

Town of Union Planning Board Minutes
Tuesday, March 10, 2020

A regular meeting of the Town of Union Planning Board was held Tuesday, March 10, 2020, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, S. McLain, T. Crowley, M. Jaros, S. Yalamanchili - Alternate

Others present: Marina Lane, Alan Pope, Manny Samaras, Robert Potochniak, Dorothea Smith, Eitan Katz, Aaron Colvin, Howard Rossman, Judy Selby, Kevin Denning, Jeremy Jordan

Members absent: L. Cicciarelli, S. Forster, D. Kudgus

A. CALL TO ORDER

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

Ms. Lane addressed the issue of a quorum and noted that four members of the Planning Board must be present to make a quorum so that the Planning Board meeting is valid. She clarified that the current code allowing for two alternate members applied only in situations where a member needs to recuse themselves from a project. The code would need to be changed to allow the alternate members to vote in other circumstances, and she added that it is very rarely that the Planning Board does not have a quorum.

1. Acceptance of February 11, 2020 Meeting Minutes

Chairman Miller asked for a motion to accept the revised February 11, 2020, Meeting Minutes, as written.

Motion Made: T. Crowley
Motion Seconded: M. Jaros
MOTION: Acceptance of the revised meeting minutes of February 11, 2020, as written.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley
M. Jaros
Opposed: None
Abstained: None
Motion Carried

2. Acceptance of February 11, 2020 Public Hearing Transcript – Special Permit for Sale of Vehicles

Chairman Miller asked for a motion to accept the February 11, 2020, Public Hearing Transcript Special Permit for Sale of Vehicles, as written:

Motion Made: S. McLain

Motion Seconded: M. Jaros
MOTION: Acceptance of the February 11, 2020, Public Hearing Transcript for Sale of Vehicles, as written.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley, M. Jaros
Opposed: None
Abstained: None
Motion Carried

3. Acceptance of February 11, 2020 Public Hearing Transcript – Special Permit for Floodplain Development

Chairman Miller asked for a motion to accept the February 11, 2020, Public Hearing Transcript for the Special Permit for Development in the Floodplain as written.

Motion Made: S. McLain
Motion Seconded: T. Crowley
MOTION: Acceptance of the February 11, 2020, Public Hearing Transcript for Development in the Floodplain, as written.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley, M. Jaros
Opposed: None
Abstained: None
Motion Carried

C. Manolo Parking Lot, 2204 North Street, M. Samaras

1. Site Plan Review

Ms. Lane explained that Mr. Samaras submitted a revised site plan because the Code requires the depth of a parking lot to be at least 42 feet (18 feet for the parking space and 24 feet behind to enable backing out safely). The original site plan was revised from a depth of 41-feet 3-inches to a depth of 46 feet. Mr. Samaras decided to add the extra four-feet for added safety. Ms. Lane noted that Mr. Samaras did get a variance for the driveway entrance width.

Mr. Samaras gave a short presentation. There will be five parking spaces in the back with the driveway on the west side. Mr. Samaras stated that for the surface of the driveway he used two layers of geo-grid covered with felt paper and then filled with #57 crusher stone, which he tamped down with a jumping jack and roller to compact the stone tightly. Mr. Samaras added a 6'x 6' beam where the gravel ends and the green space begins to prevent the stones from spilling out. Ms. Lane noted that the undeveloped section

of the rear yard is approximately 24-feet deep, and #57 crushed stone is considered excellent for drainage. In addition, there is a wall between this property and the property to the rear, so there is no concern about drainage affecting the property behind.

Ms. Lane then read her staff report for the Planning Board. The parking lot will be 46-feet deep by 50-feet wide, and will have five parking spaces. The remainder of the undeveloped rear yard is approximately 24-feet deep, and stormwater will drain toward this grassy area.

This property was not subject to a 239-Review. The Planning Board determined that the project was an Unlisted Action under SEQRA and made a Negative Declaration on February 11, 2020.

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

1. The owner of the property shall maintain the parking lot at all times. Mud shall not be carried onto the street, or Code Enforcement may require further stabilization.
2. The perimeter of the parking lot shall be stabilized to keep stone within the lot, and shall not impact adjacent properties.
3. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
4. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a grading 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. Samaras noted that he will also remove the carport; and this may have the added benefit of customers seeing that it's actually a driveway and not parking there, blocking the driveway which leads to the parking area. Mr. Samaras asked about the stipulation regarding site plan approval for one year. Ms. Lane replied that it is a standard statement that is used in the stipulations of approval in the event that applicants don't follow through on their approvals. It does not apply to Mr. Samaras since he had completed the work on the project.

Chairman Miller asked for a motion to approve the Site Plan for 2204 North Street, with stipulations.

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

MOTION: Motion to approve the Site Plan at 2204 North Street, with stipulations.
VOTE In Favor: L. Miller, S. McLain, T. Crowley, M. Jaros
Opposed: None
Abstained: None
Motion Carried

D. JTC Truck & Trailer, LLC, Auto Repair, 4324 Watson Boulevard, A. Colvin

1. Declare Lead Agency

Chairman Miller asked for a motion to Declare Lead Agency

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

Mr. Colvin then gave a short presentation about the project. Mr. Colvin stated that he had worked as a mechanic for the previous owner, Rusty Luce, who is retiring. Mr. Colvin is working with Mr. Luce on an option to lease/purchase the property. He would like to turn the property into his own repair shop for heavy-duty commercial vehicles for other companies in the area, for example, landscape company one-ton dump trucks. Mr. Colvin plans to give the property a little more curb appeal and hopes to bring some new business to the town. Right now, he spends a lot of time driving to other businesses to repair their vehicles. He plans to hire more employees as the business expands. He envisions at least two additional employees, possibly in the next six months.

There is one office in the Quonset hut building and an office in the brick building on the property. If Mr. Colvin purchases the property, he would use the brick building for his office. It has five conference rooms, three office rooms, a 4,000 square-foot shop, and a two-bay garage.

3. Call for a Public Hearing on April 14, 2020, at 7:00 pm

Ms. Miller called for a motion to call for a Public Hearing for a Special Permit for Floodplain Development at 4324 Watson Boulevard to be held April 14, 2020, at 7:05 p.m.

Motion Made: T. Crowley
Motion Seconded: M. Jaros
MOTION: Call for Public Hearing for a Special Permit for Floodplain Development at 4324 Watson Boulevard to be held on April 14, 2020, at 7:00 p.m.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley
M. Jaros
Opposed: None
Abstained: None
Motion Carried

4. Call for a Public Hearing on April 14, 2020, at 7:05 pm

Ms. Miller called for a motion to call for a Public Hearing for a Special Permit for Auto Repair at 4324 Watson Boulevard to be held April 14, 2020, at 7:05 p.m.

Motion Made: S. McLain
Motion Seconded: T. Crowley
MOTION: Call for Public Hearing for a Special Permit for Auto Repair at 4324 Watson Boulevard to be held on April 14, 2020, at 7:05 p.m.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley,
M. Jaros
Opposed: None
Abstained: None
Motion Carried

Ms. Lane asked the Planning Board to look at the former survey of the property. Ms. Lane asked Mr. Colvin how he obtained the elevation of the Quonset hut. Mr. Colvin replied that the benchmark on the survey is on the loading dock, the same concrete pad that is the floor of the Quonset hut. Ms. Lane noted that Ms. Golazeski will not accept this survey because it is not accurate because she believes that fill was added to the site by the current owner. Ms. Golazeski wants a better set of elevations, especially with respect to the creek to the west.

Mr. Pope noted that even though Mr. Colvin had not added the fill, it is reasonable to request a new survey from the applicant. Mr. Colvin had discussed the matter with Mr. Luce and Mr. Luce will resurvey the property if necessary. Ms. Lane will check with Ms. Golazeski to see exactly what she wants and then contact Mr. Colvin.

E. Special Permit for Floodplain Development, 324, 328 and 332 Scarborough Drive, A. Belardinelli

1. Declare Lead Agency

Chairman Miller asked for a motion to Declare Lead Agency

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

Ms. Lane stated that it was discovered last summer that Mr. Belardinelli had added significant piles of dirt on his property at the bottom of Scarborough Drive just before you get to the Town's water pump station. Mr. Belardinelli was cited for dumping the dirt at that time in the summer. After he received the violation notice, Mr. Belardinelli met with Ms. Golazeski and Ms. Lane and stated that many years ago Steve Rafferty, the former Town Code Enforcement Officer, had given him a permit to add fill to his properties. He explained that the contractor working in East Main Street had asked him if they could add the fill to the lots. He had not realized that the permission to add fill had expired.

Because the dumping of fill continued, Ms. Golazeski contacted the company adding the fill to the properties and told them that they had to stop; however, the dumping continued and the fill was eventually spread out on the properties. Finally, on February 20, 2020, because Mr. Belardinelli was threatened with court, Mr. Belardinelli submitted applications for the Special Permits and a survey of the properties. In addition to his own property, Mr. Belardinelli also allowed fill on a lot owned by Mr. John Witinski without his knowledge, consequently Mr. Belardinelli will pay the Special Permit fee for Mr. Witinski's property. The dumping amounts to approximately four feet of fill across the properties.

Although originally Mr. Belardinelli applied for the special permits to add fill to two lots, 328 and 332 Scarborough Drive, Ms. Golazeski believes the survey indicates that fill was also added to 324 Scarborough Drive.

Ms. McLain suggested that perhaps compensatory storage should be required so that the river will have some place to go. Mr. Crowley commented, "Every time we fill in the floodplain people say it won't matter; but after a while it matters. I'm very leery of filling in the floodplain." Ms. Lane added another option to correct the fill situation is for the Planning Board to deny the Special Permit for floodplain development and Mr. Belardinelli would have to remove the fill on the properties. Ms. Lane will forward the Google Earth pictures showing the piles of dirt on the properties, a copy of the citation and the flood elevation to the Planning Board members before the public hearing next month.

3. Call for a Public Hearing on April 14, 2020, at 7:10 p.m.

Ms. Miller called for a motion to call for a Public Hearing for a Special Permit for Floodplain Development at 324-332 Scarborough Drive to be held April 14, 2020, at 7:10 p.m.

Motion Made: T. Crowley
Motion Seconded: S. McLain
MOTION: Call for Public Hearing for a Special Permit for Floodplain Development at 324-332 Scarborough Drive to be held on April 14, 2020, at 7:10 p.m.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley, S. Forster, M. Jaros
MOTION: Declare Lead Agency
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley, M. Jaros
Opposed: None
Abstained: None
Motion Carried

**F. 1200 Reynolds Road, Johnson City Central Schools Solar Project
Agree to the State Education Department as Lead Agency for the
Environmental Review**

This property, 1200 Reynolds Road, is located on the other side of the street from the NYSEG training center. It is opposite the Village of Johnson City on the north side of Deyo Hill Road. It is a large parcel of land of approximately 18 acres.

Ms. Lane explained that the Johnson City School District is getting a grant through the State Education Department to install solar panels at 1200 Reynolds Road. The Johnson City School team is going to make a presentation to the Town Board at the work session on March 18 at 5:00 p.m. The State Education Department wants to be the lead agency under SEQRA and to review the SWPPP because they are funding a portion of the project. Ms. Lane noted that they will probably give a courtesy look at the project since we are more familiar with the area. In the meantime, the Planning Board has been asked to sign off on the State Education Department being lead agency. Mr. Pope added that the Planning Board may have the ability to look at the SWPPP, but will not be able to comment on the entire project. Mr. Crowley asked if there was anything in the application about how the panels will be decommissioned. Ms. Lane has not received a full application for the project since the Planning Board is not the lead agency, so she could not answer this question.

Ms. Miller than called for a motion to agree to the State Education Department as Lead Agency for the Environmental Review for the Solar Project at 1200 Reynolds Road, Johnson City, NY.

Motion Made:	T. Crowley
Motion Seconded:	S. McLain
MOTION:	Declare the State Education Department as Lead Agency for the Environmental Review for 1200 Reynolds Road, Johnson City, New York.
VOTE:	In Favor: L. Miller, S. McLain, T. Crowley, S. Forster, M. Jaros
	Opposed: None
	Abstained: S. McLain
	Motion Carried

**G. Amendments to Chapter 300, Articles 52.6, Sign Regulations
Advisory Opinion to the Town Board for Sign Regulations**

Mr. Pope gave a short overview of the changes to the sign code. The changes deal only with off-premises digital and non-digital billboard signs, applicable only near the interstate corridor. Mr. Crowley asked if that referred to someone putting in signs off the highway and Mr. Pope said yes. Ms. Miller asked if it dealt with signs on buildings and Mr. Pope answered, “Not directly.”

Mr. Pope noted the Town Board would like to have fewer billboard signs in the Town, not necessarily along the highway, but in the town proper. Therefore, the first part of the proposed code deals with the retirement of off-premises signs. Mr. Pope noted that in lieu of paying a higher fee to the Town, someone could retire an existing off-premises sign when putting up a new billboard sign along the highway for a reduced fee. This code change was proposed in order to incentivize Park Outdoors to retire some of their in-town signs.

There was some discussion about the fees for the digital signs. Digital billboards are very expensive to install but they generate a lot of income. At one point, it had been proposed that the Town should charge a percentage of a billboard's gross sales. However, because the Town does not charge anybody else based on gross sales, it was determined that this percentage approach would constitute an unfair tax. Consequently, the Town Board went to a flat fee schedule.

Mr. Pope said the law is quite limited. It will allow for two, maybe three, digital signs along the interstate.

Ms. Miller asked if there are any restrictions on number of ads or how long each digital message can last. Mr. Pope answered that a message can last no less than eight seconds. Many restrictions on the off-premises digital signs are Department of Transportation regulations for digital signs.

Mr. Pope noted that the Town Board had held a Public Hearing and that they left it open until the next meeting because nobody from the public came in to voice an opinion. Mr. Pope noted that Park Outdoors was at the Public Hearing, but they did not voice any opinions either.

Ms. Lane stated that the Planning Board had discussed the digital signs last year and the conclusion that the Board came to is that digital signs are inevitable. Ms. Lane asked why a digital sign is permitted to be 50% larger than a non-digital sign. Mr. Pope answered that there is a minimum size for outdoor digital billboard signs and that is the standard from the manufacturer.

Mr. Jaros reviewed the code language noting that non-digital signs can be up to 300 square-feet, and digital signs can be as large as 450 square-feet. He asked how large the billboards are near the highway now. Mr. Pope answered that the digital signs will be slightly larger than the existing billboard signs. Ms. Lane added that the new code is fairly restrictive because it limits the placement of these signs to areas that are zoned either Industrial or General Commercial and happen to be in the required distance from Route 17. Mr. Pope noted that the new digital signs cannot be as close to the highway as the non-digital signs because the messages on the billboards change.

Mr. Pope commented that the Town Board is interested in what comments the Planning Board members will have about the proposed sign code changes. Ms. Lane encouraged the Planning Board members to compare the sign changes that were proposed last year to the new changes suggested this year and to forward their comments to her. Ms. Lane will then combine all of the member's comments and forward them to the Town Board with the advisory opinion.

The Planning Board did not vote on the Advisory Opinion because half of the members were absent and Ms. Lane wanted to give all the members a chance to comment on the changes. Ms. Lane thanked Mr. Pope for his explanation of the changes to the Planning Board.

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

Ms. Lane asked the Planning Board members to bring the Belardinelli and Colvin project materials back to the next meeting.

Mr. Pope commented on the February 20 survey from the Belardinelli packet. He clarified that the fill had been added to only 328 and 332 Scarborough Drive to meet the same elevation that was pre-existing on 324 Scarborough Drive. Ms. Lane agreed with Mr. Pope about the elevation not changing on 324 Scarborough Drive and she will notify Ms. Golazeski about this change. Mr. Pope stated that Mr. Belardinelli still needs to account for adding the fill to the other two lots.

Ms. Lane stated that when the Walshes applied to add fill to a number of acres along Watson Boulevard, they submitted a hydraulic analysis that showed no increase in base flood elevation, maybe a thousandth of an inch. Code states that you cannot raise base flood elevation more than one inch. The amount of fill Mr. Belardinelli added to the Scarborough Drive lots is significantly less, which is why the Planning Board cannot justify asking Mr. Belardinelli for a hydraulic study. Ms. Lane added that, due to illness, Mr. Belardinelli was not able to make the meeting. Mr. Pope noted that the Planning Board could table the Public Hearing until Mr. Belardinelli can attend the meeting so that the Planning Board can ask him any questions they have about what he did.

Ms. Miller asked if Mr. Belardinelli already had a court date. Mr. Pope answered that Mr. Belardinelli may have received a summons and it still has to work its way through the court system. Mr. Crowley asked if the land on Scarborough Drive near the river is supposed to be forever green. Ms. Lane responded no, that originally those lots were part of an approved subdivision, which is why you have all those little lots. She added that the sewer line is noted on the survey that Mr. Belardinelli submitted.

Ms. Lane then commented on the proposed Dunkin' Donuts project at 724 Main Street. The engineer reported to her that he is providing a draft of the traffic analysis to the developer. Mr. Crowley commented that traffic was always congested when McDonalds was at that location. Ms. Miller noted that it may not be as congested since BAE is not there now. Ms. Lane responded that the DOT will want to take the BAE property into consideration because something will probably go there eventually. Ms. Lane said that right now the project is in limbo.

Ms. Lane next addressed the project for the proposed senior housing project at 609 Hooper Road. Ms. Lane had spoken to the engineer for the project and he is going to try to get everything to the Planning Board by March 20. Ms. Lane noted that the only thing that Broome County wants to look at right now is Storm Water Pollution Prevention Plan (SWPPP).

Ms. Lane noted the applicant is well aware of the neighbors' concerns about privacy. The only way the addition of trees would work is if the trees were planted on the neighbors' properties. Ms. Lane added that when you drive up Hooper Road and look towards Douglas Drive, the trees look dense, even in the winter. However, when you look through the trees from Douglas Drive, where you are closer to the trees, they appear more widely spaced and you do see more.

Ms. Lane had sent Mr. Potochniak's letter to the Planning Board members. Ms. Lane noted that Mr. Potochniak's property will have access to the 609 Hooper Road driveway during the bridge reconstruction. Ms. Lane added that Mr. Potochniak's concerns about increasing traffic were all valid. However, you cannot prohibit development that is permitted in that zoning district. As an example, Ms. Lane noted that the strip mall on Hooper and Country Club roads is also zoned Neighborhood Commercial, and there could have been a strip mall at this location too. Mr. Potochniak and the other visitors responded that they would have preferred a strip mall. Ms. Lane responded unfortunately no one had proposed a strip mall as a development project for this property.

Ms. Lane noted that several residents from Douglas Drive and Mr. Potochniak had requested the opportunity to ask some questions about the project during this meeting. She explained that it is Ms. Miller's decision since this is not a public hearing. Ms. Miller agreed to permit the visitors to ask questions and to make comments. Ms. Miller requested they keep their comments to about three minutes.

Mr. Potochniak said that he knows that some things are unlikely to get through, but if you don't present them, then you lose all chance of getting anything done. "If you look at what is going on down there, and what's left over and everything, you can probably see my point of view on a lot of things." Mr. Potochniak noted that the temporary driveway by the bridge will not be a permanent fix. Ms. Lane

suggested that Mr. Potochniak could get an easement to use the property's driveway. Mr. Potochniak replied that that would not be the preferred thing to do in this situation.

Ms. Miller asked Ms. Lane what she does about the correspondence she receives from residents. Ms. Lane answered that she forwards any comments or letters she received to the developers and the Planning Board members. Mr. Jaros noted that he was unable to open Mr. Potochniak's letter and Ms. Lane promised to send him a copy of the letter in the mail.

Ms. Shelby, 926 Douglas Drive, commented that the developers could have planned the project within Town Code of the 30-foot height, but they chose not to. She noted that the Zoning Board of Appeals approved the variance of more than twice the code, and the Chairman of the Board of Appeals said that the problem is with the code. Ms. Shelby noted that as a resident she can't see how any of the Town Codes protect us. Ms. Shelby added that the Chairman of the ZBA also said that if he lived on Douglas Drive, he would not want it in his backyard, but it's okay to put in mine.

Ms. Lane responded that that is an issue that Ms. Shelby would need to take up with the ZBA. The Town adopted the present Code in 2011, and we are finding that some sections of the Code are not so practical all the time. Since 2011, the Town has continued to revise the Code. For example, Ms. Lane noted, the Code only allowed one wall sign per business, but there are a lot of businesses that want a wall sign on each side of their business, so the Town was constantly getting variance applications to allow two wall signs. To eliminate the need for businesses to keep applying for variance, the Code was revised. The Planning Board members understand the neighbors' points of view, and they seriously discussed the recommendation concerning the height variance before they voted on an advisory opinion to the ZBA.

Ms. Lane continued that this project is a not-for-profit, and the state grant that the developer applied for required a minimum of 110 units. In addition, the Town of Union has a tremendous need for affordable senior housing.

Mr. Denning, 935 Byford Boulevard, agreed that the need for affordable senior housing is a very noble cause. However, he is just not in agreement with the Hooper Road location. Mr. Denny has surveyed his neighbors and all of them agreed that this is a very bad location for this senior housing project. Many IBM retirees live in that neighborhood and they suggested that the old IBM Country Club property would be bigger and would be a better location for this project.

Ms. Lane asked Mr. Denny if he was referring to the IBM Country Club that is in the floodplain. He answered "yes." Ms. Lane noted that ten years ago there was a quote from a possible developer that it would cost \$1,300,000 to

rehabilitate the IBM property. Ms. Lane noted that the developer is a non-profit and is not trying to realize a huge profit on the development. Ms. Lane added the Hooper Road property is zoned to allow for multi-family development and the Planning Board cannot prohibit them from developing the property.

Mr. Denny asked when the height code was adopted. Ms. Lane responded that it was in 2011. Mr. Denny responded that he believes the height was restricted to 30-feet in order to avoid having another Marion Apartment-like building there, preventing this type of development in a bedroom community. Ms. Lane responded that the intent of the height code at that time was to address the conversion of residential buildings into commercial buildings.

Ms. Lane noted that the purpose of an area variance is to give relief. She added that the Zoning Board of Appeals needs to consider whether a variance is a reasonable request, and then the ZBA members discuss the justification before they approve or deny an area variance. This project meets all code requirements except the height of the building. If they had not received the height variance, the developer would have used all six acres, and half of the units would have been built on the hill right behind the properties on Douglas Drive instead of on the front three acres of the property.

Mr. Denny said that this means that the residents who live directly behind this will have it in their face. Ms. Lane asked what the difference is with their neighbors right now. Mr. Denny responded that it's different to have a 115-unit low income housing development staring you in the face. Ms. Lane stated that since the senior development is a permitted use and they received the height variance, the applicants can proceed with the project.

Mr. Denny asked if there would be taxes paid on it. Ms. Lane answered that the Planning Board has nothing to do with taxes. The developers will be coming back to the Planning Board for another meeting and the public can ask them. Ms. Lane stated that the Planning Board's responsibility is to review the site plan. Ms. Lane suggested that visitors focus on constructive comments about the project so that she could communicate their comments to the developer.

Ms. Shelby asked if the developers could put privacy fencing along their backyards, and whether the parking lot would be behind the building. Ms. Lane answered that, per code, parking has to be behind the building. Ms. Shelby responded that the parking lot, the lights and the dumpsters will be the closest things to her backyard. Ms. Lane said that she measured the distance from the backyards of the visitors and it was approximately 400 feet. Mr. Denny commented that the Hooper Road site is a decent size, but he still thinks that the property will run into problems. He continued that even with Marion Apartments right now, people have trouble getting in and out of those driveways onto Hooper Road. Ms. Lane asked Mr. Potochniak whether he had gotten a report on the traffic from the DOT. Mr. Potochniak answered that he had talked

with the county but mainly about the bridge repairs, not the apartment house development. Mr. Denny commented that he had lived in the area for 35 years and that 100 more parking spaces would create more traffic problems in an area of Hooper Road that was already a bottleneck.

Mr. Rossman, one of the visitors, asked Ms. Lane whether it was possible to keep the lights in the parking area from coming into his living room. Ms. Lane answered that the lights would not shine in his living room because the Code requires that lights cannot spill over onto other properties. The Code requires that the lights be point down. Mr. Rossman thought that there would just be building lights. Ms. Lane answered that she does not have the updated plans yet so she could not answer specific questions related to lighting, but she added that the developer will be required to submit a lighting plan.

Mr. Denny noted that there are lights that shine through his bedroom windows from Our Savior Lutheran Church. He has already spoken to the church and they said that there was nothing they could do about the light. Ms. Lane replied that Mr. Denny could call the Code office; they would advise the property owner to shield the lights that shine on Mr. Denny's property.

Ms. Lane explained the approval process to the visitors. She noted that the Zoning Board of Appeals is responsible for review of the height variance. Then it is the Planning Board's responsibility to review the site plan. Ms. Lane explained that the Planning Board cannot deny a use that is permitted, and now it is just a question of how everything is laid out on site. Ms. Lane noted that Broome County looked at the traffic and did not raise any concerns.

Mr. Rossman, who had been in law enforcement for 33 years, commented that the parking lot would be a hangout for kids because it is in the back and away from Hooper Road. Ms. McLain added that she thought there were going to be fewer parking spaces for senior apartments and they will be filled with cars. Ms. Lane answered that there will be 75 percent of the required parking spaces. Mr. Crowley suggested that the visitors ask the developer if they are going to have an on-site property manager, and then ask them how they will handle safety issues that may arise.

Mr. Denny commented that he had heard that SEPP would be the managing agent at the apartment, and noted that it is a well-run operation. However, he noted that the clientele that SEPP is dealing with now is completely different from that of years ago. Ms. Lane noted that this development is affordable housing for seniors, and they would be making more money than the people in Marion Apartments. Mr. Denny replied that they had been told that the target group is people making between \$20,000 and \$30,000.

Mr. Potochniak was concerned that the placement of the development was land locking future development in that area, and would like a road to extend from

the proposed entrance. Mr. Yalamanchili answered that Mr. Potochniak's house is what is blocking access to future development on the back acres. Ms. Lane added that only the Town Board can make a decision about putting in a new road in the town and she suggested that Mr. Potochniak talk to the Town Board about it.

Ms. Shelby asked Ms. Lane if any development would occur across the creek. Ms. Lane answered there was no development planned for that area at this time. Ms. Shelby then asked if they were now the owners of the land on the other side of the creek. Ms. Lane noted that typically a developer has a contract contingent on site plan approval. In addition, they are applying for a grant. Before the developers can apply for a grant, they have to have approval from the Town Planning Board. Ms. Lane added that other developers are applying for the same grant, and whoever wins that grant then can do the construction. Therefore, having site plan approval is the first step toward getting the grant submitted, but even if the site plan is approved, it is not a guarantee that they will get the state grant.

Ms. Lane advised Ms. Shelby to talk to all of her neighbors to see if she could get a consensus of what the neighbors wanted, landscaping or a fence. Ms. Lane added that she personally would prefer more trees. Mr. Rossman noted that if trees were planted, they would not grow high enough to shield the development. Ms. Lane responded that the right trees can grow quickly. She gave an example to the visitors where trees had been planted by an apartment building on Taft Avenue because a neighbor had complained about light shining into her windows. After the developer planted the trees, the neighbor called back and said that shade from the trees was now killing the grass on her property.

Mr. Rossman asked if the Planning Department had any documents that would tell people exactly where their property line is, instead of trying to find those little posts that are in the ground. Mr. Crowley suggested that people could also get a metal detector to find the posts. Ms. Lane also volunteered to help Mr. Rossman with the online tools that are available from Broome County to research his property lines, but it's not a substitute for a survey.

Mr. Potochniak asked if there would be any restrictions on the developer from building across the creek. Once they build the apartment, could the developer decide to put a pavilion in across the creek. Ms. Lane answered that the project is for senior housing and she did not think that the organization would want to spend the money on a bridge over that creek to build a pavilion. She reminded the visitors that this is a non-profit organization and she thinks that other development on the property is extremely unlikely.

Ms. Lane thanked the visitors for being so respectful at this meeting. Mr. Pope left the meeting at 8:42 pm and Ms. Lane thanked him for coming to the meeting.

Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:47 p.m.

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

Next Meeting Date

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

Respectfully Submitted,
Carol Krawczyk