

Town of Union Planning Board Minutes

Tuesday, December 8, 2015

A regular meeting of the Town of Union Planning Board was held Tuesday, December 8, 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. Cicciarelli, S. Daglio

Others present: Marina Lane, Kurt Schrader, Domenic Emilio, Leon Anastos,
John Anastos, John Matzo, Joe Holland, and Paul Blakelock

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

- Page 1, Section B, Item 1: Changed the word “work” to “word” in the first bullet.
- Page 3, Item 2: Change the wording in paragraph two, sentence five, to read “plan supported only” rather than “plan only supported.”
- Page 3, Item 2: Delete the word “voting” in paragraph three, first sentence and insert “the Planning Board votes” into the first sentence.
- Page 5, Item D: Delete the first sentence in the third paragraph that reads “Mr. Emilio then opened the floor to questions.”
- Page 5, Item D: add the title “Ms.” before McLain in the second sentence.

Chairman McLain asked for a motion to approve the 10/13/15 Planning Board Minutes as amended.

Motion Made: S. Forster

Motion Seconded: L. Miller

MOTION: Approval of the October 13, 2015 Planning Board Minutes as amended.

VOTE

In Favor: L. Miller, S. McLain, A. Elwood,
S. Forster, S. Daglio

Opposed: None

Abstained: T. Crowley

Absent: L. Cicciarelli

Motion Carried

2. Approval of 11/10/15 Meeting Minutes

Approval of the November 10, 2015 Meeting Minutes was postponed until the next meeting.

3. Approval of the 11/10/15 Public Hearing Transcript – Special Permit for Two-Family Use

Chairman McLain asked for a motion to approve the 11/10/15 Public Hearing Transcript – Special Permit for Two-Family Use as written.

Motion Made: L. Miller
Motion Seconded: S. Daglio
MOTION: Approval of the November 10, 2015, Public Hearing Transcript – Special Permit for Two-Family Use as written.

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

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

1. Site Plan Review

Mr. Emilio noted that the ZBA had approved the two-foot area variance for the front yard setback for the walk-in cooler addition. Ms. Lane asked Mr. Emilio to address the grassy space around the walk-in cooler addition. Mr. Emilio noted that the diner was losing a few parking spaces but that these spaces would be made up by the parking lot addition. Mr. Emilio also stated that there would be screening for the walk-in cooler because the landscaping on the corner would be extended. Mr. Forster asked whether there would be an outside door to the cooler, and Mr. Anastos responded that the access to the cooler would be inside the building through the kitchen.

Ms. Lane reviewed her staff memorandum for the Planning Board. The cooler and surrounding landscaping will replace three parking spaces, yielding a net increase of approximately 500 square feet in pervious area. The project is an Unlisted Action under SEQRA; and as there will be a very little impact caused by the cooler addition over impervious surface, the Planning Board made a Negative Declaration under SEQRA on November 10, 2015. A stormwater pollution prevention plan is not required because the green space, or pervious area, will be enlarged.

This project was not subject to a 239-Review. The Town Code Enforcement Officer reviewed the plan and had no concerns. The Town

Engineer and Commissioner of Public Works require that the Town's infrastructure be protected in case of damage during construction. The application meets all the requirements for a site plan review under Section 300 of the Town Code.

The Planning Department recommended approval of the walk-in cooler site plan with the following stipulations:

1. The applicants shall be responsible for the repair of any damage that may occur during installation on the Town right-of-way, including sidewalks, curb and gutter. Should any damage occur, the applicants shall repair the Town improvements, per Town specifications within 45 days of notice.
2. The cooler shall be enhanced with landscaping on the north and east sides. No landscaping taller than three feet shall be planted within eight feet of the property line.
3. The site plan shall be officially approved once the Planning Board Chair has stamped and signed the final site plans. The applicant may apply for a building permit once the site plan has been stamped and signed by the Planning Board Chair.
4. If construction of the approved site development plan has not begun within one year from the time of site development plan approval, the approval shall be deemed revoked. Extensions of this time period may be granted by the Planning Board.
5. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan once it has been approved by the Planning Board, even if by petition to the Town's Zoning Board of Appeals, the site plan approval will become null and void and the applicant must resubmit a new site plan to the Town of Union Planning Board.

Chairman McLain asked for a motion to approve the Site Plan for the walk-in cooler addition to the restaurant at 3140 Watson Boulevard with stipulations.

Motion Made: L. Cicciarelli
Motion Seconded: S. Daglio
MOTION: Approval of the Site Plan for the Walk-in Cooler Addition with stipulations.
VOTE: **In Favor:** L. Miller, A. Elwood, S. McLain, T. Crowley, S. Forster, L. Cicciarelli, S. Daglio
Opposed: None
Abstained: None

D. Broadway Diner Parking Lot Expansion; 47 North Avenue B; L. Anastos

1. Site Plan Review

Mr. Emilio stated that the ZBA had granted the variance for the expansion of a non-conforming use for the parking lot expansion at 47 Avenue B North. The plan calls for the demolition of the house and garage on the property, and a new parking lot to be constructed in accordance with the Town Code. Mr. Emilio noted that the plan shows a ten-foot landscaped buffer along the street and adjacent to the residential properties to the south and the west, and that there will be the required number of shrubs and trees per the Town code. Ms. Lane stated as long as the numbers of trees were noted on the site plan, the actual types of trees could be determined later. There is already a six-foot fence on the property and the shrubbery would be planted in front of this fence.

Ms. Lane reviewed her staff memorandum for the Planning Board. The site plan does include a six-foot privacy fence to screen adjacent residences, and landscaping as required by Code. The existing driveway shall be used as a one-way exit from the parking lot, as will all driveway curb cuts from the diner parking lot along North Avenue B. The only entrance to the diner's parking lot shall be from Watson Boulevard. There is also an existing exit onto Watson Boulevard.

The project is an unlisted project under SEQRA, and the Planning Board made a Negative Declaration under SEQRA on November 10, 2015. A stormwater pollution prevention plan is not required because there will be an increase in green space. The proposed impervious area (4,660SF) is less than that existing on the 47 North Avenue B parcel (approximately 4,900SF).

Ms. Lane also noted that in her report that the Town Engineer and Commissioner of Public Works required that the Town's infrastructure be protected in case of damage during the construction. The application meets all the requirements for a site plan review under Section 300 of the Town Code.

Planning Board Members discussed the advisability of adding a "no left-turn" sign at the exit from the front parking lot onto Watson Boulevard. However, after the discussion, most of the members felt that this was not necessary since the traffic on Watson Boulevard was not heavy, except on Sundays when the church across the street was letting out. Mr. Leon Anastos mentioned that customers also have the option of making a left turn at the Avenue B North stop sign.

The Planning Department recommended approval of the site plan with the following stipulations:

1. The parking lot shall be paved and striped according to the approved plan by June 30, 2016. If the new parking lot cannot be paved and striped immediately following demolition of the house and garage, the lot shall be temporarily stabilized with gravel.
2. "No entrance" signs shall be posted at the one-way driveway exits from the diner along North Avenue B by June 30, 2016.
3. The applicants shall be responsible for any damage that may occur on the Town right-of-way, including sidewalks, curb and gutter, during construction. Should any damage occur, the applicants shall repair the Town improvements to Town specifications within 45 days of notice.
4. Should outdoor lighting be provided in the future, the lighting shall be arranged so as to project light away from adjacent properties and must be approved by the Code Enforcement Officer.
5. Landscaping shall be installed by June 30, 2016. Landscaping shall be maintained as presented on the site plan. Any proposed changes to landscaping shall be submitted to the Planning Department for review prior to any changes.
6. The site plan shall be officially approved once the Planning Board Chair has stamped and signed the final site plans. A minimum of two full size plans shall be submitted to be stamped and signed, plus any additional desired for the applicants and their engineer.
7. If construction of the approved site development plan has not begun within one year from the time of site development plan approval, the approval shall be deemed revoked. Extensions of this time period may be granted by the Planning Board.
8. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan once it has been approved by the Planning Board, even if by petition to the Town's Zoning Board of Appeals, the site plan approval will become null and void and the applicant must resubmit a new site plan to the Town of Union Planning Board.

Chairman McLain asked for a motion to approve the Site Plan for the Parking Lot Expansion at 47 Avenue B North with stipulations.

Motion Made: S. Forster
Motion Seconded: A. Elwood

MOTION: Approval of the Site Plan for the Parking Lot Expansion with stipulations.
VOTE: **In Favor:** L. Miller, S. Daglio, S. McLain, T. Crowley, S. Forster
Opposed: None
Abstained: None
Motion Carried

**E. Mirabito Sign Variances, 1235 Campville Road; J. Holland
Advisory Opinion to the Zoning Board of Appeals**

John Matzo of Matzo signs apologized to the Planning Board for the installation of the signs without the proper permits. Mr. Matzo distributed pictures of the signs that had been installed. The Mirabito pylon sign is smaller than the previous Citgo sign.

Ms. Lane reviewed her memorandum with the members of the Planning Board. She noted that the pylon sign is greater than the 80 square feet that the code permits for pylon signs in General Commercial zoning districts. The former Citgo/Quickway Food Store pylon sign was 147 square feet in area and the new pylon sign is 91 square feet, so the new sign is smaller than the original sign. There were two canopy signs previously and now three are proposed. The code permits a pylon sign of 80 square feet and one canopy sign in a General Commercial District. The Planning staff recommended approval of the following area variances by the ZBA:

- 1) approval of an area variance for a pylon sign 11 square feet greater than permitted (total 91 square feet); and
- 2) approval of an area variance for two canopy signs greater than permitted (total three).

Mr. Forster asked how tall the pylon sign was and Mr. Matzo responded that it was twenty-five feet tall. Mr. Cicciarelli liked the fact that the pylon sign was tall because he felt the height increased visibility for drivers. Mr. Forster felt that the Planning Board should not approve the variances after the signs were up because it was sending the wrong message. Mr. Forster also noted that the area variance for the a pylon sign should be 5 square feet greater than allowed, rather than the eleven feet cited in the request for the variance. Ms. Lane said that she had used the Code Officer's measurements in reference to the square footage for the variance and that since the motion was for an advisory opinion, recommending a variance of eleven square-feet would still cover the variance if the actual

needed variance was for five square-feet. She also stated that the eleven square-feet included the frame.

Chairman McLain asked for a motion to recommend approval of the following variances by the Zoning Board of Appeals:

1. Area Variance for a Pylon Sign eleven square-feet greater than permitted (total 91 square feet)

Motion Made: S. Daglio
Motion Seconded: L. Cicciarelli
MOTION: Recommendation of approval of the area variance for a pylon sign eleven square-feet greater than the permitted by Code.
VOTE **In Favor:** L. Miller, S. McLain, A. Elwood, T. Crowley, S. Daglio, S Forster, L. Cicciarelli
Opposed: S. Forster
Abstained: None
Motion Carried

2. Area Variance to have two canopy signs greater than permitted (total three)

Motion Made: S. Daglio
Motion Seconded: L. Cicciarelli
MOTION: Recommendation of approval of the area variance for two canopy signs greater than permitted by the Code.
VOTE **In Favor:** L. Miller, S. McLain, A. Elwood, T. Crowley, S. Daglio, S Forster, L. Cicciarelli
Opposed: S. Forster
Abstained: None
Motion Carried

**F. Neil's Archery, Outdoor Shooting Range, 1460 Union Center-Maine Hwy.; S. Trelease
Special Permit for Outdoor Recreation
Special Permit for Floodplain Development**

Mr. Paul Blakelock introduced himself to the Planning Board and also stated that he was an investor with the new Neil's Archery and Crossbow Shop located on Route 26 (a.k.a. Union Center-Maine Highway). Mr. Blakelock began his presentation by handing out a new site plan for the Outdoor Shooting Range that he had designed. He started his presentation by noting that a group of investors had purchased the old

Bricklayers Union Hall as a means of keeping archery in the area. He noted that there are 140 local youth that shoot on Saturday mornings from January to April, and that there are 180 adult archers Monday through Friday nights. Mr. Blakelock noted that there would be no shooting before 9am, and that any shooting on the outdoor range would be supervised.

Mr. Blakelock noted that the four black dots on the black and white site plan represented the placement of four twenty-foot utility poles; these poles would be used to hang a special backstop curtain. The backstop curtain is a heavy duty nylon cloth that would be used to catch the arrows that missed the targets. There would be no crossbow shooting at the range because those bows have a tremendous amount of power and don't have the arc of the standard bow. The outdoor range would be used to host local tournaments and for local youth involved in scouting to earn their archery merit badges.

The investors plan to haul away the brick scrap that was left behind by the old tenants but they have no intention of changing the grading of the property. The proposed shooting line would be at the base of the slope and Mr. Blakelock explained that the backstop curtain could also be raised in the event of a catastrophic flood. The curtain would be hung at the beginning of May and pulled down in late October. There would be limited tree removal from the target area because the trees provide a natural barrier and protection to the surrounding neighbors. They also hoped to plant a row of spruces behind the curtain to create an additional barrier. The investors would like to install solid fencing at the north side of the site plan to prevent headlight glare from shining into Mr. Shank's residence.

Planning Board members were concerned about arrows being shot onto another property. Mr. Crowley asked how far an arrow would go if you used a 60 pound pull bow at a 45 degree angle? Mr. Blakelock estimated that the arrow could possibly go 200 to 250 yards, but that the only thing the arrow would hit is a steep embankment on the other side of the Nanticoke Creek. Mr. Crowley was concerned that an accident could happen and that an arrow would end up on a residential property. Mr. Blakelock acknowledged that accidents can happen due to equipment failure, but when that happens arrows generally fall short of the target, or are simply a poor shot. Mr. Blakelock stated that there are twelve certified instructors in the shop and their primary concern is for the safety of their customers and for their neighbors.

Ms. Lane noted that she had discussed with Mr. Trelease installing a split rail fence to prevent people from wandering onto the range. Mr. Crowley also asked if the range could be moved closer to Route 26 because kids often hiked near the Nanticoke Creek and residents fished there during the trout season. Mr. Blakelock said that if they changed the grading near the

building that the targets could be moved back farther from the creek. Ms. Lane stated that any grading could have a significant impact on the floodway and denial might be recommended by the County. Because of Ms. Lane's concern about the safety of the project she had also contacted the DEC; and Ms. Lane stated that the site plan exceeded the state's requirements for shooting compound bows (150 feet from the nearest dwelling).

Ms. Lane asked Mr. Blakelock to note on the site plan where they planned to remove trees and also stated that he should consult with Code Enforcement before installing any fencing on the property. Mr. Crowley closed the discussion by asking Ms. Lane to consult with the Town Attorney to see whether the Planning Board members would have any liability if there was an accident at the range.

1. Declare Lead Agency

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

Motion Made: L. Cicciarelli
Motion Seconded: L. Miller
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. Declare Unlisted Action under SEQRA

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

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

3. Call for a Public Hearing for an Outdoor Recreation Use to be held on January 12, 2016

Chairman McLain asked for a motion to call for Public Hearing for an Outdoor Recreation Use to be held on January 12, 2016, at 7PM.

Motion Made: S. Forster
Motion Seconded: S. Daglio
MOTION: Call for an Outdoor Recreation Public Hearing on January 16, 2016, at 7PM.
VOTE: **In Favor:** S. McLain, L. Miller, A. Elwood, S. Forster, S. Daglio, L. Ciccarelli
Opposed: None
Abstained: None
Motion Carried

4. Call for Floodplain Development Public Hearing to be held on January 12, 2016

Chairman McLain asked for a motion to call for a Public hearing for Floodplain Development to be held on January 12, 2016, at 7:05PM.

Motion Made: A. Elwood
Motion Seconded: L. Miller
MOTION: Call for a Public Hearing for Floodplain Development on January 16, 2016, at 7:05PM
VOTE: **In Favor:** S. McLain, L. Miller, A. Elwood, S. Forster, S. Daglio, L. Ciccarelli
Opposed: None
Abstained: None
Motion Carried

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

Ms. Lane noted that 62 days had passed since the public hearing on the Special Permit for a Personal Service Business, and that the Planning Board had to make a decision about the special permit, per Code. Ms. Lane noted that there was a big drop off behind the house, so the site plan really needed to address the requested drainage plan. Ms. Lane explained that the applicants had not submitted a completed site plan which incorporated a drainage plan, so the project was not ready at this time. Ms. Lane explained that by voting to deny the Special Permit without prejudice, the applicants could come back to the Planning Board when they were ready with a new site plan. Mr. Forster asked if they would have to hold another Public Hearing if the Planning Board denied the Special Permit; and Ms. Lane replied that they would have to hold another Public Hearing when the applicants were ready to reapply for the Special Permit.

Ms. McLain called for a motion to deny the Special Permit for a Personal Services Business without prejudice.

Motion Made: L. Cicciarelli
Motion Seconded: A. Elwood
MOTION: Denial of the Special Permit for a Personal Services Business without prejudice.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Forster, S. Daglio, L. Cicciarelli.
Opposed: None
Abstained: None
Motion Carried

Mr. Len Cicciarelli excused himself from the meeting at 8:30 PM.

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

Mr. Crowley asked whether the Town had a plan in place for the Planning Board members if a dangerous situation came up during a Planning Board meeting. Mr. Crowley felt that some kind of evacuation plan should be developed so that the Planning Board members would be prepared for an emergency. Ms. Lane responded that it was against the law to lock the building during a Public Hearing and that in the past, if they felt threatened, employees had just made a call to 911. Ms. Lane noted that if Mr. Crowley was concerned about the safety of the Planning Board members that he could write a letter to the Town Board and request a written recommendation from the Board.

I. Adjournment

Chairman McLain asked for a motion to adjourn the meeting at 8:57 PM.

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

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, January 12, 2016 at 7:00 PM.

Respectfully Submitted,
Carol Krawczyk