

PLANNING BOARD  
MEETING  
MONDAY, APRIL 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

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 March 9, 2015 Planning Board meeting.

A motion was made by Mr. Donnelly seconded by Mr. Warren to approve the March 9, 2015, Planning Board minutes.

Roll Call: Ayes - 5 Nays - 0  
\*\*\*\*\*

**NEW BUSINESS**

- **PHELPS ST. CORP-** Jay Abbey – 9 Thomas St. - TM#095.18-1-14- Application for site plan review to allow storage of concrete products in a residential zone.

Mr. Urda read his letter regarding the applicant's site plan. They were previously approved for the use variance to allow the storage of the concrete precast products on the residential site. They wanted to ensure the variance was approved before proceeding with the site plan review. We requested the site plan show the entire complex with the new parcel. The existing 30' x 80' building indicated this plan was also previously approved. This was for documentation purposes and not being changed. This is subject to Broome County 239 review. The applicant plans to avoid the wetlands and the NYS DEC 100 -foot wetland buffer and 100 –year floodplain. They are located within an Aquifer Protection Zone 1 "Wellhead Protection Zone" and are currently in compliance. However no disposal of construction and demolition debris, including use as fill is allowed on site. This is a Type II action under SEQR. A favorable recommendation for this site plan review.

Mr. Geisenhof from the Ordinance Office stated in January the Ordinance Office recommended that the Planning Board forward a favorable advisory to the Zoning Board of Appeals to grant the use variance to

the Phelps Street Corporation and that variance was granted. Tonight, the Ordinance Office recommends the Planning Board approve the application for site plan review for storage of concrete precast products in a Residential Zone, with a demolition permit and a compliance inspection being required.

The applicant was not present during the meeting.

Mrs. Paddick asked if there were any questions.

Mr. Blythe questioned the utilization time requirement 7:00 a.m. until 5:00 p.m. is that for the entire site including the plant, or just the corner area.

Mr. Urda stated it is just for the 9 Thomas Street area. They previously applied for a use variance to allow the storage area, which was approved. Now they are completing the site plan review process. The site plan is for documentation purposes.

Mr. Boland asked if any type of landscaping was planned, number of trees or shrubs?

Mr. Urda stated that was indicated on the site plan. It appears they will be planting trees on the berm.

There being no further discussion a motion was made by Mr. Donnelly, seconded by Mr. Warren to approve this site plan with a demolition permit and compliance review being required.

There was some discussion prior to the vote on the landscaping and the berm maintenance, which was indicated on the site plan.

Roll Call:       Ayes – 5       Nays – 0

\*\*\*\*\*

- **MICHAEL AUTO SALES** - Michael Brewer- 226 East Hill Rd-TM#066.10-1-37-Application for site plan review for auto sales.

Mr. Urda read his comments to the Board. The applicant intension is to display and sell vehicles, with no mechanic or body work to be performed on site. They will be open Monday thru Friday 9 a.m.-6 p.m. and Saturday from 9 a.m. -3 p.m. The applicant requires two area variances (V-05 2015) which is already applied for pending decision. The lighting plan should provide illumination levels showing no impacts off site. The site disturbance levels and proposed grading and finished surface is not shown on the plan. To ensure appropriate drainage a new site plan indicating the disturbed grading area for review. Keep in mind, anything over 1 acre will require a stormwater SPEDES permit and associated plans and documentation. Is the proposed finished surface going to be dirt, gravel or paved. It is also suggested they provide the ordinance office a copy of the Broome County Health Department approved septic system. They should confirm the existing well is safe and conforms to the health codes and laws.

This storage trailer use should also be addressed by the applicant. Ensure the parking spaces and isles meet 2010 Building Code of NYS Chapter 11 or latest version. A Spill Prevention Plan should be in place with a copy sent to the Ordinance Office. Any changes to the existing building will need a review and permit prior to any construction. Any signage will need a sign permit review and there should be no signage attached to any New York State structure, or anything be placed within the New York State right-of-way. This is a Type II action under SEQR.

This use is permitted use; however, approval should be contingent upon the response to the mentioned items and the Zoning Board approval for the double area variances.

Mr. Geisenhof recommended the Planning Board approve the application site plan review to operate an auto sales business in a Pdd-C Zone, on the condition that the requested area variances from the Zoning Board of Appeals are granted, with a compliance inspection being required.

Mr. Brewer was present to answer questions of the Board.

Mrs. Paddick said we will begin with the Town Engineers concerns. Would you be agreeable to submitting an updated site plan indicating the proposed grading and ground coverage and type of proposed finished surfaces grading dirt, gravel or paved. What is the storage trailer being used for? Just to reiterate there will be no repairs done on site. No signage can be attached to any New York State structure, or anything placed within the New York State right-of-way. A spill prevention plan submitted to the Ordinance Office and posted on site and the submission of the updated site plan signifying grading, ground coverage and proposed finished surface.

Mr. Brewer agreed to the new submittals. The proposed finished surface will be gravel. And understands nothing can be attached to the NYS right-of-way. The storage trailer will be used for parts and equipment (air compressor for tires) battery storage and such. No repairs will be done on site.

Mr. Urda also asked what the light intensity will be.

Mr. Brewer indicated it would be solar lighting, so it would not be intense.

Mr. Urda suggested he email the product type to Mr. Geisenhof for the record.

Mr. Carl asked how will the vehicles be displayed the nice stuff up front older vehicles towards the rear. What do you consider the back of the property you have 2 fronts that border Rte. 81 and East Hill Rd. We need to keep the area aesthetically pleasing.

There being no further discussion a motion was made by Mr. Carl, seconded by Mr. Blythe for site plan approval.

Roll Call:           Ayes – 5           Nays – 0

\*\*\*\*\*



Mr. Bohn was present to answer questions from the Board.

Mr. Warren asked what is done with the snow from his driveway.

Mr. Bohn stated he already plows the neighbor' snow, so that is not an issue. I'm a good neighbor.

There being no further discussion a motion was made by Mr. Donnelly, seconded by Mr. Warran to forward a favorable advisory to the Zoning Board of Appeals for this area variance.

Roll Call:       Ayes - 5       Nays - 0

\*\*\*\*\*

- **MARTHA BUDINE**- Bows & Bandanas- 17 Newman Ave. - TM#112.06-3-25- Application for a special permit for dog grooming business.

Mr. Urda stated the applicant's intent for a dog grooming business in a residential area. The applicant should assure that the driveway and 3 parking spaces would be available legally by right. The Broome County GIS aerial view shows a portion of the east side of the driveway to be on the neighboring parcel. They will also need to revise their sign dimension, or pursue a variance for the sign to exceed 2 square feet.

It is recommended that the Board forward a favorable advisory to the Zoning Board of Appeals and consider requiring a 1 year renewal.

Mr. Geisenhof from the Ordinance Office recommended the Planning Board forward a favorable advisory to the Zoning Board of Appeals with a Zoning Board review in 6 months' time.

Mr. Donnelly asked if the dogs are dropped early in the morning and left there all day.

Ms. Budine stated the clients would drop their dog off by appointment only and they are picked up within a half an hour.

Mr. Geisenhof is concerned over the shared driveway. If the neighbors don't get along this could pose a problem as one paved driveway. You don't want to see a fence going up the center of the driveway.

Mr. Donnelly asked if they have a written agreement to share the driveway.

Ms. Budine it is my understanding this is a verbal agreement between the neighbors.

Mr. Donnelly said since you have nothing in writing, I would think you would want to resolve this to avoid any issues down the road you should get an agreement /document from the neighbor also for the driveway maintenance.

There being no further discussion a motion was made by Mr. Donnelly, seconded by Mr. Blythe to forward a favorable advisory to the Zoning Board of Appeals for this special permit.

Roll Call:       Ayes - 5       Nays - 0

\*\*\*\*\*

**COMPREHENSIVE PLAN UPDATE DISCUSSION**

Mr. DiMascio discussed their meeting at Broome County with Lora Zier and Frank Evangelisti a few weeks ago. They forwarded this letter stating municipalities in New York are currently in limbo regarding high volume hydro fracturing. Gave subsequent court rulings and if you read paragraph five made some things clear, but nothing definitive. Mr. Evangelisiti did acknowledge never offering any suggestions for future commercial development on NYS Rte. 12. Hopefully when we meet again they will have something substantial for us.

The County gave us a couple of cd's to view on wind and solar energy, which I will make copies for the Board.

Mr. Geisenhof suggested giving him the cd's and he would compress it on a spread sheet for the Board members.

Mr. Donnelly stated instead of looking at the energy zone as a whole maybe we should define them separately.

Mr. DiMascio suggested the Board consider working on separate guidelines for all of the energy development for next month meeting.

I want the Board to know I have a great appreciation for all their diligence regarding the Comprehensive Plan. There are a lot of towns not addressing this. We are one of the first towns to move forward with this, so I would like to commend you for all your work.

Mr. Hemendinger would welcome any input for the Board members until we receive something more substantial from Broome County to proceed.

Mrs. Paddick asked if the Town Board ever adopted Delta's plan for the road preservation.

Mr. Hemendinger said no it went down in flames.

Mr. Carl questioned why Broome County isn't working more with the Town.

Mr. DiMascio said the County is working with other rural Towns to formulate a Comprehensive Plan. The Town of Chenango is unique since it is split suburban and rural.

Mrs. Paddick stated the Town of Union is similar with the suburban/rural split. Maybe we should contact them to see what they are doing or possible work together.

They discussed a Natural Gas with a 5 year plan to monitor it and revisit it under the right regulatory guidelines and insert in the Comprehensive Plan. They can include the hydro fracking map as the proposed regulations as of today and use as a reference only. People have to realize hydro fracking would not take place in a residential area. Hopefully we will be able to wrap this up in a couple of weeks.

David Johnson of 131 Brooks Rd. wanted to say he appreciates all the work the Board has done, other Towns are lagging behind and have stalled their Comprehensive Plan but, the Town of Chenango keeps moving forward. The Town of Windsor is also looking at this possibly work together on formulating guidelines.

Charlotte Schotanus of 369 Port Rd. disagreed about the survey not being skewed; I feel the opinions of the residents were clear.

Aleta Kinne of 824 Castle Creek Rd also felt the surveys were tabulated correctly. I know numbers can be manipulated, but I don't think anyone is unhappy with the survey.

Stephen Parmeter of 735 Brotzman Rd. said the Town should move ahead with natural gas and other energy forms of energy development for some type of guides in the event the legislature changes or gas drilling is passed. It is nice if the Town of Chenango Plan looked ahead to be proactive if things change. I know the only thing that holds people back from adding solar panels is the cost. There is a house in Conklin with solar panels and it generates enough to heat and light the entire house. New York Electric and Gas is reluctant to guide residents in this process. Maybe this should also be in the Towns plan.

Mrs. Paddick said the energy development would be for the commercial entities no residential sites. You can have solar panels on your house or garage now with just a building permit being required.

Mr. Udra said the solar arrays not on buildings, blocks the sun and prohibits any grass growth.

The Board and residents discussed different solar options and the different locations that have solar and wind power for example the colleges in our area and individuals that have solar panels and wind mills on their roof and a wind farm just past Bath New York.

Mrs. Paddick stated in any event it is easy to put energy development in the plan if the Town is in favor or against. We appear to be stuck in the middle on how to proceed, maybe we should contact other Towns for their input.

Mr. Hemedinger said what goes into the plan is up to the Town Board to approve, so it is important to address the energy development issue.

Mr. Warren stated from the court rulings, it appears they take the Towns zoning over the Comprehensive Plan.

Next month's meeting the Board will discuss wind and solar guidelines and check with other Town to see what they are doing.

\*\*\*\*\*

There being no further business before the Board a motion was made by Mr. Donnelly, and seconded by Mr. Warren to adjourn at 8:05 p.m.

Respectfully submitted,

Diane Aurelio  
Ordinance Secretary

