

Town of Union Planning Board Minutes

Tuesday, April 12, 2016

A regular meeting of the Town of Union Planning Board was held Tuesday, April 12, 2016, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

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

Others present: Marina Lane, Brian Wallenbeck, Brad Taber

A. CALL TO ORDER

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

B. MEETING MINUTES

1. Approval of 3/15/16 Meeting Minutes

Chairman Miller asked for a motion to approve the 3/15/16 Meeting Minutes as written.

Motion Made:	L. Cicciarelli
Motion Seconded:	S. Daglio
MOTION:	Approval of the March 15, 2016, Meeting Minutes as written.
VOTE	In Favor: L. Miller, S. McLain, A. Elwood, S. Daglio, L. Cicciarelli Opposed: None Abstained: T. Crowley, S. Forster Motion Carried

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

1. Declare Lead Agency

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

Motion Made:	S. McLain
Motion Seconded:	L. Cicciarelli
MOTION:	Declare the Planning Board Lead Agency
VOTE:	In Favor: S. McLain, L. Miller, A. Elwood, T. Crowley, S. Forster, 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: S. McLain
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 Retail Sales to be held on May 2, 2016, at 7:00PM

Mr. Brian Wallenbeck gave a short presentation about the project. He stated that he had a signed lease on 323, 327 and 331 Chaumont Drive contingent upon approval from the Planning Board. Mr. Wallenbeck's business will use the middle section of the building, which is 1,040 square feet, to conduct retail sales of mattresses, and the rest of leased area will be used for storage. Mr. Wallenbeck plans to advertise his business through social media, yard signs and classified ads. Mr. Wallenbeck or his partner will only meet their customers by half-hour appointment. Mr. Wallenbeck explained that there will only be one customer's vehicle and a sales personnel truck outside the building during each appointment. Mr. Wallenbeck and his partner will not be changing anything within the building or the existing landscaping; but they do plan to paint the walls and the concrete floor. The business will be located on the lower floor and the landlord had advised him that the building had been flooded; however, Mr. Wallenbeck felt that he and his partner could move merchandise quickly in the event of another flood.

Ms. Lane noted that the Planning Department has not required a Special Permit for floodplain development because there would be nothing toxic on the premises to affect the floodplain, but Mr. Wallenbeck does require a Special Permit for retail sales in an Industrial zone. Ms. Lane further explained that the town required this special permit because areas that were set up for industrial use don't always lend themselves to a retail use, which normally requires a lot of parking. The 1,000 square-foot retail outlet store requires five parking spaces and there are seven parking spaces shown on the site plan.

Mr. Wallenbeck then asked the Planning Board if they could hold a special meeting for the public hearing earlier than the regularly scheduled meeting so that he would be able to move his business into the building more quickly. Ms. Lane informed the Planning Board members that there is a new \$350.00 fee to hold a special meeting and that Mr. Wallenbeck had agreed to pay the

fee. Ms. Lane noted that the earliest date that the Planning Board could hold the special meeting for the public hearing would be May 2nd because of the state requirement for public notices to be published for ten days before a public hearing is held. The Planning Board members agreed that they could meet on May 2nd for the special meeting.

Mr. Wallenbeck thanked the Planning Board for accommodating his special meeting request. Ms. Lane also advised Mr. Wallenbeck not to post advertising yard signs in any right-of-way, and to speak to the Code Department to see when the building inspections will be completed before he goes into the building to start any activity.

Ms. Lane reviewed the Special Permit Application and noted because the project was located in one building on three different parcels of land, the Planning Department was reviewing the project as if it were one parcel.

Chairman Miller asked for a motion to call for a Public Hearing for Retail Sales in an Industrial zone to be held on May 2, 2016, at 7:00PM.

Motion Made:	A. Elwood
Motion Seconded:	S. McLain
MOTION:	Call for a Public Hearing for Retail Sales on May 2, 2016, at 7:00PM.
VOTE	In Favor: L. Miller, S. McLain, A. Elwood, T. Crowley, S. Forster, L. Cicciarelli, S. Daglio Opposed: None Abstained: None Motion Carried

D. First Choice Storage, Regency of New York; 1640, 1640-Rear, & 1644 Union Center-Maine Highway, J. Pettit

1. Declare Lead Agency

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

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

3. SEQRA Determination

Ms. Lane gave a short presentation of the project. She noted that the property owner, Regency of New York, is based in Colorado. She explained that Jonathan Pettit of the Churchill Group, which is associated with Regency of New York, will attend the Planning Board meeting when the site plan is presented. The storage facility was first approved in 1987 and it was built in two phases, three original storage units and then a smaller one. The First Choice Storage project is located on three parcels of land and the owner has submitted a parcel combination form. The owners want to build a new storage unit with an attached office in front, requiring a new well and septic system for the office.

Ms. Lane reviewed the floodplain and wetland maps prior to reading the SEQRA report. She noted that although the existing NWI maps show wetlands on the site, NWI wetland maps are not updated until the Army Corp of Engineers makes a field determination. Therefore the current map is not accurate because it indicates a wetland over an area that is now hard-packed with gravel. Ms. Lane reviewed the mapped "existing" 100 and 500-year floodplain areas. Ms. Golazeski, the official floodplain administrator, determined that, although close, the proposed building will not be located in the current floodplain. Ms. Lane explained that the original developers had added fill to the site and the "preliminary" floodplain map indicates that all the developed area is no longer in the floodplain. The current survey of the property accurately depicts the floodway and the preliminary 100-year floodplain boundaries.

Ms. Lane reviewed Parts 2 and 3 of the environmental assessment form with the Planning Board. The application for adding a 360 square-foot office and a 6,240 square-foot storage structure to an existing self-storage facility located at 1640 Union Center-Maine Highway was reviewed for any potential negative impacts to the environment. The property is zoned General Commercial and the self-storage facility is a legal, nonconforming

use. A legal nonconforming use may be expanded up to 50 percent in area with an area variance from the Zoning Board of Appeals. The applicant has applied for the area variance for the storage structure. It would be the fifth structure on the site and represents an increase of approximately 28 percent.

The site plan will be revised to indicate the perimeter of the floodway, which is not impacted by the project. A former wetland area was impacted during the initial phase of the project in 1987, and there are no longer any true wetlands on the project site. Similarly, the site is within an archeologically sensitive buffer area, but as the project is proposed on a previously developed area, it will not impact any possible archeological artifacts.

The project will not have a negative impact on traffic, the ground or air. As there is no public water or sewer, a new well and septic tank system will be installed for the office. No flora or fauna will be negatively impacted as the location of construction is approximately 390 feet from any natural environment. Upon close review, the project as proposed will not have a significantly negative impact upon the environment.

The Planning Board had concerns about the whether the proposed septic system could affect Nanticoke Creek and Ms. Lane responded that the septic system will be far from Nanticoke Creek because it will be located in front of the proposed office. It was also suggested that the developers consider a closed chemical toilet system so that no waste products could leach back into the Nanticoke Creek. Ms. Lane answered that she had spoken to Ron Brink at the County Health Department and Mr. Brink had implied that the soil in that area is good for septic tank functionality.

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

4. Advisory Opinion to the ZBA re: Expansion of Non-Conforming Use Variance

Ms. Lane reviewed her memorandum with the members of the Planning Board. Jon Pettit of Regency of New York, Inc. has applied for the construction of a 6,240 square foot storage building and an attached 360 square foot office at the existing self-storage facility at 1640 Union Center-Main Highway. The property is located in a General Commercial zoning district and the self-storage facility is a legal, nonconforming use. The office is a permitted use. Mr. Pettit is requesting a variance to enlarge the nonconforming use by 27.7 percent increase in building area. The area of construction has been prepped with a drainage system and hard-packed with gravel.

The Planning Department recommends the approval of the expansion of the self-storage use, with the two proposed structures with the following recommendations:

- 1) If the variance is approved, the applicant shall go before the Planning Board for site plan review.
- 2) Prior to the site plan review, the handicapped accessible parking space and access space shall be updated with the new NYS accessibility symbols. The handicapped accessible parking space shall be revised to nine feet wide by 18 feet deep. The floodplain should be relabeled as the floodway.

The Planning Board had several concerns about the type of vehicles that would be stored on the property. Planning Board members would like a provision in the new site plan approval that prohibits the storage of unregistered junk vehicles. The Planning Board members were also concerned about transmission and other vehicle fluids that could leak into the environment. Ms. Lane stated that she would consult with JR Kelly Boat storage to see how they dealt with this issue. Ms. Lane noted that she had discussed landscaping the front of the property with the developer and this will be another stipulation that she will add to the site plan. Ms. Lane concluded the discussion by stating that the expansion of the non-conforming use of the property could only be used once.

Chairman Miller called for a motion to recommend approval of the expansion of a non-conforming use for the storage facility, as the principal use, by the ZBA with conditions as stated.

Motion Made:	S. McLain
Motion Seconded:	L. Cicciarelli
MOTION:	Recommendation of approval of the expansion of a non-conforming use by the ZBA.
VOTE	In Favor: L. Miller, S. McLain, A. Elwood,

T. Crowley, S. Daglio, S Forster, L. Cicciarelli

Opposed: None

Abstained: None

Motion Carried

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

Ms. Lane noted that Jay Harris, the Town's engineer, will retire at the end of April. Ms. Lane noted that Mr. Harris had made invaluable contributions to the planning process and thanked him for his contributions on behalf of the Planning Board.

F. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:36 PM.

Motion Made: S. Daglio

Motion Seconded: L. Cicciarelli

MOTION: Adjourning the meeting.

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

Opposed: None

Abstained: None

Motion Carried

Next Meeting Date

The next meeting of the Planning Board is scheduled for Tuesday, May 2, 2016 at 7:00 PM.

Respectfully Submitted,
Carol Krawczyk