

Regular Meeting of the Vestal Town Board September 12, 2018

The Regular Meeting of the Town Board of the Town of Vestal, County of Broome and the State of New York was held at the Town Hall, 605 Vestal Parkway West, Vestal, NY on September 12, 2018.

TOWN BOARD PRESENT:

Supervisor Schaffer
Councilman Majewski
Councilwoman Fitzgerald
Councilman Fletcher

ABSENT: Councilwoman Messina

ALSO ATTENDING: Town Attorney David Berger, Fire Chief David Harrington and Station Chiefs Birdsall and Rose, Town Comptroller Laura McKane, Town Clerk Emil Bielecki, 1st Deputy Town Clerk Kathie Young, Town Engineer Vern Myers and 16 members of the general public.

Supervisor Schaffer called the Regular Meeting to order at **6:00 PM**, welcomed everyone and asked that all present join in the PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES

On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Fletcher, Schaffer
 Nays 0 Absent 1 Messina

Resolved the Minutes of the Special Meeting on September 5, 2018 are approved.

PUBLIC HEARINGS

Vehicle Service Station Special Use Permit to Superior Shine Auto Spa

Supervisor Schaffer offered *Proof of Posting* and *Affidavit of Publication* regarding the Public Hearing for the issuance of a **Vehicle Service Station Special Use Permit to Superior Shine Auto Spa** at 404 Front Street in the Town of Vestal, NY and being designated as Broome County Tax Map #173.22-1-25 and situated in a Community Business District (C-2). He then opened the Public Hearing.

Joseph B. Christoff, the owner of **Superior Shine Auto Spa**, stated that this is an auto detailing business that provides interior and exterior cleaning and finishing of motor vehicles. It is situated behind his existing business, *Excite Motorsports*. The *Affidavit of Mailing* was then submitted and received and filed by the Town Clerk.

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Councilman Fletcher asked if they have resolved their drainage issues. Town Engineer Vern Myers stated that they need to resolve several issues and that the applicant is showing good faith. Car washing operations cannot be provided on this site until a grease, oil and grit separator system is installed and is connected to the sanitary sewer. In addition, a fire inspection must be completed and sign permits must be obtained from the Code Department.

Seeing no one wishing to speak, Supervisor Schaffer closed this Public Hearing.

Adopt SEQR re: Special Permit for Vehicle Service Station

R199-18 On a motion of Councilman Majewski seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Fletcher, Schaffer
Nays 0 Absent 1 Messina

Resolved granting a **Special Permit for a Vehicle Service Station to Superior Shine Auto Spa** at 404 Front Street in the Town of Vestal, NY, being designated as Broome County Tax Map #173.22-1-25 and situated in a Community Business District (C-2), for the purposes associated with a new automobile dealership. The Town Board of the Town of Vestal 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 areas of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connection with the proposed project

(b) This project will not result in any large and important environmental impacts, and, therefore, is one, which will not have a significant impact on the environment, and, therefore, a negative declaration is hereby adopted.

That pursuant to section 24-385(7) of the Vestal Town Code, the Town Board also finds that the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be injured thereby, and that the granting of such permit is in the best interest of the community and its inhabitants.

Approval of Vehicle Service Station Permit for Superior Shine Auto Spa

R200-18 On a motion of Councilman Majewski, seconded by Councilman Fletcher, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Fletcher, Schaffer
Nays 0 Absent 1 Messina

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Resolved, that contingent upon their hook up to public sewer, a fire inspection and obtaining sign permits, a **Vehicle Service Station Permit** is granted under section 24-385 of the Town of Vestal Code to **Superior Shine Auto Spa** located at 404 Front Street in the Town of Vestal, NY and being designated as Broome County Tax Map #173.22-1-25 and situated in a Community Business District (C-2) for the purposes associated with a new automobile dealership.

Public Hearing for Proposed Local Law “E” of the year 2018

Supervisor Schaffer offered *Proof of Posting* and *Affidavit of Publication* regarding the Public Hearing for proposed **Local Law “E” of the Year 2018** entitled: “*A local law repealing and replacing Chapter 24, Article IV, Division 3, Sections 24-206 and Section 24-207 of the Town Code of the Town of Vestal*” and opened the Public Hearing.

Town Engineer Vern Myers noted that the current code is outdated and many listings are types of businesses that no longer exist. New types of business are listed in the revision. We have expanded the criteria and modernized to the national parking regulations. Supervisor Schaffer noted that this local law will update and modernize our Code.

Seeing no one else wishing to speak, Supervisor Schaffer closed this Public Hearing.

Adopt Local Law “E” of the Year 2018

R201-18 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Fletcher, Schaffer
Nays 0 Absent 1 Messina

Resolved to adopt proposed **Local Law “E” of the year 2018** entitled: “*A local law repealing and replacing Chapter 24, Article IV, Division 3, Sections 24-206 and Section 24-207 of the Town Code of the Town of Vestal*”. This proposed activity has been identified as a Type II action and therefore is not subject to review under SEQRA.

Be it enacted by the TOWN BOARD of the Town of VESTAL as follows:

1. Section 24-206 shall hereafter read as follows:

Section 24-206 Off-street parking and off-street loading requirements- General

- (a) Requirements for both residential and commercial uses are outlined as set forth in the schedule in Section 24-207/
- (b) Where no requirement is designated and the use is not compatible to any of the listed uses, parking and loading requirements shall be determined by the Town of Vestal Planning Board based upon the capacity of the facility and its associated uses. The Planning Board may consult with the Town Engineer or other resources in its determination.

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2. Section 24-207 shall hereafter read as follows:

Section 24-207 Schedule of off-street parking and loading requirements

- Amusement enterprise
 - ✓ Indoor- 1 per 200 sq. ft. floor area; (1) loading area required
 - ✓ Outdoor- 1 per 400 sq. ft. of lot size; loading area not required
- Arcade- 1 per 200 sq. ft. floor area; loading area not required
- Auction house- 1 per 2 employees + 1 per 3 seats or 6' of bench seating + 1 per 100 sq. ft. sales floor area; (1) loading area required
- Auditorium- 1 per 4 seats or 8' of bench seating; (1) loading area required
- Auto repair garage- 1 per 500 sq. ft., minimum 5 spaces; loading area not required
- Auto service with fuel dispensing- 1 per service bay + 1 per 2 gas pumps + 1 per 250 sq. ft. sales floor area; loading area not required
- Banks- 1 per 300 sq. ft. of floor area + 1 per 2 employees; loading area not required
- Banquet hall & party center- 1 per 100 sq. ft. of floor area; (1) loading area required
- Barber or beauty shop- 1 per 150 sq. ft. of floor area, minimum 5 spaces; loading area not required
- Bars, taverns, or nightclub; dance hall or ballroom; live entertainment business- 1 per 2 seats + 1 per 75 sq. ft. of floor area, including outdoor patio areas; loading area not required
- Bowling alley- 4 per bowling lane + 1 per 2 employees; (1) loading area required
- Carwash-
 - ✓ Automatic- 10 stacking spaces minimum + 1 per employee per shift; loading area not required
 - ✓ Self-service- 4 stacking spaces per washing stall + 2 drying/vacuumping spaces per washing stall; loading area not required
- Church- 1 per 4 seats or 6' of bench seating; (1) loading area required
- Convenience store-
 - ✓ with fuel dispensing- 1 per 250 sq. ft. of floor area + 1 per 2 gas pumps; loading area not required
 - ✓ without fuel dispensing- 1 per 250 sq. ft. of floor area; loading area not required
- Dance or music studio- 1 per 200 sq. ft. of floor area; loading area not required
- Daycare or pre-school- 1 per 5 children + 1 per employee, based on the maximum number of children for which the facility is licensed to accommodate; (1) loading area required
- Dental office or clinic- 1 per 200 sq. ft. of floor area; (1) loading area required
- Discount retail store- 4 per 1,000 sq. ft. of floor area; loading area not required
- Drive-thru oil change facility- 2 per service bay + 4 stacking spaces per service bay; loading area not required
- Dry cleaners- 1 per 200 sq. ft. of floor space; loading area not required
- Fitness and health center- 1 per 200 sq. ft. of floor area; loading area not required
- Freight terminal- 1 per 2,000 sq. ft. of floor area + 1 per employee; loading area not required
- Funeral home- 1 per 50 sq. ft. of assembly room or parlor area, minimum 30 spaces; (1) loading area required
- Furniture store- 1 per 500 sq. ft. of floor area; loading area not required
- Hospital- 1 per 3 beds + 1 per staff doctor + 1 per 3 employees; (1) loading area required
- Hotel, motel, or inn- 1 per guest room + 1 per 15 rooms + 1 per 200 sq. ft. of office, meeting room, assembly space, conference room, and/or banquet room; loading area(s) required: (1)

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- per 0-40,000 sq. ft. of gross floor area + (1) per each additional 40,000 sq. ft. of gross floor or fraction thereof
- Laundromat- 1 per 2 washing machines; loading area not required
 - Machinery sales and service- 1 per 500 sq. ft. of floor area, minimum of 5 spaces; loading area not required
 - Maintenance shop- 1 per 400 sq. ft. of floor area; loading area not required
 - Manufacturing facility- 2.5 per 1,000 sq. ft. of floor space; loading area not required
 - Medical office or clinic- 1 per 200 sq. ft. of floor area; (1) loading area required
 - Miniature golf, driving range, batting cages, paintball, etc.- 1 per 3 persons that the facility is designed to accommodate at maximum capacity; loading area not required
 - Nurseries, plant and landscape- 1 per employee + 2 for company vehicles + 1 per 600 sq. ft. of floor area; loading area not required
 - Nursing or convalescent home- 1 per 3 beds + 1 per 2 employees; (1) loading area required
 - Office space- 1 per 300 sq. ft. of floor area; loading area not required
 - Personal care service (spa, nail salon, massage therapy, etc.)- 1 per 200 sq. ft. of floor area; loading area not required
 - Petroleum storage- 1 per 20,000 sq. ft. of site area; loading area not required
 - Pool or billiard hall- 1 per 100 sq. ft. of floor area; loading area not required
 - Private club or lodge- 1 per 100 sq. ft. of floor area; (1) loading area required
 - Public library or museum- 1 per 300 sq. ft. + 1 per 2 employees; loading area not required
 - Research lab or facility- 1 per 2 employees; loading area not required
 - Residential uses-
 - ✓ Single family homes- 2 per dwelling unit; loading area not required
 - ✓ Two-family homes- 2 per dwelling unit; loading area not required
 - ✓ Multi-family buildings- 1.4 per efficiency or 1 bedroom dwelling unit + 1 per each additional bedroom; (1) loading area required
 - ✓ Senior citizen/55+ communities- 1 per dwelling unit + 1 per employee; loading area not required
 - ✓ Fraternity or sorority house- 1 per 2 residents or members; loading area not required
 - ✓ Group homes- 1 per 3 residents + 1 per employee; (1) loading area required
 - ✓ Rooming, boarding, lodging, and tourist homes- 1 per guest room, minimum 3 spaces; (1) loading area required
 - ✓ Residential subdivision recreational amenity area- 1 per 10 dwelling units within the residential; (1) loading area required
 - Restaurant-
 - ✓ Carryout or delivery- 1 per 100 sq. ft. of floor area + 1 per employee; loading area not required
 - ✓ Dine in or drive-thru- 20 spaces + 1 per 100 sq. ft. of floor area, including outdoor seating areas + 4 stacking spaces per order kiosk; (1) loading area required
 - Retail stores- 8 per 1,000 sq. ft. of floor area
 - Sand or gravel facilities- 1 per 20,000 sq. ft. of site area; loading area not required
 - Skating rink- 1 per 100 sq. ft. of floor area + 1 per 2 employees; (1) loading area required
 - Speculative shopping centers or multi-tenant building- 5 per 1,000 sq. ft. of floor area; loading area(s) required: (1) per 5,000 sq. ft. of floor area

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- Stadium, arena, or outdoor theatre- 1 per 4 seats or 8' of bench seating + 1 per 2 employees and/or volunteers; loading area(s) required: as required by the Planning Board
- Theatre, indoor- 1 per 4 seats; (1) loading area required
- Trade or vocational school- 1 per 2 students + 1 per faculty or staff member; loading area not required
- Vehicle sales and service-
 - ✓ Indoor- 1 per 400 sq. ft. of sales floor area + 1 per employee + 1 per 500 sq. ft. of service floor area; loading area not required
 - ✓ Outdoor- 1 per 3,000 sq. ft. of display lot, + 1 per employee + 1 per 500 sq. ft. of service floor area; loading area not required
- Veterinary clinic- 1 per 200 sq. ft. of floor area; loading area not required
- Warehouse or storage facility-
 - ✓ Indoor- 1 per employee on the maximum work shift, + 1 for each vehicle utilized in the operation of the business + 2 quest spaces- any other uses within the warehouse (office, manufacturing, retail, etc.) would also require spaces based upon those separate calculations; loading area not required
 - ✓ Mini or outdoor- 1 per employee + 3 per office + 1 per 40 storage units; loading area not required

Section 24-208 – 24-225 Reserved

Section 3. Effective Date

This Law shall become effective upon filing in the office of the Secretary of State of the State of New York.

Vestal Gridiron's Use of Arnold Park

Gina Thrasher, President of the Vestal Gridiron, stated that the planned program would include a bon fire at Arnold Park for their *Gridiron UE Roast*. They are requesting that the Police and Fire Departments be on hand and that the pavilion rental fee be waived. The Vestal Emergency Squad has also been asked to be on site. The event will be held at the southeast corner of the parking lot. They will burn pallets and use a nail magnet the next day to remove any nails.

Fire Chief Doug Rose noted that the Fire Department will establish the safety area for the bon fire. Pallets burn quickly and are easier to control. They will have two trucks, a tanker and an engine on site.

Supervisor Schaffer emphasized that the Board is allowing the use of Town property for this event but it is not sponsoring this event. Town Attorney Dave Berger noted that this is like any other group using a pavilion. They are required to get a Fire Burning Permit.

R202-18 On a motion of Councilman Majewski, seconded by Councilwoman Fitzgerald, the following resolution was

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ADOPTED Ayes 4 Majewski, Fitzgerald, Fletcher, Schaffer
 Nays 0 Absent 1 Messina

Resolved to waive the pavilion rental fee at Arnold Park for the Vestal Gridiron to stage the *Gridiron UE Roast* event on September 28, 2018 pending their notification of police, fire and emergency services and acquiring a Fire Burning Permit.

PRIVILEGE OF THE FLOOR

A speaker reiterated a number of issues as follows and asked the Supervisor to address them:

- The income level for property tax exemption eligibility for senior citizens should be reduced.
- The Town Board should be subject to term limits and no pay for absences.
- His issues with the Assessor's Office have not been addressed.
- The Special Meeting for the water main project was not adequately publicized.
- Wants a full record of vehicles sold through Auctions International.
- Believes that \$30,000 to purchase an unmarked police vehicle is excessive.

Supervisor Schaffer asked the speaker to submit his ideas in writing and he would try to respond. As to the Special Meeting concerning the water main project, it was adequately advertised but did have to happen quickly so as to meet a deadline for filing a grant application.

Town Engineer Vern Myers congratulated **Procon Construction** for the excellent job they did on the Route 434 Sanitary Sewer Replacement project. It was done quickly and with minimal disruption.

RESOLUTIONS & MOTIONS

Resolve Through Sharing to Install Plaque on Rail Trail Bench

R203-18 On a motion of Councilman Fletcher, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 4 Majewski, Fletcher, Schaffer, Fitzgerald,
 Nays 0 Absent 1 Messina

Resolved to grant permission to ***Resolve Through Sharing***, a UHS support group for parents who have lost a child at birth or infancy, to purchase and have installed a plaque on or near a bench on the west side of the Rail Trail designating it as a place for reflection and remembrance. This installation is to be done under the supervision of the Parks Superintendent.

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Applications for Grants from Broome County Youth Bureau

R204-18 On a motion of Councilman Majewski, seconded by Councilman Fletcher, the following resolution was

ADOPTED Ayes 4 Majewski, Fitzgerald, Fletcher, Schaffer
Nays 0 Absent 1 Messina

Resolved to authorize the Town Supervisor to sign applications for grants from the Broome County Youth Bureau for the following programs:

- Library Outreach Program
- Recreation Department Playground Program
- Waterman Program Project Land

Councilwoman Fitzgerald left the meeting at 6:19 PM.

***** Grant Application for Broome County Hotel/Motel Funds**

Town Attorney Berger noted that this is not an application by the Town. The Town is simply a pass-through. We do not verify the information as submitted.

Supervisor Schaffer stated that he will not support this action. This is a County grant being filtered through the Town and he is not comfortable with passing money through to a for-profit private business.

R205-18 On a motion of Councilman Majewski, seconded by Councilman Fletcher, the resolution to authorize the Town Supervisor to submit an application for a grant from the ***Broome County Hotel/Motel Funds*** (Small Community Fund) to fund a project conducted by the lessee of the Vestal Coal House to further develop health and wellness programs at the Coal House/Rail Trail location was:

DEFEATED Ayes 2 Majewski, Fletcher
Nays 1 Schaffer
Absent 2 Fitzgerald, Messina

***** Clerk's Note:** This resolution was brought back for reconsideration under the *Other New Business* section of this meeting.

CONSENT AGENDA

On a motion of Councilman Fletcher, seconded by Councilman Majewski, the following resolution was

ADOPTED Ayes 3 Majewski, Fletcher, Schaffer
Nays 0 Absent 2 Fitzgerald, Messina

Resolved the **Consent Agenda** is approved as follows:

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FINANCE: Messina/Fletcher

Receive and File: Warrant Reports:

2018-34, 2018-34E, 2018-35, 2018-35E, 2018-36, 2018-36E

Town Attorney David Berger August Billable Hours

R206-18 Approval for the Business Office to submit payment in the amount of \$825.00 to **Town Attorney David Berger** for the August 2018 billable hours.

Flu and Pneumonia Vaccine Clinic

R207-18 Authorization for the Director of Human Resources to schedule an on-site **flu and pneumonia vaccine clinic** on Thursday, September 27, 2018 from 2:00 to 4:00 PM at Town Hall. Eligible participants are Town employees, pre-Medicare eligible retirees with Town health insurance benefits and adult dependents who participate in the Town health insurance program. The clinic is to be provided by Lourdes Hospital at a rate of \$25 per flu vaccine and \$85 per pneumonia vaccine. Charges for eligible participants will be paid from the health insurance fund.

PUBLIC SAFETY: Messina/Majewski

Station 1's Firefighter 5K Challenge

R208-18 Authorization from the Board of Fire Commissioners for the Vestal Fire Department Membership for **Station 1's Firefighter 5K Challenge** being held on the Rail Trail, Sunday, October 14th from 11 am to 1 pm, with awards ceremony at Vestal Fire Station 1. Coverage time will be from 9am to 5pm which includes personnel to set up, the event itself and clean up. A sign in sheet will be used to track personnel at this event.

END OF CONSENT AGENDA

SUPERVISOR'S ANNOUNCEMENTS

- The Town of Vestal will now be providing tax collection for the Vestal School District

Check payable to: Debra Wallace Receiver Tax Help-Line: (607) 754-3369
In person payment at: Town of Vestal Tax Collector's Office
[516 Front Street, Vestal, NY 13850](http://www.vestalny.com/516-Front-Street-Vestal-NY-13850)

Collection Hours*:
September 4, 2018 - October 31, 2018
Monday - Friday 8:00 am to 4:00 pm

*Closed Monday October 8, 2018

Due Dates: On or before **October 3, 2018** (no penalty) - October 4 - 31, 2018 (2% penalty)

Note: The US Postal Service postmark determines the date payment is made.

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- The 15 MPH speed limit signs have been installed near the Middle School on African Road to increase safety for school children.

Councilwoman Fitzgerald returned to the meeting at 6:30 PM.

A motion was made by Councilman Majewski, second by Councilman Fletcher, to take a 5 minutes recess. Carried unanimously. The time was 6:32 PM.

The meeting resumed at 6:38 PM.

OTHER NEW BUSINESS

Reconsideration of Resolution R205-18 - Tabled

A motion was made by Councilman Majewski, seconded by Councilman Fletcher, to bring back the previously defeated resolution (**R205-18**) to authorize the Town Supervisor to submit an application for a grant from the Broome County Hotel/Motel Funds (Small Community Fund) to fund a project conducted by the lessee of the Vestal Coal House to further develop health and wellness programs at the Coal House/Rail Trail location.

Councilwoman Fitzgerald stated that she could support funding a program that promotes better health in the community. Councilman Fletcher stated that this item should be tabled to give the Board additional time to get more information.

A motion was made by Councilman Fletcher, seconded by Councilman Majewski, to **table this resolution (R205-18)**. Carried unanimously.

Budget Review Session: Proposed 2019 Vestal Fire District Budget

Fire Chief David Harrington and Town Comptroller Laura McKane presented the Board with the proposed 2019 Vestal Fire District operating budget, the updated 25 year Capital Plan as well as various backup material. Also presented was a spreadsheet of the Fire District's Long Range Financial Plan.

Fire Chief Harrington reiterated that the long range goal of the Fire Department is to move away from bonding for equipment replacements and other capital projects by steadily increasing the capital reserve fund while keeping the operating budget increases in the 2% range. To accomplish this goal will require a catch up phase where steady tax increases will build the capital reserve fund. Under this plan, the

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borrowing would not go away immediately but would disappear after 2028. Even with the projected increases, the Town's spending on fire protection, as a percentage of assessed value, will still be lower than most of our neighboring fire districts. Comptroller McKane noted that this plan will result in an approximate annual property tax increase of \$5.75 for a home valued at \$100,000.

Fire Chief Harrington noted that the initial 2019 operating budget that was presented internally was approximately \$1.8 million. The Chiefs already reduced that requested amount to approximately \$1.4 million. This operating budget does increase spending by more than the 2% goal. One of the largest unanticipated increases in spending was for cancer insurance coverage that was recently mandated by State legislation.

Comptroller McKane noted that the Fire District Budget is on a separate schedule and needs to be reviewed and adopted earlier than the Town Budget.

Supervisor Schaffer asked the Board to review the presented 2019 Fire District Budget and to contact Chief Harrington with any questions. The Board will do its final review of the proposed Fire District budget at the Work Session on Monday, September 24th. He asked that representatives from the Fire Department attend this meeting so as to answer additional questions that may arise.

ADJOURNMENT

On a motion of Councilman Fletcher, seconded by Councilwoman Fitzgerald, the **meeting was adjourned at 8:00 PM.** Carried unanimously.

Approved by _____ **Emil J. Bielecki, Town Clerk**