

MONDAY APRIL 28, 2014
7:00 P.M. - TOWN HALL – 1529 NYS RTE 12
BINGHAMTON-NEW YORK 13901

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

ALSO PRESENT: Russell Hemedinger- Town Board Member
Thomas Geisenhof – Assessor

ABSENT: Alex Urda - Town Engineer
Gene Hulbert – Town Board Member
Michael Boland – Planning Board Alternate
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 March 24, 2014 minutes.

Mr. Donnelly made a motion to approve the March 24, 2014, Minutes, seconded by Mrs. Snyder.
Roll Call: Ayes –4 Nays – 0 Abstain – 1 (Paddick) did not attend the meeting

Mr. Hemedinger stated this meeting is to firm up the final recommendations that will be forwarded to the Town Board. We will review the new recommendations and compare with the previous 2005 Comprehensive Plan recommendations and indicate what has been done and what is still outstanding that can be incorporated within the 2014 recommendations.

The Board reviewed the new recommendations first

Develop a New Energy Development Zone for gas well, commercial windmills and commercial solar collectors

Energy Development Zone (E.D.)

- Not in a defined area until application is made
- Where any energy development activities (defined above) are proposed the following should apply:
 - Indicate point on the map of proposed activity (like sell site, etc.)
 - 60 % of the property owners within a 1 mile radius must sign petition in favor of creating new zone to be presented to the Town Board.
 - Public hearing held (same as any rezone).
 - Advisory from the Planning Board.

- Advisory from Broome County Planning Department
- Environmental impact assessment
- Town Board to make the final decision.

Compressor stations would not be included in criteria for E.D. Zone.

- Recommend 1/3 mile (1800 ft.) buffer from neighboring property lines

Metering stations, collection lines not included in E.D. Zone

In General

Road Protection Ordinance should be in place

Noise and Light Ordinance should be in place

Residential Logging

- Require a special permit through the Zoning Board of Appeals.
- Have a site plan drawn up by a forester indicating the number of trees to be removed, haul roads and drainage plan and logging time frame.
- Silva Culture Best Management Practices- Forestry Plan.
- Road Protection Ordinance in place.

Re- Zone

Change to Commercial Development (CD)

- Change Broad Acres areas (south of Rte. 12A, and East of Rte. 12).
- Change entire side of Trafford Road towards Front Street.

Change anything zoned Planned Development District Commercial (Pdd-C) on Front St. to (CD)

Change from Pdd-c to CD to be consistent with the rest of 12A

- Rte. 12A (Beacon Water parcel)

Change from Agricultural to New Commercial Zone

- Rte. 12 on both sides from Rte. 12A to Port Road.

Change from Agricultural to Commercial Development (CD)

- Parcel behind Air-Temp property

Commercial Development (CD) classification

- Include restaurants as an allowable use

Change to Neighborhood Commercial

- Chenango Commons
- Ice Rink
- Red & White Store
- Currently where the Chenango Commons, Ice Rink and the Red & White are located.

Zoning Classifications

Eliminate PDD-Community Service (CS) – nothing in this zoning classification

Add all Planned Development District- Residential uses to Agricultural as an allowed use

1. Parks
2. Golf Course, driving range and putting course
3. Ski area, skating rink
4. Tennis courts
5. Campgrounds
6. Athletic fields
7. Uses by Special Permit
(Article IV, §73-12)
 - a. Quarry, sandpit, gravel pit and topsoil stripping

Add parks, skating rink, tennis courts, and outdoor athletic fields to the following:

- Neighborhood Commercial (NC)
- Planned Development District-Commercial (Pdd-c)
- Planned Development District Residential I (Pdd-RI)
- Planned Development District Residential I (Pdd-RII)
 - Indoor and outdoor athletic field

Residential add:

1. Schools
2. Churches
3. Public Buildings
4. Parks, public recreation

Agricultural add:

1. Schools
2. Churches
3. Public Buildings
4. Parks, public recreation
5. Neighborhood Medical Center

Neighborhood Commercial (NC) add:

1. Professional Offices
2. Churches
3. Personal Services
4. Neighborhood Medical Center

Planned Development District – Residential II (Pdd-RII) add:

1. Boarding, rooming and tourist homes

Planned Development District – Residential II (Pdd-RII) add:

1. Schools
2. Churches
3. Public Buildings
4. Professional Offices
5. Parks, public recreation
6. Public Utility facilities

Planned Development Commercial (Pdd-C) add:

1. Uses by special permit (Article IV,§73-12)
 1. Quarry, sand and gravel pit and top soil stripping

Planned Development District Industrial – (Pdd-I) add:

- a. Quarry, sand and gravel pit and top soil stripping

Commercial Development (CD) add:

1. Churches
2. Schools

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

Permitted Uses

Principal

1. Enclosed warehousing and wholesale establishments
2. Office buildings, community center, private club
3. Medical Professional building (need definition, (not intended to be a 24 hour facility),
Veterinary office
4. Building contractors office, shops, indoor material storage/equipment and sales
5. Wood fabrication shops
6. Assembly of previously manufactured goods and product
7. Indoor machinery and equipment sales and service (removed from Pdd-C)
8. Warehouse and storage in association with business office use
9. Home occupations
 - a. Beautician
 - b. Accountant
 - c. Crafts
 - d. Counseling
 - e. Consultant

*******NO OUTDOOR DISPLAYS*******

Used by special permit

(Article IV §73-12)

- **Amusement Center**
- **Public Utilities**
- **Medical Center (need definition)**

NEW ZONING CLASSIFICATION SPREAD SHEET (Area from Rte. 12A to Prentice/Port Roads)

Lot size:	Principal Use	Accessory Use	Maximum Lot Coverage
Area 1 acre	Front – 50'	Front – behind principal use	60%
Width 175'	Side – 20'	Side - 20'	
	Rear – 25'	Rear -20'	

**** **10 foot landscape buffer** ***

*******Majority of parking in rear of structures*******

Mrs. Snyder and Mr. Warren had some concerns with the word majority of parking. Possibly determine a percentage for the rear parking instead of using majority. This should be defined clearly before approving.

Mr. Hemendinger stated he would forward their concerns to the Town Board. They continued on with the rest of the recommendations on combining zoning districts.

Combining Commercial District (CD73-54 and Planned Development District (PDD-C) 73-50

Commercial spread sheet would read as follows:

Lot Size	Principal Use	Accessory Use	Maximum Lot Coverage
Area- ½ acre	Front – 35'	Front – behind principal use	60%
Width- 100'	Side – 15'	Side - 10'	
	Rear – 15'	Rear – 15'	

The Board approved of the combination of the CD and Pdd-c spread sheet.

The Board appeared to be satisfied with the above recommendations

Mr. Hemendinger reviewed the 2005 Comprehensive Plan recommendations, which most had been implemented.

The Town still would support a big box retailer in the area especially since the Broome Community College dorms are being constructed this may draw in new commercial businesses and restaurants to the area.

Bridge over the Chenango River, this should be widened to reduce back up or have the traffic lights in sync for better flow during peak hours. The railroad under pass on Patch Road should be widened for 2 way traffic and angle the bridge to increase better sight distance. However, trying to contact and work with the Rail Road Company is difficult. Possibly have the Town Board write letters regarding the traffic hazard and try to have the rail road replace it. Unfortunately if the rails are operable it is unlikely anything will be done by the Rail road company.

The zoning categories changes most of the residential and agricultural recommendations have been fulfilled. However, some of the commercial district areas still require implantation.

Public Comment

Christine Lacey, resident of 656 Oak Hill Road asked if the parking would be in the front and the building set back, that would require a deep lot. Also there is a Forestry Management Program is this available to the residential areas.

Mrs. Paddick stated with a deep lot they could move the building forward with parking in the rear so not to keep continuity with the residential area appearance. Even with a big box store parking would be in the rear of the building and landscaped.

Mr. Geisenhof stated the forestry management program exemption requires a 10 year plan by a forester submitted to New York State Department of Conservation. A renewal is filed yearly.

Charlotte Schotanus, resident of 369 Port Road questioned the existing church and beauty salon on NYS Rte. 12 would their parking be grandfathered in or would they have to modify their site.

Mrs. Paddick stated if they add on or change their site plan they would have to comply with the parking requirements, until then they would remain unchanged.

Mary Minacci, resident of 23 Woodland Drive asked if the Railroad owns the underpass wouldn't they be responsible for the maintenance.

Mrs. Paddick said the Rail Road would be responsible for the work. If the tracks are in good shape it is unlikely anything will be done. The railroads are privately owned. There are federal funds available for modifications, however Patch Road does not have enough traffic nor does it fall under the qualifying areas to receive any funding. The Town could write letters requesting this stating their hazardous concerns they have. But that would be the only option available. This is not the only area that has issues with the Rail Road. Working for BMTS there are the same underpass situations in down town Binghamton, and it very difficult to have anything accomplished.

Steve Parmeter, resident of 735 Brotzman Road, stated his opposition against the new energy zone. I have a different position with a lot of room to build anything and now you are telling me I can only dream about my property and its uses. Special permit application fee for the residential logging is \$75.00 does this apply for agricultural areas too?

Mr. Hemedinger stated this is only for residential areas to apply for a special permit with the Zoning Board of Appeals. Agricultural areas would submit a plan to the Ordinance Office for review for road usage and drainage. This is for commercial endeavor in a residential zone that is not currently allowed.

Daryl Hartzell, resident of 20 Pembroke Drive, stated with Broome Community College dorms being constructed this should increase commercial development. This new infusion of youth will benefit the Town. The students will need a place to buy supplies, bedding and such along with places to eat. It would be nice if the Town extended the sidewalk to encourage students to walk.

Mrs. Paddick said hopefully the Northgate Plaza will be redeveloped to encourage the commercial growth in the area.

Dennis Toaspern, resident of 249 Port Road, asked if a forester plan is required for residential logging only.

Mr. Geisenhof stated a forester plan is required for both residential and agricultural logging. There is the possibility a Stormwater Pollutant Prevention Plan (SWPPP) may be necessary. That would be determined by the Ordinance Office. The agricultural applications would be submitted to the Ordinance

Office for review, no special permit would be required, and that is already in place.

Mr. Toaspern said the study would cost money to have the forester create a plan. Provisions should be made so the landowner does not have to incur this cost.

Mr. Donnelly stated some foresters will work with you to absorb some of the cost. This wouldn't be as expensive as having a survey.

Mr. Hemedinger said we tried to introduce a timber ordinance to open it up for logging, but this never passed.

Mrs. Schotanus stated she is not in favor of gas wells. Windmills and solar will not have the same types of impacts as a gas well. I am in favor of the 1 mile radius petition.

Mr. Parmeter questioned why in-law apartments are not allowed. Especially now with the financial difficulties, this should be considered. You should allow a minimal lot size to have a temporary mobile home be connected to septic and well or an addition to the existing house for the aging parents to reside.

Mrs. Paddick stated they are called granny flats, small house or cottage that is connected to the existing well or septic.

Mr. Geisenhof stated the two family dwelling were removed in 2005 zoning criteria. As long as they share a common usage area (i.e. living room, kitchen) this would be considered a single family residence. If there is a separate entrance and another kitchen it becomes a single family dwelling. They would need a variance to allow an in-law-apartment. We have not received any applications for a mother-in-law apartment.

Ronald Phillips of Johnson City asked for horizontal drilling is the mile radius where the actual well is located and would the well lines be excluded in the 1 mile radius.

Mrs. Lacey asked if someone files for a gas well, who signs the petition the property owner or the residents on the property.

Mr. Toaspern questioned if 2 people own a property do they get 2 votes. What happens if it is in a family trust situation, what happens then?

Mr. Hemedinger stated whoever name is on the deed, 1 vote per property.

Mrs. Kinne said we are still waiting for (SGEIS) Supplemental Generic Environmental Impact Statement approval once this is adopted by the State and DEC it will mandate the procedures on how gas drilling can be done. The Town can tell where it can be done.

Mr. Parmeter, said to apply you require 60 % of the property owners within a 1 mile radius sign a petition in favor to proceed. What about the new rectangular pads that are 2 miles long 60% of the

acreage is surface area only. Does this apply to surface and subsurface rights because they are quite different.

Mr. Bernard stated not to forget the massive ponds they may want to consider them as part of the well process.

Mr. Phillips from Johnson City said the technology is changing to steel containers instead of the fracking fluid ponds.

Mrs. Kinne said you need NYS DEC Soil and Water permission for pond placement.

Mr. Parmeter asked if the road protection would be the same for agricultural areas.

Mr. Hemedinger stated it depends on the amount of road traffic. Right now we don't have a Road Protection Ordinance in place.

Mrs. Kinne asked if the Town considered sidewalks to make it a walkable community to bus lines, churches and schools.

Mrs. Paddick said she is very much in favor of sidewalks.

Mr. Parmeter, mentioned being in favor of the used car lots in the Town. Most are reputable and in decent shape and provide a good tax base.

Mr. Hemedinger said there will be no Comprehensive Plan in May, will resume in June for the final meeting.

There being no further discussion the Board unanimously agreed to adjourn at 8:30 p.m.

Respectfully submitted,

Diane Aurelio
Ordinance Secretary

