

Town of Vestal Planning Board Minutes December 2nd, 2008

7:30 P.M.

Present: Chairwoman, Joyce Majewski; Board members:
Bob Bennett, Ed Zimmer, Auggie Gates, and Madeleine Cotts.

Absent: Bob Warner

Chairwoman Joyce Majewski approved Madeleine Cotts to be a voting member.

Also present: Gary Campo, Town Engineer; Dave Berger,
Town Attorney; Emil Belecki, Town Board Member

Motion was made to approve the Oct 28th minutes, motion by Bob Bennett to change paragraph 2, page 3 From "Ed Zimmer motioned with Bob Bennett," to: Modified SEQR, Ed Zimmer made the motion and Bob Bennett seconded it, all in favor.

1). Approval of Past Minutes

Motion by Bob Bennett to approve the Oct 28th minutes, second by Ed Zimmer, motion passed with all members voting in favor.

2). South Jensen Land Partition, BCTMP #174.11-1-1 (portion of)
766 S Jensen Rd 5 lot land partition

Present; Michael McGowan

Mr. McGowan proposed the sale of a portion of the 200 acres of property on Jensen Road and Rano Blvd, a portion that can not be served by water. He showed an overall map of his development, which has not been approved yet.

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Gary Campo stated that the portion he is referring to is the 15 acres of the 200 acre partial of land as shown in purple by a map that Mr. McGowan brought. McGowan noted that these lots are east of the gas/oil line that runs through the property. It can not be rezoned, without getting water and sewer brought to the area, so they decided to sell large acre lots. The last drawing did show a future road going through it, and we tried to reserve a 100 foot buffer to the oil line, so if the other development goes through, this area can be used as a walking trail area.

Joyce asks what we know about wells in this area. McGowan states there is only one currently in the area. He has and will continue to notify the area neighbors as to what is going on. And the only comment made was to the design, trying to move the road to another portion away from the house, but that is a different subject, relating to the larger subdivision plans.

Bob Bennett asked Gary to clarify the Town Code, 240' road frontage, or 240' x 240'. Gary stated that McGowan was told to change this. He states he did change it but misunderstood him, "I thought you said 240 road frontages," not 240' square with one point touching the road. McGowan states he can change that. Gary states the box has to be in there.

McGowan asked if they can do something with the concept since the plan on the table does not fit with the 240' box. Gary states it is up to the board, that he can go through the check list but they have to make that decision.

Gary stated that it is a land partition. It was advertised for preliminary and final on November 18th, as that is all we have to do.

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Ed Zimmer stated we should see a finished drawing and we should know more about what the total project is.

We can not access impacts until we know what is going to be happening.

Gary states about 4 years ago Carl Winterberger came in and we had no idea what was going on here, so we had them divide the frontage and leave 50 foot ROW since no one knew what was to happen with the larger parcel, but it was never filed. So Mr. McGowan purchased it and he is interested in selling the frontage and has a general idea of what he wants to do below as shown on the map.

Joyce Majewski stated we can take this as a preliminary only and have him come back with corrected drawings for a final.

Ed Zimmer stated he would like to see the finished lot sizes.

Dave Burger, Town Attorney asks Gary, "Does the Health Department have to see this?"

Gary said they do; before filing, both the Health Department and the Planning Board Chairwoman's stamps have to be on it.

Joyce Majewski asked to go through the check list.

Gary stated it is zoned properly; setbacks are not applicable; parking not applicable; drainage - each lot to provide protection if it exceeds one acre; (in a sub- division where they are building a road and there is actually construction, he has them do a storm water management plan for the whole thing, this is our first land partition since MS4).

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McGowan is not doing any construction, the homeowners are doing it. We have home owner requirements, if they disturb over an acre they have to get a permit, but it is not as detailed, it is more cookie cutter type permit which is basically silt fence protection and seeding it with grass. So he will deal with each individual lot upon building permits, as we do not hold McGowan responsible to do it.

Landscape, elevation view, lighting, and dumpsters are not applicable; grades are minimal; sprinkler - not applicable; there are no hydrants in the area not until you get to the Jensen/ Knapp Road area. Obviously not in the flood plan; it was not sent to the County for 239I&M because over 500 feet. No Town Board issues; possibly ZBA issues if he decides to split lot # 1 into less than the 240 feet. He does have a vision of doing that. The SEQR is attached, and the rest basically does not apply - fire department Knox box, street numbers, and water device blackflow.

Keystone did the plans so they are engineered stamped, planning board fees need to be paid; Gary did the legal and the only note he had at the time, is the cross over pipes at 805 Jensen, that dumped water into this site, there is to be no Town cost if the pipe has to be moved or ditch work done, it will be the homeowners responsibility.

Mr. McGowan addresses Chairwoman Joyce Majewski, stating the Town has held him up now, six to nine months on a re-zone. Asking Town Attorney, Mr. Berger where are we with this issue? He states it is not totally up to him, it is the developer's responsibility to help develop the new zone description. Gary states a new ordinance has to be done first then the re-zoning. McGowan states he did apply for the PD2, he made the criteria, and then the Town decided they wanted to make it more of a Town wide zone, so he is waiting for that.

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Madeline Cotts states the neighbors may be happier with this than the earlier plans.

Mike McGowan explained, the first plan had connections from Michael Street and Rano going through and two roads coming off Jensen. There was a concern with everyone cutting through. The future proposal is to cap Michael as a cul-de-sac, eliminate the other access to one so you have to head south to head north again making it inconvenient as a cut through. This road should do some traffic calming on its own. It will not be faster to go through, scenic, but not faster.

Joyce asked, "When does it go to County Health Department?" answered by Gary, after we approve it.

Bob Bennett asks about the whole parcel, does it go to the Zoning Board or Town Board for re-zoning? Gary states re-zoning goes to the Town Board.

Mr. McGowan states he has taken some of these steps but was asked by the Town to hold up while they created a zoning district so anyone could do this but other issues have taken precedence.

Bob states the 200 plus acres are "RR" right now, so sub-dividing the five lots out of it is still "RR", we are not affecting the existing zoning. If these were 241' or 242' it would meet the requirements of the RR zoning, we are not changing that. If he wanted to do a single family with small lots, he would have to rezone it, but he wants to do a tighter group of homes so it needs a new type of zoning that we do not have, so that is where the hang up is.

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"So where is the outlet here," asked Joyce Majewski?

Right now it is where the water tank is, going down to Rano Blvd.

McGowan stated he did not think this was going to be such a big deal. And that he can have the revised plans by next week. Joyce states we do not know the total impact of the project. Yes, we are looking at a small part of the 200 acres, but we don't have the proposed development numbers. We do have traffic impacts, we can't just say we are looking at 5 acres, it is 200 acres.

Bob Bennett asked why they are labeled 1,3,4,5 and six.

McGowan states because he wanted to come back and split lot #1 at a later date.

Bennett asked if that was a ZBA decision. If the Planning Board says no to this, you take this road frontage, divide it by five, then you have about 260'-270' frontages a piece and you don't come into play of inches. He understands that he is trying to re-coop as much money as he can.

McGowan states he would agree if everyone else's lots was close, but they are not, they are all 100 foot lots.

Bob Bennett states we can approve this as is, with the adjustments of the 240 box fitting in; we can stamp it before it goes to the County. The Planning Board can approve it, but not sign it until they get an approved map.

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As long as they meet the 240' requirements on lots 1,3,4,5 and six, and if it changes one way or another, they will have to come back to the Planning Board.

If the ZBA says no, he is left with five lots; he can leave it that way, unless he wants to leave them all the same size, he will have to come back to us.

Motion of approval subject to a submission of a new stamp drawing showing the minimal legally accepted lot size and continuant upon the payment of the fees as noted by Gary.

Motion to accept the SEQR;

Split up five two-(approximately) acre lots from 208 acre parcel. 15.9 acres affected.

Will proposed action compete with existing zoning or other land restrictions? Yes. Present use is residential and agricultural.

Does the action recall a permit approval or funding now or ultimately from any other government, federal state or local? No.

Do they currently have a valid permit or approval? No.

As a result of the proposed, action will the existing permit require modification? Not applicable.

We now have a negative declaration from the short form.

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Bob Bennett makes a motion to accept the short form, second by Augie Gates, all in favor.

The Planning Board of the Town of Vestal (hereinafter the Board) hereby finds and determines that (a) it has considered the action, reviewed the environmental assessment form, reviewed the criteria set forth in 6 NYCRR, section, 617.7 (c), thoroughly analyzed the relevant area of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with the proposed project, (b) the project will not result in any large and important environmental impacts and, therefore, is on which will not have significant impact on the environment, and, therefore, a negative declaration will be prepared; and (C) the reasons supporting this determination are set forth on the attached form.

Motion to approve the site plans subject to the three contingencies as stated earlier, re submission of the plans (correcting the lot sizes to the legal minimal acceptable size), payment of the fees and Broome County Health approval.

So moved by Madeline Cotts, second by Augie Gates, all in favor.

Meeting adjourned.

Engineer's report prepared outside of this meeting

A). **Highland Drive, Grading Plan**, BCATMP# 158.16-1-9.1

Intent to remove fill dirt from the Highland Drive area, being that the site disturbance will be less than one acre; the proposal has been reviewed and approved.

B). **Change of Tenant**, 253 Vestal Parkway East,

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BCTMPT# 157.18-1-20 Retail children's consignment clothing, toys, small furniture, handmade gifts and similar children items to move into space previously used by Barked.