

PLANNING BOARD
DECEMBER MEETING
MONDAY, DECEMBER 8, 2014
7:00 P.M. - TOWN HALL - 1529 NYS RTE 12
BINGHAMTON - NEW YORK - 13901

PRESENT: Cynthia Paddick - Chairwoman
Messer: Donnelly and Warren

ALSO, PRESENT: Thomas Geisenhof - Assessor
Alex Urda P.E. - Town Engineer
Gene Hulbert, Jr. - Town Board Member
Michael Boland – Planning Board Alternate

ABSENT: Douglas Bernard – Planning Board Member

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 November 10, 2014.

A motion was made by Mr. Warren, seconded by Mr. Donnelly to approve the November 10, 2014 Planning Board meeting minutes.

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

NEW BUSINESS

- TIGHT ASH LLC- Kristina McLain - A.R.M. Development - 2 Cushman Rd. - TM#112.06-6-13 - Application for site plan re-occupancy for a cigar lounge.

Mr. Urda read his letter regarding the applicant's re-occupancy and discovered several items that require clarification from the applicant. The use is acceptable within the zoning district. The existing building meets/exceeds the required yard setbacks. The signage sizing and location are acceptable per prior variances. The site plan is lacking the tent location, parking stalls sized per Town Code. We need further information regarding the outdoor events. Like the tent size, location, number of patrons and staff and security during these events. There are several unanswered questions that need to be addressed such as the hours of operation, noise, extra lighting, restroom facilities, temporary power and parking during these events. The parking appears to be adequate for the initial Cigar Lounge. However, it will be inadequate for the tent, kitchen/bar uses which will be addressed at a later date. The lounge

requires a minimum of 13 spaces. The kitchen/bar use will switch use from service establishment to bar/restaurant which will necessitate additional parking, not available on site. Temporary parking for the outdoor tent must be provided on site unless otherwise approved by the Planning Board. An outdoor, subsurface, grease trap shall be sized professionally and installed if none exists, on the sanitary waste line exiting from the kitchen. Details must be provided to the code office for review. This project is subject to Broome County 239 review, which we have not yet received comments back. A fire inspection and code reviews will be necessary prior to occupancy.

This is a Type II action under SEQR.

Approval is recommended for the cigar lounge. Additional information is necessary before approval can be granted for the outdoor tent and future building use with kitchen and liquor license.

Mr. Geisenhof from the Ordinance Office stated with satisfactory answers to the concerns of the Planning Board and the Town Engineer, the Ordinance Office recommends that site plan update approval for the cigar lounge portion only, be granted. Some areas of concern are as follows: suggestive business name and sign, second floor use, adequate parking on site, use of Park & Ride for parking, kitchen/ liquor License effect on parking, any outdoor events.

The applicants were both present to answer questions from the Board.

Mrs. Paddick asked if the tent would be for special events only.

Mr. McLain stated the tent portion of the application was withdrawn. The tent events would have been for product advertisements with no bands or loud music during these events. It is primarily a meet and greet social event. However, this part of the application was withdrawn. The building interior is large enough to host these events, so that is what we are going to do. The upstairs will be blocked off and used only for storage.

Mrs. Paddick stated this would be just for cigars sales and smoking lounge on the main level and the porch area weather permitting and nothing more. Just to be clear your plan is to have a liquor license to serve beer and food at your facility, along with outdoor tent events sometime in the future. So you will need to return to the Planning Board if you decide to add any additional use to your site for site plan update.

Ms. McLain stated yes that is all for now. We still have to attain a New York State Liquor License and you must serve food like burgers and wings at your establishment to be approve. So we are still in the process on working on that. We are not trying to compete with the local bars in the Town. This is just to have beer or wine while enjoying a cigar.

So once we have the liquor license we come back to this Board for a site plan update to serve food and liquor and possible outdoor events.

Mrs. Paddick said that is correct. Now for the signage, the ground sign towards Cushman Road will be

removed and the one on Rte. 12 A will remain along with the building sign. Personally, I have an issue with the size of the logo, location and content of the signs. These signs are being placed in a major intersection of the Town I feel it is a little suggestive and quite large to be on an entry point to the Town. So I have some concerns, does anyone else have the same concerns? These signs would be very visible, and people seeing it might think it something else then what it really is.

Ms. McLain stated she understands completely. This is a heavily traveled area by residents and multiple schools buses, so I understand your concern. We do not want to give the impression it's a brothel. We have not signed off on the final sign design with 3 I Sign Company. So, if the Town wants, we can possibly reduce the size and the logo be removed and text added instead if the Town concurs with the content. I would like to keep the logo, but if the Town would rather we can modify the sign for their approval.

Mr. Boland suggested a smaller logo possibly

Mr. Donnelly asked if they would reconsider the sign content.

Mr. Hulbert, Town Board member, questioned if the sign variance from the previous owner carries over to the new tenants?

Mr. Geisenhof stated if it was stipulated on the variance it is only good for the applicant or owner of record, in the event the property is sold the variance would terminate upon the sale, otherwise it stays with the property.

Mr. Hulbert suggested examining this further; they may need a variance for the signs. Usually it is stipulated for the applicant of record only and then it goes away.

Mr. Geisenhof said he will research this, to ensure a variance would not be required for the signs.

We have to return to this Board for any additional use. Currently we are leasing the property, if we decide to purchase the property do we need to come back again?

Mr. Urda reiterated they will need to revisit if the eatery portion of the site plan for parking if they decided to proceed forward with that. Along with grease trap details for the commercial kitchen. Nothing is required for change of ownership.

Mr. Hulbert stated since the site plan no longer includes the tent or food service they should have ample parking.

Mr. Urda said restaurants triggers an increase in the amount of parking spaces. They would need 35 spaces to include the restaurant portion to their site plan. They have a limited driveway access area to create extra parking. The cigar lounge has adequate parking.

Mr. Hulbert stated with additional parking stormwater comes into play, previous verses impervious and how is this going to be managed.

Ms. McLain said currently 2/3 of the lot is paved and the rest is gravel, really not looking to pave any more.

Mr. Warren questioned how they are getting around New York State non-smoking regulations.

Mr. Geisenhof stated he did research this and cigar bars/lounge are exempt from the non-smoking regulations if they generate 10% of its total annual gross income from the on-site sales of tobacco products and the rental of on-site humidors.

Mrs. Paddick stated she received NYS DOT comments today. They mention the use of the Park and Ride property for overflow parking during the large events should not be considered by the Town as available parking when existing off-street parking is calculated. They should also make note that the existing parking spaces and the fence along the southern property line encroach on the states right-of-way. Such a use and occupancy permit must be acquired from our Right-of-Way Office. Further information or questions can be directed to Elizabeth French. The Town can forward you a copy of this letter.

Ms. McLain stated they have already removed the chain link fence and spoke with someone regarding the state's right-of-way, so we are pretty confident this has been taken care off.

There being no further discussion a motion was made by Mr. Warren, seconded by Mr. Donnelly for site plan approval for Tight Ash LLC. Cigar Lounge only. Any changes will require site plan update with the Planning Board.

Roll Call: Ayes -3 Nays – 1 (Paddick) Absent – 1 (Bernard)

Mrs. Paddick felt they should wait for Broome County comments on the 239 review before taking any action on this site plan.

Mr. Hulbert asked if the Board should have tabled the application until we receive Broome County comments on the 239 review instead of taking action on the re-occupancy.

Mrs. Paddick stated if we had received Broome County comments and they were negative or suggested denial in time for our meeting it would require a super majority vote to attain approval. Since the Board has taken action it would be too late to consider Broome County's comments.

Now the approval is for the cigar lounge only, any changes to the site will require another site plan review. You have also agreed to remove the graphic logo and insert text on the signs and resubmit new sign plans for content to the Ordinance Office for review for a sign permit. A fire inspection will also be necessary prior to opening for business. Mr. Geisenhof will research if a variance will be necessary for your sign.

There being no further business before the Board a motion was made by Mr. Donnelly, seconded by Mr. Warren to adjourn the meeting at 7:30 p.m.

Respectfully submitted,

Diane Aurelio
Ordinance Secretary

