

PLANNING BOARD MEETING  
MONDAY, JULY 13, 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

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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 Regular Planning Board/ Comprehensive Plan meeting of June 8, 2015.

A motion was made by Mr. Donnelly, seconded by Mr. Warren to approve the June 8, 2015 Planning Board minutes.

Roll Call: Ayes -5 Nays - 0

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**NEW BUSINESS**

- **FIRST UKRAINIAN PENTECOSTAL CHURCH** – Jerry Karnauch – 143 Castle Creek Rd. – TM#111.12-4-3- Application for site plan update for a foyer addition to existing church.

Mr. Urda read his letter dated July 9<sup>th</sup> regarding the applicant's request for a 24' x 24' foyer addition to the existing church. The changes to the site are limited due to landscaping and access around the new entry. The parking, lighting and signage will remain the same. Additional parking will not be required. Reminder that this parcel is located within an Aquifer Protection Zone II "Aquifer Recharge Area" the site currently complies and shall continue to do so. A building permit will be necessary for code compliance review. This project is subject to 239 review with Broome County and is a Type II action under SEQR.

Approval is recommended for this site plan update project.

Mr. Geisenhof from the Ordinance Office recommended that the Planning Board grant site plan update approval to the First Ukrainian Pentecostal Church for site plan update for a foyer addition to existing church.

The applicant was present to answer questions from the Board.

There being no comments or questions, a motion was made by Mr. Donnelly, seconded by Mr. Warren to grant site plan approval for this site plan update with a building permit being required.

Roll Call:       Ayes -5       Nays - 0

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**ADVISORY OPINION/REFERRALS**

- **ANNA RUSNAK** - 1953 NYS Rte. 12 - TM#078.19-2-12- Application for an area variance to place an accessory building (carport) with less than required side yard setback from 10' to 4.5'.

Mr. Urda explained the applicant's request to place a carport on the property with less than required side yard setback from 10' to 4.5' in a residential zone. The carport is to replace the one that was in disrepair and collapsed several years ago. We received a letter from the adjacent neighbor (Laura Copp) who has no opposition with the Town granting of this variance. This will not impact the neighborhood in anyway and is a minimal request from the applicant. This is subject to Broome County 239 review and is a Type II action under SEQR.

It is recommended that a favorable advisory be forwarded to the Zoning Board of Appeals.

Mr. Geisenhof stated that the Planning Board forward a favorable advisory to the Zoning Board of Appeals for an area variance to place an accessory building (carport) with less than required side yard setback from 10' to 4.5'.

The applicant was present to answer questions from the Board.

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

Roll Call:       Ayes -5       Nays - 0

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**UPDATE OLD BUSINESS & ADVISORY OPINIONS**

- **AUTO ZONE INC.** - 1359 Upper Front St. - TM#111.12-2-8 & 111.12-2-7 & 111.12-2-5.2 & 111.12-2-4 -Application for site plan update review for new commercial.
- **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 a commercial business & rear yard setback from 25' to 15' in a residential area.
- **AUTO ZONE INC.** - (Parcel A) advisory on EAF Short Form.

Mr. Urda read his letter to the Board, which mirrored some of the same information from the previous month.

In reviewing the documentation: for the site plan update, variance letter and Environmental Assessment

1. The project is contingent upon the applicant merging all 4 parcels involved and then subdividing into 2 parcels noted as Parcels A and B. The resultant Parcel A is the 'AutoZone' project parcel.
2. The project is contingent upon the AutoZone ZBA application 2015-V12 for a Use Variance to allow new construction retail use in a residential zone (rear portion of parcel), and an area variance for less than required rear yard setback from 25 feet to 15 feet (rear portion in Residential (R) zone). This application is subject to updated Planning Board review 7/13/15, and is on the agenda for the July 2015 ZBA public hearing..
3. The applicant addressed the initial review comments from Urda Engineering leaving only the following items:
  - a. The applicant shall provide a maintenance agreement for the routine maintenance required on the Vortech stormwater unit.
  - b. After utility locations are tied down specifically with the utility companies, easements between Parcels A and B shall be provided for any utilities crossing both parcels.
  - c. Provide a finalized signed/sealed plan set prior to obtaining a building permit.
4. The applicant shall submit a signage plan/application to the Town Ordinance Office for review and approval. Particular attention was directed regarding the pylon sign currently shown on Parcel B. The applicant will address if the pylon sign is to stay there, if it will be utilized by both A and B, and if an easement is necessary.

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5. It appears that the underground stormwater infiltration system is not required by the Town, nor the NSYDEC. Upon discussion with the applicant's engineer, it is not required for water quantity volume control. With the hydrodynamic separator to remain, the water department requested that the infiltration aspect be removed to limit potential sources of groundwater contamination in the wellhead protection zone.
6. The applicant shall coordinate with NYSDOT for a highway work permit for all work within the NYSDOT right-of-way. Approval of Construction Details shall be coordinated with NYSDOT (curbing, pavement, trench backfill, E&SC, etc.) for work within their right-of-way. NYSDOT commented on May 1st:
  - a. Show existing highway lighting on the site plan.
  - b. Show Proposed sidewalk along Front Street with stamped concrete or pavers.
  - c. Highway work permit is required.
7. The applicant shall assure that they provide and maintain the ADA accessible parking spaces, aisles, access routes, markings, slopes, and signage in accordance with ICC/ANSI, A117.1, 2009 (or latest revision) and the 2010 Building Code of the State of New York, Chapter 11 (or latest revision)
8. Reminder, the project parcel is within an Aquifer Protection Zone 1 "Wellhead Protection Zone." The site currently complies with the associated Town Code §73-55, Attachment XII, "Schedule of Regulations – Wellhead Protection Zone" and shall continue to do so. No disposal of construction and demolition debris, including use as fill, is allowed onsite.
9. The applicant shall acquire a building permit prior to construction.
10. The project is subject to 239 review by Broome County.

11. The project is a Type II action under SEQR. The Environmental Review Board reviewed the EAF and noted the following:

- a. The description should include reference to the necessary variances and variance request and is intended to cover both the site plan and variance applications.
- b. Question 3.c. should be 0.65 acres.
- c. Question 5 is 'yes' pending variance approvals.
- d. Question 8b should be marked 'yes.'
- e. Question 20 is checked 'no' and is ok. The EAF Mapper Summary Report had it as 'yes' but upon review of the NYSDEC Environmental Site Remediation Database, the 'mapper' was referring to Site Code V00062 Chenango Plaza at 1318-1324 Upper Front Street, not this site.

After review, the ERB recommended a "Negative Declaration."

**Recommendations:**

We recommend a favorable review contingent upon resolution of the above noted items.

The variance request is as follows:

The applicant, AutoZone Parts Inc., applied for a use variance to allow construction of a commercial use building partially within a Residential (R) zone, and an area variance to construct the commercial building with less than required rear yard setback from 25 feet to 15 feet in a Residential (R) zone. This application is related to the applicant's application for site plan review, New Business 2015-PB04 reviewed in May, 2015. Refer to that application for detailed site drawings and boundary mapping with setbacks. They have submitted the following updated documentation for further review and approval as requested by the Zoning Board of Appeals.

**Discussion:**

In reviewing the documents provided, it is our understanding that the applicant desires to combine the four tax parcels into one and then subdivide them into two new parcels referred to as Parcel A (south) and Parcel B (north). These parcels will receive new, or modified tax map numbers after filing with Broome County. This application is for Parcel A.

As with the Site Plan application the project is a Type II action under SEQR. The Environmental Review Board reviewed the EAF and noted the following:

- a. The description should include reference to the necessary variances and variance request and is intended to cover both the site plan and variance applications.
- b. Question 3.c. should be 0.65 acres.
- c. Question 5 is 'yes' pending variance approvals.
- d. Question 8b should be marked 'yes.'
- e. Question 20 is checked 'no' and is ok. The EAF Mapper Summary Report had it as 'yes' but upon review of the NYSDEC Environmental Site Remediation Database, the 'mapper' was referring to Site Code V00062 Chenango Plaza at 1318-1324 Upper Front Street, not this site.

After review, the ERB recommended a 'Negative Declaration.'

Code Compliance Review - The application conforms to the Code of the Town of Chenango, Chapter 73, Article VII, §73-23 C Variances (2) (a), (b), and (c) per the following:

(a) Strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land.

(b) To achieve the applicant's interest the variance request is necessary for reasonable use and is a minimal request to achieve the use.

(c) The granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Similar instances exist currently within the neighborhood.

This project is subject to Broome County 239 review. A favorable advisory is recommended.

Mr. Geisenhof read his comments regarding the site plan update, use and area variances and the Environmental Assessment:

Based on updated submissions, further study and consideration of old and new information, the Ordinance Office believes that granting site plan update approval for Auto Zone at this time would be endorsing a self-created, undesirable situation for Parcel B (the bus company), with narrow frontage, insufficient parking and driveway width. The Ordinance office recommends that the Planning Board deny the site plan review update for the Auto Zone.

Referencing the previous negative opinions of the Ordinance Office, it is recommended that the Planning Board forward an unfavorable advisory to the ZBA for Parcel A use & area variance to allow a commercial business & rear yard setback from 25' to 15' in a residential area.

Recommend that the Planning Board forward a favorable advisory to the ZBA to accept the Environmental Review Board's recommendations to adopt a "Negative Declaration" of the Short Form Environmental Assessment Form.

Nate Kirschner was unable to attend tonight's meeting, Erik Lindquist from Langan Engineering represented the project.

The Board appeared fine with the Auto Zone portion but had pending questions regarding the tour bus parking. So they had Mr. Urda and Mr. Geisenhof read their comments for the tour bus parking Parcel B.

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- **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 site plan review for relocation of the tour bus parking lot.
  
- **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 (bus tour parking) minimum lot width from 100' to 75' in Commercial Development zone.

- **JEREMY HILTS** - (Parcel B) advisory on EAF Short Form.

Mr. Urda read his letters to the Board regarding the site plan, variances and Environmental Assessment review.

The applicant, AutoZone Parts, Inc., and their agent Langan Engineering, previously submitted applications for site plan review and for a use variance to allow commercial use within a Residential (R) zone for relocation of their bus tour parking area, as well as an area variance with less than required lot width from 100 feet to 75 feet within a Commercial (C) zone. They will utilize Parcel B as depicted in the plans. Refer to New Business Site Plan Application 2015-PB04 regarding subdivision of the 4 parcels. These applications have been updated at the request of the Zoning Board of Appeals and supplemented with the following documents:

DATED RECEIVED

- ☑ Updated Application paperwork for both --- 6/12/15
- ☑ Letter of Intent 6/16/15 6/16/15
- ☑ SEQR Short Form EAF covering both applications 6/1/15 6/12/15
- ☑ Conceptual Site Plan 5/18/15 5/26/15
- ☑ Updated Conceptual Site Plan 6/12/15 6/12/15
- ☑ Updated Conceptual Site Plan 6/12/15 6/24/15
- ☑ Letter Jeremy J. Hilts (owner) Re: Application Consent 6/22/15 ---
- ☑ Permission to enter the premises 6/12/15 ---

In reviewing the documentation:

1. The project is contingent upon the applicant merging all 4 parcels involved and then subdividing into 2 parcels noted as Parcels A and B. The resultant Parcel B is the 'tour bus' project parcel.
2. The two are contingent upon approval of one another.
3. The Conceptual Site Plan should include:
  - a. Plant Schedule similar to that on the AutoZone plans.
  - b. Correct the plan and parking requirements to match (circled numbers appear outdated; table refers to retail and warehouse not accurate).
  - c. Provide a finalized signed/sealed plan set prior to obtaining a building permit.
4. The applicant shall assure that they provide and maintain the ADA accessible parking spaces, aisles, access routes, markings, slopes, and signage in accordance with ICC/ANSI, A117.1, 2009 (or latest revision) and the 2010 Building Code of the State of New York, Chapter 11 (or latest revision).
5. Reminder, the project parcel is within an Aquifer Protection Zone 1 "Wellhead Protection Zone." The site currently complies with the associated Town Code §73-55, Attachment XII, "Schedule of Regulations – Wellhead Protection Zone" and shall continue to do so. No disposal of construction and demolition debris, including use as fill, is allowed onsite.
6. The site plan confirms the bus parking locations and that the traveled areas can accommodate the bus movements.
7. The site plan shows fencing along Bishop and Trafford Roads.
8. The applicant shall assure that landscaping is installed and maintained per the project plans.

9. The applicant shall submit a signage plan/application to the Town Ordinance Office for review and approval.

10. The project is subject to 239 Review by Broome County. NYSDOT commented on May 1st with the following recommendations:

- a. Show existing highway lighting on the site plan.
- b. Show proposed sidewalk along Front Street with stamped concrete or pavers.
- c. Highway work permit is required.

11. The project is a Type II action under SEQR. The Environmental Review Board reviewed the EAF and noted the following:

- a. The description should include reference to the necessary variances and variance request and is intended to cover both the site plan and variance applications.
- b. Question 3.c. should be 0.72 acres.
- c. Question 5 is 'yes' pending variance approvals.
- d. Question 8b should be marked 'yes.'
- e. Questions 10 and 11 are 'not applicable.'
- f. Question 18 should be 'No' with no explanation.
- g. Question 20 is checked 'no' and is ok. The EAF Mapper Summary Report had it as 'yes' but upon review of the NYSDEC Environmental Site Remediation Database, the 'mapper' was referring to Site Code V00062 Chenango Plaza at 1318-1324 Upper Front Street, not this site.

After review, the ERB recommended a 'negative declaration' with 5 recommendations:

1. No traffic on or off Bishop and/or Trafford Roads.
2. Maintain Landscaping (Trafford Rd) and the continuation of landscaping down Bishop Road with Douglas Fir and Colorado Spruce Trees.
3. Parking as show on site plan acceptable with addition parking lining up with Auto Zone (rear building line).
4. No idling of buses in the residential zone.
5. Loading and unloading of buses in the existing commercial zone only.

Code Compliance Review - The application conforms to the Code of the Town of Chenango, Chapter 73, Article VII, §73-23 C Variances (2) (a), (b), and (c) per the following:

- (a) Strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land.
- (b) To achieve the applicant's interest the variance request is necessary for reasonable use and is a minimal request to achieve the use.
- (c) The granting of the variances will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The lot configuration is sufficient for other commercial uses should the bus use vacate.

Recommendations:

We recommend approval of the site plan, and a favorable advisory of the variance requests contingent upon resolving the comments above.

Mr. Urda also read New York Department of Transportation comments regarding (Parcel A) Auto Zone

and tour bus parking (Parcel B) . The driveway opening proposed is 28' wide. Per Department Standard Sheets, a minor commercial shared two-way driveway within 30' of traveled way for roads posted 40 MPH or less may range from 22' to 30'. A 30' wide opening will allow a bus more room to safely enter from the right driving lane.

Due to concerns with tracking gravel onto the highway, we would like to see a paved apron sufficient enough to prevent this.

How will drainage from Lot B be addressed? The Environmental Assessment Form states existing stormwater drainage patters will not be disturbed and drain to the DOT drainage system located in Upper Front Street. This does not seem to be the case as currently runoff ponds onsite as shown by the photos in Langan's Memorandum dated April 16, 2015. The EAF also states the site has a potential underground detention system. Will drainage be conveyed to the Auto Zone detention system? This needs to be clarified.

Any work is proposed within the state right-of-way a Highway Work Permit must be obtained from our Department prior to any commencement of work. The applicant should contact Corey Hulbert, Assistant Resident Engineer at Broome County Residency with questions regarding the Highway Work Permits.

Mr. Geisenhof read his comments regarding the site plan update, variance requests and Environmental Assessment:

As with Parcel A, based on both previous and updated submissions, further study and consideration, the Ordinance Office believes that that granting site plan update approval for the relocation of the tour bus parking lot at this time would be endorsing a self-created, undesirable situation for Parcel B (the bus company), with narrow frontage, insufficient parking and driveway width. The Ordinance office recommends that the Planning Board deny the site plan update for the relocation of the tour bus parking lot.

Referencing the previous negative opinions of the Ordinance office, we recommend that the Planning Board forward an unfavorable advisory to the ZBA for Parcel B use & area variance to allow commercial use (bus tour parking) minimum lot width from 100' to 75' in Commercial Development zone.

Recommendation that the Planning Board forward a favorable advisory to the Zoning Board of Appeals to accept the Environmental Review Board's recommendations to adopt a "Negative Declaration" of the Short Environmental Assessment Form with contingencies as noted.

Mrs. Paddick asked if there was sufficient vehicle parking.

Mr. Urda indicated there are 32 parking spaces but you lose a couple spaces with handicap parking.

Mr. Lindquist from Langan Engineering stated on an average they have approximately 25 to 30 vehicles.

Mr. Blythe asked where he acquired this information.

Mr. Lindquist said this information was supplied to him.

Mr. Carl asked the relationship between the owner and the bus company, is it just a lease agreement. We need something more definitive from the bus company. The original site plan had bus 40 the last site plan now shows the logo bus 45, which is slightly larger in length and will require more steering angle.

Mrs. Paddick stated what if we get 80 vehicles parking that is a huge difference from 30. Where are they going to park down the road and on the street or at other businesses? This is an issue that needs to be addressed.

Mr. Carl asked where the NYS Department of Environmental Conservation idling document came from?

This was supplied by the Ordinance Office for informational purposes, since that question was brought up at the last meeting.

Mr. Lindquist was unsure, Nate Kirschner is handling that. The bus should only be idling for only 15 minutes. As for the variances the Town suggested we apply for the use variances instead of the rezone.

Mr. Urda said the driveway is 25' with gravel on the front portion and the rear portion will remain unchanged. Broome County is concerned about gravel being tracked onto the highway and suggested a paved apron to prevent this. Also suggested that a 30 wide opening to allow a bus more room to safely enter the right driving lane.

Mr. Donnelly asked if the width of the entrance from 25' to 30', will this be sufficient enough and if so, it would be better to expand it for ease of entry, but will this impact the parking.

Mr. Lindquist stated the driveway isle is 24'. The 30' is for the access area only.

Mrs. Paddick asked if sidewalks will be added.

Mr. Lindquist thought the sidewalks were out, but will confirm with Mr. Kirschner.

Mr. Urda said the bus 45 will enter from Front Street do a k-turn at the rear of the Parcel B to turn around for loading down by the parking area.

Mr. Boland stated the only issue will be the back bus wheel hitting the curb.

Mr. Blythe wondered what is happening with the landscaping and will there be a new chain link fence?

Mr. Lindquist indicated there will be additional landscaping and a new chain link fence installed.

Mr. Blythe and Mrs. Paddick both agreed and questioned what happens with the overflow

Parking. Where are they going to park, that is a concern. We have nothing in writing from the bus company. We do not feel comfortable acting on this application.

Aleta Kinne of 891 Castle Creek Rd. asked what is on the center of the property now. Is that a pump station?

Mr. Urda indicated the pump station is over more by the laundromat, that is just a light pole.

Steve Parmeter of 735 Brotzman Rd. suggested contacting Oneida Bus line to get the information they requested.

Mr. Carl stated that it is up to the applicant to supply not the Town.

Mr. Blythe said the parking issue has to be resolved first.

Mr. Donnelly asked if they could supply the maximum and minimum of vehicles during peak time.

Mrs. Paddick mentioned the hours of operation should also be added.

Mr. Carl the parking needs to be capped somehow.

Mr. Boland suggested limiting the amount of vehicle parking, however that would be difficult to police.

Mr. Lindquist suggested making that a contingency as part of the approval.

Mrs. Paddick asked if they could approve just the Auto Zone portion.

Mr. Donnelly wanted to table the Hilts tour bus portion. Asked if Parcel B is large enough should the bus parking goes away to support a future usage.

Mr. Carl was concerned it will impact Auto Zone with their parking.

Mrs. Paddick said to table both applications and take no action on any of the sections. I do not feel comfortable approving just Parcel A, without having all the information on Parcel B completed. We have nothing in writing from the applicant regarding the hours of operation, number of buses, maximum and minimum amounts of vehicles to be parked during peak times.

Mary Minacci of 23 Woodland Rd. stated not all the passengers will be parking vehicles. Lots of time the people are dropped off and picked up later. Usually the buses have several stop locations before going to their final destination.

Mr. Boland if overflow parking occurs at other businesses the owners will have to have them towed away. They would soon get the message after a while. But, this parking issue will be difficult to police. You have to realize prior to the subdivision of the property they could have had 5 buses coming in daily,

with ample vehicle parking and bus turn around. Now that is being cut in half, which limits the amount of available parking and bus turning radius.

Mr. Carl said it is hard to imagine the continuation of the current use with it being cut in half.

Mr. Warren questioned if Auto Zone can proceed without the approval of the tour bus parking, giving them a negative advisory.

Mr. Dimascio stated if they send a negative advisory, it would require a super majority from the Zoning Board of Appeals to have it approved.

Eric requested the Board grant approval with contingencies, so the project can move forward.

Mrs. Paddick said she is having a hard time granting approval with nothing in writing from the applicant on Parcel B.

Mr. Blythe suggested an extension. Table the application and give Langan Engineering time to submit the written information.

Mr. Donnelly asked if they could have another meeting and take action on everything.

Mr. Boland said to send it to the Zoning Board with conditions and capping the amount of parking.

Mary Minacci asked if they could use the Northgate Plaza as the pick up point.

Mr. DiMascio indicated that is a business transaction, Hilts already owns Parcel B.

Mr. Lindquist agreed to have the information in time for the Zoning Board meeting.

It was brought to the Board's attention that the Zoning Board will have to act at their July 28<sup>th</sup> meeting, whether or not the Planning Board gives an advisory. This is the second notification that went out for the public hearings, they have to take action.

Then the Board asked if they could have a special meeting prior to the Zoning Board meeting to act on the new submissions. The Board said Tuesday July 21, 2015 at 7:00 p.m. they can have a special meeting if is convenient for everyone. Eric was in agreement and will notify Nate Kirschner to acquire the appropriate information in time for the special meeting.

Mr. Urda stated it is my understanding from Donald Walls that the 2 Parcels A & B are contingent upon approval of one another, so it we would have to table both applications.

A motion was made by Mr. Blythe to table the applications Parcel A & B until next Tuesday July 21<sup>st</sup> to receive everything in writing regarding the minimum and maximum of vehicle parking, number of buses daily, hours of operation and confirm no parking to extend beyond the marked lines as parking only.

Roll Call:       Ayes – 5       Nays- 0

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**COMPREHENSIVE PLAN UPDATE DISCUSSION**

Mr. DiMascio apologized for not being able to wrap things up. I don't want to make excuses but both Russ Hemedinger and I have new jobs and it is very difficult to coordinate. The only update is I spoke with Frank Evangelisti at Broome County regarding rezoning of Route 12. He suggested submitting it as is since it's our Town you can deem whatever you see fit for the Town. The energy zone final draft will be emailed to you in time for discussion and finalized at the August meeting.

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

Respectfully submitted,

Diane Aurelio  
Ordinance Secretary

