

Town of Union Planning Board Minutes
Tuesday, October 17, 2023

The Town of Union Planning Board held a regular meeting on Tuesday, October 17, 2023, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, M. Jaros, T. Crowley, S. McLain, C. Bullock,
N. Sarpolis, G. Ksenak (Alternate)

Others present: Marina Lane, Liz Fisher, Francis Fisher, Mike Maione, Jim Wilson, Kelly Mellander, Adam Pelto, Chris Pelto, Joseph Gehl, Connor Gehl, Charles Wage, Samuel Kim, Kurt Eschbach, Kevin Baker, April Buechner, Benson Zhing, Domenico Fata

A. CALL TO ORDER

Chairman Miller called the meeting to order at 7:00 p.m., and designated Gary Ksenak, the alternate, to be a voting member.

B. MEETING MINUTES: Postponed

C. 1838 Nanticoke Drive, Special Use Permit for an Agri-Business, Michael Maione

Ms. Lane made an announcement before the Public Hearing. She stated that if you wished to speak during the Public Hearing that you state your name and address. She said that there is a time limit of 3 minutes for each speaker. If someone has already said exactly what you were going to say, please don't repeat it, but say I support what this gentleman said.

Ms. Lane noted that she had a lot of calls about this particular project to bring an existing farm into conformance with Town code. Farms that existed before 2011 are grandfathered in; they don't have to apply for a special use permit. In 2011 the town accepted a new code requiring that farms that sell their products apply for a Special Use Permit. The goal is to bring this farm into compliance. Nothing is changing. Farms that sell their products are an agri-business, which is a business based on agriculture and it requires a special use permit.

1. Public Hearing for a Special Use Permit for a Special Use Permit for an Agri-Business

Chairman Miller opened the Public Hearing at 7:04 p.m. and read the public notice concerning the Special Use Permit for an Agri-Business.

There was some discussion about whether the permit would limit what type of crops, fertilizer, or activities are authorized on the farm. Ms. Lane responded that the Town does not have any authority concerning what crops are grown or what fertilizers are used on the crops. There was also some concern because the marijuana crop is still considered a Class One Felony by federal law. New York State had licensed Mr. Maione to be a cannabis grower and that the Planning

Board had no enforcement authority with regard to the growing or processing of cannabis.

Chairman Miller closed the Public Hearing at 7:37 p.m.

Ms. Lane then presented her report to the Planning Board. Michael Maione of Bella Valle Farm at 1838 Nanticoke Drive, owned by Carol A Clark Farm LLC, applied to have a working agricultural business for the growth, harvesting, and distribution of agricultural products. The property is in the Rural Residential (R.R.) zoning district and agri-businesses are permitted by Special Use Permit. A portion of the property lies in the 100-year floodplain. Should the applicant wish to construct any accessory structure, a Special Permit for development in the floodplain may be required by the Planning Board. The business is not a NYS Ag & Markets Agricultural District farm at this time.

An agri-business is any business which is designed to directly support or is engaged in the production operations of an agricultural operation, the manufacture or distribution of farm equipment and supplies, or the processing, storage, and distribution of farm commodities. Agri-businesses may include: farm markets, agri-tourism, and direct marketing businesses associated with agriculture.

There are no changes to the general uses at the property, as agricultural plants are currently grown on the property. There are also no proposed changes to the existing structures on the property at this time. Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use change consistent with generally accepted principles of farming are classified as Type II Actions under SEQRA, and no further environmental review is required.

Ms. Lane explained that New York State requires that any project that is going to be funded or approved by a board requires an environmental review. In 2019 the DEC updated their requirements to exclude farming businesses, so a further environmental review is not required.

The property is subject to a 239-Review as it is within 500-feet of State Route 26, Union Center-Maine Highway. Broome County (B.C.) Planning has not identified any significant countywide impacts and recommends that the property owner be aware of the risks of any future development in the floodplain. The NYS DOT requires that no items may be placed in the State right-of-way, including signage, displays, or parking. The B.C. Department of Public Works, Health Department, and the B.C. Office of Public Safety Systems Division had no concerns.

The Planning Department recommends approval of the Special Use Permit for an Agri-Business with the following conditions:

- 1) Although farm buildings on approved agri-business farms do not require

building permits for farm-related structures, contact the Code Enforcement / Building Permits office to review plans for any new structures or additions.

2) Depending on the size of any new structure, if the area of disturbance warrants it, a stormwater management plan may be required. Confer with the Building Permits office prior to any construction.

3) The Code Enforcement Official shall determine whether any proposed structure is in the floodplain. The construction of any structures within the effective 100-year floodplain shall require a special permit for development in a floodplain, prior to any construction in the floodplain.

4) Upon completion of any new farm-related structure or addition, contact the Code Enforcement office for an inspection for the issuance of a Certificate of Occupancy or Compliance, as the situation requires.

5) The construction of any structures within the effective 100-year floodplain shall require a special permit for development in a floodplain, prior to any construction in the floodplain.

Ms. Lane noted that she had repeated this stipulation and then she deleted it from the report.

6) A sign permit from the Town of Union Building Permits Department may be required for new signage. Contact the Department at (607) 786-2921 to confirm prior to posting any signage.

7) Per § 300-35.2 Specially permitted uses. § 300-66.11. Transferability.

a) A special permit is not transferable except upon approval by resolution of the issuing board.

b) A special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.

8) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to October 31, 2023. The applicant agrees to comply with the stipulations of approval for the Special Use Permit. Changes to the use following approval will require resubmittal to the Planning Board.

Ms. Lane asked if anyone wanted to add anything to the stipulations based on the Public Hearing, and no one had any changes. She then reminded the Planning Board that John Freer, the Code Enforcement Official, is the one who interprets the code and makes the decisions about what uses would require what type of permit.

2. Vote at the Planning Board's Discretion

Chairman Miller asked for a motion to approve the Special Use Permit for an Agri-Business, with stipulations.

Motion Made: G. Ksenak
Motion Seconded: T. Crowley
MOTION: Approval of the Special Use Permit an Agri-Business, with stipulations.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

D. 1320 Campville Road, KL Photography and Kasey’s Cabinets, Chris Pelto, Kelly Mellander

1. Public Hearing for a Personal Services Special Use Permit (Photography Studio)

Chairman Miller opened the Public Hearing at 7:46 p.m. and read the public notice concerning the Special Use Permit for Personal Services.

There were no questions at the public hearing. Ms. Lane commented that she had viewed Ms. Mellander’s website and if there are any interested parents or grandparents, Ms. Mellander takes beautiful photographs.

Chairman Miller closed the Public Hearing at 7:48 p.m.

Ms. Lane then presented her staff report to the Planning Board. Chris Pelto, owner of Campville Holdings LLC, submitted an application for a photography studio in a portion of the commercial building at 1320 Campville Road. The 0.41-acre property is in an Industrial zoning district, and the photography studio, a personal services use, is permitted only by Special Use Permit. The business serves customers by appointment only. The parking requirement is two spaces, and the property shall have no less than one handicap-accessible space and access space.

The photography studio will have no adverse impacts on nearby residents or businesses.

Planning Department staff recommends that the Planning Board approve the Special Use Permit for a photography studio in an Industrial zoning district with the following stipulations:

1. Should the number of staff increase, the parking requirement would also increase. Consult with the Code Enforcement Office prior to adding staff.
2. The Special Use Permit shall expire should the property or business be

sold to another entity, per § 300-66.11. Transferability:

- A special permit is not transferable except upon approval by resolution of the issuing board.
- This special permit shall authorize only one special use and shall expire if the special use ceases for three months for any reason.

Ms. Lane commented if the photography business moves out, they should notify the Planning Department by email. If the owner sells the property they should also contact the Planning Department so that the Special Permit can be transferred.

3. The applicant shall be required to acknowledge all of the above conditions in writing prior to October 31, 2023. The applicant shall agree to follow stipulations of approval in strict accordance with the special use permit approved by the Planning Board. Changes to the use following approval may require a new special permit or site plan review, depending on the change.

Chairman Miller asked for a motion to approve the Personal Services Special Use Permit, with stipulations.

Motion Made: C. Bullock
Motion Seconded: M. Jaros
MOTION: Approval of the Personal Services Special Use Permit, with stipulations.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

2. Pending Special Use Permit Approval, Site Plan Review

Ms. Lane presented her report to the Planning Board. Chris Pelto, owner of Campville Holdings LLC, submitted an application for an office for the wholesale assembly and distribution of kitchen cabinets at 1320 Campville Road. In addition, he proposes a photography studio in a portion of the building. The 0.41-acre property is in an Industrial zoning district, the kitchen cabinet warehouse and retail use is permitted by right, and the photography studio, a personal services use, is permitted by Special Use Permit. The building formerly housed a contractor's business. The change in use requires site plan review with the Planning Board.

The two businesses are conducted by appointment only. The parking requirement is two per business, for a total of four parking spaces with one handicapped accessible space required. The property has public water, sanitary and storm sewer. No new construction is planned.

The project is the reuse of an existing commercial building with no exterior changes and the Planning Board therefore determined the project to be a Type II project under SEQRA. No further environmental review is required. Stormwater currently drains forward into the swale along the road and into a large grassy area to the rear of the building. A stormwater management plan is not required.

The project is subject to a 239-Review as the property is on State Route 17C. The NYS DOT stated that the driveway entrance shall be brought into conformance with NYS DOT standards for entrances to State highways. In addition, nothing may be placed within the State right-of-way, including signage, equipment, and parking. The Broome Metropolitan Transportation Study (BMTS) group and Broome County Planning support the driveway entrance conformance requirement from the NYSDOT. The B.C. Health Department had no concerns.

Ms. Lane noted that she had already met with Mr. Pelto and told him that the DOT always has those requirements. Mr. Pelto stated that DOT had called him and dropped their requirement because the state is always using his lot to do turnarounds. Mr. Pelto said that the state would send him something in writing if he requested it.

The staff recommendation is to approve the Site Plan with the following stipulations:

1. The building shall meet the NYS Fire Prevention and NYS Building Codes. Contact Code Enforcement/Building Permits to arrange for a fire safety inspection at (607) 786-2920. Once the office is determined to meet all NYS Building Code requirements, Code Enforcement shall issue a Certificate of Compliance.
2. Per NYS law, commercial businesses must be inspected by a Town Code Enforcement Officer every three years. It is the applicant's responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920, every three years after the issuance of a Certificate of Compliance.
3. The parking lot shall be striped according to Town Code Chapter 300, Article 51, Off-Street Parking, Loading and Stacking Regulations. The required handicapped-accessible parking space and access space shall conform to the Property Maintenance Code of NYS and shall be posted with signage displaying the international symbol of accessibility. All parking spaces shall be no less than nine feet by eighteen feet (9' x 18'). The handicap parking access space shall be no less than eight-feet by eighteen-feet (8'x18').
4. Parking is not permitted within ten feet (10') of the front property line.
5. Contact the Code Enforcement/Building Permits office prior to making

any structural changes in or to the building.

6. Per 130-2 of the Town Code, every property owner of apartments, stores or other businesses that are in the exclusive possession of a tenant, an agent or a manager shall maintain on file with the Building Official a current mailing address, current cellular phone number and a current email address for the owner and also for the tenant, agent and/or manager in exclusive possession of such apartments, stores or other businesses.

7. No garbage, rubbish, refuse or recyclables shall be placed in any manner within the Town except stored in a securely closed container or securely closed dumpster.

Mr. Pelto asked if he could use the municipal garbage pickup and Ms. Lane answered as long as he does not have more than six cans. In addition, the cans cannot be larger than 33 gallons.

8. If the applicant wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.

9. Prior to posting any new signage, the applicant shall apply for a sign permit from the Building Official. All temporary signs or portable signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that blink, rotate, or move are not permitted.

Mr. Pelto stated he tried to apply for a sign permit and was told that he needed to show proof of workers compensation insurance. As an owner of an LLC you cannot get Workers Comp insurance, you need to apply for an exemption form from the Workers Comp Board in order to apply for the sign permit. Mr. Pelto was surprised that he needed this form because he is only changing the face of a sign and is not building anything.

10. Any changes in use shall be reported to the Code Enforcement Official prior to making any changes. This includes any new uses, additional uses, and replacement uses.

11. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance, but no later than October 31, 2023. The applicant shall agree to follow the stipulations of approval in strict accordance with the site plan. Changes to the site plan following approval may require a minor site plan review or submittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

Chairman Miller asked for a motion to approve the Site Plan for KL Photography and Kasey's Cabinets at 1320 Campville Road, with stipulations.

Motion Made: G. Ksenak

Motion Seconded: M. Jaros

MOTION: Approval of the Site Plan for KL Photography and Kasey's Cabinets at 1320 Campville Road, - Business, with stipulations.

VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

E. 11 Delaware Avenue, Oswald LLC – Welding Service, Greg Osborne

1. Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made: C. Bullock
Motion Seconded: S. McLain
MOTION: Declare the Planning Board as Lead Agency.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

2. Classify the Project as a Type II Action, being the reuse of an existing building.

Chairman Miller asked for a motion to classify the Project as a Type II Action.

Motion Made: S. McLain
Motion Seconded: N. Sarpolis
MOTION: Classify the Project as a Type II Action.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

3. Site Plan Review: Postponed until Mr. Osbourne can attend a meeting.

F. 711 Main Street, JC-Unity Masonic Lodge #970 Meeting Hall, Gerald Putman

Mr. Gerald Putnam was unable to attend the meeting so Kurt Eschbach, a trustee and member of the Masonic Lodge #790, represented the lodge at the Planning Board meeting.

1. Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made: N. Sarpolis
Motion Seconded: C. Bullock

MOTION: Declare the Planning Board as Lead Agency.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain,
T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

2. Classify the Project as a Type II Action, being the reuse of an existing building.
Chairman Miller asked for a motion to classify the Project as a Type II Action.

Motion Made: S. McLain
Motion Seconded: C. Bullock
MOTION: Classify the Project as a Type II Action.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain,
T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

3. Site Plan Review

Mr. Eschbach gave a short presentation. He noted that Binghamton University had taken over their old site so they needed a new meeting space. The old pharmacy store at 711 Main Street met their needs because they have a small membership of 85 members. He noted that usually only fourteen or fifteen members attend the meetings. The organization meets a couple of evenings a month, usually from 6 to 10 p.m. The only retrofit of the building will be putting a new wall in at the front of the building for their initiation ceremony.

Ms. Lane had spoken to Mr. Putnam about the parking. There is a business to the immediate east, a doctor's office, and Mr. Putnam is going to talk with them about overflow parking. The doctor's office is immediately adjacent to the new lodge location and there is no conflict in the hours.

Ms. Lane then presented her report to the Planning Board. Gerald Putman of the Johnson City Masonic Lodge #970 applied for the conversion of a former pharmacy to a Masonic Lodge meeting place at 711 Main Street, Westover. The 0.46-acre property is in a General Commercial zoning district, and the meeting space use is permitted by right. The building formerly housed a pharmacy. The change in use requires site plan review with the Planning Board.

The parking requirement for a community center is 6 per 1,000 square-feet. The meeting space, not including storage or restroom facilities, is 1,404 square-feet. The site plan has 10 spaces shown with one additional space that shall be striped with a "No Parking" sign adjacent to the required handicap-accessible space, to be identified with the international symbol of accessibility. The property has public water and sanitary sewer. Stormwater drains via swales and catch basins into the municipal stormwater system. No new construction is planned. The property is in the 500-year floodplain.

The project is the reuse of an existing commercial building with no exterior changes and the Planning Board therefore determined the project to be a Type II project under SEQRA. No further environmental review is required. A stormwater management plan is not required.

The project is subject to a 239-Review as the property is on State Route 17C. Broome County (B.C.) Planning did not identify any significant countywide impacts, but noted the site is in the Preliminary floodplain. BMTS and the B.C. Health Department had no concerns. The NYS DOT requires that nothing may be placed within the State right-of-way, including signage or parking.

The staff recommendation is to approve the Site Plan with the following stipulations:

1. Per the Village of Johnson City Water Department, there shall be a testable backflow device on the domestic water line. If there is not one currently installed, an application and Engineer's report must be submitted to the Johnson City Water Department and Broome County Health Department prior to installation. Contact the Johnson City Water Department at (607) 797-2523 with any questions.
2. The NY State Health Department requires backflow prevention devices be tested annually by a certified backflow device tester, and a report submitted to the Village of Johnson City Water Department (607-797-2523). The Department of Health form, DOH-1013, is the "Report on Test and Maintenance of Backflow Prevention Device" and must be completed by an individual that has a DOH certification to test backflow devices. The device at this property shall be tested prior to the issuance of a Certificate of Compliance.
3. The building shall meet the NYS Fire Prevention and NYS Building Codes. Contact Code Enforcement/Building Permits to arrange for a fire safety inspection at (607) 786-2920. Once the office is determined to meet all NYS Building Code requirements, Code Enforcement shall issue a Certificate of Compliance.
4. Per NYS law, commercial businesses must be inspected by a Town Code Enforcement Officer every three years. It is the applicant's responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920, every three years after the issuance of a Certificate of Compliance.
5. The parking lot shall be striped according to Town Code Chapter 300, Article 51, Off-Street Parking, Loading and Stacking Regulations. The required handicapped-accessible parking space and access space shall conform to the Property Maintenance Code of NYS, and shall be posted with signage displaying the international symbol of accessibility. All parking spaces shall be no less than nine feet by eighteen feet (9' x 18').

The handicap parking access space shall be no less than eight-feet by eighteen-feet (8'x18').

6. Parking is not permitted within ten-feet (10') of the front property line unless a fence or landscaping no higher than two feet is installed between the road and parking area. The site plan shows low bushes along the Main Street perimeter strip, which shall be maintained.

7. Contact the Code Enforcement/Building Permits office prior to making any structural changes in or to the building.

8. Per 130-2 of the Town Code, every property owner of apartments, stores or other businesses that are in the exclusive possession of a tenant, an agent or a manager shall maintain on file with the Building Official a current mailing address, current cellular phone number and a current email address for the owner and also for the tenant, agent and/or manager in exclusive possession of such apartments, stores or other businesses.

Ms. Lane deleted stipulation 8 from the report because it did not apply to this applicant.

9. No garbage, rubbish, refuse or recyclables shall be placed in any manner within the Town except stored in a securely closed container or securely closed dumpster.

Ms. Lane noted that when they start occupying the building that they should contact the Town of Union so that they will pick up the garbage cans. Ms. Miller believes that the pickup is on Fridays.

10. If the applicant wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.

11. Prior to posting any new signage, the applicant shall apply for a sign permit from the Building Official. All temporary signs or portable signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that blink, rotate, or move are not permitted.

12. Any changes in use shall be reported to the Code Enforcement Official prior to making any changes. This includes any new uses, additional uses, and replacement uses.

13. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance, but no later than October 31, 2023. The applicant shall agree to follow the stipulations of approval in strict accordance with the site plan. Changes to the site plan following approval may require a minor site plan review or submittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

Chairman Miller asked for a motion to approve the Site Plan for the JC-Unity Masonic Lodge #970 Meeting Hall at 711 Main Street, with stipulations.

Motion Made: N. Sarpolis
Motion Seconded: T. Crowley
MOTION: Approval of the Site Plan for Site Plan for the JC-Unity Masonic Lodge #970 Meeting Hall at 711 Main Street, with stipulations.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

G. 15 Delaware Avenue, Deli/Grocery Store Special Use Permit, Kelly Pacheco

1. Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made: N. Sarpolis
Motion Seconded: S. McLain
MOTION: Declare the Planning Board as Lead Agency.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

2. Classify the Project as a Type II Action, being the reuse of an existing building.

Chairman Miller asked for a motion to classify the Project as a Type II Action.

Motion Made: S. McLain
Motion Seconded: C. Bullock
MOTION: Classify the Project as a Type II Action.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

3. Call for a Public Hearing for a Special Use Permit for the Market/Retail Use at the 7:00 p.m. Planning Board meeting on November 14, 2023.

Chairman Miller asked for a motion to call for Public Hearing for a Public Hearing for the market/Retail Use to be held at the 7:00 p.m. Planning Board meeting November 14, 2023.

Motion Made: M. Jaros
Motion Seconded: N. Sarpolis

MOTION: Call for Public Hearing for Special Use Permit for Market/Retail Use, to be held at the 7:00 p.m. Planning Board meeting on November 14, 2023.

VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

H. Other Such Matters as May Properly Come Before the Board

Ms. Lane stated that next month we should be having a presentation by a solar company at 10 Kot Road, which is off East Maine Road. The site is about 62 acres.

I. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:32 p.m.

Motion Made: G. Ksenak
Motion Seconded: N. Sarpolis
MOTION: Adjourning the meeting.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, November 14, 2023, at 7:00 p.m.

Respectfully Submitted,
Carol Krawczyk