

MINUTES  
TOWN OF HORSEHEADS  
PLANNING BOARD MEETING  
September 7<sup>th</sup>, 2022

A regular meeting of the Planning Board of the Town of Horseheads, County of Chemung, and the State of New York was held on the 7th day of September, 2022 @ 7:00PM.

**MEMBERS PRESENT:** Joe Atkinson, Roxanne Mark, Allan Curren, Angela Hawken, Amy Crandall, Tom Skebey

**MEMBERS ABSENT:**

**OTHERS PRESENT:** Town Attorney, John Mustico; Cathy Wood, Acting Secretary; Chris Mickinkle, applicant/owner for 2030 Lake Road; Peter Julia and Dennise Houper, representing Coca Cola; James R. Pierce, applicant for The Love Church

**CALL TO ORDER:** Chairman Tom Skebey called the meeting to order at 7:00pm.

**MINUTES:** A motion to accept the minutes, of the July 6<sup>th</sup>, 2022 and August 3<sup>rd</sup>, 2022 meetings was made by Board Member Joe Atkinson and seconded by Board Member Angela Hawken. All were in favor.

**CORRESPONDENCE:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

- A. **#904**– Gurbreet Singh, 1892 Grand Central Avenue, Horseheads, NY – Site Plan Review – Current building is a bar/restaurant and Mr. Singh would like to change the building into a convenient store.

Applicant did not appear. Tom Skebey began the discussion explaining this is a conversion of use from a bar/restaurant to a convenience store and basically a preliminary review. It is business zoned so is a permitted use. More information is needed from the applicant such as the floorplan of the building, the parking layout, signage plan and what is happening with the outdoor stage area. It is suggested the code office contact and inform the applicant of the additional paperwork required for to review this project. This item will carry to the October 5, 2022 meeting.

- B. **#348A** – Christopher Mickinkle, 2030 Lake Road, Elmira, NY – Site Plan Review – Current building is a small engine repair shop and Mr. Mickinkle would like to change the building into a retail novelty shop and restaurant.

Christopher Mickinkle began the discussion stating he owns a business called 420 Novelties, located at 2028 Lake Road, that is a sticker/accessory shop. This business is located in the Town of Elmira. He has purchased 2030 Lake Road. His plan is to renovate the newly purchased

building turning it into a restaurant and novelty shop. The sticker shop is established and will remain as is.

John P. Mustico explained to Mr. Mickinkle that a sticker shop is not allowed in the Town of Horseheads. The Town passed a moratorium regarding any type of sale/gifting of marijuana. The Town will be looking into passing a change in the business zone that allows the retail dispensaries. The Town Board will issue a special permit for the operation of a retail dispensary at that time. Mr. Mickinkle stated he applied for a dispensary license.

The novelty shop is a permitted use. Mr. Mickinkle also owns Joyelle Drive that is in the back of the property. The pie shape piece of property is also owned by Mr. Mickinkle. The restaurant will be located on the right side of the building. He plans to expand the kitchen area by building an addition of 8' x 15' foot in the back of the building for the restaurant. The plan is to serve quick simple food. The restaurant will have an entertainment atmosphere with minimal seating, some outdoor as permitted and no liquor license. JH Design is their architect. The layout of the design was discussed along with parking requirements. Tom Skebey stated the plan labeled "Parking 1" is the most efficient and the one to use. Basically Mr. Mickinkle is asking for a change of use and site plan review. An updated site plan is needed and it was suggested to use "Parking 1" as the plan for parking.

This item will be referred to the Chemung County Planning Board and the Town of Elmira. This item will carry to the October 5, 2022 meeting.

- C. #445 – Love Church, 3135 & 3137 Lake Road, Horseheads, NY – Area Variance – Property to be divided so that one parcel may be used as Business and the other parcel as Residential. The resulting lots will be non-conforming and therefore, require a variance.

Tom Skebey explained this is one parcel and the applicant would like to divide it. James R. Pierce explained this property was donated to the church and they would like to sell it. It was suggested that if the property was split, it might be easier to sell. A business with an apartment is located on one half of the property and the other half has a house on it. Multiple variances are needed in order to split the property.

Regarding 3135 Lake Road, the frontage required is 50 feet. The applicant is requesting a frontage of 39.15 feet which is a relief of 10.85 feet. An area variance is also needed for a side yard aggregate. The required side yard aggregate is 15 feet. The applicant is requesting an aggregate of 8 feet which is a relief of 7 feet.

Regarding 3137 Lake Road, the frontage required is 50 feet. The applicant is requesting a frontage of 45.85 feet which is a relief of 4.15 feet. An area variance is also needed for a side yard aggregate. The required side yard aggregate is 15 feet. The applicant is requesting an aggregate of 13.09 feet which is a relief of 1.09 feet. An area variance is needed for a side yard setback. The required side yard setback is 6 feet. The applicant is requesting a side setback of 5.07 feet which is a relief of 0.93 feet.

**RESOLUTION #18 OF 2022**

**RESOLUTION TO MAKE A NEGATIVE DECLARATION TO THE ZONING BOARD OF APPEALS FOR PROJECT - #445, THE LOVE CHURCH, 3135 & 3137 LAKE ROAD, HORSEHEADS, NY – AREA VARIANCES – PROPERTY TO BE DIVIDED**

Motion by: Board Member Allen Curren  
Atkinson

Seconded by: Board Member Joe

**WHEREAS**, by way of Area Variance Applications dated August 26, 2022, SEQR dated August 26, 2022 and Survey Map for 3135 & 3137 Lake Road, Horseheads, NY, marked received as “A”, James R. Pierce of the Love Church, 3136 Lake Road, made application for various variances, and

**WHEREAS**, on September 7, 2022, James R. Pierce appeared before the Planning Board and a discussion was held, and

**WHEREAS**, the zoning for 3135 Lake Road is Business, and

**WHEREAS**, the zoning for 3137 Lake Road is Business, and

**WHEREAS**, the applicant would like to split the property so that one parcel may be used as Business and the other parcel used as Residential. The resulting lots will be non-conforming and therefore, require several variances, and

**WHEREAS**, 3135 Lake Road, front setback required is 50 feet, the applicant is requesting a front setback of 39.15, the side yard aggregate is 15 feet, the applicant is requesting a side yard aggregate of 8 feet, and

**WHEREAS**, 3137 Lake Road, front setback required is 50 feet, the applicant is requesting a front setback of 45.85, the side yard aggregate is 15 feet, the applicant is requesting a side yard aggregate of 13.09 feet, and side yard setback is 6 feet the applicant is requesting a side setback of 5.07 feet, and,

**WHEREAS**, the Town Planning Board, having duly considered the same,

**NOW, THEREFORE, BE IT RESOLVED**, the Town Planning Board of the Town of Horseheads, makes a negative declaration to the Zoning Board of Appeals for project #445 – Love Church, 3135 & 3137 Lake Road, Horseheads, NY – Area Variance – Property to be divided so that one parcel may be used as Business and the other parcel as Residential. The resulting lots will be non-conforming and therefore, require several variances.

**AYES:** (2) Mark, Curren

**NAYES:** (4) Hawken, Atkinson, Crandall, Skebey

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**RESOLUTION #19 OF 2022**

**RESOLUTION TO MAKE A POSITIVE RECOMMENDATION TO THE ZONING BOARD OF APPEALS FOR PROJECT - #445, THE LOVE CHURCH, 3135 & 3137 LAKE ROAD, HORSEHEADS, NY – AREA VARIANCES – PROPERTY TO BE DIVIDED**

Motion by: Board Member Joe Atkinson  
Hawken

Seconded by: Board Member Angela

**WHEREAS**, by way of Area Variance Applications dated August 26, 2022, SEQR dated August 26, 2022 and Survey Map for 3135 & 3137 Lake Road, Horseheads, NY, marked received as “A”, James R. Pierce of the Love Church, 3136 Lake Road, made application for various variances, and

**WHEREAS**, on September 7, 2022, James R. Pierce appeared before the Planning Board and a discussion was held, and

**WHEREAS**, the zoning for 3135 Lake Road is Business, and

**WHEREAS**, the zoning for 3137 Lake Road is Business, and

**WHEREAS**, the applicant would like to split the property so that one parcel may be used as Business and the other parcel used as Residential. The resulting lots will be non-conforming and therefore, require several variances, and

**WHEREAS**, 3135 Lake Road, front setback required is 50 feet, the applicant is requesting a front setback of 39.15, the side yard aggregate is 15 feet, the applicant is requesting a side yard aggregate of 8 feet, and

**WHEREAS**, 3137 Lake Road, front setback required is 50 feet, the applicant is requesting a front setback of 45.85, the side yard aggregate is 15 feet, the applicant is requesting a side yard aggregate of 13.09 feet, and side yard setback is 6 feet the applicant is requesting a side setback of 5.07 feet, and,

**WHEREAS**, the Town Planning Board, having duly considered the same,

**NOW, THEREFORE, BE IT RESOLVED**, the Town Planning Board of the Town of Horseheads, makes a positive recommendation to the Zoning Board of Appeals for project #445 – Love Church, 3135 & 3137 Lake Road, Horseheads, NY – Area Variance – Property to be divided so that one parcel may be used as Business and the other parcel as Residential. The resulting lots will be non-conforming and therefore, require several variances.

**AYES:** (5) Mark, Hawken, Atkinson, Crandall, Skebey

**NAYES:** (1) Curren

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D. **#250A** – Coca-Cola, 210 Latta Brook Industrial Park Road, Horseheads, NY – Site Plan Review – Site Improvement Project – Expanded Truck Dock, Parking and Truck Exit Drive.

Peter Julia, with the design group, representing Coca-Cola, began the discussion explaining the project. Facilities General Manager, Dennise Hooper was also in attendance. Peter J. referred to the site plan. This is a site improvement project. The improvements proposed include an expanded truck dock access/parking (west), added employee parking (east) and a new truck exit drive (east). The existing truck court perimeter vegetated swale will be recreated/reconstructed west of its present location and the new exit drive will include a new driveway culvert.

Coca-Cola has approximately 8 acres of land. Only half of that is utilized. The total disturbance for this project is about 1½ acres. There is approximately a 45 foot expansion of pavement for this project. Shrubs that are removed will be replanted. Improvements will include a stone drip trench. Basically, surface drainage elements and patterns will be maintained, with improvements.

The exit truck drive is 12 feet wide. It is exit only, fenced and gated. It is only open during regular hours of operation. A gravel shoulder will be on the up-stream side. On the down-stream side will be stone drip trench. Other improvements will be to signage, site lighting, a new flag pole and the building will be painted. Edger Enterprises is doing the pavement work.

The SPDES Permit was filed with DEC. Stormwater review was not done yet by the Chemung County Stormwater team. Tom Skebey explained to Peter Julia that the whole Town of Horseheads is in the MS4 Boundary, Chapter 166 Section 4A in the Town Code . Peter Julia stated Jimmy Joe Carl did visit the Coca-Cola site and Greg Larnard informed him he did receive the stormwater management report submitted with this application. This report will need to be reviewed and signed off on. The site is not a hot-spot. Peter Julia and Edger Enterprises did contact the County for the highway road permit. Edger Enterprises will file for and obtain the permit.

Chairman, Tom Skebey, read all eleven (11) questions of SEQR, PART 2 – Impact Assessment. The Board reviewed and discussed all eleven (11) questions. The response to each question is as follows:

1. No, material conflict with the adopted land use plan or zoning regulations.  
The project site is zoned Industrial Park Zone
2. Yes, the project is consistent with use. The project will have small impact upon the land use.

3. No, will action impair the character or quality of the existing community.
4. No, action will not have an impact on the environmental characteristics that caused the establishment of a Critical Environment Area (CEA). There are no CEAs located in Chemung County.

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5. No, action will result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway. The level of service will have minimal/small impact upon the community. Improvement of truck flow.
6. No, action will cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities. New York State's energy code requirements must be followed. Small impact.
7. No, action will impact existing public or private water supplies or public or private wastewater treatment utilities beyond the current ability of the suppliers to accommodate.
8. No, impact on the character or quality of important historic, archaeological, architectural or aesthetic resources.
9. No, adverse impact upon natural resources. The portion of the 100 year flood plan is not being disturbed. Reviewed the map. No flood plain development permits needed.
10. No, increase in the potential for erosion, flooding or drainage problems. No physical impact on property. All plans to be reviewed by the Stormwater Team before construction begins.
11. No, action would create a hazard to environmental resources or human health.

Part 3 of the SEQR is the Lead Agency's determination of significance summary. As a result, of the discussion of Part 2 of the SEQR, the Planning Board determined, based on the information and analysis above the proposed action will not result in any significant adverse environmental impacts. Chairman, Tom Skebey, check marked the appropriate box, signed and dated the SEQR, September 7, 2022. This project was classified as an unlisted action by the Planning Board in accordance with the State Environmental Review. It will not have any significant adverse environmental impacts.

**A motion to Accept SEQR was made by:** Board Member Joe Atkinson and Seconded by Board Member Al Curren

**AYES:** (6) Mark, Hawken, Atkinson, Crandall, Skebey, Curren

**NAYES:** (0)

## **RESOLUTION #20 OF 2022**

**RESOLUTION TO APPROVE #250A – COCA-COLA – 210 LATTA BROOK  
INDUSTRIAL PARK ROAD – SITE PLAN REVIEW – SITE IMPROVEMENT  
PROJECT – EXPANDED TRUCK DOCK, PARKING AND TRUCK EXIT DRIVE  
WITH CONDITIONS**

Motion by: Board Member Joe Atkinson

Seconded by: Board Member Angela Hawken

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**WHEREAS**, by way of Site Plan Application, dated August 26, 2022 and SEQR dated August 26, 2022, Site Plan dated May 4, 2022, Project #2001422NYA, marked received as “A”, Peter Julia, agent for Coca-Cola, made application for Site Improvement, 210 Latta Brook Industrial Park, Horseheads, NY 14845, and

**WHEREAS**, current zoning is Industrial Park Zone, and

**WHEREAS**, on September 7, 2022, Peter Julia, agent for Coca-Cola, appeared before the Planning Board and a discussion was held, and

**WHEREAS**, the improvements include an expanded truck dock, access/parking, added employee parking, and a new truck exit drive, and

**WHEREAS**, other improvements to lighting, painting of the building and signage, were discussed, and

**WHEREAS**, on September 7, 2022, after review of the SEQR, the Planning Board, as lead agency, has determined the project is an unlisted action and will not have a coordinated review pursuant to Part 617, Article 8 (SEQRA) of Environmental Conservation Law and project will not have a significant adverse environmental impact. A negative declaration is issued for project, and

**WHEREAS**, the Planning Board has duly considered the same, and

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Board of the Town of Horseheads, approves the site improvement plan as the Final Site Plan, the Plan received August 26, 2022, titled Coca-Cola Beverages Northeast, dated May 4, 2022, Project #2001422NYA, marked received as ”A”, approved without modification except authorized by this Board with the following conditions:

- 1.The SPDES Permit to be filed with the Town of Horseheads Code Office, and
- 2.Approval of the Stormwater Plan filed with the Town of Horseheads Code Office, and
- 3.Road cut permits approved by the Chemung County Highway Department and filed with the Town of Horseheads Code office.

**AYES:** (6) Mark, Hawken, Atkinson, Crandall, Skebey, Curren

**NAYES:** (0)

As there was no further business to come before the Board, a motion to adjourn was made by Allen Curren at 8:20pm and Seconded by Roxanne Mark. All were in favor.

Respectfully submitted,

Cathy Wood, Acting Secretary  
Town of Horseheads Planning Board