

Town of Vestal Planning Board Minutes

April 7, 2009

7:30P.M.

Present: Chairwoman, Joyce Majewski

Board Members: Edward Zimmer and Madeleine Cotts

Absent: Bob Warner, Augie Gates, and Bob Bennett

Chairwoman Joyce Majewski approved Madeleine Cotts to be a voting member.

Also Present: Gary Campo, Town Engineer: Dave Berger, Town Attorney;
Carl Truman, Fire Marshall; and Rosemary West, Town Crier Newspaper

1). Approval of Past Minutes

Motion was made to approve the February 2009 minutes: Motion by Madeleine Cotts, second by Ed Zimmer. Motion passed with all members voting in favor.

2). Carrols Corporation

3100 Ash Road, corner of Sycamore and Ash, presently Safelite Glass

BCTMP#158.10-2-18

Demo existing building, and build new 2667 sf restaurant, Burger King

3). Vista Square, Inc

1915-1955 Vestal Parkway West, old Wilmorite site

BCTMP# 172.15-1-20 and 172.11-3-10

9,600 retail/restaurant buildings/mini golf and go cart track

Preliminary approval prior to attending ZBA for special permit request

Carrols Corporation

Gary Rouse, GBC Design Inc, site engineer.

Owner, Jim Meinecke Carrols Corporation

Construction of a new Burger King at the south east corner of Ash Road and Sycamore Street. Presently there is Safelite Glass store that will be demolished. They meet all codes at this point, and show the board the newest designs. The building, standard block Burger King with 60 seats, 47 cars to support the dining business with an 8 car stack in the drive through lane. The building will be white block, blue below, standard Burger King logo, and signage on three different sides. Joyce asks to see where the entrance is on the drive through side, where the

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parking is in relationship to the door, 2 drive-through windows, but no pedestrian door.

There is an entrance and exit on Ash Road.

With small directional signs to move the cars through the parking lot.

We have an “enter” only coming in from Sycamore Street. Code regulations state 33 parking spaces required, we have 47 with them being 10 foot wide, code requirements are 9 ½ wide. We also have a 20 ft depth on the parking spaces. We plan on a pylon sign, 25 ft high and the square footage is all within code as well. We have landscaping shown with low bushes and flowers.

Joyce asks Gary if there has been any discussion about the revisions to code about the height of signs. At one point it has been talked about bringing it down but Gary states there have been no recent requests to the Town Board.

Madeleine said regarding parking if the 47 parking spaces are more than code requires it adds extra storm to the storm water issues. They would like to keep what they have since they are not sure what the restaurant is going to do especially since it is right in the middle of the shopping area. They stated maybe they could land bank them for now and if needed in the future it could be changed. They agreed to take 3 spaces out. The Board feels it will make it a safer parking area.

Storm inlets will be put in, not touching the land for the first 12 feet, leaving it as is, but to capture the water coming off the property to the south. A little bit of a depression then we go back down the grade. Piping it as well from the building out to the 42 inch storm sewer in the street that should improve the storm water situation down on Ash Road, because we are picking up more from the site than what is being picked up right now.

They are not doing a whole lot of grading on this site, the building is going to be a foot higher than the existing building, so no drastic cuts or fills, it is presently a developed site and they plan on having a developed site.

Storm water report has been looked at by Gary Campo and he is pleased with that. Town of Vestal has limited storm drainage on Ash. This is going to be improved and Gary can tell Gary Wilcox who owns the business on Ash Road there will be less water coming to his site than there is today.

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During construction we showed some silk fence along the down stream sides site so the dirt stays on the site and does not run down on to Ash or Sycamore Street. We put in a construction entrance, with large stones so when the trucks are doing there earth moving, it will help remove the dirt as they enter the roadway.

Utilities are already out there, just hooking onto the existing sanitary lateral and calling for a new water service to be put in as well as electric, gas and telephone that are already there, so if we have to tap into new we have plenty available.

They did show the lighting fixtures, no light hanging down, it is recessed, it is a flat lens. Madeleine asked how high the poles are, (24 feet).

Ed Zimmer stated they will have high visibility at their location, asked if there was any consideration in lowering the pylon sign even though it meets code?

It was stated that it is the lowest site in that area, and they will be lower than the Lowe's Home Center sign. They would rather not. Gary states that is code requirement and 25 feet is allowed.

Site lighting, foot candles were questioned by Madeleine. The owners stated they would consider looking again at the photometric plan. We can ask them to make it less. Do you have a foot candle in mind? Madeleine states: 10 is great, 16 is not so bad, but 25-29 is high. Maybe even it out, and they agreed

Gary asked what time would the restaurant close, but that is something they have no idea at this time.

They are being asked to change three of the parking spots to a land bank with grass, lower the site lighting poles if possible and lessen the candle power.

Check list done by Gary.

Zoning is C-2, setbacks are ok as shown; parking was discussed, they have more than required; they have bigger parking then required which is there prerogative ; drainage is less than an acre for disturbance, showing site protection, helping Ash Road drainage; landscape and elevation was gone over; dumpsters are screened; building has a sprinkler system; fire hydrant in the east corner; is not in a flood plain; grease separator is required; information sent out to the County last week, one comment back; no Town Board issues; the fire department Knox box was

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noted; a need for 8 inch street numbers; water device backflow also noted. Engineered stamped plans received and OK; they are in the water district and they are paid in full.

Discuss the access- DOT agreed with the access on Ash but felt the in-only on Sycamore access was too wide. The developer feels it can not be narrower, because of tractor trailers coming in from that way, and they need that room to make the turn. They put together a template showing they need that room.

It was noted they are less than an acre.

They will need a building permit/sign and demo permits from Code.

Address is listed as Ash Road, they could possibly get a Sycamore address since it is on the corner, they have to make contact with 911 at Broome County, but that is up to you guys.

Negative declaration under the state of environmental quality review:

Motion to accept the negative declaration: Motion by Madeleine Cotts, second by Ed Zimmer, all members voting in favor.

The Planning Board of the Town of Vestal (“hereinafter the Board”) hereby finds and determines that: (a) it has considered the action, reviewed the environmental assessment form, reviewed the criteria set forth in 6 NYCRR section 617.7 (c), Thoroughly analyzed the relevant area of potential environmental concern, and has duly considered all of the potential environmental impacts and their magnitude in connect with the proposed project (b) the project will not result in any large and important environmental impacts, and therefore is one which will not have significant impact on the environment, and therefore, a negative declaration will be prepared; and (c) the reasons supporting this determination are set forth on the attached form.

Motion for site plan approval, subject to physical elimination of 3 parking spaces, which could be re-instated if needed, but won’t be completed at this point; a second look at the lighting and remaining 239 comments to come in. Motion by Ed Zimmer; second by Madeleine Cotts, with all members in favor, so moved.

Welcome to Vestal.

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3). Vista Square Inc, preliminary approval

Sarah Grace Campbell
Pani Shah, property owner
Bill Hall, Hall Design

Phase A, mini golf course and a batting cage.
Phase B, go cart track
Phase C, driving range

Second phase which is way down the road, with part of the project designed to be food service, with ice cream, pizza, soda, etc.

But what you will see in the near future, next year, is phase A.
The goal is to begin construction in August or September of this year, with opening in the spring of 2010, with the batting cage and golf course.

Ed Zimmer asks to define what the go cart track is; it was not shown on last site plan. Sarah explains that the go carts are electric, not gas and we have provided you with application packet and a DB analysis so you can see how well they are, they are not loud, they do make some noise but it is not loud, and there is no smell.

It was noted or asked how the community would feel about this project. Taylor's Tiny Town closed and the residents did react to that. People should welcome this project. It is not close to a residential area, a great location on RT 434.

They do acknowledge there still are a lot of technical issues that need to be taken care of, but we want to move ahead with the Zoning Board of Appeals. Ed Zimmer asks about the wetlands being disturbed. The wetlands will not be disturbed. They will be used as landscaping, multiple species in there with a back drop to the pond.

Madeleine asks about the 100 foot buffer question. She is not sure, but it is highly recommended that they stay 100 feet from wetlands. Gary states he is not aware of a 100 foot buffer. States this is all part of the permit process so we will get the answer.

Joyce asks about a concession stand. At this time they are not going to offer that,

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possibly soda machines, but no organized eating area. There will be rest rooms.

They are looking at a small building, where food will be brought in from off site, with no kitchen availability inside it.

What time will it close? They are looking at 11-12 midnight, it will be seasonal obviously.

Sarah was asking Gary about a lighting plan, what are you looking for? Standard lighting plan would be required, especially with neighbors to the east and across 434.

Gary did state they need to take into consideration the neighbors in the area.

They are alerting more than 10 acres at this time and don't want to take segmentation out of the SEQR process. But they could reduce the development to less than 10 acres if it would help. The pond is designed for something, but we don't even know what is going to happen. The best information is not available to you at this time, so SEQR maybe better served to actually take that out or a portion of it out, and let you do the SEQR on remainder when it is known what is going to be there.

If you do a Type 1 and the Planning Board is the lead agency, then the Zoning Board of Appeals can not make a decision until the Planning Board completes the SEQR process and that is not the way they want it to work. Dave Berger, Town Attorney will talk with Gary and Sarah more about the project.

DOT has to look at it too, as you have 30 more acres; they are studying the whole site, not just the 10 acres. There maybe question as to the location of the driveway.

Gary thinks you can move ahead to the Zoning Board of Appeals as the lay out looks good. Sarah states this is a good concept at this point.

What is the approximate distance to the residents on Butternut, asked by Joyce? (1200 feet, where the go cart track would be built)

There were interested parties at the meeting who asked:

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How many feet would it be to Wright Road; answered by Gary, approximately another 500 feet.

The lighting and the noise are a few issues that need to be addressed. A resident states she can hear the traffic when her windows are open as it is. Now they will have the added noise from the go cart track. It was stated that the traffic will be a lot louder than the go carts.

They asked about the dumpsters, when will they be emptied? Probably in the early morning hours waking them up. There will be trash collection; most likely though it will be cans not dumpsters.

Residents feel it is a great idea to have something like this but feel the value of their homes will go down drastically.

What about traffic? Sarah stated there will be ZBA public hearing for a special permit for recreational use, so they will have a chance to voice there opinion at that time. You if go from nothing to something, yes there will be more traffic. They will send out notices.

This is preliminary discussion we are taking no action on this today.

Meeting adjourned.

Engineer's report (prepared outside of this meeting)

A. Change of Tenant, 1800 and 1801 Vestal Parkway East, BCTM#158.13-1-28 and 158.13-3-1, Kost Tire to occupy the former Midas Muffler building.

B. Change of Tenant, 501 Main Street, BCTMP# 173.31-3-15
Beautopia, beauty salon to occupy the former Hair Shack.

C. Change of Tenant, 3701 Vestal Parkway East, Campus Plaza,
BCTM# 158.12-2-4 Tony T's to occupy space previously used by Campus Wings.

D. Change of Tenant, 412 Old Mill Road, BCTM# 159.10-1-3
Auto Team Value, (Miller Auto Company) that sells quality lower priced used vehicles, operating the parts department within the same building.

E. Change of Tenant, 3721 Vestal Parkway East, BCTMP# 158.12-2-9
Laser Center, previously used by Liberty Travel, travel agency.

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F. Change of Tenant, 216 Main St, BCTMP# 173.23-1-14

Precision Remodeling to occupy space previously used by an embroidering service.

G. Change of Tenant, 1708 Vestal Parkway East BCTMP# 157.16-1-16

Plato's Closets to occupy vacant space with Parkway Row.

Submitted by Barb Taggart

CC: planning board

Bat