

Town of Union Planning Board Minutes

Tuesday, July 12, 2016

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

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

Others present: Marina Lane, John Witinski, Jr., Danielle Szelega, Charles
Lane

A. CALL TO ORDER

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

B. MEETING MINUTES

1. Approval of May 17, 2016 Meeting Minutes

Chairman Miller asked for a motion to approve the May 17, 2016 Meeting Minutes as written.

Motion Made:	L. Cicciarelli
Motion Seconded:	S. Daglio
MOTION:	Approval of the May 17, 2016, Meeting Minutes as written.
VOTE	In Favor: L. Miller, L. Cicciarelli, S. McLain, A. Elwood, T. Crowley, S. Forster, S. Daglio Opposed: None Abstained: None Motion Carried

2. Approval of May 17, 2016 Public Hearing Transcript – Patterson Creek Floodplain Development

Chairman Miller asked for a motion to approve the May 17, 2016 Public Hearing Transcript for Patterson Creek Floodplain Development as written.

Motion Made:	S. McLain
Motion Seconded:	L. Cicciarelli
MOTION:	Approval of the May 17, 2016, Public Hearing Transcript for Patterson Creek Floodplain Development as written.
VOTE	In Favor: L. Miller, L. Cicciarelli, S. McLain, A. Elwood, S. Forster, T. Crowley, S. Daglio Opposed: None Abstained: None Motion Carried

3. Approval of May 17, 2016 Public Hearing Transcript – Brixius Creek Floodplain Development

- Page 3, Under Mr. Daglio's comment: Changed the word "Riddles" to "rental".
- Page 5, removed Mr. Daglio's comment and added the words "No, I think it's just a ball valve" to Mr. Lesko's comment.

Chairman Miller asked for a motion to approve the May 17, 2016 Public Hearing Transcript for Brixius Creek Floodplain Development as amended.

Motion Made: L. Cicciarelli
Motion Seconded: S. Daglio
MOTION: Approval of the May 17, 2016, Public Hearing Transcript for Brixius Creek Floodplain Development as amended.

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

4. Approval of May 17, 2016 Public Hearing Transcript – Fairmont Park Floodplain Development

Chairman Miller asked for a motion to approve the May 17, 2016 Public Hearing Transcript for Fairmont Park Floodplain Development as written.

Motion Made: L. Cicciarelli
Motion Seconded: A. Elwood
MOTION: Approval of the May 17, 2016, Public Hearing Transcript for Fairmont Park Floodplain Development as written.

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

5. Approval of June 14, 2016 Meeting Minutes

Chairman Miller asked for a motion to approve the June 14, 2016 Meeting Minutes as written.

Motion Made: S. McLain
Motion Seconded: T. Crowley

MOTION: Approval of the June 14, 2016, Meeting Minutes as written.

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

C. Empire Plastics: 513 & 515 Fairmont Avenue & 310 Kent Avenue;

J. Witinski, Jr.

Advisory Opinion to the ZBA: Use Variance

1. A use variance for a contractor's yard in an Urban Single Family Zoning District

Ms. Lane read her memorandum to the Planning Board. On behalf of Empire Plastics, Mr. Witinski has applied for a use variance for a contractor's storage yard at the existing industrial building and yard at 513 and 515 Fairmont Avenue and 310 Kent Avenue. Mr. Witinski originally bought the properties in 2005 when they were zoned Commercial Industrial, and the building was an existing warehouse /distribution building. In 2011 during a town-wide rezoning for conformance to the recently adopted 2009 Comprehensive Plan, the three parcels were rezoned to Urban Single Family, which fit the majority of properties in that area to the north. A contractor's storage yard is not a permitted use in Urban Single Family zoning districts.

Over time, Empire Plastics has continued to store equipment in the building and on site. Within the past year, Mr. Witinski began to lease the building and yard as a paving contractor's storage yard. Code Enforcement informed Mr. Witinski that the use would require a use variance, a special permit for development in the floodplain, and a site plan review.

Mr. Witinski submitted his application for a use variance for a contractor's storage yard with the argument that these properties had previously been zoned for light industrial use (Commercial Industrial), and the current zoning does not allow the building to be used as constructed.

The Planning Department reminds the Planning Board to consider the four tests of use variance, that the owner demonstrate that he cannot realize a reasonable return, that the hardship is unique, that the contractor's storage yard will not alter the existing, essential character of the neighborhood, and that the alleged hardship was not self-created.

If the ZBA grants the use variance, the applicant shall apply for a Special Permit to develop in the floodplain and a site plan review. The developer shall be required to comply with the standard code requirements for a contractor's storage yard and development in the floodplain.

Planning Board members discussed previous and potential flooding at the warehouse. Mr. Witinski noted that he had raised the floor on one end of the building after the 2006 flood and that part of the building had taken four feet of water and the other side of the warehouse had taken seven feet of water. Mr. Lane was not concerned about possible flooding since his equipment could be moved out of the area quickly in the event of a flood. Mr. Lane stated that he does not store fuel in the building and only emergency maintenance is done on the vehicles at the storage yard. The property is surrounded by a chain link fence and privacy fencing would need to be installed if the variance for the contractor's yard is granted.

Ms. Lane passed around several pictures of the warehouse to show the vacant properties, views of the building on each side, and the Town's highway storage yard to the south. Ms. Lane noted that two properties south of the Empire Plastics parcels were now available for sale from Broome County. Mr. Witinski indicated that he may be interested in purchasing those parcels from the County in the future. Ms. Lane advised the applicant not to make any improvements to the property until the use variance, and then site plan, are approved. Ms. Lane also noted that the Planning Board could make motions to hold for the public hearings, pending the ZBA approval of the use variance.

Chairman Miller asked for a motion to recommend to the ZBA approval of the use variance for a contractor's yard in an Urban Single Family Zoning District.

Motion Made:	S. Daglio
Motion Seconded:	S. Forster
MOTION:	Recommendation of approval of the use variance for a contractor's yard in an Urban Single Family Zoning District by the Zoning Board of Appeals.
VOTE:	In Favor: A. Elwood, S. McLain, T. Crowley, L. Miller, S. Daglio, S. Forster, L. Cicciarelli Opposed: None Abstained: None Motion Carried

2. Public Hearing: Special Permit for Contractor's Yard

Chairman Miller asked for a motion to call for a Public Hearing related to the Special Permit for a contractor's storage yard, pending the ZBA's approval of the use variance, to be held August 9, 2016, at 7:00 PM.

Motion Made: S. McLain
Motion Seconded: A. Elwood
MOTION: Call for a Public Hearing for a Special Permit for a contractor's storage yard to be held on August 9, 2016, at 7:00 PM
VOTE **In Favor:** L. Miller, S. McLain, A. Elwood, T. Crowley, S. Forster, L. Cicciarelli, S. Daglio
Opposed: None
Abstained: None
Motion Carried

3. Public Hearing: Special Permit for Floodplain Development

Chairman Miller asked for a motion to call for a Public Hearing related to the Special Permit for Floodplain Development, pending the ZBA's approval of the use variance, to be held August 9, 2016, at 7:05 PM.

Motion Made: T. Crowley
Motion Seconded: S. Daglio
MOTION: Call for a Public Hearing for a Special Permit for Floodplain Development to be held on August 9, 2016, at 7:05PM
VOTE **In Favor:** L. Miller, S. McLain, A. Elwood, T. Crowley, S. Forster, L. Cicciarelli, S. Daglio
Opposed: None
Abstained: None
Motion Carried

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

There were no other matters that the Planning Board discussed.

E. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 7:45 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, S. Daglio, L. Cicciarelli
Opposed: None
Abstained: None
Motion Carried

Next Meeting Date

The next meeting of the Planning Board is scheduled for Tuesday, August 9, 2016, at 7:00 PM.

Respectfully Submitted,
Carol Krawczyk

Note: At this July meeting, I, Ms. Lane, had suggested that the Planning Board call for two public hearings for the Empire Plastics project, one each for special permits for floodplain development and for a contractor's storage yard, to be held at the August 9th meeting. Afterwards, I realized that because the project had first required the granting of a use variance, the original 239-R form had not included the special permit or site plan review processes, and therefore I must resubmit the project to the County. We will repeat calling for the public hearing at the August 9th meeting for floodplain development (not the contractor's yard because the variance for this use was granted by the ZBA), to be held in September.