

TOWN OF EAST BLOOMFIELD

**Planning Board Minutes
May 15, 2014**

Planning Board Members Present: Brad Bennett, Gene Rogers, Brud Hedges, Julie Pellett, Daniel Compton, Karl W. Smith and Kip Jugle.

Others Present: Andy Hall (CEO), Kim Rayburn (Secretary), Adam & Ashley Delong (Agent), Art Babcock, Will & Lynn Tyler, Nick Glamack, Ryan Gage (Caliber Commercial Brokerage, LLC. Agent)

Bennett opened the meeting at 7:30 pm and the Secretary read the Public Hearing.

I. Preliminary/Final Review, 1 lot subdivision for William Hardy (owner) Ashley Delong (agent) lands are located at 1968 St Rt 444 parent parcel of 96.6 ± acres creating a 2± acre parcel, leaving 94 ± acres of parent parcel. Tax map # 53.00-1-27.100

Babcock presented the Board with the Final maps. Bennett asked the public for any comments, there were none. **Compton made a motion and Pellett seconded the motion to close the public hearing due to no public opposition. All Board members voted aye.**

Bennett asked the Board for any further questions or comments and Jugle stated that the maps have all the required information.

Jugle made a motion and Hedges seconded the motion to declare the SEQR an unlisted action with a negative declaration. All Board members voted aye.

Planning Board Decision:

Smith made a motion and Hedges seconded the motion to approve the Preliminary/Final Review, 1 lot subdivision for William Hardy (owner) Ashley Delong (agent) lands are located at 1968 St Rt 444 parent parcel of 96.6 acres creating a 2.1 acre parcel, leaving 94.5 acres of parent parcel. Tax map # 53.00-1-27.100

Whereas:

- 1. The map has all required information for a land transfer.**

Record of Vote:

Brad Bennett	Aye
Gene Rogers	Aye
Brud Hedges	Aye
Julie Pellett	Aye
Dan Compton	Aye
Karl W Smith	Aye
Kip Jugle	Aye

All Board members present voted Aye, Vote was carried unanimously.

II. 7:45pm Review a change in zoning, Exxel Engineering (Agent) Happy Acres, LLC (owner) is proposing to subdivide off a piece of property that has mixed zoning, they would like to extend the existing CC District on the property back approx. 100 feet, 1/3 of proposed lot where 2/3 is already zoned Commercial.

Bennett stated that the Planning Board is reviewing the proposal at the Town Boards request and they will give an advisory opinion/recommendation to the Town Board. He stated that this meeting was not a public hearing; he stated that the Town Board will be holding a public hearing on this proposal and the public will have an opportunity to make comments or have any questioned answered at that time. The Town Board will make the final decision on the proposal.

Ryan Gage from Caliber Commercial Brokerage was present and acting as the Agent for Peter from Exxel as he could not attend the meeting due to flight issues caused by the recent storm. Exxel is asking for an extension of the Community Commercial district, the proposed property to house a Dollar General is already zoned Community Commercial along Rts 5&20 at a depth of approximately two hundred (200) feet, the remaining parcel is zoned AR-2 (agricultural rural residential) the proposed lot is approximately three hundred (300) feet deep therefore they are requesting the remaining one hundred (100) feet be zoned Community Commercial to match the front of the property.

Hall stated that the neighbors to the west (Will & Lynn Tyler) asked to be notified when meetings are held on this proposal so that is why they are present at this meeting. He stated that if any of the Board members wanted to ask them any questions they should feel free to do so. Their property is zoned Commercial as well and it is three hundred (300) feet deep. Their property was formerly a Bed & Breakfast but is now used for Residential. Nick Glamack is the Realtor that sold the Tyler's their home, he asked if the property was zoned correctly for a Dollar General to do business on, or if the property needed to be rezoned to allow it. Bennett stated that the first two hundred feet (200) deep of the property is zoned correctly to allow a retail business however they are requesting an extension of one hundred (100) feet in depth to make the entire proposed lot of three hundred (300) feet Community Commercial. This would make this parcel the same size in depth as the Tyler's. Glamack asked if they needed the extra one hundred (100) feet to be commercial to build the building. Hall & Gage stated that they could build a smaller building but would have to apply for variances as per NYS regulations for a State Road the setback for a Commercial Building and parking is one hundred (100) feet, so in order to meet those regulations the building needs to be set back farther on the property requiring the extra one hundred feet proposed to be commercial as well. The farther back they go with the building the turning radius and headlight glare is diminished to the Tyler's. The topography of the property is lower the farther you go back on the property which will help as well with buffering. Jugle stated that the road frontage of Commercial property is approximately three hundred and ninety one (391) feet wide and is all zoned commercial, they are proposing a two hundred and sixteen (216) feet wide lot leaving about one hundred and seventy five (175) feet of road frontage for the remaining parent parcel that is still zoned Commercial two hundred (200) feet in depth. He asked if the 5 & 20 entrance to the remaining parcel was the only entrance for Happy Acres after the proposed lot is subdivided off. Bennett stated that it is accessible on South Avenue past the water tower; Jugle stated that if they used more of the road frontage instead of going deeper they could still have the same size building. Bennett and Gage stated that the property owner does not want to give up his access to his property on 5&20, he does not want to negotiate the hill on South Ave with heavy duty farm equipment. Hall stated that making the lot longer at the road would not solve the setback issue. Compton asked how many acres would be left in the remaining parcel, Gage stated that the parcel is currently 62.1 ± acres and the proposed lot will be 1.487 ± acres leaving 60.61 ± acres of remaining parcel.

Glamack asked how many parking spaces are required. Hall stated that it depends on the size of the building; Compton stated that a Site Plan application has not been submitted for the proposal. Bennett stated that the first step is getting the zoning extended so they know what they are working with before they submit a plan. A discussion was held on the remaining one hundred seventy five (175) feet of road frontage that is still zoned Commercial, the minimum road frontage for the Commercial district is one hundred seventy five (175) feet so if Happy Acres wants to keep access to the property off of 5&20 no other Commercial business can go on the remaining road frontage.

Bennett asked if there were any questions from the Board, Compton asked the Tylor's how they felt about the proposal. Will & Lynn Tylor have mixed feelings, they would rather the land remain as is with no building on it, but they are not going to try and stop the project. They expressed their desires of having some protection for their property such as a fence, no late evening hours of operation and

downward lighting. Bennett stated that all of that will be reviewed at a public hearing in front of the Planning Board when a Site Plan application is submitted, he also stated that Exxel has expressed an interest in working with the Town and the neighbors to make sure that every concern is addressed and there are plans for a fence on the West side to buffer and protect the Tylor's property. Bennett stated that the deliveries are on the East side of the property and the parking is proposed to be in the front and the East side of the building as well so there will not be any activity on the West side. Bennett stated that the building will act as a buffer from the night time farm activity as well; Tylor stated that would be nice.

Gage stated that they were very limited on where they could put the business as there is not a lot of Community Commercial land for sale in the area. They did look at other Community Commercial properties, such as Toomey's corners but the sites did not work for this proposal. One reason is the speed limit, and another is they wanted to be closer to the village and have access to public water and sewer. The building is typically less than ten thousand (10,000) square feet and it will create about 8-10 jobs.

Lynn Tylor asked why the project could not go on the corner up by Terphane, Hall stated that the parcel is not zoned Commercial, it is zoned General Industrial, Jugle explained that would mean the entire parcel would need to be rezoned just for this project which is considered spot zoning. Jugle and Hall stated that when the districts were established they carried over the back lot line from the property on the East over the front of this parcel and the Tyler's parcel creating a Commercial area on 5&20 as there were not many places to create Commercial districts in Town, and the other side of the road was to be Commercial. Gage stated that the Tyler's property is worth much more zoned as commercial that it would be if it was zoned Residential if in the future they ever want to sell the property.

Planning Board Decision:

Compton made a motion and Rogers seconded the motion to recommend that the Town Board extend the existing Community Commercial boundary back to include the additional one hundred (100) ± feet deep and two hundred and sixteen feet (216) wide for the proposed subdivision lot of Exxel Engineering (Agent) Happy Acres, LLC (owner)

Whereas:

1. 2/3 of proposed lot is already zoned Commercial
2. Like to encourage Commercial development along the corridor
3. Surrounding and neighboring properties are zoned Community Commercial on both sides of the street
4. Adds Commercial development with minimizing the impact to Agricultural, Not a substantial change
5. Amendment is in harmony with the Town's Master Plan for the Commercial district

Record of Vote:

Brad Bennett	Aye
Gene Rogers	Aye
Brud Hedges	Aye
Julie Pellett	Nay
Dan Compton	Aye
Karl W Smith	Nay
Kip Jugle	Nay

Vote was carried.

II. Discussion

Bennett asked if the Board was happy with the proposed porta pottie verbiage to be added to the Town code, All Board members are satisfied with the proposed verbiage.

A discussion was held on recreational vehicles, camper trailers etc., Bennett will get with Hall to review some additional verbiage before the Board makes a final decision.

IV. Minutes of May 1, 2014

Smith made a motion and Pellett seconded the motion to approve the minutes of May 1, 2014

All board members present voted Aye.

Vote was carried unanimously.

V. Meeting Adjourned

Compton made a motion and Pellett seconded the motion to close the meeting @ 8:30 pm.

All Board members present voted Aye, Vote was carried unanimously.

Respectfully submitted,

Kimberly Rayburn
Planning & Zoning Board Secretary