

Town of Union Planning Board Minutes

Tuesday, August 9, 2016

A regular meeting of the Town of Union Planning Board was held Tuesday, August 9, 2016, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

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

Others present: Marina Lane, Kristina John, Jeffrey Stafford, Daniel
Faldzinski, Lisa Darling, Mitch Leech, Dean Giordano, Brian
Midock, Josh Orr

A. CALL TO ORDER

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

B. MEETING MINUTES

1. Approval of 7/12/16 Meeting Minutes

Chairman Miller asked for a motion to approve the 7/12/16 Meeting Minutes as written.

Motion Made: L. Cicciarelli

Motion Seconded: S. Daglio

MOTION: Approval of the July 12, 2016, Meeting Minutes
as written.

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

Opposed: None

Abstained: None

Motion Carried

C. KCJ Auto Sales & Service; 19 Delaware Avenue; K. John Transfer of Special Permit

Ms. Kristina John gave a short presentation about KCJ Auto Sales and Service. Ms. John noted that KCJ Auto Sales and Service was not a high volume dealership and most of the sales occur after people receive their income tax returns. Mr. John conducts the business on a part-time basis and most of the sales of vehicles are done on an auction to auction basis or to personal friends. Ms. John stated there would be a minimal increase of traffic in the area. The Johns have had a dealership in Johnson City since 2011, but they would like to move it to Endwell, closer to her husband's full-time employment. Ms. John closed her presentation by thanking the Planning Board for giving their business a fresh start in Endwell.

Ms. Lane then explained that Mr. Dan Woods, the former auto sales business owner at 19 Delaware Avenue, had recently moved his business to Binghamton. Because DW Auto Sales had closed less than three months ago, the transfer of the Special Permit is permitted by the Town code. Per Dan Woods' site plan approval, small changes to the site plan would require only minor site plan review.

Ms. Lane read her staff recommendations regarding the approval of the transfer of the Special Permit. The stipulations of approval were as follows:

- 1) § 300-40.2. Automotive sales.
 - A. The sale of new or used vehicles may be allowed by special use permit, provided the following:
 - (1) The sales area shall be paved, suitably graded and drained, and maintained in a neat and orderly manner.
 - (2) Per this Special Permit approval, five vehicles may be displayed for sale on the premises. An increase in the number of cars to be displayed shall require a new permit. Vehicles for sale and display shall be parked on paved surfaces only. Additional paving shall require site plan review.
 - (3) The applicant shall provide proof of spill cleanup materials during inspection for a Certificate of Compliance.
 - B. All maintenance of motor vehicles shall be performed fully within an enclosed structure. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed structure or screened area.
 - C. No vehicles shall be displayed for sale within 10 feet of the property line. The display of vehicles shall be contained to the spaces shown on the site plan, unless a new site plan is submitted and approved.
 - D. The retail sale of fuel shall not be permitted.
- 2) No vehicle repairs shall take place on the property, other than to the vehicles that are or will be for sale and are owned by the dealership.
- 3) All potentially hazardous fluids, including oils, shall be stored with secondary containment.
 - 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 conditions in writing, prior to the issuance of a Certificate of Compliance. The applicant agrees to develop and maintain the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan or specially permitted use 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 application to the Town of Union Planning Board.

The Planning Board asked whether the applicant would be adding a new sign to the building and Ms. Lane responded that sign approval was part of the site plan process. She advised Ms. John that by adding three parking spaces, she would have to sign the letter of minor site plan approval which contained the following stipulations: if a sign is desired, the applicant shall apply for a sign permit from the Building Official; a receptacle for secondary storage of the 55-gallon tank shall also be provided before the issuance of a Certificate of Compliance would be issued; the sales parking lot should be striped no later than September 30, 2016; and if additional lighting was added, the applicant would submit a lighting plan to Code Enforcement prior to installation.

Chairman Miller asked for a motion to approve the transfer of the Special Permit for Motor Vehicle Sales at 19 Delaware Avenue, with stipulations, from DW Auto Sales to KCJ Auto Sales and Service.

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

D. Visions FCU Expansion; 3301 Country Club Road, J. Stafford, D. Faldzinski

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: L. Miller, S. McLain, A. Elwood, T. Crowley, S. Forster, 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. McLain
Motion Seconded:	T. Crowley
MOTION:	Declaring the action an Unlisted Action.

VOTE:

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

Opposed: None

Abstained: None

Motion Carried

3. SEQRA Determination

Visions FCU has submitted a project to renovate their existing building and to add a three-story addition and a 38-space underground parking garage to the rear, or north end, of the building. The members of the architectural team, Mr. Dean Giordano and Mr. Mitch Leech, gave a short presentation describing the project. The front of the existing building is being redesigned for easy customer access. The existing auditorium in the front of the building will now be available for community meetings; therefore, the building interior is being designed to remove public access from the office areas near the auditorium. The entire building and the underground parking garage will have a sprinkler system. The façade of the building will include a mix of building materials and a new glass atrium will tie the addition to the existing building. The roof on the glass atrium is the highest point of the addition and has been sloped to minimize the visual impact on neighboring residents. The drive-through ATMs in the back parking lot will be relocated and this area will be used for additional parking.

Ms. Lane reviewed Parts 1 and 2 of the Short Environmental Assessment Form with members of the Planning Board and noted that all of the potential impacts were small to none. Per the Determination of the Significance, the proposal for a 20,900 square-foot footprint to a financial institution was reviewed for potential negative impacts to the environment. The 6.928 acres property is in a Commercial Office district, and the financial institution is a permitted use. The use required 428 parking spaces, and 498 spaces are shown on the site plan, including underground parking. There will not be a significant increase in traffic over the existing conditions. The increased use in the existing building will not have a significant impact on public utilities, nor cause pollution or odors in the air. There will be no significant increase in levels of ambient noise other than during construction, and limiting the hours of outdoor construction to daytime hours will prevent a significant impact to the residential neighbors. Visual impacts due to the loss of trees and additional parking will be mitigated with new landscaping, and the 48.5-foot high addition is set back away from adjacent residents and will not have a significantly negative visual impact.

The plan to increase the area of the existing paved parking lot and the addition will disturb 5.4 acres. Increased stormwater run-off will be mitigated through an underground stormwater collection and detention system and a stormwater pollution prevention plan has been submitted for approval. The site is not in the 100-year floodplain. A few trees will be

removed between October 1st and March 31st to prevent impacts to any nesting Northern long-eared bats. Although the site is within the buffer of an archeologically sensitive area, this area has been disturbed before and there is little likelihood of any disturbance of artifacts. Should any artifacts be found during excavation, the developer shall contact the NYS Office of Parks, Recreation and Historic Preservation immediately.

This location is near a site contaminated by IBM (DEC # 704038 – Endicott Area-Wide Investigation). The contaminated site is under remediation at this time for soil vapor intrusion of volatile organic chemicals (VOCs), but these do not directly impact the project site.

The Planning Board had several questions about the project, which they addressed to Lisa Darling, the project manager for Visions. Ms. Darling noted that there will no longer be any building tenants or bank tellers. The building will be used for retail and commercial mortgages and trust services. Ms. Darling noted that they will move several departments from the McKinley branch into this office. There will be two twenty-four hour ATMs in the front lobby. Currently there are 243 employees in the building and Visions plans to increase the number of employees to potentially more than 500 employees over the next fifteen to twenty years.

Members of the Planning Board were concerned about the potential for increased stormwater runoff due to the increase to the impervious area from the additional parking spaces. Dan Faldzinski, of Delta Engineers, noted that the new stormwater control system is an open bottom gravel system which lies on top of a gravel base so that stormwater would be recharged into the ground. Ms. Lane suggested the additional parking spaces be completed in phases, reflecting the actual growth in the employee population. Mr. Lane also noted that the Board has the ability to reduce the required parking by twenty-five (25) percent, as long as the developer can show that there is enough space for the total required.

The Planning Board was also concerned about the traffic flow with the new parking lot design. The engineers responded that a total of three 24-foot curb cuts are proposed along Country Club Road and a new one-way driveway from the central curb cut to the western curb cut will give customers access to the front of the building. The parking spaces will be angled to accommodate landscaping between the driveway and the front of the building. The drive-through ATMs in the rear, or north end, of the parking lot will be relocated and this area will be used for additional parking. The engineers do not anticipate an impact on the existing traffic due community events since most of these events will be held at night.

There is a steep grade on one side of the property and due to reduced parking requirements, the engineers will eliminate twenty (20) parking spaces to avoid regrading the site.

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

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

4. Advisory Opinion to the ZBA re: Height Variance and Front Setback Variance

Ms. Lane presented her memorandum to the Board. The average height of the proposed addition is 48.5-feet. A maximum building height of 35 feet is permitted in a Commercial Office district, per Section 300-21.5. The plan calls for a 5-foot front/street setback for the parking along Country Club Road in front of the existing building. Section 300-51.6 (L & M) requires parking to be set back 10-feet from the street property line.

The Planning Department staff recommends that the Planning Board recommend to the ZBA approval of the following variances:

- 1) Approval of the 13.5-foot area variance for the height of the addition;
and
- 2) Approval of a 5-foot front area setback variance for parking.

The Planning staff feels that the addition as proposed will not pose a detriment to the health, safety and welfare of the neighborhood or community. Sufficient landscaping should be provided to buffer the residential neighbors from the encroachment towards the street. If the variances are granted, the Planning Board will conduct site plan review for the project.

Chairman Miller asked for a motion to recommend approval of the following variances by the Zoning Board of Appeals.

1. Area Variance for 13.5' greater than the 35' height permitted.

Motion Made: S. Forster
Motion Seconded: S. Daglio
MOTION: Recommendation of approval of the area variance of 13.5' greater than the 35' height permitted by the ZBA.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Daglio, L. Cicciarelli, S. Forster
Opposed: None
Abstained: None
Motion Carried

2. Area Variance of five feet front setback

Motion Made: A. Elwood
Motion Seconded: L. Cicciarelli
MOTION: Recommendation of approval of the area variance of 5' front setback by the ZBA.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Daglio, L. Cicciarelli
Opposed: S. Forster
Abstained: None
Motion Carried

E. Detrick Family Chiropractic; 1364 Reynolds Road; R. Detrick Special Permit for a Chiropractic (Medical) Office

1. Declare Lead Agency

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

Motion Made: L. Cicciarelli
Motion Seconded: S. McLain
MOTION: Declare the Planning Board Lead Agency
VOTE: **In Favor:** S. McLain, L. Miller, A. Elwood, T. Crowley, S. Forster, 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: T. Crowley
Motion Seconded: S. Daglio

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

3. Call for a Public Hearing for a Special Permit for a Medical Office to be held September 13, 2016, at 7:00PM.

Motion Made: S. Forster
Motion Seconded: L. Cicciarelli
MOTION: Approval of Public Hearing for a Special Permit
for a Medical Office to be held on September 13,
2016, at 7:00PM.
VOTE: **In Favor:** A. Elwood, S. McLain, L. Miller,
T. Crowley, S. Forster, L. Cicciarelli, S. Daglio
Opposed: None
Abstained: None
Motion Carried

**F. Empire Plastics, Inc.; 513 & 515 Fairmont Drive, and 310 Kent Avenue;
J. Witinski, Jr.
Special Permit for Floodplain Development**

1. Declare Lead Agency

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

Motion Made: L. Cicciarelli
Motion Seconded: S. Daglio
MOTION: Declare the Planning Board Lead Agency
VOTE: **In Favor:** S. McLain, L. Miller, A. Elwood,
T. Crowley, S. Forster, 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: 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, S. Daglio

Opposed: None

Abstained: None

Motion Carried

3. Call for a Public Hearing for a Special Permit for Floodplain Development to be held September 13, 2016, at 7:05PM.

Motion Made: S. Forster

Motion Seconded: L. Cicciarelli

MOTION: Approval of Public Hearing for a Special Permit for Floodplain Development to be held on September 13, 2016, at 7:05PM.

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

Opposed: None

Abstained: None

Motion Carried

F. Other Such Matters as may properly Come Before the Board

Ms. Lane noted that a new Minor Site Plans Report for 2016 has been prepared.

G. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:22 PM.

Motion Made: S. Daglio

Motion Seconded: L. Cicciarelli

MOTION: Adjourning the meeting.

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

Opposed: None

Abstained: None

Motion Carried

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, September 13, 2016 at 7:00 PM.

Respectfully Submitted,
Carol Krawczyk