

Town of Union Planning Board Minutes

Tuesday, February 9, 2016

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

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

Members absent: L. Cicciarelli

Others present: Marina Lane, Dan Wood, Steve Grant, Thad Donoghue,
Alex Urda

A. CALL TO ORDER

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

B. MEETING MINUTES

1. Approval of 1/12/16 Meeting Minutes

Chairman Miller asked for a motion to approve the 1/12/16 Meeting Minutes as written.

Motion Made: S. McLain

Motion Seconded: A. Elwood

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

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

Opposed: None

Abstained: S. Daglio

Motion Carried

2. Approval of 1/12/16 Public Hearing Transcript – Outdoor Recreation

Chairman Miller asked for a motion to approve the 1/12/16 Public Hearing Transcript for Outdoor Recreation as amended.

- First sentence changed time from 7:00PM to 7:25PM.

Motion Made: S. McLain

Motion Seconded: A. Elwood

MOTION: Approval of the January 12, 2016, Public Hearing Transcript for Outdoor Recreation as amended.

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

Opposed: None

Abstained: S. Daglio

Motion Carried

2. Approval of 1/12/16 Public Hearing Transcript – Floodplain Development

Chairman Miller asked for a motion to approve the 1/12/16 Public Hearing Transcript for Floodplain Development as written.

Motion Made:	S. McLain
Motion Seconded:	A. Elwood
MOTION:	Approval of the January 12, 2016, Public Hearing Transcript for Floodplain Development as written.
VOTE	In Favor: L. Miller, S. McLain, A. Elwood, S. Forster, T. Crowley Opposed: None Abstained: S. Daglio Abstained: None Motion Carried

C. DW Auto Sales, 19 Delaware Avenue; D. Wood Special Permit for Auto Sales

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.

This project for a used motor vehicle sales business was reviewed for potential negative impacts to the environment. The property is 0.41 acres with an existing warehouse building, and a two-bay garage with an office and restroom section that faces Lewis Avenue. The applicant does not propose to do any additional construction or renovations to the building. As required by the Department of Motor Vehicles, the applicant plans to use the existing office for the sale of a limited number of automobiles, most often sold via the internet.

Water and sanitary sewer are available at the garage facility, and the front yard of the office/garage has been stabilized with crusher run and can be striped. Only minor vehicular repairs are done at the property, such as

detailing, and changing oil or transmission fluid. The applicant has a 55-gallon storage tank for waste liquids, and will use a secondary containment system to minimize the chance of spills. No vehicle maintenance will occur outside, to keep a better appearance for the neighborhood.

The applicant intends to eventually increase the number of display vehicles to seven, using an area between the warehouse portion of the building and Lewis Street, a space which is currently used by the owner of the building for truck storage. This would require an additional 0.02 +/- acres of crusher run and a minor site plan review.

The review of the project found no significant negative impacts to the environment and Ms. Lane recommended a negative declaration under SEQRA. Ms. Lane asked if there were any questions and Mr. Daglio asked whether there would be any outdoor lit signs. Ms. Elwood asked what hours the business would operate. Mr. Wood answered that there would be no lit signs and stated that the shop would be open all day on Thursday and Sunday, and at night during the summer.

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

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

2. Public Hearing: Special Permit for Auto Sales; Decision at the Planning Board's Discretion

Chairman Miller opened the public hearing related to the Special Permit for Auto Sales at 7:06PM.

As no one asked any questions or expressed concerns, Chairman Miller closed the Public Hearing at 7:08PM.

Mr. Scott Forster arrived at the meeting at 7:18 PM.

Ms. Lane presented her memorandum on the special permit request to the Planning Board. She noted that the property is located in an Industrial zoning district and selling vehicles is permitted by Special Permit from the Planning Board. Ms. Lane stated that Mr. Wood already had a license from the Department of Motor Vehicles to sell motor vehicles and he will be primarily advertising his business online. Mr. Wood plans to use a 40 square-foot by 40 square-foot space in the rear of the existing Farrell Distributing Warehouse building space at 19 Delaware Avenue to conduct his business. The building has one usable garage bay for minor repairs of vehicles that are for sale, a restroom, and a storage area. The parking requirement is two spaces for every employee, and Mr. Wood is the only employee. The site plan shows the two required parking spaces, including one handicapped-accessible space, an access aisle, and two parking spaces for display vehicles. As a part of the Special Permit, Mr. Wood has requested permission to eventually display seven vehicles on the parcel, with the understanding that a minor site plan review to expand the paved area would be required.

A spill prevention plan has been submitted, following consultation with the Pollution Prevention Unit of the NYS DEC. Up to 500 pounds of waste oil can be transported to any waste oil disposal site, such as a parts store or repair shop. Mr. Wood will use a 55-gallon drum for the storage of waste oil and transmission fluids. Spills should be cleaned up with an oil absorbent material to be disposed of in the trash. Code Enforcement has recommended a metal pan for secondary containment of the 55-gallon storage tank. The Town Engineering Department has reviewed the project and has no concerns but recommends a secondary containment system to be used in the event of a spill of the waste oil and transmission fluids.

This area is not in the floodplain nor was it flooded in either of the recent major flood events. The building has been inspected by Code Enforcement and the Fire Code Inspector, and it is compliant with their regulations. A Stormwater Pollution Prevention Plan was not required because there is no proposed disturbance to the site at this time.

The project is subject to a 239-Review. Broome County Planning did not identify any significant county-wide impacts. The Broome County Planning Department did recommend that conditions of approval stipulate the maximum number of vehicles to be displayed on site at any given time and to allow no vehicle repair to be conducted outdoors or tires to be stored outdoors. Not knowing that the parking lot is already paved, they also recommended that the parking lot be paved to prevent contamination of the soil and groundwater by accidental leaks and spills.

The Broome County Health Department required floor drains be connected either to the existing public sewer, or to an underground injection area. There are no floor drains, and the applicant has consulted with NYS DEC for recommended spill clean-up procedures. They also advised that fuels and chemicals be stored inside to prevent accidental spills from contaminating soil.

The project meets the requirements for a Special Permit to sell automobiles in an Industrial zone. The staff recommendation is to approve the Special Permit with the following stipulations:

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) 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 ultimately displaying seven vehicles on site. (3) A spill prevention plan shall be provided to the Planning and Code Enforcement offices. The plan has been provided, but 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 owned by the dealership that are or will be for sale.

3) All potentially hazardous fluids, including oils, shall be stored with secondary containment.

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 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.

There was some discussion about the employee parking in front of the building. Ms. Lane noted that due to space limitations, the employee parking was placed behind a display vehicle space and the "employee," Mr. Wood, would simply move the display vehicle when he leaves the site. Mr. Wood was asked if he would be doing any painting inside the building. Mr. Wood replied that he would not be doing any painting but would mainly be detailing the vehicles and doing minor repairs.

Chairman Miller asked for a motion to approve the Special Permit for Motor Vehicle Sales at 19 Delaware Avenue with stipulations.

Motion Made:	S. Forster
Motion Seconded:	S. Daglio
MOTION:	Motion to approve the Special Permit for Motor Vehicle Sales at 19 Delaware Avenue with stipulations.
VOTE	In Favor: L. Miller, S. McLain, T. Crowley, S. Forster, A. Elwood, S. Daglio Opposed: None Abstained: None Motion Carried

3. Site Plan Review, Pending approval of the Special Permit

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

1. The automobile sales parking lot shall be striped according to the plan by April 30, 2016.
2. Hazardous materials, such as waste oils, solvents, acids, batteries, paints or tires, shall not be stored outdoors at any time. A receptacle for secondary storage of the 55-gallon tank shall be provided before the issuance of a Certificate of Compliance.
3. If the applicant wishes to add additional 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. If the applicant wishes to provide additional paving for a maximum of seven (7) display vehicles, he shall first submit a revised site plan that shall be reviewed and approved by the Planning Review Team before any additional paving is added to the site.
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 conditions, in writing, prior to the issuance of a Certificate of Compliance. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan approved by the Planning Board, even if by petition to the Town's Zoning Board of Appeals, the site plan approval will become null and void and the applicant must resubmit a new site plan to the Town of Union Planning Board.

Chairman Miller asked for a motion to approve the Site Plan for DW Auto Sales at 19 Delaware Avenue with stipulations.

Motion Made:	S. Daglio
Motion Seconded:	A. Elwood
MOTION:	Approval of the Site Plan for the DW Auto Sales at 19 Delaware Avenue with stipulations.
VOTE	In Favor: L. Miller, S. McLain, T. Crowley, S. Forster, A. Elwood, S. Daglio
	Opposed: None
	Abstained: None
	Motion Carried

**D. Landscape Depot, 1000 West Main Street; M. Boland
Special Permit for Outdoor Sales and Site Plan Review**

1. SEQRA Determination

Ms. Lane reviewed the Short Environmental Assessment Form with members of the Planning Board. There were little or no negative impacts noted in Part 2 of the EAF. Ms. Lane then summarized the significance of the project for the Planning Board. The project to open a seasonal outdoor sales business of landscaping materials at 1000 West Main Street will not significantly change the character of the area, zoned Industrial. The project covers 1.5 acres out of 6 acres, and avoids the existing sanitary sewer main and gas lines on the property. No utilities are provided. There is a potential for

impacts to the existing wetland, mitigated with the continued use of silt fencing. No wildlife or plants will be affected, nor will the air quality or level of noise be negatively impacted. Although the site is within the buffer of an area identified as archeologically sensitive, no soil is being excavated, and so the project does not trigger a need for an archeological review. Traffic is estimated at 15 patrons per hour.

The project, upon review, will not have a significant, negative impact on the environment. Ms. Lane recommended that the Planning Board approve the Negative Declaration under SEQRA.

Mr. Urda, the engineer for the project, noted that there is a natural gas line that runs parallel to Main Street but that would not be impacted, and he also stated that they avoided filling over the petroleum line because of vibration tests that are conducted by the petroleum company.

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

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

2. Public Hearing: Special Permit for Outdoor Sales; Decision at the Planning Board's Discretion

Chairman Miller opened the public hearing related to the Special Permit for Outdoor Sales at 7:35 PM.

As no one asked any questions or expressed concerns, Chairman Miller closed the Public Hearing at 7:36 PM.

Ms. Lane summarized her report for the Planning Board. Mike Boland submitted an application for the outdoor storage and sale of landscaping supplies on an open lot located at 1000 West Main Street, Endicott. The parcel is zoned Industrial (I) and the outdoor sales and storage use is permitted only by Special Permit from the Planning Board. The site was issued a fill and grading permit in 2013, and it has been filled to between 834 and 836 feet above sea level. There is a stream and a National Wetland

Inventory wetland on the property to the west of the fill area. The wetland was delineated by Barnes Williams prior to the issuance of the fill permit. The entire property is in the floodplain, but the project area is located in only the 500-year floodplain, and therefore the project does not require a Special Permit to develop in the floodplain.

Ms. Lane then recommended approval of the Special Permit with the following conditions:

- 1) The developer shall not open for business until the site plan is revised per site plan approval.
- 2) The business shall be maintained in a neat and orderly fashion.
- 3) 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.

While the Planning Board was in agreement with the extension of the special permit expiration date because of the seasonal nature of the business, it was agreed that the authorization for the special use would expire after six months rather than one year.

Chairman Miller asked for a motion to approve the Special Permit for Outdoor Auto Sales with stipulations.

Motion Made:	T. Crowley
Motion Seconded:	S. McLain
MOTION:	Motion to approve the Special Permit for Outdoor Sales with stipulations.
VOTE	In Favor: L. Miller, S. McLain, T. Crowley, S. Forster, A. Elwood, S. Daglio
	Opposed: None
	Abstained: None
	Motion Carried

3. Site Plan Review, Pending approval of the Special Permit

Mr. Urda distributed a revised site plan to the Planning Board which included the following revisions to the original site plan: grading and contour elevations associated with the fill project proposed finished grade were removed from the plan; the stockpile of topsoil had been removed from where the dumpster will be placed; striping of the lines and arrow on NY17C noted "to be done by NYSDOT" and detail removed from plan; paving area at ADA stalls extended

to the ADA accessible latrine, added to the plan; existing silt fence which will be repaired, added to the plan; and landscaping plant sales area delineated on southwest and northeast edges of parking area. Mr. Urda noted that Mr. Boland had spoken to Endicott Water to extend a water line, but it was not practical, so Mr. Boland is cutting back on the plant business at the property. He stated that Mr. Boland's business will operate as a wholesale business where people will come in with trucks to be filled from the bins which will stay year-round at the site.

Ms. Lane summarized her staff memorandum for the Planning Board. Ms. Lane noted that the site is covered under a SPDES permit for placing fill and grading in the same area as the project is proposed. The lot has been stabilized with millings and is partially paved. The site plan provides 23 parking spaces including one handicapped accessible space with associated access aisle.

No building construction is proposed at this time, other than the construction of moveable bins for the mulch. The applicant proposes using a sandwich board sign for advertisement. The application notes that only one employee shall be on site. A temporary storage trailer is shown on the site plan for the storage of equipment. A portable light plant, model RL4060D-4 with four 1000W bulbs, is shown on the site plan. The hours of operation are listed as 7 AM to 6 PM, seven days a week.

Broome County Planning did not identify any significant countywide impacts associated with the project, but recommended that the applicant be made aware of being located in the existing floodplain; that the Planning Board ensures there are no risks to the wetland on the property. The County Health Department and BMTS had no comments, and the Village of Endicott had no concerns.

The site plan has been reviewed by the Town of Union Code Enforcement and Engineering Departments. Code Enforcement, Public Works and Engineering have requested that the site plan show existing elevations only, that the portable latrine is placed on blacktop, and the location of the plant sales area be shown on the site plan. In addition, the reference to fill in the northeast corner of the lot needs to be better explained.

The staff recommendation is to approve the site plan with the following stipulations:

1. The site plan shall be revised to show existing elevations only, location of the portable latrine on blacktop, and the location of the plant sales area. In addition, the reference to fill in the northeast corner of the lot needs to be

better explained to Code Enforcement and Planning.

2. The parking lot shall have roped posts to delineate parking until the pavement can be striped. The parking lot shall be striped, weather-permitting, but no later than April 30, 2016. If the striping is not completed prior to opening for business, the developer shall provide the Building Official a written estimate for outstanding improvements and once approved, shall submit a bond, letter of credit, or cash-in-lieu-of-bond, to be accepted by the Town Board, and returned with interest earned upon the successful completion of any outstanding improvements.

3. The applicant shall maintain the paved handicapped-accessible parking space and access aisle, and post the appropriate signage per the most recent NYS building code.

4. If the site plan changes in the future due to new fill projects, the revised site plan shall be submitted to the Planning and Code Enforcement offices for approval prior to new fill being added. The silt fence shall be maintained on site until the fill site has stabilized according to the SWPPP and an NOT has been filed.

5. All exterior lighting shall face away from State Route 17C, and shall not cause a nuisance to traffic on the railroad and adjacent road to the south. Lighting shall not spill off site. If any new outdoor lighting is proposed in addition to or replacement of the light plant model RL4060D shown on the site plan, the developer shall first submit the cut-sheet to the Code Enforcement Officer for approval. A spill receptacle shall be placed beneath the light plant.

6. No more than one sandwich board sign is permitted, and it cannot exceed six square feet in area. Sandwich board signs shall not be placed within the right-of-way, and shall be removed at the close of business each day. A sandwich board sign does not require a permit, but shall comply with the Sign Code. If any other signage is proposed, the location and details shall be submitted to the Code Enforcement Office for review and approval prior to installation. No flashing, rotating, intermittent or moving signs or light sources are permitted.

7. Site plan approval shall expire if the Special Permit expires. Should the Special Permit expire, the bins shall be removed within one month's time.

8. 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

There was some discussion about extending the line striping deadline; however, Mr. Urda noted that the applicant could lime-strip the parking lot if necessary. Due to the proximity of the lighting plant to the wetland area, Ms. Lane added a provision to place a spill receptacle under the light plant as one of the Planning Board's stipulations, and she removed the stipulation that solid paths be maintained along the bins for temporary vehicle parking.

Chairman Miller asked for a motion to approve the Site Plan for the Landscape Depot at 1000 West Main Street with stipulations.

Motion Made:	A. Elwood
Motion Seconded:	S. Daglio
MOTION:	Approval of the Site Plan for Landscape Depot at 1000 West Main Street with stipulations.
VOTE	In Favor: L. Miller, S. McLain, T. Crowley, S. Forster, A. Elwood, S. Daglio Opposed: None Abstained: None Motion Carried

E. GRANT'S AUTOHOUSE (AUTO SALES): 1660 Union Center-Maine Hwy.;
S. Grant
Special Permit for Motor Vehicle Sales

1. Public Hearing: Special Permit for Auto Sales; Decision at the Planning Board's Discretion

Chairman Miller opened the public hearing related to the Special Permit for outdoor recreation at 7:55PM.

As no one asked any questions or expressed concerns, Chairman Miller closed the Public Hearing at 7:57PM.

Ms. Lane then read her report for the members of the Planning Board. The site plan approved in 2015 shows thirteen parking spaces for display vehicles, and has two customer parking spaces, including one required handicapped-accessible space and aisle. In 2015 the applicant stated that there would be no vehicle repairs in the garage. He has since been told by the NYS Department of Motor Vehicles that his sales license permits him to do minor maintenance on vehicles which are specifically on the lot to be sold.

The location of the garage is within the one-hundred year floodplain, and a Special Permit was approved to develop in the floodplain on February 10, 2015. Due to the floodplain, the Special Permit already required that all flammable or toxic fluids be stored no lower than three feet (3') above ground level, and that absorbent pads be maintained on site. Ms. Lane noted that this storage requirement was a little change from last year's report.

The staff recommendation is to approve the Special Permit, contingent on site plan approval, with the following stipulations:

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) 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. The site plan showed thirteen vehicles would be displayed on site. No more than thirteen vehicles may be displayed at any one time.

(3) A spill prevention plan is provided to the Planning and Code Enforcement offices.

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, adjacent to the garage. No vehicles shall be displayed in the parking lots adjacent to the tavern.

D. The retail sale of fuel or automobile parts shall not be permitted.

2) Minor vehicle repairs may take place on the property, but all repairs shall be only on vehicles listed as sales vehicles. All vehicles shall be washed off-site.

3) Due to the floodplain, all flammable or toxic fluids shall be stored no lower than three feet (3') above ground level and absorbent pads be maintained on site. In addition, the applicant shall provide secondary containment for any tanks holding used oils, transmission fluid, or any other potentially hazardous or toxic fluid.

4) § 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 more than three months for any reason.

5) The applicant shall be required to acknowledge all of the above conditions, in writing, within one week of approval. 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.

Mr. Crowley asked that the following sentence also be added to the stipulations: "Hazardous materials, such as waste oils, solvents, acids, batteries, paints or tires, shall not be stored outdoors at any time. A receptacle for secondary storage of the 55-gallon tank shall be provided before the issuance of a Certificate of Compliance."

The applicant also asked the Planning Board to expand the use of the Special Permit with the addition of selling tires at the site. There was some concern about the storage of the old tires and Mr. Grant advised that his landlord had a shed in back of the garage on the site plan that he could use for this purpose; he also noted that there were companies that transported the old tires from businesses on a weekly basis. Ms. Lane noted that a different license from the DMV was required to sell tires, and Mr. Grant replied that he would obtain this license before selling any tires. After discussion the Planning Board agreed to add another stipulation to the Special Permit approval that read, "The applicant may sell tires as an accessory use to the vehicle sales business and tires should be stored in an enclosed covered structure," contingent on approval from the Code Enforcement Office.

Chairman Miller asked for a motion to approve the renewal of the Special Permit for Auto Vehicle Sales with additions and changes.

Motion Made:	T. Crowley
Motion Seconded:	S. Forster
MOTION:	Motion to approve the Special Permit for Auto Sales with additions and changes.
VOTE	In Favor: L. Miller, S. McLain, T. Crowley, S. Forster, A. Elwood, S. Daglio
	Opposed: None
	Abstained: None
	Motion Carried

F. 3400 East Main Street Partners, LLC: 3400 E. Main Street & 214 Kent Avenue; A. DeFilio
Advisory Opinion to the ZBA: Area Setback Variances

Ms. Lane presented her memorandum to the Planning Board. Mr. Anthony J. DeFilio has applied on behalf of 3400 E. Main Street Partners, LLC, for a lot line reconfiguration between 3400 E. Main Street and 214 Kent Avenue. The adjacent properties are located in a General Commercial (GC) zoning district

with a total of two buildings between them. The applicant is proposing to reconfigure the two parcels so that each building is on a single parcel of its own.

The new property line between the two buildings will create a 10-foot side setback on the west side of 214 Kent Avenue, and a 10.1 to 12.4-foot side setback on the east side of 3400 E Main Street. The required side setback in General Commercial districts is 20 feet when adjacent to a non-residential property (Section 300-21.4, Table 21-3). Therefore, the reconfiguration requires area variances from the Zoning Board of Appeals.

The Planning Department recommends the Planning Board recommend to the ZBA approval of:

- 1) The 10-foot side setback variance for 214 Kent Avenue.
- 2) The 9.9 feet side setback variance for 3400 E. Main Street.

The proposed action will eliminate the existing problem of one building being located on two separate parcels and will not result in a significant environmental impact. The buildings are existing and there is no proposed disturbance to the land.

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

1. Area Variance of ten feet side setback on the west for 214 Kent Avenue

Motion Made: S. Forster
Motion Seconded: A. Elwood
MOTION: Recommendation of approval of the area variance of 10' side setback for 214 Kent Avenue by the ZBA.
VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Daglio, S. Forster
Opposed: None
Abstained: None
Motion Carried

2. Area Variance of 9.9 feet side setback on the east for 3400 E. Main Street

Motion Made: S. Forster
Motion Seconded: S. Daglio

MOTION: Recommendation of approval of the area variance of 9.9' side setback for 3400 E. Main Street by the ZBA.

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

**G. Rezone for Kentucky Avenue, Delaware Avenue and North Street
Advisory Opinion to the Town Board**

Ms. Lane noted that the Code Enforcement Officer had been informed of an issue with the zoning of some of the properties along Delaware and Kentucky Avenues and along part of North Street. One of the problems is that residential dwellings are zoned Industrial which complicates mortgage issues for new buyers and owners refinancing. Therefore, the proposed rezoning would change the current Industrial zoning to Neighborhood Commercial (NC) along the south side of North Street, Urban Multi-Family (UMF) along the north end of Delaware Avenue and Kentucky Avenue, and General Commercial (GC) along the south end of Kentucky Avenue adjacent to a GC zone on the north side of East Main Street.

Dee Golazeski, DCPW Codes & Ordinances, had reviewed the existing land uses and existing zoning, and she proposed the rezoning so that it would be consistent with the current uses and proposed uses in the Comprehensive Plan. The Planning Board members discussed the changes from Industrial (I) zoning to Neighborhood Commercial (NC), Urban Multi-Family (UMF), and General Commercial (GC) between Kentucky Avenue, Delaware Avenue and North Street and agreed that the changes offered greater flexibility to the residents and business owners in those areas.

Chairman Miller asked for a motion to recommend approval to the Town Board for the rezoning changes to parts of Kentucky Avenue, Delaware Avenue and North Street.

Motion Made: S. Forster
Motion Seconded: T. Crowley
MOTION: Recommendation of approval of zoning changes to parts of Kentucky Avenue, Delaware Avenue and North Street by the Town Board.

VOTE: **In Favor:** A. Elwood, S. McLain, T. Crowley, L. Miller, S. Daglio, S. Forster
Opposed: None
Abstained: None

Motion Carried

H. Election of Vice Chairman

The election for The Vice-Chairman of the Planning Board was postponed to the following meeting.

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

Ms. Lane noted that there are plans for the 214 Kent Street and 3400 E. Main Street lots. The potential new owners plan to open a thrift store business at one of the properties. The Planning Board members were concerned about a thrift shop at the site because the parking is very limited and access to the parking is also difficult because of a “no left turn” sign near the parking lot.

J. Adjournment

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

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

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, March 8, 2016 at 7:00 PM.

Respectfully Submitted,
Carol Krawczyk