

Town of Union Planning Board Minutes

Monday, May 2, 2016

A special meeting of the Town of Union Planning Board was held Monday, May 2, 2016, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

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

Members absent: S. Daglio

Others present: Marina Lane, Brian Wallenbeck, Brad Taber

A. CALL TO ORDER

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

B. MEETING MINUTES

1. Approval of 4/12/16 Meeting Minutes

Approval of the April 12, 2016, meeting minutes was postponed until the next meeting, scheduled for May 17, 2016.

C. Mattress by Appointment of Binghamton, Retail Sales; 323, 327 & 331 Chaumont Drive; Brian Wallenbeck

1. 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 project to open a mattress retail sales business at 323, 327 & 331 Chaumont Drive was reviewed for any potential negative impacts to the environment. The existing building is located on the three parcels, and there are three commercial spaces in the building. The proposal is to sell mattresses by appointment only, and with only one employee at a time.

There are seven parking spaces proposed, and only five are required. There is existing public water and sanitary sewer at the site. The site is impervious, covered by either building or pavement, and storm water drainage currently flows to the south towards the Susquehanna River, with most stormwater being absorbed in the ~1,000 feet of unpaved, open

space between the subject property and the river. In fact, the mapped NWI wetland to the east has been created by this same natural drainage path. This project does not impact the wetland.

Although the building is in the 100-year floodplain, mattresses are not potential contaminants, and will be removed from the building should a flood appear imminent. The location is also with an archeologically-sensitive buffer, but will not impact any artifacts as no ground disturbance will occur.

As the building is existing and no changes are proposed, this project will not have any negative impacts on fauna or flora, ground water or the air. No noises or odors will be generated. There are no immediately adjacent residential buildings, and the business fits in with the surrounding office, repair, and industrial uses.

Upon careful review, the project as proposed will not have a significantly negative impact upon the environment. Ms. Lane recommended a negative declaration under SEQRA.

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

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

2. Public Hearing for Retail Sales; Vote at Planning Board's Discretion

Chairman Miller opened the public hearing related to the Special Permit for Retail Sales at 323, 327 & 331 Chaumont Drive at 7:07 PM. No concerns were expressed. Chairman Miller closed the public hearing related to the Special Permit for Retail Sales at 323, 327 & 331 Chaumont Drive at 7:08 PM.

Ms. Lane explained to Mr. Wallenbeck that if he sells the business, any new owners would need to apply to the Planning Board for a transfer of the Special Permit. Planning Board members asked Mr. Wallenbeck if he would accept the old mattresses to be removed. Mr. Wallenbeck explained that the disposal fee of \$25 for each mattress or box spring was cost prohibitive, so he would not accept any old mattresses. Ms. Lane

suggested that Mr. Wallenbeck call Lisa Balshuweit at the Town Refuse Department to make arrangements for regular garbage disposal.

Ms. Lane then summarized her report for the members of the Planning Board. Brian Wallenbeck has applied to sell mattresses from an existing commercial building located at 323, 327 and 331 Chaumont Drive. The properties are located in an Industrial zoning district, and retail sales is a permitted use only by Special Permit from the Planning Board. The mattress sales will primarily be advertised through social media and classified ads. Mattresses will be sold to clients in solo half-hour appointments at the site.

Mr. Wallenbeck plans to use 1,040 square feet in the middle of the existing warehouse building to conduct retail sales of mattresses, and the rest of the leased area will be used for storage. There are two other businesses in the building, an electrician's office and a motorcycle repair shop. The parking requirement for the retail sales business is four spaces for every 1,000 square feet, and therefore five parking spaces are required. The site plan shows seven parking spaces, including a handicapped-accessible space and access aisle.

Under the requirements of Section 617.7(c), the proposed action was examined by the Short Environmental Assessment Form, is considered an Unlisted Action, and the Planning Department recommends a Negative Declaration. A Stormwater Pollution Prevention Plan was not required because there is no proposed disturbance to the site. This area is in the 100-year floodplain, but as there are no changes to the property and the project does not entail any potentially hazardous materials, a Special Permit for development in the floodplain is not required.

The project is subject to a 239-Review. Broome County Planning did not identify any significant county-wide impacts. They did advise that the applicant be made aware of the potential for flooding, and noted the NWI wetland along the far-east corner of the properties, advising that the wetland should not be disturbed without prior coordination with the Army Corps of Engineers.

The Town Engineering Department has reviewed the project and has no concerns. Code Enforcement has reviewed the project and has no concerns other than minor repairs required on site to meet fire code requirements.

The project meets the requirements for a Special Permit for retail sales in an Industrial zone. Ms. Lane recommended that the Planning Board approve the Special Permit with the following stipulations:

- 1) There shall be no outdoor storage of merchandise.
- 2) No signs shall be posted in the right-of-way at any time.
- 3) If the applicant wishes to expand the sale of mattresses to include other items, the applicant shall first contact Code Enforcement to ensure that the building and items to be sold meet fire code.
- 4) § 300-66.11. *Transferability.*
 - a) The special permit is not transferable except upon approval by resolution of the issuing board.
 - b) The special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.
- 5) The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to the issuance of a Certificate of Compliance.

Chairman Miller then asked for a motion to approve the Special Permit for Retail Sales at 323, 327, & 331 Chaumont Drive with stipulations.

Motion Made:	S. McLain
Motion Seconded:	L. Cicciarelli
MOTION:	Motion to approve the Special Permit for Retail Sales at 323, 237 & 331 Chaumont Drive with stipulations.
VOTE	In Favor: L. Miller, S. McLain, A. Elwood T. Crowley, S. Forster, L. Cicciarelli Opposed: None Abstained: None Motion Carried

3. Site Plan Review, Pending, Pending Approval of Special Permit

Ms. Lane noted that the project meets the requirements for a Site Plan for the retail sale of mattresses in an Industrial zone, depending on the approval of the Special Permit for Retail Sales. The staff recommendation is to approve the Site Plan, with the following stipulations:

1. The parking lot shall be striped according to the plan by May 31, 2016.
2. There shall be no outdoor storage or display at any time.
3. If the applicant wishes to add any outdoor lighting, the lighting plan

shall be submitted to Code Enforcement for their approval prior to installation.

4. 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.

5. Signs shall not be displayed or posted in any right-of-way.

6. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.

7. The applicant shall be required to acknowledge all of the above stipulations, 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 Site Plan for Mattress by Appointment of Binghamton at 323, 327 & 331 Chaumont Drive with stipulations.

Motion Made: L. Cicciarelli

Motion Seconded: S. McLain

MOTION: Approval of the Site Plan for Mattress by Appointment of Binghamton at 323, 327 & 331 Chaumont Drive, with stipulations.

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

Opposed: None

Abstained: None

Motion Carried

**D. Patterson Creek Stream Bank Improvements/Restoration
Special Permit for Floodplain Development, Town of Union**

Ms. Lane reviewed the Project Information Sheet for the benefit of the Planning Board. The Patterson Creek Stream Bank Improvement Project involves the construction of two doweled, stacked stone walls to a height

above the 100-year base-flood elevation, the first within an approximately 205-foot long section of the creek, beginning 85 feet north of Watson Boulevard. The second wall is 650-feet long beginning 200 feet north of Smith Drive and ending below Progressive Dental on Hooper Road.

1. Declare Lead Agency

Chairman Miller asked for a motion to declare the Planning Board Lead Agency for the Special Permit to develop in the floodplain for the Patterson Creek Stream Bank Improvements/Restoration Project.

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

2. Declare Action as Unlisted Action

Chairman Miller asked for a motion to declare the Patterson Creek Stream Bank Improvements/Restoration Project an Unlisted Action under SEQRA.

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

3. Call for Public Hearing to be held May 17, 2016 at 7:00 PM

Chairman Miller asked for a motion to call for a Public Hearing for a Special Permit for Floodplain Development for the Patterson Creek Stream Bank Improvements/Restoration Project to be held on May 17, 2016, at 7 PM.

Motion Made: A. Elwood
Motion Seconded: S. Forster
MOTION: Call for a Public Hearing for the Special Permit for Floodplain Development for the Patterson

VOTE

Creek Stream Bank Improvements/Restoration Project to be held on May 17, 2016, at 7PM

In Favor: L. Miller, S. McLain, A. Elwood, T. Crowley, S. Forster, L. Cicciarelli

Opposed: None

Abstained: None

Motion Carried

**E. Brixius Creek Stream Bank Improvements/Restoration
Special Permit for Floodplain Development, Town of Union**

The Brixius Creek project involves the placement of heavy stacked stone to mitigate stream erosion, the construction of earth berms, stone check dams, a 900 cubic foot debris basin with stone weirs, and cleaning the invert of two road crossing culverts to mitigate soil erosion along approximately 790 feet of Brixius Creek.

1. Declare Lead Agency

Chairman Miller asked for a motion to declare the Planning Board Lead Agency for the Special Permit to develop in the floodplain for the Brixius Creek Stream Bank Improvements/Restoration Project.

Motion Made: S. McLain

Motion Seconded: L. Cicciarelli

MOTION: Declare the Planning Board Lead Agency for the Special Permit

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

Opposed: None

Abstained: None

Motion Carried

2. Declare Action as Unlisted Action

Chairman Miller asked for a motion to declare the Brixius Creek Stream Bank Improvements/Restoration Project an Unlisted Action under SEQRA.

Motion Made: A. Elwood

Motion Seconded: S. McLain

MOTION: Declaring the action an Unlisted Action.

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

Opposed: None

Abstained: None

Motion Carried

3. Call for Public Hearing to be held May 17, 2016 at 7:05 PM

Chairman Miller asked for a motion to call for a Public Hearing for the Special Permit for Floodplain Development for the Brixius Creek Stream Bank Improvements/Restoration Project to be held on May 17, 2016, at 7:05 PM.

Motion Made:	S. Forster
Motion Seconded:	L. Cicciarelli
MOTION:	Call for a Public Hearing for the Special Permit for Floodplain Development for the Brixius Creek Stream Bank Project to be held on May 17, 2016, at 7:05PM
VOTE	In Favor: L. Miller, S. McLain, A. Elwood, T. Crowley, S. Forster, L. Cicciarelli Opposed: None Abstained: None Motion Carried

F. Fairmont Floodwall Project; Special Permit for Floodplain Development; Special Permit for Floodplain Development, Town of Union

The Fairmont Park Floodwall Project involved the construction of a 120-foot-long, 5-foot-wide concrete floodwall along Watson Boulevard with a closure structure across Watson Boulevard. The closure structure would remain open unless there was potential for flooding, in which case the town would temporarily close the gate so that flood waters would not enter Fairmont Park. Ms. Lane included a letter in the packet to the Planning Board members from Charles (Rick) Woidt, Jr., P.E., that stated that the proposed Fairmont Park flood closure structure will have negligible floodplain impacts to the Susquehanna River water surface elevations, and would minimize future flooding but not protect Fairmont Park from future flood events exceeding the 100-year event.

1. Declare Lead Agency

Chairman Miller asked for a motion to declare the Planning Board Lead Agency for the Special Permit to develop in the floodplain for the Fairmont Park Floodwall Project.

Motion Made:	L. Cicciarelli
Motion Seconded:	T. Crowley
MOTION:	Declare the Planning Board Lead Agency for the Special Permit
VOTE:	In Favor: S. McLain, L. Miller, A. Elwood, T. Crowley, S. Forster, L. Cicciarelli Opposed: None Abstained: None

Motion Carried

2. Declare Action as Unlisted Action

Chairman Miller asked for a motion to declare the Fairmont Park Floodwall Project an Unlisted Action under SEQRA.

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

3. Call for Public Hearing to be held May 17, 2016 at 7:10 PM

Chairman Miller asked for a motion to call for a Public Hearing for the Special Permit for Floodplain Development for the Fairmont Park Floodwall Project to be held on May 17, 2016, at 7:10 PM.

Motion Made: S. Forster
Motion Seconded: L. Cicciarelli
MOTION: Call for a Public Hearing for the Special Permit for Floodplain Development for the Fairmont Park Floodwall Project to be held on May 17, 2016, at 7:10PM.
VOTE: **In Favor:** A. Elwood, S. McLain, L. Miller,
T. Crowley, S. Forster, L. Cicciarelli
Opposed: None
Abstained: None
Motion Carried

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

Ms. Miller asked Ms. Lane if anything had been done to resolve the storage and odor issues at National Pipe and Plastics in Endicott. Ms. Lane, Ms. Golazeski and Ms. Sotak had a meeting with Senator Fred Akshar at National Pipe and Plastics to investigate several citizens' complaints.

Citizens were concerned about trucks making left turns out of Latourette Lane, the unsightly and unsafe condition on the property due to the storage of wood pallets and pipes adjacent to 1 North Page Avenue, and the odors that occasionally wafted into the neighborhood. Ms. Lane noted that the DEC had been working with National Pipe and Plastics about the odors and that National Pipe and Plastics had modified their stabilizer formula already to comply with the DEC's concerns. Apparently odors occasionally drift into the neighborhood due to wind conditions and the air temperature. Ms. Lane also stated that she is in

discussions with the DOT about the traffic situation. There were some concerns that National Pipe and Plastic was not adhering to their original site plan which had shown storage on the side of the property but had not shown any storage in the front yard. Ms. Lane also noted that National Pipe had complied with the landscaping requirement, however the trees are not very tall yet. In addition, Ms. Lane commented that landscaping trees are not possible on the southeast side of the property because of the proximity of the railroad tracks.

A suggestion was made that Planning Board members view the National Pipe and Plastics site before the next Planning Board meeting. Then all the Planning Board members would be able to address their concerns about the condition of the National Pipe and Plastics property.

F. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 7:46 PM.

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

Next Meeting Date

The next meeting of the Planning Board is scheduled for Tuesday, May 17, 2016 at 7:00 PM.

Respectfully Submitted,
Carol Krawczyk