

CHEMUNG COUNTY PLANNING BOARD

MEETING NOTES

MAY 24, 2018

Present:

Ronald Panosian, Chair
Andrew Avery
Douglas Brackley
Bo Manuel
Henry Dalrymple
Mary Jo Yunis
Robert Lewis
Nicolette Wagoner, Staff
Scott Shaw, Staff
Nanette Moss, Staff

Excused:

Joseph Peters
Anthony Pagano

Guests:

Tom Skebey, Code Enforcement, City of Elmira
Chip LeValley, Code Enforcement, Town of Elmira
Bob Gage, GBT Realty Corporation
Dan Williams, Williams Construction
Marc Maser, Maser Engineering
Heather Pepper, Principle Enterprises LLC

1. Call to order
2. Approval of Meeting Notes
 - a. Motion made by Andrew Avery, seconded by Douglas Brackley to approve the April 26, 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 HORSEHEADS – Approval of Site Plan – Collson

DISCUSSION: R. Panosian advised that due to a conflict he asked R. Lewis to chair this referral. Town of Horseheads Code Enforcement Officer Tom Skebey is present. R. Lewis noted that applicant Ron Collson wishes to construct a pole barn for an existing equipment rental business located in a Business zoning district located on Lake Rd. within 500' of CR 65. N. Wagoner reported that applicant wishes to construct the pole barn behind the existing business. DOT has indicated that the back corner of the property is in close proximity to the top of the bank of Newtown Creek and advises that if the applicant anticipates any disturbance of a creek bank during construction, he will need proper permits from DEC and/or the Army Corps of Engineers. Tom Skebey advised that the project will not require a flood plain development permit. The applicant has no plans for paving at this time and the building would be used for cold storage. N. Wagoner advised that from a county standpoint, she believes that the request fits with the character of the area and

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recommended approval. R. Lewis asked if the Board had any questions or comments; there being none, he called for a motion for a recommendation for approval of the proposed site plan.

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

B. TOWN OF HORSEHEADS – Special Use Permit – Principle Horseheads LP

DISCUSSION: R. Panosian advised that due to a conflict he asked R. Lewis to chair this referral. Town of Horseheads Code Enforcement Officer Tom Skebey is present and Heather Pepper is here representing the applicant Principle Horseheads LP. R. Lewis noted that applicant seeks a special use permit to demolish a structure on the north side of the property, erect security perimeter fencing and repair an existing structure to establish a terminal for a trucking company in a Business/Commercial zoning district located on Old Ithaca Rd. within 500' of CR 68. N. Wagoner reported that as per the Town zoning law's special use permit requirements, a strip of at least 6' wide across the road frontage shall not be used for the parking and display of vehicles, motor vehicle sales, repair and service establishments in business zones and in industrial zones and shall be landscaped. Tom Skebey advised that the town would waive the strip requirement because the business does not include car sales and noted that the applicant services sandbox trucks. Ms. Pepper advised that Principle serves the natural gas industry, has been leasing property locally and wishes to plant roots and grow their business. The company will park and maintain its own equipment at this site, and drivers would report to work there, with no other commercial business occurring. A. Avery noted no traffic concerns or recommended changes. He stated that the Town might set a precedent by not following its regulations to the letter regarding setbacks. Tom Skebey stated that the ZBA could formally waive those requirements as the approving agency. N. Wagoner recommended local determination. R. Lewis asked if the Board had any questions or comments; there being none, he called for a motion for local determination for the proposed special use permit.

MOTION: Made by Andrew Avery, seconded by Mary Jo Yunis, Ronald Panosian abstaining, recommending local determination as the proposed special use permit would have no Countywide or inter-municipal impact. Members in favor, all; opposed, none. Motion carried.

C. TOWN OF BIG FLATS – Zoning Area Variances and Approval of Site Plan – Williams Toyota

DISCUSSION: R. Panosian advised that applicant wishes to occupy the parcel behind Kohl's, formerly used for cross-docking, located on CR 64. Marc Maser of Maser Engineering is present. N. Wagoner reported that applicant plans to move its current CR 64 operations to this new location. The proposal includes new construction of an auto dealership building and associated parking on the south side of CR 64 and three-pad display area geared to advertising with limited parking on the north side of CR 64.

Because of the super-elevation of the road in relation to ditch depth and slope to I-86, north section landscaping along the face of a flatter drainage swale would provide a visual barrier to people on the south side and prevent entry onto the property. Town engineer Bergmann Associates' report noted concerns regarding the proposed development on both sides of CR 64. A. Avery advised that DPW would consider installing a crosswalk with appropriate indicators at the traffic signal, as a provision for safe pedestrian access across CR 64. He added that a split rail fence parallel to CR 64 might also deter pedestrian traffic across CR 64. The proposal would need to address employee and customer use of the crosswalk. The CCPB is concerned about allowing parking on the north side of CR 64, unless it is for Dandy Mini Mart employees. The larger concern is customer safety for those making trips to the vehicle display area. Marc Maser noted that his

recent discussion with the ZBA yielded a proposed 15' setback for vehicle sales with consideration toward removing parking spaces on the north side, allowing for three advertising display pads, no access for customers, and establishment of a crosswalk. Pedestrians would access both the vehicle display area on the north side of CR 64 and Dandy Mini Mart from one driveway (which A. Avery advised requires county permits). With a crosswalk at the signalized intersection and no extra parking, as well as a gated, fenced-off area that channels people to the crosswalk (discouraging pedestrian entry) and allow ingress and egress for business access and only a car display area, development of the area on the north side of CR 64 could be acceptable. Marc Maser will confer with the owner regarding this safety suggestion. N. Wagoner noted that the referral lacked a full SEQR review and added that Bergmann Associates had requested an updated EAF. She requested that the county review the updated SEQR along with an updated set of drawings. The Town Planning Board met on Tuesday and will meet again on June 5. When ZBA meets on June 26 for a public hearing and consideration of the variances, the town would need CCPB comments.

CCPB requests an updated SEQR, peak hour traffic generation requested by NYS DOT (Marc Maser will produce), status of conversation with the county regarding potential Sears Road expansion and impact, and potential removal of parking spaces. A. Avery suggested Marc Maser make inquiry with Pick-A-Part for available property; he was advised the property would require a challenging stormwater installation with underground infiltration over the aquifer. The applicant was considering purchasing nearby property, was also approaching the county to purchase property. N. Wagoner recommended tabling of proposed site plan until receipt of SEQR, trip generation, Sears Road discussion, sidewalk, removal of parking spaces from the north side, and consideration of fence line. R. Panosian asked if the Board had any questions or comments; there being none, he called for a motion for tabling of proposed site plan for receipt of SEQR, trip generation, indicating support of development to Sears Road, crosswalk, removal of parking spaces from the north side, consideration of fence parallel to CR 64.

N. Wagoner reported that the applicant is requesting area variances to permit display of vehicles with a 15' front-yard setback from the north and south sides of CR 64 (the zoning requires a 25' setback); a variance from the landscaping requirement of 15% of total parking as landscaped islands at the end of the parking bays; a proposed five façade signs exceeding the two allowable (3 principle use and 2 service area being accessory use); and, a 108 square foot free-standing sign (exceeding maximum allowable 50 square feet). Marc Maser stated that the applicant proposes to relocate the existing rented Toyota overhead sign from the current Williams Toyota at the new location. The majority of dealerships on CR 64 do not comply with the 25' parking regulation. The proposed building does not exceed the allowable lot coverage and would be over 69%; incorporating Sears Rd., the building would exceed the Town's 70% maximum allowable lot coverage. Bergmann has stated that the five requested are appropriate for the character of the area. A. Avery noted that site distance charts are available for landscaping. R. Panosian asked if the Board had any questions or comments; there being none, he called for a motion for tabling of the zoning area variances.

MOTION: Made by Mary Jo Yunis, seconded by Robert Lewis, recommending tabling of proposed site plan for receipt of SEQR, peak hour trip generation, status of Sears Road discussion with the County, crosswalk, removal of parking spaces from the north side of CR 64, consider fence line. Members in favor, all; opposed, none. Motion carried.

MOTION: Made by Mary Jo Yunis, seconded by Douglas Brackley, recommending tabling of zoning area variances for receipt of complete site plan for CCPB comprehensive review. Members in favor, all; opposed, none. Motion carried.

DISCUSSION: R. Panosian advised that the applicant is proposing to establish a sports and training facility in the former Lourdes School. Town of Elmira Code Enforcement Officer Chip LeValley and Dan Williams of Williams Construction are present. N. Wagoner reported that the applicant proposes to convert the space for a gym, sports center, yoga studio, and other potential uses. Dan Williams noted that the building is a pre-existing non-conforming use that is now vacant, and had reverted to AAA Residential zone. He noted that the referral includes proof of hardship by outlining the expense of demolition and reconstruction. ZBA and Town Planning Board have met on this request. Chip LeValley noted that the ZBA wants to review each use separately. N. Wagoner recommended local determination. R. Panosian asked if the Board had any questions or comments; there being none, he called for a motion for local determination for the zoning use variance.

N. Wagoner asked Chip LeValley for the ZBA's stance on the zoning area variance and was advised that the Town recommended to the ZBA that small signage across the entrance to the gym would be acceptable as opposed to the larger sign requested; the applicant is not requesting any stand-alone signs. Scott Shaw asked if the Town had considered a Planned Unit Development (PUD) in that location and Chip LeValley responded that review of each variance(s) on an individual basis was the most expedient route for the applicant to become operational. N. Wagoner noted that the proposed use fits into the neighborhood and recommended local determination. R. Panosian asked if the Board had any questions or comments; there being none, he called for a motion for local determination for the proposed zoning area variance.

MOTION: Made by Douglas Brackley, seconded by Robert Lewis, recommending local determination as the proposed zoning use variance would have no Countywide or inter-municipal impact. Members in favor, all; opposed, none. Motion carried.

MOTION: Made by Andrew Avery, seconded by Mary Jo Yunis, recommending local determination as the proposed zoning area variance would have no Countywide or inter-municipal impact. Members in favor, all; opposed, none. Motion carried.

E. TOWN OF SOUTHPORT –Approval of Site Plan – Bohler Engineering o/b/o Franklin Land Associates LLC

DISCUSSION: R. Panosian advised that Bob Gage of GBT Realty Corporation is present representing the applicant. N. Wagoner reported that the applicant wishes to construct a retail use building in a Commercial Neighborhood zoning district on Pennsylvania Avenue within 500' of SR 328. Form based code requirements would require an area variance as the proposal includes surface parking in front of the business. The setbacks for this district indicate a minimum of 2' and a maximum of 12' from the property line, and Bob Gage advised that they desire to be 100' from the property line and favor a main street theme concept to be pedestrian friendly. A. Avery advised that from a highway standpoint there are no issues. The applicant will need a highway work permit for the driveway and a permit for stormwater. Bob Gage noted that the applicant would pursue septic and well approvals along with submission of documents being prepared for detention and water quality. They are trying to reduce the footprint to conform to DEC guidelines for impervious surfaces. A. Avery suggested recommending approval with the stipulation that it conform to zoning which would not necessitate it coming back before CCPB. Bob Gage said the retailer would have to approve any alternative plan. A. Avery noted that the applicant is aligning with the property line and asked if the Town has questioned the skew compared to the neighboring buildings. B. Gage stated that the Town was in favor and had no issues with the proposal. The applicant is proposing 30 parking spaces for this size store but may consider 28 or 29 in order to fulfill the requirement for 15%

landscaping coverage. The plan proposes a pole sign with an 8' tall monument sign as an option. N. Wagoner recommended tabling until we have additional information at a subsequent meeting. R. Panosian asked if the Board had any questions or comments; there being none, he called for a motion for tabling of the proposed site plan.

MOTION: Made by Andrew Avery, seconded by Douglas Brackley, recommending tabling of the proposed site plan for zoning non-conformance. Members in favor, all; opposed, none. Motion carried.

F. TOWN OF SOUTHPORT –Extension of 12-Month Moratorium on Solar and Wind Energy Development –
Town of Southport -- ADD-ON ITEM

DISCUSSION: R. Panosian advised that the Town wishes to extend its current moratorium through October 31, 2018. N. Wagoner stated that she has no issues with the request as the town may be developing a solar zoning ordinance. She will forward the Town of Ashland solar ordinance to the Town of Southport Town Supervisor noting its comprehensiveness. She recommended approval. R. Panosian asked if the Board had any questions or comments; there being none, he called for a motion for approval of the proposed extension of the current moratorium.

MOTION: Made by Mary Jo Yunis, seconded by Douglas Brackley, recommending Town approval of the proposed moratorium on the proposed extension of the existing moratorium on solar and wind energy development. Members in favor, all; opposed, none. Motion carried.

Planning Commissioner's Report:

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

Chemung County Agricultural District Consolidation:

Scott Shaw provided a status update on the County's three-year process for consolidation of Ag Districts #1 through #5. The Chemung County Agricultural and Farmland Protection Board (AFPB) has reviewed the proposed consolidation. The Chemung County Legislature held a public hearing and voted to approve the consolidation and forward to NYS Department of Agriculture and Markets for final approval. Subsequently, the Planning Department discovered the inadvertent omission of several agricultural parcels and property owners, which staff have since corrected and submitted to Cornell University's Community and Regional Development Institute (CaRDi). County Planning will now complete a written consolidation report for the AFPB to review and recommend to the Legislature. It might be necessary for the Legislature to hold another public hearing prior to submission of the final report to Agriculture and Markets for final review and approval. Nicolette advised that County Planning would forward the plan to CCPB members for their review but not a vote.

Introduction of Summer Intern:

Nicolette introduced CCPD Summer Intern Sara Butler from Mansfield University, who is assisting the department with GIS and planning. She will graduate in December. Scott Shaw noted that Mansfield has a good record for graduates being placed, especially in the planning field.

Meeting adjourned at 4:15 p.m.