

Testimony of a public hearing of the Town of Union Planning Board held at the Town Office Building, 3111 East Main Street, Endwell, New York, Tuesday, October 17, 2006, at 7:00 P.M.

PRESENT: Sue McLain, Chairman
Ada Elwood
Lisa Miller
Tom Crowley
Ralph Signorelli
Paul Nelson
Marina Lane

Andrew Marino, Tredo Engineers
Thad DeMulder, Realty USA
Bonnie Brown, Realty USA

MS. MCLAIN: Good evening. The meeting is called to order. The Planning Board is assembled and the representatives of Realty USA are here, so we will begin the Public Hearing by a reading of the notice. After that, we will hear from the representative. The Town of Union Planning Board will conduct a public hearing relative to a Special Permit application by Merle Whitehead of Realty USA to develop in the 100-year flood plain located at 3628-3640 George F. Highway, property Tax Map Numbers: 142.17-4-32 and 142.18-1-32. The public hearing will take place on Tuesday, October 17, 2006 at 7:00 PM in the Town Board meeting room on the second floor of the Town of Union Office Building located at 3111 East Main Street, Endwell, New York. Individuals with special needs requiring accommodations may contact the Planning Department at 786-2975 at least 24 hours prior to the scheduled public hearing. Would you like to begin?

MR. MARINO: Good evening. My name is Andrew Marino, from Tredo Engineers from Buffalo, New York representing Silvestri Architects and Merle Whitehead for Realty USA. We have representatives here from Realty USA if there are any questions. The facility we are planning today that we hope to get site plan approval for is for a brand new 8,800 square foot, one-and-a-half story office building. It will be replacing the existing Farrell Realty USA building and the sewing machine building, both of which would be demolished and all pavement is being removed. The facility itself is proposed to be a

brick façade with a gabled and hip roof. It is going to be raised two-and-a-half feet above the flood plain, so there will be stairs and ramps that will take you from grade at the parking lot up into the main entrance of the building. It will have handicap accessibility by way of the handicap access. The facility itself, again, is an office, to which we are providing 48 parking spaces for throughout the site. There are comments that we have received from the DOT that I would like to bring to everyone's attention. They have mentioned that they would prefer for us to eliminate one of the curb cuts on George F. Highway, as well as to maintain the rear access to the River Road by way of the gravel driveway. What I have found out in the interim is that there is a reciprocal easement with Realty USA and the Endwell Rug Company that they currently are allowed to use the parking area, they are kind of combined or what not. Where we are separating it to some extent, but still maintaining a connection, the pavement, so that we will indeed have access to River Road still. I had to create a detention basin for this parcel, as there was no stormwater management currently on the site. In doing so, I have blocked off this gravel driveway. We, in consulting with Merle Whitehead, he preferred to maintain the two curb cuts as there is currently one big curb cut here and we are going to be closing off some it and we would like to maintain the two. It is his wish to do that. The other comments revolved around the setback issue, which we now have

10 feet of green space, it is not indicated on this plan here, but it has been modified to include the 10 foot setback and there is no future building or parking lot expansion proposed here. The 8,800 square feet is the proposed total square footage of the building. The other comments we had received were from engineering, including a little more detail on the stormwater detention basin and a slight note regarding the sanitary sewer, a slight difference from how we do it in Erie County. I noticed they mention the landscape plan not being reviewed by Broome County and I don't know why that happened. I was going to ask Marina if possibly it got separated from what you had forwarded to Broome County.

MS. LANE: Actually I didn't forward that, that is done been through our building official. So, you say it is a separate document?

MR. MARINO: Yes. There is an L101 landscape plan. I would be glad to ... that was included in the stuff that we had sent down. I wasn't sure if they had specific comment because they just mention that it wasn't included, so they just may have missed it. What I would like to point out is that we are again closing off areas and creating green space along George F. Highway where we will be planting street trees right along the right-of-way. We will include island trees in the curbed green space islands. We are proposing a new dumpster facility at the back of the parking area and there will be two flowering trees there. Because the building is going to be so far out of the ground, there is

going to be a lot of brick that I'd like to augment with some foundation plantings and a flowering crabapple. We are actually wrapping all the way around the building with ground cover and so forth, so they can maintain what is going to be a pretty steep slope up to the building. Again we are keeping open the paved area over towards Endwell Rug and we are also going to be proposing new light standards around the facility, around the perimeter of the facility. There is an existing retaining wall along the property line on the west side. We are going to maintain that. There won't be any intrusion on any of the property at all. Getting back to the stormwater detention, we have created a basin which complies with the New York State DEC SPEDES requirements for quality and quantity and then we will be out letting, which isn't currently on this drawing because I just received it this morning, over to ... there is a small creek to the west of us, it is called Patterson Creek. I just received additional topo information of where our stormwater pipe will eventually lead and discharge approximately 100 feet from our property. I drove back there today and it's all kind of scruffy, you can't really see it until you actually drive over the culvert. So the back part of the property, again, we would like to basically cut off that gravel driveway that is coming in through there now because we can access the back through Endwell Rug. There was a concern about no left turn on George F. Highway or a difficulty, and if that does present a problem in the future, we

would still have the rear access that we can indicate to our clientele that they can use that to access River Road. The River Road can be access through the Endwell Rug Company as they are currently doing. This gravel drive that comes back to River Road, we are in essence cutting it off. Our property is back here, but our development stops here and then we have a shallow grass basin, which will provide all the stormwater management (indicating on map). The other utilities are the sanitary sewer, which we have on our rear yard, our south yard. There is a water hydrant and a water service in our rear yard, which we will also be utilizing for the property. Any questions or comments. I would be glad to ...

MS. MCLAIN: Did you say you have a written agreement with the Endwell Rug to use their access to the back?

MR. MARTINO: There is a reciprocal easement in place that I was copied on today, which I would be glad to leave with you.

MS. MCLAIN: Any questions?

MR. NELSON: The DOT was pretty non-specific regarding the issue of the driveway openings, they just suggested that one of the two be closed, not which one they would prefer to have open and it's your position that you would like to maintain both of them. Regardless of what the Planning Board does in terms of the curb cuts, ultimately you're going to need to deal with the DOT because you're going to need work permits and even though the Planning Board may say, well if they

want it specific, you know, well they're not making a specific recommendation, there is a possibility that they could leave the two, but you'll still need to get over that issue with the DOT.

MR. MARINO: As far as at the time that the contractor applies for the work permit, they can work that out. In essence what we are doing is closing off more of the curb cut than we are creating, because we are adding green space.

MR. NELSON: Well, the only issue then is if they change your driveway openings after the fact, then you have to come back to have the site plan revised, so we will have some discussion with the DOT and will get some additional information and work out what you have regarding the reduction of the opening in the curb. Right now it's pretty much a free for all in there.

MR. MARINO: It is. The buildings are vacant, so I can't tell what's happened, but I don't anticipate that we are going to increase traffic at all, being an office for Farrell Realty USA, realtors are usually on the road more than they are in the office, so we certainly have a good deal of parking here and I don't foresee there being any problems, but everything will have to go through the DOT and we will resubmit any recommendations from this Board we'll take that into consideration.

MS. MCLAIN: Why kind of deciduous trees ...?

MR. MARINO: There is a full planting schedule here. We're calling out the Autumn Blaze Maples, I have flowering crabs on the interior around the

building and around the dumpster. I have some ash trees, some that will grow quickly and tall to provide some shade, which the site doesn't currently have. The back of the site is kind of scruffy and we're going to maintain as much as we can around ... where we don't have to excavate for the detention basin. There really wasn't anything back there worth keeping. There was one tree just off our property, it's indicated actually on the survey, we're maintaining that. The other plantings are ... we've included some pines and what we're doing is we're cutting the pavement and providing green space in this area (indicates on map) with spruce trees on the east property line between Endwell Rug and Farrell Realty USA for a bit of a separation. Around the building we just have low rise, I have a lot of creeping turf, which is again, so they don't have to mow the lawn on a steep slope, I have junipers and a compact burning bush, so we have some color and some evergreen.

MS. MCLAIN: I looks like pretty low maintenance and pretty reliable.

MR. MARINO: Yes.

MS. LANE: I'm curious about the steep slope that you have referenced a couple of times. Does that mean that you're going to be bringing in fill to raise the building?

MR. MARINO: Yes. The building pad itself, there's no basement if I didn't mention that. The building pad itself is a good two-and-a-half feet above the existing pavement due to the elevation of the flood plain and the

owner's wish to be considerably higher than what the elevation of the flood plain is. Typically you're only supposed to be ... we're only required to be one foot above the base flood elevation, but the owner requested that we be actually two-and-a-half feet above it. In doing that, the green space in the rear of the building does slope up toward the building. This will be a maintainable three on one slope, but that's why I added the ground cover. In the front of the building I can't do much because I have the sidewalk and the curb and the existing elevation is going to be maintained, so when you see the front of the building, you'll see about two-and-a-half feet of brick before you actually come to the finished floor and it'll have a set of stairs and a porch, patio, porch covered with a gable end.

MR. NELSON: Your proposed elevation, where does that put you in terms of the recent flooding inside the building?

MR. MARINO: I had heard that it was about at the finished floor of the first floor of the building, which is at the base flood elevation, so the statistics proved themselves wrong. It was just the owner's wish to be considerably above that.

MR. NELSON: You are aware that they are in the process of doing a remapping and that base flood elevation may end up changing?

MR. MARINO: We should be ahead of any of that. Again, the owner's happy with having the building up that high for his own security.

MS. LANE: ... the last page of the building flood plain and elevation.

MR. MARINO: We have the building floor plans and elevations. Traditional looking hip roof, window dormers for the second floor.

MR. CROWLEY: Is there any way you can give us a layout of this right here which would show the land and how the building is going to be situated on it for aesthetics? This particular area right here gets about, if my numbers are correct, probably about 64,000 cars pass a day through this particular area here. It's a high traffic area. The land's going to be here and the building's sitting way up here, I'd like to see at least a rendition to get an idea of what it is going to look like.

MR. MARINO: It is actually rendered in this elevation, even though it's in two dimensions. The grade is shown accurately, it's two-and-a-half feet down to where the curb line is going to be.

MR. CROWLEY: Is there any way to take that and transpose it onto the property.

MR. MARINO: I'd be glad to.

MR. CROWLEY: To get a visual of it. See what it looks like.

MR. MARINO: Certainly.

MR. CROWLEY: I have one other question. When people go into Endwell Rug, when they are going out the door, the first thing they tell you is don't go out on the highway, go out the back way because it's too dangerous. And we're talking about leaving the two curb cuts there and the comment on the note over here is that they leave the option to make it no left turn, I would like to see something considered in the early stages now about no left turn because that is a big safety issue in that particular

area. That's just a personal comment only because of living in this area as long as I have and seeing the accidents that have occurred in that particular area, the cars come through there pretty fast.

MR. MARINO: I was hoping to see myself what was happening, but there wasn't much traffic today when I came through.

MR. CROWLEY: What I remember is it's 64,000 cars a day, it seems like a lot, but they say it's one of the highest traffic areas we have here.

MR. MARINO: We can again indicate to our clients to use the rear entrance if they wanted to go west on 17C.

MR. NELSON: Part of the problem there is that there is very little of access management because it's a free for all ... so people can basically enter the traffic flow from basically anywhere from the glass place all the way to the corner and this actually should provide at least bit more definition in terms of where people think they are supposed to go.

MR. MARINO: And coming in. If you're on the highway and you miss the first entrance, you have an opportunity to get the second one, which I feel is safer than just having one big curb cut.

MS. LANE: ... mentioned about Endwell Rug, were you having to inform them about the fact that you were going to be cutting off that parcel, were you saying something to me like that?

MR. MARINO: What I mentioned was we're not meeting the setback requirements at that one little corner because we want to blend our pavements. So we don't have a three foot green space there, if I put one in, I feel

people would just drive over it anyway, it's not enough of a deterrent, so with this reciprocal access easement between the two companies, we feel that we can maintain the paved area there and there are two striped areas right now that I think the stripes can be removed and it shouldn't be an issue with Endwell Rug, but I would ask if someone here from USA Realty has spoken to Endwell Rug at all or can in the future regarding these two parking spaces. I'm not aware of how much the lot is full during the day or not.

MR. DEMULDER: Right now it's all blacktopped, everything is all blacktopped.

MR. MARINO: And in a way we're trying to improve that by providing a green strip and some landscaping and some separation. At the same time it is reciprocal, they can drive on ours and we can drive on theirs, so I can't change that.

MR. SIGNORELLI: Let me ask you a question on that, because with the reciprocal agreement, it's not obvious when you're driving in there where the actual property line is, but when you're talking about this reciprocal agreement, correct me if I'm wrong, Endwell Rug is actually the one that owns the land that you're talking about where you'd have to access out the back, correct?

MR. MARINO: Yes, that's correct.

MR. SIGNORELLI: So the property line comes across here (indicates on map)?

MR. MARINO: Right there (indicates on map). The separation between Endwell Rug and Realty USA and right now, it's hard to see on that plan. On this

plan (indicates on a different plan) where we have the existing building, there are currently parking spaces right up to the property line and this is all pavement and you can drive all the way around.

MR. SIGNORELLI: OK, because usually a reciprocal agreement means that you can use each other's, but it sounds to me like you're actually using theirs, are they using ...?

MR. MARINO: Let me ... so there's no confusion I did receive something today. Let me make a quick statement based on what I read today ... there are several agreements here, but the important one is "Endwell Rug hereby grants that he conveys to Merle exclusive easement for the parking of automobiles and non-exclusive easement for ingress and egress for motor vehicles to and from the parking lot."

MR. SIGNORELLI: That's not a reciprocal, that's an easement that allows you to use their property, but it really doesn't ... they don't use yours ... in other words, they don't use ... the way I understand that.

MR. DEMULDER: They drive ... all day long ... now.

MR. SIGNORELLI: Where is the Endwell Rug building actually here? Does it come right ...?

MR. MARINO: No, it's back here ... the warehouse area is here and then their building and up to ... (indicates on map). The warehouse portion is shown here and ... it comes up to the front and when I came in and turned left into here, this is all open and I drove back. We are

creating a small green strip here and the new access specifically for Realty USA but you can drive right through.

MR. SIGNORELLI: OK and there is the property line. And the configuration with two in the front is such that the idea would be you come in here and come out this way?

MR. MARINO: They are both two-way. They are both wide enough to be ingress and egress.

MR. SIGNORELLI: So that means that someone coming westbound would be able to make a left and come into either one of these?

MR. MARINO: Yes that is correct. We have a ground sign proposed here too. But if I were driving down the highway and I missed the first curb cut, I have an opportunity to come into the second one, which is what the owner is requesting.

MR. SIGNORELLI: My only other question was, what is the depth of the detention ponds?

MR. MARINO: It is three feet.

MS. LANE: That's still being reviewed by Pete.

MR. SIGNORELLI: Will it be bermed around the edges?

MR. MARINO: No, it's not. It's a very shallow, maintainable three on one slope so they can mow the grass.

MS. ELWOOD: Would there be a problem with them draining the storm water into Patterson Creek from the detention pond? I'm not sure that ...

MR. NELSON: Well, typically, that is where it normally would go and obviously, the only times they had problems with that was when the river backs up and it causes the flooding through there. But for instance in West Corners, the Giant, all their stormwater currently goes into the creek right there and they're not proposing a change as part of their new application, so we have a number of places throughout the Town where that is the case.

MS. ELWOOD: And you don't foresee that as a problem?

MR. NELSON: Not at this point, unless the Town Engineering Department tells us otherwise.

MR. MARINO: We didn't receive any comment to that and by creating detention at all for stormwater management, it is limiting the outfall of runoff from our property, whereas before there was none, there was no operational system.

MS. LANE: Did you get a copy of the stormwater checklist that I sent?

MR. MARINO: That checklist is for the reviewing agency.

MS. LANE: That's true and so it will have to, pretty much most of it, needs to be checked off. You want to make sure that it can all be checked off.

MR. MARINO: I see.

MS. LANE: It's also a guide ... Pete's using it as a guide ... Pete Olevano, our ...

MR. MARINO: I spoke to Pete. Since we have submitted the drawings, we submitted our Notice of Intent to the DEC, so they are aware of the

project and we should be receiving a letter shortly of their acknowledgement.

MS. MCLAIN: Are there any other questions from the Planning Board?

MR. CROWLEY: Yeah, just one that you and I talked about ... these flood elevations ... they have another one here and they're half a mile apart, and there's a difference of a foot ...

MS. LANE: Those are determined by Steve Rafferty. I actually have a certificate from him as to what those flood elevations are.

MR. MARINO: Typically as you go along in the watershed, the numbers change. What we had received prior to the start of our project ...

MR. CROWLEY: Well I'm just saying if you're using this right here, I just want to be sure that if you're trying to go two feet above and if they are changing the flood maps, which I know they are because I've had some property surveyed and supposedly in Johnson City, the flood maps were supposed to be correct. Vestal was supposed to be correct. Conklin was not and so I don't know how it is in this particular area in here. It might be interesting.

MR. MARINO: That was part of the owner's concern, once again ... but the elevation certificate that we received from the elevation survey, is what we used to base the elevation on, that is noted on the drawing as elevation 834 and the main entrance of the facility is about 833.

MR. NELSON: We've been talking to Steve Rafferty about the requirements for the flood plain management district in terms of construction of the

foundation, to make sure that the pressure is equalized inside and out

...

MR. MARINO: I understand the foundation will be designed to resist ...

MR. NELSON: You don't need that for your site plan, but just keep that in mind.

MR. MARINO: I understand.

MS. MCLAIN: Any other questions from the Board? Does anyone in the visitor's section have a question? Then the public hearing is closed.

Hearing concluded 7:28 p.m.

I, KATHLEEN C. CARNEY, do hereby certify that the foregoing transcript of a public hearing of the Town of Union Planning Board is a true, accurate and complete transcript of my stenographic notes/tape taken at the above time and place.

KATHLEEN C. CARNEY