

**PLANNING BOARD
REGULAR JANUARY MEETING
MONDAY, JANUARY 10, 2010
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON - NEW YORK - 13901**

PRESENT: Cynthia Paddick, Chair
Judy Snyder
Messer: Warren, Bernard and O'Day

ALSO, PRESENT: Edwin C. Gent, P.E. – Town Engineer
Thomas Geisenhof – Assessor & Building/Code Inspector

ABSENT: Brian Donnelly - Board Member
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 December 13, 2010, Planning Board meeting.

A motion was made by Mrs. Snyder, seconded by Mr. Bernard to approve the Minutes from the December 13, 2010, Planning Board meeting.

Roll Call: Ayes - 3 Abstain – 2 (Mr. Warren & O 'Day) Absent – 1 (Mr. Donnelly)
Mr. Warren and Mr. O'Day were not present during the December meeting.

NEW BUSINESS

- **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. Double Area Variance for less than required front yard setback from 15' to 0' & exceeding the amount of signage from 0' to 105'.

Mr. Gent reviewed his letter with the Board. The applicant is requesting a second pylon sign and a reduction in front yard setback and the amount of signage for the pylon sign. Since the parcel has two (2) entrances, located on Rte 12 and Rte 12 A this variance would appear to be in order since the building on site affects visibility. As for the double area variance, the setback should be modified as requested by New York State Department of Transportation (NYS DOT). They should consider a minimum of five (5) feet.

The applicant submitted an additional table which you should all have. This table indicates the area permitted, area requested and the amount of square footage.

This is a Type II action under SEQR.

It is recommended approval for the second pylon and the setback is increased to at least five (5) feet and away from the state right of way.

Before rendering any decision on the amount of signage, we need to know if Price Chopper is considered a plaza or lease pad. The original site plan approval indicated only two businesses. Our ordinance states a plaza as being three business or more. We need this clarified before making our advisory to the Zoning Board of Appeals. This needs to be determined which section of the ordinance is being utilized to figure the amount of signage allowed.

Mr. Geisenhof stated given that Price Chopper has two (2) entrances, these seem to be reasonable requests. The Ordinance Office recommends approval of both the Use and Area Variances.

Fred Early from Signworks and Charles Chisholm from Golub Corporation Real Estate Division were both present to answer questions from the Board.

Mr. Chisholm said they submitted for one big box and one small, not sure of the of the owners intent.

Mr. Early stated that Mr. Feinberg could not attend tonight's meeting, but wanted to know if they could have additional tenants. Typically it is not a plaza to operate with two businesses. So they will keep the original sign and make it fifty square feet, the second sign would match the first sign. We cannot speak for the owner as to his intent. The site was approved with two businesses so they can bring that into conformity. As for the setback issue, there appears to be a marker on Rte 12 by the area light at four feet. We can have the leading edge as close as possible. The issue is the trees going north. We will have to check with NYSDOT if they can remove a few of those trees. It is mostly wild growth, by removing then will improve the view to the plaza. The need for the second pylon sign is visibility on Rte 12, for potential customers that do not live in the area. Rte 12 has a high volume of thru traffic through that area and the store is not visible from Front Street.

We cannot anticipate what the second store tenant will be.

Mr. Gent stated until the status on the building is established, they will have to conform to the lease pad ordinance, allowing fifty square feet for each business with a maximum of one-hundred square feet. If they want to consider changing the amount to seventy-five for Price Chopper and twenty-five for the second business, this will require a variance.

In the event they establish a third tenant, then a plaza identified sign will apply.

Mrs. Paddick suggested tabling the application.

However, the public hearing had been set and the legal notice published and neighbors within five-hundred feet of the parcel have already been notified. The Zoning Board will proceed with the public hearing with or without their advisory.

Mrs. Snyder asked for a time frame on the sign installation.

Mr. Early said they would like to put the base in as soon as possible. They need approximately eight to twelve weeks to construct the sign and put in place.

Mrs. Snyder made a motion to take action on each variance separately, seconded by Mr. Warren.

Roll Call: Ayes – 5 Nays - 0 Absent – 1 (Mr. Donnelly)

Mrs. Snyder made the motion, seconded by Mr. Warren for a favorable advisory to the Zoning Board of Appeals for the Use Variance to allow the second pylon sign.

Roll Call: Ayes – 5 Nays - 0 Absent – 1 (Mr. Donnelly)

Mrs. Snyder made a motion seconded by Mr. Warren for a favorable advisory for the Area Variance for less than required front yard setback with the stipulation the setback be changed from 0' to 5'.

Roll Call: Ayes – 5 Nays - 0 Absent – 1 (Mr. Donnelly)

Mrs. Snyder made a third motion, seconded by Mr. Bernard for a favorable advisory to the Zoning Board of Appeals with the stipulation the two (2) pylon signs not exceed 50 square feet for each, unless they clarify whether or not they intend on making this into a plaza.

Roll Call: Ayes - 5 Nays - 0 Absent – 1 (Mr. Donnelly)

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 7:30 p.m.

Respectfully submitted,

Diane Aurelio
Ordinance Secretary

