

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

**Approval of the May 8, 2023, Regular Planning Board Meeting Minutes**

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

Also Present: Alex Urda, Town Engineer  
Gavin Stiles, Code Officer  
Michael Boland Board Alternate

Absent: Nicholas Cortese Planning/Zoning Attorney

Brian Donnelly Call the June 12, 2023, Planning Board meeting to order. The first order business is the approval of the May 8, 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: N/A |
|               | 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:  
7yes- 5                      Nays- 0                      Absent- 0

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**NEW BUSINESS**

- 2023-PB06- Abbey Business Properties LLC. - Jay Abbey – 17 Thomas St.- TM#095.18-1-3- Application for site plan update for the construction of an open front shed for concrete mold storage located in Pdd-c zone and short EAF.

Alex Urda: This is a review for the referenced application for a site plan review for Abbey Business Properties LLC (Binghamton Pre-Cast) to construct a 28' x 200' open front storage shed for concrete molds to keep out of the weather in a PDD-C Zone.

Discussion:

|                                   |         |         |
|-----------------------------------|---------|---------|
| The application package included: | Dated:  | Rcvd.:  |
| Planning Board Application        | 5/16/23 | 5/16/23 |
| Applicant's Letter                | 5/17/23 | ---     |
| Layout Plan                       | 2/01/23 | 5/16/23 |
| Building Layout                   | ---     | 5/16/23 |
| Building Sections                 | ---     | 5/16/23 |
| Short EAF                         | 5/10/23 | 5/16/23 |

We offer the following comments:

1. Project is subject to 239 review within five hundred feet of state/county road and state/county facility.

I did look through their comments and Jay did give some good answers to their questions. I saw no issues with the wetlands, buffer, or the flood plain .in their comments they had. He did identify the wetlands previously.

2. The applicant plans to avoid the wetlands, NYSDEC 100-foot wetland buffer, and 100-year floodplain.

3. Reminder, the project parcel is within an Aquifer Protection Zone 1 "Wellhead protection Zone."

The site currently complies with the associated Town Code §73-55, Attachment XII, "Schedule of Regulations – Wellhead Protection Zone" and shall continue to do so. No disposal of construction and demolition debris, including use as fill, is allowed onsite.

4. Obtain sign plan approval from the Code Office.

5. The site disturbance is <1.0 acre and does not require a SWPPP or SPDES permit.

6. No additional site changes are requested.

7. Provide the Code Office with final stamped/sealed site plans.

8. Board should discuss advisory to ZBA RE: Accessory ahead of principal.

We have no engineering objections.

The only other piece I have to cover with everyone is SEQR. Nick is not here, he recused himself. It is my understanding this is a Type II action. So, we will have to do SEQR. I'll have to look at it and go through Part II

with you guys. I was hoping it was a Type II just skip it. But it's 5600 square feet which is over the threshold to be a Type II action. I have no objections to this.

Gavin Stiles: I agree with Mr. Urda.

Brian Donnelly: The applicant is here, does anybody have questions or concerns?

Gerald Smith: It is obviously your building, is up and the wetlands, they are obviously down a slope. I am trying to look at the number of lines here, because on your site plan how many feet is that? How far does it go.

Justin Abbey: Ten feet.

Jay Abbey: It is higher than that. Let us see here maybe I cannot tell.

Thomas Eldridge: There is an elevation change from this area to there.

Gerald Smith: It is pretty steep, and well above the 100-year flood plain.

Alex Urda: When they bought the Thomas Street parcel it was fifteen feet to the state line.

Justin Abbey: if the leaves were on the trees, you can see the back of the building.

Gerald Smith: Well above the level of swale.

Justin Abbey: If you take that across then we have a road up the hill and then level off.

Gerald Smith: So, you are not located in the flood plain. Fallon Drive took care of that issue anyway.

Jay Abbey: I think, it is more than twenty feet higher than the swale. We did have it delineated four years ago I am guessing I cannot recall. DEC looked at it, Jim Bates did it. We were well within the buffer, and this is farther than that. If you look at the total slope inside the buffer.

Brian Donnelly: If nobody else has any questions we can talk about the ZBA area variance for your new building going to be in front of the primary structure. You will need to make an application with the ZBA.

Jay Abbey: The question is what the front is. Since we built the road, the fronts have changed. The address may say 17 Thomas Street, but it should be Fallon Road. We can't have any traffic come on 17 Thomas Street. If someone

uses 17 Thomas is not one of our normal people coming and going. Unless they use GPS and then they come up Highland Road.

Justin Abbey: I have got a lot of trucks coming through Fallon Road. The ones that are common carries they use Thomas Road.

Jamie Szenher: Can you have the address changed?

Jay Abbey: That is a good question, I've mentioned it before

Gerald Smith: Does your building face both Thomas Street and Fallon Road?

Jay Abbey: It is questionable. They should not be coming from Thomas Street.

Justin Abbey: A couple of weeks ago Farrow was under water and the county uses that access as well when it floods.

Jay Abbey: Thomas Street you actually go down Woodland you cannot even get a truck through that.

Jamie Szenher: So, the County uses that road.

Jay Abbey: They have a right-of-way, and they use that all the time.

Thomas Eldridge: Where does it come in just below the county? and it comes along their fence, right?

Jay Abbey: Yes.

Gavin Stiles: The definition for building front line. That line of a face of the building nearest the front lot line. This face shall not include bay windows, roof, overhangs, or projections, covered porches, whether enclosed or unenclosed, or any projections.

Justin Abbey: That side of the building has been there for years ever since Binghamton Pre-Cast.

Thomas Eldridge: Pretty sad definition.

Inaudible

Justin Abbey: They can't even use Thomas Street., we put barriers up.  
Alex Urda: When they did the subdivision body of land which the lot which is

contiguous with the street, which is for subdivision law.

Jay Abbey: We have two buildings previous to this without a plan review. Even though your zoning calls it commercial. We have already proven that we are an industrial application. And the two building and the sand building we went through the Planning Board. When was that I really don't know.

Justin Abbey: Was it Scott Russell or John Freer?

Jamie Szenher: Mike Pecha?

Jay Abbey: No, It was before them.

Michael Boland: Thomas Geisenhof?

Jay Abbey: Yes Tom Geisenhof.

Gavin Stiles: I know why it is in place, but there such a stand-alone back in the weeds. That there not on Front Street.

Alex Urda: Technically the entrance to your property is Fallon Road.

Jamie Szenher: So, Thomas Street would be the back.

Thomas Eldridge: Just because their address is Thomas Street that makes it the front? But they were forced to block the entrance on Thomas Street and were not allowed to use it. So, how does that make it the front?

Gerald Smith: You would think the front would be where the drive is, hide the entrances.

Jay Abbey: We do not even have a mailing address for there.

Gerald Smith: For Thomas Street?

Jay Abbey: For Fallon Road.

Thomas Eldridge: So, that should make the other side the front.

Gerald Smith: I agree, I mean the whole development of it has changed the entrance has changed the front of the building.

Jay Abbey: I do not even know how to get the address changed.

Justin Abbey: GPS Google maps that is where it takes them.

Jamie Szenher: I would talk with the County and have them research it. If you get that deed changed and filed.

Jay Abbey: I have the deed for Fallon Road.

Brian Donnelly: Your deed says Fallon.

Jay Abbey: No everything says Thomas Street.

Jamie Szenher: Everything now in GIS says Thomas. You would have to change your whole address.

Jay Abbey: Actually, I can do that. I know a guy.

Gerald Smith: Change the GPS also.

Brian Donnelly: As long as we have a consciences, we all in agreement Fallon Road should be the front entrance Is everyone good with that being the front. I would say we are all in agreement. Alex, do you have the short form, Part II?

Alex Urda: Let me double check the Type II logic before going any further. Just so I get it right. Type II actions is where you do not have to do SEQR. Because there are certain thresholds under SEQR which DEC has already established. You can be either Type II or Type I. What I am looking at is the construction or expansion of a primary or accessory structure or facility providing less than four thousand square feet of gross floor area without changing the zoning. It does not include radio communication or microwave transmission facilities. So, in this case it is a commercial accessory building (industrial) I am looking at this being an Unlisted Action and we will go through Part II of this form. Very briefly, you have gone through this with Nick before, I will ready the questions and you verbally respond with your answers.

#### **EAF SHORT FORM PART II**

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? Boards response.

Board: No.

2. Will the proposed action result in a change in the use or intensity of use of land?  
Boards response.

Board: No.

3. Will the proposed action impair the character or quality of the existing community?

Boards responses.

Board: No.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? Boards responses.

Board: - No.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkways? Boards responses.

Board: No.

6. Will the proposed action cause an increase in the use of energy, and fail to incorporate available energy conservation or renewable energy opportunities? Boards responses.

Board: No.

7. Will the proposed action impact existing:  
a. Public/private water supplies? Boards response.

Board: No.

b. Public/private wastewater treatment utilities? Boards responses.

Board: No.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? Boards responses.

Board: No.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora, and fauna? Boards response.

Board: No.

10. Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems? Boards responses.

Board: No.

11. Will the proposed action create a hazard to environmental resources or human health? Boards responses.

Board: No.

Alex Urda                      Ok that is all of the questions; you answered them all no. So, June 12<sup>th</sup> we are calling this an Unlisted Action under SEQR. I have scribbled all on here and I will, give it back to you. I will need a motion that you're accepting the Negative Declaration for this Unlisted Action as defined, under SEQR.

Gerald Smith:                I make a motion to accept the "Negative Declaration" for this Unlisted Action under SEQR.

Thomas Eldridge:            Second.

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

|                |                                    |            |
|----------------|------------------------------------|------------|
| Diane Aurelio: | Mr. Boland, Alternate Board Member | Voted: N/A |
|                | 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- 0 |
|---------|---------|-----------|

Mr. Donnelly:                Any other discussion on this matter. We will move on to the approval of the site plan. Can I have a motion.

Thomas Eldridge:            I'll make a motion for site plan approval.

Jamie Szenher:              I'll second.

Diane Aurelio:              Should we state in there that Fallon Road is going to be the main entrance. It's up to you, I'm just asking.

Brian Donnelly:              It will be in the minutes. I do not think that would be necessary to include it in the approval. Like I said it will be in the minutes.

Thomas Eldridge:            Will that solve any issues down the road that we decided to use Fallon Road was the front of the building. If that is in writing does that solve the problem down the road?

Alex Urda:                    It sets a president; it is in the minutes and is the right way to do it.

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

|                |                                    |            |
|----------------|------------------------------------|------------|
| Diane Aurelio: | Mr. Boland, Alternate Board Member | Voted: N/A |
|                | 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- 0

There being no further business before the board unanimously agreed to adjourn at 7:25 p.m.

Respectfully submitted,



Diane Aurelio  
Ordinance Secretary