

CHEMUNG COUNTY PLANNING BOARD

MEETING NOTES

MARCH 22, 2018

Present:

Ronald Panosian, Chair
Andrew Avery
Joseph Peters
Henry Dalrymple
Robert Lewis
Nicolette Wagoner, Staff
Scott Shaw, Staff
Nanette Moss, Staff

Guests

James Tull, Arnot Mall, Petitioner, T. of Big Flats
Holly McRagie, o/b/o Kelly Spaulding, Party City, Petitioner, T. of Big Flats
Deda Cedar, Chair, Planning Bd., T. of Erin
Jeremy Keller, Petitioner, T. of Erin
Bill Hopper, General Manager, Elmira-Corning Regional Airport
Cara Demers, WENY News
Warren Howler, Evening Times

Excused:

Douglas Brackley
Bo Manuel
Anthony Pagano
Mary Jo Yunis

1. Call to order
2. Approval of Meeting Notes
 - a. Motion made by Robert Lewis, seconded by Andrew Avery to approve the February 15, 2018 Meeting Notes as drafted. Members in favor, all; opposed, none. Motion carried.
3. Visitor Comments – There were no visitor comments. Visitors can comment as we review each referral.
4. Zoning Referrals

A. TOWN OF BIG FLATS – Site Plan Approval – Arnot Mall/Former Bon-Ton Site (Arnot Realty Corporation, Owner)
DISCUSSION: R. Panosian advised that James Tull is here representing Arnot Mall. He advised that due to a conflict he was asking R. Lewis to chair this referral. R. Lewis noted that the Arnot Mall is asking for approval of a site plan for the former Bon-Ton building. N. Wagoner reported that the owners are repositioning themselves in the market and as such, proposing to demolish and replace the existing building that housed the Bon-Ton store with a 95-100 room Holiday Inn Express. The proposal also includes a reconfigured parking lot, infill development that may include restaurants and other retail, and additional landscaping. The project would modify the parking flow. A traffic study indicates very minimal increase in trips (most of which would internal), and the roadway network is sufficient for this increase. The benefits of this project are many – the infill development in and landscaping in the current parking area will have environmental

benefits, the entire project will have positive economic development impacts, and as a gateway to the Finger Lakes, the shopping center's facelift will benefit residents and visitors. James Tull had nothing to add. N. Wagoner recommended approval. R. Lewis asked if the Board had any questions or comments; there being none, he called for a motion for approval.

MOTION: Made by Henry Dalrymple, seconded by Andrew Avery, Ronald Panosian abstaining, recommending Town Planning Board approval. Members in favor, all; opposed, none. Motion carried.

B. TOWN OF BIG FLATS – Site Plan Approval – Chambers Hospitality, Inc./Holiday Inn Express
(Arnot Realty Corporation, Owner)

DISCUSSION: R. Panosian advised that James Tull is here representing Arnot Mall. He advised that due to a conflict he was asking R. Lewis to chair this referral. R. Lewis noted that Arnot Mall is asking for approval of a site plan for Holiday Inn Express and redevelopment. N. Wagoner reported that the Arnot Mall wishes to redevelop the former Bon-Ton site and is presenting the demolition and redevelopment plan, including parking, landscaping, and utilities for the new hotel. (The proposed 2,237 parking spaces include all of the Arnot Mall's future parking spaces, not only those for the hotel). The project will include electric vehicle charging stations. The parking lot will be more attractive and pedestrian-friendly upon completion of the project. It is a coordinated review for SEQR, so the EAF serves both projects (referrals "A" and "B"). The applicant and Town should continue to coordinate with the airport and FAA as the hotel will be in the flight path to Elmira-Corning Regional Airport and as such, may not exceed a certain height. James Tull noted that the applicant filed a proposal with the FAA and expects it back shortly. N. Wagoner recommended approval. R. Lewis asked if the Board had any questions or comments; there being none, he called for a motion for approval.

MOTION: Made by Andrew Avery, seconded by Joseph Peters, Ronald Panosian abstaining, recommending Town Planning Board approval. Members in favor, all; opposed, none. Motion carried.

C. TOWN OF BIG FLATS – Sign Variance – Spaulding/GRI IX Empire big Flats LLC/Party City

DISCUSSION: R. Panosian advised that Holly McRagie is present on behalf of Kelly Spaulding, representing Party City and requesting a sign variance on Colonial Drive. N. Wagoner reported that Party City would be going into space next to Old Navy. Party City proposes to install graphics covering a greater percentage of the window area than zoning allows. Holly McRagie explained that once installed, the graphics are a permanent installation consisting of a corrugated upright wall and they would not change, are maintained, are a constant fixture that hides the white pegboard behind the cash wraps at the cash registers and are not changed unless something is wrong with them (fading or damage). N. Wagoner noted that while the proposal is consistent with some of the surrounding storefronts, those windows that are not entirely covered are friendlier to passersby than obstructed windows are. She also noted that Party City is selling a brightly colored and cheerful product, as shown in the renderings. She recommended local determination with the comment that if the Town were to grant the variance, to note that it could set a precedent for future sign variances. R. Panosian asked if the Board had any questions or comments; there being none, he called for a motion for local determination with comment.

MOTION: Made by Robert Lewis, seconded by Henry Dalrymple, recommending local determination as the proposed sign variance would have no Countywide or inter-municipal impact along with the following comment: 1. Sign variance - If the Town were to grant the sign variance, note that it is setting a precedent. Members in favor, all; opposed, none. Motion carried.

D. TOWN OF BIG FLATS – Sign Variance – McDonald’s USA LLC

DISCUSSION: N. Wagoner advised that the petitioner asked to place this referral on hold.

E. TOWN OF SOUTHPORT – Special Use Permit – West (Marc Shepard, Owner)

DISCUSSION: R. Panosian advised that petitioner Chad West is seeking a special use permit to convert vacant first floor commercial space into an apartment. N. Wagoner reported that Chad West is seeking a special use permit and proposes to purchase the property that is located in a Commercial Neighborhood zoning district. The Town Planning Board discussed the proposal at its March 5 meeting and the public hearing will be April 2. A. Avery noted that off-street parking at the rear of the building would be desirable, as the County would not allow parking in the county right-of-way. In addition, neighbors likely would not want cars parked in the ROW as they would exacerbate the parking situation and diminish the neighborhood’s residential character. If the Town allows parking in front, this would encroach on the space where pedestrians walk, as no sidewalks exist in front of the structure. S. Shaw advised that there is space available at the rear of the property to accommodate parking; however, the application does not include parking in that location. N. Wagoner recommended approval with comments that parking not be allowed in the county right-of-way, and that to allow parking in front of the structure would diminish the character of the residential neighborhood. If the Town is going to allow it, then they might be setting a precedent for parking in front of structures. R. Panosian asked if the Board had any questions or comments; there being none, he called for a motion for approval with comments noted.

MOTION: Made by Andrew Avery, seconded by Robert Lewis, recommending approval of the special use permit sought along with the following comments: 1. Parking in the county right-of-way – Enforce no parking in the county right-of-way; 2. Possible setting of precedent – A precedent might be set if the Town allows parking in the county right-of-way in front of the structure. Members in favor, all; opposed, none. Motion carried.

F. TOWN OF ERIN – Special Use Permit – Keller

DISCUSSION: R. Panosian advised that Town of Erin Planning Board Chairwoman Deda Cedar and petitioner Jeremy Keller were present regarding the special use permit. N. Wagoner reported that Jeremy Keller seeks a special use permit to operate a towing business out of his residential property, will install a fence around the property, and would store 3-4 cars at any given time. The Town Planning Board is favorable to the special use permit subject to installation of the fence. NYS DOT stated that the project will require a highway use permit and that drivers cannot access the parking area between the structure and the road (shown as the hatched area on drawings) directly from the road; rather, this area would need to be accessed via the driveway. The driveway width would remain as is. Jeremy Keller had no further comments. N. Wagoner recommended approval. R. Panosian asked if the Board had any questions or comments; there being none, he called for a motion for approval.

MOTION: Made by Andrew Avery, seconded by Henry Dalrymple, recommending Town Planning Board approval with the DOT stipulation and fencing, as agreed upon. Members in favor, all; opposed, none. Motion carried.

G. TOWN OF CHEMUNG – Special Use Permit – Delaware River Solar, LLC

DISCUSSION: R. Panosian advised that petitioner Delaware River Solar is seeking a special use permit. N. Wagoner reported that petitioner is seeking a special use permit proposing construction of a solar farm on the east side of Snell Road, consisting of 20 acres (two 10-acre parcels, shown on page 56) in a Residential Agriculture zoning district. S. Shaw noted that if a property is located within 500’ of an agricultural district with an active farming operation, the applicant

must complete an Agriculture Data Statement for submission to the Town for review for any potential impacts on the proposed development. N. Wagoner noted that the application shows the array arranged vertically along the length of the property. The Town Planning Board made a favorable recommendation to the Town Board, which will take further action after receiving our recommendation. The CCPB recommends that the Town request a decommissioning plan. In addition, the application shows a 3-month timeline, N. Wagoner asked if we could find out when construction will begin. S. Shaw advised that the Town Board would like receipt of our comments before they meet to take action. N. Wagoner recommended approval including her comments; namely, to request a decommissioning plan and more specific timeline. R. Panosian asked if the Board had any questions or comments. A. Avery noted that it appeared that the only access was at the far end of the property via a driveway off County Route 60. He advised that a County highway permit would be required; in addition, the applicant would need to construct a stabilized construction drive and stabilized construction entrance during construction to prevent vehicles from tracking dirt onto the county highway. The County DPW or Storm Water Coalition websites have these specs. He clarified that the entrance is where the drive meets the highway.

MOTION: Made by Robert Lewis, seconded by Henry Dalrymple, recommending Town Board approval along with the following comments: 1. Decommissioning plan – The applicant should submit a plan for decommissioning; 2. Timeline – The applicant should submit a time line for completion of the project; 3. Highway permit – The applicant is required to secure a highway permit and build a stabilized construction drive and stabilized construction entrance for limiting amount of dirt tracking onto the county road. Members in favor, all; opposed, none. Motion carried.

Visitors Comments:

None.

Planning Commissioner's Report:

N. Wagoner presented items at today's meeting for discussion.

Abstention:

At last month's meeting, the question arose regarding what it means to abstain. Andy Avery has provided information from Roberts Rules that explains it clearly. Nicolette will e-mail this information to the Board.

Training:

Scott Shaw advised that the Leadership Conference will be held on Thursday/April 5 at Corning Community College. We are in the planning stages for the fall workshop at Big Flats Community Center with state presenters, likely in October or November, depending on availability. Scott will confirm a date and keep the Board posted.

Meeting adjourned at 3:31 p.m.