

**Town of Union Planning Board Minutes**  
Tuesday, July 24, 2007

A regular meeting of the Town of Union Planning Board was held on Tuesday, July 24, 2007 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York. Chairperson McLain opened the Planning Board meeting at 7:00 p.m.

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

Members absent: J. Rotella, T. Crowley, B. Seliga

Others present: Paul Nelson, Marina Lane, Nancy LaBare, Mike Malarkey

**A. CALL TO ORDER**

Chairperson McLain opened the regular meeting of the Planning Board at 7:00 p.m.

**B. APPROVAL OF MEETING MINUTES: JULY 10, 2007**

Chairperson McLain asked for a motion to accept the July 10, 2007 meeting minutes with the following changes:

- On Page 3, Section D, Paragraph 5, change sentence to read, "On the northern portion they would like the zoning to be changed to CR which would allow retail as well, perhaps a strip mall that would allow mixed use.
- On Page 5, Section E, change "dental" to "dentil."

Motion made: A. Elwood

Motion seconded: L. Miller

MOTION: Approving the minutes from July 10, 2007 as changed.

VOTE: **In Favor:** L. Miller, A. Elwood, S. McLain, R. Signorelli

**Opposed:** None

Motion Carried

**C. PROPOSED 3-STORY APARTMENT BUILDING: 724 TAFT AVENUE**

Mr. Malarkey did a Site Plan Presentation for this property. He stated that he had successfully developed a similar property at 712 Taft Avenue which was completed in December 2006. He has full occupancy of that property and is constantly receiving phone calls inquiring about vacancies. The property he wants to develop at 724 Taft Avenue will be very similar. The total lot area is approximately 0.41 acres. There will be 12 units, four on each of three stories.

Each unit is approximately 750 square feet. The first floor has handicap access as required. There are a sprinkling system, intercom and central air. There are 18 parking spaces, four of which are in the garage.

Mr. Malarkey is asking for variance on the following two issues:

1. Because of the size of the property, it was difficult to obtain the parking spaces necessary. A 24-foot aisle width is required for parking and they were able to do that with the exception of parking spot #14 which does not meet the required minimum width. His engineer is proposing to put a 10-foot "L" around the dumpster so the occupant of that space could back up and drive out. He asked for an exception for that space and has already filed the paperwork for that variance.
2. Because of the size of the property, there was difficulty planning the green space required on the Alexander Street side of the property. A ten-foot perimeter strip is required along that side, but they were able to provide only six feet. However, since the Town owns the ten feet by the curb, there will still be the required green area and they are, therefore, requesting a four-foot variance. Shrubbery is planned along the west and south side of the building, and there is a substantial amount of green area planned on all sides.

Ms. Lane mentioned that it might be possible to eliminate the need for the ten foot "L-shaped" parking spot. Also it was suggested that Mr. Malarkey have his engineer research the code requirements for the loading areas for handicap parking spaces. There may already be more space planned for each spot than is required by code and, if so, he will have the space he needs.

The Board expressed concern about landscaping. It was suggested that hedge rows should be planted on the Alexander Street side where vacant lots may be developed in the future. There was also concern about drivers' visibility when pulling out onto Taft Avenue. It was suggested that hedges be planted on the rear side of the property to block car headlights from neighboring homes.

Ms. Lane stated that the variance application was sent out for a 239-Review on July 16. She suggested that Mr. Malarkey look at the suggestion about parking spaces before the next Board meeting on August 14, 2007.

#### **D. SOUTHERLY HILLS PUD: 10 KOT ROAD**

Ms. Lane summarized the changes between now and the original plan approval. The approval letter is almost the same as the original, except that if model units are built, no one would be allowed to live in them until the water tank is operational. The Village of Johnson City and the Town of Union were hesitant to grant a Certificate of Occupancy because of lack of fire protection until a new water tank is operational. Mr. Pope and Ms. Lane worked to upgrade the language. The following changes were made to the stipulations given to the developer, Mr. Julian (see Letter of July 25, 2007):

- Item No. 22: Insert the sentence “The Applicant understands and accepts the risk, that the use of only the existing Deyo Hill water tank will not provide adequate fire protection for this development.”
- Item No. 26: Insert the word “estimated” before the size of the water tank in all places (five) to reflect that the figures are not exact.
- Item No. 28: Insert the words “and the new water tank is approved and operational” at the end of the first sentence.

Ms. Lane will be sending the revised letter to Mr. Julian’s attorney tomorrow. She also told the Board that discussion about the water tank is continuing. The long-range estimate for its completion is approximately 18 months, although hopefully it will move more quickly. Johnson City will have to send out bids for proposals, gather estimates, and submit them to the Town and Village for review. Selection will most likely not occur until the beginning of 2008, with one year needed to construct the tank.

Chairperson McLain asked for a motion to approve the revised Letter of Approval.

Motion made: R. Signorelli

Motion seconded: L. Miller

MOTION: Approving the revised Letter of Approval.

VOTE: **In Favor:** L. Miller, A. Elwood, S. McLain, R. Signorelli

**Opposed:** None

Motion Carried

## E. COMPREHENSIVE PLAN DISCUSSION

Mr. Nelson presented maps for the Comprehensive Plan. The maps had been updated since the previous discussion and now show specific Mixed Use areas taken out of previous classifications and put in a generic Mixed Use category. Johnson City is concerned about the category and feels the classifications should give as much guidance as possible so as not to be left open for interpretation. Dee (Daria Golazeski, J.C. Dir. of Planning) wants to provide for her Board as

much information as she can and will be marking up her own map. She will be attending one of our meetings in the near future.

Mr. Nelson discussed the Comprehensive Plan. It will be a report consisting of a Technical Reference Section, Goals and Objectives and the Future Land Use Map. Another bound version will have Individual Neighborhood Studies.

The Route 26 and Watson Boulevard areas are areas of greatest concern. The classification of the parcels being developed by Walsh Realty on Watson Boulevard was discussed. The Board needs to decide on future land use recommendations. They also need to think about important background material including demographics and soil conditions. The developers are asking that the zoning of the northern parcel be changed from RU-M/O to CR, allowing retail as well as office uses. Development should be done with few curb cuts and with internal circulation between businesses. Destination businesses would work well here or small retail shops because it is not a high traffic area. Wetlands are a concern on this property. The Army Corps of Engineers is very strict about moving wetlands. Currently water goes through a pipe under the railroad, under Route 17C and out to the Susquehanna. Where the water would go if the north wetland were filled in was discussed. If wetland is filled in, it needs to be developed in another place. Future recommended uses become very important on this property. It has potential to be an attractive wetland or parkland; but since it is privately owned, its use has to be controlled. The south side of the property is going to face the highway and become a "greeting card" for people entering the Town. It was suggested that possibly they could have the front of what they develop face the highway or have a "front-facing" look on the back of any buildings.

Route 26 is another problem area that needs to be resolved. This area has a variety of uses now with retail, subdivision and residential.

Due to flooding, the Town will now own property in the Argonne Road area that will not be suitable for permanent structures. The possibility of recreational areas, walking trails and sports fields were discussed. The Town meets recommended sports standards for fields. The possibility of making sports fields and charging neighboring towns in need of fields was discussed. The manpower and money involved in maintaining them is a serious consideration. Money that can be used for improvements to small parks is available through a Park Dedication Fund, financed through required contributions from developers. The fund provides required matches to State grants. The Town is in the process of planning some park improvements.

It was suggested that the Taft Avenue property where Mr. Malarkey is building be changed from low-density to medium-density for multi-family. There are also properties on Columbia Drive that should possibly be medium density. Mr. Nelson will examine this area closely.

Mr. Nelson stated that the last section of the Comprehensive Plan involves implementing the plan and, for example, recommending ordinance changes, developing policies for

what is appropriate development for flood or steep slope areas, planning forestry management, and giving the Planning Board Chairperson the authority to issue a notice of violation for a site plan that is not being followed. He stated that the Board should start thinking about these issues.

Mr. Nelson will print extra copies of the Future Land Use Maps for Board members and mail them this week. He will delete any circled areas that have been resolved. It was agreed that combining categories has created a map that is more legible and less cluttered.

#### **F. OTHER SUCH MATTERS AS MAY PROPERLY COME BEFORE THE BOARD**

A question about construction activity on Hooper Road arose. There are a substantial number of pieces of heavy equipment being used. Ms. Lane will investigate.

There was also a question raised about activity at the top of Taft Avenue involving building behind the house. It involved a large slab and a lot of heavy equipment. Ms. Lane will check into this.

Ms. Lane made an update on the filling on the flood plain near the former Lot C-10. She met with Mr. Pope about the conflict with the Code Book. He felt that it stated quite clearly in the section the Town is using that the most restrictive law should be used if there is any conflict. Chapter 121 of the Code Book says it is to replace the section in the Zoning chapter but it also says if any other law is more restrictive, then the more restrictive law should be used. Ms. Lane will speak to Mr. Pope and ask him to write a letter to clarify this. The dumping is not temporary. It is being placed there and will be graded. The concern is about the height of the floodwall, should they be allowed to continue filling in the floodplain. Discussion then revolved around the easement around the floodwall. It was suggested that the file be researched that should exist for the floodwall when the easements were purchased from IBM and another owner. It is believed that restrictions were put on what could be done with the floodwall. Ms. Lane will look into the easements for the wall.

Ms. Lane mentioned that she sent out a 239-Review today for the rezoning of 3600 Country Club Road plus adjoining properties. The development will involve the Church property on Hooper Road, the house immediately to the east and three more houses near the property on Beatrice Lane and Country Club Road. The proposal is for a 14,400 square foot Walgreen's. The lot is small for a business of that size and there is concern about cars and delivery trucks being able to pull in and out of the property.

A question was asked as to whether the Comprehensive Plans prepared in 1969 and 1979 were officially adopted by Town Board. The 1979 Plan only shows that it was adopted by the Planning Board. Mr. Nelson stated that for legal purposes it

should be adopted, but technically a Plan doesn't have to be written. Rather, it can be a series of meeting minutes and discussions reflected in the minutes. According to New York State law, if you have a Comprehensive Plan, you should adopt it and state specifically when you are going to revise it. Mr. Nelson will investigate to see if there was a resolution to adopt the Plan in 1979.

The unfinished site plan for Tony's Restaurant was questioned. Ms. Lane mentioned that she plans on checking on that and all site plans she has been involved with over the last two years, as time permits.

**G. ADJOURNMENT**

Motion made: L. Miller  
Motion seconded: R. Signorelli  
MOTION: Adjourning the meeting at 9:00 p.m.  
VOTE: **In Favor:** L. Miller, A. Elwood, S. McLain, R. Signorelli  
**Opposed:** None  
Motion Carried

**Meeting Date**

The next meeting of the Planning Board is scheduled for Tuesday, August 14, 2007 at 7:00 p.m.

Respectfully submitted,

Dawn Foti