

PLANNING BOARD MEETING
REGULAR BOARD MEETING
MONDAY, SEPTEMBER 9, 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
Deborah Mastronardi, Board Member

Also Present: Alex Urda, Town Engineer
Gavin Stiles, Code Officer
Nathan VanWhy, Planning/ Zoning Attorney
Michael Boland, Alternate Board Member

Brian Donnelly: Good evening. I will call the regular Planning Board meeting for September 9, 2024, to order. First off can we have a roll call for the attendance.

Adam Donahue: Ms. Mastronardi: present, Ms. Cooley, present, Mr. Szenher: present, Mr. Eldridge: present, Mr. Donnelly: present

Brian Donnelly: First thing on the agenda is the approval of the August 12, 2024, minutes from our regular meeting. Are there any comments or corrections?

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

Maura Cooley: I'll second it.

Brian Donnelly: Have a motion and a second can we have a roll call. Can we have a vote.

Adam Donahue

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

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

Ayes – 5 Nays – 0

Passed vote 5 to 0

Brian Donnelly: The next order of the business is the approval of the August 12, 2024, minutes any changes or modifications if not we can have a motion and a second.

Thomas Eldridge: Motion to approve the minutes.

Maura Cooley: Second

Brian Donnelly: Can we have a vote.

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

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

Ayes – 5 Nays – 0

Passed vote 5 to 0

Brian Donnelly: We have no new business. Old Business we have Haza Bell of Northeast LLC application for site plan review to open a Taco Bell in a PDD-C zone.

Alex Urda: I left my letter from before just to go through it quickly. Bullet points of the updates. Since July they response to my comments NYS SHPO response on historic and archo preservation with no impacts. Their Flood Hazardous Flood Permit goes through Gavin, Code Office. Updated short EAF page 1 promised we have back then we have an attorney email to the attempts to access the neighbor to the north for egress. That letter stated failed to achieve any agreement there. NYS DEC spill response to review to confirm there was no action required from the last spill. That was resolved years ago. We asked for lighting information we got lumark prevail led catalogs. Got their Phase I Environmental Assessment we asked for that regarding the tanks any spills and the pet cemetery out back. Asked for basic flood

information to be put on the plans. They gave us a fully updated site plan which included additional details and added a photometric plan for lighting. They gave us their land title survey. Quickly went through my list for Planning and Zoning back then. They are still merging the parcel as one, plans with elevations like before. Documents were updated. Mentioned to the applicant just to check on the NYSDOT details, which is just a technicality we offer two percent cross loops on your starting concrete amount. Site grading the BFE just to add the data what vertical datum is. That way we don't have any questions between survey and the floodplain. There is a five-inch differential. Parking they gave us twenty-two stalls at the rate of one stall per two seats. They have forty-four seats with the comparison one stall for fifty square feet of floor area. They have about a thousand square feet that is not kitchen or storage, that worked out to twenty, the greater amount is twenty-two which they still meet. We mentioned to them before what the stall size was, they are going to keep them based on their client. They have all the handicap parking per the plan. For the site lighting they gave us a photometric plan with whole fixture information and cut sheets for the lighting. I don't anticipate any lighting concerns to the north and west. They are zero-foot candles. On the south side zero to half a foot candle the east I did not consider the state highway component much. Front Street there is right-a-way lighting for the sidewalk and road system. I don't have any concerns about the lighting. The site plan we got a set of documents they must work through with Gavin on any sign permits. They still have a thousand-gallon grease trap on there to give us the details. The sewer main is out back and they have talked to Greg about that. They will have to tie down exactly where it is located once, we get the construction. Commented less bends in the line so the sows don't drop out and bend to get back to a manhole that they are proposing. They will want to work with Greg on how they are going to doghouse it to the live sewer main. Kind of like a doghouse on both sides set over it and mortar in place. That is something to coordinate with Greg. Grease trap water service front ok coordinate with the water department Gas and electric with NYSEG. Provide stormwater protection on sites above and beyond what is required. Ensure NYSDOT is ok with everything to be done and to work on that with them. Flood plain we have the flood development permit. Again, I just

want to make sure the base data for their grading and their building match the base flood elevation data that they used. They gave us an overlay for the flood information on their site plan to help with our floodplain permit. The short EAF they cleaned it up. Added information on the variances and the status of the EAF. They Got SHPO response back with no impacts. The archa has no impact on the flood plain, if they build according to plan. They addressed everything about spills. That was out here decades ago. Traffic study has no concerns from NYSDOT. I asked them to clarify with Phase II. They had a phase I environmental assessment the reviewer recommended they do a Phase II based on it being a gas station before. You guys can clarify that when I'm done to see if there is anything there. All the tanks were taken out, spills were cleaned up in the past. They have done everything over time. They can clarify that comment on their own. some of the 239 review comments still stood, they gave us new comments this week it came through on the 5th last week. Floodplain was addressed, SEQR they did clean up. Zoning preference, they have been through the Zoning Board. The 239 asked for excellent visuals on the landscaping. They do have landscaping plans we can discuss with them. Broome County Health asked about the Phase II aspect of the reporting, that's why it came up again. DPW wants to make sure we stay tight with the stormwater and know it impacts the county infrastructure. NYSDOT did ask to connect to the north, they recognize that you have tried. They made some requests to make that connection possible, available in case someone else owns it later. and offers it. They don't have to go to the north light without a Highway Work Permit. The driveway must be modified, the state rejected the three lanes, they can only have two lanes and make room behind it. And at thirty-foot width, their standard commercial driveway width and they are sticking to it, NYSDOT further appreciates removing the north driveway. Drainage study required think you are going to work your way out of that, just let us know. Sidewalk requirements double check with NYSDOT details that will work its way out during the permit. They're located in the Aquifer Protection Zone in a Wellhead protection Zone they are fine for that. No work should take place in the Town easement without prior approval. Because you are over our water easement out front. Greg and I will have to look to see if there is a sewer easement for that

sewer line out back. It should be but it did not show up on your alta I figured it would show up on that. I just realized that today. If there is an easement we may have to negotiate an agreement separately. I have no objections; it was a long list but that was from the previous submissions. For tonight I just wanted to clarify the Phase II components for the Environmental Review. I don't have any objections.

Gavin Stiles: Alex was very thorough; I don't have any comments.

Brian Donnelly: The applicants are here do you have anything to add. Address the two Environmental Assessments, is that something you would like to do?

Francis Gorman: I'm here with Bohler Engineering. There is Phase One that has no recognized environmental conditions. Has no controlled recks and it does reference historical recks. It talks about some spill that had occurred previously. All the spills were cleaned up and all the tanks were removed. Personally, I am finding in the last six months a year whenever you do a Phase One, and the property has been a gas station they always say historical reck you need to do a test. When we are under actual construction if we encounter anything, it is our statutory duty to report it. It is really an obligation of the owner and the operator whether there is contamination on the property. Based upon Phase One it identified as historical, we believe the property is clean.

Brian Donnelly: I think you pretty much covered it from my environmental background. Does anyone have any questions. No, we need to do the environmental assessment.

Nate VanWhy: Correct, the board has had a chance to review Part I of the SEQR form as well as the updated version I believe the applicant has submitted. They have been here a couple of times and have responded to the various questions and comments that have been asked and made to them. The plans seem to be in final form and ready for final approval. I will ask one last time does anyone have any questions about any of the information on SEQR form Part I

Board No.

Nate VanWhy: Turn to Part II run through the eleven questions all of you to flag whether you think the responses should be moderate to large impact may occur. There may be a moderate impact that is ok in Part III

discussing whether any conditions necessary on the project to move forward. No possible way we can think of it we would do a full-blown environmental impact study. So, we will walk through the eleven questions

Taco Bell SEQR Form Part II - Questions 1—11

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: Based on your answer no to all eleven questions it would be appropriate for one of you to make a motion to issue a Negative Declaration regarding the environmental significance for this project.

Thomas Eldridge Motion to issue a Negative Declaration for the Taco Bell project.

Maura Cooley: Second.

Bria Brian Donnelly: Can we have a vote.

Adam Donahue:	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

Passed vote 5 to 0

Nate VanWhy: Next up to the Chairman to do your site plan review and discussion and action.

Brian Donnelly: Does anyone have questions on the site plan review. Did you address the landscaping plan? I had some ideas, I just don't remember them, you discussed it before.

Francis Gorman: Landscaping around the monument sign that we are proposing. Additional trees screening for the trash enclosure curbed islands at the entryway. This doesn't depict the latest. We addressed that by adding rows of shrubs. Some perennials mixture, it is all laid out on our plans. I don't have them directly in front of me currently. We did what they asked. It is double what we had originally from the county's comments.

Brian Donnelly: Any other concerns or comments.

Alex Urda: Condition that they follow the states guidelines to get their permit. Does that need to be a condition or is that a given?

Nate VanWhy: In reference to the NYS DOT letter saying they need to keep the redevelopment path open. You need to follow NYSDOT requirements anyway it's fine to make it a condition to the plan. If they fail the NYSDOT requirements it automatically creates an issue with the site plan, and we can prosecute that.

Brian Donnelly: Basically, includes it.

Nate VanWhy: It is not uncommon to say approval of the site plan compliance with all regulatory approvals NYSDOT and the other agencies we have weighed in and provided comments that you want them to comply with. NYSDOT often comes to mind.

Brian Donnelly: Would anyone like to make a recommendation for approval with all the compliance with all the regulatory agencies DOT and such. Motion?

Jamie Szenher: I'll make that motion.

Deborrah Mastronardi Second.

Brian Donnelly: Can we have a vote.

Adam Donahue:	Ms. Mastronardi, Board Member	Voted: Aye
	Ms. Cooley, Board Member	Voted: Aye
	Mr. Szenher, Board Member	Voted: Aye
	Mr. Eldridge, Vice Chairperson	Voted: Aye

Mr. Donnelly, Chairperson Voted: Aye

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

Ayes – 5 Nays – 0

Passed vote 5 to 0

Brian Donnelly: So, you have site plan approval.

Thomas Eldridge: You were very prepared and patient. Pretty nice site plan.

Brian Donnelly: Next we have Mr. Stolfus application for update for site plan review for commercial occupancy relocate the existing office PineCreek sale office to the new location PDD-C zone Mr. Urda

Alex Urda: Do you have the revised site plan with you?

Mr. Stolfus: Yes, do you need to flip it as you are speaking?

Alex Urda; They gave us a NYSDOT letter for Pine Creek site plan review letter and requested they combine the properties upon purchases. They did address our prior comments as far as I can tell. They stayed within the commercial district zone and stayed out of the residential portion as they agreed to. We must review the total parking count here ourselves because it is not a retail building slightly different. We gave them a parking scenario like they have down the street. ADA compliance review that for guidelines They are in the Wellhead Protection Zone and comply with that. The disturbance is less than an area and does not require a SWPPP. They must submit for a sign permit application Short EAF and I defer to Nate. The 239 review there were some comments, no work in the right-of-way without a permit. No storage in the right-of-way. Also indicated if changing drainage, you need to clarify with them

Mr. Stolfus: I had that conversation with them last week. I got the initial letter needed to increase the amount of impervious area. I talked with Sean Murphy since we are not increasing the impervious surface. I I his revised letter saying if we were to increase the impervious area we need to provide them with an updated drainage report.

Alex Urda: As long as you have something that doesn't have significant impact that would help. NYS DOT letter said they will not require a drainage study for this proposal based on the lack of additional impervious surface proposed. For some reason I don't have that one.

Gavin Stiles: Give me that and I'll have Diane stamp that in for the record.

Alex Urda: That is from May What I have is August 27th.

Mr. Stolfus: I have that, I can't seem to find it.

Alex Urda: Just follow up with Diane. You're existing and adding. You need to satisfy Sean Murphy. Can you walk through the site changes for us.

Mr. Stolfus: Yes, the only site change from the original plan didn't have we added the fourteen feet by thirty-foot building right here. It will have a concrete pad; the building within itself is the actual sales building on the lot now. It is a portable structure. We will pick it up and bring it to this lot. The concrete pad is to give us a stable structure and give us a port-a-john until sometime in the future we can find the lateral to create a bathroom there. At four feet around that building is a hard durable surface for individuals that are wheelchair bound to get to that port-a-john. It does show on here the few areas as requested as where we intend to put the display areas. These three here like the lot is now. The chairs gazebos the playsets and chicken coops will be set up behind that fence.

Alex Urda: Is the building coming down?

Mr. Stolfus: As soon as we get approval, we will be in the process of getting a couple of bids from contractors to take down these two garages here and a large chunk of the main building that sits along the road. The one in the back we are leaving alone. Now we are not sure what we are going to do with it. If we do bring it down, we will have to get permits. We are leaving that back section of the building which appears to be two stories. It is structural enough to use for storage. We have since the last meeting mowed all the grass sprayed and killed all the weeds and had a tree trimmer out there the other week. They cleaned out the embankment. There is a visual barrier between us and our neighbors. When he was out there, we stressed that. It's not that we don't want them to see our stuff, we don't want that main interruption. We

everybody as a user resident doesn't want to hear us. We cleaned it up enough to make it work.

Alex Urda: I didn't have any objections.

Brian Donnelly: Mr. Stiles, do you have any comments?

Gavin Stiles: If you are going to cut into that main old building and leave some of it. It would be nice to have an engineer say what you leave can stand there alright. It makes me a little goosey.

Mr. Stolfus: Someone certified from the state?

Gavin Stiles: Engineer not from Pa one more from here.

Thomas Eldridge: I think it is a shame you are taking down the sagging back building. Because it was going to defy gravity forever, I think.

Mr. Stolfus: You said that same comment last time.

Thomas Eldridge: I love to see if it is still standing.

Mr. Stolfus: I think we started with the conversation. Are you leaving that?

Gavin Stiles: Even if you have a structural engineer to look at the other one to see if it might stay up much longer. The barn is rugged.

Mr. Stolfus: As soon as we get plan approval, he issues us the permit and I get a contractor. The worst case would be by the second week in October. That is one that I have stressed to come down first. And I know we kicked around keeping the internally keep the white barn. If they can figure out how this will come down, please let me know.

Gavin Stiles: We will figure that out.

Mura Cooley: Will the fence stay?

Mr. Stolfus: The chain link fencing up front he likes, and it keeps a separation between people walking on the sidewalk and our stuff. He plans on fixing it. I plan on holding him to it too. I know this stuff back in here that is all going to go away. This will stay.

Brian Donnelly: Are you planning any landscaping?

Mr. Stolfus: None at all.

Brian Donnelly: Just cleaning it up is a big improvement.

Mr. Stolfus: You are the third or fourth person that has said that to me.

Michael Boland: Kind of nice when you lower the bar down there now. Just clean it up to make it look great.

Mr. Stolfus: It is but at the same time too Not that I don't want to do landscaping the next person that comes in sets the precedence. It is nice the bar set for me was really low. Once we get it up and running it will be up to Bob if he really wants to landscape or not.

Brian Donnelly: Any other questions. We need to do SEQR review?

Nate VanWhy Yes, you all had a chance to review the EAF Part I and the updated plans have been submitted by the applicant. Any questions about the application if not we will begin the SEQR review Part II

Pine Creek Structures SEQR Form Part II - Questions 1—11

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: Based on your answers been no for all eleven questions I ask for a motion for a Negative Declaration for this project

Thomas Eldridge: I make a motion for a negative declaration for Pine Creek Structures project

Muara Cooley: Second the motion.

Brian Donnelly: Can we have a vote.

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

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

Ayes – 5 Nays – 0

Passed vote 5 to 0

Nate VanWhy Mr. Chairman next is to approve or deny the site plan.

Brian Donnelly: You answered all the questions would someone like to make a motion?

Jamie Szenher: I'll make a motion to approve the site plan

Thomas Eldridge: Second

Brian Donnelly: Can we have a vote.

Nate VanWhy: When you say all the conditions do you mean from NYSDOT and other permitting agencies.

Jamie Szenher: All the permitting agencies.

Thomas Eldridge: I'll still second that.

Brian Donnelly: can we have a vote.

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

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

Ayes – 5 Nays – 0

Passed vote 5 to 0

Brian Donnelly: You are all set. Nice improvement to Front Street.

Brian Donnelly: We have a couple of advisories/opinion referrals. The first one is 2024-V11 BC Laundry LLC. Application for an interpretation to have a LED sign for BC Laundry after the code officer denied the sign. Mr. Urda any comments?

Alex Urda: I did a review. This is more of a legal thing for the Board than engineering. This is regarding the LED sign for BC Laundry after the code officer denied the sign permit application. They are appealing relative to an interest in the LED sign permit. We received the Zoning Board of Appeals application, applicants' letter and the NYS Code Official Gavin Stiles letter. For me looking at Chapter 73, Article V, Signs this parcel is within a Commercial Development (CD) zoning district and must adhere to 73-15 Signs in NC, CD and PDD Districts. 73-14 that is in question is specifically for signs permitted in R district, A District and the residential zones of the PDD Districts. However, within 73-14 D there is a note that indicates "The following shall not be permitted in any zoning district of the Town of Chenango" This condition to include 73-14 D(3) "No changeable copy signs such as light-emitting diode (LED signs, shall be permitted with an exception relative to gasoline station pricing. We defer to the Town's Legal Counsel for clarification regarding if any portion of 73-14 should be under any consideration at this location as it does not pertain to CD zoned parcels despite the wording of 73-14 D. A note of this nature, if it was intended for all districts, should be in 73-16 Regulations applicable to all districts, as an applicant in a CD zone would not be expected to review 73-14. That is my two cents, it is more of a legal thing.

Brian Donnelly: Mr. Stiles, do you have any comments on this?

Gavin Stiles: I think should of is a weird thing to say, it is a reasonable thing to say. Nevertheless, I took it to be amended in 2010 and the intent they way it is written was to encompass the entire town. The e-code never failed to place it in every single zone. It clearly says in any zone. So that is where I parked my car.

Alex Urda: That is how we addressed Big E Tire when they can through almost a decade ago.

Thomas Eldridge: Correct me if I'm wrong the code is open to his interpretation, right? The town's code is open to Gavin's interpretation right.

Nate VanWhy: Yes, it says in any zoning district. Looks like Gavin put together a list of all the digital signs that exist in the town. It appears that is one of the attachments. Big E Tire in 2018 use variance 2014 Central Baptist Church was a use variance. 2009 First Methodist Church area and use variance to replace an existing sign that was before the code was changed in 2010. In 2011 First Methodist Church use variance to increase the time allowed for an LED sign to be illuminate. The Spot Diner pre-existing non-conforming CV School presumably pre-existing non-conforming under NYS jurisdiction. Frontier is also pre-existing non-conforming. So, you have three re-existing non-conforming signs and several that were given by a use variance. Which supports Gavin looking at it today is not allowed; you will need a use variance.

Thomas Eldridge: If they want it, they need a use variance.

Brian Donnelly: Is the applicant here? I don't see anybody. Just checking for the record. I agree with you that our interpretation is Gavin interprets the code they want to put up a sign like that they need a use variance. Go to the Zoning Board to get a use variance.

Gavin Stiles: Would a recommendation from you guys be helpful to push that down the line for them to say.

Thomas Eldridge: Normally they would be here, and we would say that to them to go and do that.

Gavin Stiles: Just to place that language everywhere so there wasn't

Brian Donnelly: Maybe we should have a discussion if there any objection or information to make comments about. Doing a use variance for that location.

Nate VanWhy: I think that is hard because they haven't applied for a use variance. I think what Gavin was asking you to do is have a recommendation to the Town Board allowing digital signs in commercial districts. Like NC, CD PDD-I, PDD-C which is all your business places. Looks like use variances have been granted in the past. I would rely on Gavin to tell us more about that.

Gavin Stiles: That is when they were handing them out like tootsie rolls. But this is a weird Residential and Agricultural and Planned Development Districts of the Residential. I'm not sure what those are. The language in there the intent in 2010 was to disallow it from anywhere. But that language didn't find itself in all the different zoning districts. So, either make it allowable somewhere or plant that language.

Nate VanWhy: That is going past what the interpretation is asking you.

Thomas Eldridge: We should make a recommendation to the Town Boars that they clean the verbiage up, so it is more cut and dried.

Maura Cooley: The reasoning behind it was a safety concern.

Jamie Szenher: Yes, I remember the lights were too bright.

Brian Donnelly: Distracting traffic. We went through a lot of discussion on how quickly it could change so it wouldn't be a distraction.

Nate VanWhy: I think a lot has changed and the intent over the years. DOT has very clear regulations on what they allow and has done scientific study. Most of the time Municipalities say whatever DOT requires is fine by us and they're not going to get into it. It is really do you like the look of digital l signs verses non digital signs.

Thomas Eldridge: In 2008 you couldn't dim for the Led signs. Now that is all different.

Gavin Stiles: I think the argument at the time is we don't want to look like the Vestal Parkway or Las Vegas or something.

Nate VanWhy: So, I think I saw three heads in agreement a motion to uphold the Code Officers interpretation which would not allow this and go for a use variance if they want one.

Brian Donnelly: That sounds correct to me.

Nate VanWhy: Is there a motion?

Thomas Eldridge: I'll make a motion that we uphold what Gavin said in his interpretation and if they would like a Led sign to go for a use variance.

Maura Cooley: Second that.

Brian Donnelly: Can we have a vote

Adam Donahue: Ms. Mastronardi, Board Member Voted: Aye

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

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

Ayes – 5 Nays – 0

Passed vote 5 to 0

Thomas Eldridge: Can we also make the Town Board look at the verbiage on this? At least clean it up like Gavin said. Or make it viable in some commercial districts that they feel fit. They can get back to us.

Brian Donnelly: Make a motion to send a message to the Town Board.

Jamie Szenher: I'll make aa motion to send it to the Town Board.

Thomas Eldridge: Second.

Nate VanWhy: We need to be specific what it is you are asking the Town Board to do. Recommendation to clean up the language

Thomas Eldridge: Like Gavin said in one zone it says you can't do it but, in any zone, it doesn't say that zone specifically say that. Someone could say it doesn't say that here and he is saying all of them. Copy and paste that in every zone.

Nate VanWhy: That an idea on how to clean it up.

Jamie Szenher: The motion is to clean up the language.

Nate VanWhy: Do you want to ask the Town Board if they should consider affirmatively allowing digital signs in any place within the town.

Thomas Eldridge: I would say so. We have five use variances for it.

Nate VanWhy: It would be potentially worth visiting it again should we allow Led signs in particular areas. Maybe the answer is still no.

Gavin Stiles: Alex brought this up earlier there is a section in here that says applicable in all districts 73-16. So, that got stuck in there.

Alex Urda: The other conflicting thing you can have changeable copy signs such as light -emitting diode (Led signs, shall be permitted with an

exception relative to gasoline station pricing. But they can't be red or green if you are within so many feet of a stop light. That may still apply, that discussion can come up later.

Nate VanWhy: Could it be a generic that the Town Board update the sign code in general it might be a few other things while they are digging around in there.

Thomas Eldridge: Do we have that kind of time,

Nate VanWhy: Little bites at a time. Adam, what do you have as the Motion.

Adam Donahue: That the Town Board clean up the language and allow Led signs.

Nate VanWhy: Consider allowing Led signs in commercial districts.

Gavin Stiles: Regulation applicable in all districts.

Brian Donnelly: Does that sound good to everybody. Jamie made the motion Thomas seconded

Thomas Eldridge: How do these people since they are not here how do they get notified of this. Gavin, do you call them and tell them this?

Nate VanWhy: Normally they would be here, but there will be a referral from the Planning Board to the Zoning Board of Appeals

Gavin Stiles: They paid ninety dollars to come here but didn't show. We may never see him again.

Alex Urda: That is up to him then.

Brian Donnelly: We need to have a vote

Adam Donahue: Are we including the CD District?

Brian Donnelly: Yes. Can we have a vote.

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

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

Ayes – 5 Nays – 0

Passed vote 5 to 0

Brian Donnelly: Next we have an area variance to construct a garage in front of the principal structure in an Agricultural zone, Mr. Urda,

Alex Urda: Ok 44 Stacy Drive they got a zoning board application, letter of intent, site layout, pictures of the garage and house, I think they photoshopped it. neighbors' letter of approval. And a short EAF. The letter from the neighbor is immediately adjacent to it. The 239 is not required and the EAF is not required for a Type II action under SEQR. Building Permit will be required. I have no engineering objections.

Brian Donnelly: Mr. Stiles, do you have any comments.

Gavin Stiles: It would not bother me a bit.

Brian Donnelly: Is the applicant here? No. Does anyone have any comments?

Thomas Eldridge: This is just an advisory referral, then goes to the Zoning Board.

Gavin Stiles: It's got to go to the ZBA anyway.

Thomas Eldridge: It is an agricultural piece of property; they should be able to do anything they want. Regardless of if they have a farm or not.

Alex Urda: It is so many feet away measured online it is eighteen feet not twenty-eight like they say. But they have plenty of room.

Jamie Szenher: There are trees up there.

Thomas Eldridge: It is very wooded.

Gavin Stiles: There is a guy couple doors down asked for the same thing

Thomas Eldridge: I'll make a motion to the Zoning Board of Appeals for a favorable advisory.

Jamie Szenher: Second.

Brian Donnelly: Can we have vote:

Adam Donahue:	Ms. Mastronardi, Board Member	Voted: Aye
	Ms. Cooley, Board Member	Voted: Aye
	Mr. Szenher, Board Member	Voted: Aye

Mr. Eldridge, Vice Chairperson Voted: Aye
Mr. Donnelly, Chairperson Voted: Aye

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

Ayes – 5 Nays – 0

Passed vote 5 to 0

Brian Donnelly: So that will go to the ZBA with a favorable advisory from this board.

Brian Donnelly: I guess we have one more thing that was put on here today. defining and adding commercial self-storage facilities as permitted use in NC PDD-C PDD-I and CD. Review Broome County 239 comments for the Town Board advisory.

Nate VanWhy: Mr. Chairman if I could assist on this. The Town Board at their last meeting on Wednesday was presented with these comments from Broome County In reviewing them and the way the County has phrased them I'm of the opinion that if you don't address the submitters on the bullets that they have on here. Then it triggers a super majority vote by the Town Board. So, some members of the Town Board wanted input from you folks. So, Gavin, Alex and myself specific items so that the town Board would be fully informed to whether or not a particular bullet point here merits some changes to the local law or not. So, each of these bullet points be reviewed and recommended on whether or not this requires any changes to the draft local law from you folks. They are asking the same thing from Gavin, Alex and myself in time for their meeting a week from this Wednesday. There is only two pages of bullet point here. Some of these are faster than others. Some of this discussion will mirror the discussion looking back we did talk about that. You might just refer to we fell we have already discussed this at length at the first meeting in August, see the meeting minutes from that meeting. But at least then the Town Board will have available the minutes from the August meeting the information from this meeting and our own input at their meeting in September whatever date it is. They are looking to schedule a public hearing on this at their first meeting in October, I think October 4th. I believe they would like to be fully informed as

possible. If there are any changes needed to come out of this as a result of this. They would need to be finished prior to scheduling a public hearing. However, they want to make those changes before scheduling the public hearing.

Alex Urda: They wanted to document from the three of us, but Nate I think you confirmed we like Brian do a document that we can piggyback off from tonight. We won't have to each write one, right?

Gavin Stiles: I thought we would be in concert.

Alex Urda: As long as we are all on the same page.

Nate VanWhy: I'm taking notes. So, the first one.

- The project area includes the existing and preliminary FEMA Special Flood Hazard Areas flood inundation areas. The Town should exercise caution in allowing these uses in flood prone areas and should consider that the NYS Uniform Fire Prevention and Building Code restricts the placement of hazardous materials within the floodplain.

Thomas Eldridge: There are a million rules in place to stop that anyway.

Alex Urda: I can cover this one the developable area of that site is the floodway. This one location is coming up that they are most concerned about is out of the floodplain. For all the remaining ones that got to go through Gavin Floodplain Development application is required. The thing that triggered this active process.

Nate VanWhy: So, our code requires a floodplain development application, along with site plan review should adequately address any concerns relating to flooding.

Alex Urda: We are in the Community Rating System, so we always advise everyone try to stay out of it if possible. That is how we keep our five percent rating for everybody.

Nate VanWhy: Does that comment make sense to all of you. Yes. So, this is a change to the zoning code. We are allowing this as a allowable use in four districts. CD, NC, PDD-C and the PDD-I. Which covers a significant portion of the town. That is why that is the appropriate project area. So put that in context, it is not a specific piece of land yet. There are

some hopeful applications to be filed if adopted. It is not about those projects.

- The project area includes steep slopes, floodplains, wetlands, private wells, no public water and no public sewer, semi-rural landscapes, low-density areas, agricultural and residential districts and uses in and /or adjacent to the project area, small scale commercial uses, and a key gateway (NYS Route 12) to the Town of Chenango that leaves a first impression.

Nate VanWhy: That seems more like a string of conciseness thought from the County. Because there is no actual action item that identifies that.

Alex Urda: The thing I noted is there are no agricultural or residential districts uses in the project. Using the phrase in. We were looking at other districts.

- Appropriate zoning laws are essential for commercial self- storage facilities and outdoor storage of vehicles and/or equipment. Self-storage facilities do not necessarily fit into the residential and non-residential district categories. Before self-storage became popular, these developments typically only existed in industrial districts. Many municipalities require conditional use permits or supplementary standards for self-storage facilities and for outdoor storage of vehicles and equipment to mitigate potential impacts.

Thomas Eldridge: We are not trying to put it into a residential zone.

Nate VanWhy: Correct.

Alex Urda: He is also adding fencing which was recommended.

Nate VanWhy: Seems to be a more informative comment from the County. No action item to change anything.

Brian Donnelly: Thank you for your input. These seem to be statements.

Thomas Eldridge: They are statements, it's a one person's statement.

- For example, these issues point to the need to consider land use capability, protection of community character and infrastructure and environmental constraints. Commercial self-storage facilities are typically windowless, nondescript compartmentalized buildings arranged in rows without a focus on aesthetics. Potential impacts include aesthetics, hazardous materials and waste

storage, fire hazards and light pollution. Some perceive that self-storage facilities attract crime, bring down property values, generate traffic and lack good aesthetics. Commercial self-storage facilities require a consumer base, access to utilities, visibility from the road and in some cases four or more acres. Vehicles and equipment can leak hazards.

Nate VanWhy: As you can see there is no actual statement indicating anything to actually address by a change in the local law.

Thomas Eldridge: If you really did know what this does it really breaks it down.

- The Town should consider adopting special permit standards or other conditions for commercial self-storage facilities and for outdoor storage of vehicles and/or equipment that address the following:

Nate VanWhy: I'm not going to read all of this. Then you see a bunch of bullets. So, I would ask you all to review that list of bullets and provide feedback on whether or not you think the Town Code should include specific standards or list any of these things as conditions explicitly. I will remind you that we have SEQR Environmental Quality Review and in reviewing SEQR you can place conditions to mitigate potential adverse impacts on the environment. We also have a site plan review and every district that these commercial self-storage facilities will be located they will be subject to site plan review. Which means they will be in front of you. That does not mean you won't be able to point back to specific a standard in our code. That says no. no. no you can only have ten thousand square foot storage facility or some other condition. We are not so strict as that. So, following some of these things might be a way to be clearer with developers' expectations of the Town has for how these buildings should look, be designed those types of things be in or not. That is kind of the push and pull thoughts you might have on there. Any feedback on those bullets?

Thomas Eldridge: The only one I see; we don't have something in the code and the state deems to stop all of these. It might actually be good to put in a fire safety response plan. Fire suppression access water and security. Gated closed in facility shouldn't the fire department have access to the gate code. Do we have something that says that in the Town?

Alex Urda: Generally, we dictate they need a Knox-box so the Fire Department has access. That is part of site plan review I don't know if it is in town code but, I always put that in there.

Gavin Stiles: It is in the 2021 Fire Code and the Uniform Code.

Alex Urda: There isn't openly access required, like solar sites require a gate. Knox-box for the Fire Department if they need it.

Nate VanWhy: I think all these bullets are great, all these things can be addressed through site plan review process making them requirements of a special permit. They said the Town should adopt special standards or other conditions. Those are things people will have to meet. Site plan review they don't have to meet them but you folks could say we think these things are important and without them your facility will be potentially be injurious to the neighbors. Now by allowing them is a use allowed by right the default is the approval of these things. Is a kind of determination that absence really egregious design issue that they will be allowed most likely as they proposed. Assuming nobody is going to propose something crazy. Trying to put that in context.

Alex Urda: The second one is required by, the third is required by code, fourth one required by code, fifth one knocked out by the site plan process. As far as junk yards and junk vehicles, if it is a commercial site I can't really dictate if you have four vehicles parked on your property or registered.

Nate VanWhy: Your right it is not going to be a junk yard. A junk yard is very different than a commercial self-storage facility. Someone wants to put their junk vehicle and pay money to have it stored. I would rather have it stored instead of their yard.

Thomas Eldridge: How about advertising, you need a sign permit to do that if they make it pass that.

Alex Urda: The explosive is a Gavin thing building class has to meet climate control. That comes up in their application if they are doing climate control. Ground cover is a site plan thing. Drains I don't think you want them because they will dump anything they want in them, also site plan. Light pollution is part of our site plan process. Stockpiling of outdoor storage and stacking of storage units. That is more for pod

styles. But we would flush that out during the site plan process. Utilities, drainage and infrastructure needs – all done during the site plan review process. Resident management unit, inspections, property maintenance and hours of operation. If they want an office presence it is just part of the site plan. I don't know if we would require inspections. Property maintenance and hours of operation handled during the site plan review. Potential for onsite service and repair is a no. Some people will work on their car for a short period of time you do see it. Commercial advertisement on the units that is a code official thing if they start to advertise. The one thing everybody sees is the options, who knows what you will get for fifty bucks. That is part of the business if there is surplus stuff. It is either hauled out or auctioned there.

Nate VanWhy: You heard Alex gone through with specifics.

Alex Urda: I know they are going to ask me if we did it.

Nate VanWhy: And that is fair. It sounds like the summary of regulations like site plan building code SEQR adequately provide the opportunity to address all these issues at the Planning Board level.

- The sixth bullet The Town should consider the most intensive development scenario for these uses, especially adjacent to less intensive districts and uses. This more not a change to the local law, when considering SEQR for the Town Board when they adopt this. To me the most intensive development, what is the maximum lot coverage.

Alex Urda: Sixty percent.

Gavin Stiles: I don't have the cheat sheet in front of me.

Nate VanWhy: So, there is a maximum lot coverage in the Town for each district. Industrial allows you to take a lot more than a residential facility. Just a comment not to forget to consider that. Gavin it might be helpful to have that information for the Town Board at their next meeting.

Gavin Stiles: We have four districts CD, PDD-C, PDD-I, NC District.

Alex Urda: Industrial is sixty percent, Like I stated these are typically located in industrial areas. I don't know if we change that sixty.

Thomas Eldridge: Commercial allows forty percent can't forget industrial allows seventy.

Alex Urda: CD is sixty.

Brian Donnelly: They would have to conform to what the regulation already is.

Nate VanWhy:

- Seventh bullet The Town should consider the adequacy of the NC, CD, PDD-C and PDD-I district and site plan review regulations for these uses. SO that comes back to you folks. Are you comfortable with those requirements.

Board: Yes.

Alex Urda: By the way they all have sixty percent coverage.

Nate VanWhy: I will state the Planning Board is satisfied with the adequacy of the site plan review.

- Eight bullet another information thing about the Town of Chenango Comprehensive Plan questionnaire results show outdoor storage is one of two categories that residents selected as needing more attention by the Town Officials through better code enforcement and zoning regulations. I would pause to allow this, it adequately addresses it.
- Ninety bullet the town should use caution is taking actions that could bring more intensive development in flood prone areas with steep slopes, wetlands and other environmental and infrastructure constraints. The Broome County Department has recommended restricting self-storage facilities in the floodplain in previous comments, where these uses will be vulnerable to property damage, may divert flood water and may become a hazard during a flood. It is just a repetition of what they said previously, and the Town has a flood damage law which requires floodplain permits before construction. We have standards for what these things need to look like. And there is a variance procedure within the floodplain law if someone needs to vary from it. That is why we have those laws.

Alex Urda: They would be challenged pretty hard to put one in a floodplain area.

Nate VanWhy: They would have to raise above floodplain base elevation

Thomass Eldridge: I don't think flood insurance is for renters.

Nate VanWhy:

- Tenth bullet says the NYSDEC Smart Growth Policy and Broome County Planning Department encourage growth in developed areas with existing infrastructure. That is just a comment needing further addressing.
- The Broome County Comprehensive Plan recommends design guidelines in key gateways and business districts, excellence in building and site design, design standards for key gateways, walkable communities and land uses that create vibrant spaces. To me this is wishing we would update the Comprehensive Plan. We are taking exactly what they have asked for adopting gateway design guidelines.

Alex Urda: I don't know who is on their Board to create this thing.

Nate VanWhy: They want each of the Town's to do it themselves. The County would help.

Alex Urda: They kept talking about the gateway project and recommend denial of projects in the gateway. This would give you the opportunity to work on your Comprehensive Plan.

Nate VanWhy: Do you have any desire to add more gateway district design guidelines for this or do different for any other.

Thomas Eldridge: It is contradictory with residential areas saying there aren't enough storage facilities. If you coming to the area for the first time and driving through the gateway and saw a storage facility on the road from your house that will probably help you.

- The eleventh bullet is probably for Alex and me. Updating the EAF to include the purpose Town Comprehensive Plan recommendation. The Susquehanna Heritage Area Management Plan and the Broome County Agricultural Economic Development Plan in the land use plans responses and a map showing the applicable zoning districts. I don't think that is anything you need to respond to.

Nate VanWhy: In summary the flood plan prevention law , site plan requirements the existing bulk regulations are all in place from our August discussion I know you all said we feel comfortable that we have enough regulations in place to appropriately oversee these developments within the Town of Chenango without adding further scrutiny with regulations or conditions I think that is what you are all indicating

tonight. A motion to provide feedback to the Town Board as I just described would be appropriate at this point.

Alex Urda: And that Alex and Gavin concur with your findings. Put a date to the letter this time too.

Brian Donnelly: So, we need a motion.

Maura Cooley: A motion to provide feedback as recommended.

Alex Urda: I don't want that to come back again. Maybe further define vehicle and equipment. I don't want to sit down next Wednesday

Nate VanWhy: Let's do this first is the Planning Board response to the 239 comments which is what we just discussed. A motion to provide the Town Board a recommendation We are satisfied with all the existing regulations in place to oversee these developments appropriately within the Town of Chenango without adding further scrutiny with regulations or conditions.

Thomas Eldridge: Second.

Brian Donnelly: Can we have a vote.

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

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

Ayes – 5 Nays – 0

Passed vote 5 to 0

Nate VanWhy: Secondly.

Alex Urda: I'm worried they are going to kick that back. Our letter was very simple, go with it and further define vehicle and equipment. Because they are not very well defined. Cover everything or nothing. Maybe we don't need that comment and Gavin interprets.

Gavin Stiles: I decide whatever I think equipment is.

Alex Urda: I'm worried about that loose end with the Town Board. Well, they didn't give us any definition for these two, so see what they have to say. Then we're looking at it again in October. As long as including equipment as boats, trailers, vehicles are considered

Gavin Stiles: Are you parking the D11 back there.

Alex Urda: Maybe we don't need to define it.

Gavin Stiles: There is a definition for a vehicle in our Town Code, it goes everywhere from a car to a moped. Equipment is a word that is in there.

Michael Boland: You can have equipment that sits in the office, equipment to dig holes.

Thomas Eldridge: It could be a roof top unit, air compressor.

Gavin Stiles: If something weird shows up, but that's equipment.

Nate VanWhy: The Code Office says that's not equipment you can't store it outside, then it would go for an interpretation with the Zoning Board would agree or not. Agree if it is equipment. We can't exhaustively define equipment in a way, there will always be something, what about this, what about that.

Thomas Eldridge: Do we really need to police that?

Gavin Stiles: Let it ride.

Alex Urda: Vehicle is defined as any vehicle that is propelled by other by human or animal. Maybe we change that statement we are ok with the vehicle definition and leave equipment up to code interpretation.

Nate Van Why: It is a appropriate discussion, I'm coming to you for a self-storage facility. Here is the indoor storage and here is the outdoor storage. Great how are you screening that, nobody wants to see any of that equipment. We don't care what the equipment is, nobody wants to see it put up a fence. Are you all comfortable with that.

Michael Boland: It all goes back to zoning and interpretation

Thomas Eldridge: Why would you pay money to store junk outside.

Nate VanWhy: Usually they leave in their ow yard. I'm trying to think of a self-storage facility that I have seen. I'm going to pick on Walsh's because they're

not here. There is no action on the vehicle and equipment. Did the Town Board specifically ask that.

Alex Urda: It was in our letter that we recommended they consider further language on those two words.

Nate VanWhy: Either you rescind it, or we have the Planning Board a motion to leave the language with vehicles and equipment as it without further expansion or definition.

Thomas Eldrige: I'll make a motion to leave the language with the vehicles and equipment as is without further expansion or definition.

Jamie Szenher: I'll second that.

Brian Donnelly: Can we have a vote.

Brian Donnelly: Can we have a vote.

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

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

Ayes – 5 Nays – 0

Passed vote 5 to 0

Brain Donnelly: So, we adequately addressed everything the Board wanted, does anyone else have anything to discuss.

Jamie Szenher: Motion to adjourn.

The meeting was adjourned at 8:28 p.m.

Respectfully submitted



Diane Aurelio
Ordinance Office