

Town of Union Planning Board Minutes

Tuesday, March 13, 2018

A regular meeting of the Town of Union Planning Board was held Tuesday, March 13, 2018, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

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

Members absent: L. Cicciarelli

Others present: Marina Lane; Rob Brenner, Justin Lad, Coleman Burke, Nick Denunzio, Gale Brown, Tim Harris, Chris Trevisani, John Esposito, George Haus, Mike Karr, and John Witinski

A. CALL TO ORDER

Chairman Miller opened the meeting of the Planning Board at 7:01 pm.

B. MEETING MINUTES

1. Acceptance of February 13, 2018 Meeting Minutes

Chairman Miller asked for a motion to accept the 2/13/18 Meeting Minutes, as written.

Motion Made: S. McLain

Motion Seconded: T. Crowley

MOTION: Acceptance of the meeting minutes of February 13, 2018, as written.

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

Opposed: None

Abstained: S. Daglio

Motion Carried

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

1. SEQRA Determination

Tarpon Towers II and Verizon Wireless, submitted a proposal to construct and operate a 140-foot cell tower at 11 Frey Avenue, property owned by DTRT Endicott Pipe LLC. The proposed new telecommunication facility is a Type 1 Action and Part 1 of the full Environmental Assessment Form (E.A.F.) was submitted. Ms. Lane reviewed the E.A.F. for potential adverse impacts to the environment with members of the Planning Board. Per the Determination of Significance, the proposal to construct and operate a 140-foot monopole, plus 4' lightening rod, telecommunications facility in a 75' by 75' enclosed compound at 11 Frey Avenue is a Type 1 Action and Part 1 of the full EAF and supporting documentation were reviewed for potential adverse impacts to the environment. No existing structures are within 144-

feet of the proposed tower. The cell tower is permitted by Special Permit in an Industrial zoning district.

The project underwent a NEPA review for potential impacts to the floodplain, wetlands, historic or archeological sensitive areas, and any endangered or threatened plant or animal species. Per the NYS DEC, habitats for the Northern Long-eared bat are not found in this area. The FAA was also consulted regarding the nearby airport. No impacts were found. Utilities will be underground. There is no need for water or sewer. There are no traffic impacts.

The project will not impact, nor be impacted by, remediation sites within 2,000-feet of the site. The backup generator will be fueled with propane, due to being in the primary aquifer zone.

The following were checked on Part 2 of the EAF.

1. The action involves 0.41 acres of construction on land. The enclosed yard and driveway will be stabilized with gravel, and any increased stormwater runoff will stay on site. Stormwater remediation will be implemented during construction. No SWPPP is required. No significant impacts.
5. Impact on Flooding: The project is in the 500-year floodplain; will not impact base flood elevation; and the cabinet platform will be raised above recent flood elevations.
7. Impact on plants and animals. There will be a small impact (0.41-acre). No rare or protected species have been identified in the area.
10. The cell tower will not negatively impact nearby schools, parks, or historical buildings. No archeological artifacts were found.
14. Impact on energy – A new underground electric service will be provided by NYSEG. The energy consumption is anticipated to be minimal.
15. There will be a temporary increase in noise and vehicular odors during construction; the generator may produce a small amount of noise when activated. Lights on the platform will be turned on by the technician only when being serviced when dark.

No designated aesthetic or scenic resources have been identified within the view shed of the proposed tower, but a visual analysis was submitted and reviewed. The tower will be visible from nearby residences, but will not restrict any existing public views of identified cultural or aesthetic importance.

After review, it was determined that the proposed 140-foot, + lightening rod, monopole and associated antennas will not have significant adverse impacts on the environment.

Ms. Lane then read a short summary of her responses to comments from the Broome County Planning Department.

1. “The site is located entirely within the Existing Special Flood Hazard Area and entirely within the Preliminary Special Flood Hazard Area. The Town Planning Board should exercise caution in approving a project located in the Special Flood Hazard Area.” *The project will not raise the base flood elevation at all, utilities are underground, and the equipment platform will be raised above flood elevations of the 2011 flood inundation.*
2. “The project application should include a Structural Safety Report which would document that the proposed project can withstand a flood and that construction of the project, including tree removal, will not alter the floodplain.” *A passing structural analysis will be required for review and approval prior to the issuance of a building permit. The removal of trees has no impact on the floodplain, other than a scant increase in area to hold additional floodwater.*
3. “The project site includes NWI Wetlands, and the application should document these wetlands and whether the project would affect these wetlands.” *The presence of nearby wetlands was addressed in the E.A.F., Part 1, D.2.b. & E.2.h. The wetlands will not be impacted, and in addition, a N.E.P.A. review was conducted and no wetlands were found at the project location.*
4. “The application and overall site plan should include the access road ownership and maintenance plan.” *A lease agreement has been submitted, and the site plan addresses the access road.*
5. “The access road should be paved and should include drainage.” *A gravel road that has very limited use is less of a concern for drainage. Stormwater management and erosion control methods during road construction are described and will be implemented.*
6. “The overall site plan should document whether tree removal would be required on offsite properties.” *There is no need to document this because no tree removal on offsite properties has been proposed.*

7. "The application and overall site plan should include the lighting plan." *Lights will only be turned on temporarily during maintenance by technicians, on an as-needed basis.*
8. "Visual impact study." *The applicant completed a visual impact study and it was submitted for review prior to the SEQRA Determination.*
9. "Demolition Plan and Demolition Bonding." *The demolition and removal bond is already a standard condition of approval.*
10. The overall site plan should include:
 - a. "Entire tax map boundaries." *Done*
 - b. "Special Flood Hazard Area." *FEMA's maps are not accurate in this area. Inundation maps from 2011 have been used to determine appropriate platform elevations.*
 - c. "Wetlands." *These have been provided during the N.E.P.A. review.*
 - d. "All existing and proposed structures located on the project tax map." *Provided.*
 - e. "Lighting Plan." *Not relevant.*
 - f. "Access road ownership and easements." *Submitted.*
 - g. "Drainage plan." *Submitted on site plan.*
 - h. "Tree removal area." *Submitted on the site plan.*
11. "The SEQRA Full EAF Part 1 project description should include access road construction." *The project engineer included all areas of disturbance.*
12. "The SEQRA Full EAF page 2 should reference the Susquehanna Heritage Area." *The Upper Susquehanna has been included in Part 1, C.2b.*

Additional Comments received as a part of the 239-Review are as follows:

- Broome County Emergency Services had no objections.
- NYS DOT Region 9 Site Plan Committee had no need for further review.
- Broome County Dept. of Public Works: "No county infrastructure impacted; no comments"
- The Village of Endicott requested confirmation that the FAA had been notified. This was completed during the N.E.P.A. review, and resulted in no concerns. Endicott was provided with all N.E.P.A. reports.

The Planning Board members had several questions about the project which Mr. Brenner's team addressed. Mr. Jaros asked when the lights on the platform would be on. Mr. Brenner answered that the lights are low voltage LED worksite lights that will be on only when maintenance crews work on the platform at night. Mr. Forster asked what the height of the lights is and whether animals can trip the lights. Mr. Brenner answered that it will be rare for animals to trip the lights because there is a fence surrounding the platform on which the lights are mounted. Ms. Lane also noted that she can address the concern with the lighting in her letter of approval.

Mr. Brenner distributed copies of updated site plans to the Planning Board. The plan included a grading plan which would raise the platform above the 822-foot flood elevation. Ms. Lane asked whether that would also then raise the tower. Mr. Brenner responded that they can also raise just the platform by adding 6-foot legs to the platform. Ms. Lane noted that they she will discuss the two alternatives with Code Enforcement before the site plan is finalized.

Mr. Crowley asked if there is a backup generator. Mr. Brenner answered that they will use a propane powered generator. Mr. Forster asked how often they fill the propane tank, and Mr. Brenner replied that the company schedules routine maintenance to check the tanks every two months. Mr. Crowley stated that his company's back-up tanks emit a remote signal when they need filling. Mr. Brenner replied that the backup generators operate only during power failures so the propane tanks will not need filling very often.

Mr. Forster requested that the Endicott Police Department be changed to the Broome County State Police and the Sheriff's Office under the existing community services portion of the EAF. Mr. Crowley asked how many co-locators would be on the tower and Mr. Brenner answered that there are three co-locators and those providers will be responsible for their own radio frequency and structural analysis studies. Mr. Forster asked what the altitude of the lowest carrier would be when all three co-locations are filled. Mr. Brenner answered that the lowest carrier will be between eighty and ninety feet off the ground.

Ms. Gale Brown, one of the visitors, questioned whether the cell tower is consistent with the community's character since the tower is near a residential community. Ms. Lane answered that the tower is located in an Industrial zoning district and that the tower is consistent with the industrial nature of the site. Mr. Forster also noted that the site had been zoned Industrial since the 1930's so that people could walk to work.

Ms. Brown was also concerned about the health risks from the electromagnetic energy from the cell tower. Mr. Brenner asked Mr. Justin Lad, Verizon's radio frequency engineer, to address these concerns. Mr. Brenner also noted that Millennium Engineering did perform an independent radio frequency safety

analysis. The Millennium Engineering report concluded, “The proposed communications facility will comply with electromagnetic field safety standards by a substantial margin (well below 1%) in all publicly accessible areas. This includes the base of the proposed structure and any areas in proximity to the proposed structure.” In addition, Mr. Brenner stated that Verizon monitors all of their sites to see that their telecommunications facilities comply with all FCC regulations governing human exposure to radiofrequency electromagnetic fields.

Mr. Lad explained that the public does not need to worry about electromagnetic exposure above 30 feet. The extremely low electromagnetic exposure at ground level is due to the elevated positions of the antennas on the cell tower. Radio waves, which are directed horizontally, dissipate as their distance from the tower increases. Since the lowest set of antenna arrays will be at a height of 90-feet, radio waves at ground level fall well within the FCC’s guideline of 1-5% standard of human exposure. Many devices in the average home, such as a microwave oven, a computer router or a cell phone, emit electromagnetic energy; in fact, Mr. Lad noted, any device that operates on a wireless signal emits electromagnetic energy. Mr. Lad concluded that extensive research has demonstrated that cell tower electromagnetic emissions do not pose adverse health effects.

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

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

2. Public Hearing for Proposed Cell Tower: Vote at Planning Board’s Discretion

Chairman Miller opened the public hearing for the Special Permit for a Proposed Cell Tower at 8:02 pm.

Mr. Brenner, Mr. Lad and Mr. Coleman attended the Public Hearing as representatives for Nixon Peabody and Verizon Wireless. Mr. Nick Dinunzio, a local resident questioned the location of the tower in a valley rather than being located on Round Top. Another local resident, Ms. Gale Brown, questioned whether the electromagnetic emissions from the tower are safe for residents in the neighborhood.

Mr. Brenner noted that twenty-one different sites were contacted about the project and that the site at National Pipe and Plastic was chosen because it was in an Industrial zoning district and had the necessary setbacks and fall zone clearances needed for the project. Mr. Brenner noted that two sites by Round Top were considered, but that these sites were rejected because they could not meet the setback requirements and the existing radio tower located near Round Top would not be able to handle the network traffic.

Mr. Lad noted that the demands placed on the 4G LTE network have increased tremendously in the last ten years and that the existing network cannot handle the increased demand for high speed transmissions of both voice and data. Mr. Lad also stated that many studies have demonstrated that cell tower electromagnetic transmissions do not have an adverse effect on human health.

The public meeting was left open to allow residents the opportunity to contact the Planning Department regarding the proposed cell tower prior to the next Planning Board Meeting, which is April 10, 2018. Ms. Lane noted that she would be happy to discuss the project and that all the project documents are available in the Planning Department for review.

**D. Rezone Petition for H.B.E. School Conversion, 26 Kentucky Ave., D. Cox
Advisory Opinion to the Town Board**

Mr. Chris Trevisani, the Director of Development for Housing Visions, gave a short presentation to the Planning Board about the renovation of the former HBE School into apartments. The proposal is for 42 one-bedroom units and 27 two-bedroom units in the complex. Housing Visions will upgrade the exterior of the building and provide a community room, laundry facilities, exercise equipment, and a media room for the tenants in the facility. There will be a full-time property manager for the complex.

Mr. Trevisani explained that tenants must show an ability to pay rent. Residents who rent a one-bedroom apartment will have to show income of approximately \$25,600 and those who rent a two-bedroom apartment will have to show an income of \$28,800. The rent for a one-bedroom apartment is \$645, inclusive of utilities, and the rent for a two-bedroom apartment is between \$675 and \$720 per month, inclusive of utilities. The project is being financed through federal tax credits and requires rents to be set at no more than 60 percent of the area median income level. The project is geared toward the working poor and the elderly. Students are not eligible. Currently Housing Visions is working with the YWCA and accepting referrals from their program. Extensive background checks will go back five years and people with felonies and/or sex crimes are not eligible for the program. Mr. Jaros asked what the capacity of

the building is. Mr. Trevisani responded that the one-room apartments are for a couple or a single person and the two-bedroom apartments will most likely be rented by families, but no more than four persons.

The Planning Board members had several questions about the project. Ms. Miller asked how many projects that Housing Visions had managed. Mr. Trevisani answered that Housing Visions has been in business for twenty-seven years and has redeveloped 1450 units. Mr. Daglio asked how big the projects were that Housing Visions handled, and Mr. Trevisani answered that originally, the company had worked with only a few sites but as their footprint grew they have redeveloped larger buildings. Most recently, Housing Visions designed a project in Pottstown, PA with 43 units. Mr. Trevisani noted that they have accepted vouchers. Housing Visions' Syracuse facility has accepted homeless vets with community vouchers. Mr. Crowley asked if veterans with disability income will be accepted into the program and Mr. Trevisani said yes. Mr. Forster asked whether Housing Visions is a for profit company and Mr. Trevisani answered that they are a nonprofit company but that they do partner with an investment firm in Chicago who sells income credits to their clients.

Ms. Lane then summarized her staff report for the Planning Board. Housing Visions submitted a petition to rezone 26 Kentucky Avenue (#157.07-1-8), from Industrial (I) to Urban Multi-Family (UMF) for the renovation of a former school (HBE) into 71 apartments. The building is primarily located at 23 Jackson Avenue in the Village of Endicott and that parcel is zoned Urban Multi-Family. There is an Urban Multi-Family zoning district to the immediate north of 26 Kentucky Avenue, so this would not be a case of spot zoning. There are a variety of residential and commercial uses in the vicinity. The uses permitted in the proposed zoning district are less intensive than those permitted under the existing zoning district. The owner of the property, Marchuska Development LLC, has submitted a letter authorizing Housing Visions to apply for the necessary rezoning and approvals.

The County Planning Department reviewed the application and did not identify any significant countywide or inter-community impacts associated with the proposed rezoning and project. All comments pertained to future site plan items. The Planning Department recommends the Town Board rezone 26 Kentucky Avenue to Urban Multi-Family (UMF) to allow the conversion of the former school building into a multi-residential facility with associated parking.

Chairman Miller asked for a motion to recommend approval to the Town Board for the rezoning 26 Kentucky Avenue from Industrial (I) to Urban Multi-Family (UMF).

Motion Made: S. Daglio
Motion Seconded: T. Crowley

MOTION: Recommendation of approval of zoning change to 26 Kentucky Avenue from Industrial (I) to Urban Multi-Family (UMF) by the Town Board.

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

E. Commercial Business Garage, 221 Ardmore Street, J. Esposito

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

3. SEQRA Determination

John Esposito was granted a use variance to store tools and equipment for his construction business in a garage in a Suburban Multi-Family (SMF) zoning district in January 2018. The variance was granted with two stipulations: the combination of the parcels 221 and 223 Ardmore Street, and the installation of an opaque fence to conceal a dumpster on the property. Mr. Esposito has already complied with both of these stipulations.

Mr. Crowley asked whether it would be possible for Mr. Esposito to split the lot in the future if he wanted. Mr. Schrader, Town Attorney, answered that because Mr. Esposito owns both properties, the town does not charge anything to combine the parcels. If Mr. Esposito wants to sell part of the combined parcel in the future, a survey would be required to determine new lot lines and assign different parcel ID numbers to the lots again. Mr. Esposito then passed out pictures of the the new fencing surrounding the dumpster next to the garage. The Planning Board asked what material the shed was made of and Mr. Esposito answered that it is wafer particle chipboard. Mr. Esposito also stated that he does not store any large quantities of toxic chemicals on the property, and what oils and paints he does have are stored on shelves several feet above floor level.

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, Esposito Home Services applied to use an existing single-bay residential garage on a lot for storage of contractor's materials at 221 Ardmore Street.

The use will not create any impacts to traffic or existing municipal utilities. The two employees and business owner do not stay on site, but do park either work vehicles or their own vehicles in the driveway. The garage has no running water or sanitary sewer. John Esposito has enclosed the dumpster and outdoor storage area. There will be no significant impacts pertaining to odors, noise, or lighting.

The property is in an archeologically sensitive area, but other than adding fencing there is no soil disturbance planned. Similarly, there will be no impact on wildlife or plants.

The site is in the current 500-year floodplain, and preliminary 100-year floodplain. The building is existing, and any storage of toxic or hazardous materials shall be two-feet above base flood elevation. 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 storage use.

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

4. Site Plan Review

Ms. Lane then summarized her staff report for the Planning Board. John Esposito submitted an application to use a stand-alone residential garage as a storage facility for his construction business.

Mr. Esposito added a fenced enclosure alongside the 16' x 30' garage for the dumpster and outdoor storage of some supplies. The property lies entirely in the 500-year floodplain and the proposed 100-year floodplain. Any toxic or hazardous liquids should be stored at least two feet above base flood elevation, which is 831 feet a.s.l. The elevation at the garage is between 828 and 830 feet a.s.l.

This location was subject to a 239-Review, as it lies within 500 feet of the State Route 26. Broome County Planning expressed no concerns for impacts to the County or surrounding area. The B.C. Planning Department recommended that the applicants should be made aware that the project site is located entirely within the preliminary FEMA Special Flood Hazard Area. Other recommendations included no onsite vehicle maintenance or repair, no fuel or chemical storage, no unscreened outdoor storage, and no storage or parking in the setback areas. The site plan should include the following: Special Flood Hazard Area, Base Flood Elevation, proposed combining of lots, proposed use of 223 Ardmere Street, and fencing or other screening of the outdoor storage area.

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

1. If vehicles are not parked on the existing driveway, their parking area should be stabilized with compacted gravel or asphalt millings to prevent dirt on the street following snow or rain events.
2. All outdoor storage shall be enclosed with opaque screening. Any new structures, other than fencing, shall be submitted to the Building Permits Department for review. Any fenced enclosures without a roof do not require a permit.
3. Hazardous materials, such as waste oils, solvents, acids, batteries, paints or tires, shall not be stored outdoors at any time, and indoors shall be stored two feet above base flood elevation (four feet above ground level).

If greater than 25-gallons or 220-pounds of potentially toxic or hazardous chemicals are stored on site, an aquifer permit shall be required.

4. A Certificate of Compliance shall not be issued until the structure has been inspected by the Municipal Fire Code Inspector. Per NYS law, all commercial buildings must be inspected by the Municipal Fire Code Inspector every three years. The property owner shall coordinate that inspection by calling the Code Enforcement office at (607) 786-2920.

5. Any new exterior lighting shall first be approved by the Code Enforcement Officer.

6. 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.

7. 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.

8. 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.

Chairman Miller then called for a motion to approve the Site Plan for the Commercial Business Garage at 221 Ardmore Street, with stipulations.

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| Motion Made: | S. Forster |
| Motion Seconded: | S. McLain |
| MOTION: | Approval of the Esposito site plan at 221 Ardmore Street, with stipulations. |
| VOTE | In Favor: L. Miller, S. McLain, T. Crowley, S. Forster, S. Daglio, M. Jaros |
| | Opposed: None |
| | Abstained: None |
| | Motion Carried |

F. Building Addition, 429 Airport Road, Northeastern Water Services

1. Declare Lead Agency

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

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

3. SEQRA Determination

Ms. Lane reviewed the E.A.F. for potential adverse impacts to the environment with members of the Planning Board. Per the Determination of Significance, Northeastern Water Services plans to construct a 7,690 square-foot addition for office and warehouse space at 429 Airport Road. The existing building is used for the office and warehouse associated with the Culligan water softener and treatment services. Approximately 90% of the warehouse space is used to store bottles of water. The property is zoned Industrial and the use is permitted by right.

The proposed addition will be a pre-engineered metal building to match the existing building. The site plan meets the parking space requirement, with a total of 29 parking spaces shown on the site plan, including two handicapped accessible spaces and five 12-foot by 40-foot truck spaces. The 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 FAA must sign off on the addition due to its proximity to the Triple Cities Airport.

The addition will be constructed over an existing paved area. The area of the new parking lot is currently a mix of hard-packed gravel and grass. The increase in the rate of stormwater runoff due to additional impervious area will be mitigated with on-site drainage sloping south-eastward along a raised grass berm, towards a 10-12 foot deep drainage swale. Any soil disturbance will be less than an acre; therefore a SWPPP is not required. Similarly, as the existing project site is hard-packed gravel, any impact on wildlife or plants will be small.

The property is in an archeologically sensitive area, but the soil in the project area has been disturbed and new excavation for footers and the foundation will be minimal. 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 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.

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

4. Site Plan Review

Ms. Lane then summarized her staff report for the Planning Board. Mike Karr, on behalf of Northeastern Water Services, submitted an application to build an addition to an existing 12,160 square-foot warehouse building located at 429 Airport Road.

The addition is a prefabricated metal building, matching the existing building. There is a small area in the warehouse section that is used to prepare water for bottling. There are six warehouse employees and parking for warehouse use is one per employee. There are 826 square feet of office

space, within an office area of 2,914 square feet. The parking requirement is 15 spaces. A total of 29 spaces are shown on the site plan, including two handicapped accessible spaces and five tractor trailer spaces.

This location was subject to a 239-Review, as it lies within 500 feet of the Village of Endicott. Broome County Planning and the Village of Endicott expressed no concerns for impacts to the County or surrounding area, although B.C. Planning a landscaping plan and that any hazardous chemicals be safely handled. The B.C. Health Department stated that floor drains should be connected to the public sewer. 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. A building permit shall not be issued until a final determination from the FAA has been issued and submitted to the Planning Department.
2. The raised berm along the southwest perimeter shall be stabilized within two weeks after construction, and planted permanently with grass. During construction of the parking lot and the raised berm, silt fencing shall be installed and maintained until the berm is completely stabilized with grown grass.
3. The new parking lot shall be striped within two months after paving, as weather permits. The required handicapped-accessible parking spaces 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').
4. The new landscaping shall be planted by October 31, 2018. The landscaping shall be maintained, and any dead or dying bushes shall be replaced with similar plants within two months, weather permitting.
5. 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, an aquifer permit shall be required.
6. A Certificate of Occupancy shall not be issued until the addition has been inspected by the Municipal Fire Code Inspector.
7. Per NYS law, all commercial buildings must be inspected by the Municipal Fire Code Inspector every three years. It is the applicant's responsibility to coordinate that inspection by calling the Code Enforcement

office at (607) 786-2920 once again three years after the issuance of the Certificate of Occupancy.

8. Any new exterior lighting shall first be approved by the Code Enforcement Officer.

9. 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.

10. 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.

11. 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.

The Planning Board had several questions about the project. Mr. Forster asked if the water is treated on site. Mr. Karr replied that water is treated at the facility by reverse osmosis to reduce harmful contaminants found in drinking water.

Mr. Crowley was concerned about the water drainage on the property because the storm water could drain onto neighboring properties and undermine the railroad tracks on those properties. Mr. Crowley also asked if there are floor drains in the building that are connected to the sewer. Ms. Lane will check whether the floor drains are required to be tied into the sewer system. If so, that requirement would be another condition of site plan approval. Ms. Lane asked Mr. Karr where the delivery trucks are serviced and Mr. Karr replied that the trucks are leased from and serviced by Penske.

Chairman Miller then called for a motion to approve the Site Plan for Culligan addition at 429 Airport Road, with stipulations.

Motion Made: S. Forster
Motion Seconded: M. Jaros

MOTION: Approval of the Culligan addition site plan at 429 Airport Road, with stipulations.
VOTE **In Favor:** L. Miller, S. McLain, T. Crowley, S. Forster, S. Daglio, M. Jaros
Opposed: None
Abstained: None
Motion Carried

G. Charles Lane Paving, Special Permit Extension, J. Witinski

Charles Lane requested a two-month extension of the Special Permit for Floodplain Development at 513 Fairmont Avenue. Originally, John Witinski had applied to use an existing commercial building at 513 Fairmont Avenue as a contractor's storage yard on behalf of Lane Sealcoating and Paving. The property is located in an Urban Single Family zoning district and was granted a use variance for the indoor and outdoor storage of heavy contractor's equipment in 2016. The site is located in the 100-year floodplain, and on September 13, 2016, the Planning Board approved the Special Permit for floodplain development for a period of eighteen (18) months, renewable upon request. Mr. Lane has requested a two-month extension, through May 13, 2018, for the opportunity to finalize any outstanding items of approval before requesting a permanent special permit. This special permit does not include the addition of fill, only that the business may operate from the location.

For the record, base flood elevation at the site is 835 feet above sea level (835'asl), and current contour maps show the building to be approximately at 828'asl.

Code Enforcement has reviewed the status of the project and has no concerns other than Code issues such as mowing and trimming, maintenance of the property including removal of junk, and an interior inspection to ensure that the building meets fire code requirements. A recent inspection failed.

The Planning Department recommends the extension of the Special Permit for two months with the following stipulations:

- 1) The use of the property as a contractor's storage yard shall meet the requirements of Town Code 121, Flood Damage Prevention:
Chapter 121-11, Establishment of development permit
A development permit shall be obtained before the start of construction or any other development within the area of special flood hazard as established in § 121-6.
- 2) A plan for landscape screening of the storage yard shall be submitted to the Planning Department prior to installation of plants, by May 1, 2018.
- 3) The site plan shall be revised to show the existing or proposed storage of materials, and the elevation, in relation to mean sea level, of the proposed lowest floor, including basement or cellar, of all structures and the parking area.

- 4) An elevation certificate from a licensed surveyor or engineer shall be submitted to the Code Enforcement Office no later than May 1, 2018.
- 5) No toxic, hazardous materials or flammable fluids shall be stored in the building less than two feet above base flood elevation.
- 6) § 300-66.11. Transferability.
 - a) The special permit is not transferable except upon approval by resolution of the issuing board.
 - b) The special permit shall authorize only one special use and shall expire if the special use ceases for more than six months for any reason, as the business is seasonal.
- 7) The applicant may request the renewal of the Special Permit by submitting a request in writing, or email, at least two weeks prior to the expiration of the Special Permit.
- 8) The applicant shall be required to acknowledge all of the above conditions, in writing. The applicant agrees to develop and maintain the project in strict accordance with the stipulations 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 extend the Special Permit for Floodplain Development for Lane's Sealcoating & Paving located at 513 Fairmont Avenue for two months.

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| Motion Made: | S. Forster |
| Motion Seconded: | M. Jaros |
| MOTION: | Approval of the two-month extension of the Special Permit for Floodplain Development at 513 Fairmont Avenue, with stipulations. |
| VOTE: | In Favor: L. Miller, S. McLain, T. Crowley, S. Forster, S. Daglio, M. Jaros Opposed: None Abstained: None Motion Carried |

H. Olivander's Auction, 3220 Lawndale Street, Special Permit for Outdoor Storage, B. Stewart

1. Declare Lead Agency

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

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

3. Call for a Public Hearing for a Public Hearing for a Special Permit for Outdoor Storage to be held April 10, 2018, at 7:00 PM

Motion Made: T. Crowley
Motion Seconded: M. Jaros
MOTION: Approval of the Public Hearing for a Cellular Tower to be held on April 10, 2017, at 7:00 p.m.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley,
S. Forster, S. Daglio, M. Jaros
Opposed: None
Abstained: None
Motion Carried

Ms. Lane said she had discussed the outdoor storage project with Dee and they both agree that the applicant will need to show a good faith effort to move some of the industrial equipment from the front yard into the enclosure. Mr. Crowley asked if the applicant was aware of the flooding on the property and Ms. Lane answered yes.

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

Ms. Lane reviewed the meaning of ex parte communications for the Planning Board members. She reminded Board members that they were not permitted to discuss a project with any applicant without the other Planning Board members being present.

I. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 9:45 PM

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| Motion Made: | M. Jaros |
| Motion Seconded: | S. Daglio |
| MOTION: | Adjourning the meeting. |
| VOTE: | In Favor: S. Miller, 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, April 10, 2018, at 7:00 PM

Respectfully Submitted,
Carol Krawczyk