

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

Tuesday, July 11, 2017

A regular meeting of the Town of Union Planning Board was held Tuesday, July 11, 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  
(arrived at 7:36 p.m.)

Members absent: T. Crowley, S. Daglio

Others present: Marina Lane, Robert Nickels, John Sacco, George Taylor,  
Patty Taylor, Al Moyle

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

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

### **B. MEETING MINUTES**

#### **1. Acceptance of 06/13/17 Meeting Minutes**

Chairman Miller asked for a motion to accept the June 13, 2017, Meeting Minutes as written.

Motion Made: L. Cicciarelli

Motion Seconded: A. Elwood

MOTION: Acceptance of the June 13, 2017, Meeting Minutes, as written

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

**Opposed:** None

**Abstained:** None

Motion Carried

### **C. Endicott Manor, 15 Delaware Avenue, Sign Variance, R. Nickels Advisory Opinion to the Zoning Board**

Robert Nickels, on behalf of Venture @ Endicott, LLC, submitted a sign application to replace signage on an existing monument sign structure at 15 Delaware Avenue. The property is located in an Industrial (I) zoning district and monument signs are permitted.

The existing sign structure does not conform to current code. The overall height of the sign structure is 19 ½ feet high, and monument signs in Industrial districts are permitted a maximum height of twelve feet. The required front setback for monument signs in Industrial districts is ten feet, and the existing structure is five feet four inches from the front property line. The maximum

square footage of a sign face on a monument structure in an Industrial zoning district is 80 square feet, and the existing sign face is 82 square feet. Mr. Nickels proposes replacing only the sign face, and per Code, the existing, legal non-conforming sign then loses compliance and requires the following three area variances:

- 1) An area variance for two square feet greater than the permitted 80 square feet sign face;
- 2) A seven and a half-foot variance for the height of the monument sign structure; and
- 3) A four-foot eight-inch front setback area variance.

Planning Department staff recommend that the Planning Board recommend approval of the three area variances for the monument sign located at 15 Delaware Avenue.

The sign structure is existing, and given the spaciousness of the property, the proposed new sign face would not have a negative impact on the area.

Mr. Cicciarelli asked if Broome County had made any recommendations. Ms. Lane answered that the Broome County Planning Department had made the following recommendations:

- 1) The Town of Union should ensure that the proposed sign would not run contrary to the Town of Union efforts to improve the local signage and to reduce visual clutter.
- 2) The base of the sign should be landscaped.

Mr. Nickels said that he would have a local company refurbish the landscaping around the monument sign. Mr. Nickels stated that the complex works with several agencies including STIC, veterans groups and HUD clients. Endicott Manor requires credit and background checks, and agencies monitor their clients to keep the apartment complex safe for tenants. Ms. Miller asked if someone is on site to monitor the units. Mr. Nickels responded that the contractors who are refurbishing the units are also maintaining the units. Mr. Nickels said that Endicott Manor had replaced the hotplates in the units with stoves. Ms. McLain asked if the tenants bring their own furniture, and Mr. Nickels replied that the tenants bring their own furniture, and that some agencies provide a stipend for their clients to purchase furniture. Mr. Nickels noted that none of the units had carpeting, and that they had installed a click lock vinyl flooring to prevent bedbugs from infesting the units. Mr. Nickels also

said he hoped his company would also be refurbishing the units at 3 Delaware Avenue.

Chairman Miller then called for a motion to recommend the ZBA approve the three area variances for the monument sign located at 15 Delaware Avenue.

Motion Made:	L. Cicciarelli
Motion Seconded:	A. Elwood
MOTION:	Recommendation of approval for the three area variances for the monument sign located at 15 Delaware Avenue by the ZBA.
VOTE	<b>In Favor:</b> L. Miller, L. Cicciarelli, S. McLain, A. Elwood <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

**D. A Great Choice Landscaping Storage, 900 Riverside Drive, J. Sacco  
Extension of Deadlines per site plan approval on December 13, 2016**

Ms. Lane read her report regarding the extension of site plan approval deadlines for A Great Choice landscaping business at 900 Riverside Drive. On December 13, 2016, the Planning Board approved the application for outdoor operations and the storage of material and fleet vehicles at 900 Riverside Drive with the stipulations that, weather-permitting, the parking lot be striped, including the paved handicapped-accessible parking space and access aisle and the appropriate signage per the most recent NYS building code be posted, no later than May 30, 2017. In addition, site plan approval would expire after one year, unless substantial improvements per the site plan had been made. Mr. Sacco has requested an 18-month extension of these deadlines as the property sale transaction has been stalled.

Mr. Sacco explained to the Planning Board that issues pertaining to the current owner are delaying him from acquiring the property. Therefore, Mr. Sacco requested an eighteen-month extension of the deadlines.

Ms. Lane reviewed the revised stipulations for the site plan, as follows:

1. The parking lot shall be striped, including the paved handicapped-accessible parking space and access aisle, weather-permitting, and the appropriate signage per the most recent NYS building code be posted, but no later than November 30, 2018.
2. All exterior lighting shall face away from adjacent properties and State

Route 201, and shall not cause a nuisance to traffic on the railroad and the adjacent road to the east. Lighting shall not spill off site. If any new outdoor lighting is proposed, the developer shall first submit cut-sheets to the Code Enforcement Officer for approval.

3. The applicant shall apply for a sign permit from the Building Official prior to posting any signage. 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.

4. 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.

5. Site plan approval shall be valid through November 30, 2018, unless substantial improvements have been made pursuant to the approved site plan.

6. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit or Certificate of Compliance, whichever occurs first. 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.

Chairman Miller then asked for a motion to extend the deadlines per the site plan approval until November 30, 2018.

Motion Made:	S. McLain
Motion Seconded:	L. Cicciarelli
MOTION:	Approval of the extension of deadlines to November 30, 2018, for Site Plan approval, 900 Riverside Drive.
VOTE:	<b>In Favor:</b> L. Miller, L. Cicciarelli, S. McLain, A. Elwood <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

**E. Taylor's Neighborhood Pizza & Sandwich Shoppe, 3017 Watson Boulevard, G. Taylor**

**1. Declare Lead Agency**

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

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

## 3. SEQRA Determination

Ms. Lane reviewed Parts 1 and 2 of the Short Environmental Assessment Form with members of the Planning Board and noted that all of the potential impacts were small to none. Per Part 3, the Determination of Significance, the applicant is leasing an existing commercial 1,044 square-foot building at 3017 Watson Boulevard to open a new take-out pizza restaurant. The property is zoned Neighborhood Commercial and a take-out restaurant use is permitted by Special Permit from the Planning Board. The building has been used for food service or taverns for a number of years.

There is an existing parking lot with 19 parking spaces, of which 7 are adjacent to the restaurant, including one handicapped-accessible space. This exceeds the requirement of 2 spaces per 1,000 square feet. The project will not significantly impact traffic, existing utilities, wildlife or flora as no new construction is planned. There will be no significant impacts pertaining to odors, noise, or lighting.

A Stormwater remediation plan is not required since no soil disturbance is planned. The property is not in the 100-year floodplain, and there are no wetlands on the property. This property is located within the buffer area of the NYS DEC remediation site #704038, the Endicott Area-Wide Investigation, but is not directly impacted by the contamination.

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. McLain
MOTION:	Approval of the Negative Declaration under SEQRA
VOTE:	<b>In Favor:</b> L. Miller, L. Cicciarelli, S. McLain, A. Elwood <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

Mr. Taylor then gave a short presentation to the Planning Board. The Taylors originally ran Freschott Pizza in Johnson City for almost twenty years, and have returned to the area to start a new pizza business.

Ms. Miller asked if the business would offer only take-out. Mr. Taylor responded that the restaurant will be only for take-out and will not have seating inside. Mr. Taylor anticipates the opening will be in August.

Mr. Taylor asked whether a Special Permit was required because the facility was in a Neighborhood Commercial zoning district. Ms. Lane responded that was correct, and that if the business had been located in a General Commercial zoning district, only site plan review would be required. In addition, Ms. Lane explained that if properties sit vacant for over a year, the Planning Board review process allows the Planning Board to impose stipulations to bring a site up to current code requirements. Mr. Al Moyle asked how the process would work if Mr. Taylor wanted to transfer the business. Ms. Lane stated that Planning Board can consider transferring the Special Permit to the new owner.

Ms. Miller asked how long the ice cream business had been closed, and Mr. Moyle responded that it had been ten months. Ms. Miller noted that there had not been any cooking at the ice cream business, but Mr. Moyle noted that the ice cream business had installed a grill on the premises to make hot food.

Mr. Cicciarelli asked Mr. Taylor if the business was ready to open. Mr. Taylor responded that he already had the contractors review the building and that he was ready to go as soon as he received a building permit, as he only needs to build one wall. Ms. Lane noted that it is Code Enforcement's responsibility to determine whether special permits are required.

**4. Call for a Public Hearing for a Special Permit for a Take-out Restaurant Use to be held August 8, 2017, at 7:00PM.**

Motion Made: A. Elwood  
Motion Seconded: S. McLain  
MOTION: Approval of Public Hearing for a Special Permit for a Take-out Restaurant Use to be held on August 8, 2017, at 7:00PM.  
VOTE: **In Favor:** S. McLain, L. Miller, L. Cicciarelli, A. Elwood  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**F. Taylor's Neighborhood Pizza & Sandwich Shoppe, Sign Variance, 3017 Watson Boulevard, G. Taylor  
Advisory Opinion to the Zoning Board**

Ms. Lane reviewed her staff report with the Planning Board. George Taylor plans to open a pizza and sandwich shop at 3017 Watson Boulevard. The property is in a Neighborhood Commercial district and the use is permitted by Special Permit from the Planning Board. Mr. Taylor has applied for the Special Permit for a restaurant use. The building was a restaurant in the recent past.

The building has two existing sign structures that conform to current code in terms of size, but the current code only permits one wall sign per use. The sign frames are on opposite sides of the building, one on the east side and one on the west side. The building is very close to the road, and other sign options would be difficult. Mr. Taylor is requesting an area variance to have a second wall sign, to be placed in the existing sign frame.

The Planning Department staff recommends that the Planning Board recommend the ZBA approve the area variance for a second wall sign, to be placed on a separate wall from the first sign.

The sign structures are existing. Given that they are not both visible from any one spot, the proposed second wall sign would not have a negative impact on the area.

Chairman Miller then called for a motion to recommend the ZBA approve the area variance for a second wall sign at 3017 Watson Boulevard.

Motion Made: L. Cicciarelli  
Motion Seconded: A. Elwood

MOTION: Recommendation of approval for the three area variances for the monument sign located at 15 Delaware Avenue by the ZBA.

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

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

Ms. Lane noted that she had received a draft site plan for Daylight Donuts, and also received an application from the New Life Ministries for 1355 Campville Road, Endicott.

Mr. Forster asked when the site plan for Ristorante Dell 'Arco Restaurant on Watson Boulevard had been approved. Ms. Lane said the site plan for the restaurant had been approved in 2006.

Mr. Forster also asked when the Riverdale Banquet Hall site plan had been approved. Ms. Lane noted that because the restaurant use was the same, the Planning Department had done a minor site plan review because only the parking lot layout had changed. Ms. Lane also noted that all changes to the building were covered by the building permit issued by the Building Permits department.

**H. Adjournment**

Chairman Miller asked for a motion to adjourn the meeting at 7:50 pm.

Motion Made: L. Cicciarelli  
Motion Seconded: S. Forster  
MOTION: Adjourning the meeting.  
VOTE: **In Favor:** S. McLain, L. Miller, A. Elwood, L. Cicciarelli, S. Forster  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**Next Meeting Date**

The next meeting of the Planning Board is tentatively scheduled for Tuesday, August 8, 2017 at 7:00 pm.

Respectfully Submitted,  
Carol Krawczyk