

Town of Union Planning Board Minutes

Tuesday, January 9, 2024

The Town of Union Planning Board held a regular meeting on Tuesday, November 14, 2023, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, T. Crowley, N. Sarpolis, G. Ksenak, C. Bullock, M. Jaros

Members absent: S. McLain

Others present: Marina Lane, Tara Pittarelli, Dave Kudgus, Kyle Weeks, Greg Chianis, Robert Grannis, Ryleigh O'Connor, Rachel Blodgett, Aiden Huften, Aleandro Lopez, Leo Russell, Tim LaBarre, Jozy Breen, Jonah Conklin, Ally Stank

A. CALL TO ORDER

Chairman Miller called the meeting to order at 7:00 p.m.

B. MEETING MINUTES

1. Acceptance of the (1) 9/12/23 Meeting Minutes with Corrections (2) Acceptance of the 9/12/23 Public Hearing Transcript for the extension of a Special Use Permit for outdoor seating at the Fairways Indoor Golf Co. at 511 Hooper Rd, and (3) Acceptance of the 9/12/23 Public Hearing Transcript for a Special Permit for Development in a Floodplain for a clothing collection shed at 4212 Watson Blvd.

- 9/12/23 Meeting Minutes: Page 11, Item 3, corrected the last sentence of the paragraph to read: "Once Endicott has approved and signed off on the device, your plumber shall install the backflow prevention device prior to the issuance of a Certificate of Compliance."

Motion Made: C. Bullock

Motion Seconded: G. Ksenak

MOTION: Approval of the 9/12/23 Meeting Minutes and Public Hearing Transcripts with corrections as noted.

VOTE: **In Favor:** L. Miller, N. Sarpolis, T. Crowley, G. Ksenak, C. Bullock

Opposed: None

Abstained: M. Jaros

Motion Carried

2. 9/12/23 Public Hearing Transcript for an Aquifer Permit for the Storage of Chemicals for Crysta-Lyn at 2601 Wayne St with corrections.

- Page 8, Item 5 (Mr. Sarpolis): Corrected sentence to “But we can’t make a decision based on a “what-if” scenario.”

Motion Made: G. Ksenak
Motion Seconded: T. Crowley
MOTION: Approval of the 9/12/23 Public Hearing Transcript with corrections.
VOTE: **In Favor:** L. Miller, N. Sarpolis, T. Crowley, G. Ksenak, C. Bullock
Opposed: None
Abstained: M. Jaros
Motion Carried

3. Acceptance of the 12/12/23 Meeting Minutes with Corrections.

- Page 2, Item 2: Removed M. Jaros and C. Bullock from the “In Favor” vote and added N. Sarpolis and T. Crowley.
- Page 2, Item 3: Removed M. Jaros and C. Bullock from the “In Favor” vote and added N. Sarpolis and T. Crowley.

Motion Made: G. Ksenak
Motion Seconded: T. Crowley
MOTION: Approval of the 12/12/23 Meeting Minutes with corrections.
VOTE: **In Favor:** L. Miller, N. Sarpolis, T. Crowley, G. Ksenak, C. Bullock
Opposed: None
Abstained: M. Jaros
Motion Carried

C. 639 Scarborough Drive, Riverhurst Crematorium, Special Permit Floodplain Development, Kyle Weeks and Greg Chianis

1. SEQRA Determination

Ms. Lane reviewed the Short Environmental Assessment Form with the representatives of the Riverhurst Crematorium project and members of the Planning Board. As outlines in the “Project Information” and “Determination of Significance” sections, the proposed project is construction of a crematory at 639 Scarborough Dr. The property is zoned Open Space making the crematory a permitted use. A Special Permit is required as the property lies in the 100-year floodplain.

The proposed pre-engineered metal building measures approximately 3250 square-feet and would be placed on a concrete slab. The structure and 11,650 square-foot parking area would disturb a total of 0.388-acres which requires

erosion control measures during construction but does not require permanent stormwater facilities.

The project fits in with the adjacent cemetery and industrial use and would not alter the character of the surrounding land or community. The structure will not be visible or publicly accessible from Scarborough Dr. due to the existing screening landscaping and location on the property. There will be no adverse changes to traffic, parking, utilities, historical, architectural, or aesthetic resources.

The proposed construction site is less than half an acre and would have no significant negative impacts on the earth, flora, fauna, or threatened or endangered species, and there are no existing wetlands on the property. The NYS DEC may require an air registration permit to mitigate any potential impacts to the air.

Because the property is in the floodplain and adjacent to the Susquehanna, construction will be done in a manner to not affect the floodplain, and the structure will be anchored and floodproofed as appropriate. This parcel of land is not affected by the DEC remediation following the Endicott Area-Wide investigation.

Following review of the information submitted, the Planning Department recommends a Negative Declaration as the project will not have a significant adverse impact on the surrounding area base flood elevation nor the environment in general.

Chairman Miller asked for a motion to approve the Negative Declaration under SEQRA for the crematory construction as proposed.

Motion Made:	T. Crowley
Motion Seconded:	M. Jaros
MOTION:	Approval of the Negative Declaration.
VOTE:	In Favor: L. Miller, N. Sarpolis, T. Crowley, G. Ksenak, M. Jaros, C. Bullock
Opposed:	None
Abstained:	None
	Motion Carried

2. Public Hearing

Chairman Miller opened the Public Hearing at 7:22 p.m. Members of the Board reviewed areas of interest/concern regarding the project. The Public Hearing was closed at 7:27 p.m.

3. Vote at the Planning Board's Discretion - Postponed

4. Site Plan Review - Postponed

D. 1635 Union Center-Maine Highway, Sans Souci Cannabis Sales, Robert Grannis

1. Public Hearing for a Special Use Permit for Cannabis Sales

Chairman Miller opened the Public Hearing at 7:36. Members of the Planning Board asked a number of questions related to the amount and type of products on site, expected volume of business, traffic, maximum occupancy, security of product, customer screening/proof of age, e-commerce business, and NYS regulations. The public hearing concluded at 8:00 PM.

2. Vote on Special Use Permit at the Planning Board's Discretion

Following the Public Hearing, Ms. Lane reviewed her memorandum for members of the Board and those in attendance. In summary, Robert Grannis has obtained a license from the NYS Office of Cannabis Management (OCM) to sell products in the existing multi-tenant commercial building at 1635 Union Center-Maine Highway. This property is located in the Cannabis Business Overlay (CBO) zone and overlaps with General Commercial (G.C.) (the first 270 feet) and Rural Residential (R.R.), and a Special Use Permit for cannabis retail use is required per Town Code.

Verification of customer identification is required. Mr. Grannis plans to have a 'check in' table near the entrance to ensure potential consumers are age 21 or Older. Because cannabis products are not allowed to be consumed on site, customers are not expected to linger meaning both store and parking vacancy will fluctuate. The existing parking lot has sufficient parking spaces in relation to the area of retail use.

As noted in the Environmental and 239-Review, no changes are proposed to the current general retail and office use, or the structure of the property. As such, no new stormwater management facilities are required. The project is listed as a Type II Action under SEQRA and no further review is required due to the reuse of existing interior space.

The property is located at State Route 26, Union Center-Maine Highway and is subject to a 239-Review. Broome County (B.C.) Planning did not identify any significant countywide impact. No signs, displays, or parking are allowed in the State right-of-way as per NYS DOT. Additional permits, including a DOT Highway Work Permit, may be required in the event any changes are made to the entranceway from SR 26, and Broome County Residency must be contacted if any changes are planned. The B.C. Health Department and BMTS had no concerns. The West Corners Fire Department and B.C. Sheriff's Office will be made aware of the new cannabis-related business if approved.

The Planning Department recommends approval of the Special Use Permit with the following conditions:

1. Floor plans with measurements and specification of uses in each space shall be submitted to Code Enforcement and the Building Permits department as soon as they are available and prior to issuance of any Certificate of Compliance.
2. As outlined in § 300-35.2, Specially Permitted Uses:
 - A. A retail dispensary is allowed as a specially permitted use in a CBO district as either a principal or accessory use with other permitted business. A special use permit may be approved, approved with conditions, or disapproved at the Planning Board's discretion.
 - B. Retail dispensaries for all adult-use, including medical and recreational, shall comply with the following:
 1. Location. Cannot be within 500 feet of a school, park, lot or parcel occupied by a hospital, library, or church. Nearest respective lot lines will be used for measurement.
 2. Hours of Operation: No sales shall take place between the hours of 9:00 PM and 9:00 AM unless otherwise strictly regulated by NYS signage.
 3. Signage: All signs shall comply with underlying district regulations and no cannabis symbols shall be displayed on any public street.
 - C. Retail dispensary signage is limited by local regulations and prohibited unless authorized by the Cannabis Control Board or Office of Cannabis Management.
3. The applicant shall apply for a sign permit from the Building Official for all signs. Any temporary signs must be reviewed and approved by Code Enforcement before being placed on the property. Signs that blink, move or rotate are not permitted, and no signs shall be placed within the 8-foot setback from the front property line.
4. Should the lot ever be repaved in the future, it shall be striped according to Town Code regulations. Required handicapped-accessible parking spaces shall conform to the NYS Property Maintenance Code and shall be posted with the appropriate signage and measure no less than 8' x 18'. All paving and striping must be completed prior to issuance of a Certificate of Occupancy.
5. The building must meet all NYS Fire Prevention and Building Codes, and the applicant will contact Code Enforcement to schedule a fire safety inspection. The Certificate of Compliance will be issued by Code Enforcement once they have determined the business meets all NYS Building Code requirements.

6. The business shall not open to the public until the Certificate of Compliance has been obtained.
7. The business must be inspected by the Town Code Enforcement Officer every 3 years as per NYS law. It is the responsibility of the applicant to coordinate the inspections with the Code Enforcement Office. The initial inspection must be conducted prior to issuance of a Certificate of Compliance, and thereafter every three years.
8. The Special Permit shall expire should the property or business be sold to another entity. As noted in § 300-66.11 Transferability, the permit may be transferable upon approval by resolution of the issuing board. The special permit covers only one special use and shall expire if that use ceases for three months for any reason.
9. The applicant shall acknowledge all conditions, in writing, prior to January 31, 2024, or prior to issuance of the Certificate of Compliance, whichever comes first, and agrees to follow stipulations of approval in strict accordance with the Planning Board approved special permit. Any changes following approval may require a new site plan review or special permit depending on the change.

Members of the Board inquired as to how the fire department would handle a fire in a dispensary. Ms. Lane stated the department will be made aware of the new business and would handle a fire emergency as trained. Mr. Grannis also mentioned that he hopes to have a delivery service for e-commerce orders. Following questions from the Board, he confirmed deliveries would be limited to the NYS regulated hours or even more limited than the hours proposed by the state.

Chairman Miller asked for a motion to approve the Special Use Permit with Conditions.

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

E. Other Such Matters as May Properly Come Before the Board:

No other such matters were discussed during this meeting.

F. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:38 PM

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

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, February 13th, at 7:00 p.m.

Respectfully Submitted,
Sandra Cragle