

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

Tuesday, May 17, 2016

A regular meeting of the Town of Union Planning Board was held Tuesday, May 17, 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, L. Cicciarelli,

Others present: Marina Lane, Paul Nelson, Jonathan Pettit, David Shelley,  
Dave Alexander, Chris Maby, Ron Cobb, Chris Stasny,  
Roger Hurlbut, Tom Lesko, Angie Lesko, Nancy Boccardi,  
Irene Brinsko, Mary Calcagnini, Gary Morse, Joan Morse,  
Laurie Van Ingen, Dave Belknap, Bill Didas, Richard Jones,  
Junieta Brooks, Bonnie Eckman, Mary Macek, John Jones,  
John Drooney, and Darlene Donald.

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

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

### **B. MEETING MINUTES**

#### **1. Approval of 4/12/16 Meeting Minutes**

Chairman Miller asked for a motion to approve the 4/12/16 Meeting Minutes as written.

Motion Made:	S. McLain
Motion Seconded:	L. Cicciarelli
MOTION:	Approval of the April 12, 2016, Meeting Minutes as written.
VOTE	<b>In Favor:</b> L. Miller, S. McLain, A. Elwood, T. Crowley, S. Forster. L. Cicciarelli, S. Daglio <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

#### **2. Approval of 5/2/16 Meeting Minutes**

Chairman Miller asked for a motion to approve the 5/2/16 Meeting Minutes as written:

Motion Made:	L. Cicciarelli
Motion Seconded:	A. Elwood
MOTION:	Approval of the May 2, 2016, Meeting minutes as written.
VOTE	<b>In Favor:</b> L. Miller, S. McLain, A. Elwood, S. Forster, T. Crowley, L. Cicciarelli <b>Opposed:</b> None

**Abstained:** S. Daglio  
Motion Carried

**3. Approval of 5/2/16 Public Hearing Transcript – Special Permit for Retail Sales in an Industrial Zoning District**

Chairman Miller asked for a motion to approve the 5/2/16 Public Hearing Transcript for Retail Sales in an Industrial zoning district, as written.

Motion Made:	S. McLain
Motion Seconded:	L. Cicciarelli
MOTION:	Approval of the May 2, 2016, Public Hearing Transcript for Special Permit for Retail Sales in an Industrial zoning district as written.
VOTE	<b>In Favor:</b> L. Miller, S. McLain, A. Elwood, S. Forster, T. Crowley, L. Cicciarelli <b>Opposed:</b> None <b>Abstained:</b> S. Daglio <b>Abstained:</b> None Motion Carried

**C. Patterson Creek Stream Bank Improvements/Restoration**

**Special Permit for floodplain Development;** Town of Union / Delta Engineering

**1. SEQRA Determination**

Ms. Lane reviewed Parts 1 and 2 of the long Environmental Assessment Form with members of the Planning Board.

The project to stabilize portions of the banks of Patterson Stream due to significant erosion during recent major flood events was evaluated for potential negative effects to the environment. A doveled stacked stone wall will be constructed along 205-feet just north of Watson Boulevard, and a second stretch of repair is approximately 650-feet about 200-feet north of Smith Drive. In addition, both sections include associated stream maintenance for clearing obstructions. The repairs will take place in the 100-year floodplain, and therefore the project requires a Special Permit from the Planning Board for development in the floodplain. This environmental review, per SEQRA, is for the Special Permit for development in the floodplain, as the project is primarily under coordinated review with the NYS DEC and Governor's Office of Storm Recovery (GOSR).

Ms. Lane then summarized the environmental impacts that were investigated from Parts 1 and 2 of the Environmental Assessment Form. She noted that although the area was within the buffer area of the NYS Department of Conservation (DEC) remediation site #704038, the creek is not directly

affected by the site; that the project may alter the flow of Patterson Creek in order to stabilize it; that the project is located in the 100-year floodplain and this project will provide stabilization that will benefit nearby and downstream residents during future flood events; that the project will not disturb any archeologically sensitive areas; and that the protection of the threatened Northern Long-eared bat in the area will be handled by the NYS DEC and GOSR, per Section 7 of the Endangered Species Act.

The review of the project found no significant adverse impacts on the environment; therefore, an environmental impact statement did not need to be prepared. 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:	A. Elwood
MOTION:	Approval of the Negative Declaration under SEQRA.
VOTE	<b>In Favor:</b> L. Miller, S. McLain, A. Elwood, T. Crowley, S. Daglio, L. Cicciarelli, S. Forster <b>Opposed:</b> None <b>Absent:</b> None <b>Abstained:</b> None Motion Carried

## **2. Public Hearing: Special Permit for Floodplain Development: Patterson Creek**

Chairman Miller opened the public hearing related to the Special Permit for Floodplain Development along two sections of Patterson Creek in the 100-year floodplain at 7:06 PM. Chris Maby of Delta Engineering described the repair of downstream and upstream portions of the creek that had been damaged by the 2011 flood. Mr. Nelson explained that in order to access and actively work on the back ends of the impacted properties, the Town would be paying homeowners for the time that the contractors were on their lots. Mr. Nelson informed the attending audience that a letter from the appraiser and a brochure about the easement process would be sent to all the affected parties. Mr. Nelson noted that the Town hopes to have the work done on the project before the construction season ends.

The Planning Board members had no concerns with the Patterson Creek project. Several members of the public asked questions about what they can expect particular to their own properties.

Chairman Miller closed the Public Hearing at 7:18PM.

### **3. Decision at the Planning Board's Discretion**

Ms. Lane summarized her staff memorandum for the Planning Board. The Town of Union will be acting as the lead agency for the repair, restoration and stabilization of the eroded banks along Patterson Creek from lower Watson Boulevard to 100-104 Norton Avenue and upper Smith Drive to 539-559 Hooper Road. A Special Permit for development in the floodplain must be approved by the Planning Board for the repair and stabilization of the eroded banks of the Patterson Creek to be implemented.

The project involves the construction of a doveled stacked stone wall to a height above the 100-year flood event or equal to the adjoining backyard and grassed slope above that, within an approximately 205-foot long section of Patterson Creek, beginning 85-feet north of Watson Boulevard. Work in this section also includes the removal of three trees, removal of a low hanging branch, and the removal of unvegetated gravel bars along the length of the new wall to 6" above the water's elevation at time of construction. The second section selected for improvements is approximately 650-feet in length, beginning 200-feet north of Smith Drive. Work in this section also involves the construction of a doveled stacked stone wall to a height above the 100-year event or equal to the adjoining backyard and grassed slope above that as well as removal of a failing retaining wall, four trees, and a piece of existing concrete in the creek. Specifically for purposes of the Special Permit, the Planning Board declared Lead Agency and that the Special Permit review is an Unlisted Action under SEQRA on May 2, 2016.

This location was subject to a 239-Review, as it lies within 500 feet of Hooper Road, County Highway 33. Broome County (B.C.) Planning did not identify any significant countywide or inter-community impacts associated with the proposed project. The B.C. Department of Public Works stated that a work permit is not needed as long as any needed repairs to the temporary construction access shown to Hooper Road existing curb cut are completed when they are finished. The B.C. Health Department stated there should be a spill plan just in case there is an issue with fuel or fluid leaks from the motorized equipment working in or around the stream bed. BMTS and the NYSDOT had no comments.

The Planning Department recommends approval of the Special Permit to develop in the floodplain for the repair and stabilization of eroded banks along identified areas of Patterson Creek.

Chairman Miller asked for a motion to approve the Special Permit to develop in the Floodplain for the repair and stabilization of eroded banks along identified areas of Patterson Creek.

Motion Made: S. Daglio  
Motion Seconded: L. Cicciarelli  
MOTION: Motion to approve the Special Permit to develop in the Floodplain for the repair and stabilization of eroded banks along identified areas of Patterson Creek.  
  
VOTE **In Favor:** L. Miller, S. McLain, A. Elwood, T. Crowley, S. Forster, L. Cicciarelli, S. Daglio  
**Opposed:** None  
**Abstained:** None  
Motion Carried

#### **D. Brixius Creek Stream Bank Improvements/Restoration**

**Special Permit for Floodplain Development;** Town of Union / Keystone Engineering

##### **1. SEQRA Determination**

Ms. Lane reviewed the long Environmental Assessment Form with members of the Planning Board.

The project to reconstruct and stabilize portions of the Brixius stream bank due to significant erosion during recent major flood events was evaluated for potential negative effects to the environment. Heavy stacked stone will be placed along approximately 790 feet encompassing three areas between Christopher Street and McKinley Avenue, in addition to associated stream control and stabilization practices. The repairs will take place in the 100-year floodplain, and therefore the project requires a Special Permit from the Planning Board for development in the floodplain. This environmental review, per SEQRA, is for the Special Permit for development in the floodplain, as the project is primarily under coordinated review with the NYS DEC and Governor's Office of Storm Recovery (GOSR).

Ms. Lane summarized the environmental impacts that were investigated from Parts 1 and 2 of the Environmental Assessment Form. She noted that the area was within the buffer area of NYS Department of Conservation remediation site #704038 but is not directly impacted by the contaminated site, that the project may alter the flow of Brixius Creek in order to stabilize it, that the project is located in the 100-year floodplain and will provide stabilization that will benefit nearby and downstream residents during future flood events, that the project will not disturb any archeologically sensitive areas, and that the protection of the threatened Northern Long-eared bat in the area will be handled by the NYS DEC and GOSR, per Section 7 of the Endangered Species Act.

The review of the project found no significant adverse impacts on the environment; therefore, an environmental impact statement did not need to be prepared. 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.
VOTE:	<b>In Favor:</b> L. Miller, A. Elwood, S. McLain, T. Crowley, S. Forster, S. Daglio, L. Cicciarelli <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

## **2. Public Hearing: Special Permit for Floodplain Development: Brixius Creek**

Chairman Miller opened the public hearing related to the Special Permit for Floodplain Development to repair and stabilize eroded banks along Brixius Creek north of Pine Street in the 100-year floodplain at 7:28 PM.

The Brixius Creek project will address three different areas between Christopher Street and Pine Street that have been heavily eroded by the flood in 2011. The Planning Board had no concerns about the project. Two residents, Mr. Lesko and Ms. Donald, will contact the Planning Department to follow up on specific concerns that they have with the drainage problems they are experiencing on their properties.

Chairman Miller closed the Public Hearing at 7:52 PM.

## **3. Decision at the Planning Board's Discretion**

Ms. Lane summarized her report for the Planning Board. The Town of Union Town Board will be acting as the lead agency for the repair, restoration and stabilization of three sections of eroded banks along Brixius Creek north of Pine Street. Improvements to the stream banks include the placement of stone fill, the construction of earth berms, and the construction of stone check dams. The work also includes the construction of a 900 cubic foot debris basin with stone weirs, and cleaning the invert of two road crossing culverts (approximately 250 lineal feet).

For purposes of the Special Permit, the Planning Board declared Lead Agency, and the Special Permit review an Unlisted Action under SEQRA on May 2, 2016.

This location was subject to a 239-Review as it lies within 500 feet of the Village of Endicott and a county park. Broome County (B.C.) Planning did not identify any significant countywide or inter-community impacts associated with the proposed project. The B.C. Department of Public Works had no comments as the project does not impact county infrastructure. The B.C. Health Department stated there should be a spill plan just in case there is an issue with fuel or fluid leaks from the motorized equipment working in or around the stream bed. BMTS and the NYSDOT had no comments, and the Village of Endicott had no concerns.

The Planning Department recommended approval of the Special Permit to develop in the floodplain for the repair and stabilization of eroded banks along identified areas of Brixius Creek.

Chairman Miller asked for a motion to approve the Special Permit for Floodplain Development to repair and stabilize eroded banks along Brixius Creek north of Pine Street in the 100-year floodplain.

Motion Made:	A. Elwood
Motion Seconded:	T. Crowley
MOTION:	Motion to approve the Special Permit for Floodplain Development to repair and stabilize eroded banks along identified areas of Brixius Creek north of Pine Street in the 100-year floodplain.
VOTE	<b>In Favor:</b> L. Miller, S. McLain, T. Crowley, S. Forster, A. Elwood, Cicciarelli, S. Daglio <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

**E. Fairmont Park Floodwall Project; Special Permit for Floodplain Development;** Town of Union / Griffiths Engineering

**1. SEQRA Determination**

Ms. Lane reviewed Parts 1 and 2 of the long Environmental Assessment Form with members of the Planning Board and then read her report on the Determination of Significance of the project.

This floodplain development project will complete an existing, but partial, floodwall/levee system around the Gray's Creek floodplain. It will help to

protect a number of homes in the Fairmont Park development from damage in future flood events. It involves the extension of the floodwall and a closure system with a metal gate across Watson Boulevard that will remain open until such time that a flood appears imminent. This barrier system will, under most flood events, isolate the floodwaters to the Gray's Creek floodplain, away from Fairmont Park.

The project is in the 100-year floodplain, and therefore requires a Special Permit from the Planning Board for development in the floodplain. The environmental review per SEQRA is for the Special Permit for development in the floodplain, as the project is primarily under coordinated review with the NYS Department of Conservation and the Community Development Block Grant – Disaster Recovery Grant under HUD.

Ms. Lane then summarized the environmental impacts that were investigated from Parts 1 and 2 of the Environmental Assessment Form.

She noted that the area was within the NYS Department of Conservation remediation site #704038 but related contamination would not impact the stabilization of the creek, the wetland will not be affected by the floodwall, that the project is located in the 100-year floodplain and will benefit residents during future flood events, that the project will not disturb any archeologically sensitive areas, and that the protection of the threatened Northern Long-eared bat in the area will be handled by the NYS DEC and GOSR, per Section 7 of the Endangered Species Act.

The review of the project found no significant adverse impacts on the environment, and 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:	A. Elwood
MOTION:	Approval of the Negative Declaration.
VOTE:	<b>In Favor:</b> L. Miller, A. Elwood, S. McLain, T. Crowley, S. Forster, S. Daglio, L. Cicciarelli
	<b>Opposed:</b> None
	<b>Abstained:</b> None
	Motion Carried

## **2. Public Hearing: Special Permit for Floodplain Development: Fairmont Park Floodwall**



Chairman Miller opened the public hearing related to the Special Permit for Floodplain Development to construct a concrete floodwall along Watson Boulevard and a closure system at 4301 and 4300 Watson Boulevard at 8:02 PM.

The Fairmont Park Floodwall project will consist of the construction of an approximately 120-foot, 5-foot wide concrete floodwall and closure system across Watson Boulevard at 4300 and 4301 Watson Boulevard. The new closure system will close the gap in the Fairmont Park flood system. Watson Boulevard will have to be shut down for a short period of time to test the system. There was also discussion if there would be enough room in an existing structure to store the planks that will be used for the new closure system. The project is expected to be completed this fall.

Chairman Miller closed the Public Hearing at 8:22 PM.

### **3. Decision at the Planning Board's Discretion**

Ms. Lane summarized her report for the Planning Board. The site is located within the 100-year floodplain. A Special Permit for development in the floodplain must be approved by the Planning Board before the construction of the floodwall and closure system can be implemented. For purposes of the Special Permit, the Planning Board declared Lead Agency, and that the Special Permit review is an Unlisted Action under SEQRA on May 2, 2016.

The proposed project involves the construction of a floodwall and closure system to reduce the potential for future flooding of Fairmont Park and associated damages during major flood events. The closure structure would be comprised of a concrete barrier with a metal gate. The gate would remain open unless there was potential for flooding, in which case the town would temporarily close the gate so that flood waters would stay in the Gray's Creek floodplain and not enter the Fairmont Park neighborhood.

This location was subject to a 239-Review, as it lies within 500 feet of two state highways, SRs 17 and 17C. Broome County (B.C.) Planning did not identify any significant countywide or inter-community impacts associated with the proposed project. B.C. Department of Public Works states that the design meets the needs of the County and no further review of the project is necessary. BMTS and the NYSDOT had no comments.

The Planning Department recommends approval of the Special Permit to develop in the floodplain for the construction of the extension of the floodwall and closure system across Watson Boulevard

Chairman Miller asked for a motion to approve the Special Permit for Floodplain Development to construct a floodwall and a closure system along Watson Boulevard at 4300 and 4301 Watson Boulevard.

Motion Made:	A. Elwood
Motion Seconded:	S. Daglio
MOTION:	Motion to approve the Special Permit for Floodplain Development to construct a floodwall and a closure system along Watson Boulevard at 4301 and 4300 Watson Boulevard.
VOTE	<b>In Favor:</b> L. Miller, S. McLain, T. Crowley, S. Forster, A. Elwood, Cicciarelli, S. Daglio <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

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

**1. Site Plan Review**

Mr. Jon Pettit, a representative for Regency of New York, Inc., explained that they plan to construct a 6,500 square-foot storage building with an office at the existing self-storage facility at 1640 Union Center-Maine Highway. The property is located in a General Commercial zoning district and the self-storage facility is a legal, nonconforming use.

The office will be located on the northwest side of the building, and the storage area will be accessed from the rear. Mr. Pettit noted that only household goods such as furniture and household goods will be stored in the new climate controlled units. Ms. Lane noted that the Code Department will conduct annual inspections, and reminded Mr. Pettit that no junk vehicles may be stored on the property. Ms. Lane asked Mr. Pettit to submit a revised site plan showing where the new access gate to the climate controlled units would be situated, and then read her staff report for the benefit of the Planning Board.

In order for the Planning Board to consider the site plan application, Mr. Pettit applied for a variance from the Zoning Board of Appeals to increase the nonconforming footprint by 6,240 square feet, an increase of 27.7% (up to 50% is permitted with an area variance). The Zoning Board of Appeals approved the variance on May 16, 2016, prior to site plan review.

The new 30-foot by 220-foot structure, including the office space, will be climate-controlled. In addition to the office and existing and proposed storage structures, the site plan includes seven parking spaces for clients, including one handicapped-accessible with the associated access aisle. The office space, at 360 square feet, requires two parking spaces. The areas around the existing storage buildings are paved and there is an existing drainage system, approved in 1987. The facility also supports the outdoor storage of vehicles including boats and trailers. Most of the vehicle storage area is stabilized with packed gravel.

The facility, open from approximately 6AM to 10:30PM., is completely enclosed by fencing, and security is a priority. Clients will be directed through the main entrance and will access the new building from the east end. Clients will not be able to drive into the new structure. Access via the northern entrance of the lot is limited to only vehicles that are larger and cannot make the smaller main entrance. There is existing lighting on site.

The project is subject to a 239-Review. Per the Broome County Health Department, the well must be at least 50 feet from all septic tanks and 100 feet from all absorption fields. This required a revision to the original site plan, and the current proposed location of the well has been approved. In addition, the B.C. Health Department was consulted regarding the storage of vehicles on site, and they recommended only that junk vehicles not be stored on site, but felt no particular measures regarding the storage of maintained vehicles would be necessary.

The Broome Metropolitan Transportation Study had no issues with site access or traffic impact but noted the current painted arrows at the driveway opening are reversed. They will be corrected during the new striping of the parking spaces. The NYS Department of Transportation reviewed the site plan and commented that any work proposed within the state right-of-way requires a Highway Work permit from their Department prior to the commencement of such work. In addition, the highway boundary needs to be verified by the applicant to ensure nothing is placed within the state right-of-way, including signage.

The B.C. Planning Department did not identify any county-wide or inter-community impacts, but recommended that the applicant be made aware that the much of the property is in the 100-year floodplain and to exercise caution approving developing in the floodplain. The Floodplain Administrator has determined that the new structure will not be located in the 100-year floodplain. Similarly, B.C. Planning pointed out the wetlands at the east end

of the property. The NWI wetland was identified before the site was compacted and raised with fill and gravel following the 1987 approval for the storage facility. The wetland is no longer present on the developed area of the property. In addition, B.C. Planning recommends that any junk vehicles and equipment on site be removed, and not be permitted in the future. Along the same line, they recommend a spill prevention plan be submitted. B.C. Planning recommends that parking for the storage of recreational vehicles, employees and customers be shown on the site plan, which it is. Finally, the project should include landscaping.

Ms. Lane noted that the project meets the requirements for site plan review to construct an office and expand the storage facility in a General Commercial zone. The Planning Department recommends approval of the site plan with the following stipulations of approval:

1. The applicant shall apply for a building permit from the Building Permits office.
2. The applicant shall apply for a septic system permit from the Broome County Health Department.
3. The well and the septic system shall be constructed and approved prior to the issuance of a Certificate of Occupancy.
4. The parking lot shall be restriped, including the entrance and exit arrows, prior to the issuance of a Certificate of Occupancy. Wheel stops shall be added not less than 18 inches from the front of the parking spaces. Handicapped spaces and access aisles shall conform to the Property Maintenance code of NYS and include the new accessibility symbol.
5. The owner shall apply for a Knox box from the West Corners Fire Company prior to the issuance of any Certificate of Occupancy. Contact Fire Chief Thomas at (607) 765-6579.
6. The landscaping shall be planted prior to the issuance of a Certificate of Occupancy. The landscaping shall be maintained at all times.
7. No junk or dismantled vehicles shall be stored on the site. The owner of the business shall be responsible for ensuring that vehicles, including boats and recreation vehicles, are well maintained and not leaking fuel, oil, transmission and other fluids.
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. The fencing shall be maintained in good condition.

10. If the applicant wishes to add outdoor lighting, the lighting plan shall be submitted to Code Enforcement for approval prior to installation.

11. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.

12. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to applying for 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.

Chairman Miller asked for a motion to approve the revised Site Plan for First Choice Storage at 1640, 1640-Rear, and 1644 Union Center-Maine Highway with stipulations.

Motion Made:	S. McLain
Motion Seconded:	S. Daglio
MOTION:	Approval of the Revised Site Plan for First Choice Storage at 1640, 1640 Rear, and 1644 Union Center-Maine Highway with stipulations.
VOTE:	<b>In Favor:</b> L. Miller, A. Elwood, S. McLain, T. Crowley, S. Forster, L. Ciccicarelli, S. Daglio <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

#### **G. Environmental Professional Services Office; 728 Riverside Drive**

A representative for the project did not attend the meeting, therefore the Planning Board members postponed discussion until the next meeting.

Chairman Miller asked for a motion to table the site plan review of the Environmental Professional Services Office until the next meeting:

Motion Made: S. Forster  
Motion Seconded: S. Daglio  
MOTION: Motion to table the Site Plan Review of the Environmental Professional Services Office project until the next meeting.  
VOTE: **In Favor:** L. Miller, A. Elwood, S. McLain, T. Crowley, S. Forster, L. Cicciarelli, S. Daglio  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**H. Shelley's Deli Sign Variance; 1003 Union Center-Maine Hwy.; D. Shelley Advisory Opinion to the Zoning Board of Appeals**

Mr. Shelley owns Shelley's Deli, and he explained that he has had an LED sign in the shop window at 1003 Union Center-Maine Highway for two years but had not known that a sign permit was required, nor that LED digital signs are not permitted in a Neighborhood Commercial zoning district. Mr. Shelley has now applied for a variance to allow him to keep the digital sign.

Ms. Lane reviewed her memorandum with the members of the Planning Board. The window sign is 60 inches by 21 inches (8.75 square feet). Digital message signs are only permitted in General Commercial zoning districts, on a monument style sign, with only one digital color and only one message change per day. Mr. Shelley is requesting a use variance for a single-colored digital window sign in a Neighborhood Commercial zoning district.

Ms. Lane also noted that the Broome County Planning Department has recommended denial of the sign as proposed because the requested use variance is inconsistent with the Town of Union efforts to improve the local signage and reduce visual clutter through the adoption of new sign regulations: 1) the digital message should change no more than one time per day, 2) the digital message should consist of a single color, 3) the illumination from the digital message should meet the requirements of the outdoor lighting regulations, and 4) the digital message sign should result in an overall reduction in the allotted sign area of 25 percent.

The Planning Department staff recommended that the Planning Board recommend to the ZBA:

- 1) approval of the use variance for the current 21" x 60" digital window sign in a Neighborhood Commercial zoning district with the following stipulations: that the sign be only one color, not scroll and that the display message change no more often than once per day .

Chairman Miller asked for a motion to recommend approval of the Use Variance for a single colored digital window sign in a Neighborhood Commercial zoning district by the Zoning Board of Appeals:

Motion Made:	T. Crowley
Motion Seconded:	S. Daglio
MOTION:	Recommendation of approval of the use variance for a single colored digital window sign in a Neighborhood Commercial zoning district by the ZBA
VOTE	<b>In Favor:</b> L. Miller, S. McLain, A. Elwood, T. Crowley, S. Daglio, L. Ciciarelli <b>Opposed:</b> S. Forster <b>Abstained:</b> None Motion Carried

**I. Endwell United Methodist Church Sign Variance; 3301 Watson Boulevard; D. Alexander  
Advisory Opinion to the Zoning Board of Appeals**

David Alexander of the Endwell United Methodist Church submitted a sign application for a new internally-illuminated monument sign to replace a series of previous signs at 3301 Watson Boulevard. The property is located in Neighborhood Commercial and Suburban Single Family zoning districts, and the proposed sign is in the Neighborhood Commercial part of the property, bound by Watson Boulevard on the south. An internally illuminated sign is not permitted in the Neighborhood Commercial zoning district.

The proposed illuminated monument sign is 7-feet in height and 24.32 square-feet in area. A variance issued in 1999 allowed the Church to have an 8.5-foot high sign, 1.5 feet higher than is proposed, and the square footage meets code. Per the NYS Town Law definition of use variances, the proposed sign would require a use variance to allow an internally illuminated sign in the Neighborhood Commercial zoning district.

The Planning Department members felt that the internal illumination of the sign was not a problem, but that since other illuminated signs in the neighborhood were on timers that this should be a stipulation for approval.

Planning Department staff recommends that the Planning Board recommend to the ZBA denial of the use variance for a new internally-lit monument sign in a Neighborhood Commercial zoning district. The internally-lit sign would be a self-created situation. Although the previous signs have been internally illuminated, granting the use variance will set a precedent for other businesses to install internally illuminated signs, whether permitted or not.

The Planning Board discussed recommending approval of the use variance for the internally-lit monument sign in a Neighborhood Commercial zoning district with the stipulation that the sign be put on a timer so that the sign is turned on at 5:00 AM and turned off at 11:00 PM.

Chairman Miller asked for a motion to recommend approval of the use variance for an internally illuminated monument sign in a Suburban Single Family zoning district by the ZBA with the stipulation that the sign be put on a timer.

Motion Made:	S. Daglio
Motion Seconded:	L. Cicciarelli
MOTION:	Recommendation of approval of the use variance for an internally illuminated monument sign in a Neighborhood Commercial zoning district by the ZBA with the stipulation that the sign have a timer.
VOTE:	<b>In Favor:</b> A. Elwood, T. Crowley, L. Miller, S. Daglio, S. Forster, L. Cicciarelli <b>Opposed:</b> None <b>Abstained:</b> S. McLain Motion Carried

#### **J. Other Such Matters as May Properly Come Before the Board**

Ms. Lane distributed invitations and discount coupons to the Planning Board members.

#### **K. Adjournment**

Chairman Miller asked for a motion to adjourn the meeting at 9:35 PM.

Motion Made:	L. Cicciarelli
Motion Seconded:	S. Daglio
MOTION:	Adjourning the meeting.



VOTE:

**In Favor:** S. McLain, A. Elwood, L. Miller,  
T. Crowley, S. Forster, 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, June 14, 2016 at 7:00 PM.

Respectfully Submitted,  
Carol Krawczyk