

**Town of Vestal Planning Board Minutes**  
**June 8, 2010**

7:30 P.M.

Present: Chairwoman, Joyce Majewski

Board members: Bob Bennett, Madeleine Cotts, Augie Gates, Ed Zimmer

Absent: Bob Warner

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

Also present: Gary Campo, Town Engineer; Dave Berger, Town Attorney; Rosemary West, Town Crier Newspaper

**1). Approval of Past Minutes**

Motion by Bob Bennett to approve the May 11, 2010 minutes and second by Augie Gates. Motion passed with all members voting in favor.

**2). Vestal Extension Clinic, 4417 Vestal Parkway East, BCTMP#159.10-1-15-1, demo old Press Building and build a new 3 story medical clinic/office-84,877 sf building - UHS**

Greg A Chianis – Project Architect

Sarah Campbell – Hinman, Howard and Kattell

Changes to the original plan: Driveway on the west end: *exit only* has been removed. The Board had a concern regarding this at the last meeting. Sarah Campbell advised that the NYSDOT also has an issue with two lanes in and two lanes out. That has been reduced to one lane in, as well as splitting that lane back to two further in the lot. They have also revised the traffic study to reflect that no change or impact on it at all and it has been provided to the State.

Sidewalks are the next biggest issue. UHS is against the sidewalks.

We obtained two options, with actual cost estimates.

Option A is to put the sidewalk in the DOT right of way which involves moving a drainage structure, the cost, \$52,700.

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Option B is to put the sidewalk on their property, (taking away some of the green space for \$23,255). Both are estimates only. UHS feels it is a bad idea. They have provided a pedestrian access to get to the main entrance, if they are walking from Binghamton University. There is nothing connecting the sidewalk to either direction. You are essentially leading the pedestrian on a path that leads to no where.

Bob Bennett asked Gary Campo, Town Engineer if the State has finalized its plans for 434. The completion date is now 2012 for the whole project, the draft design is out. There is not going to be any sidewalk access from Route 201 down to Route 434, the sidewalk has been taken out.

Gary says the BMTS along with DOT wants this sidewalk and Joyce agrees, we need to strive to make a more welcoming community and we know we have the potential for pedestrian traffic in the neighborhood.

Joyce Majewski stated that we don't know future development for this site. It could bring additional pedestrian traffic. It may not be completely fair to say the sidewalk leads to no where. There could be additional demand. Sarah Campbell stated if you make this decision you will be making it for all other parcels.

Madeleine Cotts stated that someone has to be first.

Sarah Campbell feels it is a big ticket item but will accept what ever decision this board makes.

Bob Bennett states we should not make any private owner put in a sidewalk, but if the State forces us, then we will have too.

Joyce states someone has to be first and it is our responsibility to look out for the walking community and being consistent with all parcels connecting to it.

Bob asked what the DOTs thoughts are concerning the private sector putting in sidewalks and the liability of the pedestrians walking.

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Gary feels it may then go to the Police for further action if they have problems.

They asked Madeleine for her expertise on the landscaping for around the building. UHS is looking for mature landscaping.

It is suggested to put in *Amelanchier*, (Autumn Brilliance). Sarah thanked her for her suggestion.

*Review list as stated by Gary Camp.*

Zoning, C-2 is OK; setbacks are OK; parking spaces are OK; MS4 is required, curbed site is good for overflow to neighbors, and the engineer will have to include the weekly inspection.

Landscaping shown, elevation view is shown, dumpster is still in the same spot, (Bob Warner wanted it moved), grades are OK. Its flat and the building does have a sprinkler and fire hydrant on Vestal Road.

It is not in the flood plain; grease separated is not needed; and the 239 was gone over briefly.

ZBA approved the height various on 5-27-10; SEQR is attached; fire Knox box and 8 inch street numbers are required as well as the water device backflow.

The Engineered stamped plans received; they are in the water/sewer district and the Planning Board fees are paid in full.

Additional items commented on were the cross easement, and driveway use. The owners are the same so there is no formal agreement.

The lighting should not be a problem - they are the cut off type so they will not be bothered with 20 foot poles, no neighbors, no adverse effect.

The water usage was questioned the last time. 12,000 gallons a day is the estimated number and Gary will notify the Sewage Treatment Plant of same.

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Greg states they did do the flow test as well. Long form is attached as asked by Town Attorney Dave Berger.

Motion to accept the SEQR, negative declaration, motion by Madeleine Cotts, second by Bob Bennett, all members voting in favor.

Motion to accept the site plan approval subject to adding the short sidewalk within the lot, the changing of the type of trees, and adding the sidewalk on the front portion of the property along the Parkway, made by Madeleine Cotts, second by Bob Bennett with 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 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 one which will not have a 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.

- 3). **California Grill, 912 Vestal Parkway East BCTMP#157.19-3-1.2**  
Requesting permission to leave outside tent up for season.

Greg Winsor, Owner

Jackie (Winsor's daughter), operations manager

Jen (Winsor's daughter), restaurant manager

Requesting a temporary tent 40 foot by 60 foot on the east side of the building. The goal is to maintain this tent in a tastefully and professional manner; to be an asset to the community, with a positive impact.

They want to utilize this tent during the summer months to facilitate business enhancement by taking advantage of the summer weather.

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Joyce asked for the hours of operation for the tent. Mr. Winsor states they will adhere to the noise ordinance/requirements for the Town of Vestal. Joyce stated that as with a wedding reception alcohol is flowing, and music can get loud. It was suggested that 10PM would be a reasonable time to end so no complaints are made from the local neighbors.

Augie Gates asked if they allow smoking in the tent. - No smoking or cooking under the tent which is part of the code ordinance.

Joyce asked about the smoker that is in the corner of their lot. - It will never be used under the tent as well. The Town allows the restaurant to use a smoker as it is their way of providing for their customers. They are not like a vendor that would come onto the property to sell the goods. No permit is required.

Dave Berger stated that the Board may have the multiplier effect if they approve this. He wants the Board to take that into consideration.

Gary stated rules have to be set regarding tents and parking spots. Weekend tents do need a permit but this is front of the Board because they are asking for it to be set for an extended period of time.

Ed Zimmer asked if the restaurant will be open at the same time a wedding reception is going on. During the one reception they have had, the restaurant was closed. They do utilize Joann Fabric's lot for overflow parking, as well as the car dealership on the east side of the restaurant to which their employees park, with verbal permission from the property owners only.

Gary stated that you can utilize the neighboring business for parking spots if they are within 200 feet of the business for counting, with a letter.

Mr. Winsor stated that when the tent is being used, the banquet room would not. They just cannot support it. They do not have the staffing or the kitchen resources, which would also reduce the required parking spaces.

As far as the noise, the restaurant owner stated the traffic on the Vestal Parkway is louder than any noise the restaurant would make.

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Bob Bennett stated if they meet the setback and the parking, and the restaurant requirements, what is the outstanding issue?

Gary stated - noise and the need for live entertainment permit from the board. And that is something they won't need every week. The tent is something we are talking about for this summer, not every summer. This is something new to this board and we are just concerned.

Dave Berger stated we can issue a letter with following conditions:

- Move the tent to meet setbacks per the NYS Building code.
- Obtain parking authorization letter for the owner of Joann Fabrics site.
- Tent is to be removed from the site by September 30, 2010.
- The authorization of this board is for this year only.
- They obtained entertainment permits as necessary from the Town Board.
- Review of bathroom fixtures and the basement banquet room is not to be in service when the outside tent is being used.

Motion made by Ed Zimmer, second by Augie Gates, will all members voting in favor.

**4). Ry Guy LLC, 2524 and 2528 Vestal Parkway East**  
**BCTMP# 158.14-1-10 and 11**

Sketch plan review only, New car wash building

Gary Sloan and Thomas Hoffman

Exterior car wash, self serve/do it yourself and no touch automatic car wash.

This is a meet and greet to get a idea what the site plan is going to look like.

They have received the vehicle service permit and C2 zoning and are moving forward for site plan approval.

This is the site plan which we have received Town Board approval. You will be entering right hand in only, pull forward to auto cashier to which the customer will select the car wash they want.

Because we have a landscape company we usually go over board with that.

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One of the critical items is the stacking issues, Joyce asked for more information. Their traffic impact study was completed by Gordon Stansbury. The County first recommended a denial because of their concern for the stacking and traffic. But once the traffic study was completed, the County rescinded their denial.

Joyce asked what the cycle time on the wash, full service or the self service wash? Self serve would be more time consuming. The processing time for the exterior car wash is 3-4 minutes. The automatic car wash can wash approximately 20 cars an hour.

Joyce asked about an escape route if you change your mind due to time. There is an escape lane in the site plan.

Bob Bennett asked about the employee parking. According to the drawing there is not enough room to get out of the car. This is a tight site, but we want to make sure there is enough room for the escape route and employee parking.

Ed Zimmer asked about the water and winter time freezing. The drying system for the car wash does not allow for a lot of excess water and they will salt the exit to create a safe environment shall it warrant.

Ed Zimmer asked what the water usage is. - 30-40 gallons of water per car are used. How many gallons of water per day go through the municipality water treatment center? They could not give a direct answer but will have that figure for the next meeting. They are not recycling water on site.

Joyce asks for decibel levels on the vacuum stations as there are close proximate to residential use properties and we would like those numbers. They will have that for the next meeting.

Gary asked for the decibel levels on the (dryer) blowers as well.

Ed Zimmer asked if the lighting on site going to be an issue for the residents? And the vehicle use?

Joyce stated they like the landscaping, they are showing a lot of green.

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Augie asked why they picked this site. They like to be on a main corridor where they can build.

Planning board review list:

Zoning C2, service permit granted on 5-26-10, setbacks are OK;  
Parking, handicap spots are needed, (not sure how that works according to Gary), possible employee parking; drainage/MS4 required with the DEC permit and included inspection during the process.

Landscape plan plus commitment to Evergreen Apartments are needed; picture in the 2002 book; lighting will need to be seen because of the Evergreen residents as you are 24-7. The lights will go per Gary Sloan. Dumpster needs to be screen; grades are minimal but need to be shown, assume the building is not sprinklered; they are not in the flood plain; vehicle grease separator is required.

The 239 is attached, 2 sets in 2010. Town Board rezoned to C2 plus vehicle service permit was issued; fire dept Knox box and 8 inch street numbers are required. You need to join both water and sewer and the planning board fees are not paid. Gary asked the have the setback on the vacuum reviewed, is it a device? If so needs to be 20' from Property line.

They hope to have everything completed for the next Planning Board meeting, July 13, 2010.

Joyce asks a local resident if he had a question and he was shown the drawings and pictures.

A female resident asked if she could give her opinion. Joyce explained that the Planning Board meetings are to review the site plans as established by the Town, it is not an open discussion.

Meeting adjourned.

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

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**A). Change of Tenant 220-228 Vestal Parkway East, BCTMP#157.18-2-11 and 12**

Erryn and Michael Wilson Metson, LLC to occupy the former Burger King with Best Bagels; has been reviewed and approved.

**B). Change of Tenant 604 Vestal Parkway West, BCTMP# 173.21-1-3**

Lawrence Foster moving into the referenced site with boat sales/ services business has been reviewed and approved.

**C). Change of tenant, 4737 Vestal Parkway East, BCTMP#159.15-1-36**

Bonnie Brown Realty USA purchased and intends to occupy the Century 21 John Burns building has been reviewed and approved.

**D).Change of tenant, 4505 Vestal Parkway East, BCTMP#159.10-1-14**

Stephen Day Re-Max Reality to occupy the upper floor of the Hillside Building has been reviewed and approved.

**E. Change of tenant, 2505 Vestal Parkway East, BCTMP#158.10-2-1.1**

Paul James Bona to occupy the vacant Office Max within Town Square Mall for 4 months of Halloween products has been reviewed and approved.