

**PLANNING BOARD  
REGULAR OCTOBER MEETING  
TUESDAY, OCTOBER 11, 2011  
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12  
BINGHAMTON - NEW YORK - 13901**

**PRESENT:** Cynthia Paddick, Chairwoman  
Judy Snyder  
Messer: Warren, Donnelly, Bernard

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

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The meeting convened at 7:00 p.m., at which time Mrs. Paddick called the meeting to order and welcomed the audience. Mrs. Paddick read a statement which explained the Planning Board Mission, along with the Board's duties, functions and limitations. The first order of business is the approval of the minutes from the regular September 12, 2011, Planning Board meeting and the Special Planning Board meeting on September 26, 2011.

A motion was made by Mrs. Snyder, seconded by Mr. Donnelly to approve the minutes from the September 12, 2011, Regular Planning Board meeting.

Roll Call: Ayes -4 Nays - 0 Abstain - 1 (Bernard)

A motion was made by Mr. Warren, seconded by Mr. Bernard to approve the minutes from the September 26 , 2011, Special Planning Board meeting.

Roll Call: Ayes - 5 Nays - 0

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**NEW BUSINESS**

- **FIRST UKRAINIAN PENTECOSTAL CHURCH** - Jerry Karnauch- 143 Castle Creek Rd  
- TM#111.12-1-3 - Application for Site Plan Update.

Mr. Gent read his letter regarding the site plan update to construct a 38' x 30' building for storage just off the church parking lot. The applicant has indicated no utilities (light and water connected to this building) and no security lighting. Completed drawings will need to be submitted to the Ordinance Office for a building permit.

This is a Type II action under SEQR.

Approval is recommended for this update.

Mr. Geisenhof from the Ordinance Office stated the First Ukrainian Church is interested in having improved storage capabilities. Since it appears that the new structure will have

minimal impact on the surrounding residentially zoned area, the Ordinance Office recommends that the Planning Board grant Site Plan approval for the construction of detached storage building, with a building permit being required.

The applicant was not present.

Mr. Bernard asked why a three car garage and not a storage building. It also appears to be close to the side property line. Will utilities be added to the building?

Mr. Gent indicated it would seem unlikely. They would have to dig up the existing parking lot to run utilities to the building.

There being no further discussion a motion was made by Mrs. Snyder, seconded by Mr. Bernard for site plan approval with no utilities added to the building.

Roll Call:      Ayes – 5      Ayes - 0

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- **CHENANGO FITNESS** – Michael & Nancy McGowan – 15 Woodland Rd. – TM#112.22-1-24-Application for site plan review to operate a fitness center in a Neighborhood Commercial zone.

Mr. Gent stated the applicant is proposing relocation of their existing Chenango Fitness Center located on 70 Chenango Bridge Road. Due to the increase volume of business they would like to build a new facility to accommodate the increased growth. The parcel is serviced by municipal water and sewer.

However, due to the recent storms, flooding and the location of Thomas Creek the applicant should submit the following to the Board:

- First floor elevations.
- Site grading plan existing parcel along with a Topo map be provided with the adjacent property elevations as well.
- Exterior lighting plan.
- Signage size and location
- Building color and height.

Due to the recent flooding, the first floor elevation and Topo map is important to determine the impact it will have on the Dental Office. Since Woodland Dental Office has been flooded before it raises some concerns. We need to know the elevations of the adjacent properties, road and the creek.

This is Type II action under SEQR.

The business will not be obtrusive to the neighborhood, flooding concerns need to be addressed prior to final approval if granted.

Mr. Geisenhof from the Ordinance Office stated the applicants have previously received a zoning change to Neighborhood Commercial at 15 Woodland Road. The Ordinance Office recommends approval, provided that the Town Engineer's concerns are satisfactorily addressed. A Building Permit and a Flood Plain Development Permit will be required prior to construction.

Mrs. Paddick inquired about the first floor elevation level.

Mike McGowan stated according to Broome County GIS the parcel is above the flood stage. They are proposing two things tonight for the .99 acre parcel has been divided and is in the realtors hands. The fitness gym will be placed towards the rear portion of the property with the extended portion towards Route 12A being retained for our sign for better visibility. The sign will comply with the existing town ordinance when it comes time to apply for the sign permit. The Topo map measured the property elevation at 856 or 858 feet, it is difficult to read. Whatever it is the building would be elevated by one foot either way.

Mr. Warren questioned the sign being on Route 12 A and the business on Woodland the town has an ordinance against that.

Mr. McGowan said if they look at the site plan there is a piece that extends towards Route 12 A, it looks like a leg. The property is not accessible from 12A, but the sign would give our business better visibility on 12 A verses Woodland Road.

Mrs. Paddick questioned the drainage.

Mr. McGowan said he could give the town a drainage easement if they want. There is a swale that goes to Thomas Creek.

Mr. Gent stated since they repaved Route 12A water comes across towards Woodland Dental. The Board has to realize there is a flooding issue in that area and he is trying to prevent more damage from occurring.

Mr. McGowan stated it only puddles and pools a little on his property then it naturally flows to the creek.

The Board members broke off into small groups with Mr. and Mrs. McGowan and discussed the drainage concerns A topo map, with the elevations, was distributed to the Board members.

Mrs. Paddick questioned where the entrance would be located for the gym.

Mr. McGowan stated the entrance will be on Woodland Road.

Mrs. Paddick asked if there would be any exterior lighting for the parking lot.

Mr. McGowan stated the gym is open 24/7 and there will be some down lighting around the building. There is no parking lot lighting plan at this time. If they decide to install exterior lighting for the parking lot, it will shine towards Northup Supply, so no glare will spill over towards the residential area.

Mr. Gent stated they should be aware the parking lot lighting must meet IES one candle foot rating. If later on you decide to install lighting in the parking lot, it should be noted on your site plan in the Ordinance Office.

Mrs. Snyder asked what color and height will the building be.

Mr. McGowan indicated the building will have a residential appearance, single story gable building approximately twenty-two feet in height with earth tone colors. We are still debating on rain gutters or not, it all depends on the price.

A motion was made by Mr. Donnelly, seconded by Mrs. Snyder to approve Chenango Fitness site plan review with a set of blue prints being submitted to the Ordinance Office.

Roll Call:      Ayes -5                      Nays - 0

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- **THE HUMANE SOCIETY-** Karen Matson – 1946 NYS Rte 12 - TM#078.19-3-15.12  
Application for Broome County Humane Society site plan review.

Mr. Gent reviewed the applicant's request to relocate their existing site at 2 Jackson Street, in the City of Binghamton due to the flood to 1946 NYS Rte 12. The parcel formerly owned by Dr. Allen is not serviced by municipal water or sewer.

Site plan review is requested along with a variance for a special permit to operate the Humane Society from this location. However, the Board should be aware they are already occupying the site due to the flood. The following items are missing from the application:

- Final site plan in accordance with Article 73-28 of the Town Code should be submitted. A property survey was submitted.
- Site plan should indicate parking areas, traffic flow, lighting, etc. per Article 73-28 of the Town Code.

- Building drawings new and any modifications. Per the applicant's letter of intent immediate changes will be made. There are 150 animals there now plus an additional 70, new spaces to be added.
- Well and septic need to be noted on the site plan. Has Broome County Health Dept. reviewed the existing septic as to the capacity to support the new occupancy?
- A building permit will be required by the Ordinance Office.

These items have to be addressed for a complete application.

The location appears to be compatible for this organization. However, the Town Ordinance requirements need to be adhered to.

This is a Type II action under SEQ. R.

The Planning Board should make their decision contingent upon approval by the Zoning Board of Appeals action for the Special Permit. They should also request a time line for the complete application submittal to the Planning Board.

Mr. Geisenhof from the Ordinance Office stated the Humane Society has been forced into occupying the former Allen Veterinary Clinic prior to any approvals due to the recent flooding. With the Town Engineer's issues satisfactorily addressed, the Ordinance Office recommends that the Planning Board grant Site Plan approval to allow the Humane Society to operate a kennel in an Agricultural zone with a building permit being required.

Applicant Karen Matson was present and addressed the Board concerns. There was an immediate concern to save the animals and get them moved in. That is the reason why the site plan submission was minimal. The in ground pool area will be converted into kennel space. The pool will be filled in and we are aware a building permit will be necessary.

Mr. Gent understood the reasoning due to the flood. However, what happens in the event of a fire. They are already occupying the site without any permits, this brings up some concerns.

Mrs. Matson stated they currently have 18 dogs and 125 cats. Dr. Loughlin Veterinarian, has been a huge help, with our transition, allowing us to use some of his kennels and parking area for all of our volunteers.

Mr. Gent stated the applicant's letter indicated 220 animals, this has to be clarified it may not be feasible to support 220 animals.

Mrs. Paddick asked, will the maximum number of animals be 220 at this location?

Mrs. Matson stated their letter of intent was incorrect; the maximum number of animals will be 150. We had to make a decision for our capital improvement campaign to invest in a building a new facility or stay where they are now. Things were a little hectic with the flood, so we had to move at a fast pace and some things got overlooked, but we can supply

the proper site plan information.

Mr. Bernard asked how the noise is being controlled with the outdoor kennels.

Mrs. Snyder questioned how the dogs are being handled and exercised?

Mrs. Matson indicated all the dogs are in large crates. We have many volunteers that walk the dogs daily. While the dogs are being walked the interior kennels are being cleaned. The liquid waste is being hosed down and sanitized. This water will drain into the septic and we have a special trap installed to capture any animal hair and toys. Waste Management will pick up weekly.

Mrs. Snyder questioned the parking. It is difficult to see if it is the Humane Society or Louglin Veterinary. Who has jurisdiction over their agency State or Federal?

Mrs. Matson said there is ample parking now, but we will be adding parking in the future. The septic tank was just replaced by John White We did not received Broome County Health Dept approval.

Mr. Gent stated the Department of Health section 374B does has jurisdiction, but with state budget cuts it becomes overwhelming to enforce the Agr & Mkts Laws. I hate to keep bringing this up but they were aware of what was necessary and did not get the proper approval. They need to come in for the permits and come back in with the proper submissions according to the Town Code 73-28.

Mr. Donnelly stated they need a site plan indicating the parking layout, dog walking area, kennels, etc. Exactly what is being done on the property.

Mr. Warren said if they did not received Broome County Health Dept approval they may require the septic to be dug up again.

A motion was made by Mr. Bernard, seconded by Mrs. Snyder for conditional approval for the Broome County Humane Society site plan review, with the following:

- Exterior site plan with dimensions for the building, parking, traffic pattern, lighting and location of well and septic.
- Interior floor plan with dimensions and kennel layout.
- Broome County Health Dept approval letter for septic replacement.
- Indicate the maximum number of cats and dogs at the site.
- Return to the Planning Board if there are any complaints.

Roll Call: Ayes - 5

Nays - 0

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**ADVISORY OPINION/REFERRALS**

- **MICHAEL & NANCY MCGOWAN** – 15 Woodland Rd. – TM#112.22-1-24-Application for Use Variance to operate fitness center in a Neighborhood Commercial zone.

Mr. Gent stated the applicant has applied for a Use Permit to operate a fitness center in a Neighborhood Commercial Zone. The area appears to be buffered by existing trees and vegetation. The building is serviced by municipal water and sewer. Any exterior building lighting should be located so not to affect adjacent properties. This business should be low impact with noise and traffic.

This is a Type II action under SEQR.

It is recommended the Planning Board forward a favorable advisory to the Zoning Board of Appeals.

Mr. Geisenhof recommended that the Planning Board forward a favorable advisory to the Zoning Board of Appeals to grant a use variance to operate a fitness center in a Neighborhood Commercial Zone, with a Building Permit and a Flood Plain Development Permit being required prior to construction.

There being no further discussion or comments a motion was made by Mrs. Snyder, seconded by Mr. Bernard for a favorable advisory to the Zoning Board of Appeals to allow the Chenango Fitness to operate in a Neighborhood Commercial zone.

Roll Call:       Ayes - 5                       Nays - 0

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- **THE HUMANE SOCIETY**- Karen Matson – 1946 NYS Rte 12 - TM#078.19-3-15.12 Application for a Special Permit to operate the Broome County Humane Society in an agricultural area.

Mr. Gent reviewed the applicant’s request to relocate their existing site at 2 Jackson Street, in the City of Binghamton due to the flood to 1946 NYS Rte 12. The parcel is not serviced by municipal water or sewer. There are several issues the Board should consider and get clarification from the applicant before approval can be granted for this special permit.

- The change from veterinary clinic to kennels, and the addition of 150 animals plus 70 more for new kennels.
- Location across from residential subdivision.
- Traffic increase and noise.
- How is the animal waste being disposed of

The location appears to have ample area for this use.

This is a Type II action under SEQR.

With appropriate responses to the items noted a favorable advisory is recommended.

Mr. Geisenhof recommended that the Planning Board forward a favorable advisory to the Zoning Board of Appeals to allow the Humane Society to operate a kennel in an Agricultural Zone with a building permit being required.

The applicant, Karen Matson, was present to answer the Board questions.

Mrs. Paddick began with the Town Engineers concerns which seemed to be addressed during the site plan review.

Mr. Bernard asked if you could adopt pets from this location.

Mrs. Matson stated absolutely.

Mrs. Paddick asked anticipated traffic per day.

Mrs. Matson they are open Tuesday – Saturday, with Tuesday and Thursday being their busier days. Animals are brought in and evaluated to see if they can be an adoptable pet.

There being no further discussion, a motion was made by Mr. Donnelly, seconded by Mr. Bernard for a favorable advisory to the Zoning Board of Appeals for this Special Permit .

Roll Call:      Ayes - 5                      Nays - 0

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**DISCUSSION**

- BMTS traffic study for Us 11/ NYS Rte 12/ NYS Rte 12A.

The Board discussed various traffic backups on Front Street. For example Dunkin Donuts area, is not the best. Several options were given and Mrs. Paddick who will take their suggestions back to BMTS for review and forward their response to the Town of Chenango Town Board.

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There being no further business for the Board, a motion was made by Mr. Donnelly and unanimously carried to adjourn the meeting at 8:05 p.m.

Respectfully submitted,

Diane Aurelio  
Ordinance Secretary

