

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

Tuesday, June 9, 2020

A regular meeting of the Town of Union Planning Board was held Tuesday, June 9, 2020, via Zoom Video Conference.

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

Others present: Marina Lane, Sara Zubalsky-Peer, Rick Materese, Aaron Colvin, Bob Kashou, Steve Grant, Tim Coughlin, Jeff Owens

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

Chairman Miller opened the meeting of the Planning Board at 7:00 p.m. Ms. Miller then read a proclamation. "This Planning Board meeting is being held in compliance with Executive Order 202.1 issued by Governor Andrew M. Cuomo on March 12, 2020. The Executive Order suspends Article 7 of the Public Officers Law to the extent necessary to permit any public body to meet and take any action authorized by law without permitting in public, in-person access to meetings, and authorizing such meetings to be held remotely by conference call and via Zoom virtual meeting software. This meeting is being held remotely by conference call and remotely via Zoom virtual meeting software. The public has the ability to view or listen to this meeting live via the Zoom app, web browser, and/or by telephone. This meeting is being recorded and will be transcribed at a later date."

Ms. Lane then read the roll call and recorded the Planning Board members who were attending the Zoom Planning Board Meeting. All Planning Board members were present, and alternate Planning Board member, Surge Yalamanchili, was also present.

### **B. MEETING MINUTES**

#### **1. Acceptance of March 10, 2020 Meeting Minutes: Postponed**

Ms. Lane had sent the Planning Board members a partially reviewed draft of the March 10 minutes so that members who were unable to attend that meeting could review them, and so that those who had been in attendance could refresh their memories about the projects discussed at that meeting. Both Mr. Colvin's and Mr. Belardinelli's projects were discussed at that meeting. The minutes will be ready for approval at the next meeting.

### **C. JTC Truck & Trailer LLC, Auto Repair, 4324 Watson Blvd., A. Colvin**

#### **1. SEQRA Determination**

Aaron Colvin owns JTC Truck & Trailer, LLC, a heavy equipment repair business. The business is situated on a parcel that previously had been a

contractor's yard. Ms. Lane noted that Mr. Colvin is not making any changes to the property; he is using existing buildings and cleaning up the property. Ms. Lane reviewed Part 2 of the EAF that addresses potential environmental impacts, and all environmental impacts were small to none.

Per the Determination of Significance, Aaron Colvin plans to open a heavy-duty auto repair business at 4324 Watson Boulevard in an existing commercial garage/Quonset hut on 4.55-acres. Auto repair in the General Commercial zoning district requires a special use permit. The project is in the 100-year floodplain and requires a special permit for development in the floodplain. The site is a former contractor's lot, and the project was evaluated for any adverse negative impact on the environment:

The proposed action will not have any significant effects on existing air quality, noise levels, traffic patterns (parking requirement is met), or solid waste production or disposal. The project does not require a SWPPP, as there is no soil disturbance or construction proposed.

The proposed action will not result in adverse impacts to aesthetic, agricultural, historic, or other natural or cultural resources; or to community or neighborhood character.

There will not be any significant impacts to any Critical Environmental Area, or endangered or threatened vegetation or animals; it will not create a hazard to environmental resources or human health. The buildings are existing, and do not pose any new impacts to the floodplain. The Quonset hut is not in the floodplain itself, but flooded in 2011; therefore, all chemicals will be stored 2-feet above base flood elevation, which is ground level.

The proposed project will not adversely impact the use of energy, nor have adverse impacts on subsequent development. The proposed action will not result in any adverse effects on the community's existing plans or goals, or change in use or intensity of use of land.

The project will not have any significant negative impacts on the environment.

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

|                  |   |
|------------------|---|
| Motion Made:     | D. Kudgus   |
| Motion Seconded: | L. Cicciarelli  |
| MOTION:          | Approval of the Negative Declaration under SEQRA  |
| VOTE:            | In Favor: L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus |

Opposed: None  
Abstained: None  
Motion Carried

## **2. Public Hearing for Floodplain Development: Decision at Planning Board's Discretion**

Chairman Miller opened the Public Hearing for Floodplain Development at 7:11 p.m. There were no comments from the public during the public hearing, and Chairman Miller closed the public hearing at 7:13 pm.

Ms. Lane then read her report, which was specific to floodplain development. Although the structures for repairing vehicles and the office are in either the 500-year floodplain or not at all, the perimeter of the property is in the 100-year floodplain. The entire property, according to BC GIS, flooded most recently in September 2011. Base flood elevation at the site is 836-feet above sea level (836' a.s.l.), and current contour maps show the buildings and repair vehicle parking lot at 836' a.s.l. Per Chapter 121-10.4, the project buildings are permitted in the flood fringe, in other words, that part of the 100-year floodplain that is outside of the floodway.

The Planning Department recommends approval of the Special Permit for an auto repair facility in existing buildings located partially within the 100-year floodplain, with the following stipulations:

1. Any storage facility for chemicals, explosives or flammable liquids shall be located at an elevation at least two feet higher than the elevation of the base flood. All potentially pollutant or toxic materials, including oils, solvents, and batteries, shall be stored at least two feet above floor level in the event of flooding.
2. Utilities: In the event of any future upgrades to the buildings and their utilities, electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.
3. No additional fill shall be placed on 4324 Watson Boulevard without applying for a new special permit and a fill permit.
4. No debris/material shall be stockpiled on 4324 Watson Boulevard.

Ms. Lane advised Mr. Colvin that if he wants to store anything, it would require an outdoor storage permit.

Chairman Miller asked for a motion to approve the Special Permit for Floodplain Development at 4324 Watson Boulevard, with stipulations.

Motion Made: T. Crowley  
Motion Seconded: M. Jaros  
MOTION: Approval of the Special Permit for Floodplain Development at 4324 Watson Boulevard, with stipulations.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley S. Forster, M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

## 2. Public Hearing for Auto Repair Special Permit: Decision at Planning Board's Discretion

Chairman Miller opened the Public Hearing for Auto Repair at 7:17 p.m. There were no comments from the public during the public hearing, and Chairman Miller closed the public hearing at 7:19 p.m.

Ms. Lane asked Mr. Colvin to explain what he has been doing on the site. Mr. Colvin replied that he is trying to get the site cleaned up by selling the previous owner's equipment. He is cutting the grass, and making some headway in getting the shop cleaned up so that he can move forward with the business without having a bunch of equipment or trucks laying around.

Mr. Cicciarelli asked Mr. Colvin if he works on heavy equipment or just trucks and trailers. Mr. Colvin answered that most of his volume is tractor trailers, dump trucks, and commercial vehicles. Occasionally he gets a piece of equipment at the property, but in a few days it goes out. Most of Mr. Colvin's heavy equipment repair is done on site wherever the equipment breaks down.

Ms. Lane then read her staff report for the Planning Board. The property had been used as a contractor's lot since at least 2011, hence the existing 2-bay garage and Quonset hut on the property. Mr. Colvin was responsible for maintaining the contractor's vehicles, and now as the contractor is retiring, Mr. Colvin would like to continue repairing commercial vehicles at the property. The parking requirement for the auto repair business is two per bay. The site plan shows four parking spaces for customer vehicles, and a large area to the rear and west of the Quonset hut that was previously used for parking the contractor's vehicles.

The staff recommendation is to approve the Special Use Permit with the following stipulations:

1. Per § 300-40.3 Automotive service station, motor vehicle repair shops, gasoline stations, or gasoline service stations.

Gasoline stations, service stations, motor vehicle repair shops, motor vehicle sales agencies, and drive-in businesses shall comply with the following:

**B.** Any such use shall be buffered from adjacent uses by no less than 10 feet.

**C.** The entire site area that is traveled by motor vehicles shall be hard-surfaced (i.e., asphalt, concrete, or any other dust-free surface).

**D.** Rubbish, oil cans, tires, discarded motor vehicle parts and components and other waste materials may be stored up to one month in a completely fenced-in opaque enclosure adjacent to the building, provided that the area of such enclosure shall not exceed 5% of the area of the principal service station building. There shall be no storage of any items, at any time outside of such enclosure or building. Prior to the placement of any such enclosure, plans shall be submitted to the Code Enforcement Officer.

**E.** Landscaping (Article 54), signage (Article 52), and lighting (Article 55) shall meet the requirements of their respective sections.

**F.** Motor vehicle repair shops and service stations shall comply with the following regulations:

- (1) The number of vehicles that can be accommodated on site for repair and storage is to be determined by the Planning Board.
- (2) Motor vehicle repair garages shall not be used for the storage, sale, rental or display of automobiles, trucks, trailers, mobile homes, boats, snowmobiles or other vehicles.
- (3) All maintenance, service and repairs of motor vehicles shall be performed fully within an enclosed structure. No motor vehicle parts or unlicensed motor vehicles shall be stored outside of an enclosed structure.
- (4) A spill prevention plan shall be provided.
- (5) No vehicle in for repair may remain outside longer than 10 days.

2) § 300-66.11. *Transferability.*

- a) A special permit is not transferable except upon approval by resolution of the issuing board.
  - b) 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.
- 3) The applicant shall be required to acknowledge all of the above conditions, in writing before displaying a sign for a DMV Authorized Motor Vehicle Repair Shop, but no later than June 26, 2020.

Ms. Lane then asked Mr. Colvin what the average number of vehicles is on the lot. Mr. Colvin answered ten. Mr. Crowley asked whether there were any floor drains at the site. Mr. Colvin answered that the Quonset hut does not have any floor drains, but the two-bay garage out front does have floor drains. There is a large oil/water separator on the property from when Sunoco owned it. Mr. Colvin noted that those floor drains were pumped out when the building was converted to office space. Mr. Cicciarelli asked if there was any way that Mr. Colvin could get the drains operational again to avoid any environmental issues. Mr. Colvin replied that when he knows he is getting a vehicle that is super greasy, he will not even touch it. Most vehicles are serviced at job locations. Mr. Colvin said that he has 40 x 40 pads in the shop that absorb oil and grease so he can use these pads to absorb grease and oil if he washes a vehicle. They do emergency spill response, and can place the pads beneath the vehicles. Mr. Cicciarelli noted that there are also portable containment units that are available to contain oil spills.

Ms. Lane then asked the Planning Board if they wanted to increase the number of vehicles allowed on the property from ten. Mr. Cicciarelli responded that the lot is sizable enough to accommodate fifteen vehicles. The other Planning Board members agreed with allowing Mr. Colvin to increase the number of repair vehicles to fifteen.

Mr. Colvin asked about the ten-day limit. Sometimes vehicles will sit on the property for longer than 10 days until he can get to them. Ms. Lane responded that by limiting the number of vehicles, the 10-day restriction could be removed from the stipulations. Mr. Crowley and Mr. Cicciarelli noted that it could take a couple of weeks just to get parts to repair the trucks. Mr. Cicciarelli asked Mr. Colvin if he works with insurance companies on some of the repairs. Mr. Colvin said he had worked with insurance companies and the insurance repairs definitely could take longer to repair. Mr. Colvin added that he usually does not repair heavy wrecks, so the wrecks will not be visible from the road.

Mr. Forster suggested that perhaps the stipulation #5 should be expanded to 45 or 60 days to accommodate Mr. Colvin's business needs. Ms. Lane answered if the Planning Board extended the time, the Code department would need to keep track of Mr. Colvin's inventory, which would be very time consuming. Ms. Lane added that keeping track of the number of vehicles on the property would be much easier than keeping track of individual vehicles. Mr. Colvin asked if the former owner's equipment would be included in the repair truck count, as he is still trying to remove them. There are twelve of the former owner's titled vehicles on the property. Ms. Lane asked Mr. Colvin if he is doing a lot of business at the property and he replied that most of his business is done at the customers' job site. Ms. Lane stated that Mr. Colvin should discuss the former owner's inventory with Ms. Golazeski so that they are not considered part of the 15-repair vehicle limit. Mr. Colvin plans to have all of the former owner's vehicles removed by the end of the year. After discussion, the Planning Board eliminated the 10-day time stipulation and set the number of vehicles on site for repair to 15 repair vehicles.

Chairman Miller asked for a motion to approve the Special Permit for Auto Repair at 4324 Watson Boulevard, with amended stipulations.

Motion Made: L. Ciccirelli  
Motion Seconded: D. Kudgus  
MOTION: Approval of the Special Permit for Auto Repair at 4324 Watson Boulevard, with amended stipulations.  
VOTE: **In Favor:** L. Miller, L. Ciccirelli, S. McLain, T. Crowley S. Forster, M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

#### 4. Pending Approval of Special Permits, Site Plan Review

Ms. Lane estimated based on aerial photographs that there are approximately 1.5-acres available for vehicle storage, so fifteen vehicles should fit fine.

Ms. Lane then read her report for the Planning Board. The Planning Board approved a Negative Declaration under SEQRA on June 9, 2020. A Stormwater Pollution Prevention Plan was not required because there is no proposed disturbance to the site.

The project is subject to a 239-Review as the property is along County-owned Watson Boulevard, and within 500-feet of State Route 17 / 86. Broome County Planning did not identify any significant countywide

impacts, but recommended that the applicant be informed of the risks of placing the project with the Special Flood Hazard Area. The site plan should show the following: base flood elevation, storage location limits of the storage area, and screening or enclosure of the vehicles waiting for repair, location of waste oil, above ground storage of toxic chemicals, and no outdoor storage of tires. The Planning Board should ensure that the project complies with applicable laws for the storage, handling and disposal of toxic and hazardous materials and chemicals. The project should include a spill prevention plan.

The NYSDOT is requiring that no junk vehicles be placed in a location visible from NYS Route 17. Please contact Terry Pritchard of the NYSDOT Region 9 Office at 607-721-8736 with any questions regarding this requirement. In addition, nothing may be placed in the right-of-way, including signage, vehicles for sale, and customer parking. The County Health Department requires that floor drain(s) in the service bay area of the building (if any exist) must be connected to the public sewer.

The staff recommendation is to approve the Site Plan with the following stipulations:

1. The site plan shall be revised and approved by the Planning Department to provide screening from the highways prior to receiving a Certificate of Compliance. In addition, the survey shall indicate current elevations along the west perimeter of the property. Discuss this requirement with the Code Enforcement Official at (607) 786-2920.
2. No vehicles shall be parked within the 10-foot front setback.
3. The customer parking lot shall be striped according to the plan by August 30, 2020. The required handicapped-accessible parking shall conform to the Building Code of New York State as amended, and shall be provided with signage displaying the international symbol of accessibility. 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.
4. Hazardous materials, such as waste oils, solvents, acids, batteries, paints or tires, shall not be stored outdoors at any time.
5. If the applicant wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
6. If a sign is desired, the applicant shall apply for a sign permit from the Building Official. All temporary signs or portable 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. Signage shall be at least eight-feet from the front property line.

7. Per NYS law, commercial businesses must be inspected by the Municipal Fire Code Inspector every three years. It is your responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920, first to conduct the initial inspection prior to the issuance of a Certificate of Compliance, and thereafter every three years after the issuance of a Certificate of Compliance.

8. If any approved site improvements are not complete prior to the request for a Certificate of Compliance, the Building Official may issue a Temporary Certificate of Compliance for no more than six months.

9. Site plan approval shall expire after one year unless substantial improvements have been made pursuant to the approved site plan. The applicant may request an extension from the Planning Board.

10. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance, but no later than June 26, 2020. The applicant shall agree to follow the stipulations of approval in strict accordance with the site plan. Changes to the site plan following approval may require a minor site plan review or submittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

Ms. Lane advised Mr. Colvin that if he had any future changes that he wanted to make to the site, he should check with the Planning Department and Code Enforcement first.

Ms. Miller than called for a motion to approve the Site Plan for 4324 Watson Boulevard, with stipulations.

Motion Made: S. McLain

Motion Seconded: T. Crowley

MOTION: Motion to approve the Site Plan for 4324 Watson Boulevard, with stipulations.

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

**Opposed:** None

**Abstained:** None

Motion Carried

**D. Special Permit for Floodplain Development, 328-332 Scarborough Drive, A. Belardinelli**

**1. SEQRA Determination**

Ms. Lane noted that she had made a correction, with Mr. Belardinelli's permission, to Part 1 of the EAF by estimating that approximately .26 acres had been physically disturbed. It had originally stated 1.5-acres, but the site is only 0.30 acres.

Ms. Lane noted that the Planning Board is very sensitive about filling in the floodplain, but she reminded them that ten or so years ago, the Planning Board required that the Walsh family submit a hydraulic analysis because they applied to add fill to approximately 10-acres of floodplain at 3901 Watson Boulevard. The hydraulic study was done by Rick Woidt, a highly respected hydraulic engineer. The study results concluded that the base flood elevation changed in only one of a number of cross-sections of the basin, and that was by one-thousandth of an inch in just one part of the entire basin. She asked the Planning Board members to keep this study in mind when they considered the environmental impacts of the fill that Mr. Belardinelli had added to the Scarborough Drive properties. Although the entire area slopes down to the Susquehanna River, these properties are not in the floodway.

Ms. Lane reviewed Part 2 of the EAF that addresses potential environmental impacts; all environmental impacts were small to none. Ms. Lane addressed whether the proposed action (the addition of the fill) would result in an increase in the potential for erosion, flooding or drainage and concluded that the action might have a small impact, if any, to the environment.

Per the Determination of Significance, Al Belardinelli permitted a contractor to place fill on 328 and 332 Scarborough Drive. Adding fill in the 100-year floodplain requires a Special Permit, which had not been approved. He is requesting this special permit to keep the fill in place rather than having to remove it. The properties are zoned Industrial.

Per a 2020 survey, ground elevation was raised between one to four feet across the two properties from 828' to 834' above sea level (asl) over an area of approximately 0.26-acres (11, 484sf) of a total lot acreage of 030-acres. Base flood elevation is approximately 834' a.s.l. The properties are located 1,050 feet from the Susquehanna River, and the land slopes downward towards the river, to an approximate elevation of 810' asl. The floodplain in this area extends along the Susquehanna River basin, and the fill, although undesirable, will not significantly raise the base flood elevation.

The properties are vacant, and the fill does not alter the character of the community or use of the land.

The fill does not create adverse changes to traffic, parking, utilities, nor historical, architectural or aesthetic resources. The fill does not have significant negative impacts on the ground, flora, fauna, endangered or threatened species, water or the air.

The property does not have wetlands. Although in an archeologically sensitive area, there will be no effects as there will be no earth disturbance. The fill does not create a hazard to human health. The identified nearby DEC remediation site, the Endicott Area-Wide Investigation, does not directly affect this parcel.

Upon review of the information submitted, the fill does not have a significant adverse impact on the environment.

There was some discussion about where Mr. Belardinelli had gotten the fill for the property. Ms. Lane had sent Google photos of the fill piles to the Planning Board and she believes the fill was from a gas line installation project on East Main Street. Mr. Cicciarelli visited the site and since it has been graded, there is no easy way to determine the composition of the fill or whether it was compacted. Mr. Cicciarelli's main concern is that if there are air holes in the fill, it could wash into the river during the next flood event. Mr. Crowley added that he does not think anything should ever be built on the site because the fill had not been compacted. Ms. Lane reminded the board that they are evaluating how significant potential impacts could be, and the EAF could address mitigation measures. As with any construction site, when a contractor stores soil, it has to be seeded for stabilization.

Mr. Kudgus noted that since we don't know what kind of fill had been used, he is not sure that stabilizing the ground with grass or plantings would resolve the issue. Mr. Cicciarelli suggested that soil borings could be done to see what the composition of the fill is before capping it. General discussion revolved around whether stabilizing with plantings would be sufficient to prevent the soil from washing away in a flood. Mr. Coughlin, who works at the Southern Tier Insulation across the street from the site, noted the fill was just dumped on the property and he agreed with Mr. Cicciarelli that it is impossible to know how stable the fill is without further investigation. It was confirmed that the 2011 flood rose significantly higher than the fill on these properties.

Ms. Lane then suggested that she add a statement that reads, "To avoid the potential for loose fill washing away during a flood, the fill will be bore-sampled for stability by a licensed engineer. If structurally stable, the site shall be further stabilized per DEC erosion control standards; otherwise the fill shall be removed." Mr. Forster questioned whether the Planning Board should vote for a negative environmental declaration because of all the concerns about the fill. Ms. Lane responded that is why she is amending the EAF to include wording for mitigation measures regarding the fill to address any negative environmental impacts.

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

Motion Made: L. Cicciarelli

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

## **2. Public Hearing for Floodplain Development: Decision at Planning Board's Discretion**

Chairman Miller opened the Public Hearing for Floodplain Development at 8:17 p.m.

There was consensus during the meeting that Mr. Belardinelli only cooperated with the Town after he was cited and then threatened with court. The Planning Board members and the two members from the public, Mr. Owen and Mr. Coughlin, felt that Mr. Belardinelli should not be forgiven after the fact for not following the proper procedures with regard to dumping the fill, not only on his property, but on a neighboring property owned by Empire Plastics. Since the fill was not compacted, there is a concern that during the next flood event, it will wash back into the river or cause flooding problems for other businesses on Scarborough and Chaumont Drive.

The Public Hearing was closed at 8:34 pm.

Ms. Lane then read the recommendations for the Special Permit to the Planning Board:

1. No additional fill shall be placed on either 328 or 332 Scarborough Drive without applying for a new special permit and a fill permit.
2. No debris/material shall be stockpiled on either 328 or 332 Scarborough Drive.
3. Such approval does not preclude Code from pursuing the owner for a code violation of filling without a special permit.

Ms. Lane added that she believes the Planning Board would like to add the statement just included in the EAF. There was discussion by the Planning Board members regarding the stability of the fill that had been added to the properties. To address their concerns regarding the fill, Ms. Lane added the following statement as the first stipulation: "To avoid the potential for loose fill washing away during a flood the fill will be sampled for stability by a licensed engineer by July 31, 2020. If structurally stable, the site shall will be further stabilized per DEC erosion control standards within two weeks. If not stable, the fill shall

be removed.”

Ms. Miller strongly recommended a timetable be added. Ms. Lane suggested July 31, 2020. General discussion revolved around timelines for options of either removal or seeding. Mr. Forster suggested that the Special Permit vote be tabled until the Planning Board receives more information regarding the stability of the fill. The other Planning Board members agreed with Mr. Forster’s suggestion. Ms. Lane noted that the Planning Board has 62 days after a Public Hearing is closed to vote on a Special Permit. Ms. Lane will draft a letter after she consults with Mr. Pope, the Town Attorney, for Ms. Miller to sign regarding the information that the Planning Board will need before they vote on the Special Permit. The letter will advise Mr. Belardinelli that he needs to provide soil bore sample results to Code Enforcement to prove whether the fill is stable, by July 31, 2020. If the fill is not stable, Mr. Belardinelli will have two weeks to remove the fill. The Planning Board will decide to deny or approve the Special Permit at the August 11, 2020, Planning Board meeting, based on the information that Mr. Belardinelli provides from an engineering consultant.

**E. Grant’s Autohouse, 1606 Union Center-Maine Hwy., S. Grant**

**1. Declare Lead Agency**

Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made: S. Forster

Motion Seconded: S. McLain

MOTION: Approval to Declare Lead Agency and 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

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

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

Motion Made: S. Forster

Motion Seconded: L. Cicciarelli

MOTION: Approval to Declare Lead Agency and 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 for Floodplain Development on July 14, 2020, at 7:00 p.m.**

Ms. Miller called for a motion to call for a Public Hearing for a Special Permit for Floodplain Development at 1606 Union Center-Maine Highway to be held July 14, 2020, at 7:00 PM.

Motion Made: L. Cicciarelli  
Motion Seconded: D. Kudgus  
MOTION: Approval of Public Hearing for a Special Permit for Floodplain Development at 1606 Union Center-Maine Highway to be held on July 14, 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

**4. Call for a Public Hearing for Auto Repair on July 14, 2020, at 7:00 p.m., or thereafter.**

Ms. Miller called for a motion to call for a Public Hearing for a Special Permit for Auto Repair 1606 Union Center-Maine Highway to be held July 14, 2020, at 7:00 p.m., or thereafter.

Motion Made: L. Cicciarelli  
Motion Seconded: S. Forster  
MOTION: Approval of Public Hearing for a Special Permit for Auto Repair at 1606 Union Center-Maine Highway to be held July 14, 2020, at 7:00 p.m., or thereafter.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**5. Call for a Public Hearing for Auto Sales on July 14, 2020, at 7:00 p.m., or thereafter**

Ms. Miller called for a motion to call for a Public Hearing for a Special Permit for Auto Sales 1606 Union Center-Maine Highway to be held July 14, 2020, at 7:00 p.m., or thereafter.

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

MOTION: Approval of Public Hearing for a Special Permit for Auto Sales at 1606 Union Center-Maine Highway to be held July 14, 2020, at 7:00 p.m., or thereafter.

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 explained that Steve Grant had a similar auto sales business in the past. He plans to repair vehicles, in addition to selling vehicles at this site. Mr. Grant noted that the auto business is a part-time business as he also has a part-time job at the Post Office. Mr. Materese asked that Mr. Grant be first on the July 14 agenda since he had sat through two hours of this meeting before his project was heard. Ms. Lane noted that Mr. Grant will be first since we just called for the public hearings at 7:00 p.m.

**F. Special Permit for Outdoor Entertainment, 1500 County Airport Road, B. Kashou**

**1. Declare Lead Agency**

Chairman Miller then asked for a motion to declare Lead Agency

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

Motion Made: S. McLain  
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. Call for a Public Hearing for Outdoor Entertainment on July 14, 2020, at 7:05 p.m., or thereafter.**

Ms. Miller called for a motion to call for a Public Hearing for a Special Permit for Outdoor Entertainment at 1500 County Airport Road to be held July 14, 2020, at 7:05 p.m., or thereafter

Motion Made: S. Forster  
Motion Seconded: M. Jaros  
MOTION: Approval of Public Hearing for a Special Permit for Outdoor Entertainment at 1500 County Airport Road to be held on July 14, 2020, at 7:05 p.m., or thereafter.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**G. Fairmont Park Subdivision Water Infrastructure Project**

Ms. Zubalsky-Peer explained that this is the water main project that the Town is doing in Fairmont Park. The Town has been able to do this with CBDG funds in support of the affordable housing complex. Ms. Lane noted that the outside funding is why the Planning Board must declare its “intent” to be lead agency. Ms. Lane will send a notice to the agencies that are providing the funding, and so at the next Planning Board meeting, the Planning Board will vote on the project being an unlisted action.

**1. Declare Intent to be Lead Agency**

Chairman Miller asked for a motion to Declare Intent to be Lead Agency.

Motion Made: S. Forster  
Motion Seconded: D. Kudgus  
MOTION: Approval to Declare intent to be 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. Call for a Public Hearing for Floodplain Development on July 14, 2020, at 7:10 p.m., or thereafter.**

Ms. Miller called for a motion to call for a Public Hearing for a Special Permit for Floodplain Development at the Fairmont Park Subdivision to be held July 14, 2020, at 7:10 p.m., or thereafter.

Motion Made: L. Cicciarelli  
Motion Seconded: D. Kudgus  
MOTION: Approval of Public Hearing for a Special Permit for Floodplain Development at the Fairmont Park Subdivision to be held on July 14, 2020, at 7:10 p.m., or thereafter.  
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  
No other matters were discussed.

**I. Adjournment**

Chairman Miller asked for a motion to adjourn the meeting at 9:02 p.m.

Motion Made: D Kudgus  
Motion Seconded: M. Jaros  
MOTION: Adjourning the meeting.  
VOTE: **In Favor:** S. Miller, L. Cicciarelli, S. McLain, T. Crowley, 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, July 14, 2020, at 7:00 p.m.

Respectfully Submitted,  
Carol Krawczyk