

MINUTES
TOWN OF HORSEHEADS
PLANNING BOARD MEETING
March 6, 2019

A regular meeting of the Planning Board of the Town of Horseheads, County of Chemung, and the State of New York was held at the Town Hall, 150 Wygant Road, Horseheads, NY on the 6th day of March, 2019 at 7:00PM.

MEMBERS PRESENT: Heather Hawkes, Joe Atkinson, Roxanne Mark, Tom Jansen, Tom Skebey, William Dominikoski

MEMBERS ABSENT:

OTHERS PRESENT: Cathy Wood, Secretary; John P. Mustico, Town Attorney; Joanne Laur, representing Edward Samchisen; DeAnna Hyche, representing The Broadway Group and Engineer Brian Grosse of Fagan Engineers; Ray & Lorie Cass, Randell & Sharon Hansen, Mindy, Criss & Craig Banfield and Allan Curren, residents

CALL TO ORDER: Chairman Bill Dominikoski called the meeting to order at 7:00pm.

MINUTES: A motion to accept the minutes, of the February 6, 2019 meeting, was made by Board Member Tom Jansen and seconded by Board Member Roxanne Mark. All were in favor.

CORRESPONDENCE: None

OLD BUSINESS:

- A. #865, Edward Samchisen, 959 Latta Brook Rd (61.00-2-12.2) – Minor Subdivision – Public Hearing – Split 5 Acres From Larger Parcel

Chairman Bill Dominikoski read the Public Hearing Notice that was published in the Star Gazette Newspaper on February 25, 2019. Attorney John P. Mustico explained the rules of conduct for the Public Hearing. Persons wishing to comment will stand, state their name and address and upon being recognized make their statement. John M. also explained the Planning Board will not respond to questions presented during the Public Hearing. Questions will be addressed when the Public Hearing is closed. John M. opened the Public Hearing to any persons wishing to comment with regards to the Edward Samchisen, 959 Latta Brook Road subdivision. After three requests, no person came forward to comment.

A motion to close the Public Hearing was made by: Board Member Tom Jansen and Seconded by Board Member Joe Atkinson.

The Board reviewed and discussed all eleven (11) questions of Part 2 of the SEQR. 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 Residential and is a permitted use under the existing zoning ordinance.

2. No, the project is consistent with use. The project will have minimal/small impact upon the land use.
3. No, will action impair the character or quality of the existing community. The project may improve the existing community.
4. No, action will 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.
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.
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.
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 resource. No wetlands in the area.
10. No, increase in the potential for erosion, flooding or drainage problems. All drainage must be kept on property during and after construction.
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 Bill Dominikoski check marked the appropriate box, signed and dated the SEQR, March 6, 2019. 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 Roxanne Mark.

**RESOLUTION #3 OF 2019
RESOLUTION TO APPROVE #865, EDWARD SAMCHISEN, 959 LATTA BROOK RD
– MINOR SUBDIVISION**

Motion by: Board Member Tom Jansen

Seconded by: Board Member Joe Atkinson

WHEREAS, Edward Samchisen, made application for a Minor Subdivision, 959 Latta Brook Rd, Lowman, NY (61.00-2-12.2) by way of application, dated, January 29, 2019, SEQR, dated January 28, 2019 and Tax Map, received dated January 14, 2019, Job #16145, marked received as “A”, and

WHEREAS, on February 6, 2019, at the Town Planning Board meeting a discussion was held, and

WHEREAS, the property was split once before, and

WHEREAS, the applicant would like to split 5 acres, with house, from an 81.437 acre parcel, and

WHEREAS, current zoning is Residential, and

WHEREAS, by Resolution #2 of 2019, a Public Hearing was set for March 6, 2019, and

WHEREAS, the Affidavit of Mailing, regarding the Public Hearing, was received February 13, 2019 and placed on file, and

WHEREAS, a Public Hearing was held March 6, 2019, and no one came forward to speak, and

WHEREAS, on March 6, 2019, Joanne Laur representing Edward Samchisen, appeared before the Planning Board and a discussion was held, and

WHEREAS, on March 6, 2019, 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 minor subdivision, Edward Samchisen, 959 Latta Brook Road, Lowman, NY 14861 (61.00-2-12.2), application dated, January 29, 2019, SEQR dated January 28, 2019 and Tax Map received dated January 14, 2019, Job #16145, marked received as “A”, and approved without modification except authorized by this Board.

AYES: (6) Hawkes, Atkinson, Mark, Jansen, Skebey, Dominikoski

NAYES: (0)

NEW BUSINESS:

- B. #866, The Broadway Group, 101 Old Ithaca Rd – Site Plan Review – Dollar General – Develop a 9,100 SF Retail Building

DeAnna Hyche, representing The Broadway Group and Project Engineer Brian Grose of Fagan Engineers appeared to discuss the project. DeAnna and Brian began the discussion. Of the 9,100 sf footprint, approximately 7,300 sf will be for retail. The future round-a- bout plans and

DOT were taken into consideration when the site was purchased. There is plenty of room for a fence if the developer chooses to install one. Public water and sewer is available. The developer and contractor will work with the electric utility provider. The lighting plan shields down and all light remains on site. The vestibule light will remain on when the store closes. A sign will be on the building, above the entrance, as well as one free standing. There will be 32 (10 x 20) parking spots.

Because the Village of Horseheads only allows trucks for local deliveries and there is not enough room for trucks to make a right hand turn when leaving the site, it will not be allowed and eliminated from the site plan. It was suggested that the Grading Plan (C3) reflect slopes between the building and the curb around the sidewalk. A copy of the Photometric Plan was requested from the Board.

This project will be referred to the Chemung County Planning Board and the Village of Horseheads. This project will carry to the April 2019 meeting.

OTHER BUSINESS:

A. Cell Tower – Code Review

Joe Atkinson handed to Board Members a copy of his research to date and explained his questions and concerns. John P. Mustico explained when developing a new ordinance it is important to include an intent or purpose clause reflecting the reasoning, goals or accomplishment for new ordinance. All aspects when developing a new ordinance are taken into consideration. For example, the responsibility of enforcement and liability of the new ordinance are to name a few. The ordinance should make sense and not be a burden to the municipality. Certain things are enforced by outside agencies. The Town's code office does not have the capacity to enforce or police outside agencies regulations. A great deal of the topic is a building issue and covered already under building code regulations. An ordinance must not be so restrictive that it prevents an applicant from building. Any building code, site plan review and references to ZBA should not be included in a new ordinance. 5G was also discussed by the Board. This item will carry to the April 2019 meeting.

B. Referral from Town Board – Review Existing Ordinance with regards to Road Setbacks

This item will carry to the April 2019 meeting.

C. Referral from Town Board – Review Existing Ordinance with regards to Signs

This item will carry to the April 2019 meeting.

D. Overlay Zones for Lake Rd. & Grand Central Ave.

This item will carry to the April 2019 meeting.

Heather Hawkes would like to create a site plan review checklist to use as a guide for future projects. The new checklist will also include updates or changes.

As there was no further business to come before the Board, motion to adjourn was made by Tom Jansen at 7:49pm. All were in favor.

Respectfully submitted,

Cathy Wood, Secretary
Town of Horseheads Planning Board