

**CHEMUNG COUNTY PLANNING BOARD**  
**MEETING NOTES**  
**DECEMBER 21, 2017**

Present:

Ronald Panosian, Chair  
Andrew Avery  
Joseph Peters  
Bo Manuel  
Anthony Pagano  
Henry Dalrymple  
Mary Jo Yunis  
Robert Lewis  
Nicolette Wagoner, Staff  
Scott Shaw, Staff  
Nanette Moss, Staff  
Steve Hale, Hale Contracting, Inc., Guest  
Bill Maxwell, DLC, o/b/o G&I IX Empire Big Flats LLC (Harbor Freight), Guest  
Jim Fardette, Corning Inc., Guest

Excused:

Douglas Brackley

A. TOWN OF VETERAN – Conditional Use Permit – Cutlip/North Enterprises LLC

DISCUSSION: R. Panosian advised that the petitioner seeks a conditional use permit. N. Wagoner reported that petitioner wishes to open an Overhead Door retail store with office space in a vacant building, which would not constitute a change of use. NYS DOT indicated that the applicant needs a Highway Work Permit (HWP) due to driveway work. Staff noted a concern about proximity of the parking to Route 14. Scott Shaw said that the application contained a survey but no site plan. A. Avery advised that petitioner would need a highway work permit because they will be paving in the right-of-way. R. Panosian asked if we know the applicant is planning to pave, and A. Avery advised that it is an assumption based on the word “ameliorate” in the application, which means improve. It is preferable for the owner to apply for the HWP and not need it than to *not* apply for it then need it. The HWP application is an approximately six-week process. R. Panosian asked if the application included any freestanding signage, N. Wagoner replied no; however, the application does not include much detail. She is uncertain whether to recommend local determination or approval of the conditional use permit due to the lack of information about the parking work, and leaning toward approval with comments. A. Avery agreed on the recommendation for approval provided the petitioner address the DOT requirements for HWP. R. Panosian asked if the Board had any questions or comments; there being none, he asked N. Wagoner for her recommendation. She recommended approval with comments regarding the DOT process.

MOTION: Made by Andrew Avery, seconded by Anthony Pagano recommending approval of the proposed conditional use permit along with comments from the Board that they follow the DOT process and obtain a HWP due to paving in the right-of-way. Members in favor, all; opposed, none. Motion carried.

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B. TOWN OF HORSEHEADS – Approval of Site Plan – Hale Contracting, Inc./2054 Grand Central Avenue

DISCUSSION: R. Panosian advised that petitioner Steve Hale is present and asked N. Wagoner to give an overview of the referral. She reported that the petitioner wishes to construct an addition to an existing building located within 500' of County Route 66 in a Commercial zoning district, advising that the Town Planning Board's public hearing will be January 3. Steve Hale added that he plans to convert a storage unit into an employee parking area by opening up the shed and installing a beam. R. Panosian asked if the Board had any questions and there were none. N. Wagoner recommended approval. R. Panosian asked if there was any further discussion from the Board; there being none, he called for a motion for approval.

MOTION: Made by Mary Jo Yunis, seconded by Joseph Peters, Daniel Manuel abstaining, Anthony Pagano abstaining, recommending approval of the proposed site plan. Members in favor, all; opposed, none. Motion carried.

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C. TOWN OF HORSEHEADS – Approval of Site Plan – Hale Contracting, Inc./2049 Lake Road

DISCUSSION: R. Panosian advised that petitioner Steve Hale is present and asked N. Wagoner to give an overview of the referral. She reported that the parcel in question is within 500' of a county road, located in a Commercial zone. The Town Planning Board will be January 3. Steve Hale would like to construct a 20' x 74' open-front storage building near a group of existing buildings. A. Avery advised that the project would require a highway work permit along with documentation that it is going to be a formal driveway. He added that the form is available on-line at the Chemung County Department of Public Works website. N. Wagoner recommended approval. R. Panosian asked if the Board had any further questions; there being none, he called for a motion for approval.

MOTION: Made by Andrew Avery, seconded by Robert Lewis, Anthony Pagano abstaining, Daniel Manuel abstaining, recommending approval of the proposed site plan. Members in favor, all; opposed, none. Motion carried.

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D. TOWN OF BIG FLATS – Approval of Site Plan Amendment – G&I IX Empire Big Flats LLC

DISCUSSION: DLC Property Manager Bill Maxwell attended on behalf of Harbor Freight, the petitioner. N. Wagoner stated that the applicant is seeking approval for a site plan amendment to remove trees and improve sight lines. The parcel where Harbor Freight would like to develop a new location is located in Consumer Square, in a Business Regional zoning district adjacent to Field and Stream and Sam's Club. The applicant is proposing to remove fifteen trees and replace them with shrubs or similar-sized trees elsewhere on the site. Wagoner asked Mr. Maxwell if Harbor Freight's corporate policy is this type of tree removal, noting the landscaping between the Ithaca store and NYS Route 13. Mr. Maxwell was unfamiliar with the corporate policy but explained that Harbor Freight would like better visibility from Route 64 and will not locate here if they cannot remove the trees. (The former owner of Consumer Square would not remove the trees previously, and Harbor Freight did not move forward with plans at that point.) The applicant proposes to replace each removed tree with lower-profile shrubs or trees in different areas out of the sight lines. Mr. Maxwell agreed that it is appropriate to request that the applicant replace the trees with similar-sized trees, and advised that more detailed site plans will indicate the trees' proposed placement. R. Panosian noted that the existing trees were likely an obligation on the original development's site plan. The Board would like to know locations of replacement trees as well as how those trees would add value to the overall development without obstructing the view of another business.

A. Avery has spoken with the Town, which is willing to approve the amendment provided the applicant replaces the trees. The DPW found that the trees are on private property. If they were within county right-of-way, DPW would have the ability to approve removal or not, but as they are on private property, he feels that the decision is a local determination (with comments supporting a specific landscape plan) and the Town Planning Board should decide

whether to maintain their landscaping requirements. He also noted that there is no effect on the county highway. Per the discussion, N. Wagoner advised that the Town should require a site plan that shows the same number, size and quality of trees being removed. Shrubs are not the equivalent of a mature tree. M. Yunis added that the number of trees proposed for removal seems excessive. Mr. Maxwell noted that the new owner (DLC) has cleaned up the parking lots and landscaping, improving Consumer Square's overall aesthetics and visibility. R. Panosian asked what jurisdiction CCPB has other than to share our comments or opinions, and N. Wagoner advised that if we vote to not approve it, then the Town Planning Board would have to approve it by a supermajority. R. Panosian asked if the Board had any further questions; there being none, he called for a motion. N. Wagoner recommended local determination along with including comments that the applicant replace the removed trees with trees of similar size. R. Panosian asked if the Board had any questions or comments; there being none, he called for a motion for local determination.

**MOTION:** Made by Mary Jo Yunis, seconded by Andrew Avery, recommending local determination of the site plan amendment as the project would have no countywide or inter-municipal impact, along with comments that the Board supports a landscape redevelopment plan that includes replacement of the trees that would be removed to be replaced with the same number, size, type, and quality of trees, and that the Board feels that removal of fifteen trees is excessive. Members in favor, all; opposed, none. Motion carried.

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E. TOWN OF BIG FLATS – *Approval of Site Plan* – Corning Inc.

**DISCUSSION:** Jim Fardette was present on behalf of the petitioner to discuss a referral that the Board reviewed earlier this year. N. Wagoner explained that the referral addresses proposed changes to the Corning Incorporated hangar entrance onto Airport Road. The Town Planning Board will meet to discuss the site plan on January 2. Corning would like to revise a site plan to align its driveway onto Airport Road. The airport is planning to expand its parking into an area that it bought from Corning; as part of the expansion, it will also realign Airport Road. The revised driveway alignment would allow vehicles to access the Corning property more easily. The Town requested that based on the new property line and the new subdivision plan, that the applicant replace an equal amount of green space from an area that is currently impervious to compensate for the space that would be pervious surface. N. Wagoner asked if the increase in impervious surface might require an area variance due to lot coverage. Mr. Fardette answered that Corning will work with the town on the offset of property to ensure that the lot coverage is acceptable. In terms of timing, asphalt will not be available until spring and the applicant is working on SWPPP now. A. Avery said this is a good approach for the short- and long-term. R. Panosian asked if the Board had any further questions; there being none, asked for N. Wagoner's recommendation. She recommended approval and noted that the Town Planning Board will resolve the lot coverage issue. A. Avery added the comment that CCPB is supportive of the approach to exchange the green space (from the original site plan) as Airport Road would be built within two years.

**MOTION:** Made by Robert Lewis, seconded by Daniel Manuel, recommending approval of the site plan along with the comment that the Board is supportive of the approach to exchange the green space (from the original site plan) as Airport Road would be built within two years. Members in favor, all; opposed, none. Motion carried.

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**Planning Commissioner's Report:**

N. Wagoner presented an update of items for discussion that she previously sent to Board members for their review: proposed changes to the 1969 Bylaws, updated referral form and inter-municipal agreement and exemptions.

**Bylaws:**

Ms. Wagoner met with County Attorney Bryan Maggs, who recommended amending the wording regarding the appointed members to state, "no fewer than seven members and no more than nine members". CCPB currently has

eight members plus the Commissioner of Public Works, who is an Ex-Officio member. The Board may want to consider having an odd number of voting members. The Board will vote on approval in January; pending approval, the Planning Department will forward them to the County Legislature for final approval. Chairman Ron Panosian noted that the primary impact of the revisions is to separate this body's activities from the Planning Department's activities. Nicolette will e-mail the suggested changes in pdf format to Board members.

Referral Form:

A PDF of the updated referral form is on the Planning Department page of the new Chemung County website. We also emailed it to all of the municipal clerks and asked them to start using it in January. The will include additional information such as meeting dates and a checklist. We also hope to have a fillable form online in the next couple of months.

Exemptions Discussion:

S. Shaw presented some research on the past three years of CCPB referrals. General Municipal Law gives us permission to enter into inter-municipal agreements for actions that would not have any impact beyond the municipal boundary. Potential exempted actions include area variances, sign variances, dimensional variances and certain site plans. Per the discussion, the Board is leaning toward maintaining the requirement for site plan referrals, and not requiring area variance referrals. However, if a municipality requests feedback on an action that is exempt we will continue to review the referral. In the past three years, the Board has given 106 local determinations; however, for actions other than an area variance we are now leaning toward approval. It is the Board's feeling that area variances are generally local determination. The Board would need to enter into an IMA with each individual municipality that is interested in pursuing exemptions. Scott will draft a sample agreement for the Board's review.

Meeting adjourned at 3:34 p.m.