

**PLANNING BOARD
REGULAR ZOOM MEETING
MONDAY, APRIL 11, 2022
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON – NY – 13901**

Approval of the March 14, 2022 Regular Planning Board Zoom Meeting.

PRESENT: Brian Donnelly, Planning Board Interim Chair
Messer: Worden, Szenher, & Eldridge

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

ABSENT: Michael Boland Planning Board Alternate

Brian Donnelly: Next on the agenda to approval of the minutes from March 14, 2022 Planning Board Zoom meeting.

Kevin Worden: Motion to approve the March 14, 2022 Planning Board minutes.

Jamie Szenher: Second

Brian Donnelly: Motion and second to approve the minutes from March 14, 2022, can we have a roll call:

Michael Boland: absent

Thomas Eldridge: aye

James. Szenher: aye

Kevin Worden: aye

Brian Donnelly aye

The motion was thereupon declared adopted by roll call of

Ayes – 4

Nays -0

Absent – (1) Mr. Boland

Diane Aurelio: Brian we need to do vote on the Zoom attendance.

Brian Donnelly: I forgot, I would like a roll call of the members in attendance.

Michael Boland: absent

Thomas Eldridge: aye

James. Szenher: aye
Kevin Worden: aye
Brian Donnelly aye

Roll Call: Ayes —4 Nays — 0 Absent — (1) Mr. Boland

NEW BUSINESS

- **2022-PB02- Gregory Burden**—198 Mix Rd—TM#067.01-1-11- Application for a special permit for home occupation to buy & sell guns online, and fixing them inside the home in an Agricultural Zone & Short EAF.

Alex Urda: The referenced application is for a special permit for a home occupation to buy and sell guns online, and fix them inside the home.

The application package included:	Dated:	Rcvd.:
• Planning Board Application with Permissions	02/09/22	02/10/22
• Letter of Intent from Applicant	---	02/10/22
• Site Sketch	---	02/10/22
• Floor Plan Sketch	---	02/10/22
• Short EAF	02/10/22	12/30/21

We have no engineering objections to the application.

Gavin Stiles: The Ordinance Office has no comments.

Brian Donnelly: Any questions regarding the project from the Board?

Alex Urda: Do you still have the gun safe?

Mr. Burden: Yes.

Mr. Donnelly read the legal notice as follows:

TOWN OF CHENANGO PLANNING BOARD NOTICE OF PUBLIC HEARING

TAKE NOTICE that a public hearing will be held by the Planning Board of the Town of Chenango on April 11, 2022 at 7:00 p.m. upon the application of Gregory Burden regarding property located at 198 Mix Road in the Town of Chenango, Tax Map No. 067.01-1-11, and located in an Agricultural District. The application is for a Special Use Permit to allow a home occupation(firearms ,repair and internet firearms sales) on said property. The environmental significance of the requested permit, if any, will be reviewed by the Board at said hearing.

TAKE FURTHER NOTICE that, as authorized by N.Y. Laws of 2021, chapter 417, part E, as amended, the Planning Board **will not be meeting in-person**. Rather, said public hearing will be held via Zoom virtual meeting software, and will be recorded and transcribed at a later date.

INSTRUCTIONS FOR ACCESS TO THE VIRTUAL PUBLIC HEARING: All persons wishing to appear at the hearing may do so via computer, tablet or smartphone by utilizing the following Link: <https://us02web.zoom.us/j/83781001101>, Meeting ID: 837 8100 1101 and Password 616709. Members of the public may also call in to the Zoom meeting by dialing 1-646-558-8656 and entering the Meeting ID and Password above, when prompted.

Members of the public wishing to comment orally on the applications during the public hearing will be recognized by the Chairman through the Zoom interface. Written comments may also be submitted prior to or during the hearing by e-mailing Diane.Aurelio@townofchenango.com, or prior to the hearing by mailing comments to the attention of the Town of Chenango Ordinance Office, 1529 NY Rte. 12, Binghamton, NY 13901

Open the public hearing for community input, does anyone wish to be heard? There being none I will close the public hearing and proceed onto the SEQR Part II.

Alex Urda: Before you do that their Part I question # 6 does the proposed action consistent with the predominant character of the existing building or natural landscape? The applicant answered no – he is not changing anything so it should be yes. Question #12 b was not answered is the proposed site or any portion, located in or adjacent to an area designated as sensitive for archaeological sites on the NYS Historic Preservation Office (SHPO) this should be no. Question 13 b would the action physically alter or encroach into exiting wetlands or water body – unanswered should be no – not changing anything. These changes should be noted for the record.

Brian Donnelly: Ok we can proceed with the SEQR.

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:
- Public/private water supplies? Boards response- No.
 - 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 this Unlisted Action. If that is true I just need a motion and a second to make that "Negative Declaration" for this Unlisted Action as defined under SEQR.

Jamie Szenher: I make a motion to adopt a "Negative Declaration" for this Unlisted Action under SEQR.

Kevin Worden: Second.

Brian Donnelly: Any discussion, can we have a vote.

Michael Boland: absent

Thomas Eldridge: aye

James. Szenher: aye

Kevin Worden: aye

Brian Donnelly aye

The motion was thereupon declared adopted by roll call of

Roll Call: Ayes –4 Nays – 0 Absent – (1) Mr. Boland

Brian Donnelly: Does the Board have any questions or further discussion regarding the special permit? Broome County did have a question if you will be firing guns at the residence, not sure if this had been addressed.

Greg Burden: No, I'm a member of a gun club, that is where I would be doing that.

Brian Donnelly: So, that is cleared up for the record. Would someone like to make a motion?

Thomas Eldridge: I make a motion to approve the special permit for the home occupation to buy and sell guns online, and fixing them inside the home.

Jamie Szenher: Second.

Brian Donnelly: Any discussion, can we have a vote.

Michael Boland: absent

Thomas Eldridge: aye

James. Szenher: aye

Kevin Worden: aye

Brian Donnelly aye

The motion was thereupon declared adopted by roll call of

Roll Call: Ayes –4 Nays – 0 Absent – (1) Mr. Boland

Brian Donnelly: Diane will forward you the formal paperwork to start your business.

- **2022-PB05 – Rivian Automotive** – Ankur Doshi – 29 Prescott Rd. -TM#128.08-2-34-
Application for site plan review new construction for 9 EV Charging Stations in a Pdd-c
Zone and Short EAF.

Frank Carl: Do you have Nick Cortese in a waiting room?

Diane Aurelio: We have to contact him to join the meeting.

Gavin Stiles: He is coming in.

Brian Donnelly: Do we want to do these applications all together?

Alex Urda: My review is combined that will be up to Nick.

Nicholas Cortese: Hi guys.

Brian Donnelly: I just announced the Rivian Project and do a combined review.

Nicholas Cortese: That is fine.

Alex Urda: This is a combined review for the referenced applications for (Refer to prior actions 2013 PB-3312 and ZBA 2013-V2013000004):

1. Site plan review for Rivian Automotive for six EV charging stations with 3 future charging stations located in PDD-C zone.
2. Application is for a triple area variance to install 6 electric vehicle charging stations now and 3 at a later date with less than required front setback from 30' to 17'6", less than required side setback from 10' to 9', and less than required acreage from 6 acres to .17 acres in a PDD-C zone.

The application package included:	Dated:	Rcvd.:
Site Plan		
• Planning Board Application with Permissions	02/18/22	03/03/22
• Letter of Intent	02/18/22	03/03/22
• Letter of Authorization	02/14/22	03/03/22
• Site Plans	---	03/03/22
• Short EAF	02/18/22	03/03/22

Variance

- Zoning Board of Appeals Application with Permissions 02/18/22 03/03/22
- Applicant letter 02/18/22 03/03/22
- Letter of Authorization 02/14/22 03/03/22
- Project plans including Site Plan --- 03/03/22
- Short EAF 02/18/22 03/03/22

1. Are there any conflicts with the location of the transformer within the electrical easement?
2. Please add the site lighting photometrics/foot candles to a plan sheet for the light poles. Reminder: 0.0 fc required at property line.
3. Signage to be reviewed for compliance with the Town Code Office.
4. EAF should reference the site plan and variances in the description and be one EAF for both actions.
5. Project is subject to 239 Review.

We have no engineering objections to the site or the variances.

Gavin Stiles: Ordinance has no comments at this time.

Brian Donnelly: Mr. Doshi if you could response to Mr. Urda's questions, for the record.

Ankur Doshi: Thanks for taking the time to go over these questions with you.

Question #1 Conflicts with the location of the Transformer within the electrical easement? The transformer location coordinated with utility who is in control of the electrical easement in question.

Question# 2 Site lighting photometric plan sheet for light poles 0.0 fc required at property line. The photometric plan for the light poles will be included in set prior to final review approval , but we received this late in the day to provide for the board.

Question #3 Signage- You can review our signage so it complies with the Town Code.

Question #4 EAF should reference the site plan and variances in the description on the EAF for both. One form provided for both submittals.

Question #5 Project subject to 239 review. This is understood.

Any other requirements needed we will take a look at that as well.

Alex Urda: I'm ok if we can condition this with the foot candles being submitted for the ordinance office and myself for review. Nick can address how we calculate the

signage. For this rectangle parcel. Your allowed so much signage based on the property for the overall signage.

Nicholas Cortese: I don't know, use math like you usually do.

Alex Urda: We have to look at that one for that parcel.

Nicholas Cortese: I'm guessing it is just labels for each EV Station right?

Gavin Stiles: How do you calculate the signage based on that parcel with no principal building?

Ankur Doshi: The only signage is labels on the charging stations and then we have on the side a sign post thirty-minute parking allowed. It's not a sign for marketing purposes, digital display. There will be no road signs or marketing.

Nicholas Cortese: Got it.

Alex Urda: You can't stick a sign out on the road.

Ankur Doshi: We don't have a sign that's marketing signage that is indicating our parking station is right this way or any of that.

Nicholas Cortese: I like to explain to the Planning Board where were at with this the drawings you noticed proposed in the Spot parking lot. So, for all intense and purposes this an accessory to the Spot's primary use. As you seen on the maps no doubt the parking lot of the Spot is broken up into seven individual parcels. That are small and don't know why it was done that way. But, that is the reality of that for the property layout that we are looking at. We had to figure out if or how they can permit this as a primary use, of course. You can't have an accessory without a principal use. And in Pdd-c one of the uses allowed is a gasoline fueling station. Even with the last EV Charging Station he kept going that way. We interpreted the primary use as a gasoline fueling station with the EV Charging Stations functionally accomplished the same. Just by different means. So, there is a different set of considerations with EV Charging Stations but less dangerous considerations when you think about environmental hazards. Basically, were looking at this as a primary use instead of an accessory use. If were doing it as an accessory use we would be using the provision of the Towns local law for EV Charging Station. Because the way the property is set up we have to permit this like a gasoline fueling station for all intense and purposes. So, now you have that back ground as you move through the application.

Thomas Eldridge: So, is there variance associated with this?

Nicholas Cortese: Yes, a couple.

Thomas Eldridge: How can you grant a variance if they don't own the property there just the contractor. How does that work?

Nicholas Cortese: The variance can be applied for by anybody if the property owner authorizes it to apply for the variance on their behalf. The variance goes to the parcel of property, not to any individual. As long as they are authorized by the property owner to submit the variance application and site plan review. Then they can go ahead and do that as you know.

Thomas Eldridge: So, the downfall to their situation is the multiple parcels is they must have a variance for the Tesla changes that are right for the other one.

Nicholas Cortese: The problem was Tesla that were allowed how many years ago. They were kind of allowed without much public process and depending on what everybody does the Zoning and Planning being allowed through proper vetting that's the difference. Tesla Charging got put up with not much review or resistance. This is going through the proper paces, that's all I have. Can I ask one question, Diane has this been put out for 239 review already and has the County responded?

Diane Aurelio: It has been sent to the County.

Nicholas Cortese: Is it outside the thirty-day window and have they accepted the application?

Diane Aurelio: Still within the window.

Nicholas Cortese: So, the board cannot vote on this tonight until we are past the thirty-day on this. You can ask any questions you might have. Next month this can be taken care of and action taken.

Diane Aurelio: Wait, I'm sorry we did receive Broome County comments. My mistake I apologize for that.

Nicholas Cortese: What were their comments?

Brian Donnelly: The Town should ensure the project adequately addresses the features including emergency access, fire safety, ADA accessibility, signage, drainage, lighting, bollards, anchoring, easements, electrical maintenance and contacts. Uses to ensure traffic and pedestrian safety, appropriate truck circulation and emergency access for the proposed project and Spot Restaurant. All applicable dimensions, landscaping or other screening for the residences to the extent necessary.

Brian Donnelly: Ok next is the SEQR.

Nicolas Cortese: Brian would you like me to take over on the SEQR ?

Brian Donnelly: Yes.

Nicolas Cortese: Ok, everyone is familiar with this process. The applicant answered Part I and the board completes Part II and III of the SEQR form. You all know the drill, I'll ask the questions you answer yes or no. Yes, being moderate to large, no meaning small to no impact. So, I will go through the questions with a verbal response from everyone.

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.
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 - 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.
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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 this Unlisted Action. If that is true I just need a motion and a second to make that "Negative Declaration" for this Unlisted Action as defined under SEQR.

Kevin Worden : I make a motion to adopt a "Negative Declaration" for this Unlisted Action under SEQR.

Thomas Eldridge: Second.

Brian Donnelly: Any discussion, can we have a vote.

Michael Boland: absent

Thomas Eldridge: aye

James. Szenher: aye

Kevin Worden: aye

Brian Donnelly aye

The motion was thereupon declared adopted by roll call of

Roll Call: Ayes –4 Nays – 0 Absent – (1) Mr. Boland

Brian Donnelly: Any discussion, can we have a motion for the site plan application.

Jamie Szenher: Motion to approve the site plan to allow EV Charging Stations

Thomas Eldridge: Second

Brian Donnelly: Can we have a vote:

Michael Boland: absent

Thomas Eldridge: aye

James. Szenher: aye

Kevin Worden: aye

Brian Donnelly aye

The motion was thereupon declared adopted by roll call of

Roll Call: Ayes –4 Nays – 0 Absent – (1) Mr. Boland

Brian Donnelly: Ok so the site is approved with the stipulation the engineering and ordinance approved the lighting and spillage to the adjacent parcels.

Nicholas Cortese: Brian if you want to place conditions on the site plan we need to rescind the original approval and a new motion with any conditions the Board may want added to the site plan approval.

Thomas Eldridge: I make a motion to rescind the original approval for the site plan. approval.

Kevin Worden: Second.

Brian Donnelly: Can we have a roll call.

Michael Boland: absent

Thomas Eldridge: aye

James. Szenher: aye

Kevin Worden: aye
Brian Donnelly aye

The motion was thereupon declared adopted by roll call of

Roll Call: Ayes –4 Nays – 0 Absent – (1) Mr. Boland

Brian Donnelly: Can we have a new motion.

Thomas Eldridge: Motion to approve the site plan conditioned upon engineering and ordinance approval of the photometrics plan.

Kevin Worden: Second

Brian Donnelly: Can we have a roll call.

Michael Boland: absent

Thomas Eldridge: aye

James. Szenher: aye

Kevin Worden: aye

Brian Donnelly aye

The motion was thereupon declared adopted by roll call of

Roll Call: Ayes –4 Nays – 0 Absent – (1) Mr. Boland

Brian Donnelly: So, now its's approved with the stipulation of the lighting engineering and ordinance approval.

ADVISORY OPINION/REFERRALS

- **2022-V02- Rivian Automotive** – Ankur Doshi – 29 Prescott Rd. -TM#128.08-2-34- Application for a triple area variance to install 6 EV Charging Stations & 3 future stations with less than required front yard setback from 30' to 17'.6", less than required side yard setback from 10' to 9' and less than required acreage from 6 acres to .17 acres in a Pdd-c Zone and Short EAF.

Brian Donnelly: We heard engineering, does ordinance have any concerns?

Gavin Stiles: So, the only thing I have to add is earlier in the conversation we talked about the signage. I felt like it was in regard to the property .If it's not correct me if I wrong. This is a tiny little parcel they are allowed to have the signage that is allowed for the parcel of that size. Is that true?

Nicholas Cortese: What?

Alex Urda: We shouldn't have to factor that in what is calculated for the entire Spot

site.

Gavin Stiles: I'm just thinking this a little rectangular parcel what is allowed it is what it is. That got me thinking what signage are they allowed. Obviously, they would be allowed what parcel size allows. Other than that, just permits and ordinance will stand down. In respect to ordinance If they required an area variance then they will need that variance.

Brian Donnelly: Any other discussion? I don't have any objections. Does anyone else have any concerns? It not can we have a motion for the advisory to the Zoning Board.

Kevin Worden: I'll make a motion to forward a favorable advisory to the Zoning Board of Appeals.

Thomas Eldridge: Second.

Brian Donnelly: Roll call.

Michael Boland: absent

Thomas Eldridge: aye

James. Szenher: aye

Kevin Worden: aye

Brian Donnelly aye

The motion was thereupon declared adopted by roll call of

Roll Call: Ayes –4 Nays – 0 Absent – (1) Mr. Boland

Brian Donnelly: So, it will go to the Zoning Board with a favorable advisory from us for the Zoning Board meeting on April 26th.

Nicholas Cortese: Just so everyone knows the fully remote municipal meetings has been extended until the end of June. So, you won't have to send somebody you can appear, looks like we will be doing this for a while.

Ankur Doshi: Ok, thanks for the heads up. Still looking forward to seeing everyone.

Frank Carl: That is voluntary, if I'm I correct.

Nicholas Cortese: You don't have to Frank. Theoretically the Town of Chenango could have ended Zoom meetings a year ago. You are authorized to do it until June. It doesn't mean you have to do it.

Alex Urda: Will the Town Board be discussing that Wednesday?

Frank Carl: We will have a discussion point on that this week.

OLD BUSINESS

- **2021-PB22** - Sandbags Unlimited- Luke Tokarz - 667 Brooks Rd. – TM#066.03-1-9.2- Application for site plan update to place a new 72' x 248' (17,856') accessory structure in an agricultural zone and a Short EAF.

Brian Donnelly: Did everyone receive the information that he sent? Yes. Just start the discussion with him giving an overview and what the changes are that he made. This is a discussion only tonight with no action being taken on this application.

Luke Tokarz: Sara is on vacation this week not sure if she spoke to you about that.

Nickolas Cortese: I spoke with her last week and have not heard from her since then.

Luke Tokarz: She is on vacation, so she could not make it tonight. So, we resubmitted to the Planning Board a revised site plan. Really nothing else on the project has changed. Other than we slid the new structure down from the previous meeting. We did some clarifications to Alex's questions regarding the project as well as the comments from Broome County 239 Review. So, all that changed was sliding the building down to the existing parcel we had previously discussed and we had an engineer come out do a contour grading plan photometrics located all the parking spaces, dumpster location. Basically, everything that was requested. Nick you can correct me if I'm wrong, the path for today's meeting is the primary verses accessory and how that affects which structure is denoted as which.

Nicholas Cortese: Yes, I agree that is a subject of discussion that to be addressed.

Luke Tokarz: Absolutely. Option one would be to clarify the new building be denoted as the primary structure. Which would leave our existing variances in place. Other than the use variance that was miss labeled should have been an area variance. Technically, we would not need to add any variances. With doing that would allow us to basically make that the primary structure and start construction. We wouldn't need to go to zoning because if we denote that as the primary structure can be in excess of 1500 square feet. So, that would be our option one Looking to get some feedback from the board to see if that is something the board can give us an answer on.

Nicholas Cortese: Where did Gavin go?

Alex Urda: He just called me some how he got bounced out. He trying to get back in but, is

having trouble getting back in. Asked if we were still on.

Nicholas Cortese: He should definitely be here for this discussion. I would suggest we wait a minute for Gavin, I'm sure he has thoughts on this.

Luke Tokarz: Does anyone else have any questions? Do you want me to start over Nick?

Nicholas Cortese: Gavin we are talking about the changes that were made. Not sure when you got bounced off. Your aware of the new submissions and the new approach?

Gavin Stiles: Yes.

Luke Tokarz: How we wanted to approach the primary structure verses the existing as option one place the new structure as the primary and leave all our current variances in place. And revising the use variance that was miss label and should have been an area variance. It's my understanding we would not need a new variance to build that structure over 1500 square feet. We wouldn't need to add or subtract any variances. And then at a later date if there was any expansion as we discuss change to possible Pdd-c. Obviously at that point the variances would be eliminated just by nature. That was our look at the first path and wanted to see what your feedback was towards naming that structure as the primary. Then again, Gavin I'm not sure you heard I did slide that building all into the existing parcel as we discuss at the previous meeting. Added the photometrics all of the parking spaces , dumpster location and did a contour plan. So, everything is on the new site plan.

Gavin Stiles: Sounds good Luke. I think you going to need move a substantial amount of equipment into the new structure in order to meet the definition of a principal structure. The majority that's going on your current building will have to go into the new building in order to meet the criteria. At least that is my opinion you can weigh in.

Nicholas Cortese: So, let me pull up and read it the definition of a principal building as the zoning code has it is fairly broad. The main building situated on a lot and in which the principal use is conducted. So, now the principal use on the property is the basic manufacturer storage of stormwater control materials and such. The structure being proposed is a warehouse in all intense and purposes. So, the primary use on the property currently is the manufacturer of stormwater control materials not warehousing and storage. I fundamentally agree with Gavin's prospective, that for the new structure to be the principal structure would have to be substantially in that structure. So, I agree with you Gavin.

Luke Tokarz: Moving forward that is an expense that we would need to move equipment and things over to the new structure. I think this could be potential some value there

for us moving forward if we do choose that path. Is there a portion or a percentage that you guys were thinking in your head? As far as future plans if we decide to put in an office as well as fifty percent of the machines going in the building. Would that allow you to call on that and consider that as primary use, since there is an office in there.

Nicholas Cortese: That would be up to Gavin that layout that you ultimately are proposing that will be up to him.

Gavin Stiles: I'm willing to go down that road with you Luke. My only question on a legal is there was a use variance (an accessory structure without principal) I'm just curious if the structure you currently have is legally defined as an accessory structure until some else goes up and takes its place. That is above my pay grade. I know the variance said accessory without principal, so I don't know what you have there is just by default an accessory structure. I don't know how to wiggle through that.

Luke Tokarz: Having to clean up in this situation. No matter which path we choose one or two. There are still variances that need to be either amended or reduced or eliminated, added. So, that was kind of our new idea going with this new proposal to make this a primary. If we do add any space in the future under a Planned Development most likely would be placed on the structure that we would be putting in now. Looking to the future again need to amend that variance that said it is an accessory building. So, for the time being we would leave that variance alone. The new building would be primary and the old still an accessory. We would then amend the use variance that was labeled incorrectly at the previous meeting and transfer that to an area variance. Down the road if we are able to get a Pdd or any expansion I think we could be looking at moving the variances off that property at that time. Really eliminate all of the old variances that we got in 2016. Our plan was to keep our four variances and add any or to reduce the variances. We can kind of leave everything where it is currently the way it is. Work forward to a Pdd in the future and do it all in one shot.

Thomas Eldridge: This sounds to me the intent of this is the easiest path for the town and the Tokarz's. Same time I understand the ordinance the way the law or however you want to put it is vague and grey for principal verses accessory. If he is manufacturing to have then manufacturing to sell them. If he has to have some place to sell them This is the building so he can have them to sell. That is kind of the main use also, not just making the good to have the goods to sell. So, it is all kind of the same business. where he is making it in that building or storing in that building. It's kind of a mess but, I think we are looking a little to deep into this stuff.

Nicholas Cortese: Truthfully Thomas you just perfectly defined what an accessory use is. The main use is the manufacturing of the products and the storing those products are what he is exactly doing on the property.

Thomas Eldridge: That open to interpretation, right?

Nicholas Cortese: Everything is open to interpretation.

Thomas Eldridge: His goal is to sell stuff, you know.

Luke Tokarz: I think Gavin is where we talked about a certain percentage of production and the addition of the office I think would think that would share the use. Also putting the office in that building kind of drives home the primary use. That office is where we can conduct our business in as well as manufacture a portion of the products and store goods. I think that may be a good route to go about it. I know there are some details we still need to hammer out. In doing that I think that would potentially be a good path forward.

Gavin Stiles: I think if we could come in line with the language definitions I think we could move forward.

Nicholas Cortese: That's to your point Thomas, Gavin has to be comfortable with categorizing as a primary use He is the first interpreter of what our zoning code says with respect to land use projects.

Luke Tokarz: What are you comfortable with Gavin fifty-one percent?

Gavin Stiles: How would I categorize fifty-one percent? If I can see the large structure handling a reasonable amount. The line share of the work on the property then I would be comfortable. I don't know how I could not. Luke wants to transport some of his equipment there and start making silt fence. Luke you I talked about that. Bring that stuff over there and make that essentially the principal building I don't think there is a way to disagree with the definition.

Luke Tokarz: I think that is totally fair. Totally willing to invest in moving machines I think over all that piece of property and the use. The new structure really needs to be primary for any future plan of growth down the road. This is the path that is best for us. It cleans up our issues and allows some of the variances to stay there and move those at a later date. Putting the office over there definitely drives home the percentage of the use. Gavin that is something we can definitely speak about. Hopefully have that at the next meeting. How do the other board members feel about this situation?

Thomas Eldridge: Gavin if you can work it out I'm fine with it how to make it the principal

structure. Make sure ordinance is comfortable and bring that to the meeting next month and plans for use to look at.

Luke Tokarz: Nick if Gavin and I come up with a plan and you and Sara talk after the meeting . So, I'm correct for next month's meeting will be the final vote for all the primary accessory issues are determined as well as the site plan and anything for engineering?

Nicholas Cortese: I think, Gavin correct me if I'm wrong here we want to see the layout of the inside of the building to see how you intend to have your office space and machinery and so forth. That makes it easier for Gavin to make that decision. That's number one. Number two we will have to put this back out for the county 239 review just to see if they have any additional comment so often times they don't. It's still sustainably the same project just some features of it has changed. The plan is materially different so, put it back out for Broome County to take another look at it. We understand whether or not they add any more comments. That will take care of that issue as well. Big task for you as far as I'm concerned intend to make that the principal structure documentation of what you really intend to do to affect that outcome.

Luke Tokarz: That's fair. One concern I do have is the timeframe. We all spoken about the timeframe submission last year we like to get moving on this as soon as possible. I think if we have another 239 review that is another thirty days. Obviously other things kind of role. Know if we look at option two have this as the accessory go down the path of cleaning up the variances as discussed with Sara. Really at that point we would be ready to vote next month. Everything stays the same as submitted and it goes to zoning they give us a variance for over fifteen hundred square feet. We meet the setbacks and we move forward. So, it sounds like to me potentially making that the primary structure may actually delay our project further through the 239 review if that needs to take place.

Nicholas Cortese: Diane is it possible to ask for a favor here at the county based on what you heard tonight whether they would think they would make additional comments and need another thirty days.

Diane Aurelio: Lora was off I sent everything to her to look at it again to see if she had any additional comments of the new stuff that he submitted.

Nicholas Cortese: The reality is this has already been done. I did not know you did that thank you. Diane. So, the time we get to the next meeting which is May 9th it won't be quite 30 days.

Diane Aurelio: I told her this is the exiting application they are just amending it and if

they could forward us their comments.

Nicholas Cortese: Really this won't be the potential barrier I thought it would be.

Luke Tokarz: I will get with Gavin and come up with something that works as long as the board is comfortable with Gavin's interpretation that. That is a sweet path forward.

Brian Donnelly: From the discussion I think you are headed in the right direction in getting this done for you.

Luke Tokarz: I appreciate everyone's time especially Nick. You and Sara going back and forth. Gavin you coming out and work through some stuff Alex looking at the project. Hopefully everything was on there. Anything missing please let me know. As far as the recent submission see anything that sticks out and would like to see that addressed we will get it to you as quickly as we can.

Nicholas Cortese: Again, the main thing interior layout on how you intend to populate that warehouse with office and machinery.

Luke Tokarz: Absolutely, we can do that not a problem at all.

Thomas Eldridge: Alex I know you had a list of things, has everything been checked off. So, we are not faced with another list next month.

Alex Urda: I just started picking through things it just came in the other day. I'll see he has addressed most of it.

Luke Tokarz: Alex I went through it and tried to bullet point every issue that you had tried to also with the site plan through the 239 review DOT Broome County Health. Kind of helpful we have been through this process before. Just trying to hammer out the details if you need anything just let us know.

Brian Donnelly: I appreciate everyone's efforts on this project. Anything else before the board if not motion to adjourn.

Kevin Worden: Motion to adjourn.

Jamie Szenher: Second.

ADJOURNMENT

The meeting adjourned at 8:07 p.m.

There were 15 participants that attended the Zoom Meeting.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Diane Aurelio". The signature is fluid and cursive, with the first name "Diane" and last name "Aurelio" clearly distinguishable.

Diane Aurelio
Ordinance Secretary