

MONDAY, SEPTEMBER 23, 2013
 7:00 p.m. - TOWN HALL – 1529 NYS RTE 12
 BINGHAMTON, NEW YORK 13901

PRESENT: Cynthia Paddick – Chairwoman
 Judy Snyder
 Messer: Warren, Donnelly and Bernard

ALSO, PRESENT: Thomas Geisenhof- Assessor & Building/Code Inspector
 Alex Urda P.E. – Town Engineer
 Russell Hemedinger – Town Board Member

ABSENT: Gene Hulbert, Jr. - Town Board Member
 John Barrett- Appointed Resident Member

The meeting convened at 7:00 p.m., at which time Mrs. Paddick called the meeting to order and welcomed the audience. First order of business is the approval of the minutes from the August 26, 2013, Comprehensive Plan meeting.

A motion was made by Mr. Warren, seconded by Mrs. Snyder, to approve the August 26, 2013, Comprehensive Plan minutes.

Roll Call: Ayes – 4 Nays- 0 Absent - 1 (Donnelly)

Mr. Donnelly arrived shortly after the minutes were approved.

Mr. Hemedinger summarized last month’s meeting recommendations
 Develop a new energy development zone for the following:

- Gas wells
- Compressor stations
- Commercial windmills
- Commercial solar collectors

The Board was undecided on the metering stations, check stations and collection lines.

The new energy development zone would entail:

- Not in defined area until applications is made
- Where any energy development activities are proposed the following items should apply:
 - Indicate point on the map of proposed activity example (well site etc.)
 - Sixty percent of the property owners within one mile radius must have a signed petition in favor of creating new zone presented to the Town Board.
 - Public hearing held by the Town Board (same as any other re-zone)
 - Advisory from the Planning Board
 - Advisory from Broome County Planning Department
 - Environmental Impact Assessment
 - Town Board makes the final decision

Town should have the road protection in place along with a noise and light ordinance.

Mr. Geisenhof tried to contact someone at Chesapeake for drilling site overview. However, the contact person is no longer there. Cooperative Extension hosted a meeting for drilling overview, but the Town received the information too late to sign up. Hopefully we can locate another source for basic information regarding the drilling sites.

Mr. Bernard stated he is interested in the training. But why can't the Town just vote by public referendum. When a big company comes in have the people decided. They are discussing possibly merging Chenango Valley and Chenango Forks Schools that goes to a vote. Why fracking can't be put to a vote instead of using the home rule.

Mrs. Snyder asked if no one has a decibel reader how can this be enforced.

Mr. Bernard stated the State may supersede the Towns ordinance regarding the noise and light ordinance. I think they run at 65 dbl during the day and 60 dbl at night.

Mr. Hemedinger said our current noise ordinance is for reasonable noise.

Mr. Geisenhof indicated most of the complaints are during the weekends and at night when we are not working.

Mrs. Campbell – Attorney, stated most Towns put the onus onto the property owners to prove. The new phones have an apt for a decibel reading.

Mr. Hemedinger wanted to keep the meeting on track to review the current eleven zoning districts and would like to try to incorporate a few zoning districts together and eliminate others. Possibly create a new light commercial zoning that will have minimal impact with the neighborhood area from Rte 12A to Prentice Road.

Review the current eleven zoning districts for the Town

- §73-44 R- Residential
- §73-45 Agr – Agricultural
- §73-46 NC Neighborhood Commercial
- §73-47 Pdd-RI Planned Development Residential I
- §73-48 Pdd-RII Planned Development Residential II
- §74-49 Pdd-CS Planned Development Community Service
- §74-50 Pdd-C Planned Development Commercial
- §74-51 Pdd-I Planned Development Industrial
- §74-52 Pdd-R Planned Development Recreational
- §74-53 MH Mobile Home District
- §74-54 CD Commercial Development

Rte 12A to Prentice Road – change Agricultural zoning to a low impact use. With the following permitted uses:

1. Enclosed warehousing and wholesale establishments
2. Office building, community center, private club
3. Medical professional building, veterinary office
4. Building contractors, office, shops, material storage/equipment and sales
5. Lumberyard and wood fabrication shops, outdoor displays and sales
6. Printing establishments
7. Assembly of previously manufactured goods and products
8. Manufactured housing sales and display (remove from Pdd-C)
9. Machinery, equipment sales and service (remove from Pdd-C)
10. Warehouse and storage in association with business office use
11. Home occupations such as beautician, accountant, crafts, counseling and consultant

Uses permitted by special permit (Article IV §73-12)

- Amusement center
- Public utilities

The Board discussed the allowable uses and suggested the following changes:

2 - change private club to private recreation

#4 - remove shops, keep building contractors office, material storage / equipment sales – with inside storage only- **no outdoor storage of any type permitted**

#5 - remove lumberyard and outdoor displays and sales- have wood fabrication shops with no outdoor sales and displays

6 – remove printing establishments

7 - remove the assembly of manufactured goods and products

#8 – remove manufactured housing sales and displays

#9 - machinery sales to small machinery sales and service inside only

Have definitions for the following:

- enclosed warehouse define size and any use

The reasons for the changes were to make the new zone be cohesive and not be obtrusive to the existing neighbor area. Change private club designation to avoid creating any issues, change to private recreation, which is already defined in the Town Ordinance. Not having any type of outdoor displays or storage which can become chaotic, similar to the one on Upper Front Street. By not allowing outside storage this prevents grass and weeds from growing in between heavy equipment and construction materials being stored outside making the site aesthetically pleasing. Lumberyard would have outdoor storage so this should be eliminated from the list. Printing establishments could possibly have some environmental impacts like the problems they had in Endicott. Even with today's standards it is not likely to be hazardous, most printing materials are environmentally safe. This will be removed too will be eliminated due to the possible environmental concerns. Manufactured housing sales and display can be overwhelming and is considered outside display. Machinery and equipment sales and service change to small machinery sales and service this will limit the size of the equipment and enable inside storage.

Mrs. Snyder stated all the conferences she has attend they dictated not to allow urban sprawl. By creating this new zoning district you are allowing this to happen even though the surveys clearly did not want this to happen. What about the huge cry against the new commercial business (Air Temp) coming up here to re-zone that should tell you how the Town feels about commercial growth There should not be any retail past Route 12A concentrate on filling in Front Street.

Mr. Hemedinger stated that want to have retail on Upper Front Street keep the traffic down there. Creating another zoning district allows some growth in the Town, which you would have control over. This district would have to comply with site plan review requirements just like any other business.

Mrs. Paddick said there may not be enough land large enough to develop on the out skirts of Town. If we do nothing there would not be any growth in the Town.

Sarah Campbell, attorney from Hinman Howard & Kattel LLP. suggested forming a floating district to encompass the new zoning classification. Many towns use the floating district as an overlay on an existing zoning classification. This agricultural area that you are discussing is unlikely to have any farming or single family housing being constructed. If there is you would require a use variance you should include Agricultural into the new zoning classification.

Mrs. Paddick agreed it is unlikely to have any new housing or subdivision going in.

Charlotte Schotanus of 369 Port Road asked if people with horses, could still have them, would this still be allowed.

Mr. Hemedinger stated in the agricultural uses horses are allowed, if the new zoning listing is approved they would have to attain a special permit to have horses. Regarding Air Temp, no one would relocate

their business if they didn't think they could make it profitable. That is why they attempted the rezone and the use variance. There was nothing suitable on Front Street to support their expansion. That is why wanted to relocate their business further down NYS Rte 12. We need to create and define the appropriate lot size and setbacks for this new zoning classification, which we can discuss next month.

Mr. Warren suggested leaving the zoning as is for ten to twelve years allowing Front Street to fill in.

The Board continued discussing the other zoning classifications and determined to eliminate Planned Development District Community Service and Planned Development Recreational. They understand why they were created but parcels like the Chenango Commons Golf Course and the Red and White Grocery store s not located in the correct zoning classification.

Sarah Campbell said the Town is not using the PDD-C zoning correctly this should not be fixed. This should be a floating district as an overlay on an existing zone. The developer proposes his project and goes through the site plan approval process. PDD-C was created for a developed to come into the Town with a proposed project that would entail landscaping, new housing like a gated community or commercial development, not for retail commercial like you have on Front Street.

Recommendations

- Eliminate the Planned Development District – Community Service (Pdd-CS)
- Eliminate the Planned Development District – Recreational (Pdd-R)
- Combine Commercial Development (CD) to the Planned Development Commercial (PDD-C) change setbacks and spacing and lot size

Suggested eliminating the Mobile Home District, but the question was raised if drilling is allowed they bring in Rvs/ motor homes to live in, this would be allowed in a Mobile Home District. However, there was never a designation in the Town for a Mobile Home District. Possibly make this a floating district and apply for a zoning change.

All of the classification would have to be reviewed again for the setbacks spacing, frontage and lot size, this will be discussed at their next meeting on October 28th.

They also rescheduled the next Planning Board meeting from October 21st to Tuesday, October 15, 2013, due to the unavailability of two of the Board members. They agreed upon the change.

There being no further discussion, the Board unanimously agreed upon rescheduling the next Planning Board meeting to Tuesday, October 15, 2013 and to adjourn at 8:55 p.m.

Respectfully submitted,

Diane Aurelio
Ordinance Secretary

RECEIVED

SEPT. 23, 2013

PLANNING BOARD MEETING
FOR COMPREHENSIVE PLAN UPDATE

TOWN OF CHENANGO
ORDINANCE/ASSESSOR'S OFFICE

SIGN IN SHEET

<u>NAME</u>	<u>LOCATION</u>	<u>DATE</u>
Alta Kinne	891 Castle Creek Rd.	9-23-13
DANE HONE	702 BROTZMAN RD	9/23/13
Bill Phillips	1165 East street	9/23/13
Sarah Campbell	HH+K	9/23/13
Daryl Hartzell	20 Pembroke	9/23/13
Charlotte Schotanus	369 Port Rd	9/23/13

TUESDAY, OCTOBER 15, 2013
 7:11 p.m. - TOWN HALL – 1529 NYS RTE 12
 BINGHAMTON, NEW YORK 13901

PRESENT: Cynthia Paddick – Chairwoman
 Judy Snyder
 Messer: Donnelly and Bernard

ALSO, PRESENT: Alex Urda P.E. – Town Engineer
 Russell Hemedinger – Town Board Member

ABSENT: Thomas Geisenhof- Assessor & Building/Code Inspector
 Gene Hulbert, Jr. - Town Board Member
 Raymond Warren- Planning Board Member
 John Barrett- Appointed Resident Member

The meeting convened at 7:11 p.m., at which time Mrs. Paddick called the meeting to order and welcomed the audience. First order of business is the approval of the minutes from the August 25, 2013, Comprehensive Plan meeting.

No one was prepared for this meeting to take any actions. September minutes to be approved on October 28, 2013, the regular Planning Board Comprehensive Plan meeting.

Mr. Hemedinger stated this is an informational meeting only to discuss the new zoning district classification, setbacks and area requirements along with the combination of the Commercial Development (CD) and Planned Development Commercial District. (Pdd-c) and with their setbacks and area requirements.

The next meeting on October 28, 2013, hopefully we will have a guest speaker to discuss the size of drill pads, well heads, etc. still waiting on confirmation from someone.

Summary of last month’s recommendations were

- Eliminate the Planned Development District Community Service (Pdd-CS)
- Eliminate the Planned Development District Recreational (Pdd-R)
- Combine Commercial Development (CD) and Planned Development Commercial District (Pdd-c)
- Create a new nixed commercial business district

The Board reviewed the permitted uses for the new Zoning Classification from Rte 12A to Prentice/Port Road list as follows:

Permitted Uses

Principal

1. Enclosed warehousing and wholesale establishments
2. Office building, community center, private recreation
3. Medical professional building
 Veterinary office
4. Building contractors office, indoor material storage/equipment & sales
5. Wood fabrication shops
 No Outdoor displays and sales

- 6. Printing establishments
- 7. Indoor Machinery & equipment sales & service (removed from PDD-C)
- 8. Warehouse & storage in association with business office use
- 9. Home occupations
 - Beautician
 - Accountant
 - Crafts
 - Counseling
 - Consultant
- Uses permitted with special permit (Article IV §73-12)
- Amusement Center
- Public Utilities

Private club was removed and changed to private recreation.

Aleta Kinne resident of Port Road asked if a Casino would be considered private recreation.

Mrs. Paddick said they would require a special use permit.

Mr. Hemedinger wasn't sure if this would fall under private recreation, they will have to discuss that at a later date.

New Zoning Classification for the area from Rte 12A to Prentice/Port Rd.

Lot Size	Width	Principal Use			Accessory Use		
		Front	Side	Rear	Front behind	Side	Rear
1 acre	175'	50'	20'	25'	principal use	20'	20'

**Maximum Lot Coverage 60 percent
With 10 foot landscape buffer**

Mr. Urda stated they consider a side buffers to prohibit paving to the property line.

Mrs. Snyder suggested having parking and deliveries in the rear of the commercial business only to have it more harmonious for the resident's in the area.

Mr. Bernard felt the fifty foot front setback was huge and could possibly impact the parking in the rear. They may want to reconsider front yard setback.

Mrs. Paddick said they should be aware of the right-of-way on both sides which varies, with one side being larger; this will impact the front yard setback. They could consider having a few parking spaces in the front of the business for quick drops off and such.

Mr. Hemedinger stated they will also have to tackle the building height and signage for the new district at a later date.

The Board agreed with the new setback dimensions and the landscape buffer of 10 ft and to include parking and deliveries behind the principal structure.

Combining Commercial District (CD) and Planned Development Commercial (Pdd-c)

Currently	Lot Size		Principal Use			Accessory Use		
	Area	Width	Front	Side	Rear	Front	Side	Rear
CD	12,000	100'	35'	15'	15'	behind principal use	5'	5'
Pdd-C	6 acres	350'	30'	20'	25'	same	10'	25'
Combined	½ acre	35'	15'	15'	15'	same	10'	25'

Maximum lot coverage for all districts is 60 percent.

Mrs. Snyder suggested making the rear yard setback for the accessory use to match the principal use of fifteen feet or change it to twenty-five feet for both, but make it consistent either way.

The Board agreed for the combination district the rear yard setback should be fifteen feet for both the principal structure and accessory structure.

Everything else was fine for the combination of the Commercial District and Planned Development Commercial District.

Eric Jonson, resident of 1006 Castle Creek Road, stated he was unable to attend Septembers Comprehensive Plan meeting. However, I did attend the August meeting and while reading the August minutes noticed my comments regarding option number for energy development were not included. I would like to read my comments along with some my additional comments, so they can be added the minutes.

Attached is Mr. Johnson letter regarding his comments and concerns.

There being no further discussion a motion was made by Mrs. Snyder, seconded by Mr. Donnelly to adjourn the meeting at 8:00 p.m.

Respectfully submitted,

Diane Aurelio
Ordinance Secretary

RECEIVED

OCT 15 2013

October 15, 2013

Eric Johnson
1006 Castle Creek Rd
Binghamton, NY 13901

TOWN OF CHENANGO
ORDINANCE/ASSESSOR'S OFFICE

I was unable to attend the September meeting for the comprehensive plan, but did read the minutes of the August meeting which I attended. I did notice that the comments that I made at the end of the meeting, because we were not allowed to participate in the board discussion, were not included in the minutes.

I would like to restate those comments regarding Option 4 for "Energy Development" zoning.

A 1 mile radius around an Energy Development is much too large. This 1 mile radius would encompass over 2,100 acres or over 10 % of the Town for a single energy development. There are only 21,000 acres the Town. You couldn't see the proposed location for Energy Development a mile away in many areas of the Town because of topography. Considering that a natural gas well pad is only about 5 acres, you are expanding the area to be addressed in this option over 400 times. This large an area seems to be exceedingly over stated and excessive.

The voting process seems to be very cumbersome, unwieldy and unmanageable. Especially since the Town will make no effort to ensure substantial participation in the voting. Voting based on assessed value will favor those high value, small acreage parcels. Expensive homes on less than 5 acres will receive more representation than larger areas of rural, agricultural or forested land that have a much lower per acre value.

Voting based on voter registration seems equally unfair when you consider that someone with more acreage, say a farmer that has been paying Town taxes for 50 to 60 years will have the same vote as someone that has just moved into an apartment from outside the Town and has never paid a cent in taxes. How can you tell someone who has been a responsible landowner over an extended period of time, paid their taxes, contributed to the community, that they no longer have the ability to decide how they will use their land?

I thought the purpose of zoning was to provide a structure and framework to allow development to occur without the direct influence of politics. Having the Town Board make the final decision turns the entire process into a purely political one. I thought the rules and regulations were supposed to be fairly applied, not just grounds for political games and power grabbing.

The existing zoning process has applied to every homeowner, rural landowner, commercial business or industry currently in the Town or looking to move in for a long time. These same rules should apply to any energy development businesses that want to be in the Town.

I firmly believe that this is not a viable, reasonable or fair option from many viewpoints.