

MINUTES
TOWN OF HORSEHEADS
PLANNING BOARD MEETING
April 3, 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 3rd day of April, 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; DeAnna Hyche, representing The Broadway Group and Engineer Brian Grosse of Fagan Engineers; Randy & Sherry Hansen, Brian Hansen and Brian Qualey, residents

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

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

CORRESPONDENCE: None

OLD BUSINESS:

- A. #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 began the discussion by handing to Board Members an updated Site Plan, marked received as “C”. A full size was also received. The new plan included the Photometric Plan and Arch’s & Met’s as requested at the March 2019 meeting. NYS Parks, Recreation and Historic Preservation reviewed this location. A letter, dated March 9, 2019, stating this project will have no impact on archaeological and/or historic resources was received and placed on file. The ground water and soil testing was done. DEC stated no problems with the test results. DeAnna & Brian attended the Village of Horseheads meeting and the Chemung County Planning Board meeting. Storm water approval is still in the works at this time. Tom Skebey sent the Site Plan to the designer of the round-a-bout. No feedback from her at this time.

Engineer Brian Grose stated the contour lines were addressed and the driveway was widened as discussed at the March 2019 meeting. Other items discussed were snow removal, truck delivery routes, a possible sign to tell trucks “no right turn”, seasonal selling of items in the entryway, employee parking, the sign permit, pylon located toward basin and the 6’ fence. Tom Skebey will be contacted regarding the fence.

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 Business 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. SHPPO letter was received
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, April 3, 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 Tom Jansen and Seconded by Board Member Roxanne Mark.

RESOLUTION #4 OF 2019

RESOLUTION TO APPROVE #866, THE BROADWAY GROUP, 101 OLD ITHACA RD – FINAL SITE PLAN REVIEW– DOLLAR GENERAL – DEVELOP A 9,100 SF RETAIL BUILDING – CONTINGENT UPON STORMWATER APPROVAL AND SPEDES PERMIT

Motion by: Board Member Joe Atkinson

Seconded by: Board Member Heather Hawkes

WHEREAS, The Broadway Group, made application for construction of a 9,100 sf footprint retail building, 101 Old Ithaca Rd, by way of application, dated, February 26, 2019, SEQR, dated February 26, 2019 and Tax Map, received February 25, 2019, dated January 11, 2019, Project #2017.023-016, marked received as “A”, and

WHEREAS, the location is zoned Business, and

WHEREAS, on March 6, 2019, DeAnna Hyche, representing the Broadway Group and Brian Grose, of Fagan Engineers, appeared before the Planning Board and a discussion was held, and

WHEREAS, the site foot print is 9,100 sf, the retail building will be approximately 7,300 sf, and

WHEREAS, all light will remain on site, the vestibule light will remain on when the store closes, a sign will be on the building above the entrance, another sign will be free standing, there will be 32 parking spaces, and

WHEREAS, trucks will not be allowed to make a right hand turn when leaving the site, and

WHEREAS, public water and sewer are available, and

WHEREAS, on March 25, 2019 an updated site plan was received, marked received as “B”, and

WHEREAS, on March 26, 2019 the Village of Horseheads responded to referral stating no recommendation and returned for local determination, and

WHEREAS, on April 3, 2019, a positive response to referral was received from the Chemung County Planning Board, and

WHEREAS, on April 3, 2019, DeAnna Hyche, representing the Broadway Group and Brian Grose, of Fagan Engineers, appeared before the Planning Board and a discussion was held, and

WHEREAS, DeAnna Hyche presented to Board Members a full size updated site plan, revised date March 25, 2019, titled The Broadway Group Horseheads Site, marked received as “C”, that included the Photometric Plan and Arch’s & Met’s as requested, and

WHEREAS, on April 3, 2019, a copy of the SHPPO Letter was received along with e-mail correspondence regarding the water and soil testing, and

WHEREAS, approval of storm water is pending, and

WHEREAS, on April 3, 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 Broadway Group application for construction of a 9,100 sf footprint retail building, located at 101 Old Ithaca Rd, application dated, February 26, 2019, SEQR, dated February 26, 2019, Site Plan, revised date March 25, 2019, Project #2017.023-016, marked received as “C” and approved without modification except authorized by this Board contingent upon the following conditions:

1. All drainage to remain on site, and
2. Tom Skebey to receive an approved storm water plan, and
3. Spedes permit.

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

NAYES: (0)

NEW BUSINESS:

A. #808D, Ken Witter – Vargo Rd – Major Subdivision

The applicant did not appear. Tom Skebey began the discussion. According to the map, the Parsons own Parcel C-1 and Parcel C-2 and would like to purchase an additional 52.199 acres. Ken Witter would like to split 52.199 acres from the remaining land he owns and sell it to the Parsons. A Public Hearing will be held May 1, 2019. This item will carry to the May 2019 meeting.

A motion to add Ken Witter, Vargo Rd (50.00-3-46.1) Additional Split, Major Subdivision to the agenda was made by: Board Member Joe Atkinson and Seconded by Board Member Tom Skebey.

B. #808E, Ken Witter – Vargo Rd (50.00-3-46.1) – Major Subdivision

Tom Skebey explained, the purchaser of the Bahantka residence would like to purchase Parcel A-5 from Ken Witter. Parcel A-4 will be the only lot left in that area. A Public Hearing will be held May 1, 2019. This item will carry to the May 2019 meeting.

RESOLUTION #5 OF 2019

RESOLUTION TO CALL FOR A PUBLIC HEARING FOR PROJECT #808D AND PROJECT #808E, KEN WITTER – VARGO RD – MAJOR SUBDIVISIONS

Motion by: Board Member Tom Jansen

Seconded by: Board Member Joe Atkinson

WHEREAS, agenda item #808D, Ken Witter, made application for a Major Subdivision, Vargo Rd (50.00-3-8) by way of application, dated, dated March 22, 2019, SEQR dated March 25, 2019 and Tax Map, dated March 24, 2019, Job #12197.09, marked received as “A”, and

WHEREAS, agenda item #808E, Ken Witter, made application for a Major Subdivision, Vargo Rd (50.00-3-46.1) by way of application, dated April 2, 2019, SEQR dated April 2, 2019 and Tax Map, revised date April 2, 2019, Job #12197.09, marked received as “A”, and

WHEREAS, on April 3, 2019, the Town Planning Board meeting a discussion was held, and

WHEREAS, the applicant did not appear, and

WHEREAS, Ken Witter previously received approval for subdivision of all his lots located on Vargo Road, and

WHEREAS, with regards to agenda item #808D, the Parsons own Parcel C-1 and Parcel C-2 and would like to purchase an additional 52.199 acres, and

WHEREAS, Ken Witter would like to split 52.199 acres from the remaining land he owns and sell it to the Parsons, and

WHEREAS, a motion to add agenda item #808E, was made by Board Member Joe Atkinson and Seconded by Board Member Tom Skebey, all were in favor, and

WHEREAS, the purchaser of the Bahantka residence would like to purchase Parcel A-5 from Ken Witter, and

WHEREAS, Parcel A-4 will be the only lot left in that area, 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, will hold a Public Hearing, May 1, 2019, at 7:00 pm, 150 Wygant Road, Horseheads, NY, for Project #808D (50.00-3-8), Ken Witter – Vargo Rd – Major Subdivision and #808E (50.00-3-46.1) Ken Witter – Vargo Rd – Major Subdivision.

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

NAYES: (0)

OTHER BUSINESS:

A. Cell Tower – Code Review

The Town of Catlin held a public hearing regarding this topic. Joe Atkinson attended this meeting to observe and shared what information he gathered. The discussion touched upon cell tower fires, locked gates, fueling, licensing and decommissioning cell towers. This item will carry to the May 2019 meeting.

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

John P. Mustico will have language for the Board by the next meeting. This item will carry to the May 2019 meeting.

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

John P. Mustico is reviewing a model sign ordinance regarding digital signs. This item will carry to the May 2019 meeting.

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

This item will carry to the May 2019 meeting.

As there was no further business to come before the Board, motion to adjourn was made by Tom Jansen at 7:51pm. All were in favor.

Respectfully submitted,

Cathy Wood, Secretary
Town of Horseheads Planning Board