

Town of Union Planning Board Minutes

Tuesday, March 15, 2016

A regular meeting of the Town of Union Planning Board was held Tuesday, March 15, 2016, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, S. McLain, A. Elwood, S. Daglio, L. Cicciarelli

Members absent: T. Crowley, S. Forster

Others present: Marina Lane, Wesley Earle, Hanna Gronowski, Ronda Love, Michelle Love, Paul Nelson

A. CALL TO ORDER

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

B. MEETING MINUTES

1. Approval of February 9, 2016 Meeting Minutes

Chairman Miller asked for a motion to approve the February 9, 2016 Meeting Minutes as written.

Motion Made: S. McLain

Motion Seconded: S. Daglio

MOTION: Approval of the February 9, 2016, Meeting Minutes as written.

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

Opposed: None

Abstained: L. Cicciarelli

Motion Carried

2. Approval of February 9, 2016 Public Hearing Transcript – DW Auto: Vehicle Sales

Chairman Miller asked for a motion to approve the February 9, 2016 Public Hearing Transcript for DW Auto Vehicle Sales as written.

Motion Made: S. McLain

Motion Seconded: A. Elwood

MOTION: Approval of the February 9, 2016, Public Hearing Transcript for DW Auto Vehicle Sales as written.

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

Opposed: None

Abstained: L. Cicciarelli

Motion Carried

3. Approval of February 9, 2016 Public Hearing Transcript – Landscape Depot: Outdoor Sales & Storage

Chairman Miller asked for a motion to approve the February 9, 2016 Public Hearing Transcript for Landscape Depot Outdoor Sales and Storage as written.

Motion Made: A. Elwood
Motion Seconded: S. McLain
MOTION: Approval of the February 9, 2016, Public Hearing Transcript for Landscape Depot Outdoor Sales and Storage as written.
VOTE **In Favor:** L. Miller, S. McLain, A. Elwood, S. Daglio
Opposed: None
Abstained: L. Cicciarelli
Abstained: None
Motion Carried

4. Approval of February 9, 2016 Public Hearing Transcript – Grants Autohouse: Vehicle Sales

Chairman Miller asked for a motion to approve the February 9, 2016 Public Hearing Transcript for Grants Autohouse Vehicle Sales as written.

Motion Made: S. McLain
Motion Seconded: S. Daglio
MOTION: Approval of the February 9, 2016, Public Hearing Transcript for Grants Autohouse Vehicle Sales as written.
VOTE **In Favor:** L. Miller, S. McLain, A. Elwood, S. Daglio
Opposed: None
Abstained: L. Cicciarelli
Abstained: None
Motion Carried

C. ReNew More, Inc., Love's Thrift Store, 3400 E. Main Street and 214 Kent Avenue: Wesley Earle

1. Declare Lead Agency

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

Motion Made: S. McLain
Motion Seconded: L. Cicciarelli

MOTION: Declare the Planning Board Lead Agency
VOTE: **In Favor:** S. McLain, L. Miller, A. Elwood,
S. Daglio, L. Cicciarelli
Opposed: None
Abstained: None
Motion Carried

2. Declare Action as Unlisted Action

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

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

3. SEQRA Determination

Ms. Lane reviewed the Short Environmental Assessment Form with members of the Planning Board and noted that there would not be any negative impacts to the following categories: adopted land use plan or zoning regulations; the use or intensity of the use of land; the character of the existing community; existing levels of traffic; the use of energy; public or private water supplies or wastewater treatment utilities; historic or archaeological resources; natural resources; the potential for erosion, flooding or drainage; environmental or human health; or any Critical Environmental Area. Ms. Lane then read her report on the determination of the significance of the project.

The applicants have submitted a proposal to open a thrift store in an existing commercial building, and the retail use is permitted in the General Commercial zoning district. As an accessory use to the thrift store, donated clothing will be sorted in a second warehouse-style building on the adjacent parcel, with some clothing to be sold in the thrift store and the remainder to be packaged and shipped elsewhere. In addition, the applicants plan to make cotton candy to be sold in the thrift store and also to be packaged and shipped to other distributors.

The primary building is on the 0.512+/- acre 214 Kent Avenue property and the storage building is on the 0.340+/- 3400 E. Main Street property. The properties share 31 parking spaces, including two handicapped accessible spaces. The parking lots will have wheel stops placed strategically to clarify entrances and exits that meet NYS DOT requirements.

Because there is no ground disturbance planned, the project will not have any negative archeological impacts although it is within the buffer of an archeologically sensitive area. The proposal will not have negative impacts on wildlife or plants, and no noxious noise or odors will be produced. The site is not in the floodplain.

The review of the project found no significant negative impacts to the environment and Ms. Lane recommended a negative declaration under SEQRA.

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

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

4. Site Plan Review

Mr. Earle gave a short presentation about their plans for the properties. They plan to open the thrift store in half of the Kent Avenue building. The thrift store will be open seven days a week from 9:00AM to 10:00PM and have two shifts with two employees per shift. They hope to sell all merchandise for one dollar, and with this pricing model the owners feel that they will be helping the local residents in the community. The soiled or unusable garments will be discarded; clothing that does not sell will be stored and resorted in the warehouse building at 3400 E. Main Street and resold to other companies to repurpose the clothing.

Mr. Earle stated they have just purchased a cotton candy business, Fun Time Foods Cotton Candy, and this business will be located in the remaining portion of the Kent Street building on the first floor. This business will operate between 8:00 AM and 4:00 PM Monday through Friday, and there will be two employees at the business. The cotton candy will be produced at the store, and some will be sold at the thrift store and the rest to other distributors. Mr. Earle stated that they do need to obtain approval from the Health Department for the facility. Mr. Earle plans to install a three-bay sink and a kitchen hood that exhausts the sugar particles into the air outside of the building.

The Planning Board had the following concerns about the thrift store: where the clothing was collected and if it was laundered; how they would dispose of unusable or unsold clothing; whether other items besides clothing would be sold; and the flow of traffic between the two buildings to the parking lot behind the building at 3400 E. Main Street. Michele Love, one of the co-owners of Love's Thrift Store, noted that they had forty bins throughout the community where they collect used clothing, shoes and small household objects. Michelle Love stated that they would not launder the clothing because it was cost prohibitive with their pricing model; however, she noted that wet and moldy items would be discarded. They plan to sell each item for a dollar with the goal of having the clothing repurposed in the local community rather than having those donations shipped overseas. Stained or unsold clothing will be sorted in their warehouse on the property and transported to companies that do mass recovery. Ms. Love stated they will sell clothing, shoes and bric-a-brac at the store. Mr. Earle and Ms. Love's goal is to help the community by keeping the clothing affordable, and to keep useable clothing out of local landfills.

Mr. Earle noted that they schedule pick-up from the bins throughout the community at least twice a week. The bins are posted, stating that the company is a for-profit company; so citizens can dispose of their used clothing but cannot take a tax write-off for their donations. Ms. Love said that they will also accept donations at the store. There was some concern that people would leave donations outside of the store, but the owners plan to install cameras and a wall sign to prevent this from happening.

The Planning Board members asked about the signage on the property. Ms. Lane noted that the code allowed one wall sign and one monument sign, and she advised the owners to consult with the Code Enforcement Official to make sure that signs they place on the property meet Town code.

Ms. Lane summarized her staff memorandum for the Planning Board and recommended that the Planning Board approve the Site Plan with the following stipulations:

1. The applicant shall combine 214 Kent Avenue and 3400 E. Main Street in order to use the warehouse building as an accessory building to the thrift store business. The applicants shall purchase the properties with the exact same owner name in order to facilitate the combination. Subsequently, the property combination form shall be submitted to the Assessor's office prior to the issuance of a Certificate of Compliance.
2. If the two combined parcels, 214 Kent Avenue and 3400 E. Main Street, are ever sold as separate parcels in the future, they shall have a shared parking and access easement, which shall be filed with Broome County, to run with both deeds. At that time, the parking and access agreement shall

be reviewed and approved by the Town Attorney prior to being filed.

3. The curb opening from 214 Kent to Luther Street shall be revised on the site plan to include the existing raised curb and to redirect exiting traffic through the existing curb cut. Wheel stops shall be added along Luther Street on the east side of the rear parking lot as determined by Engineering and Code Enforcement to define the exit. In addition, wheel stops shall be installed in the parking spaces facing both sides of the building at 3400 E. Main Street.
4. The proposed "Exit Only" sign in the rear of 214 Kent Avenue shall be modified to have a "Stop" sign facing north into the parking lot, and "Exit Only" on the south face of the sign. The sign shall be relocated further to the east in accordance with the redesigned exit location. A Stop bar shall be painted when the striping is added. The site plan shall be revised and reviewed by Planning, Engineering and Code Enforcement prior to issuing a building permit.
5. The parking lot at the rear of 214 Kent Avenue shall be paved and striped, and the remaining parking areas shall be striped according to the site plan, by May 30, 2016. Wheel stops and directional signage shall be installed by May 30, 2016.
6. If the new owner plans to repair the apron in front of 3400 E. Main Street, driveway aprons are the responsibility of the property owner. Any work to repair or improve the apron will require that the owner apply for a highway work permit prior to any work in the state right-of-way.
7. Planters or other decorative barriers approved by the DOT shall be placed in the currently paved area in front of the building at 3400 E. Main Street to prevent vehicles from being parked between the curb and building.
8. The "One Hour Parking" sign shall be removed from the rear parking lot adjacent to the southwest side of the property, and landscaping in a contained landscape bed shall be installed in the roughly 12-foot long area between the last parking space and the raised curb.
9. The landscaping shown on the site plan shall be maintained in healthy condition. In addition, low-lying landscaping shall be planted in the brick planter in front of 3400 E. Main Street.
10. The applicant shall contact the Refuse Department at 607-786-2980 to coordinate garbage pickup. Should more than six cans of garbage a week become routine, a dumpster with a dumpster enclosure shall be added to the site in coordination with the Code Enforcement office.

11. If the applicant wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
12. If a sign is desired, the applicant shall apply for a sign permit from the Building Official. All temporary signs (including price signs), portable signs, search lights, balloons, sidewalk and curb signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that blink, rotate, or move are not permitted.
13. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
14. 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.

Chairman Miller asked for a motion to approve the amended Site Plan for ReNew More, Inc., Love's Thrift Store, at 3400 E. Main Street and 214 Kent Avenue with stipulations.

Motion Made:	L. Cicciarelli
Motion Seconded:	A. Elwood
MOTION:	Approval of the amended Site Plan for the ReNew More, Inc., Love's Thrift Store, at 3400 E. Main Street and 214 Kent Avenue with stipulations.
VOTE	In Favor: L. Miller, S. McLain, A. Elwood, S. Daglio, L. Cicciarelli Opposed: None Abstained: None Motion Carried

D. Election of Vice Chairman

After some discussion about the duties of the Vice-Chairman, Mr. Len Cicciarelli was nominated as a candidate for the Vice-Chairman position on the Planning Board. Chairman Miller asked for a motion to approve the election of Len Cicciarelli as Vice Chairman of the Planning Board.

Motion Made:	S. Daglio
--------------	-----------

Motion Seconded: S. McLain
MOTION: Approval of the election of Len Cicciarelli as Vice-Chairman of the Planning Board.
VOTE **In Favor:** L. Miller, S. McLain, A. Elwood, S. Daglio, L. Cicciarelli
Opposed: None
Abstained: None
Motion Carried

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

1. Overview of Johnson City Water Treatment Plant

Mr. Nelson gave a short presentation about projects which will affect the Town of Union. Mr. Nelson noted that after the 2011 flood, infrastructure was damaged and the Town had received money to repair the flood damage. Mr. Nelson noted that the former B.A.E. building is now being demolished. The Town of Union and the Village of Johnson City have received grants from two different sources; one is the state Community Development Block Grant-Disaster Recovery (CDBG-DR) program grant through the Governor's Office of Storm Recovery (GOSR), and the other project will be funding from the Town of Union's CDBG-DR grant for new construction. As part of the Johnson City Water Treatment Plant project, a new Operations/Administration building will be built in place of the current maintenance building. Once the new Operations/Administration building is completed, the current Operations/Administration building will be demolished and new maintenance/storage building will be constructed. These buildings will be designed to be as flood resilient as possible. The new Administration/Operations building will be built at a higher elevation so that it will be easier to get the building back online more quickly following any floods. This project will be processed as a minor site plan review because the project involves replacing buildings in kind and essentially in place.

Mr. Nelson was asked why the rebuilding was being done in the same place. He replied that the rebuilding is being done in place because there are four existing pump stations and this site is where primary treatment takes place. As part of the flood resiliency plan, the pump house buildings will have flood barrier systems installed that can be deployed in advance of a flood. The new buildings will be built at higher elevations to the extent possible the maintenance/storage building will be designed so that water can flow through it.

Ms. Lane asked why the project map was labeled the Village of Johnson City. Mr. Nelson replied that the Village of Johnson City owns the property so that is why it is referenced that way. Mr. Nelson noted that two separate

environmental reviews were completed because there is federal money involved to comply with SEQRA and the National Environmental Policy Act.

2. Overview of Floodwall Closure

Mr. Nelson started the second presentation by noting that some years ago, the Town had asked FEMA for money to complete the floodwall by Fairmont Park, and it was denied at that time because "there were not enough houses to justify the cost." After more than thirty houses in Fairmont Park were destroyed in the 2011 flood, the government has now agreed to fund the project.

Essentially this project will have a closure system where a series of panels can be raised and attached to a concrete flood wall by the Department of Public Works before a flood. There will be a second phase of the Fairmont Park improvement project which will extend the earthen floodwall northward up Barton Avenue to a point just south of Oak Street. This will complete the floodwall for Fairmont Park.

Mr. Nelson also stated that once the B.A.E. building is demolished, the Town will do some survey work so they can get accurate elevations of the existing height of the earthen levee. Over time, the levees have settled. At a minimum, the Town will bring the levees up to a uniform height and add additional freeboard if it is technically as well as cost feasible.

Mr. Nelson also reviewed other construction projects that are currently underway in the Town of Union. The town will armor creek banks along Paterson Creek and Brixius Creek with rip rap or other stone structures to prevent further erosion. Mr. Nelson noted that as part of the repair of the Brixius Creek drainage system, a sediment trap will be installed so that sediment will not be transported and deposited in the closed portion of the drainage system that goes under Pine Street. Another project that will be done to prevent flooding on Pine Street will be to add new catch basins, upsize the pipe, and add two new outflows into the creek. This will allow the water to be diverted from the intersection of McKinley Ave. and Pine St. and deposited into the creek downstream of the intersection.

J. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:45 PM.

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

Next Meeting Date

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

Respectfully Submitted,
Carol Krawczyk