

Town of Union Planning Board Minutes
Tuesday, July 26, 2022

The Town of Union Planning Board held a special meeting on Tuesday, July 26, 2022, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, D. Kudgus, T. Crowley, C. Curtin, S. Forster, M. Jaros
Members absent: S. McLain
Others present: Marina Lane, Chad Kies, Chris Brown

A. CALL TO ORDER

Chairman Miller called the meeting to order at 7:02 p.m.

B. MEETING MINUTES

1. Acceptance of May 17, 2022 Meeting Minutes

Chairman Miller asked for a motion to accept the May 17, 2022, Meeting Minutes as written.

Motion Made: T. Crowley
Motion Seconded: D. Kudgus
MOTION: Acceptance of the May 17, 2022, Meeting Minutes as written.
VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin
Opposed: None
Abstained: None
Motion Carried

2. Acceptance of May 17, 2022 Public Hearing Transcript for a Special Use Permit for a Large-Scale Solar Energy System at 525 Boswell Hill Road

Chairman Miller asked for a motion to accept the May 17, 2022, Public Hearing Transcript for a Special Use Permit for a Large-Scale Solar Energy System at 525 Boswell Hill Road, as written.

Motion Made: T. Crowley
Motion Seconded: D. Kudgus
MOTION: Acceptance of the Public Hearing Transcript for a Special Use Permit for a Large-Scale Solar Energy Project at 525 Boswell Hill Road, as written.
VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin
Opposed: None
Abstained: None
Motion Carried

3. Acceptance of June 14, 2022 Meeting Minutes

Chairman Miller asked for a motion to accept the June 14, 2022 Minutes

Motion Made: M. Jaros
Motion Seconded: C. Curtin
MOTION: Acceptance of the June 14, 2022, Meeting Minutes as written.
VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin
Opposed: None
Abstained: None
Motion Carried

4. Acceptance of June 14, 2022 Public Hearing Transcript for a Special Permit for Development in a Floodplain at 3502 Argonne Avenue

Chairman Miller asked for a motion to accept the June 14, 2022, Public Hearing Transcript for a Special Permit for Development in a Floodplain at 3502 Argonne Avenue

Motion Made: M. Jaros
Motion Seconded: C. Curtin
MOTION: Acceptance of the Public Hearing Transcript for a Special Permit for Development in a Floodplain at 3502 Argonne Avenue, as written.
VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin
Opposed: None
Abstained: None
Motion Carried

5. Acceptance of June 14, 2022 Public Hearing Transcript for a Special Use Permit for a Sit-Down Restaurant at 519 Hooper Road

Chairman Miller asked for a motion to accept the June 14, 2022, Public Hearing Transcript for a Special Use Permit for a Sit-Down Restaurant at 519 Hooper Road

Motion Made: M. Jaros
Motion Seconded: C. Curtin
MOTION: Acceptance of the Public Hearing Transcript for a Special Use Permit for a Sit-Down Restaurant at 519 Hooper Road, as written.
VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin
Opposed: None
Abstained: None

Motion Carried

C. The Fairways Indoor Golf Co. – Outdoor Seating, 511 Hooper Road, Chad Kies and Chris Brown

1. Public Hearing for a Special Use Permit for a Revised Special Use Permit for a Revised Special Use Permit for a Tavern to include outdoor seating and a grill, Vote at the Discretion of the Planning Board

The Public Hearing opened at 7:03 p.m. and closed at 7:05 p.m. There were no questions asked at the public hearing.

Ms. Lane then presented her report to the Planning Board. On May 11, 2021, the Town of Union Planning Board approved the Special Use Permit for a tavern with an accessory simulated golf facility at an existing multi-tenant commercial building located at 511 Hooper Road in a Neighborhood Commercial zoning district.

Stipulations of the 2021 special use permit prohibited cooking and seating outdoors. Owners of the business, Chad Kies and Chris Brown, submitted an application in June 2022 for a revised special use permit to install a 1,000 square-foot outdoor seating area under a 1,200 square-foot canopy attached to the west end of the building, and an accessory grill for occasional use at the rear of the property.

Under the requirements of Section 617.7(c), the proposed action was determined to be a Type II Action as the proposal involves less than 4,000 square-feet. A stormwater management plan was not required because there is no proposed disturbance to the site other than installing the posts.

The project is subject to a 239-Review as the property is along County Route 33, Hooper Road. Broome County Planning did not identify any significant countywide impacts. The Broome County Health Department stated that the addition of outdoor dining space would not require modification to the existing Food Permit or any additional requirements.

The project meets the requirements for a Special Use Permit for a tavern in a Neighborhood Commercial zoning district. The staff recommendation is to approve the Revised Special Use Permit for a tavern with the following stipulations:

- 1) Outdoor seating shall be permitted.
- 2) Outdoor cooking shall be permitted.
- 3) Amendments or revisions to an approved special use permit require review and approval in accordance with § 300-66.10.
- 4) The Special Permit shall expire should the property or business be sold or transferred 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.

5) The applicant shall be required to acknowledge all of the above stipulations, 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 asked for a motion to approve the Revised Special Use Permit for a Tavern to include outdoor seating and a grill.

Motion Made: S. Forster
Motion Seconded: D. Kudgus
MOTION: Approval of the Revised Special Use Permit for a Tavern to include outdoor seating and a grill at 511 Hooper Road, with stipulations.
VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin
Opposed: None
Abstained: None
Motion Carried

2. Pending Approval of the Special Use Permit, Site Plan Review

Ms. Lane presented her report to the Planning Board. On May 11, 2021, the Town of Union Planning Board approved the Special Use Permit for a tavern with an accessory simulated golf facility at an existing multi-tenant commercial building located at 511 Hooper Road in a Neighborhood Commercial zoning district, with stipulations that there be no outdoor seating or cooking. In June, 2022, Chad Kies and his business partners submitted an application to install a 1,000 square-foot outdoor seating area under a 1,200 square-foot canopy attached to the west end of the building, and an accessory grill for occasional use at the rear of the property. On July 26, 2022, the Planning Board approved the revised special use permit to allow outdoor seating and grilling.

A second business is located at the same western end, in the rear of the building, and the pergola and seating will not affect the second business. Code Enforcement and Planning calculated a parking requirement of one space for every 222 square-feet of floor space for a mixed-use plaza. Having reviewed the 2015 survey by Hulbert Engineering, it was determined that the total plaza requires 151 parking spaces. Per Hulbert Engineering's survey, 168 parking spaces are provided. Therefore, Fairways would not create a parking issue by placing the pergola over 5 spaces. In addition, the nearby Dunkin' business has primary morning hours of operation versus Fairways' primary evening hours of operation; therefore, the two uses complement each other for shared spaces.

At the time of approval in 2021, the seating plan called for 33 seats, and maximum occupancy with only one exit is less than 50. The owners of Fairways intend to utilize an existing closed-off doorway in order to increase maximum occupancy to no greater than 99. In addition, they plan to install a garage door from the outside seating area into the building for a more open and modern appearance.

The staff recommendation is to approve the site plan for outdoor seating and a grill at an existing tavern with the following stipulations:

- 1) Outdoor seating shall be restricted to the enclosed area beneath the canopy.
- 2) Outdoor cooking shall be restricted to the area shown on the site plan at the rear of the property in order to have a controlled site away from the public. Any change to the location shall require minor site plan approval, per § 300-63.2B (3) Placement of accessory structures.
- 3) Prior to the installation of the canopy and garage door, you shall meet with a Code Enforcement / Building Permits officer to discuss the issuance of a building permit.
- 4) Per NYS law, restaurants with 50 seats or greater must be inspected by the Code Enforcement every year. It is your responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920. The initial inspection shall be completed prior to the issuance of a Certificate of Compliance for any change in maximum occupancy.
- 5) The project includes four simulation stations. An increase of stations in the future may change the parking requirement. Therefore, contact the Code Enforcement Official prior to increasing the number of simulation stations.
- 6) If proposed in the future, changes to outdoor lighting fixtures shall be submitted to the Code Enforcement Office for review and approval prior to their installation.
- 7) A sign permit shall be submitted to the Building Permits office for all proposed signage. 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.
- 8) Signs that flash, blink, rotate, or move are not permitted.
- 7) 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.
- 8) 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 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.

When asked, the applicants stated that they had not heard back from the Code Department about their building permit. Ms. Lane offered to look into this, and asked if there were any other issues that still need to be resolved. Mr. Kies said that there had been question from Code about whether their proposed turf was fire resistant, so he decided to just paint the concrete instead. They had also added an additional exit because Code said that was required for a Liquor license.

The Planning Board asked questions about smoking in the outdoor seating area. One member thought that outside smoking under covered areas was not allowed, while another member stated that smoking is permitted if the space is not enclosed. Another member thought that smoking is not permitted within so many feet of a door to the business. Mr. Brown, who was an Assistant District Attorney for four years, responded that they would abide by all of New York State's requirements concerning smoking in the outdoor seating area.

There was a question about how patrons would be restricted from leaving the outdoor seating area with their drinks. Mr. Brown responded that they would alert patrons that alcohol would not be allowed beyond a particular point in the outdoor seating area.

Chairman Miller asked for a motion to approve the Site Plan for 511 Hooper Road.

Motion Made: S. Forster
Motion Seconded: T. Crowley
MOTION: Approval of the Site Plan Review for 511 Hooper Road, with stipulations.
VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin
Opposed: None
Abstained: None
Motion Carried

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

There were no other matters discussed.

E. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:25 p.m.

Motion Made: C. Curtin
Motion Seconded: D. Kudgus
MOTION: Adjourning the meeting.

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

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, August 9, 2022, at 7:00 p.m.

Respectfully Submitted,
Carol Krawczyk