

PLANNING BOARD  
NOVEMBER MEETING  
MONDAY, NOVEMBER 10, 2014  
7:00 P.M. - TOWN HALL - 1529 NYS RTE 12  
BINGHAMTON - NEW YORK - 13901

PRESENT: Cynthia Paddick - Chairwoman  
Messer: Donnelly, Bernard 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: None

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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 September 8, 2014.

A motion was made by Mr. Warren, seconded by Mr. Donnelly to approve the September 8, 2014 Planning Board meeting minutes.

Roll Call: Ayes -2 Nays - 0 Abstain -3 (Paddick, Bernard, Boland)

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NEW BUSINESS

- NONE

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**ADVISORY OPINIONS/REFERRALS**

- **CENTRAL BAPTIST CHURCH** – 1606 NYS Rte. 12 - TM#095.09-1-13- Application for area variance for a free standing sign to exceed the maximum allowed from 16 square feet to 42.5 square feet and a use variance to allow a led changeable copy sign.

Mr. Urda read his letter regarding the applicant's request for a led message board sign and to exceed the maximum allowed for a free standing sign. Upon reviewing the applicant notes approximately the property boundary lines. The applicant will need to legally determine the property line for the sign location prior to installation to assure compliance with the 10' setback. The signs finished height is unclear. The maximum height is 8'. They indicate the sign will not scroll. However, this should be

stipulated that the sign will not be animated, blink, flash or rapidly change colors or brightness unless noted as a definite timeframe. The sign be non-moving as shown in their example. The Board should also consider the option to review, if approval is granted a timeframe should the content or use of the changing sign become questionable or undesirable. They should also stipulate a specific time in which the sign can be eliminated. This sign will replace the existing manually changed sign with no known complaints. Similar signs within the Town have proven to be non-detrimental. The size of the sign is reasonable size for safe ease of viewing at the posted speed limit.

This is a Type II Action under SEQR.

A positive advisory is recommended with the coordination with the Code Office for a sign permit.

Mr. Geisenhof stated since the Central Baptist Church is replacing an oversized sign that has been there since the 1990's, without our office ever receiving a complaint, the Ordinance Office recommends that the Planning Board forward a favorable advisory to the ZBA to install a free standing sign that exceeds the maximum allowed from 16 square feet to 42.5 square feet. The Ordinance Office also recommends that the Planning Board forward a favorable advisory to the ZBA to allow a led changeable copy sign provided that the hours of sign illumination be limited to 9 a.m. to 10 p.m. weekdays; 7 a.m. to 10 p.m. on weekends and that led changeable copy sign field and text are constant and non-flashing.

The applicant was not present to answer questions from the Board.

Mrs. Paddick asked if the sign is on the State's right-of-way. Also why do the hours differ from the applicant's requested times to the Ordinance Office recommended timeframes?

Mr. Geisenhof indicated on their survey they moved the sign in 11 feet from the States ROW. As for the hours of illumination this would correspond with the Methodist Church on River Road existing led message sign for timeframe and illumination for consistency within the Town. The only complaint we had was on the brightness and they were told to dial it down, which they did. There were no other complaints on the Methodist Church.

Mr. Bernard was concerned about the brightness and should it be part of the stipulation for approval. Possibly keep it similar to the Methodist Church on River Road.

Mr. Boland stated the Central Baptist Church will appear brighter due to Route 12 area being darker. The Methodist Church on River Road has street lights that neutralize the overall impact.

Mr. Barrett of Stever Drive asked how frequently will the messaging change. Will it be daily every 5 to 10 to 30 minutes and will it be scrolling. That could be very distracting and should be regulated.

Mr. Geisenhof stated it will not be a scrolling sign - the Town will regulate that.

Gene Hulber, Town Board member, asked if Mr. Geisenhof checked the Town's Light Ordinance for light pollution. How do you know the brightness will not spill over onto the neighboring property?

Mr. Geisenhof stated the Light Ordinance was not checked. Usually the applicant checks it and we take the word of the applicant.

Mr. Warren asked if the trees and scrubs will be removed for better visibility.

Mr. Donnelly said it would be up to the applicant to cut the scrubs if it impacts visibility.

There being no further comments a motion was made by Bernard, seconded by Mr. Warren to forward a favorable advisory to the Zoning Board of Appeals with the stipulation the hours and illumination of the sign be from 9 a.m. to 10 p.m. weekdays and 7 a.m. to 10 p.m. weekends to be consistent with the Methodist Church on River Road. The text and graphics remain constant and non-flashing and can be changed only twice daily. Additionally any complaints regarding the brightness will be handled by the Ordinance Office.

Roll Call:       Ayes - 5       Nays - 0       Absent – 0

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-       **GREGORY A. BURDEN**- 21 Green Meadow Lane – TM#096.09-2-29- Application for a special permit for a home occupation and a use variance to sell merchandise (via internet sales) not produced by the home occupation.

Mr. Urda read his letter regarding the applicant’s request. Since Mr. Burden is requesting permission for a home occupation and use variance to sell merchandise not produced in the home. His intent is to sell new and used firearms and internet sales along with transferring firearms from one Federal Firearms Licensed (FFL) dealer to another for individual transfer of their firearms. This is not a gun shop or repair shop for firearms. There will be no signs or store type setup. The applicant previously applied for the same variances on Mill Road and was approved with the stipulation the use and special permit be terminated upon relocating, thus creating the new application. This parcel is located within a residential area. This variance is necessary for reasonable use and is a minimal request to achieve the use. Granting this variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. This is a Type II Action under SEQR. A positive advisory is recommended.

Mr. Geisenhof from the Ordinance Office recommended that the Planning Board forward a favorable advisory to the ZBA to grant a special permit for a home occupation and a use variance to sell merchandise not produced by the home occupation with the conditions that when the applicant leaves 21 Green Meadow Lane that the variance and the special permit will terminate.

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

Mrs. Paddick asked how frequently deliveries will be made to the house.

Mr. Burden indicated approximately once a month, 99 percent of the business is processed via internet.

Mr. Donnelly stated you never take possession of the firearms.

Mr. Bernard asked if he does background checks prior to selling these items? It is my understanding there will be no gun displays inside the house or signage outside, is that correct. This residential area is more densely populated, than Mill Road. My concern is if people know you have firearms in the house that gives them the opportunity to steal them.

Mr. Burden stated again this is done primarily through the internet. The most any item would be staged at my house would be only 3 days maximum and they would be stored in an approved ATF gun cabinet.

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 for this area variance.

Roll Call:       Ayes - 5           Nays - 0           Absent - 0

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There being no further business before the Board a motion was made by Mr. Donnelly and unanimously carried to adjourn the meeting at 7:20 p.m.

Respectfully submitted,

Diane Aurelio  
Ordinance Secretary