

**Had the chance REGULAR PLANNING BOARD MEETING
MONDAY, APRIL 10, 2023
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON – NY – 13901**

Approval of the March 13, 2023, Regular Planning Board Meeting Minutes

Present: Brian Donnelly, Chairperson
Thomas Eldridge, Vice Chair
Jamie Szenher, Board Member
Mura Cooley, Board Member
Gerald Smith, Board Member

Also Present: Gavin Stiles, Code Officer
Nicholas Cortese, Planning/Zoning Attorney

Absent: Alex Urda, Town Engineer
Michael Boland Board Alternate

Brian Donnelly Call the April 10,2023, Planning Board meeting to order. The first order business is the approval of the March 13, 2023, meeting minutes. Does anyone have any changes? Would someone like to make a motion to accept them?

Jamie Szenher: I'll make a motion to approve the minutes.

Thomas Eldridge: Second.

Brian Donnelly: Ok, we have a motion and a second, can we have a vote?

Diane Aurelio	Mr. Boland, Alternate Board Member	Voted: Absent
	Mr. Smith, Board Member	Voted: Aye
	Ms. Cooley, Board Member	Voted: Aye
	Mr. Szenher, Board Member	Voted: Aye
	Mr. Eldridge, Vice Chair	Voted Aye
	Mr. Donnelly, Chairperson	Voted: Aye

The motion was thereupon declared adopted by roll call of:
Ayes- 5 Nays- 0 Absent- 1 (Boland)

NEW BUSINESS

- **2023-PB02- MCM Solutions LLC. - Shree Hari Holdings LLC- 1000 Front St.- TM#128.11-4-19-** Application for site plan update to add four electric charging stations ahead of the principal structure in a Pdd-c Zone & short EAF.

Brian Donnelly: Gavin would like to read Mr. Urda's comments or summarize them since he is not here tonight?

Nicholas Cortese: Before we go to deeply with this application on, I am not sure if everyone had the chance to see my email sent later in the day. I had a lengthy discussion with Gavin and Diane regarding this application. My opinion this, project is not subject to site plan review. Because the Town' has charging station local law Chapter 74B of the Town Code allows EV charging stations anywhere within the Town. The reason behind the law was to streamline the permitting process and not require site plan review. The reason we have done site plan review for a couple previously. Some of the board members may remember we had permitted those as principal structures. Remember the Spot parking lot, oddly broken up and there was nothing on the parcel. So, we did that because the EV charging law only as to accessory uses. For this instance, EV charging stations applied for as an accessory use were in front of the principal structure instead of behind. So, after speaking about this with Diane and Gavin it's our conclusion that it doesn't need to be up for site plan review. But you all still have it on your agenda and a recommendation for the variances and that still is valid. So, that is my recommendation here. There is nothing necessarily harmful about doing the site plan. But is also not necessary. So, that is my two cents there.

Brian Donnelly: So, do we move onto the variance.

Diane Aurelio: I put them through 239 review because it borders state and county road.

Nicholas Cortese: But 239 review is not tied to site plan necessarily. It does need to go for 239 just like anything else would for anything being proposed within x number of feet of this or that. That 239 statute says, but that is not tied for the need to do plan review at the local level. That kind of review is not the same thing.

Thomas Eldridge: Can we disregard the site plan and they come back next. Month to do the other part.?

Nicholas Cortese: There is no other part you have to do. Just a referral to the ZBA and you're done. Because the EV charging station local law states to submit a

complete application to the ordinance office. Then Gavin does a technical review and if everything is in order then they get a permit for what they are supposed to do. Gavin does have the discretion to whether or not it would be a public safety concern for this to exist and in that instance, he would refer it to the Planning Board for a Special Use Permit. So, regardless of what we would report to do now is it would not have a ton of meaning. The worst-case scenario You would be hearing this for a Special Use Permit not just a simple site plan review.

Thomas Eldridge: So, we need to adopt that resolution.

Nicholas Cortese: No that is for Jon White's application.

Brian Donnelly: So, the Zoning Board will do the EAF?

Nicholas Cortese: All you need to do is referral to the ZBA because that is the only thing in play that is town board oriented.

Brian Donnelly: So, we have this on our agenda in two separate places. Would it be all right if we, since we are already talking about it, do the area variance advisory right now? If everyone agrees with that. Gavin, you can read Mr. Urda's comments.

Gavin Stiles: Read just where it says variance.

Brian Donnelly: This is a combined review for the site plan and variance. Go ahead and read it.

- **2023-V03- Shree Hari Holdings LLC- 1000 Front St.- TM#128.11-4-19- Application for an area variance to install four electric charging stations ahead of the principal structure in a Pdd-c Zone & short EAF.**

Gavin Stiles: I'll read it if it tidies things up.

This is a combined review for the referenced applications for:

1. Site plan review for Shree EV Charging for four EV charging stations located in PDD-C zone.
2. Application is for an area variance to install four electric vehicle charging stations ahead of the principal structure in a PDD-C zone.

Discussion: The application package included:

Site Plan

- Application to Planning Board with permissions

Dated:

11/02/23

Rcvd.:

11/10/22

• Applicant Letter of Intent	10/26/22	12/21/22
• Site Plans and Charging Specifications	---	2/22/23
Strike the site plan.		
• Short EAF	2/16/23	2/22/23

Variance

• Zoning Board of Appeals Application with Permissions	1/24/23	2/22/23
• Applicant letter of Intent	10/26/22	---
• Letter of Authorization	2/16/23	2/22/23
• Site Plan and Charging Specifications	---	2/22/23
• Short EAF	2/16/23	2/22/23

1. The Letters of Intent and site plans refer to stall sizes of 8'x15'. Stalls shall be a minimum 8'.6"x18' per Town code.
2. Confirm there are no lighting changes.
3. Signage to be reviewed for compliance with the Town Code Office.
I'm not going to read the rest about the EAF.

4. SEQR Short EAF a. Part 1 - EAF 'Brief Description of Proposed Action' should reference the Site Plan application and variance application. and be one EAF for both actions.
- b. Part 1 -2 Should include ZBA Variance, Planning Board Site Plan
- c. Part 1 - 3a Input actual area.
Part 1 - 3b Input actual area.
Part 1 – 3c 60.60 should be 2.53.
- d. Part 1 – 5b Check "Yes"
- e. Part 1 – 8b Check "Yes" Part 1 – 8c Check "Yes"
- f. Part 1 – 10. Fill in 'if no...' with "N/A"
- g. Part 1 – 11. Fill in 'if no...' with "N/A"
- h. Part 1 – 12b. Answer is "Yes."
- i. Part 1 – 15. NYSDEC ERM indicates 'Yes', however the site area is already developed.

We have no engineering objections to the site plan or the variance.

Brian Donnelly: Is the applicant present? No. Does anyone have any discussion on this? I think we need to in our recommendation that they need to adjust the stalls to follow the town code 8'.6" x 18'. And have the ZBA check to make sure when they speak to them there are no changes in the lighting. Signage just goes to the code office. Is there anything else they would like to add?

Gavin Stiles: Ordinance has no objection, just a building permit being will be required.

Jamie Szenher: I'll make a motion for a favorable advisory to the Zoning Board of Appeals with the required stall size being 8'.6" x 18' and include the confirmation no changes to the lighting.

Gerald Smith: Second.

Brian Donnelly: We have a motion and a second can we have a vote.

Diane Aurelio	Mr. Boland, Alternate Board Member	Voted: Absent
	Mr. Smith, Board Member	Voted: Aye
	Ms. Cooley, Board Member	Voted: Aye
	Mr. Szenher, Board Member	Voted: Aye
	Mr. Eldridge, Vice Chair	Voted: Aye
	Mr. Donnelly, Chairperson	Voted: Aye

The motion was thereupon declared adopted by roll call of:
 Ayes- 5 Nays- 0 Absent- 1 (Boland)

- **2023-PB03- Jon M. White-** 699 Glenwood Rd. – TM#128.01-1-44.2- Application for a special permit to build a 24' x 40' pole barn exceeding the maximum number of allowed accessory structures from 2 to 3 in an Agricultural Zone & short EAF.

Brian Donnelly: Gavin, you can read Mr. Urda's comments.

Gavin Stiles: Read Alex Urda's comments.

This is a review for the referenced application to build a 24'x40' pole barn exceeding the maximum number of allowed accessory structures from 2 to 3 in an agricultural zone.

Discussion:

The application package included:	Dated:	Rcvd.:
• Planning Board Special Permit Application w/ Permissions	3/6/23	3/6/23
• Applicant's Letter	3/5/23	3/6/23
• Site Plan Drawing w/ Proposed Building	---	3/6/23
• Cross Section of Proposed Building w/ Measurements	---	3/6/23
• Trusses Information	---	3/6/23
• Hole Layout Plan	---	3/6/23
• Simple Erosion and Sediment Control Plan	3/6/23	3/6/23
• Short EAF	3/6/23	3/6/23

We offer the following comments:

1. Project is subject to 239 review within 500 feet of municipal boundary and county road.
Result: No impacts

2. SEQR Short EAF

a. Part 1 - 2 Answer "Yes" Building Permit

b. Part 1 - 9 Answer: Yes?

We have no engineering objections.

Gavin Stiles: The Ordinance Office has no concerns, once this all goes through a building permit will be necessary.

Brian Donnelly: Is the applicant present, yes? Does anyone have questions for the applicant?

Jamie Szenher: This is for hay storage?

Jon White: When we did the horse barn, there was sloping on the side. Which allows us to carry it further than be able to put up the second storage. For the amount of hay storage, we have. That is the reason the third structure comes into play. Hay storage for the horses.

Brian Donnelly: If there are no other comments from the board, I will open the public hearing for anyone who wishes to be heard on this application. There being none I will close the public hearing and proceed with the Environmental Assessment.

Nicholas Cortese: No SEQR this is a Type II Action under SEQR, and no further action is necessary by the town. Before we move on, I will go through the standard conditions regarding this special permit.

WHEREAS, on March 6, 2023, Jon M. White (hereinafter "Applicant") duly filed an application for a special use permit pursuant to Subdivision (C) (15) of Section 72-12 of the Town of Chenango Code to exceed the maximum of two accessory structures on property he owns within the Town, located at 699 Glenwood Road, designated as Tax Map No. 128.01-1-44.2, and located in an Agricultural Zoning District; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act ("SEQRA"), the Planning Board determined on April 10, 2023 that the Applicant's application constitutes a Type II Action as defined under said SEQRA regulations, inasmuch as the special use permit would authorize the "construction, expansion or placement of minor accessory / appurtenant residential structures" (6 NYCRR 617.5 [c] [12]) and, thus, no further environmental review of the action is required; and

WHEREAS, after notice by publication in the official newspaper of the Town of Chenango, the Planning Board held a public hearing to consider said application on April 10, 2023, at which hearing all persons desiring to be heard in regard to said application were so heard; and

WHEREAS, upon review of the Applicant’s application and the entire administrative record associated therewith, the Planning Board has found and determined that Applicant’s proposed special use will not, in the circumstances of the particular case, be in conflict with the character of the neighborhood and surrounding properties, be injurious to the neighborhood or otherwise detrimental to the public welfare, and otherwise complies with the relevant special permit standards under Sections 15-4 and 72-12 (C) (15) of the Chenango Town Code.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Chenango hereby approves the Applicant’s application 2023-PB03 for a special permit to exceed the maximum of two accessory structures at 699 Glenwood Road (Tax Map No. 128.01-1-44.2), subject to the following condition(s):

1. The property shall contain no more than 3 accessory structures.
2. The accessory structures shall comply with all requirements of the Town of Chenango Zoning Code, including, but not limited to setbacks and square footage. If any proposed accessory structure does not comply with the Zoning Code, appropriate variances must be obtained from the Zoning Board of Appeals prior to the commencement of construction.
3. If the number of accessory structures on the property is reduced to two (2) or fewer for a period of 365 consecutive days, this special permit shall expire.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Nicholas Cortese: Does the Board have any other conditions they would like to add to this resolution? If not, we can entertain a motion.

Brian Donnelly: Some like to make a motion on the site plan application?

Gerald Smith: I make a motion to accept the resolution with conditions as presented.

Ms. Cooley: Second.

Brian Donnelly: We have a motion and a second can we have a vote.

Diane Aurelio	Mr. Boland, Alternate Board Member	Voted: Absent
	Mr. Smith, Board Member	Voted: Aye

Ms. Cooley, Board Member	Voted: Aye
Mr. Szenher, Board Member	Voted: Aye
Mr. Eldridge, Vice Chair	Voted: Aye
Mr. Donnelly, Chairperson	Voted: Aye

The motion was thereupon declared adopted by roll call of:

Ayes- 5	Nays- 0	Absent- 1 (Boland)
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ADVISORY OPINIONS/REFERRALS

- **2023- V04 – Theodore Fendick- 523 W Chenango Rd.- TM#076.04-2-20-** Application for a double area variance to create three lots, with two of the lots having less than required side yard setbacks from 20' to 12.6' for both in an agricultural zone and a short EAF.

Gavin Stiles: Read Mr. Urda’s comments for the Board.

The referenced application from the ZBA for a double area variance to create three lots, with two of the lots having less than required side yard setbacks from 20’ to 12.6’ for both in an agricultural zone.

Discussion: The application package included:	Dated:	Rcvd.:
Application to Zoning Board with permissions	2/27/23	---
Applicant Letter	---	3/20/23
Site Drawings w/ Lot Locations	---	3/20/23
Short EAF	2/27/23	3/20/23

1. Project is subject to 239 review within 500 feet of county/state road & NYS AG District.
Result: No impacts

2. The applicant shall be assured that all lots conform to the minimum lot within per town code of 240 feet.

As sketched the lots be not comply recommend getting surveyor’s sketch.

- 3. SEQR Short EAF
 - a. Part 1 - 3a. 20.3
 - Part 1 - 3b 0
 - Part 1 – 3c 20.3
 - b. Part 1 – 4. Also “rural”
 - c. Part 1 – 5a Check “N/A”
 - Part 1 – 5b Check “Yes”
 - d. Part 1 – 6. Check “Yes”

- e. Part 1 – 9. N/A “Existing Building”
- f. Part 1 – 11. Add note “onsite septic.”
- g. Part 1 – 13a. Check “Yes” (Federal wetland on parcel)
- h. Part 1 – 14. Check “Agricultural”

We have no engineering objections; however, we recommend that the 239 comments be addressed.

- Gavin Stiles Ordinance has no comment.
- Brian Donnelly: Is the applicant here? Yes. Does anyone have questions for the applicant?
No, Both Alex and Broome County mentioned the size of the 2 parcels indicated on the site plan. Broome County letter dated April 4th questioned the size of the septic’s and well.
- Thomas Eldridge: You are just separating the two houses into separate parcels, and both have their own existing septic and well, correct?
- Rita Fendick: Yes, that is correct.
- Jamie Szenher: Both of the lots have two acres?
- Rita Fendick: Yes. we did submit a drawing indicating all of that.
- Thomas Eldridge: You are in the process of getting a survey and have the required amount of frontage.
- Rita Fendick: Yes. I will send that in.
- Nicholas Cortese: If you can have the survey drawing in time for the Zoning Board meeting that would be extremely helpful. You would be avoiding any potential problems.
- Thomas Eldridge: Yes, that will alleviate any issues occurring during the public hearing.
- Brian Donnelly: Are the two houses sharing a driveway?
- Rita Fendick: No, they are separate driveways.
- Jamie Szenher: splitting the two houses and there is one vacant lot.
- Gerald Smith: The third lot does have two acres or more?
- Rita Fendick: The survey should all that marked out for everyone.

