

**PLANNING BOARD  
REGULAR MEETING  
MONDAY, MARCH 12, 2018  
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12  
BINGHAMTON – NY – 13901**

**Approval of the February 12, 2018 Regular Planning Board Minutes.**

- PRESENT:** Cynthia Paddick, Chair  
Messer: Donnelly, Carl & Worden
- ALSO, PRESENT:** Alex Urda P.E. - Town Engineer  
John Freer – Building/Code Inspector  
Russell Hemedinger – Councilperson
- ABSENT;** Alan Blythe – Planning Board Member  
Michael Boland – Planning Board Alternate  
Terry Kellogg - Councilperson

The meeting convened at 7:00 p.m., at which time Mrs. Paddick called the meeting to order. The first order of business is the approval of the minutes from the Regular Planning Board meeting on February 12, 2018.

A motion was made by Mr. Worden, seconded by Mr. Donnelly, to approve the minutes from the January 8, 2018, Planning Board meeting.

Roll Call: Ayes – 4 Nays – 0 Absent – 2 (Blythe & Boland)

**NEW BUSINESS**

- **CWA LOCAL 1104** – Kim Young – 1063 Upper Front St. – TM#128.07-3-29- Application for commercial re-occupancy to use the building as a satellite office.

Mr. Urda – This is a commercial re-occupancy to lease the former Atwater Wireless building for a satellite office for CWA Local 1104. Their main headquarters is located in Farmingdale, New York. There will be no changes to the exterior or interior of the building or the existing parking area or lighting. If the lighting is changed the applicant will need to supply the Town a photometric plan layout for code review. They will continue to adhere to the ADA accessible parking spaces, aisles access routes, markings, slopes and signage in accordance with ICC/ANSI, A117.1, 2009 or latest version and 2015 Building Code of the State of New York. The building property is surrounded by grass and parking is provided for two employees. Within the adjacent to the Dependable Auto lot (same owner) is ample to comply with the codes. They are located within the Aquifer Protection Zone II “Aquifer Recharge Area” and currently complies with the Town Code §73-56 Attachment XIII Schedule of Regulations. A building

permit will be necessary for code compliance review on any future interior changes. The existing sign location will be utilized with their logo attached and a sign permit will be required through the Code Office. Landscaping is not planned for this site. This is a Type II action under SEQR and subject to Broome County 239 review. Approval is recommended.

Mr. Freer – If the Planning Board approves the applicant, the Ordinance Office requests a sign permit and fire inspection be required.

Applicant was present to answer questions from the Board.

Mr. Carl – You have been there for seven months and no one ever told you about applying for site plan approval?

Ms. Young - I found out when Scott Russell stopped in and told me we need to apply for site plan approval and a sign permit. We never knew this was required. Nobody ever told us we needed this. We signed the lease and the owner never mentioned anything about site plan review. We changed the sign only because we kept getting Atwater Wireless customers coming in. Otherwise we would not have changed the sign. So here I am for approval.

Mrs. Paddick – What about the dumpster?

Ms. Young - The owner from Dependable Auto said we could use their dumpster.

There being no further discussion a motion was made by Mr. Carl, seconded by Mr. Donnelly to approve Communications Workers of America (CWA Local 1104 Labor Union) commercial re-occupancy to operate a satellite office was approved and to coordinate with the Ordinance Office for a sign permit and fire inspection.

Roll Call:           Ayes - 4           Nays - 0           Absent - 2 (Blythe & Boland)

\*\*\*\*\*

- **VERTEK LLC.**-Andy Healey – 101 Castle Creek Rd. – TM#111.12-4-8- Application for commercial re-occupancy.

Mr. Urda – This is a commercial re-occupancy for a satellite base for their operations to store and issue equipment such as optic cables stand wire and such. This is the former A.L. Burke business. The floor plan, property map and site sketch should be withdrawn as they are inaccurate showing a building addition that does not exist. Since then a new updated sketch has been received on 2/26/18. It should be noted that the drive aisles labeled on the updated plan are less than required by code. This can be adjusted, striped at 8.5' x 18' with 24' drive aisles on site there are ample parking on the existing paved site per code. New York State Department of Transportation commented on the site plan, requiring the applicant to close one of the site driveways to US Rte. 11 for control of access and highway safety. Their method of driveway modification is subject for approval by NYSDOT. The site plan must be updated to

reflect this change. There are fifteen parking spaces indicted with no dimensions. The next time the lot is restriped they should consider modifying the spaces to 8.5' x18' per Town Code. Based upon the building square footage of 1,600' seven spaces are required. The parking is acceptable. However, at least one van accessible ADA parking and signage along with the parking dimensions should be updated on the site plan as was requested from A.L Burke site plan back in (2016 (PB-09). They shall also adhere to the ADA accessible parking spaces, aisles access routes, markings, slopes and signage in accordance with ICC/ANSI,A117.1, 2009 or latest version and 2015 Building Code of the State of New York. Any lighting changes Ordinance Office will want a photometric plan layout for code review. No landscaping is proposed at this time. Any interior / exterior future changes or signage will require a building/sign permit from the Ordinance Office. It appears there will be no signage for this re-occupancy. Dumpster location and enclosure have not been included on the site plan. The Board will have to clarify this with the applicant if a dumpster will be used. This is a Type II action under SEQR and is subject to Broome County 239 review. Approval is recommended.

Mr. Freer- If the Planning Board approves the applicant, the Ordinance Office requests a sign permit and fire inspection be required.

Ethan Cook from Pyramid Brokerage was present to represent the applicant at the meeting. I have a good understanding of the cable business and took this project on to assist this company with this re-occupancy. I have been in contact with Maryanne Burke and she is in the process of updating the site plan.

Mrs. Paddick – Do you think your client will object to closing one of their driveways?

Mr. Cook – The driveway closure will have no impact.

Mr. Carl – I drove by and there was a large truck having difficulty maneuvering around the site. It seems very tight for the larger trucks. Will you be talking to Ms. Burke about it being tight for the trucks to maneuver. If they close a driveway access they will have to adjust their parking. I don't want to create a situation where the trucks are backing out onto US Rte. 11.

Mr. Cook – We have a similar site which is smaller and they just do a k-turn.

Mr. Urda – You cannot supersede what NYDOT dictates. If the applicant wants to keep the second driveway open they can petition the State.

Mr. Cook – That will be up to the applicant and Ms. Burke if they choose to petition the State.

There being no further discussion a motion was made by Mr. Worden, seconded by Mr. Carl to approve this commercial re-occupancy site plan for Vertek LLC to operate a facility to base their operations to store & issue equipment such as optic cable strand wire and such was approved with the following stipulations:

\*\* Updated site plan to include ADA parking stalls and aisles with dimensions.

\*\* NYSDOT required closing one of the driveways to US Rte. 11 for control of access & highway safety. site plan must be updated to reflect the proposed modifications. This method of driveway modification shall be approved by this Department.

\*\*\* Coordinate with the Ordinance Office for a fire inspection.

Roll Call:           Ayes - 4           Nays - 0           Absent - 2 (Blythe & Boland)

- **TERESA TYNER & WILLIAM BRYANT** – 1128 Upper Front St. – TM#128.08-1-26 – Application for commercial re-occupancy for outside BBQ with picnic tables.

Mr. Urda – The applicant is requesting outdoor BBQ cooking with 3 picnic tables and existing building for storage and restroom at the former CinJuice location. It is assumed that the 4’ x 8’ picnic tables will seat 8 persons totaling 24 seats. Parking requires 1 space for every 2 seats. The applicant indicates 5 parking stalls. Flexibility of the table stalls and cooking onsite, there is a possible area for parking expansion. Up to 12 stalls as required should it be necessary in the future. Parking shall be code compliant with the ADA codes accessible parking spaces, aisles routes, markings, slopes and signage in accordance with ICC/ANSI,A117.1, 2009 or latest revision and the 2015 Building Code of the State of New York . Drive aisle and parking stall dimensions shall be added to the site plan and maintained. Directional signs should also be added to the site plan and provided on the site. An A-frame sign is proposed and a sign permit will be required through the Ordinance Office for code compliance and setbacks. No lighting changes are anticipated. If some time in the future that changes a photometric plan layout will need to be submitted to the Ordinance Office. There is no dumpster specified on the site plan. If a dumpster is brought in we will need the location and the type of enclosure. This parcel is located within the Aquifer District Zone II “Aquifer Recharge Area” is currently in compliance and will continue to do so. The small building will remain unchanged with no new landscaping. They will need to contact the Code Office for compliance with the existing bathroom and food service area. A copy of the Health Department approval submitted to the Ordinance Office for the record prior to opening. This is a Type II action under SEQR and is subject to 239 Review with Broome County. Approval is recommended with note that the space for additional parking stalls shall remain available and additional stalls shall be determined at such time that the use demands.

Mr. Freer - If the Planning Board approves the applicant, the Ordinance Office requests a sign permit and fire inspection be required.

The applicants were not present for the meeting.

Mr. Freer – I did check on the grease trap situation. They will only be doing outdoor cooking, if anything small utensils will be cleaned on site.

Mr. Carl – There was an outdoor BBQ there before, but it didn't last very long, less than a month.

Mr. Worden – Do they really need a bathroom?

Mr. Urda – If you recall we made Mike Boland get a handicap port-a-john for his Christmas tree site. You need something for the employees to use.

Mr. Freer – I will check the small building for bathroom facilities.

There being no further discussion a motion was made by Mr. Donnelly, seconded by Mr. Carl to approve this commercial re-occupancy site plan to operate an outdoor BBQ was approved with an updated site plan and dumpster location and too coordinate with the Ordinance Office for a sign permit and fire inspection.

Roll Call:           Ayes - 4           Nays - 0           Absent - 2 (Blythe & Boland)

\*\*\*\*\*

**ADVISORY OPINION/REFERRALS**

- **NEW ZONING DISTRICT CLASSIFICATION AND SPREAD SHEET-** advisory on changes made to Local Law#5 2017.

Mr. Hemedinger – The Town Board upon reviewing the zoning spread sheet decided to incorporate some of Broome County's twelve pages of suggestions. Which they had excellent points that we did considered. Such as, the front yard setback for the principal use. Originally we had 50' Broome County suggested 100'. So the Town Board met them half way and made it 75'. There are other changes marked in red on the spreadsheet that are self-explanatory. Broome County offered additional allowed uses such as single family homes and other uses by special permit. We tried to incorporate Broome County's and the Town Board's suggestions into this revised spread sheet. We also changed the zoning name from Non-Retail Commercial District to (NRCD) to Mixed Transitional (MT). Since there were several changes we felt the Planning Board should take another look at the final rendition and forward your thoughts to the Town Board.

Mrs. Paddick – We tried to incorporate some building designs without being too restrictive on the businesses.

Mr. Hemedinger - We did not want to dictate to businesses what they could and could not have. We are trying to be flexible. Signage will be limited to the building only. These businesses will primarily be offices and service type businesses, not retail use. So, there is no reason to have a free standing sign for this type of businesses for this district.

Mr. Carl – If you left the front yard setback at 100' you would lose your rear yard setback.

Mr. Hemedinger – All parking will be behind the front façade line of the principal structure on the lot.

There being no further discussion a motion was made by Mr. Carl, seconded by Mr. Donnelly to forward a favorable advisory to the Town Board regarding the revised proposed New Zoning District for Mixed Transitional and zoning spread sheet Section §73-58

Roll Call:       Ayes - 4       Nays -       Absent - 2 (Blythe & Boland)

\*\*\*\*\*

There being no further business before the Board they unanimously agreed to adjourn at 7:35 pm.

Respectfully submitted,

Diane Aurelio  
Ordinance Secretary