachrist said that it would commercial.

K. Ellsworth said that Staff could ask for an opinion of value from the City Assessor.

PUBLIC COMMENT:

- Jay Zuwiyya speaking on behalf of the application
- No other comments received

VOTING

MOTION: No action could be taken as quorum was lost at 1:30pm

FIRST:	SECOND:	VOTE:
AYE(S):	NAY(S):	ABSTENTION(S):

OTHER BUSINESS

- Staff informed the Commission about the 31 Front Street application before the Planning Commission. The remaining members expressed an interest in drafting a letter to the Planning Commission. Staff said they would draft a letter and sent it to the Commission for their review.

ADJOURNMENT

No motion to adjourn could be made due to a lack of Quorum.		TIME:
FIRST:	SECOND:	VOTE:
AYE(S):	NAY(S):	ABSTENTION(S):