

## Town of Union Planning Board Minutes

Tuesday, September 8, 2015

A regular meeting of the Town of Union Planning Board was held Tuesday, September 8, 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, Jason Ford, Jessica Ford, Jennifer Yonkoski

### A. CALL TO ORDER

Chairman McLain opened the meeting of the Planning Board at 7:00 PM.

### B. MEETING MINUTES

#### 1. Approval of 8/14/15 Meeting Minutes

Chairman McLain asked for a motion to approve the 8/14/15 Meeting Minutes as written.

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

#### 2. Approval of 8/14/15 Public Hearing Transcript – Special Permit for Two-Family Use

Chairman McLain asked for a motion to approve the 8/14/15 Public Hearing Transcript – for a Special Permit for Two-Family Use as written.

Motion Made: S. Forster  
Motion Seconded: L. Cicciarelli  
MOTION: Approval of the August 14, 2015, Public Hearing Transcript for a Special Permit for two-family use as written.  
VOTE **In Favor:** S. McLain, A. Elwood, S. Forster, L. Cicciarelli, T. Crowley  
**Opposed:** None  
**Abstained:** L. Miller, S. Daglio  
Motion Carried

**C. Jade Hair Salon, 103 Brink Street, J. Ford/J. Yonkoski  
Special Permit for a Personal Services Business**

Before Chairman McLain called for a public hearing she asked if anyone wanted to speak about the project. Ms. Ford introduced herself and her husband Jay Ford as the owners of the property. Jessica also introduced Jennifer Yonkoski, as the person who is managing the site plan review submission. The Fords plan to move a salon into the property and the only exterior changes to the property will be the parking lot, a sign mounted on the front of the house, and a handicapped-accessible wheelchair ramp. Ms. Ford noted that the ramp on the site plan is shown as 36 feet, but they realized that there is not enough room so now it will be 30 feet with a landing and it would be built according to ADA requirements. The ramp will come up the East side of the property and the parking lot would be placed so that traffic came in from Brink Street. Mr. Ford stated that customers would be able to enter in the front of the house or the back of the building using the ramp. Ms. Lane replied that the original site plan did not show the extension of the deck in the back of the house so this would also have to be changed on the site plan. Mr. Crowley asked if the front door met the requirements for a wheelchair entrance because older homes tended to have smaller entrances and he wanted the applicants to be aware of this requirement. Ms. Lane also noted that the bathrooms in the salon would also have to be ADA compliant and she suggested that Mr. Ford talk to Code Enforcement about those requirements.

Ms. Lane concluded the discussion, stating that she was waiting for a response from the town engineers regarding the storm water requirements and would get back to Mr. Ford once she received that response. She also requested that Mr. Ford send a picture of the house so that she could see what it really looked like in its current state. The building is not occupied now and there are no plans for an apartment upstairs. Ms. McLain then called for a motion for a public hearing to be held at 7 PM on October 13, 2015.

**1. Declare Lead Agency,**

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

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

**2. Call for a Public Hearing to be held on October 13, 2015**

Chairman McLain asked for a motion to call for a Public Hearing to be held on October 13, 2015, at 7PM.

Motion Made: A. Elwood  
Motion Seconded: L. Cicciarelli  
MOTION: Call for a Public Hearing on October 13, 2015, at 7PM.  
VOTE: **In Favor:** S. McLain, T. Crowley, L. Miller, S. Forster, S. Daglio, A. Elwood, L. Cicciarelli  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**D. GREATER SPORTS FACILITY SPECIAL OVERNIGHT EVENT: 1500 Co. Airport Road; B. Kashou**

**1. Discussion**

Members of the Planning Board discussed the issues that have come up in the past related to the yearly overnight event at the dome. The biggest concern was the noise level and the impact on the surrounding neighbors. Ms. Lane noted that she had forwarded a copy of her staff report to Mr. Kashou and that it was basically what she had done last year. Ms. Miller asked if there had been any problems at last year's event and Ms. Lane noted that there had been no reported problems at last year's event because she had spoken directly with the manager of the event at the Word of Life. Ms. Lane had also forwarded Mr. Kashou's memo to Randy Shear, the Fire Chief of the Choconut Fire Department, so that he would be aware of the event.

**2. Decision at the Planning Board's Discretion**

Ms. Lane presented her memorandum to members of the Board. Mr. Crowley had suggested that the wording in the report be changed to a "one-time annual event." Ms. Miller noted that she also liked this new wording.

To summarize, Mr. Kashou of Kashou Enterprises is requesting a one-time annual extension of operating hours beginning the evening of November 20th through the morning of November 21st to host the annual Word of Life overnight sporting event. The event will take place at the dome which is located at 1500 County Airport Road.

The normal hours of operation were approved for 8 a.m. to 11p.m. Mr. Kashou is requesting the one-time event be held throughout the night on November 20<sup>th</sup> to the morning of the 21<sup>st</sup>.

The Planning Department staff recommends approval of the overnight event based on the following stipulations:

- 1) No live bands are permitted, and the only permitted uses shall be sports-related.
- 2) Noise shall be monitored by the applicant and at the applicant's cost by a decibel meter to be read every hour and recorded at the northwest and southeast corners of the property. Noise at all times shall not exceed 50 dBAs (decibels), taken from the identified locations. The meter readings shall be reported to Code Enforcement by the second business day following the event.
- 3) The clients must use County Airport Road, not Dimmock Hill Road or Middle Stella Ireland Road, other than to immediately access County Airport Road;
- 4) You must notify residents by mail within one-quarter mile in all directions one week in advance of the event (we will supply you with address labels);
- 5) A minimum of three signs, approximately two feet by three feet, must be posted on the property four days in advance of the event, and removed within 24 hours after the event;
- 6) Buses shall run no longer than approximately ten minutes; and
- 7) You must notify the Choconut Center Fire District Chief two weeks prior to the event.

Chairman McLain asked for a motion to approve the one-time extension of operating hours for an annual overnight event between November 20th and November 21st with the conditions as outlined.

Motion Made: L. Cicciarelli  
Motion Seconded: L. Miller  
MOTION: Approval of the Outdoor Entertainment Special Permit with modifications.  
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Forster, S. Daglio, L. Cicciarelli.  
**Opposed:** None  
**Abstained:** None  
Motion Carried

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

### **1. Discussion regarding Special Permit**

Ms. Lane noted that since 62 days had passed since the public hearing on Mr. McDonough's Special Permit hearing that the Planning Board had to

make a decision about the special permit. Ms. Lane stated she and Dee met with the attorneys about the project and what was proposed was that the Planning Board deny the special permit “without prejudice” at this time. Ms. Lane noted that although Mr. McDonough had submitted a revised site plan it showed everything on Mr. Tom Dellapena’s property, like tents and things like that, and also an area where the crowd would be. Ms. Lane had explained to Mr. McDonough that the Planning Board could not accept the site plan without letters from those property owners stating that his encroachment on their properties was okay.

Mr. Cicciarelli asked if Mr. McDonough did resubmit another site plan that was acceptable whether the issue of the expansion of the non-conforming use would have to be resolved by the Planning Board. Ms. Lane responded that because Mr. McDonough had never had to get an approval for the concerts, and nothing had been clearly defined, that Dee and the legal team did not feel comfortable with a ruling that Mr. McDonough’s use of the property was an expansion of a non-conforming use. Ms. Lane stated that the ruling on the expansion of use was not the Planning Board’s call; and that if Mr. McDonough wished to continue the construction of bathrooms that he would need to submit a revised site plan.

During the discussion Ms. Miller stated that she was concerned about the number of concerts that were being held at the site and Mr. Crowley was also concerned because many of the bands played until 11 PM. Mr. Crowley felt that with school starting that the area residents would be concerned with how late the bands played. Ms. Lane noted that Code Enforcement was working actively with Mr. McDonough to get him to follow the code book regulations regarding the concerts to resolve any issues. She concluded by stating that the Planning Board needed to rule on the Special Permit for Development in the Floodplain at this meeting.

## **2. Decision at the Planning Board’s Discretion**

Ms. Lane noted that there were two choices about the Special Permit: either approval of the special permit with conditions or denial of the special permit without prejudice. Mr. Crowley then made a motion to deny the Special Permit for Development in the Floodplain without prejudice.

Motion Made:	T. Crowley
Motion Seconded:	L. Cicciarelli
MOTION:	Denial of the Special Permit for Development in the Floodplain without prejudice.
VOTE:	<b>In Favor:</b> A. Elwood, S. McLain, T. Crowley, L. Miller, S. Daglio, L. Cicciarelli. <b>Opposed:</b> S. Forster <b>Abstained:</b> None Motion Carried

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

Ms. Lane noted that she had received another application for a special permit for a two-family use in an USF district. Ms. Lane had also notified Alex Urda about Mr. Boland not doing anything that the Planning Board had requested regarding the special permit for development in the floodplain and that she would keep the Board informed about this situation.

**G. Adjournment**

Chairman McLain asked for a motion to adjourn the meeting at 7:30 PM.

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

**Next Meeting Date**

The next meeting of the Planning Board is tentatively scheduled for Tuesday, October 13, 2015 at 7:00 PM.

Respectfully Submitted,  
Carol Krawczyk