

MINUTES  
TOWN OF HORSEHEADS  
PLANNING BOARD MEETING  
**January 6, 2021**

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 6th day of January 6<sup>th</sup>, 2021, at 7:00PM.

In addition to the regular meeting, there was a virtual training seminar, presented by Jeanie Sanders, on updating zoning maps and PUD's, on the ECode 360 System.

**MEMBERS PRESENT:** Tom Jansen, Joe Atkinson, Brenda Knoll, Allan Curren, Tom Skebey, Roxanne Mark, Amy Crandall

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Town's Attorney, John Mustico; Tina McGrane, Secretary; Steve Wilbur, Don Zeigler, Matthew Cox, representing Rosalie Cox, Matthew J. Ricci, (via zoom), representing the Soaring Capital Soccer Club.

**CALL TO ORDER:** Chairman Tom Skebey called the meeting to order at 7:10 pm.

**MINUTES:** A motion to accept the minutes of the December 2nd, 2020 meeting was made by Board Member Brenda Knoll and seconded by Board Member Joe Atkinson. All were in favor.

**CORRESPONDENCE:** None

**OLD BUSINESS:**

- A. #884 – Rick Curren, LLC dba Rick Curren Auto Sales – 1952 & 1956 Grand Central Avenue – Final Site Plan Review for construction of 40' x 80' Building

There was no final site plan submitted by the applicant, therefore, the Town's Attorney, John Mustico, asked Secretary, Tina McGrane, to contact Mr. Curren, to inform him that he would be taken off the Agenda, if a final site plan was not submitted, prior to the next Planning Board Meeting in February.

- B. #603A – Soaring Capital Soccer Club, PO Box 390, Elmira, NY, for property located at 103 Philo Road West – Conversion of the current vacant warehouse into an Indoor Sports Facility – Final Site Plan Review.

Matthew J. Ricci, attended the meeting, via zoom, representing the Soaring Capital Soccer Club. He submitted a standard parking spot map, drawn to scale, to indicate 48 parking spots, needed for the facility. An updated first floor plan map was submitted December 28, 2020, and was considered as the final site plan. After a discussion with Mr. Ricci, 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 Residence A
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.
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.
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 resources.
10. No, increase in the potential for erosion, flooding or drainage problems. No physical impact on property.
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, January 6<sup>th</sup>, 2021. 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 Brenda Knoll and Seconded by Board Member Tom Jansen.

## RESOLUTION #1 OF 2021

### **RESOLUTION TO APPROVE PROJECT #603A, SOARING CAPITAL SOCCER CLUB, PO BOX 390, ELMIRA, NY, FOR PROPERTY LOCATED AT 103 PHILO ROAD, WEST, ELMIRA, FOR CONVERSION OF CURRENT WAREHOUSE TO AN INDOOR SPORTS FACILITY**

Motion by: Board Member Allan Curren

Seconded by: Board Member Joe Atkinson

**WHEREAS**, Matthew J. Ricci, 189 W. 1<sup>st</sup> Street, Corning, NY, representing Soaring Capital Soccer Club, made application for a Site Plan Review, for the property located at 103 Philo Road West, Elmira, (Tax map #58.19-1-8.1), dated October 26, 2020, along with various associated documentation, and

**WHEREAS**, Mr. Ricci attended the November 4<sup>th</sup>, 2020, Planning Board Meeting, via Zoom, and he explained that the Club is a non for profit organization with about 300 youth soccer members, and

**WHEREAS**, the purpose of this renovated warehouse, would serve as a training facility, to be utilized by youth soccer players, ranging in age from 8 to 17, primarily in the months of November through April, and

**WHEREAS**, there would be occasional use in the spring & summer months, during periods of extended inclement weather, and

**WHEREAS**, after a discussion was held, Chairman Tom Skebey, recommended a code review and survey map, with a 'seal' from either an Architect or Engineer, and an energy code requirement, and

**WHEREAS**, this project was referred to the Chemung County Planning Board and the Village of Horseheads, and

**WHEREAS**, correspondence, dated November 23<sup>rd</sup>, 2020, from the Chemung County Planning Board, recommending approval of the proposed site plan, along with Andrew Avery's comments that the DOT signal, located at Rt. 14 and Philo Road West, may need timing adjusted, if a high volume of traffic is anticipated, and

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

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Board, of the Town of Horseheads, approves the Soaring Capital Soccer Club's application as the Final Site Plan, received December 28<sup>th</sup>, 2020, for the Soaring Capital Soccer Club, for the property located at 103 Philo Road West, Horseheads, NY, approved with amendment or modification except as authorized by the Board, subject to the following conditions:

1. Approval pending recommendation of parking arrangement, by Greg Larnard, Director of the Town of Horseheads Code Department.

**AYES:** (7) Skebey, Atkinson, Knoll, Jansen, Curren, Mark, Crandall

**NAYES:** (0)

**NEW BUSINESS:**

A. #599B – Ernest Mulligan, 70 Old Ithaca Road, Horseheads – Special Permit – Auto Sales

Mr. Mulligan did not appear for the November, 2020, ZBA Meeting, therefore, in order to be listed under New Business, on the Planning Board’s Agenda, he had to reapply for a special use permit. The discussion by the Board Members reiterated their original discussion at the October Planning Board meeting. They determined there will be too many issues with the parking at this Ithaca Road location, therefore, the Board is making a negative recommendation to the ZBA.

**RESOLUTION #2 OF 2021**

**RESOLUTION TO MAKE A NEGATIVE RECOMMENDATION TO THE ZONING BOARD OF APPEALS, FOR A SPECIAL USE PERMIT, FOR AUTO SALES, PROJECT #599B, ERNEST MULLIGAN, 401 FOSTER AVENUE, ELMIRA, NY, FOR THE PROPERTY LOCATED AT 70 OLD ITHACA ROAD, HORSEHEADS, NY.**

Motion by: Board Member Joe Atkinson      Seconded by: Board Member Roxanne Mark

**WHEREAS**, Ernest Mulligan made a second application, dated December 9<sup>th</sup>, 2020, requesting a Special Use Permit, for automobile sales, at 70 Old Ithaca Road, Horseheads, and

**WHEREAS**, it was recommended that Mr. Mulligan began the application process again because he failed to appear at the ZBA Public Hearing on November 10, 2020, and

**WHEREAS**, this property currently has several operating businesses, and due to that fact, parking issues exist, 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, to grant a Special Use Permit for Ernest Mulligan, 401 Foster Avenue, Elmira, NY, for automobile sales at 70 Old Ithaca Road, Horseheads, NY.

**AYES:** (7) Atkinson, Curren, Jansen, Knoll, Mark, Skebey, Crandall

**NAYES** (0)

**NEW BUSINESS: (continued)**

B. #797B – Rosalie M. Cox, 269 Vargo Road, Horseheads, requests a minor subdivision at the property located at 239 Vargo Road, Lot C, Horseheads, NY

**RESOLUTION #3 OF 2021**

**RESOLUTION TO CALL FOR A PUBLIC HEARING - PROJECT #797B, ROSALIE M. COX, (REPRESENTED BY MATTHEW C. COX), 239 VARGO ROAD, LOCT C, HORSEHEADS, NY – MINOR SUBDIVISION**

Motion by: Board Member Joe Atkinson

Seconded by: Board Member Allan Curren

**WHEREAS**, Rosalie M. Cox made application for a Minor Subdivision, 239 Vargo Road, Lot C, Horseheads, NY (Tax map #50.00-1-36), by way of application, dated December 29, 2020 and Survey Maps, marked received as ‘A’ & ‘B’, dated the same, and

**WHEREAS**, the current zoning is Agriculture, and

**WHEREAS**, Matthew T. Cox, the representative for Rosalie M. Cox, did appear, and

**WHEREAS**, on January 6th, 2021, at the Town Planning Board meeting, a discussion was held, and,

**WHEREAS**, Chairman Tom Skebey, requested the applicant supply another map of the whole lot, that shows how one parcel fits into another, and

**WHEREAS**, survey map, marked received as ‘C’, submitted January 7, 2021, and sent to the Board Members, 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, February 3<sup>rd</sup>, 2021, at 7PM, 150 Wygant Road, Horseheads, NY, for Project #797B, Rosalie M. Cox, 269 Vargo Road, Horseheads, for the property located at 239 Vargo Road, Lot C, Horseheads, NY – Minor Subdivision.

**AYES:** (7) Skebey, Atkinson, Knoll, Jansen, Curren, Crandall, Mark

**NAYES:** (0)

**OTHER BUSINESS:**

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

This item will carry to the February meeting.

- B. Overlay Zones for Lake Rd. & Grand Central Avenue

There was a discussion with the Town’s Attorney, John P. Mustico, in regard to creating a brand ‘new zone’, rather than creating an overlay. John is working on a description for Lake Road and how far down the ‘new zone’ would extend to. John described the area as a ‘tweener’, because there is residential and service industries on that road.

This item will carry to the February meeting.

- C. The Town’s Attorney, John P. Mustico, is working on the repeal of ‘Special Use Permits’ and incorporating them into the Site Plan Reviews. Special Use Permits are normally for gas stations, motor vehicle sales and repairs and Site Plans have to be done in addition to those anyway. John will review the literature before forwarding it to the Town Board.

As there was no further business to come before the Board, motion to adjourn was made by Tom Jansen at 8:05 pm. All were in favor.

Respectfully submitted,

Tina McGrane, Secretary  
Town of Horseheads Planning Board