

## Town of Union Planning Board Minutes

Tuesday, May 12, 2015

A regular meeting of the Town of Union Planning Board was held Tuesday, May 12, 2015, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: S. McLain, L. Miller, S. Forster, S. Daglio, T. Crowley

Members absent: L. Ciccirelli, A. Elwood

Others present: Marina Lane, Paul Nelson, Kurt Schrader, Dan Whelan, Ronald Smith, David McDonough, Bill Walsh, Peter Walsh, Matt Walsh,

### A. CALL TO ORDER

Chairman McLain opened the meeting of the Planning Board at 7:03 PM.

### B. MEETING MINUTES AND PUBLIC MEETING TRANSCRIPTS

#### 1. Approval of 02/10/15 Meeting Minutes

Approval of the February 10, 2015, meeting minutes was postponed until the next meeting scheduled for June 9, 2015.

#### 2. Approval of 02/10/15 Public Transcript – Floodplain Development

Chairman McLain asked for a motion to approve the February 10, 2015, Public Hearing Transcript for Floodplain Development

Motion Made: L. Miller

Motion Seconded: S. Forster

MOTION: Approval of the February 10, 2015, Public Transcript for Floodplain Development.

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

**Opposed:** None

**Abstained:** S. Daglio

Motion Carried

#### 3. Approval of 02/10/15 Public Hearing Transcript – Auto Sales

Chairman McLain asked for a motion to approve the February 10, 2015, Public Hearing Transcript for Auto Sales

Motion Made: S. Forster

Motion Seconded: L. Miller

MOTION: Approval of the February 10, 2015, Public Transcript for Auto Sales.

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

**Opposed:** None

**Abstained:** S. Daglio  
Motion Carried

**C. YMCA of Western Broome County, 740 Main Street; D. Whelan  
Advisory Opinion to the Zoning Board of Appeals for Area Variance**

**1. Declare Lead Agency and an Unlisted Action under SEQRA**

**a.** Chairman McLain asked for a motion to declare the Planning Board Lead Agency for the YMCA of Western Broome County.

Motion Made: L. Miller  
Motion Seconded: S. Daglio  
MOTION: Declaring the Planning Board as Lead Agency for the YMCA of Western Broome County.  
VOTE: **In Favor:** L. Miller, S. Daglio, S. McLain, T. Crowley, S. Forster  
**Opposed:** None  
**Abstained:** None  
Motion Carried

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

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

**2. SEQRA Determination**

Ms. Lane reviewed the Short Environmental Assessment form for the members of the Planning Board. This project to place a 600 square foot storage structure on the YMCA's 2.2-acre property was reviewed for potential negative impacts to the environment. The proposed building is for the storage of flood prevention devices. Although the property was flooded in the recent major storm events, the property is not in the 100-year floodplain, and therefore a special permit for floodplain development is not required.

The proposed location of the storage building is on the south side of the building facing Dayton Street, and requires a variance to be located in a front yard, although the front of the primary building is on Main Street. The

building's exterior will resemble the brick of the primary building, and will not cause a significant change in the visible structures on the property or with the structures on adjacent or nearby buildings.

The increased stormwater flow is relatively minor and will be absorbed on the same property; therefore no stormwater control plan was required.

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

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

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

### **3. Advisory Opinion to the Zoning Board of Appeals for Area Variance**

Ms. Lane presented her memorandum to members of the Planning Board. In summary, Mr. Dan Whelan has applied on behalf of the Western Broome County YMCA for the construction of a single-story, concrete masonry storage building to be located at the south wall of the existing YMCA building. The proposed structure is approximately 600 square feet. The ZBA granted area setback variances for the original proposal in 2014, but due to unforeseen issues, the YMCA proposes relocating the shed. As the YMCA building is bound by both Main Street to the north and Dayton Street to the south, there are two front yards, and therefore the shed would be located in a front yard. The YMCA is requesting an area variance from the Zoning Board of Appeals to place the shed in a front yard. Per Section 300-53.10 B: Accessory buildings, other than detached accessory garages, shall be located to the rear of the principal building.

The shed is proposed for the storage of flood protection devices, and the variance being sought is due to space limitations. The proposed accessory building is between a large commercial lot and the screened YMCA parking lot. Residential properties on Dayton Street would face the new shed, but the proposed material is split face concrete block in a coordinating color to the existing structure, which will blend with the existing YMCA building, and therefore should not visually impact the residential properties.

The Planning Department recommends the Planning Board recommend to the ZBA approval of the variance to place an accessory structure in the front yard; and the Planning Department recommends further that the variance be limited to the proposed shed. If the variances are granted, the Planning Department will conduct a minor site plan review for the project.

Mr. Whelan, an engineer for the BCK-IBI Group, gave a short presentation to the Planning Board. The YMCA plans to build the three-sided storage shed attached to the existing building on the south side of the building in the playground area facing Dayton Street. The addition will be built with split face concrete block and extend twelve feet out from the building; it is approximately fifty feet wide and there is a setback off the west property of twenty seven feet and one inch, and about sixty-one feet six inches off the south property line. The building height is eleven feet four inches tall and has a flat roof. The entrance of the shed would face the south side of the building and has a set of four-foot louvered doors which will equalize the pressure in the event of flooding. In addition, a water repellent sealant was applied to the existing building where the shed will be attached. The storage shed has been designed to blend with the primary building with a coordinating tan-colored brick so that the visual impact will be minimal.

Chairman McLain then asked for comments about the project from the Planning Board members. Mr. Forster asked if any opinions from neighbors on Dayton Street had been solicited concerning the addition. Mr. Whelan responded that this had not been done. Other Planning Board members felt that since the building is next to a playground area and since there are also trees that screen the area that this would not be an issue.

Chairman McLain asked for a motion to recommend approval of the area variance to place an accessory structure in a front yard of the YMCA.

Motion Made: L. Miller  
Motion Seconded: S. Daglio  
MOTION: Recommend approval of the area variance to place one accessory structure in a front yard of the YMCA.  
VOTE: **In Favor:** L. Miller, S. Daglio, S. McLain, T. Crowley, S. Forster  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**D. Traditions at the Glen Outdoor Concerts PUD Amendment, 4101 Watson Boulevard; B. Walsh**

**1. Declare Lead Agency and an Unlisted Action under SEQRA**

a. Chairman McLain asked for a motion to declare the Planning Board Lead Agency for the Traditions at the Glen Outdoor Concerts

Motion Made: S. Forster  
Motion Seconded: S. Daglio  
MOTION: Declaring the Planning Board as Lead Agency for the Traditions of the Glen Outdoor Concerts  
**In Favor:** S. Forster, S. Daglio, S. McLain, L. Miller, T. Crowley  
**Opposed:** None  
**Abstained:** None  
Motion Carried

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

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

**2. SEQRA Determination**

Ms. Lane reviewed the Short Environmental Assessment form for the members of the Planning Board. The proposal for outdoor concerts at the Traditions' existing outdoor event patio adjacent to the pro-shop was reviewed for potential negative impacts to the environment. The proposed outdoor concert use at the entertainment facility will not substantially change the character of the area, but may increase the intensity of use on an occasional basis. The maximum occupancy will be determined by the number of parking spaces and fire code. No impacts to the existing water, sanitary and storm sewer systems will be created. The potential negative impacts due to the increase in level of noise shall be mitigated by controlling the permitted hours of operation, and permitted decibel levels.

The parking spaces meet requirements based upon the summary of different uses. Although the parcel is within the buffer of an area identified as archeologically sensitive, the proposal is not near nor should affect the artifact sites, and therefore the need for an archeological review is not required.

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. Forster  
Motion Seconded: T. Crowley  
MOTION: Approval of the Negative Declaration under SEQRA  
VOTE: **In Favor:** S. Forster, T. Crowley, S. McLain, L. Miller, S Daglio  
**Opposed:** None  
**Abstained:** None  
Motion Carried

### **3. PUD Amendment / Site Plan Review**

Mr. Walsh gave a presentation on the progress that has been made on the plans for the outdoor concert venue at Traditions at the Glen. He noted on the site plan that the stage has been situated pointing toward the waterfall and the patio and there is now a new VIP seating area on the original stage. The fenced area has a total of five exits in case of an emergency situation. The fencing will be composed of bicycle fencing that locks together and is easily removable. There will be security positioned at the exits so that if someone needs to get out in a hurry, they can expedite the process. At the entrance of the fenced area a cover charge will be collected and a wrist band or some identification as to age will be issued. Table fare consisting of spiedies, clams and sausage will be served and the beverage area will be set up under the tent, which will have tables and chair seating. The patio will have a standing area and dance area, and lawn chair seating will available in the elevated sloped area facing the stage. Mr. Walsh also reviewed the parking that will be available for the concerts. The American Cancer Society and the dental lab at the corner of Beech Street are allowing Traditions to use their lots for overflow parking. Traditions also owns a vacant lot on Beech Street which will accommodate more than two hundred cars. He estimated that there were approximately 500-600 spaces available for parking for each event. He stated that parking attendants and uniformed security officers would be on site for crowd and traffic control. Mr. Walsh concluded the presentation by noting that the May concert had been moved to June 19<sup>th</sup>.

Ms. Lane reviewed her memorandum on the site plan to the board. The outdoor concert venue is proposed for the same patio and in similar fashion as the current *Clammin' and Jammin'* events, but the addition of a cover charge changes the type of event to a destination event, with the expectation that the majority of attendees will arrive and leave at the same time. The applicant anticipates holding approximately four destination concert events per summer.

There are 412 paved parking spaces on 4101 and 4311 Watson Boulevard, not including the spaces designated for the hotel and spa (86). The applicant has also been given permission to park 40 vehicles at the American Cancer Society. In addition, the applicant plans to have parking on an area known as the former Lot C10 between Homestead Road and the floodwall protecting Fairmont Park. This area can hold potentially 70 vehicles. The parking requirement is one space for every four attendees. If employees park at the 15 space parking lot labeled as on the PUD plan as "H," there would be 537 available parking spaces/areas, the maximum number of all occupants is 2,148.

This project was subject to the 239-Review, being along a county road. Broome County Planning did not identify any county-wide impacts, but did recommend that a traffic management plan meet the approval of the Town of Union and local law enforcement. Also, they recommend that the PUD plan (PUD-1) be revised to show the outdoor entertainment site and event parking. B.C. Planning also recommends that the Planning Board ensure there is appropriate emergency vehicle access, that the project complies with the Town noise ordinance, and not impact neighboring residences. Finally, B.C. Planning recommends that the applicant be made aware of the risk of development in the 100-year floodplain.

Sheriff Harder and Captain Akshar of the Broome County police were consulted and found no issues or concerns with the project. BMTS has no concerns as long as the town and local law enforcement are satisfied with the traffic management plan. NYSDOT has no concerns, nor does the Broome County engineering staff. The Broome County Health Department asks that the Senior Sanitarian be contacted if any food service activity is planned over and above what is already permitted for the existing Traditions facility.

The entire PUD complex is covered under an existing stormwater management plan, and as this project does not create any new impervious area, nor involve any disturbance to the existing site, no updates were required for the project.

The Planning Department recommends approval of the site plan and the amended Homestead Village Planned Unit Development Plan and Outdoor Concerts Site Plan with the following conditions:

1. Per NYSFC Chapter 4 on emergency planning and preparedness, a person designated as the fire watch will need to be maintained at all times when the public is on the property where a public event is occurring.
2. Trained crowd managers shall be on site at a ratio of one for every 250 people in attendance.
3. Per New York State Fire Code (NYSFC) Chapter 1, a permit is required every year when erecting a tent equal to or greater than 200 square feet, or canopy equal to or greater than 400 square feet.
4. The NYSFC Chapter 24 on tents, canopies and other membrane structures lays out NYS Codes for having an assembly under a canopy. Chapter 24 references the following codes that must also be followed:
  - Chapters 9 on Fire protection and fire extinguishers
  - Chapter 10 on Means of Egress shall also need to be followed; such as number and size of exits and travel distance to exits.
  - Chapter 38 in Fuel Gas Code needs to be followed when using any LP Gas.
  - Chapter 5 for Fire Service Features.
5. The parking requirement for assembly and auditorium is one space for every four people including performers and staff. Should it be found that numbers exceed 3,000 occupants for more than two events a parking plan shall be submitted to the Planning Department two weeks in advance of the next event.
6. Handicapped-accessible parking is required at a rate of 2% of available parking. Adequate handicapped-accessible parking shall be adjacent to the entertainment venue. The site plan shall be revised to show the location of these spaces, following the calculation of the number required by the Code Enforcement Officer.
7. If the number of occupants is expected to exceed 5,000, or routinely exceeds 5,000, the applicant shall submit a site plan to the Town Board and Planning Board for a larger venue. The Code Enforcement Officer shall determine when such application shall be required.
8. Emergency exits shall be posted with signs. Those under the canopy or tent shall be lit in the event that the sides are down.
9. Uniformed security shall be on site for traffic control and Homestead Village shall ensure that Homestead Road and Beech Street are cleared of any

roadside parked vehicles, other than emergency vehicles, in order to ensure adequate fire and emergency vehicle access.

10. There shall be no cooking of food within 20 feet of any tent, canopy, or other such membrane structure where seating or public assembly is occurring. An internal flame or heating source may be used to keep food warm under such membrane structure.
11. There shall be no cooking within 20 feet of the attendees.
12. Open burning is prohibited within 25 feet of any structure, or as per fire code.
13. No smoking shall be permitted under the membrane structure, and this shall be posted.
14. The membrane structure shall be posted for maximum capacity, as determined by the Municipal Fire Code Inspector.
15. The Municipal Fire Code Inspector and Code Enforcement Officer shall be notified no less than one week prior to any concert event, and shall inspect the site setup within 48 hours of any concert event.
16. The hours of outdoor entertainment shall be between 12 PM and 10:00 PM.
17. This review is specifically for the proposed concerts at the patio shown on the site plan, and does not imply approval of any other activity or concerts at alternate locations without approval of the Planning Board or Town Board, whichever shall apply.
18. The PUD development plan (PUD-1) shall be revised per the recommendations of the Broome County Planning Board, to show event parking and the location of the outdoor concert facility.
19. Future amendments to the final development plan can be made by the applicant by submitting a new site plan to the Planning Board. The process for final development plan approval shall be followed for all minor amendments as outlined in Section § 300-65.8. PUD District process, D(3). In the case that the adjustments exceed the thresholds established for the Planning Board, the preliminary plan approval process should be followed as detailed in Section § 300-65.9. Revision to PUD Districts.
20. 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.

The Planning Board members asked Mr. Walsh to clarify the size of the crowds he expected for the events, and he responded that he hoped 1500 to 2000 people would attend each event. Ms. Miller asked if there would be advance ticket sales and Mr. Walsh responded that there would just be a cover at the door. Mr. Forster asked if the fence for these events would be taken down after each event and Mr. Walsh responded that both the stage and fencing would be taken down the next day. The question was also asked whether there would be motorcycle parking and Mr. Walsh responded that there would be an area that was cordoned off for both motorcycle and handicapped parking. Mr. Nelson asked if Mr. Walsh had something in writing from the dental lab and the Cancer Society about his use of their parking and Mr. Walsh responded that he had an email from the American Cancer Society and a verbal agreement from the dental lab but that he could get something in writing from both organizations. Ms. Miller asked if Mr. Walsh had ever had any resistance from the neighbors about the existing Cans and Clams concerts and he responded that many of the neighbors actually attended them.

- A. Chairman McLain asked for a motion to approve the amended Homestead Village PUD Development Plan.

Motion Made: T. Crowley  
Motion Seconded: L. Miller  
MOTION: Recommending approval of the amended Homestead Village PUD development plan.  
VOTE: **In Favor:** T. Crowley, L. Miller, S. McLain, S. Daglio, S. Forster  
**Opposed:** None  
**Abstained:** None  
Motion Carried

- B. A. Chairman McLain asked for a motion to approve the Site Plan for the Outdoor Concerts at the outdoor patio at 4101 Watson Boulevard with stipulations.

Motion Made: L. Miller  
Motion Seconded: S. Daglio  
MOTION: Approval of the Site Plan for the Outdoor Concert venue at the existing outdoor patio with stipulations.  
VOTE: **In Favor:** L. Miller, S. Daglio, S. McLain, T. Crowley, S. Forster  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**E. Country Pines Pavilion & Event Center: Outdoor Concerts and Floodplain/Floodway Development, 1660 Union Center-Maine Hwy.;**

D. McDonough

**1. Declare Lead Agency and an Unlisted Action under SEQRA**

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

Motion Made: S. Daglio  
Motion Seconded: S. Forster  
MOTION: Declaring the Planning Board Lead Agency for Country Pines Pavilion & Event Center Outdoor Concerts and Floodplain/Floodway Development  
VOTE: **In Favor:** S. Daglio, S. McLain, T. Crowley, S. Forster, L. Miller  
**Opposed:** None  
**Abstained:** None  
Motion Carried

- b. Chairman McLain asked for a motion to declare the project for the Country Pines Pavilion & Event Center Outdoor Concerts as an Unlisted Action under SEQRA.

Motion Made: S. Forster  
Motion Seconded: L. Miller  
MOTION: Declaring the action an unlisted action under SEQRA.  
VOTE: **In Favor:** S. Forster, T. Crowley, S. McLain, L. Miller, S. Daglio  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**2. Presentation**

Mr. McDonough gave a short presentation of the project. He plans to bring two prefab buildings and place them at the rear of the property near the existing pavilion. One of the buildings will be in the floodway and one will be in the 100-year floodplain. The buildings are constructed of four inch thick concrete and steel; one will be used to replace an old restroom which was not handicapped compliant and the other structure would be used for a walk-in cooler. Mr. McDonough also plans to install a fence around the perimeter of the property behind the pavilion and plans to work

with one of his neighbors whose property Mr. McDonough has encroached upon with the fence and stage.

The Planning Board had concerns because the base elevation of the pavilion is only about a foot above grade and these buildings would be in the 100-year floodplain and the floodway. Mr. McDonough noted that the pavilion has a gravel floor and that the stage is about four feet off the ground. The Code Enforcement Officer would make the final determination about what regulations apply by using the FIRM maps. The Planning Board had concerns about placing one of the prefab buildings in the floodway because the FEMA regulations are very stringent and they were also raised concerns about placing a fence around the perimeter of the concert area because it is in the Nanticoke Creek floodway, and because Nanticoke Creek is also designated as a DEC trout stream.

Ms. Lane noted that first a public hearing to develop in the floodplain would be held and that assuming that development was approved in the floodplain, there would also be site plan review at the next Planning Board meeting.

**3. Call for Public Hearing to Develop in the Floodway/Floodplain on June 9, 2015**

Chairman McLain asked for a motion to call for a Public Hearing for Country Pines Pavilion & Event Center regarding the Special Permit for Floodplain Development to be held Tuesday June 9, 2015, at 7:00 PM.

Motion Made: L. Miller  
Motion Seconded: S. Daglio  
MOTION: Call for a Public Hearing to be held June 9, 2015, at 7:00 PM.  
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley, S. Forster, S. Daglio  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**F. Landscape Depot, 1000 West Main Street; M. Boland**

**1. Site Plan Review for Outdoor Sales, Display of Storage**

Ms. Lane summarized the proposed changes to the site plan stipulations of approval. Per the DOT's request, the west-bound center lane shall be changed from a hatched out lane to a dedicated left-turning lane for safety purposes. In addition, the revised site plan now shows that there are 23 parking spaces, including one handicapped-accessible space. If these

parking spaces are not adequate to accommodate the business needs, the Code Enforcement Officer shall have the right to make a determination if and when additional parking is warranted.

Ms. Lane and Mr. Lou Caforio will meet to discuss the fill permit plan. There are concerns about the sanitary main and a manhole that may have been covered up. They will look at the contours that were proposed for the fill permit and make sure that the sanitary line is protected.

## **2. Motion to Re-consider conditions of Site Plan Approval**

A. Chairman McLain asked for a motion to reconsider the stipulations of approval for the Site Plan for Landscape Depot as revised.

Motion Made: L. Miller  
Motion Seconded: S. Daglio  
MOTION: Reconsideration of the stipulations of approval for the Site Plan for Landscape Depot as revised.  
VOTE: **In Favor:** L. Miller, S. Daglio, S. McLain  
**Opposed:** None  
**Abstained:** T. Crowley, S. Forster  
Motion Carried

B. Chairman McLain asked for a motion to approve the amendments to the stipulations of Site Plan approval.

Motion Made: S. Forster  
Motion Seconded: S. Daglio  
MOTION: Approval of the amendments to the stipulations of Site Plan approval  
VOTE: **In Favor:** S. Forster, S. Daglio, S. McLain.  
T. Crowley, L. Miller  
**Opposed:** None  
**Abstained:** None  
Motion Carried

## **G. Other Such Matters as May Properly Come Before the Board**

There were no other matters that were brought before the Planning Board at the meeting.

## **H. Adjournment**

Chairman McLain asked for a motion to adjourn the meeting at 8:52 PM.

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

**Next Meeting Date**

The next meeting of the Planning Board is tentatively scheduled for Tuesday, June 9, 2015, at 7:00 PM.

Respectfully Submitted,  
Carol Krawczyk