

Town of Union Planning Board Minutes  
Tuesday, December 14, 2021

The Town of Union Planning Board held a regular meeting on Tuesday, December 14, 2021, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

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

Members absent: T. Crowley

Others present: Marina Lane, Rick Materese, Joseph Abisaid, Mohammad Amin, Nahosheirwan Kareem, Joseph Sellers, Kevin Wheaton, Jim Taber, Al Ragazinsky

A. CALL TO ORDER

Chairman Miller called the meeting to order at 7:00 p.m.

B. MEETING MINUTES

1. Acceptance of November 9, 2021, Meeting Minutes

Chairman Miller asked for a motion to accept the November 9, 2021, Meeting Minutes as written.

Motion Made: M. Jaros  
Motion Seconded: D. Kudgus  
MOTION: Acceptance of the November 9, 2021, Meeting Minutes as written.  
VOTE: In Favor: L. Miller, D. Kudgus, S. McLain, S. Forster, M. Jaros, K. Rose  
Opposed: None  
Abstained: None  
Motion Carried

2. Acceptance of November 9, 2021, Public Hearing Transcript: 301 Glendale Drive, Special Use Permit to Expand Outdoor Storage

- Remove the words “and via Zoom Video Conference” from the third line on the first page.

Chairman Miller asked for a motion to accept the Public Hearing Transcript for the Special Use Permit to Expand Outdoor Storage at 301 Glendale Drive, as revised.

Motion Made: M. Jaros  
Motion Seconded: S. McLain  
MOTION: Acceptance of the Public Hearing Transcript for the Special Use Permit to Expand Outdoor Storage at 301 Glendale Drive, as revised.  
VOTE: In Favor: L. Miller, D. Kudgus, S. McLain, S. Forster, M. Jaros, K. Rose  
Opposed: None

Abstained: None  
Motion Carried

C. 3122 and 3124 E. Main Street and 3106 Andover Road, Joe's Legacy Auto, Special Use Permit for Auto Sales, Special Use Permit for Auto Repair, Site Plan Review, Joseph Abisaid

1. Public Hearing for Special Use Permits for Auto Sales and Auto Repair, Vote at Planning Board's Discretion

Chairman Miller read the public notice and then opened the Public Hearing for a Special Use Permit for Auto Sales and a Special Use Permit for Auto Repair at 3122 and 3124 E. Main Street and 3106 Andover Road at 7:01 p.m.

The discussion during the public hearing concerned the general upkeep of the property. Mr. Ragazinsky, a neighbor on Andover Road, claimed that the former owner used the 3106 Andover Road property as a dumping ground for old parts and tires, did not maintain the property outside the fence, and had the business garbage cans collected on Andover Road rather than in front of the business. Mr. Abisaid assured Mr. Ragazinsky that he will remove all the junk and maintain the property. He has a landscaper that performs weekly maintenance on all of his properties in Endwell and Johnson City. Ms. Lane added that Mr. Abisaid would put a fenced-in enclosure adjacent to the building to store discarded parts and tires. She felt that a dumpster was not necessary for the business since Mr. Abisaid's main business is selling vehicles, not repairing them. Chairman Miller closed the Public Hearing at 7:16 p.m.

Per Ms. Lane's report, Joseph Abisaid applied to purchase an auto sales and accessory repair business at 3122, 3124 East Main Street, and 3106 Andover Road. The properties at 3122 and 3124 East Main Street are located in a General Commercial zoning district and auto sales and repair are allowed by Special Use Permit from the Planning Board. Mr. Abisaid's application for a use variance to park vehicles at 3106 Andover Road was granted on November 29, 2021, by the ZBA with the following stipulations:

1. A six-foot high fence along the adjacent property lines should be maintained.
2. A screening fence or landscaping should be maintained 10-feet from the front property line along Andover Road, with a gate for safety purposes.
3. No vehicles shall be test-driven from the property via Andover Road.
4. Any lighting on the property shall be maintained as low level lighting, no higher than 12-feet, and directed downward only, to prevent any glare into adjacent homes.

The Planning Board had approved auto sales and repair on the properties in 1999; hence the existing garage in the rear of the building and the paved parking lot. The site plan indicates a display parking lot in the front of 3124 E.

Main Street, and on all of 3122 E. Main Street west of the building. Parking is set back from E. Main Street due to the ten-foot setback requirement. The parking space requirement for the auto sales business is two for every employee (1 per employee and 1 per customer), and there are two employees. The site plan shows four parking spaces for employees and customers, an additional customer space that is accessible, and 16 display spaces on 3122 and 3124 E. Main Street.

The Planning Board made a Negative Declaration under the State Environmental Quality Review Act (SEQRA) on November 9, 2021. This project required a 239-Review, being on SR 17C.

The Broome County (B.C.) Department of Planning did not identify any countywide impacts with the proposal. They recommend the Town consider the need to require plastic slats in the fencing and no exits from Andover Road for test drives. The N.Y.S. Department of Transportation requires that nothing be placed in the State right-of-way, including signage, parking or vehicles for sale, and the applicant may not obstruct any traffic on the nearby sidewalk. Deliveries to the site may not be conducted in the State right-of-way.

B.C. Health Department recommend that any hazardous materials/wastes stored on the site should utilize primary and secondary containment systems and be registered with the NYS DEC as required. A spill response plan and equipment should be readily available onsite for any spills, leaks or other discharges of hazardous materials/wastes. Plan to include notification to NYS Spill Hotline of any "Reportable Spill" as defined by NYSDEC.

Ms. Lane noted that there are no floor drains in this building.

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

1) § 300-40.2. Automotive sales.

A. The sale of new or used vehicles may be allowed by special use permit, provided the following:

(1) The sales area shall be paved, suitably graded and drained, and maintained in a neat and orderly manner.

(2) A maximum of 16 vehicles may be displayed for sale on site. An increase in the number of vehicles displayed for sale shall require a new special use permit.

(3) A spill prevention plan shall be provided and directions shall be displayed for employees to follow.

B. All maintenance, service and repairs of motor vehicles shall be performed fully within an enclosed structure. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed structure or screened area.

C. No vehicles shall be displayed for sale within 10 feet of the property line. The display of vehicles shall be contained to the spaces shown on the site plan.

D. The retail sale of fuel shall not be permitted.

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

2) Vehicles parked in the rear of the building on 3106 Andover Road shall not be limited in number, but shall be parked in an organized manner.

There was some discussion about the fencing requirement, which was taken from the 1999 approval. There is a solid fence on the east side of the Andover Road property; however, on the west side, a substantial part of the fence is solid as well as an approximately ten-foot length that is chain link fencing. Ms. Lane has visited the site several times and she believes that the neighbor, not the business, owns the chain link fence. Mr. Ragazinsky clarified that the house with the chain link fence is actually a rental property. Mr. Jaros said that Mr. Abisaid has cleaned up the site so he has no objection to the second stipulation the way that it is written.

2. Ms. Lane continued her report: The staff recommendation is to approve the Special Use Permit to Repair Automobiles, with the following stipulations:

1) § 300-40.3. Motor vehicle repair shops and motor vehicle sales agencies shall comply with the following:

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.

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

(1) Motor vehicle repair garages shall not be used for the storage or rental of automobiles, trucks, trailers, mobile homes, boats, snowmobiles or other vehicles.

(2) 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.

(3) A spill prevention plan shall be provided to the Code Enforcement Officer.

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

2) All spills of hazardous or toxic fluids shall be addressed per the approved spill prevention plan.

- 3) § 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.
- 4) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. The applicant agrees to comply with the stipulations of approval for the Special Use Permits. Changes to the use following approval will require resubmittal to the Planning Board.

Chairman Miller called for a motion to approve the Special Use Permit for Auto Sales with stipulations.

Motion Made: S. Forster  
Motion Seconded: K. Rose  
MOTION: Approval of the Special Use Permit for Auto Sales, with stipulations.  
VOTE: In Favor: L. Miller, D. Kudgus, S. McLain, S. Forster, M. Jaros, K. Rose  
Opposed: None  
Abstained: None  
Motion Carried

Chairman Miller called for a motion to approve the Special Use Permit for Auto Repairs with stipulations.

Motion Made: S. Forster  
Motion Seconded: D. Kudgus  
MOTION: Approval of the Special Use Permit for Auto Repairs, with stipulations.  
VOTE: In Favor: L. Miller, D. Kudgus, S. McLain, S. Forster, M. Jaros, K. Rose  
Opposed: None  
Abstained: None  
Motion Carried

### 3. Pending approval of the Special Use Permits, Site Plan Review

Ms. Lane read the staff recommendation to approve the Site Plan with the following stipulations:

- 1) The applicant shall combine 3122 and 3124 East Main Street into 3124 East Main Street upon the purchase of the properties.
- 2) No greater than 21 vehicles may be parked on 3122 and 3124 East Main Street, per the approved site plan.
- 3) The parking lot on 3122 and 3124 East Main Street shall be striped

according to Town Code Chapter 300, Article 51, Off-Street Parking, Loading and Stacking Regulations by May 30, 2022. 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').

4) The parking and vehicle inventory lot on 3106 Andover Road shall be maintained in a neat and orderly manner.

5) The fencing and landscaping on 3106 Andover Road shall be maintained in a neat and orderly manner, including the area outside of the existing fencing along Andover Road.

6) For any new signage, the applicant shall first apply for a sign permit from the Building Permits Official prior to display. All temporary or portable signs shall be reviewed and approved by the Code Enforcement Office (607-786-2920) prior to being placed on the property.

7) Signs that blink, rotate, or move are not permitted. This includes "Open" signs.

8) The building shall meet the NYS Fire Prevention and NYS Building Codes. The Code Enforcement Department shall inspect the building for fire safety compliance prior to the issuance of a Certificate of Compliance. Call the Code Enforcement to arrange the inspection at (607) 786-2920.

9) 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 Code Enforcement at (607) 786-2920 every three years after the issuance of a Certificate of Compliance for the garage.

10) A new Certificate of Compliance shall be required due to the change in ownership of the building.

11) Site plan approval shall expire after one year if the project has not be implemented in accordance with the approved site plan.

12) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. The applicant agrees to maintain the site in strict accordance with the site plan approved by the Planning Board. Changes to the site plan following approval may require a minor site plan review or resubmittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

Mr. Abisaid stated that he would do everything that the Planning Board requests. Mr. Materese, Town Supervisor, said that the Town welcomes new businesses. We ask businesses to be good neighbors and that is why we have these stipulations. The Town Board thanks you and welcomes your business.

Chairman Miller asked for a motion to approve the Site Plan for Joe's Legacy Auto at 3122 and 3124 E. Main Street, and 3106 Andover Road, with stipulations.

Motion Made:	S. Forster
Motion Seconded:	D. Kudgus
MOTION:	Approval of the Site Plan Review for Joe's Legacy Auto at 3122 and 3124 E. Main Street and 3106 Andover Road with stipulations.
VOTE:	In Favor: L. Miller, D. Kudgus, S. McLain, S. Forster, M. Jaros, K. Rose
	Opposed: None
	Abstained: None
	Motion Carried

D. 684 Main Street, Veen Auto – Special Use Permits for Auto Sales and Auto Repair, Mohammad Amin

1. SEQRA Review

Ms. Lane explained that the former business at this location has been closed for over three months, so the new applicant has to go through the entire review process.

The property is just under half an acre, is connected to water and sewer, and it is not in the floodplain. Ms. Lane asked Mr. Amin how many employees he would have. Mr. Amin answered he would have two to three employees. Ms. Lane changed the number of employees from five to three under the description of the project on Part 1 of the environmental assessment form (EAF). Ms. Lane reviewed Part 2 of the EAF and noted that all the environmental impacts were small to none.

Per the Determination of Significance, Part 3, the proposal to re-open a vehicle repair and sales lot at 684 Main Street was reviewed for potential negative impacts to the environment. The property had been approved to have 20 display vehicles in 2018, in addition to parking spaces for repair vehicles, customers and employees. The property is approximately 0.43-acres with an existing three-bay garage. The proposed site plan meets the parking requirement of six spaces for three bays and two spaces for sales customers with an additional four spaces. A maximum of 31 vehicles will be permitted on site. The applicant does not propose to do any additional construction or renovations to the building.

The vehicle repair and sales use will not change the character of the surroundings, as long as the property and vehicles are maintained in an orderly fashion. No vehicle maintenance will occur outside to minimize the potential for spills and to keep a better appearance for the neighborhood. All hazardous fluids will require secondary containment. Junk vehicles are not permitted on the lot. A 100 square-foot enclosure will be provided for vehicle parts and tire storage. The project will not significantly impact traffic, existing

utilities, and will not impact wildlife or flora. There will be no significant impacts pertaining to odors or lighting.

A stormwater remediation plan is not required as no increase in impervious area is planned. The existing parking area is currently paved and drains into the Town's curb and gutter system. Maintaining the parking lot will decrease the amount of debris running into the stormwater drainage system. The property is not in the current 100-year floodplain and there are no wetlands on the property. This property is located within the buffer area of NYS DEC remediation sites #704023 (Former Bright Outdoors) and #704020 (former US Army / BAE), but is not directly impacted by any contamination.

Upon close review, the project as proposed will not have a significant adverse impact upon the environment.

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

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

2. Public Hearing for Special Use Permits for Auto Sales and Auto Repair, Vote at Planning Board's Discretion

Chairman Miller read the public notice and then opened the Public Hearing for Special Use Permits for Auto Sales and Auto Repair at 684 Main Street at 7:53 p.m. There were no questions or comments, so Chairman Miller closed the Public Hearing at 7:54 p.m.

Ms. Lane summarized her report for the Planning Board. The existing three bays require six parking spaces, and the additional use of automobile sales requires two additional spaces. The site plan has 31 spaces, one being a handicapped-accessible space with the associated access aisle.

Broome County (B.C.) Planning Department recommends that the conditions of approval should include no leaking vehicles, no junk vehicles, no outdoor repair, no outdoor tire storage and no pick-up and drop-off deliveries within the State right-of-way. The B.C. Health Department stated that any hazardous materials stored on site should utilize primary and secondary containment systems and should have a spill response plan. Any floor drains in areas used for vehicle maintenance are to be connected to the municipal sewer system if available.



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

1) § 300-40.2. Automotive sales.

A. The sale of new or used vehicles may be allowed by special use permit, provided the following:

(1) The sales area shall be paved, suitably graded and drained, and maintained in a neat and orderly manner.

(2) A maximum of 20 vehicles may be displayed for sale on site. An increase in the number of vehicles to be sold shall require a new special use permit.

(3) A spill prevention plan shall be provided and directions shall be displayed for employees to follow.

B. All maintenance, service and repairs of motor vehicles shall be performed fully within an enclosed structure. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed structure or screened area.

C. No vehicles shall be displayed for sale within 10 feet of the property line. The display of vehicles shall be contained to the spaces shown on the site plan.

D. The retail sale of fuel shall not be permitted.

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

Chairman Miller called for a motion to approve the Special Use Permit for Auto Sales with stipulations.

Motion Made: M. Jaros

Motion Seconded: D. Kudgus

MOTION: Approval of the Special Use Permit for Auto Sales, with stipulations.

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

Opposed: None

Abstained: None

Motion Carried

Ms. Lane then read her staff recommendations for the Special Permit to Repair Automobiles.

1) § 300-40.3. Motor vehicle repair shops and motor vehicle sales agencies shall comply with the following:

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 (100 s.f.). There shall be no storage of any items, at any time, outside of such enclosure or building.

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. (31 total - 20 display - # of employees = ?)
- (2) Motor vehicle repair garages shall not be used for the storage or rental 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) All spills of hazardous or toxic fluids shall be addressed per the approved spill prevention plan.

3) § 300-66.11. Transferability.

A special permit is not transferable except upon approval by resolution of the issuing board. 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.

4) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. The applicant agrees to comply with the stipulations of approval for the Special Use Permits. Changes to the use following approval will require resubmittal to the Planning Board.

Ms. Lane deleted the stipulation under letter F that read, “The number of vehicles that can be accommodated on the repair and storage is to be determined by the Planning Board.” This stipulation is not needed because the number of vehicles on the lot has already been limited. Ms. Lane also revised the last stipulation by adding the following wording, “or no later than December 30, whichever comes first” to the end of the first sentence.

Chairman Miller called for a motion to approve the Special Use Permit for Auto Sales with stipulations.

Chairman Miller called for a motion to approve the Special Use Permit for Auto Repairs with revised stipulations.

Motion Made: D. Kudgus

Motion Seconded: K. Rose

MOTION: Approval of the Special Use Permit for Auto Repairs, with revised stipulations.

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

S. Forster, M. Jaros, K. Rose  
Opposed: None  
Abstained: None  
Motion Carried

4. Pending approval of the Special Use Permits, Site Plan Review

Ms. Lane read her site plan report to the Planning Board. The site plan has 31 parking spaces, including an accessible space with the associated access space. Twenty spaces are designated for display vehicles. The three repair bays require six spaces, and the remaining five spaces are for employees and customers.

A fence screens the residents to the south. The site has landscaping in the only available green space adjacent to the existing single-pole pylon sign. A one-headed lamp light pole is located on the perimeter of the west side, facing into the parking lot.

There are currently three curb cuts to the lot, two from Main Street and one opens on Avon Street. Per the NYS DOT, one of the entrances on Main Street has been closed off as a part of the DOT's program to decrease the number of curb cuts on the state road.

The property is subject to a 239-Review, being located on State Route 17C. Broome County (B.C.) Planning Department did not identify any county-wide impacts with the proposal. They recommend that the site plan should include landscaping, fencing, and lighting. The NYS DOT requires that nothing be placed in the State right-of-way, including signage, customer parking or vehicles for sale. Additionally, vehicles parked on the site may not overhang or obstruct the sidewalks adjacent to the site. If any work is to be conducted within the State right-of-way, the applicant will be required to obtain a Highway Work Permit prior to the commencement of the work. Finally, deliveries to the site may not be conducted in the State right-of-way.

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

- 1) The site plan shall be revised prior to the issuance of a Certificate of Compliance to clearly show the landscaping and the enclosure for scrap parts and tires.
- 2) A maximum of thirty-one (31) vehicles may be parked on the property at any time. This does not include vehicles within the building for repair.
- 3) The applicant shall maintain the closed-off curb cut on Main Street, located closest to Avon Street, per the NYS Department of Transportation's requirements.
- 4) All the floor drains and shop sinks are required to run through the existing oil separator.
- 5) The parking lot shall be striped according to Town Code Chapter 300,

Article 51, Off-Street Parking, Loading and Stacking Regulations by May 30, 2022. The required accessible parking space shall conform to the Property Maintenance Code of NYS, and shall be posted with signage displaying the international symbol of accessibility. The access space shall be posted and no less than eight-feet by eighteen-feet (8'x18'). All paving and striping shall be complete prior to May 30, 2022, subject to an inspection by Code Enforcement.

6) The pole light in the parking lot shall be removed, or repaired or replaced prior to use.

7) Per the NYS DOT, nothing may be placed in the State right-of-way, including signage, customer parking, vehicles for sale, or deliveries to the site.

8) The landscaping shall be maintained according to the landscaping plan, and any dead or dying plants shall be replaced with similar plants within one month, weather permitting.

9) For any new signage, the applicant shall first apply for a sign permit from the Building Permits Official prior to display. All temporary or portable signs shall be reviewed and approved by the Code Enforcement Office (607-786-2920) prior to being placed on the property.

10) Signs that blink, rotate, or move are not permitted. This includes "Open" signs.

11) The building shall meet the NYS Fire Prevention and NYS Building Codes. The Village of Johnson City Fire Marshal shall inspect the building for fire safety compliance prior to the issuance of a Certificate of Compliance. Call the Fire Department to arrange the inspection at (607) 729-0428.

12) 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 Fire Marshal at (607) 729-0428 every three years after the issuance of a Certificate of Compliance for the garage.

13) A Certificate of Compliance shall be required before occupancy of the building.

14) Site plan approval shall expire after one year if the project has not be implemented in accordance with the approved site plan.

15) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. The applicant agrees to maintain the site in strict accordance with the site plan approved by the Planning Board. Changes to the site plan following approval may require a minor site plan review or resubmittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

Ms. Lane revised the last stipulation by adding the following wording "or no

later than December 30, whichever comes first” to the end of the first sentence. She also noted that Mr. Amin could go onto the property before he received the Certificate of Compliance in order to clean up the property.

Chairman Miller asked for a motion to approve the Site Plan for Veen Auto at 684 Main Street, with revised stipulations.

Motion Made: S. McLain  
Motion Seconded: M. Jaros  
MOTION: Approval of the Site Plan for Veen Auto at 684 Main Street, with revised stipulations.  
VOTE: In Favor: L. Miller, D. Kudgus, S. McLain, S. Forster, M. Jaros, K. Rose  
Opposed: None  
Abstained: None  
Motion Carried

E. 3502 Country Club Road, Endwell Beauty and Barber Shop, Site Plan Review, Nahosheirwan Kareem

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 as Lead Agency.  
VOTE: In Favor: L. Miller, D. Kudgus, S. McLain, S. Forster, M. Jaros, K. Rose  
Opposed: None  
Abstained: None  
Motion Carried

2. Classify the Project as a Type II Action, with no further environmental review required.

Chairman Miller asked for a motion to classify the Project as a Type II Action, with no further environmental review required.

Motion Made: S. McLain  
Motion Seconded: D. Kudgus  
MOTION: Classify the Project as a Type II Action, with no further environmental review required.  
VOTE: In Favor: L. Miller, D. Kudgus, S. McLain, S. Forster, M. Jaros, K. Rose  
Opposed: None  
Abstained: None  
Motion Carried

3. Site Plan Review

Ms. Lane read the staff report to the Planning Board. Nahosheirwan Kareem applied to open a four-station beauty salon and barbershop in an existing mixed-use commercial building located at 3502 Country Club Road. The 0.2-acre parcel is zoned Neighborhood Commercial (NC) and the personal services use is permitted. The business is located in a plaza with a take-out restaurant and small convenience store. The building is connected to public water and sanitary sewer, and a backflow prevention device has been installed to protect drinking water.

The area of retail space in the market is approximately 560 square-feet, which requires three parking spaces (4/1,000 s.f.). The take-out restaurant requires two parking spaces (2/1,000 s.f.). The salon requires 1.5 parking spaces per chair, and maximum number of service chairs permitted is four ( $4 \times 1.5 = 6$ ). The parking lot has thirteen parking spaces, of which one is to be dedicated as a no-parking space for accessibility, for a total of 12 parking spaces.

This project, the permitted reuse of an existing commercial building, is classified as a Type II action under SEQRA, and is not subject to further environmental review. The property is subject to a 239-Review, being within 500-feet of County Route 33, Hooper Road. Broome County Planning saw no significant countywide or inter-community impacts. The Binghamton Metropolitan Transportation Study had no comments.

The Planning Department recommends approval of the site plan for a salon and barbershop at 3502 Country Club Road with the following stipulations:

1. The maximum number of personal service stations is four (4). This includes chairs for cutting hair, drying, and additional personal services such as waxing. No other personal service stations shall be permitted beyond the four approved stations without approval from the Planning Board.
2. The applicant shall apply for a sign permit from the Building Permits Office for all proposed signage prior to installation. Signs that blink, rotate, or move are not permitted.
3. The parking lot shall be restriped by May 30, 2022, to clarify the no-parking space in the center of the front parking lot.
4. Prior to the installation of any additional exterior lighting, the location and details shall be submitted to the Code Enforcement Office for review and approval.
5. Contact the Code Enforcement Office at 607-786-2920 for a fire inspection prior to the issuance of a Certificate of Compliance.
6. Site plan approval shall expire after one year, unless substantial improvements have been made pursuant to the approved site plan and a valid building permit.
7. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. The

applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Changes to the site plan following approval may require a minor site plan review or resubmittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

Ms. Lane removed the third stipulation regarding the parking lot striping. She will ask Code Enforcement to talk to the owner about the restriping. There was also some discussion about the number of stations on the floor plan. Ms. Lane noted that the floor plan falls under the jurisdiction of the Code Department so Mr. Kareem will be working with them to make sure that there is enough parking for the number of stations in the salon. Mr. Kareem and his wife will be the only employees when the salon opens, and they hope to hire more employees in the future.

Chairman Miller asked for a motion to approve the Site Plan for Endwell Beauty and Barber Shop at 3502 Country Club Road, with revised stipulations.

Motion Made:	M. Jaros
Motion Seconded:	K. Rose
MOTION:	Approval of the Site Plan Review for Endwell Beauty and Barber Shop at 3502 Country Club Road, with revised stipulations.
VOTE:	In Favor: L. Miller, D. Kudgus, S. McLain, S. Forster, M. Jaros, K. Rose Opposed: None Abstained: None Motion Carried

F. 623 Main Street, Re-Up Thrift Store, Site Plan Review, Joseph Sellers

1. Declare Lead Agency

Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made:	S. McLain
Motion Seconded:	D. Kudgus
MOTION:	Declare the Planning Board as Lead Agency.
VOTE:	In Favor: L. Miller, D. Kudgus, S. McLain, S. Forster, M. Jaros, K. Rose Opposed: None Abstained: None Motion Carried

2. Classify the Project as a Type II Action, with no further environmental review required.

Chairman Miller asked for a motion to classify the Project as a Type II Action, with no further environmental review required.

Motion Made: S. McLain  
Motion Seconded: D. Kudgus  
MOTION: Classify the Project as a Type II Action, with no further environmental review required.  
VOTE: In Favor: L. Miller, D. Kudgus, S. McLain, S. Forster, M. Jaros, K. Rose  
Opposed: None  
Abstained: None  
Motion Carried

### 3. Site Plan Review

Per the Site Plan Review report, Joseph Sellers applied to open a used clothing store in an existing mixed-use plaza with existing parking at 623 Main Street. The store will open in the 5,600 square-foot (140'x40') space formerly occupied by an indoor recreation facility. The parcel is zoned General Commercial (GC) and the retail use is permitted by right.

The floor plan shows adequate accessible restroom facilities, entrances from the front and the rear, the display area, and the receiving and storage areas. The retail area is approximately 3,323 square-feet, and the parking requirement for a general retail use is 4/1,000 square feet. Therefore, fourteen parking spaces are required and shown on the aerial site plan. The parcel is one of several in the multi-tenant plaza with adjacent parking spaces. There are two accessible spaces on 623 Main Street and two accessible spaces in the adjacent parking lot.

The proposal is classified as 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 Main Street, State Route 17C. The Broome County Planning Department has not identified any significant countywide or inter-community impacts associated with the proposed project. They recommend that the applicant be made aware of the potential for increased flood risk. Per the NYSDOT, nothing may be placed in the State right-of-way, including signage.

Ms. Lane asked Mr. Sellers if he wanted to tell the Planning Board about the project. Mr. Sellers explained that the concept behind the store is to get merchandise and to resell it. Mr. Sellers will be also taking old clothes and refashioning them. All of the prices will be very reasonable.

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

1. The building shall meet the NYS Fire Prevention and NYS Building Codes. The Village of Johnson City Fire Marshal shall inspect the building for fire safety compliance. Call the Fire Department to arrange the inspection at (607) 729-0428.



2. 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 Fire Marshal at (607) 729-0428 every three years after the issuance of a Certificate of Compliance for the retail store.
3. The parking lot shall be maintained according to Town Code Chapter 300, Article 51, Off-Street Parking, Loading and Stacking Regulations. The required handicapped-accessible parking space 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').
4. For all new signage, the applicant shall first apply for a sign permit from the Building Official prior to display. All temporary signs and portable signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property.
5. Signs that blink, rotate, or move are not permitted. This includes "Open" signs.
6. Any proposed new exterior lighting shall first be approved by the Code Enforcement Office.
7. 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.
8. 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 deadline may be granted by the Planning Board, upon request.
9. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. 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.

Chairman Miller asked for a motion to approve the Site Plan for Re-Up Thrift Store at 623 Main Street, with stipulations.

Motion Made:	D. Kudgus
Motion Seconded:	M. Jaros
MOTION:	Approval of the Site Plan Review for Re-Up Thrift Store at 623 Main Street, with stipulations.
VOTE:	In Favor: L. Miller, D. Kudgus, S. McLain, S. Forster, M. Jaros, K. Rose
	Opposed: None
	Abstained: None
	Motion Carried

G. 2305 Country Club Road, Wolfie's Ice Cream Shop, Sign Use and Area Variances

Per the staff report, JAX Signs applied for a sign permit to re-use an existing pylon sign, two-feet from the front and side property lines, at 2305 Country Club Road. The property is in a Neighborhood Commercial zoning district and a pylon sign post is not permitted. The proposed sign conforms to the height and size requirements for a pylon sign per table 300-52.1 in the zoning code, but does not meet setback requirements of eight-feet from the front and side property lines.

Planning Department staff recommends that the Planning Board recommend to the ZBA that they approve the use variance to keep the pylon sign, as the structure is existing. Planning staff recommends approval of the six-foot variances to place the sign two-feet from the front and side property lines. Other than the sloping landscaped side of the parking lot, the remainder of the front of the property is either building or required parking lot.

Mr. Jim Taber, JAX Signs, explained the project. There has always been a sign on the side of the property but it needed to be moved because the sign hung over the sidewalk. The sign pole is still there but it will be replaced with a new pole that is seven feet from the sidewalk and a new sign will be mounted on the new signpost. The sign face will end two feet from the sidewalk.

Mr. Jaros asked whether the new sign would block the visibility at the corner of Taft and Country Club Road. Mr. Taber answered that the sign will be 250 feet from the corner so visibility will not be a problem, and added that a driver at the traffic light would be at the same grade as the sign. Ms. Lane commented that a monument sign is permitted but a pylon sign is not, so she asked why the owner wanted to replace the pylon sign. Mr. Taber answered that the owner has an old Hershey's sign that is built to hang. Ms. Lane also asked Mr. Taber if he agreed that a monument sign would not work there. Mr. Taber answered that a monument sign would be an obstruction to the customers. Mr. Forster asked if they could use the old pole if they reversed the direction of the sign. Mr. Taber answered that they were unsure of the structural integrity of the sign pole because of how long it has been there and whether it would be strong enough to hold the weight of the new sign. Ms. Rose asked how much the new sign weighed, and Mr. Wheaton answered 50-pounds and the sign will be stationery. Ms. Rose asked if the sign would be lighted. Mr. Wheaton, the business owner, answered that when he bought the sign it had lights shining down on both sides of the sign.

After the discussion about the sign, Ms. Lane changed her staff recommendations to read as follows, "Planning Department staff recommends that the Planning Board recommend to the ZBA that they approve the use variance to keep the pylon sign, as a monument sign, which is permitted, would not work on the topography. In addition, a monument sign would potentially obstruct visibility from the south-bound Taft Avenue intersection,

and of customers leaving the site. West-bound traffic on Country Club Road could be blocked from seeing customers leaving the property.”

1. Advisory Opinion for Use Variance to have a Pylon Sign where not permitted

Chairman Miller asked for a motion to recommend the ZBA approval of a use variance to allow a Pylon Sign where it not permitted.

Motion Made: D. Kudgus  
Motion Seconded: K. Rose  
MOTION: Recommendation that the ZBA approve a use variance to allow a Pylon Sign where not permitted.  
VOTE: In Favor: L. Miller, D. Kudgus, S. McLain, S. Forster, M. Jaros, K. Rose  
Opposed: None  
Absent: None  
Motion Carried

2. Advisory Opinion for Front and Side Setback Area Variances

Chairman Miller asked for a motion to recommend ZBA approval of front and side setback area variances of 6-feet.

Motion Made: K. Rose  
Motion Seconded: S. McLain  
MOTION: Recommendation that the ZBA approve front and side setback area variances of six-feet.  
VOTE: In Favor: L. Miller, D. Kudgus, S. McLain, S. Forster, T. Crowley, M. Jaros, K. Rose  
Opposed: None  
Absent: None  
Motion Carried

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

Ms. Lane said that the Town Board was voting to change the code to allow alternate Planning Board members to vote, not only in the case of a conflict of interest by a sitting Planning Board member, but also in the case of sickness or absence of Planning Board members who are unable to attend the meeting. The code allows two alternate members on the Planning Board. The alternate chosen to vote would be at the discretion of the Planning Board chairperson.

Ms. Lane asked the Planning Board members to look at the article in the Talk of the Town magazine, page 32, the Land Use and Municipal Consideration of the Cannabis Law article. The Town Board will be considering whether to opt out or not opt out of cannabis use within the Town of Union at the Town Board meeting scheduled for December 15, 2021. Beginning in 2022, the

Town would be working on the zoning code for the use of cannabis in the Town of Union. Mr. Materese added that if the Town does not opt out of cannabis sales and consumption, the Town will designate specific areas where it will be allowed. There would be a Cannabis layover zone, so that cannabis would be allowed to be sold only in particular areas.

Mr. Jaros asked how the Town would be working out cultivation and processing licenses. Ms. Lane answered that the production and cultivation licenses would be administered by the state. The only options that we have as a municipality would be whether the Town would allow retail sales and onsite consumption of cannabis. All the other options such as farming, processing of raw materials and distribution would be covered under the general code so that in places that allow farming, like the Rural Residential zoning district, cultivation would be permitted. Likewise, processing would be permitted in Industrial zoning districts.

Per Mr. Materese, the Town could opt out from the retail sales and the onsite consumption of cannabis but then the Town would not benefit from any of the tax revenue. Cannabis licenses would be highly regulated by the state and the state will be very fussy about who they are awarded to. Ms. Rose said that there will also be severe restrictions on how and where the adult use dispensaries operate. The cannabis dispensary owners would not be permitted to sell alcohol on the same premises or be located within 500 feet of a school or 200 feet of a house of worship. Mr. Materese added that patrons would be carded to get into the vestibules of these dispensaries. The dispensaries would operate like a pharmacy with the sales person advising patrons about the uses of specific products.

#### I. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 9:00 p.m.

Motion Made:	K. Rose
Motion Seconded:	D. Kudgus
MOTION:	Adjourning the meeting.
VOTE:	In Favor: L. Miller, D. Kudgus, S. McLain, S. Forster, M. Jaros, K. Rose
	Opposed: None
	Abstained: None
	Motion Carried

#### Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, January 11, 2021, at 7:00 p.m.

Respectfully Submitted,  
Carol Krawczyk