

CHEMUNG COUNTY PLANNING BOARD

MEETING NOTES

DECEMBER 20, 2018

Present:

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

Excused:

Bo Manuel
Anthony Pagano
Douglas Brackley
Mary Jo Yunis

1. Call to order

2. Approval of Meeting Notes

Motion made by Andrew Avery, seconded by Henry Dalrymple to approve the November 15, 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

5. Staff Comments

N. Wagoner noted to the Board that the Planning Department forwarded IMA agreements to municipalities. To date, three have entered into the IMA—the Town of Catlin, Village of Millport and Town of Big Flats. Tom Skebey advised that he had mentioned the IMA to the Horseheads Town Attorney.

A. TOWN OF HORSEHEADS— Approval of Site Plan – Pennsylvania Avenue United Methodist Church

Present: William Vallet, Pastor; John and Sue Dunlap, PAUMC, Tom Skebey, Code Enforcement Officer

DISCUSSION: R. Panosian advised that the petitioner has submitted a site plan and requested that R. Lewis chair the referral due to conflict of interest. R. Lewis asked N. Wagoner to provide background of the referral. The property includes the former Ponderosa restaurant located on the Miracle Mile. R. Lewis added that the site plan includes the utilization of the parking lot. N. Wagoner asked Tom Skebey for clarification for the requested action. He stated that the petitioner needs a PUD amendment and approval to use the parking lot. The applicant will need a highway work permit due to the change of use. N. Wagoner noted that this is a reasonable use of the property. Skebey advised that the Town Board would refer this to the Town Planning Board for approval. R. Lewis asked if there were any comments, concerns or questions. There being none, he asked N. Wagoner for her recommendation, who recommended approval. R. Lewis requested further 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 of the proposed site plan along with the comment that a highway work permit is required. Members in favor, all; opposed, none. Motion carried.

B. CITY OF ELMIRA – *Approval of Zoning Area Variance and Site Plan* – Park Outdoor Advertising
Present: Paul Simonet, Park Outdoor Advertising, Tom Skebey Code Enforcement Officer, Jennifer Herrick McGonigal, Elmira Downtown Development

DISCUSSION: R. Panosian advised that the petitioner has submitted a site plan and request for an area variance for digital signage. N. Wagoner reported concerns over the use of a diagonally placed, two-sided digital billboard that is currently in the gateway to downtown, as she has reservations regarding traffic and the potential distraction, noting that this would be the first view of the City for many passengers. She noted that zoning does not allow billboards in the Gateway District and fears that if we recommend approval, it will set a precedent. She also feels that this use is at cross-purposes with the community character as well as the goals of the Downtown Revitalization Initiative (DRI), to beautify the downtown and enhance walkability. The intent of the Gateway Commercial zoning district is to enhance the primary gateways to the City of Elmira from Route 17 along E. Church and E. Water Streets, while complimenting and providing basic services to the residential use. All development should maintain a high quality of development and enhance the City's primary gateway.

She also stated a concern on the SEQR form, which indicates that the proposed project is permitted within zoning, consistent with the comprehensive plan, and consistent with the character of the built or natural landscape; whereas, she disagrees. From the county planner perspective, she is taking into account what Water Street is going to be in the future and does not believe this is an appropriate use. Paul Simonet informed that the DOT-regulated sign sites have been deemed safe and vetted by its engineers for self-awareness, self-dimming and self-brightening. He clarified that "billboard" refers to the size of a sign, not a type of sign and further explained the area variance was sought due to the height of the proposed sign, required for visibility. He stated that there is no other use for the small property and the proposed lease would be a good revenue stream for the city. The only motion involved on the screen is when one panel changes from one to the next. N. Wagoner said that even if it were a static billboard she would give pause due to the attention it would take away from the city's aesthetics, river and new developments.

A. Avery advised that Water Street is part of the national highway system and that Water and Church Streets are the only locally owned roads in the five-county region on the national highway system. Simonet explained that the diagonal positioning would capture traffic from Madison Avenue northbound and Water Street westbound. He feels it would negate any danger of anyone misinterpreting color. The orientation would be distinct from other traffic devices. N. Wagoner notified the board that DOT would not require a highway work permit, and the may not exceed 1,200 square feet, nor be double-faced if it exceeds 325 square feet. The electronic Variable Message Sign rider outlines the rules that apply to signs. The sign must be outside of the right-of-way. Simonet noted that the project meets these requirements.

The ZBA will hold a public hearing and vote on the area variance in January. N. Wagoner and Jennifer Herrick-McGonigal of Elmira Downtown Development are involved with the city's rezoning project, for which they will solicit public input in 2019. Jennifer expressed concern about preserving the historic value of the downtown district, reiterating the significance of this downtown gateway. R. Panosian does not believe that the sign represents the character of the city and does not think it fits in well. Simonet gave an example of a sign he installed in Cortland, NY that his company tailored to reflect a historic area. He stated that he could use historic material for the sign in Elmira as well. Jennifer said Elmira Downtown may potentially use the sign for publicity but her concerns over its aesthetics remain. N. Wagoner

inquired about a potential decommissioning clause. Park Outdoor would be obligated to remove it as a condition of the lease with the city. N. Wagoner stated that the CCPB could recommend approval or disapproval to the ZBA, and if we recommended disapproval, the ZBA would have to override with a supermajority. A. Avery questioned whether the board could recommend local determination with comments. N. Wagoner stated that even with her recommendation for disapproval, the board could recommend something different. Simonet advised that he seeks to erect two digital signs in the city. A. Avery noted that the sign will be higher, safer and more visible and he does not recommend a skirt around the sign's base. The life of the sign is estimated at 20 years. The lease allows for the city to request removal of the sign through code enforcement. NYS DOT can also recommend removal based on crash data.

R. Panosian asked N. Wagoner for her recommendation. She recommended disapproval as the proposed project does not fit the character of downtown Elmira. Simonet noted that the sign would be an improvement to the site and support local business. S. Shaw noted that the CCPB has received very limited information from the City Planning Commission or other boards regarding this type of use. He also inquired about the City Planning Commission's opinion regarding this project and consistency with the comprehensive plan. Tom Skebey clarified that it the City Planning Commission will not review the application. Simonet advised that the City Council had vetted the proposal and voted for approval at both locations. The City has signed a lease. R. Panosian asked if there were any further comments, concerns or questions. A. Avery believes that there is no impact on county interests and suggested local determination with comments, encouraging the preservation of downtown character. R. Lewis suggested that the sign be subject to EDD approval. R. Panosian said that EDD would have the opportunity to comment at the ZBA public hearing. Jennifer Herrick would like aesthetics to be part of the conversation and plans to attend the public hearing. There being no further comments, he asked N. Wagoner for her recommendation. N. Wagoner recommended disapproval with the comment that SEQR needs to be corrected/amended. 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 Henry Dalrymple, recommending local determination as the proposed site plan would have no Countywide or inter-municipal impact along with comments that the applicant correct the SEQR form, that all interested and involved parties be invited to the public hearing, that the needs of today's and future downtown be addressed, that it fit with the character of downtown and consider historic aesthetics. Members in favor, all; opposed, none. Motion carried.

C. TOWN OF BIG FLATS – Approval of Zoning Area Sign Variances – Dandy Mini Marts, Inc.

DISCUSSION: R. Panosian advised that the petitioner has submitted zoning area variances for various signs for Dandy Mini Mart. N. Wagoner reported that property is located across from the new Williams Toyota on County Route 64. The application includes a request for 15 signs, including seven in the near future and eight more upon future development of a car wash. The cumulative area of signage requested is approximately double the allowable area. The sign near I-86 should comply with NYS DOT regulations. R. Panosian asked if there were any further comments, concerns or questions. There being none, he asked N. Wagoner for her recommendation. N. Wagoner recommended local determination based on compliance with the other regulatory agencies including NYS DOT and DPW, and to follow up with the comments from Bergmann Associates. She added that SEQR was not included in the referral. The Town Planning Board forwarded a positive recommendation to the ZBA with no discussion in November. The proposal does not impact community character in this area, which is already commercial. A. Avery expressed his concern over the lack of detail regarding sign #1, and the location in relation to the large ditch along CR 64, requesting that he prefers it to be outside of the ditch on the store side to ensure that it doesn't become a hazard to passing vehicles away from CR 64. Due to no contour on the

drawing, the ditch line is not easily determined. N. Wagoner asked if we should include a comment to coordinate with DPW and was advised that they would need to coordinate and ensure it was outside our ditch area for safety reasons. DOT would handle the sign on I-86. R. Panosian asked N. Wagoner for her recommendation. She recommended local determination with additional comments. R. Panosian asked if the Board had any further 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 local determination as the proposed zoning area sign variances would have no Countywide or inter-municipal impact along with the comment that the applicant should submit a SEQR form and comply with regulatory agencies such as NYS DOT and Chemung County DPW, as well as comply with recommendations submitted by the Town's engineers Bergmann Associates. Members in favor, all; opposed, none. Motion carried.

5. **Visitors Comments:** None.

Planning Commissioner's Report:

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

CCPB Board Member Replacement Suggestions:

N. Wagoner advised she had forwarded suggestions that the Board provided to County Executive-elect Chris Moss and his transition team, who are reviewing his various appointments. The County Executive will recommended potential members to the legislature for approval. She had asked for January appointments in order to alleviate issues with a quorum. We will discuss board member training in 2019.

Meeting adjourned at 3:50 p.m.