

**Town of Vestal Planning Board Minutes
April 13, 2010**

7:30 P.M.

Present: Planning Board Chairwoman, Joyce Majewski

Board Members: Bob Bennett, Bob Warner, Edward Zimmer, and Madeleine Cotts

Absent: Augie Gates

Also present: Gary Campo, Town Engineer; Carol Truman, Fire Marshall; David Berger, Town Attorney; Jack McQuiston, Zoning Board of Appeals; Rosemary West, Town Crier Newspaper.

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

1). Approval of Past Minutes

Motion by Bob Warner to approve the February 2, 2010 minutes, second by Bob Bennett. Motion passed with all members voting in favor.

2). Kia Auto Sales, Matthew's Imports

3013 Vestal Road, BBTMP# 158.06-1-14.1

4,000 SF addition to rear of building for service

Present: Erik Webb

The dealership is requesting an addition to the existing service center area due to a large volume of service for the dealership. It will match the existing back of the building which is an 18 foot high masonry building. The existing construction is a simple block building with a metal flat roof, with the new addition being approximately 4000 sf.

Bob Warner states they have already started digging, which was confirmed. The foundation was started since the contractor had an opening and the weather had broken.

Joyce asks Gary Campo, Town Engineer, to go through the check list:

Zoning is OK, C2 allows for a dealership; set backs are OK: Parking meets the requirement for the building size, but the parking is being counted on 2 parcels. You can count parking within 200 feet of your parcel. Where Napa Auto Parts used to be is now an empty lot. He has to count the spots on the adjacent lot. He does not want to join them at this time, because it is still a legal building lot, if they combined them he would not be able to split them again, or build a building on it down the road. Joyce stated that the Planning Board will not require a written agreement, but made them aware they would have to see separation on this building, if they did not have the parking available on that lot. If there is ever another addition, the Planning Board would have to look at lot lines and parking requirements again. They are at the limit, but the lot lines will have to be reviewed.

Bob Bennett asked Gary if the Town Code allows for oil water separator to go to dry well? Erik states it is wrong on the paperwork, it should say sewer, and it is going to the sewer. Gary concurred.

Joyce Majewski stated that they need to have marked handicap parking accessibility, which are not shown in the plans. Gary will contact Erik with the exact numbers at a later date.

Drainage is fine, they have no neighbors affected by this work, and it's under an acre. No landscaping, the addition is on the back of the building. Elevation view is what is there; lighting is wall packs; dumpster is in the back of the building, no one can see it. The grades are N/A; building does not have a sprinkler system; there is a fire hydrant in the front lot; it is not in the flood plain and it won't be in the 100 year flood plain, but it will be in the 500 year once the new FEMA maps are in place; Restaurant grease separator N/A; vehicle/oil grease separator is required to be connected to the sanitary; Gary did not send the 239 I&M to the County, Town Board and ZBA, N/A; The SEQR review is attached; Knox box is unknown but Erik states they will make sure they do have one; back flow device will be required; water device check and the Engineered stamped plans were received. They need to join the water district and the paperwork is being done at this time; no floor drains to the drywell.

Dave Berger advises Gary that he should send the 239 to Broome County since Vestal Road is a County Road.

There is a short environmental assessment form resulting in a negative declaration.

Joyce asked for a motion to accept the short form declaration:

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 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) the project will not result in any large and important 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.

Madeleine Cotts made the motion with a second by Bob Bennett with all members voting in favor.

Motion for site plan approval by Ed Zimmer, second by Bob Bennett with the following conditions:

- ◆ The dumpster is in the back
- ◆ Oil, water and grease separators are hooked to the sanitary
- ◆ Handicap spots are lined and marked
- ◆ The town engineer will check on the Knox box
- ◆ The 239 comes back with no rejections.

All members voting in favor.

3). Shippers Road

Brief discussion on possible acceptance, east end only.

Erik Webb

Requesting permission from the Town to construct a second principle building at 3200 Shippers Road. They have a need for a second income producing building on site to help offset the rising costs associated with land ownership. They have had several businesses looking for available space.

The issue is that Shippers Road is a private road, so they can not make two parcels out of one. Doing so would cause one of the parcels to be illegal as its road frontage would be on the private road.

Gary states if this was a Town road he would have 2 frontages. This is why Erick is trying to get it straightened out, so he can build something.

They have three options:

To get the Xtra-Mart and them to deed the property to the Town and the Highway would be able to plow it and maintain the 500 feet.

Second option is to go to the ZBA who can give them variances for non conforming lots.

And the third, ZBA lets them have two principal buildings on 1 lot.

The Town has said in the past if they made the road better, by rebuilding it with curbs and gutters, making it wider, maybe we would take it over.

Shippers Road while being private, is maintained, plowed and regularly used by the public with no restrictions.

Ed Zimmer and Bob Warner would like Brock Leonard, Vestal Highway Superintendent to be involved. His input would be beneficial.

Dave Berger, Town Attorney, stated the acceptance of the road way is a Town Board decision.

Gary feels going to the ZBA would be the best choice in his opinion.

The Planning Board can make recommendations only at this time. No motions, just opinions on this matter. This item will be revisited at next meeting so members can drive to the site.

4). **India 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 2 – (phase 1 recently approval-they wish to possibly proceed with phase 2)

Brian R Doak, Engineer for the Center, Jay Lalkiya and Dr. Bendari, Board of Directors.

This is a revised Phase 2, for Planning Board approval as the money has come in to continue at this time. Revised building plans have been submitted but basically the same drawings for landscaping and parking. They are requesting to seek approval of this Phase 2 of this project. Parking is still gravel base but the Town would like it paved. Brian Doak is requesting they do gravel or millings in the driveway area. Bob Bennett states it has to be surface treated no matter what is used. It is agreeable for them to put a base course down in October and waiting until next year for the top coat.

Check list: Zoning – CD zoning is accepted for worship; Setbacks are OK; parking is 82 provided x 4 seats equals 328 allowed with 16 additional if needed, drainage - MS4 SPDES permit required; landscaping is shown; dumpster is shown in screened area; grades are fine, building will have a sprinkler system; fire hydrant on the opposite corner of Sheedy and Route 26; it is not in the flood plain; no cooking at this time so no restaurant grease separator required; no vehicle oil/grease separator; 239 comments are attached to phase one; and they are on Town sewer; and DOT did want a review comment on the storm water; no ZBA issues and the SEQR is attached; they will provide a knox box, and they will put up 8 inch street numbers; water device back flow will be provided; engineered stamped plans were received; and they are hooked to water/sewer district, being billed at this time; and the Planning Board fees are paid.

SEQR Negative Declaration: Motion by Bob Bennett, second by Madeleine Cotts to accept the Negative Declaration of SEQR as follows:

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 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) the project will not result in any large and important 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.

All members voting in favor.

Motion by Bob Bennett, second by Madeleine Cotts for site plan approval continuant of the storm water plane; black top binder be completed by 2010, and adjustment to the parking by moving it a minimum of 20 feet away from the building, with all members voting in favor.

- 5). **Arnold's Awesome Pig Stand**
Vestal Road; BCTMP# 158.10-1-6.1
Seasonal placement of pig stand

Kyle Washington, Chef - Also trailer owner was present.

He would like to place 14 x 8 mobile food stand on property leased from Mary Murphy's across from Sycamore Road. It will primarily be a lunch stand to be opened from May to the middle of October, serving bar-b-que pork sandwiches.

Gary stated he is a vendor and normally they would just obtain a permit from the Town Clerk's office. The normal vendor is someone who comes and goes on a daily basis. The applicant wants to leave the trailer and park it for duration of this time period, thus being some what permanent with electric hookup. For this reason the Clerk's Office sent them to the Planning Board.

Gary stated there is a concern with people pulling over onto Vestal Road and parking to get something to eat. They want all activity to go to the traffic light and access the business via the parking area on the site. Kyle is suggesting a white plastic picket fence be placed on the Vestal Road side deterring the public from parking on Vestal Road to gain access to the trailer.

Joyce asked what the Town charges for a peddler permit since this is a semi permanent business. Dave Berger states it is \$100 a month obtaining same from the Clerk's Office.

Bob Bennett asks about power. They stated they will be placing a new pole for the business via NYSEG.

They will have to obtain a permit from Code Enforcement to place their sign or any other signs.

They have a transport license on the trailer not only from the Health Department but Department of Motor Vehicles as well...

Town of Vestal Planning Board will issue a letter giving approval since he is a semi Vender, no motions are needed. Gary will draw the letter up with the following conditions; Obtain a vendor permit from the Town Clerk; when the season is over, all items that were brought to the site will be removed; obtain BC Health Permit; obtain sign permits form Code Enforcement; share or provide your own port-o-potty; set your stand close to the future vegetable stand such that customers use the traffic light to access the business and if necessary to install a removable picket type fence along Vestal Road to distract customers from stopping on the shoulder of the road; and set the stand back 30 feet from the edge of the pavement on Vestal Road.

Meeting Adjourned.

Engineer's report (prepared outside of this meeting.)

A. Change of Tenant: 108 Sunset Ave, BCTMP#206.09-3-40

Joseph Sephton, Charisty Everitt

Building previously used by flooring/tile store now proposed for an ice cream store, has been reviewed and approved.

B. Change of Tenant: 535 Vestal Parkway West, BCTMP#173.22-1-8.1

Jerry Griep

Occupy space with the Williams Door building for development business, with no modifications planned, has been reviewed and approved.

C. Change of Tenant: 112 Plaza Drive, BCMP#159.15-2-6

Neal Zinsmeyer/Napierala Consulting

The vacant Visions Credit Union on Plaza Drive to be converted to a dental office along with a planned 1,000 sf addition on the west side, has been reviewed and approved.

D. Ice cream stand, 140 N Main Street, BCTMP#157.79-1-6

Jessica Cady/Home Central

Ice cream stand placed within the parking lot has been reviewed and approved.

E. Vender at 2909 Vestal Rd, BCTMP#158.10-1-6.1

Kyle Washington

Site plan was reviewed and approved.

**F. Change of Tenant, 1308 Vestal Parkway East, The Shoppes at
Pierce Hill, BCTMP#157.16-1-11**

Eric Riddle/Moorehead Communications, Inc.

Retail sale and service of cell phones has been reviewed and approved.