

Town of Union Planning Board Minutes
Tuesday, July 13, 2021

The Town of Union Planning Board held a regular meeting on Tuesday, July 13, 2021, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

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

Members absent: S. McLain

Others present: Marina Lane, Rick Materese, Colin Cronk, Dan Wood, and George Haus

A. CALL TO ORDER

Chairman Miller called the meeting to order at 7:01 p.m.

B. MEETING MINUTES

1. Acceptance of May 11, 2021 Meeting Minutes

Chairman Miller asked for a motion to accept the May 11, 2021, Planning Board Minutes, as written.

Motion Made: D. Kudgus
Motion Seconded: T. Crowley
MOTION: Acceptance of the May 11, 2021, Planning Board Minutes as written.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, T. Crowley, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

2. Acceptance of June 8, 2021 Meeting Minutes - Postponed

C. Retail Market, 518 Hooper Road, George Haus

1. Declare Lead Agency and Classify Project as a Type II Action

Chairman Miller asked for a motion to Declare Lead Agency and Classify the Project as a Type II Action.

Motion Made: T. Crowley
Motion Seconded: L. Cicciarelli
MOTION: Declare the Planning Board Lead Agency and Classify the Project as a Type II Action.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, T. Crowley, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

Ms. Lane explained that the project is a Type II action because it is only a change of use in an existing building with no exterior changes. Since it is a Type II action, no further review is required.

2. Site Plan Review

Mr. Haus gave a short presentation about the project. Formerly the building was occupied by Pack and Mail and an ice cream shop. The new owner, Mr. Patel, plans to open a convenience store in the former Pack and Mail and develop the remaining space as a vanilla space for a future tenant. Mr. Haus noted that any new tenants will be responsible for meeting all the requirements that the Planning Board sets for the project. Per the NYS Building Code, the proposal provides public access to ADA compliant toilet facilities in the rear of the empty spaces. In addition, there are plans to convert the upstairs office into an apartment space. The former office space had restroom facilities, washer and dryer hookups, and rooms for bedrooms, so the only thing missing to change the upstairs office into an apartment is a stove.

Ms. Lane asked Mr. Haus if there are still two parking spaces behind the building designated as employee parking spaces. Mr. Haus answered these spaces would not be for the apartment residents, but for employees. Mr. Crowley asked if the new owners were aware of the traffic situation on Hooper Road during rush hour; traffic is bumper to bumper all the way to East Main Street between 4 o'clock and 5 o'clock. Mr. Haus answered that he is sure that the new owners are aware of the traffic situation.

Ms. Lane then summarized BMTS's comments. They recently completed a Road Safety Assessment for Hooper Road and concluded that there is lack of sufficient access management, like unregulated street access. BTMS would like to see the curb cuts removed, and to bring driveways and parking spaces into compliance with the Town code. Ms. Lane noted that the Town policy is that unless an applicant is redoing curb cuts and gutters for a project, they will not be required to make these improvements at their cost.

Mr. Ciccirelli asked if the applicant had purchased the building and Ms. Lane confirmed he had. Ms. Miller noted that several years ago, there was a landscape plan that was supposed to be implemented in front of the Pack and Mail and nothing was ever done. Ms. Lane said that she had discussed a plan with the previous owners, but that it is not her responsibility to see that the landscaping plan is implemented. However, she added that there are landscaping requirements in the stipulations of approval that the new owners will have to agree to. Mr. Forster asked if the people who had the party business owned the building, and Ms. Lane answered that the building was owned by Allen and Nancy Johnson and that they leased out space in the building to the party business.

Ms. Lane then read her report to the Planning Board. George Haus submitted an application on behalf of Himanshu Patel to open a convenience store and smoke shop in an existing mixed-use commercial building at 518 Hooper Road. The store will open in the approximately 1,706 square foot space

formerly occupied by the packaging and mailing service business, Pack and Mail. The change from the personal services use to the retail use requires site plan approval. The parcel is zoned Neighborhood Commercial (NC) and the retail use is permitted by right.

The application includes plans to convert an office on the second floor to a three-bedroom apartment. The 6,602 -square foot building also contains a 39-seat diner, and the applicant plans to convert two vacant interior spaces to one “vanilla” space with an accessible restroom. The site is served by public water and sewer. The property has a shared parking and access agreement with 514 Hooper Road, filed with both deeds.

The project site is 0.42 acres, and has two previous perimeter strip variances, one 10-foot variance for the rear of the property (1999), and one 6-foot perimeter strip variance for the front of the property (2006). The required landscaped perimeter strip was landscaped with bushes and flowers in a raised bed.

In addition, a seven-space parking variance was granted by the ZBA in 1999. The plan provides 31 parking spaces, of which six do not meet current Code requirements. The parking requirements are: diner - 20 (1 space/2 seats @ 39 seats); retail - 7 (based on 4/1,000 s.f. of 1,706 s.f. customer area); and 2 spaces for the three-bedroom apartment; totaling 29 spaces. The 7-space variance, results in a net requirement of 22 spaces. With 25 legal parking spaces and the shared parking access agreement, the site plan meets the parking requirements. Future development of the central empty space will increase the number of required spaces.

The proposal is considered a Type II Action under the New York State Environmental Quality Review Act (SEQRA), as it is the redevelopment of a commercial space with no exterior changes. A Storm Water Pollution Prevention Plan (SWPPP) is not required as there will be no soil disturbance. This project was subject to a 239-Review as it is along County Route 33, Hooper Road. The County Planning Department and BMTS recommend that access management techniques be applied, such as bringing existing driveways into conformance with the Town’s Zoning Code to improve safety along Hooper Road. The County Engineering and Health departments had no comments.

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

- 1.** No construction shall commence without an initial consultation with the Building Permits office.
- 2.** Light and ventilation requirements for habitable spaces must be met.
- 3.** The building shall meet the NYS Fire Prevention and NYS Building Codes. Prior to opening the new retail business and apartment, contact the Code Enforcement Office at (607) 786-2920 to arrange for a fire safety inspection. Once these are determined to meet all NYS Building Code

requirements, Code Enforcement shall issue Certificates of Compliance.

4. Per NYS law, all commercial buildings must be inspected for fire safety compliance every three years. It is your responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920 every three years after the issuance of a Certificate of Compliance for the retail store.

5. For all new signage, the applicant shall first apply for a sign permit from the Building Official prior to display. All temporary signs, portable signs, balloons, sidewalk and curb signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property.

6. Signs that blink, rotate, or move are not permitted.

7. Any proposed new exterior lighting shall first be approved by the Code Enforcement Official.

8. Per Section 130-B of the Town Code, no garbage, rubbish, refuse or recyclables shall be placed in any manner within the Town except stored in a securely closed container or securely closed dumpster.

9. A landscaping plan for the front perimeter strip shall be submitted prior to the issuance of a Certificate of Compliance.

10. The required perimeter landscaping shall be maintained in healthy condition by the owner. Any proposed changes to the landscape plan shall require review and approval by the Planning Department.

11. The site plan shall be officially approved once the Planning Board Chair has stamped and signed the final site plans.

12. If the business has not opened within one year from the time of site plan approval, the approval shall be deemed revoked. Extensions of this time period may be granted by the Planning Board.

13. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit or no later than July 30, 2021, whichever shall come first. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Changes to the site plan following approval may require a minor site plan review or submittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

The Planning Board discussed several of the stipulations of approval. Ms. Lane noted that there had been some disagreement about a requirement to remove signage prior to the issuance of a Certificate of Compliance. This stipulation was changed to read "Light and ventilation requirements for habitable spaces must be met." This change was made so that the Code Department could make their determination when they inspect the building. Ms. Rose asked if there are fire exits from the second story of the building and Ms. Lane answered that there are two stairways, one in the front and one in the back of the building. Ms. Lane asked Mr. Haus if there is a dumpster on the property and he said that he did not know. Ms. Lane noted that if there is

a dumpster on the neighboring property, Mr. Patel would need permission to use it.

Mr. Haus asked how the Town enforces the landscaping requirements and Ms. Lane answered that the Letter of Approval which must be signed by the owner is an enforceable agreement between the Planning Board and the owner. Ms. Lane noted that the enforcement of the landscaping requirement is lax due to a lack of personnel in the Code Department. Mr. Cicciarelli commented that the landscaping maintenance requirement did not make sense because we do not have the staff to enforce this requirement. Ms. Lane replied that landscaping is a code requirement; and both Mr. Jaros and Mr. Crowley agreed it was good to have the requirement in writing. Ms. Lane said it would satisfy the landscaping requirement if the owner planted a few small bushes in front of the building. Mr. Haus noted that he would not be doing the landscaping plan and consequently Code would need to deal with the owner directly. Mr. Materese also commented that there are laws that are rarely enforced, however if somebody complains and the Town has something in writing, that allows the Town to enforce the law.

Mr. Forster gave an example about enforcing stipulations of approval, that forbids Weis truck traffic at the business before 7 a.m. A food/garbage truck came by his house on Hooper Road at 6 a.m. this week, so they were not in compliance with this stipulation. Ms. Lane noted that she had received similar complaints from the neighborhood around there, so she promised Mr. Forster that she would look into it. Mr. Materese gave another example of garbage pick-up in Endwell; trucks were showing up at 4 a.m. so Code told the company that if they didn't stop, they would be cited. If we didn't have the agreement, then they could do whatever they want.

Ms. Miller asked what the hours of operation for the business would be. Ms. Lane answered that the convenience store would be open Monday through Sunday but that she did not know the hours of operation. Mr. Crowley was concerned about the shop selling tobacco products because it is so close to the school. Ms. Lane replied that the Planning Board does not regulate the sale of tobacco product or alcohol; the owner is responsible for not selling these products to minors.

Ms. Rose was concerned about the number of parking spaces for the project. Ms. Lane explained that right now the project only required 22 parking spaces. In the past, the ZBA had granted the property a seven-space parking variance and there is a shared parking and access agreement with the adjacent property that provides more spaces if needed. She added that if there is a problem when the two vacant spaces are developed, the parking can be re-evaluated.

Planning Board Chairman Miller asked for a motion to approve the Site Plan for the Retail Market at 518 Hooper Road, with stipulations.

Motion Made: M. Jaros
Motion Seconded: T. Crowley
MOTION: Approval of the Site Plan for the Retail Market at 518 Hooper Road, with stipulations.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, T. Crowley, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

D. 3217 Pearl Street, Auto Repair, Colin Cronk

1. Declare Lead Agency

Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made: D. Kudgus
Motion Seconded: S. Forster
MOTION: Declare the Planning Board Lead Agency.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, 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 the Project as an Unlisted Action.

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

3. SEQRA Determination

Ms. Lane reviewed the environmental assessment form with the Planning Board. This is for an auto repair business in an existing warehouse building. The building has two lifts and there are plans to add a third one. The building is approximately 2,776 square-feet. There are seven parking spaces (2 per lift, and one employee). Dan Wood purchased the building from Ray Magliocca and is renting it to Colin Cronk for his auto repair business. The hours of operation will be Monday through Friday 8:30 a.m. to 5:00 p.m. The hours may be extended to Saturday and Sunday in the future. Since this is in an Industrial zone, there is already a great deal of truck traffic. The project is consistent with the neighborhood character and will not cause an increase in traffic. There are no wetlands or significantly historic places near the site.

There are public water and sewer facilities in the building and the building will meet the state energy requirements. The building is not in the 100-year floodplain and will not create storm water discharge to adjacent properties. Ms. Lane noted that no cars can be parked on the grassy areas on the property and Mr. Wood responded that they plan to put down millings. The site is near the DEC Endicott Area-Wide Investigation remediation site but is not impacted by contamination. Based on the answers on Part 1 of the SEQRA, Ms. Lane concluded that all the environmental impacts were small to none.

Ms. Lane then read the Determination of Significance. Colin Cronk applied to open an auto repair business in an existing two-bay garage building at 3217 Pearl Street and 3217 Pearl Street-Rear. The combined 0.26-acre property is in an Industrial zoning district, and auto repair is permitted by right. The applicant does not propose to do any construction to the building. There is an existing residential house on 3217 Pearl Street and other adjacent homes. The rear property is adjacent to a large construction material sales facility with heavy truck traffic.

The proposed action will not have any significant negative impacts on existing air quality, noise levels, existing traffic patterns, solid waste production or disposal. The road is traveled during proposed hours of operation by municipal and commercial truck traffic not associated with the project.

The proposed action will not result in adverse impacts to aesthetic, agricultural, historic or other natural or cultural resources; or community or neighborhood character. Although the properties are identified as being in a potentially archaeologically sensitive area, no soil disturbance is planned other than resurfacing the parking lot.

There will not be any significant impacts to any Critical Environmental Area, or endangered or threatened vegetation or animals. The proposal will not create a hazard to environmental resources or human health. All toxic or hazardous chemicals will be stored with secondary containment. The properties are not in the 100-year floodplain and there are no wetlands on the site.

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 significant change in use or intensity of use of land.

The review of the project found no significant adverse impacts to the environment.

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

Motion Made:	D. Kudgus
Motion Seconded:	S. Forster
MOTION:	Approval of the Negative Declaration under SEQRA

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

3. Site Plan Review

There was some discussion about the parking on the property. The Code requires that any such use shall be buffered from adjacent uses by no less than 10 feet. There is one space that is next to the house at the rear of the building and this space may be for the house. The Planning Board members suggested several ways that the applicant could arrange the parking spaces on the property to increase the parking. Ms. Lane will check with Code about customer designated parking spaces on the site plan. Ms. Lane noted that the Planning Board can approve the Site Plan tonight and then Mr. Cronk can meet with Ms. Lane to discuss a revised parking plan, which the Planning Board can approve at the next Planning Board meeting.

In addition, Ms. Lane noted, Mr. Cronk will need to notify the town that he will need a garbage pick-up by his building. Ms. Miller added that the Town allows a business to have up to six cans, 33 gallons per can.

Ms. Lane then read her staff report to the Planning Board. The parking requirement for the auto repair business is two per bay, and there are seven parking spaces for customers and one employee located between the house and garage. Staff recommends that two additional parking spaces be indicated on the site plan to the west of the garage in the 20-foot wide property, 3217 Pearl Street-Rear, and one removed from directly behind the house.

The property has public water and sewer. There is an existing residential house on 3217 Pearl Street and other adjacent residential properties to the east. The rear property is adjacent to a large construction material sales facility with heavy truck traffic. Pearl Street is traveled during proposed hours of operation by municipal and commercial truck traffic not associated with the project. The properties are not in the 100-year floodplain and there are no wetlands on the site. A stormwater management plan was not required at this time.

The project is subject to a 239-Review as the property is within 500-feet of a state road. Broome County Planning did not identify any significant countywide impacts. The site plan should show the proposed dumpster enclosure and the location of waste oil and other storage of toxic chemicals.

The NYSDOT recommended that the applicant reach out to the Norfolk Southern Railway Corporation. The company representative stated that nothing pertaining to the project shall be placed in their right-of-way. The County Health Department recommendations are included with the staff recommendations.

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

1. For any used fuel, oil, gasoline or similar substances stored onsite by a motor vehicle repair shop, if a leak is detected for an underground storage tank, it would be considered a reportable spill and notification to the NYSDEC must be made within 2hrs of discovery. Remediation of the spill/leak to be determined by NYSDEC. For above ground storage of such materials, primary and secondary containment systems should be installed.

2. § 300-40.3 The motor vehicle repair shop 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. NOTE: This should not include hazardous waste materials unless primary and secondary containment systems are installed to accommodate such materials.

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. A revised site plan shall be submitted to update parking spaces.

(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. Spill response materials need to be onsite and readily accessible.

(5) No vehicle in for repair may remain outside longer than 10 days.

3. Hazardous materials, such as waste oils, solvents, acids, batteries,

paints or tires, shall not be stored outdoors at any time, and liquids shall have secondary containment.

4. No client vehicles shall be parked within the 10-foot front setback.

5. The parking lot shall be resurfaced and striped according to the plan by August 30, 2021. The grade between the accessible space and access space shall be level. The required accessible parking shall conform to the Building Code of NYS, 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.

6. If the applicant wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.

7. Prior to posting any signage, 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.

8. The building shall meet the NYS Fire Prevention and NYS Building Codes. Contact the Code Enforcement Office to arrange for a fire safety inspection at (607) 786-2920. Once the garage is determined to meet all NYS Building Code requirements, Code Enforcement shall issue a Certificate of Compliance.

9. 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.

10. 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.

11. 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 July 31, 2021. 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.

Chairman Miller then asked for a motion to approve the Site Plan for the Auto Repair Shop at 3217 Pearl Street, with stipulations.

Motion Made: S. Forster
Motion Seconded: D. Kudgus
MOTION: Approval of the Site Plan for the Auto Repair Shop at 3217 Pearl Street, with stipulations.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, T. Crowley, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

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

1. Minor Revision to Approved Site Plan

Delta Engineering contacted Ms. Lane because NYSEG has decided to pursue a permanent 30,000 square-foot, three-story office building at the NYSEG training facility. They would like to relocate electric, water, gas and sewer utilities before the new road is built, at their own risk. They will swap the locations of the three temporary approved modular buildings to leave the larger building available for training during construction of the permanent training office building. Ms. Lane noted that they are still using three temporary buildings, and when they want to build the new office building, they will come back to the Planning Board.

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

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

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

Ms. Lane distributed a site plan for 3901 Watson Boulevard, the Walsh family's current fill site. They propose indoor and outdoor storage, and Amish Shed sales on part of this property. Ms. Miller asked if these are permitted uses, and Ms. Lane answered that indoor/outdoor storage is not permitted in a Neighborhood Commercial zoning district. Consequently, the Walshes have applied to rezone the property to a PUD zoning district. The property meets the minimum acreage for a PUD, which is ten acres. They would set up

dedicated open space for the wetlands and the steep slopes. Ms. Lane explained that this is a proposal for a new PUD, so it will go to the Town Board first. If the Town Board accepts the proposal, it has to go to the County for a thirty-day review, and then it will come to the Planning Board for their advisory opinion.

Mr. Materese explained that the applicant wants to do the project in phases. The Walshes built a similar self-storage facility in Vestal near Best Buy. Ms. Miller commented that the area in Vestal is a very different area than this location. Mr. Materese said the proposal has to go before the Town Board at a public meeting. The Town Board wants new businesses to move to the Town, but that their mandate is to make sure that the right businesses are coming into the town.

Ms. Lane also handed out a site plan for a solar array project that would be located 4311 Watson Boulevard in the Homestead Village PUD. The proposal has 44-acres of solar panels, and 50 acres of mature forest would be removed. The panels would be located right next to GlidePath, the battery storage project. The Town Board will be reviewing the project at their July meeting.

G. Adjournment

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

Motion Made:	D. Kudgus
Motion Seconded:	M. Jaros
MOTION:	Adjourning the meeting.
VOTE:	In Favor: L. Miller, L. Ciccirelli, 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, August 10, 2021, at 7:00 p.m.

Respectfully Submitted,
Carol Krawczyk