

## Town of Union Planning Board Minutes

Tuesday, January 14, 2020

A regular meeting of the Town of Union Planning Board was held Tuesday, January 14, 2020, 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, D. Kudgus, S. Yalamanchili - Alternate

Others present: Marina Lane, Rick Materese, Justin Mirando, Dan Brocht, Mike Malarkey, John Visconti, Mike Bickham, Bob Tanzini, Ron Fancher, Bailey Gyllenhammer, and Luke Yoest

### A. CALL TO ORDER

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

### B. MEETING MINUTES

#### 1. Acceptance of December 10, 2019 Meeting Minutes

Chairman Miller asked for a motion to accept the revised December 10, 2020, Meeting Minutes, as written.

Motion Made: L. Cicciarelli

Motion Seconded: S. McLain

MOTION: Acceptance of the revised meeting minutes of December 10, 2019, as written.

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

**Opposed:** None

**Abstained:** T. Crowley

Motion Carried

#### 2. Acceptance of December 10, 2019 Public Hearing Transcript – Special Permit for Overnight Sporting Events

Chairman Miller asked for a motion to accept the December 10, 2019, Public Hearing Transcript for the Sports Dome Special Permit for Sporting Events, as written:

Motion Made: M. Jaros

Motion Seconded: L. Cicciarelli

MOTION: Acceptance of the December 10, 2019, Public Hearing Transcript for Sports Dome Special Permit for Sporting Events, as written.

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

**Opposed:** None  
**Abstained:** T. Crowley  
Motion Carried

**3. Acceptance of December 10, 2019 Public Hearing Transcript – Special Permit for Floodplain Development**

Chairman Miller asked for a motion to accept the December 10, 2019, Public Hearing Transcript for the Special Permit for Development in the Floodplain as written.

Motion Made: S. McLain  
Motion Seconded: L. Cicciarelli  
MOTION: Acceptance of the December 10, 2019, Public Hearing Transcript for Development in the Floodplain, as written.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:** T. Crowley  
Motion Carried

**4. Acceptance of December 10, 2019 Public Hearing Transcript – Special Permit for Outdoor Operations and Storage**

Chairman Miller asked for a motion to accept the December 10, 2019, Public Hearing Transcript for the Special Permit for Outdoor Operations and Storage as written.

Motion Made: L. Cicciarelli  
Motion Seconded: M. Jaros  
MOTION: Acceptance of the December 10, 2019, Public Hearing Transcript for the Special Permit for Outdoor Operations and Storage, as written.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:** T. Crowley  
Motion Carried

**C. Hooper Road Apartments, 609 Hooper Road, J. Mirando**

Ms. Lane noted that last month the Planning Board had declared their Intent to be Lead Agency for this project, pending consent from the involved agencies.

Ms. Lane received a response from the HRC; the ZBA did not respond within the 30-days, although in the past they had resolved consent to the Planning Board in situations where the Planning Board would conduct site plan review after meeting with the ZBA. The Planning Board can now formally declare themselves Lead Agency for the environmental review of the project.

### 1. Declare Lead Agency

Chairman Miller asked for a motion to Declare Lead Agency.

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

### 2. Classify Project as an Unlisted Action

Chairman Miller asked for a motion to Classify Project as an Unlisted Action.

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

### 3. SEQRA Determination

Ms. Lane read a brief description of the project. CDS Housing proposes to construct a 4-story, approximately 31,200 square-foot apartment building on a vacant grassy parcel. The project will include 115 units of affordable housing, a 117-space parking lot, dumpster enclosure, stormwater management facility, and typical landscaping. The project area consists of approximately 3.5 acres of land on an approximately 6.1-acre parcel. The purpose of this project is to provide new, affordable housing in the Town of Union. The housing is proposed to be primarily affordable housing for seniors.

Mr. Brocht noted that the most of the units will be designated for applicants aged 55 and over, but that there will be roughly 20 apartments set aside for people with developmental disabilities. Ms. Lane then reviewed Part 2 of the EAF, which addresses potential environmental impacts. Ms. Lane noted all impacts were small to none. Per the Determination of Significance, CDS Housing, LLC applied to construct a 115-unit, affordable senior-housing apartment building at 609 Hooper Road. The property is zoned

Neighborhood Commercial with a Hooper Road Overlay, and the use is permitted by right. No additional structures are proposed on the property.

The developer, experienced with other senior-housing projects, proposes constructing 75% of the required parking spaces, and has presented an alternate site plan showing that they have the space to construct the required number of parking spaces if needed (117 proposed, 150 required). Because the project is senior housing, the generated traffic will not create a significant impact. The proposed building is south of Marian Apartments, with which they will share one exit onto Hooper Road, and there will be a second entrance/exit on Hooper Road at the south end of the property.

The applicant applied for a height area variance of 23 feet to have a 4-story building. In comparison, the adjacent Marian Apartment building is seven stories and school building to the east is four stories. The proposed height variance would not be out of character, and in addition, the proposed building will have peaked roofing and complement the residential feel of the neighborhood.

The proposal does not impact historical, architectural or aesthetic resources. A Phase 1 archeological survey is required. Any significant finds would be removed and cataloged for historical and educational purposes.

The proposed apartment building would not have significant negative impacts on flora, fauna, ground water, or the air. The building will not increase the potential for flooding or erosion, and would not create a hazard to human health. A stormwater management plan, SWPPP, will be implemented. The DEC remediation site, the Endicott Area-Wide Investigation, does not affect the proposed use; nor will the building affect any remediation site.

Upon review of all the information submitted, the proposed construction of a 115-unit senior affordable-housing apartment building and associated parking lot will not have a significant adverse impact on the environment.

Before the vote, there was a discussion about the project. Mr. Forster disagreed with a negative declaration under SEQRA because of the height of the building. He thinks that a 4-story building in the middle of Endwell is too tall. Ms. Lane asked Mr. Brocht to explain the justification for needing the building height to be four stories high, since it was not originally proposed as a four-story building.

Mr. Brocht explained how the project evolved from a two-story to a four-story building. In order for CDS to apply for funding, they needed to provide a certain number of units to make the project affordable. In addition, since the Marian Apartments are significantly higher, this four-story apartment building was not seen as a drastic change for the neighborhood, but more of a transition towards Marian Apartments. Mr. Crowley stated that he drives down Hooper Road all the time and he feels that the new apartment

complex will blend in with the neighborhood because it will provide a good transition to the Marian Apartments.

Mr. Jaros commented that he had viewed the site from the Maine Endwell High School parking lot and he felt that the new building would blend in with the rest of the neighborhood because the Marion Apartments are already there. The site for the new building is at the beginning of the valley, so the only thing you would see from the high school would be the top of the building. Ms. Lane added that Mr. Fischbeck, who lives behind the site, visited the Planning Department and said he had no concerns with the project as his home is higher up on Douglas Drive, and there will be trees in between.

Mr. Jaros asked whether CDS would be keeping the trees heading east (south) on Hooper Road to buffer the small white house there. Mr. Brocht answered that CDS will do whatever they can to minimize tree clearing, especially in the rear. He added that most of the trees are on the homeowner's property. If CDS finds that there are gaps in the trees shielding the house, CDS will supplement the landscaping with more tree plantings.

Chairman Miller then 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: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, M. Jaros, D. Kudgus  
**Opposed:** S. Forster  
**Abstained:** None  
Motion Carried

### **3. Advisory Opinion to ZBA: Area (Height) Variance**

Mr. Brocht gave a short presentation about the height variance. The renderings are preliminary and will change as the project goes through the design and approval process. Code allows a building height of 30-feet, and CDS has requested an area height variance of 23-feet.

Mr. Forster asked about water shown on the architectural rendering. Mr. Brocht responded that the pond areas shown on the site plan will be designed as dry retention ponds. The plan is to do a bio retention area with certain plantings in it. The water will be collected in the dry pond and then be directed to an underground-perforated pipe tied into the storm system. There is a storm water management facility on the property designed to hold water during a heavy rain

event. The water will trickle out slowly from the stormwater area so the water does not flood off site into the creek. Mr. Brocht said that the area is designed to slope and will be incorporated into the stormwater management plan. Mr. Brocht also noted that the detention area will have to be monitored and maintained once the apartment building is completed.

Mr. Jaros asked if the area flooded during the two big floods. Ms. Lane answered that the area did not flood during 2006 and 2011. Ms. Lane noted that Mr. Fischbeck, who lives on the hill behind the site, told her that many years ago; the creek did overflow and flood the property. CDS plans to maintain a healthy buffer between the creek and the site. Mr. Crowley stated that the Town did a project to repair the creek degradation several years ago. Ms. Lane added that the County had made a comment about the site being in the floodplain. Ms. Lane commented that Ms. Golazeski, the Floodplain Administrator, had responded to the County that, per the actual FEMA maps, the project site is not in the floodplain.

Ms. McLain hoped that most of the stormwater would stay on the property, so that it would not overwhelm the storm sewer system. Mr. Brocht responded that they are required, as part of the Stormwater Pollution Prevention Plan, to slow the water down to prevent erosion to protect the rivers, the creeks and the wetlands. Mr. Materese also responded to Ms. McLain that there is currently a study being done by the Town of Union, Village of Endicott, and the Town of Vestal looking at flooding problems. This group has already reviewed the apartment plan at this plan and have determined that it is not going to be a major impact on the flooding in the area. Ms. Lane added that the Town requires that the post construction rate of runoff be at or below the preconstruction rate of runoff.

Ms. Lane then read her variance staff report. Neighborhood Commercial zoning permits a maximum building height of 30-feet, and the building is proposed to be 53-feet (four stories). Therefore, the proposal requires a height variance of 23-feet. To keep things in perspective, the adjacent Marion apartment building is seven stories high.

The Planning Department staff recommends that the Planning Board recommend to the ZBA they approve the 23-foot height variance to allow a 53-foot high building.

Chairman Miller then called for a motion to recommend the ZBA approve the 23-foot Height Variance for 609 Hooper Road.

Motion Made: L. Cicciarelli  
Motion Seconded: D. Kudgus

MOTION: Recommendation of approval of the 23-foot height variance for 609 Hooper Road by the ZBA.

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

**D. Bickham Garage, 118 Twist Run Road, M. Bickham**

**1. Advisory Opinion to the ZBA: Use Variance for Accessory Garage without a Principal Use**

Ms. Lane distributed packets to the Planning Board that showed the location of Mr. Bickham's house at 116 Twist Run Road, and the proposed garage at 118 Twist Run Road. Ms. Lane noted that several years ago the Building Department had issued Mr. Bickham a building permit for a shed at 118 Twist Run Road. Mr. Bickham explained that County contractors moved the shed so that they could bring in their equipment to repair the creek, and now Mr. Bickham would like to build a garage in place of the shed in order to store farming equipment. Mr. Tanzini, the neighbor to the rear, and his brothers own thirty acres behind the 118 Twist Run Road property, with the driveway running between 116 and 118 Twist Run Road, so the lots cannot be combined. Mr. Bickham helps his neighbor, Mr. Tanzini, plow his fields. Therefore, Mr. Tanzini has no problem with Mr. Bickham building a garage at 118 Twist Run Road to store all their agricultural equipment. Ms. Lane explained that you cannot have a garage as a principal use on a separate lot per Code, so a use variance is requested to allow Mr. Bickham to have a garage as a principal use on a separate lot.

The Planning Department staff recommends that the Planning Board recommend to the ZBA approval of the use variance to construct the garage as a principal use. The 30' x 40' garage would replace an existing shed on the 0.54-acre property, and therefore would not alter the character of neighborhood. The property with the house is 0.15 acres, and the garage would not fit on the lot in addition to the house.

Chairman Miller asked for a motion to recommend approval to the ZBA for approval of the Use Variance for an accessory structure as a principal use.

Motion Made: S. Forster  
Motion Seconded: M. Jaros  
MOTION: Recommendation of approval of Use Variance for accessory structure.

VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus  
**Opposed:** None

**Abstained:** None  
Motion Carried

**E. Leisure Village, 1908 Newell Road, M & S Real Estate Development, M. Malarkey**  
**1. Advisory Opinion to the Town Board – Rezone from Open Space to Urban Single-Family**

Mr. Markley plans to build a small privately-owned subdivision at 1908 Newell Road. The complex will consist of 13 one-story duplexes with 26 single-family homes, which will each have two bedrooms, a garage, basement and driveway. The property is currently zoned Open Space; so in order to build the subdivision, Mr. Markley is petitioning the Town Board to rezone the property from Open Space (OS) to Urban Single Family (USF). Mr. Markley has built several other developments and will be deeding the street in the subdivision to the town. The subdivision will be similar to Villa Circle and people will purchase the homes. There will be an association formed to contract for lawn maintenance and snow plowing. When all the units are sold, the association will take over the maintenance of the bioretention system.

Mr. Crowley noted that the intersection of Newell Road and Taft Avenue is a busy intersection and he was concerned that the residents in the subdivision would be impacted because many people use Newell Road as a shortcut. Mr. Malarkey responded that there are two entrances into the subdivision, one on Newell Road and one on Taft Avenue; and both are at least 75 yards from that intersection, so Mr. Malarkey did not think there would be any impact on the residents. Mr. Materese said that if traffic becomes a problem, BMTS may decide to put some type of traffic control device there. Ms. Lane also added that Ms. Golazeski would like to see the six units that will be at the southwest corner of the intersection of Newell and Taft have a little apron in the driveways so residents can turn around without backing out onto Newell Road. If the Town Board approves the rezoning, the Planning Board will review the project.

Ms. Lane then read her recommendations to the Planning Board. Planning staff recommends the Town Board rezone 1908 Newell Road (141.11-4-50) from Open Space (OS) to Urban Single-Family (USF) in order to subdivide the parcel for the construction of 26 single-family attached homes (13 buildings). It is not spot zoning, and the present zoning district, Open Space, permits only a limited number of outdoor uses. At the same time, Mr. Malarkey, owner of several apartment buildings, has seen a need for single-story housing for seniors. Similar residential uses surround the parcel, other than the cemetery to the south. The church, which owns the parcel at this time, is no longer interested in the parcel.

Chairman Miller asked for a motion to recommend approval to the Town Board for the rezoning 1908 Newell Road from Open Space (OS) to Urban Single-Family (USF).

Motion Made: S. Forster  
Motion Seconded: T. Crowley  
MOTION: Recommendation to the Town Board to approve the zoning change for 1908 Newell Road from Open Space to Urban Single Family.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**F. Visconti Trucks & RVs, Special Permit for Vehicle Sales, 1651 Union Center-Maine Highway, J. Visconti**

**1. Declare Lead Agency**

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

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

**2. Classify Project as an Unlisted Action**

Chairman Miller asked for a motion to Classify Project as an Unlisted Action.

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

**3. Call for a Public hearing on February 11, 2020, at 7:00 pm**

Ms. Miller called for a motion to call for a Public Hearing for a Special Permit for Vehicle Sales at 1651 Union Center Main Highway to be held February 11, 2020, at 7:00 PM.

Motion Made: S. Forster  
Motion Seconded: M. Jaros  
MOTION: Call for Public Hearing for a Special Permit for Vehicle Sales at 1651 Union Center Main

Highway to be held on February 11, 2020, at 7:00 PM.

VOTE:

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

**Opposed:** None

**Abstained:** None

Motion Carried

Ms. Lane noted that she would send out a new site plan with the correct address to the Planning Board before the next Meeting. Mr. Forster asked how many vehicles could be displayed. Ms. Lane answered there are five spaces for the display of vehicles. Ms. Lane advised Mr. Visconti that the next meeting will be held in the Town Board Meeting room across the hall and that the Planning Board will post the property to advertise the Public Hearing.

**G. Lobevero Pool, Floodplain Development Special Permit, 4203 Watson Blvd., J. Lobevero**

Ms. Lane noted that Mr. Lobevero was not aware that putting a pool in his back yard would cause a problem; however, because the pool is in the floodplain, it requires a special permit for development in the floodplain.

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

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

Motion Made: S. Forster

Motion Seconded: D. Kudgus

MOTION: Declare Lead Agency.

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

**Opposed:** None

**Abstained:** None

Motion Carried

**2. Classify Project as an Unlisted Action**

Chairman Miller asked for a motion to Classify Project as an Unlisted Action.

Motion Made: S. McLain

Motion Seconded: S. Forster

MOTION: Classify Project as an Unlisted Action.

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

**Opposed:** None

**Abstained:** None

Motion Carried

**3. Call for a Public hearing on February 11, 2020, at 7:05 pm**

Ms. Miller called for a motion to call for a Public Hearing for a Special Permit for Floodplain Development at 4203 Watson Boulevard to be held February 11, 2020, at 7:05 PM.

Motion Made: S. Forster  
Motion Seconded: M. Jaros  
MOTION: Call for Public Hearing for a Special Permit for Floodplain Development at 4203 Watson Boulevard to be held on February 11, 2020, at 7:05 PM.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

#### H. Other Such Matters as May Properly Come Before the Board

Ms. Lane noted that the subject of partitions and subdivisions had come up at the previous Planning Board meeting and she wanted to take a moment to explain the difference between them. If a property is separated into fewer than five lots, that is a partition and it is not subject to Planning Board approval. However, once a parcel has been separated into more than four parcels, the procedure calls for a subdivision.

At the previous Planning Board meeting, Mr. Potochniak had been concerned that if Mr. Lohmeyer wanted to separate off a piece of the combined lots, it would be costly and require another meeting with the Planning Board. Ms. Lane checked with the Assessor's Office and they advised her that the deeds are simply combined, without losing any detail, when properties are combined. If Mr. Lohmeyer wanted to partition only a part of the property, even though the lines disappeared on the tax map, this could be done with no cost to the property owner. Mr. Crowley asked how the taxes on the properties are affected when they are combined into one lot. Ms. Lane answered that the Assessor's Office could answer this question.

Ms. Lane noted that Mr. Malarkey's project would be treated as a subdivision. Mr. Forster asked if the subdivision would be required to provide a park. Ms. Lane noted the Planning Board will look into the Code if the rezoning was approved. Parkland is not always a requirement.

Ms. Miller asked what is happening to the Dunkin' project. Ms. Lane answered that there is a hold on the project because the applicant has not received all the traffic data he needs for the traffic impact study. Mr. Forster asked if the Dunkin property on 712, 720, and 724 Main Street was east or west. Ms. Miller noted that these properties are where the old McDonald's property was next to the light by the gas station and the pharmacy in Westover. Ms. Lane noted

that the concern with the Dunkin' project is that the proposed ingress and egress are opposite the Oakdale Road light. Ms. Lane noted that the new Dunkin' would be near the old BAE property.

Mr. Forster said that he thought the old BAE property was going to remain green space. Mr. Materese responded that the property could be developed if the developers raise the buildings or add additional fill to the area. Ms. Lane noted that a few months ago The Agency presented a project for this property to the Planning Board. The Agency hired Elan, a company from Saratoga, to come up with some new ideas for the property and to do a generic environmental study for the property. The most affordable option to develop the property was to cap the hazardous soil and fill the site. Ms. Lane noted that per the FEMA map, only the very southern part of the property is in the floodplain. Therefore, even though the property was previously flooded, the area where site development is proposed is not in the floodplain, so a special permit for floodplain development will not be required if a developer decides to do something with the property.

#### **I. 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:	<b>In Favor:</b> S. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus
	<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, February 11, 2020, at 7:00 p.m.

Respectfully Submitted,  
Carol Krawczyk