

**Town of Vestal Planning Board Minutes
January 4, 2010**

7:30 P.M.

Present: Chairwoman, Joyce Majewski;
Board Members: Bob Bennett, Ed Zimmer, Augie 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; Carl Truman, Fire Marshall; Steve Appel, CAC; Carl Kithcart, builder; and one local resident

1). **Approval of Past Minutes**

Motion by Bob Bennett to approve the October 2009 minutes, second by Ed Zimmer, motion passed with all members voting in favor.

2). **Indian Cultural Center**

1595 SR 26 (at intersection of Sheedy Road) BCTMP#189.12-1-14
Modify existing home into a cultural center (place of worship) -
Phase 1

Present: Brian Doak, Engineer; Jay Lalkiya, and Dr. Bendari, board of director members and Carl Kithcart, builder hired to remodel the Indian Cultural Center.

Brian Doak was hired to design the Indian Cultural Center located at 1595 St RT 26 and convert from its current use as a house into an Indian Cultural center. It will be used basically for worship, meetings and events such as weddings. The plan is to convert the property, in two phases.

The first phase would be to take the existing building and remodel for an assembly center for 125-130 people. It is zoned commercial development - CD.

The second phase would construct an addition to the existing, for possibly 350 people and create additional parking behind the building. There will be 2 parking phases, first is smaller (32) and second would be larger with an additional 56, which is Town code of 1 car per 4 seats.

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The second floor has two existing apartments. They would like one to use for an on site full time care taker to live there and the second apartment to use as a guest cottage. Mark Dedrick, Code Enforcement officer did speak to Gary Campo about that use. They feel it is possible during the transition from residential to commercial property. Gary noted that the apartments are fully functional and no modifications are needed.

Utilities: There will be a need for a new water service since a sprinkler system for the entire building will be needed. There may be a need to connect the septic system into the Town sewer, but first the Town will confirm this via a dye test.

The parking lot will have lighting.

They would like to build the first parking lot of phase one with a gravel sub grade, then as money permits in a year or so, come back and pave it then.

Screening: Plans show an evergreen tree there but that may not work. There has been a discussion about a cedar hedge around the perimeter of the parking lot or even a fence which in the long run is easier to maintain.

Ed Zimmer asked if there is going to be cooking on site: Nothing other than counter top cooking such as microwaving for phase 1, but phase 2 may have a kitchen area.

Ed Zimmer also asks if this is the first on-site Indian Worship Center. How do you plan on handling the parking if this takes off and you need over flow parking?

Ed feels that if this develops and grows, parking on Sheedy Road will not be permissible and over flow parking will be needed.

Augie Gates asks if the neighbors know this is coming. Gary Campo states there is no requirement by the Planning Board to send notices out. And there is no need to go to the Town Board since it is an allowed use.

DOT has the new intersection on the books with turn lanes, grades and better visibility. They do not feel this center will show an impact on the intersection.

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The light is staying as a caution light as well. DOT is only requiring a permit for work done within the right of way pre and post drainage must be the same.

Ed Zimmer asks what day of the week the Center will be occupied? - Mainly weekends, with no cooking during Phase one. In Phase two there will be cooking for weddings, etc.

Ed Zimmer asks if it is strictly septic and Gary advises the dye test has to be completed to verify that. They are not being billed at this time for sewer. Gary states they put the dye in the toilets, flush it out, go to the manhole and if the dye comes out into the sanitary, they are hooked up; this would be the ideal situation. The previous owner's son, Cliff Vandervort does feel that it is connected, but Health Department feels they are on septic because they have a septic permit and they want it reviewed to see if it can handle the loads. If the existing septic can handle it, they won't say anything. If it has to be modified, they are going to request that they go to the Town sanitary system, because they will not issue a permit if the public sewer is within a certain distance. If sewer is available, the Town prefers they hook to the sanitary. Phase two is probably going to need modifications and they will not get a permit. Brian Doak, their engineer, was present and does see the pipes running out the Sheedy Road side. Gary stated it is easy to get connected if it comes to this.

Review list:

Phase One: Place of Worship is permitted; setbacks are OK, no changes.

David Berger asks to talk about the permits at this time. The house does have two apartments, which has been like this for several years. Mark Dedrick and Gary have discussed the two upstairs apartments, and feel they can be used as they are, but if they are changed in any way, they can never go back to be used as apartments.

Bob Bennett asks Town Attorney, Dave Berger if this should go through the Zoning Board for review?

Gary states the Chabad House, they live there, and our Lady of Sorrows Church, they live there.

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Joyce asked, “What is the intended use of the guest cottage?” They stated it is for invited guests from outside the area, to stay, it will not be rented out.

The Planning Board is of the mind that the apartments have been there and will be used as intended. There will be no structural modifications; the nature of the use is the same. They can stay.

Joyce asks Bob if he feels comfortable with this decision or does he want it to go to the zoning board? It is nonconforming, as a residential in a commercial zone. With Dave’s explanation, Bob as well as Dave Berger are fine with this decision.

Review list:

Parking:

They are completing only for Phase One: 32 parking spaces, with 2 handicap spots.

They are also asking for a gravel parking lot; with Board approval but giving them an ending date of October 1, 2010 to have the lot paved.

There is a question concerning the number parking spaces and the amount of people. Code states 4 people per vehicle, with 88 parking spots when Phase two is completed. The Board does feel there maybe a parking issue if this Cultural Center becomes a huge attraction. However, there is room for expansion if additional parking is needed. If history shows that the 32 parking spots do not handle Phase one, then there will be room for expansion, as with retaining walls. It was noted that it might be more expensive than they are anticipating at this time.

DEC states they have to do the storm water management plan if there is over an acre disturbance in the future plan. Gary’s idea states it has to be done on Phase Two not Phase One, but that is incorrect. However, this will not stop them from doing work on the center. They need to provide SWPPP 4 weeks prior to start of earth work.

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Landscaping shown around the parking lot:

Madeline states evergreen landscaping is a lot better for screening than a fence. Gary is more concerned on the future residential side than the Route 26 side, maybe some for breakage, not for screening.

Elevation view is OK; lighting is OK, need spacing, to give it a more residential character, lower lights, lower poles, five lights at 14 feet high, enough for safety, not for glare.

Grades are OK - minor, 2 percent in the parking lot;

The building will have a sprinkler system. There is a fire hydrant on the corner of RT 26 and Sheedy Road with a 10 inch main. It is not located in a flood plane. A grease separator is not needed at this time.

The 239 is attached with minor County comments. There are no Town Board or ZBA issues and the SEQR is attached.

A Knox Box and six inch street numbers are required as well as a back flow device for the water.

The plans are stamped and they are paying on sewer/water district but not sure if on the Town sewer or septic system. The Planning Board fees are paid in full.

Town Engineer's additional notes:

Gary states he wants them to confirm an 8 foot isle which he has done.

DOT requested pre-post be the same with reference to the drainage.

Requesting the gravel parking lot to be changed by October 1, 2010, to pavement. The Cultural Center will be tax exempt.

Signage needs to be discussed as it was not in the plans. They will have to come back or put it through Phase Two.

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Bob Bennett suggests approval contingent to landscape and signage plans to come back at the February Planning Board meeting.

An interested party, who lives near the intersection on Route 26, is concerned about accidents at this intersection. He is concerned about Phase One parking only. He would feel better if no parking signs on both sides of Sheedy Road near the corner of RT 26 were installed.

Gary states the Cultural Center will have to tell their visitors about the no parking along Route 26 and Sheedy Roads. The Planning Board can make a recommendation to the Town Board for no parking signs. Joyce states they just want to make sure they are aware of possible future problems with parking could be addressed.

Joyce requests Gary send a letter to the Vestal Town Board regarding no parking on both sides of Sheedy Road near the corner of Route 26.

Motion to accept the negative declaration of SEQR made by Ed Zimmer and seconded by Augie Gates. All members voting 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 NYSCR 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 import environmental impacts, and, therefore, is one 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 approval the site plan for Phase One only with the contingencies earlier noted by Gary, which include landscape plan, signage examples and location They are to come back for Phase 2 with an understanding of how Phase 1 parking worked, and the lot paved by 10/1/10. Motion by Madeleine Cotts; second by Augie Gates, with all members in favor, so moved.

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Engineer's report (prepared outside of this meeting)

A. Change/add tenant, 2131 Vestal Parkway East, BCTMP# 158.10.2.27.1

NBT Bank to have Mang Insurance Agency occupy a single person office.

B. Code Violations, 2001 Donna Drive, BCTMP #158.12-3-8.1

CG Properties LLC, retaining wall and earth work, not done in conformance with the Town of Vestal regulations. The wall is unsafe and needs to be removed.

C. Target, 3112 Vestal Parkway East, BCTMP# 158.15-1-1.2

Intent to install the bottle recycling structure within Target's parking lot and noted in a written policy, to keep the site clean.

D. Change of tenant, 440 Prentice Road, BCTMP# 158.07-2-1

Building previously used by Hess Terminals to be leased to OMNI Energy Services Corporation.

E. Owego Road Meter Site, BCTMP# 172.15-1-23.11

Scott Horafius/Mega Energy
Construction of a 192 sf meter building and a 64 sf odorizer building to be built on the referenced parcel.