

Town of Union Planning Board Minutes
Monday, June 13, 2017

A regular meeting of the Town of Union Planning Board was held Tuesday, June 13, 2017, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

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

Members absent: T. Crowley

Others present: Marina Lane, Grace Cotroneo, Ellen Uhlig, Jay Sory, Jenifer Wald, Ed Gent, John Miller, Domenic Emilio, Lou Caforio, Mike Laco, Dan Nead

A. CALL TO ORDER

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

B. MEETING MINUTES

1. Acceptance of April 11, 2017 Meeting Minutes

Chairman Miller asked for a motion to accept the 4/11/17 Meeting Minutes, as written.

Motion Made: L. Cicciarelli
Motion Seconded: A. Elwood
MOTION: Acceptance of the April 11, 2017, Meeting Minutes, as written.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, A. Elwood, S. Forster, S. Daglio
Opposed: None
Abstained: None
Motion Carried

2. Acceptance of April 11, 2017 Public Hearing Transcript – Triple City Towing Special Permit for Outdoor Storage

Chairman Miller asked for a motion to accept the April 11, 2017, Public Hearing Transcript for Triple City Towing Special Permit for Outdoor Storage, as written.

Motion Made: S. McLain
Motion Seconded: L. Cicciarelli
MOTION: Acceptance of the April 11, 2017, Triple City Towing Public Hearing Transcript for a Special Permit for Outdoor Storage, as written.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, A. Elwood, S. Forster, S. Daglio

Opposed: None
Abstained: None
Motion Carried

3. Acceptance of April 11, 2017 Public Hearing Transcript – J.C. Water Department Special Permit for Floodplain Development

Chairman Miller asked for a motion to accept the April 11, 2017 Public Hearing Transcript for J.C. Water Department Special Permit for Floodplain Development, as written.

Motion Made: S. McLain
Motion Seconded: L. Cicciarelli
MOTION: Acceptance of the April 11, 2017, Public Hearing Transcript for J.C. Water Department to Special Permit for Floodplain Development, as written.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, A. Elwood, S. Forster, S. Daglio
Opposed: None
Abstained: None
Motion Carried

C. Zoco Salon, 2204 North Street, Parking Space Variance; G. Cotroneo Advisory Opinion to the Zoning Board

Ms. Lane reviewed her staff report for the Planning Board. Grace Cotroneo plans to open a salon in a commercial space, which formerly housed a photo studio in an existing mixed-use building at 2204 North Street. The salon is a permitted use in the Neighborhood Commercial zoning district, and as it is replacing a similar use within less than one year, site plan review is not required. There is a two-bedroom apartment on the second floor with parking on the west side of the building provided.

Ms. Cotroneo, the only employee of the salon, submitted a floor plan with two stations, including one hair dressing station and one waxing station. Per code, three parking spaces are required (1.5 per station). The site plan shows two (2) parking spaces. Therefore, Ms. Cotroneo is requesting an area variance for one parking space.

The Planning Department recommended approval of the variance for one parking space by the Zoning Board of Appeals. As Ms. Cotroneo is the only employee, the number of clients present at any one time would be limited. In addition, there is parking available on the street.

Chairman Miller then called for a motion to recommend the ZBA approve the variance of one (1) parking space.

Motion Made: S. Daglio
Motion Seconded: L. Cicciarelli
MOTION: Recommendation of approval for a variance of one (1) parking space by the ZBA.
VOTE **In Favor:** L. Miller, L. Cicciarelli, S. McLain, A. Elwood, S. Forster, S. Daglio
Opposed: None
Abstained: None
Motion Carried

D. At Your Service Dog Salon, 3300 E. Main Street, Sign Variance; E. Uhlig Advisory Opinion to the Zoning Board

Ms. Lane reviewed her staff report for the Planning Board. Ellen Uhlig submitted an application to allow two windblown signs to be located permanently in front of the businesses located at 3300 East Main Street in Endwell. The property is located in a General Commercial Zoning District and the Zoning Code does not permit permanent windblown signs. Temporary windblown signs are only permitted to communicate the opening of a new business for a total of 10 days.

In addition, the flags are located within the 8-foot setback from the east side property line with 3306 E. Main Street, and within the 8-foot setback from the front property line along Davis Avenue.

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

- 1) denial of the area variance to allow windblown flags in place permanently;
- 2) denial of the seven-foot area variance within the front setback along Davis Avenue; and
- 3) denial of the seven-foot area variance within the side setback with 3306 E. Main Street.

Approving permanent windblown signs would set an undesired precedent for other commercial businesses to have windblown signs facing the highway. In addition, the Planning staff feel that the control of temporary signs is important not only in terms of aesthetics, but in terms of traffic control affected by clutter. The businesses at 3300 East Main Street have existing and conforming signs that adequately advertise the businesses without the need for additional fluttering signs. Therefore, the Planning Department recommends denial of the area variances.

Ms. Uhlig was upset that the Planning Department was recommending denial of the variances for permanent windblown signs because she felt that the signs had generated more foot traffic to both her dog business and the adjacent

antique business. Ms. Uhlig said that the DOT had already stated that they did not have an issue with her windblown signs and that the signs had actually been in place for two years before she was cited for a code violation.

Ms. Uhlig stated that she was a responsible business owner and maintained the signs. Ms. Uhlig felt that the town should be doing everything they could to attract more businesses to East Main Street. Ms. Uhlig noted her business had tripled in one year and that she now employs three part-time employees. Ms. Lane suggested that the business had grown because Ms. Uhlig was a good dog groomer, not due to the presence of the windblown signs.

Most of the Planning Board members agreed that there had been a proliferation of windblown signs; and if they made an exception for Ms. Uhlig, they would have to make exceptions for all the other businesses that had been cited for permanent windblown signs. Ms. Lane also noted that the Planning Board only makes recommendations to the ZBA and that Ms. Uhlig will be able to make her appeal to the Zoning Board.

Chairman Miller then called for a motion to recommend denial of the variances for permanent windblown signs and seven-foot front and side setbacks, by the ZBA.

Motion Made: S. Forster
Motion Seconded: L. Cicciarelli
MOTION: Recommendation of denial of the variances for permanent windblown signs and seven-foot front and side variances by the ZBA.
VOTE **In Favor:** L. Miller, L. Cicciarelli, S. McLain, A. Elwood, S. Forster, T. Crowley
Opposed: S. Daglio
Abstained: None
Motion Carried

E. CSL Plasma, 519 Hooper Road, Professional Office; J. Sory

1. Declare Lead Agency

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

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

3. SEQRA Determination

Ms. Lane reviewed Parts 1 and 2 of the Short Environmental Assessment for the members of the Planning Board and noted that all of the potential impacts were small to none. Per the Determination of Significance, CSL Plasma, Inc. plans to open a plasma donation office in an existing multi-tenant commercial building in the 2.4-acre plaza at 519 Hooper Road. The property is zoned Neighborhood Commercial and the office use is permitted by right.

The plasma donation office will move into a 10,258 square-foot space that was formerly retail, and the site layout will not change. There is an existing parking lot, and bus service is available. The project will not impact traffic, existing utilities, and will not impact wildlife or flora. There will be no significant impacts pertaining to odors, noise, or lighting. Medical waste will be stored on site in a locked biohazard room for staff access only, and will be picked up by a national medical waste disposal company, Stericycle, at regular intervals during the week.

Although the property is within the buffer of an archeologically sensitive area, this project will not have any impacts since no soil disturbance is planned. The building has been confirmed by FEMA as not being in the 100-year floodplain (LOMA issued October 10, 2013), and the NWI map does not show any wetlands on the property. This property is determined by the NYS DEC to be within the buffer area of remediation site #704038, the Endicott Area-Wide Investigation. The associated contamination is under remediation and will have no impact on the proposed office use.

Upon close review, the project as proposed will not have a significant adverse impact upon the environment. Ms. Lane recommended a Negative Declaration under SEQRA.

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

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

Ms. Miller opened the floor to questions. Mr. Forster asked how many people would visit the center in a day and Mr. Jay Sory, Senior Manager of Real Estate for CSL Plasma, replied that when the center reached maturity in three years, they expect up to two-hundred people during the day. Mr. Forster also asked if they would be putting in a new exit door on the front of the building and Mr. Sory responded that that was the plan.

4. Site Plan Review

Jay Sory gave a short presentation to the Planning Board, noting that CSL Plasma Inc. is headquartered in Boca Raton, Florida, and that the company runs the world's largest plasma collection company.

Mr. Sory stated that the company eventually plans to employ up to 50 people at the center. The company will be spending approximately \$1.3 million to renovate the facility and will use local contractors to do the renovations. Mr. Sory noted that donating plasma takes approximately 60 to 90 minutes and donors are compensated for their time. There is a great demand for this life-saving plasma because it requires 1200 plasma donations to make one year of therapy for some patients. Mr. Sory stated that about 2.5 million dollars will be infused into the local economy; generally the donors come from the immediate neighborhood and spend their money in the neighborhood. Mr. Sory stated that he expects the center to be operational in twelve months.

Ms. Miller then opened the floor to questions. Mr. Sory was asked if the company planned to change the façade of the building and he responded that CSL Plasma Inc. tries to work with building owners and to use what is already in place. He noted that they will place a new sign on the building façade using the CSL Plasma Inc. corporate logo. There were also questions about how the rear dumpsters would be shielded from the adjacent cul-de-sac neighborhood. Per Ms. Lane, research on Google

showed some trees providing a visual barrier between the dumpsters and the neighborhood.

Ms. Lane then summarized her staff report for the Planning Board. CSL Plasma has applied to use 10,258 square-feet of former retail space in a multi-tenant building located at 519 Hooper Road as a plasma donation center. The site is located in a Neighborhood Commercial zoning district and the professional office use is permitted.

CSL Plasma, Inc., a subsidiary of an international company in the plasma protein therapeutics industry, collects blood plasma and reimburses donors for their time. The facility will include thirty-six beds, two new donor booths, three video consent booths, five donor vitals booths and three kiosks. Medical waste will be contained in a bio-hazard room, locked for staff access only, and will be removed at regular intervals during the week by a medical waste disposal company. At this time, Stericycle, a national medical waste disposal company, will dispose of the medical waste.

There will be up to twenty (20) employees per shift. The plaza has 87 parking spaces including four (4) handicap parking spaces, and the applicant's site plan includes ten additional spaces on the north side of the building, along Smith Drive, so parking will not be a problem. Vehicle traffic can access the site via Hooper Road or Smith Drive, and there is a bus stop located at the corner of Country Club and Hooper Roads. The hours of operation will be 8:00 a.m. to 7:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays.

The project is subject to a 239-Review. Broome County Planning did not identify any significant countywide impacts. The Broome County Departments of Public Works and Health had no comments. The Town Engineering Department has reviewed the project and has no concerns. Code Enforcement has reviewed the final site plan and had no concerns.

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

1. The ten parking spaces noted on the north side of the property, along Smith Drive, shall be restriped according to the site plan prior to the issuance of a Certificate of Compliance.
2. If at any time the plaza parking lot is repaved, the parking lot must be restriped within 30 days of sealcoating per the parking layout plan.
3. The required handicap parking spaces shall be provided with signage displaying the international symbol of accessibility. The access aisles shall be provided with signage reading "No Parking Anytime." Signs shall be permanently installed at a clear height of between 60 inches and 84 inches above grade and shall not interfere with an accessible route from

an access aisle.

4. The dumpster enclosure shall be maintained at all times per the approved enclosure cut sheets. Chain link fencing is not permitted. Dumpsters and containers with an individual capacity of 1.5 cubic yards [40.5 cubic feet (1.15 m³)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines (§304.3.3.).

5. Per NYS law, all commercial buildings must be inspected by the Municipal Fire Code Inspector every three years. It is your responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920.

6. The applicant shall comply with all NYS Building, Fire and Electrical Code requirements.

7. 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.

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

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

10. The applicant shall be required to acknowledge all of the above stipulations, 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 CSL Plasma at 519 Hooper Road with stipulations.

Motion Made: A. Elwood

Motion Seconded: S. McLain

MOTION: Approval of the Site Plan with for CSL Plasma at 519 Hooper Road with stipulations.

VOTE

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

F. Town of Union Refuse Garage, 2900 Wayne St., Motor Vehicle Parking Garage, D. Emilio

1. Declare Lead Agency

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

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

3. SEQRA Determination

Ms. Lane reviewed Parts 1 and 2 of the Short Environmental Assessment for the members of the Planning Board and noted that all of the potential impacts were small to none. Per the Determination of Significance, the Town of Union plans to construct a new parking garage for refuse collection trucks on a 3.5-acre vacant parcel at 2900 Wayne Street. The property is zoned Industrial and the municipal use is permitted by right. The current location of the garage for refuse trucks is in the 100-year floodplain and has been seriously flooded over the last three major floods; hence, the new

building will be funded through the NYS Governor's Office of Storm Recovery.

The proposed 12,410+/- square-foot garage will store up to 12 refuse and recycling trucks, and will have a wash bay, lockers, restrooms and shower facilities, and an office. There are 33 employees, and 46 parking spaces have been provided, greater than the one space/employee required. Employees work between 6:30 a.m. and 2:30 p.m., off-peak traffic times, and therefore will not impact traffic. The building's new utilities will not impact existing municipal utilities. There will be no significant impacts pertaining to odors as refuse is not stored on site, and any noise generated by the employee vehicles or twelve trucks will be temporary and relatively small. A lighting plan indicates there will be minimal spillage on the rear of the adjacent commercial property. New evergreen trees along the rear of the property will buffer residents to the south of the new facility.

A SWPPP has been prepared, as 2.9 acres will be disturbed, with 1.3 acres of final impervious area. Stormwater will ultimately be directed to the municipal stormwater system using a network of bioretention ponds, a dry pond, and swales. The existing site is scrubby; and although home to some animals, the impact on wildlife and plants will be small.

The property is not in an archeologically sensitive area, not in the 100-year floodplain, and the NWI map does not show any wetlands on the property. This property is determined by the NYS DEC to be within the buffer area of remediation sites #704038, the Endicott Area-Wide Investigation, and #704014, the Former IBM Endicott Facility. The associated contamination is under remediation and will have no impact on the proposed garage building.

Mr. Forster expressed some concern about the site flooding in a 1960 flash flood; however, Lou Caforio noted that since the property had not flooded during the 2011 flood, he was confident that it would not flood there in the future.

Upon close review, the project as proposed will not have a significant adverse impact upon the environment. Ms. Lane recommended a Negative Declaration under SEQRA.

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

The building façade is a metal prefab material and is designed to give it a more residential feel. Individual public and staff entrances have been included in the building design so that the public will find it easy to locate the administration offices when they have questions or need recycling bins.

The Planning Board wondered whether the building design provided for the future growth of the department. Mr. Laco, an architect from Clark Patterson Lee, noted that currently there are ten trucks and that they planned for two additional spaces in the building for future trucks. Mr. Forster asked whether there would be a generator on site, and Mr. Emilio responded that there would be a new transformer, air compressor and exterior gas powered generator, which would also be screened from the public view.

Ms. Lane then summarized her staff report for the Planning Board. The proposed site layout includes three access points with two being for municipal use and one for public use. The public and pedestrian access from Wayne Street will serve the office and staff entries located on the western facade of the new building. Access gates will restrict the crossing of circulation paths between public and municipal access points. Evergreen trees will screen the property from residents on the south from the new building and use.

The proposed water service will be brought into the building on the west side. A water meter and RPZ type backflow prevention device will be provided on the domestic water service to protect the water main from building contamination. An NFPA 13 compliant wet pipe sprinkler system will also be provided for the building.

An existing municipal sanitary mainline runs east to west through the property, and two sanitary sewer laterals will exit the building; one for general building waste and one for floor drainage from the truck bay areas. The sanitary drainage system will discharge to the existing municipal sewer system. Trench drains in the garage storage bays and wash bay will discharge through an EPA approved oil/water separator.

Erosion and sediment controls will be installed as required by the SWPPP.

The project is subject to a 239-Review. The Broome County Planning Department recommends that trucks not idle outside for long periods of time. The Broome Metropolitan Transportation Study (BMTS) suggested that the Town add sidewalks along the front of the property on Wayne Street due to the site's close proximity to Watson Boulevard, the Broome West Senior Center, and other resources/businesses. The suggestion does not appear warranted as there are no other sidewalks to connect to in the area, and it is not a high traffic pedestrian area.

The project meets the requirements for site plan review to construct the garage with an office in an Industrial zone. The Planning Department recommends approval of the site plan with the following stipulations of approval:

- 1) No building permit shall be issued until the Stormwater Pollution Prevention Plan (SWPPP) has been approved.
- 2) The applicant shall apply for a building permit from the Building Permits office.
- 3) The parking lot shall be striped prior to the issuance of a Certificate of Occupancy. The required handicap parking spaces shall be provided with signage displaying the international symbol of accessibility. The access aisle shall be provided with signage reading "No Parking Anytime." Signs shall be permanently installed at a clear height of between 60 inches and 84 inches above grade and shall not interfere with an accessible route from an access aisle. The final site plan shall be revised to indicate the signage for the access aisle.
- 4) The landscaping shall be planted prior to the issuance of a Certificate of Occupancy. The landscaping shall be maintained at all times.
- 5) No junk or trash shall be stored on the site.
- 6) 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.
- 7) The fencing shall be maintained in good condition.
- 8) If the Town wishes to add outdoor lighting, the lighting plan shall be submitted to Code Enforcement for approval prior to installation.
- 9) Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
- 10) 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 Site Plan for the Town of Union Refuse Garage at 2900 Wayne Street with stipulations.

Motion Made: L. Cicciarelli
Motion Seconded: A. Elwood
MOTION: Approval of the Site Plan with for Town of Union Refuse Garage at 2900 Wayne Street with stipulations.
VOTE **In Favor:** L. Miller, S. McLain, A. Elwood, T. Crowley, S. Forster, L. Cicciarelli, S. Daglio
Opposed: None
Abstained: None
Motion Carried

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

Ms. Lane noted that Mr. Kashou has inquired whether the Planning Board would consider permitting Indoor Entertainment in rural residential areas. Mr. Kashou is considering replacing the dome structure located at 1500 County Airport Road with a more permanent structure so that he could host indoor concerts. The Planning Board members felt that allowing concerts in a country setting would create hazardous traffic conditions and generate excessive noise in the area, therefore they were not in favor of recommending this change in the permitted uses of the Town Code to the Town Board.

Ms. Lane explained that the Town passed a resolution to revert the zoning of the Pines at Stoney Creek PUD (properties 1713, 1723 and 1727 Farm to Market Road) back to Suburban Single Family residential zoning. One of the properties had been sold for single family residential use, and so the preliminary plan was no longer valid.

Ms. Lane also noted that Jeff Ayres has made an inquiry about 630 Scarborough Drive. Mr. Ayres would like to construct a 40 x 40 foot building to store his refrigerated tractor-trailer truck and lease part of the building to another tenant. The property is located in the floodplain so he indicated that he would be willing to work with the Planning Board to either use a building with louvers or raise the building using soil from within the same area in order to relieve concerns about a permanent structure in the floodplain.

Ms. Lane also noted that the former Daylight Donuts has been purchased by Mr. Marchuska, Sr. and that they will be reopening the franchise again. Since the site was closed for over a year, the project will need to go through site plan review to reopen the business.

H. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:50 PM

Motion Made: S. Daglio
Motion Seconded: L. Cicciarelli
MOTION: Adjourning the meeting.
VOTE: **In Favor:** S. McLain, L. Miller, A. Elwood
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, July 11, 2017 at 7:00 PM

Respectfully Submitted,
Carol Krawczyk