

Village of Endicott Planning Board Meeting December 16, 2021

Board Members Present

Cynthia Totolis, Chair (CT): Board Room
Larry Coppola (LC): Board Room
Bob Gazda (BG): Board Room
David Powell (DP): Board Room
Genevieve Riker (GR)

Others Present

Robert McKertich (RM): Attorney for Village, Board Room
Brian Botsford (BB): Fire Marshal, Board Room
Lynda Broadfoot (LB): PB alternate, Board Room
Alicia Thoennes: Recording Secretary, Zoom

Quorum (5)

This meeting was recorded.

CT called the meeting to order at 5:06pm. Unfinished business- minutes approval from October 21st and November 18th planning board meetings.

DP made a motion to approve the minutes from the Village October 21, 2021 planning board meeting.
GR seconded the motion. No discussion.

CT: approve DP: yes LC: yes BG: yes GR: yes minutes approved

LC made a motion to approve the minutes from the planning board meeting on November 18, 2021.
GR seconded the motion.

CT: accept BG: yes DP: yes LC: yes GR: yes minutes approved

New business:

Altura at Skye View

BB gave an overview of the project:

Planning Board approved preliminary development plan in May 2021 with conditions

- the Village of Endicott work with the developer to come to a contractual agreement with cost sharing regarding road and water supply upgrades

October 4th 2021: Village Board voted on and approved the preliminary development plan and passed a local law

Letter submitted by the developer re: water upgrades. He agrees to the conditions entering into road use agreement and installing the new 8 inch water main

Road use agreement agreed to and needs to be completely executed by all parties to finalize it

PUD zoning law requires a conservation easement for a certain percentage of open space. Documented in site plan (see drawing on B 200) 25% of entire plot is the minimum requirement. Village and developer need to execute

The project is before the planning board for final development approval which includes a site plan approval.

Dan Faldzinski, Engineer from Delta Engineers and Architects, outlined changes made to the site plan based on code requirements

RM recommended including for the record the same conditions on the final development plan as on the preliminary site development plan:

#1: The applicant enter a road use agreement to protect Village roads during the construction of the project.

#2: That the installation of a new 8" water main along Jenkins St. connecting existing water mains between Cornell Avenue and Jamaica Blvd for the purpose of upgrading the municipal water distribution system project be performed at the sole cost and expense of the applicant and under the supervision of the Village of Endicott water department and Village engineer.

LC made a motion to accept the final site plan submission for the Altura Skye View Heights project with the condition that the preliminary conditions from the Village Board are adhered to. DP seconded the motion.

CT: yes BG: yes DP: yes LC: yes GR: yes motion passed

Article 63. Site Plan Review

300-63.6I Findings for approval

In rendering a final decision, the Planning Department or Planning Board, as applicable, shall consider and make findings that:

- A. The proposed site plan is consistent with the purpose and specific requirements of this chapter and generally consistent with the policies of the Comprehensive Plan,
- B. Adequate services and utilities will be available prior to occupancy; and
- C. The site plan is consistent with all other applicable laws.

Findings through discussion: Services will be provided prior to occupancy. Housing fills a need for this area. BB has no issues with the site plan.

LC the conditions of A, B, and C are addressed and we can approve the site plan. GR seconded the motion.

CT: yes BG: yes DP: yes LC: yes GR: yes motion passed

Crooked Mouth Brewery

RM recused himself – another attorney in the same firm

BB opened the public hearing at 5:24p.m.

Josh Olson, the applicant, gave an overview of the project. He and his partner Sean purchased the Pat Mitchell’s building. They’re in the process of obtaining a NYS liquor license. He briefly described occupancy and seating.

No comments from the public.

DP made a motion to close the public hearing on the Crooked Mouth Brewery.

GR seconded the motion.

CT: yes BG: yes DP: yes LC: yes GR: yes

Public Hearing closed at 5:30.

SEQR parts 2 and 3

Short Environmental Assessment Form

Part 2 – Impact Assessment

11 questions on the SEQR. Each question was read aloud and the PB voiced their opinion regarding the type of impact that may occur:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulation?

PB agreed: No or small impact

2. Will the proposed action result in a change in the use or intensity of use of land?

PB agreed: No

3. Will the proposed action impair the character or quality of the existing community?

PB agreed: No

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

PB agreed: No

5. Will the proposed action result in an adverse change in the existing level of traffic or effect exiting infrastructure for mass transit, biking or walkway?

PB agreed: No

6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

PB agreed: Small

7. Will the proposed action impact existing:
 - a. public/private water supplies? PB agreed: No
 - b. public/private wastewater treatment utilities? PB agreed: No
DP referred to letter from Department of Health stating the drain had no impact- see comment in 239

8. Will the proposed action impair the character of quality of important historic, archaeological, architectural or aesthetic resources?

PB agreed: No

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

PB agreed: No

10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

PB agreed: No

11. Will the proposed action create a hazard to environmental resources or human health?

PB agreed: No

Second box on page 2 was checked: Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

DP made a motion for negative declaration under SEQR part 2 and 3 for the Crooked Mouth Brewery. LC seconded the motion.

BG: yes DP: yes LC: yes GR: yes CT: yes

BB reviewed the project and discussed the County's 239 response comments: received 2 letters from the Health Department, they have no comment. There were a couple recommendations: might require a food permit, commented on the floor drain – no hazardous substances. The Planning Department reviewed the project and sent a letter to BB (PB members have a copy). No impact. 2 advisory comments: risk for projects located in this area
2nd comment regarding site plan: signage, dumpster enclosure, landscaping, clarify what goes down the floor drain.

Town of Vestal was erroneously referenced on the County's 239 response letter. Tax map number correct. Street address is correct. Municipality should say Village of Endicott (in the letter from Broome County).

CT spoke with the applicant about the topics outlined in the review (above)

Special Use Permit review criteria 300-66.7

In rendering a decision, the Planning Board shall consider and make findings that the proposed use:

A Will be generally consistent with the goals of the Comprehensive Plan;

PB agreed: yes

B Meets any specific criteria set forth in this chapter;

PB agreed: yes

C Will be compatible with existing uses adjacent to and near the property;

PB agreed: yes, nice addition, there's already activity in that area

D Will be in harmony with the general purpose of this chapter;

PB agreed: yes

E Will not tend to depreciate the value of adjacent property;

PB agreed: will not tend to depreciate values

F Will not create a hazard to health, safety or the general welfare;

PB agreed: no hazard to health, safety, welfare

G Will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents; and

PB agreed: No, will not alter the character of the neighborhood or be detrimental to residents.

H Will not otherwise be detrimental to the public convenience and welfare.

PB agreed: No, will not otherwise be detrimental to public convenience or welfare.

DP made a motion under 300-66.7 reviewing the special permit for Crooked Mouth Brewery I consider that we vote yes for the special permit. LC seconded the motion.

BG: yes DP: yes LC: yes GR: yes CT: yes motion passed

PB spoke about requiring a dumpster enclosure.

Article 63. Site Plan Review

300-63.6 Findings for approval

In rendering a final decision, the Planning Department or Planning Board, as applicable, shall consider and make findings that:

- A. The proposed site plan is consistent with the purpose and specific requirements of this chapter and generally consistent with the policies of the Comprehensive Plan,
- B. Adequate services and utilities will be available prior to occupancy; and
- C. The site plan is consistent with all other applicable laws.

Findings through discussion. PB agreed points A, B, and C have been met.

DP made a motion under 300-63.6 with conditions of adding a dumpster enclosure for approval. LC seconded the motion.

Discussion about the dumpster.

Vote

BG: yes DP: yes LC: yes GR: yes CT: yes

Noise Law Change

Repealing article 50 of the zoning code and replacing it with noise law for the Village.

RM explained this is a zoning amendment. It will be a non-zoning law for the Village as a whole rather than being based on zoning districts. The proposal is to eliminate those restrictions and replace it with a noise law. A discussion followed regarding the current legislation and its enforceability.

Members of the planning board spoke about their experiences, reasons and preferences regarding the hours that should be reflected by the noise law and what situations should be included or addressed.

BB explained that standards are included in the law enabling officers to observe and then make a decision based on the criteria.

Discussed fines for repeat offenses and CPTED's (Crime Prevention Through Environmental Design) point system.

Reviewed section 5 A. vocal noise in light of "reasonable person" standard.

Discussed proposed changes to the times listed in the document "A local law to enact a noise control law and amend the zoning code regarding noise limits"

(Planning Board including three things in their report back to the Village Board)

Text Amendments

300-61.7. Review Criteria

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;
PB agreed: it does

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- B. Whether the proposed Zoning Ordinance text amendment is in substantial conformance with the adopted plans and policies of the municipality; and
PB agreed: it does

- C. Whether the proposed Zoning Ordinance text amendment is in the best interests of the municipality as a whole.
PB agreed: it does

Planning Board proposed only change needed is time change from 9:00pm to 11:00pm in Section 5.A.

DP made a motion that the Planning Board take their recommendations for the local law to enact a noise control law and amend the zoning code regarding noise limits to the Village Board. GR seconded the motion.

BG: yes DP: yes LC: yes GR: yes CT: yes

GR made a motion to end the meeting. DP seconded the motion.

DP: yes BG: yes GR: yes LC: yes CT: yes

The meeting ended at 6:59pm.