

PLANNING BOARD MEETING  
TUESDAY, OCTOBER 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: Michael Pecha - Code Enforcement Officer  
Alex Urda P.E. - Town Engineer  
Jim DiMascio - Town Board Member  
Michael Boland- Planning Board Alternate

ABSENT: Thomas Geisenhof - Assessor

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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 meeting on September 14, 2015.

A motion was made by Mr. Donnelly, seconded by Mr. Warren, with the vote being changed for the special meeting on August 19<sup>th</sup> he abstained with this change the September 14, 2015 Planning Board regular meeting minutes were approved.

Roll Call: Ayes – 5 Nays – 0

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## NEW BUSINESS

- **UPFRONT BUYER AND COLLECTABLES** - James Smith - 1058 Upper Front St. - TM#128.07-4-23- Application for site plan review for commercial re-occupancy to buy & sell collectables over the internet.

Mr. Urda reviewed the applicants request for site plan re-occupancy to buy and sell collectables over the internet. There will be no retails sales done on site. The existing pavement and lighting will remain unchanged. There are a few questions that require additional information from the applicant. Will there be any new landscaping provided to the site? The ADA parking stalls shall be 8'-6" to match Town Code. They should also provide and maintain ADA accessible parking spaces isles access routes markings, slopes and signage in accordance with ICC/ANSI.A117.1 2009 or latest revision. They are located in an Aquifer Protection Zone II "Aquifer Recharge Area" which currently complies and shall continue to do so. Contact the Town Ordinance Office for compliance review of the building and apply for a sign permit. This is a Type II action under SEQR and is subject to Broome County 239 review. It is recommend the



NOI/SPDES permit which has been provided. They will need a finalized signed and sealed plans set prior to acquiring a building permit. The applicant has agreed to provide and maintain the ADA accessible parking spaces, isles, access routes, markings slopes and signage in accordance with ICC/ANSI, A117.1 2009, or latest version. The parcels are located within an Aquifer Protection Zone 1 "Wellhead Protection Zone" the site currently complies and will continue to do so. The landscaping of fencing, screening and berms will remain as previously requested by the Planning Board. The landscaping installed according to the plan and maintained. Any signage will require an application review, and approval by the Town Ordinance Office. This project is a Type II action under SEQR and subject to Broome County 239 Review. The Environmental Review Board met on October 5, 2015 and recommended a "Negative Declaration" with no conditions. The variance requests are necessary for reasonable use of the land and are a minimal request to achieve. Granting these variances will be in harmony with the general purpose and intent of this chapter and would not be injurious to the neighborhood. It is recommended site plan approval and a favorable advisory for the use variances contingent upon the items mentioned being addressed.

Mr. Pecha recommended approval contingent upon the use variances and environmental assessment being approved by the Zoning Board of Appeals. A building and sign permit will be necessary prior to any construction or erection of any sign. A fire inspection will also be mandatory. A copy of the combination/subdivision forms along with the cross easement papers submitted to the Ordinance Office for their file.

Mr. Kirschner gave an overall presentation of the progression of the proposed project since its infancy to the present. There have been several rounds of design. The original site with AutoZone towards the Cup-A-Jo side and Oneonta Bus line parking towards the laundromat access via Upper Front Street do a k turn in the residential section to turn around for loading in the commercial area front portion would be paved. Zoning Board and residents were not in favor of this plan and was sent back to the Planning Board. They came up with the next rendition of the bus entrance on Bishop Road exiting onto Upper Front Street. By doing so this eliminates the entrance from Upper Front Street. Additional landscaping, berm and screening were added per the Planning Board request. The Zoning Board Chairman and residents were extremely against this plan. The Zoning Board Chairman had concerns people leaving the site would create a traffic hazard when people unload and leave the parcel. The residents were concerned they would be exiting through the residential area. So we went back to the drawing board and came up with an alternate plan. By reversing the site layout for AutoZone and Oneonta Bus Line. It allows the Oneonta Bus Line to use AutoZone entrance and loop around the back of the proposed building for loading towards the front of the commercial parcel by Cup-A-Jo. A cross easement will be necessary for the bus line to access through AutoZone. This plan has addressed the town residents and the Zoning Board of Appeals concerns. Hopefully this will be satisfactory for everyone. The new layout has a decent field of parking. AutoZone will have 34 parking spaces and the building slightly larger. The

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proposed vegetated screening, berm and fencing by the Planning Board will remain unchanged from previous plan.

Mr. Blythe asked why they left Oneonta Bus property with gravel and not slight paving.

Mr. Kirschner stated it was not cost prohibited with all the site changes.

Mrs. Paddick questioned NYS DOT’s Policy and Standards for the design entrances to State Highways must be 5’ offset between property line and beginning of driveway radius. The plan shows 3’ offset between the bus lot and the property line, has this been modified.

Mr. Kirschner said this was addressed and was not deemed an issue.

Mr. Warren stated this is the best plan so far.

There being no further discussion or comment a motion was made by Mr. Blythe, seconded by Mr. Donnelly to approve this site plan for AutoZone (Lot A).

Roll Call:           Ayes – 5           Nays – 0

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- **ONEONTA BUS LINE - LOT B**- Kevin Murphy - 1365-1359 Upper Front St. - TM#111.12-2-7, 4,5,2,8- Application for site plan review for Oneonta Bus Line Parking continued use.

Mr. Urda stated told the Board he did the same thing for Oneonta Bus Line (Parcel B) combining the site plan and variances advisory into 1 letter. The applicant site plan review is for the continued use for the bus line as well as the use variance to allow commercial use partially within a residential zone. The project also involves the combination of 4 parcels and the subdividing into 2 parcels (Lot A and Lot B).The comments remain consistent with AutoZone in relation with the stormwater application being 1 application. The SWPP and NOU/SPEDES permits being provided by the applicant. Adhere to the ADA accessible parking spaces, aisles, access routes, markings, slopes and signage in accordance with the ICC/ANSI,A117.1 2009 or latest version. Parcel located within the Aquifer Protection Zone 1 “Well Head Protection Zone” currently complies and will continue to do so. Landscaping, fencing and berms will be installed and maintained according to the plan. This is a Type II action under SEQR and is subject to Broome County 239 Review. The Environmental Review Board met on October 5, 2015 recommended the Zoning Board adopt a “Negative Declaration” with no conditions. It is recommended the Planning Board approve the site plan for Oneonta Bus Line (Lot B) and forward a favorable advisory to the Zoning Board for the use variance.

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Mr. Pecha from the Ordinance Office recommended approval contingent upon the use variance and environmental assessment being approved by the Zoning Board of Appeals, along with a sign permit prior to any sign being erected.

There being no further discussion a motion was made by Mr. Warren, seconded by Mr. Blythe to approve the Oneonta Bus Line (Lot B) site plan.

Roll Call:           Ayes – 5           Nays – 0

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**ADVISORY OPINIONS/REFERRALS**

- **KIMS KUTS & KURLS HAIR SALON** - Kimberly Hayes - 1946 NYS Rte 12- TM#078.19-3-15.12 - Application for a special permit to operate a home occupation (hair salon) in an agricultural zone.

Mr. Urda reviewed the applicants request to operate a hair salon in a portion of the house located in an agricultural zone. There will be 2 parking spaces for customers and no signage. The Ordinance Office will require a compliance review of the building site and any changes to the building may require a building permit. This is a Type II action under SEQR and is subject to Broome County 239 Review. The application is in conformance with the Town Code §73-12 Special Permit Standards a favorable advisory is recommended.

Mr. Pecha recommended a favorable advisory be forwarded to the Zoning Board of Appeals with the assurance the applicant complies with the Town Aquifer Protection District Law.

Ms. Hayes was present to answer questions from the Board.

There being none a motion was made by Mr. Donnelly, seconded by Mr. Carl to forward a favorable advisory to the Zoning Board of Appeals for this Special Permit.

Roll Call:           Ayes -5           Nays - 0

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- **AUTOZONE PARTS INC.- LOT A** -Kevin Murphy 1365-1359 Upper Front St – 111.12-2-7,4,5.2,8 - Application for a double use variance to allow retail use in a residential zone & for commercial (Bus Line) use in a residential zone.

Mr. Urda had no other comments.

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Mr. Pecha recommended a favorable advisory be forwarded to the Zoning Board of Appeals with the stipulation a building and sign permit being required along with a fire inspection. A copy of combination/subdivision forms along with the cross easement papers being submitted to the Ordinance Office for their file.

Mrs. Paddick asked if anyone had any questions regarding AutoZone use variances or the Environmental Review Board recommendation for a Negative Declaration. If not we will need 2 motions from the Board.

There being no further discussion or comments a motion was made by Mr. Carl, seconded by Mr. Donnelly to forward a favorable advisory to the Zoning Board of Appeals for this double use variance for AutoZone (Lot A).

Roll Call:           Ayes – 5           Nays - 0

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- **AUTOZONE PARTS INC. - LOT A** -Kevin Murphy 1365-1359 Upper Front St – 111.12-2-7,4,5,2,8 & Environmental Assessment Review.

Mr. Pecha concurred with the Town Engineer and Environmental Review Board recommendation for the Zoning Board of Appeals to adopt a “Negative Declaration”.

There being no further discussion a motion was made by Mr. Donnelly, seconded by Mr. Warren to forward the favorable advisory recommendation to the Zoning Board to adopt a “Negative Declaration” for (Lot A).

Roll Call:           Ayes – 5           Nays – 0

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- **ONEONTA BUS LINE –LOT B** -Kevin Murphy 1365-1359 Upper Front St. - 111.12-2-7,4,5,2,8 - Application for a use variance to allow for commercial (Bus Line) use in a residential zone.

Mr. Urda had already spoken on the variance request and had nothing further to add.

Mr. Pecha recommended a favorable advisory be forwarded to the Zoning Board of Appeals. A copy of combination/subdivision forms along with the cross easement papers being submitted to the Ordinance Office for their file. Along with a sign permit prior to any sign being erected.

There being no further comments a motion was made by Mr. Donnelly, seconded by Mr. Blythe to forward a favorable advisory to the Zoning Board of Appeals for Oneonta Bus Line (Lot B) use variance.

Roll Call:           Ayes – 5           Nays – 0

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- **ONEONTA BUS LINE –LOT B** -Kevin Murphy 1365-1359 Upper Front St.- 111.12-2-7,4,5,2,8 - Environmental Assessment Review.

Mr. Pecha concurred with the Town Engineer and Environmental Review Board recommendation for the Zoning Board of Appeals to adopt a “Negative Declaration”.

There being no further discussion a motion was made by Mr. Blythe, seconded by Mr. Warren to forward a favorable advisory recommendation to the Zoning Board of Appeals to adopt a “Negative Declaration” for Oneonta Bus Line (Lot B).

Roll Call:           Ayes – 5           Nays – 0

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There being no further business before the Board they unanimously agreed to adjourn the meeting at 7:30 p.m.

Respectfully submitted,

Diane Aurelio  
Ordinance Secretary

