

**PLANNING BOARD  
REGULAR MEETING  
MONDAY JUNE 8, 2020  
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12  
BINGHAMTON – NY – 13901**

**Approval of the May 11, 2020, Regular Planning Board Minutes.**

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**PRESENT:** Cynthia Paddick - Planning Board Chair  
Messer: Donnelly, Blythe, Worden, and Szenher

**ALSO, PRESENT:** Nicholas Cortese - Planning/Zoning Atty.  
Alex Urda P.E. - Town Engineer  
John Freer – Building/Code Inspector  
Jo Anne Klenovic – Town Supervisor  
Michael Boland – Planning Board Alternate

Ms. Paddock – Do I need to read the virtual meeting information for the record and take a roll call of the board members to see who is in attendance for the virtual Planning Board meeting,

Mr. Cortese – Yes since this is still a virtual meeting we have to do a roll call first so we have a record of who is in attendance and transcribed at a later date. We have to make sure that the transcription reflects there is a quorum.

With that being said the meeting convened at 7:00 p.m. at which time Ms. Paddick called the meeting to order and read the opening of a virtual meeting, roll call of who is in attendance.

Jamie Szenher - aye

Kevin Worden- aye

Alan Blythe - aye

Brian Donnelly -aye

Cynthia Paddick -aye

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

All present and accounted for and has a quorum to proceed.

Ms. Paddick – Diane if you can put this in the record:

I Cynthia Paddick, Planning Board Chair have confirmed with Counsel that this meeting is being held in accordance with Executive Orders 202.1 and 202.15, originally issued by Governor Cuomo on March 12, 2020, and April 9, 2020, respectively, and extended by Executive Orders 202.28 and 202.29, issued on May 7, 2020 and May 8, 2020, respectively.

As relevant here, these Executive Orders suspend provisions of the Open Meetings Law to the extent necessary to allow any public body to meet and take any action authorized by law without permitting in public in-person access to meetings. They also authorize municipal board meetings and public hearings before such municipal boards to be held remotely by conference call or similar service.

This meeting is being held remotely via ZOOM virtual meeting software. The public has the ability to view or listen to this meeting live via the ZOOM app, web browser and by telephone. This meeting is being recorded, and will be transcribed at a later date. Now we can proceed with the agenda, approval of the Planning Board minutes from May 11, 2020.

A motion was made by Mr. Blythe, seconded by Mr. Szenher to approve the minutes from the May 11, 2020 regular meeting.

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

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- **2020-PB-06 - FIDC 86 LLC.** - Julio Williams –1426 Upper Front St- portion of TM#112.09-5-1 Application for site plan review for the new commercial development of Walgreens Pharmacy Store & Short EAF.

Mr. Urda – The referenced application is for site plan approval to subdivide a portion of the referenced parcel and development of a proposed new (approx.) 2502 sq. ft. commercial store/pharmacy with drive up window in a Commercial Development (CD) zone. The variance is for less than required road frontage from 100 feet to 6.69 feet. I’m doing a combined review for the site plan and variance request.

**Discussion:**

The site plan application package included:	Dated:	Rcvd.:
• Planning Board Application with Permissions	4/02/20	4/14/20
• Letter of intent from Developer	3/23/20	4/14/20
• Short EAF	4/2/20	4/14/20
• Permit for Application for Development in Flood Hazard areas including supporting engineering flood impact study/calculations.	4/15/20	4/14/20
• Project Site Plans	3/3/20	4/7/20
• Floor plans and Exterior Elevations	4/9/20	4/14/20

The variance application package included:	Dated:	Rcvd.:
• Application to Zoning Board incl. permissions statement from owner	5/5/20	5/5/20
• Applicant letter of Intent	5/5/20	5/5/20
• Same Short EAF as site plan	4/2/20	4/14/20
• ALTA/NSPS Land Title Survey of portion of parcel	2/28/20	5/5/20
• Site Paving/Landscaping Plan	3/3/20	5/5/20

Comments regarding the project:

1. Parking required is at a rate of 1 stall/150 SF. 17 stalls are required and 18 are provided. The applicant shall assure that they, or the owner, provide and maintain exterior ADA accessible parking spaces, aisles, access 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, Chapter 11 (or latest revision). a. NOTE: The ADA symbols need to be updated to the New York State standards for parking/signage.
2. The project is within the existing 100-year flood plain, as well as the ‘preliminary’ 1% flood plain, per FEMA mapping. The applicant has addressed this by designing at the appropriate elevation, and completed a flood impact study that is sufficient to support their flood plain development permit application in process with the Code Office.
3. The project is partially within an Aquifer Protection District Zone 1 (Wellhead Protection Area) and Zone 2 Aquifer Recharge Area). The plan is in compliance with both zones and shall continue to be.

4. Setbacks are adequate. (Please note that there is a 'Front' setback of 35 feet on the three road sides, not just Front Street ...the Carmichael side is labeled as side/rear).It still meets code.
5. Site lighting appears ok.
6. Signage: A sign symbol appears to be shown, not labeled, at the west edge of the parcel. Please provide sign details and dimension the location on the site plan.
7. Broome County 239 review is required and comments were received May 22, 2020 (dated May 20, 2020).

Pending approval:

8. Consider connecting the sidewalk proposed on Bishop Road to the crossing area on site.
9. Coordinate with the Building Department/Code office for building permits and sign permits.
10. Coordinate with water and sewer departments for lateral connection criteria and timing, as well as water meter/backflow preventer requirements. They have already discussed this with Don Benjamin.
11. Coordinate with the Highway Department regarding

The design engineer communicated with me early on prior to submittal. As long as the signage update comes through per code, I have no engineering objections to the project site plan. I have no objection to the variance request as they have ample road frontage on two other streets.

Mr. Freer - The ordinance office has no concerns with this proposed project just a building permit being required. If approved it should be contingent upon the area variance for less than required road frontage is granted by the ZBA. To duck tail with Mr. Urda the ordinance office has no concerns with the less than required road frontage for this project just need the sign details

Ms. Paddick Does anyone have questions for the applicant?

Mr. Blythe – I only see 1 tree on Carmichael Road. We would like to see about putting additional trees along Carmichael Road as a buffer. That was one of the points we tried to incorporate more trees into the area.

Julio Williams – I'm the engineer for Cocoa Development,. I'm here with the applicant Anthony Cocoa. You mentioned earlier that Mr. Skrabalek the property owner is also present. So with respect to that question we could add more trees along Carmichael Road. Is there a number you had in mind that you want to see there?

Mr. Blythe – Maybe three more and strategically brought. You have one all the way over on the extreme

Mr. Williams - We can look at that but, that is where the ditch is for drainage and as long as it will not be a hindrance.

Ms. Paddick – Any more questions?

Mr. Blythe – Where is the sign going?

Mr. Williams – The pylon sign is going on the corner of Bishop Road and Upper Front Street. That way traffic traveling north bound it will be visible.

Ms. Paddick – Any other questions of the applicant? No, so Nick can we approve the site plan and then do the SEQR?

Mr. Cortese – We should do SEQR first, but before we do that I have a question the parcel where the Walgreens is going to be built that will be split off correct? It's going to become its own parcel separate from where the Auto Parts Store is.

Mr. Williams – Yes that is correct.

Mr. Urda – Do we need to take the lead on the SEQR for the variance piece or do they handle both.

Mr. Cortese- We will split it. What we are going to do is an uncoordinated review and there is no need for anyone to declare lead agency for the various time clock running. So we can do the SEQR for the site plan and subsequently do SEQR on the variance application.

Mr. Urda – I don't see the water and sewer laterals in the plans.

Mr. Williams – Yes, they are page C5.0

Mr. Urda – My mistake it was folded over, I'm all set.

Mr. Cortese – Alex I don't have that drawing in front of me. We are not going to have the same issues as the Dollar General constructing anything over a town's easement. I just don't want to have the same situation come up again.

MS. Paddick – Mr. Cortese are you ready to walk us through the SEQR.

Mr. Cortese- I'm ready whenever you are. As usual we need audible response to the questions verbally say yes or no. Yes means moderate to large environmental impacts, no means no to small impact I will So I will go through the questions.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? Boards response- No.
2. Will the proposed action result in a change in the use or intensity of use of land? Boards response – No.
3. Will the proposed action impair the character or quality of the existing community? Boards responses- No.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? Boards responses- No.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkways? Boards responses- No.
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? Boards responses- No.
7. Will the proposed action impact existing
  - a. Public/private water supplies? Boards response- No.
  - b. Public/private wastewater treatment utilities? Boards responses- No.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? Boards responses- No.
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? Boards response- No.
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? Boards responses- No.
11. Will the proposed action create a hazard to environmental resources or human health? Boards responses- No.

Ok that is all of the questions; you have answered them all no. So my presumption would be you will be making a “Negative Declaration” for SEQR. If that is true I just need a motion and a second to make that “Negative Declaration”

Mr. Blythe – I make a motion to adopt a “Negative Declaration”, seconded by Mr. Worden.

Ms. Paddick – Any discussion, can we have a vote.

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

Ms. Paddick – So Walgreens has a “Negative Declaration” so we need a motion for the site plan approval.

Mr. Donnelly- I make a motion to approve the site plan.

Ms. Paddick – Do you want to include the additional trees along Carmichael Road that Mr. Blythe asked for and the sign details being submitted in your motion.

Mr. Donnelly – We can do that. I make a motion for site plan approval with the additional trees along Carmichael Road and the sign details submitted, seconded by Mr. Blythe.

Ms. Paddick – No further discussion, can we have a motion and a second, can we have a vote.

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

Ms. Paddick – So the Walgreens site is granted it is understood that is contingent upon the variance being approved by the ZBA.

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#### **ADVISORY OPINION/REFERRALS**

- **2020-V-05 - FIDC 86 LLC**- Julio Williams - Walgreens - 1426 Upper Front St- portion of TM#112.09-5-1 -Application for an area variance for new commercial development with less than required road frontage from 100’ to 6.69’ in the Commercial Development (CD) zone & Short EAF.

Ms. Paddick –Next we have an advisory for the variance request for Walgreens for an area variance for new commercial development with less than required road frontage from 100’ to 6.69’ in the Commercial Development (CD) zone. Alex you have already mentioned this in your letter that you read to us. Mr. Freer do you don’t have any problems with that either.

Mr. Freer- The ordinance office has no issues with this.

Ms. Paddick Does anybody have any questions or comments. Everyone is good with this. So would someone like to make a motion for a favorable advisory?

Mr. Blythe -I like to make a motion to forward a favorable advisory to the Zoning Board of Appeals for this area variance, seconded by Mr. Szenher.

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

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- **2020 V-06 - Marvin Conover** – 10 Daniel Dr. – TM#078.15-2-9- Application for an area variance to allow an accessory building (shed) exceeding the maximum square footage from 125’ to 144’ in a residential zone & Short EAF.

Mr. Urda - The referenced application is an advisory opinion request from the ZBA for an area variance to exceed the maximum square footage of an accessory building from 125 Sf to 144 SF in a residential zone.

**Discussion:** The application package included:

- ZBA Application w/ permissions
- Letter/photo location/building elevation form owner ---
- Site Sketch ---
- Short EAF ---

Dated:	Rcvd.:
5/13/20	5/14/20
	5/14/20
	5/14/20
	5/14/20

The increase is minimal in nature and not injurious to the surrounding area. We have no engineering objections.

Mr. Freer- The ordinance office has no concerns with this variance request. The owner should be aware a building permit will be necessary prior to construction.

The applicant was not present for the meeting.

Ms. Paddick – Does anyone have any questions on this application, if not can we have a motion.

Mr. Worden- I make a motion to forward a favorable advisory to the Zoning Board of Appeals for this area variance, seconded by Mr. Blythe.

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

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Ms. Paddick – I thought we had this on the agenda for tonight. I tried incorporating what we discussed last month regarding the Planning Board Code of Conduct. I did add in about the 5 minutes and worded it if I need to we had a full house that I could limit it to 5 minutes at the discretion of whoever is the Planning Board Chair at that time. So if someone had something legitimate to say. I didn’t want to hold them to that and had to cut them off. If we only have a couple speaking I don’t know how everyone felt about that. I also took out the section that they have to tell us their name and address to speak. That was Nick’s advice, because we don’t have

to do that for a planning board meeting. Trying to think what else- I took out putting something specifically at the conclusion of the meeting people could talk. Because the way it is now they can or they can't we don't have anything written down that is an opportunity for public comment. But if somebody wanted to speak to us they could.

Mr. Blythe – I thought it was all good and very well done.

Ms. Paddick – So that is ok?

Ms. Klenovic – Some feedback from the board. They did not want to make any changes, that the Planning Board should be in charge of their own rules and they are comfortable with your decisions. When you are completely done with it we will look at it for continuity and make sure ours mirrors and the cohesiveness between the 3 boards. But we are not going to offer any suggestions on your document.

Ms. Paddick – Once we are done I'll send it to you. So if no one has any objections, I will forward it over to the Town Board. Ms. Klenovic you already have it, I sent it to you today.

Mr. Blythe – Were good. Diane in our packets you had information on AiroSmith (AT&T) project is that for the future or stuff we didn't receive in time for our meeting?

Ms. Aurelio – They are documents that came in late, so I gave you the updated information for your file.

Mr. Blythe – Ok.

Ms. Paddick – Joanne for our July meeting we should be back in the town building?

Ms. Klenovic – I have some information, the governor today extended the Zoom meetings until July 7<sup>th</sup> which is the day after our town board meeting. The legal holiday will be Friday July 3<sup>rd</sup>. So Monday the 6<sup>th</sup> is a regular business day and will also be the Town Board meeting, which is the first Monday in July. So yours will go to the 13<sup>th</sup> of that month. That is not under the governor's orders at this time. Town Board meeting Zoomed on the 6<sup>th</sup> we won't know for a few weeks from now whether it will go further into July.

Ms. Paddick – Maybe we will see everyone in July or maybe not.

Mr. Cortese- So tired of this, I love you guys but I'm so done with this.

Ms. Paddick – I think a lot of people are.

MS. Klenovic – I'll update you on the 6 foot distancing is in effect and the building will be reopening next week. We are waiting for the plexiglass to come in. The delivery truck is somewhere in the United States. So when that becomes a reality we will be opening. When the building opens the community room will hold 21 people which include the boards. The board room only inhabits 11, which is just big enough for your board. The court room is off limits to everyone, because it is not open to the public at all. So if not zooming you'll be using the community room for your meetings. If you have a couple of guests for your proceedings your

over for the board room. There will be no use of the community room until after some of these sanctions are lifted. We could do business totally and open to the public. But right now we are looking at September. So we are going to use July and August to get back to some normality with our governing until every bench mark or phase is open. Friday we will get an update and another in 2 weeks from now another. That will pave the way for July. I'll keep you updated but plan to use the community room once we get back into here.

There being no further business before the board a motion was made by Mr. Blythe, seconded by Mr. Worden to adjourn the meeting at 7:35 p.m.

Respectfully submitted,

Diane Aurelio  
Ordinance Secretary