

PLANNING BOARD
MEETING
MONDAY, MAY 11, 2015
7:00 P.M. - TOWN HALL - 1529 NYS RTE 12
BINGHAMTON - NEW YORK - 13901

PRESENT: Cynthia Paddick - Chairwoman
Messer: Donnelly, Warren, Blythe and Carl

ALSO, PRESENT: Thomas Geisenhof - Assessor
Alex Urda P.E. - Town Engineer
Jim DiMascio - Town Board Member
Michael Boland - Planning Board Alternate

The meeting convened at 7:00 p.m., at which time Mrs. Paddick called the meeting to order and welcomed the audience. Mrs. Paddick read a statement which explained the Planning Board Mission, along with the Board's duties, functions and limitations. The first order of business is the approval of the minutes from the April 13, 2015 Planning Board meeting.

A motion was made by Mr. Blythe, seconded by Mr. Carl to approve the April 13, 2015, Planning Board minutes.

Roll Call: Ayes - 5 Nays - 0

NEW BUSINESS

- **AUTO ZONE INC.**-Kevin Murphy - 1359 Upper Front St. - TM#111.12-2-8, 111.12-2-7, 111.12-2-5.2, 111.12-2-4 -Application for Parcel A site plan review for new commercial auto parts store.

Mr. Urda reviewed the applicants request to reconfigure 4 parcels into 2. Upon reviewing the project it would be contingent upon merging all 4 parcels and then subdividing into 2 and their variance approvals for both (Parcel A) Auto Zone new construction and (Parcel B) proposed tour bus project. Auto Zone (V-12, 2015) use and area variance to construct a new retail store in a residential zone (rear portion of the parcel) and an area variance for less than required rear yard setback from 25' to 15' again in the rear portion of the parcel in a residential zone. Planning Board advisory will be May 11th and the public hearing is scheduled for May 26th. A few items still need to be addressed by the applicant such as:

- Maintenance agreement for the routine maintenance required on the Vortech stormwater unit
- After utility locations are tied down specifically with the utility companies, easements between Parcel A and B shall be provided for any utilities crossing both parcels
- Recommended the sanitary sewer line be increased from 4" to 6" diameter.
- Site lighting photometric sheet requested – applicant indicated this will be submitted at tonight's meeting.
- Provide a finalized signed/sealed plan set prior to obtaining a building permit.

- General floor plan and building elevations to be submitted by tonight's meeting.
- Signage plan submission to the Ordinance Office for review and approval. Particular attention was directed regarding the pylon sign currently shown on Parcel B. The applicant to address if the pylon sign is to remain, there and if it will be utilized by both parcels A and B. and if an easement will be necessary.
- DPW is satisfied with the proposed water and sewer laterals
- The applicant should coordinate with NYS DOT for a highway work permit for all work within the NYSDOT right-of-way. Approval of construction details shall be coordinated with NYSDOT such as curbing, pavement, trench, backfill E & SC, etc. for work in their right-of-way.
- Show existing highway lighting on the site plan.
- Show proposed sidewalk along Front Street (stamped concrete or pavers).
- Highway work permit required.
- Applicant assured they will provide and maintain the ADA accessible parking spaces, aisles access routes, marking, slopes and signage.
- They are located within an Aquifer Protection Zone1 "Wellhead Protection Zone" and currently complies and shall continue to do so. No disposal of construction and demolition debris, including use as fill is allowed on site.
- Building permit required before any construction can take place.

This is a Type action under SEQRA and is subject to 239 Review with Broome County.

Approval is recommended contingent upon the above items being submitted or addressed and the variances being approved by the Zoning Board of Appeals. It is also suggested that the applicant or owner make application to rezone the residential portion of the parcel to commercial.

Mr. Geisenhof from the Ordinance Office recommended that the Planning Board grant site plan approval for the new commercial auto parts store contingent on the Zoning Board of Appeals granting the two variances, with a building permit and a sign permit being required.

Nate Kirschner, from Langan Engineering stated he just received the Town Engineer's comments and addressed the issues. However, I was unable to bring revised pdf plans in time for tonight's meeting. I was on the road and wanted to respond back to your engineer questions. All concerns have been addressed and will review after my presentation for the Auto Zone project. The proposed layout for the 4 parcels being reconfigured into 2 and how the undeveloped lot will appear split into Parcel A and B along with the split zoning. Front portion being Commercial Development and Residential towards the rear. Auto Zone will be located next to the existing Cup-A-Jo coffee house. Another drawing indicated the parking, landscaping, etc. The water and sewer connections were already approved. The proper easements and maintenance agreement for the utilities and site lighting and signage will be provided later. Another drawing displayed the building exterior appearance and building sign logo. The new NYS symbol for accessibility will be used for the parking and the parking stalls have been revised to 8.5' in width for Town Code compliance.

The applicant is working on the submission for the sign permit. Currently we are coordinating with the owner of Parcel B for the final location of the pylon sign or possibly separate pylons for both parcels. DPW for water and sewer connections and cleanouts have been added at 100' intervals as requested by Mr. Urda. A signed and sealed set of drawings will be submitted as part of the building permit process and the record. When approval is granted from Planning Board, Zoning Board and NYS DOT review, a signed and sealed set of drawings will be submitted for the record and as part of the building permit application process. The interior floor plans and elevations are still being finalized and the documents were to be circulated in a PDF document in time for tonight's meeting. However, this was not done, a large scale color rendition of the building was displayed.

Mr. Urda glossed over a few of the items he requested that have been revised. The concern he has over the NYSDOT stating they should include a sidewalk with either concrete or pavers along the State right-of-way. Not sure if the sidewalk extends on that side of the road. They also requested they provide proposed parking for lot B bus parking and the turnaround, traffic circulation pattern and the driveway entrance and exits, for the buses and automobiles and the proposed ground coverage gravel, grass or asphalt. We received the memorandum response to my concerns, updated site plan SEQR short form, and vehicle trip information.

Mrs. Paddick asked if there were any questions.

Mr. Blythe questioned how the collection and removal of the oil is being handled.

Mr. Kirschner stated they follow the waste management plans and have a spill prevention plan in place which was part of the our submission. The oil is contained in a double walled tank and is removed periodically by a licensed hauler. Not sure of the number of gallons the tank is capable of handling.

Mr. Carl asked how the 2 parcels are being separated, if it is grass that does not deter a loop turn around and that is a concern I have. I've seen the Conaty Car Wash used as a turn-around, causing a lot of congestion. We don't need another situation to compound the problem on Front Street.

Mr. Kirchner stated they anticipate widening the entrance for Parcel B.

There being no further discussion a motion was made by Mr. Donnelly, seconded by Mr. Warren to approve this site plan review contingent upon the variances being approved by the Zoning Board of Appeals along with requested additional submissions by the Town Engineer and a building permit being required.

Roll Call: Ayes - 5 Nays - 0

- **JERMEY HILTS** - 1359 Upper Front St. - TM#111.12-2-8, 111.12-2-7, 111.12-2-5.2 & 111.12-2-4 - Application for Parcel B site plan review for the relocation of tour bus parking.

Mr. Urda stated this application is for Parcel B, this is part of the reconfiguration of 4 parcels into 2 lots for site plan review. The intent is to move the existing tour bus parking to Parcel B. The use will continue however, variances (V-13 2015) will also be required. The use variance is for utilization of the rear portion zoned residential for commercial use and an area variance for the minimum lot width. This application is subject to 239 Broome County review, and is located in an Aquifer Protection Zone 1 "Wellhead Protection Zone" and currently complies with the Town Code. No disposal of construction and demolition debris including use as fill, is allowed onsite. The applicant needs to submit a site plan confirming the bus parking locations and that the traveled areas can accommodate the bus movements. The Board should consider restricting access onto Trafford Rd. and Bishop Rd. They also need signage and possibly consider rezoning the rear portion to commercial zoning at a later date. NYS DOT commented that the plot plan should note the proposed sidewalk or pavers along Upper Front Street and the existing highway lighting, and a highway work permit being required. It is recommended that the buses not idle adjacent to the adjacent residences. Approval should be contingent upon the concerns being resolved and the variances approved by the Zoning Board of Appeals.

Mr. Geisenhof recommended that the Planning Board grant site plan approval for relocation of the tour bus parking contingent on the Zoning Board of Appeals granting the two variances, and a sign permit and compliance inspection being required.

Mr. Kirschner discussed the Parcel B proposal for Oneonta Bus Lines to lease Parcel B and continue operating the tour bus parking. This will be the same as the site previous, nothing will be changing except for the landscaping in the rear as a type of buffer for the residential area. They anticipate angling the parking spaces at the front entrance of the parcel. A lot of parking will not be necessary, since they have several other location stops before going onto their final destination. The bus will come thru the Upper Front Street entrance and turn around in the residential area. The bus would idle in the commercial area for approximately 5 to 10 minutes in the commercial area for loading and then leave from the main entrance on Upper Front Street to its next destination. Unfortunately I do not have the plans yet delimitating the vehicle parking or traffic pattern, and I apologize for that but they will be submitted as soon as possible.

Mr. Warren asked if they are going to abide by the State Law buses cannot idle for more than 15 minutes.

Mr. Kirschner said that is the responsibility of the bus company to monitor and up hold the compliance.

Mr. Donnelly asked if they anticipate any type of fencing.

Mr. Kirschner said there is an existing 4 foot chain link fence with vegetation.

Mr. Blythe wanted to clarify that there is no vehicle parking or additional lighting in the back portion of the property. How is the bus turning around if the cars are parked towards the front, it does not appear wide enough. Will there be landscaping along Bishop Rd as a buffer.

Mr. Kirschner stated the entrance maybe widen for the bus and vehicle parking. The bus will turn around in the residential portion of the lot. There is no landscaping anticipated at this time. Currently there is an existing spot light and I will have to confirm with the owner if they intend on relocating that light. There will be no additional lighting in the residential area of the lot. There will be tree plantings along Trafford Rd. for landscaping. (Douglas Firs and Colorado Blue Spruce tree) Nothing additional will be added on Bishop Road.

There being no further discussion a motion was made by Mr. Carl, seconded by Mr. Donnelly for site plan review contingent upon the variances being approved by the Zoning Board of Appeals.

Roll Call: Ayes - 5 Nays - 0

ADVISORY OPINION/REFERRALS

- **SHANE LIVINGSTON** – 167 Treadwell Rd – TM#067.02-1-27- Quadruple area variances to build a detached garage in front of the principle use, exceeding the maximum height from 16' to 18' with less than required road frontage from 240' to 224' and the front yard setback from 50' to 14' in an agricultural zone.

Mr. Urda stated upon reviewing the application the owner cites the property and existing building constraints which creates the hardship for the variances. The variance is necessary for reasonable use and is a minimal request to achieve. Granting these variances would be in harmony with the general purpose and the intent of this chapter and would not be injurious to the neighborhood. Similar instances exist currently within the neighborhood. This is subject to 239 Review with Broome County. Their comment is to consider assuring no stormwater runoff impacts to the adjacent residential property. This is a Type II action under SEQR.

Consideration should be given requesting that the structure be setback to match the existing structure front line to not be so far in front of the adjacent neighbor's house. It is unclear as to what limited this. It is recommended the Planning Board forward a favorable advisory to the Zoning Board of Appeals. The owner should have a professional licensed land survey prior to construction.

Mr. Geisenhof recommended that the Planning Board forward a favorable advisory to the Zoning Board of Appeals to grant a quadruple variance to build a detached garage in front of the principle use, exceeding the maximum height from 16' to 18', with less than required road frontage from 240' to 224' and with the front yard setback from 50' to 14' in an agricultural zone, with a building permit being required.

Applicant was not present during the meeting.

Mrs. Paddick asked the possibility of moving it back.

Mr. Geisenhof stated the septic interferes with that option.

There being no further comments a motion was made by Mr. Donnelly, seconded by Mr. Warren to forward a favorable advisory to the Zoning Board of Appeals with a building permit being required

Roll Call: Ayes - 5 Nays - 0

- **TODD PLOURDE** - 42 Asbury Ave – TM#096.05-1-15- Application for an area variance to expand a driveway with less than required side yard setback from 10' to 1' in a residential zone.

Mr. Urda read his letter to the Board. The applicant is requesting to expand his driveway from 10' to 1' side setback. This will provide 25% more paved surface to enable more parking, safe access and play area. Granting this variance will be in harmony with the general purpose and intent of this chapter. It will not be injurious to the neighborhood or detrimental to the public welfare. This is subject to 239 Review with Broome County. Their comments were received and suggested consideration that no stormwater runoff impacts the adjacent residential property.

This is a Type II action under SEQR.

The Board should consider having the applicant change the side yard setback to 2'. Also request the neighbor's concurrence with the setback in writing. The property line be delineated by a Professional Licensed Land Surveyor prior to construction. Unless there is undisputable property pins that exist and are able to be utilized. A favorable advisory is recommended.

Mr. Geisenhof recommended that the Planning Board forward a favorable advisory to the Zoning Board of Appeals to grant an area variance to expand a driveway with less than required side yard setback from 10' to 1' in a residential zone, with a compliance inspection being required.

Mrs. Paddick ask Mr. Plourde if he would consider changing the side yard setback to 2'.

Mr. Plourde said he would have to measure to see if it is feasible to park the vehicles by increasing it to a 2 'setback.

There being no further comments a motion was made by Mr. Donnelly, seconded by Mr. Blythe to forward a favorable advisory to the Zoning Board of Appeals with the submission of the property lines delineated by a professional licensed land surveyor and building permit being required.

Roll Call: Ayes - 5 Nays – 1 (Mr. Warren)

Mr. Warren voted against the variance due to the snow removal impact on the property.

Mr. Plourde asked if he still required a license survey since the pins were lined up with the neighbor's property survey.

Mrs. Paddick stated this is just our advisory to the Zoning Board of Appeals. They will make the final determination if a survey will be necessary.

- **JEFFREY & LISA KUSS** – 21 Woodland Dr.- TM#079.17-2-18 - Application for an area variance to construct an addition with less than required side yard setback from 10' to 7' in a residential zone.

Mr. Urda read his letter regarding the applicants request to construct a 24' x 26' addition with less than required side yard setback. This is necessary to meet the spatial needs of their family. Similar instances exist currently within the neighborhood and it would be adjacent to the neighbor's driveway, not a structure. It is 7' at the tightest location and tapers away. This is subject to 239 Review with Broome County and is a Type II action under SEQR.

It is recommended they have the property line delineated by a Professional Licensed Land Surveyor prior to construction. A favorable advisory is recommended.

Mr. Geisenhof recommended that the Planning Board forward a favorable advisory to the Zoning Board of Appeals to grant an area variance to construct an addition with less than required side yard setback from 10' to 7' in a residential zone, with a building permit being required.

The applicant was present to answer questions from the Board.

Mrs. Paddick asked if they have a survey or know where their pins are?

Mr. Blythe questioned the fire rating for the addition.

Mr. Kuss said we are waiting for the variance approval before submitting stamped plans due to the cost. The building plans will address all the code questions.

There being no further comments a motion was made by Mr. Carl, seconded by Mr. Warren to forward a favorable advisory to the Zoning Board of Appeals with a building permit being required

Roll Call: Ayes - 5 Nays – 0

- **AUTO ZONE INC.**-Kevin Murphy - 1359 Upper Front St. - TM#111.12-2-8, 111.12-2-7, 111.12-2-5.2 & 111.12-2-4 -Application for Parcel A use & area variance to allow commercial business & construction with less than required rear yard setback from 25' to 15'in residential zone.

Mr. Urda stated his letter is very similar to the site plan letter. It is recommended the applicant consider making application to rezone Parcel A as Commercial and forward a favorable advisory to the Zoning Board of Appeals.

Mr. Geisenhof from the Ordinance Office recommended that the Planning Board forward a favorable advisory to the Zoning Board of Appeals to grant variances to allow a commercial business & construction with less than required rear yard setback from 25' to 15' in residential zone, contingent on the variance approvals, with a building permit and a sign permit being required.

Mrs. Paddick asked if there were any questions for the applicant.

There being none a motion was made by Mr. Blythe, seconded by Mr. Carl to forward a favorable advisory to the Zoning Board of Appeals with a building permit being required.

Roll Call: Ayes - 5 Nays - 0

- **JEREMY HILTS**-1359 Upper Front St- TM#111.12-2-8,111.12-2-7, 111.12-2-5.2 &111.12-2-4- Application for Parcel B use & area variance to allow commercial use in residential zone (tour bus parking) & minimum lot width from 100' to 75' in commercial development zone.

Mr. Urda stated his letter mirrors the same things as mentioned on the site plan review letter.

Mr. Geisenhof recommended that the Planning Board forward a favorable advisory to the Zoning Board of Appeals to grant variances to allow commercial use in residential zone & minimum lot width from 100' to 75' in commercial development zone, with a sign permit and compliance inspection being required.

There was no need for the applicant to go over the site information again.

Mrs. Paddick asked if there were any questions or concerns.

There being no further comments a motion was made by Mr. Donnelly, seconded by Mr. Warren to forward a favorable advisory to the Zoning Board of Appeals with a building permit being required.

Roll Call: Ayes - 5 Nays - 0

Comprehensive Plan Discussion Energy Zone Guidelines

The Board received a condensed version of the American Planning Association disk on planning for wind and solar energy development to review.

Mr. DiMascio wanted to mention solar, wind developers can be natural gas development also. Broome County suggested we break them up into 3 separate energy developments and create appropriate guidelines for each. The guidelines being created will not be for residential use. Residential applications are currently being handled thru the building permit process for code compliance. This is for commercial development only.

See attached sheet on the suggested guidelines that we created from the American Planning Association on Wind and Solar Energy disk. We are one of the first Town's to tackle this. Windsor is also having debates and discussions with multiple committees for their input.

We are going to meet with Broome County again but there been a few personnel changes. Elaine Miller, Broome County Planner has a new job with the Binghamton Housing Authority. So she will no longer be part of our Broome County contacts. Once the County has completed their transition process we will schedule another meeting with Frank Evangelisti, and Lora Zier to discuss future zoning for Rte 12 A and NYS Rte 12. So moving forward for next Planning Board meeting let's have some suggestions to discuss for the 3 energy developments guidelines.

Charlotte Schotanus of 369 Port Rd. stated they had solar panels put on their roof. We used ETM Solar Works. Before installation, they sent a team at various times during the day to measure the shadows to find the optimum angle to capture the sunrays for the roof panel's placement.

Mr. Warren stated it is difficult in residential areas to have solar panels because of the trees and neighbors building shadowing.

Mrs. Schotanus said they are in an agricultural area and her neighbor also has solar panels and shadowing is not an issue.

Mr. Urda was sure a Full Environmental Review would be required not sure is Broome County is entitled to do a 239 Review will have to research it.

The Board continued to discussing other options with the audience and got their input for the energy development. Next month we will work on streamlining the guidelines for the energy development for the Town Board to review.

There being no further business before the Board a motion was made by Mr. Donnelly, and seconded by Mr. Warren to adjourn at 8:15 p.m.

Respectfully submitted,
Diane Aurelio
Ordinance Secretary

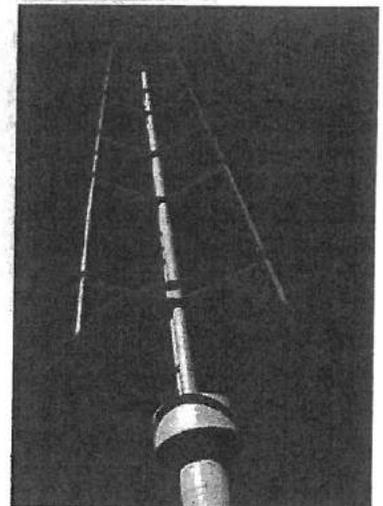
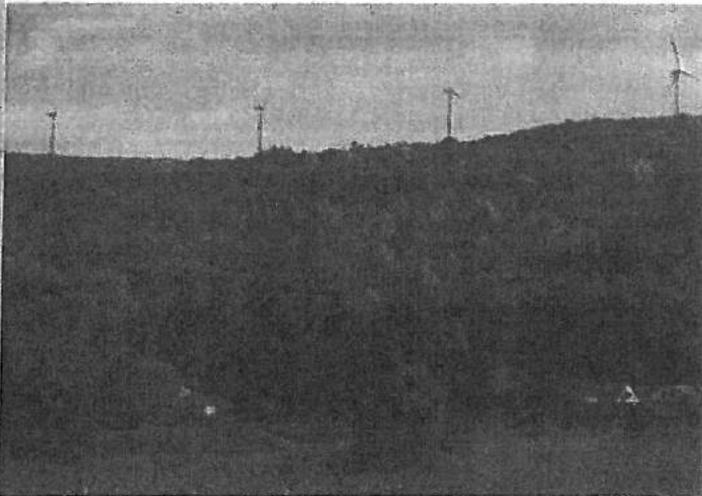
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MAY 11 2015

COMMERCIAL WIND POWER ENERGY DEVELOPMENT

**TOWN OF CHENANGO
ORDINANCE/ASSESSOR'S OFFICE**

- Acknowledge wind power energy as a local energy source
- Identify and specify existing Zoning Districts that safely and aesthetically accommodate wind power generation technology as a permitted use
- Specify minimum lot size required
- Specify minimum wind power generation setback requirements
- Consideration must be given to power lines supplying the power grid
- Specify need for Planning Board site plan review or Special Permit by the ZBA
- Specify need for environmental review through SEQRA, reviewed by the Environmental Review Board
- Subject to Broome County 239 review
- Zoning should address single family wind power installation



COMPREHENSIVE PLAN - MAY 2015

COMMERCIAL SOLAR ENERGY DEVELOPMENT

- Acknowledge solar energy as a local energy source
- Seek local or regional solar experts in the drafting of regulations
- Identify and specify existing Zoning Districts that safely and aesthetically accommodate solar array technology as a permitted use
- Specify minimum lot size required
- Specify minimum array setback requirements
- Consideration must be given to power lines supplying the power grid
- Specify need for Planning Board site plan review or Special Permit by the ZBA
- Specify need for environmental review through SEQRA, reviewed by the Environmental Review Board
- Subject to Broome County 239 review
- Zoning should not preclude single family solar installation

