

Town of Union Planning Board Minutes

Tuesday, February 11, 2014

A regular meeting of the Town of Union Planning Board was held Tuesday, February 11, 2014 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: S. McLain, L. Miller, R. Mack, A. Elwood, S. Forster

Members absent: J. Rotella, T. Crowley

Others present: Marina Lane, Paul Nelson, Domenic Emilio, LaQuone Pittman, Ruthellen Viall, Katie Gaska, Dan Whelan, Thomas and Cheryl Bouck

A. CALL TO ORDER

Chairman McLain opened the meeting of the Planning Board at 7:01 PM.

B. APPROVAL OF THE 1/14/14 MEETING MINUTES AND PUBLIC HEARING TRANSCRIPT

Chairman McLain asked for a motion to approve the 1/14/14 meeting minutes as written.

Motion Made: A. Elwood
Motion Seconded: L. Miller
MOTION: Approval of the 1/14/14 meeting minutes as written.
VOTE: **In Favor:** R. Mack, A. Elwood, S. Forster, S. McLain, L. Miller
Opposed: None
Abstained: None
Motion Carried

C. CITY CHANGERS CHURCH: 15 Delaware Ave; L. Pittman

1. Declare Lead Agency

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

Motion Made: R. Mack
Motion Seconded: L. Miller
MOTION: Declaring the Planning Board Lead Agency.
VOTE: **In Favor:** R. Mack, A. Elwood, S. McLain, L. Miller, S. Forster
Opposed: None
Abstained: None
Motion Carried

2. Declare project an Unlisted Action

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

Motion Made: A. Elwood
Motion Seconded: S. Forster
MOTION: Declaring the project an Unlisted Action under SEQRA.
VOTE: **In Favor:** R. Mack, A. Elwood, S. McLain, L. Miller, S. Forster
Opposed: None
Abstained: None
Motion Carried

3. SEQRA Determination

As noted in the Short Environmental Assessment form presented by Ms. Lane, the proposed place of worship will not result in any changes to the exterior of the existing building or site. Concerns regarding parking should be minimal as there shall be no more than 60 worshipers in attendance at one time. The proposed use should not have a negative impact on the environment

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

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

4. Site Plan Review:

Ms. Lane presented her memorandum regarding the City Changers Church to the members of the Board. As noted, the church has applied to use 2,100 square feet of the 10,000 square foot building located at 15 Delaware Ave which is owned by Molly McKee, LLC. The existing building is multi-use and includes residential space, office space and unoccupied space. The place of worship is proposed for the first floor of Building A toward the front of the building as referenced on the site plan. Visitors will use the central entrance from the front of the building to enter the proposed church space. The site is zoned Industrial; however, places of worship are permitted in all zoning districts.

The site currently shares 29 parking spaces and an access easement with 3 Delaware Ave., which is a multifamily residential complex. Because this limits the number of available parking spaces, Code Enforcement has agreed that no more than 60 worshippers may attend services or religious instruction at one time. This includes special ceremonies. Mr. Pittman advised the Planning Board he does not expect more than 30 to be attending at any one time as this will be a new congregation.

The location is subject to a 239-Review and Broome County Planning as suggested that landscaping be added along Delaware Avenue. Broome County Health Department and BMTS had no concerns. As no soil is to be disturbed under the current plan, a stormwater management plan is not required.

The Planning Department recommends approval of the site plan based on the stipulations that the building be inspected by a Town of Union Fire Official for fire code compliance prior to issuance of a Certificate of Compliance, and that the maximum occupancy of 60 people be posted in the designated area of worship. It is the responsibility of the applicant that the maximum occupancy not be exceeded at any time.

The applicant shall apply for a sign permit, if desired, prior to any sign being posted or installed. Temporary signs shall be reviewed and approved by Code Enforcement prior to being placed on the property, and signs that blink or move in any way will not be permitted.

The applicant is required to acknowledge all stipulations in writing prior to the issuance of a Certificate of Compliance. Should any changes to the site plan be made once approved, even if by petition to the ZBA, the site plan shall become null and void thus requiring submission of a new site plan to the Town of Union Planning Board.

Chairman McLain asked for a motion to approve the City Changers Church site plan based on the stipulations as outlined.

Motion Made: R. Mack
Motion Seconded: A. Elwood
MOTION: Approval of the site plan with the stipulations outlined.
VOTE: **In Favor:** R. Mack, A. Elwood, S. McLain, L. Miller, S. Forster
Opposed: None
Abstained: None
Motion Carried

D. ENGINEERING MANUFACTURING TECHNOLOGIES: 101 Delaware Ave.;
D. Emilio: Site Plan Review

As per the memorandum presented by Ms. Lane, Mr. Jim Kirkwood of Engineering Manufacturing Technologies has submitted a site plan application to construct two additions to an existing 54,500 square foot building. Once the additions are complete, the total square footage will measure approximately 65,200 square feet. The building is located at 101 Delaware Avenue and the project area also includes 2312 Lewis Street. (The applicant recently submitted documents to combine 2312 Lewis Street into 101 Delaware Avenue and work on Lewis Street will be tied in with the proposed work on Delaware Ave.). Related variances were approved by the ZBA, and the Planning Board approved a Negative Declaration under SEQRA on 1/14/14. The site plan requires 75 parking spaces and 96 are provided. The site is served by public utilities. The site plan includes a perforated drainage system to mitigate any increase in stormwater runoff associated with the 8,000 square foot addition and related decrease in green space areas.

Because the location lies within 500 feet of State Route 17C, a 239-Review was required. The NYS DOT, Broome County Planning and BMTS had no concerns. Although the project will disturb less than one acre, erosion control measures will be followed during construction per the NYS DEC requirements. The plan has been reviewed by both Engineering and Code Enforcement.

The Planning Department recommends approval of the site plan based on the following stipulations:

Final approval for the new storm sewer connection to the Town infrastructure shall be obtained from the Town Engineer and shall connect to the existing CB#10. Hazardous materials including waste oils, batteries, paints, etc. shall not be stored outside at any time, and a secondary containment system shall be provided for all tanks and drums on the property. If storage of any hazardous or petroleum-based products is planned for the future, the owner must consult with Code Enforcement prior to moving forward with any such plan.

As noted on the site plan, the new storm sewer pipe shall be located on the south side of the building. This area must be stabilized with either grass seed or gravel within 2 weeks of completion of the new infrastructure or no later than April 30, 2014 (whichever is later). All landscaping shall be maintained as approved and in healthy condition by the property owner and any violation of such shall be deemed a violation of landscape plan approval. Any proposed landscape changes will require review and approval by the Planning Department.

Should any of the approved site improvements not be complete prior to the request for a Certificate of Occupancy (CO), a temporary CO may be issued by the Building Official with the applicant providing a performance bond or other form of guarantee approved by the Town attorney for the cost of site

improvements not yet completed. This bond shall be posted to the Town Board prior to issuance of a temporary CO and shall cover a period of one year. Site plan approval shall cover a period of one year unless substantial improvements have been made in accordance with the approved site plan and valid building permit.

The applicant is required to acknowledge all conditions in writing prior to issuance of a building permit and agrees to construct the project in strict accordance with the approved site plan. Should any changes be made once approved, even if by petition to the ZBA, site plan approval shall become null and void requiring resubmission of a new site plan to the Town of Union Planning Board.

Chairman McLain asked for a motion to approve the Engineering Manufacturing Technologies site plan based on the stipulations and conditions as amended.

Motion Made: R. Mack
Motion Seconded: A. Elwood
MOTION: Approval of the site plan with conditions.
VOTE: **In Favor:** A. Elwood, S. McLain, R. Mack
L. Miller, S. Forster
Opposed: None
Abstained: None
Motion Carried

E. LOTS OF LOVE - DOG DAY CARE BUSINESS: 3215 E. Main St., R. Viall

1. Declare Lead Agency

Chairman McLain asked for a motion to declare the Planning Board Lead Agency for Lots of Love - Dog Day Care.

Motion Made: L. Miller
Motion Seconded: A. Elwood
MOTION: Declaring the Planning Board Lead Agency.
VOTE: **In Favor:** R. Mack, A. Elwood, S. McLain,
L. Miller, S. Forster
Opposed: None
Abstained: None
Motion Carried

2. Declare Project an Unlisted Action

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

Motion Made: R. Mack
Motion Seconded: L. Miller
MOTION: Declaring the project an Unlisted Action under SEQRA.
VOTE: **In Favor:** R. Mack, A. Elwood, S. McLain,

L. Miller, S. Forster
Opposed: None
Abstained: None
Motion Carried

3. SEQRA Determination

As noted in the Short Environmental Assessment Form reviewed by Ms. Lane, the proposed dog day care business with accessory grooming is in an existing building adjacent to an existing dog grooming business. The owner is proposing an outdoor fenced area on an existing lot measuring 50' x 27' which would be supervised at all times. Potential negative impacts include outdoor noise from barking dogs and odor should the area be unkept. These impacts could be mitigated through supervision and monitoring, brining barking dogs indoors and regular clean up of the fenced in area. A proposed decrease in parking area should not be an issue as there are only 3 grooming stations and room for additional parking on the side of the building and along the rear driveway. Should parking become an issue in the future, the fence could be removed to allow for 3 additional parking spaces. While the parking lot is in need of maintenance, the owner does not foresee any parking issues for the future.

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

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

4. Site Plan Review

Ms. Lane presented her memorandum to members of the Board. As noted, Ms. Ruthellen Viall has submitted a site plan application to open a dog daycare business along with her existing grooming business located at 3215 East Main Street. The grooming business is located in the rear of the building on the basement level which opens out to an existing parking lot. There is also existing parking to the side of the building and at the front of the building along East Main Street. The project proposal includes the installation of a chain link fence enclosure in the rear parking area which butts up to several residential homes and is currently accessible from both East Main Street and Pearl Street. The site is served by public utilities and a public storm sewer and is zoned General Commercial.

A previously approved site plan was reviewed and indicated a 10-foot setback from the residential properties bordering the rear of the lot. However, the parking lot was not constructed according to the site plan leaving only a few feet between the residential lots and the parking lot. Some of the existing homes have installed solid fencing on their properties.

The number of required parking spaces has been difficult to calculate due to the fact that various occupants have come and gone from this 3-story commercial building over the past several years without consulting Code Enforcement. The existing restaurant located in the building has added a number of seats that cannot be accommodated by the existing parking available on the property. Because the restaurant is located at the front of the building, restaurant patrons tend to use the parking spaces located out front along East Main Street. The two existing dog grooming businesses and proposed daycare are located at the rear of the building. Based on the three available grooming tables and the daycare parking requirement, a total of eight (8) spaces are required for the businesses located in the rear of the building. The site plan does provide for the required eight spaces along the rear of the property with an additional five parallel parking spaces along the rear driveway.

Because the project is located on State Route 17C (East Main Street), it was subject to a 239-Review. County Planning and the NYS Department of Transportation had no concerns. The proposed fence will not disturb any pervious area so no erosion control measures or stormwater management plans are required.

The Planning Department recommends approval of the site plan based on the stipulations that landscaping be added in the area between the residential lots and the parking area, and that the animals be confined to the property and housed in the enclosed structure in humane conditions. The kennel and its related operations shall not create nuisance conditions for the adjoining properties. Noise and odor shall be maintained in accordance with the performance standards outlined in the local laws of Towns and Villages, and no animals will be permitted on the premises for care between the hours of 8:00 PM and 7:00 AM.

Adequate sanitation methods and sewage disposal shall be followed. A waste disposal plan may be required at the discretion of the Planning Board outlining the methods for kennel sanitation including separation of kennel waste from the trash generated by the other businesses within the building.

The applicant shall apply for a sign permit from the Building Official and any temporary signs shall be reviewed and approved by Code Enforcement prior to being placed on the property. As per Code, signs that blink or move are not permitted.

Once approved, the site plan is valid for one year unless significant improvements (including striping and landscaping) have been made pursuant to the approved plan and building permit, and the applicant is required to acknowledge all of the above conditions, in writing, prior to issuance of such building permit. The applicant shall construct the project in strict accordance with the approved site plan. Should any changes be made to the plan once approved, even if by petition to the ZBA, approval shall become null and void thus requiring resubmission of a new site plan to the Town of Union Planning Board.

Following review of the site plan, Board members had questions related to waste disposal, property maintenance and emergency situations. Ms. Viall stated that she has been a breeder of dogs for a number of years and spends a great deal of time cleaning up after her dogs. Waste will be picked up from the fenced in area several times a day and disposed of in a separate waste container. She will also hose the area down regularly as weather permits. Although a gate for the fenced in area was not proposed, it was suggested by a few of the Board members that a gate be installed to aid in snow removal during the winter months and to allow for a secondary exit from the property should an emergency situation occur.

Chairman McLain asked for a motion to approve the Lots of Love Dog Daycare site plan based on the conditions and stipulations outlined.

Motion Made: S. Forster
Motion Seconded: L. Miller
MOTION: Approval of the site plan with stipulations.
VOTE: **In Favor:** R. Mack, A. Elwood, S. McLain,
L. Miller, S. Forster
Opposed: None
Abstained: None
Motion Carried

F. YMCA OF BROOME COUNTY, 740 Main Street; D. Whelan Advisory Opinion to the Zoning Board of Appeals for Area Variance

1. Declare Lead Agency

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

Motion Made: R. Mack
Motion Seconded: A. Elwood
MOTION: Declaring the Planning Board Lead Agency for
the YMCA.
VOTE: **In Favor:** R. Mack, A. Elwood, S. McLain,
L. Miller, S. Forster

Opposed: None
Abstained: None
Motion Carried

2. Declare the Project an Unlisted Action

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

Motion Made: L. Miller
Motion Seconded: R. Mack
MOTION: Declaring the YMCA project an Unlisted Action under SEQRA.
VOTE: **In Favor:** R. Mack, A. Elwood, S. McLain, L. Miller, S. Forster
Opposed: None
Abstained: None
Motion Carried

3. SEQRA Determination

As noted in the Short Environmental Assessment, the Johnson City YMCA is proposing to construct a relatively small storage building, approximately 600 square feet in size, to be used for the storage of flood prevention devices. This new structure will replace the existing storage shed on the property which is in poor condition. The addition of this small structure will fit in character with the adjacent property uses and should have no significant negative impact on the environment.

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

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

4. Advisory opinion to the ZBA for an Area Variance

As outlined in the memorandum presented by Ms. Lane, Mr. Dan Whelan of the Broome County YMCA has applied for the construction of a noncombustible storage building on behalf of the Western Broome County YMCA. The building will be approximately 600 square feet in size and will replace the existing 300 square foot shed that is in disrepair. The proposed structure will be constructed

of brick and located at the west wall of the existing building at the southwest corner. The application does require area variance from the Zoning Board of Appeals as outlined below:

- The required side setback per Section 200-21.4 for General Commercial districts is 10 feet. As shown on the site plan, the proposed structure is nearly at the lot line.
- The required setback between an accessory structures and primary buildings is 8 feet per Section 300-53.10B. The proposed structure will be right at the rear of the existing building.

The proposed project is considered an Unlisted Action under SEQRA and a SWPPP is not required as the project area is less than one acre. A short environmental assessment was submitted and a 239-Review was required.

The Planning Department recommends that the Planning Board recommend approval of the 10-foot side setback and the 8-foot setback between an accessory structure and the primary building by the Zoning Board of Appeals. The variances are needed due space limitations. Because the proposed building is adjacent to a large commercial lot, there will be no impact to any residential properties. Should the variances be granted, the Planning Board will then conduct a site plan review for the project.

Chairman McLain asked for a motion to recommend approval of the variances by the ZBA.

Motion Made: S. Forster
Motion Seconded: A. Elwood
MOTION: Recommendation of approval of the noted variances by the ZBA.
VOTE: **In Favor:** R. Mack, A. Elwood, S. McLain, L. Miller, S. Forster
Opposed: None
Abstained: None
Motion Carried

G. MR & MRS. BOUCK; 1120 MIDDLE STELLA IRELAND; T. & C. Bouck

Ms. Lane provided Planning Board members with a copy of the memo written by Daria Golazeski, Code Enforcement Officer, regarding the residence of Thomas and Cheryl Bouck located at 1120 Middle Stella Ireland Road. Mr. and Mrs. Bouck wish to replace their existing manufactured/mobile home with a new manufactured/mobile home. Under the current Code, a mobile home is not permitted in an Urban Single Family zoning district, and therefore the existing mobile home is a non-conforming use. Replacing a non-conforming use under the new code would require a use variance, and the ZBA requested the opinion of the Planning Board. Due to the age of their current home and the associated repair costs, Mr. and Mrs. Bouck advised the members of the Planning Board that it would be more cost efficient to simply replace their existing home with a

new one. At present, the Code states that "If a building occupied by a nonconforming use is damaged to the extent of 50% or more of its assessed valuation, excluding the full value of the land, as determined by the Town Assessor, such building may be repaired, provided that substantial work is undertaken within one year after such damage; otherwise, such building shall thereafter be occupied only by a conforming use and structure".

The Bouck's presented the site plan/layout of the proposed new home which would be 8 feet longer and 3 feet wider than their existing home. The proposed new structure would be another manufactured home and would be placed permanently on the property in the same footprint as their existing residence. The new structure would be an improvement for the Boucks' safety, would be more energy efficient and would alleviate the need for multiple costly cosmetic repairs on their existing home. The visual improvement would be a positive impact on the neighborhood,

A majority of Board members were in agreement that the Boucks should be allowed to replace their existing home with a new one as it would not only benefit Mr. and Mrs. Bouck, but the Town as well and recommended the ZBA approve the change.

Chairman McLain asked for a motion to recommend approval of the change by the ZBA.

Motion Made: R. Mack
Motion Seconded: A. Elwood
MOTION: Recommendation of approval by the ZBA.
VOTE: **In Favor:** R. Mack, A. Elwood, S. McLain,
L. Miller
Opposed: S. Forster
Abstained: None
Motion Carried

**H. HANDICAPPED CHILDREN'S ASSOCIATION; 1329 Campville Road
Advisory Opinion to the Zoning Board of Appeals for Zoning
Interpretation**

This project for an office use was on the agenda at the January 2014 meeting for an advisory opinion to the Town Board for an application to rezone the property with an Office Overlay zone, not changing the underlying residential zoning district. An alternative for a use variance to have an office use was proposed, and is the subject to the current meeting. As outlined in the memorandum and letter addressed to the Board, the existing building located at 1329 Campville Road was originally constructed as an office building in 1990. At the time, the property was zoned Residential Urban Multi-Family/Office and the office use was permitted. The building was most recently used as a place of worship, a

permitted use in zoning districts. When the Town Code was updated in 2011, the zoning was changed to Urban Single Family. As this is clearly a commercial building, the Handicapped Children's Association is requesting a Use Variance to once again use the property as office space. Because the building is located between a Residential zone and an Industrial zone, the proposed office use is an appropriate transition between Residential and Industrial. The Handicapped Children's Association is asking that the Planning Board recommend that the ZBA approve the Use Variance so that the existing building may once again be used as office space for their satellite location. Board members were all in agreement that an office use would be a good fit for that particular area and that the use is appropriate.

Chairman McLain asked for a motion to recommend approval of the Use Variance by the ZBA. As voted on in January:

Motion Made: T. Crowley
Motion Seconded: A. Elwood
MOTION: Recommendation of approval by the ZBA.
VOTE: **In Favor:** R. Mack, A. Elwood, S. McLain,
L. Miller, S. Forster
Opposed: None
Abstained: None
Motion Carried

I. OTHER SUCH MATTERS AS MAY PROPERLY COME BEFORE THE BOARD

There were no other such matters discussed at this meeting.

J. ADJOURNMENT

Chairman McLain asked for a motion to adjourn the meeting at 8:14 PM.

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

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, March 11, 2013 at 7:00 PM.

Respectfully Submitted,
Sandra Cragle