

Town of Union Planning Board Minutes

Tuesday, February 10, 2015

A regular meeting of the Town of Union Planning Board was held Tuesday, February 10, 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, L. Cicciarelli
Members absent: T. Crowley
Others present: Marina Lane, Stephen Grant, Domenic Emilio,
Rick Sanguiman, John Sokol, Rob Gault, Robert Gault

A. CALL TO ORDER

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

B. MEETING MINUTES

1. Approval of 01/13/15 Meeting Minutes

Approval of the January meeting minutes was postponed until the next meeting scheduled for March 10, 2015.

C. GAULT BMW Addition and Renovation: 2311 North Street; R. Gault

1. Declare Lead Agency, Unlisted Action under SEQRA

- a. Chairman McLain asked for a motion to declare the Planning Board as Lead Agency.

Motion Made: L. Cicciarelli
Motion Seconded: L. Miller
MOTION: Declare the Planning Board Lead Agency
VOTE: **In Favor** A. Elwood, S. McLain,
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: A. Elwood
Motion Seconded: L. Cicciarelli
MOTION: Declaring the project an Unlisted Action under SEQRA.
VOTE: **In Favor:** A. Elwood, S. McLain,
L. Miller, S. Forster, L. Cicciarelli

Opposed: None
Abstained: None
Motion Carried

2. SEQRA Determination

Ms. Lane reviewed Parts 1 and 2 of the Short Environmental Assessment Form. To summarize, the project to add additional showroom space and a maintenance-receiving room to an existing automobile sales building over existing impervious pavement will not change the character of the area, which is zoned Industrial. No impacts to the existing water, or sanitary and storm sewer systems will be created. No wildlife or plants will be affected. The parking spaces meet requirements, and the landscaping, uniform along the Gault family businesses, is already in place along the front of the property. Although the site is within the buffer of an area identified as archeologically sensitive, this specific location has been a developed site for many years and the scope of the project does not trigger a need for an archeological review.

The project, upon review, will not have a significant, negative impact on the environment.

Chairman McLain then asked for a motion to approve the Negative Declaration under SEQRA.

Motion Made:	L. Cicciarelli
Motion Seconded	L. Miller
MOTION:	Approve the Negative Declaration under SEQRA
VOTE:	In Favor: A. Elwood, S. McLain, L. Miller, S. Forster, L. Cicciarelli Opposed: None Abstained: None Motion Carried

3. Site Plan Review

Mr. Robert Gault has submitted a site plan application to renovate and add 3,500 square feet of addition to the existing 4,346 square foot BMW sales and receiving facility. The building is located on 2311 North Street, and the project area also includes 10, 12 & 14 Dittrich Street. The properties are zoned Industrial (I), and the use is permitted by Special Permit, which at this time is a grandfathered, existing use.

A forty-eight foot front setback between the building and the front property line surpasses the required twenty foot setback, and at least ten feet of the setback along the front right-of-way is currently landscaped. The site is served by public water, public sanitary sewer, and public storm sewer. The number of required parking spaces is 24 (2/per employee), and the plan provides 44 spaces for customers, employees and vehicle display, including one handicapped accessible parking space and access aisle

Per Mr. Emilio, due to the size of the combined lot, no variances were required, and the vehicle sales use is permitted in the Industrial zoning district. The renovation consists of extending the existing BMW showroom to accommodate a vehicle handover, and the addition of utility spaces to prep new vehicles. Landscaping has been upgraded to match the Toyota lot and the lighting has already been upgraded to LED fixtures. The pylon sign will be moved to accommodate the accessible handicapped parking space on site. The site plan shows customer parking as empty spaces and the display spaces are shown with vehicles. The handicapped-parking space requirement of one is based on the total required number of parking spaces for the building. There are additional parking spaces shown on the site plan because it is a facility for vehicle sales. All traffic enters on Harding and exits on North Street, and the driveway is signed and striped as such. Mr. Cicciarelli asked if there is a way to keep vehicles from parking in the front setback area. Mr. Emilio responded that stone area is raised high enough in that area to prevent vehicles from driving into the front setback area.

The sanitary sewer and electric will be relocated to accommodate the new oil and water separator for the new garage bays. The dry well will be relocated so stormwater ultimately drains to the storm sewer system, following the contours, towards the railroad tracks.

The staff recommendation was to approve the site plan with the following stipulations: the parking lot shall be striped in accordance with the plan prior to the issuance of the Certificate of Occupancy for the additions; internal plumbing plans and the backflow preventer design will be submitted to the Endicott Water Department; any change to signs (permanent or temporary) will be approved by the Code Enforcement Officer before being placed on the property, and signs that blink, rotate or move are not permitted. Lighting will be shielded from residential properties; a Knox Box will be required to be on site for the Fire Department; no hazardous waste such as oils, solvents, acids, batteries, paints or tires will be stored outdoors, and a secondary containment system for all tanks and drums must be located on the property. The site plan shall be updated to include the existing landscaping prior to the issuance of a building permit and any proposed changes to the landscaping will require review and approval by the Planning Department.

The Building Official may issue a Temporary Certificate of Occupancy, and if so, the applicant shall provide a performance bond, or other form of guarantee approved by the Town Attorney for the cost of site improvements not completed. The bond shall be posted to the Town Board prior to the issuance of the temporary or permanent Certificate of Occupancy for a period of one (1) year. In addition the site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan and a valid building permit.

The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan approved by the Planning Board, even if by petition to the Town's Zoning Board of Appeals, the site plan approval will become null and void and the applicant must resubmit 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: None
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) .SEQRA Determination

Ms. Lane reviewed the Short Environmental Assessment Form (EAF).

The project for a used auto sales business was reviewed for potential negative impacts to the environment, including potential impacts to the floodplain because the project location is in the 100-year floodplain. The property is 11.5 acres, with a tavern, a single bay garage, and an outdoor entertainment venue grandstand. The applicant does not propose to do any additional construction or renovations to the buildings. The applicant

plans to use the existing garage as an office for the sale of a limited number of automobiles. Water and sanitary sewer are not available at the garage, and are accessed for personal use in the nearby tavern. No vehicular repairs are done at the property, nor are vehicles washed.

Per NYS DOT requirements, the entrance to the property must be enhanced to clearly define entrances and exits for safety, and all vehicles for sale must be maintained in the spaces noted on the site plan designated for vehicle display. Otherwise, the random display of vehicles may create a negative visual impact.

The review of the project found no significantly negative impacts to the environment.

Chairman McLain then asked for a motion to approve the Negative Declaration under SEQRA.

Motion Made:	L. Cicciarelli
Motion Seconded	L. Miller
MOTION:	Approve the Negative Declaration under SEQRA
VOTE:	In Favor: A. Elwood, S. McLain, L. Miller, S. Forster, L. Cicciarelli Opposed: None Abstained: None Motion Carried

2. Public Hearing for Floodplain Development

A) Chairman McLain opened the public hearing related to the Special Permit for development in the floodplain at 7:30 PM.

Ms. Lane presented her memorandum to the members of the Board. Steve Grant, of Grants Autohouse, LLC, has applied to sell used automobiles from an existing domestic garage at 1660 Union Center-Maine Highway. The location of the garage is within the one-hundred year floodplain, and therefore Mr. Grant is required to apply for a Special Permit from the Planning Board to develop in the floodplain, in addition to submitting an application for site plan review. Mr. Grant's plan did not call for moving or renovating the structure and he noted that the use of the existing structure would remain the same. Ms. Lane stated that the base flood elevation is one foot higher than ground elevation, so there is the potential for flooding. Ms. McLain also noted that the Planning Board would have to make sure that there were no chemical or petroleum products that would be vulnerable if the area flooded.

Chairman McLain closed the Public Hearing at 7:37 PM.

B. Decision at the Planning Board's Discretion

The Planning Board discussed Mr. Grant's application for the development of a used vehicle sales business in the 100-year floodplain. The property is located in a General Commercial Zoning District and selling vehicles is a permitted use only by Special Permit from the Planning Board.

The property has an existing tavern at the very front of the property, with parking lots on the north and south sides connected around the rear of the building. The garage sits approximately 87 feet from the rear of the tavern and can hold two vehicles inside. The base flood elevations at the garage are between 843 feet and 844 feet above sea level (ASL), and the surrounding ground elevation is between 842 feet and 843 feet ASL.

There is no public or private water or sewer at the garage, and restroom facilities are available at the tavern on the same property, when the tavern is open. Due to the lack of water, vehicles would be washed off-site. There would be no repairs done on site, and therefore no need to store automobile fluids or other related repair equipment. The property owner stores lawn maintenance equipment in the rear of the garage under a lean-to.

A Stormwater Pollution Prevention Plan was not required because the project area is less than an acre and there is no proposed disturbance to the site. If any green spaces are created, they will enhance stormwater drainage.

The project is subject to a 239-Review. Broome County Planning did not identify any significant county-wide impacts, but recommended a spill prevention plan. In addition, the Broome County Planning Department recommends that the applicant be made aware of the risks of having the project in the 100-year floodplain. The Broome County Health Department has no comments as no motor vehicle repairs or servicing are planned on site.

The NYSDOT requested that the entrances be brought into compliance with the "Policy and Standards for the Design of Entrances to State Highways," using one standard driveway on each side of the building. This requirement is referred to in the site plan report. In addition, all items must be outside of the right-of-way.

The Town Engineering Department has reviewed the project and has no concerns.

The Planning Department finds that the base flood elevation is about one foot higher than ground level, and research shows that the entire property did flood during the 2011 flood. The kitchen of the tavern had three inches (3") of water. The Planning Department recommends approval of the Special Permit for the development in the floodplain with the following stipulations:

- 1) Any flammable or toxic fluids shall be stored no less than three feet above ground level in the garage due to the height of the base flood elevation.
- 2) Absorbent pads shall be maintained and used on site in the event of any fluid leakage.
- 3) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Occupancy. The applicant agrees to maintain the site in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan or specially permitted use approved by the Planning Board, even if by petition to the Town's Zoning Board of Appeals, the site plan approval will become null and void and the applicant must resubmit a new application to the Town of Union Planning Board.

Chairman McLain asked for a motion to approve the Special Permit for development in the 100-year floodplain.

Motion Made: L. Miller
Motion Seconded: L. Cicciarelli
MOTION: Motion to approve the Special Permit for development in the 100-year floodplain
VOTE: **In Favor:** A. Elwood, S. McLain, L. Miller, S. Forster, L. Cicciarelli
Opposed: None
Abstained: None
Motion Carried

3. Public Hearing for Auto Sales – Special Permit

A) Chairman McLain opened the special hearing related to the Special Permit for Auto Sales at 7:37 PM.

The public hearing addressed the services that would be offered at the garage where the auto sales are to be conducted. There were concerns about the availability of bathroom facilities for customers and the employees at the auto sales site. The Dublin Double Pub is adjacent on the same site and they have given permission for Mr. Grant's customers to use their facilities. If the Dublin Double Pub does close Mr. Grant will address this issue with his landlord. Because of the lack of water at the site the cars will be washed at a separate facility off site. There will also be no repairs, oil or transmission changes (anything involving chemicals) or painting at the site. Mr. Grant plans to recondition the vehicles by vacuuming, waxing and applying "Armor All." Mr. Grant's expects the business will involve selling less than a dozen vehicles per year and there are enough parking spaces to accommodate that number of vehicles. Some concerns about signage were raised, however the applicant advised that he had received the specifications about signage and would comply with their requirements. He advised that he will be relying on other forms of advertising to promote his business.

Chairman McLain closed the Public Hearing at 7:45 PM.

B) Decision at the Planning Board's discretion

Per Ms. Lane, Steve Grant, of Grants Autohouse, LLC, has applied to sell used automobiles from an existing domestic garage at 1660 Union Center-Maine Highway. The property is located in a General Commercial Zoning District and selling vehicles is a permitted use only by Special Permit from the Planning Board.

The property has an existing tavern at the very front of the property, with parking lots on the north and south sides connected around the rear of the building. The tavern has a maximum capacity of 99 clients. The parking lot is paved but not striped.

The domestic garage, which has space for two vehicles inside, is approximately 87 feet from the rear of the tavern. It has one bay garage door and one standard entrance door. The parking requirement for the proposed used automobile sales business is two for every employee, and Mr. Grant is the only employee. The site plan shows thirteen parking spaces for display vehicles, and has two customer parking spaces, including one required handicapped-accessible space and aisle. In addition, an outdoor concert venue at the far eastern end of the property triggers a need for additional parking.

Code Enforcement is concerned that the available parking spaces for the property do not meet Code requirements, especially due to the required parking for the tavern, and the outdoor entertainment at the rear of the

property. Code is also concerned about the lack of readily available restroom facilities. At this time, should a conflict arise between the lessees of the tavern and the applicant, no restroom facilities would be available.

The Planning staff recommendation is to approve the Special Permit, contingent on site plan approval, with the following stipulations: the sales area shall be paved, suitably graded and drained, and maintained in a neat and orderly manner. No more than twelve (12) vehicles may be displayed at one time; and no vehicles shall be displayed for sale within ten (10) feet of the property line or in the parking lots adjacent to the tavern. A spill prevention plan shall be provided to the Planning and Code Enforcement offices. No retail sale of fuel shall be permitted; and no vehicle repairs shall take place on the property. Vehicles must be washed off-site; and no motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed structure or screened area.

Planning staff also recommends that the Planning Board stipulate that the applicant shall apply for a dealer's license from the NYS Department of Motor Vehicles prior to selling any vehicles from the site. The Special Permit to sell automobiles shall be issued for one year. The applicant must submit an application to renew the Special Permit by January 1, 2016. This Special Permit is not transferable and shall expire if the special use ceases for more than three months for any reason.

The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. The applicant agrees to develop and maintain the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan or specially permitted use approved by the Planning Board, even if by petition to the Town's Zoning Board of Appeals, the site plan approval will become null and void and the applicant must resubmit a new site plan.

Chairman McLain asked for a motion to approve the Special Permit for the sale of automobiles.

Motion Made: L. Miller
Motion Seconded: L. Cicciarelli
MOTION: Motion to approve the Special Permit for the sale of automobiles.
VOTE: **In Favor:** A. Elwood, S. McLain, L. Miller, S. Forster, L. Cicciarelli
Opposed: None

Abstained: None
Motion Carried

4. Site Plan Review, Contingent on Approval of Special Permits

Steve Grant, of Grants Autohouse, LLC, has applied to sell used automobiles from an existing domestic garage at 1660 Union Center-Maine Highway. The property is located in a General Commercial Zoning District and selling vehicles is a permitted use only by Special Permit from the Planning Board. The location of the garage is within the one-hundred year floodplain, and therefore Mr. Grant has also applied for a Special Permit from the Planning Board to develop in the floodplain, in addition to site plan review. Public hearings for the Special Permits were held on this date, February 10th, 2015, prior to site plan review.

The property has an existing tavern at the very front of the property, with parking lots on the north and south sides connected around the rear of the building. The garage structure that Mr. Grant plans to use as the office for his proposed used vehicle sales business is approximately 87 feet from the rear of the tavern. The parking requirement for the proposed used automobile sales business is two for every employee, and Mr. Grant is the only employee. The site plan shows thirteen parking spaces for display vehicles, and has two customer parking spaces, including one required handicapped-accessible space and aisle. In addition, an outdoor concert venue at the far eastern end of the property triggers a need for additional parking on an intermittent basis.

There is no public or private water and sewer at the garage. Restroom facilities are available at the tavern on the same property on a limited basis. The NYSDOT requests that the entrances be brought into compliance with the "Policy and Standards for the Design of Entrances to State Highways," using one standard driveway on each side of the building. In addition, all items must be outside of the right-of-way. The Town Engineering Department has reviewed the project and has no concerns. Code Enforcement is concerned that the available parking spaces do not meet Code requirements, and about the lack of readily available restroom facilities. At this time, should a conflict arise between the lessees of the tavern and the applicant; no restroom facilities would be available.

The project meets the requirements for a Site Plan to sell and repair automobiles in a General Commercial zone. Following some discussion, the Planning Board reviewed the proposed stipulations of approval and proposed minor changes. The site plan shall be revised and approved by the Planning Department and the NYS Department of Transportation to meet the requirement for standard driveway entrances, prior to receiving a Certificate of Compliance. The Planning Board did not want to hold the project up due to this requirement. Ms. Lane suggested that Mr. Grant contact Mr. Tom Laskowski, the DOT field

representative, to come to a resolution with respect to the Department of Transportation requirements.

The automobile sales parking lot shall be striped according to the plan by June 30, 2015, and hazardous materials, such as waste oils, solvents, acids, batteries, paints or tires, shall not be stored outdoors at any time. Similarly, no display vehicles or other vehicles for sale shall be parked in the parking lot area of the adjacent tavern.

If the applicant wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation, and if a sign is desired, the applicant shall apply for a sign permit from the Building Official. All temporary signs (including price signs), portable signs, search lights, balloons, sidewalk and curb 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.

If landscaped islands are incorporated into the site plan to delineate the driveway entrances and exits, the required landscaping shall be maintained as approved, and in healthy condition by the property owner. Failure to maintain such landscaping or to replace dead or diseased landscaping shall constitute a violation of landscaping plan approval. Any proposed changes to the landscape plan shall require review and approval by the Planning Department.

If any approved site improvements are not complete prior to the request for a Certificate of Compliance, the Building Official may issue a Temporary Certificate of Compliance, and the applicant shall provide a performance bond, or other form of guarantee approved by the Town Attorney for the cost of site improvements not completed. The bond shall be posted to the Town Board prior to the issuance of the temporary or permanent Certificate of Compliance. The bond shall cover a period of one (1) year.

Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan, and the applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan approved by the Planning Board, even if by petition to the Town's Zoning Board of Appeals, the site plan approval will become null and void and the applicant must resubmit a new site plan to the Town of Union Planning Board.

Chairman McLain asked if there were any discussion from the Planning Board members. Mr. Grant agreed to contact the DOT as Ms. Lane had requested. Then Chairman McLain suggested that even signs that said "enter here, exit there" would give some order to the parking. Ms. Lane suggested a sandwich

board sign to delineate an entrance; it wouldn't be there at night for the bar but it would be there during the day. Ms. Lane concluded that the DOT would consider creative ideas on a case by case basis. Ms. Miller noted that the Planning Board had to respect the DOT's wishes since they control the highway. Ms. Lane noted that if Mr. Grant worked with herself and the DOT representative that all three of them could come up with a good resolution. However, since the property also includes the Dublin Double Pub and is not owned by Mr. Grant, Mr. Forster stated that we could not make any promises about the outcome with DOT.

Chairman McLain then called for a motion to Approve the Site Plan Review with Changes.

Motion Made: L. Ciccarelli
Motion Seconded: A. Elwood
MOTION: Approval of the Site Plan Review with Changes
VOTE: **In Favor:** A. Elwood, S. McLain, L. Miller, S. Forster, L. Ciccarelli
Opposed: None
Abstained: None
Motion Carried

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

Ms. Lane noted that the Planning Board Department may be hiring a part-time clerk who would be willing to do the minutes.

F. Chairman McLain asked for a motion to adjourn the meeting at 8:55 PM.

Motion Made: L. Ciccarelli
Motion Seconded: S. Forster
MOTION: Approval of the Site Plan Review with Changes
VOTE: **In Favor:** A. Elwood, S. McLain, L. Miller, S. Forster, L. Ciccarelli
Opposed: None
Abstained: None
Motion Carried

Next Meeting Date

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

Respectfully Submitted,
Carol Krawczyk