

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

Tuesday, January 9, 2018

A regular meeting of the Town of Union Planning Board was held Tuesday, January 9, 2018, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster,  
S. Daglio, M. Jaros

Others present: Marina Lane; Kenneth Warner; Bill Gow, Jr.; Brent Piech;  
Tammy Larry; Hebert Joseph; Mohammed Amin

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

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

Chairman Miller welcomed Mark Jaros, the newly appointed Planning Board member. Mr. Jaros thanked the Planning Board and commented that he had big shoes to fill.

### **B. MEETING MINUTES**

#### **1. Acceptance of December 12, 2017 Meeting Minutes**

Chairman Miller asked for a motion to accept the 12/12/17 Meeting Minutes, as written.

Motion Made: S. Daglio

Motion Seconded: L. Cicciarelli

MOTION: Acceptance of the meeting minutes of  
December 12, 2017, as written.

VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain,  
T. Crowley, S. Daglio, M. Jaros

**Opposed:** None

**Abstained:** S. Forster

Motion Carried

### **C. Rescue Mission, 800 Hooper Road, Sign Variance, B. Piech Advisory Opinion to the Zoning Board**

Rescue Mission was cited for having signage covering 100% of a number of the windows of the store frontage. Ms. Lane asked Mr. Piech to explain why he wanted the 100% coverage. Mr. Piech responded that the store is new to this market, and as a non-profit, there is not a lot of money for advertising. During the day it is difficult to see into the store, so it is hard to see what is available if you are not already familiar with the store. Once it is dark outside, you can see the merchandise in the store because the signs are actually a perforated tint that is applied to the outside of the windows.

Ms. Miller asked if the store name is on the main sign at the entrance to the plaza and Mr. Piech responded that it is. Mr. Crowley commented that Mr. Piech puts a sandwich board near the road to advertise sales, and that if he put the name of the store on that sign, people would know which store is holding the sale.

Ms. Lane then distributed pictures of the tinted window signs to the Planning Board members. She said that the windows are completely clear from the inside of the store, and she asked Mr. Piech to explain how the signs work. Mr. Piech explained that they are perforated cling attached to the outside of the windows. Mr. Piech then distributed pictures that had been taken at 5:30 p.m., which demonstrated that the public could see inside the store in the evening.

Mr. Daglio asked if the issue was the number of windows that were being covered (approximately 10 of 18 windows). Ms. Lane explained that Code Enforcement's interpretation was that the signs currently cover 100% of windows, although not all of the windows have signs. If the variance is approved for 100% coverage of the windows, it would allow future businesses to cover all the windows with opaque signs. According to Code Enforcement, the variance is specific to this retail space. Generally, the ZBA does not issue temporary variances, and variances run with the land. Town code states that signs visible from the road are not permitted to cover more than 25% of the window area. Ms. Lane also noted that the County had recommended denial of the variance and therefore a super majority of the ZBA would have to vote in favor of the variance for it to be approved.

Mr. Crowley suggested that the motion be changed to allow 50% of the windows be covered 100%; Mr. Forster added that perhaps the covering should be specified as translucent, rather than opaque. Mr. Piech said that the product covering the windows now is called "window perf." Mr. Forster asked what percentage of the window perf was translucent, but Mr. Piech was unsure whether it is 50/50 or 70/30 window perf. Mr. Crowley felt that if the variance went to the ZBA as it was written, they would deny it, so he suggested that perhaps the coverage be changed to 50% of the windows. Mr. Forster also suggested that the new recommendation should mention that only window perf, not opaque coverings, be approved. Ms. Miller asked Mr. Crowley whether he wanted to deny the 100% coverage motion and to make another suggestion for an alternate motion. Mr. Jaros commented that he was not comfortable with the alternate motion because it was too vague. Mr. Jaros also noted that the new motion could possibly open the door for more of the windows to be covered in the future.

Chairman Miller then called for a motion to recommend the ZBA deny the sign variance for 100% window coverage.

Motion Made: S. Forster

Motion Seconded: L. Cicciarelli  
MOTION: Recommendation of denial of the variance for the sign variance for 100% window coverage by the ZBA.  
  
VOTE **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, S. Daglio, M. Jaros  
**Opposed:** None  
**Abstained:** None  
Motion Carried

Chairman Miller then called for a motion to recommend the ZBA approve the sign variance for 100% window coverage of no more than 50% of the full composite window area if using window perf, or perforated cling products.

Motion Made: S. Forster  
Motion Seconded: L. Cicciarelli  
MOTION: Recommendation of approval of the variance for the sign variance for 100% window coverage of no more than 50% of the full composite window area if using window perf, or perforated cling products, by the ZBA.  
  
VOTE **In Favor:** L. Miller, S. McLain, T. Crowley, S. Forster, S. Daglio  
**Opposed:** L. Cicciarelli, M. Jaros  
**Abstained:** None  
Motion Carried

**D. Building Addition, 407/415 Airport Road, R. and K. Warner**

**1. Declare Lead Agency**

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

Motion Made: S. McLain  
Motion Seconded: L. Cicciarelli  
MOTION: Declare the Planning Board Lead Agency  
VOTE **In Favor:** L. Miller, L. Cicciarelli, S. McLain, S. Forster, T. Crowley, S. Daglio, M. Jaros  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**2. Declare Project an Unlisted Action**

Chairman Miller asked for a motion to declare the project an Unlisted Action under SEQRA.

Motion Made: L. Cicciarelli  
Motion Seconded: S. Forster  
MOTION: Declare the project an Unlisted Action.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain,  
S. Forster, T. Crowley, S. Daglio, M. Jaros  
**Opposed:** None  
**Abstained:** None  
Motion Carried

### 3. SEQRA Determination

Robert and Ken Warner plan to construct an approximately 50-foot by 100-foot addition for storage at 407 Airport Road. The existing building is used for the light manufacture of plates and foils that will become printed circuit boards. The property is zoned Industrial and the use is permitted by right. The 1.45-acre site will expand slightly due to a lot line adjustment of twenty-feet from the adjacent property. The project will not use any water or create any wastewater since the addition will be strictly used for storage of materials. The project will disturb approximately 0.115 acres.

Ms. Lane reviewed Part 2 of the EAF and noted that all of the potential impacts were small to none. Per the Determination of Significance, the proposed addition will be a wood structure with a metal sheath. There are 6-8 employees, and seven parking spaces in the existing parking lot, with an additional seven provided on the site plan, adjacent to the proposed addition. The storage addition will not create any impacts to traffic or existing municipal utilities. There will be no significant impacts pertaining to odors, noise, or lighting.

The addition will be constructed over an area with hard-packed gravel, and any increase in the rate of storm water runoff will be mitigated with on-site drainage sloping westward onto the same property. Any soil disturbance will be less than an acre, and therefore a SWPPP is not required. Similarly, as the existing project site is hard-packed gravel, any impact on wildlife will be small.

The property is in an archeologically sensitive area, but the soil in the project area had been disturbed and any new excavation will be minimal for footers and the foundation. The site is not in the 100-year floodplain, and there are no 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 #704008, the Endicott Landfill & Wellfield. The associated contamination is under remediation and will have no impact on the proposed storage addition.

The project was reviewed for any potential negative effects and it has been determined that it will not create any significant adverse impacts to the

environment. Planning staff recommend a Negative Declaration under SEQRA.

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

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

#### 4. Site Plan Review

Robert Warner submitted an application to build a 5,156 square-foot addition for storage to an existing 9,089 square-foot light manufacturing building located at 407 Airport Road. The owners of the property also own the adjacent lot, 415 Airport Road, and will relocate the shared lot line to the southwest by 20-feet in order to accommodate the addition without requiring a side setback variance. The addition is proposed to be a total of 33-feet high. The property lies partially in the 500-year floodplain along the far east corner, and is located in the primary Aquifer zone.

This location was subject to a 239-Review as it is within 500 feet of the Village of Endicott. Broome County (B.C.) Planning and the Village of Endicott expressed no concerns for impacts to the County or surrounding area, although B.C. Planning reminds the applicants of the proximity to the floodplain and questioned what would be stored inside. The B.C. Health Department questioned whether there will be any floor drains. No floor drains are proposed, and the storage is for large coils of metal used in the manufacturing process. The site plan has been reviewed by the Town of Union Code Enforcement and Engineering Departments.

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

1. The building shall not be constructed until a final determination from the FAA has been issued and submitted to the Planning Department.
2. After the new parking area of compacted gravel has settled, the applicant shall add crushed millings to prevent issues during snow or rain events. The new parking lot shall be striped within six months after crushed millings are applied, as permitted due to weather.

3. Hazardous materials, such as waste oils, solvents, acids, batteries, paints or tires, shall not be stored outdoors at any time. If greater than 25-gallons or 220-pounds of potentially toxic or hazardous chemicals are stored on site, 110% secondary containment shall be required.
4. The lot line adjustment of 20-feet to the southwest, as shown on the site plan, shall be filed with Broome County Real Property. A copy of the receipt shall be submitted to the Planning Department prior to the issuance of a building permit.
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 within three years after the issuance of a Certificate of Occupancy.
6. Any new exterior lighting shall first be approved by the Code Enforcement Officer.
7. For any new signage, the applicant shall first apply for a sign permit from the Building Official prior to display. 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. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan and a valid building permit.
9. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of 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.

Mr. Cicciarelli asked Mr. Gow how high the new building would be. Mr. Gow answered that it will be a 2-story building with heavy duty vertical racking. Mr. Gow noted that they have massive coils in the manufacturing area that will be stored on the racks so that they can utilize their existing manufacturing area better. Ms. Lane noted that Mr. Gow could begin construction on a foundation for the building, but would have to wait until the FAA ruling on the height of the building before proceeding with the rest of the construction. Mr. Cicciarelli

asked if the building was in the airport's flight path. Mr. Gow answered that it was not in the flight path and Ms. Lane clarified that the FAA ruling is required due to the distance between the addition and the runways. Mr. Crowley questioned whether the hours of operation for the building would be restricted to the hours submitted on the application. Ms. Lane responded that she had not proposed restricting hours of operation in the letter of approval.

Chairman Miller then called for a motion to approve the site plan for the Warner addition at 407 and 415 Airport Road, with stipulations.

Motion Made:	S. Forster
Motion Seconded:	L. Cicciarelli
MOTION:	Approval of the Warner addition site plan at 407 and 415 airport Road, with stipulations.
VOTE	<b>In Favor:</b> L. Miller, S. McLain, L. Cicciarelli, T. Crowley, S. Forster, S. Daglio, M. Jaros <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

**E. Transfer of the Special Permit to Sell and Repair Vehicles, 684 Main St., H. Joseph**

Mr. Joseph explained that he has been working at the garage for some time and an opportunity came up for him to buy the auto sales and repair business. He stated that he wants to follow all of the legal requirements that are involved with operating the business.

Ms. Lane noted that the request is a simple transfer of the Special Permit. Mr. Amin, who currently owns the business, has been cited for too many vehicles on the lot. Ms. Lane cautioned Mr. Joseph that he should be very aware of the stipulation that no more than twelve (12) vehicles for sale may be displayed on the lot. If Mr. Joseph wants to change the stipulations of approval, he should first apply to the Planning Board. The site plan also requires two parking spaces for customers.

Planning staff recommends approval of the transfer of the Special Permit to Hebert Joseph, with the same stipulations required for Mr. Amin:

- 1) § 300-40.2. Automotive sales.
  - A. The sale of new or used vehicles may be allowed by special use permit, provided the following: (1) The sales area shall be paved, suitably graded and drained, and maintained in a neat and orderly manner. (2) No more than twelve (12) vehicles for sale may be parked on the property at any one time. An increase in the number of cars to be sold shall require a new permit.

B. All maintenance, service and repairs of motor vehicles shall be performed fully within an enclosed structure. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed structure or screened area.

C. No vehicle shall be displayed for sale within 10 feet of the property line.

D. The retail sale of fuel shall not be permitted.

2) § 300-40.3. Motor vehicle repair shops and motor vehicle sales agencies shall comply with the following:

A. Rubbish, oilcans, tires, discarded motor vehicle parts and components and other waste materials may be stored up to one month in a completely fenced-in opaque enclosure adjacent to the building, provided that the area of such enclosure shall not exceed 5% of the area of the principal service station building. There shall be no storage of any items, at any time, outside of such enclosure or building.

B. Motor vehicle repair shops and service stations shall comply with the following regulations: (1) The number of vehicles that can be accommodated on site for repair and storage shall be restricted to the number of approved parking spaces, with no less than two (2) available for customer parking. (2) Motor vehicle repair garages shall not be used for the storage, sale, rental or display of trailers, mobile homes, boats, snowmobiles or other non-automobile vehicles. (3) A spill kit, including absorbent pads, shall be provided. (4) No vehicle in for repair may remain outside longer than 10 days. (5) All potentially pollutant or toxic materials, including oils, solvents, and batteries, shall be stored at least two feet above floor level in the event of flooding.

3) The business owner shall maintain the raised curb along Main Street located closest to Avon Street, as required originally by the NYS Department of Transportation. The existing island shall be extended eastward to close off the eastern Main Street curb cut, and shall be appropriately landscaped, per the original Site Plan.

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 within two weeks of this approval.

5) § 300-66.11. Transferability.

A special permit is not transferable except upon approval by resolution of the issuing board. A special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.



6) The applicant shall be required to acknowledge all of the above conditions, in writing, within two weeks of this approval. 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 or specially permitted use 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 application to the Town of Union Planning Board.

Chairman Miller asked for a motion to approve the transfer of the Special Permit to Sell and Repair Vehicles at 684 Main Street from Kovan Amin to Hebert Joseph, with stipulations.

Motion Made: S. Forster  
Motion Seconded: L. Cicciarelli  
MOTION: Motion to approve the transfer of the Special Permit to Sell and Repair Vehicles at 684 Main Street, from Kovan Amin to Hebert Joseph, with stipulations.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, S. Daglio, M. Jaros  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**F. Tarpon Towers II / Verizon Wireless, 11 Frey Avenue, J. Lusk**

**1. Call for a Public Hearing for Cellular Tower to be held February 13, 2018, at 7:00 PM**

Jared Lusk, of Nixon Peabody, representing Tarpon Towers II and Verizon, submitted the application for a proposed cell tower at 11 Frey Avenue. The request for several environmental reports pertaining to the SEQRA evaluation triggered a NEPA (National Environmental Protection Act) review because the project requires a federal FCC permit. The only report still pending is the US Fish and Wildlife statement, which is expected by January 15th.

Chairman Miller asked for a motion to call for a Public Hearing for a Cellular Tower to be held February 13, 2018, at 7:00 p.m.

Motion Made: L. Cicciarelli  
Motion Seconded: S. Forster  
MOTION: Approval of the Public Hearing for a Cellular Tower to be held on February 13, 2018, at 7:00 p.m.

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

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

**1. Vote for Vice Chairman**

Chairman Miller asked for a motion to re-elect Len Cicciarelli as the Vice Chairman of the Planning Board.

Motion Made:       T. Crowley  
Motion Seconded:   S. Daglio  
MOTION:            Re-elect Len Cicciarelli as the Vice Chairman  
VOTE:               **In Favor:** L. Miller, L. Cicciarelli, S. McLain,  
S. Forster, T. Crowley, S. Daglio, M. Jaros  
**Opposed:** None  
**Abstained:** None  
Motion Carried

Ms. Lane informed the Planning Board that they will be reviewing a new site plan for a senior daycare center at 4416 Watson Boulevard. The daycare will be located on the first floor and the offices will be located on the second floor.

A new firm has proposed a multi-family residential site plan for the former school located between Jackson and Kentucky Avenues. The applicants propose rezoning the parcel in the Town of Union. The Town Board will be the lead agency for the rezoning, and the Village of Endicott Planning Board will be the lead agency for the site plan.

Ms. McLain noted that she had taken one of the NYS Planning Board webinars and she recommended that members should allow extra time to set up the webinar connection.

**H. Adjournment**

Chairman Miller asked for a motion to adjourn the meeting at 8:17 PM

Motion Made:       M. Jaros  
Motion Seconded:   L. Cicciarelli  
MOTION:            Adjourning the meeting.  
VOTE:               **In Favor:** S. Miller, L. Cicciarelli, S. McLain,  
T. Crowley, S. Forster, S. Daglio, M. Jaros  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**Next Meeting Date**

The next meeting of the Planning Board is tentatively scheduled for Tuesday, February 13, 2018, at 7:00 PM

Respectfully Submitted,  
Carol Krawczyk