

Town of Union Planning Board Minutes

Tuesday, December 13, 2016

A regular meeting of the Town of Union Planning Board was held Tuesday, December 13, 2016, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

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

Members absent: A. Elwood, T. Crowley, S. Forster

Others present: Marina Lane, Paul Nelson, Kurt Schrader, Justin Marchuska, Paul Woodward, John Sacco, Cheryl Sacco, Susan Kimmel, Pete Wilson, Mr. Dee, Mr. Phout

A. CALL TO ORDER

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

B. MEETING MINUTES

1. Acceptance of 10/11/16 Meeting Minutes

- Page 3, Under Public Hearing for Stand-Alone Drive-Through Facility changed the word “explaineded” to “explained” in the third sentence.

Chairman Miller asked for a motion to accept the 10/11/16 Meeting Minutes, as amended.

Motion Made: L. Cicciarelli

Motion Seconded: S. McLain

MOTION: Acceptance of the October 11, 2016, Meeting Minutes as amended.

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

Opposed: None

Abstained: None

Motion Carried

2. Acceptance of 10/11/16 Public Hearing Transcript – Special Permit for Krebbeks Auto Overflow – Auto Sales

Page 3, Under Mr. Pope’s comment, change the word “work” to “worth”.

Chairman Miller asked for a motion to accept the October 11, 2016, Public Hearing Transcript for Krebbeks Auto Overflow for Auto Sales in a General Commercial zoning district, as amended.

Motion Made: L. Cicciarelli
Motion Seconded: S. Daglio
MOTION: Acceptance of the October 11, 2016, Public Hearing Transcript for Krebbeks Auto Overflow for Auto Sales use as amended.

VOTE **In Favor:** L. Miller, S. McLain, L. Cicciarelli, S. Daglio
Opposed: None
Abstained: None
Motion Carried

3. Acceptance of 10/11/16 Public Hearing Transcript Visions Stand-Alone Drive-Through ATMs, 10/11/16 Public Hearing Transcript Tommy's Appliances- Retail Sales, 11/1/16 Meeting Minutes, 11/1/16 Public Hearing Transcript Express Auto – Floodplain Development, and 11/1/16 Public Hearing Transcript Bobby's Tavern – Restaurant Use

Chairman Miller asked for a motion to accept the 10/11/16 Public Hearings, 11/1/16 Meeting Minutes, and 11/1/16 Public Hearings, as written:

Motion Made: L. Cicciarelli
Motion Seconded: S. McLain
MOTION: Acceptance of the October 11, 2016 Public Hearings, November 1, 2016, Meeting minutes, and November 1, 2016 Public Hearings, as written.

VOTE **In Favor:** L. Miller, S. McLain, S. Daglio, L. Cicciarelli
Opposed: None
Abstained: None
Motion Carried

C. A Great Choice Landscaping Storage, 900 Riverside Drive; P. Woodward Special Permit for Outdoor Operations and Storage Special Permit for Floodplain Development

1. SEQRA Determination

The applicant plans to relocate his business's landscaping materials and fleet vehicle storage area to a 2.8-acre lot with an existing garage / warehouse-style building at 900 Riverside Drive. 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 environmental impacts were small to none.

Ms. Lane then reviewed the Determination of Significance. The property is zoned Industrial, and requires a Special Permit for outdoor operations and storage, and a Special Permit for floodplain development as the 100-year floodplain encroaches onto the west portion of the lot. The existing building is not in the floodplain. The parking space requirement is met, 1 per employee; the company has 32 employees and 40 parking spaces. The employee parking area has both asphalt and broken asphalt. A separate area for parking seasonal vehicles, trailers and other equipment will be stabilized with gravel or seeded and mulched.

The project will not impact traffic, existing utilities, and will have a minimal impact on wildlife or flora as there is no construction planned. Some scrubby trees and brush will be removed before April 1, 2017, to minimize impacts to breeding endangered bats. There will be no significant impacts pertaining to odors, noise, or lighting. The property is within the buffer of an archeologically sensitive area; this project will not have any impacts as no soil disturbance is planned. The property is located in the 100-year floodplain and the occupant of the property shall not store any toxic, hazardous or motor fluids on site except those stored two feet above the base flood elevation. This property is located within the buffer area of two NYS DEC remediation sites, #704020 and #704023, but is not directly impacted by any contamination. A former oil tank facility was removed from the site and DEC supervised the cleanup of leaked petroleum.

The occupant shall be required to minimize negative visual impacts by planting screening trees or bushes as needed around the east perimeter, maintaining the property, and avoiding the placement of debris within the fenced area.

The review of the project found no significant adverse impacts on the environment. Ms. Lane recommended a Negative Declaration under SEQRA.

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

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

2. Public Hearing for Outdoor Operations and Storage; Vote at Planning Board's Discretion

Chairman Miller opened the public hearing related to the Special Permit for Outdoor Operations and Storage at 7:11 PM. Mr. Woodward briefly described the proposed locations of storage areas, and explained that Mr. Sacco plans to clear much of the brush to clean up the property. Mr. Phout stated that he had seen the signs, and came to the meeting to hear what the signs were for. Planning Board members explained that they were posted to advertise the required public hearings for the project. Hearing no additional questions or comments, Chairman Miller closed the Public Hearing at 7:21 PM.

The Planning Board members were concerned that the broken asphalt around the site was pervious, and advised Mr. Sacco to sealcoat the asphalt to prevent any seepage. Asked whether truck traffic would be disruptive to the neighborhood, Mr. Sacco noted that deliveries of materials would be made during hours of operation, 7 AM to 8 PM. Ms. Sacco also explained that occasionally the operating hours during the snow removal season might be extended. The Planning Board asked about chemical storage on the property, and Mr. Sacco noted that all of the landscaping chemicals will be stored offsite. Ms. Lane stated that Mr. Sacco plans to brush hog approximately 0.75-acre of the property and clean up the site so that it will be improved considerably.

Ms. Lane then summarized her report for the members of the Planning Board. Oakdale Road Holdings, LLC and John Sacco, owner of A Great Choice landscaping company, submitted an application to use the existing building and parking lot at 900 Riverside Drive for the storage of landscaping materials and fleet vehicles. The applicant has also purchased 100 Oakdale Road to be used as the primary location for the business office and indoor storage of landscaping-related chemicals; however, the plan is to store bulk inert materials, such as mulch, topsoil, stone, and salt, in outdoor bins along with indoor and outdoor parking for fleet vehicles, and seasonal vehicles and equipment at the 900 Riverside Drive property

The 2.8-acre site has a vacant 4,800 square-foot single-story masonry storage building and no changes are planned for the building. The applicant will maintain existing healthy trees along the eastern perimeter. In addition, Mr. Sacco has proposed using a decorative backing on the storage bins to provide additional screening, since new bushes will not grow well between the adjacent building to the south and 900 Riverside Drive because of excessive shade.

The project was subject to a 239-Review, as it lies within 500 feet of the Village of Johnson City and State Route 201. Broome County Planning recommended that the conditions of approval include no outdoor storage

within the setbacks, among additional recommendations which have been met on the current site plan.

The County Health Department noted that the applicant should be aware that the NYS DEC supervised a clean-up of leaked petroleum during the late 1990s and early 2000s, as this property was once the location of a major oil storage facility. As part of their environmental review, the applicant has confirmed that the site has been cleared by the NYS DEC. BMTS and the NYS DOT had no concerns, and the Village of Johnson City expressed no concerns.

Code Enforcement and the Department of Public Works have reviewed the project and had no site plan concerns.

The Planning Department recommends approval of the Special Permit with the following conditions:

- 1) Per § 300-40.16, Outdoor storage, in General Commercial and Industrial districts:
 - a) Outdoor storage shall not be allowed in the 20-foot front yard setback.
 - b) All outdoor storage shall be screened to ensure the area is not visible from the public right-of-way or adjacent residential districts or uses, other than the front gate where an opaque fence is not permitted within eight feet of the front property line.
 - c) Screening shall be of sufficient height and density to hide the storage from public view.
 - d) All screening shall be maintained in such a manner as to present a neat and orderly appearance at all times.
- 2) The salt bin / high bay shall be covered at all times, and have a solid, impervious base.
- 3) As existing landscaping dies or becomes unhealthy, they must be replaced with evergreens.
- 4) The mulch and stone bins shall be decorative to provide screening in an attractive manner.
- 5) This Special Permit does not include the property to the north, 902 Riverside-Rear, as that property, although shown on the site plan, is in the Village of Johnson City.
- 6) The Special Permit shall expire should the property or business be sold to another entity, per § 300-66.11. Transferability:
 - a) A special permit is not transferable except upon approval by resolution of the issuing board.
 - b) A special permit shall authorize only one special use and shall expire if the special use ceases for one year for any reason.

Chairman Miller then asked for a motion to approve the Special Permit for Outdoor Operations and Storage at 900 Riverside Drive, with stipulations.

Motion Made: S. McLain
Motion Seconded: S. Daglio
MOTION: Motion to approve the Special Permit for Outdoor Operations and Storage at 900 Riverside Drive, with stipulations.

VOTE **In Favor:** L. Miller, S. McLain, L. Cicciarelli, S. Daglio
Opposed: None
Abstained: None
Motion Carried

3. Public Hearing for Floodplain Development; Vote at Planning Board's Discretion

Chairman Miller opened the public hearing related to the Special Permit for Floodplain Development at 7:36 PM. As no one had any comments or questions, Chairman Miller closed the Public Hearing at 7:37 PM.

Ms. Lane summarized her staff memorandum for the Planning Board. A portion of the 2.8-acre property is in the existing one-hundred-year floodplain, and therefore this action requires a Special Permit for floodplain development. The building itself is not in either the existing or preliminary 100- or 500-year floodplains, but vehicle and equipment storage is planned in an area which flooded in 2011. Per Code § 121, 10.1 Permitted uses, paved parking lots are permitted in the 100-year floodplain.

Base flood elevation at the site is 837 feet above sea level (837'asl), and current contours shown on the site plan show the property slopes from 840'asl to 838'asl westward in the areas of the building and employee parking lot. The storage area in the west area within the fence slopes southwesterly from approximately 839'asl to 836'asl. Just to the west of the property, Little Choconut Creek runs southward at approximately 822'asl. No construction is planned within the 100-year floodplain, which is outside of the fenced-in area. Any area of cleared trees and brush shall be stabilized with gravel or seeded and mulched.

This location was subject to a 239-Review, and B.C. Planning noted that the project site is located partially within the existing FEMA Special Flood Hazard Area and partially within the preliminary FEMA Special Flood Hazard Area; therefore, Broome County Planning recommended that the conditions of approval include no outdoor storage within the setbacks, among additional recommendations which have been met on the current site plan.

The Planning Department recommends approval of the Special Permit for Floodplain Development with the following stipulations:

1. § 121 Flood Damage Prevention, 10.1 Permitted uses:
 - B. No uses shall diminish or prohibit in any way the capacity of the channels or floodways of any watercourse, any tributary to the main stream, any other watercourse or drainage ditch or any other drainage facility or system to discharge waters from the base flood.
2. The applicant shall remove all vehicles from the property immediately, other than those within the building, should a flood event appear imminent.
3. The salt bin / high bay shall be covered at all times, and have a solid, impervious base.
4. This Special Permit does not include the property to the north, 902 Riverside-Rear, as that property, although shown on the site plan, is in the Village of Johnson City.
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.

Chairman Miller asked for a motion to approve the Special Permit for Floodplain Development at 900 Riverside Drive, with stipulations.

Motion Made:	S. Daglio
Motion Seconded:	S. McLain
MOTION:	Approval of the Special Permit for Floodplain Development at 900 Riverside Drive, with stipulations.
VOTE	In Favor: L. Miller, S. McLain, L. Cicciarelli, S. Daglio Opposed: None Abstained: None Motion Carried

4. Site Plan Review, pending approval of Special Permits

Ms. Lane summarized her memorandum for the Planning Board. Oakdale Road Holdings, LLC and John Sacco, owner of A Great Choice landscaping company, submitted an application for the outdoor operations and storage of material and fleet vehicle at 900 Riverside Drive, Johnson City. The parcel is

zoned Industrial (I) and the proposed use is permitted by Special Permit from the Planning Board. The storage area is enclosed with chain link fencing and barbed wire along the top of the fence.

As noted on sheet C100 of the site plan, a portion of the property is located in the 100-year and 500-year floodplain. Therefore, although contractor's storage yards are generally required to be fully screened from the public and streets, according to the DEC, the screening should not be fully opaque so that flood water can easily move across the site. Mr. Sacco plans to maintain trees and shrubs around the east perimeter for screening, and the landscaping material storage bins will screen neighboring residents to the south.

No building construction is proposed at this time, other than the utilization of large precast concrete blocks in the parking lot to store some of the landscaping materials such as mulch, topsoil, and stone. Lighter materials shall be stored at the east end to prevent washing away in the event of a flood. Salt will be stored in a covered high bay or sealed block bin

The only signage proposed is a single maximum 18" x 18" sign mounted to an existing gate on the property to identify the location for deliveries. There are no changes proposed to the existing utilities (sewer, water, and gas). The applicant is proposing to use the existing site lighting only; they will not add any additional lighting. The hours of operation are listed as 7am to 8pm, seven days a week.

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

1. The site plan shall be revised to clarify that the perimeter fence line will be cleared, except for the eastern perimeter (note the notation on left side of site plan).
2. The parking lot shall be striped, weather-permitting, but no later than May 30, 2017.
3. The applicant shall stripe and maintain the paved handicapped-accessible parking space and access aisle, and post the appropriate signage per the most recent NYS building code no later than May 30, 2017.
4. All exterior lighting shall face away from adjacent properties and State Route 201, and shall not cause a nuisance to traffic on the railroad and the adjacent road to the east. Lighting shall not spill off site. If any new outdoor lighting is proposed, the developer shall first submit cut-sheets to the Code

Enforcement Officer for approval.

5. The applicant shall apply for a sign permit from the Building Official prior to posting any signage. 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.

6. Per NYS law, all commercial buildings must be inspected by the Municipal Fire Code Inspector every three years. It is your responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920.

Chairman Miller asked for a motion to approve the Site Plan with changes for 900 Riverside Drive, with stipulations.

Motion Made:	S. McLain
Motion Seconded:	S. Daglio
MOTION:	Approval of the Site Plan with changes for A Great Choice at 900 Riverside Drive, with stipulations.
VOTE	In Favor: L. Miller, S. McLain, L. Cicciarelli, S. Daglio Opposed: None Abstained: None Motion Carried

D. Choconut Center Fire Addition, 1011 Middle Stella Ireland Rd.; J. Marchuska

1. Site Plan Review

Mr. Justin Marchuska, the contractor for the addition, gave a short presentation to the Planning Board. Choconut Center Fire Company hired Marchuska Brothers Construction to build a small addition to the fire station because they had purchased a fire truck that does not fit in the current building. The project required a setback variance, which was granted by the ZBA on December 5, 2016. In addition to needing more room to back the new fire truck into the bay, it also needed more room behind the truck to store equipment.

Ms. Lane then summarized her site plan staff report for the Planning Board. Justin Marchuska submitted the application on behalf of the Choconut Center Fire Company for a 10-foot by 45-foot addition to the existing fire station. The property is located in a Neighborhood Commercial Zoning District, and the fire station is a permitted use. The ten-foot deep addition required a setback variance of 8.67 feet for the expansion of the building, which the Zoning Board of Appeals granted.

The 0.34-acre site has existing public water and sanitary sewer. Stormwater drains into Broome County culverts to the east. The parcel is not in the floodplain and there are no wetlands on the property. The existing building has a paved parking lot with a minimum of 4 parking spaces plus one handicapped accessible space.

The property is subject to a 239-Review. Broome County Planning did not identify any significant county-wide impacts, and the B. C. Department of Public Works (DPW) had no comments. The Town Departments of Public Works and Code Enforcement have reviewed the project and have no concerns.

Planning staff recommend approval of the Site Plan, with the following stipulations:

1. The owner shall maintain the paved handicapped-accessible parking space, access aisle, and appropriate signage per the most recent NYS Property Maintenance code.
2. If the applicant wishes to add any outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
3. If the applicant wishes to add signage in the future, 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. Per NYS law, all commercial buildings must be inspected by the Municipal Fire Code Inspector every three years. It is the applicant's responsibility to coordinate that inspection by calling Code Enforcement.
5. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
6. The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to 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.

Chairman Miller asked for a motion to approve the Site Plan for the Choconut Center Fire addition at 1011 Middle Stella Ireland Road, with stipulations.

Motion Made:	L. Cicciarelli
Motion Seconded:	S. Daglio
MOTION:	Approval of the Site Plan for the Choconut Center Fire addition at 1011 Middle Stella Ireland Road, with stipulations.
VOTE:	In Favor: L. Miller, S. McLain, S. Daglio, L. Cicciarelli

Opposed: None
Abstained: None
Motion Carried

E. Fairmont Park Duplex Project: 12 Oak Street, 12 Woodland Avenue, 17 Woodland Avenue, 29 Woodland Avenue and 30 Woodland Avenue, S. Kimmel

Sue Kimmel, of Two Plus Four Construction, gave a short overview of the project to the Planning Board. She explained that they had been approached by the Governor's Office for Storm Recovery with funding for an affordable housing project because they already had a relationship with the Town of Union with the Cardinal Cove project. The state grant money was available for small projects, twenty units or less, in areas that had been affected by the floods. Mr. Nelson determined the Town's greatest need was for replacement housing and the Fairmont Park subdivision neighborhood was chosen for the project. Mr. Nelson noted that the Town had purchased lots in this neighborhood through a CBDG grant for disaster recovery, which unlike FEMA funds, allows replacement housing that is built to FEMA standards in terms of first floor elevations and sustainability.

Ms. Kimmel showed renderings of the duplex layouts and the lots that will be used for the project in Fairmont Park. She noted that all the units are three story structures that have no living space on the first floor. The first floor is garage space and all the living space is on the second and third floors of each unit, so the project meets the requirements for flood resistant housing. There will be ten two-bedroom units with approximately 1,100 square feet, and ten three-bedroom units with approximately 1,300 square feet. Two Plus Four has the money secured to build the units but they have to begin construction by the end of March in order to keep the money. New York State is conducting a NEPA review for the project at this time.

The duplex units will be income-restricted (80% median income) rental units, and priority will be given to people who were affected by the floods. Two Plus Four will purchase the lots from the Town and they will be responsible for the property management of the properties, including the landscaping. Ms. Kimmel noted that the company will need financial assistance for a new water line on Woodland Avenue because the grant does not cover infrastructure costs.

Mr. Nelson noted that if this project is successful, there will be additional rounds of funding and more units could be built in the future; so the people in Fairmont Park could have a functioning neighborhood again.

Ms. McLain asked about the width of several of the lots. Ms. Kimmel responded with a brief discussion about setback issues, particularly on the corner lots. There two lots that will be combined, and the existing lot lines for the remaining buildings

will be realigned in a way to maximize setbacks. Mr. Nelson commented that this proposal fulfills the intentions of the grant.

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: Declaring the Planning Board Lead Agency
VOTE: **In Favor:** L. Miller, S. McLain, L. Cicciarelli, S. Daglio
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: S. Daglio
MOTION: Declaring the action an Unlisted Action.
VOTE: **In Favor:** S. McLain, L. Miller, 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 January 17, 2017, at 7:00 PM.

Motion Made: S. McLain
Motion Seconded: S. Daglio
MOTION: Approval of Public Hearing for a Special Permit for Floodplain Development to be held on January 10, 2017, at 7:00 PM.
VOTE: **In Favor:** S. McLain, L. Miller, L. Cicciarelli, S. Daglio
Opposed: None
Abstained: None
Motion Carried

4. Call for a Public Hearing for a Special Permit for Two-Family Use in USF Zoning District to be held January 10, 2017, at 7:05 PM.

Motion Made: S. Daglio
Motion Seconded: S. McLain
MOTION: Approval of Public Hearing for a Special Permit for Two-Family Use in an USF zoning district to be held on January 17, 2017, at 7:05 PM.
VOTE: **In Favor:** S. McLain, L. Miller, S. Daglio
L. Cicciarelli
Opposed: None
Abstained: None
Motion Carried

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

Ms. Lane noted the only project currently on the January Planning Board Agenda is the Fairmont Park Duplex Project.

G. Adjournment

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

Motion Made: L. Cicciarelli
Motion Seconded: S. Daglio
MOTION: Adjourning the meeting.
VOTE: **In Favor:** S. McLain, L. Miller, L. Cicciarelli,
S. Daglio
Opposed: None
Abstained: None
Motion Carried

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, January 17, 2017 at 7:00 PM.

Respectfully Submitted,
Carol Krawczyk