

**PLANNING BOARD  
REGULAR MEETING  
MONDAY MARCH 16, 2020  
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12  
BINGHAMTON – NY – 13901**

**Approval of the February 10, 2020, Regular Planning Board Minutes.**

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**PRESENT:** Brian Donnelly, Planning Board Acting Chair  
Messer: Blythe, Worden, and Szenher

**ALSO, PRESENT:** Nicholas Cortese - Planning/Zoning Atty.  
Alex Urda P.E. - Town Engineer  
Gavin Stiles – Building/Code Inspector  
Jo Anne Klenovic – Town Supervisor

**ABSENT:** Cynthia Paddick - Planning Board Chair  
John Freer – Building/Code Officer  
Michael Boland – Planning Board Alternate

The meeting convened at 7:00 p.m. at which time Mr. Donnelly called the meeting to order and read the Planning Board mission statement. The first order of business is the approval of the February 10, 2020 Regular Planning Board minutes.

A motion was made by Mr. Blythe, seconded by Mr. .Worden for the approval of the February 10, 2020 Regular Planning Board minutes.

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

**NEW BUSINESS**

- **Proficient Automotive, LLC.**- Alexander Smith – 1444 Upper Front St. - TM#112.05-3-32- Application for commercial re-occupancy to operate a vehicle repair shop & minor used car dealer & Short EAF.

Mr. Urda -The referenced application is for commercial re-occupancy to operate vehicle repair shop and minor used car dealer; Majority being vehicle repairs with a maximum of 3 display vehicles on site, within the Commercial Development district.

The applicant included the following and the date received:

- Application to Planning Board 01/14/20 01/30/20
- Letter from Applicant 02/06/20 02/06/20
- Proposed Usage --- 01/30/20
- Floor Plans, site & signage plans --- 01/30/20
- Short EAF 01/16/20 01/30/20
- Department of Transportation letter 02/11/20 02/12/20

Upon reviewing we recommend the following:

1. Parking is existing. 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).
2. The project parcel is within an Aquifer Protection Zone I for the Route 12A Well (Well No. 2). The site plan currently complies with the associated Town Code §73-55, Attachment XII, Schedule of Regulations: Wellhead Protection Area, and shall continue to do so.
3. Indoor storage of all automotive fluids is recommended. Secondary containment shall be provided if outside storage is unavoidable.
4. A “spill plan” was provided and must be maintained for the facility.
5. Is there still a floor drain with oil/water separation?
6. Coordinate sign plan review with the Code Office.
7. Project is subject to 239 review – refer to NYSDOT comment letter 2/11/20.

There are no engineering objections.

Mr. Stiles - The Ordinance Office has no concerns with this application only a building permit for any structural changes, sign permit before any signage can be erected and a fire inspection prior to opening.

Mr. Donnelly – Is the oil and water separator intact?

Mr. Smith – Yes.

Mr. Urda – Who is maintaining it? Just give us the annual contract of who is doing the service work.

Mr. Smith - The current owner was maintained it and I’m not sure how that was done. Who do I contact for this inspection and the fire inspection?

Mr. Urda - Usually there is a maintenance agreement to have it cleaned. Give the annual document to the town and state who is maintaining it and what the terms are and that this is being maintained and forward those documents to the town. You can contact the town for the inspection.

Mr. Stiles – Call the ordinance office we can incorporate it with the fire inspection.

Mr. Blythe- So you are leasing or renting the facility? Should we have a type of form stating that?

Ms. Aurelio – He does have a signed lease agreement, I did not make a copy of that for the board.

Mr. Blythe –Ok. How much metal do you accrue in 2 to 3 weeks on the site?

Mr. Smith – Not very much, usually take it to the scrap yard once or twice a month.

Mr. Cortese – You are using the facility as is? Are you are not building onto to it or expanding it in any way just move right in?

Mr. Smith – That is correct.

There being no further discussion a motion was made by Mr. Worden, to approve the site plan.

Mr. Blythe – Amend the motion to stipulate a sign permit and fire inspection being required for Proficient Automotive, LLC. for the commercial re-occupancy, seconded by Mr. Szenher.

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

Mr. Cortese – Diane if you could reflect in the minutes this is a Type II action Under SEQR and no further action is required for the environmental review.

Mr. Donnelly – So as far as we are concerned you are good to go check with the ordinance office regarding the sign and fire inspection.

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#### ADVISORY OPINION/REFERRALS

- **Robert & Lori Burns** – 3 Barry Way – TM#112.12-2-32 – Application for an area variance to reduce the front yard setback from 30’ to 23’ & for a special permit for a home occupation (hair salon) in a residential zone & Short EAF.

Mr. Urda - The referenced application is an advisory opinion request from the ZBA for an area variance for front yard setback from 30 feet to 23 feet in a residential zone; including a special permit for a salon/home occupation.

- **Discussion:** The application package included: Dated: Rcvd.:
- ☐ Tax Map location --- 02/11/20
- ☐ Applicant letter signed by owner 02/04/20 02/04/20
- ☐ Site Sketch w/ addition shown --- 02/04/20
- ☐ Short EAF 02/01/20 02/04/20

Upon reviewing the applicants sketch as compared to the BCGIS Parcel Mapper tools, it would appear that the applicant is measuring from the structure to the edge of pavement, not from structure to R.O.W./property line. It appears they may need front setback variances on both sides, Barry Way and Lolita Street. Per BCGIS measurements (approximate, not survey):

- Setback Existing Building Setback Proposed Addition
- Barry Way R.O.W. to : 23 feet+/- 6 feet+/- (23-17 addition)
- Barry Way Edge of Pavement to: 35 feet+/- --
- Lolita Street R.O.W. to: 25 feet+/- 22 feet+/- (28 – 6 addition)
- Lolita Street Edge of Pavement to: 40 feet+/- -- ?
- The addition is on the corner of the structure closest to the corner of Barry Way and Lolita

- Street and has the potential to impact visibility around the corner for vehicles. I recommend that the applicant compare their design to a boundary survey and refine their request to the Board so we can evaluate properly.

Mr. Burns – So the right of way is 7 feet from the road.

Mr. Urda – It could even be more. Usually the pavement is anywhere from 20 to 24 feet and the row is 50' from the pavement. The center line is 12 feet and there is another 13 feet of lawn.

Mr. Burns – So to determine that I would need a survey.

Mr. Urda- Or find the pins if there are any out there to help out.

Mr. Burns – We did measure from the street.

Mr. Urda – It doesn't mean you can't do what you want to do. You will need to change your values that you are requesting it really makes it a lot smaller.

Mr. Burns – Are the values on your sheet a typo?

Mr. Urda – It should be 25 feet minus the 6feet gives you 19feet. Keep this in mind this is just a rough number off an aerial photo. This gives you a rough guide and I think you will need another variance on the Lolita Street side as well. I estimate you project out 6 feet.

Mrs. Burns – So we are looking at variances for both sides.

Mr. Urda – Our setback laws are currently 30 feet the measurement right now is 23 to 25feet on both side and they both encroach. I can't give you a new number to go with not knowing plus or minus a few feet with the aerial photo. The aerial view isn't exact but it wouldn't be off by 13- 14 feet.

Mr. Burns- I understand. I didn't know if that was a guide line, 7 feet exactly from the pavement. You are saying it goes to the center of the pavement.

Mr. Urda – The center of the pavement is usually 25 feet, however, sometimes the pavement is off centered on one side, I think Norton Road is one that is not centered.

Mr. Worden – How long have you lived there?

Mr. Burns – 2 Years.

Mr. Worden – You don't have a survey?

Mr. Burns - Not that I can remembered. We did have one for our first house but not on this one. We did have the home inspection done and everything but not a survey.

Mr. Donnelly – You can check your deed for that setback. That should tell you or check with Broome County.

Mr. Burns – I'm not sure the County will be open.

Mr. Worden – Can we proceed with our advisory without solid numbers?

Mr. Cortese – You can make your advisory based on the proposed project overall. What I would say is the Zoning Board will consider what you asked for. So if you are asking for something that is inaccurate the Zoning Board will grant what you are asking for. So I don't want you to feel you have wasted your time asking for the wrong amount for the variance. It might be a little more leg work for you guys but if you have to ask for a front and a side or 2 fronts. It is better to have it all in place accurately to move forward. Just letting you know the ZBA will not grant a range they must have a specific number to grant you what you asked for. You were made aware of the meeting date being changed?

Mr. Burns – We were made aware.

Mr. Cortese – I would suggest before the 31<sup>st</sup> ZBA meeting if you could is you could submit a site plan more accurate idea of what you are requesting you will need this also for the site plan review with this board. Amend your application with the correct information on what you are exactly asking for and submit it to the ordinance office.

Mr. Burns- Do we need engineer drawings?

Mr. Cortese – It depends on the board. We have accepted hand drawings before, but we would like it drawn to scale with accurate measurements. Our town requires you to come back to this board for site plan review if you are doing something that is not allowed in the residential zoning district. Hair salons are not allowed without a special permit so you would have to return to the Planning Board for site plan review. I don't think you will have everything by the 31<sup>st</sup> to withdraw or amend your application if you have time.

Mr. Urda- Parking for your salon is in the driveway?

Mr. Burns – We have 3 spaces for the salon and our vehicles are parked in the garage.

Ms. Klenovic – We should try to assist them with this. Due to this new Covid-19 situation the meeting dates might change. So if we can help in any way to move this along.

Mr. Cortese- You can amend your application for the front yard setback and if you know you need another front yard setback is required include that along with your special permit for the hair salon.

Mr. Burns – So the existing building is in violation, regardless we still need variances.

Mr. Cortese –We will need this information 5 days prior for the legal notice, so we need it by Friday and have the accurate numbers and the ZBA can act on it on March 31<sup>st</sup>.

Mr. Urda – I suggest you go on Broome County GIS and select deed to access that information.

Mr. Stiles - The Ordinance Office has no concerns with this application only that a building permit be required a sign permit for any signage and a fire inspection prior to opening for business.

Mr. Burns – There will be no sign.

There being no further discussion a motion was made by Mr. Blythe, seconded by Mr. Worden to forward to the Zoning Board of Appeals a favorable advisory with the condition that the applicant amends the original application to reflect the correct setback for the proposed project and to request additional variance(s) required if any.

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

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Ms. Klenovic – Just so everyone is aware the situation with Covid-19 the state is handing out mandates regularly. The town is still operating but the building is on lock down with half of our staff working. So anything you can do by phone or email would be greatly appreciated.

There being no further business before the Board a motion was made by Mr. Worden, seconded by Mr. Szenher to adjourn the meeting at 7:30 p.m.

Respectfully submitted

Diane Aurelio  
Recording Secretary

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