

Village of Endicott Planning Board Meeting October 21, 2021

Board Members Present

Bob Gazda (BG): Board Room
Genevieve Riker (GR): Board Room
David Powell (DP): Board Room

Board Members Absent

Cynthia Totolis (CT)
Larry Coppola (LC)

Others Present

Robert McKertich (RM): Attorney for Village, Board Room
Brian Botsford (BB): Fire Marshal, Board Room
Anthony Bates: Village Manager, Zoom
Lynda Broadfoot (LB): PB alternate, Board Room
Richard Greco (RG): PB Advisor, Board Room
Sarah Campbell (SC): Attorney representing the applicant, Board Room
John Bernado (JB): the applicant, Board Room
Alicia Thoennes: Recording Secretary, Zoom

Quorum (4) 3 regular members present plus 1 alternate

Robert McKertich (RM) began the meeting. Started by taking attendance:

Bob Gazda, Genevieve Riker, David Powell, Richard Greco- advisor, Brian Botsford- fire marshal/advisor, Robert McKertich- attorney – present
Cynthia Totolis and Larry Coppola – absent

GR made a motion for DP to be the chair person. BG seconded the motion.

GR: yes BG: yes DP: yes

DP appointed Lynda Broadfoot (LB) to join the PB members and sit with them as the tables as an alternate for the meeting.

Meeting called to order at 5:06pm.

DP asked if everyone had an opportunity to review the minutes from the special meeting of the Planning Board 9/9/2021. All replied yes. No edits needed.

DP made a motion to approve the minutes from 9/9/2021. GR seconded the motion. All in favor. Zero nays. Minutes from 9/9/2021 Planning Board meeting approved and archived.

A Imperium 3 (iM3ny) Aquifer Permit with Public Hearing

Public Hearing opened at 5:08pm. Started with participants in the Board Room. Comments limited to three minutes.

Bill Shannon, chief operating officer at Imperium 3, here to answer questions. We've done everything we can to satisfy all requirements under the permitting process and using the infrastructure here.

Erik Lanahan, Imperium 3's engineer echoed Bill Shannon's sentiments.

Zoom participants were provided an opportunity to speak and there were no comments.

GR made a motion to close the public hearing. LB seconded the motion. 4 yes, 0 no
Public Hearing for Imperium 3 aquifer permit closed at 5:12pm.

BB said the experts at Ramboll, the applicant's engineering firm, sent a comprehensive report prepared by their engineers. It is Ramboll's opinion that the regulatory compliance driven measures are sufficient to prevent any of these materials from impacting our ground water systems.

BB thinks comments from Bill Shannon and Ramboll are very important. The revised permit was sent to us and it looks like it's at or exceeds the need of the aquifer permit

BB clarified: the August 18th letter was from Griffith's, engineering firm for the Village, submitted by BB on behalf of the Planning Board, to review the permit.

DP all 7 items in the August 18th letter were addressed. GR agrees.

BB clarification on that – it was from Griffiths submitted by BB on the Planning Board's behalf to review the permit.

DP one good example of that is building A7 – it exceeds anything that they would ever need which proved that in itself. Griffiths provided us with those concerns and they've all been addressed and clarified.

GR made a motion to approve the aquifer permit. DP seconded the motion.

Vote: GR – yes BG – yes LB – yes DP – yes

B Review of proposed Zoning amendment REGULATIONS FOR DIGITAL MESSAGE SIGNS

Amendment to Section 330-52.7.A(5)(c)

The amendment, changes to an existing local law, was introduced to the Planning Board. The Planning Board is to give a report based on the proposed changes made by the Village Board.

Subsection 1 (DP and RM):

- Original: only on monument style signs NOW: the addition of awning or canopy signs
- Original: only in general commercial district NOW: includes Central Business Zoning District
- Now: applicant must apply for special use permit

LB asked for clarification regarding what project they (Village Board) had in mind when the proposed changes were made.

RM This law would apply throughout the entire GC and ZB zoning districts to anybody who wanted to put in a digital sign. The law is bigger than the EPAC sign though that sign is the motivation for the change.

Subsection 2:

- Original: message shall change no more than once per day and have a single color
Now: the message shall change no more than once per day – removed single color restriction

Subsection 3:

- Original: cannot be located within 500 feet of a residentially zoned property as measured along the street line on which the sign is located
- Now: cannot be located within 100 feet of a residentially zoned property as measured along the street line on which the sign is located

Subsection 4:

- Original: illumination from digital message shall be controlled not to be visible or cast light shadows
- Now: they removed 'not to be visible from'. Reads: The illumination from a digital message sign shall be controlled not to cast light or shadows onto adjacent properties or cause unwanted glare in accordance with Article 55.

DP it's important if it does cast light shadows and unwanted light noise to a neighbor that those items should be addressed by us and decided by locations and potential locations for signs in the future

Subsection 5: was taken out completely

Planning Board discussed permits for digital message boards. Special use permits are non-transferable and not attached to the property, different from variance from zoning board which is attached to the property

The Planning Board reviews criteria for text amendments using 300-61.7 by answering 3 questions about how it would impact the Village and the surrounding area.

In reviewing and making decisions on Zoning Ordinance text amendments, the Code Enforcement Officer, Planning Board and governing body must consider at least the following criteria:

a Whether the proposed Zoning Ordinance text amendment corrects an error or inconsistency in the Zoning Ordinance or meets the challenge of a changing condition;

DP stated the amendment meets the criteria of a changing condition with current technology/lighting, the ability to have multiple colors, dimmable LED lights, align LED brightness with human needs, more options for sign to comply with all regulations, included but not limited to location, style, colors, cast light and shadows

RM does everyone tend to agree with those comments?

Yes

b Whether the proposed Zoning Ordinance text amendment is in substantial conformance with the adopted plans and policies of the municipality; and

DP We clarified that with comments about the type of permit, longevity/timeframe of the permit, in his opinion it conforms with the adopted plan. Amendment doesn't make substantial changes to the original.

c Whether the proposed Zoning Ordinance text amendment is in the best interests of the municipality as a whole.

DP asked for comments on that

RM this is a legislative process. The Village Board has the authority to amend the zoning code. This is going to be a change in the law, a law for the Village. Before they can act on that they need your report and that's the purpose of what we're doing right now: going through this criteria so you can make a report back to the Village Board and then the Village Board will vote whether or not to approve this law.

DP They're looking for our input. Approving permits down the road they're looking for our comments. Each individual sign will be on a case by case basis regarding our approval. Probably from businesses that wish to promote their businesses on a medium (an electric sign) being utilized in many communities across the nation already. This isn't something that's new to the country.

The Planning Board discussed the distance change from 500 feet to 100 feet in relation to EPAC and the surrounding areas. The PB report to the Village Board will ask the Village Board to review the reduction from 500 feet to 100 feet.

DP The PB went through 300-61.7 review, made our recommendations to the Village Board for criteria involved with the changing of the law- the amendment to section 300-52.7.A(5)(c). In summary, the technology has brought in some changes, conformance of local municipality laws, and that our recommendation is for them to review the 500 to 100 feet restriction for the location of the sign.

DP made a motion stating that the review criteria of 300-61.7 was met and that the Village Board should consider the reduction of 500 to 100 feet)

LB seconded the motion

Vote

LB: yes DP: yes BG: yes GR: yes 4 yes

DB The review will be sent off to the Village Board

C 121 – 125 Washington Ave. Infill project – site plan review

Sarah Campbell introduced herself as an attorney representing the applicant John Bernardo. New construction at an infill site from 121-125 Washington Ave.,

Proposed mixed use (residential and commercial) building with three floors with approximately 18,000 square feet total. The project will have on-sight management. Parking – lot behind the building, ample parking to satisfy parking requirement. Single phase construction 12-14 months, this project is an RFP by Village Board

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The Planning Board began a discussion regarding width of the walkways. Is a 6 foot wide walkway safe and accessible?

Officer Harting spoke on behalf of CPTED: Crime Prevention Through Environmental Design- composed of Village department heads, prevent crime, provide police standpoint safety and security. Asked the Planning Board to consider reviewing CPTED's recommendations. CPTED can give the Planning Board input from CPTED. CPTED wants to be involved especially during the design and planning phase. Right now input from CPTED is missing.

Discussions regarding the benefits of including CPTED in the review process, how much time the CPTED review process could take and how the schedule could be impacted. The Planning Board will await comments from CPTED.

November 18th 2021 next Planning Board meeting

GR made a motion to adjourn the meeting. LB seconded the motion
All in favor

Meeting adjourned 6:34pm