

**CHEMUNG COUNTY PLANNING BOARD  
MEETING NOTES  
SEPTEMBER 27, 2018**

Present:

Ronald Panosian, Chair  
Andrew Avery  
Joseph Peters  
Henry Dalrymple  
Mary Jo Yunis  
Nicolette Wagoner, Staff  
Scott Shaw, Staff  
Tanya McGee, Staff  
Nanette Moss, Staff

Excused:

Douglas Brackley  
Bo Manuel  
Anthony Pagano  
Robert Lewis

Guests:

Melissa Ballard, The Broadway Group  
Brian Grose, Fagan Engineers  
Jim Plate, Chairman, Catlin Town Planning Board  
Dan Williams, Williams Construction  
Gary Resti III, Bergmann  
Ryan Gage, Caliber Commercial Brokerage  
Angela Wood, ECTC

1. Call to order
2. Approval of Meeting Notes
  - Motion made by Andrew Avery, seconded by Joseph Peters to approve the August 16, 2018 Meeting Notes as drafted. All members in favor, none opposed, motion carried.
3. Visitor Comments (accepted after each referral review) – None
4. Zoning Referrals
  - A. TOWN OF BIG FLATS – Zoning Area Variance – Russell

DISCUSSION: R. Panosian advised that petitioner has submitted a request for a zoning area variance. N. Wagoner reported that the petitioner wishes to construct an addition to their home that would exceed the rear-yard setback distance requirement. The ZBA granted approval on September 26. We received the referral over 30 days ago. A. Avery requested a comment stating that the CCPB would appreciate more timely submissions and noted that the ZBA voted on this before this board's review. By not following the correct review procedure, a municipality could be vulnerable to an

Article 78 proceeding. 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 Andrew Avery, seconded by Mary Jo Yunis, recommending local determination as the proposed zoning area variance would have no Countywide or inter-municipal impact, along with the comment that municipalities send referrals to the CCPB in a timely fashion. Members in favor, all; opposed, none. Motion carried.

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B. TOWN OF BIG FLATS – Approval of Site Plan – Cantando  
Present: Gary Resti III, Bergmann

DISCUSSION: R. Panosian advised that petitioner has submitted a site plan for the Dairy Barn property on Hibbard Rd. N. Wagoner reported that the petitioner wishes to convert the rear of the existing building into a catering and event facility by adding a deck and expanding the existing gravel parking lot with impacted gravel. The Dairy Barn business in front would remain, as would the existing curb cut and gravel driveway. Town Code Enforcement had no issues with the gravel parking lot expansion. A. Avery cautioned that the Town should carefully review the gravel driveway and parking lot in relation to storm water drainage, as he has witnessed drainage issues in this parking lot. Stormwater cannot drain onto the county road; the applicant must plan to retain it on site. 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 with comment that storm water be retained on site.

MOTION: Made by Andrew Avery, seconded by Joseph Peters, recommending Town Planning Board approval of the proposed site plan with the comment that the applicant must retain stormwater from the gravel driveway and gravel parking lot on site. Members in favor, all; opposed, none. Motion carried.

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C. TOWN OF BIG FLATS – Approval of Site Plan – Big Flats V, LLC/Delaware River Solar  
Present: Gary Resti III, Bergmann

DISCUSSION: R. Panosian advised that petitioner has submitted a site plan for a solar farm. N. Wagoner reported that petitioner wishes to develop a four-megawatt solar farm on Chambers Rd. in a Rural zoning district. The plan proposes to disturb less than one acre on a 20-acre site. The Town Planning Board met in August and September to discuss preliminary approval, and will hold a public meeting in late October. The Town Board will then vote on a special use permit and discuss mitigation of potential visual impacts such as fence color or landscaping requirements. Mr. Resti noted that neighbors to the west have been in discussion with Delaware River Solar regarding landscaping and screening between the project and Upson Rd. The proposed project includes a decommissioning plan. The existing tree line on the west side of Chambers Rd. will stay, with solar panels to be located on the other side. A. Avery noted that a steep descending gravel drive could be problematic, and advised that the applicant obtain a permit for installation to ensure the road does not wash out and fill in any ditches. Mr. Resti inquired about the feasibility of an asphalt apron at the entrance. N. Wagoner recommended approval with comment regarding confirmation of any solar farm size limit the town may impose. R. Panosian asked if the Board had any questions or comments; there being none, he called for a motion for a motion for approval with comment regarding solar farm size limit.

MOTION: Made by Andrew Avery, seconded by Henry Dalrymple, recommending approval of the proposed site plan along with the comment requesting confirmation of any size limit the town may impose on solar farms. Members in favor, all; opposed, none. Motion carried.

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- D. TOWN OF CATLIN – Approval of Preliminary Site Plan – Smith/The Broadway Group LLC  
Present: Melissa Ballard, the Broadway Group, LLC, Brian Grose, Fagan Engineers and Jim Plate, Town Planning Board Chairman

DISCUSSION: R. Panosian advised that petitioner has submitted a preliminary site plan for review. N. Wagoner reported that petitioner is seeking site plan approval for construction of a new Dollar General store at property located on SR 414 in a Neighborhood Business zoning district. The project proposes to raze an existing building, improve an existing driveway and construct a parking lot of 32 spaces, which is what the town code requires. Documentation from the Chemung County Storm Water Coalition (CCSWC) indicates that part of the property is located in a flood plain. Brian Grose noted that the flood plain is located in the back half of the property exceeding 250'. The 9,100 sf building will have its own septic system with interconnected drywells that encircle the parking lot for storm water collection. N. Wagoner advised that a letter received from Jimmie Joe Carl (CCSWC) states that the disturbed area may be over an acre and he recommends that petitioner obtain a SPDES permit and complete a SWPPP. Brian Grose said that property size is under an acre, which may be lowered considerably with well relocation. N. Wagoner asked if they had considered locating the building toward the road with side parking for a more attractive façade or laying pervious pavement instead of asphalt. She also asked for assurance that site disturbance will be less than an acre. The applicants stated that the building is a standard corporate design. They are open to discussing pervious pavement and building location. Melissa Ballard echoed Brian Grose and added that the lot could not accommodate another row of parking at the side of the building. She explained that the delineated wetland areas toward the rear of the property are well outside the buffers for the wetland area. A. Avery advised he had no road concerns and noted DOT would conduct a review because this is a state road. Brian Grose will speak with Mr. Carl regarding his September 19 letter. He believes that moving the building closer to the road would lessen the impact. Jim Plate advised that the Town Planning Board had no issues with the project. N. Wagoner recommended approval with the condition that any issues noted by the CCSWC are resolved. R. Panosian asked if the Board had any questions or comments; there being none, he called for a motion for approval with comments that the applicant resolves any issues with the CCSWC.

MOTION: Made by Mary Jo Yunis, seconded by Henry Dalrymple, recommending Town Planning Board approval with the condition that the applicant resolves any issues with the CCSWC. Members in favor, all; opposed, none. Motion carried.

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- E. TOWN OF CATLIN – Zoning Area Variance – Kozemko/Williams Construction  
Present: Dan Williams of Williams Construction

DISCUSSION: R. Panosian advised that petitioner has submitted a zoning area variance request for a carport. N. Wagoner reported that the carport would exceed the 50' side-yard setback distance requirement. However, she has no concerns with the application and recommends local determination. 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 as the proposed zoning area variance would have no Countywide or inter-municipal impact. Members in favor, all; opposed, none. Motion carried.

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- F. TOWN OF HORSEHEADS – Approval of Site Plan – Sheesley Sewer Service

DISCUSSION: R. Panosian advised that petitioner has submitted a site plan for a building addition. N. Wagoner reported that the petitioner wishes to remove and replace the existing canopy located behind the building in the

identical footprint. She does not perceive any issues with the proposed project. A. Avery believes that the building has an existing canopy and no walled structure at present, while the project will result in a permanent structure with the new canopy. N. Wagoner commented that we did not receive an EAF, which should be included with all referrals. R. Panosian asked if the project would affect the parking lot, driveway or curb cuts to the county road; A. Avery said that it would not. N. Wagoner recommended approval with comment. R. Panosian asked if the Board had any questions or comments; there being none, he called for a motion for approval with comment.

**MOTION:** Made by Mary Jo Yunis, seconded by Henry Dalrymple, recommending Town approval of the proposed site plan along with the comment that municipalities should submit an EAF with referrals to the CCPB. Members in favor, all; opposed, none. Motion carried.

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G. TOWN OF HORSEHEADS – Approval of Site Plan – Sonbyrne Sales, Inc.

**DISCUSSION:** R. Panosian advised that petitioner has submitted a site plan for a retail business and asked Mary Jo Yunis to chair the referral due to a conflict. She asked N. Wagoner to introduce the referral. N. Wagoner reported that we previously recommended approval of a PUD for this project, for which the petitioner is seeking approval of a site plan for a new Byrne Dairy store and fueling facility with two new curb cuts. She asked if signage indicating “no left turn” at the curb cut near the traffic light would be appropriate; A. Avery said that DOT would likely provide this as a condition given that it is a state signal on a state road. He noted that DOT would likely desire and that the Town should expect to receive a request for a left turn lane in that center median. DOT will likely examine the proposal to ensure that it does not create any queue issues. 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, Ronald Panosian abstaining, recommending approval pending DOT approval of the driveway and turning lane configurations. Members in favor, all; opposed, none. Motion carried.

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H. VILLAGE OF HORSEHEADS – Approval of PUD Amendment – Plaza Street Fund 51  
Present: Ryan Gage, Caliber Commercial Brokerage

**DISCUSSION:** R. Panosian advised that petitioner has submitted a request for a PUD Amendment. N. Wagoner reported that petitioner is proposing an amendment to the PUD for a zoning change that would allow for construction of a new building for a KFC restaurant on Grand Central Avenue and noted that it fits in with the neighborhood character. The project would utilize existing curb cuts. Neither DOT nor the Village indicated any concerns. The project would disturb over an acre of land. Ryan Gage distributed storm water information and drainage plans to the board. A. Avery noted that Federal regulation requires a SWPPP and added that this would be necessary for the site plan approval. N. Wagoner asked about the project timeframe; Mr. Gage said they would like to start site work before winter, adding that much of the building is pre-engineered off-site. Construction could take six weeks using pre-fabricated materials. N. Wagoner recommended approval with clarification needed as to when this would return for site plan approval. Ryan Gage advised that there had been meetings regarding storm water and believed this would return for site plan approval. R. Panosian asked if the Board had any questions or comments; there being none, he called for a motion for approval with comments regarding site plan review and storm water.

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Motion: Made by Henry Dalrymple, seconded by Mary Jo Yunis recommending Village of Horseheads approval of the proposed Planned Unit Development Amendment along with comments requesting clarification as to when this will return to the CCPB for site plan approval and if this has gone through the storm water review process yet. Members in favor, all; opposed, none. Motion carried.

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5. **Visitors Comments:** None.

**Planning Commissioner's Report:**

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

**Planning Board Member Vacancy:**

N. Wagoner advised that the CCPB has a vacancy due to the resignation of a member. She asked the members to suggest potential candidates to fill the vacancy. R. Panosian asked N. Wagoner to e-mail the board with this request. She noted that as per our bylaws that we could have more board members but it should be an odd number and should be at least one board member to fill this existing vacancy.

**Board Training:**

Scott Shaw advised that the board training would be October 24, 2018 at the Big Flats Community Center. NYS Department of State staff will present training on Case Law Update for Planning and Zoning, County Referrals, and Blight. If Board members would like additional case law training, we will schedule and provide this later. Scott will send out Board member training hours status for 2018.

Meeting adjourned at 3:37 p.m.