

Town of Union Planning Board Minutes
Tuesday, July 14, 2015

A regular meeting of the Town of Union Planning Board was held Tuesday, July 14, 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, A. Elwood,
T. Crowley, L. Cicciarelli

Others present: Marina Lane, Paul Nelson, Kurt Schrader, David
McDonough, Jeff Pilarcek, David Thomas, John Miller,
Sarah Campbell, Petro Vamvakaris, Frank Marzullo

A. CALL TO ORDER

Chairman McLain opened the meeting of the Planning Board at 7:02 PM.

B. MEETING MINUTES

1. Approval of 4/14/15 Meeting Minutes

Chairman McLain asked for a motion to approve the 4/14/15 Meeting Minutes as written.

Motion Made: L. Miller
Motion Seconded: A. Elwood
MOTION: Approval of the April 14, 2015, Meeting Minutes
VOTE **In Favor:** L. Miller, S. McLain, A. Elwood,
L. Cicciarelli, S. Daglio
Opposed: None
Abstained: T. Crowley, S. Forster
Motion Carried

2. Approval of 4/14/15 Public Hearing Transcript – Restaurant Use

Chairman McLain asked for a motion to approve the 4/14/15 Public Hearing Transcript – Restaurant Use as written.

Motion Made: L. Cicciarelli
Motion Seconded: S. Daglio
MOTION: Approval of the February 10, 2015, Public Hearing Transcript for a Restaurant Use
VOTE **In Favor:** L. Miller, S. McLain, A. Elwood,
L. Cicciarelli, S. Daglio
Opposed: None
Abstained: T. Crowley, S. Forster
Motion Carried

3. Approval of 4/14/15 Public Hearing Transcript – Outdoor Sales

Chairman McLain asked for a motion to approve the 4/14/15 Public Hearing Transcript – Outdoor Sales as written.

Motion Made: L. Cicciarelli
Motion Seconded: L. Miller
MOTION: Approval of the April 14, 2015 Public Hearing Transcript for Outdoor Sales
VOTE **In Favor:** L. Miller, S. McLain, A. Elwood, L. Cicciarelli, S. Daglio
Opposed: None
Abstained: T. Crowley, S. Forster
Motion Carried

4. Approval of 5/12/15 Meeting Minutes

- Page 7, Item 3: Changed the word “be” to “been” in the second paragraph.
- Page 7, Item 3: Changed the word “comply” to “complies” in the third paragraph.

Chairman McLain asked for a motion to approve the 5/12/15 Meeting Minutes as amended.

Motion Made: S. Forster
Motion Seconded: T. Crowley
MOTION: Approval of the May 12, 2015, Meeting Minutes as amended.
VOTE **In Favor:** L. Miller, S. McLain, T. Crowley, S. Forster, S. Daglio
Opposed: None
Abstained: L. Cicciarelli, A. Elwood
Motion Carried

5. Approval of 6/09/15 Meeting Minutes

- Page 4, Item 1: Changed the word “tenant” to “tenet” in the first paragraph.
- Page 6, Item 1: Changed the name “McLane” to “McLain” in the second paragraph.

Chairman McLain asked for a motion to approve the 6/09/15 Meeting Minutes Sales as amended.

Motion Made: T. Crowley
Motion Seconded: S. Daglio
MOTION: Approval of the June 9, 2015, Meeting Minutes as amended.
VOTE **In Favor:** L. Miller, S. McLain, T. Crowley, S. Forster, S. Daglio, A. Elwood
Opposed: None
Abstained: None
Motion Carried

**C. Country Pines Pavilion, 1660 Union Center-Maine Hwy.; D. McDonough
Special Permit for Floodplain Development**

1. SEQRA Determination

Ms. Lane reviewed the Short Environmental Assessment Form with members of the Planning Board. She noted that she had modified the report based on new developments over the past month. The delineation for the floodway has now been mapped, and other information has come to light which was used to complete Part 2 of the Environmental Assessment Form. Recent large concerts have resulted in an increase in the intensity of the use of the land. Based on complaints already received by Code Enforcement, the proposed action would impair the character or quality of the existing community. Since the DOT has already written to the applicant regarding a traffic issue that occurred at the site during a concert, a moderate to large impact was checked. The proposed action also has the potential to cause erosion, flooding or drainage problems. The proposed action will have no impact on the following: adopted land use plan or zoning regulations; a Critical Environmental Area; an increase in the use of energy; will not impact existing water supplies or private wastewater treatment facilities; impair the quality of important historic, archaeological, architectural or aesthetic resources; will not result in an adverse change to natural resources; and will not create a significant hazard to environmental resources or human health.

Ms. Lane concluded her report with a summary of the significance of the potential impacts on the environment. The two-part project includes a Special Permit for the construction of a proposed restroom and cold storage building in the floodplain and floodway, and site plan review for an expanded outdoor concert venue. In order to avoid segmentation, the two parts are reviewed under the same SEQRA review for potential negative impacts to the environment. The 8.674 acre property is zoned General Commercial, is largely green space, and includes the Dublin Double Pub, a small commercial auto retail business, and the concert area. Concerts are not a permitted use in the General commercial zoning district. Therefore, the addition of two new structures constitutes an expansion of the nonconforming use.

The site is served by private water and septic tank. The Broome County Health Department has recommended that the proposed restrooms not be built until either the existing septic tank system is assessed by an engineer, or a new system designed, and either must be approved by the BCHD prior to the construction of any new restroom facilities.

Other potential impacts are changes to the base flood elevation or flow of floodwaters due to the erected solid fence and building in the floodway. This can be mitigated by removing the solid fence and not building in the floodway. The concerts have already been reported as disruptively loud, long, and late at night. The concert events must comply with the Noise Ordinance adopted in 2011 and it is recommended they be held no later than 11 PM to mitigate the negative impacts.

The concert use does generate traffic impacts during concert events. Working with the trained traffic control experts will help mitigate the impacts. A traffic plan detailing how traffic will enter and exit safely shall be submitted to the NYS DOT and Planning Department. The project will not have a significant visual impact.

The project, after careful review of all factors, will not have a significant impact on the environment if the mitigation measures are followed.

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

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

2. Public Hearing: Special Permit for Floodplain Development

Chairman McLain opened the public hearing related to the Special Permit for the development in the floodplain at 7:10 PM.

Mr. McDonough stated that he felt he was not changing the venue or increasing capacity; he and his business partner are just upgrading the facilities. They are working with an engineer to meet the BCHD requirements.

As he received a building permit for a concert stage in the 1997, he feels this has been an existing use for some time. In response to complaints, Chairman McLain clarified that to this time, all concerns from various government agencies have had to do with safety. Discussion included controlling attendance, current and proposed restroom facilities, past flood histories, and moving items out of the floodplain versus anchoring. Ms. Campbell, Esq., spoke on behalf of her client, and expressed objections to the issuance of a Special Permit. She stated that resuming the concerts does indicate an expansion of a nonconforming use, and cited sections of Town Code to support her premise. Even more clearly, adding new structures is a clear expansion of a nonconforming use, as is the additional new license to serve alcohol. Lack of records has made it difficult to assess the history of the concert venue, but Ms. Campbell argued that the use is expanding in intensity, frequency, and duration, and that the mechanism to allow a nonconforming use is the responsibility of the Zoning Board of Appeals, not the Planning Board. Ms. Campbell stressed that neighbors of the concert venue should not have to endure eleven hours of loud music.

Mr. Forster commented that there are usually eight or so bands at a time, and often the multi-band concerts are fund raisers. Discussion with the Planning Board centered around whether the concert use was ongoing, how many concerts per year, and whether there was a discontinuance of use for more than one year. Mr. Pilarcek, business partner of Mr. McDonough, asked for clarification of the definition of a concert. Ms. Lane explained that once you charge for someone to attend a band performance, it is a concert. Mr. McDonough stated that he no longer wished to build the cold storage building, just the restrooms. Mr. Thomas, West Corners Fire Chief, expressed his concerns centered around the safety of the traffic control team and EMS availability. As no one else wished to speak, Chairman McLain closed the Public Hearing at 7:53 PM.

3. Special Permit Review

Ms. Lane presented her staff report for the Special Permit request for development in the 100-year floodplain and the floodway. The project is subject to a 239-Review, and Broome County Planning recommended denial of the Special Permit to develop in the floodway. Therefore, it would require a super majority of the Planning Board to overrule the Broome County Planning Department, should the Planning Board choose to do so. The Broome County Health Department noted that recent site visits have found no public health hazards concerning food service and the Pines is now in compliance as a non-community public water system due to a new, approved disinfection system. Pertaining to the septic system, Broome County Health Department finds no records of past or current septic systems for the prior restrooms. Therefore, the type, capacity and whether the current septic system was

properly constructed is unknown. The Health Department has concerns about approving new restroom facilities under these conditions. The applicant may either hire an engineer to evaluate the current system and submit a report to the Health Department, submit a plan for a new system that would need to meet federal regulations governing floodplain development found in 44 CFR 60.3 "Flood Plain Management for Flood Prone Areas," or continue to use portable restroom facilities.

The NYSDOT requires a Special Use Permit for events planned at this facility that will affect traffic on State Route 26 (a.k.a. Union Center-Maine Highway). This permit requires a detailed traffic plan showing how traffic will enter and exit the facility safely and orderly. Any signs or traffic control devices related to these events shall also be detailed in this plan. Nothing other than such approved signs or devices is to be placed in the NYS right-of-way. If any work is proposed in the state right-of-way, a Highway Work Permit must be obtained. The DOT sent a letter to Mr. McDonough which stated "a traffic control plan along with a special use permit must be in place before any future event takes place."

The Planning Department recommends denial of the Special Permit for the development in the floodway with the suggestion that the applicant submit a revised site plan to the Town of Union Planning Board. The following are recommendations for such revised site plan:

- 1) Relocate the proposed walk-in cold storage building from the floodway.
- 2) Either remove the proposed restroom facility, submit an engineer's report to the Broome County Health Department regarding the existing septic facility, or submit plans for a new septic system to be approved by the B.C. Health Department.
- 3) Remove the stockade fence from the site plan and property.
- 4) Submit a traffic plan meeting the NYS DOT's requirements with the revised site plan.

In addition, per town and/or state code:

- 5) The applicant shall apply for a sign permit for the newly-erected sign.
- 6) The property shall be in compliance with the New York State Uniform Fire Prevention and Building Code, enforced by the Town of Union Code Enforcement Office. Variance or appeal of any provision of this code shall be in accordance with the provisions of the "Official Compilation of Codes Rules and Regulations of the State of New York," 19 NYCRR Part 1205, "Variance Procedures."
- 7) The applicant shall comply with Chapter 300, Article 50. Noise Limits of the Town of Union Code book.
- 8) The applicant shall contact the West Corners Fire Company, Municipal Fire Code Inspector and Code Enforcement Officer no less than one week prior to any concert event.

Ms. Lane concluded her report by saying that she recommended that the applicant continue the process by modifying his application so that it meets basic requirements. She also noted that she was unsure whether Mr. McDonough was aware that a permit is required to erect a sign, or that there were regulations about anchoring in the floodplain. Mr. McDonough asked Ms. Lane about the rules for erecting signs and she noted that he would have to speak with Code Enforcement about sign permits.

Mr. Nelson then asked if the Planning Board wanted to act on a Special Permit issuance, could they do so for the bathroom building only because it is not in the floodway, and it was replacing an existing bathroom that had already been there. Ms. Lane replied that they would still be subject to the Planning Board voting on floodplain and floodway development, but it would require a super majority of the Board to overrule the Broome County Planning Department. In addition, the former restrooms were converted to another use, so the new restrooms are a totally new building. Then Mr. Nelson noted that the proposed cold storage building triggers an interpretation by the ZBA as to whether this constitutes an expansion of a nonconforming use.

In the past Mr. McDonough has used cold storage at the Country Pine Inn with kitchen and cold storage facilities, but he now rents that business, so he has been using the kitchen facilities at Topper's Saloon for cooking. Mr. McDonough noted that if he did not get a permit for the cold storage building, he would just buy a trailer, insulate it, and put the trailer on wheels and put it right where he planned to put the building. Ms. Campbell, attorney for Town resident Steve Trishka, noted that the use of the trailer was still an expansion of use, and that it was not a determination that the Planning Board could make but something for the Zoning Board of Appeals to decide. Mr. Nelson noted that the Board could not approve the cold storage building if it needed an approval from the Zoning Board of Appeals. Ms. Lane stated that Mr. McDonough needs to submit a revised site plan.

During the discussion, Mr. Pilarcek, Mr. McDonough's partner, stated that they were moving the new location for the bathrooms so they would no longer be in the floodway, but in the floodplain, and would be handicapped compliant. Mr. McDonough asked if he withdrew the application for the cold storage building, could he have approval for the bathrooms. Ms. McLain was not in favor of approving the application piecemeal; and Mr. Crowley and Mr. Ciccirelli noted that the Board needed to be sure about all aspects of the whole application. Ms. McLain asked for an interpretation by the Town Attorney, Mr. Schrader.

Mr. Schrader stated that because so many changes had been suggested during the meeting that he could really not tell you what the Planning Board was being asked to act on. He noted that the applicant cannot negotiate

changes to his application during the Planning Board meeting. Mr. Schrader recommended that the cold storage building, the bathrooms and the fence application be voted on at the same time. Mr. Schrader recommended that the applicant withdraw the application and submit a new revised application, rather than the Planning Board vote on an unclear, negotiated application in order to protect both the applicants and the Planning Board. Ms. McLain supported postponing the vote until the details are resolved, and Mr. Nelson pointed out that the issue of whether the project is an expansion of a non-conforming use is still in question. Mr. Crowley noted that because some of the facts were in question, he wanted to be fair to the Town and the applicant by being sure that all questions about the matter are resolved before voting on it.

Chairman McLain asked for a motion to hold over the vote on the Special Permit for development in the 100-year floodplain and floodway.

Motion Made: L. Cicciarelli
Motion Seconded: T. Crowley
MOTION: Motion to hold over the vote on the Special Permit for development in the 100-year floodplain and floodway.
VOTE **In Favor:** L. Miller, S. McLain, T. Crowley, S. Forster, A. Elwood, L. Cicciarelli, S. Daglio.
Opposed: None
Abstained: None
Motion Carried

3. Site Plan Review, contingent on approval of the Special Permit

A motion to hold over the vote on the Special Permit for development in the 100-year floodplain and floodway was approved, therefore the site plan was not reviewed at this time. Mr. Schrader explained the importance of documenting all approvals and the public record. Mr. McDonough explained again that he disagrees with the statement that he is expanding his use. Mr. Crowley and Mr. Schrader recommended that he come back to the Planning Board after revising his site plan.

D. Phil's Chicken House, Sign Variance; 1208 & 1204 Union Center-Maine Hwy., F. Marzullo Advisory Opinion to the Zoning Board of Appeals

Mr. Frank Marzullo, with Signtronics, represented Phil's Chicken House and gave a short presentation to the Planning Board, explaining that he was hired to do a panel change on an existing sign. He noted that nothing structurally would change to the sign or the structure. He plans to use LED bulbs in the portion where the marquee currently is; he noted that the owner could control

the motion, the length of the message and the brightness of the LED-lit digital portion of the sign. If there were complaints about the digital portion of the sign, all of these aspects could be modified. He concluded his presentation by stating LED signs are real money savers because they draw less amperage and so they lasted a lot longer; the national average life expectancy of an LED bulb is 11.2 years.

Mr. Forster asked if Mr. Marzullo was replacing the lighting inside the Phil's Chicken House Family Restaurant part of the sign, and Mr. Marzullo replied that that portion of the sign would still be lit by fluorescent bulbs and that he will replace the faces with a raised and embossed face that comes with a ten-year guarantee. Ms. Lane then asked what the digital component of the sign would be used for. Mr. Marzullo replied that it would be used to advertise the daily specials, the catering business that they do, and that they were available for weddings. Ms. Lane then asked if he were familiar with the digital sign code and he replied that right now the code allows for one color and that it can be changed once a day. Ms. Lane noted that digital signs are permitted in General Commercial districts but that Phil's Chicken House is in a Neighborhood Commercial district and that the goal of the zoning code was designed such that signs in the Neighborhood Commercial districts would have a neighborhood type of a feel. Ms. Elwood then asked if the digital part of the sign moved and Mr. Marzullo replied that this sign would only be a static message that would be changed once a day so that it was not a distraction to drivers.

Ms. Lane noted that Fire Chief, Dave Thomas, was concerned about the potential distraction of a digital sign as patrons exit Phil's Chicken House. Mr. Marzullo noted that because of the height of the sign, drivers exiting the parking lot would not have their vision obstructed so this would not be an issue. Mr. Marzullo also noted that there had not been one LED sign that had ever caused an accident that an insurance company had won. Mr. Nelson responded that the point is that if the message is scrolling and your eye is paying attention to that, you would not be looking under the sign since the sign was designed to get your attention. Mr. Marzullo then concluded that they want to be in compliance with all the town's ordinances.

Ms. Lane then summarized her staff report on the use and area variances for the Phil's Chicken House. Blanca and Kevin Card, LLC, the owners of Phil's Chicken House, submitted a sign application to update an existing 64 square-foot nonconforming pylon sign with a new, multi-colored digital message sign. Neither digital nor pylon signs are permitted in the property's zoning district, which is Neighborhood Commercial. Since the application is for the replacement of the sign for other than normal maintenance, the sign would lose the legal nonconformance for the pylon sign in a Neighborhood Commercial zoning district. A digital message sign is only permitted in a General Commercial zoning district, on a monument style sign, with only one

digital color and only one message change per day, a maximum size of 60 square feet, and must be set back 8 feet from the street property line.

The Planning Department staff recommends that the Planning Board recommend to the ZBA:

- 1) approval of the use variance to update an existing, nonconforming pylon sign with a new, internally-lit sign face;
- 2) approval of the use variance for a multicolored digital message center with the condition that the message not change more than one time per day, and that the luminosity conform to 300-52.7(A)(5.c) and Chapter 55, Outdoor Lighting Regulations, in order to not become a distraction to drivers;
- 3) approval of the area variance of one foot (1') front setback;
- 4) approval of the area variance for a 4.6 square feet larger-than-permitted sign.

Planning staff recommend that the Zoning Board of Appeals consider that the proposed sign is updating an existing nonconforming pylon sign which had been permitted at one time. The digital message center sign is designed to give customers more information than is currently available on the existing sign. The proposed size of the sign is similar to the 64 square feet sign that is currently in place. Because a sign is only permitted on the property on which the advertising business is located, the applicant should combine all the lots in order to bring the sign into conformance with 300-52.2A.

Chairman McLain called for a motion to recommend approval of the following use and area variances by the Zoning Board of Appeals.

1. Use Variance for directory pylon sign in a Neighborhood Commercial Zone.

Motion Made: L. Cicciarelli
Motion Seconded: T. Crowley
MOTION: Recommendation of approval of the use variance for directory pylon sign by the ZBA.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Daglio, L. Ciccarelli
Opposed: S. Forster
Abstained: None
Motion Carried

2. Use Variance for a multi-colored digital message sign with the conditions that the message not change more than one time per day, and that the luminosity conform to 300-52.7(A)(5.c) and Chapter 55,

Outdoor Lighting Regulations, in order to not become a distraction to drivers.

Motion Made: A. Elwood
Motion Seconded: S. Daglio
MOTION: Recommendation of approval of a use variance for a multi-colored digital message sign with conditions by the ZBA.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Daglio, L. Cicciarelli
Opposed: S. Forster
Abstained: None
Motion Carried

3. Area Variance of one foot front setback from the required 8 feet.

Motion Made: L. Cicciarelli
Motion Seconded: L. Miller
MOTION: Recommendation of approval of the area variance of one foot front setback from the required 8' by the ZBA.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Daglio, L. Cicciarelli
Opposed: S. Forster
Abstained: None
Motion Carried

4. Area Variance of 4.6 square feet larger than is permitted.

Motion Made: S. Daglio
Motion Seconded: L. Cicciarelli
MOTION: Recommendation of approval of the area variance of 4.6 square feet larger than is permitted.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Daglio, L. Ciccarelli
Opposed: S. Forster
Abstained: None
Motion Carried

**E. Fishs Eddy, IV, LLC, Sign Variance; 519 Hooper Road; J.S. Miller
Advisory Opinion to the Zoning Board of Appeals**

Mr. Miller gave a short presentation about the proposed sign. The existing sign is an older sign, and Mr. Miller is proposing to use the existing framework with the new sign boxes. The overall sign will actually be a little bit smaller and shorter, although the faces will be greater and will improve the

appearance of the sign. Mr. Miller recommended that the Board address any technical questions to TJ Signs. Mr. Vamvakaris explained that the sign would be an LED illuminated sign, with standard brightness.

Ms. Lane presented her memorandum to the Board. The property is located in the Neighborhood Commercial (N.C.) zoning district and the existing plaza directory pylon sign is a legal nonconforming sign, as, per the code adopted in 2011, pylon signs are not permitted under the current zoning. The proposed changes void the legal nonconforming sign. The overall dimensions of the new sign would be 126 inches by 120 inches (10.5'x10' = 105 square feet). The overall height of the sign would be 20 feet to the top of the sign, which is 42 inches (3.5 feet) lower than the existing sign. Pylon signs in General Commercial districts are permitted up to 24 feet; monument signs in Neighborhood Commercial districts are permitted a maximum height of five feet. Pylon signs are permitted to be internally lit in General Commercial zoning districts.

The Planning Department staff recommends that the Planning Board recommend to the ZBA:

- 1) Approval of the use variance to replace an existing, nonconforming pylon sign;
- 2) Approval of the area variance for 25 square feet greater than the permitted 80 square feet;
- 3) Approval of the one foot area variance side setback for the part of the sign adjacent to the drainage basin, which is the location of the existing hardware;
- 4) Approval of the area variance for height of the sign, which is greater than the five feet permitted in the Neighborhood Commercial zoning district for monument signs, but three and a half feet lower than the existing sign.

The Planning staff points out that although the nature of the plaza is more in keeping with a shopping center use permitted only in General Commercial zoning districts, it is opposite smaller strip plazas and individual businesses, typical of Neighborhood Commercial zoning districts. The Planning staff applauds the decrease in the proposed height of the sign and the more modern look of the sign.

Chairman McLain called for a motion to recommend approval of the following use and area variances by the Zoning Board of Appeals.

1. Use Variance for directory pylon sign in a Neighborhood Commercial Zone

Motion Made: T. Crowley
Motion Seconded: S. Daglio

MOTION: Recommendation of approval of the use variance for a directory pylon sign by the ZBA.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Daglio, L. Ciccirelli
Opposed: S. Forster
Abstained: None
Motion Carried

2. Area Variance for 25 square feet greater than the permitted 80 square feet

Motion Made: S. Daglio
Motion Seconded: A. Elwood
MOTION: Recommendation of approval of the area variance for 25 square feet greater than the permitted 80 square feet.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Daglio, L. Ciccirelli
Opposed: S. Forster
Abstained: None
Motion Carried

3. Area Variance for one foot side setback for the part of the sign adjacent to the drainage basin

Motion Made: L. Miller
Motion Seconded: S. Daglio
MOTION: Recommendation of approval of the area variance for one foot side setback for the part of the sign adjacent to the drainage basin by the ZBA.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Daglio, L. Ciccirelli
Opposed: S. Forster
Abstained: None
Motion Carried

4. Area Variance of 15 feet for the height of a freestanding pylon sign.

Motion Made: A. Elwood
Motion Seconded: S. Daglio
MOTION: Recommendation of approval of the area variance of 15' feet for the height of a freestanding pylon sign.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Daglio, L. Ciccirelli
Opposed: S. Forster

Abstained: None
Motion Carried
Motion Carried

F. Cuillerier Two-Family; 300 Shady Drive; R. Schubert for Donna Marie Cuillerier
Special Permit for a Two-Family Use

Ms. Lane gave a short report about the property. Ms. Lane noted that years ago before the Town adopted the new zoning code, there were a lot of two-family homes that were permitted. Under the new zoning districts, a number of two-family homes are in Urban Single Family districts. To accommodate those families whose homes were previously built as two-family homes, the new code included permitting two-family uses with a Special Permit in Urban Single Family districts. This particular house on Shady Drive has two separate apartments; there is a regular kitchen upstairs and downstairs, a detached garage in the back, a driveway and ample parking to the back of the house. The owner would like to sell the house, and in order to sell it as a two-family and for the new purchasers be able to get the letter of compliance, the Planning Board is asked to approve the Special Permit for a two-family use in the Urban Single Family district. This requires that a Public Hearing be scheduled for next month.

1. Declare Lead Agency,

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

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

2. Call for a Public Hearing to be held on August 11, 2015

Chairman McLain asked for a motion to call for a Public Hearing to be held on August 11, 2015, at 7PM.

Motion Made: S. Daglio
Motion Seconded: A. Elwood
MOTION: Call for a Public Hearing on August 11, 2015, at 7PM.
VOTE: **In Favor:** S. McLain, T. Crowley, L. Miller, S. Forster, S. Daglio, A. Elwood, L. Ciccarelli

Opposed: None
Abstained: None
Motion Carried

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

Ms. Lane and Ms. Golazeski, Code Enforcement Officer, have discussed the Board's recommendations regarding proposed zoning changes made at the previous meeting. Pertaining to awnings on the front of residential buildings, Ms. Golazeski felt that since a lot of older houses are close to the road she would like to reduce the current setback from ten feet to five feet, whereas the Planning Board had recommended fifteen feet. After discussion, the Board voted unanimously to recommend amending Article 53, section 300-53.4 (5) to read "An awning or movable canopy shall not project more than 5 feet on a residential building." Under Article 40 Section 300-52.4, the wording was corrected to "Planning Board recommends revised wording: Parking for a multifamily use within 200 feet of any multifamily building is permitted in an Urban Multifamily Zoning District by Special Permit from the Planning Board." Ms. Lane noted that Ms. Golazeski had agreed with the recommendation of one curb cut per driveway for residential properties with less than 100 feet of road frontage, under Design Standards, Section 300-51.7. She concluded that she would forward the Board's recommendations to the Town Board.

H. Adjournment

Chairman McLain asked for a motion to adjourn the meeting at 9:28 PM.

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

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, August 11, 2015 at 7:00 PM.

Respectfully Submitted,
Carol Krawczyk