

**PLANNING BOARD  
REGULAR MEETING  
MONDAY, JUNE 11, 2018  
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12  
BINGHAMTON – NY – 13901**

**Approval of the May 14, 2018 Regular Planning Board Minutes.**

**PRESENT:** Cynthia Paddick, Chair  
Messer: Donnelly, Carl, Blythe & Worden

**ALSO, PRESENT:** Michael Boland - Planning Board Alternate  
Alex Urda P.E. - Town Engineer  
John Freer – Building/Code Inspector  
Terry Kellogg – Councilperson

The meeting convened at 7:00 p.m., at which time Mrs. Paddick called the meeting to order. The first order of business is the approval of the minutes from the Regular Planning Board meeting on May 14, 2018.

A motion was made by Mr. Blythe, seconded by Mr. Carl , to approve the minutes from the May 14, 2018, Planning Board meeting.

Roll Call:                      Ayes - 5                      Nays - 0

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**NEW BUSINESS**

- **NONE**

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**ADVISORY OPINIONS/REFERRALS**

- **DEBBIE STURDEVANT**- 13 Warner Rd – TM#078.10-1-19- Application for an area variance for less than required lot width from 100’ to 90’ & a use variance to allow construction of a duplex with in the residential zone

Mr. Urda- The parcel is connected to public sewer, but not to public water. The owner will need to place on the plot plan the location of the well to assure adequate distance per the health codes. This is not subject to Broome County 239 review. This is an Unlisted Action under SEQR because of the use variance. The ERB will review for an advisory opinion and the Zoning Board of Appeals will assume “Lead Agency” and shall act on SEQR review. Usually there are 2 parking spaces per dwelling unit which is 2 vehicles in a residential zone for a single family dwelling. In this case they will require 4 spaces. The driveway width and the 2 car garage will provide enough parking. A favorable advisory is recommended.

Mr. Freer-If the Planning Board gives a positive advisory, the Ordinance Office requests the Local Law for parking be addressed and a building permit is required.

Applicant was present to answer questions from the Board.

Mrs. Paddick –Does anyone have questions for the applicant?

Mr. Carl – Just a quick question for Diane, did the legal notices already go out?

Ms. Aurelio- Yes they were already sent out.

Mr. Carl – The only ones that would have a concern is the Evanchof family, who live on Warner Road and if they don't have any issues I'm good with it.

There being no further discussion a motion was made by Mr. Carl, seconded by Mr. Blythe to forward a favorable advisory to the Zoning Board of Appeals for both variances.

Roll Call:                      Ayes - 5                      Nays - 0

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Mrs. Paddick – I would like to bring something up before we adjourn. I was reading the minutes from May Board meeting and the LED signs were brought up again. Now the Planning Board recommended a favorable advisory but, the Zoning Board did not take action on it. Now I wasn't there. I read the Zoning Board minutes and it appears they misinterpreted what Broome County and NY State was stating. Granted it was muddled, but they did say they recommend denial, unless the sign complies with the New York State Department of Transportation. If anything happens with that sign it should meet the requirements that were specified, which they did.

Mr. Blythe - I was there at the Zoning Board meeting and I was surprised when Mr. Phillips said the same thing. He said they had to have a super majority.

Mrs. Paddick – The County has recommended denial on a few things, but this was not one of them. I just want to make sure they understood what they were saying. We even questioned the animation, it wasn't clear what the State or County wrote. That is one of the reasons we should look at revising the law on the LED signs.

Mr. Kellogg – We were going to suggest updating the sign ordinance.

Mrs. Paddick - I feel we need to do this to keep up with the technology. So we don't have to continually see sign variance applications. It is just one after another after another and they are going to keep coming. So, we have to have some consistency. To alleviate this we need to look at revising the LED

sign ordinance. We discussed this during our last month meeting. Would the Town Board support us into looking at this?

Mr. Kellogg – Yes they would. Mrs. Kinne came to one of our board meetings and she questioned the NYS Department of State publication on signage. This was two days after their meeting and there were some questions that night. I do not believe some of the board members did not agree with Mr. Phillips assumption it was a negative. Because he said it needed a supermajority and a full board was not there. He offered to defer it to the applicant to decide whether they proceed or hold it over to the next meeting. In the mean time it was suggested someone reach out to the State or County for clarification.

Mrs. Paddick – It was the County.

Mr. Kellogg - I thought there was some dissention among the board members on what the interpretation was and if a super majority was necessary. Then Mrs. Kinne came to one of our town board meetings and asked, if they would be open to reconsidering the law and we said yes. We talked to Mr. Walls about it and he said if we could have both Boards look at it and forward their recommendations to the Town Board to review in revising the law. We would be open to doing that.

Mrs. Paddick - So maybe at our next meeting in July, we can put that on the agenda and gather some information prior to that.

Mr. Kellogg- That will work. There were some other issues brought up at our meeting about the churches not doing what they were approved for. Neither church was following the approval granted, changing the sign once or twice a day and scrolling was going on. So that did come up too. So in the future, if they are granted, we have to have some latitude to change more than they are, or the enforcement has to be changed.

Mr. Boland - We have what the State would approve.

Mrs. Paddick – We would have to go along with the State requirements. There should be something written. Being very specific as to what will be allowed.

Mr. Kellogg – Animation and the definition was also brought up at our meeting.

Mrs. Paddick – That was one of my questions and contacted the State on that for clarification.

Mr. Kellogg- It seems to me they should be specific as to what they are recommending with these conditions.

Mrs. Paddick- The whole thing was a bit confusing. I don't know how everyone else feels but I don't want to see these come in all the time.

Mr. Carl – The law is poorly written. The only LED signs that are allowed are gas pricing and back when it was written that was fine. Now it needs to be looked at again and balanced out.

Mrs. Paddick –So we have the Town Board’s support to look into updating the sign ordinance to include LED messaging center signs. We can put this on next month’s agenda to discuss. We will forward our recommendations to the Town Board for consideration and incorporating it into our ordinance, if they concur with our recommendations.

There being no further discussion a motion was made by Mr. Donnelly, seconded by Mr. Carl to adjourn the meeting at 7:10

Respectfully submitted,

Diane Aurelio  
Ordinance Secretary