

Town of Union Planning Board Minutes

Tuesday, December 10, 2019

A regular meeting of the Town of Union Planning Board was held Tuesday, December 10, 2019, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, D. Kudgus, S. Yalamanchili

Members absent: T. Crowley

Others present: Marina Lane, Rick Materese, Alan Pope, Bob Kashou, Gary Bush, Ray Lohmeyer, Abby Hanselman, Martine Barnaby, Dave Schmidt

A. CALL TO ORDER

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

B. MEETING MINUTES

1. Acceptance of November 12, 2019 Meeting Minutes

Chairman Miller asked for a motion to accept the November 12, 2019, Meeting Minutes, as written.

Motion Made: D. Kudgus

Motion Seconded: S. Forster

MOTION: Acceptance of the meeting minutes of November 12, 2019, as written.

VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, D. Kudgus

Opposed: None

Abstained: None

Motion Carried

C. Request for Revision of Special Permit, 1500 Co. Airport Rd. B. Kashou

1. SEQRA Review: Classify Project as a Type II Action, No Further Review Required

Chairman Miller asked for a motion to Classify Project as Type II Action, No further review required.

Motion Made: S. McLain

Motion Seconded: L. Cicciarelli

MOTION: Classify Project as a Type II Action, No Further Review Required.

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

S. Forster, D. Kudgus

Opposed: None

Abstained: None

Motion Carried

2. Public Hearing to Revise Hours of Operation

A public hearing was held for the revision of a special permit to extend the hours of operation for overnight indoor sports events. Chairman Miller opened the Public Hearing at 7:02 p.m.

Mr. Kashou has asked the Board to revise his special permit for recreation to allow up to two overnight events for indoor sports events each month. Mr. Kashou said they ran the program last year and it was a big success. Last year the Sports Dome hosted a total of four overnight events and Mr. Kashou wishes to hold these overnight softball tournaments again during the winter months. He said that there would be no more than two events per month, so Ms. Lane changed her proposed stipulation to read two events, rather than three, per month. No one in the public expressed any concerns. The Public Hearing was closed at 7:09 pm.

Mr. Kashou asked whether they could change the notification to the fire chief to four days rather than a week. They would like to hold a tournament the weekend of December 14. Ms. Lane responded that that would not be a problem and added that she would forward the information about how to contact the fire chief to Mr. Kashou.

3. Decision at Planning Board's Discretion

Ms. Lane stated that Bill Kuzel, one of the Dome's neighbors, called her to say that he had no problems with the softball tournaments last year. Ms. Lane thanked everyone for the efforts that have been made to keep it comfortable for the neighbors. She then read her staff report.

Mr. Kashou, representing Kashou Enterprises, has applied to hold up to three overnight indoor non-spectator sporting events per month at 1500 County Airport Road. The site is the current location of the Greater Binghamton Sports Dome, an existing indoor facility accessory to an outdoor soccer venue. The property is zoned Rural Residential, and indoor recreation is a nonconforming legal use, permitted as an accessory use to an outdoor recreational Special Permit use from the Planning Board in 2005 prior to the change to the zoning code in 2011. When approved in 2005, the hours of operation were limited to 8 a.m. through 11 p.m.

The dome is limited to primarily non-spectator sporting events as it does not have a sprinkler system and is therefore not fire-rated for spectators. The occupancy for sporting events is limited to 420 people. There are 228

parking spaces, including three bus spaces. Public assembly requires one parking space for every four people.

There are residences to the north, east and south, with approximately 38 residences within one quarter of a mile. The property has minimal screening from small shrubs on the north, east and west sides.

Under the requirements of Section 617.7(c), the proposed action is considered a Type II action, and no further review is required. A Stormwater Pollution Prevention Plan is not required because there is no proposed disturbance to the site. The property is subject to a 239-Review. Broome County Planning did not identify any significant county-wide impacts, but recommended that the Planning Board ensure that the overnight events would not cause noise or lighting impacts on surrounding residences.

The Planning Department staff recommends temporary approval of the Special Permit to extend the hours of operation, currently from 8 a.m. to 11 p.m., to include up to two overnight non-spectator sports events per month, with the following stipulations specific to the overnight events:

- 1) The approval shall be for six months, and may be renewed upon request. Such a renewal shall require a new public hearing, per Section 300-66.9 of the Code book.
- 2) The overnight events are limited to Friday and Saturday nights.
- 3) The applicant shall notify Code Enforcement and the Choconut Center Fire Chief at least one week prior to each overnight event.
- 4) Electric loud speakers are prohibited due to the proximity of adjacent residences.
- 5) Noise at all times shall not exceed the Town's noise limits, which must be decreased by six decibels as this property is in a residential district (Chapter 300, Article 50).
- 6) The property owner shall be responsible for all activities that occur on the property.
- 7) Parking shall be prohibited in clearly marked areas dedicated to emergency vehicles and their access-ways. No parking shall be permitted on the east side of the Dome except as approved in the 2016 site plan, showing five spaces at the northeast corner. Parking shall not be closer than 10 feet to any property line, and not within the Columbia / Millennium Pipeline Group's 50-foot utility right-of-way.
- 8) Portable heaters, LP gas tanks, and flammable or combustible liquids or gases are not permitted inside the structure.

9) No motor vehicles shall be permitted to run longer than 10 minutes on site. No motor vehicles shall be permitted to race within the site at speeds higher than 10 miles per hour.

10) No alcohol shall be brought on site by attendees.

11) Special permit modification approval will be required if there are any changes to the site plan or change in use of the property.

12) 300-66.11. TRANSFERABILITY OF SPECIAL PERMITS

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.

Chairman Miller asked for a motion to approve the Revision to the Special Permit for Indoor Sports Events at 1500 County Airport Road, with stipulations.

Motion Made: S. Forster
Motion Seconded: M. Jaros
MOTION: Approval of Revision to the Special Permit to hold Indoor, Overnight Events at 1500 County Airport Road, with stipulations.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

D. Plowing and Salt Storage Project, 412 Scarborough Drive, R. Lohmeyer

1. Declare Lead Agency, and Classify Project as an Unlisted Action

Chairman Miller asked for a motion to declare Lead Agency and Classify the Project as an Unlisted Action.

Motion Made: S. Forster
Motion Seconded: D. Kudgus
MOTION: Declare Lead Agency and Classify Project as an Unlisted Action
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

2. SEQRA Review

Ms. Lane reviewed Part 2 of the EAF which addresses potential environmental impacts. All impacts were small to none. Per the Determination of Significance, Ray Lohmeyer submitted a plan to have a plowing business at 408, 412, 416, & 420 Scarborough Dr., and 2728 ½ William St.-Rear. The plan includes a 550 square-foot road-salt storage shelter, an accessory 64 square-foot storage shed, and associated trucks. The 0.5-acre property is zoned Industrial, and outdoor operations and storage is permitted by Special Permit. The property is in the 100-year floodplain, and installation of the salt shelter and storage shed requires a Special Permit for development in the floodplain. A former plowing and salting business was previously located on the property.

Per a 2019 elevation certificate, ground elevation is one foot below the base flood elevation of 832.5' a.s.l. The covered 25' x 22' salt shelter will be placed on top of an area, which is currently sealed with blacktop, and will be anchored to prevent floating during any flood event. Should a flood event be imminent, the owner shall block off the salt shelter and move the vehicles to higher ground. There is currently a large salt shelter and parking area for construction vehicles across the road; therefore, the proposed use fits with the surrounding industrial and commercial uses. The property is screened from the nearby elevated residential neighborhood, and the use will not alter the character of the community or use of the land.

The proposed outdoor operations and storage will not create adverse changes to traffic, parking, utilities, or historical, architectural or aesthetic resources. The proposed outdoor operations and storage will not have significant negative impacts on the ground, flora, fauna, endangered or threatened species, water or air.

The property does not have wetlands, and the use will not raise base flood elevation. Although in an archeologically sensitive area, there will be no effects as there will be no earth disturbance. The proposal would not create a hazard to human health above that of salt spread on roads already. The identified nearby DEC remediation site, the Endicott Area-Wide Investigation, does not directly affect this parcel.

Upon review of the information submitted, the proposed outdoor operations and salt-storage project will not have a significant adverse impact on the environment.

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, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

3. Public Hearing for Floodplain Development: Decision at Planning Board's Discretion

Ms. Miller opened the Public Hearing for Floodplain Development at 7:25 p.m.

Per Mr. Lohmeyer, the shelter will be placed over existing blacktop on top of precast concrete blocks and will be anchored to the concrete blocks with heavy-duty straps. The project will not alter the character of the neighborhood since the Town's salt storage shed is across the street from Mr. Lohmeyer's proposed salt storage facility. The public hearing was closed at 7:30 p.m.

4. Public Hearing for Outdoor Operations and Storage: Decision at Planning Board's Discretion

Ms. Miller opened the Public Hearing for Outdoor Operations and Storage at 7:31 p.m.

Ms. Lane stated that the outdoor operations and storage is permitted by special permit. Mr. Forster commented that the Town has a salt storage facility across the street from this salt storage facility so the use fits in with the character of the neighborhood.

The Public Hearing was closed at 7:32 p.m.

Per the staff report for Development in the Floodplain, the application to put the equipment for his snow removal business at 408, 412, 416, & 420 Scarborough Dr., and 2728 ½ William St.-Rear includes a 550 square-foot covered salt storage shelter, a 64 square-foot storage shed, and the associated vehicles. The 0.5-acre combined property is in the one-hundred-year floodplain, and development in the floodplain requires a special permit. The property is in an Industrial (I) zoning district and the snow plow business, which is considered outdoor operations and storage, is permitted by special permit.

An elevation certificate was taken on November 4, 2019, which determined that the ground elevation is one foot below base flood elevation, which is 832.5-feet a.s.l. Per Chapter 74.10 of the Aquifer Code, the only regulation for storing greater than 100 lbs. of salt is that it be covered.

A Stormwater Pollution Prevention Plan was not required because there is no proposed disturbance to the site. The NYS DEC was consulted regarding the storage of salt, and made a recommendation that the salt should be further enclosed during flood events.

The Planning Department recommends approval of the Special Permit for Floodplain Development with the following stipulations:

- 1) The salt enclosure shall be secured and all vehicles removed prior to any potential flood event once the flood gauge at Vestal reaches flood stage 21 feet.
- 2) The new structures shall be anchored, per issuance of a building permit.

Chairman Miller asked for a motion to approve the Special Permit for Floodplain Development at 412 Scarborough Drive, with stipulations.

Motion Made: S. Forster

Motion Seconded: M. Jaros

MOTION: Motion to approve the Special Permit for Floodplain Development at 412 Scarborough Drive, with stipulations.

VOTE **In Favor:** L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, D. Kudgus

Opposed: None

Abstained: None

Motion Carried

Ms. Lane then read her recommendations for the Special Permit for Outdoor Operations and Storage.

The Planning Department recommends approval of the special use permit for outdoor operations and storage with the following conditions:

- 1) There shall be no outdoor storage of junk vehicles, junk equipment, or waste products.
- 2) Dirt shall not be dragged into the Town right-of-way from vehicles exiting the site. If it appears that dirt or mud shall come off tires, gravel large enough to remove such dirt or mud shall be placed at the entrance.
- 3) The Special Permit shall expire should the property or business be sold to another entity, per § 300-66.11. Transferability:
 - a) A special permit is not transferable except upon approval by resolution of the issuing board.
 - b) This special permit shall authorize only one special use and shall expire if the special use ceases for one year for any reason.

- 4) The applicant shall be required to acknowledge all of the above conditions in writing prior to the issuance of or resubmittal to the Planning Board, depending on the degree of change per Section 300-63.2

Ms. Lane noted that usually a special permit expires if the use ceases for three months, but because the business is seasonal she changed the stipulation to one year. Mr. Forster asked Mr. Pope whether the business would cease if there was left over salt from the plowing season stored at the site. Mr. Pope answered that it would be a tough argument for the town if the business is storing salt to take the permit away, but if three years go by and no salt is depleted and you are not plowing, the business could lose the Special Permit for Outdoor Operations and Storage. Ms. Lane asked Mr. Lohmeyer what he does with the leftover salt. Mr. Lohmeyer answered that he tries not to have leftover salt; but if there is any, it remains on the site.

Chairman Miller asked for a motion to approve the Special Permit for Outdoor Operations and Storage for 412 Scarborough Drive, with stipulations.

Motion Made: S. Forster

Motion Seconded: S. McLain

MOTION: Motion to approve the Special Permit for Outdoor Operations and Storage at 412 Scarborough Drive, with stipulations.

VOTE **In Favor:** L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, D. Kudgus

Opposed: None

Abstained: None

Motion Carried

5. Contingent on Special Permit Approvals; Site Plan Review

The Planning Department recommends approval of the site plan for a plowing business with the following conditions:

1. A building permit for the salt storage structure is required prior to erecting the structure.
2. The five parcels shall be combined as soon as possible, but no later than February 28, 2020.
3. Prior to posting any new signage, the applicant shall apply for a sign permit from the Building Official.
4. If any new outdoor lighting is proposed, the applicant shall first submit cut-sheets to the Code Enforcement Officer for approval.
5. Site plan shall expire after one year, 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. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Changes to the site plan following approval may require a minor site plan review or resubmittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

Mr. Forster asked what the purpose is for combining the properties. Ms. Lane answered that the Town requires it because it is cleaner for the tax assessor; and Mr. Pope agreed that it is customary to combine parcels if the project is for one all-encompassing site plan. Ms. Lane also noted the Town does not charge the applicant to combine the parcels. In addition, if at some future date Mr. Lohmeyer wanted to sell a piece of the parcel, he could do a partition of the property and there is no charge for this.

Chairman Miller asked for a motion to approve the Site Plan for 412 Scarborough Drive, with stipulations.

Motion Made: S. Forster
Motion Seconded: D. Kudgus
MOTION: Motion to approve the Site Plan for Site Plan at 412 Scarborough Drive, with stipulations.
VOTE **In Favor:** L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

Mr. Pope left after the vote at 7:45 p.m.

E. Cycle 3 Studio, 327 Chaumont Drive, A. Hanselman

1. Declare Lead Agency and Classify Project as a Type II Action, No Further Review Required

Chairman Miller asked for a motion to declare the Town Board as Lead Agency and classify the project as Type II Action, no further review required. Ms. Lane reminded the board that, in 2019, the DEC changed the classification to Type II Actions for projects that are changes in use but within an existing building, such as this project.

Motion Made: S. McLain
Motion Seconded: L. Cicciarelli
MOTION: Declare the Town Board as Lead Agency and Classify Project as a Type II Action, No Further Review Required.

The Town Engineering Department has reviewed the project and has no concerns. Code Enforcement has reviewed the project and has no concerns other than a handicap accessible restroom required on site to meet the Building Code, based on a maximum occupancy of 33.6 persons.

The project meets the requirements for site plan approval for an indoor recreational fitness facility in an Industrial zone. The staff recommendation is to approve the site plan, with the following stipulations:

1. The parking lot on the site plan shall be revised to show eight parking spaces, including one accessible space. All parking spaces shall be a minimum of nine-feet by eighteen-feet (9'x18'). The required 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 access aisle shall be provided with signage reading "No Parking Anytime." Signs shall be permanently installed at a clear height of between 60 inches and 84 inches above grade and shall not interfere with an accessible route from an access aisle.
2. The parking lot striping shall be maintained according to the revised site plan.
3. An accessible restroom shall be provided in addition to the existing restroom, no later than January 31, 2020. A temporary Certificate of Compliance may be issued upon successful inspection by Code Enforcement. Once the restroom is complete, a final Certificate of Compliance may be issued. Please contact Code Enforcement for the initial Fire Code inspection as soon as possible at (607) 786-2920.
4. If the applicant wishes to add any outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
5. If a sign is desired, the applicant shall apply for a sign permit from the Building Official. All temporary signs, portable signs, 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.
6. Signs shall not be displayed or posted in any right-of-way.
7. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
8. The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to the issuance of a building permit or Certificate of Compliance, whichever shall come first. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Changes to the site plan following approval may require a minor site plan review or resubmittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

Ms. Hanselman commented that the bathroom requirements are based on the fire building code occupancy and since there will be so few people in the building at one time, she wondered if an exception could be made regarding the requirement for a handicapped accessible bathroom. Ms. Lane stated that the Planning Board has no authority over the building code, and that Ms. Hanselman would have to discuss this Ms. Golazeski who is responsible for enforcing the building code. In addition, Mr. Cicciarelli commented that the building codes regarding restrooms are state mandated requisites that are beyond the town's control.

Mr. Materese asked how many people would be in the building when the classes are fully occupied. Ms. Hanselman answered there would be thirteen people including the instructors. Mr. Materese asked whether there are eight spaces, because the drawing only shows seven spaces. Ms. Hanselman said that the drawing will be corrected to show eight spaces.

Ms. Miller than called for a motion to approve the Site Plan for 327 Chaumont Drive, with stipulations.

Motion Made: S. Forster
Motion Seconded: M. Jaros
MOTION: Motion to approve the Site Plan for Site Plan at 327 Chaumont Drive, with stipulations.
VOTE **In Favor:** L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

F. Hooper Road Apartments, 609 Hooper Road, J. Miranda

1. Declare Intent to be Lead Agency

Chairman Miller then asked for a motion to declare Intent to be Lead Agency

Motion Made: S. McLain
Motion Seconded: L. Cicciarelli
MOTION: Declare Intent to be Lead Agency
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

Ms. McLain asked why the motion is phrased as "intent" to be lead agency. Ms. Lane explained that the developers will apply for state funding, similar to the Fairmont Park Duplex project, and all the agencies involved in the project need to be notified. Ms. Lane will notify all the involved agencies, including Housing and Community Renewal. In addition the Zoning Board

will also be notified because the project requires a height variance. Ms. Lane explained that the Planning Board can't actually declare lead agency until those organizations have been notified. SHPO has determined that the site is in an archeologically sensitive area which has the potential for Native American artifacts, and is requiring a phase I archaeological study.

Ms. Lane explained that the apartment building will be four stories high and will include one hundred one-bedroom apartments and fifteen two-bedroom apartments. The project will be designed as affordable senior housing and there will be a small number of apartments designated for disabled individuals. Mr. Materese added that it's possible that the apartments will be managed by SEPP.

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

Ms. Lane asked for a recommendation for the Planning Board Chairperson to give to the Town Board. According to state law, the Town Board appoints the Chairperson of the Planning Board. Mr. Cicciarelli nominated Ms. Miller as the recommendation for Chairperson.

Ms. Lane asked for a motion to recommend Lisa Miller to the Town Board as Chairperson of the Planning Board.

Motion Made:	L. Cicciarelli
Motion Seconded:	D. Kudgus
MOTION:	Recommendation to the Town Board for Lisa Miller to be the Chairperson of the Planning Board.
VOTE:	In Favor: L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, D. Kudgus Opposed: None Abstained: None

Ms. Lane noted that Mr. Hal Fishbeck had visited her and submitted a letter regarding his concern about the lithium battery recycling location in the Village of Endicott. Ms. Lane read the letter and if anyone is interested, she can send them a copy of his letter. Ms. Lane said that she explained to Mr. Fishbeck that the Town of Union has no jurisdiction over this location in the Village of Endicott. She saw a legal ad in the paper regarding the project, and the site is getting a NYS DEC permit for air emissions.

Ms. Lane noted that there will be a training webinar called Planning Board Overview from 6-8 p.m. on January 8th. She added that if Planning Board members have more training credits than needed for 2019, the extra credits can be carried to the next year.

The 609 Hooper Road Apartment project is the only project currently on the January Planning Board agenda, and that is for the SEQRA determination and an advisory opinion for a height variance. She added that the project will help fill a need for senior housing in the town.

H. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:28 p.m.

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

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, January 14, 2020, at 7:00 p.m.

Respectfully Submitted,
Carol Krawczyk