

PLANNING BOARD MEETING
MONDAY, SEPTEMBER 14, 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

ABSENT: 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 Regular Planning Board August 10, 2015, and the Special Meeting minutes from August 19, 2015.

A motion was made by Mr. Blythe, seconded by Mr. Donnelly, to approve the August 10, 2015 Planning Board regular meeting minutes.

Roll Call: Ayes – 5 Nays – 0 Abstain – 1 (Warren) Absent – 1 (Boland)

A motion was made by Mr. Donnelly, seconded by Mr. Carl, to approve the August 19, 2015 Planning Board special meeting minutes.

Roll Call: Ayes – 3 Nays – 0 Abstain – 2 (Warren & Blythe) Absent – 1 (Boland)

NEW BUSINESS

- **CARS-R-US** - Eddie Rouhana – 1168 Upper Front St. - TM#111.20-2-14 - Application for site plan update to expand automotive sales display and offer vehicle repairs on site.

Mr. Urda read his letter to the Board which indicated there was no changes to the existing setbacks, pavement, lighting or signage. The applicant proposes expanding the vehicle sales display to 40 and offer vehicle repairs on site. An oil/water separator will be added to the site. A few concerns that need clarification or noted on the site plan are: NYSDOT R.O.W. fencing to their standards either on the R.O.W. or the easement limit if the easement is to be retained. Easement #2 is necessary to keep the dumpster at its present location. However, they should provide some kind of dumpster access. The following need to be noted on the site plan. Sewer lines shown connected to the existing water lines.

Indicate the ADA signs. The drywells on site: are they connected to the sewer lines, if not what is the status for these wells if they are not being use. We recommend they be filled in to deter any future hazard to the aquifer. Total parking is 49 with 2 for employees and 3 for customers. The applicant oversized the spaces which can be decreased to 8.5 x 18' if the applicant chooses. Add driveway dimensions to ensure delivery vehicle access. Add one-way directional sign. Add the detail title for the oil/water separator. Assurance ADA requirements be maintained regarding aisle access routes markings, slopes and signage, per ICC/ANSI, A117.1 2009, or latest version. This parcel is located within the Aquifer Protection Zone 1 "Well Head Protection Zone" which currently complies and will continue to do so. Provide for the Town Ordinance Office an annual maintenance contract on the oil/water separator (CVPS) to the Town Code annually and maintained as required. Code compliance review will be necessary along with a fire inspection by the Town's Ordinance Office.

This is a Type II action under SEQRA and is subject to Broome County 239 review. Approval is pending the applicant addressing the noted items to the Board's satisfaction.

Mr. Geisenhof from the Ordinance Office recommended with satisfactory answers to all questions and concerns, the Ordinance Office recommends that the Planning Board grant site plan update approval to Cars-R-Us to expand the automotive sales display and offer vehicle repairs on site.

Mrs. Paddick asked if he knows if the drywells are functional and connected to the sanitary sewer?

Mr. Rouhana stated the drywells are not connected to the sewer system. Not sure what they are for.

Mr. Urda mentioned if there being used for stormwater runoff that would be fine.

Mr. Carl questioned the number of parking spaces available. The site plan indicates one figure and the letter of intent states something else.

Mr. Urda stated they will have 44 spaces to display vehicles, 2 for employees and 3 for the customer parking, totaling 49 spaces overall. That is why we need a revised site plan for the record.

Mr. Rouhana agreed to make the adjustments.

Mrs. Paddick said signage for 1 way traffic on the north end of the property will be necessary and to maintain the dumpster access per the Town Engineers letter.

Mr. Carl questioned the storage building having a property line going through it? I'm looking at the GIS picture, is this not an accurate depiction?

Mr. Rouhana stated the fencing was removed and there is nothing in its place except the shed, but it is on his property.

Mr. Carl mentioned the State is being pretty adamant about putting the fence back up. When I drove by to look at the property he noticed several older vehicles that are not being repaired. Are they going to be inspected or removed? Will the number of vehicles spaces drop down to 40? He also noticed the property line appears to be going through the storage shed is this correct?

Mr. Urda indicated that is Broome County GIS mapping is not a survey only for reference and does not show right of ways or easements.

There being no further discussion a motion was made by Mr. Blythe, seconded by Mr. Donnelly to approve this site plan update with the following conditions:

- Maximum amount of vehicles for display not to exceed 40.
- Compliance review and fire inspection by the Ordinance Office.
- Supply the Town with an annual contract for maintenance on the oil/water separator (CVPS).
- Amend the site plan per Town Engineer letter dated 9/11/15 items#5 a-h.
- Adhere to the Town Engineers letter and New York State Dept. of Transportation letter regarding the highlighted items.

See attached highlighted letters for items from both the Town Engineer and NYS DOT that need to be modified on the site plan and adhered to.

Roll Call: Ayes - 5 Nays - 0 Absent - (Boland)

ADVISORY OPINION/REFERRALS

- NONE

COMPREHENSIVE PLAN FINAL DISCUSSION

The Board began their discussion on the Comprehensive Plan to determine if everyone is copasetic with the final recommendations.

Mr. Warren was unable to locate anything on the Rte. 12 A /Upper Front Street commercial expansion.

Mrs. Paddick assured him everything has remained the same. The only changes are the table of contents, and the page numbering is a little off. With those few modifications I think we are ready to vote on it being forwarded to the Town Board.

Dave Johnson from 131 Brooks Rd. wanted to thank the Planning Board Members and the new Members for doing their civic duty working on the Comprehensive Plan. This was a lengthy process and has taken 3 years and I'm sure everyone is tired of it and would like to put an end to it. The new

people on the Board have missed out on a lot. I hope they were brought up to speed on everything that has transpired since they were not part of the entire progression of the plan. There have been highs and lows during this long process like a soap opera. I feel bad it has taken so long and it was very time consuming. Some things got resolved others were put aside. Specifically the energy portion, gas drilling is still missing. I felt the first of this year everyone was done with it and wanted to put an end to this process, so forward everything over to the Town Board. I feel there have been some things left hanging. I did not here any feedback whether or not anyone contacted the other Towns for their input regarding the gas drilling. I spoke with Caroline Pierce from the Town of Windsor and she claims no one from the Town ever contacted her. She said she would be glad to talk with anyone from the Town or come to a meeting. I also spoke with Frank Evangelisti from Broome County and he said supposedly the Town of Chenango was in a pickle and has a gas problem with the neighbors. So his recommendation to the Town of Chenango would not be the same recommendations as for other Towns. The Towns stance is DEC takes responsibility.

What happens 6 to 12 months down the road once Tioga County passes gas drilling? What will the Town do then? Why not take a stance now and put something in the plan, instead of doing nothing, and kicking it down the road for later, delaying the process. I feel bad for the new members that will be left behind to make these decisions later on. Instead of waiting, I would like governmental officials to make a decision now and put something in the plan and just stand up for it. There were only 2 questions regarding the energy. They seem very vague nothing clear with yes or no answers, but a rating system. There are no differences between home and commercial. However, now in your proposed plan for wind and solar you are very distinctive on the commercial. I feel 95% of the residents thought the survey was for home projects not only commercial undertakings. I don't feel the survey clearly depicted the different energy zones, like they have in the final plan. The survey in my opinion was very wishy washy. If you look at the last election, any one that was anti-fracking was blown out of the water and lost the election. That should point out how the Town feels about gas drilling. It appears the Town wants to kick it aside like you did with the rezoning for the Route 12. The Town said it is DEC's responsibility to regulate, but the Town can ban it. I would like to thank you for listening.

Mr. Hemedinger said just to clarify and Mr. Geisenhof could attest to this. We did contact the Town of Windsor and no one returned our calls. Most Towns that were contacted said they were nowhere near addressing this in their plan.

David Howe of 702 Brotzman Rd. said he attended every meeting and did not feel it was a soap opera. The Board took a lot of time and effort reviewing and discussing everything very thoroughly.

Steve Palmatier of 735 Brotzman Rd. said he spoke with David Sheldon, Town Board Member of Otego County. He indicated due to the long range you have to be specific with your energy zone

language and spell out that if natural gas drilling is contingent upon NYS DEC and in accordance with the State Law approval. Then you are all set with the laws. Once it is approved the Town Board can then incorporate the State Laws into the Town Code. According to their Town Attorney they added hydro carbon language into their Comprehensive Plan and we should do the same.

David Howe of 702 Brotzman Rd. stated there are a few questions regarding the final plan. It is possible they have been answered, but I'm working off the August plan. The survey does not appear to be addressed in the plan. I don't see anything regarding a way to protect our property rights and property values if they will increase or go down if fracking is allowed. If not, something should be inserted in the plan to protect our property rights. Is there a way we can collaborate and come up with something? This needs to be addressed in the plan before it is completed. According to the survey 60% of the property owners did not want fracking in the Town. If the Town were to vote on gas drilling today it would be voted down. Should this even be in the Comprehensive Plan?

Mrs. Paddick said we were advised this is not legal according to Department of State, Broome County and our Town Attorney. No one else has done that. I know everyone is waiting on the Town to pass something but we are going with Broome County's recommendations.

Mr. Donnelly said the State decision is still on hold. We can go back when necessary to add the States decision along with their standards. Why can't DEC be responsible for this, lets kick it down to them? Once they have a safe method worth doing, we can look at it to give us some options. It would be foolish on our part to surmise what the State will require just to change it in a few months. When the States decision is finalized we can then add their standards and incorporate it into our plan.

Mr. Blythe concurred we want and need better options before inserting it into the plan.

Mrs. Paddick said she cannot speak for all the Board members but agrees we should hold off. We are not ready to put it in the plan.

Mr. Carl agreed waiting gives us options. This Board is not being political to weigh in on pro or against gas drilling, but holding off for the State to make a decision that gives the Board something that can be used legally to place in the plan. That is the only way to go or we will have to readdress it later on.

Ms. Krissely of Brooks Rd. stated the language from the County relates to high volume fracking with the lights and noise. Nowhere in the County verbage does it address the protection of the scenic vistas. This should be a topic for gas drilling, commercial solar and wind and addressed to protect our scenic views. We don't need gas drilling to boost our economy. Binghamton is one of the worst economic areas of all. We have to come up with a happy medium.

David Howe of 702 Brotzman Rd. said that when the PA. went through the drilling boom there was an abundance of new jobs. New construction was going on all over. They had plenty of new restaurants,

hotels and such being built and they were always filled. You go back today and those same restaurants and hotels are empty. Once they start producing gas, the wells were capped and the drillers move on to the next town.

There being no further discussion a motion was made by Mr. Donnelly, seconded by Mr. Warren to forward the revised Comprehensive Plan to the Town Board for their review.

Roll Call: Ayes – 5 Nays – 0 Absent -1 (Boland)

Mrs. Paddick stated this will go to the Town Board to make the final decision. I would like thank everyone Board members and Town residents for all their time and effort working on this plan until completion. Hopefully we got the consensus of the Town regarding the solar, wind and gas drilling along with other changes to update the Comprehensive Plan.

Mr. Warren wanted to thank everyone for his time served on the Board and was a pleasure working for the Town.

Mrs. Paddick mentioned the October meeting will be held on Tuesday, October 13, 2015 due to Columbus Day and the Town Hall being closed.

There being no further business before the Board, they unanimously agreed to adjourn the meeting at 7:59 p.m.

Respectfully submitted,

Diane Aurelio
Ordinance Secretary

