

**Town of Union Planning Board Minutes**  
Tuesday, June 8, 2021

A regular meeting of the Town of Union Planning Board was held Tuesday, June 8, 2021, via Zoom Virtual Meeting Software.

Members present: L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus,  
K. Rose (Alternate)

Members absent: L. Cicciarelli, T. Crowley

Others present: Marina Lane, Sara Zubalsky-Peer, Rick Materese, Jerry  
Judkiewicz, David Latta, Dan Faldzinski, Pete Beylo, Craig  
Wademan

**A. CALL TO ORDER**

Chairman Miller called the meeting to order at 7:02 p.m., Ms. Lane called the roll of the Planning Board members, and a quorum was confirmed.

Ms. Miller then read the Recommended Procedure and Executive Order regarding virtual meetings.

**B. MEETING MINUTES**

**1. Acceptance of April 13, 2021 Meeting Minutes**

Chairman Miller asked for a motion to accept the April 13, 2021, Planning Board Minutes, as written.

Motion Made: M. Jaros  
Motion Seconded: D. Kudgus  
MOTION: Acceptance of the April 13, 2021, Planning Board  
Minutes, as written.  
VOTE: **In Favor:** L. Miller, S. McLain, S. Forster,  
M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**2. Acceptance of May 11, 2021 Meeting Minutes: Postponed**

**3. Acceptance of Public Hearing Transcript for 4324 Watson Boulevard –  
Special Permit for Kennel Use**

Chairman Miller asked for a motion to accept the May 11, 2021, Public Hearing Transcript for the Special Permit for a Kennel Use at 4324 Watson Boulevard, as written.

Motion Made: S. McLain  
Motion Seconded: S. Forster

MOTION: Acceptance of the May 11, 2021, Public Hearing Transcript for a Special Permit for Kennel Use at 4324 Watson Boulevard, as written.

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

**4. Acceptance of Public Hearing Transcript for 511 Hooper Road – Special Permit for Tavern Use**

Chairman Miller asked for a motion to accept the May 11, 2021, Public Hearing Transcript for the Special Permit for Tavern Use at 511 Hooper Road, as written.

Motion Made: D. Kudgus  
Motion Seconded: S. McLain  
MOTION: Acceptance of the May 11, 2021, Public Hearing Transcript for a Special Permit for Tavern Use at 511 Hooper Road, as written.

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

**C. Development in Floodplain for Residential Shed, 2116 Riverview Drive, J. Judkiewicz**

**1. SEQRA Determination**

Ms. Lane read the description of the project. Mr. Judkiewicz is applying to place a 180 square-foot shed in the rear of a residential property for storage purposes. The location is in the 100-year floodplain and requires a Special Use Permit. The shed will be anchored to prevent it from flowing away in any flood.

Ms. Lane then reviewed Part 2 of the Environmental Assessment Form and concluded that there would be small or no impacts to the environment from the residential shed in the floodplain.

She then read the Determination of Significance to the Planning Board. Mr. Judkiewicz would like to place a 180 square-foot shed in his rear yard to store lawn maintenance equipment. The location is in the 100-year floodplain, which requires a Special Permit.

The accessory use is permitted in the Urban Single-Family zoning district, and the shed will not cause a significant change in the intensity of use of land, nor impair the character of the residential district.

The shed will not result in an increase in traffic or use of energy, does not require domestic water, and will not generate wastewater.

Although the site is within an archaeologically sensitive buffer area, the shed will not cause any ground disturbance. Similarly, the shed will not impact the Susquehanna River.

Any impacts of the 180 square-foot shed to the floodplain will be mitigated with a double louver system, which will allow floodwaters to flow through the shed. The shed will be anchored to prevent it from being moved by floodwaters.

The shed will not create any hazards to environmental resources or human health. It is within the buffer area of C704038, the Endicott Area-Wide Investigation, but that contamination does not directly impact this property.

The proposed action will not result in any significant adverse environmental impacts.

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

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

## **2. Public Hearing for Special Use Permit, Decision at Planning Board's Discretion**

Chairman Miller opened the Public Hearing for a Special Permit for Floodplain Development at 2116 Riverview Drive at 7:14 p.m.

Mr. Judkiewicz thanked the Planning Board for their help with the project. His next-door neighbor, Mr. David Latta, noted that he had no problem with the project. Since there were no other comments on the project, Ms. Miller closed the Public Hearing for a Special Permit for Floodplain Development at 2116 Riverview Drive at 7:18 p.m.

## **3. Vote on Special Permit for Floodplain Development**

Ms. Lane read her staff report to the Planning Board. The entire property, according to the BC GIS, flooded most recently in September 2011. Base flood elevation at the site is 834-feet above sea level (834' a.s.l.), and current contour maps show the proposed location of the shed to be between 830 and 832-feet a.s.l.

Per Chapter 121-10.4, the proposed shed is permitted in the flood fringe, or that part of the 100-year floodplain that is outside of the floodway. Requiring a louvre system to allow floodwater to flow through the shed will result in no impact to base flood elevation.

The property is subject to a 239-Review as it is within 500-feet of the Town of Vestal. Vestal did not submit any comments. Broome County Planning did not identify any significant countywide impacts. The BC Health Department agrees with the requirements set forth by the Town Code and Planning Board to elevate hazardous chemicals in the shed and ensure the shed is properly anchored and louvered to allow floodwater to flow through.

The Planning Department recommends approval of the Special Permit to place a shed within the 100-year floodplain at 2116 Riverview Drive, with the following stipulations:

1. Any chemicals or potentially pollutant or toxic materials shall be stored at least four-feet above ground level, an elevation two feet higher than the elevation of the base flood elevation, in the event of flooding.
2. Utilities: In the event of any future upgrades to the building and 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.
3. The shed shall be anchored to prevent it from moving during any flood event.
4. The shed shall have a double louvre system to allow floodwater to flow through the shed.

Mr. Judkiewicz noted that in the 2011 flood that the floodwater was four feet above the ground so he asked if that meant he had to put the shed four feet above that level. Ms. Lane answered that he would not. Base flood elevation is determined by FEMA, which is the current 100-year flood level. The flood in 2011 was closer to a 500-year flood, meaning that it was significantly higher than what we would expect in a normal one hundred year time span. That is why we require storage only two feet above base flood elevation, to account for floods like the 2011 flood, which was exceptional. Mr. Forster reminded Mr. Judkiewicz that gas and any chemicals would need to be two feet above base flood elevation.

Chairman Miller called for a motion to approve the Special Permit for Floodplain Development at 2116 Riverview Drive, with stipulations.

Motion Made: S. Forster  
Motion Seconded: D. Kudgus  
MOTION: Approval of the Special Permit for Floodplain Development at 2116 Riverview Drive, with stipulations.  
VOTE: **In Favor:** L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**D. NYSEG Training Facility SUP for Expansion, 1195 Reynolds Road, Dan Faldzinski (Delta Engineering)**

**1. SEQRA**

The proposed action involves the installation of three modular training buildings (2 current, 1 future), paved parking lots, driveway reconstruction to meet the fire code, significant stormwater management improvements, and utility extensions to the new modular buildings. The property itself is 37.4-acres; the total acreage to be disturbed is 2.83-acres. NYSEG owns an adjacent lot for a total acreage of 43.66-acres. The proposed action is permitted under the zoning regulations and is consistent with the comprehensive plan. The facility is also consistent with predominant character of the existing built area since there is already a training facility. The project does not impact any Critical Environmental Area. There will be no substantial increase in traffic as there are no transportation services available. The modular trailers will be outfitted with electrical and hvac equipment that meets current energy code requirements. The modular buildings will not be connecting to water or sewer as they have existing facilities in other facilities on the site. The project is not in an archaeological important area and there are no historic structures nearby. There is a wetland nearby but it is not close to the area of improvement. There are no endangered species per the submission from the NYS Office of Parks, Recreation and Historic Preservation. The project is not in the 100-year floodplain. There will be storm water discharge and it will flow to adjacent properties. Ms. Lane explained that stormwater runoff cannot flow at a rate higher than before preexisting conditions. Mr. Faldzinski explained that they had good infiltration rates so he does not expect there to be a lot of runoff. The site was not ever the location of a solid waste management facility. However, the property is the subject of NYSDEC Environmental Site #704056.

Ms. Lane then reviewed Part 2 of the EAF and noted that each of the actions would have no or a small impact on the environment.

Per the Determination of Significance, NYSEG applied to install up to three prefab buildings for employee classrooms on a 37.4-acre lot at 1195 Reynolds Road, site of an existing multi-faceted training facility for the public utility. Two classroom buildings will be installed initially, with plans to install the third at a later date. The proposed one-story, 1,551 square-foot and 2,000 square-foot buildings and associated parking lots will be located adjacent to the existing driveway. A stormwater management SWPPP will be implemented due to 2.83-acres of disturbance.

-The buildings and classroom use will not create adverse changes to traffic, parking, or utilities.

-There will be no significant permanent impacts to flora, fauna, endangered or threatened species, water or the air. -A number of trees will be removed, but much of the disturbed area will remain pervious, being part of the stormwater remediation facility.

-The project will not significantly alter the character of the community. Existing trees shall provide screening of the new parking lots and lighting from adjacent homes. There will be a temporary increase of noise during construction.

-The classroom buildings are not associated with hazardous or toxic substances, heavy machinery or equipment. No odors will be generated.

-The new buildings will not increase the potential for flooding and will not impact wetlands.

-The proposal will not create a hazard to human health. There is a current remediation site on the property from prior coal tar deposits, and the DEC will monitor and approve any activities that may impact that remediation site.

-Per the NYS Office of Parks, Recreation and Historic Preservation, it will not impact archeological resources.

Upon review of all the information submitted, the proposed classroom buildings with accessory parking will not have a significant adverse impact on the environment.

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

Motion Made: D. Kudgus

Motion Seconded: S. McLain

MOTION: Approval of the Negative Declaration under SEQRA

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

**Opposed:** None

**Abstained:** None

Motion Carried

**2. Public Hearing for Special Use Permit, Decision at Planning Board's Discretion**

Chairman Miller opened the Public Hearing for a Special Use Permit for the Expansion of a Public Utility at 1195 Reynolds Road at 7:35 p.m.

There were no comments from the Planning Board or the public, so Ms. Miller closed the Public Hearing at 7:36 p.m.

**3. Vote on Special Permit for the Expansion of a Public Utility Use at 1195 Reynolds Road**

Ms. Lane read her staff report to the Planning Board. Delta Engineering, Architects, and Surveyors submitted an application on behalf of NYSEG for a Special Use Permit to expand the training facilities of a public utility at 1195 Reynolds Road. The property is located in a Suburban Multi-Family zoning district and the public utility use is permitted only by Special Use Permit from the Planning Board. The public utility property was originally owned by Columbia Gas since 1966, and was purchased by NYSEG in 1991. At that time, the public utility training facility was not a permitted use as a part of the utility, and the Zoning Board of Appeals granted a use variance in 1999 to allow the training component of the facility. As of 2011, the utility with accessory training is permitted by Special Use Permit.

The Planning Department recommends approval of the Special Use Permit for expansion of a public utility use at 1195 Reynolds Road, with the following stipulations:

1. Special permit modification approval shall be required if there are any changes to the site plan or change of use on the property, per § 300-66.10.
2. The Special Permit shall expire should the property or business be sold to another entity, per § 300-66.11. Transferability:
  - a. A special permit is not transferable except upon approval by resolution of the issuing board.
  - b. 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, prior to the issuance of a building permit. The applicant shall agree to follow stipulations of approval in strict accordance with the special permit approved by the Planning Board.

Chairman Miller then asked for a motion to approve the Special Permit for the Expansion of a Public Utility Use at 1195 Reynolds Road, with stipulations.

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

MOTION: Approval of the Special Permit for the expansion of a public utility use at 1195 Reynolds Road, with stipulations.

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

#### 4. Site Plan Review

Mr. Dan Faldzinski gave a brief presentation on the revised site plan. He explained that he rotated the detention pond and narrow it to lessen the impact on the trees and preserve a wider band of the natural barrier that exists at the east of the facility. NYSEG still needs to obtain a permit from Broome County Highway Department to widen the access road. All the infrastructure will be installed for the three modular buildings. The stormwater management plan has been designed for full build out. Mr. Wademan added that this project was designed to expand NYSEG's training opportunities and to meet the new COVID distancing requirements.

Ms. Lane then read her staff report to the Planning Board. NYSEG is proposing to expand their classroom space for their electric and gas skills training facility, located at 1195 Reynolds Road, prompted by the COVID-19 pandemic restrictions for adequate spacing in areas of congregation. The proposed project includes the addition of two to three modular training buildings, associated parking lots, the widening of the access road and additional stormwater facilities. The site of the project is located on the northwest corner of the intersection of Reynolds Road and Deyo Hill Road, and is surrounded by low density residential to the east and south, and vacant or forested land to the north and west. The property is zoned Suburban Multi-Family (SMF), and the public utility is permitted by special use permit in the district. The special use permit to expand the public utility was approved on June 8, 2021.

The project area consisting of the proposed buildings, parking lots, drive aisle, concrete sidewalks, and lawn area entails ~4.82-acres of the parcel's 37.4 acres. Grading for the installation of the prefabricated buildings will be required, in addition to erosion and stormwater control measures. Forty-nine (49) parking spaces are proposed, in addition to those already provided for existing training structures on site. The property is served by public water and sewer.

The property is subject to a 239-Review because it is adjacent to the Village of Johnson City. The Broome County Planning Department suggested adding additional landscaping. As many trees as can be saved will be, and NYSEG cannot plant trees in the stormwater remediation ponds. The Broome County Health Department raised the issue of prior disposal of coal gasification



wastes on the site in 1969. The site is remediation site #C704056 of the NYS DEC Remediation database. The DEC will monitor and approve any soil disturbance associated with the project as needed. A Highway Work permit is required from the Broome County Highway Department for any work in their Right-Of-Way. The Village of Johnson City had no concerns.

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

1. The maintenance of the detention ponds, swales and all related structures associated with the stormwater remediation facility shall be followed as described in the Stormwater Pollution Prevention Plan (SWPPP). The owner of the property on which the stormwater remediation facility is located, shall have the obligation to maintain the stormwater remediation facility indefinitely in a functional condition, as described in the Stormwater Management and Pollution Prevention Plan (SWPPP). This maintenance may include testing for contamination of any sediment removed, in order to determine appropriate disposal methods, as described in the SWPPP.
2. In the event that the Property Owner fails to perform the required maintenance after written notice to cure issued by the Town of Union, the necessary maintenance shall be provided by the Town of Union. Any costs, expenses or charge for this maintenance by the Town of Union, including testing and disposal costs, shall be paid by the owner of the property, and if not so paid by the Property Owner within sixty (60) days of invoicing by the Town of Union, the Town of Union shall add such cost to the Property Owner's taxes.
3. A maintenance agreement and access easement shall be reviewed and approved by the Town Department of Public Works and the Town attorney. Prior to the issuance of the Certificate of Compliance, they shall be filed with the deed, and a copy of the filing receipt shall be submitted to the Town Clerk's Office.
4. One AutoCAD version 2015, one PDF version, and two paper copies of the as-built drawings shall be submitted to the Engineering and Planning Departments. The as-built drawing shall include all improvements, including the stormwater control system.
5. Prior to the issuance of the Certificate of Compliance, the parking lots shall be striped according to Town Code Chapter 300, Article 51, Off-Street Parking, Loading and Stacking Regulations. The required handicapped-accessible parking spaces shall conform to the Property Maintenance Code of NYS, and shall be posted with signage displaying the international symbol of accessibility. The handicap parking access spaces shall be no less than eight-feet by eighteen-feet (8'x18'). All paving and striping shall be complete prior to the issuance of a Certificate of Compliance.

6. Per NYS law, all commercial buildings shall be inspected by the Municipal Fire Code Inspector every three years. It is the owner's responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920 once again three years after the issuance of the Certificate of Compliance.

7. Per 300-55.4, General Requirements,

A. All outdoor lighting fixtures shall be shielded or otherwise contained on the property from which it originates (known as "light trespass limitations").

B. Exterior lighting fixtures shall conform to the Illuminating Engineer Society of North America (IESNA) criteria for full cutoff fixtures. In addition, the lighting levels shall be designed to meet the minimum requirements of the latest recommended levels set forth by IESNA.

C. To minimize the indiscriminate use of illumination, lighting, except as required for security, shall be extinguished during non-operating hours. Where practicable, lighting installations are encouraged to include timers, sensors, and dimmers to reduce energy consumption and unnecessary lighting.

8. Any proposed new exterior lighting not shown on the site plan shall first be approved by the Code Enforcement Official.

9. The property owner shall be required to acknowledge and agree to all of the above stipulations, in writing, prior to the issuance of a building permit. Changes to the site plan following approval may require a minor site plan review or resubmittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

Ms. Lane commented that, per stipulation Number 1, she believes it is highly unlikely that contaminated sediment will have to be removed from these ponds, as the earlier contamination of the site is much further west on the property.

Mr. Forster asked Mr. Faldzinski to confirm that all the grading and everything else will be done for all three buildings, so that the only thing that will need to be done when the third building is added will be to tie it into the electric. Mr. Faldzinski answered that was correct.

Ms. Lane thanked all of the people from Delta for all of their hard work on the project. She will send a letter of approval to NYSEG with the corrections discussed at the meeting. Ms. Lane noted that they can work with either NYSEG or Delta on the language for the easements and maintenance agreements.

Chairman Miller then asked for a motion to approve the Site Plan for the NYSEG Training Facility at 1195 Reynolds Road, with stipulations.

Motion Made: D. Kudgus  
Motion Seconded: S. McLain  
MOTION: Approval of the Site Plan for the NYSEG Training Facility at 1195 Reynolds Road, with stipulations.  
VOTE: **In Favor:** L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

E. Other Such Matters as may properly come before the Board

Ms. Lane gave an update on the parking along the West Endicott Park by the new National Pipe and Plastic office building. Dave Culbertson had donated some land to the Town to expand parts of Maple Street and North Page Avenue so that the Town could add parking spaces to those streets. Mr. Culbertson donated the land because he did not want parking in front of the new office building. The Town has accepted the new street portions officially so the spaces can now be striped. Ms. Lane noted that they still need a bio-retention pond maintenance agreement, an access easement to go on the land to do the maintenance if necessary, and an easement from the 15 Mills property to 1 North Page property to access the parking lot that is in the rear of the new building. These legal documents are necessary in case different companies own the properties in the future.

Ms. Lane noted that Dan Wood, who formerly had a car repair business at Union Center-Main Highway, has purchased 3217 Pearl Avenue, which he is renting to another person who is doing auto repairs there. Mr. Wood was cited and he came in to submit an application for the new business. The property is zoned Industrial and auto repair is permitted and does not require a special permit.

There is one more project coming up in July, at 518 Hooper Road. The former owners, Alan and Cindy Johnson, sold the property and the new owners want to have a small retail store in the space formerly occupied by Pack and Mail. The new owners also want to develop an apartment in the upstairs office space. The sandwich shop that is there will remain. Ms. Miller commented that the parking would be tight there. Ms. Lane responded that Gary Post, the new Code Enforcement Official, has not had a chance to review the project. Ms. Lane hopes that any issues with the project will be resolved before the July meeting. Mr. Forster asked if the new owners would get a liquor license for the new store and Ms. Lane answered that she did not know, as she has not spoken to the new owners.

F. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:15 p.m.

Motion Made:  
Motion Seconded:  
MOTION: Adjourning the meeting.

VOTE:

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

**Opposed:** None

**Abstained:** None

Motion Carried

**Next Meeting Date**

The next meeting of the Planning Board is tentatively scheduled for Tuesday, July 13, 2021, at 7:00 p.m.

Respectfully Submitted,  
Carol Krawczyk