

PLANNING BOARD MEETING
MONDAY, MAY 8, 2017
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON – NY – 13901

PRESENT: Cynthia Paddick - Chair
Messer: Carl, Blythe, Worden and Boland

ALSO, PRESENT: Alex Urda P.E. - Town Engineer
Scott Russell - Assessor
Terry Kellogg - 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 Special meeting April 3, 2017 and Regular Planning Board meeting on April 10, 2017. A motion was made by Mr. Blythe, seconded by Mr. Carl to approve the minutes from the April 3, 2017, Special Planning Board meeting.

Roll Call: Ayes – 5 Nays – 0

A motion was made by Mr. Carl, seconded by Mr. Blythe to approve the minutes from the April 10, 2017, Regular Planning Board meeting.

Roll Call: Ayes – 5 Nays – 0

NEW BUSINESS

DMK DEVELOPMENT – Matt Heneveld - 1163, 1169 & 1171 Upper Front St- TM#111.20-1-12, 111.20-1-37, 111.20-1-12 - Application for site plan review for proposed Tractor Supply Co. & Assume Lead Agency for the Short Environmental Assessment Review.

ADVISORY OPINION/REFERRALS

DMK DEVELOPMENT – Matt Heneveld – 1163, 1169 & 1171 Upper Front St. – TM#111.20-1-12, 111.20-1-13 & 111.20-1-37- Application for a triple area variance for less than required lot size from 6 acres to 4.809 acres, less than required lot width from 350' to 338' and less than required parking from 127 spaces to 98. Use variance to allow commercial retail in agricultural zone.

Mr. Urda- One letter was drafted to cover both the site plan and variance requests. The applicant intends a 19,907 square foot single story commercial building for a tractor supply store. The three parcels will be combined. However, these parcels have split zoning of Planned Development District Commercial (Pdd-c) and Agricultural (Agr). A portion of the building will extend into the Agricultural zone, therefore, a use variance is necessary and is not unreasonable use for the land. They also required

several area variances for lot size from 6 acres to 4.809 acres. The lot width size from 350' to 338' on two parcels. Number of required parking spaces from 127 to 98, but the site plan indicates 95. The applicant also submitted a Short Environmental Assessment Form (EAF) and the Environmental Review Board met on April 25, 2017 and determined this is an unlisted action under SEQR and recommended a "Negative Declaration" be adopted with the submissions of the SHPO letter being received and the landscaping plan submittal. They also suggested 17b remove the Town of Chenango MS4 as a Stormwater recipient. The parcels are located within an Aquifer Protection Zone 1 "Wellhead Protection Zone". It currently complies and will continue to do so. Once the parcels have been combined the applicant shall provide the Town a copy of this documentation as filed with Broome County with the Book/Page information. The parking will need to comply with the ADA accessible parking spaces, slopes, aisles, routes marking and signage in accordance with ICC/ANSI, A117.1 2009 or latest revision and Code of New York State Chapter 11 or latest revision. For the 19,097 square foot building they will require 127 stalls. Their submission indicates 95 stalls 3 of which will be dedicated for trailer parking with a variance being required. The spaces will be 10' x 20' which surpasses the town standard of 8.5' x 18'. It should be noted there is additional land available if more parking is warranted in the future. The loading area will be in the rear. The entrance positioning and configuration seems to be adequate and is subject to NYSDOT review and permitting. The Stormwater (SWPPP) is currently being reviewed by my office and seems to be complete provided the MS4 Acknowledgement completion. The Environmental Review Board suggested they submit a separate landscaping plan for the proposed project. The Planning Board should consider using the front 20' as paved product display area. The property is located in the preliminary 2010 FEMA 500- year floodplains. A flood plain application is not required. However, it is recommended that the building be elevated 2' above the adjacent 100-year flood plain elevation of (853.5+/-NGVD29). The applicant is working to finalize permitting for wetlands impacts if applicable. The signage has been submitted and both the building and pylon sign are in compliance with the Town regulations. The variances follow the strict application of the provisions of this chapter and would deprive the applicant of reasonable use of the land. By granting these variances it would be in harmony with the general purpose of the town. The area variances will be cleaning up the preexisting condition within the PDD-C commercial requirements. The parking stall variance has supporting documentation. The use variance for commercial in an agricultural area is consistent with the surrounding land uses. Site plan approval is recommended contingent upon the multiple variances being granted and acceptance of the SWPPP for the project. A favorable advisory is recommended for the variances.

Scott Russell, from the Ordinance Office, recommended granting approval for the site plan with a building permit and appropriate inspections. Regarding the Environmental Review Form we concur with the ERB recommendation to assume Lead Agency & to adopt a "Negative Declaration". The multiple variances it is recommended they forward a favorable advisory to the Zoning Board of Appeals with a building permit being required prior to construction and a sign permit before any sign can be erected.

Thomas Dobrydney Planner II/GIS from Fagan Engineering was present for questioning from the Board.

We are proposing shifting the parking spaces to provide sidewalk access.

Mrs. Paddick – What type of equipment will be stored?

Mr. Boland – How can you use the agricultural land, that is wetlands in the back.

Mr. Dobrydney – They will have trailers, tractors mowers and such. Hydrology was done on the soil samples along with inspections. The vegetation was digitized and labeled as urgent wetlands. It appears that in the early 40’s the entire area was trenched for the construction of a motel.

Mr. Boland – This be considered a created wetlands.

Mr. Donnelly – Time line on opening.

Mr. Dobrydney – Most likely open early spring 2018. The company has a specific block out date and will not take over the store only during certain time frames. They want to ensure the store is built and stocked for the appropriate season, so we anticipate opening early spring 2018.

Mrs. Paddick - We will need several motions regarding this project – to assume Lead Agency, to adopt a” Negative Declaration” for the short EAF, site plan approval and the advisory to the Zoning Board on the multiple variances.

Mr. Carl made a motion for the Town of Chenango Planning Board to Assume Lead Agency status and to adopt a “Negative Declaration” for the environmental review for the DMK Development - Tractor Supply Co seconded by Mr. Donnelly.

Roll Call: Ayes – 5 Nays – 0

Mr. Worden made the motion, for site plan approval contingent upon the multiple variances (V-4 2017) being granted by the Zoning Board of Appeals and a building permit being required, fire inspection and a sign permit prior to any sign being erected, seconded by Mr. Donnelly.

Roll Call: Ayes – 5 Nays - 0

Mr. Blythe made a motion for a favorable advisory to the Zoning Board of Appeals for the multiple variances with a building permit and sign permit being required and a fire inspection, seconded by Mr. Donnelly.

Roll Call: Ayes – 5 Nays - 0

The Board unanimously agreed to adjourn the meeting at 7:20 p.m.
Respectfully submitted,

Diane Aurelio
Ordinance Secretary