

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

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

MEMBERS ABSENT: Tom Skebey

OTHERS PRESENT: Cathy Wood, Secretary; John P. Mustico, Town Attorney; Don Fischer, Councilman; Paul Simonet, Park Outdoor Advertising; Kim Carlin, Zoning, Kari Rice, Area Variance; Allan Curran, Amy Crandall, Ray & Laurie Cass, residents

CALL TO ORDER: Chairman Heather Hawkes called the meeting to order at 7:00pm.

MINUTES: A motion to accept the minutes, of the July 3, 2019 meeting, was made by Board Member Tom Jansen and seconded by Board Member Brenda Knoll. All were in favor.

CORRESPONDENCE: Chairman Heather Hawkes read previous Chairman Bill Dominikoski's resignation letter submitted on July, 26 2019. Bill Dominikoski served on the Planning Board for 31 years, 19 of those years as Chairman.

OLD BUSINESS:

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

Paul Simonet of Park Outdoor Advertising appeared to discuss this topic. The discussion began with review of signage code review language. Much of the discussion pertained to the size of the digital signs and locations of their existing digital signs. It was determined the height of the sign from grade of road shall not exceed 20 feet.

RESOLUTION #10 OF 2019

RESOLUTION RECOMMENDING TO THE TOWN BOARD TO AMEND ZONING TO INCLUDE LANGUAGE FOR DIGITAL SIGNS

Motion by: Board Member Joe Atkinson

Seconded by: Board Member Brenda Knoll

WHEREAS, the Town Board received a letter dated October 2, 2018 from Park Outdoor Advertising of New York, Inc., requesting the Town amend its sign ordinance to include digital technology/billboards, and

WHEREAS, the Town Board held a meeting on October 10, 2018 and by motion moved the correspondence be received, placed on file and forwarded to the Planning Board, and

WHEREAS, on November 7, 2018, the Planning Board held a discussion and began review of existing ordinance with regards to signs, and

WHEREAS, language for signage was last updated in 1985 and due to evolving technology it is time to include language for digital signage, and

WHEREAS, Park Outdoor Advertising is located on the Miracle Mile in the Overlay Zone, a model signage packet was received from Park Outdoor Advertising, and

WHEREAS, on December 5, 2018, Paul Simonet, representing Park Outdoor Advertising, appeared before the Planning Board and a discussion was held, and

WHEREAS, Park Outdoor Advertising is located on the Miracle Mile and would like to place a digital sign in their parking lot or possibly off premise, and

WHEREAS, at the May 1, 2019 Planning Board meeting it was decided to move this referral to the active portion of the agenda, and

WHEREAS, on June 5, 2019, Paul Simonet, representing Park Outdoor Advertising, appeared before the Planning Board and a discussion was held, and

WHEREAS, Paul S. handed to Board Members an application for Site Plan Review, dated May 31, 2019, Tax Map, titled Ramich Realty Corp. to Park Outdoor Advertising, dated May 24, 2017, marked received as "A", Job #17189, several pictures of example signs, and

WHEREAS, the project is not ready for Site Plan Review due to the fact the Town does not have the language for digital signs in their ordinance, and

WHEREAS, on July 3, 2019, Paul Simonet, representing Park Outdoor Advertising, appeared before the Planning Board and a discussion was held, and

WHEREAS, it was determined the sample code received from Paul Simonet was too specific to their company, and

WHEREAS, on August 7, 2019, Paul Simonet, representing Park Outdoor Advertising, appeared before the Planning Board and a discussion was held, and

WHEREAS, this item will be referred to the County, Village of Horseheads, Village of Elmira Heights and the Town of Veteran, and

WHEREAS, the Planning Board reviewed, discussed and approved new language for Chapter 152 Signs, and

WHEREAS, G. Signage, the insertion of new Section 5, Off Premise (Advertising) Signs, for Chapter 152 signs will be recommended to the Town Board for approval, and

WHEREAS, the Town Planning Board duly considered the same,

NOW, THEREFORE, BE IT RESOLVED, that the Town Planning Board of the Town of Horseheads, recommends amendment to the Town Code the following, G. Signage, insertion of new Section 5:

(5) Off Premise (Advertising) Signs:

Off-premise signs are an important form of advertising for local and extra-local businesses. However, they are not appropriate in every zoning district. Therefore, off-premise signs are hereby made allowable only in each overlay district conditioned on the following:

a) Area of sign shall not exceed 300 square feet

b) Height of sign from grade of road shall not exceed 20 feet

c) Digital signs shall conform to all New York State Department of Transportation requirements for Commercial Electronic Variable message Signs (CEVMS) in New York State, as may be amended from time to time.

(6) In addition to the above-noted provisions, all signage shall comply with the standards set forth in Chapter 152, Signs. In the event the provisions hereof conflict with the provisions of Chapter 152, the provisions of this article shall take precedence.

AYES: (3) Atkinson, Knoll, Hawkes

NAYES: (2) Mark, Jansen

B. #871, Referral from Town Board – 625 Breesport Rd & 81 Jackson Creek Rd – TH02 Residence A Zoned – Possible PUD

Kim Carlin appeared to discuss the project. A preliminary proposal was received July 22, 2019. The proposal submitted met all requirements to move forward. Kim described the Farmers Market/Crafters Market. This project is very similar to the Windmill. Kim also discussed and explained plans for the Event Center. Parking will be gravel. A service road will connect the two projects. John P. Mustico explained that with a PUD, once the footprint is approved it cannot change. So, it was suggested that Kim revise the footprint showing all future development and resubmit. This Board will not deal with hours of operation. After the zoning is approved this Board will then review site plan. This item will carry to the September meeting.

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

John P. Mustico began the discussion. Old Ithaca Road area is currently a mix of land uses both varied and compatible. Rezoning to a Planned Unit Development would also help in the regulatory process of this area. At this time, a rezoning to PUD will affect 36, 40 and 54 Level Acres. 54 Level Acres Drive is now owned by the residents of the mobile home park. They've applied for grants to assist in the updates of their infrastructure. Replacement of mobile homes in proportion to lot size is also a very big concern for them. The recommendation to the Town Board will be to rezone to PUD, apply the standards of the current mobile home ordinance to the

park except with amendments to size of lots for the replacement of trailers. The updating of setbacks with regards to building code will also be looked at. Review of other areas will be done on an as need basis. This item will be referred to the Town Board and a public hearing will be held in September. John P. Mustico will get PUD language, which may include special use permits, for review at the September meeting. This item will carry to the September meeting.

NEW BUSINESS:

- A. #872, Kari Rice – 189 Wygant Rd – Area Variance – Construction of an Attached Garage – Requesting Left Side Setback of 20.25’

Kari Rice appeared to discuss the project. Kari would like to construct an attached garage 20.25’ from the left side of the property line. Currently an attached garage and driveway exists. Kari would like an additional garage for parking of husband’s truck, work space and storage. The garage would be vinyl sided to blend with the rest of the house and the addition to the back of the house they are currently working on. John P. Mustico explained the criteria the Zoning Board of Appeals will use in determining whether to grant or not grant this variance. The Planning Board can use the criteria as well to consider their recommendation. Board Member Roxanne Mark explained if a resident wanted to add a front porch it can only stick out 8 feet. Guidelines are set to maintain conformity within the neighborhood. A garage is a much bigger structure. It is the ZBA that grants or denies variances. A public hearing will be held at their meeting.

RESOLUTION #11 OF 2019

RESOLUTION MAKING A NEGATIVE RECOMMENDATION TO THE ZONING BOARD OF APPEALS FOR PROJECT #872, KARI RICE – 189 WYGANT RD – AREA VARIANCE – CONSTRUCTION OF AN ATTACHED GARAGE – REQUESTING LEFT SIDE SETBACK OF 20.25’

Motion by: Board Member Roxanne Mark Seconded by: Board Member Heather Hawkes

WHEREAS, by way of Area Variance Application, dated July 22, 2019, SEQR dated July 9, 2019, Tax Map titled Joseph G. Danna to Christina M. Stowell, dated October 2, 1996, marked received as “A”, Kari Rice made application for a Left Side Yard Setback Variance of 20.25 Feet for the addition of an attached garage, location 189 Wygant Road, and

WHEREAS, on August 7, 2019, Kari Rice, appeared before the Planning Board and a discussion was held, and

WHEREAS, the zoning is Residential A, and

WHEREAS, an existing attached garage and drive way currently exist, and

WHEREAS, the applicant would like to construct a new attached garage on the left side of the property line, and

WHEREAS, the garage will fail to meet the aggregate setback, and

WHEREAS, this project will be referred to the Chemung County Planning Board and the Village of Horseheads, 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 recommendation to the Zoning Board of Appeals for project #872, Kari Rice, 189 Wygant Road, Area Variance, property setback, for the construction of an attached garage, 20.25' from the left side of property line.

AYES: (3) Mark, Hawkes, Jansen, Knoll

NAYES: (1) Atkinson

OTHER BUSINESS:

A. Cell Tower Code Review

The discussion began with review of the example of cell tower code revised and provided by Joe Atkinson, received August 1, 2019, titled Chapter 204 Zoning, Article XV Special Permits §204-101, Conditions; requirements, and Article II, Terminology, §204-3 Word Usage and §204-4 Definitions. The section regarding lock keys were discussed and clarified. This item will be referred to the County and all neighboring Towns & Villages. There are no permitting agencies on the adoption of the ordinance.

RESOLUTION #12 OF 2019

RESOLUTION RECOMMENDING TO THE TOWN BOARD TO AMEND ZONING TO CHAPTER 204, ZONING, ARTICLE XV, SPECIAL PERMITS CONCERNING CELL PHONE TOWERS AND CELL PHONE ANTENNAE INSTALLATION

Motion by: Board Member Joe Atkinson

Seconded by: Board Member Brenda Knoll

WHEREAS, Joe Atkinson submitted an article titled Cell Tower Oversight for the May 2, 2018, planning board meeting and a motion to place on file was made, and

WHEREAS, at the May 2, 2018 meeting the Planning Board decided to review the existing zoning ordinance to determine if updating is necessary, and

WHEREAS, the Planning Board reviewed many articles regarding cell towers and discussed the existing zoning from June 2018 through August 7, 2019, and

WHEREAS, on August 7, 2019, the Planning Board reviewed, discussed and approved the new language, received from Joe Atkinson, regarding Cell Tower Ordinance in the Town of Horseheads, titled Chapter 204, Zoning, Article XV, Special Permits and Article II, Terminology, and

WHEREAS, this item will be referred to the County, Village of Horseheads, Village of Elmira Heights, Town of Big Flats, Town of Catlin, Town of Veteran, Town of Erin and the Town of Elmira, and

WHEREAS, Cell Tower Ordinance in the Town of Horseheads, titled Chapter 204, Zoning, Article XV, Special Permits and Article II, Terminology will be recommended to the Town Board for approval, and

WHEREAS, the Town Planning Board duly considered the same,

NOW, THEREFORE, BE IT RESOLVED, that the Town Planning Board of the Town of Horseheads, recommends amendment to the Town Code the following, Cell Tower Ordinance in the Town of Horseheads, titled Chapter 204, Zoning, Article XV, Special Permits and Article II, Terminology:

See attached to these minutes new language titled Chapter 204, Zoning, Article XV, Special Permits and Article II, Terminology:

AYES: (5) Atkinson, Knoll, Mark, Jansen, Hawkes

NAYES: (0)

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

This item will carry to the September 2019 meeting.

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

This item will carry to the September 2019 meeting.

As there was no further business to come before the Board, motion to adjourn was made by Tom Jansen at 8:44 pm. All were in favor.

Respectfully submitted,

Cathy Wood, Secretary
Town of Horseheads Planning Board