

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

Tuesday, June 14, 2016

A regular meeting of the Town of Union Planning Board was held Tuesday, June 14, 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, T. Crowley,  
S. Forster

Members absent: L. Cicciarelli

Others present: Marina Lane, Jerry Einhorn, Father Michael

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

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

### **B. MEETING MINUTES**

#### **1. Approval of 5/17/16 Meeting Minutes**

Approval of the May 17, 2016, meeting minutes was postponed until the next meeting, scheduled for July 12, 2016.

### **C. Environmental Professional Services Office; 728 Riverside Drive; Jerry Einhorn**

#### **1. Declare Lead Agency**

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

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

**Abstained:** None  
Motion Carried

### **3. 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.

The proposal for a 500 square-foot office in an existing mixed-use building was reviewed for potential negative impacts to the environment. The 0.2 acre property is zoned Industrial, and the office is a permitted use. The residential units and office space require ten parking spaces, and eleven are shown on the site plan. The change of use from retail to office in the existing building will not impact public utilities, nor will it have a significant visual impact.

The site plan increases the area of the existing paved parking lot by 0.01 acre and there will no other disturbance. The proposal will not have negative impacts to wildlife, plants, noise or odors. Although the property is in the 100-year floodplain, no development will affect the base flood elevation and should it flood, the office materials stored on site are not potentially hazardous. Similarly, although the site is within the buffer of an archeologically sensitive area, this area has been disturbed before and there is little likelihood of any disturbance of artifacts.

This location is near a former contaminated site owned by the Air Force (DEC # 704020). The site is under remediation at this time for soil vapor intrusion of volatile organic chemicals (VOCs) and heavy metals, but these do not directly impact the project site. A second site identified by DEC records is greater than 5 miles away and has no impact on the project site.

Upon careful review, the project as proposed will not have a significantly negative impact upon the environment. Ms. Lane recommended a Negative Declaration under SEQRA.

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

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

#### 4. Site Plan Review

Mr. Einhorn gave a short presentation about the project to the Planning Board. Mr. Einhorn explained that the office at 728 Riverside Drive had formerly been used as a jewelry store and now the office would be used as a sales office for asbestos removal. There are two garages out of four in back of the property that will be used to hold supplies. Mr. Einhorn also noted that two of the garages had been closed off with fire-proof sheetrock and had already been inspected.

The Planning Board was concerned about the storage of asbestos materials at the site. Mr. Einhorn explained that the waste materials were stored at the job site and then trucked to the Broome County Landfill for disposal. He noted that only the storage bags and other benign supplies for the asbestos abatement would be stored in the two garages in back of the building. The Planning Board members also requested that a stipulation for the storage of toxic fluids be added to the stipulations of approval because the site is located in the 100-year floodplain.

Mr. Einhorn requested that the parking lot improvement deadline be extended to August 30, 2016, because his maintenance man was busy on a building in Binghamton. Mr. Einhorn explained that this maintenance man will be the new sales person at the office. Since the business is not a retail business and because there was sufficient parking in the front of the building for the apartment tenants the Planning Board agreed to this.

Ms. Lane then presented her site plan report for the benefit of the Planning Board. On behalf of Environmental Professional Services, Jerry Einhorn submitted an application to open a 500 square-foot business office in an existing 3-story mixed-use building, an offsite asbestos abatement business. The business will be located on the first floor and there are also two 2-bedroom and two 1-bedroom apartments in the three-story building. There are also four (4) garage bays on site, reserved for storage at this time. The business office will have one or two employees. The hours of operation are listed as 9 AM to 5 PM, Monday through Friday.

The 0.01 increase in pavement does not require stormwater mitigation as there is green space down slope from the parking lot that will absorb the very small increase in the rate of stormwater runoff.

This location was subject to a 239-Review, as it lies within 500 feet of the Village of Johnson City and State Route 201. Broome County (B.C.) Planning did not identify any significant countywide or inter-community impacts associated with the proposed project, but recommended that the applicant be made aware of its being located in the both the existing and the preliminary floodplain. In addition, they recommended that the two (2) parking spaces extending into Riverside Drive should be relocated or removed entirely to avoid vehicles backing out onto Riverside Drive. B.C. Planning recommended that landscaping be included on the project. The County Health Department and BMTS had no comments, and the Village of Johnson City expressed no concerns.

The site plan has been reviewed and approved by the Town of Union Code Enforcement and Engineering Departments. The two parking spaces referenced by Broome County are considered acceptable as they are existing spaces and the road is not a busy road in that location.

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

1. The applicant shall contact Jillian Stout, Fire Code Inspector, by Friday, June 24, 2016, to schedule a time for a safety inspection. All existing code violations shall be remedied by that time.
2. The parking lot in front of the building shall be striped according to the site plan, and appropriate signage per the most recent NYS building code posted, by August 30, 2016.
3. The parking lot in the rear of the building shall constructed and striped according to the site plan by August 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.
4. The owner shall maintain the paved handicapped-accessible parking space, access aisle, and appropriate signage per the most recent NYS building code.
5. The two garage spaces under the building may not be used as parking spaces without written approval from the Building and Fire Code

inspectors.

6. No asbestos-contaminated or other hazardous materials shall be stored in the building or garage spaces.

7. Because the building is located in the 100-year floodplain, all flammable or toxic fluids shall be stored no lower than four feet (4') above ground level (two-feet above base flood elevation). In addition, the applicant shall provide secondary containment for any tanks holding used oils, transmission fluid, or any other potentially hazardous or toxic fluid.

8. Prior to the installation of any additional exterior lighting, plans showing the location and details shall be submitted to the Code Enforcement Office for review and approval.

9. 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.

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

11. 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.

**D. St. Mary's Church Rezone Petition: 499 Taft Ave., Father Michael  
Advisory Opinion to the Town Board**

Ms. Lane read her staff recommendation to the Planning Board. St. Mary's Orthodox Church purchased 499 Taft Avenue from the property owner to the east at 500 Taft Avenue in 2015, with the intention of using it for the expansion of their existing cemetery to the west. The residential property at 500 Taft Avenue and the partitioned portion, 499 Taft Avenue, are zoned Suburban Single Family (SSF).

Father Michael, on behalf of St. Mary's Orthodox Church, has submitted a petition to rezone the 0.19-acre lot at 499 Taft Avenue (#141.58-1-1.2), from

Suburban Single Family (SSF) to Open Space (OS). The rezone is consistent with the Future Land Use Plan adopted in 2009. The property is surrounded on three sides by an Open Space zoning district, and the property is currently vacant. The property is also landlocked, and no other type of new development would be permitted on the property.

The County Planning Department reviewed the application and did not identify any significant countywide or inter-community impacts associated with the proposed project. The Planning Department recommends the Town Board rezone 499 Taft Avenue to Open Space (OS) to allow the expansion of their cemetery into the vacant property.

Father Michael then gave a short presentation about the cemetery expansion project. He noted that St. Mary's Church had first established the cemetery in 1937 and that the Church provides cemetery plots to their members as a convenience. Currently they have a congregation of 140 members and fewer than twenty (20) plots available so they purchased the property at 499 Taft Avenue last year in order to expand the cemetery. The other parcel that the Church owns is 5.3 acres and was considered too large for this purpose. The Planning Board members asked Father Michael if the Church had any plans to sell the open parcel on Taft Avenue. Father Michael replied that the Church had already considered some offers on the land and would continue to entertain reasonable offers in the future.

Chairman Miller asked for a motion to recommend approval to the Town Board for the rezoning 499 Taft Avenue from Suburban Single Family (SSF) to Open Space (OS).

Motion Made:	T. Crowley
Motion Seconded:	S. Daglio
MOTION:	Recommendation of approval of zoning changes to 499 Taft Avenue from Suburban Single Family (SSF) to Open Space (OS) by the Town Board.
VOTE:	<b>In Favor:</b> A. Elwood, S. McLain, T. Crowley, L. Miller, S. Daglio, S. Forster <b>Opposed:</b> None <b>Abstained:</b> None

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

Ms. Miller received a letter from the New York State Board for Historic Preservation offering the opportunity to provide input from the Planning Board about the property located at 1 North Page Avenue in Endicott.

**F. Adjournment**

Chairman Miller asked for a motion to adjourn the meeting at 7:40 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 scheduled for Tuesday, July 12, 2016 at 7:00 PM.

Respectfully Submitted,  
Carol Krawczyk