PLANNING BOARD
REGULAR **TUESDAY** JANUARY 13, 2025
7:00 P.M. – TOWN HALL
1529 NYS RTE 12
BINGHAMTON, NEW YORK 13901

Approval of the December 10, 2024, Regular Planning Board meeting minutes

Present:	Brian Donnelly, Chairperson Jamie Szenher, Board Member Deborrah Mastronardi, Board Member Maura Cooley, Board Member
Also Present:	Gavin Stiles, Code Officer Nathan VanWhy, Planning/Zoning Attorney Alex Urda, Town Engineer
Absent:	Thomas Eldridge, Vice Chairperson Michael Boland, Planning Board Alternate
Brian Donnelly:	Thank you, good evening, Welcome to the Planning Board meeting for January 13, 2025
Brian Donnelly:	Can we have a Roll call for attendance?

Ms. Mastronardi	Present
Ms. Cooley	Present
Mr. Szenher	Present
Mr. Donnelly	Present
Mr. Eldridge	Absent
Mr. Boland	Absent

Brian Donnelly:	First thing we'll do is approval of the minutes, December 9th, regular planning board meeting, does anyone have some discussion or questions or additions, corrections.
Jamie Szenher	I am making a motion to accept the meeting minutes.
Deborrah Mastronardi:	I second

Ms. Mastronardi:	Aye
Maura.Cooley:	Abstain
Jamie Szenher:	Aye
Brian Donnelly:	Aye
Mr. Eldridge	Absent
Mr. Boland	Absent

Brian Donnelly: New Business for Scott Austin 70 Chenango Bridge Rd. Application for site plan review to install 12 electrical vehicle charging stations in a commercial setting. Mr. Urda?

Alex Urda: Alright, this is the application for, where are we, 12 charging stations. 8 are level 3, 4 are level 2 at 70 Chenango Bridge Rd, outside of Batch Coffee Shop on 12a, it's west of the building in their existing paved area. They are in a commercial development zone, 12a Enterprises LLC owns the property and Tesla Inc. is the applicant, I left that word out, for some reason, I think I deleted it. Get a Planning Board Application with permissions, a letter of intent, the permit application for development in a flood hazard area, it is in the 100-year flood plain over there, Department of Transportation letter and a short EAF. I just ask, I could have called Nate, but I forgot so through their legal counsel, do we have to have anything from the Owner on this one, as an okay of the application?

Nathan VanWhy: Generally, there should be some permission, that they have permission to use the property, have a signed agreement with the Owner or a letter of intent, something like that.

Dave Revette: I am not Scott Austin, I'm Dave Revette and I am a professional engineer in the state of New York, I did not design this site specifically, but I am local, and Scott was not able to make it.

Alex Urda: Yeah, we heard you were coming.so this just might be a condition.

Dave Revette: Generally, what they can do is they can provide a redacted lease, basically just pull out all the details that they can to just prove that they have an agreement.

Nathan VanWhy: Even a letter from the property owner saying I have a lease with these folks.

Dave Revette: OK, yeah, so I can go for the letter authorization.

Alex Urda: So, on this use it is customary for an accessory use permitted in all zoning districts per our code and has to follow Section 74b for the permitting process for vehicle charging, letter of intent in the case of the stalls will be replacing the grassed area. I think that was just a mistake in the write up. What's out there is old pavement all the way past the property line and what we talked about on the phone with him was they are using that space except for maybe their electrical controls. We did have a pre-meet with them as part of the requirements of that section 74b, Gavin and I zoomed with them to qualify for that. So, I just wanted to make sure that was no increase and impervious, I believe it is overtop of old pavement.

Dave Revette: Yeah, it's all in that area where it's gravel or old pavement or whatever.

Alex Urda: We use it for access to our well.

Alex Urda: Project requires a permit application for development of a flood hazard area which was provided, the code office has to review that and finalize it, all electrical components have to be elevated out of the 100-year flood zone per applicable codes, I believe their intent is to stay 2 feet above that. They had the flood data from the building, so they included those numbers in their application for the flood zone.

If there is fill or grade changed by elevating with asphalt, I asked how the volume is offset or is there no net fill in the flood plain, generally we just ask you to balance that if you can, or you should.

Review with water/sewer department, I talked to Greg just to make sure that there weren't any water/sewer utilities underneath there, he said no, but just a reminder we do have an access easement through there to our well house, it's just a travel lane.

Nathan VanWhy: That would be open, the entire, that would be accessible during construction no issues of the access.

Alex Urda: From what I have seen, whatever they are doing out there, nothing you are doing out there will be in our way, our easement. That was Greg's only concern.

Site plan includes landscaping, I noticed generally a question and I'll have a landscaper on there.

Site lighting information is on the project plans, they have 2 short light poles that they talked about with Gavin and I and I just asked to include all information on the plans, they did, and it appears sufficient.

SEQR, I defer to legal counsel, my note was just that #14 wasn't answered and it should be Urban.

Project is subject to 239 reviews within 500 feet of a state or county road, refer to Broome County and NYSDEC comments, I didn't have any engineering objections. My review covered most of the 239 comments. Mostly concerned about the flood plain and any access in the state right of way. I mean, staying out of the right of way.

Nathan VanWhy: Does anyone have any general questions or ....

Alex Urda: I have no engineering objections.

Nathan VanWhy: Does anyone have some questions?

Deborrah Mastronardi: Is this along the road?

Dave Revette: On the road, on the back side of the guard rail.

Nathan VanWhy: In the diagrams and the plans that we got, there is nothing that shows like a picture, showing where it is going to be on the road, it's got like drawings of it but there is nothing like superimposed on paper.

My question is the 2011 floods came right up to that area where the structure is going to be, I mean, that was that building where the well house sat on the water and that's fine. I'm just curious to how you managed that, I mean the flood might be a hundred years from now.

Dave Revette: Absolutely, so the plan is privy to the National Electric Code you're required to raise your distribution, electrical distribution equipment, so they are raising the, basically the site, the power comes from the utility pole, it's right there, goes underground to the utility transformer and then from the utility transformer goes to our A/C distribution and our D/C distribution, A/C and D/C power, so that is all elevated above the flood plain, just to make sure that if there is another flood that equipment is out and doesn't cause any trouble with that.

Alex Urda: Yes, guts. Is it 2 feet?

Dave Revette: I believe it's 2 to 3 feet.

Alex Urda: What's in the drawings, it's a 2-foot difference called out to anything critical that requires that elevation.

To that my only question was going to be the actual, physical user.

How are you going to deal with that?

Dave Revette: If it's like a flood?

Alex Urda: I mean obviously you're not going to be charging your car when it's flooded but just answer the question I guess, the car's plugged in and the water came up, what do they do?

Dave Revette: The property owner .....

Alex Urda: The connection is going to be a couple of feet off the ground.

Dave Revette: With their posts, the new V4 posts that they call them, they basically have a plastic casing around all the guts and the electrical conduit that comes from ground is actually 30 inches high so that water won't get into that conduit until 30 inches so it will be up there. I believe there are many different electrical safety shutdowns so if there were a short or water were to somehow get into a charger, whatever the case may be, they would

shut down. But there is a safety mechanism within the charger that no power is actually flowing to the charger until the vehicle is parked and plugged in, so, there's like, they always say you can stick your tongue to the thing, and it wouldn't do anything.

Alex Urda: Not a good idea (laughing)

Dave Revette: So there is that as well, so there are a number of electrical safety, to answer the question, if there a car there and the water rises, I don't exactly know what would happen during that time, but if there were a short or some sort of issue with the system, everything shuts down.

Alex Urda: There is an electrical code that deals with that, that Gavin will have to know all about.

Gavin Stiles: Third party?

Alex Urda: Third party

Alex Urda: The generator, how far is that above, I mean next to the wheelhouse?

Dave Revette: I'm sorry, our generator? It's 2

Alex Urda: It's 2, ok.

Dave Revette: It sits really, really high though. I think it tapers away towards the street, you're looking up at it as you stand next to it.

Alex Urda: Ok

Alex Urda: So, we need to do part 2?

So, once the project is finished what's the square footage of the new structure facility?

Dave Revette: I run into this a lot and it's a funny situation just because of the structure, there's parking, the facility would be the charging equipment.

Alex Urda: What's that area?

Dave Revette: The area of the asphalt is just about 6,000 square feet, so that the added

Alex Urda: Yeah, there is asphalt there already so it's just still asphalt.

Dave Revette: Yes, so then the equipment foundation is 18 – 19 by 11, so you're talking less than 200 square feet and then we could add up the area of the concrete pavement, the platform, the transformer pad and then each individual charger pad, you can look at it from that aspect.

Alex Urda: Where I am going with that is under SEQR, no specific review as long as the project is constructed with the primary or accessory non-residential

structure or facility involving less than 4,000 square feet of gross floor area. And so, what strikes me is, the paving is already there, that's just repaving, anybody can repave. It's really just the new charging infrastructure and that sounds like it's a few hundred square feet. That means this would be a type 2 action. Other than the Planning Board clearing it and recognizing it as a type 2 action, I think no further review would be necessary from an environmental standpoint.

Brian Donnelly: So, we just need a motion to declare this a type 2 action under SEQR so we don't do the part 2.

Deborrah Mastronardi: I'll make the motion.

Jamie Szenher: I'll second

Brian Donnelly: So, we have a motion and a second. Shall we vote?

Ms. Mastronardi	Aye
Ms. Cooley	Aye
Mr. Szenher	Aye
Mr. Donnelly	Aye
Mr. Eldridge	Absent
Mr. Boland	Absent

Brian Donnelly: Declaring it a Type 2 action and so we're good with that. Does anyone have any other discussions or comments?

Then we can go ahead and make a motion for an approval of a site plan

Deborrah Mastronardi: I'll make the motion.

Maura Cooley: I'll second the motion.

Diane: No conditions, right?

Nathan VanWhy: Just the Owner letter.

Brian Donnelly: Condition to be receiving a letter from the Owner of the property.

Ms. Mastronardi	Aye
Ms. Cooley	Aye
Mr. Szenher	Aye

Mr. Donnelly	Aye
Mr. Eldridge	Absent
Mr. Boland	Absent

Brian Donnelly: You're all set from the Planning Board point of view.

Dave Revette: Awesome

Brian Donnelly: You got an easy night!

Dave Revette: Next step for me, get the letter so we can get together, anything else?

Alex Urda: Building Permit

Dave Revette: So, at this point we're just going to the building and electrical permit?

Alex Urda: Yes

Dave Revette: Awesome

Brian Donnelly: Application from Richard Jones 1711 NYS Rte. 12 to construct a Pole Barn over the maximum size allowed, from 1,500 to 2,400 in an agricultural zone. Mr. Urda

Alex Urda: Alright, this is 1711 NYS Rte. 12, they gave a zoning board of appeals application with permissions, the permissions weren't signed, a property deed, applicants letter of intent, an applicant letter regarding criteria for a variance, a site sketch over an aerial photo and a short EAF. Just knowing these things get larger I generally ask what the accessory building height is going to be. Just a reminder 16 feet is allowed. 25 feet is allowed if the side setback increases to 25 feet, right now we are at 20 feet so in a minute I will ask you about the height. Deferring to legal counsel relative to allowing an accessory structure with no principal initially, considering the Pole Barn as a primary with no variances, Gavin had mentioned that possibility. In the past we had an issue with a similar project where the residents did not follow the accessory, they built the accessory and were supposed to put the primary in a year later and then abandoned that. So, we had a problem later when they came back in with having an accessory and accessory on the property when they wanted a new building, so we have to be careful there. I just questioned whether you had to get a building permit for the residence and an accessory Pole Barn at the same time and then the Code Office deals with timing of the start of work, that way the house is committed, or the primary is committed. Reviewing Mr. Stiles letter of possibly interpreting the building as a primary structure instead it would have to be a use and intend for agricultural pursuits to be its own primary, but when the house comes in, they would end up with 2 primary uses so that has a conflict. For 239 review it is required, I refer to NYS DOT comments regarding work

permits for the driveway, that's pretty basic. SEQR, they cover SEQR but a quick review of that, #5 - is this a permitted use? Technically no without a variance. #11 Connect to wastewater, mark that one yes, I think you're not connecting any toilets on this one, are you?

Richard Jones: Obviously, I'd like to have a bathroom in the Pole Barn.

Alex Urda: So, if you're going to have a bathroom there then we get into where is the septic system going to go.

Richard Jones: On the side, says sewer right there.

Alex Urda: Ok, yes. OK that covers that. Well at this location?

Richard Jones: I have to have a well.

Alex Urda: You want a well with, ok, Well and public toilet.

Alex Urda: #12a is answered no, this is archeological, but it is in an archeological buffer zone per SHPO's mapping.

As usual I've checked the NYS Ag Districts just because there is a green mass that shows up close by but it's more than 700 feet away, not within 500 feet so no issues there.

The building department will require a building permit, I didn't have any engineering objections pending legal clarifications of a couple of other concerns on the process.

Back to the height – are you going to be able to stay under 16 feet.

Richard Jones: 12 feet

Alex Urda: 12-foot walls

Richard Jones: Because I want to have an oversized door.

Alex Urda: So, if you have 12-foot walls with a 3 – 12 roof you'll probably around 17 feet

Richard Jones: Ok, Overall height?

Alex Urda: That's overall height, not the wall height.

Gavin Stiles: It's from peak to grade.

Richard Jones:	Ok, it doesn't have to be 12, that's what I thought I would have but I'd like to get a 9-foot door in so I can probably go with a 10-foot height and a 4 – 12 pitch so I am at 14 feet
Alex Urda:	Just check that out, if you end up wanting the extra height, it's just this process again for the height variance.
Richard Jones:	So, I have to be 25 feet from the line.
Alex Urda:	Well, that was the concession, are you at 20 feet right now?
Richard Jones:	Right
Alex Urda:	If you came in with a 20-foot peak you would have to move 5 feet further in and it wouldn't matter if I'm not mistaken, because in the Ag district, you can have a 25 foot accessory if it's 20 feet off the property line.
Richard Jones:	I have plenty of room to do that.
Alex Urda:	Did I confuse anybody there? Just trying to help him out cuz I did his math really quickly
Brian Donnelly:	You plan to do what?
Richard Jones:	Well, I was thinking I would go with the 12 foot wall height to be able to get an oversized door in there because I have a trailer that's taller and I want to be able to drive that in there but I think I can get away with a 9 feet door so I can put in a 10 foot wall and then put a 4 – 12 pitch roof and I should be at approximately 15 feet. That would bring me under the distance, but I haven't planned on anything just yet.
Alex Urda:	I didn't have any objections to it.
Brian Donnelly:	So, you don't have any objections to the 10-foot wall?
Alex Urda:	If he meets the 16 feet, he meets the 16 foot. I was just giving him an out if he wanted to go taller and not have to come back for a variance he could just, he's got to move it over 5 more feet.
Richard Jones:	Which is not a problem, I have plenty of room to do that, if I have to move over 5 more feet.

Alex Urda: So, I guess I want to understand what you think you are going to do, you're either going to go with a 10 foot wall or leave it where it is, so that makes it, or, do you want to get the extra footage and make sure you can the fit trailer and everything in without any problems and just move the building over 5 feet.

Richard Jones: Yes, that might be the safest bet, the only issue is to move the building over 5 feet, I can do that.

Gavin Stiles: Yeah, if you move the building over 5 feet you buy yourself up to 25, then even if you were at 14, it doesn't matter, you know what I mean?

Brian Donnelly: So that we know what we are approving or what we are giving a recommendation to the zoning board on, whether you are going to move it or leave it where it is. I don't want to pressure you for a decision right now but

Alex Urda: Mr. Chairman, maybe I could help clarify.

He's asking for an area variance for the size of the accessory structure.

Brian Donnelly: Yes

Alex Urda: He is not asking for permission to place it in any particular place, because the zoning boards review authority is limited to use variance and area variances, not site plans. You folks are familiar with site plans like you normally do which is where is it going to be, he can put it anywhere.

Jamie Szenher: He signed the building permit.

Alex Urda: Yes

Gavin will flag a location issue with the building permit, so if he ends up trying to build a structure that's too large and too close to the setback when he applies for the building permit Gavin will reject it and make him apply for a variance. The gentleman is indicating that he has plenty of space if Gavin says it's little too close to the line and he sounds like he's willing to move it however many feet he needs to comply with that stuff

Brian Donnelly: So that's not our issue.

Alex Urda: It shouldn't be an issue.

Alex Urda: I'm just trying to clear it up now with him or help, at least point it out so that he doesn't have to deal with it later.

Brian Donnelly: Alright, I just didn't want to have an issue further down the road.

Brian Donnelly: Does anyone else have some questions or um,

Deborrah Mastronardi: I don't see any issues.

Jamie Szenher: You're going to put a house on the property at some point.

Richard Jones: Yes, I am.

The intention to build the Pole Barn to have an area to put materials and that kind of thing while building the house.

Jamie Szenher: Are you going to be applying for the building permit for the house at the same time as applying for the pole barn?

Richard Jones: I can, that's not an issue.

Gavin Stiles: That would take away everything, the other problem is because if you said I want to build a house and a swimming pool and a pole barn and you got a permit for all that, I don't care if you build the swimming pool first, you know what I mean?

Richard Jones: Obviously, it's been an issue before so it's in my best interest to do it all at one time.

Gavin Stiles: Right

Alex Urda: That answers my headache.

Brian Donnelly: Right

Gavin Stiles: I think we might have talked about that but, well maybe we can get the pole barn going, whatever, but I think at the outset I said get the permit for the whole darn thing and then I don't care what you build first. You can have a shed and a swimming pool, a swing set and something and then the house, you know what I mean?

Richard Jones: More than willing to do that.

Deborrah Mastronardi: Is there a time limit on getting the pole barn up and then the house?

Gavin Stiles: Building permits are good for a year and we can extend it for another year and then it gets a little, so

Richard Jones: I would hope to be done within a year.

Brian Donnelly: Thanks, so, I guess what we need to do is we need to give an advisory to the zoning board based on increasing the size from 1,500 to 2,400 feet, he can put it wherever he wants, then he can apply for a building permit to build a house and barn at the same time

Gavin Stiles: If he does it that way

Gavin Stiles: Well, he would so, if the pole barn comes first then we call it principal it will not be held to that square footage, if you come in and apply for the house and everything, the pole barn will be accessory to the principal, which will be held to that 1,500. Is this making sense to you?

Richard Jones: So I have to get another variance?

Everyone: No

Brian Donnelly: So, applying for them both together, he needs to have the variance to

Gavin Stiles: If you do house and pole barn you're going to need an area variance to make the pole barn bigger than, and which is where we are right now. I don't want to convolute the whole thing but

Brian Donnelly: If you just build the pole barn and come in and say, hey, I want to build this pole barn.

Gavin Stiles: I just want to build this pole barn .....

Brian Donnelly: Then you don't need a variance

Alex Urda: Could be for agricultural use though.

Brian Donnelly: But then you are going to have a problem with calling the house the primary building. So, doing it by applying for a building permit including the house and the pole barn together and then you'll be getting the variance here so that you can build the 2,400.

Gavin Stiles:	It will likely be an easier road to hoe.
Richard Jones:	Well, that was the whole reason I tried to do this to get it secure before I did anything and you say I can build the 2,400 square feet, I'm going to base my drawings on that and get the permit for the house and the pole barn at the same time.
Gavin Stiles:	And then build the pole barn first.
Richard Jones:	That's my intention, yeah.
Brian Donnelly:	Perfect, so does everybody understand?
Jamie Szenher:	It's a workroom.
Brian Donnelly:	So, for a *unintelligible" of an advisory to the zoning board for positive advisory
Jamie Szenher:	I'll make a motion for *unintelligible* advisory to *unintelligible*
Deborrah Mastronardi:	I'll second the motion.
Brian Donnelly:	Ok, can we have a vote.
Diane:	Did you want this put in there about the building permit having the house and the pole barn together at the time?
Brian Donnelly:	Yes, you're right, we should put in the motion that he will be applying for a house and pole barn at the same time for a building permit.
Alex Urda:	They'll just reject him if he doesn't.
Gavin Stiles:	Yeah
Richard Jones:	That was my intention.
Gavin Stiles:	Yeah, you can do both at the same time and if you come in with one and not the other then we can say no.
Richard Jones:	That's fine.

Diane:	Ok
Brian Donnelly:	Now we'll have a vote.
Ms. Mastronardi	Aye
Ms. Cooley	Aye
Mr. Szenher	Aye
Mr. Donnelly	Aye
Mr. Eldridge	Absent
Mr. Boland	Absent
Brian Donnelly:	So, when it goes to the zoning board now and we're saying that you can do it, 2,400 applying for both with the building permit.
Richard Jones:	So, that's going to happen on the 28th?
Diane:	Yes
Alex Urda:	Sounds right.
Richard Jones:	I'll come back here and, So, you're saying I can build a 2,400 square foot pole barn.
Gavin Stiles:	Then you just come and talk to me and we're good.
Richard Jones:	Ok, that was easy.
Alex Urda:	I think it's clarified that way. Go for the height that you want.
Gavin Stiles:	You guys need to talk about
Alex Urda:	That's with him.
Gavin Stiles:	Conflict
Brian Donnelly:	We have one more thing,
Alex Urda:	You're all set.
Richard Jones:	Thank you very much.
Alex Urda:	Thank you.

Brian Donnelly: That's not specifically on the agenda but we need to do for next month, there's an issue with an applicant, Abbey Trust, they want to build a road on their property and there is a conflict with our consultants and so we need to ask the Town Board to approve that we can have a different consultant to cover that one issue for next month and I think the way we want to word it is, we're asking for a motion to request the retention of Sarah Campbell with Howard, Hinman and Kattel or Nadine Bell with Costello Cooley depending on their availability

Jamie Szenher: I'll make the motion.

Deborrah Mastronardi: I'll second

Jamie Szenher: On the 22nd?

Brian Donnelly: Yeah, the Town Board

Nathan VanWhy: My plan actually would be to ask the Town Board if they could just generically authorize Sarah and Nadine to act as Conflict Counsel when needed, as needed in the Town here 2025? That way you don't have to go through a two-step process of getting the Town Board to authorize the members who will come, so that is what I'll ask the Town Board on the 22nd.

I know you can use Nadine, I'm not aware of Sarah but I heard the name from

Gavin Stiles: Sarah hasn't done anything in a while but

Nathan VanWhy: Years ago

Alex Urda: I can't remember what, but she was here.

Nathan VanWhy: There have been times when she hasn't been available and so

Gavin Stiles: Maybe that was when Nadine came into the game, I can't remember.

Alex Urda: It makes sense to get somebody that's local to Binghamton, rather than paying someone to drive down from Syracuse to me anyways.

Jamie Szenher Yeah, it's an extra two hours every time.

Brian

Donnelly:	So, we have a motion and a second and can we have a vote?
Ms. Mastronardi	Aye
Ms. Cooley	Aye
Mr. Szenher	Aye
Mr. Donnelly	Aye
Mr. Eldridge	Absent
Mr. Boland	Absent
Alex Urda:	Not looking forward to that one.
Diane:	No
Gavin Stiles:	Just relax (laughing)
Jamie Szenher:	What happened to Dimmock Hill?
Gavin Stiles:	It's still kicking around.
Brian Donnelly:	Well, then I guess we can adjourn.

Meeting adjourned at 7:31 pm

Respectfully Submitted:



Charlene C. Vincent
Sr. Clerk