

**PLANNING BOARD
SPECIAL OCTOBER ZOOM MEETING
THURSDAY, OCTOBER 28, 2021
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON – NY – 13901**

PRESENT: Alan Blythe, Planning Board Chair
Messer: Donnelly, Worden, Szenher & Eldridge

ALSO, PRESENT: Alex Urda P.E. - Town Engineer
John Freer – Building/Code Inspector
Keegan Coughlin – Town Board Atty.

ABSENT: Nicholas Cortese - Planning / Zoning Atty
Michael Boland – Planning Board Alternate

Mr. Blythe - I would like to call the October Special Planning Board Zoom meeting to order. First order of business is a roll call of all the board members in attendance.

Roll Call:	Ayes –4	Nays - 0	Absent –1 (Szenher)
Boland	---		--
Eldridge	aye		
Szenher	---		XX
Worden	aye		
Donnelly	aye		
Blythe	aye		

Vote 4 to 0 with two absent Szenher and Boland, we have a quorum.

Mr. Szenher joined the meeting at 7:02 p.m. having technical difficulties with his computer.

- **2021-PB-16 -12A Enterprises, LLC.- Brendan Harder** – 70 & 90 Chenango Bridge Rd. – TM#112.05-2-6 & 112.06-6-1 -Application for site plan review for commercial development of a restaurant/café & driving range in the Commercial Development Zone & Long EAF.(Batch Coffee & Creamery)

Mr. Blythe –For the record we have already done the 14th the special permit number 2021-PB-17 for the restaurant and special permit number 2021-PB18 for the driving range. Those were all accepted along with the Long Fora EAF. So, tonight we have the site plan on number 2021-PB16. Mr. Urda do you have any updates?

Mr. Urda – We did receive plans from them today. Just mimics most of what we discuss last time. From an engineering stand point all of my comments have been satisfied. Just got to make sure NYSDOT is happy with them on the entrance.

Mr. Blythe- Mr. Freer with the Ordinance Office.

Mr. Freer – We just received those plans this afternoon. The only concern I have is the area of disturbance which is 0.99 I like to see a Full Stormwater Pollution Prevention Plan (SWPPP) and a MS4 done for that area of disturbance.

Mr. Blythe-Can you repeat that.

Mr. Freer – Sure I would I like to see a Full Stormwater Pollution Prevention Plan (SWPPP/MS4 Report) done for that area of disturbance.

Mr. Blythe – Let’s go over some of the questions we had from last time. I don’t know if everybody has Broome County comments – BMTS provide only 1 driveway. and on the diagram you did show that. Mr. Mastronardi did you any comments back from BMTS or did you just change it?

Mr. Mastronardi - I have been in contact with DOT, specifically Kathy Neidlmeyer in the Permits Office. I sent her the revised plan and her and I have been working through both BMTS and DOT comments. Because they are kind of inter-related. So, the biggest comment was the width of the access in and out of the site be no more than 24 feet wide. That’s what we did using a series of parking bumpers and pylons as we call them, that was something DOT suggested. Instead of digging up the whole entrance the curb and part of Rte 12 A she suggested that as a sufficient barrier and again 24 feet wide. The conversation I had with her she was fine with the site plan. So, the next step is the DOT Perm 33, which we are in the process of. We filled out the application and we are just pulling in the insurance that DOT requires. This is not a 33 Perm Com I can explain the difference a Perm 33 is cleaner more streamline application. Perm33 Com I think the com is short for commercial that’s when you are doing a lot of working the right-of-way utilities and aprons. So, that’s currently where were at with DOT. We have to go through the Perm 33 process and wait for their response.

Mr. Blythe – Is there any time frame on this?

Mr. Mastronardi – She didn’t. say.

Mr. Blythe – How about some type of a letter or correspondence from them?

Mr. Mastronardi – Nothing in writing not at this time. They won’t give us something in writing until they actually review the Perm 33 application

Mr. Coughlin – So you are at the application stage. How high are those barriers?

Mr. Mastronardi The delineators are 4 feet tall and the 6- inch parking bumpers are glued or screwed on top of the delineators.

Mr. Urda – Similar to Dunkin Donuts on Front Street?

Mr. Mastronardi – Yes, exactly. They are called flexible delineator poles for technical term.

Mr. Blythe – The next has to do with the pedestrian connections, light facilities, and landscaping you took care of all that. Drainage plan according to NYSDOT.

Mr. Mastronardi – The existing drainage pattern is part of the Perm 33 permit application. I indicated that on the application that this project will not impact the existing DOT stormwater or drainage.

Mr. Blythe – Ok you show the dumpster enclosure in the parking area.

Mr. Mastronardi – You see we have relocated the dumpster area to the west.

Mr. Blythe – We see the landscaping plan and added some trees.

Mr. Mastronardi – We are relocating the existing trees on the miniature golf course and transplant them along the perimeter of the parking lot.

Mr. Blythe – And if they die off you will replace them?

Mr. Mastronardi – Yes.

Mr. Blythe – Exterior lighting, Alex are you ok with the exterior lighting?

Mr. Urda – The only question there was if everyone is ok with a .1 count in the roadway. Granted they that have added fixtures. Generally, I don't worry about spillage to the road right-of-way. I'm more concerned about the neighbors, Keegan and John would have to let me know their thoughts on that.

Mr. Coughlin – I don't specifically have any thoughts; the Board would have to request the limit of spillage.

Mr. Blythe – Are you good with-it Alex?

Mr. Urda - .1 out to the road doesn't hurt anything, it's not spilling on to any houses that are adjacent. John Freer do you care?

Mr. Freer- I looked at the lighting I don't have an issue with what is spilling out to the roadway. The only questions I have what the light is going to be with their course/driving range. I didn't see any lighting details on that.

Mr. Mastronardi – That will be the existing approved lighting.

Mr. Freer- Ok

Mr. Mastronardi - Just so the Board has a reference we have been talking with the lighting vendor about the .1 foot-candle spillage onto 12A and he indicated the ambient level at a setting like this is .2 foot-candles add in the lights that the DOT owns or maintains along 12A. They would exceed the .1 foot-candles it would not be brighter than what is currently out there.

Mr. Blythe – I have one question on the diagram, let me pull it up. You are going to be putting arrows on the asphalt showing flow of traffic, NYDOT arrows

Mr. Mastronardi – Directional arrows, yes. on pavement stripe.

Mr. Blythe – You also have on there a print for the chain link fence where is that going?

Mr. Mastronardi - The chain link fence with the gate is for the dumpster enclosure. The chain link fence so the Board knows will include privacy slats to screen the dumpster and grease pit in.

Mr. Blythe – That’s what I thought just wanted to make sure. You also put on here future Electric vehicle charging stations what does that mean?

Mr. Mastronardi - I’ll let Brendan talk about that.

Mr. Harder – That means we would like to put in electrical vehicle charging stations to the site sometime in the future, that is pretty much it.

Mr. Blythe – So, what are you doing are you putting anything in there like conduit and capping it off?

Mr. Harder – That depends how long that application goes.

Mr. Coughlin - So. for now your just making larger spaces to accommodate it? That’s what it looks like.

Mr. Urda - You mean an application to the Board.

Mr. Coughlin – Yes, he means the charging station application to John’s office. Sorry I didn’t mean to speak for you Brendan.

Mr. Harder – Sounds like we need to go before the Zoning Board for the charging stations. It just seems like quite the process and we didn’t want to delay the project.

Mr. Urda – your jut showing your thoughts here and will go through the other steps.

Mr. Harder – Correct.

Mr. Blythe – Does the Board have any questions?

Mr. Harder - Is there any reason why they need to know the existing candle wattage is for the driving range, this question I guess is for John Freer. They are existing is there a reason why you need to know?

Mr. Freer – That was my question that I didn’t see on the prints. I know you are using the existing lighting that is there but, what is that.

Mr. Harder – We didn’t install it I guess maybe we can look back at the previous application.

Mr. Mastronardi – I guess what Brendan is saying what is currently there and operating for the driving range. We didn’t analyze them as part of the project. It is a little more difficult to do the existing fixture for a number of reasons. It’s not that it can’t be done, we need to identify how high these poles are where the lights are mounted, are the bulbs that are in there are they the original design. We also need

to know some of that existing data and then maybe send that off to a lighting vendor to see if they can analyze the foot-candles scenario for the driving range.

Mr. Freer- I agree with that not knowing, if there is information that is available that would be great of what was being there. Not being there for years the light spillage could affect someone else in the area.

Mr. Coughlin – Certainly you can ask the applicant to provide that prior to approval, something of that nature would be a reasonable condition. I think the existing information is too difficult to find out if something goes out what are you replacing it with. That might be a little easier to find out. So that can be a condition of approval and make it to John's satisfaction. If you wanted to request it prior to approval but that can be a condition as well.

Mr. Mastronardi – Just throwing this out there, some offices have meters that measure lighting. I know some code offices have those types of devices, does your code office just happen to have one of those?

Mr. Freer- No we do not have that device.

Mr. Mastronardi – So, I will track down one of those devices and measure the foot-candles and we will report that John on the site plan and bring that for you at the time of a building permit if that would be acceptable.

Mr. Freer – As long as we can get some foot-candles and what the light spillage is with something that can prove that yes, I'm fine with that.

Mr. Coughlin – To summarize that it seems both John and the applicant would be comfortable with that as a condition.

Mr. Blythe – The next questions we had was Alex and John regarding the grease trap. Yours said you wanted in the ground the applicant wanted it under the sink. Did that come to an agreement where it was going?

Mr. Urda – AS long as it is professionally designed based on the rate of flow going through it that's the most we can ask for. We like to see it outdoors, if they can put it in an email that helps us out.

Mr. Freer – I'm in agreement with that as long as it's engineered to control the amount of grease that they need to contain I'm comfortable with that.

Mr. Coughlin – Would you like to go over conditions from our last meeting?

Mr. Blythe – That would be great.

Mr. Coughlin – First the grease interceptor sounds everybody would be fine with that based on John and Alex comments. Question for Mr. Mastronardi or Brendan do you have that information already or are you ok with that being a condition for the site plan and subsequently for the building permit?

Mr. Mastronardi – For the grease trap that is something our plumber is still working on. We would be ok with-it being part of the condition of approval and submit that information at the time of the building permit.

Mr. Coughlin – Perfect, ok Board some verbiage for that would be professionally design details for the grease interceptor. The next is the encroachment agreement between the parcels in a recordable fashion satisfactory to the Town or to combine the parcels whether or not it makes sense. Did you have the time to do that in the past 2 weeks or at a minimum encroachment agreement that runs with the land as part approval for site plan review.

Mr. Harder – The last couple weeks we were lucky enough to pay our taxes part going to one school and the other part to another school district. I'm not sure if we will interfere combined them or be an issue. I guess Alan can't do it for us we will have to have someone else write that up for us.

Mr. Coughlin – I guess in theory you can have this done. So, you are leaning towards combination

Mr. Harder – No, encroachment agreement.

Mr. Coughlin - Encroachment agreement, got it. Board I would recommend a condition specifically that the parking lot and the and a portion of the driving range condition of approval that a recordable encroachment agreement that runs with the land giving permission between the parcels for the parking be recorded at the Broome County clerk's office which a notice be given to the Town should that agreement be terminated. Who ever ends up doing that for you, I'm happy to provide them with the language that we use as a requirement for other municipalities and people are ok with it. Next was the minimum of 60 parking spaces be kept on the site. That was because of the lack of a parking regulation for a driving range within the Town's code. Is that right John?

Mr. Freer – Yes.

Mr. Coughlin – You have well over 60 correct Mr. Mastronardi?

Mr. Mastronardi – Yes, we have 116 spaces.

Mr. Coughlin- So, 60 is a fine number as a condition.

Mr. Freer – Alex I'll refer to you as well we agreed upon 60 with 5 ADA spots which did shown on the new plans.

Mr. Urda – I recall the same.

Mr. Coughlin – A condition of approval minimum of 60 parking spaces and 5 ADA accessible parking spaces be maintained.

Mr. Urda – Not 65 spaces total, the ADA parking spaces are included within the 60 spaces total. Honestly if they dropped down to 60 the ADA adjust it's not total

Mr. Coughlin – Ok a minimum of 60 parking spaces with ADA compliance. The next I have is the area of disturbance is greater than 1 acre a SWPPP will be required. It sounds like Mr. Freer s recommend the Board require a full SWPPP as a condition of site plan approval.

Mr. Harder – Could I ask what changed from the last meeting because that is a big undertaking on our part. We kind of agreed to make sure we stay under the 1 acre by putting up a physical barrier.

Mr. Freer – At 0.99 it is too tight for me to make that decision.

Mr. Harder – John do you thing we can remove some parking spots to make it not as tight?

Mr. Mastronardi – My office went through great lengths to it .99 acres I won't argue John that it is close to the threshold So, I like to offer if there is a number I'll throw this out there .9 acres would that be more comfortable and go with Alex's recommendation using that slit fence to restrict the contractor from working outside those limits.

Mr. Freer – I would feel more comfortable going through the SWPPP and the MS 4 given the fact that we are working in a floodplain zone, flood hazard area. I know it's more work for you. I think for both parties it would be a better decision.

Mr. Mastronardi – Quick technical question for Alex, I don't want to put you on the spot Alex this part of the Chenango River is that considered a 5th order stream and is with direct discharge can we avoid the water quantity for the SWPPP?

Mr. Urda – I don't think this one gets a 5th you are closer further down the junction to get into a 5th. Which I'm asking if they if they are splurging on somethings depending on the class of river, tidal waters that are excluded that sort of things. I don't recall the Chenango River as being 5th I would have to look at a map. Do you know Mr. Mastronardi off the top of your head? Then you can get a reduction on runoff on reduction volume through any development you get a reduction on water quantity for that.

Mr. Mastronardi – We will have a little additional preconstruction verses post, but that is something we will have to look at. How we can incorporate the stormwater. Alex not sure you had any experience in that.

Mr. Coughlin -Jump to the next recommended condition we had written confirmation of DOT the lack of encroachment in their row. Mr. Mastronardi I think you did provide, is that right?

Mr. Mastronardi- I spoke with Sean Murphy from DOT and he agreed that after receiving the revised site plan survey that the sign was on our property and not in their row. I also indicated that in the Perm 33 application to the DOT. So, once they send us the approved application to us it will show what they agreed to. It's hard to get something in writing from DOT prior to getting a formal Perm 33 application So, without submitting that they're not going to give you an email you still have to go through this process. They are very careful how they approve and move forward on a project.

Mr. Coughlin – It took 8 months for a sign in Johnson City whether this was on the applicant's property or DOT and since it wasn't formally an applicant not yet active we had to run it up the flag pole quite a bit. I sympathize with that experience. So, Board we can say with Perm 33 approval from DOT for the sign encroachment, everybody comfortable with that?

Mr. Harder – Do you think they will actually acknowledge that John?

Mr. Mastronardi – I think so they made a note on the application about the sign and the location of the sign and it is private property. When they go through the application they will definitely see that. Sean Murphy has already agreed with me.

Mr. Coughlin – So we can say Perm 33 approval and written or verbal directly to the Town on the encroachment. Perhaps can be a conference call with John or Alex. So, Brendan I hear your point on that.

Mr. Harder – I think the survey done by us will help.

Mr. Coughlin – The Board ok with that? Ok Next was the photometric plan we did get that. And we talked about the 0 degree of spillage. You guys are comfortable with the existing photometric plan but, like the condition of satisfactory photometric plan to the code office as it relates to the driving range. That will be up to John Freer discretion as to what is specifically needed there.

Mr. Urda – On the stormwater I did access the map, Mr. Mastronardi you might be a 6th on the 100 year. The survey knows if you discharge through a 5th order it greatly reduces what you have to do for discharge, you are already in a flooded area. If you are in that 5th order class they wave the 100- year requirement for it. If you want to see the map I can email it to you tomorrow. You are a 5 or 6. It's hard to read.

Mr. Mastronardi – I have that too floating around somewhere but, I will let you know if I need it.

Mr. Coughlin – The next is any new or existing sign updates require a sign permit. Everyone comfortable with that, yes. The entry access they did provide the parking barriers on the application. Brian Donnelly is that you on the phone. Next is the pedestrian access, crosswalks accessibility and complete streets that's covered. Everybody comfortable with that the updates with the bike racks and the sidewalks, Good don't need to be a condition any longer. Satisfactory drainage plan, I think the SWPPP will cover that now I will rely e on you now.

Mr. Urda – We want to see some flow arrows on going out to the right-of-way, Yes, they can add that to their storm plan.

Mr. Coughlin – So, we will leave that as a condition but mirror it with the SWPPP. Screened enclosure around the dumpster and grease pit, they did update their plan I recommend we leave that as a condition it stays screened as part of the site plan approval So, if the fence is ever replaced it remains screened. That is what I had on my list.

Mr. Urda –They will need a flood plain development permit. We also requested their last (inaudible) for the flood plain analyst

Mr. Freer – Yes.

Mr. Coughlin – Submit a satisfactory flood plain development permit application.

Mr. Blythe – Board have anything else, Mr. Coughlin how do we proceed with this. I seen some members writing things down.

Mr. Coughlin - If someone would like to make a motion to approve the application with conditions and If you feel comfortable with that I can list them off.

1. Grease interceptor provided with a professional design details to the Code Office.
2. Encroachment agreement between the parcels in a recordable fashion satisfactory to the Town or to combine the parcels
3. Minimum for 60 parking spaces with ADA compliance.
4. Stormwater Pollution Prevention Plan (SWPPP) and MS4 Permit
5. Perm 33 approval from DOT in reference to the sign encroachment
6. Satisfactory photometric plan submitted to the Code Office for the driving range
7. Any new or updates to the existing signage shall require a sign permit
8. Satisfactory drainage plan to be incorporated with the SWPPP
9. Dumpster and grease interceptor remained screened on concrete
10. Receipt of a satisfactory Flood Plain Development application permit

A motion was made by Mr. Worden for site plan approval based on the conditions mentioned, seconded by Mr. Eldridge.

Roll Call:	Ayes –5	Nays - 0	Absent – 0
Eldridge	aye		
Szenher	aye		
Worden	aye		
Donnelly	aye		
Blythe	aye		

Motion passed by a vote of 5 to 0

There being no further business before the Board they unanimously agreed to adjourn at 7:37 p.m.

There were 15 participants during the Zoom meeting.

Respectfully submitted,

Diane Aurelio
Ordinance Secretary