PLANNING BOARD MEETING
REGULAR BOARD MEETING
MONDAY, AUGUST 12, 2024
7:00 PM-TOWN HALL
1529 NYS RTE 12
BINGHAMTON, NEW YORK 13901

Present:	Brian Donnelly, Chairperson Thomas Eldridge, Vice Chairperson Jamie Szenher, Board Member Maura Cooley, Board Member Deborrah Mastronardi, Board Member Michael Boland, Alternate Board Member
Also Present:	Alex Urda, Town Engineer Gavin Stiles, Code Officer Nathan VanWhy, Planning/ Zoning Attorney
Brian Donnelly:	Good evening. I will call the regular Planning Board meeting for July 8, 20224 to order. First off can we have a roll call for the attendance.
Adam Donahue:	Mr. Boland: present, Ms. Mastronardi: present, Ms. Cooley, present, Mr. Szenher: present, Mr. Eldridge: absent, Mr. Donnelly: present
Brian Donnelly:	First thing on the agenda is the approval of the July 8, 2024, regular meeting. Are there any discussions or corrections?
Jamie Szenher:	I'll make that motion to approve the minutes.
Michael Boland:	I'll second it.
Brian Donnelly:	Have a motion and a second can we have a roll call.

Adam Donahue

Mr. Boland, Board Member	Voted: Aye
Ms. Mastronardi, Board Member	Voted: Aye
Ms. Cooley, Board Member	Voted: Aye
Mr. Szenher, Board Member	Voted: Aye
Mr. Eldridge, Vice Chairperson	Voted: Absent
Mr. Donnelly, Chairperson	Voted: Aye

The motion was thereupon declared adopted by a roll call of:

Ayes – 5 Nays – 0

Brian Donnelly: Moving on to old business2024-PB12 James Payton application to have four dogs in a residential zone. Mr. Urda, do you have anything to add?

Alex Urda: I have nothing to add, I read my letter last time. We are waiting to see if they, if we had questions for them.

Brian Donnelly: We postponed it because we were waiting to have an open meeting.

Nate VanWhy: I'm recalling we were waiting for the SEQR form to be submitted. I put down public hearing left open not closed tabled for SEQR. Gavin did they submit Part 1 of the SEQR form? Yes, and it got circulated to all the board members I'm assuming.

Gavin Stiles: Yes.

Nate VanWhy: Does the board have any questions for the applicant about the information disclosed in the SEQR form? If not, we can ask if the public has any further comment and if not close the public hearing Move on to the consideration of the application itself. SEQR first to whether grant or deny the special permit.

Brian Donnelly: Public hearing first?

Nate VanWhy: If you have any questions on the SEQR we can go over that first. You can ask them now and the public can hear and comment on that.

Brian Donnelly: Does anyone have questions on the SEQR form?

Board: No.

Brian Donnelly: So, what I would like to do now is reopen the public hearing for this application. If anyone has something to say you can raise your hand to be heard by the Board and offer your thoughts. There being none, I will close the public hearing if no one has any other comments I will entertain a motion to close the public hearing.

amie Szenher: I will make a motion to close the public hearing.

Michael Boland: I will second that.

Brian Donnelly: Roll call please:

Adam Donahue:

Mr. Boland, Board Member	Voted: Aye
Ms. Mastronardi, Board Member	Voted: Aye
Ms. Cooley, Board Member	Voted: Aye
Mr. Szenher, Board Member	Voted: Aye
Mr. Eldridge, Vice Chairperson	Voted: Absent
Mr. Donnelly, Chairperson	Voted: Aye

The motion was thereupon declared adopted by a roll call of:

Ayes – 5 Nays – 0

Brian Donnelly: So, the public hearing is now closed we move onto the Part II SEQR form.

Nate VanWhy: The SERQ form is a short eleven questions, and I'll go through them real quick. You just need to indicate if there is no too small impact to no impact. Or potential impact to large to moderate impact. If you think that is a yes, that is fine, and we can mark it as yes and move on to discussing any conditions that might mitigate those potential impacts.

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

Board: No

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

Board: No.

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

Board: No.

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

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 walkway?

Board: No.

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

Board: No.

7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?

Board: No.

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

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)?

Board: No.

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

Board: No.

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

Board: No.

Nate VanWhy: Just as a sidebar I will note many of these questions if not all of them do not seem to really apply to this type of scenario and is possible for local agencies of the town to create your own list of Type II Actions. It takes a little bit of a process but once you formulate it we like states stuff supplement with our own Locally Type II Actions. This feels like a viable candidate for it. Something to think about. Now you have reviewed Part II answering no to small impacts it would be appropriate for a motion to make a Negative Declaration regarding the environmental significance for this project.

Jamie Szenher: I'll make that motion for a Negative Declaration for this Type II Action.

Maura Cooley: I'll second that.

Nate VanWhy: No need to reference Type Two Action.

Jamie Szenher: Sorry, motion for a Negative Declaration.

Adam Donahue:

Mr. Boland, Board Member	Voted: Aye
Ms. Mastronardi, Board Member	Voted: Aye
Ms. Cooley, Board Member	Voted: Aye
Mr. Szenher, Board Member	Voted: Aye
Mr. Eldridge, Vice Chairperson	Voted: Absent
Mr. Donnelly, Chairperson	Voted: Aye

The motion was thereupon declared adopted by a roll call of:

Ayes – 5 Nays – 0

Nate VanWhy: Next is to approve or deny the special permit.

Brian Donnelly: Does anyone have any questions; the applicants are here.

Michael Boland: You did not have any neighbors that complained last month?

Brian Donnelly: No one had any complaints; they did not want to approve anything like this. Because if you did it now just keep getting other houses with more dogs where they disturb their neighborhood.

Michael Boland: This is limited to four dogs.

Brian Donnelly: If they have four dogs, once the number of dogs decrease due to passing or relocated, they can't get another fourth dog. in numbers. Someone like to make a motion to approve the special permit.

Maura Cooley: I will make the motion to approve it.

Deborrah Mastronardi:I'll second that.

Brian Donnelly: Roll call please.

Adam Donahue:

Mr. Boland, Board Member	Voted: Aye
Ms. Mastronardi, Board Member	Voted: Aye
Ms. Cooley, Board Member	Voted: Aye

Mr. Szenher, Board Member	Voted: Aye
Mr. Eldridge, Vice Chairperson	Voted: Absent
Mr. Donnelly, Chairperson	Voted: Aye

The motion was thereupon declared adopted by a roll call of:

Ayes – 5 Nays – 0

Brian Donnelly: Seeing the crowd that was here last month they were not as interested as they thought they were. I hope things go well with that. It does end when you have three dogs.

Jamie Szenher: We worded last time if it is less than three dogs for a year then it reverts to none. Do you remember Mike?

Michael Boland: I do not ever remember; I think two is the norm or three.

Jamie Szenher: It is three.

Brian Donnelly: Currently three dogs are allowed in the town.

Michael Boland: So, that is what it reverts to.

Brian Donnelly: Moving on we have an advisory / opinion referral from the Town Board for Local Law defining and adding commercial self-storage facilities as a permitted use in the Neighborhood Commercial District, Planned Development District-Commercial, Planned Development District Industrial and Commercial Development District. We do not need to read the whole local law; everyone has a copy of it and has time to review it. At this point does anyone have any discussion or see anything with which they do not agree. Questions on it, now is the time.

Michael Boland When they set these up and you put a fence up and drive in entrance and then they have a storage unit and outside storage.

Webb Sisson: It is all contained they have heated for environmental people or cold in the summer. It is going to have cameras, censored with 24/7 monitoring. They have gone to the extra yard to make it nice. At the ZBA meeting when they presented it, they had slides and everything else. I have never seen such an elaborate storage facility is what they

are proposing and that is fine. They came over and looked at the property 30 to 40 times. It will be conducive of what they want to do and everything else. They have already hired another engineer, Mr. White, is dealing with them. To make sure they are doing everything environmentally approved.

Michael Boland: I was only concerned about the outside storage. No outside storage or parking boats or RVS or anything like that.

Webb Sisson Everything enclosed like a gated community. I did not see razor wire on the proposal.

Michael Boland: I am just thinking about the outside stuff.

Nate VanWhy: Under the law does allow outside storage of vehicles and other things to be clear. Those folks are going to have lockers. The next person that comes may say they want to do boats. All about of the outdoor storage of boats.

Michael Boland: Just curious if it would be s included or not.

Michael VanWhy: Are you concerned about outside storage?

Michael Boland: I just wondered how they were doing that.

Webb Sisson: They told me my boat could not go over there. The boat was too big.

Michael Boland: Through that boat in with the deal.

Webb Sisson: I will get rid of my container, and they are going to throw that in and give me storage for what I have in the container. And remove my container from my site.

Brian Donnelly: We will adjust that when we look at your application.

Webb Sisson: That is their application, I am just here as the land person.

Nate VanWhy: Does anyone have any concerns about specifics on setbacks, security standards or anything like that. I am trying to put it into context. Anyone who comes and applies for commercial self-storage facility will have to go through site plan. It is going to come in front of you anyway. Now it is just your normal site plan and review standards, nothing special that is identified in the code requires an extra level of detail attention. Do you think there are any additions to be added, and

if so what so we can discuss it and go back to the Town Board advisory.

Brian Donnelly: I would assume the setbacks would apply to whatever area it is in, whether it is NC or PDD-C. The setbacks are already set for those categories. I do not think it should be any different in that area.

Michael Boland: It is over the bank you will not even see it.

Brian Donnelly: Were talking about anyone specific, any one of these categories already have setbacks.

Nate VanWhy: In the Neighborhood Commercial District it is twenty-five feet in the front and then five feet side and rear. PDD-C, Alex do you know the setbacks off the top of your head?

Alex Urda: No, I will pull this up. Which one are you looking at?

Nate VanWhy: Looking at PDD-C if you want to look at CD.

Alex Urda: CD has front thirty-five and fifteen side and rear. PDD-C has thirty for the front, ten side and twenty-five for the rear.

Nate VanWhy: Next is PDD-I forty feet in the front, twenty-five for the side and rear. I am not saying anyone of those are right or wrong. Just asking you to think about if you have any tweaks to the code, you feel would be appropriate. Neighborhood Commercial is the only one that is less than all the others. Other allowed businesses that you have are retail uses. Food, drinks, drugs commercial retail, service uses. Beautician, barber laundry mat etc. Office uses, neighborhood medical centers amusement centers and restaurants are again in here for some reason. So those are the types of uses that currently allowed. This is not really any different from the other uses.

Brian Donnelly: Keep it consistent with the current with the commercial neighborhood would be the same. Consistent with each zone.

Nate VanWhy: Everyone is in the same thought process just leave it alone. The Town Board will appreciate that feedback. So, unless anyone has anything further to make sure we have something. If it would be appropriate for the Planning Board to just have a motion to recommend the Town Board adopt the draft law as presented.

The only thing I would like you to think about if or Gavin's is for outdoor storage for vehicles and equipment. We need to define to make it easier for him.

Alex Urda: We have a motor vehicle definition and recreational vehicle.

Gavin Stiles: I do not really like the outdoor aspect but what is a vehicle and what is equipment, which is loose.

Alex Urda: I usually see vehicles RVS, motor homes, trailers, and boats so in that list the first boat shows up is ok. It is not a vehicle.

Jamie Szenher: Not construction equipment.

Michael Boland: It does not matter either way if it fits. It is hard to pick and choose a piece of construction equipment that could be boxed or covered, that's the thing. It is better to look at them, some of the vehicles will be junk vehicles.

Gavin Stiles: It just jams me up in an interpretation aspect of it. Is that what it is, that's equipment I do not know.

Nate VanWhy: I'd say it is equipment it is worded right. It is going to be broad.

Alex Urda: I see more boats and RVS showing up.

Gavin Stiles: That was my only hang up what is a vehicle and what is equipment you know.

Michael Boland: Is there anything about the height of anything.

Alex Urda: Each zone has its own.

Nate VanWhy: That is the height of a building.

Michael Boland: What if you get a couple tractor trailers that are five foot higher.

Alex Urda: Are we going to allow storage in the front? Vestal allows storage in the back only.

Brian Donnelly: The thing I think of is the environmental impact to ensure the equipment or vehicles are leaking oil or hazardous materials leaking into the soil. If we do the site plan, make sure they have the proper

mitigation for controlling that type of thing. To be sure not to affect the environment.

Nate VanWhy: Your right site plan would be the opportunity to place some controls on those types of things. So having heard Alex and Gavin, questions or concerns raised about the vagueness of vehicles and equipment. Do you folks feel want to recommend Town Board further define them before adopting the law we can do. Or are you comfortable with the idea of vehicles are vehicles and equipment is equipment. You will know it when you see it. Usually four wheels.

Michael Boland: Drive in or pull in.

Nate VanWhy: You might end up with a junk vehicle, but they are willing to pay to store somewhere. This is a potential avenue to store that vehicle that they intend to fix later and never do. Instead of leaving it in their front yard. Equipment yes, the code officer will need to interpret what equipment is. Gavin, I have every confidence in you.

Gavin Stiles: I can play with the language.

Nate VanWhy: You will be consistent and reasonable with your interpretation of equipment.

Gavin Stiles: I appreciate your confidence in me Nate. I am concerned about the next person.

Nate VanWhy: I am not asking you to for the definition.

Alex Urda: Stated the vehicle definition from the town code.

Nate VanWhy: If you want outside storage in the back you need to make that recommendation. It may not matter depending on the district. Industrial nobody cares. NC is more of a transition zone, keep things looking clean fronts and like this in the back We can get that specific in site plan review could raise those same concerns through a normal site plan review.

Michael Boland: You are saying they would address at during site plan review instead dealing with it in the local law.

Nate VanWhy: It would be clearer if it were in the law. Half to push the developer to move things around to satisfy you. If it is not in the law specifically,

then it's up to the developer and hard to reject and adamant need it in the front and they're not going to do anything different.

Brian Donnelly: Then we can also not approve them.

Nate VanWhy: You would need good reasons to do it hopefully develop a strong factual record as the time why we thought on this occasion outdoor storage in the front not appropriate. Leaves a little more uncertainty so time in the future when we are arguing about it.

Deborrah Mastronardi: I think it could be further defined then we get another eyesore local here that is an issue that people complain about all the time. We need to close together. So, further defining vehicle and equipment ok. Any opinion about expressly saying where outdoor storage needs to be? Mr. Boland is leaning towards the rear.

Michael Boland: Yes, leaning towards the rear one side. So, you can make them do something less to look at. If it is in the back, you do not have to look at it.

Deborrah Mastronardi: Could they put a solid wall up.

Brian Donnelly: Put up fencing that is not visible.

Nate VanWhy: Screening requirement. Concerned about the two things expressly including them as matters that must be adhered to. Outdoor storage is to be located only in the rear and one side of the building. All outdoor storage must be appropriately screened from view with a minimum six-foot-high fence or shrubbery.

Michael Boland: It is not like you are beating them up, it is easy to screen with a fence.

Webb Sisson: The site that they are proposing is an example you might want to use. Because their fences are ten- twelve feet high. Did not have any room for boats outside to get into each storage area. Might want to use that as an example for future projects.

Michael Boland: I do like the screening and storage on one side.

Nate VanWhy: Vehicles and equipment defined, storage to the rear and one of the sides with outdoor storage with appropriate screening from neighboring properties by minimum six-foot-high fence or vegetation.

Deborrah Mastronardi: Sounds appropriate.

Nate VanWhy: Sounds good to everyone. Yes.

Gavin Stiles: What is the rear if we are going to do it, let's do it.

Nate VanWhy: The wall furthers from the front.

Deborrah Mastronardi: The last two points of the back of the building.

Nate VanWhy: Is there is anything else for approval to the Town Board with modifications to address definitions of vehicles and equipment, to limit outdoor storage to the rear yard and no more than one side yard with all outdoor storage adequately screened with six-foot-high fence or similar sized vegetation from neighboring properties.

Board: Sounds good.

Brian Donnelly: Someone likes to make that motion using Nate's words.

Jamie Szenher: I'll make that motion.

Maura Cooley: I'll second that motion

Brian Donnely: Roll call.

Adam Donahue:

Mr. Boland, Board Member	Voted: Aye
Ms. Mastronardi, Board Member	Voted: Aye
Ms. Cooley, Board Member	Voted: Aye
Mr. Szenher, Board Member	Voted: Aye
Mr. Eldridge, Vice Chairperson	Voted: Absent
Mr. Donnelly, Chairperson	Voted: Aye

The motion was thereupon declared adopted by a roll call of:

Ayes – 5 Nays – 0

Brian Donnelly: Anything else we need to discuss.

Jamie Szenher: Motion to adjourn at 7:38 pm.

Deborrah Mastronardi: Seconded

Respectfully submitted,

Diane Aurelio
Ordinance Office