

## Conklin Planning Board – Monthly Meeting – August 21, 2017

**MEMBERS PRESENT:** James Hauss, Chairman, Sharon Platt, Lyle Fassett, Chris Ostrowsky  
(Note: Chris Ostrowsky arrived at 7:33 p.m.)

**ABSENT:** Dan Smith, Bill Farley – Town Board Liaison

**ALSO PRESENT:** William Graves, Attorney – Coughlin & Gerhart  
Nick Vascello, Code Officer  
Mary Plonski, Code Office  
Renee Hauss, Secretary

**VISITORS:** Brady Begeal, Attorney – Coughlin & Gerhart  
Pouya Goudarzi - Applicant  
Giti Vakili

**7:00 PM** Chairman Hauss called the meeting to order.

**Agenda Item #1** **Pouya Goudarzi Car Sales, 850-852 Conklin Rd, Conklin, New York 13748**  
**Tax Map #162.03-1-5/162.03-1-6 Site Plan Review**

**William Graves recused himself because of a conflict of interest.**

Pouya Goudarzi presented to the board that he will be renting the named property above to establish a used car lot business. There will be no auto repairs on the premises. Upfront Auto Clinic on Front Street will be utilized for this effort. Also here will be no car washing as CK Carwash will be utilized for this effort. This site will solely be a used car lot. There will be a mobile office 12' X 24' which can be moved very easily in case of flooding or any other situation. Hours of operation will be 10:00 a.m. – 6:00 p.m. Monday through Friday and 11:00 a.m. – 4:00 p.m. on Saturday. Employee parking will accommodate three employees but at the current time Mr. Goudarzi will be the only employee. Parking spaces for the used cars will meet the 5 foot set-back requirement. After auction, the cars will be scheduled to be reviewed at Upfront to identify any recommended repairs, if any, that need to be done. If repairs are needed, the cars will remain at Upfront until repairs are completed. Cars that come in from Upfront will be parked in the designated area in the rear of the lot until they are sent out to CK for washing and detailing. Later the cars will be displayed for sale. An updated site plan was provided to the board and code office. Current parking spots for the vehicles for sale will be 21 spots as noted on the site plan. The prep area in the rear of the lot will hold approximately 5 vehicles. Either Mr. Goudarzi or a driver will be driving the cars back from auction. There will be no truck deliveries. There will not be any fluids or battery change outs in the prep area. There will be no additional lighting installed. Lighting that is already located on and adjacent to the site will be utilized. There also will be no paving as the site already has stone gravel. There are wetlands in the back that will not be touched. The site will remain as is.

Sharon stated that there currently is a gate on the property. Will this gate be locked at night and the applicant stated yes. Sharon's concern is that individuals may park on Conklin Ave. in order to walk in and view the vehicles. The applicant explained that the gates are currently locked at night for security. Once approval is given by the board there will be lights and security cameras on the premises for the protection of the cars so then the gates can remain open at night. Planning Board wants to prevent individuals from parking on the main street for safety purposes.

Banners will be utilized to advertise that the business is open. If needed, a 3 X 5 sign on a pole at the 5-foot setback can be done. Chairman Hauss advised the applicant to work with the Code office for the requirements of signage.

Chairman Hauss questioned the status of permits that are required. The applicant stated that they already have their license for operating the business. It is being updated to reflect moving the business from its previous location to Conklin. DMV has been notified of the change of address for operating the business. Planning Board's approval is the only thing that is preventing the business from setting up and operating.

Chairman Hauss read into record Broome County comments dated August 1, 2017. Broome County refers to two tax map numbers and it was determined that 850 and 852 Conklin Ave. were combined under one tax map number 162.03-1-5 in January of 2016. Only the used car lot business will operate at this tax map. BMTS comments dated July 20, 2017 had no comments but would like to see one driveway opening. DOT comments dated July 14, 2017 and BCHD comments dated July 6, 2017 were also read into record and addressed. All driveway openings are all approved and permitted by

NYSDOT. Chairman Hauss did question the south side exit driveway. This was discussed and it was determined that an individual pulling out of the business can see in both directions without any obstructions. No dumpster will be located on the site and there will no outside storage of tires or junk cars as defined as unlicensed vehicles.

The EAF was reviewed by all board members and updates were made. The updated 239 was submitted to Code Officer Nick Vascello. Chairman Hauss read Part 2 of the EAF form to board members for each question to be addressed. It was determined by all board members, based on the information and analysis above, and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts. Completed and updated EAF was given to Nick Vascello to be filed with the updated site plan.

**Sharon Platt motioned** The Planning Board as lead agency in this Unlisted Action to declare a negative declaration for the purpose of SEQRA, since based on the review of the short form EAF the proposed action, with the updates to the site plan, will not result in any significant adverse environmental impact in the Town of Conklin. **Chris Ostrowsky second.** All present board members approved.

**Sharon Platt motioned** to accept the amended site plan with the following conditions: **Chris Ostrowsky second.** All present board members approved.

**Conditions for approval:**

1. Site Plan needs to be updated to designate customer vs. employee parking with signs
2. Site Plan needs to be updated to designate Entrance vs. Exit areas with signage
3. Site Plan needs to be updated to accurately denote the wetlands
4. Site Plan needs to be updated to reflect State Right-of-Way
5. Site Plan needs to be updated for signage
6. Site Plan needs to be updated with all present utilities. Currently public water is available, but is not connected.
7. Updated Site Plan needs to be referred to the Town Engineer for review on the following:
  - a. Drainage and driveway openings designed to NYSDOT standards. Acquire DOT permits for the driveway if required. Code Office will determine if Planning Board review will be required for any changes.
  - b. Review Site Plan for altering or encroaching existing wetlands. Answer to Question 13b of the 239 may change from NO to YES based on Town Engineer's review
  - c. Town Engineer's review to be completed within 30 days
8. A lease was provided but a letter stating that the usage of the property as a used car lot is permitted by the owner of the property is required
9. There will be no restroom facilities but the applicant is required by New York State code to provide drinking water on the premises.
10. All conditions must be met before the business can begin its operation

**Agenda Item #2            Planning Board recommendation for the rezoning of parcels located on Scofield Road  
And Conklin Forks Road from R-15 to A-R district  
Tax Map #194.03-1-45, -46, -29, -47, -25, -27, -28, -24.11, -24.2, and 210.01-1-19 and -20**

Planning Board discussed the impact of rezoning properties on Scofield Road and Conklin Forks road. William Graves asked Nick Vascello if the current parcels comply with the requirements for an agricultural district and Nick responded yes. The setback requirements will change in favor for the property owners. William stated that this rezoning would allow multiple family dwellings as well as multiple uses provided that they perform according to Article 6. Sharon Platt asked if mobile homes would be allowed and Nick responded that single family mobile homes on a piece of property are not allowed but mobile home parks are allowed.

Chairman Hauss read into record Broome County comments dated August 16, 2017. Chairman Hauss asked if the residents involved with this change understand the impact and Nick stated yes. Nick also responded to county comments that one property includes the wetlands but as of right now there are no requests to change this parcel.

Planning Board Reviewed Section C, F and G of the 239 that was submitted by Cheryl Sacco. The board recommended that question C.3.b be changed to N/A. Planning Board also reviewed Part 2 of the EAF and made the following recommendation to Town Board.

**Lyle Fassett motioned** The Planning Board recommends a negative declaration for the purpose of SEQR, since based on the review of the EAF form that the proposed action will not result in any significant adverse environmental impact in the Town of Conklin. **Sharon Platt second.** All present board members approved.

**Sharon Platt motioned** I hereby make motion to recommend that the Town Board re-zone the parcels discussed, which are located on Scofield Road and Conklin Forks Road, from R-15 to A-R. **Lyle Fassett second.** All Present board members approved.

Completed and updated EAF was given to Nick Vascello, Code Office.

**Agenda Item #3          Planning Board recommendation for Local Law amending Zoning Code to add Changeable Signs Tax Map # Town Wide**

William Graves stated that Town Board needs to receive and consider the 239 comments before taking final action. The Planning Board needs to pass a motion to recommend the local law amendment. Chairman Hauss informed the board that the Town Board is looking for a recommendation in a change to the signage laws to allow changeable electronic variable message signs to be allowed under certain conditions. The 239 has been submitted to the county but comments from the county have not yet been received.

Board members reviewed the proposed changes. Board members agreed with the changes but Chairman Hauss questioned the verbiage in Section 140-100 General Sign Regulations Paragraph M:

“Any change of pictures or information on the changeable electronic variable message sign shall not produce the illusion of blinking, flashing, or expanding or contracting shapes rotation or any similar effect of animation. The scrolling of text is allowed, however, it shall not last any longer than five seconds. There shall be a minimum period of 8 seconds between any change of pictures, information, or scrolling on the CEVMS.”

What is a flash or a blink that will still meet the requirements of under 5? William Graves responded his interpretation is that this contemplates two things that are going on with the signs. The first one is that there is some kind of picture, logo or text and the other may be referring to a scrolling text. If you look at each thing separately, it means that if you have a picture with scrolling underneath it the scrolling doesn't last any longer than 5 seconds and it is 8 seconds before the scrolling starts again. Chairman Hauss questioned whether or not this was written clear enough, number one, to communicate what the requirements are and, number two, is it clear enough so that we can consistently implement those requirements. That is the real test. Chris Ostrowsky's interpretation of this change is that a message cannot last any longer than 5 seconds because it will start to disrupt traffic. It's a message that is no longer than five seconds and then there must be 8 seconds of nothingness between messages. Chairman Hauss then questioned if the board at the firehouse and school are compliant with this rule. Is this change realistic and too restrictive in our day and age? This is implying that the timing between messages is longer in duration than the timing for the message itself. Nick Vascello stated that the times were taken from New York State DOT in which they have some language in reference to electronic signs and timing.

After lengthy discussion by board members and consistency with the state requirements the following motion was made:

**Chris Ostrowsky motioned** the Planning Board recommends approval of the Zoning Code to add Changeable signs **Sharon Platt second.** All present board members approved.

Planning Board also recommends additional clarification of Section 140-100 General sign regulations for implementation in the town.

**Chris Ostrowsky motioned** to approve June 19, 2017 meeting minutes and **Sharon Platt second.** All present board members approved.

**Sharon Platt motioned** to adjourn meeting **Chris Ostrowsky second.** All present board members approved. Meeting Closed 8:55 p.m.

**Next Planning Board Meeting is scheduled for Monday, October 16, 2017 at 7:00 PM.**

Respectfully Submitted  
Renee Hauss