

## Town of Union Planning Board Minutes

Tuesday, November 10, 2015

A regular meeting of the Town of Union Planning Board was held Tuesday, November 10, 2015, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

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

Others present: Marina Lane, Paul Nelson, Lynn Madison, Blake Madison,  
Aaron Hughes, Domenic Emilio, Leon Anastos, Pat Murphy,  
Sherry Murphy, Marie Weyforth, John Weyforth, Mark  
Lukovich, and James Harris

### A. CALL TO ORDER

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

### B. MEETING MINUTES

#### 1. Approval of 10/13/15 Meeting Minutes

Approval of the October 13, 2015 Meeting Minutes was postponed until the next meeting.

#### 2. Approval of 6/17/14 Public Hearing Transcript – Special Permit for New Telecommunications Tower

Chairman McLain asked for a motion to approve the 6/17/14 Public Hearing Transcript - Special Permit for New Telecommunications Tower as written.

Motion Made: L. Miller

Motion Seconded: A. Elwood

MOTION: Approval of the 6/17/14 Public Hearing Transcript - New Telecommunications Tower, as written.

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

**Opposed:** None

**Abstained:** S. Forster, L. Ciccirelli, S. Daglio

#### 3. Approval of the 10/13/15 Public Hearing Transcript – Jade Salon

Chairman McLain asked for a motion to approve the 10/13/15 Public Hearing Transcript – Jade Salon as written.

Motion Made: L. Miller

Motion Seconded: A. Elwood

MOTION: Approval of the October 13, 2015, Public Hearing Transcript – Jade Salon, as written.  
VOTE **In Favor:** L. Miller, S. McLain, A. Elwood, L. Cicciarelli, S. Forster, S. Daglio  
**Opposed:** None  
**Abstained:** T. Crowley  
Motion Carried

**4. Approval of the 10/21/15 Special Meeting Minutes**

Chairman McLain asked for a motion to approve the 10/21/15 Special Meeting Minutes as written.

Motion Made: L. Cicciarelli  
Motion Seconded: S. Daglio  
MOTION: Approval of the October 21, 2015 Special Meeting Minutes as written.  
VOTE **In Favor:** L. Miller, S. McLain, A. Elwood, L. Cicciarelli, S. Forster, S. Daglio, T. Crowley  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**C. Madison Two-Family, 601 Squires Avenue; L. Madison Special Permit for a Two-Family in USF Zoning District**

**1. SEQRA Determination**

Ms. Lane reviewed the Short Environmental Assessment Form with members of the Planning Board and noted that there would not be any negative impacts to the following categories: adopted land use plan or zoning regulations; the use or intensity of the use of land; the character of the existing community; existing levels of traffic; the use of energy; public or private water supplies or wastewater treatment utilities; historic or archaeological resources; natural resources; the potential for erosion, flooding or drainage; environmental or human health; or any Critical Environmental Area. Ms. Lane then read her report on the determination of the significance of the project.

Ms. Madison owns a former four-unit apartment building at 601 Squires Avenue, which has been gutted and vacant for over a year. She has applied to convert the building to a two-family, which requires a Special Permit from the Planning Board because it is located in an Urban Single Family zoning district. Converting this building to a two-family will not have any new environmental effect, because the building was previously a multi-family building and the conversion will decrease the impacts of a multi-family, such as traffic. The parking requirement for a two-family

dwelling is two per unit; therefore, four parking spaces are required, and are available on site. There will be no increase in impervious area, no increase in noise, odors, or impacts to wildlife or plants. The site does not have any wetlands, nor is it in the floodplain. Although the parcel is within the buffer of an archeologically sensitive area, the site has already been developed, and no excavation is planned; therefore there is little potential to disturb any archeological artifacts. The project was reviewed for any potential negative effects under 617.7 of SEQRA, and it has been determined that it will not create any significant negative effects on the environment.

Chairman McLain asked if there were any questions and since there were none, she called 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	<b>In Favor:</b> L. Miller, S. McLain, A. Elwood, T. Crowley, S. Daglio, S Forster, L. Cicciarelli <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

**2. Public Hearing: Special Permit for Two-Family in USF Zoning District**

Chairman McLain opened the public hearing related to the Special Permit for a two-family use at 7:07 PM.

The Public Hearing was attended by several neighborhood residents who were concerned about the safety of the neighborhood if the Planning Board approved the Special Permit for a Two-Family Use. The residents noted that in the past the property had been converted to a multi-family apartment building. As a result, neighborhood safety was compromised when absentee landlords did not address problems that arose due to frequently illegal activity of tenants. The residents were also concerned about the increase in traffic due to Ms. Madison's plans to operate an in-home hair salon business at the property. Ms. Lane stated that having an in-house business was a legal use at this property. She also noted that two lots had been combined, so there were a total of six parking spaces that would provide adequate parking for both the Madisons and the salon customers. When the Public Hearing ended, Mr. Murphy presented a neighborhood petition opposing the approval of the two-family use permit.

Chairman McLain closed the Public Hearing at 7:41 PM.

After the Public Hearing closed, there was further discussion about whether an additional stipulation could be added to the approval of the Special Permit requiring that the building be owner occupied. Mr. Nelson stated that this restriction was not legal because the town did not have such an ordinance. Ms. Lane also noted that she would get back to Mr. Murphy about the requirements for an in-home business if he left his phone number on the sign-in sheet.

### 3. Decision: Special Permit for Two-Family in USF Zoning District

Ms. Lane reviewed her memorandum for the Planning Board. She noted that the Village of Endicott had not expressed any concerns about the project. Ms. Lane also noted that the project met the requirements for a Special Permit for a two-family use. For the benefit of the visitors, she explained that before 2011 much of Endicott had been zoned Two-Family. After the zoning was changed to Urban Single-Family in 2011, the new Code included special permits for a two-family use partly to accommodate homes that had previously been built as two-family homes. Ms. Lane then read her staff recommendations for the approval of the Special Permit with the following stipulations:

1. Special Permit modification approval will be required if there are any changes in the use of the property.
2. The Special Permit shall expire should the property or business be sold to another entity, per § 300-66.11. Transferability:
  - a) A Special Permit is not transferable except upon approval by resolution of the issuing board.
  - b) 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 called for a motion to approve the Special Permit for a two-family use in an Urban Single Family district for 601 Squires Avenue.

Motion Made:	L. Cicciarelli
Motion Seconded:	A. Elwood
MOTION:	Motion to approve the Special Permit for a two-family use in an Urban Single Family district.
VOTE	<b>In Favor:</b> S. McLain, A. Elwood, L. Miller, T. Crowley, S. Forster, L. Cicciarelli, S. Daglio
	<b>Opposed:</b> None
	<b>Abstained:</b> None
	Motion Carried

**D. Henry B. Endicott School Expansion; 26 Kentucky Avenue; S. Shaw Site Plan Review**

The Site Plan Review was postponed until the next meeting.

**E. Broadway Diner, Expansion of Non-Conforming Use - 47 North Avenue B; L. Anastos**

**1. Declare Lead Agency**

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

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

**2. Declare Action as Unlisted Action**

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

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

**3. SEQRA Determination**

Ms. Lane explained that she had met with Dee about the original application and it was decided that the project would require two variances, a variance for an expansion of a nonconforming use at 47 North Avenue B, and an area variance for a setback for the walk-in cooler at 3140 Watson Boulevard. Therefore the original project was split into two projects with separate reviews. She then reviewed her memorandum for the expansion of the parking lot at 47 N. Avenue B with the Planning Board.

This proposal to convert a residential lot, zoned Urban Single Family, to an accessory parking lot for an adjacent diner, zoned Neighborhood Commercial, does conflict with the approved Comprehensive Plan, but the lot is already partially used as parking for diner employees, and the 0.17

acre-lot is immediately adjacent to an area recommended for Neighborhood Commercial development. Therefore, this is seen as a minor negative impact, although the project could be interpreted as an improvement to the area as the proposal includes a 6-foot privacy fence and more-than-required landscaped buffer, and will ease the overflow parking issue that negatively affects the neighborhood now.

The demolition of a house and detached garage on the lot, and the addition of landscaping and green area will increase the pervious area; therefore an erosion control plan is required only during construction. The proposal will not have negative impacts to wildlife, plants, noise or odors greater than what exists today. Fencing will reduce the potential for headlight glare and late-night noise that exists from the current parking lot configuration. The proposal was reviewed for significant environmental impacts. The project will impact land which has already been disturbed, and will increase green space, but no other impacts were found. She concluded that the proposed action would not result in any significant adverse environmental impacts.

Mr. Nelson asked whether question 5a and 5b on Part 1 of the EAF should both be checked “no.” Ms. Lane noted that both questions should be checked “no” and so an adjustment was made to the Part 1 of the EAF.

Chairman McLain then 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:** L. Miller, S. McLain, A. Elwood, T. Crowley, S. Daglio, S Forster, L. Cicciarelli  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**4. Advisory Opinion to the ZBA re: Expansion of Non-Conforming Use**

Ms. Lane reviewed her memorandum with the members of the Planning Board. Mr. Nelson did not feel comfortable with the proposed parking lot interpretation as expanding a non-conforming use unless a use variance had been approved previously. Ms. Lane noted that in 2012 the Planning Board had approved a site plan showing six (6) parking spaces for employees on this lot. Mr. Emilio added that there were also two (2) other parking spaces in front of the garage on the 47 North Avenue B lot. Mr. Forster noted that when the project for the diner expansion had been approved in 2012, the owners had stated they owned the adjacent house

and were prepared to tear it down to make their parking lot bigger to provide more parking. The Planning Board had approved the addition to the Broadway Diner in 2012 since there was a plan to expand the parking for the diner.

Ms. Lane noted in her memorandum that the property is zoned Urban Single Family and parking as a principal use is not permitted. Expansion of a non-conforming use allows a maximum expansion of 50% of the existing use. The existing paved area is 3,220 square feet and an increase of 50 percent equals 4,830 square feet. Therefore, the proposed expansion to 4,660 square feet is less than the maximum that could be permitted, should the Planning Board feel that their recommendation should be for approval of an expansion of a non-conforming use, rather than a use variance.

She concluded by stating that the Planning staff recommended that the Zoning Board of Appeals consider that the proposed parking area will provide eleven feet or greater of landscaped buffer and a six foot privacy fence for the existing neighboring residences. At this time, the Broadway Diner has significant overflow parking that impacts the neighborhood and approximately seventeen additional parking spaces will help resolve the parking issue. She proposed the following two options for the Planning Board to consider: A) recommending approval of the use variance to expand the existing, illegal nonconforming parking lot; or B) recommending approval of a use variance for a commercial parking lot as the principal use at 47 North Avenue B, with the condition that the privacy fence and landscaped buffer be maintained for as long as the parking lot use remains.

Before the vote Mr. Nelson asked Ms. Lane for clarification about whether the lot could be combined into the other lots and Ms. Lane responded that it could be combined into the parking lot just to the North, but not the entire diner properties. She explained that there were four parcels, one owned by Leon Anastos and Spathi, one owned by the Spathi Group, the Broadway Diner owned by Leon Anastos and his brothers, and the parking lot that was approved in 2012 owned by the Spathi Group. Mr. Leon Anastos stated that working with the different properties could be confusing and asked whether it would make it easier if all four properties could be combined under one name. He noted that since they expanded the diner that they needed more parking and that he thought that the use of the 47 North Avenue B was their best option. He stated that there were no plans to expand the diner itself, but that the cooler approval now would aid them in their expansion efforts in the future.

Chairman McLain then called for a motion to recommend approval option B, the approval of a use variance for a commercial parking lot, as the as the principal use by the ZBA with conditions as stated.

Motion Made: T. Crowley  
Motion Seconded: S. Forster  
MOTION: Recommendation of approval of the use variance for a commercial parking lot as the principal use by the ZBA with recommended conditions.  
VOTE **In Favor:** L. Miller, S. McLain, A. Elwood, T. Crowley, S. Daglio, S Forster, L. Cicciarelli  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**F. Broadway Diner, Walk-In Cooler Addition to Restaurant – 3140 Watson Boulevard; L. Anastos**

**1. Declare Lead Agency,**

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

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

**2. Declare Action as Unlisted Action**

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

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

### 3. SEQRA Determination

Ms. Lane reviewed the Short Environmental Assessment Form with members of the Planning Board. She reviewed the EAF and recommended that the proposed action would not result in any significant adverse environmental impacts. She noted that the proposal to add a walk-in cooler to an existing diner does not conflict with the approved Comprehensive Plan, but will remove three parking spaces from the parking lot for a business that has a shortage of parking. The applicant has submitted a proposal to add approximately seventeen parking spaces on an adjacent lot. The cooler's location is over existing blacktop and would not have any negative impacts on wildlife and plants, or cause noise or odors. She concluded the report by noting that the project will impact land which has already been disturbed, will increase green space, and no other impacts were found.

Mr. Cicciarelli asked whether the elimination of the three parking spaces would bring them below the required number of parking spaces required. Ms. Lane noted that there had been two different EAF's because the environmental impacts were different for each property, but that the site plan would cover both properties as a whole; and therefore, there would be an increase in the total number of parking spaces, if approved.

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

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

### 4. Advisory Opinion to the ZBA re: Front Setback Variance

Ms. Lane reviewed her memorandum with the members of the Planning Board. She noted that the walk-in cooler encroaches in the required 20-foot front setback by two-feet and noted that the Planning Department staff recommended that the Planning Board recommend approval of the following area variance to the ZBA:

1) Approval of the two-foot (2') front setback area variance for the addition of a walk-in cooler to the existing diner.

Chairman McLain called for a motion to recommend approval of the area variance for a two-foot (2') front setback area for the addition of a walk-in cooler to the existing diner by the ZBA.

Motion Made: S. Forster  
Motion Seconded: L. Cicciarelli  
MOTION: Recommendation of approval of the area variance for a two-foot (2') front setback area for the addition of a walk-in cooler to the existing diner by the ZBA.  
VOTE **In Favor:** L. Miller, S. McLain, A. Elwood, T. Crowley, S. Daglio, S Forster, L. Cicciarelli  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**G. Echo Salon; 514 Hooper Road; A. Johnson**

**1. Declare Lead Agency,**

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

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

**2. Declare Action as Unlisted Action**

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

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

**3. SEQRA Determination**

Ms. Lane reviewed the Short Environmental Assessment Form with members of the Planning Board. Ms. Lane noted that she had made corrections to Part 1 of the EAF. She feels that there would not be any significant adverse environmental impacts. The proposal is to have a salon in an existing commercial building, and the personal service use is permitted in the NC zoning district. In addition to the other uses on the property and the proposed number of styling stations, the salon requires more parking spaces than are available on site, so a variance has been requested. Decreasing the number of styling stations, and therefore the number of patrons parking at the business, would help alleviate the lack of parking. The 0.2 acre property is covered by the existing building and paved parking lot and there will be no other disturbance. The proposal will not have negative impacts to wildlife, plants, noise or odors. A backflow prevention device will ensure that chemicals associated with the use will not impact drinking water.

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

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

#### 4. Advisory Opinion to the ZBA re: Parking Space Variance

Ms. Lane reviewed her memorandum with the members of the Planning Board. She noted that there were eleven stations in the salon and that the parking was inadequate for this number of stations. The site plan showed 11 parking spaces, including one handicapped accessible space but no handicapped access aisle. Therefore the Planning Department recommended the denial of the parking space area variance since at this time the Code will permit four styling stations without a variance.

Chairman McLain called for a motion to recommend denial of the parking lot variance for nine (9) parking spaces by the ZBA.

Motion Made: S. Forster  
Motion Seconded: L. Cicciarelli  
MOTION: Recommendation of denial of the parking lot variance for nine (9) parking spaces by the ZBA.

VOTE

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

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

Ms. Lane reviewed the zoning maps for the proposed rezoning in Neighborhood 13 of the Comprehensive Plan and there is still some discussion about which map should be used: Mr. Nelson noted that he would follow up on this before the next meeting to clarify which map is correct.

**I. Adjournment**

Chairman McLain asked for a motion to adjourn the meeting at 9:00 PM.

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

**Next Meeting Date**

The next meeting of the Planning Board is tentatively scheduled for Tuesday, December 8, 2015 at 7:00 PM.

Respectfully Submitted,  
Carol Krawczyk