

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

Tuesday, November 8, 2022

The Town of Union Planning Board held a regular meeting on Tuesday, November 8, 2022, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, D. Kudgus, T. Crowley, C. Bullock, S. Forster, M. Jaros, S. McLain

Others present: Marina Lane, Rick Materese, Peter Hankin, Maureen Hankin, Ferris Akel III, Sharon Loudon, Jeffrey Loudon, Ann Machlin, Steve Machlin, Bob Potochniak, Fred Lanfear III, Nick Scarano, Ming Zhang, Henry Kaphesi, Jane Bennorth, Darla Huff, Marina Wasylyshyn, Jagmohan Sidhu, Jaswinder Sidhu, Amanda Bridges, Tony Augustine, Mark Woodruff, Terri Willerton, James Willerton, Kate Fitzgerald, David Wollin, Pat Wollin, Bill Walsh, Alex Urda

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

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

### **B. MEETING MINUTES**

#### **1. Acceptance of August 9, 2022, Meeting Minutes**

Chairman Miller asked for a motion to accept the August 9, 2022, Meeting Minutes with the corrected votes.

Motion Made: S. McLain

Motion Seconded: D. Kudgus

MOTION: Acceptance of the August 9, 2022, Meeting Minutes as corrected.

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

**Opposed:** None

**Abstained:** C. Bullock, T. Crowley

Motion Carried

### **C. 323, 327, 331 Chaumont Dr. and 3129 Kensington Rd., M Z Collision (Auto Body Shop), Ming Dong Zhang**

#### **1. Public Hearing for a Special Permit for Development in a Floodplain, Decision at Planning Board's Discretion**

The Public Hearing opened at 7:04 p.m. Mr. Zhang and his employee Fred Lanfear gave a short presentation on how they plan to store the chemicals for the business. They have installed racks that are ten feet above the floodplain and the chemicals will only be brought down during the day when the business is open and then returned to the racks. In addition, they made provisions to

have vehicles on the property moved to a safe location in the event of a flood. The Public Hearing was closed at 7:08 p.m.

Ms. Lane then presented her special permit report to the Planning Board. Ming Dong Zhang submitted an application to repair motor vehicles from 323, 327, and 331 Chaumont Drive, and 3129 Kensington Road, a three-suite cinderblock building, former location of a motorcycle repair business, a fitness business and a retail business. The properties are in the 100-year floodplain, and per § 121-10.2.A. of Town Code, all uses within areas of special flood hazard other than those specified in § 121-10.1 are permitted only after the issuance of a special permit by the Planning Board. Base flood elevation at the property is 834-feet above sea level (834' a.s.l.), and the Broome County GIS website shows the elevation contours at ground level of the property are 826' a.s.l.

Per Chapter 121, Flood Damage Prevention, of the Town Code, Section 121-12, projects in areas of special flood hazard, meaning within the 100-year floodplain, shall not have an adverse effect on adjacent properties. The building is existing, and the floodplain extends directly from the Susquehanna River. The placement of a dumpster and the reuse of an existing building will have no adverse impacts on base flood elevation, nor on adjacent properties.

The structure is two stories high, and the applicant will have storage for all hazardous and toxic materials on the second floor. He will also remove vehicles from the property when a flood is imminent. He owns other properties outside of the floodplain where he can store these vehicles.

The project is a Type II Action under the State Environmental Quality Review Act (SEQRA) as this is the reuse of a commercial building and there will be no physical changes outside of the structure. No further environmental review is required. This property was subject to a 239-Review, being located within 500-feet of State Route 17C. Relative to the special permit for development in the floodplain, Broome County noted that the properties are entirely in the FEMA 100-year floodplain.

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

1. Any storage facility for chemicals, explosives or flammable liquids shall be located at an elevation at least two feet higher than the elevation of the base flood elevation, therefore at least ten-feet above ground. All potential pollutant or toxic materials, including paints, solvents, waste fluids and batteries, shall be stored at least two feet above floor level in the event of flooding. All hazardous chemicals shall have secondary storage equal to 115% capacity of the primary container.
2. The owner of the business shall be responsible for ensuring that vehicles on site are well maintained and not leaking fuel, oil, transmission and other fluids to prevent contamination of the Brixius Creek watershed.

3. Utilities, electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed to be flood-proofed, or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

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 shall agree to follow the stipulations of approval in strict accordance with the special permit for development in a floodplain.

There was a discussion about the wording of the stipulation regarding flood-proofing utilities. The intent of the stipulation was to recommend that any new equipment added to the building should be protected in the event of a flood. Therefore the words “any new” were added to the stipulation to clarify that existing equipment did not have to be replaced.

Chairman Miller asked for a motion to approve the Special Permit for Development in the 100-Year Floodplain.

Motion Made:	S. Forster
Motion Seconded:	C. Bullock
MOTION:	Approval of the Special Permit for Development in the 100-Year Floodplain, with stipulations.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, T. Crowley, S. McLain, S. Forster, M. Jaros, C. Bullock
	<b>Opposed:</b> None
	<b>Abstained:</b> None
	Motion Carried

## 2. Site Plan Review

Ms. Lane summarized her report to the Planning Board. Ming Dong Zhang submitted an application to repair motor vehicles from 323, 327, 331 Chaumont Drive, and 3129 Kensington Road, a three-suite cinderblock building, former location of a motorcycle repair business, a fitness business and a retail business. The properties are in the 100-year floodplain, and the Planning Board approved a special permit for development in the floodplain on November 8, 2022. The properties are zoned Industrial, and enclosed motor vehicle repair is permitted by right.

All uses in Industrial zoning districts require one parking space per employee at a maximum shift. Mr. Zhang will have five employees onsite, and they will park on 3129 Kensington Road, behind the building. That parking area is covered in crushed stone, and it is preferred that the parking area not be paved in order to filter drainage before entering the adjacent Brixius Creek. The site plan has 11 spaces, including an accessible space with the associated access space along Chaumont Drive. The parking spaces do not meet Code in that they back into the road, but they are pre-existing, and there is very little traffic along that area of Chaumont Drive. The garage has public utilities, water and

sanitary sewer. Stormwater currently drains into a concrete municipal swale south toward Scarborough Drive, at which point all drainage passes over land and south to the Susquehanna River.

In referencing the environmental review, Ms. Lane recapped the designation as a Type II Action as this is the reuse of a commercial building and there will be no physical changes outside the building. She noted that she had forgotten to add the County comments into her report, and therefore read them aloud. The County comments pertain to the fact that the GIS website indicates that there are wetlands behind the building. Ms. Lane went to the site today and it is actually Brixius Creek. The area immediately behind the building is covered by sandy, crushed stone; there is a berm of stone blocking anything from going down into the creek, so she is not concerned about the wetland issues that the County brought up. In addition, the County comments included the usual recommendations about the storage of chemicals.

The staff recommendation is to approve the Site Plan to repair automobiles in an Industrial zone, with the following stipulations:

- 1) The applicant shall combine 323, 327, 331 Chaumont Drive, and 3129 Kensington Road into 323 Chaumont Drive prior to the issuance of a Certificate of Compliance.

- 2) § 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.

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

- 4) Per 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').

5) The site plan shall be revised to show the location of the dumpster and any enclosed storage area for vehicle parts upon any contract with a trash hauler.

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

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 November 30, 2022. 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.

Chairman Miller asked for a motion to approve the Site Plan for 323, 327, and 331 Chaumont Drive and 3129 Kensington Road.

Motion Made: S. Forster

Motion Seconded: D. Kudgus

MOTION: Approval of the Site Plan Review for 323, 327 and 331 Chaumont Drive and 3129 Kensington Road, with stipulations.

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

**Opposed:** None

**Abstained:** None

Motion Carried

**3. Call for a Public Hearing for an Aquifer Permit to be held at the 7:00 p.m. December 13 meeting**

Ms. Lane explained that per the Town Code, any development within the Aquifer district that stores petroleum products, hazardous or toxic materials which exceed either 25 gallons or 220 pounds per month requires an Aquifer permit. Ms. Lane is working with the applicant to determine whether they meet the threshold for an Aquifer permit.

Chairman Miller asked for a motion to call for Public Hearing for an Aquifer Permit to be held at the 7:00 p.m. December 13, 2022, Planning Board meeting.

Motion Made: S. McLain  
Motion Seconded: M. Jaros  
MOTION: Call for Public Hearing for Public Hearing for an Aquifer Permit to be held at the 7:00 p.m. December 13, 2022, Planning Board meeting.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, C. Bullock  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**D. 1226 Campville Road, Augustine Construction Office, Tony Augustine**

**1. Declare Lead Agency**

Chairman Miller asked for a motion to Declare Lead Agency.

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

**2. Classify the Project as a Type II Action, No further Environmental Review Required**

Chairman Miller asked for a motion to classify the Project a Type II Action.

Motion Made: S. McLain  
Motion Seconded: C. Bullock  
MOTION: Classify the Project a Type II Action, no further Environmental Review required.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, C. Bullock

**Opposed:** None  
**Abstained:** None  
Motion Carried

### **3. Site Plan Review**

Mr. Augustine gave a short presentation about his construction company. All trucks are parked in the rear of the building. Parking is also available in the front. He has an office in the building and an occupied two-bedroom apartment on the second floor. He only has an office manager on site and the other employees work at various construction locations. He stores tools and materials for the business in the basement.

Ms. Lane summarized her report for the Planning Board. Tony Augustine, Augustine Properties LLC, submitted an application for an office for his construction company, Augustine Construction, at 1226 Campville Road. The 0.28-acre property is in a General Commercial zoning district, and the office use is permitted by right. The building formerly housed a liquor store and then had been vacant for some years until Mr. Augustine purchased it in 2021. The change in use requires site plan review with the Planning Board.

Because this is an office for a business that is normally conducted at customers' properties, the existing parking in the rear of the property is sufficient for Mr. Augustine. There is also a two-bedroom apartment on the second floor, and the resident parks on the side of the building. There is an accessory storage building at the rear of the property. The property has public water and sewer.

The Planning Board determined the project to be a Type II project under SEQRA as the reuse of an existing commercial building. Therefore, no further environmental review is required. A stormwater management plan was not required.

The project is subject to a 239-Review as the property is on State Route 17C. Broome County Planning did not identify any significant countywide impacts. The Broome Metropolitan Transportation Study (BMTS) group recommended the site plan should include a curb along SR 17C to prevent vehicles from unsafely backing out into the road. The NYS DOT also recommended a controlled driveway entrance, in addition to the regulation that nothing may be placed within the State right-of-way, including no parking in front of the building. The B.C. Health Department had no concerns.

Ms. Lane used the aerial photo to show the Planning Board members how the State right-of-way included all of the parking lot at the front of the building, similar to the adjacent businesses. Mr. Augustine pointed out that he does all the plowing and maintenance of the front parking lot, not the DOT. He added that the handicap-accessible ramp is within the right-of-way. The staff recommendation is to approve the site plan with the following stipulations:

1. If the applicant wishes to add additional outdoor lighting, the lighting

plan shall be submitted to Code Enforcement for their approval prior to installation.

2. Prior to posting any new 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.

3. 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 office is determined to meet all NYS Building Code requirements, Code Enforcement shall issue a Certificate of Compliance.

4. Per NYS law, commercial businesses must be inspected by a Town Code Enforcement Officer 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.

5. 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 November 30, 2022. The applicant shall agree to follow the stipulations of approval in strict accordance with the site plan. Changes to the site plan following approval may require a minor site plan review or submittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

Ms. Lane noted that the DOT owns the parking lot in front of his building because it is in their right-of-way; therefore, she did not add a stipulation requiring a curb cut. She offered to give Mr. Augustine the phone number of a field DOT representative if he wishes to discuss any concerns with them.

Chairman Miller asked for a motion to approve the site plan for 1226 Campville Road.

Motion Made:	T. Crowley
Motion Seconded:	D. Kudgus
MOTION:	Approval of the site plan for 1226 Campville Road, with stipulations.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, T. Crowley, S. McLain, S. Forster, M. Jaros, C. Bullock
	<b>Opposed:</b> None
	<b>Abstained:</b> None
	Motion Carried

**E. 910 Westminster Road, Development in a Floodplain for a Shed, Henry Kaphesi**



**1. Declare Lead Agency**

Chairman Miller asked for a motion to Declare Lead Agency.

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

**2. Classify the Project as a Type II Action (shed less than 4,000 s.f.), No Further Environmental Review Required**

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

Motion Made: C. Bullock  
Motion Seconded: D. Kudgus  
MOTION: Classify the Project a Type II Action, no further environmental review required.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain,  
T. Crowley, S. Forster, M. Jaros, C. Bullock  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**3. Call for a Public Hearing for Development in a Floodplain at the 7 p.m. December 13, 2022, Planning Board Meeting**

Chairman Miller asked for a motion to call for Public Hearing for a Special Permit for Development in a Floodplain to be held at the 7:00 p.m. Planning Board meeting on December 13, 2022.

Motion Made: D. Kudgus  
Motion Seconded: S. McLain  
MOTION: Call for Public Hearing for a Special Permit for Development in a Floodplain to be held at the 7:00 p.m. Planning Board meeting on December 13, 2022.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain,  
T. Crowley, S. Forster, M. Jaros, C. Bullock  
**Opposed:** None  
**Abstained:** None  
Motion Carried

Ms. Lane was asked what required the public hearing, and she explained that when development is proposed in the floodplain, Town code requires a special permit for floodplain development, including using an existing building or when

placing a shed in the floodplain. Parking lots, open field agriculture and recreational uses do not. Mr. Kaphesi explained that the shed would be placed on a pad of crushed gravel that is 4-inches aboveground to allow floodwater to flow underneath the shed. In addition, the project will require an area variance to place the shed in a front yard, even though it is proposed for the rear of the house. Because there is a road along the rear of the property, both the front yard and rear yard are considered front yards per code.

**F. 3901 & Portion of 4101 Watson Boulevard, Endwell Storage PUD, William Walsh, Alex Urda**

Ms. Lane addressed the audience about a misconception pertaining to the floodplain, specifically the fill in the floodplain for the Walsh project. In 2008, the Walsh family applied to add fill to an even greater area than what the final approval came to. The Planning Board required a hydraulic analysis (HEC-RAS study) which was completed by one of the most respected hydraulic engineers in the area. He helped design the floodwall around Lourdes Hospital and around the Union-Endicott High School fields.

On behalf of FEMA, an outside firm, RMC-2, reviewed Woidt Engineering's HEC-RAS model of the Watson Boulevard project site and agreed with the conclusion of the October 14, 2008 report that, "the proposed fill site does not produce any increase in water surface elevations from existing conditions during the 10-, 50-, 100-, or 500-year flood events. The proposed fill site is located in an ineffective flood flow area and thus does not affect the hydraulic characteristics of the floodplain. Furthermore, this site is not located in the floodway and thus doesn't violate NFIP rules and regulations."

The study was based on FEMA's most recent fly-over, or LIDAR, for updated contour data and predicted flood elevations following the flood of 2006; however that model has not been approved yet. RMC-2 recommended that the fill site model be re-run once the final flood elevation model is approved. In 2009, the Walsh family did add some fill primarily to the north side of the property, which has stabilized.

When Mr. Walsh came back to the Planning Department in 2017 to start adding more fill, Ms. Lane submitted the existing HEC-RAS analysis to FEMA and asked if the 2008 study would still satisfy them. She received an email back from FEMA which stated that because the site is in a backwater flood area, the Planning Board did not need to require the study. It was an education for the Town.

Ms. Lane noted that the Walsh family has submitted everything that the Planning Board required, including a wetland delineation study for the original fill project, and a follow-up confirmation of that original wetland study. Although it has been a concern for many, effectively all of these reports substantiated there was no significant impact to the floodplain due to the fill.

**1. Presentation**

Chairman Miller advised the audience that the presentation is not a public hearing. The public hearing will be held on November 16 and questions and comments would be accepted then. Ms. Lane stated that the Planning Board and Town Board members have copies of the correspondence from residents.

Mr. William (Bill) Walsh introduced Mr. Alex Urda, the engineer for the project. Mr. Urda explained that the Walsh family has owned the properties for twenty years and all that time there has been no interest in developing these properties except from billboard companies. He is applying to have the current zoning changed to a Planned Unit Development (PUD), which allows greater flexibility in terms of the projects that would be allowed on the site.

Mr. Urda pointed out the proposed locations of Phases 1, 2 and 3, explaining that development on Phases 2 and 3 on the south side of Watson Boulevard is unknown at this time. Presently Phase 1 of the development plan, located on the north side of Watson Boulevard, is to install 11 storage buildings with metal roll-up doors and roofs, and 14 outdoor spaces to provide storage for recreational vehicles including boats. The other use would be an outdoor retail area which would display residential outdoor sheds, up to 10-foot by 24-foot, that could be viewed by appointment only. The sheds on display would be prototypes of what are available, not for sale from the site.

Per Mr. Urda, the main access is from Watson Boulevard, not the entrance shown on Country Club Road, which is an emergency exit. The facility will be gated and accessed with a mobile phone app. Once someone enters the facility, building-mounted motion-detection lights would turn on. Anticipated traffic generated is between 12 to 24 trips a day. There is enough space for fire vehicles in and around the buildings. There would be no need for gas, water or sewer. There is no dumpster shown because dumpsters encourage clients to throw out those items they no longer want. Lighting will meet Town code, and not be broadcast outward. Right now, mature trees buffer adjacent properties and they intend to leave most of those. Mr. Urda estimated that the trees on the steep slope will shield enough so no one will be able to see the storage units from Country Club Road. The developed acreage is 11.4-acres and there will be 7.6-acres of dedicated open space that would be maintained indefinitely, per the 25-percent open space requirement. The wetlands are evaluated periodically because their borders fluctuate with changes in water flow. Mr. Urda ended by saying that the developers will address the 239-Review comments and the public's comments for the final site plan review.

Mr. Walsh added that they have evaluated other projects for this property over the last 20 years, but no developers have been interested. Any project that meets the permitted uses under the current zoning would generate higher traffic counts and more lighting. He referred to the family's very successful self-storage facility in Vestal, and they believe the proposed facility would similarly fill up very quickly. He reminded the audience that the high-tech of the controls creates less disturbance than expected. He asked for any comments from the Planning Board.

Chairman Miller reminded everyone that the Planning Board is only going to make a recommendation to the Town Board this evening. Ms. Lane clarified the requirements for a Planned Unit Development (PUD) in the Town of Union. PUD zoning requires a minimum of 10-acres, 25-percent of the PUD must be dedicated open space filed with Broome County, and there must be at least two different uses. This is an application for rezoning from Neighborhood Commercial to a Planned Unit Development, not Industrial zoning. The plans for this PUD includes uses that are normally only permitted in Industrial zoning. Any new uses in the future would have to be approved by the Town Board first. This PUD proposal went to the County for the 239-Review and the Town Planning Board for their advisory opinion, and then it goes to the Town Board for a public hearing. The Town Board will be taking into consideration comments from the County, the Planning Board, and the residents. If the Town Board approves the preliminary PUD plan, it will come back to the Planning Board for final site plan review.

## **2. Advisory Opinion to the Town Board**

Ms. Lane then presented her staff report to the Planning Board. Walsh Realty LLC submitted a revised application to rezone 30.5 acres, including 3901 Watson Boulevard and the southwest portion of 4101 Watson Boulevard, from Neighborhood Commercial to a new Planned Unit Development (PUD), the Endwell Storage PUD. The new proposal has three phases of development, with the first phase being an indoor self-storage facility, outdoor storage of vehicles, and “Amish” shed retail sales. Subsequent phases of development have not been determined at this time.

Planning staff recommends the Planning Board recommend the Town Board deny the petition to rezone 3901 Watson Boulevard and the southwest portion of 4101 Watson Boulevard from Neighborhood Commercial to a new Planned Unit Development (PUD) for the proposed indoor self-storage facility, outdoor storage of vehicles, and Amish shed retail sales. We recognize that there is a need for indoor and outdoor storage, but this may not be the most appropriate location.

### **a) Setting a Precedent for Industrial Uses:**

The proposed outdoor storage use is only permitted, by Special Use Permit, in Industrial zoning districts. The Special Use Permit is required because there is the potential that Outdoor Storage may not always be desirable, even in Industrial zones. In addition, self-storage facilities are also permitted only in Industrial zoning districts. Once the precedent for a use currently permitted in only Industrial zones is approved in what would become essentially a proposed Industrial and Commercial development, future proposed uses on the remainder of the site may be of greater intensity.

### **b) Conflict with Comprehensive Plan:**

The proposal conflicts with the Comprehensive Plan, adopted in 2009, which recommends mixed residential and office use, which is why it was zoned Neighborhood Commercial.

The Comprehensive Plan, Neighborhood 17 Future Land Use, states “traveling eastward along Watson Boulevard, the properties between Watson Boulevard, George F. Highway and the railroad have national wetlands, are in the 100-year floodplain, and neither has water or sewer service. Limited development on Recreational land use would preserve the wetlands and achieve the goal of minimizing development in the floodplain. Should any development occur in this area, it would require bringing water and sewer to any parcels, and fill should be placed only in the footprint of any structure to prevent the elevation of the floodplain. On the north side of Watson Boulevard, there is an empty lot of approximately 15 acres, with a small wetland at the intersection of Watson Boulevard and Country Club Road. Other than at the wetland, this site is not in the floodplain and is relatively flat, but has extremely steep slopes along the north edge, which suffer due to several streams pouring over the edge of a subdivision on top of the ridge. This site is recommended for mixed residential and office use, but bank stabilization and wetland protection should be required.”

c) Purpose of a Planned Unit Development:

Per the Town of Union Code, Zoning Chapter, the purpose of a Planned Unit Development is to provide a unified and cohesive development. In order to consider a unified planned unit development, one must question what other type of business would move in across from a self-storage facility and the outdoor storage of large vehicles.

§ 300-65.1 Purpose.

The Planned Unit Development (PUD) Zoning District allows an alternative process to develop a unified and integrated development plan in the Town or Villages. PUD Zoning Districts promote flexible development opportunities that would not otherwise be possible through the strict application of the land use and development regulations of this chapter, and allow diversification in the uses permitted and variation in the relationship of uses, structures, and open spaces. The PUD District results in a cohesive and unified project based on unique standards and regulations developed for a particular site or sites.

d) Vulnerable Army Corps of Engineers Jurisdictional Wetland:

There are two wetlands classified by the US Army Corps of Engineers as jurisdictional wetlands, which must be protected. There is a strong potential for contamination of the wetlands, whether automobile fluid runoff associated with outdoor vehicle storage, or debris associated with self-storage facilities.

e) Negative Visual Impact

This location is highly visible from State Route 17/86, and State Route 17C, the two major corridors leading into the Town. In addition, it is adjacent to the

Traditions at the Glen building, the former IBM Homestead, which is listed as eligible as an historic building by the NYS Office of Parks, Recreation and Historic Preservation. Metal prefabricated self-storage buildings are in conflict with the natural beauty of the site, including the steep rock walls, the wetlands, and the landscaped lawns of the residential development and historic property that is a remnant of the early cultural development by IBM that defines much of this area.

Ms. Lane noted that the property was zoned Residential Urban Multi-Family/Office (RUM-O) when Mr. Walsh purchased it. After the Town renamed all the zoning districts, the name of the zoning district was changed to Neighborhood Commercial.

Mr. Walsh feels that the current project would provide a much-needed service to the community, and would also generate tax revenue for the Town. He said he would not be developing the property in a manner to detract from the other projects that he has developed on Watson Boulevard.

Mr. Walsh then asked for the Planning Board members for input about the project. Mr. Crowley asked for clarification on whether their recommendation should include the site plan, particularly since he believes the residents' comments were valuable. Ms. Lane stated that the Planning Board is making a recommendation regarding rezoning the property to a PUD with the proposed uses. Several members commented that, in their opinion, the storage units would have a negative visual impact on the community. In addition, they also wondered what other clients Mr. Walsh could attract to the remainder of the property on the south side of Watson Boulevard.

Chairman Miller then asked for a motion to recommend the Town Board either deny or approve the Endwell Storage Preliminary Development Plan.

Motion Made:	T. Crowley
Motion Seconded:	M. Jaros
MOTION:	Recommendation that the Town Board deny approval of the Endwell Storage Preliminary PUD Development Plan at 3901 Watson Boulevard and a Portion of 4101 Watson Boulevard.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Bullock <b>Opposed:</b> S. McLain <b>Abstained:</b> None Motion Carried

Ms. Lane added that, because Broome County had recommended denial of the project, it would take a super majority of the Town Board voting in favor of the PUD in order for it to pass. Ms. Lane then reminded the audience that there would be a public hearing next week on November 16, 2022, when they could ask questions and comment on Mr. Walsh's proposal.

## **G. 2705 E. Main Street, AutoZone Revised Site Plan**

### **1. Site Plan Review**

Ms. Lane explained that the Planning Board had approved the site plan for an addition to the AutoZone building last year. This month AutoZone informed Ms. Lane about a stipulation in the purchase agreement that stated that Mr. Connolly would retain a strip of 15 feet of the property along East Main Street, requiring a change to the approved site plan.

AutoZone submitted a revised site plan to the Planning Department, which shifts the approved parking lot and east entrance by 15-feet to the west. Because it is a change of greater than 10-feet, the revised site plan must come back to the Planning Board for review. The new site plan lost 4 parking spaces, but the 54 remaining parking spaces are still greater than the 40 spaces required. All of the setbacks remain the same, and the stormwater plan is greater than now required because of the decrease in pavement. The DOT has already approved the revised location of the driveway. Lastly, Ms. Lane added a stipulation to the original stipulations of approval as follows:

1. Regarding the slope and previously deposited fill along the north side of the property, formerly 2713 E. Main Street, the debris within the Town of Union right-of-way up to the survey pins shall be removed, and the bank of the AutoZone property should be stabilized.

Ms. Lane explained that the Town is not making the decision about who will be responsible for removing the fill, the prior owner or AutoZone.

Chairman Miller asked for a motion to approve the Revised Site Plan for 2705 E. Main Street.

Motion Made:	D. Kudgus
Motion Seconded:	C. Bullock
MOTION:	Approval of the Revised Site Plan for 2705 E. Main Street, with revised stipulations.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, C. Bullock
	<b>Opposed:</b> None
	<b>Abstained:</b> None
	Motion Carried

## **H. 4311 Watson Boulevard, NY Union I and Union II Subdivision, Delaware River Solar**

### **1. Revise Deadline Date for Filing of Subdivision from October 18, 2022, to December 31, 2022**

When the Planning Board was first reviewing this subdivision, Ms. Lane had explained that the subdivision code is really written for residential subdivisions, and certain requirements pertained only to residential subdivisions. The Broome County Health Department confirmed that they do not consider this

project to be a residential subdivision; so the developer is not required by law to file the paperwork with the state within a specific timeframe. Ms. Lane added that the Town has no concerns with changing the filing deadline because the applicants will not be issued a building permit until all aspects of the project are complete.

Chairman Miller asked for a motion to approve the Revised Deadline Date for filing the subdivision from October 18, 2022, to December 31, 2022.

Motion Made: S. Forster  
Motion Seconded: D. Kudgus  
MOTION: Approval of the Revised Deadline Date for filing the Subdivision to December 31, 2022.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, C. Bullock  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**I. 2320 Lewis Street, Ames Automotive, Rob Ames**

Code informed Ms. Lane that Mr. Ames has a large 530-gallon tank for used oil. The property is in the aquifer zone; therefore, this project requires an aquifer permit.

Chairman Miller asked for a motion to call for Public Hearing for an Aquifer Permit to be held at the 7:00 p.m. December 13, 2022, Planning Board Meeting.

Motion Made: S. Forster  
Motion Seconded: M. Jaros  
MOTION: Call for Public Hearing for an Aquifer Permit to be held at the 7:00 p.m. December 13, 2022, Planning Board meeting  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, C. Bullock  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**J. Other Such Matters as May Properly Come Before the Board**  
There were no other matters discussed.

**K. Adjournment**

Chairman Miller asked for a motion to adjourn the meeting at 8:44 p.m.



Motion Made: C. Bullock  
Motion Seconded: M. Jaros  
MOTION: Adjourning the meeting.  
VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley,  
S. McLain, S. Forster, M. Jaros, C. Bullock  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**Next Meeting Date**

The next meeting of the Planning Board is tentatively scheduled for Tuesday, December 13, 2022, at 7:00 p.m.

Respectfully Submitted,  
Carol Krawczyk