

MINUTES
TOWN OF HORSEHEADS
PLANNING BOARD MEETING
June 5, 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 5th day of June, 2019 at 7:00PM.

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

MEMBERS ABSENT: Tom Skebey

OTHERS PRESENT: John P. Mustico, Town Attorney; Paul Simonet, Park Outdoor Advertising; Angela Mosher & Trevor Davis, Lilly Brothers Brewing LLC, DBA Horseheads Brewing; Terry & Carrie Ott, Area Variance; Jeremy Horihan & Don Mattison, Area Variance; Ray & Deloris Cass, Allan Curren, Residents

CALL TO ORDER: Chairman Bill Dominikoski called the meeting to order at 7:00pm. Chairman Bill Dominikoski also introduced and welcomed Brenda Knoll as a new planning board member.

MINUTES: A motion to accept the minutes, of the May 1, 2019 meeting, was made by Board Member Heather Hawkes and seconded by Board Member Joe Atkinson. All were in favor.

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

- A. #791E, Delaware River Solar LLC – 198 Hickory Grove Rd – Major Subdivision – Call for a Public Hearing

The applicant did not appear. A public hearing will be scheduled for July 3, 2019. This item will carry to the July 2019 meeting.

- B. #867, Park Outdoor Advertising – 2516 Corning Rd – Site Plan Review – Electronic Sign/Billboard

Paul Simonet of Park Outdoor Advertising appeared to discuss the project. Park Outdoor would like to erect a digital off-premise “V” sign in the middle of the lot 15’ from front lot line. It would be a mono pole 12’ x 24’. The new sign would be bigger, taller and conform to all safety codes including DOT. Paul handed to Board Members an application for Site Plan Review, dated 5/31/2019, Site Plan dated May 24, 2017, Job #17189 and several pictures. Their property is located in the Miracle Mile Overlay Zone. An example of Off Premise Sign Code was previously received from Park Outdoor. Town Code currently does not include language for digital technology/billboards. This item will carry to the July 2019 meeting.

C. #705C, Lilly Brothers Brewing LLC, DBA Horseheads Brewing – 250 Old Ithaca Rd – Site Plan Review – Addition of a Gated Outdoor Beer Garden & Cooler to Existing Building

Angela Mosher, representing Lilly Brothers, and Trevor Davis, general manager of the brewery, appeared to discuss the project. They would like to add an outdoor area. Angela showed pictures of the stone they would like to use and described what they would like the patio to look like. Fence would be approximately chest height. There would be one outdoor speaker. Parking will be increased. John P. Mustico explained a site plan showing parking is necessary before approval. The site plan also needs to reflect dimensions of property lines to the nearest structures. Their liquor license for this change is pending. The outdoor cooler, pole barn, may not be added right away. This will be referred to the County. This item will carry to the July 2019 meeting.

D. #868, Don Mattison – 301 Pine View Drive – Area Variance – Side Yard Setback 3 Feet

Jeremy Horihan, applicant’s attorney, and Don Mattison appeared to discuss the project. Don would like to add a second floor as well as an addition that would be approximately 3 feet from the side property line. Don Mattison stated his neighbor was alright with this and would sign a statement. Roxanne M. questioned the closeness of 3 feet to the neighbor on the side and safety issues and if possible could the addition go on the back of the house. The deck is 6 feet from the property line. The garage is also 6 feet from the property line. This item will be referred to the County and must be referred to the Zoning Board of Appeals. John P. Mustico explained the role ZBA will have in this review and that Tom Skebey will need to determine if the State needs to review the project.

RESOLUTION #7 OF 2019

RESOLUTION MAKING A POSITIVE RECOMMENDATION TO THE ZONING BOARD OF APPEALS FOR PROJECT #868, DON MATTISON – 301 PINE VIEW DRIVE – AREA VARIANCE – SIDE YARD SETBACK 3 FEET

Motion by: Board Member Joe Atkinson

Seconded by: Board Member Tom Jansen

WHEREAS, by way of Area Variance Application, dated May, 24, 2019, SEQR dated May 24, 2019, Second Floor Addition Plan, received May 24, 2019, marked received as “A”, Plot Plan, titled Suburban Manor, Part I, dated May 3, 1971, Job #RE: 823, marked received as “A”, Don Mattison made application for a Side Yard Setback Variance of 3 Feet for the Addition, location 301 Pine View Drive, and

WHEREAS, on June 5, 2019, Don Mattison and Jeremy Horihan, applicant’s attorney, appeared before the Planning Board and a discussion was held, and

WHEREAS, the zoning is Residential A, and

WHEREAS, the deck is currently 6 feet from the property line, the garage is 6 feet from the property line, a variance was given in 1971 when the home was built, and

WHEREAS, Don Mattison is requesting a 3 foot side yard setback for the addition, and

WHEREAS, this project will be referred to the Chemung County Planning Board, and

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

NOW, THEREFORE, BE IT RESOLVED, this motion is not carried, no action taken due to a divided vote for recommendation to the Zoning Board of Appeals for project #868, Don Mattison, 301 Pine View Drive, Area Variance, side yard setback of 3 feet for an addition to the house.

AYES: (3) Atkinson, Jansen, Dominikoski

NAYES: (3) Hawkes, Mark, Knoll

E. #869, Terry Ott – 5 E Vargo Rd – Area Variance – Construction of an Approximate 24’ x 36’ Stable for 2 Horses

Terry and Carrie Ott appeared to discuss the project and presented 2 options. The Ott’s own two parcels. Their residence is located in Residence A zoning. Option 1 would be to construct the stable in the portion of their land zoned Hill & Agriculture. If constructed in this section, the barn would not meet the 200 foot property line setback on all sides. This presents a setback issue, setback variance request. Option 2 is to construct the stable in Residence A zoning closer to their residence. This presents zoning issues, which would need to go before the Town Board and also livestock issues. The Ott’s have begun the process to combine both parcels. The stable is approximately 24’ x 35’ and would house 2 horses. Livestock is not allowed in Residence A. All roads in the Town are zoned Residence A. John P. Mustico suggested the Ott’s write an application to the Town Board asking for a change in Residence A zoning. The change would be to allow “ranchette” properties with 5 plus acres, such as this one, to have livestock and be able to utilize their property for this type of request. This Board can’t recommend the zoning change at this time, however, the Ott’s can proceed as suggested by John P. Mustico. This item needs to be referred to the Zoning Board of Appeals.

RESOLUTION #8 OF 2019

RESOLUTION MAKING A POSITIVE RECOMMENDATION TO THE ZONING BOARD OF APPEALS FOR PROJECT #869, TERRY OTT – 5 E VARGO RD – AREA VARIANCE – CONSTRUCTION OF AN APPROXIMATE 24’ X 36’ STABLE FOR 2 HORSES – OPTION #1

Motion by: Board Member Joe Atkinson

Seconded by: Board Member Heather Hawkes

WHEREAS, by way of Area Variance Application, dated May, 24, 2019, SEQR dated May 24, 2019, Proposed Option #1 Aerial View, marked receives as “A”, received May 24, 2019, and Proposed Option #2 Aerial View, marked received as “A”, Terry Ott made application for a Property Line Setback to Construct an Approximate 24’ x 36’ Stable for 2 Horses, location 5 E. Vargo Road, and

WHEREAS, on June 5, 2019, Terry and Carrie Ott appeared before the Planning Board and a discussion was held, and

WHEREAS, the Ott's own two parcels, and

WHEREAS, the Ott's residence is located in Residence A zoning, and

WHEREAS, Option #1 entails constructing the stable in the portion of their land zoned Hill & Agriculture and would not meet the 200 foot property line setback on all sides, and

WHEREAS, the stable will be approximately 24' x 36' and house 2 horses, 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 #869, Terry Ott, 5 E. Vargo Rd, Area Variance, property setback, for the construction of a 24' x 36' stable to house 2 horses, option #1.

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

NAYES: (0)

F. #870, Referral from Town Board – Old Ithaca Rd, Level Acres – Business Zoned – Possible PUD

By Resolution #80 of 2019, the Town Board referred this item to the Planning Board. John P. Mustico began the discussion. This area is having an issue which prompted the Town Board to review the entire area. The area is currently zoned business. This area has a mix of businesses and uses. Specifically, the Level Acres Mobile Home Park is being looked at to be rezoned PUD. They are also a resident owned facility now. The Mobile Home Park has issues specific to them such as replacement/size of trailers, septic, water etc. to name a few. They have applied for a grant to assist with these upgrades. The Town of Horseheads will be their sponsor for the grant and is holding a public hearing June 5, 2019. So, the task at hand is to review the area, determine if all of the area or just a few sections of the area should change to PUD. If zoning changes to PUD and if a business requests a change, the Planning Board would review each request as they do now. This item will carry to the July 2019 meeting.

OTHER BUSINESS:

A. Cell Tower Code Review

Joe Atkinson began the discussion. He explained the similarities between what he wrote and the Village of Horsehead's code. The item missing in both his code and the Village's was the length of time a cell tower can be dormant and declared abandoned. Roxanne Mark has pictures of camouflage cell towers. She will present them at the July meeting. Roxanne M. also brought up a question regarding screening/barriers and possibly having an inspection done to make sure applicants comply. John P. Mustico explained the next step in this process. If this Board would like to approve Cell Tower Code as prepared by Joe Atkinson, a recommendation to the Horseheads Town Board is next step. The Town Board would refer this to the County and all neighboring municipalities inside and outside of the Town. The Town would hold a public hearing, perform SEQR review and then vote whether to approve or not approve the Cell Tower Code as written. This item will carry to the July 2019 meeting.

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

Board Members received language for this item to review. This item will carry to the July 2019 meeting.

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

John P. Mustico began the discussion. The reason for reviewing this item is so future development fits a certain pattern for the benefit of the area. This item will carry to the July 2019 meeting.

D. Discussion for Possible Rescheduling of the Wednesday, July 3, 2019 Meeting

Planning Board Members will meet, July 3, 2019, as scheduled, the first Wednesday of the month.

As there was no further business to come before the Board, motion to adjourn was made by Tom Jansen at 8:25 pm. All were in favor.

Respectfully submitted,

Cathy Wood, Secretary
Town of Horseheads Planning Board