

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

Tuesday, February 13, 2018

A regular meeting of the Town of Union Planning Board was held Tuesday, February 13, 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,  
M. Jaros

Members absent: S. Daglio

Others present: Marina Lane, Sara Cook, Abbie Abbott, Andrew DeNardis,  
John Circensi, Bob Kashou

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

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

### **B. MEETING MINUTES**

#### **1. Acceptance of January 9, 2018, Meeting Minutes**

Chairman Miller asked for a motion to accept the January 9, 2018, Meeting Minutes, as written.

Motion Made: S. McLain

Motion Seconded: T. Crowley

MOTION: Acceptance of the January 9, 2018, Meeting Minutes, as written.

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

**Opposed:** None

**Abstained:** None

Motion Carried

### **C. Greater Sports Facility Special Overnight Event, 1500 Co. Airport Rd. B. Kashou**

#### **1. Discussion**

Mr. Kashou explained that he is trying to expand into new sports at his sports facility. A group had approached Mr. Kashou to have an adult softball tournament several weeks ago. Twelve softball teams played at the tournament on a Sunday and the tournament was such a success, the same group requested to play an overnight softball tournament at the dome.

The softball tournament would start at 8:00 p.m. on Saturday, February 24, and finish at about 4:00 p.m. on Sunday, February 25. The softball tournament will be more low-key than other overnight events. Mr. Kashou stated the softball teams come to play and socialize with each other, and there will not be any music at this event.

Mr. Crowley asked if some of the teams were from out of town and whether they would be staying in the area. Mr. Kashou replied that teams come from Albany, Buffalo and Pennsylvania to play in the tournament. Ms. Miller asked if the participants would take buses to the event or drive themselves, and Mr. Kashou answered that they will drive themselves.

Ms. Lane asked about the maximum occupancy inside the dome and Mr. Kashou answered approximately 490 people. There would be three games, with six teams, playing at one time. The rest of the teams will stay in the concession area. Mr. Kashou noted that the event will be held as a fundraiser for a nonprofit organization. Ms. Miller asked Mr. Kashou if there would be any professional security during the event and Mr. Kashou answered that he does not employ a security guard. Mr. Kashou stated that his employees take care of events, and generally, the groups have self-policed themselves and there have been no issues.

Ms. Lane then read her staff recommendations to the Planning Board. Mr. Kashou of Kashou Enterprises is requesting a one-time extension of operating hours, from the evening of February 24 through the morning of February 25, to host an overnight sporting event at the sports dome located at 1500 County Airport Road.

The normal hours of operation were approved for 8 a.m. to 11 p.m. The extension of hours requires approval by the Planning Board. Ms. Lane recommended approval of the overnight event with the following stipulations:

- 1) No live bands are permitted, and the only permitted uses shall be sports-related.
- 2) If music is played during the overnight event, noise shall be monitored by the applicant and at the applicant's cost by a decibel meter to be read every hour and recorded at the northwest and southeast corners of the property. Noise at all times shall not exceed 50 dBAs (A-weighted decibels), taken from the identified locations. The meter readings shall be reported to Code Enforcement by the second business day following the event.
- 3) You must notify by mail residents within one-quarter mile in all directions one week in advance of the event (we will supply you with address labels);
- 4) A minimum of three signs, approximately two feet by three feet, must be posted on the property four days in advance of the event, and removed within 24 hours after the event; and
- 5) Spectator sports are not permitted in the dome. No more than one guest per player shall be permitted.

Ms. Miller asked if there were any questions from the Planning Board. Mr. Jaros asked whether some people would be bringing their families rather than just their spouses or girlfriends. Mr. Kashou noted at the previous tournament there were a few people with children. Because this tournament is an overnight event, Mr. Kashou expects that children would go to a hotel and come back in the morning. Ms. Lane noted that, due to the type of structure, spectators are not allowed in the dome.

When asked about food at the tournament, Mr. Kashou said that they sell food and that some of the players bring their own food.

**2. Decision at the Planning Board's Discretion**

Chairman Miller asked for a motion to approve the one-time extension of operating hours for an annual overnight event between February 24 and February 25, 2018, with the conditions as outlined.

Motion Made:	T. Crowley
Motion Seconded:	S. Forster
MOTION:	Approval of the extension of operating hours on February 24th and February 25th at 1500 County Airport Road, with stipulations.
VOTE:	<b>In Favor:</b> L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

**D. Silver Linings Golden Memory Care, 4416 Watson Boulevard, S. Cook**

**1. Declare Lead Agency**

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

Motion Made:	L. Cicciarelli
Motion Seconded:	M. Jaros
MOTION:	Declare the Planning Board Lead Agency
VOTE:	<b>In Favor:</b> L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros <b>Opposed:</b> None <b>Abstained:</b> 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: S. McLain  
Motion Seconded: L. Cicciarelli  
MOTION: Declare the project an Unlisted Action.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain,  
T. Crowley, S. Forster, M. Jaros  
**Opposed:** None  
**Abstained:** None  
Motion Carried

### 3. SEQRA Determination

Ms. Lane noted that the project required only one permit, the food permit from the Health Department. Ms. Lane reviewed Parts 1 and 2 of the Short Environmental Assessment and noted that all of the potential impacts were small to none. Per the Determination of Significance, Sara Cook submitted plans to open an adult daycare business in an existing residential/commercial building at 4416 Watson Boulevard. The 0.67-acre property is zoned General Commercial and the adult daycare use is permitted by right.

The project does not require any changes to the 2,575 square-foot building layout, other than to convert a laundry room into a handicapped-accessible restroom. There is an existing parking lot and bus service is available. A handicapped-accessible ramp will be constructed to the porch over existing blacktop. The project will not impact traffic, existing utilities, and there will be no significant impacts pertaining to odors, noise, or lighting.

The project does not require stormwater remediation as no soil disturbance is planned. Although the DEC has noted that there are potentially endangered or threatened plants or animals, there will be no impacts to wildlife or flora, as no soil disturbance is planned. The property is in the 100-year floodplain, but the use will not impact base flood elevation. The NWI map does not show any wetlands on the property.

The project was reviewed for any potential negative effects under Part 617.7 of SEQRA, 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.

Mr. Crowley asked Ms. Cook to explain how the facility would operate, and how clients would get there. Ms. Cook explained that clients would be responsible for arranging their own transportation to and from the facility. The facility is designed for people who can't take care of themselves, or those who have cognitive issues. Ms. Cook explained that the daycare would have laundry service, grocery service, and different people will be coming in for entertainment purposes. Mr. Crowley asked whether there

would be therapy for the people and Ms. Cook replied that they could have services come to the facility, like physical therapy, but since their facility is not licensed as a healthcare facility, regular staff would not be doing such services themselves.

Mr. Forster asked whether they were planning to have clients with memory issues and what they would do to make sure that the clients do not wander. Ms. Cook responded that they would have clients with limited memory issues and that they would have a security system with cameras. She noted that they are also considering a keyless entry for the front door. Mr. Forster commented that people who wander are going to wander, and that there is nothing you can do but lock them in. Ms. Cook responded that per the fire code it is illegal to lock anyone in. Ms. Lane also noted that this is an adult daycare facility, not a medical facility.

Ms. Cook stated that they would be dealing with small groups and that she and her partner, as well as volunteers, would be there to monitor approximately 15 to 20 clients who would be divided up into smaller groups within the facility. Ms. Cook stated that every time the door opened there would be an alert, but the door would not be locked. Ms. Cook has worked in healthcare for many years and is aware of the issues that adults with memory issues face.

Ms. McLain asked whether there was an entity that supervises the facility to make sure that the daycare followed all the rules and regulations, and that the facility was adequately staffed. Ms. Cook replied that New York State does not monitor adult daycare facilities because they are not healthcare facilities. Ms. Miller asked whether they would administer any medication to clients while they are there. Ms. Cook responded they would not. Ms. Miller asked if any licenses were required by New York State. Ms. Cook responded that there were no licenses required for adult daycare centers in New York state. Mr. Cicciarelli noted that this concept is unique in this area and that is why the Planning Board members were asking some of these questions.

Ms. Cook hopes to open the facility at the end of March or the beginning of April. Mr. Crowley suggested that Ms. Cook contact the media so that the public can be made aware of this new facility. Mr. Forster also suggested that Ms. Cook contact Kara Conrad, the producer of "Around the Tiers," to let the public know about the facility.

Ms. Lane clarified several issues for the Planning Board members. She noted that Fire Code requires that people have to be able to exit using a door so the doors cannot be locked. Ms. Lane also noted that daycare facilities, such as those for children, do not have to be licensed in the state of New York; it is up to the individual daycare facility if they want to become

a licensed daycare facility. Ms. Lane has notified the Johnson City Fire Department that has jurisdiction over the facility so that they are prepared in case there is a 911 call to the facility.

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

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

#### 4. Site Plan Review

Ms. Lane reviewed the County comments from the 239-Review. The B.C. Planning Department found no intercommunity impacts from the proposal, but they did provide several standard recommendations about the project, such as adding landscaping and advising the applicants that the facility is in a special flood hazard area. The County also recommended that an emergency evacuation plan be put in place and Ms. Lane noted that this was something that the applicants could address with the Municipal Fire Inspector. The County also recommended the addition of a handicapped access aisle to the building, which is already planned.

Mr. Jaros asked Ms. Lane where the County expected to see the landscaping; he saw existing bushes on both sides and then in the front of the building, and he questioned whether there should be any landscaping along the road. Ms. Lane replied that the town cannot require landscaping in the right-of-way. Mr. Cicciarelli noted that the 239-Review comments are only suggestions and not actual requirements for the project.

Mr. Forster asked how high the porch was off the ground and Ms. Cook answered that there is one step, six inches off the ground. Ms. Lane noted the code required one foot for every inch of rise so that a 6-foot handicapped ramp is required. Mr. Cicciarelli asked if the ramp would be within the setback requirements and Ms. Lane answered yes. Mr. Forster asked where the ramp would be located and Ms. Lane responded that the ramp could run parallel to the porch towards the handicapped access aisle.

Mr. Jaros asked whether the daycare would have access to the back yard. Ms. Cook answered that they would have access to the side yard but not

the backyard because the Holiday House has their storage garage there. Ms. Miller asked what would be on the second floor and Ms. Cook replied just offices. Ms. Miller asked whether they would be installing grab bars throughout the facility; Ms. Cook answered that they would have grab bars only in the bathrooms.

Ms. Cook noted that they would provide different activities at different times. Mr. Jaros asked what kind of activities would be available. Ms. Cook said they hope to have some of the schools involved and possibly have integrated trips with a children's daycare center, The Learning Ladder. Ms. Cook hopes to get more people from the community involved to do normal activities with the clients. Ms. Miller advised Ms. Cook that there were many groups that come in to help daycare facilities and suggested that Ms. Cook contact Achieve.

Ms. Lane reviewed her staff report for the Planning Board. The 2,575 square-foot daycare requires 15 parking spaces, and the site plan has 15 spaces including one handicapped accessible space. The applicant proposes to add a handicapped ramp to the front porch, convert a first floor laundry room into a handicapped-accessible restroom, and add railings to the front porch. The hours of operation will be Monday through Friday, 7:30 am to 5 pm, and Saturday 9am to 1 pm. There will be two employees when the business opens.

The project is subject to a 239-Review as it is located on Watson Boulevard, County Route 56. The Departments of Public Works and Code Enforcement have reviewed the project and have no concerns. The staff recommendation is to approve the site plan, with the following stipulations:

- 1) The maximum number of people allowed on the first floor is 26, including staff. The maximum number of people permitted on the second floor, office space, is four.
- 2) A backflow prevention device is required on the water service prior to the issuance of a Certificate of Compliance. Your plumber shall contact the Village of Johnson City Water Department for the pre-approved plan and health department form that needs to be completed. It must be tested by a certified backflow tester after installation. The backflow prevention device shall be tested annually and a report submitted to the Village of Johnson City Water Department (607-797-2523).
- 3) A second restroom which shall be handicapped-accessible shall be installed on the first floor, prior to the issuance of any Certificate of Compliance. Construction of the restroom requires the issuance of a building permit.

- 4) A handicapped-accessible ramp shall be constructed to the front porch prior to the issuance of any Certificate of Compliance. Construction of the ramp requires the issuance of a building permit.
- 5) The parking space closest to the porch shall be designated as handicapped accessible, and the associated access space shall be added as noted on the revised site plan. The required handicapped-accessible parking space shall conform to the Property Maintenance Code of NYS, and shall be posted with signage displaying the international symbol of accessibility. The handicap parking access space shall be no less than eight-feet by eighteen-feet (8'x18'). The striping for the handicapped and access spaces shall be completed no later than May 31, 2018.
- 6) Per NYS law, the day care facility must be inspected by the Municipal Fire Code Inspector every year. It is your responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920. The initial inspection shall be completed prior to the issuance of a Certificate of Compliance.
- 7) If a sign is desired, the applicant shall apply for a sign permit from the Building Official prior to posting the sign. 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.
- 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.

Ms. Cook asked whether they had to do the site plan approval process every year and Ms. Lane replied that only fire inspections are required every year. Once they receive the approval from the Planning Board tonight, unless the applicants do something drastically different, like changing the uses upstairs, that they are all set.



Chairman Miller then called for a motion to approve the site plan for Silver Linings Golden Memory Care at 4416 Watson Boulevard, with stipulations.

Motion Made: S. Forster  
Motion Seconded: L. Cicciarelli  
MOTION: Approval of the Silver Linings Golden Memory Care site plan at 4416 Watson Boulevard, with stipulations.  
  
VOTE **In Favor:** L. Miller, S. McLain, L. Cicciarelli, T. Crowley, S. Forster, M. Jaros  
**Opposed:** None  
**Abstained:** None  
Motion Carried

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

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

Motion Made: L. Cicciarelli  
Motion Seconded: S. McLain  
MOTION: Approval of the Public Hearing for a Cellular Tower to be held on March 13, 2017, at 7:00 p.m.  
  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**F. Up State Tower / Blue Wireless, 1209 Taft Avenue  
Vote on Extension of Special Permit Decision**

Ms. Lane noted that since the Town was still in litigation with Up State Tower, the Planning Board should extend the decision for the Special Permit again. Ms. Lane recommended that the vote be extended by another sixty-two days.

Chairman Miller then called for a motion to extend the Special Permit vote for Up State Tower at 1209 Taft Avenue by sixty-two days.

Motion Made: S. Forster  
Motion Seconded: M. Jaros  
MOTION: Recommendation to extend the Special Permit decision for Up State Tower at 1209 Taft Avenue by sixty-two days.  
  
VOTE **In Favor:** L. Miller, L. Cicciarelli, S. McLain,

T. Crowley, S. Forster, M. Jaros

**Opposed:** None

**Abstained:** None

Motion Carried

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

Ms. Lane distributed copies of the new application from Housing Visions for the former HBE School located at 23 Jackson Avenue and 26 Kentucky Avenue. Housing Visions submitted a petition to first rezone 26 Kentucky Avenue from Industrial (I) to Urban Multi-Family (UMF) for the renovation of the former school (HBE) into apartments. The building is primarily located at 23 Jackson Avenue in the Village of Endicott and there is an Urban Multi-Family zoning district to the immediate north of 26 Kentucky Avenue, so this zoning change would not be a case of spot zoning. At the next Planning Board meeting, an advisory opinion to rezone 26 Kentucky Avenue will be presented.

Ms. Lane noted that a similar project had come before the Planning Board previously, and the Village of Endicott ZBA had voted on some variances for the previous proposal. The Town of Union ZBA did not vote on any variances because the applicant cancelled the project. The improvements located on Kentucky Avenue entail converting the gym into residences, creating a recreation space, and parking for the residents.

Mr. Forster asked if Lincare was in the gym area right now and Ms. Lane responded that it is. Mr. Cicciarelli asked if the project involved income-adjusted housing. Ms. Lane is not sure, but Housing Visions has applied for assistance from Office of Temporary Disability Assistance, HHAP, and the New York Financing Agency, which implies that the project will have a mix of incomes. Ms. Miller asked if the applicant had other properties of the same nature. Housing Visions business is renovating existing buildings into housing. Recently Housing Visions completed a project in the City of Binghamton.

Ms. Miller asked who would be lead agency on the project. For the petition to rezone, the Town of Union Town Board will be the lead agency. Lora Zier, at Broome County, wants the Village of Endicott and Town of Union to submit a joint 239-Review form for the next part of the project. Since variances are needed in both the Village and the Town, Alan Pope, the Town attorney, had recommended that each municipality declare lead agency for their own part, have an uncoordinated SEQRA review, and then meet at the same time to go through site plan review.

Mr. Forster asked which fire department would come in case of a fire at the building. Ms. Miller replied that the Village and Town of Union had a mutual aid agreement so this would not be an issue.

Ms. Lane said that the Planning Board will soon be asked to review some revisions to the sign code. Dee summarized sign variances that come to the ZBA repeatedly and is recommending some changes to the code accordingly.

Ms. Miller noted that the new church sign at 3600 Country Club Road, reviewed at the last meeting for an advisory opinion, is beautiful. Mr. Forster noted that the Riverview Banquet sign, recommended for approval to the ZBA, was also very well done.

John Esposito received a use variance for his project at 221 Ardmore Avenue and will come for site plan review, and Culligan Water on Airport Road is submitting a site plan for an addition, similar to the Warner addition.

#### H. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:03 p.m.

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

#### **Next Meeting Date**

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

Respectfully Submitted,  
Carol Krawczyk