

**CHEMUNG COUNTY PLANNING BOARD**  
**MEETING NOTES**  
**OCTOBER 26, 2017**

Present:

Ronald Panosian, Chair  
Andrew Avery  
Henry Dalrymple  
Douglas Brackley  
Robert Lewis  
Bo Manuel  
Anthony Pagano  
Mary Jo Yunis  
Nicolette Wagoner, Staff  
Scott Shaw, Staff  
Nanette Moss, Staff  
Tom Skebey, Guest  
Brian Grose, Guest

Excused:

Joseph Peters

**Introduction**

Planning Commissioner Nicolette Wagoner said that she and Scott Shaw in the Planning Department are preparing an updated referral form for the Board to review in November, with the hope of offering online referral submissions in January. A new County website will be going live in the coming weeks.

A. TOWN OF BIG FLATS – Approval of Subdivision Plat – Corning Big Flats, LLC.

DISCUSSION: R. Panosian stated that the petitioner is seeking approval of a subdivision plat to create two parcels from the existing parcel. N. Wagoner said that the property is located in a Rural zoning district adjacent to Sing Sing Road, and that the petitioner plans to construct a storage building. CCPB staff reported the use would not result in a major increase in traffic to and from the site. S. Shaw noted that the project has come before CCPB previously as a site plan, and the Town Planning Board granted approval. He also noted that the petitioner wanted to subdivide in case they want to sell the buildings in the future. The proposed new building would be situated behind the existing building located within 500' of Sing Sing Road. The Town is working with Chemung County Storm Water Coalition to develop a Storm Water Pollution Prevention Plan (SWPPP); otherwise, the Town has no additional concerns about the project. A. Avery asked if the referral is only regarding the splitting of the parcel, as CCPB has already recommended approval of the site plan, N. Wagoner concurred.

MOTION: Made by Andrew Avery, seconded by Mary Jo Yunis, (Douglas Brackley and Anthony Pagano abstaining), recommending local determination as the project would have no Countywide or inter-municipal impact. Members in favor, all; opposed, none. Motion carried.

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B. TOWN OF BIG FLATS – Approval of Site Plan – Simmons Rockwell

DISCUSSION: Brian Grose from Fagan Engineers is present on behalf of the petitioner, Simmons Rockwell, to request site plan approval to construct a new Subaru vehicle service center and expand the parking lot at its County Route 64 location. The petitioner is proposing to install pervious pavement for the parking lot expansion. N. Wagoner asked Grose if they have resolved the SWPPP or are working through it now, to which he noted that the SWPPP is complete and shows that the site has capacity to handle runoff (the pervious pavement will also help reduce runoff). N. Wagoner asked if he has had success with pervious pavement on other projects. A. Avery stated that he has not seen widespread use locally. Grose said Simmons Rockwell had installed it successfully at its Nissan dealership. N. Wagoner and A. Avery asked if pervious pavement might compact and result in increased run-off. A. Avery asked if the petitioner has a maintenance plan, as it needs to be swept or vacuumed regularly. Grose will speak with Wenzel (contractor) about the maintenance plan. A. Avery explained that pervious pavement is a looser open-graded asphalt with larger voids that allow infiltration of water into the ground. If not maintained, it can fill with sediment over time and begin to function like impervious pavement. Grose confirmed that the project does not propose any new driveways or curb cuts and noted that the only other issue that brought up was setback from the property line for parked vehicles, which is not changing. N. Wagoner recommended approval.

MOTION: Made by Robert Lewis, seconded by Douglas Brackley, recommending Town Planning Board approval of the proposed site plan along with the comment from Andrew Avery recommending a maintenance plan for the pervious pavement. Members in favor, all; opposed, none. Motion carried.

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C. TOWN OF BIG FLATS – Approval of Subdivision Plan – Smith/Smith Homestead, LLC

DISCUSSION: R. Panosian advised that the petitioner is requesting approval of a subdivision plat to create two land parcels on Curren Road. N. Wagoner reported that CCPB received the referral due to the property's location within 500' of State Route 352. The parcel is in a Rural zoning district. The family would like to subdivide the parcel so that they may be able to sell it in the future. She recommends local determination as the project would not have an inter-municipal impact. S. Shaw noted that the property it is part of an old farm site, and is a five-acre piece of the overall property.

MOTION: Made by Mary Jo Yunis, seconded by Anthony Pagano, recommending local determination as the project would have no Countywide or inter-municipal impact. Members in favor, all; opposed, none. Motion carried.

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D. CITY OF ELMIRA – Approval of Site Plan – Providence Housing Development Corporation

DISCUSSION: R. Panosian advised that the petitioner is seeking approval of a site plan for a two-story, 20-unit apartment building. N. Wagoner reported that the property is located within 500' of a state route in a Multi-Family zoning district, surrounded by two other developments owned by the same owner. Brian Grose from Fagan Engineers is present on behalf of the petitioner. The proposal complements the surrounding uses in the neighborhood. R. Panosian noted that the site is adjacent to the County Services Building and next door to another multi-unit housing development of similar scale. He asked if the petitioner has a targeted tenant group, to which Grose responded that he believes it is for persons recovering from addiction. R. Panosian inquired about any potential impact to the County Services Building, to which N. Wagoner said that the proximity of social services across the street is beneficial, as it is within walking distance of the development. A. Avery said he would prefer the sidewalk to extend through the driveway versus the other way around, because it indicates that the pedestrian has the right-of-way. N. Wagoner recommended approval with A. Avery's comment about the sidewalk/driveway. She also noted that the City Planning Commission will meet on Thursday, November 2 to discuss the proposal.

MOTION: Made by Daniel Manuel, seconded by Mary Jo Yunis, recommending City Planning Commission approval; however, Chemung County Planning Board requests that the sidewalk extend through the driveway, thereby indicating that the pedestrian has the right-of-way. Members in favor, all; opposed, none. Motion carried.

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E. CITY OF ELMIRA – Zoning Use Variance - Wheaton

DISCUSSION: R. Panosian asked R. Lewis to introduce this referral due to a conflict of interest. R. Lewis noted that petitioner Jim Wheaton is requesting a zoning area variance for property located in the City of Elmira. N. Wagoner reported that, the property is located within 500' of Clemens Center Parkway in a Light Industrial zoning district on the site of a former car sales business. The petitioner is proposing to operate a fitness center, which is not an allowed use within the LI zone. However, it is adjacent to the General Commercial zoning district, where a fitness center is an allowed use. The property has been for sale for several years and a gym seems to us to be a viable use. A. Avery noted that it is adjacent to the Lackawanna Trail. R. Lewis asked is this is the former Albee Truck business (yes). N. Wagoner advised that the Zoning Board of Appeals will meet on November 2 to review the application prior to the November 7 public hearing. Tom Skebey noted that just south of the site, the City approved a use variance for the Ex-Gen building as church offices. When the City considers rezoning this area, it will be useful to discuss allowed uses in comparison to those around the district. R. Lewis asked if the project needs to be resubmitted for site plan approval; Skebey said no, as this would not be a major project and only requires the use variance and a simple building permit. R. Panosian advised that the brick parking lot behind the building is a separate parcel. While it is also the former Albee property, it is not part of this project and will be available for another purpose.

Several CCPB members asked for clarification between recommendations for approval or local determination. R. Lewis noted that in the past, the Board has generally recommended local determination. He asked, if we approve and the locality then rejects an application, what is the result? N. Wagoner noted that if CCPB approves, the municipality may still reject an application. However, if CCPB rejects an application, the municipality has to approve with a supermajority vote. Her preference is to approve projects that the Board believes are good for the County. When we discuss subdivisions where there is truly no inter-municipal impact at all, she will recommend local determination, but in the case of something that is having a larger impact, she would recommend approval. Skebey said that municipalities like to see the Board's opinion, and they appreciate positive recommendations (approvals) over local determinations. N. Wagoner recommended approval for this application.

MOTION: Made by Andrew Avery, seconded by Daniel Manuel, (Anthony Pagano and Ronald Panosian abstaining), recommending Zoning Board of Appeals approval of the zoning use variance. Members in favor, all; opposed, none. Motion carried.

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F. TOWN OF SOUTHPORT – Zoning Ordinance Amendment – Town of Southport

DISCUSSION: R. Panosian advised that the Town of Southport wishes to amend its zoning ordinance. N. Wagoner said that the Town inadvertently left out public utilities from the use table when revising its zoning ordinance in 2015, and is now proposing to allow them in the R-1 District. A. Avery asked if this would restrict the county's ability to require permits, as they can require a permit under state law. He wanted to ensure that this law would not allow an end run around the typical utility permitting process. N. Wagoner said she did not believe that was the case with the zoning law, and recommended approval.

MOTION: Made by Robert Lewis, seconded by Douglas Brackley, (Anthony Pagano abstaining), recommending approval of the Town's proposed zoning ordinance amendment. Members in favor, all; opposed, none. Motion carried.

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G. TOWN OF VETERAN – Zoning Area Variance – Warham – ADD-ON ITEM

DISCUSSION: R. Panosian advised that the petitioner wishes to construct a two-car garage in a residential subdivision. N. Wagoner reported that the project is requesting an area variance; specifically, 5.5' relief from the 15' side yard requirement. She recommends a local determination as the project would not have any County or inter-municipal impact, and the only reason it is referred to CCPB is because of the parcel's location within 500' of State Route 14. R. Panosian asked if the Board's general opinion of residential area variances issues that they should be local determination? Although CCPB has not had a standard for this type of determination in the past perhaps we should set one. A. Avery agreed that this makes sense. M. Yunis noted that the area variances are often local determinations, while use variances require a higher standard. S. Shaw noted that NYS statute would allow CCPB and the municipality(ies) to have an agreement for exempting some of the referrals (such as area variances). This would require a discussion with the municipalities. N. Wagoner proposed that she would develop a list of possible exceptions for the Board to discuss in November. She recommended local determination for this application.

MOTION: Made by Mary Jo Yunis, seconded by Douglas Brackley, recommending local determination as the project would have no Countywide or inter-municipal impact. Members in favor, all; opposed, none. Motion carried.

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Meeting adjourned 3:30 pm.