

**PLANNING BOARD
SPECIAL MEETING
MONDAY, JULY 18, 2022
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON – NY – 13901**

PRESENT: Brian Donnelly, Planning Board Interim Chair
Messer: Worden, Szenher, Eldridge & Boland

ALSO, PRESENT: Alex Urda P.E. - Town Engineer
Gavin Stiles – Building/Code Inspector
Michael Boland- Planning Board Alternate

ABSENT: Melanie Pandich

Brian Donnelly: Tonight, we are going to go over the permitted uses for Neighborhood Commercial (NC) and Agricultural (A) to encompass some of the eliminated Planned Development District Recreational (Pdd-R) uses.

Local Law amending the Town of Chenango Zoning Ordinance to eliminate the PDD-R zoning designation and regulations pertaining to PDD-R zoning. As proposed, the five properties currently zoned PDD-R will be rezoned Neighborhood Commercial, and two parcels zoned PDD-R will be rezoned Agricultural. In addition, adjacent parcels currently zoned Residential will be rezoned to Neighborhood Commercial or Agricultural, as appropriate.

Brian Donnelly: Only thing on the agenda is to look at the permitted uses in NC and Agricultural Also look at the eliminated Pdd-R permitted uses and see where some may fit into the (NC) and (A) their zoning classification. Let's start with Neighborhood Commercial Here what is permitted in NC retail food drink services, professional offices, medical centers, and churches. Uses by special permit amusement centers, distribution centers, restaurants, drinking establishments. I think #1 that is covered under food and drink but I'm not sure.

Michael Boland: So, that is what we want to change for the ice rink.

Brian Donnelly: As far as principal uses myself I would just add uses permitted by special permit. That is my suggestion.

Michael Boland: Wouldn't amusement center preempt that?

Frank Carl: Brian my only thought on what you are saying is no matter what happens on this transition everybody that is already there is assured their use. I would hesitate changing anything that is existing now requires a special permit

Brian Donnelly: Anything that has a principal use, I did this a while ago and I'm trying to remember what I did. I would leave the principal uses that are existing alone. I was figuring adding to that under the special permit quarry, sand pits, and gravel pits for the planned development.

Kevin Worden: Who is the topsoil guy?

Frank Carl: He is outside of the Pdd-c.

Alex Urda: Sand and gravel pit can be incorporated into agricultural.

Michal Boland: Like the swamp up here on Front Street. That is the only area that is possible.

Kevin Worden: We are trying to tie in things that are already there. At one time it was a gravel sand pit.

inaudible conversation

Brian Donnelly: They did to soil down by the river bed.

Michael Boland: But that is where the swamp is. Where would you have one?

Frank Carl: Is there another Pdd=R that we are not paying attention to.

The board reviewed the zoning map we have which appeared to be outdated.

Brian Donnelly: We can include it so not to lose it as far as a use by special permit.

Kevin Worden: I would agree with that. special [permit under Agricultural. otherwise it is not anywhere in the code. That is the only place you would have enough property to do something like that.

Brian Donnelly: That way you would be able to control it. The other thing I was going to put under special permit in the NC would be the parks, golf course, skating rinks and athletics. because that really doesn't fit in with the other commercial. things that are principal.

Frank Carl: I would make it something that the existing business wouldn't need a special permit. You can't sell it the way it is now . I would make it for the existing businesses to be an allowable use by special permit goes with the owner it's not a variance. That's the reason why special permits are good, They can sunset after a certain amount of time.

Kevin Worden: That is why we put the 365 days condition on the special permits.

Frank Carl: You can put it in there but it never transferred ownership.

Kevin Worden: I have a suggestion, the first 6 in the principal add recreational facility description like the Town of Union. Instead of listing those 6 items why can't we create a recreational use and then in your definition list all the stuff that we are talking about. Then it includes the food service the sales, service and sales, service of recreation equipment and accessories. It really covers what we are trying to do.

Thomas Eldridge: Say somebody wants to sell kayaks and it's not listed. You could easily work on other things there in the future.

Kevin Worden: The only problem I have with that is we have to list it for the commercial down there. List that under principal.

Thomas Eldridge: Like Dimmock Hill can you list it in the zones under principal and not split it up. Just throwing it out there.

Michael Boland: Your more apt to get your stuff in agricultural than you are with an expensive lot with the interest in throwing up a driving range. Where you can sell the lot for apartments in a commercial zoned lot. It would still be ok if it was next door to you.

Thomas Eldridge: So, none of those things will keep you up at night.

Frank Carl: It's weird the way Union did it. They distinctly kept the driving range and golf course in the code. It was noticeable different how they did that.

Alex Urda: Driving ranges are lite.

Kevin Worden: Batch Coffee is lucky where they are.

Alex Urda: They are already commercial, and the golf course is not lite.

Michael Boland: I see a lot of those golf courses coming up from the South. People who will drive all night, not so much here. But, there is a lot of lights and action.

Alex Urda: I did the sports dome in 2005 on Airport Road and what was that zoned out there?

Thomas Eldridge: I think it would be safe to put that in both.

Kevin Worden: I think it covers Neighborhood Commercial with the businesses that are there now. In Agriculture it gives you (inaudible) you wouldn't see a campground in commercial, there would not be enough room.

Frank Carl: The campground did worry me. I listened to people for 3 years complaining about the campground. Which is my wife's uncle on West Chenango Road. I listened to all the neighborhoods come complaining about the fires, noise,

music and fireworks at night. the only 1 in that whole definition that makes me nervous because he had to get a variance. Not sure you want a campground in NC.

- Gavin Stiles: The NC is up River Road and down by Kattelville Road.
- Frank Carl: I want to keep camping out of that and make that a special permit.
- Brian Donnelly: I didn't put in NC in my list, I kept camping out of that put it in the agricultural area either as a principal or by special permit
- Frank Carl: I would still make that a variance. If you just give it a blanket one and somebody decides to put up a camping ground.
- Kevin Worden: So, take that right out of recreational agricultural, throw it in as a special use permit. I like that. This could have been a nightmare out of that one.
- Frank Carl: That whole list of items are we going to get a marina probably not.
- Kevin Worden: Maybe the river they shut down the pipeline in California, there are going to have to pump water from someplace.
- Frank Carl: Also take trapping and skeet out and put in as special permit move over to agricultural, that makes sense being there .I don't know how many people I want shot guns down in Chenango Bridge.
- Kevin Worden: Can you make a recreational outdoor agricultural or NC? And list that in the code as 2 separate definitions.
- Thomas Eldridge: That falls in the recreational part.
- Alex Urda: Outdoor recreational is not in the code.
- Gavin Stiles: We have to build in a provision some band playing at midnight. Outdoor music should have a provision in there.
- Frank Carl: Music is a code issue not zoning.
- Gavin Stiles: Noise ordinance, am I going down there with my decibel reader.
- Frank Carl: Don't they have to get a permit for outdoor music?
- Brian Donnelly: I thought they did.
- Kevin Worden: Were not getting into that tonight.
- Alex Urda: One thing to make note of looking under 6 a in NC falls under the amusement center under Chenango definition.

Kevin Worden: That's by special permit.

Frank Carl: You would pull amusement center from the definition and place under by special permit in the NC,

Alex Urda: The definition of amusement center is a place that is maintained by or operated with entertainment patronage or recreational of the public such as limited to theater, dance hall, billiard room, bowling alley miniature golf or a place having total control of these devices in any description. Casino definitions.

Thomas Eldridge: Pretty sure we don't have to worry about a casino coming to the Town of Chenango.

Kevin Worden: I wouldn't be against having a casino here.

Gavin Stiles: There money makers.

Thomas Eldridge: If we got rid of the outdoor recreational and had recreational NC and a recreational Agricultural and amend the ones you don't want in that zoning. Simple.

Frank Carl: So, in NC take out trapping and skeet and camping. To be perfectly honest I don't think our park is compliant. Maybe take archery range out of NC too.

Michael Boland: It is not noisy, it can be indoors and you need certain requirements to do it. It is not like having a band playing.

Frank Carl: I like what Thomas said, just add back in trap and skeet, camping quarry, sand pit topsoil stripping into the agricultural zoning by special permit.

Kevin Worden: If it wasn't by special permit all of a sudden you would have people camping in their back yard.

Alex Urda: Sometimes when these are written there in a paragraph or just listed. 2 columns for agricultural and just number them down.

Frank Carl: To make it easier on our lawyers I need to say something about the places that serve alcoholic beverages and cannabis work in? We had to add that to the law. That was recent, can we add it to the places that serve alcohol

Alex Urda: It's allowed under restaurants and establishments selling and serving alcoholic beverages and cannabis products.

Brian Donnelly: You can be included in restaurants that are already in there.

Frank Carl: I'm trying to think of a way this other definition can be included (inaudible)

Brian Donnelly: Somehow add to restaurants on a separate line, it doesn't need to be the principal use.

Kevin Worden: Then your special permit for McGirks'.

Brian Donnelly : They are already there.

Kevin Worden: But, they can't sell it.

Brian Donnelly: If they do sell it they would need a special permit. That way you have some control over what's going on there.

Frank Carl: It's making for a pretty ugly public hearing. Now you got people trying to get a mortgage to buy something that is contingent on a special permit

Michael Boland: Don't you have them any how to reoccupy if a place moves out get a new permit anyhow,

Frank Carl: It can be denied.

Thomas Eldridge: I think a restaurant should be in NC has some sort of diner, pizzeria should be in NC

Kevin Worden: There is not a lot of NC.

Thomas Eldridge: There is only 2 places and there on corners. Move it up as an allowed us.

Michael Boland: I agree.

Kevin Worden: Move the amusement center up too. that's your ice rink.

Frank Carl: Get rid of the amusement center just adding that definition for the skating rink, food services and sales

Alex Urda: You might want to take the skating rink out of the amusement center definition.

Frank Carl: Leave the amusement center where it is and put this other definition.

Brian Donnelly: Move the A and c go up into permitted uses.

Kevin Worden: There is nothing detrimental. So, everything is covered. I Think the only thing that is not covered is the apartments over the Red and White.

Frank Carl: What about the offices

Kevin Worden: All of that is covered. Apartments are not addressed anywhere.

Gavin Stiles: The language is broad offices, business professional looks like they through an umbrella over it.

Michael Boland: So, apartment might slide right in there, it's in the umbrella.

Gavin Stiles: Let's see, Is it a business, sure. It's real estate.

Frank Carl: Dressmaker and the shoe repair guy be in that section.

Thomas Eldridge: Why wouldn't apartments be in that section.

Kevin Worden: They were never in there. We need to address it.

Brian Donnelly: That would fall into multi-family.

Gavin Stiles: This is pre-existing nonconforming. It is difficult to get a multi-family it be like pulling teeth.

Alex Urda: Apartments usually fall under Pdd-R11. Quinn Estates town houses.

Brian Donnelly: You could put it under special permit.

Kevin Worden: It is something that is going on now,

Thomas Eldridge: You don't want to screw someone now for something that is existing.

Frank Carl: You talk about the good buddy network.

Gavin Stiles: I'll go get the rest of the sheets to see what the language is for multi-family stuff. Maybe mirror what is in that zoning.

Frank Carl: Do you want to cover it or put that down for later.?

Gavin Stiles: They got apartments up there.

Frank Carl: We can put this on the board to make the decision on that one.

Brian Donnelly: Are we changing it to what is there? Or are we going to put in there what we want. Everything else is grandfather in . When it comes time to sell it they can address then.

Thomas Eldridge: It's like you said t it's there It also falls in

Kevin Worden" The NC is on the corner of Port and Prentice.

Gavin Stiles: Kattelville Road and River Road.

Kevin Worden: Is anyone of those places going to become a booming apartment metropolis. This is the same as Robinson Design apartments.

Alex Urda: How many apartments are there?

Kevin Worden: I think it is 2 above the Red and White.

Alex Urda: We don't necessarily have apartments or multiples. Everything is single-family

Inaudible: Multiple people talking at the same time about churches, schools, etc. Kevin Worden: Once you get multi you don't want to mess with it.

Alex Urda: You don't want to necessarily call it an apartment under our definitions.

Inaudible: To many board members speaking at the same time about apartments and affordable housing, unable to decipher.

Kevin Worden: So, what's our option, let it ride? What do you think Frank?

Frank Carl: I'm trying not to influence you.

Thomas Eldridge: We tried to accommodate everybody else except for the apartments above the Red and White

.Gavin Stiles: Are we back on that?

Alex Urda: Just 1 single residence doesn't cover it

Thomas Eldridge: Does it sell down the road from these other places where there are already apartments? It's not covered as a use

.Kevin Worden: The only house that is included is the house next to the Red and White who owns the house. It's a single-family home.

Gavin Stiles: There is a 6- month cessation on the nonconforming stuff. Like in the back of the Spot Restaurant there is a 6- family apartment if that thing went empty for 6 -month sit's over. They got to keep it rolling. Just like the Pine Lounge on the West Side if they bailed no bar there anymore.

Kevin Worden: Dutcher owns the Red and White and the single-family home.

Alex Urda: You have to be aware like on Riverside Drive (the balance of his statement was inaudible) I know I have to be very cautious who we rent to for my properties.

Kevin Worden: So, there is no easy solution to this one.

Michael Boland: There is no easy solution to the zoning in the Town of Chenango. Let's be honest.

Thomas Eldridge: Like he said once you start having apartments our definitions are horrible on that.

Frank Carl: That might be the only case you just want it to flow through for the exiting.

Alex Urda: The way Windsor works , they have very little opinion on it. You are allowed to have commercial on the first floor and residential for the second floor

Brian Donnelly: Isn't that 1 house a single family?

Frank Carl: They own it and rent it. So, it is owned by the same company, same LLC. as the Red and White.

Alex Urda: I see no reason not to have an apartment over a top of a use. You start letting them rent out the lower portion for apartments that's where it falls apart.

Kevin Worden: Not that they would be grandfathered in.

Gavin Stiles: For 6 months, if he moves out theoretically and didn't move anybody back in for 6 months he's out. Unless someone blows the whistle on that.

Kevin Worden: Who would do that?

Diane Aurelio: You be surprised.

Frank Carl: I'm numb to surprises anymore.

Michael Boland: That one we will leave alone.

Frank Carl: It was discussed and it got to convoluted. And the decision was to leave it alone.

Gavin Stiles: There could be language in there that the uses are pre-existing nonconforming will abide by our pre-existing nonconforming stuff. Then they know. Like if you don't rent that thing for 6 months you are out.

Frank Carl: We can move that for later, Worden's got it.

Alex Urda: Uses under Pdd-R both Agricultural and NC. We have to look at accessories next.

Frank Carl: Since I have to brief the Board. I'm going to say for NC items 1-5 remain the same under principal use. Roll amusement center up to the principal use and Restaurants, eating or drinking establishments, including but not limited to establishments selling and serving alcoholic beverages and cannabis products. Add recreation Neighborhood Commercial to the permitted uses and the definition: **RECREATION, Neighborhood Commercial** Includes a privately or publicly owned marina, golf course, clubhouse and associated seasonal temporary structures, and archery ranges, swimming pool, skating rink, park, beach, tennis court, racquetball court, picnic area and similar places of outdoor recreation, as well as accessory uses, including user supplies, food service and sales, service and storage of recreation equipment and accessories. That would be the definition that would go along with NC recreational. Everybody agrees?

Frank Carl: Works for Recreation, Agricultural what I just read; except I add back in trap and skeet and put in camping. For permitted uses add: restaurants, eating establishments, including but not limited to selling and serving alcoholic beverages and cannabis products. Add the Recreation Agricultural and its definition. By special permit add camping areas, trap and skeet and Quarry, sandpit and topsoil stripping.

Kevin Worden: Do you want us to make a motion a this:

Frank Carl: I think Diane will draft up a document similar to what we discuss. Diane I'll be in tomorrow to help you with that.

Kevin Worden: Do you want a recommendation from the board

Frank Carl: Her letter will be signed by Brian.

Brian Donnelly: I'm good with that if the rest of the board is.

Frank Carl: So, everything in the Pdd-R we have covered for Neighborhood Commercial Now for Agriculture we did the same stuff and we were going to add camp ground trap and skeet and Quarry, sandpit gravel pit and topsoil stripping permitted by special permit.

Brian Donnelly: Does that address restaurants and eating establishments I think we wanted to put in as permitted use under Principal. Like if you have a golf course and you want an eating area.

Michael Boland: It's covered under the definition

Frank Carl: That didn't come over to NC because it's not in there

Michael Boland: Because it is going too be part of the restaurant and alcohol

Frank Carl: That one didn't come over to Neighborhood Commercial to Agricultural or did it.

Kevin Worden: It's included in the definition.

Frank Carl: We need the verbiage to allow them

Brian Donnelly: Under special permit c for NC needs to be moved over into Agricultural.

Kevin Worden: You want to put restaurants and bars out in Agricultural?

Michael Boland: Only for your golf course.

Brian Donnelly: You have restaurants in agricultural now, you have Apple Hills

Frank Carl: That doesn't count it agricultural district on a farm completely different law.

Brian Donnelly: I don't see a reason not to put restaurants in Agricultural District. Somebody has a nice view build a restaurant there, something like the Silo for example.

Gavin Stiles: Or a Beer Tree.

Brian Donnelly: SO, if it is in there you might end up with something like the Silo Restaurant.

Michael Boland: I don't see anything wrong with that. it covers the golf course.

Alex Urda: That includes food service and sales. ancillary to those other items.

Gavin Stiles: Just add alcohol.

Michael Boland: Add alcohol and cannabis.

Alex Urda: So, what the recreation definition cauterizes those things as accessory uses. Accessory to the business. Accessory to a golf course tennis court swimming pool.

Kevin Worden: That is pretty wide open.

Thomas Eldridge: Just put a restaurant in and go

Alex Urda: That would keep me from putting a Bree tree in there.

Gavin Stiles: Restaurant with a bar is ok. You can't just have a bar. You can't put the Fire Side Inn out on Treadwell Road. But, if you have a swimming police skating rink, golf course you can have the restaurant.

Frank Carl: What was that place on Rte 11, not that I ever stubbled in there.

Gavin Stiles: The Dew Drop Inn, no the Dry Brook.

Michael Boland: We all drank there.

Kevin Worden: That's not open anymore?

Gavin Stiles: It became the Buffalo Head and it never took off.

Frank Carl: That was supposed to a catering business .but failed.

Gavin Stiles: If you have one of these you can have an accessor, .you can have beer and hot dogs

Kevin Worden: Do we want to add this? I get the vibe to add the restaurant and alcohol to try to promote.

Thomas Eldridge: Business in agriculture, you can get a Beer Tree. It's not a bad thing.

Brian Donnelly: Why not just add a restaurant?

Frank Carl: If not we will end up with another meeting and public hearing to add cannabis on the one we skipped.

(Inaudible)

Michael Boland: Just add cannabis to restaurants . Then you can end up with Ber Tree or like the place up in Greene.

Kevin Worden: I wasn't in favor for it but, now I'm on board with it.

Gavin Stiles: What if we skip the word restaurant and stick with eating and drinking establishments. Which comes right after it and is vague.

Kevin Worden: That's fine.

Brian Donnelly: Put that as Principal.

Gavin Stiles: Then you have to ask what is a restaurant.

Michael Boland: Then you have less time arguing if an Applebee's can move in there.

Kevin Worden: If you check this that will enable all of Front Street to have a restaurant.

Alex Urda: Still in agriculture you can make that a special use permit.as long as you take Franks definition including food services.

Gavin Stiles: And booze and cannabis.

Michael Boland: You need the recreation to have that. Like Beer Tree doesn't have a swimming pool.

Gavin Stiles: Fenton got tangled up with that

Alex Urda: The Governor mandated, well didn't mandate it but you weren't allowed to block any agricultural wine, cider or beer It got a little bit cumbersome now. But when they went in there was limited ability the town could do to stop them. The DEC fought with the Governor to do a stormwater check.

Frank Carl: So, you're the reason for that muddy swamp in the back.

Alex Urda: They needed to off set the flood plain I said your pond will go up and down with the river.

Frank Carl: They are proactive you stand on the deck they have all those pilings fin place for the next step for future development. They are in front of their game, not doing bad.

Alex Urda: If you wanted you could put winery, cider and beer under special permits.

Kevin Worden: I think you want to promote development in the Town.

Frank Carl: Move uses permitted by special permit c. to allowed use Under Principal

Gavin Stiles: Restaurants , eating or drinking establishments is redundant.

Michael Boland: The Dry Brook was a bar and sold some food, not a restaurant.

Frank Carl: Do you know anywhere else in the code there are a lot of lazy steps like you said before same as Residential district same as Agricultural District. Are there any other codes that say same as on the zoning sheets?

Gavin Stiles: Let me get the full packet, I'll be right back.

Alex Urda: Keegan always ask whenever we are making changes.

Frank Carl: I'm afraid there will be other places in the code that refers back to Pdd-R. Because we do that a lot. Uses by special permit in Pdd-r .
A. nursing homes, hospitals, medical centers for professional office
B. Same as R District (what does that mean special permit roll into Agr.)
C. Kennels for care and breeding of domestic pets and animals

Kevin Worden: We do this restaurant thing.

Brian Donnelly: Restaurants in Agricultural are by special permit already, not sure if they are in the Residential District.

Alex Urda: No, they are not.

Kevin Worden: Should we put different setbacks for restaurants.

Alex Urda: I was going to go across the line on the setbacks.

Kevin Worden: The 240' road frontage is probably not feasible.

Frank Carl: So, for the Agricultural District we are going to add in as special permit camping, trap and skeet quarry, sandpit, gravel pit and topsoil stripping. Permitted uses under Principal add restaurants, eating establishments, including but not limited to establishments selling and serving alcoholic beverages and cannabis products. Add recreation Agricultural and its definition along with the definition for a restaurant.

Kevin Worden : the archery range we can't get rid of that?

Thomas Eldridge: High school kids are doing it everywhere.

Alex Urda: Be aware if we have to do a split definition

Kevin Worden: So, we will have a recreational NC and Recreational Agricultural

Alex Urda: The only exclusion from NC is trap and skeet

Frank Carl: And camping area is out of both only by special permit in Agricultural

Michael Boland: Move it over by special permit in Agricultural because of the noise and whatever leave it in Agricultural and if they want it they apply for a special permit. Same with skeet by special permit like the 1 in Maine.

(inaudible) I never heard where they shot anything

Frank Carl: Plus, you would right up there next to Fletcher.

Alex Urda: So, we don't need the trap and skeet line., if one comes up require a special permit in the Agricultural

Michael Boland: That makes it much cleaner. And that's what you want it to be.

Frank Carl: Take trap and skeet and camping out of both. For Agricultural add by special permit camping, trap and skeet and the quarry, sandpit, gravel pit and top soil stripping.

Alex Urda: Now you have to carry the accessories down.

Frank Carl; It opens up uses customary for recreational uses , I like that very open ended.

Alex Urda: Uses customary for recreational uses in in Pdd-R So if you want to use a wedding tent as customary now.

Frank Carl: We have to get that tent in there. Under NC

Kevin Worden: That's a temporary use is it?

Alex Urda: You need it for the golf course and the hot dog shack

Michael Boland: You need it for the fireworks guy.

Gavin Stiles: He comes in every year and gets a permit.

Alex Urda: Right now, those accessory in recreation uses you can have agricultural accessory or one unoccupied recreational vehicle .for commercial for your golf course. Get it into both of them .

Gavin Stiles: In our code temporary structures are tent membranes structures 90 days out of any 12- month period. By special permit.

Frank Carl: The one on the golf course could be considered it. It has a concrete slab electricity and I think plumbing, doesn't he?

Gavin Stiles: He was told he can't bury it

Alex Urda: The Pdd-r accessory needs to be carried down. When he came in he had bathrooms and wall. .He had to pay a massive fee for that application but, then ended up with a tent and there were other reasons, but I can't remember Building in a flood plain was an issue. So, he scrapped the commercial building. It was a building initially.

Frank Carl: :Looking at recreation Nc picnic area and similar places outdoors recreation as well as accessory uses, including user supplies, food service and sales service and storage of recreation equipment and accessories. Would that cover that tent. I need Gavin's take on this. Right now, there is a pending mortgage.

Thomas Eldridge: Is that something you guys can do fix the rules on tents?

Kevin Worden: You don't want to make that a tent.

Frank Carl: I need something Gavin is comfortable enforcing to say it is or isn't. .He has the final say on that

Gavin Stiles: We can change it have a tent forever and never take it down if they can. It's a tent a membrane structure. It's a temporary structure as it stands right now. Any way you slice it it's a tent. NYS Code talks about those. Our code says

Gavin Stiles: NYS Code talks about that, out Town Code states you can have a temporary structure for 90 days in any 12- month period.

Frank Carl: How long do they have the tent up 4 -6 months?

Jamie Szenher: It didn't go up till June this year.

Kevin Worden: You probably trying to block the firework stands from popping up Remember we had the flower tent, that stuff you probably trying to limit

Gavin Stiles: Brother Brown Flower's

Michael Boland: They come in for a permit. The other place is part of the recreational area.

Gavin Stiles: They do take it down so it doesn't get ruined in the winter time. I don't care however long they want to have it. But every year I come over and make sure they have fire extinguishers and their exit lights work and there is egress.

Brian Donnelly: You do that every year.

Gavin Stiles: Yes, I do that every year. Haven't done it this year.

Frank Carl: Isn't that in the definition of a golf course?

Gavin Stiles: No, that is what Nadine said Mr. Stiles how do you define a golf course. I don't define things I read them. That's what Nadine said isn't a golf course a business. It is but?

Alex Urda: It's been up for 6 months and nobody is complaining about it. They can have it all year.

Kevin Worden: You could have to make everyone comply with 6 months.

Frank Carl: Like the fireworks guy they have to come in for a permit to occupy that space for 6 months.

Michael Boland: Yes, he is in charge of that

Gavin Stiles: That fireworks guy came down and supplied us with everything, like he does every year.

Frank Carl: That's 1 of my wife's cousins.

Kevin Worden: So, we can't address it here. We would have to request the Town Board to change it

Gavin Stiles: Give me a membrane structure law.

Kevin Worden: They don't keep it up all year long?

Gavin Stiles: No, the water would wash it away.

Alex Urda: Unless they need the insurance claim.

Frank Carl: You go for 8 months and you're fine.

Kevin Worden: Have the tent up for 6 to 8 months.

Gavin Stiles: May through Halloween and that's pushing it.

Frank Carl: That gives them time to put it up early and remove it during their down time. It might be still standing past their season of using it but, not utilizing the tent for events.

Michael Boland: I think 8 months is sufficient

Kevin Worden: Do they keep the framework up?

Gavin Stiles: The framework stays up, just takes the membrane down.

Several Board Members discussed the number of months that would suffice

Michael Boland: If you gave them 6 months and it took 7 months to get down.

Gavin Stiles: No harm no foul.

The Board reviewed the location in the code about accessory and the 90- day limitation for temporary structures along with the definition,

Gavin Stiles: It's in definitions and in NC under accessory temporary structure for a maximum of 90 days in any 12- month period.

Alex Urda: That's just in NC?

Gavin Stiles: It's not in Residential or Agricultural but in a bunch of the other ones.

Kevin Worden: Any 90 days

Gavin Stiles: We're having a wedding that's 1 day.

Kevin Worden: You would have to punch his time card.

Frank Carl: So, we need to take that line out of NC.

Gavin Stiles : To accommodate the tent, I guess.

Alex Urda: Just allow it as an accessory use.

Kevin Worden: Slide that into both it doesn't hurt anything.

Frank Carl: A better approach might be somewhere in the definition of a golf course allowing tents. Look at Owego they have tents.

Gavin Stiles: The traditions have several tents, like Ringling Bros. Circus Coughlin and Gerhart represent the Village of Johnson City how did Traditions get around having a tent.

Kevin Worden: That is the Town of Union.

Gavin Stiles: They 're resent them too. Those tents are big and they stay up all year.

Kevin Worden: Best way to address it is to put it into a golf course.

Michael Boland: Leave it under accessory for the people for 90 days like the fireworks guy. That makes a lot more sense.

Gavin Stiles: We got to lose that 90 days or it won't work for them.

Frank Carl: And that's where the lawyers come knocking on our doors, and they're starting at 7 figures.

Alex Urda: We need a golf course definition that includes accessory uses, especially a tent.

Gavin Stiles: Any accessory structure. Loose the 90- days in NC.

Kevin Worden: Include it under the definition of an accessory.

Gavin Stiles: It's starting to make my head hurt.

Frank Carl: Like me try something, Recreation Neighborhood Commercial golf course to include clubhouse and seasonal structures.

Gavin Stiles: That will work.

Kevin Worden: You should be a lawyer.

Frank Carl: I've been sitting next to Keegan too long.

Gavin Stiles: How many temporary structures?

Frank Carl: Golf Course can't have that many it gets in the way of the golfers. Mr. Warpus is trying to make a go of it.

Kevin Worden: Those lights are going back on.

Gavin Stiles: They haven't been on since 1978. I grew up on Crocker Hill Road, you can see that baby light up.

Frank Carl: Are we holding the recreational vehicles behind the building front line in the Ag. is that true?

Gavin Stiles: Yes,

Frank Carl: I see your buddy is using his truck as a sign.

Gavin Stiles: He's not my buddy.

Kevin Worden: That was from our last meeting I brought that up. I mentioned it, I see you have your trailers on Route 12 That's what I was hinting at has to be behind the building line.

Frank Carl: They hoodwinked the Town saying they would be selling produce and candles which never came to fruition. Then they had a garage in there for a while. I guarantee there is no well that was put in over the weekend. They covered the well head with the hood of a car.

Gavin Stiles: The dude just called me wants to put an Amish shed in front of the building on Route 12 to sell agricultural products. Which he got a use permit to do. Currently the building is filled with Wrightman stuff. Keegan said if wants to bring a wagon out in front of corn, and at night bring it back in. Can't have it out there all night. DOT would probably have an issue with that as well.

Kevin Worden: He opened up both driveways as well. He was only supposed to have 1 there.

Gavin Stiles: I just said no.

Kevin Worden: A lot of people were in and out of there. Same owner multiple businesses. You can't miss what is there now.

Frank Carl: It's a lot nicer looking than Joe's Garage had all that crap out there.

Diane Aurelio: They made Mr. Markham do I, park everything in the back of his building

Gavin Stiles: Mr. Rooter.

Kevin Worden: That right he had to park all his vans behind the building.

Brian Donnelly: Look at the setbacks quickly .make any changes? Do NC first.

Gavin Stiles: We can tear this thing to shreds. Look at remark#4 when is that going to rear it head for this foolish thing.

Alex Urda: I don't understand remark #3 says see remark #1

The Board discuss the inconsistency with the spread sheets;

Gavin Stiles: The setbacks are 5 and 5 for side and rear. Unless you are abutting Ar. District, we want to go down that route.

Alex Urda: It's not the golf course but the building coverage. Now's your chance to clean up the site plan on NC required for all structures and uses.

Gavin Stiles: The ice-skating rink probably burned up 60 percent on that little postage stamp.

Alex Urda: For the recreation you should say for all uses now.

Frank Carl: It says for all uses and structures, that how you want it to read?

Alex Urda: That sets it up if they do an accessory they have to come back in.

Frank Carl: I don't know Article 671 and 621 off street parking.

Alex Urda: I think they read ok refers to 73-20.

Frank Carl: These must roll from page to page. It's not like 1 page 1 through 5. Because Pdd-R starts with # 11.

Alex Urda: We can ask for clarification from Keegan. We will have to look back where the originals are.

Frank Carl: There's a lot that goes into this stuff.

Alex Urda: On Ag. for site plan require all no residential uses see Article VIII 73-28 This is 1 we have been plagued by for years. Someone coming in for something age related requires a site plan. If you want a barn or a pig barn or a horse stall the book says any residential use has to have site plan. So, every now and again we get yelled at about it. Except for logging which is a grey area. We make logging come in but not for site plan

Gavin Stiles: I haven't made anyone do it because I think it is dumb.

Alex Urda: There are a lot of nonresidential uses that are Ag. and markets and we don't want to see them.

Frank Carl: Logging goes to the DEC, right?

Alex Urda: No.

Frank Carl: If it is more than an acre?

Alex Urda: No, they used better management practices and claim there is not an acre. And have a drawing showing that.

Gavin Stiles: Silva culture if they are going back continuously. Between the 1- time log and the harvest.

Alex Urda: If they are willing to have a forester set up their Silva culture plan and they are going to come in and log routinely every decade and here is their plan Alex Urda: We had DEC contest one recently I think she was wrong. They want to log and return in 10 years, that's Silva culture you got to let it grow. They were clear cutting it was selective cutting they had a plan .But the DEC disagreed.

Frank Carl: If it was clear cutting it has to be less than an acre for DEC permit.

Gavin Stiles: They were grubbing and there is all this language that they can throw around to chase you off the trail. That was 1 that maybe have a SWPPP.

Well we are not going to skid until February. We are not going to make any ruts. They can wiggle and dance around.

Alex Urda: So, we had to measure the trail to see if it's an acre. All of them have given us a Silva culture plan. Basically, skip the headings with the state.

Thomas Eldridge: I think you need a list because of all non- residential uses except for blank, blank, blank. There are so many things couldn't list them all.

Alex Urda: It's tricky with the Ag and Markets Law. Some things are excluded but I don't think you want to exclude all of them. Ag and Markets covers a lot of stuff.

Frack Carl: If you have animals you don't have to do anything for a barn. I live in the Ag, and my dog doesn't count. I had to get a building permit.

Alex Urda: Is 1 barn ok? What if they want 10?

Gavin Stiles: The language says solely for agricultural purposes. So, you can 't have some hay in there and park your corvette in there . You have to have hay and goats, chickens, whatever. And you have to make x amount of money.

Alex Urda: One was Jim O'Brien wanted to put up a barn and did not want to get a permit for it. He said there would be cows and pigs in it.

Gavin Stiles: I had someone on Oak Hill Road right now that wants to put up a barn. He has race horses and lives in an Ag district. There is nothing to talk about. Go ahead and build it. This is Ag. District different from an Ag. zone

Kevin Worden: We don't require a site plan for re-occupancy. Couldn't we put it at the discretion of the ordinance officer?

Gavin Stiles: Talk to the code Officer and I will refer them to you.

Alex Urda: Discussed the site plan in the various zoning districts.

Alex Urda: 73-28 final development plan doesn't have any exclusions.

Frank Carl: Does it say anything about signs.

Gavin Stiles: In residential it is 2 square feet. Then it goes on to say 36 square feet in agriculture, That's a contradiction. There are too many rabbit holes.

Frank Carl: Gavin do we need to allow the golf course not have to take their signs down. Is 36 square feet big enough?

Gavin Stiles: If you are selling fruits and vegetables you are allowed to have a sign

Thomas Eldridge: So, you can have something larger than a sheet of plywood, but the same in R district is 2 square feet.

Gavin Stiles: (R) District is 1 professional sign 2 square feet. A for sale or rent sign 6 square feet. In Ag. It is the same as R residential. You guys don't have that in front of you.

Brian Donnelly: That is for produce raised on the premises, if you get rid of that part then the golf course can have a 36- foot sign. I don't know how big their sign is now.

Frank Carl: You don't want someone running a hair salon with a sheet of plywood sign out there either. Hairdresser now is 2 square feet. I said hairdresser because that is a home occupancy.

Kevin Worden: You're just looking at Ag.

Thomas Eldridge: So, if we left it the way it is and sold the golf course tomorrow. The new owner would have to get a new sign permit for the size of the sign they have correct? They are allowed 2 square foot 1, right? They could get a variance for larger than 2 square feet is that allowed?

Gavin Stiles: It says the same as in R one 36- foot sign that's 6'x 6' that's for a specific purpose for ag. uses.

Frank Carl: Include the recreational use as well.

Brian Donnelly: Add Ag, use and recreational uses.

Gavin Stiles: 2' x 2' that's insane. It is the same as a R district, changing to say 1 professional sign 36 square feet. 6' x 6' in Ag. They still would be regulated for the for-sale sign.

The Board discussed the other sign options for the different districts.

Brian Donnelly: Alex is everything covered do you think?

Alex Urda: Bring that up to the Town Board to see what they think.

Kevin Worden: When would they be taking that up to the Town Board.

Gavin Stiles: Maybe lose the same as R, lose the site plan as well, I don't like that. remove that whole thing.

Alex Urda: There are some exclusions in the Ag. stuff I just don't know what they are now.

Brian Donnelly: Some Ag things you do need a site plan.

Frank Carl: If you are allowing restaurants in Ag you are going to want a site plan for non-agricultural use. Right now, it says for all nonresidential uses in Ag which is dumb. To do a site plan for agricultural prospective.

Gavin Stiles: How about site plan required for noncustomary uses. Leaves wiggle room.

Alex Urda: Can I have 20 barns for 4000 cows that are regulated by the state.

Gavin Stiles: At the discretion of the authority having jurisdiction.

Frank Carl: You would need a site plan for camping, restaurants you are going to need that stuff.

Gavin Stiles: I agree with that but, a pole barn, no it doesn't make sense.

Alex Urda: You are going to bring in a kid for a site plan for a roadside stand. That like the guy across the street with the bricks I had to shut him down. Not sure what he was doing with the bricks. He is making a couple bucks selling bricks. Business right across the street. I don't want to shut those things down. Similar to the sausage guy I don't like shutting them down. Some of these things like road side stands

Gavin Stiles: People don't like when people set up stands, it takes away from their business.

Frank Carl: I will be able to explain to the board what we are trying to say. I'm going to ask the lawyer what a good way to present this. We don't want to get to specific. Like for an animal hospital or whatever. Need it for a restaurant but it does say how in depth the site plan has to be.

Alex Urda: It's surveyed and stamped. Section 73-28 lays out the site plan requirements.

Gavin Stiles: That's New York State not us.

Kevin Worden: There is a lot to hash out, just keep adding to the list.

Brian Donnelly: We have covered everything we needed to do. Does anyone else have anything to offer?

Frank Carl: I think we covered everything, I'll be honest I was a little taken back when my compadres on the board said they needed this to submit to the County. Until that moment I thought we submitting what we did last week to the County and working on this in the background. They want to submit this all as one. We have enough to submit that.

Kevin Worden: Will they have enough time to submit this to the County?

Frank Carl: That's why we had this special meeting. It changes the timeline a little bit but I don't think this is going to come back early. They require the full 30 days to review. This will be confusing to them.

Diane Aurelio: Don't you think we need a motion to forward the recommendations to the Town Board so there is no miss step.

Brian Donnelly: We will make a motion to forward the revisions for the NC and Ag Districts to the Town Board. We all agreed on those changes including the definition of a golf course.

Gavin Stiles: That's the new definition.

Frank Carl: The 2 definitions are recreation Neighborhood Commercial and recreation Agricultural and the definition of a golf course. You scared me when you said the definition of a golf course.

Brian Donnelly: No, that is all included.

Frank Carl: Added seasonal temporary structures .

Thomas Eldridge: I'll make that motion to forward the revisions of the Neighborhood Commercial and the Agricultural Districts revisions along with the

definitions for a golf course and the Recreation Neighborhood
Commercial and Recreation Agricultural.to the Town Board.

Kevin Worden: Second

Brian Donnelly: Can we have a vote:

Michael Boland: aye
Melanie Pandich absent
Thomas Eldridge: aye
James. Szenher: aye
Kevin Worden: aye
Brian Donnelly aye

The motion was thereupon declared adopted by roll call of

Roll Call: Ayes – 5 Nays – 0 Absent -0

Frank Carl: Check your email tomorrow and we will have this out to you. If you see anything that is not correct please let us know. In time for our next Town Board meeting on Wednesday.

Board unanimously agreed to adjourn at 8:35 p.m.

Respectfully submitted,



Diane Aurelio, Ordinance Secretary