**PLANNING BOARD**
**REGULAR SEPTEMBER ZOOM MEETING**
**MONDAY SEPTEMBER 13, 2021**
**7:00 P.M. – TOWN HALL – 1529 NYS RTE 12**
**BINGHAMTON – NY – 13901**

**Approval of the August 9, 2021, Regular Planning Board Minutes.**

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| **PRESENT:** | Alan Blythe, Planning Board Chair<br>Messer: Donnelly, Worden, Szenher & Eldridge |
| **ALSO, PRESENT:** | Alex Urda P.E. - Town Engineer<br>John Freer – Building/Code Inspector<br>Nicholas Cortese - Planning / Zoning Atty. |
| **ABSENT:** | Michael Boland – Planning Board Alternate |

Mr. Blythe - I would like to start the September Planning Board Zoom meeting. The first order of business is the approval of the August 9, 2021 Planning Board Minutes.

A motion was made by Mr. Szenher, seconded by Mr. Eldridge to approve the minutes from the August 9, 2021 regular meeting.

| Roll Call: | Ayes –5 | Nays - 0 | Absent – 1 (Boland) |
|---|---|---|---|
| Thomas Eldridge | aye | | |
| Jamie Szenher | aye | | |
| Kevin Worden | aye | | |
| Brian Donnelly | aye | | |
| Alan Blythe | aye | | |
| James Boland | | | absent |

Motion passed by a vote of 5 to 0 with the alternate (Boland) being absent.

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**NEW BUSINESS**

**2021-PB14- Lalor Dental -** Robert Lalor – 1216 Upper Front St. – TM#111.20-2-8- Application for site plan review for dental office expansion and Short EAF.

Mr. Urda - The referenced re-application is for a two-story building expansion (5,144 SF) and associated parking expansion. Refer also to Permit No. 2019-PB01.

| The application package included: | Dated: | Rcvd.: |
|---|---|---|
| ☒ Planning Board Application with Permissions | 08/04/21 | 08/04/21 |
| ☒ Letter from Applicant | 07/22/21 | 08/04/21 |
| ☒ Site Plan and Details --- | | 08/09/21 |
| ☒ Architectural Plans | various | 08/04/21 |

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|---|---|---|
| ☒ Short EAF | 07/23/21 | 08/04/21 |
| ☒ Emails from Attorney | 08/09/21 | 08/09/21 |
| ☒ Drainage Letter | 08/17/21 | 08/18/21 |

**We offer the following comments:**

1. Parking provided (23 existing stalls) is adequate per code. An additional 47 parking stalls are added. 3 ADA stalls should be provided (1 more needed). The applicant shall assure that they, or the owner, provide and maintain exterior ADA accessible parking spaces, aisles, access routes, markings, slopes, and signage in accordance with ICC/ANSI, A117.1, 2009 (or latest revision) and the 2020 Building Code of the State of New York, Chapter 11 (or latest revision).
2. Broome County 239 review is required. – NYSDOT and BC have comments.
3. The current building has a temporary certificate of occupancy while parcel, right of way, and easement issues are resolved between the Town, NYSDOT, applicant, and two neighboring 'landlocked parcels. While this process is still ongoing, any motion for approval should require that it be contingent upon resolution of these legal issues and that no construction commence until these are complete.
4. I have discussed the access drive to the adjacent parcels with the applicant's Engineer and Attorney. Previously there was consideration that this area becomes Town Land for improved access to the neighboring parcels, but an easement between this area and the neighbors would still exist. Current consideration, barring any NYSDOT reasoning, would be to have the applicant acquire the land and just have access basements (no town land)
5.The parcel is within an aquifer protection district and is currently in compliance and shall continue to do so.
6. If approved, the applicant shall have the sanitary sewer main at the rear of the addition be staked out by the Town prior to construction such that they/their contractor can confirm the footings stay out of the sanitary sewer easement.
7. Will additional site lighting be provided? If so provide a lighting layout with photometrics.
8. Will additional landscaping be added?
9. This appears to be a Type II action under SEQR. But we can let Mr. Cortese address that.

I have no engineering objections to the project; the above items need to be reviewed/addressed.

Mr. Freer – No objections on this application as long as they provide everything that was requested.

Lillian Levy – I'm the attorney for Lalor Dental, all the easements are in place, we are waiting for the resolution from the town deeded over the property to Lalor Dental. Once that is completed it will be forwarded onto the state for their portion of the process.

Mr. Blythe –Is the applicant or a representative here that could you give us a brief overview of the changes for 2019 to present to bring us up to date on the proposed project?

Ms. Levy – I will let Martin Hudy handle that.

Martin Hudy –Basically we have a 3000' plus building now. The original plans back in 2019 we wanted to build with less square footage. Only difference is it is a little larger from 2019. Now it is 5144' two-story addition. With the expansion it will be pretty much the same foot print we wanted to build a couple years ago. Currently we have 8 operatories and a consulting room. With the addition the first floor will have 23 operatories. The second floor will be very similar to the other Lalor office models with a staff and doctors lounge, locker room, staff meeting rooms and a break out room, restrooms, washer and dryer and nursing room, etcetera. This addition is larger than 2019 , pretty much the same footprint

that we had a couple of years ago that we wanted to build. Currently we have 21 employees working on the Front Street office. A couple of doctors a number of hygienists, and assistants. That will jump closer to 50 positions with this addition. . So, we will be doubling in staff and more volume doubling in through put . That's about it in terms for the summary.

Mr. Blythe – Mr. Cortese can you give us some information on the resolution that was passed by the Town Board.

Mr. Cortese- Well Keegan handled that meeting obviously finalized the transfer of ownership of some of the parcels. I'm Hoping Lillian can shed some more light on this. You understand the situation more than I do.

Ms. Levy – One of the requirements by the Town is to straighten out the street in front of the building. Before we could do that, we had to have the property conveyed from the Town of Chenango to Lalor us. Mr. Cortese- Resolution by the Town Board acquisition of Howell Drive and its extension being deeded over to Lalor Dental finalized the sale transfer and the state was also involved. Because the state also had a piece of property that we had to get from them. Which would be subject to your sewer easement that was also a concern. Lately dealing with the state requires that we obtain the deed from the Town to Dr. Lalor first and then provided Keegan with a copy. In order for us to apply and go to the NYSDOT. Which is another process to go through. But, they had not told us about that until recently.

Mr. Cortese- So the resolution is subject to permissive referendum. So, the transfer can't happen until the closing or can't begin to be completed until the 30 days permissive referendum expires. So, after that is done, assuming it will be without any difficulty. What's left to go through between the property owner and state?

Ms. Levy – The easement with the properties behind. Once the deed is recorded from the Town of Chenango, send that to the state and they start their process. It's the state so there a few steps they go through. It could take up to 6 months.

Mr. Cortese – Alex or John does that pose any type of a barrier to the commencement of this project in the meantime in your estimation?

Mr. Freer - It does, they can't until everything goes through can you proceed.

Ms. Levy – Only one thing I want to bring up is the property we are getting from the Town would allow us to expand the footprint. So, if we are going forward will the state is there any way we can start construction? Based on the Town of Chenango's deed to us.

Mr. Freer – Again before we can move forward. We need all of those things in order to move ahead, my apologizes.

Ms. Levy – I understand what it is like.

Mr. Szenher – Mr. Cortese the resolution you sent is incorrect, it shows Vestal Parkway East it should be Vestal Parkway West as Lalor's other address.

Mr. Cortese – That is a minor technical error, nothing to worry about.

Mr. Blythe – Is there any other questions from the board regarding this application? I have one was from 2019 the lighting updated does that meet your requirements Alex?

Mr. Urda – I didn't see anything new. I don't see any fixtures. Just four poles in the lot on C4 . I would like the foot candles for that stuff. IF you could have Ed Gent submit that to us

Mr. Hudy – The lighting plan was submitted to the Town.

Mr. Urda – Just have Mr. Gent submit the photometrics plan to the Town.

Mr. Hudy – So, you don't have that, I was under the impression you already had it.

Mr. Urda – I didn't see any fixture information.

Mr. Cortese – I didn't see anything on photometrics or design either.

Mr. Blythe - Alex, Have the drainage issues all been resolved?

Mr. Urda – Yes, I'm satisfied with it, County wanted a reduced flow to the back. I'm good with it.

Mr. Blythe – What about the landscaping.

Mr. Hudy – All of our properties have landscaping and we keep them well maintained.

Mr. Urda – I like to see it on the drawings the spread of the light.

Mr. Freer – Everything I have seen there is no photometrics.

Mr. Blythe – How these drainage issues, Mr. Urda have they been resolved.?

Mr. Urda – I'm ok with it, the County wanted to see where it flows towards the back.

Mr. Blythe – What about landscaping? We have noticed a lot of companies not maintaining their properties. New businesses are putting in landscaping and once the building is constructed they are not doing much with it after that.

Mr. Hudy – The proof is in the pudding just look at Upper Front Street or any of our facilities they are well maintained winter, spring, summer or fall. That is maintained regularly by the landscapers. So that's not an issue.

Ms. Levy – If you look at any of Lalor's properties they are really well kept.

Mr. Blythe - Any more questions from the Board? If not, can I have a motion?

Mr. Cortese – What are you asking a motion for?

Mr. Blythe – To finalize the application.

Mr. Donnelly – The question is  this just a review that we are making a motion on.

Mr. Blythe –For site plan review.

Mr. Cortese – Alan I'm confused are you asking for a motion to approve this?

MR. Blythe – To see if we have a motion from the board to approve this.

Mr. Cortese – If we do that we would have to condition the approval again on the number of things that are still outstanding obviously.

Ms. Levy – Alex has a list and you can place your conditions as far as the road is concerned.

Mr. Donnelly – According to  Mr. Urdu's letter one additional ADA parking space, photometrics plan submission and easement finalization with the state.

Ms. Levy –Do we need anything formal accepting the property from the Town ? IS that part of the motion conditions upon finalization with the state?

Mr. Blythe – You would need to add one more ADA parking stall, finalization of the easements and right-of-way issues resolved , lighting plan with photometrics and landscaping being maintained. .

Mr. Cortese -  If this board approves this site plan it will be conditioned upon and the finalization of the real property transactions.

Ms. Levy – And how do we proceed with the Town?

Mr. Cortese – As I said finalization of the permissive referendum, usually 30 days from last Wednesday. (9/8/21)when the Town Board meeting approved it once the permissive referendum expires you will close on that then you will  move onto the state process.

Ms. Levy - There are two approvals from the state conditional and final that can't be done until the deed is recorded, along with 10 different people from NYSDOT.

Mr. Hurdy – The issue I have this is the second application in 2 years. Our application ran out in 2019 . We had to pay another $1650.00 for another processing fee. So obviously our goal is to get this through with construction as soon as possible. We don't want to have to apply for a third time . If you have the power to expedite this to move  forward we would appreciate anything the Town can do. Understanding once it goes to the state it is another issue. We would appreciate the Town's help.

Mr. Cortese – The final barrier is the state level process which the Town has no control over. Here is something for the boards benefit. If we approve the site plan now the clock starts running  and could possibly run out again. Or I would ask to have it pushed off and approved later then the clock wouldn't start running knowing we don't have all of these items for approval  and real property transaction process. Come back later once you have a more solid idea with the state. So, you don't run into the same problem you had before. With the local site plan approval expiries. Food for thought for everybody.

Mr. Blythe – You have any idea how long it can take for a response from the state?

Ms. Levy – Nobody does it's the state.

Mr. Hudy- The state rep told us a couple weeks ago the state approval can take up to 12 to 18 months.

Ms. Levy - So it might not be a bad idea to postpone this approval. We could go further by updating the plans. Would that satisfy the Town ? That way we would get a better idea from the state instead of paying the extra money now.

Mr. Hudy – I'm torn I want to proceed and get as much done as I can. That is a fair point I just can't believe it would take another 2 years for the state to approve.

Mr. Urda – Nick if it come down to the last month can they have a site plan amendment?

Mr. Cortese – it is entirely up to the board's discretion, it's your meeting your board best to wait a while for the approval or grant the approval today.

Mr. Hudy – I would like approval now and amendment late if necessary.

Ms. Levy – I'm concerned about the state I can't believe it would take another 2 years to again approval.

Mr. Hudy – We will work with NYS DOT Ms. Levy will forward the paper work to Albany the rest is up to the Town of Chenango.

Mr. Cortese – On your SEQR form part I you didn't put down the acreage being disturbed, is it less than an acre?

Chris Rhodes – Yes, it is less than an acre.

Mr. Blythe – Any more questions from the board, if not can we have a motion?

Mr. Donnelly – I make a motion for site plan approval with the following conditions:

- Easement/right-of-way (row) issues resolved between the Town of Chenango, NYSDOT and the two neighboring land parcels.
- One additional ADA parking space on the site plan. (Total of three ADA parking stalls).
- Photometrics plan submitted
- Landscaping being maintained on a regular basis.

Seconded by Mr. Szenher.

| Roll Call: | Ayes –5 | Nays - 0 | Absent – 1 (Boland) |
|---|---|---|---|
| Thomas Eldridge | aye | | |
| Jamie Szenher | aye | | |
| Kevin Worden | aye | | |
| Brian Donnelly | aye | | |
| Alan Blythe | aye | | |
| James Boland | | | absent |

Motion passed by a vote of 5 to 0 with the alternate (Boland) being absent.

Mr. Blythe – Good luck with the state

Ms. Levy – We appreciate all of the town's help.

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Mr. Blythe – We have someone here to discuss the preliminary plans for 70 Chenango Bridge Road. This is just a discussion; no formal action will be taken tonight.

Ben Samberg – Architect for the proposed project. and Brendan Harder new owner, just purchased the property on 70 Chenango Bridge Road to open a coffee shop and driving range. There will be an 800' addition with a drive thru service for the Batch Coffee & Creamery. We are going to clean up the parking lot relocate the crab shack for driving range storage towards the rear. Change the mini golf area into additional parking and reopen the driving range. That's about it.

Mr. Cortese – They will also need 2 special permits to allow a restaurant and to allow a driving range. The will also require site plan review, so 3 separate approvals will be necessary.

Mr. Urda – Flood plain compliance will be necessary as well.

Mr. Samberg- Flood plain regulations comply with the existing building or just the new portion?

Mr. Freer – Any new construction will need to comply, the pre-existing building does not.

Mr. Blythe – Anything else, ok for our next meeting I would like anyone interested in becoming Vice Chair for the Planning Board to think about it. Brian had been doing it, usually only a couple times a year you will need to fill in. So, think about and contact Diane if anyone is interested and we can discuss this next month.

There being no further business a motion was made by Mr. Eldridge, seconded by Mr. Donnelly to adjourn the meeting at 7:30 p.m.

There were 21 participants that attended the Zoom meeting.

Respectfully submitted,

Diane Aurelio
Ordinance Secretary