

PLANNING BOARD
MONDAY, APRIL 11, 2016
7:00 P.M. - TOWN HALL - 1529 NYS RTE 12
BINGHAMTON - NEW YORK - 13901

PRESENT: Cynthia Paddick - Chair
Messer: Donnelly, Carl and Worden

ALSO, PRESENT: Alex Urda P.E. - Town Engineer
Scott Russell – Assessor’s Aide

ABSENT: Alan Blythe – Planning Board Member
James DiMascio - Town Board Member

The meeting convened at 7:00 p.m., at which time Mrs. Paddick called the meeting to order and welcomed the audience. Mrs. Paddick read a statement which explained the Planning Board Mission, along with the Board’s duties, functions and limitations. The first order of business is the approval of the minutes from the Regular Planning Board meeting on March 14, 2016.

A motion was made by Mr. Worden, seconded by Mr. Carl, to approve the minutes from the March 14, 2016 regular Planning Board meeting.

Roll Call: Ayes – 5 Nays – 0 Absent – 1 (Blythe)

NEW BUSINESS

- **DRIVEN AUTOMOTIVE – Michael Elliott- 1048 & 1052 Upper Front St. - TM#128.07-4-25 & 128.07-4-24- Application for commercial re-occupancy site plan review for used car sales.**

Mr. Urda stated the applicants request for commercial re-occupancy at the former Michael’s Auto Sales. This will be for used car sales. No repair work will be done on site, only preparing vehicles for sale. The site is located in the Planned Development District Commercial (Pdd-c). There are several questions that are similar to those of Michael’s Auto from 2013. The use is acceptable for the zoning district. The area variances for the lot size and lot depth were previously resolved in 2015, which is a common problem within the Pdd-c District. The lighting will remain unchanged. If in the future they decide to add additional lighting, we request prior to acquisition and installation they provide the Ordinance Office their plan for code compliance for illumination levels on the site to ensure no effects off site. The spill prevention plan needs to be updated to reflect the current use of the property with the business name; date and such include the correction to this location as an auto service and sales facility with the intent to provide minor vehicle repairs. The site indicates 135 parking spaces, 128 for display 2 employee and 4 for customers and 1 ADA parking space. The vehicles are to remain according to the approved plan. Any surplus vehicles beyond what is indicated will not be allowed on site. All loading and unloading of vehicles should take place on site. There is some discrepancies regarding the pond holding 5,000 gallons, but the site plan shows 8,184 gallons this need clarification. What is the intended design storm for this area able to handle. What is the anticipated percolation rate per design engineer? It does not appear

the 2012 plan was completely developed with the lot grading. Will the grading be done to provide the parking as noted on the site plan. The site disturbance and proposed grading are still not indicated on the plan, which was requested in 2013. We need an updated plan. If they disturb more than an acre a stormwater SPEDS permit and plan will be necessary with the required along with the associated documents. Provide an erosion and sediment control plan with details to accompany the grading work. The applicant should address where the vehicles are to be washed. If there are any floor drains in the existing building. If the applicant is not sure they should coordinate with the Code Officer for compliance according to the municipal and USEPA regulations. Where are the trash /recycling containers to be stored? Any changes to the building interior or exterior may require building code review by the Ordinance Office prior to any construction. Does the applicant intend on landscaping the site? Access to Prescott Road is not part of the plan and should be prohibited. Any signage will require a sign permit. This project is subject to Broome County 239 review and is a Type II Action under SEQR. Approval is recommended pending the response to the questions mentioned.

Mr. Russell from the Ordinance Department is in support of Driven Automotive and would request conditions being set on the number of vehicles on the property and setbacks from property lines.

Mr. Elliott was present to answer questions from the Board.

Mrs. Paddick - Where will the vehicle washing take place?

Mr. Elliott - Washing will be done inside the building.

Mrs. Paddick is there floor drains in the building?

Mr. Elliott - Not sure if there are floor drains or not, who do I contact to find out?

Mr. Urda - Contact the Ordinance Office to coordinate an inspection of the building to verify if there are floor drains with an oil/water separator. Fire inspection and sign permit would also be handled by the Ordinance Office.

Mrs. Paddick - Any anticipated landscaping for the site?

Mr. Elliott - No landscaping, just cleaning up the property.

Mrs. Paddick - Where will the trash and recycling be stored and will it be screened?

Mr. Elliott - The trash will be kept in a dumpster behind the building. Currently the dumpster is not screened, but if necessary it can be done.

Mr. Urda - The location and screening of the dumpster should be noted on the site plan.

Mrs. Paddick - Any grading you will have to stay within the 1 acre bench mark.

Mr. Elliott - There are no changes planned.

Mr. Donnelly - What is the maximum number of vehicles at any given time?

Mr. Urda - The site plan indicates 128 for display with 7 for employees and patrons.

Mr. Elliott - Currently we have less than 40 vehicles.

There being no further comments a motion was made by Mr. Donnelly, seconded by Mr. Carl to approve this site plan for commercial re-occupancy.

Roll Call: Ayes – 5 Nays – 0 Absent – 1 (Blythe)

Mrs. Paddick stated they will need to coordinate with the Code Office to schedule a fire inspection, sign permit and any changes to the site plan to notify the Code Office.

- **THE CROWS NEST MMA– James Rodriguez – 1434 Upper Front St. - TM#112.05-3-35- Application for site plan review for commercial re-occupancy to operate martial arts studio. Zoned Pdd-c**

Mr. Urda read his letter noting the applicant’s request for a commercial re-occupancy to operate a martial arts studio in a portion of the Meineke Muffler building. The parking for the two uses for this parcel is estimated 30 parking stalls. They currently have 35 outdoor spaces and 5 within the service bays. The parking and lighting will remain unchanged. Any signage or renovations will require compliance review by the Code Office. This is a Type II action under SEQR and is subject to 239 Review by Broome County. Approval is recommended for this re-occupancy.

Mr. Russell is in support of The Crow’s Nest MMA with the conditions of a fire inspection being required and a sign permit required.

The applicant was not present.

There being no further discussion a motion was made by Mr. Carl, seconded by Mr. Worden to approve this site plan re-occupancy with a fire inspection and sign permit being required.

Roll Call: Ayes – 5 Nays – 0 Absent – 1 (Blythe)

- **SANDBAGS UNLIMITED WITH SHORT EAF – Luke Tokarz owner – 667 Brooks Rd. – TM#066.03-1-9.2 – Site Plan Review with Short EAF – “Lead Agency and “Determination of Significance”.**

Mr. Urda reviewed the applicants multiple variances within an Agricultural Zone. Which were approved

by the Zoning Board of Appeals. This is for the site plan approval portion, along with the Short Environmental Assessment Review. The applicant will require a building permit for both the pole barn and the house. They should consider paving the front entrance approximately 50 feet at Brooks Road to limit gravel tracking onto the road. If the applicant should have employees or patrons or deliveries other than by tractor t or dump truck we have been assured they will provide and maintain the appropriate ADA accessible parking spaces. This project is subject to Zoning Board approvals and contingencies. Any signage will require code review for a sign permit. They should also be made aware they are very close to the 1.0 acre disturbance. For NYS DEC SDES permits for stormwater. If they exceed that footprint a stormwater permit for the total development will be necessary. The Town Environmental Review Board met and reviewed the short EAF and recommended a "Negative Declaration" on this unlisted action. It is recommended the applicant address the noted comments to the Board's satisfaction, a favorable advisory is suggested.

Mr. Russell stated the Ordinance Office is in support of Sandbags Unlimited LLC with the conditions set on this project requiring a building permit prior to and work being done and a sign permit required once structure is complete.

Mr. Tokarz was present to answer questions from the Board.

Mrs. Paddick - Would you be willing to pave the first 50 feet of the driveway.

Mr. Tokarz - Yes there is no problem doing that.

Mr. Carl - Do we need conditions for no business until the barn is completed?

Mr. Urda indicated that was part of the Zoning Board approval, so it would not be necessary.

Mrs. Paddick said 3 separate motions will be necessary for this application:

- Planning Board to assume Lead Agent for the short EAF Form
- Adopt a "Negative Declaration for the unlisted action.
- Site plan approval

There being no further discussion a motion was made by Mr. Donnelly, seconded by Mr. Carl for the Planning Board to assume lead agency for the Environmental Assessment.

Roll Call: Ayes – 5 Nays – 0 Absent – 1 (Blythe)

A motion was made by Mr. Worden, seconded by Mr. Donnelly to adopt a "Negative Declaration" for the Short Environmental Impact Statement.

Roll Call: Ayes – 5 Nays – 0 Absent – 1 (Blythe)

A motion was made by Mr. Carl, seconded by Mr. Worden for site plan approval with a building permit and sign permit being required.

Roll Call: Ayes – 5 Nays – 0 Absent – 1 (Blythe)

ADVISORY OPINION/REFERRALS

- **GEORGE HARCHAR, JR. – 9 Frederick Rd. – TM#112.07-4-38 – Application for a Triple Area Variance to construct a detached garage to exceed the square footage from 725’ to 960’, for the driveway with less than required side yard setback from 10’ to 5’ and to exceed the height from 16’ to 17’ in a residential zone.**

Mr. Urda reviewed his letter with the applicant’s request to construct a detached garage exceeding the square footage, a driveway with less than required side yard setback and exceeding the height within a residential zone. A building permit will be required prior to construction. They should not allow vehicles to idle adjacent to the neighboring house windows on the driveway side. It is also suggested they acquire the neighbor’s written approval for this driveway condition. This project is a Type II Action under SEQR. Since this a minimal request and will not be injurious to the neighborhood a favorable advisory is recommended.

Mr. Russell indicated support of this project with the condition of a building permit required prior to starting the project.

Mr. Harchar was present to answer questions from the Board.

Mrs. Paddick - The neighbor at 7 Frederick Road has no concerns regarding your variance?

Mr. Harchar - I’m sure my neighbor wouldn’t mind the house has been is vacant for many years. By now it should be in foreclosure. The existing driveway been there over 20 years so that shouldn’t be an issue.

Ms. Paddick – Just don’t idle vehicles in the driveway.

There being no further comments a motion was made by Mr. Donnelly, seconded by Mr. Carl to forward a favorable advisory to the Zoning Board of Appeals for this triple area variance.

Roll Call: Ayes – 5 Nays – 0 Absent – 1 (Blythe)

- **STANLEY K. LING – 35 Frederick Rd. – TM#095.19-1-40 – Application for an Area Variance to construct a detached garage with less than the required front yard setback from 30’ to 7’ & Use Variance to allow the accessory building in front of the principal use in a residential zone.**

Mr. Urda reviewed the applicant’s request for a detached garage with less than required front yard setback, they are proposing a 7’ setback from 30’ and to allow it in front of the principal use. The applicant should be made aware that no parking is allowed in front of the detached garage within the Panorama Drive right-of-way. We should also suggest the applicant to provide the same setback as the existing residence on site, approximately 20 feet. The applicant’s hardship indicates grading as the physical hardship. This can be overcome with fill and grading. A building permit will be required. This is a Type II Action under SEQR. A favorable advisory is recommended.

Mr. Russell stated the Ordinance Office in support of this project with the condition of a building permit required prior to starting the project.

Mrs. Paddick- Is it possible to bring the setback to 20 feet?

Mr. Ling - The hillside slope drops off significantly. The cost quantity of embankment materials to construct the garage at the required setback would be cost prohibited and would place the top of slope far down over the hill and would impact the surface drainage and erosion affecting the house on Charmel Drive. I tried to move the garage back as far as possible.

Mrs. Paddick - You agree to park your vehicle inside and not have any parking in the front of the garage.

Mr. Ling - Yes.

Mr. Carl – Are these 2 separate lots and is the ground stable in the back?

Mr. Ling - The 2 lots were combined a few years ago and the lots been stable for 40 years.

Mr. Carl - Should we approve with the condition they stay off the Town's right-of- way.

There being no further comments a motion was made by Mr. Worden, seconded by Mr. Carl to forward a favorable advisory to the Zoning Board of Appeals for this area and use variance.

Roll Call: Ayes – 5 Nays – 0 Absent – 1 (Blythe)

Mrs. Paddick - Just a reminder Broome County is hosting a training seminar on Thursday April 28, 2016 for Quality Review Act (SEQR) Basis and Planning for solar energy for anyone that is interested.

There being no further business before the Board they unanimously agreed to adjourn the meeting at 7:30 p.m.

Respectfully submitted,

Diane Aurelio
Ordinance Secretary