

**PLANNING BOARD
REGULAR FEBRUARY MEETING
MONDAY, FEBRUARY 14, 2011
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON - NEW YORK - 13901**

PRESENT: Cynthia Paddick, Chair
Judy Snyder
Messer: Donnelly, Warren, and Bernard

ALSO, PRESENT: Edwin C. Gent, P.E. – Town Engineer
Thomas Geisenhof – Assessor & Building/Code Inspector
Michael O’Day – Planning Board Alternate
Russell Hemedinger- Town Board Member

The meeting convened at 7:00 p.m. at which time Mrs. Paddick called the meeting to order and welcomed the audience. The first order of business is the approval of the Minutes from the regular January 10, 2011, Planning Board meeting.

A motion was made by Mrs. Snyder, seconded by Mr. Bernard to approve the Minutes from the January 10, 2011, Planning Board meeting.

Roll Call: Ayes - 5 Nays – 0

NEW BUSINESS

- **JOEY’S ITALIAN ICE** – Rocco Grassi- 1128 Upper Front St. -TM#128.08-1-26 - Application for Site Plan Update.

Mr. Gent reviewed his letter with the Board. The new tenant is requesting additional picnic tables and BBQ pit to the original site plan. With this additional use on site customer parking will be necessary. The traffic pattern has been adjusted to flow through Front Street and exit onto Gage Road and then to Front Street. Directional signs will be added to the site. The facility is serviced by municipal water and sewer. There are two questions the applicant needs to address. Will the hours of operation change and will there be sanitary facilities for the customers.

This is a Type II action under SEQR.

Approval is recommended with the mentioned concerns being addressed.

Thomas Geisenhof from the Ordinance Office stated upon clarification of the Town Engineer’s noted issues approval is recommended.

Applicant was present to answer questions from the Board.

Mrs. Paddick suggested the applicant address the Town Engineer questions regarding hours of operation and sanitary facilities.

Mr. Grassi stated the hours would remain the same from 12:00 p.m. to 10:00 p.m. The bathroom facilities are primarily the employees only, but we would not deny anyone that needed to use the facilities. The chicken dinners include wet naps which should limit the need of bathroom facilities. We really do not want everyone using our facilities without purchasing something.

Mrs. Snyder said it would be nice if someone needed the facilities they would be available.

There being no further discussion a motion was made by Bernard, seconded by Mr. Warren to approve this site plan update with the stipulation customers have access to the sanitary facilities.

Roll Call: Ayes - 5 Nays - 0

- **SUGAR SUGAR**-Meg Hauptfleisch – 2518 NYS Rte 12 – TM#067.08-1-13- Application for site plan review for commercial re-occupancy.

Mr. Gent reviewed the applicant's request to open a cupcake bakery in the former St. Rita's Church basement. This facility has a private well and septic, with ample parking. However, the following should be provided for the Board:

1. Will this be a delivery and or walk up business?
2. Will this be a coffee shoppe or strictly sales?
3. Is Broome County Health Dept permit required?
4. What is the amount of signage?

This is a Type II action under SEQR.

Approval is recommended once the questions have been addressed to the Board's satisfaction.

Mr. Geisenhof from the Ordinance office recommended approval with the condition that all of the Town Engineer's issues are satisfactorily addressed and a fire inspection being required.

Mrs. Paddick asked the applicant to respond to the Town Engineers questions.

Mrs. Hauptfleisch addressed Mr. Gent's concerns. Stating there will be tables and chairs available for customers if they choose to sit and have some coffee and cupcakes. Our business will be primarily a walk in business. we are in the process of acquiring a Broome County Health Department Permit . Once approved, a copy can be forwarded to the town. The water was tested and a UV system will be required which the owners have agreed to install. Signage would consist of a 4' x 6' free standing sign replacing the existing Sweet Treats sign.

Mrs. Snyder questioned if the other businesses will remain?

Mrs. Hauptfleisch stated the Scrapbook business and SRC are still there.

There being no further discussion a motion was made by Mr. Donnelly. seconded by Mr. Bernard for this site plan review for a commercial re-occupancy approved with the submission to the Ordinance Office a copy of the Broome County Health Department Permit , sign permit and a fire inspection .

Roll Call: Ayes- 5 Nays -0

ADVISORY OPINION/REFERRALS

- **JESSE MCHALE** – 23 Trafford Rd. – TM#111.12-3-15 -Application for an Area Variance to construct a three season room with less than required side yard setback from 10’ to 8’.

Mr. Gent stated the applicant is requesting permission to construct a 3 season room on the rear of their existing home. By doing so it requires relief from our rear yard setback ordinance from 10’ to 8’. Due to the existing windows and shed there is no other option for placement on the property. This should be noted on the original site plan to support their request.

This is a Type II action under SEQR.

It is recommended that the Planning Board indicate to the Zoning Board of Appeals they have no objection to the granting of this variance.

Mr. Geisenhof stated the Ordinance Department finds this application complete and recommends that the Board pass a favorable advisory to the Zoning Board of Appeals.

Mr. McHale was present to answer questions from the Board.

Mrs. Paddick asked if the applicant would indicate the shed and windows on the site plan.

There being no further discussion, a motion was made by Mrs. Snyder, seconded by Mr. Bernard for a favorable advisory to the Zoning Board of Appeals with the stipulation the rear shed and windows be noted on the site plan.

Roll Call Ayes – 5 Nays - 0

- **PRICE CHOPPER**- Fred A Early- Signworks Neon Corp.- 33 Chenango Bridge Rd -TM#112.22-1-27 - Application for a Use Variance to allow a second pylon sign. Triple Area Variance for less than required front yard setback from 15’ to 5’ for the second pylon sign & to allow a non-plaza ground sign area per business reapportionment from 50’ for each business to 75’ & 25’for both pylon signs

Mr. Gent stated this is a modified plan from their previous submission. They are still requesting the use variance for the second pylon, along with the front yard set back from 15' to 5'. They are also requesting relief for our town ordinance for the amount of signage reapportionment for both pylon signs. Instead of the 50/50 for each business, it would be 75' for Price Chopper and 25' for the future tenant. Due to the two entrances each off a NYS Highway, the variance requests are warranted. This is a Type II action under SEQRA. Approval is recommended.

Mr. Geisenhof stated the Ordinance Department finds this application complete and recommends that the Board pass a favorable advisory to the Zoning Board of Appeals.

Mr. Early from Signs Works and Mr. Chisholm Golub Corporation Real Estates Division from were present to answer questions.

Mr. Warren asked when they anticipate opening ?

Mr. Chisholm stated sometime in June 2011, they will be opening.

Mr. Early mentioned the withdrawal letter for the original variance request and the new submission for both pylon signs. It is not an outrageous request since Price Chopper is 61,000 square feet and the proposed tenant being 9,000 square feet. It is less signage than their original request and the developer is in favor of the additional designation.

There being no further discussion a motion was made by Mr. Bernard, seconded by Mr. Warren for a favorable advisory to the Zoning Board of Appeals on the use and triple area variance.

Roll Call: AYES – 5 Nays -0

There being no further business before the Board a motion was made by Mr. Bernard and seconded by Mrs. Snyder to adjourn the meeting at 7:25 p.m.

Respectfully submitted,

Diane Aurelio
Ordinance Secretary

