

PLANNING BOARD
REGULAR MONDAY FEBRUARY 10, 2025
7:00 P.M. – TOWN HALL
1529 NYS RTE 12
BINGHAMTON, NY 13901

Approval of January 13, 2025, Regular Planning Board meeting minutes

Present: Brian Donnelly, Chairperson
Thomas Eldridge, Vice Chairperson
Jamie Szenher, Board Member
Deborah Mastronardi, Board Member
Maura Cooley, Board Member

Also Present: Gavin Stiles, Code Officer
Alex Urda, Town Engineer
Nathan VanWhy, Planning/Zoning Attorney
Nadine Bell, Town of Chenango Legal Counsel

Absent: Michael Boland, Planning Board Alternate

Brian Donnelly: Good evening since it is after 7:00 p.m. Let's call February 10th, 2025, regular meeting of the Planning Board to session. Can we have a roll call?

Diane Aurelio: Michael Boland, Alternate Board Member: Absent
Ms. Mastronardi, Board Member: Here
Ms. Cooley, Board Member: Here
Mr. Szenher, Board Member: Here
Mr. Eldridge, Vice Chairperson: Here
Mr. Donnelly, Chairperson: Here

Brian Donnelly: We have a quorum now, the approval of the minutes for the January meeting. Does anyone have any questions, discussion on the minutes.

James Szenher: I make a motion to accept the minutes.

Deborah Mastronardi: Second

Diane Aurelio: Ms. Mastronardi, Board Member: Aye
Ms. Cooley, Board Member: Aye
Mr. Szenher, Board Member: Aye
Mr. Eldridge, Vice Chairperson: Abstain
Mr. Donnelly, Chairperson: Aye

The motion was thereupon declared adopted by a roll call of 4 to 0 with 1 Abstain (Thomas Eldridge)

Brian Donnelly: All right, let us move on to new business. The Abbey Family Trust, No.4, application for subdivision review to create a private road located in an agriculture zone. Is the applicant here

Alex Urda: This is a private road, Abbey Mountain Road, the application package included a planning board application with permissions, a letter of intent, application for the private road, Chenango Bridge Fire Company Inc. letter, surveys and description letter and surveyor simple sketch of a twenty- foot private road, Abbey Family Trust, No 4, there was a short EAF, my list is a little bit of engineering, a little of legal clean up. Application paperwork did not reference the 095.05-1-36.1 parcel at Buckley Road premise.

Jay Abbey: Do you want me to address these as they come up or do you want me to address these when we are all done?

Brian Donnelly: Let us go through his report, then you can address them.

Alex Urda: Application for private road, the document signed by Jay Abbey as owner and subdivision application is signed by Jay Abbey as a member of the parcel owner, Abbey Family Trust #4, just want to make sure all the paperwork is correct going through, adjusting paperwork accordingly. Highway Law HAY-300 typically asks what the names and owners of the occupants are the land through which was the road is proposed, the lower end, this goes back to my 4a comment below, Justin and Richelle Abbey are at the bottom of the parcel. The start of the road, general question, what is the purpose of the application if no subdivision of land is requested. Notes on doing the lands requested from engineering concerns relative to the dimensions of the proposed roadway. The private road application proposed it only twenty feet, Typical roads within the Town are minimum width of twenty-four feet for safe movement of traffic and safe passage of vehicles and then refer to my comment below. The 239 comments regarding safety. The County Public Safety Systems supervisor indicates he has a private concern about the road width being twelve feet, not twenty feet, I refer to #14 below. I noted there was a very sharp horizontal curve with a centerline radius of thirty feet. Typically, the streets in town must have a minimum horizontal curve radius of one hundred-fifty feet for safe maneuvering of all vehicles. In this instance, the curve is, by my engineering review, is insufficient for a fire truck having a typical twenty-six foot inside turn radius and a fifty foot outside turn radius. The second person in command of the fire department said it is fine per their letter below. The private road ends, at the bottom of the road. The Northeast terminus of the proposed private road is not 100% within the property of the applicant, not a hundred percent that this property is applicable. The Surveyor's description provided is the centerline of the proposed private road. The northeastern end at Buckley Road is not 100% owned by just the applicant A fifty-foot portion of the connection on that road is owned by Justin and Richelle Abbey, not the Abbey Family Trust. I want to make sure both owners are, if that is still the case, involved in the application. At the southern end the proposed road does not have a terminus at John Smith Road, that is where I need Nadine's legal counsel, can a private road terminate at the private

easement or right-of-way? The continuation of traffic to John Smith Road is across private land with no private road and extend through another owner's private property is not included in the application. The dead-end streets have no legal access to John Smith Road. The Town simply requires a minimum turnaround radius of fifty feet at the property line as per Section 62-11 A (5). I questioned how the applicant anticipates providing for emergency vehicles or private road users to turn around or pass each other with no turnaround available. The roadway is in excess of 2,500 feet, and not wide enough for passing traffic, it's close. As a general reference, typically dead-end road design would require intermediate "bulbs" every 1,200 feet, or less, for safety. Do you have parking stalls? The Chenango Bridge Fire Company letter indicates that there is an adequate turn around at the residence. Please note that this turnaround is not in the surveyor's description. If it is needed for fire apparatus to turn around and exit the property it must be added to the description of the private road. The surveyor said the simple sketch description was recommended to have the use terms included within these documents, or with the owner's easements, or some legal mechanism. I did not find any terms related to maintenance responsibility (gravel upkeep, plowing, etc.) for future owners to understand. In the past I put in the same statement, it was disputed but was not a requirement. Please provide copies to the Town code office of all documents filed with Broome County Clerk/Real Property as required. The Town code does not contain a road construction specification for private roads. The road is already constructed as part of the applicant's house project. General questions, what street signage is proposed, street lighting proposed, 911 numbering. Still curious to know, will the 911 system renumber/change the street addresses for the associated residences. Project was subject to 239 reviews; comments were received with no concerns. One was the question of road width but the entity with the concern showed us the letter from the fire department in which there are no concerns. General review of the SEQR Short EAF, Part 1, I just want to make sure all parties are referenced, see comment 4a, Justin must be on it as well. As far as applicant/sponsor I just want to make sure it is consistent with Abbey Trust #4 not just Jay Abbey. #1, it just was missed, the question was is there any other process that needs to be done, the answer should be no #2, are there any other government agencies to be listed, need to check if there are others. Defer to Nadine, legal counsel, regarding Type of action.

Brian Donnelly; Mr. Stiles from the Ordinance Office.

Gavin Stiles: I can't really speak to what's going to happen with the road but if it indeed winds up being a dead end, it says in the 2025 Fire Code, dead end, fire apparatus access roads with a 1one hundred-fifty feet in length shall be provided with approved area for turning around a fire apparatus then you get into the appendix which tells you what that needs to be, further goes on to say that the surface fire apparatus access road shall be designed and maintained to support the loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities is already there , it was taken to an engineer.

Brian Donnelly: Did you want to address Mr. Urda's report.

Jay Abbey: First off let me just start to go down the middle here, I don't need the reference to Justin's house, 095.05-1-36.1 because we have an easement and Justin's house will not be on this road. #2, the Town doesn't have an application for a private road so I did what Lumsden did and made up an application, and that application says Justin Abbey is filing for the property, here's the property information that he signed for, the other thing that I signed for is occupants' information, which I would be doing on the property. Now, I'm not sure, you say it was signed by me as owner, that's not true and I'm not even sure what 2a is stating but it seems to be out there in left field. Then, for the names and owner documents, I got it, it is right there, name. No, Justin and Richelle are not included, pretty simple answer there. What is the purpose of the application that no subdivision land requests for private road, it is NOT a subdivision, NOT a subdivision, it is a private road.

The engineering concerns, relative to the dimensions, typical roads within the Town, typical, that is how the code reads here in the Town, typical, that's pretty funny, this road is wider than John Smith Road. I had to pass somebody today at Preston. There is no spec for private roads in the town code. The 239 comments have a Public Safety System Supervisor indicates that there is a private concern, we know who that is, that is the obvious. There is a very sharp horizontal curve, yes there is, but this is not a Town Road, it's not going to be given to the Town for their use or anything else. So, the Town Code means nothing in this case. What matters is that this is a fire access road per the fire company, which is what matters and that's the letter I provided.

Brian Donnelly: So, you have no intention of ever putting this road as a subdivision.

Jay Abbey: I would make an application to the Town to take it over. At that time, some of these comments would be relative but not at this time.

Brain Donnelly: So, who is going to maintain this road?

Jay Abbey: Who is going to maintain it, we are.

Brian Donnelly: So, basically, is it a driveway?

Thomas Eldridge: That is exactly what it is.

Jay Abbey: It is a driveway, but it's also an application for a private road to be put on the County map and it will be a private road. Read the code, this is not anything different than what Mike Lumsden did a few months ago.

Brian Donnelly: Why does it have to be on a county map?

Thomas Eldridge: I have a lot of experience with this, it has to be a private road because he has no road frontage. So, his house cannot be there unless there is a private road, that is why.

Brian Donnelly: He has road frontage.

Jay Abbey: I take that back, I do have road frontage, I have a 238-acre parcel, one parcel, one house on it, by Town Code. This private road will allow me to be able to subdivide that, take my parcel off and it is no different than any other private roads that exist in the Town as they do today. And the one most recent was Mike Lumsden's private road that he has. No, different, you all approved that too, this very Board, not that long ago, less than a year, I believe. So #5, none of that matters, my private road does not cross John Smith Road. or the right-of-way to John Smith Road, it has nothing to do with that. If you look at the map that we provided, the survey map does not go across the right-of-way to John Smith Road.

Brian Donnelly: What is the intention at that end of the road?

Jay Abbey: Well, it just ends there, there is a turnaround, it is not a bulb, it is a turnaround and was acceptable by the fire company. So, I have the intention of doing anything with the other end of the road.

Brian Donnelly: That was not indicated on the drawing.

Jay Abbey: John Smith Road is not part of the drawing, John Smith Road or the right-of-way is not part of that drawing, it ends before, then as you can see. There is no right-of-way to my house. This road stops right there.

Jamie Szenher: Mr. Abbey, you said there is a turnaround at the John Smith end of it?

Jay Abbey: We can turn around

Jamie Szenher: Where is the house now?

Jay Abbey: Get to my house, turn around right in front of the house there, that little section says 253.74 feet. There is adequate turn around there.

Jamie Szenher: So right in front of the house?

Jay Abbey: Has anybody driven up there?

Thomas Eldridge: I've done it.

Jay Abbey: So, did you think that there were somehow twelve feet somewhere?

Thomas Eldridge: No, not twelve feet but my larger, I just asked about the turnaround for the fire code.

Jay Abbey: Now, keep in mind, this is not for a subdivision, not for a town road, none of those statements apply here at all.

Thomas Eldridge: Alex, I respect your opinion here, but find #8 on your thing, it says, the Town Code does not contain a road construction specification for private roads, so everything from #4 through #6, we have no jurisdiction over. We can make suggestions but technically #8 clearly states that at New York States end if you have a New York letter, it supersedes all of that, it clearly states that.

Alex Urda: # 6 is regulated by NYS Fire Code. The fire department statement does not supersede the fire code.

Jay Abbey: Are you kidding me, who came up with this. I think the fire chief would know the fire code for access.

Thomas Eldridge: It does not say anything in New York State law for a private road about fire code for the Town and access, zero. If the fire department thinks they can make it out. NYS says that HAY-30, like you said, says an applicant for a private road shall make in writing to the Town superintendent of the Town which it is to be located, specifying it's width, it's location, it's course, it's distance and the names of owner's and occupants of the land through which it is proposed to be laid. You follow from that and go to HAY-100 it says it has to be filed on a flat map with the county, it has to be egress and ingress for emergency vehicles, clearly states in there that if the fire department signs off on it, it is more than adequate, it says it has to meet town requirements, if the town has no requirements it goes back to the state and county requirements. That is all. The Town of Chenango, the Town Board of the Town of Chenango adopted for any parcel that is going to be divided into less than five pieces does not fall under subdivision falls back to NYS law and the County rules and that is it, plain and simple.

Nadine Bell: So just to jump in here, Nadine Bell, you are absolutely correct, the Town does not have any suplications for a private road. What, regarding the Town Engineers' comments, I do think it is helpful for the Town's planning board because the original requirements are that you can say this is what our town says you have to have on your proposal for a private road. One of the things that the Town's Planning Board can take into consideration is public safety. Even if it is just, you sir, we still care that you have safe egress access to your property. So, to the extent that this is, your typical standards are, and it gives you a barometer from which you can say, ok, this is what we proposed, this is where we are required under these circumstances. The applicant has indicated that no subdivision application pending, what you can do is one of your concerns, that your chairman is voicing. If one of your concerns is looking at the conduit for future subdivisions, your subdivision regulations only begin regulating at five lots or more, anything less than five lots we don't touch, we don't regulate. So, what you can do, a very reasonable condition as a part of granting of this, as you will, would be to say that this is fine for up to service four properties or less because after that then it would be part of the subdivision process where upon this board will be looking at what the owner states the concerns are. You will notice that the SEQR is not segmented, you're not supposed to say that ok, I'm going to

come every six months with an application and chop it up and avoid SEQR. Same idea here, if the concern is that if the Abbey Family Trust has significant acreage we don't want a situation where all of a sudden, a roadway that seemingly adequate for access to this property, it's just Mr. Abbey and his house but is it adequate if all of a sudden there are four houses, three years later, four more houses, three years later, 4 more houses and at some point we have a subdivision up there or development, totally making this up obviously but, we all of a sudden have twenty-six houses being serviced by what was intended to be little bit more than a private drive you can put that into the conditions. So then if there is, for that subdivision past that 5, then the board can take a look at, ok, what are you doing? Is this still adequate? Are safety concerns being considered? So, that is a condition that the board should think about and consider.

Just as a clarification, I wrote some stuff, I just want to make sure I understand, your application for a private road, at the beginning it says Justin Abbey is filing for an application, right?

Jamie Szenher: Because he's a trustee.

Nadine Bell: Ok, so is there any, if there is a concern at all by this board, for making sure that any property that this is going over, that whether there is an existing easement, like you said over Justin's property or not, would there be any issue to having him sign just the consent to this application? There would not be an issue with that, would there?

Jay Abbey: No, I think his signing of the application probably does that, doesn't it?

Nadine Bell: It would seem to but he is signing in the capacity of the trustee to the trust, to dot I's and cross T's, I think it's best because then he is putting the application above the question of having Justin Abbey also just consent to this.

Jay Abbey: So, you are asking for a separate document of consent.

Nadine Bell: Just to have consent. That is right. It's no different than a letter of consent, which was my thought exactly.
So, to be clear, because I have no familiarity with your family trust Justin signed this in the capacity as a trustee, you signed as an occupant but not as an owner, not a trustee.

Jay Abbey: Correct.

Nadine Bell: Ok, I think that I would just have Justin in that letter, whatever the correspondence, just clarify what his positions are.

Jay Abbey: Ok.

Nadine Bell: Ok, because this is a little confusing, because I appreciate it when you say it's an occupant's information but then underneath it says owners name, so I know there wasn't a form and you were trying to replicate something that was done before, I appreciate that but that will help clarify.

Jay Abbey: I believe, the town actually has a letter, my building permit, there was a letter asking the trust to give me permission to access and build on. That's easy enough to get.

Nadine Bell: Understood and I think that is a non-issue. Other things, just to address some of these things that are just flying around, Mr. Abbey pointed out the town, this planning board, did, and for the sake of the people that are present tonight, just this past summer, in June, they granted, you accepted to take this a similar, almost an identical application went through this process so you certainly have precedence here and at that time you established that the Town Board had vested the authority in this board to do The action. So, with that understanding.

James s Matthews: Can I ask a question? When did this happen? Is this about Highway Law 300?

Nadine Bell: So, highway law 300, an application for, I'm sorry, for the meeting minutes I think you should probably identify yourself.

James Matthews: I'm James Matthews.

Nadine Bell: Thank you.

James Matthews: May I ask a question?

Nadine Bell: I thought you already did. Yes, so Highway Law, there are a couple of different sections of law at play and Highway Law 300 does have an application process but it seemingly is, there's not a lot of specificity and I know we received your correspondence on Friday and you referenced 300 through 315, the balance of that, 301 through most of 315, I found the section but I can't recall them all off the top of my head but that is a part of the highway law that contemplates when there is almost, it's comparable to eminent domain procedure for taking private land for purposes of a private road and that procedure contemplates damages, it contemplates a jury award and that's not what's being proposed here because he is not going over property other than the Abbey's family trust and Justin Abbey's. So, that process from 301 on is not entirely applicable because of the nature of the request that is being made. That is more akin to whether you need to have a private road and you're going to the town saying give me this private road over somebody's property because I need it, so, it's not entirely applicable there and what was referenced earlier was 280a. But anyway, to continue

James Matthews: So, where does the planning board come in with highway law, where is the authority for the planning board to hear an application for Highway Law 300?

Nadine Bell: So, the town board can give authority to a planning board and if you're going to ask me what the resolution date is I can tell you, sir I don't know because.

James Matthews: Right here, and it does not say anything about Highway Law 300.

Nadine Bell: I'm not confident that it needs to say we are vesting authority in the planning board pursuant to Highway Law 300. If the authority that's being granted in the town, by the town, of its intent. Most municipalities, especially at the local level are not necessarily your most eloquent when preparing a resolution they are saying in a resolution that the intent is to divest into the power of the planning board the authority to grant approvals for a private road, if you look at the case law it also talks about the fact that, the courts say, it's supposed to be judicially uninterpreted in favor of the property owners. So, with that a court, in my opinion and experience, if a town board has passed a resolution vesting in this board the authority to give and to authorize or to approve a private road, which frankly makes more sense because it would be ridiculous for a town board.

James Matthews: So.

Nadine Bell: Wait, let me finish please.

James Matthews: I am sorry.

Nadine Bell: Thank you.

James Matthews: Saying that that does exist?

Nadine Bell: May I please finish?

James Matthews: Yes, go ahead.

Nadine Bell: What I was saying is it's very common for a planning board to have the power vested in them when it's in their proverbially wheelhouse, right? A town board very rarely looks at the site plan, looks at a subdivision map, looks at highway specs, looks at whether or not a road has been constructed in a manner that is safe. That's why most town boards don't do site plan approval, that's why most town boards give that authority to a planning board because that is within their purview so, you're waving a piece of paper around, I don't know what that says and my point is, I don't need to see it sir, that's fine, but my point is there is precedent set by this board for having reviewed an identical application and if this board were tonight to say that they don't have the authority to review an application that they took, that's identical to an application that they took action on, a mere eight months ago, there would be a problem. There would be a problem that the board is acting in an arbitrary capricious manner that would be discriminatory to the property owner. How does this board go before a court and say, that application was appropriate for this property owner, those were the standards that we looked at and reviewed, yes, we had the authority to do it

but no, not this time, so we need to be consistent. But I think I need to continue with what the planning board was looking at.

James Matthews: So, what would be wrong with saying we made a mistake last time and go back and fix the mistake for what happened before?

Nadine Bell: You are suggesting that this board correct, in your terms, something eight months ago? Where is the legal authority to do that?

James Matthews: So, if..

Nadine Bell: No, no, where is the legal authority for that sir?

James Matthews: So, if there is a building permit issued incorrectly

Nadine Bell: That's not our question sir, where is the legal authority that you are proposing that this board, on its own motion, go back eight months ago to take action contrary to what was done before?

James Matthews: So, I'm talking about.

Nadine Bell: Where is the legal authority for that? That is what you're asking this board to do.

James Matthews: The board made a mistake, it seems like what they should do and I don't see why the town supervisor would object to this, say, yes, we made a mistake before, the attorney who advised me to do that has conflict of interest but he is still in the room for some reason, Mr. Eldridge has seems to be very knowledgeable. He is talking very forcibly about this. The town code does very specifically say there are standards for private roads.

Nadine Bell: No, it does not. The town code does not very specifically say that there are standards.

James Matthews: HAY-75, it applies to private roads, all stages of road development, calls it streets.

Nadine Bell: So, once again, I have asked you a question and all you have said to me is, it seems, like they should be able to. With all due respect that is not a legal standard. That is not a standard that I can go back before a judge and say, you know what your honor, the planning board took this action because there was a gentleman in the audience who says it feels like it should be able to be done.

James Matthews: I am saying that they did something that was not legal so that they can continue to do something that is not legal just because you did it once. That is what you are saying?

Nadine Bell: I do not agree with you whether it is not legal. So, why would I say that? I think this can go on for quite a while. This back and forth frankly sounds like it might

go on for quite a while, so I think in the interest of the planning board agenda do you want me to continue to go over some of these other items.

- Brian Donnelly: I think it has been discussed, and we are at a place where we should be understanding each other and so then we must move on.
- Nadine Bell: I think there are.
- Theresa Matthews: One question.
- Nadine Bell: Just to be clear, is this public hearing?
- Brian Donnelly: No, it is not. And so it is not like a public hearing we do not take interaction from the audience including the public and the board, so let us we are just going to have to move on at this point.
- Theresa Matthews: Mr. Urda is proposing attaches to our property we had some trespassers coming down from that road and harassing us. The property owners may or may not know about that, but we have security cameras, and we know that that can happen. So, our concern is whether the turnaround for this dead-end road that we are talking about is at the house, at Mr. Abbey's house, we consider that to be his private road, but that private road does not extend and show up on the map abutting our property. Does that seem reasonable?
- Nadine Bell: That is certainly a point for the planning board to consider.
- Theresa Matthews: Thank you.
- Nadine Bell: I would say that the planning board can consider it since Mr. Abbey has indicated that it does stop before the turnaround in front of his house, they can consider that as a condition if the plan reflects that it ends there. And/or the planning board can consider right now, the plan, I do not know your name Mame, Theresa Matthews, it appears to connect. Typically, when a planning board approves any kind of NYS Plats with roads on it. This road is not intended to connect through. Anybody that looks at this is going to think there is access through, that is a natural assumption.
- Jamie Szenher: That was going to be my question.
- Nadine Bell: It would be reasonable for this board to either say, have it stopped at the house or, especially since that is the intention that's already been expressed by the applicant or to install a hammerhead which is often done, sometimes they call them a bulb or a hammerhead.
- Gavin Stiles: So, municipalities can make laws less strict, but they have to go with the NYS Uniform Codes. So, the Uniform Code 2020 says that a fire apparatus access road is a road that provides fire apparatus access from any fire station to a facility, building or portion thereof. This is a general term inclusive of all other

terms such as fire lanes, public street, private street, parking lot, lane and access roadway. And then if we go to the fire apparatus access road in appendix D, it says requirements for a dead-end fire access road, over seven hundred-fifty feet, special approval required. Between five hundred and one and seven hundred-fifty feet, twenty-six feet wide and a one hundred- twenty-foot hammerhead. So, we cannot mess with these rules, it is what it is. You can get a variance to get around it.

Jay Abbey: Excuse me, but special.

Gavin Stiles: Yeah, I do not know what one it is Jay, anything over 750 feet in length requires special approval. Does that mean go to Syracuse and get a variance from NYSDOS to get around it but.

Nadine Bell: What I think the board should do, I think to again, protect the board is you make the condition upon compliance what section of code would that be Jay? With the section of that code.

Gavin Stiles: Yeah, I do know one thing anything over seven hundred- fifty square feet. So, it is appendix D Fire Apparatus Access Roads This is not Town Code, this is Uniform Code.

Jay Abbey: You are talking about Town Code.

Gavin Stiles: No this is Uniform Code of New York State.

Nadine Bell: So, what I am suggesting it that a condition be compliant with appendix D of the NYS Fire Code. And if you reach out to DOS and they say it's not necessary.

Gavin Stiles: I can reach out to the Department of State and say, what exactly do you mean by special approval?

Nadine Bell: Right, it can be done, but by making this contingent conditioned, whatever term you want to use upon compliance with Appendix D that satisfies that concern. Appendix D covers this in general so however that can satisfy that concern.

Gavin Stiles: It said for DEC ends.

Thomas Eldridge: What part is Gavin using? What were the options bulb or hammerhead?

Gavin Stiles: I do not know, one of them may be a Cul de sac, one hundred twenty-foot hammerhead, you know, whatever. It might just say fire chief, I do not know.

Nadine Bell: There are a number of choices. We would like something to confirm. So, what I would suggest, we are not there yet because we must do SEQR, however, some of the things that the board should consider.

#1 A condition addressing the consent of Justin Abbey, clarification of the trustee and consent from Justin.

#2 Compliance with NYS Fire Code appendix D

Another thing that the board may want to consider it's my understanding I am speaking with Gavin, that the road has gravel, there is the possibility that compliance with NYS SPEDES, that is a state requirement not a town requirement which is conditioned upon making sure there is compliance with that. If the board is concerned about, and you may want to make the distinctions because fire access is not necessarily the same as the concern that Matthews had expressed with the property accessing through, you may want to say conditioned upon the installation of a hammerhead prior to the right-of-way on the adjoining property as depicted on the plan prepared by Keystone Associates, my copy is so small, to be honest I can't read what the tax numbers are

Thomas Eldridge: And the hammerhead would facilitate, chances are, both the hammerhead and Appendix D and that.

Brian Donnelly: And where is the hammerhead before it gets to the Matthews property? I am just clarifying that, so there will not be any access on that road onto their property.

Jay Abbey: No, there is a right-of-way therefore there is access.

Brian Donnelly: However, you get to the adjoined Matthews property, but the right-of-way does not continue through 2025

Jay Abbey: As it stands now there is a right-of-way through John Smith Rd to this road.

Brian Donnelly: Not to the road, to the property prior to the road. There's Matthews property and then there is Justin's Abbey's property

Thomas Eldridge: No, he is talking where he comes from John Smith. Justin Abbey can still use the right-of-way.

James Matthews: No, they do not have an easement to use that. What is the right-of-way here? Who is trafficking from the right-of-way?

Nadine Bell: Mr. Matthews please do not interrupt.

Jay Abbey: There is a right-of-way.

Brian Donnelly: What does the right of-way give you? Who is benefiting from the right-of-way?

Jay Abbey: The property owners before, since 1952 or something, it provides perpetual egress and ingress.

Brian Donnelly: From John Smith Road to the property that is on the other side of Matthew's property?

Thomas Eldridge: Correct.

Jay Abbey: So that doesn't mean that it's going to go across, so Mathews can't, that property.

Nadine Bell: Matthew's property is not part of the application for the private road.

Jay Abbey: Exactly.

Nadine Bell: So, it should be the intent of this board to be clear that any private road permission would not capture in any way the Matthew's property.

Brian Donnelly: Right.

Nadine Bell: Separate. Another thing that the board can consider for a condition is that because of the concern we talked about a little while ago, the potential for subdivision is conditioning the private road approval on and access to no more than four lots, recognizing that more than four lots would trigger the subdivision requirements that you have in your town code. So, those are some of the things that the board can think about. We do need to go through SEQR, want us to do that or to keep talking.

Brian Donnelly: We are ready to do the SEQR.

Jamie Szenher: Can we ask some questions, or should we do it after SEQR?

Nadine Bell: Whatever you want to do.

Jamie Szenher: So, the private road is going to the end of Matthew's property but there is no access to Matthew's property, so why is it drawing

Jay Abbey: The application for a private road does not enter at all, in any way onto Matthew's property.

Jamie Szenher: Yes, but why doesn't it just stop at the residence and then continue along that?

Jay Abbey: I think that is an improved road, it's been oiled and stoned and oiled and stoned right to that point, then it ends. So, it is a road.

Jamie Szenher: Ok.

Jay Abbey: So, it's a road, you know. There may be a house on the other side, but at some point, I do not know.

Jamie Szenher: Ok.

Jay Abbey: I would like my grandkids maybe if they wanted to build there to be able to build. As it stands right now, they cannot build there without this private road.

Jamie Szenher: Are there plans to build, because you said there are no plans to build anything right now.

Jay Abbey: There are no plans at all to build but we want the option to be able to do that. If my oldest grandson is sixteen, I do not know if they would even be living here. But if they may want to build there someday. It is two hundred thirty-eight acres and certainly should have the option to build there.

Jamie Szenher: Now, you asked before, about a year and a half ago when you came before us, when did you come before us?

Jay Abbey: I cannot remember.

Jamie Szenher: The last time you saw us, before you built the house, you said you were building a one-bedroom house just for yourself.

Jay Abbey: Two bedrooms.

Jamie Szenher: Two bedrooms? Have you since built that two-bedroom house?

Jay Abbey: Yes.

Jamie Szenher: It is not a four-bedroom, 4200-square foot house?

Jay Abbey: No.

Jamie Szenher: That is what Broome County GIS listed as a four bedroom, 4,200-square foot house.

Tjay Abbey: That was built in 1990.

Thomas Eldridge: That is probably his old house on Brotzman.

Jamie Szenher: This was built in 2024. That is this.

Jay Abbey: It was built in 1990 or 1991. The times I came before regarding that property with the Planning Board Were in conjunction with zoning board applications and various things and ultimately, we found a way around.

Jamie Szenher: Ok.

Jay Abbey: Like joining two parcels.

Jamie Szenher: So, it is like a U-shape right now, like a C-shape?

Jay Abbey: We managed to keep them contiguous.

Jamie Szenher: With a small strip on top. Yes, ok. Alright, I do not have any other questions.

Brian Donnelly: So, we can go ahead with SEQR.

Nadine Bell: So, a short EAF was submitted by the applicant that was dated December 2024. So going through the questions.

Jay Abbey: I suppose I should have filled that out.

Nadine Bell: No, that would have been inappropriate for you to fill out Part II for the SEQR form. Moving onto the SEQR questions Part II

#1) Will the proposed action creates a material conflict with an adopted Manges plan, or zoning regulation?

Board: No.

Nadine Bell: #2) Will the proposed action result in a change of the use or intended use of land?

Board: No.

Nadine Bell: #3) Will the proposed action impairs the character, quality of the existing community?

Board: No.

Nadine Bell: #4) Will the proposed action has an impact on the environmental characteristics that caused the establishment of a critical environmental area?

Board: No.

Nadine Bell: #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 walkway?

Board: No.

Nadine Bell: #6) Will the proposed action causes an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Board: No.

Nadine Bell: #7 Will the proposed action impact existing public or private water supplies?

Board: No.

Nadine Bell: Will the proposed action impact existing public or private wastewater treatment utilities.

Board: No.

Nadine Bell: #8 Will the proposed action impairs the character or quality of important historic, archaeological, architectural or aesthetic resources?

Board: No.

Nadine Bell: #9 Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

Board: No.

Nadine Bell: #10 Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

Board: No.

Nadine Bell: #11 Will the proposed action creates a hazard to environmental resources or human health?

Board: No.

Nadine Bell: So, based upon your answers for 1 – 11 I would recommend that the board move onto part 3 which is the determination of significance and consider a motion to:

#1 Declare yourself lead agency, proceeding on an uncoordinated review basis.

#2 Declare this matter as an unlisted action, it does not satisfy or meet the criteria however “unintelligible” action and lastly “unintelligible” a negative declaration of environmental significance based upon your answers from part 2.

Jamie Szenher: I will make a motion to what Nadine said.

Maura Cooley: Second.

Brian Donnelly: Can we have a vote.

Diane Aurelio:	Ms. Mastronardi, Board Member:	Aye
	Ms. Cooley, Board Member:	Aye
	Mr. Szenher, Board Member:	Aye
	Mr. Eldridge, Vice Chairperson:	Aye
	Mr. Donnelly, Chairperson:	Aye

The motion was thereupon declared adopted by a roll call of 5 to 0

Brian Donnelly: Are there any other questions from the board regarding the application, anything you do not understand?

Nadine Bell: It should be acknowledged, that this matter was properly referred to the town pursuant to GML section 239, that the board has received comments from "unintelligible" dated February 25, 2025. That there has been correspondence provided by the 2nd Assistance Chief from Chenango Bridge Fire Company Inc. dated February 28, 2024, and that materials have been received from adjoining property owners on expressing concerns based upon the information received and the discussion that has been held. It would be a motion to approve the application for a private road submitted by the Abbey Family Trust No.4 for the private road to be known as Abbey Mountain Road as set forth on a plan prepared by Keystone Associates. Sheets #SK1, I believe it said dated December 18, 2024, is that correct Mr. Abbey? I will make sure it is the 18th and the 16th.

Alex Urda: We have 12/18.

Jay Abbey: Yes, 12/18/24.

Nadine Bell: It is 12/18. Thank you.
Approval subject to the following conditions:

- #1) Compliance with NYS Fire Code Appendix D as in dog.
- #2) Submission of written consent by Mr. Justin Abbey for his property located at Tax Map # 095.05-1-36.1 and consent from Mr. Justin Abbey, as Trustee to the Abbey Family Trust No.4.
- #3) Compliance with NYS DEC SPEDES Permit requirements.
- #4) I want to make sure that I have this correct for the board the installation of a hammerhead at the residence shown on TM#077.04-4-19.2 on the Abbey Family Trust No.4 property prior to the right-of-way on the adjoining property on John

Smith Rd. And the removal of the proposed private road from the Simple Sketch prepared by Keystone Associates, from the aforementioned residence to the boundary line known as TM#094.02-1-3, so as to not include any such existing driveway in the application for a private road and the removal of the property TM#094.02-1-3 boundary line from the residence to there the map be revised not to reflect any private roadway.

- Nadine Bell: What your town engineer and code officer is talking about and I think Mr. Abbey is reluctant to want this. Having this private road map is revised to reflect that the private road terminates at the house, that section here and does not extend as a private road to the property line. If you did that there would be no need for because the map does not reflect it goes all the way. You can make that a condition where the map revised to no longer reflect this portion of the private road. Or you can have the map reflect the installation of the hammerhead on the Abbey Family No Four because the road would still be showing.
- Thomas Eldridge: How difficult would it be to put a hammerhead at the end, is there a problem?
- Jay Abbey: No, it is probably easier to put one right here where the house is.
- Thomas Eldridge: Where is the house is?
- Jay Abbey: It is an unlabeled trailway.
- Thomas Eldridge: It is kind of already there.
- Jay Abbey: It terminates at the house.
- Thomas Eldridge: So, if you subtracted that last little strip out you don't have to remove it just do not claim it as the private road.
- Jay Abbey: Just take that part out.
- Nadine Bell: From the house to the property line have this map revised not to reflect any private road.
- Jay Abbey: I can do that.
- Nadine Bell: So, make that as a condition. Sorry are you getting all that?
- Diane Aurelio: I do not think so.
- Nadine Bell: #1) Compliance with the Fire Code Appendix D.

- #2) Submission of written consent by Mr. Justin Abbey for his property located at Tax Map # 095.05-1-36.1 and consent from Mr. Justin Abbey, as Trustee to the Abbey Family Trust No.4.
- #3) Compliance with NYS DEC SPEDES Permit requirements.
- #4) I want to make sure that I have this correct for the board the installation of a hammerhead at the residence shown on TM#077.04-4-19.2 on the Abbey Family Trust No.4 property prior to the right-of-way on the adjoining property on John Smith Rd. And the removal of the proposed private road from the Simple Sketch prepared by Keystone Associates, from the aforementioned residence to the boundary line known as TM#094.02-1-3, to that boundary line as to not include any such existing driveway in the application for a private road and the removal of the property TM#094.02-1-3 boundary line from the residence to there the map be revised not to reflect any private roadway.
- #5) Approval is subject to the private roadway Consistent with the applicant's representations to the Planning Board and the Town of Chenango's Subdivision Regulations, limitations on the proposed private roadway shall not provide access to more than four (4) lots in total: and the approval is subject to the private roadway providing access to no more than four properties in accordance with the Town's zoning regulations.

Nadine Bell: Last is what you did in June for the other applicant in June to be consistent.

- #6 Subject to the submission of the Simple Sketch and plat in a form that is approved by Broome County.

Nadine Bell: That will be it. I think I have said enough.

Jay Abbey: Can you repeat #3 for me?

Nadine Bell: Compliance with NYS DEC SPEDES Permit requirements.

Thomas Eldridge: Your road is already there.

Alex Urda: If you are going to disturb anything else you will have to pull another permit.

Nadine Bell: That is a state requirement.

Brian Donnelly: Meet with Alex on that. Can we have a motion.

Maura Cooley: I will make a motion on everything she said.

Jamie Szenher: Second.

Brian Donnelly: Can we have a vote.

Diane Aurelio:	Ms. Mastronardi, Board Member:	Aye
	Ms. Cooley, Board Member:	Aye
	Mr. Szenher, Board Member:	Aye
	Mr. Eldridge, Vice Chairperson:	Aye
	Mr. Donnelly, Chairperson:	Aye

The motion was thereupon declared adopted by a roll call of 5 to 0

Brian Donnelly: We have a motion and a second your private road is approved.

Nadine Bell: I do not think this is recording.
So, what the Engineer is talking about, Mr. Abbey was reluctant to want this, but what you are telling the Code Officer, having this map. This is the private road map revised to reflect that it terminates, the private road terminates at the house, this section here.

Brian Donnelly: Next we have one advisory opinion for the Town Board on Cuddy & Feder LLP – Petition for Amendment to the Zoning Code for DragonFly Kitchen IV, Inc. Pdd-c Zoning District (73-50).
Mr. Urda your comments.

Alex Urda: This is a review for the advisory opinion of the zoning code relative to providing for 'light Industrial use locations within the PDD-C zone via Special Permit.

Discussion:

The application package included:	Dated:	Rcvd.:
• Letter of Intent w/ exhibits	01/27/25	01/27/25
• Applicant Letter 'Request for Consideration of Zoning Text Amendment'		12/06/24
• Applicant Letter 'Request for Informal Presentation to 12/06/24		

Discuss Light Industrial Product Manufacturing'

We offer the following comments:

1. The proposed code text utilizes the term 'adjacent' when referring to I-81, however several of the mapped, proposed parcels are not immediately adjacent but are in the vicinity of I-81. Perhaps this language gets a legal rewording?
2. The size limitation of 8,500 SF is relatively small. However, with no other input from other interested parties thus far, I have no objection to this.

3. Maps Provided by applicant: a. The area on front street north to the onramp to I-81 should be considered as well perhaps as far north as Dorman Rd.

4. We have no engineering objections to the material submitted. Individual site plan applications will be required for any future project.

Brian Donnelly: The applicant is here.

Kristen Motel: Yes.

Brian Donnelly: Does anyone have any questions or concerns. They would like to change the zoning to include Light Industrial. To the Pdd-c Zoning District. We will be making a recommendation to the Town Board

Thomas Eldridge: Is this a use change.

Nate VanWhy: This is to add another use to the Pdd-c Zoning District.

Mr. Donnelly, I am not sure if you would like to hear from the applicant's attorney.

Alex Urda: We had an advisory to the Town Board a couple of months ago regarding the self-storage facility. The difference with this one is Pdd-c which is several parcels' areas. Not the entire Pdd-c area. It is a little cumbersome. I will let Nate explain to us how that works out.

Thomas Eldridge: Does anybody have light industrial.

Nate VanWhy: No. We would be adding a new definition for light industrial to the Town Code. Then adding it as an allowed use. In the Pdd-c District, subject to certain limitations and restrictions that would be noted in the draft law not to mention there are some locational restrictions. I punted to Alex to identify where on the Town Zoning map this would actually be allowed. With the idea of it being and you can hear from the applicant as well. I idea Pdd-c Districts maybe be an appropriate zone for this type of use. It is often along Front Street. It is for the more intensive use parcels. People will not be bothered by them. That is why having the restrictions for residential residents makes a lot of sense. Pdd-c District as we know there are residences in the Pdd-c area, so that helps protect those types of locations for any negative impacts as a result of a use being added in.

Alex Urda: Pdd-c is also adjacent to Agricultural. There is a thousand foot to any residential use.

Nate VanWhy: That may be appropriate to suggest to the Town Board.as a result to that type of insight.
That is why this type of discussion is important.

Alex Urda: Shall not be allowed within one thousand feet of an R, Pdd-R I Pdd-R11 or MH. So even if there is a residential house in Pdd-c the way this reads.

Brian Donnelly: I understand it more. Do you have something more you would like to address.

Kristen Motel: If I could just address the board, I'm Kristen Motel from the Law Firm Cuddy & Feder LLP. We are counsel for Dragonfly Kitchen IV, Inc. As you are aware this petition was brought up to the Town Board for a zoning amendment to allow light industrial use in the Pdd-c. The law is exactly what your attorney explained. We are proposing a new light industrial use which is not currently does not exist under the current code. And permitting it in the Pdd-c in a way that is limited with qualifying criteria for the parcel location where that use to take place. Also, the operation itself the intension of the amendment is to diversify the types of businesses within the Pdd-c. By allowing uses that are very similar to the uses that are already there or are complementary to that light industrial use role. That would encompass Dragonfly Kitchen IV, Inc. I can have the owner speak to you a little bit. It is not relevant to the zoning amendment. We are talking about is to define to be packaging storage of goods that have already been prepared or manufactured. So, there is no raw manufacturing on site. So, the finished product is being packaged with very low impact use very small use. To your engineers comment with the adjacent Agricultural Districts. To allow residences. Those one thousand feet, our suggestion would be a qualifier there to run across the interstate. May be then the buffer for most of the Pdd-c comes between buffers or borders one of the Residential Districts that are listed for the Agricultural Districts. That would not permit the use anyway. Unless we are allowed to cut it off at the interstate. If that makes sense. One-thousand-foot radius in Agricultural Districts except for where I 81 intersects that. We did submit materials and hope everyone had the opportunity to look at the consistency with the Town's Comprehensive Plan and their goals and objectives address the appropriate location given Front Street. As an access to Interstate as well. Allowing existing business to also diversify the kind of uses that they have right now. To adapt to market trends everything post-covid there is less point of sale happening Again there a lot more intensive uses happening in the Pdd-c This would not be more impactful it would just allow more commercial growth and tax revenue. The opportunity is for happening for new business growth. I am happy to answer any questions of you.

Ching Ho: I would like to thank Mr. Donnelly and the Planning Board for having us tonight. We approached the Town Board several months ago. We started working with the Township and the Town Board. Personally, I grew up here, Chenango Valley Class of 1999. My family has long life residence here. And we moved to Michigan five years ago to build a preroll brand. We are best known in the mid-west as the top seller for the preroll brand out there. We are trying to bring this business here. Because this is where I grew up very familiar with the area. I want to be for Chenango specifically and bring the economic activity here. Our business is very low-touch cannabis processing operation, that is what our attorney said. We do not do any heavy extraction, nothing flammable, no extraction or processing. We are essentially like the UPS Store or the Pack and

Mail across the street that already does. Solely packages and stores materials for shipment. There are similar uses bakeries, packaging, florists, shopping centers, delis, auto and truck sales. And self-storage facilities are all permitted in Pdd-c. Similarly, the distribution aspect is that selling goods directly to consumers, and in some cases retailers, for profit. Essential that is what we do. We take it stick in a tube and send it out to a distributor and then a store. Nothing else, very low touch as much as it gets. But when we were going through this process we got stuck in this quandary where we came to the Township several times and said we are licensed with the state. This is a fully tested product, and we are going to do this light manufacturing. We tried to reaffirm several times can we do this. Once we received the approval letter, we can re-occupy the space specifically cannabis manufacturing. The state allows us and you cannot disallow this. But Chenango does not have anything specific zoning on this even though the state does allow this. So that is kind of where we are stuck right now, and we would like consideration in this matter. With all the approvals we put over a million dollars into it and that we got hit with oh you should go through zoning for part of this because it is not specifically in the zoning code. Even though use case does say cannabis and similar uses. It is in there but not specifically allowed. I think that is more or less it. We are not changing the character of the district, with less traffic utilities and previous restaurant use. It is fully tested, and our facilities are built up to GMPFDA standards. Very clean manufacturing practice. We have done this for five years in Michigan and we want to extend that here. I will leave the rest to our attorney. Thank you.

Kristen Motel: We did provide in the packages, and I have additional copies here. I would like to bring up more of the areas within the Pdd-c that the location qualifying criteria. To your engineers, there are limited areas. Obviously to be conscious of the Town Board and the Supervisor crafting this document. Certainly, this is a draft, we have had discussions with your counsel and understand the input that your engineer had as well. Also amendable to changes and comments.

Thomas Eldridge: I have a question, who put you guys in a bucket of light industrial.

Kristen Motel: We came up with that because as the client had mentioned we were told the use was not permitted in the Pdd-c. So, through a series of discussions we put our heads together what is this level of use that we are proposing. Why is it appropriate in the Pdd-c and why should the town consider amending their code to allow this use. When we dug down into it, first of all this kind of general amendment is happening as a planning model in other areas in the country. We did some footnote material about that. The concept being light industrial packaging and storage goods and preassembly of the finished product is very common in the online world, post Covid world. This is exactly that use. This is not specifically tailor to the cannabis processing network that we are talking about to cover more so hopefully the town will consider.

Thomas Eldridge: I totally get that, the analogy taking a florist and for a bakery or the UPS Store taking stuff and packaging it is no different then what you guys are doing. Those guys are allowed in that area. So, what is allowed in Pdd-c.

Nate VanWhy: Think I heard a reference to point of sale and I think that is important to understand. This is manufacturing and processing.

Brian Donnelly: They are taking raw goods, which are finished products and packaging it into a kit or whatever to be sent out. It is somewhat manufacturing.

Thomas Eldridge: There is no manufacturing in Pdd-c.

Kristen Motel: Correct.

Inaudible

Thomas Eldridge: That is crazy.

Nate VanWhy: The Town Board is in their early stages of developing an RFP to hire a consultant to help with the Comprehensive Plan and then go onto the zoning text amendment update in 2027. So, there are changes coming, but that is not going to affect this project. The Town Board is asking if you believe a change like this would be appropriate for the Town of Chenango as a whole appropriate to the specific zone being requested. Can you think of any other conditions in the special permit and site plan as well. They will be site specific. Is there anything else to add.

Thomas Eldridge: Do they have a particular project in mind.

Nate VanWhy: This is a zoning text change.

Alex Urda: Do we want a special permit required, that is the thing I wondered.

Kristen Motel: Just to give more comfort for the Town and retain that kind of control.

Thomas Eldridge: I think the Town has too much control.

Alex Urda: For the special permit what is the sunset, dies with the owner?

Nate VanWhy: Special permits often do not follow the owner around. So, if there is an ownership change then reapplying for a special permit might be appropriate.

Thomas Eldridge: A lot of things would fall into this right, any little manufacturing mom and pop thing on Front Street.

Alex Urda: I have not seen in twenty years anything come in. We did not approve Deamer's request to do manufacturing did we.

Thomas Eldridge: The people that had a horse farm changed to manufacturing, that was turned down. That was a change.

Gavin Stiles: That was a use variance and that was no way. Out there they got a use variance to do a bunch of stuff then they wanted to do manufacturing.

Alex Urda: Inaudible. Asked if they allow retail and no it does not. IF they opened up a counter for four hours then you are not retail.

Nate VanWhy: They cannot do that.

Alex Urda: Retail does not preclude them from rolling for wholesale.

Thomas Eldridge: They can be there for two days.

Nate VanWhy: That is an interesting comment, to me the use is what are you mainly doing. Not squeaking through not going to the counter for a couple of hours. Or a twenty-four hour a day manufacturing operation behind it.

Alex Urda: We have a cannabis shop in Windsor, and it is very quiet.

Ching Ho: There are different ways you think of Pack and Mail they are right next to us. Their principal use is retail, but the principal use is packaging.

Inaudible

Nate VanWhy: They are selling you a service. The way the code has been they are actually selling a service random packaging. There are ways to look at it. I think what they brought up is a good example for the light industrial use that is being contemplated and other types of businesses. They have truck traffic, the Pack and Mail Store has some more types of truck traffic In one sense you can view it as a similar use, and you think of the number of people and the size of the facility. Hours of operation. Alex asked in an email, mention light industrial and manufacturing warehouse and processing places have three shifts. Is this a three-shift type of operation. That might be appropriate condition to set. No more than two shifts, no operations overnight. No deliveries passed a certain time frame. Some of those conditions are just conditions for a regular site plan review would pop up. Somebody who comes here is our hours three shifts, mum no it is not appropriate. We can put it in expressly just two shifts in a normal daytime hour. Or just leave it flexible how it is mentioned like the Tokyo Sushi Buffet would be a fine place for a three-shift operation. Because the Touch of Texas is across the street, and they are open I'm not sure how late they are open.

Thomas Eldridge: I think that is a great idea. Lot of avenues for other stuff that doesn't have a place to live.

Jamie Szenher: Yes.

Briann Donnelly: That makes the stretch more valuable.

Thomas Eldridge: More accessible not just gas stations and grocery stores.

Jamie Szenher: Car washes.

Alex Urda: No simulations on store fronts my business on the first floor and apartments above .That is a main street thing that I am trying for. Inaudible.

Thomas Eldridge: We make a recommendation to the Town Board.

Nate VanWhy: A couple questions that were discussed about Agricultural being added as one of the districts from which the project would need to be located no closer than one thousand feet. Also mentioned I 81 if you are a thousand feet away directly from the highway you are actually two-hundred feet away is that a concern. Do you folks want to add the Agricultural Districts to the list which is in Section A of this paragraph at the bottom of the first page.

Alex Urda: That impacts Hyde Street.

Kristen Motel: It will impact Front Street too.

Thomas Eldridge: At the same time, it impacts residential as well. That is natural for Pdd-c than Agricultural.

Alex Urda: There is not much to those Agricultural houses.

Nate VanWhy: I actually noticed it did not allow it adjacent to thousand feet from a residence. It is a thousand feet from those districts. One thing I am wondering if you would want to add not permitted to any adjacent lots with a residence. Regardless of the district.

Kristen Motel: I think there are pre-existing non-conforming residences throughout Front Street. So that may be more of a site plan concern instead of trying to draft something around that. Pre-existing non-conforming can be gone tomorrow. That would take more investigation.

Nate VanWhy: That is a good point there are houses and residences that have businesses above.

Thomas Eldridge: The Agricultural thing you could not have a light industrial packaging place, but you can have a four-hundred-acre solar farm next to you. So that does not make sense to me.

Nate VanWhy: So, everyone is on that same page and good with it.

Thomas Eldridge: Why couldn't you put it in all Pdd-c areas.

Ching Ho: Light manufacturing- Inaudible.to many people talking. There are very strict regulations that is written into the law. You have to have a lot of social equity program and business incentive to do it and we have done this and decision to come here.

Deborrah Mastronardi: What about parking in that area. How many parking spaces would be dedicated to that.

Nate VanWhy: That is a very site-specific question. At least that is a good question to ask for the zoning text. Gavin, do you know what the parking requirement would be?

Alex Urda: We don't have anything.

Nate VanWhy: What is office space.

Gavin Stiles: Based on square footage one per every one-hundred and fifty.

Nate VanWhy: Which is going to be way too much.

Gavin Stiles: No just the customers but the employees as well.

Ching Ho: This facility would hold twenty employees. We are going to start at five and move up to twenty.

Kristen Motel: There will be seasonal employees as well.

Chin Ho: We also have a back lot.

Kristen Motel: For the zoning amendment we have to contemplate.

Alex Urda: One for every two-hundred fifty feet of gross floor area and a business office for manufacturing or other similar businesses.

Nate VanWhy: So, two fifty, that is thirty-four spots, seems like a lot.

Thomas Eldridge: there is a pretty good-sized lot behind there.

Nate VanWhy: It was a buffet and the parking was shared.

Gavin Stiles: The Thrifty loading dock is back there.

Nate VanWhy: What Alex just said is processing the use that they are proposing that should be similar. So, that addresses the parking spaces.

Thomas Eldridge: How about we ask the Town Board to allow this in the entire Pdd-c.

Nate VanWhy: What the Town Board is going to say is they want you to recommend to them what you think is appropriate. So, if you folks all think there is no real reason to say no to light industrial uses anywhere in the Pdd-c. Then we can say that and then you would.

Thomas Eldridge: What will light Industrial include the Town Board will decide that.

Nate VanWhy: It would be something very similar.

Kristen Motel: In our discussions leading up to this it was conveyed to us as a concern about the proximity to residential districts, that is why it was put into the drop box and to provide some context.

Nate VanWhy: If you folks think we will address those through site plan you can certainly make that statement to the Town Board if that is what you think is appropriate.

Thomas Eldridge: The Pdd-c they are worried about the golf course if that is the chunk they are worried about where there are houses.

Gavin Stiles: There are other spots in Pdd-c that a near houses Back of Dunkin Donuts there are houses up there.

Alex Urda: It is difficult to be a thousand feet away from all of it.

Nate VanWhy: There is no distance restrictions to a house there is distance restriction to a district. So, the Pdd-c wherever it is surrounded by Agricultural which would be ok because Agricultural is not included. Again, if you are ok with a recommendation to the Town Board let's lose the distance restriction and that would get rid of the adjacency to I81 as well. That is with the I towards trying to draw this and define it in a way places that is potentially more intensive in the uses allowed in Pdd-c District in areas that are more appropriate and a slightly more intensive use. If you don't see that much of difference in the use intensity not what they're doing but what someone else might try to do. Compare to the other things that are happening in the Pdd-c District already. What are your feelings on the eighty- five hundred feet of floor area restriction, that is the maximum size for light industrial use that is proposed. Tokyo Sushi may not be that close to I81.

Chin Ho: We added that to limit the impact

Thomas Eldridge: You saying you can put light industrial into an eight-five hundred bucket.

Nate Van Why: Let's say Lowe's goes out of business and Nasco someone wants to come in and do light industrial use there is a pretty big building now a facility that sized how many trucks are you talking about now. You must think through those types of things. When putting restrictions and may be that is ok It is not up to me to say.

Brian Donnelly: Maybe they can get a variance to get around the restrictions.

Thomas Eldridge: Keep it tied in.

Gavin Stiles: You can grab them in during site plan to do a traffic study.

Alex Urda: I did not know until this afternoon the board asked the applicant to give a map. I did not have the time.

Kristen Motel: I have asked the town engineer to provide a map for the Town Board. Their concern is that the use is going to be too prevalent. What we were hearing was to please try to restrict the use not overly restricted but be mindful of our concerns.

Alex Urda: The thousand-foot buffer really puts you north of Aldi's is a thousand feet from residential. So, the Aldi property north is pretty much the zone that would fit. Lowes, Staples Weis to close to residential. Those properties are limited by the residential on Quinn Road.

Jamie Szenher: That is a Residential Zone.

Alex Urda: So, that part of Pdd-c everything on Fuller Road within a thousand feet is residential. The applicant mentioned if the cut off by the interstate the thousand foot would not apply. It gets a little funky there. Thousand feet from residential on Grant Road. And stretches almost to the front door of Weis. Everything north of I 81 on ramp on GPS is too close to residential.

Thomas Eldridge: You were at the Town Board meeting I assume. Their concern about this being too prevalent. The only place in the town you can do this now is Prentice Road, right?

Alex Urda: Full Industrial.

Thomas Eldridge: If the Town Board is worried about this being too prevalent on Front Street. I do not get that.

Kristen Motel: That wasn't verbatim, that was the consensus of the conversation.

Nate VanWhy: That is why they are looking to you for advice, and the Town Board I can tell you I haven't grappled with this language. This was a proposal you have read it we only need feedback. I'm not sure that they really sat down really thought about it extensively like we are asking you to do tonight. So, hearing from your feedback like it is not allowed anywhere in Pdd-c. We are comfortable that the site plan review process would mitigate any negative impacts. That is what we are here for. That is an appropriate comment to provide back certainly makes it easier.

Alex Urda: So, I will create a map limitation. Pretty much Front Street north of Aldi's to Weis and everything else I'm seeing is eliminated by the thousand feet to Residential District and East Hill area and the other side of the interstate. All of

that Pdd-c by Hyde Street and 11 to the Highway is a thousand feet from a residential district. So, that gets eliminated and the core piece by the Sled Shop. I have to have that on a map before the next Town Board meeting.

Nate VanWhy: So, I heard a proposal to allow anywhere in the Pdd-c you heard more discussion are you still in favor of this. Yes,

Thomas Eldridge: Yes, it gives more opportunity.

Nate VanWhy: You are ok with the eight-five hundred feet maximum size. If it was Lowe's.

Thomas Eldridge: They would have to get a variance. Lowe's is four acres. The key is to keep it light industrial. A ten-thousand square foot building at some point you are going to call that industrial.

Nate VanWhy: It is not just the size of the facility it is about the type of process being done., equipment being used. Light industry characteristics of noise, sound light that type of thing. The condition shall not produce significant truck traffic Any thoughts or concerns about that.

Deborah Mastronardi: What kind of truck would move the product?

Ching Ho: One or two sprinter vans, that is it.

Alex Urda: Your business there would have a full-sized truck, it is limited to theirs

Thomas Eldridge: Limited to a tractor trailer.

Nate VanWhy: That is why we need to clarify significant truck traffic defined. Try to defend that would be potentially difficult. Tie it to the capacity of the adjacent streets and highways. Which you can figure out by a traffic study. Front Street we really don't have any concerns. They can handle that can be 20 extra sprinter vans or five tractor trailers can these streets handle this, get a traffic study.to add some definition to significant truck traffic that we can hold somebody accountable for.

So the Planning Board refers this application to the Town Board with a favorable advisory with the noted comments to be considered for draft Article VI Supplementary Standards Subsection §73-12 (C)

Subject approval of Special permit standards

The removal (a) and (b) of the special permit standards draft and include in (d) Truck traffic shall not produce significant truck traffic to the adjacent streets and highways capacity. Require a zoning map of the light industrial areas

REMOVE: (a) Shall not be located within 1,000 feet for the R, PDD-R1, PDD R II or MH Zoning Districts.

REMOVE: (b) Shall only be permitted on lots adjacent to interstate -81:

ADD TO: (d) Truck traffic not clearly defined clarify the capacity to the adjacent streets and highways to figure out by a traffic study.

ADD: Zoning district map of the light industrial areas.

The rest of the conditions for the Special permit standards would remain.

Thomas Eldridge: I will make that motion to forward to the Town Board a favorable advisory with the conditions mentioned.

Maura Cooley: Second.

Brian Donnelly: Diane can we have a vote:

Diane Aurelio:	Ms. Mastronardi, Board Member:	Aye
	Ms. Cooley, Board Member:	Aye
	Mr. Szenher, Board Member:	Aye
	Mr. Eldridge, Vice Chairperson:	Aye
	Mr. Donnelly, Chairperson:	Aye

The motion was thereupon declared adopted by a roll call of 5 to 0

Brian Donnelly: There being no further business before the board can I have a motion to adjourn.

Thomas Eldridge: Motion to adjourn.

Jamie Szenher: Second.

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Diane Aurelio
Ordinance Office