

Town of Union Planning Board Minutes

Tuesday, December 9, 2014

A regular meeting of the Town of Union Planning Board was held Tuesday, December 9, 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, Sarah Campbell, John Miller, Eric Olsen,
Amy Piester, Sonny Spera, Angela Spera

A. CALL TO ORDER

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

B. MEETING MINUTES

Approval of 11/18/14 Meeting Minutes

Approval of the November meeting minutes was postponed until the next meeting scheduled for January 13, 2015.

C. ROBERT LAMAN Floodplain Development Special Permit, 3622 George F Highway; R. Laman

1. Note: The Planning Board declared Lead Agency and made a Negative Declaration under SEQRA at the November 18, 2014 meeting.

2. Note: Mr. Laman did not appear at 7:00 PM, and the public hearing was delayed for the end of the meeting.

3. Public Hearing - Special Permit

Chairman McLain opened the Public Hearing related to the Special Permit for Floodplain Development at 7:40 PM. As no one attended the public hearing, Chairman McLain closed the Public Hearing at 7:42 PM.

The Planning Board discussed their options, and as Mr. Laman failed to attend the meeting, the Planning Board agreed to postpone the reviews of the Special Permit and Site Plan for the next meeting to be held in January. Mr. Mack commented that Mr. Laman has made substantial improvements to the existing office building.

**D. NORTHMINSTER PRESBYTERIAN CHURCH, 711 Farm to Market Rd.,
Preschool Playground; A. Piester**

1. Note: The Planning Board declared Lead Agency and the action an Unlisted Action under SEQRA at the November 18, 2014, meeting.

2. SEQRA Determination

Ms. Lane reviewed the Short Environmental Assessment form for the members of the Planning Board. The proposed playground, as an accessory use for an existing pre-school in a church in an Urban Single-Family zoning district, will not impact any animals, plants, wetlands or the floodplain. The playground for preschoolers will not generate significant noise, or affect existing traffic patterns or density. The enclosed playground will be safer for the children.

Upon reviewing the environmental assessment form, the preschool playground will not have a significantly negative impact on the environment.

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

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

3. Site Plan Review

Ms. Lane reviewed her memorandum for members of the Board. As noted, Ms. Amy Piester, on behalf of the Northminster Presbyterian Church preschool/nursery program, has submitted a site plan application to install an enclosed playground as an accessory use to the preschool program in the existing church located at 711 Farm-to-Market Road. The preschool operates two sessions per day during the week, and there is an existing, open space parking lot and grassy area in the rear of the building. The playground proposal includes a chain link fence enclosure of 50 feet by 25 feet, expanding across a portion of the parking lot for bicycles, and a portion of the grassy area for the eventual installation of playground equipment. The plan is to have the fence be moveable over the parking lot to facilitate parking lot maintenance. The site is served by public water, public sanitary sewer, and public storm sewer. The property is zoned Urban Single Family, and the preschool/nursery use and playground are permitted uses.

Because this project is located along County-owned Hooper Road, it was subject to a 239-Review,. The Broome County Planning Department, Engineering Department and BMTS had no concerns. The plan to add a fence will not disturb any pervious area, and stormwater management plans are not required. The Planning Department has recommended approval of the Negative Declaration under the New York State Environmental Quality Review Act (SEQRA) for the site plan review.

The Planning Board discussed the project with Ms. Piester, and it was brought up that moveable chain-link fences have a history of not being safe, especially for children riding on bikes due to the expanded base. The recommendation was made that rather than making the fence moveable, include gates that would be large enough to accommodate maintenance vehicles.

Chairman McLain asked for a motion to approve the Northminster Presbyterian Church preschool playground site plan with added recommendation.

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

E. FISHS EDDY Tire Changing Service Shop: 3200 Watson Blvd.; J. Miller, S. Campbell

1. Declare Lead Agency

Chairman McLain asked for a motion to declare the Planning Board Lead Agency for the Tire Changing Service Shop.

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

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

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

2. SEQRA Determination

Ms. Lane clarified that the ZBA had previously agreed with Ms. Campbell's interpretation of the tire changing business as a personal service use, and therefore the use is permitted in Neighborhood Commercial zoning districts. Ms. Lane reviewed the Short Environmental Assessment Form for members of the Planning Board. As per the "Description of Proposed Action," the proposed tire changing business in an existing commercial building in a Neighborhood Commercial zone will not impact any animals, plants, wetlands or the floodplain. The use will not generate significant noise, or affect existing traffic patterns or density. The potential for negative visual impacts due to the storage of tires will be mitigated by requiring that all used tires be stored in an opaque enclosure. There are no residential houses immediately adjacent to the business.

Upon reviewing the environmental assessment form, the tire-changing business should not have a significantly negative impact on the 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:** A. Elwood, S. McLain, L. Miller,
S. Forster, R. Mack
Opposed: None
Abstained: None
Motion Carried

3. Site Plan Review

Following a consultation about presenting the proposed project with Ms. Campbell, Ms. Lane reviewed her memorandum for members of the Board.

Mr. John Miller, as Fishs Eddy VI, LLC., has applied to use an existing 1,125 square foot commercial building with two overhead doors as a tire changing business, a use interpreted as a personal service shop by the Zoning Board of Appeals on December 1, 2014, and therefore a permitted use in the Neighborhood Commercial district. The building, located at 3200 Watson Boulevard, was formerly an auto service shop, but this use is no longer permitted in this zoning district. Because the building has been vacant for over a year and the use is new, the project requires site plan review.

The 0.23-acre property is fully impervious, and the parking lot is partially striped. The personal service use, with a twelve foot by twelve foot office inside, requires six parking spaces, including one handicapped accessible space and access space. The site has access to public water, sanitary sewer, and storm sewer.

As stated in the "Staff Findings," this location was not subject to a 239-Review. The site plan has been reviewed by the Town of Union Code Enforcement and Engineering Departments.

The Planning Department recommends approval of the site plan with the stipulations that the parking lot shall be striped according to the plan prior to the issuance of the Certificate of Compliance, and that wheel stops shall be placed at the ends of the parking spaces to prevent vehicles from parking over the sidewalk. Snow shall not be plowed onto the sidewalks and the sidewalks shall be maintained year-round for pedestrian traffic.

The sale or repair of vehicles is strictly prohibited.

Tires for sale shall not be displayed within any right-of-way, on sidewalks, or in any area that would block automotive traffic. Used tires shall be stored in a fenced-in, completely opaque enclosure. There shall be no storage of any items, other than the clear display of tires for sale, at any time outside of such enclosure or the building.

If any exterior lighting is proposed, the location and details shall be submitted to the Code Enforcement Office and Planning Department for review and approval prior to installation. Likewise, if any signage is proposed, the location and details shall be submitted to the Code Enforcement Office and Planning Department for review and approval prior to installation.

The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. 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 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.

Mr. Forster asked for clarification about whether the business included sales of tires. Mr. Miller stated that it is intended to be a tire changing business that will change tires brought in by the client, or as ordered by the client.

The Planning Board members discussed possible tire storage locations with Mr. Miller, particularly as it might impact any residents of the second story apartments to the south of the building. Since most people will be bringing in tires, it is expected that there won't be too many tires stored outside, and in addition, Mr. Miller has a requirement that the exterior of the site be maintained as he is working to also have an attractive plaza next door.

The interior of the building was briefly discussed. There are two bays, and rooms for office space and storage.

Chairman McLain asked for a motion to approve the site plan for a tire changing service shop with conditions.

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

F. PROGRESSIVE DENTAL: 565 Hooper Road; E. Olsen

Advisory Opinion to the ZBA [sign height variance of two feet (2')]

Mr. Eric Olsen of 3iGraphics & Signs presented a variance application for a new sign on behalf of Progressive Dental for 565 Hooper Road, which requires a height variance in order to be installed as proposed. The property on which the sign is proposed is zoned Neighborhood Commercial with Hooper Road Neighborhood Commercial Overlay, and monument signs are permitted with a maximum height of five feet (5'). The proposed monument sign is seven feet high (7'); therefore the applicant is requesting a variance of two feet (2').

Mr. Olsen demonstrated on a site plan that the sign would be seventeen feet from the right-of-way, and in the location of the current sign. It therefore meets the setback requirement. He showed the sign height in respect to the height of the building. He also clarified that the sign will be externally

illuminated, so Ms. Lane recommended he confirm with the Code Enforcement Officer that external illumination meets Code.

Mr. Olsen stated that the sign would be raised on a faux stone base, and would be made of metal and powder-coated a warm gray color to match the façade of the office building. The letters would be raised vinyl graphics, colored white ("Progressive") and orange, a brand color combination that they are using for all their business signs, per Dr. Sonny Spera. Dr. Spera said the height of the sign allows them to advertise the new second business. Upon discussion about the colors, Mrs. Spera said that the paint company referred to the gray color as "clay." The Speras demonstrated how the colors match the office building. The Planning Board discussed how the sign is set back relatively far from the road, and that its style is more modern than that of the existing sign.

The Planning Department recommended approval of the variance as the proposed sign is narrower and only four inches higher (total of 84 inches) than the existing sign, which is 80 inches high, or 6.67 feet. The proposed height will also facilitate better visibility in snow.

Chairman McLain asked for a motion to recommend approval of the variance request for the new Progressive Dental sign.

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

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

Ms. Lane explained the upcoming NYSDOT project to replace the bridge over Patterson Creek on 17C and the project's impacts on businesses along that section of 17C. All businesses will be able to make right turns in and out of their properties, except for Mr. Laman. The DOT will enter his property on the northwest corner to build a retaining wall for Patterson Creek. In exchange for blocking Mr. Laman's entrance, the DOT will stabilize a rear access drive so that he can enter and exit his property via River Road. The plan is to place 6" of gravel along the drive to stabilize it, not to add fill. The DOT will not be using the rear drive, and they are placing the gravel primarily for Mr. Laman. Ms. Lane further explained that Mr. Caforio, Commissioner of Public Works for the town,

informed her that the town does not want the DOT to remove the gravel after completion of the project, as that would be more disruptive. The DOT will be making additional upgrades, such as banking the curve in the road for safer driving, and adding curbed islands. The projected timeline for the project is still to be determined, but may begin this summer. The Planning Board commended the workers that completed the Hooper Road bridge project on their fast work.

Ms. Lane informed the Planning Board that Gault Auto sold their Volkswagen business to Matthews, and are planning to use the existing building for selling used vehicles. Delta Engineering has submitted plans for upgrades to the existing BMW business and building, with the intention to have site plan review in January.

A consignment shop has moved into the former Hydro Heaven store in West Corners, and a new Irish pub/restaurant has moved into the former Country Pines Inn on Route 26.

H. ADJOURNMENT

Chairman McLain asked for a motion to adjourn the meeting at 7:52 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, January 13, 2015 at 7:00 PM.

Respectfully Submitted,
Marina Lane