

Town of Union Planning Board Minutes

Tuesday, January 10, 2023

The Town of Union Planning Board held a regular meeting on Tuesday, January 10, 2023, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, T. Crowley, S. McLain, M. Jaros, C. Bullock
Others present: Marina Lane, Larry Curtiss, Nancy Gwyn, Bob Potochniak, Nick Sarpolis, Rob Ames, Jamie Scott, Moriah Abbott

A. CALL TO ORDER

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

B. MEETING MINUTES

1. Acceptance of 9/13/22 Meeting Minutes

Chairman Miller asked for a motion to accept the September 13, 2022, Meeting Minutes, as written.

Motion Made: T. Crowley
Motion Seconded: C. Bullock
MOTION: Acceptance of the September 13, 2022, Meeting Minutes, as written.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley, M. Jaros, C. Bullock
Opposed: None
Abstained: None
Motion Carried

2. Acceptance of 9/13/22 Public Hearing Transcript for a Subdivision at 4311 Watson Boulevard

Chairman Miller asked for a motion to accept the September 13, 2022, Public Hearing Transcript for a Subdivision at 4311 Watson Boulevard, as written.

Motion Made: T. Crowley
Motion Seconded: C. Bullock
MOTION: Acceptance of the September 13, 2022, Public Hearing Transcript for a Subdivision at 4311 Watson Boulevard, as written.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley, M. Jaros, C. Bullock
Opposed: None
Abstained: None
Motion Carried

3. Acceptance of 9/13/22 Public Hearing Transcript for a Special Use Permit for a Kennel Use at 1221 Campville Road

Chairman Miller asked for a motion to accept the September 13, 2022, Public Hearing Transcript for a Special Use Permit for a Kennel Use at 1221 Campville Road, as written.

Motion Made: T. Crowley
Motion Seconded: C. Bullock
MOTION: Acceptance of the September 13, 2022, Public Hearing Transcript for a Special Use Permit for a Kennel Use at 1221 Campville Road, as written.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley, M. Jaros, C. Bullock
Opposed: None
Abstained: None
Motion Carried

4. Acceptance of 10/11/22 Meeting Minutes

Chairman Miller asked for a motion to accept the October 11, 2022, Meeting Minutes, as written.

Motion Made: C. Bullock
Motion Seconded: M. Jaros
MOTION: Acceptance of the October 11, 2022, Meeting Minutes as written.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley, M. Jaros, C. Bullock
Opposed: None
Abstained: None
Motion Carried

5. Acceptance of 11/08/22 Meeting Minutes

Chairman Miller asked for a motion to accept the November 8, 2022, Meeting Minutes, as written.

Motion Made: S. McLain
Motion Seconded: C. Bullock
MOTION: Acceptance of the November 8, 2022, Meeting Minutes as written.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley, M. Jaros, C. Bullock
Opposed: None
Abstained: None
Motion Carried

6. Acceptance of 11/08/22 Public Hearing Transcript for a Special Permit for Development in a Floodplain at 323, 327, and 331 Chaumont Drive and 3129 Kensington Road

Chairman Miller asked for a motion to accept the November 8, 2022, Public Hearing Transcript for a Special Permit for Development in a Floodplain at 323, 327, and 331 Chaumont Drive and 3129 Kensington Road, as written.

Motion Made: S. McLain
Motion Seconded: C. Bullock
MOTION: Acceptance of the November 8, 2022, Public Hearing Transcript for a Special Permit for Development in a Floodplain at 323, 327, and 331 Chaumont Drive and 3129 Kensington Road, as written.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley, M. Jaros, C. Bullock
Opposed: None
Abstained: None
Motion Carried

7. Acceptance of 12/13/22 Meeting Minutes

Chairman Miller asked for a motion to accept the December 13, 2022, Meeting Minutes, as written.

Motion Made: C. Bullock
Motion Seconded: M. Jaros
MOTION: Acceptance of the December 13, 2022, Meeting Minutes, as written.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley, M. Jaros, C. Bullock
Opposed: None
Abstained: None
Motion Carried

8. Acceptance of 12/13/22 Public Hearing Transcript for a Special Permit for Development in a Floodplain at 910 Westminster Road

Chairman Miller asked for a motion to accept the December 13, 2022, Public Hearing Transcript for a Special Permit for Development in a Floodplain at 910 Westminster Road, as written.

Motion Made: C. Bullock
Motion Seconded: M. Jaros
MOTION: Acceptance of the December 13, 2022, Public Hearing Transcript for a Special Permit for

Development in a Floodplain at 910 Westminster Road, as written.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley, M. Jaros, C. Bullock
Opposed: None
Abstained: None
Motion Carried

9. Acceptance of 12/13/22 Public Hearing Transcript for a Special Permit for Development in a Floodplain at 22 Birch Street (a.k.a. 20 Birch Street)

Chairman Miller asked for a motion to accept the December 13, 2022, Public Hearing Transcript for a Special Permit for Development in a Floodplain at 22 Birch Street (a.k.a. 20 Birch Street), as written.

Motion Made: C. Bullock
Motion Seconded: M. Jaros
MOTION: Acceptance of the December 13, 2022, Public Hearing Transcript for a Special Permit for Development in a Floodplain at 22 Birch Street (a.k.a. 20 Birch Street), as written.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley, M. Jaros, C. Bullock
Opposed: None
Abstained: None
Motion Carried

C. 2320 Lewis Street, Ames Automotive, Rob Ames

1. Public Hearing for Aquifer Permit, Decision at Planning Board's Discretion

The Public Hearing was opened at 7:01 p.m. and Mr. Ames described the process he uses to store the used oil from his business. There were no questions or comments. The Public Hearing was closed at 7:04 p.m.

Ms. Lane presented her Aquifer Permit report to the Planning Board. Rob Ames of Ames Automotive, LLC has an approved vehicle repair shop at 2320 Lewis Street. As a part of regular vehicle maintenance and repair, he stores used motor oil in 275-gallon tanks and antifreeze in 55-gallon drums. Any development within the Town of Union Aquifer District that uses, distributes or stores petroleum products, toxic materials or hazardous materials exceeding 25 gallons or 220 pounds per month, whichever is less, requires an aquifer permit. This property is located in Zone 2 of the Aquifer District, and therefore it requires an Aquifer Permit. In addition, 6 NYCRR Part 613, Petroleum Bulk Storage, Section 613-4.1(c)(1)(ii)(c), requires secondary containment for any above-ground storage tank for petroleum products within 500-feet of a primary or principal aquifer.

The 275-gallon tank with used motor oil is stored within the building at 2320 Lewis Street and Mr. Ames uses the used motor oil for heating the facility. Safety-Kleen, a professional business that specializes in the removal of hazardous wastes, picks up the used antifreeze monthly.

The Wellhead Advisory Committee and the Planning Department recommend approval of the Aquifer Permit for the storage of greater than 25 gallons of petroleum-based used motor oil and antifreeze, with the following stipulations to prevent contamination of the Primary Aquifer and ground:

- 1) Stationary tanks storing waste oil of any size and for any use must be registered with the NYS DEC. The storage of used motor oil shall be contingent on issuance of NYSDEC approvals. In particular, the facility shall be in compliance with the DEC's Used Oil Requirements for Service and Retail Establishments, Subpart 374-2.
- 2) Above-ground tanks and drums must be in good condition, not visibly leaking, and shall be labeled "USED OIL." The label must also include the tank's design and working capacities.
- 3) Above-ground tanks located within 500-feet of a sensitive receptor, such as an aquifer, are required to have secondary containment.
- 4) Proper clean-up and disposal measures for the used motor oil and antifreeze shall be clearly posted adjacent to their storage tanks and/or drums. The Spill Prevention and Emergency Response Plan shall be reviewed with employees routinely and posted in a highly visible location. The NYS DEC provides an auto recycler's manual with pollution prevention tips for managing spills and using absorbents and floor dry.
- 5) Proper storage of used motor oil shall be approved by the Town Code Enforcement Officer.
- 6) The purposeful discharge or disposal of any toxic or hazardous materials, and/or petroleum products on or below the surface of the ground is prohibited. In the event of a spill to the environment, call the DEC Spills Hotline at (800) 457-7362.
- 7) The floor plan shall be provided to the Endwell Fire Chief for review of fire truck access to the building. Contact the Endwell Fire Chief at (607) 321-8232.
- 8) Change in use or ownership. The applicant is responsible for amending an existing permit if petroleum products, hazardous or toxic materials not listed in the original permit are subsequently used or stored at the site or if there is a change in ownership. Any proposed changes to the chemicals used or stored on site must be reported to the Code Enforcement Office and Planning Department at least 30 days before in order to evaluate for safety precautions.

9) All requirements by the Planning Board shall be in compliance prior to the issuance of a Certificate of Compliance. Contact the Town Code Enforcement Officer to arrange a final inspection for the Certificate of Compliance.

10) The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to January 20, 2023. The applicant agrees to adhere to the aquifer permit requirements in strict accordance with the Aquifer Permit approved by the Planning Board.

Ms. Lane said that some of the stipulations would not really apply to Mr. Ames now, but these stipulations would cover us in case anything changes. Mr. Ames explained that he initially stores the used oil in 55-gallon tanks, and then transfers the used oil to 275-gallon tanks with secondary containment. It was suggested that Mr. Ames have a supply of Speedy Dry on hand to wipe up spills. In addition, Ms. Lane had spoken to the DEC hazardous waste officials and they confirmed that if the oil is stored in a building with a concrete floor, the concrete floor qualifies as secondary containment. Mr. Crowley added that floor drains must be plugged, and Ms. Lane answered that there are no floor drains as Mr. Rafferty, former Code Enforcement Official, addressed plugging most floor drains. Ms. Miller asked about annual inspections. Ms. Lane explained that Code Enforcement inspects most businesses every three years. She added that the DMV also performs their own initial inspection, and they notify the DEC if they think it necessary. Mr. Curtiss, an audience member, stated that the DMV assigns a worker to regularly visit auto facilities, dealers and repair shops in the area. He added that the DMV can stop by anytime to examine a business without an appointment.

Chairman Miller asked for a motion to approve the Aquifer Permit at 2320 Lewis Street, with stipulations.

Motion Made:	T. Crowley
Motion Seconded:	M. Jaros
MOTION:	Approval of the Aquifer Permit, at 2320 Lewis Street, with stipulations.
VOTE:	In Favor: L. Miller, S. McLain, T. Crowley, M. Jaros, C. Bullock Opposed: None Abstained: None Motion Carried

D. Curtiss Auto Sales Special Use Permit, 1787 Union Center-Maine Highway, Lawrence Curtiss

1. Public Hearing for Auto Sales Special Use Permit, Decision at Planning Board's Discretion

Chairman Miller opened the Public Hearing at 7:15 p.m. There were no questions or comments, and Chairman Miller closed the Public Hearing at 7:18 p.m.

Ms. Lane then presented her staff report to the Planning Board. Lawrence Curtiss submitted an application to sell motor vehicles from 1787 Union Center-Maine Highway. The property is located in a General Commercial zoning district and selling vehicles is permitted only by Special Use Permit from the Planning Board. If approved, Mr. Curtiss will be able to apply for his dealer's permit from the NYS DMV.

Mr. Curtiss applied to display a maximum of three vehicles from the property, which is currently residential and Mr. Curtiss's home, although not his property. Members of the owner's family also park in the driveway. Mr. Curtiss already expanded the driveway along Union Center-Maine Highway with crusher run, and this year millings will be added on top of the crusher run.

The parking space requirement for the auto sales business is two for every employee (1 per employee and 1 per customer), and Mr. Curtiss is the only employee. The site plan shows four parking spaces for three display vehicles and one customer.

The Planning Board declared the project a Type II Action under the State Environmental Quality Review Act (SEQRA) as there will be no outdoor disturbance and the project is using an existing structure for sales. This project required a 239-Review, being on State Route 26.

The Broome County Department of Planning did not identify any countywide impacts with the proposal. The N.Y.S. Department of Transportation requires that the site's frontage shall be brought into conformance with NYSDOT standards for control of access and highway safety. This will require a Highway Work permit from NYSDOT prior to the commencement of any work within the State right-of-way. Secondly, nothing may be placed in the State right-of-way, including signage, customer parking or vehicles for sale, and any current encroaching items must be removed. Finally, deliveries to the site may not be conducted in the State right-of-way.

The B.C. Health Department recommend that vehicles should be parked on impermeable surfaces only, and a spill response plan and equipment should be readily available onsite for spills, leaks, or other discharges of any hazardous materials/wastes. Plan to include notification to NYS Spill Hotline of any "Reportable Spill" as defined by NYSDEC (800-457-7362).

The staff recommendation is to approve the Special Use Permit to Sell Automobiles, with stipulations. Ms. Lane explained that the stipulations are slightly modified from the Code Book because this auto sales business does not qualify as, but is similar to, a typical home business.

- 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 three (3) unlicensed, display vehicles for sale may be on the property at any one time. An increase in the number of vehicles displayed for sale shall require a new special use permit, which may or may not be approved.

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

B. All maintenance and service 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) All spills of hazardous or toxic fluids shall be addressed per the approved spill prevention plan. BC. Health Department recommendation, all vehicles shall be parked on impermeable surfaces only. Contact the NYS DEC Spills Hotline, if needed, at 800-457-7362.

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 applying for a NYS DMV Dealer's license. The applicant agrees to comply with the stipulations of approval for the Special Use Permit. Changes to the use following approval will require resubmittal to the Planning Board.

There was some discussion about whether Mr. Curtiss washes and waxes the sale vehicles in the driveway, and Mr. Curtiss stated that he does. The members asked that Item B be modified with the wording "with the exception of washing and waxing vehicles" at the end of the first sentence.

Chairman Miller asked for a motion to approve the Special Use Permit for Auto Sales at 1787 Union Center-Maine Highway, with stipulations.

Motion Made: T. Crowley
Motion Seconded: C. Bullock
MOTION: Approval of the Special Use Permit for Auto Sales, at 1787 Union Center-Maine Highway, with stipulations.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley, M. Jaros, C. Bullock
Opposed: None
Abstained: None
Motion Carried

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

Ms. Lane showed an amended site plan to the Planning Board and the applicant. She asked Mr. Curtiss and Ms. Gwyn, the property owner, if they were comfortable with the angled parking on the site plan and both of them were. Mr. Curtiss said that he might not ever have that many cars for sale.

Ms. Lane then presented her report to the Planning Board. The site plan has greater than four (4) exterior parking spaces, three spaces for a maximum of three (3) unlicensed, display vehicles for sale, and one parking space for customers. The remaining driveway area is for the residents of the home, and the residential garage has two parking bays.

Town Code § 300-40.2., automotive sales, requires no parking within 10-feet of the front property line, and the NYS DOT requires that any current encroaching items in their right-of-way must be removed. The property has existing landscaping adjacent to the parking area for the display vehicles. The entrance to the parking area is approximately six (6) vehicles wide.

The Planning Board declared the project a Type II Action under the State Environmental Quality Review Act (SEQRA) as there will be no outdoor disturbance, and the existing sales office is within the home. This project required a 239-Review, being on State Route 26.

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

- 1) A maximum of three (3) unlicensed, display vehicles for sale may be on the property at any one time. This does not include personal vehicles.
- 2) The parking area shall be sealed with millings, and the customer parking space shall be striped, posted and no less than nine-feet by eighteen-feet (9'x18'). All paving and striping shall be complete prior to May 30, 2023, subject to an inspection by Code Enforcement.
- 3) 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.

Mr. Curtiss said he is unsure where the state right-of-way is located. Ms. Lane offered to provide Mr. Curtiss with the phone number for the Broome Residency Office, which would send a NYSDOT employee to the property to discuss their regulations with him. Ms. Gwyn asked if Mr. Curtiss could park a car between the bush adjacent to the parking area and the road. Ms. Lane responded that Town Code prohibits cars from parking within ten-feet of the property line. The project is complicated because now the property is a mix of a residential use and an auto sales use. She is more concerned about the number of cars parked on the property because of a complaint the Code Department had previously received.

4) The landscaping shall be maintained as is, and any dead or dying plants shall be replaced with similar plants within one month, weather permitting.

5) For any new signage other than the NYS DMV permit sign, 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.

6) Signs that blink, rotate, or move are not permitted. This includes “Open” signs.

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

8) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to application to the NYS DMV for a Dealer’s Permit. 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 noted that all of the stipulations and deadlines may be modified if Mr. Curtiss calls the Planning Department to request a change.

Chairman Miller asked for a motion to approve the Site Plan for Auto Sales at 1787 Union Center-Maine Highway, with stipulations.

Motion Made:	M. Jaros
Motion Seconded:	C. Bullock
MOTION:	Approval of the Site Plan for Auto Sales, at 1787 Union Center-Maine Highway, with stipulations.
VOTE:	In Favor: L. Miller, S. McLain, T. Crowley, M. Jaros, C. Bullock

Opposed: None
Abstained: None
Motion Carried

E. 3106 Wayne Street, Yel-Help Locksmith Office, Jamie Scott

Chairman Miller asked for a motion to Declare Lead Agency.

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

2. Classify the Project as a Type II Action (no changes to property), No further Environmental Review Required

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

Motion Made: C. Bullock
Motion Seconded: M. Jaros
MOTION: Classify the Project as a Type II Action.
VOTE: **In Favor:** L. Miller, D. S. McLain, T. Crowley,
M. Jaros, C. Bullock
Opposed: None
Abstained: None
Motion Carried

3. Site Plan Review

Ms. Lane noted that every project requires an environmental review before the project can move forward. Since the Planning Board is the only agency reviewing this project, they would make the environmental determination. Ms. Lane explained that as of 2019, the DEC changed their regulations about the simple reuse of commercial buildings. Now, if the use is not significantly more intensive than what was there previously, the action is classified as a Type II Action, meaning that it will not have significant impacts on the environment.

Ms. Lane then presented her report to the Planning Board. Jamie Scott, owner of Yel-Help Locksmiths, submitted an application for an office and accessory storage for his locksmith company at 3106 Wayne Street. The 0.17-acre property is in an Industrial zoning district, and the business office and accessory storage use is permitted by right. The 2,676-square-foot building formerly housed a distribution warehouse for Instant Whip, and is primarily a large vacant space with one small interior office. The change in use requires site plan review with the Planning Board.

Including Mr. Scott, there are five employees and three work vans in their fleet. He intends to park two service vans in the warehouse area when they are not on the road, and one employee drives and parks the third van at his home. The office will be staffed by one office manager. The driveway in front of the building is approximately 30-feet long, and greater than 45-feet wide. Because this is an office for business that is normally conducted at customers' properties, the existing parking is sufficient for Mr. Scott and company. The property has public water and sewer.

The project is the reuse of an existing commercial building with no exterior changes and the Planning Board therefore determined the project to be a Type II project under SEQRA. 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 within 500-feet of a Broome County (B.C.) facility, the Broome West Senior Center. Broome County Planning did not identify any significant countywide impacts, but recommended landscaping and addressing any potential onsite hazardous chemicals. The Broome Metropolitan Transportation Study (BMTS) group, B.C. Health Department and B.C. Dept. of Public Works had no comment. The NYS DOT did not need to review.

The staff recommendation is to approve the site plan with the following stipulations:

1. There shall be no outdoor storage without first receiving for a special use permit to have outdoor storage.
2. If the applicant wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
3. 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.
4. 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.
5. 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.

6. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance, or no later than January 31, 2023, whichever shall come first. 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.

Currently Mr. Scott's business is on Clinton Street in Binghamton. He purchased the building from his boss two years ago, and part of the sales agreement was that he had to remain at that location until he paid off the previous owner. Since the business loan has been paid, he decided to move to a location that suits his needs better. Mr. Scott is looking forward to doing business in the Town of Union.

Mr. Potochniak, an audience member, asked Ms. Lane if this location was in an Economic Development Zone because he thought that Mr. Scott might qualify for a grant which he could use to remodel the inside of the building. Ms. Lane said she would refer that question to Joe Moody, Director of Economic Development.

Chairman Miller asked for a motion to approve the Site Plan for a Locksmith's Office at 3106 Wayne Street, with stipulations.

Motion Made:	C. Bullock
Motion Seconded:	M. Jaros
MOTION:	Approval of the Site Plan for a locksmith's office at 3106 Wayne Street, with stipulations.
VOTE:	In Favor: L. Miller, S. McLain, T. Crowley, M. Jaros, C. Bullock Opposed: None Abstained: None Motion Carried

F. 600 Boswell Hill Road, Binghamton Jellystone Park, Burke Campgrounds of NY, Moriah Abbott

Ms. Abbott explained that Burke Campgrounds joined the Jellystone franchise. The Jellystone organization requires their partners to use their corporate sign to advertise the location. Jellystone sent them a large corporate sign that also has internal lighting. Because the sign was so large and has internal lighting, Ms. Abbott applied for an area variance due to the size of the sign, and a use variance to allow an internally lit sign. Ms. Abbott believes that the Jellystone sign will help customers locate the entrance to the campground.

Ms. Lane then presented her report to the Planning Board. Burke Campgrounds of NY, LLC applied for two sign variances for a proposed internally-illuminated, 50-square-foot monument sign at the former Binghamton Bears Campground. The campground recently became affiliated with the Yogi Bears Jellystone Parks

organization, and as such, are required to update their signage. The property is in a Rural Residential zoning district, and per Table 52-1, Sign Regulations, monument signs are permitted at 12 square-feet maximum and internal lighting is not permitted.

Burke Campgrounds applied for 1) an area variance of 38-square feet, and 2) a use variance for internal lighting.

Broome County Planning staff did not find any county-wide impacts from the sign, and therefore had no comments. Planning Department staff recommends that the Planning Board recommend to the ZBA that they:

- 1) Approve the area variance to have a 50 square-foot monument sign. The location is remote, and the sign will help travelers find the driveway for the 62.39-acre property, and
- 2) Deny the use variance for an internally lit sign. Per Town Code, no use variance shall be granted if the alleged hardship has been self-created. In addition, external lighting is permitted, which would still allow the sign to be illuminated for visitors arriving in the dark.

Ms. Abbott said that they will have landscaping around the sign and she added that there is only one small house on the campground property near the sign. There are no neighbors that will be able to see the sign.

1. Advisory Opinion to the ZBA for a 38 square-foot variance to have a 50 square-foot monument sign.

Chairman Miller asked for a motion to recommend the ZBA approve a 38-square-foot variance for a 50 square-foot sign at 600 Boswell Hill Road.

Motion Made:	T. Crowley
Motion Seconded:	S. McLain
MOTION:	Recommendation that the ZBA approve a 38 square-foot variance for a 50 square-foot sign at 600 Boswell Hill Road.
VOTE:	In Favor: L. Miller, S. McLain, T. Crowley, M. Jaros, C. Bullock Opposed: None Absent: None Motion Carried

2. Advisory Opinion to the ZBA for a use variance for an internally-lit sign.

Chairman Miller asked for a motion to recommend the ZBA deny a use variance for an internally-lit sign at 600 Boswell Hill Road.

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

MOTION: Recommendation that the ZBA deny a use variance for an internally lit sign at 600 Boswell Hill Road.

VOTE: In Favor: L. Miller, S. McLain, T. Crowley, M. Jaros, C. Bullock
Opposed: None
Absent: None
Motion Carried

Ms. Abbott explained that they have “Binghamton, New York” on the sign because Jellystone uses the local metropolitan area for their signs.

G. 400 Glendale Drive, Walking Path in Glendale Park, Floodplain Development, Town of Union

Ms. Lane summarized the project, which consists of installing a blacktop path in the park, minor regrading, providing an asphalt pad for a bench, and building a ramp for wheelchair accessibility. The project requires a special permit for development in the floodplain. The Town will use funds received through the American Rescue Plan Act for this floodplain-related project.

Mr. Crowley asked whether there has been discussion about replacing the bridge that had been washed out in the park. Ms. Lane answered that the cost to replace the bridge is cost-prohibitive because the floodway goes so far into the park, and the DEC said they would not give the Town permission to rebuild the bridge.

Several members asked about requiring people who walk their dogs in the park to have waste bags. In addition, the suggestion was made to have a trash receptacle available for the waste bags.

1. Declare Lead Agency

Chairman Miller asked for a motion to Declare Lead Agency.

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

2. Classify the Project as an Unlisted Action

Chairman Miller asked for a motion to classify the Project as an Unlisted Action.

Motion Made: S. McLain
Motion Seconded: T. Crowley

MOTION: Classify the Project as an Unlisted Action.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley,
M. Jaros, C. Bullock
Opposed: None
Abstained: None
Motion Carried

Ms. Lane has an application from UHS for a daycare center at the former Aldi's on Main Street. The project has a tight timeline to be ready for the February 14 meeting date. Ms. Lane then polled the Planning Board members for their availability on February 21 in order to accommodate the daycare project. All of the members said they would be available on February 21, so the regular meeting date was changed from February 14 to February 21, 2023.

3. Call for a Public Hearing for Development in a Floodplain, to be held at the 7:00 p.m. February 21, 2023, Planning Board Meeting.

Chairman Miller asked for a motion to call for a Public Hearing for a Special Permit for Development in a Floodplain at the 7:00 p.m. February 21, 2023, Planning Board meeting.

Motion Made: C. Bullock
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. February 21, 2023, Planning Board meeting.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley,
Mark Jaros, C. Bullock
Opposed: None
Abstained: None
Motion Carried

H. Other Such Matters as May Properly Come Before the Board (Vote on Vice-Chair)

Ms. Lane relayed that the Town Board reappointed Ms. Miller as the Chairperson of the Planning Board. She asked the Planning Board for a recommendation for Vice-Chairperson. Ms. Bullock recommended Mark Jaros for the position of Vice-Chairperson of the Planning Board.

Ms. Miller called for a motion to elect Mr. Jaros as Vice-Chairperson of the Planning Board.

Motion Made: M. Jaros
Motion Seconded: T. Crowley
MOTION: Approval of the election of Mr. Jaros to be the Vice-Chairperson of the Planning Board.

VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley,
M. Jaros, C. Bullock
Opposed: None
Abstained: None

I. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:10 p.m.

Motion Made: C. Bullock
Motion Seconded: T. Crowley
MOTION: Adjourning the meeting.
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley,
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, February 21, 2023, at 7:00 p.m.

Respectfully Submitted,
Carol Krawczyk