

## **Town of Union Planning Board Minutes**

Tuesday, October 11, 2016

A regular meeting of the Town of Union Planning Board was held Tuesday, October 11, 2016, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

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

Members absent: A. Elwood, S. Forster

Others present: Marina Lane, Paul Nelson, Frank Bertoni, Alan Pope, Lisa Darling, John Miller, Sarah Campbell, Daniel Faldzinski, Jeffrey Stafford, Chris Thomas, Shawn Birchard, Mitch Leech, Thomas Kerwin, Jr., Jennifer Kerwin, Robert Schilkie, Donald Krebbeks, Allan Eagles, Carl Guy, Jim Tofte, Bobby Larnerd, Al Moyle

### **A. CALL TO ORDER**

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

### **B. MEETING MINUTES**

#### **1. Approval of 9/13/16 Meeting Minutes**

Chairman Miller asked for a motion to approve the 9/13/16 Meeting Minutes as written.

Motion Made: L. Cicciarelli

Motion Seconded: S. Daglio

MOTION: Approval of the September 13, 2016, Meeting Minutes as written.

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

**Opposed:** None

**Abstained:** None

Motion Carried

#### **2. Approval of September 13, 2016 Public Hearing Transcript – Detrick Chiropractic Medical Office Use**

Chairman Miller asked for a motion to approve the September 13, 2016 Public Hearing Transcript for Detrick Chiropractic Medical Office Use as written.

Motion Made: L. Cicciarelli

Motion Seconded: S. Daglio

MOTION: Approval of the September 13, 2016, Public Hearing Transcript for Detrick Chiropractic Medical Office Use as written.

VOTE **In Favor:** L. Miller, L. Cicciarelli, S. McLain,

T. Crowley, S. Daglio

**Opposed:** None

**Abstained:** None

Motion Carried

**3. Approval of September 13, 2016 Public Hearing Transcript – Empire Plastics, Inc. Floodplain Development**

Chairman Miller asked for a motion to approve the September 13, 2016 Public Hearing Transcript for Empire Plastics, Inc. Floodplain Development as written.

Motion Made: S. Daglio

Motion Seconded: S. McLain

MOTION: Approval of the September 13, 2016, Public Hearing Transcript for Empire Plastics, Inc. Floodplain Development as written.

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

**Opposed:** None

**Abstained:** None

Motion Carried

**C. Visions FCU/Fishs Eddy, Drive-thru Facility, 511 Hooper Road; C. Thomas Special Permit for a Stand-alone Drive Through Use**

**1. SEQRA Determination**

Visions FCU submitted an application to relocate three stand-alone ATMs from their current location at 3301 Country Club Road, to a new location at 511 Hooper Road. 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 Significance, the project to install three stand-alone drive-through ATM stations of a financial institution, Visions FCU, was reviewed for potential negative impacts on the environment. The project area takes up 0.3-acres of a 4.2-acre commercial plaza in a Neighborhood Commercial zoning district, and the stand-alone, drive-through facility is permitted by Special Permit. The ATM use requires four stacking spaces per ATM, and a total of 21 stacking spaces are shown on the site plan. The spaces beyond those required are to prevent vehicles from stacking in Country Club Road. Per the traffic analysis, it is projected that there will be no negative impacts on traffic beyond the existing conditions as the ATMs are being moved from the credit union located 1,000 feet to the west, similarly on the north side of Country Club Road. In fact, the new layout may ease traffic impacts at the intersection with Hooper Road. The use will not have a significant impact on public utilities, noise or odors. A lighting analysis

indicates that the lighting required for ATMs with appropriate downward facing LEDs will not have a significantly negative visual impact to nearby residents above the current lighting from adjacent businesses and street lights.

The ATMS are to be installed over an existing paved area and no stormwater remediation is required. Although the site is within the buffer of an archeologically sensitive area, this area has been previously disturbed and there is little likelihood of any disturbance of artifacts.

This location is within the buffer area of DEC remediation site #704038, the 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.

No significant negative environmental impacts were found during this review, 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:	S. McLain
Motion Seconded:	T. Crowley
MOTION:	Approval of the Negative Declaration under SEQRA.
VOTE	<b>In Favor:</b> L. Miller, S. McLain, T. Crowley, S. Daglio, L. Ciccirelli <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

## **2. Public Hearing for Stand-Alone Drive-Through Facility; Vote at Planning Board's Discretion**

Chairman Miller opened the public hearing related to the Special Permit for Stand-Alone Drive-Through Use at 511 Hooper Road at 7:08 PM. Ms. Campbell and Mr. Thomas summarized the changes, which included closing the two eastern-most curb cuts on Country Club Road and adding a raised curb between the drive-through lanes and the sidewalk. Ms. Campbell explained that the results of the submitted traffic analysis showed that traffic flow may actually improve through the intersection and within the plaza. After the discussion concluded, Chairman Miller closed the public hearing related to the Special Permit for Stand-alone Drive-Through Use at 511 Hooper Road, at 7:26 PM.

Three ATMs will be located at the corner of the Hooper Road and Country Club Road intersection. Planning Board members had several concerns

including traffic volume, pedestrian safety, the landscaping plan and the effect of the LED lighting on the two residential houses to the east on Hooper Road. Chris Thomas, the design engineer, explained that curbing had been added to the design to separate the ATM traffic from the pedestrians walking next to the ATM. The two curb cuts closest to Hooper on Country Club Road will be closed in an effort to redirect traffic away from the corner of Hooper Road and Country Club Road. Traffic will now enter the main entrance on Country Club Road, and this will reduce congestion and better define access to the plaza. Mr. Thomas noted that there were enough stacking spaces to accommodate 21 vehicles at a time. Salt-resistant landscaping had been carefully chosen to make the plaza aesthetically attractive, and the landscaping would be maintained by Visions FCU in the future.

Mr. Miller, owner of the plaza, stated that the lot had 170 parking spaces, and only 120 are required according to Code Enforcement. Mr. Miller plans to remove snow away from the ATMs to the back of the buildings on the site so that visibility in the parking lot is not impacted. There will be no freestanding signs on the property as the signs will be located on the ATMs themselves.

Mr. Shawn Birchard, the lighting engineer, noted that the lighting plan met the ATM Safety Act of New York State and a lighting analysis indicated a light trespass of zero foot candles by the center of Hooper Road, and therefore the residents across the street should not be affected. Current baseline light readings have also been submitted, so should there be concerns in the future, Code Enforcement will be able to determine the change in existing and future impacts due to the lumen output of the ATM LED lights. The intersection of Hooper Road and Country Club Road is currently impacted by lights from a number of businesses and the intersection and street lights.

The property was subject to a 239-Review and Broome County Planning had no comments. BMTS was supportive of the closing of the two curb cuts near the Country Club/Hooper Road intersection, as this will improve the site entry and exit, as well as internal flow.

The staff recommendation was to approve the Special Permit for a Stand-Alone Drive-Through use with the following stipulations:

1. Should lighting become an issue in the future, the applicant shall work with Code Enforcement to find a reasonable solution.
2. Per Code § 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.

Chairman Miller then asked for a motion to approve the Special Permit for a Stand-Alone Drive-Through Use at 511 Hooper Road with stipulations.

Motion Made: S. Daglio  
Motion Seconded: T. Crowley  
MOTION: Motion to approve the Special Permit for Stand-Alone Drive-Through Use at 511 Hooper Road with stipulations.  
  
VOTE **In Favor:** L. Miller, S. McLain, T. Crowley, L. Cicciarelli, S. Daglio  
**Opposed:** None  
**Abstained:** None  
Motion Carried

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

The Planning staff recommendation is to approve the Site Plan with the following stipulations:

1. No building permit shall be issued prior to the approval of the final construction details.
2. A pre-construction meeting shall be held with all contractors, subcontractors, and Town Departments of Public Works prior to any site work.
3. A Street Work Permit for any work in the Town right-of-way shall be submitted to the Highway Department prior to any work in the right-of-way. A plan shall be included with the permit application showing maintenance procedures and a traffic control plan, including for the safe passage of pedestrians.
4. The applicants shall be responsible for any damage that may occur on the Town right-of-way, including sidewalks, and curb and gutter, during construction. Should any damage occur, the applicants shall repair the Town improvements to Town specifications within 45 days of notice.
5. The new stacking area shall be striped per the approved site plan within two weeks of the established sub-base and binder in 2016, prior to being utilized by customers. The site shall be striped per the approved site plan within two weeks of the final topcoat, prior to June 30, 2017.

6. The required landscaping shall be planted by June 30<sup>th</sup>, 2017. Landscaping shall be maintained as approved, in healthy condition by the property owner. Failure to maintain such landscaping or to replace dead or diseased landscaping shall constitute a violation of landscaping plan approval. Any proposed changes to the landscape plan shall require review and approval by the Planning Review Team.

7. It is understood that signage is proposed to be displayed on the ATM facilities only. Prior to the erection or display of any new signage, 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.

8. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan and a valid building permit.

9. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to final plans being stamped for approval and the issuance of a building permit. 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.

Ms. Lane reminded Ms. Darling to check with Code Enforcement to review the rules for placing temporary signage on the property to announce the opening of the ATMs.

Chairman Miller asked for a motion to approve the Site Plan for Visions FCU Drive-Through facility at 511 Hooper Road with stipulations.

Motion Made:	S. Daglio
Motion Seconded:	S. McLain
MOTION:	Approval of the Site Plan for Visions FCU Drive-Through facility at 511 Hooper Road, with stipulations.
VOTE	<b>In Favor:</b> L. Miller, S. McLain, T. Crowley, L. Ciccirelli, S. Daglio <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

**D. Kerwin Appliance Sales (Retail); 728 Riverside Drive; T. Kerwin  
Special Permit for Retail Sales**

**1. SEQRA Determination**

Mr. Tom Kerwin submitted an application to open a new appliance retail business. 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 Significance, the proposal for a 500 square-foot retail space in an existing mixed-use building was reviewed for potential negative impacts to the environment. The 0.2- acre property is zoned Industrial, and retail use is a special-permitted use. The residential units and retail space require nine parking spaces, and ten are shown on the site plan, six in front of the building and four in the rear. The retail use in the existing building will not impact public utilities, and having an occupant in the commercial space should have a positive visual impact.

The site plan calls for the repair of the existing paved parking lots and there will be no other site work. As the building and parking are existing, the proposal will not have negative impacts on wildlife, plants, noise or odors. Although the property is in the 100-year floodplain, no development will affect the base flood elevation; and should it flood, the appliances stored on site are not potentially hazardous. Similarly, 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.

This location is near a former contaminated site owned by the Air force (DEC # 704020). The site is under remediation at this time for soil vapor intrusion of volatile organic chemicals (VOCs) and heavy metals, but these do not directly impact the project site.

No significant environmental impacts were found, 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	<b>In Favor:</b> L. Miller, S. McLain, T. Crowley, S. Daglio, L. Cicciarelli <b>Opposed:</b> None <b>Abstained:</b> 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 728 Riverside Drive at 7:40 PM. A nearby resident was concerned about the parking spaces located near the intersection of Taylor Street and Riverside Drive. Ms. Lane commented that no vehicles should be parked within twenty-five feet of the corner, and also noted that the handicapped-accessible space next to the Taylor Street corner would not always be occupied, so this would also alleviate the visibility issue. Mr. Kerwin noted that he would use only one outdoor garage bay for storage and that all cleaning solutions and machines would be stored on the first floor of the building. Mr. Kerwin stated that he will not be storing refrigerant on the property because most of his business consists of replacing parts. Once all code issues have been resolved, the parking lot will be repaved and restriped in early November. Chairman Miller closed the Public Hearing at 7:50 PM.

Per the staff report, Mr. Kerwin plans to open the used appliances business on the first floor of the existing 3-story mixed-use building located at 728 Riverside Drive. Mr. Kerwin's primary business is repairing appliances at installed locations. There are also four apartments in the building.

The project required a 239-Review from the County. Broome County Planning advised that the applicant be made aware of the risks of placing the project in the Special Flood Hazard Area, and recommended that the parking spaces located along Riverside Drive should be relocated or removed entirely to prevent vehicles from extending into and backing out onto Riverside Drive. The County Health Department noted that if any chemicals will be used in the repair portion of this business, outdoor storage should be avoided to prevent accidental spillage from contaminating soils and groundwater. BMTS, the NYS Department of Transportation (NYSDOT), and the Village of Johnson City did not express any concerns. The Town Engineering Department reviewed the project and had no concerns. Code Enforcement reviewed the project and had no concerns other than minor repairs required on site to meet fire code requirements.

The staff recommendation was to approve the Special Permit for retail use 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. This includes the area in front of the building.



- 3) If the applicant wishes to expand the sale of appliances 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) Per Code § 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 728 Riverside Drive with stipulations.

Motion Made:	S. McLain
Motion Seconded:	S. Daglio
MOTION:	Motion to approve the Special Permit for Retail Sales at 728 Riverside Drive with stipulations.
VOTE	<b>In Favor:</b> L. Miller, S. McLain, T. Crowley, L. Ciciarelli, S. Daglio
	<b>Opposed:</b> None
	<b>Abstained:</b> None
	Motion Carried

### **3. Site Plan Review, Pending Approval of the Special Permit**

Mr. Tom Kerwin has submitted an application for a used appliance business on the first floor of a 3-story building. The property is zoned Industrial (I) and retail use is permitted by a Special Permit from the Planning Board.

To make a determination for parking requirements, a retail use requires four parking spaces per 1,000 square feet. There are two 2-bedroom apartments (2 spaces each) and two 1-bedroom apartments (1.5 spaces each). Between the apartments and the retail space, the project requires nine parking spaces. The site plan shows four parking spaces in the rear of the building and six spaces in front of the building, including one handicapped-accessible space with associated access aisle. There are also four (4) garage bays on site, reserved for storage at this time. The new business will have one or two employees.

The Planning Department staff recommends approval of the site plan with the following stipulations:

1. The applicant shall contact Jillian Stout, Fire Code Inspector, no later than Friday, October 28, 2016, to obtain a Certificate of Compliance. All existing code violations pertaining to the business shall be remedied by that time.
2. The parking lot in front of the building shall be striped according to the site plan, and appropriate signage per the most recent NYS building code posted, by November 30, 2016.
3. The parking lot in the rear of the building shall be constructed and striped according to the site plan by June 30, 2017.
4. The owner shall maintain the paved handicapped-accessible parking space, access aisle, and appropriate signage per the most recent NYS building code.
5. The two garage spaces under the building may not be used as parking spaces without written approval from the Building and Fire Code inspectors, as they do not meet fire code at this time.
6. No hazardous materials shall be stored in the building or garage spaces.
7. Prior to the installation of any additional exterior lighting, the location and details shall be submitted to the Code Enforcement Office for review and approval.
8. Any proposed new signage shall be submitted to the Code Enforcement Officer for review and approval prior to installation. If any changes to signage are proposed, 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.
9. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
10. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to commencement of the project and opening of the business. 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, the applicant must resubmit a new site plan to the Town of Union Planning Department and Code

Enforcement Office.

Chairman Miller then asked for a motion to approve the Site Plan for Tommy's Appliance Service & Repair at 728 Riverside Drive with stipulations.

Motion Made:	L. Cicciarelli
Motion Seconded:	S. Daglio
MOTION:	Approval of the Site Plan for Tommy's Appliance Service & Repair at 728 Riverside Drive with stipulations.
VOTE	<b>In Favor:</b> L. Miller, S. McLain, T. Crowley, L. Cicciarelli, S. Daglio <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

**E. Krebbeks Auto Overflow, 712 & 720 Main Street, D. Krebbeks  
Special Permit for Auto Sales**

**1. SEQRA Determination**

Donald Krebbeks owns an auto sales and repair shop at 704 Main Street, and applied to display overflow vehicles across the street at the existing parking lot located at 712 and 720 Main Street, owned by Robert Skrabalak. 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 Significance, the applicant has submitted a plan to expand parking for an existing motor vehicle sales and repair business to properties directly across the street from the business. The properties are 0.25-acres together and have an approximately 0.17-acre existing parking lot. The applicant does not propose to do any additional construction. The parking lot can support a maximum number of twenty-four display vehicles.

The parking lot does not require water or sanitary sewer, and no vehicular repairs will be performed at the properties. The proposal will not affect endangered wildlife, plants, noise or odor levels. The parking lot has been used as such for other projects, and so the use will not change any visual impacts. The project area did flood in 2011 and is in the 100-year Preliminary floodplain, but the proposed use will not impact base flood elevations.

This location is near a former contaminated site owned by the Air Force (DEC # 704020). The site is under remediation at this time for soil vapor intrusion of volatile organic chemicals (VOCs) and heavy metals, but these

do not directly impact the project site. It is also within the buffer area of the Former Bright Outdoors state super fund site (DEC #704023) at 631 Field Street. Per the DEC, that site does not currently pose a significant threat to human health or the environment. This project will not impact either site.

The proposal was reviewed for significant environmental impacts. No significant environmental impacts were found. Ms. Lane recommended a Negative Declaration under SEQRA.

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

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

## **2. Public Hearing for Auto Sales; Vote at Planning Board's Discretion**

Chairman Miller opened the public hearing related to the Special Permit for Auto Sales at 712 & 720 Main Street at 8:06 PM. There was some discussion whether a special permit from the DMV was required for Mr. Krebbeks to display his vehicles across the street from his primary business located at 704 Main Street. Mr. Allan Eagles, owner of Empire Auto Credit Corporation, stated that Mr. Krebbeks has a DMV 271 Exemption which allows a motor vehicle business to display vehicles within a reasonable distance of their primary business. After the discussion, Chairman Miller closed the public hearing at 8:13 PM.

Ms. Lane then summarized her report for the members of the Planning Board. Mr. Krebbeks owns an auto sales and repair shop at 704 Main Street and wishes to display his overflow vehicles across the street at the existing parking lot located at 712 & 720 Main Street. Mr. Skrabalak, the owner of the lot, has given permission to Mr. Krebbeks to use his property provided he maintains it. The property is located in a General Commercial zoning district and selling vehicles is a permitted use by Special Permit.

The project was subject to a 239-Review, and Broome County Planning recommended that the Planning Board exercise caution approving projects in the Preliminary Floodplain. They recommend landscaping be planted along the road frontage. The County Planning Department also recommended that the number of vehicles displayed be limited, and no on-

site dismantling or storage of dismantled or leaking vehicles. The department also recommended that the site plan include setbacks, drainage, landscaping, lighting, and signage, and finally, identify the proposed use of the vacant area located between the parking spaces and sidewalk along Main Street.

The NYS DOT noted nothing is to be placed within the state right-of-way, including signage, customer parking, or vehicles for sale. Additionally, deliveries to the site may not be conducted within the state right-of-way. The B.C. Health Department had no concerns about impacts to the aquifer as there will be no chemical use or storage.

The Town Engineering and Code Enforcement Departments have reviewed the project and have no concerns.

The staff recommendation was to approve the Special Permit for Auto Sales Use with the following stipulations:

1) Per § 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) The number of cars that may be for sale on the premises must be specified on the special use permit. An increase in the number of cars to be sold shall require a new permit. A request was made for potentially displaying twenty-four vehicles on site.
- (3) A spill prevention plan shall be provided to the Planning and Code Enforcement offices upon request.

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 properties at 712 and 720 Main Street.

- 3) No tires shall be stored on site.
- 4) Per Code § 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 conditions, in writing, prior to locating vehicles on the parking lot. 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.

Chairman Miller then asked for a motion to approve the Special Permit for Auto Sales at 712 & 720 Main Street with stipulations.

Motion Made:	S. Daglio
Motion Seconded:	L. Cicciarelli
MOTION:	Motion to approve the Special Permit for Auto Sales at 712 & 720 Main Street with stipulations.
VOTE	<b>In Favor:</b> L. Miller, S. McLain, T. Crowley, L. Cicciarelli, S. Daglio
	<b>Opposed:</b> None
	<b>Abstained:</b> None
	Motion Carried

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

The Planning Department staff recommends approval of the site plan with the following stipulations:

- 1) Hazardous materials, such as waste oils, solvents, acids, batteries, paints or tires, shall not be stored outdoors on site at any time.
- 2) If the applicant wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
- 3) If any new 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.

- 4) Site plan approval shall be valid for as long as the Special Permit is valid. Should the Special Permit expire for any reason, site plan approval shall become null and void and all vehicles shall be vacated from the properties.
- 5) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to displaying vehicles onsite. The applicant agrees to maintain the site 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.

The Planning Board decided that a landscaping stipulation along the frontage of the property not be required since Mr. Krebbeks is not the property owner.

Chairman Miller then asked for a motion to approve the Site Plan for Krebbeks Auto Overflow at 712 & 720 Main Street with stipulations.

Motion Made:	T. Crowley
Motion Seconded:	S. McLain
MOTION:	Approval of the Site Plan for Krebbeks Auto Overflow at 712 & 720 Main Street with stipulations.
VOTE	<b>In Favor:</b> L. Miller, S. McLain, T. Crowley, L. Ciccirelli, S. Daglio <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

**F. Visions FCU Expansion; 3301 Country Club Road; D. Faldzinski**  
**Site Plan Review**

Mr. Dan Faldzinski, of Delta Engineers, noted that Visions had received a conditional approval of the expansion project at the last Planning Board meeting based on their submitting a landscaping plan, a photometric lighting plan, and revised paving and drainage elements. Mr. Faldzinski stated that the landscaping plan required that some existing trees be replaced. More islands with additional trees and landscaping were added to the front of the building because excess parking was eliminated from the site plan. A mixture of

deciduous and coniferous trees was chosen, and a variety of plants that would flower throughout the seasons. Ms. Lane noted that the diversity of the trees and plantings is a protection against disease spreading throughout the site and also provides some greenery in both the spring and the winter. There is a small retaining wall along the front of the building which will also protect the trees and plants from the salt spray from snow and ice removal. A buffer of shrubs and screening trees will be added along the eastern edge of the property. A black chain-link fence has been added to the western and eastern side of the site plan. Visions will work with the Planning Department so that adequate screening and plantings will shield the residents to the west from the glare of car headlights exiting the front parking lot. Snow will be stored in the northern end of the parking lot so it will not impact neighbors, and any runoff will go back into the parking lot area.

Mr. Faldinski also reviewed the lighting plan and noted that there will be new 25-foot light poles in the parking lot that will be individually programmed to prevent light spillage into the neighborhood. There will be wall packs on the front and the rear of the building and these will also be shielded so that the residents will not experience any light spillage. LED lights will be used on each pole and each of the lights will be wired so that parking lights can be dimmed to 50 percent capacity from 10 p.m. to 4 a.m.

The SWPPP Plan has been approved, and Griffiths Engineering, the town's consulting engineering firm, reviewed the site plan and had no concerns. Frank Bertoni, Town Board member, asked about the motif of the new building. Ms. Lane noted that she would email the elevation drawings to Mr. Bertoni and noted that the Planning Board members had all liked the design.

Mr. Faldinski noted that there will be three different types of retaining walls due to the different contours on the site. The stones used for the walls will be precast to fit into each other since there is not room to do tiebacks. Ms. Lane thanked the Visions staff and engineers for coming back to review the landscaping, lighting and grading plans for the project. After the discussion, the Planning Board members agreed that Visions would do a good job and that the finished expansion would be an asset to the community.

**G. Express Auto Fill Project, 3658 River Road; C. Guy**

Mr. Carl Guy, of Fahs Construction Group, gave a short presentation of the project. Mr. Fahs noted that the Eagles Auto business had been offered the opportunity to move clean fill from the nearby DOT construction to level out their rear property. They plan to move approximately 3,000 cubic feet of the sub-base of the road that is now being replaced, and to compact the fill every twelve inches, with the average depth of the fill being three feet. Since the DOT needed to remove the excess material during the project, this was a good opportunity for both parties.



**1. Declare Lead Agency**

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

Motion Made: T. Crowley  
Motion Seconded: S. Daglio  
MOTION: Declare the Planning Board Lead Agency  
VOTE: **In Favor:** S. McLain, L. Miller, T. Crowley,  
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: L. Cicciarelli  
MOTION: Declaring the action an Unlisted Action.  
VOTE: **In Favor:** S. McLain, L. Miller, T. Crowley,  
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 November 1, 2016, at 7:00PM.**

Motion Made: S. McLain  
Motion Seconded: L. Cicciarelli  
MOTION: Approval of Public Hearing for Floodplain Development to be held on November 1, 2016, at 7:00PM.  
VOTE: **In Favor:** S. McLain, L. Miller, T. Crowley,  
L. Cicciarelli, S. Daglio  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**H. Bobby's Tavern & Grill, 3017 Watson Boulevard; R. Larnerd  
Special Permit for Restaurant Use**

Mr. Bobby Larnerd plans to open a neighborhood restaurant in the existing building at 3017 Watson Boulevard that will serve affordable food and drinks in a relaxing atmosphere. Mr. Larnerd is acquiring a liquor license for the restaurant, and he stated that there will be no bands at the business since the

emphasis will be on establishing a family-friendly local restaurant for the neighborhood.

**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, T. Crowley,  
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: L. Cicciarelli  
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 Restaurant Use to be held November 1, 2016, at 7:05PM.**

Motion Made: L. Cicciarelli  
Motion Seconded: S. Daglio  
MOTION: Approval of Public Hearing for a Special Permit for Restaurant Use to be held on November 1, 2016, at 7:05PM.  
VOTE: **In Favor:** S. McLain, L. Miller, T. Crowley,  
L. Cicciarelli, S. Daglio  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**I. Other Such Matters as may properly Come Before the Board**

Ms. Lane noted that the Planning Board has received a new project for a new electronics business located at 307 Chaumont Avenue.

**J. Adjournment**

Chairman Miller asked for a motion to adjourn the meeting at 8:12 PM.

Motion Made:	L. Cicciarelli
Motion Seconded:	S. Daglio
MOTION:	Adjourning the meeting.
VOTE:	<b>In Favor:</b> S. McLain, L. Miller, T. Crowley, S. Forster, S. Daglio, L. Cicciarelli
	<b>Opposed:</b> None
	<b>Abstained:</b> None
	Motion Carried

**Next Meeting Date**

The next meeting of the Planning Board is tentatively scheduled for Tuesday, November 1, 2016 at 7:00 PM.

Respectfully Submitted,  
Carol Krawczyk