

Town of Union Planning Board Minutes

Tuesday, January 13, 2015

A regular meeting of the Town of Union Planning Board was held Tuesday, January 13, 2015 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: S. McLain, L. Miller, A. Elwood, S. Forster, T. Crowley,
L. Cicciarelli

Others present: Marina Lane, Stephen Grant

A. CALL TO ORDER

Chairman McLain opened the meeting of the Planning Board at 7:01 PM.

B. MEETING MINUTES AND PUBLIC HEARING TRANSCRIPT

1. Approval of 11/18/14 Meeting Minutes

- Page 2, Item 2: Changed wording at the end of the 4th sentence to read "...to place a 16' x 10' shed on an existing concrete slab on the property."
- Page 3, first sentence: Changed to read "Building in the floodplain does require a Special Permit and flood protection measures..."
- Page 3, last paragraph: Corrected "principle" to "principal".
- Page 4, first paragraph: Removed the words "of which there is none now. Sentence now reads "The Fire Chief also stated that he would not allow any penetrations in the wall closest to the office building."

Chairman McLain asked for a motion to approve the 11/18/14 Meeting Minutes as amended.

Motion Made: S. Forster

Motion Seconded: A. Elwood

MOTION: Approval of the November 18, 2014 meeting minutes as corrected.

VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley
L. Miller, S. Forster

Opposed: None

Abstained: L. Cicciarelli

Motion Carried

2. Approval of 12/09/14 Meeting Minutes

- Item 2, 5th paragraph, first sentence of Page 2: Corrected the words "Clients shall be notified that they are only to use..." to "Clients shall be notified that they are to use only..."

- First sentence on Page 9: Corrected "...that the maximum number of people allowed..." to "for safety reasons, the maximum number of people allowed..."
- Item H, Page 9: Corrected the word "sight" to "site" in the 2nd sentence.

Chairman McLain asked for a motion to approve the 12/09/14 Meeting Minutes as amended.

Motion Made: A. Elwood
Motion Seconded: L. Miller
MOTION: Approval of the December 9, 2014 Meeting Minutes as amended.
VOTE: **In Favor:** A. Elwood, S. McLain, L. Miller, S. Forster
Opposed: None
Abstained: T. Crowley, L. Cicciarelli
Motion Carried

3. Approval of 12/09/14 Public Hearing Transcript

- Corrected author to Marina Lane.

Chairman McLain asked for a motion to approve the 12/09/14 Public Hearing transcript (Robert Laman) as amended.

Motion Made: S. Forster
Motion Seconded: L. Miller
MOTION: Approval of the December 9, 2014 Public Hearing transcript as amended.
VOTE: **In Favor:** A. Elwood, S. McLain, L. Miller, S. Forster
Opposed: None
Abstained: T. Crowley, L. Cicciarelli
Motion Carried

C. ROBERT LAMAN FLOODPLAIN DEVELOPMENT: 3622 E. Main Street; R. Laman

1. Special Permit to Develop in the 100-year Floodplain; Decision at the Planning Board's Discretion

Although Mr. Laman was not in attendance again this month, the Planning Board decided to proceed with reviewing the information as presented and vote on both the Special Permit and Site Plan Review.

As outlined in the memorandum presented by Ms. Lane, Mr. Robert Laman constructed a 10' x 16' storage shed at the rear of the existing contractors

office located at 3622 George F. Highway prior to applying for a building permit. The property lies within the 100-year floodplain which requires submission of an application for a Special Permit for development along with the application for site plan review. Setback variances were granted by the ZBA for the distance between the principal building and the accessory shed.

The site was excavated and the concrete slab was poured for placement of the shed. The top of the slab sits at 829.4 feet above sea level and the surrounding earth ranges from 828.6 to 829.1 feet. Base flood elevation is 835 feet above sea level. The shed is moveable, and will be used for the storage of general maintenance equipment.

The Planning Board recommended a Negative Declaration under SEQRA on 11/18/14. Town Engineering and NYS DOT had no concerns. Due to state work on the reconstruction of the bridge over Patterson Creek, approximately 6 inches of gravel will be poured at the southern end of the property to stabilize an entrance for Mr. Laman while the George F. Highway is partially closed during reconstruction. Broome County had no concerns other than a suggestion for additional landscaping. The County also noted that the applicant should be made aware of potential issues being located in the floodplain. Due to the planned construction and cutting and curbing of the area, additional landscaping is not deemed practical at this time.

The Planning Department recommends approval of the Special Permit based on the following conditions:

The shed shall be constructed based on the requirements listed in Section 121 of the Town Code, Flood Damage Protection which includes anchoring to prevent flotation, use of flood resistant materials, and use of construction methods and practices to minimize flood damage. Any associated utilities will be located so as to prevent water from entering the components.

Designs for structures located below base flood elevation require certification by an architect or professional engineer. Ms. Lane confirmed that the surveyor did confirm the elevation of Mr. Laman's property.

The Certificate of Occupancy shall not be issued until a certificate of flood-proofing has been received by the Building Official, and no toxic or flammable fluids shall be stored in the shed due to the base flood elevation height.

It should be noted that due to Mr. Laman's absence at the last two meetings, members of the Planning Board strongly considered denying both the Special Permit request and site plan.

Chairman McLain asked for a motion to approve the Special Permit to Develop in the 100-year Floodplain based on the stipulations noted.

Motion Made: S. Forster
Motion Seconded: A. Elwood
MOTION: Motion to approve the Special Permit with the stipulations as outlined.
VOTE: **In Favor:** A. Elwood, S. McLain, L. Cicciarelli, L. Miller. S. Forster
Opposed: T. Crowley
Abstained: None
Motion Carried

2. Site Plan Review, Contingent on Approval of Special Permit

As noted in the memorandum presented by Ms. Lane and outlined previously, Mr. Laman has constructed a 10' x 16' shed on his existing property located at 3622 George F. Highway. Located in the 100-year floodplain, the project requires a Special Permit for Development in the Floodplain as well as Site Plan Review. Variances were granted by the ZBA on 11/18/14, and both Town Engineering and NYS DOT had no concerns related to the pad or the shed structure. A stormwater pollution prevention plan was not required for the project.

Following 239-Review, Broome County Planning had no concerns other than recommending future additional landscaping along the George F. Highway. The County also wanted the applicant to be made aware of the potential impacts related to being in a floodplain.

The Planning Department recommended approval of the site plan based on the stipulations that the applicant apply for a building permit with building plans no later than January 23, 2015, and that he apply for a building permit prior to construction for any future projects located within the Town of Union.

Should any lighting be proposed in the future, a lighting plan shall be submitted and first reviewed by the Planning Department's internal review team. Lighting shall be placed so as to reflect light away from adjacent properties.

The site plan shall be considered officially approved once stamped and signed by the Planning Board Chair, and all conditions shall be acknowledged, in writing, prior to issuance of a building permit. Should the applicant make any changes to the site plan once approved, even if by

petition to the Town Zoning Board of Appeals, site plan approval will become null and void thus requiring submission of a new site plan to the Town of Union Planning Board.

Chairman McLain asked for a motion to approve the proposed site plan with the conditions as noted.

Motion Made: S. Forster
Motion Seconded: L. Cicciarelli
MOTION: Approval of the proposed site plan with conditions.
VOTE: **In Favor:** A. Elwood, S. McLain, L. Cicciarelli, L. Miller. S. Forster
Opposed: T. Crowley
Abstained: None
Motion Carried

D. GRANT'S AUTOHOUSE (AUTO SALES): 1660 Union Center-Maine Hwy.;
S. Grant
Special Permits for Floodplain Development and Auto Sales

1. Presentation

Mr. Grant presented his proposed project to the members of the Planning Board. Mr. Grant is looking to open a small used car lot where he would sell approximately 12 cars in the \$4,000 to \$8,000 price range. Mr. Grant advised that no automotive maintenance would be done on the lot other than washing and waxing of the cars. No repair service, inspections, or oil changes would be done due to site restrictions. Because there is a restroom at the nearby restaurant, no restroom is required at the auto sales building. Two parking spaces are required (two per sales employee), including one handicapped-accessible customer space. Due to the positioning of the existing garage and lot layout, there is ample parking for both sales vehicles and potential customers.

Ms. Lane confirmed that the lot lies in the General Commercial zone and that auto sales is allowed only by Special Permit. A Special Permit is also required for development as the site lies within the 100-year floodplain. Mr. Grant confirmed that he will obtain the required dealers license before proceeding with opening the business.

Mr. Crowley advised Mr. Grant that any type of automotive or cleaning fluids kept on site will need to be stored a minimum of 2-feet above base flood elevation. Mr. Crowley also inquired as to how the vehicles will be washed as there is currently no running water on the lot. Mr. Grant advised that he will most likely use a nearby car wash facility.

2. Declare Lead Agency; Determine Action as Unlisted Action

a. Declare Lead Agency

Chairman McLain asked for a motion to declare the Planning Board Lead Agency for Grant's Autohouse.

Motion Made: S. Forster
Motion Seconded: L. Miller
MOTION: Declaring the Planning Board Lead Agency.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley,
L. Miller, S. Forster, L. Cicciarelli
Opposed: None
Abstained: None
Motion Carried

b. Determine Action as Unlisted Action under SEQRA

Chairman McLain asked for a motion to declare the project an Unlisted Action under SEQRA.

Motion Made: L. Cicciarelli
Motion Seconded: A. Elwood
MOTION: Declaring the project an Unlisted Action under SEQRA.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley,
L. Miller, S. Forster, L. Cicciarelli
Opposed: None
Abstained: None
Motion Carried

3. Call for a Public Hearing

a. Public Hearing for Floodplain Development

Chairman McLain asked for a motion to call for a Public Hearing for Grant's Autohouse regarding the Special Permit for Floodplain Development to be held Tuesday February 10, 2015 at 7:00 PM.

Motion Made: L. Miller
Motion Seconded: L. Cicciarelli
MOTION: Call for a Public Hearing to be held February 10, 2015 at 7:0 PM.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley,
L. Miller, S. Forster, L. Cicciarelli
Opposed: None
Abstained: None
Motion Carried

b. Public Hearing for Auto Sales

Chairman McLain asked for a motion to call for a Public Hearing for Grant's Autohouse Special Permit for Auto Sales to be held Tuesday February 10, 2015 at 7:05 PM.

Motion Made: S. Forster
Motion Seconded: L. Cicciarelli
MOTION: Call for a Public Hearing to be held February 10, 2015 at 7:05 PM.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Forster, L. Cicciarelli
Opposed: None
Abstained: None
Motion Carried

E. OTHER SUCH MATTERS AS MAY PROPERLY COME BEFORE THE BOARD

Ms. Lane advised the Board that a minor site plan has been submitted for review by Mr. Kashou. He is looking to enclose the existing walkway between the restroom/locker facilities and the dome entrance.

F. ADJOURNMENT

Chairman McLain asked for a motion to adjourn the meeting at 8:43 PM.

Motion Made: L. Cicciarelli
Motion Seconded: S. Forster
MOTION: Adjourning the meeting.
VOTE: **In Favor:** S. McLain, A. Elwood, T. Crowley, L. Miller, L. Cicciarelli, S. Forster
Opposed: None
Abstained: None
Motion Carried

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, February 10, 2015 at 7:00 PM.

Respectfully Submitted,
Sandra Cragle