

Town of Union Planning Board Minutes

Tuesday, November 18, 2014

A regular meeting of the Town of Union Planning Board was held Tuesday, October 14, 2014 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

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

Members absent: J. Rotella, R. Mack (arrived at 8:15 PM)

Others present: Marina Lane, Robert Laman

A. CALL TO ORDER

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

B. MEETING MINUTES AND PUBLIC HEARING TRANSCRIPT

1. Approval of 07/08/14 Public Hearing Transcript

Chairman McLain asked for a motion to approve the 07/08/14 Kashou Enterprises Public Hearing transcript as written.

Motion Made: L. Miller

Motion Seconded: A. Elwood

MOTION: Approval of the July 8, 2014 Public Hearing transcript as written.

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

Opposed: None

Abstained: S. Forster

Motion Carried

2. Approval of 10/14/14 Meeting Minutes

- Item 2, 5th paragraph, first sentence of Page 2: Corrected the words "Clients shall be notified that they are only to use..." to "Clients shall be notified that they are to use only..."
- First sentence on Page 9: Corrected "...that the maximum number of people allowed..." to "for safety reasons, the maximum number of people allowed..."
- Item H, Page 9: Corrected the word "sight" to "site" in the 2nd sentence.

Chairman McLain asked for a motion to approve the 10/14/14 Meeting Minutes as amended.

Motion Made: L. Miller

Motion Seconded: T. Crowley

MOTION: Approval of the October 14, 2014 Meeting Minutes as amended.

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

**C. ROBERT LAMAN FLOODPLAIN DEVELOPMENT: 3622 E. Main Street;
R. Laman**

1. Declare Lead Agency

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

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

b. Declare the Action as an Unlisted Action

Chairman McLain asked for a motion to declare the action for Robert Laman as an Unlisted Action under SEQRA.

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

2. SEQRA Determination

Ms. Lane reviewed the Short Environmental Assessment Form with members of the Planning Board. As noted in the "Brief Description of Proposed Action", Mr. Laman has submitted an application for two area variances; one for setback of an accessory building from a principal building, and the other for setback of an accessory building from an existing accessory building. He has applied for the related Special Permit to build in the floodplain in order to place a 16' x 10' shed on an existing concrete slab on the property. The shed will be situated behind the office building and will be used for storage of maintenance equipment. The proposed variances will have no negative impact on the environment, and the 160 square foot structure will have no impact on the base flood elevation.

Building in the floodplain does require a Special Permit, and flood protection measures such as anchoring the building. The overall project, as proposed, will not have a significant impact on the environment.

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

3. Advisory Opinion to the ZBA (distance separation requirement of eight feet)

To summarize the memorandum presented by Ms. Lane, Robert Laman of 3622 George F. Highway, LLC, has submitted plans to construct a 16' x 10' shed at the rear of the existing contractor's office building on his property. The shed will be used for storage, and will be constructed as a moveable structure. It will be painted and trimmed to match the existing building on site.

The concrete pad for the proposed shed has already been poured. The top of the slab sits at approximately 829.4 feet above sea level, and the surrounding land is between 828.6 and 829.1 feet above sea level. The partially constructed accessory building is six feet from the principal building and two feet from an existing accessory structure. Variances are being requested as the current Code requires a minimum distance separation of eight feet between buildings on the same lot. Area separation variances of two feet between the principal building and the proposed shed, and six feet between the existing accessory structure and the proposed shed are being requested.

Because the entire lot is located within the 100-year floodplain, a Special Permit to develop in the floodplain is required from the Planning Board prior to beginning construction. The accessory building is a permitted use within the General Commercial Zoning District.

The Planning Department recommends approval of the two-foot variance between the principal building and proposed shed (with a distance of six feet between), and the six-foot variance between the existing accessory building and proposed shed (with a distance of two feet between). The only concern

voiced by the Endwell Fire Chief was related to the proximity of the proposed shed to the existing office building. He recommended that Mr. Laman fire-rock (fire-rated sheet rock) the wall of the shed facing the office for fire containment in case a fire should occur. The Fire Chief also stated that he would not allow any penetrations in the wall closest to the office building. Mr. Laman agreed to install the fire-rock (approximately two sheets) should the Planning Board deem it necessary.

Chairman McLain asked for a motion to recommend approval of the following variances by the Zoning Board of Appeals (ZBA).

a. Area Separation Variance of two feet between principal building and the proposed shed:

Motion Made: A. Elwood
Motion Seconded: S. Forster
MOTION: Recommendation of approval of the two-foot variance between the principal building and the proposed shed by the ZBA.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Forster
Opposed: None
Abstained: None
Motion Carried

b. Area Separation Variance of six feet between an existing accessory building and the proposed shed:

Motion Made: S. Forster
Motion Seconded: A. Elwood
MOTION: Recommendation of approval of the six-foot variance between the existing accessory building and the proposed shed by the ZBA.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Forster
Opposed: None
Abstained: None
Motion Carried

4. Call for a Public Hearing for Floodplain Development to be held December 9, 2014

Chairman McLain asked for a motion to call for a Public Hearing related to Floodplain Development by Robert Laman to be held Tuesday December 9, 2014 at 7:00 PM.

Motion Made: L. Miller

Motion Seconded: A. Elwood
MOTION: Public Hearing for Floodplain Development to be held December 9, 2014 at 7:00 PM.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Forster
Opposed: None
Abstained: None
Motion Carried

D. NORTHMINSTER PRESBYTERIAN CHURCH: 711 Farm-to-Market Road; Day Care Special Permit; A. Piester

1. Declare Lead Agency

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

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

b. **Determine Action as Unlisted Action under SEQRA**

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

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

2. Call for a Public Hearing

Chairman McLain asked for a motion to call for a Public Hearing regarding the Northminster Presbyterian Church Day Care Special Permit to be held on Tuesday December 9, 2014 at 7:05 PM.

Motion Made: S. Forster

Motion Seconded: A. Elwood
MOTION: Call for a Public Hearing to be held December 9, 2014 at 7:05 PM.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Forster
Opposed: None
Abstained: None
Motion Carried

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

Ms. Lane advised the Board that the site plan for the Traditions Casino is not quite approvable. The state Gaming Commission siting group is in the process of reviewing the project now. Once they complete their review they will advise the Gaming Commission of their findings. This will be followed by an in-depth financial review, and a final decision on who will receive licensing will most likely be made by the end of the year. Site plan revisions were requested for lighting in the shuttle lot, landscaping (additional evergreens added throughout the site and removal of Bradford pear trees from parking lot), and further definitions of additional undefined wetlands. Traffic plans also still need to be determined and finalized.

F. ADJOURNMENT

Chairman McLain asked for a motion to adjourn the meeting at 8:35 PM.

Motion Made: R. Mack
Motion Seconded: S. Forster
MOTION: Adjourning the meeting.
VOTE: **In Favor:** S. McLain, A. Elwood, T. Crowley, 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, December 9, 2014 at 7:00 PM.

Respectfully Submitted,
Sandra Cragle