

Town of Union Planning Board Minutes

Tuesday, April 14, 2015

A regular meeting of the Town of Union Planning Board was held Tuesday, April 14, 2015, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: S. McLain, L. Miller, A. Elwood, S. Daglio, L. Cicciarelli

Members absent S. Forster, T. Crowley

Others present: Marina Lane, Paul Nelson, Frank Tolbert, Sheleasa Ward, Li Xi, Melanie Pylarinos, Min Soo Shin, Hailley Delisle, Kim Albrecht, Iliya Honovich, David Rosado, Marie Meyer, Rick Holden, Dan Dervay, Erik Olsson, Ayla Alvarez, John Zanacle, Alex Urda, Mike Boland, Jamin Boland, Bill Walsh, Nathaniel Schwartz, Khadija Sijulla, Zachory Pehel, Maria Mercedes, Holban Velasquez, Mark Jaros, Dennis Ede, Denise Sherman, Brian Dean, Henry Lucero, Jonathan Garcia, Rayan Reid, Shalene Lugta, Jon Harapy, Kurt Schrader

A. CALL TO ORDER

Chairman McLain opened the meeting of the Planning Board at 7:05 PM.

B. MEETING MINUTES AND PUBLIC HEARING TRANSCRIPT:

1. Approval of 01/13/15 Meeting Minutes

- Page 4, Item 2: Changed wording at the beginning of the 1st sentence to read "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."
- Page 4, Item 2: Changed the word "her" to "he" in the third paragraph.

Chairman McLain asked for a motion to approve the 01/13/15 Meeting Minutes as amended.

Motion Made: L. Cicciarelli

Motion Seconded: L. Miller

MOTION: Approval of the January 13, 2015 meeting minutes as corrected.

VOTE: **In Favor:** A. Elwood, S. McLain, L. Miller
L. Cicciarelli, S. Daglio
Opposed: None
Abstained: None
Motion Carried

**C. STEAKHOUSE (Restaurant), 737 West Main Street;
I. Honovich, D.Rosado
Special Permit for Restaurant Use and Site Plan Review**

1. SEQRA Determination

Ms. Lane reviewed the Short Environmental Assessment Form with members of the Planning Board. As noted in the "Brief Description of Proposed Action," the project to re-open a former restaurant in an existing commercial building with existing parking will not change the character of the area, which is zoned Neighborhood Commercial. No impacts to the existing water, sanitary and storm sewer systems will be created. No wildlife or plants will be affected, nor will the air quality or level of noise be negatively impacted. The parking spaces meet requirements based upon the number of seats available. 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 asked for a motion to approve the Negative Declaration under SEQRA:

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

2. Public Hearing: Special Permit for Restaurant Use; Decision at the Planning Board's Discretion

Chairman McLain opened the Public Hearing related to the Restaurant Use Special Permit at 7:17 PM. Dennis Ede, a resident, was concerned about the parking for the restaurant, and the type of entertainment that would be offered at the restaurant. He also asked about the kind of support that the town offered new businesses seeking to operate in the town. Ms. Lane noted that the parking issue had been addressed since there was already a parking easement in place. She also noted that the entertainment would consist of a single singer or small groups. Paul Nelson, the Planning Director, noted that the Community Development department offered support with employment requirements to new businesses that plan to open in the Town of Union.

Chairman McLain closed the Public Hearing at 7:19 PM.

The Planning Department recommended approval of the Special Permit with the condition that any entertainers performing shall be counted towards the maximum capacity of 99 persons. Additionally, the Special Permit shall expire should the property or business be sold to another entity, as per § 300-66.11. Transferability: A special permit is not transferable except upon approval by resolution of the issuing board, and 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.

Chairman McLain asked for a motion to approve the Special Permit for the Restaurant Use with the conditions as outlined.

Motion Made:	S. Daglio
Motion Seconded:	L. Miller
MOTION:	Motion to approve the Special Permit for Restaurant Use with conditions as outlined.
VOTE:	In Favor: A. Elwood, S. McLain, L. Cicciarelli, L. Miller. S. Daglio Opposed: None Abstained: None Motion Carried

3. Site Plan Review, contingent on Approval of Special Permit

Ms. Lane reviewed her memorandum on the site application for members of the Board. Iliya Honovich and David Rosado submitted an application to reopen a former restaurant in an existing commercial building located at 737 West Main Street, Endicott. The parcel is zoned Neighborhood Commercial (NC) and the restaurant use is permitted by Special Permit.

The site has access to public water, sanitary sewer and storm sewer. The restaurant building and parking lot are existing, so there is no need for construction or increase in impervious area. Therefore, a stormwater pollution prevention plan (SWPPP) is not required. The number of required parking spaces is 47, and the plan provides 50 spaces, including two handicapped accessible spaces with the associated access aisle. The revised site plan shows some landscaping.

Broome County Planning, BMTS and the NYS Department of Transportation (DOT) had no concerns for impacts to the state road or surrounding area. The Broome County Health Department reminds all new applicants to contact Mark Mancini, the Senior Sanitarian, concerning permitting, food safety training, kitchen layout and any other such issues. The site plan has been reviewed by the Town of Union Code Enforcement and Engineering Departments.

The Planning Department recommends approval of the site plan with the stipulations that the maximum occupancy for the restaurant shall not exceed 99 people, including all staff and entertainment, due to fire code restrictions. The restaurant shall be required to use a private trash service for minimum of weekly trash removal. The dumpster location and dumpster enclosure shall be added to the site plan prior to the stamp and approval of the site plan by the Planning Board chairman. The dumpster shall be screened from view and must be maintained per Code requirements.

If any additional exterior lighting or new signage is added to the property the location and details shall be submitted to the Code Enforcement Office for review and approval.

A revised landscaping plan shall clearly outline which plants are existing and which shall be planted, with general types of plants noted on the site plan. The required landscaping shall be maintained as approved; failure to remove diseased landscaping shall constitute a violation of the landscaping plan approval. Submittal of the landscaping details shall be completed and approved prior to the issuance of the Certificate of Occupancy.

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.

Mr. Nelson asked for clarification about the additional seating noted in the office space on the site plan. There was a concern that additional seating would increase the number of the parking spaces required for the restaurant. The additional stipulation that the office space was not to be used for patron seating was added to the site plan stipulations.

Mr. Daglio also wanted clarification whether the parking requirements could be changed for a private party on a one time basis. Ms. Lane noted that the parking requirements might be temporarily altered if the applicants come before the Planning Board and submit a request for a Special Event Permit.

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

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

**D. LANDSCAPE DEPOT: 1000 West Main Street; M. Boland
Special Permit for Outdoor Sales, Display or Storage, and Site Plan
Review**

1. SEQRA Determination

Ms. Lane reviewed the Short Environmental Assessment Form with members of the Planning Board. As noted in the "Brief Description of Proposed Action," the project to open a seasonal outdoor sales business of landscaping materials at 1000 West Main Street will not significantly change the character of the area, zoned Industrial. The project covers 1.5 acres out of 6 acres, and avoids the existing sanitary sewer main and gas line on the property. No utilities are provided. There is a potential for impacts to the existing wetland, mitigated with the continued use of silt fencing. No wildlife or plants will be affected, nor will the air quality or level of noise be negatively impacted. Although the site is within the buffer of an area identified as archeologically sensitive, no soil is being excavated, and so the project does not trigger a need for an archeological review. Traffic is estimated at 15 patrons per hour.

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

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

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

2. Public Hearing: Special Permit for Outdoor Sales; Decision at the Planning Board's Discretion

Chairman McLain opened the Public Hearing related to the Special Permit for Outdoor Sales Use Special Permit at 7:42 PM. Mr. Alex Urda, Senior Engineer, gave a presentation outlining the site plan for the Planning Board members. He noted the locations of the eight cribs for different landscaping products, the area designated for the sale of landscape plants, the location of the portable bathroom for staff, the location of the dumpster and landscape screening for the dumpster, and the location of a secure trailer for storage of equipment on the site. Mr. Urda also addressed the fact that the site was still not at the final elevation and was continuing to be filled. He addressed the DOT concern about adding a turning lane due to limited sight distance, but he felt it was not necessary because the sight distance requirements had already been met.

Ms. Lane also expressed concern about the wetland area beyond the silt fencing and the DOT right-of-way being encroached upon. Mr. Urda noted that the project would not encroach on any wetlands or in the DOT right-of-way. He addressed the fill requirements and stated that the fill over the sanitary sewer easement would not be more than a foot deep.

Ms. Lane then commented that the Planning Department and Code Enforcement had some concerns about the project which need to be addressed, such as an estimate of the area of the landscape plants and bins (over 2 acres) in order to calculate the required number of parking spaces,

the lack of handicapped-accessible parking, handicapped-accessible restroom facilities, and questions about how the purchase of mulch would be conducted.

The Board members discussed concerns related to monitoring the fill that was being added, and to make sure that no environmentally sensitive areas would be compromised. There were also concerns about the handicapped accessible parking spaces since there was no paving noted on the site plan. Mr. Boland stated that he could use compressed millings over the entire project area that could be striped, and members of the Planning Board agreed that this solution would be workable. Lastly, the DOT concern about adding a turning lane to the site was also discussed because the sight distance for patrons turning out of the site could still be obscured. Mr. Boland noted that he could extend the paving out of the site to take care of this issue.

Chairman McLain closed the Public Hearing at 8:10 PM

The Planning Department recommended approval of the Special Permit with the following conditions, in addition to the one year expiration timeline. The developer shall notify the Planning Department of opening and closing dates for the business, and the business shall be maintained in a neat and orderly fashion. Finally, per § 300-66.11. Transferability, the Special Permit shall expire should the property or business be sold to another entity, as a special permit is not transferable except upon approval by resolution of the issuing board, and 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.

Chairman McLain asked for a motion to approve the Special Permit for Outdoor Sales for one year with the conditions of approval.

Motion Made: L. Cicciarelli
Motion Seconded: A. Elwood
MOTION: Approval of the Special Permit for Outdoor Sales for one year.
VOTE: **In Favor:** A. Elwood, S. McLain, L. Miller, S. Daglio, L. Cicciarelli
Opposed: None
Abstained: None
Motion Carried

3. Site Plan Review , contingent on Approval of Special Permit

Ms. Lane reviewed her memorandum on the site application for members of the Board.

Mike Boland submitted an application for the outdoor sales of landscaping supplies, such as mulch and plants, on an undeveloped lot located at 1000 West Main Street, Endicott. The parcel is zoned Industrial (I) and outdoor sales are permitted by Special Permit with conditions of approval by the Planning Board.

No building construction is proposed at this time, other than the construction of moveable bins for mulch. The site is covered under a SPDES permit for placing fill and grading in the same area as the project is proposed. To make a determination for parking requirements, this project is considered a general retail use which requires four parking spaces per 1,000 square feet of retail area. As such, the number of required parking spaces is pending a submittal of square footage of retail area, and the plan shall be revised to provide the determined number of spaces, including the appropriate number of handicapped accessible spaces with associated access aisles, based on one space for every twenty-five parking spaces.

The applicant proposes temporarily using a sandwich board sign, and the hours of operation are listed as 7 AM to 6 PM, seven days a week. The application notes that only one employee shall be on site. There are no indications for how payment will be handled, nor security after hours of operation.

This location was subject to a 239-Review, as it lies within 500 feet of the Village of Endicott and along State Route 17C. Broome County Planning recommended that the applicant be made aware of being partially located in both the existing and the preliminary floodplain. In addition, they recommended that a dumpster location be added to the site plan. The County Health Department and the Village of Endicott had no concerns.

BMTS and the NYS DOT had concerns for potential impacts to the traffic on State Route 17C, due to the limited site distance. DOT is requesting that the west-bound center lane be changed from a hatched-out lane to a dedicated left-turning lane for safety purposes. The applicant's engineer, Mr. Alex Urda, has submitted an estimate of 30 in-and-out vehicular trips per hour, based on his interpretation of the ITE Trip Generation 9th edition information on nurseries (garden centers).

The site plan has been reviewed by the Town of Union Code Enforcement and Engineering Departments. At this time, the Code Enforcement office has recommended denial of the site plan due to insufficient information and details on the site plan.

The Planning Department recommended the following stipulations before the site plan could be approved: the clear delineation of regular and handicapped parking areas after Code Enforcement has made the determination for the number of required parking spaces; submission of a new site plan if new fill projects are started on the site; conformance to the Code Enforcement Department's requirements for fill over the sanitary sewer easement and right-of-way requirements by the DOT; the submission of exterior lighting and signage plans to the Code Enforcement Officer prior to installation; the addition of a dumpster and the trailer for equipment storage to the site plan; and the addition of a dedicated left turning lane per DOT to the site plan.

The applicant shall be required to acknowledge all of the above conditions, in writing, prior to commencement of the project. 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, the applicant must resubmit a new site plan to the Town of Union Planning Department and Code Enforcement Office.

Chairman McLain asked for a motion to approve the site plan for a seasonal outdoor sales business for landscaping materials with changes.

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

E. TRADITIONS AT THE GLEN FOOTGOLF COURSE; 4101 Watson Boulevard; B. Walsh

1 Declare Lead Agency, Unlisted Action under SEQRA

a. Chairman McLain asked for a motion to declare the Planning Board as Lead Agency for the Traditions at the Glen Footgolf Course.

Motion Made: L. Miller
Motion Seconded: A. Elwood
MOTION: Declaring the Planning Board Lead Agency.
VOTE: **In Favor:** A. Elwood, S. McLain, L. Miller, S. Daglio, L. Cicciarelli

Opposed: None
Abstained: None
Motion Carried

b. Chairman McLain asked for a motion to declare the Traditions at the Glen Footgolf Course as an Unlisted Action under SEQRA.

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

2. SEQRA Determination

Ms. Lane reviewed the Short Environmental Assessment Form with members of the Planning Board. As noted in the "Brief Description of Proposed Action", the project to convert a former 9-hole golf course into an 18-hole footgolf course at an existing resort & conference center with existing parking will not change the character of the area, zoned PUD. No impacts to the existing water, sanitary and storm sewer systems will be created. Wildlife will be protected from accidents by covering the holes at night. Few plants will be affected, and the air quality and level of noise be not be negatively impacted. The parking spaces meet requirements based upon the summary of different uses.

Although the site is within the buffer of an area identified as archeologically sensitive, the developer will work with an archeologist to avoid the artifact sites and therefore the need for an archeological review. A wetland within the course will not require remediation as long as there is no grading or filling in the wetland

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

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

Motion Made: L. Cicciarelli
Motion Seconded: S. Daglio
MOTION: Approval of 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

Ms. Lane reviewed her memorandum on the site application for an amended PUD Plan for the members of the Board.

Homestead Village Development Group, LLC, last received Planning Board approval of the Planned Unit Development (PUD) final site plan on February 8, 2011. They have submitted a site plan application for revamping the former nine-hole golf course at the base of the Traditions Conference facility into a new footgolf course. The actual parcel within the PUD on which the course is proposed is 4101 Watson Boulevard (Tax Map # 142.07-1-9.1), but anytime a minor change in use or structure is proposed within an approved PUD, Code requires the review of a revised PUD plan. The PUD is already covered by an approved SWPPP amendment, although there is no increase in impervious surface so there is no need for a SWPPP update.

The proposed footgolf course, which is played similarly to golf but with a soccer ball, would be regulated by the US Footgolf Association (USFGA). The association requires that holes for the soccer balls be 12-inches deep by 21-inches wide. Mr. Bill Walsh is required to avoid previously investigated areas that may be archeologically sensitive, and no grading or filling is permitted in the identified wetland area during the design the course.

The Planning Department recommends approval of the site plan and the amended Homestead Village Planned Unit Development Plan with the following conditions: the final PUD site plan shall be revised to correct the omission of 13 Beech Street (the American Cancer Society) and filed in the Town of Union Clerk's Office prior to the construction of the course holes; the layout of the course shall be submitted to the Planning and Code Enforcement offices and there shall be no digging in archeologically sensitive areas or filling in identified wetlands; the review is specifically for the Footgolf Course and does not imply approval of any other activity; and the developer shall be required to cover the holes in the ground each evening to prevent animal injuries.

In addition, any future amendments to the final development plan approval shall be followed for all minor amendments as outlined in Section § 300-65.8. PUD District process, D(3), and all adjustments that exceed the thresholds

established by the Planning Board shall be subject to Section § 300-65.9.
Revision to PUD Districts.

The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the signature of the Planning Board Chairperson on the site plan and the amended Planned Unit Development Plan.

Mr. Bill Walsh, the applicant for the new footgolf course, explained that he had introduced footgolf to attract younger people to play golf. Right now there are 600 courses in the United States, and the rules for footgolf are the same as regular golf, however a soccer ball is used and participants kick the ball with their feet rather than a golf club. Carts will be available for the public, but the sport is geared to be a more active sport. Mr. Walsh's marketing efforts will be directed toward colleges, and travel clubs with players between the ages of 18 and 40. He hopes to attract new players to this type of golf because it is a faster game and is much less expensive.

There is no lighting required for the course since they plan on operating the course between 8 AM and 7 PM. All of the tees will be marked by flags and there are covers that will be used every night to cover the holes to prevent accidents on the course. The game will be run from the Pro Shop and Mr. Walsh is waiting for the architect to come back with the final approval of the course layout. He plans to have the course operating by late May.

Chairman McLain asked for a motion to approve the proposed site plan for the Traditions at the Glen Footgolf Course with conditions

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. Daglio
Opposed: None
Abstained: None
Motion Carried

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

Mr. Walsh reviewed the plans for his new entertainment venue that will be held on the stone patio by the outdoor tent area at Traditions at the Glen. He is working with a promoter from Pittsburgh to bring bigger entertainment venues to Traditions at the Glen. There will be a cover charge for the

entertainment and there will be a fenced-in area to control people coming and going from the site. The plan shows seating in the tent area for potentially up to 360 people, and the stage area has not yet been determined. There is also a lawn area that rises behind the tent that can accommodate additional attendees, and people will be allowed to bring their own chairs. The first concert is planned for May 12, 2015, and there are three other concerts planned for the 2015 season. Finally, Mr. Walsh has hired security to deal with crowd control and traffic issues that will result from having a larger than usual number of people at the site. He also mentioned that there is also a remote lot across the street from the Blind Tiger Pub if additional parking is needed for the concerts.

Ms. Lane mentioned that the Code Enforcement Officer will determine the number of parking spaces that would be needed to accommodate a large number of people. There is a fire code requirement for the presence of emergency vehicles when a venue reaches 5,000 people in attendance.

G. ADJOURNMENT

Chairman McLain asked for a motion to adjourn the meeting at 9:39 PM.

Motion Made:	S. Daglio
Motion Seconded:	L. Cicciarelli
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, May 12, 2015 at 7:00 PM.

Respectfully submitted,
Carol Krawczyk