

Town of Union Planning Board Minutes
Tuesday, March 11, 2008

A regular meeting of the Town of Union Planning Board was held on Tuesday, March 11, 2008 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: S. McLain, T. Crowley, A. Elwood, L. Miller, R. Signorelli

Members absent: J. Rotella, B. Seliga

Others present: Paul Nelson, Marina Lane, Alan Pope, Nancy LaBare, Jonathan Mechling, John Willow, and Todd Weiland

A. CALL TO ORDER

Chairman McLain opened the regular meeting of the Planning Board at 7:00 p.m.

B. APPROVAL OF MEETING MINUTES: February 12, 2008

Chairman McLain asked for a motion to accept the February 12, 2008 meeting minutes as written.

Motion made: R. Signorelli

Motion seconded: L. Miller

MOTION: Approving the minutes from February 12, 2008 as written.

VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller, R. Signorelli
Opposed: None
Motion Carried

C. 3408 E. MAIN STREET, KWIK FILL: Site Presentation; Advisory Opinion to ZBA

Jonathan Mechling presented the plans and variance requests for this property. The owners want to demolish and replace the outdated existing building with a slightly smaller, more attractive building designed in a colonial style of solid brick. Recessed lighting, pointing down, will be provided under the canopy of the building. The business will have a small convenience store as well as full-service gas pumps. New trees and shrubs will be added to enhance the property. He stated that they are prepared to begin construction as soon as approval is given.

Mr. Nelson asked if it would be possible to change the driveway to discourage drivers from making dangerous turns into the property from the nearby ramp, but Mr. Mechling stated that with the limited space of the property it would be impossible to change the entrance.

At tonight's meeting Mr. Mechling handed Chairman McLain a Certificate of Underground Line Testing dated June 25, 2007 indicating the safety of the

gasoline storage tanks. Ms. Lane will forward the report to the Broome County Groundwater Specialist, Ron Brink.

Ms. Lane read from her memorandum to the Planning Department dated March 11, 2008. It read, in part:

The Variance Request states that the Town of Union Zoning Board of Appeals issued variances in 1998 which are still in effect and have been applied to the revised site plan. Based on the Building Official's review of the revised plans, the following variances are still required:

1. Canopy setback – East Main Street. The Zoning Board issued a 5 feet street setback variance for the canopy. The revised plans show the canopy 14 feet, at its closest point, to the East Main Street property line. Therefore, a 6 feet setback variance will be required.
2. The approved plan showed a street setback of 5 feet 8 inches for the building from the Luther Street property line. The revised plan indicates a proposed street setback of 2.63 feet. Therefore, a 17.37 feet street setback variance is required.
3. Section 205-27 of the zoning Ordinance states that the street setbacks shall be unobstructed, except for the 6 exemptions listed in the Code Book. Enclosed refuse structures are not listed as an exemption. A variance is required to allow the refuse structure within the street setback.

The Environmental Impact states that since a full Environmental Assessment Form was issued and reviewed in 2001 with a resulting issuance of a Negative Declaration under SEQRA, only a short form needed to be submitted. The project has been sent to the Broome County Planning Department for a 239-Review. Because the project is less than one acre, no SWPPP is required. Stormwater drainage will be handled with enhanced basins and a curb and gutter system. Double-walled gasoline storage tanks were installed in 1991 and have a 30-year warranty. They are steel, cathodically protected, and coated to resist erosion.

Staff Findings give the following recommendations based on the limited space of the parcel and the existing use and building:

1. The 6 feet perimeter strip/street setback variance for the canopy at East Main Street.
2. The 17.4 feet perimeter strip/street setback variance for the building along Luther Street.
3. The perimeter strip variance for the dumpster, placed at the far east end of the lot, approximately 13 feet from the road. The structure would not block visibility for drivers making a right-turn only exit from the lot, as was required as a condition of approval for the 2001 site plan.

Chairman McLain asked for a motion to recommend that the ZBA approve the three Area Variances.

Motion made: T. Crowley

Motion seconded: A. Elwood

MOTION: Recommending the Area Variances.

VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller, R. Signorelli
Opposed: None
Motion Carried

D. COMPREHENSIVE PLAN DISCUSSION

Mr. Nelson provided printouts of three additional sections of the Plan: 1) Land Use Compatibility Appropriateness, 2) History and 3) Neighborhood 13. He asked the Board members to read them carefully and send him any suggestions for change or improvement. Members found the Compatibility section difficult to read, but understand it is an important part of the Technical Background Report.

Development in the Town's flood plain was again discussed with the recurring concern of land use for the Route 26 Corridor and Watson Boulevard. Ms. Elwood said she had shared the Board's concerns with a representative from the NYS DEC when she attended meetings in New York City in February. As a result of that conversation, someone from the NYS DEC came unexpectedly and toured the Watson Boulevard area to see the wetlands first-hand. He will be contacting the Town with his observations and suggestions. Mr. Nelson and Ms. Lane reminded the Board that they are federal, not state, wetlands. Mr. Nelson suggested that the Town investigate alternative methods of construction, such as building raised structures, constructing building on piers as is done in many coastal areas, or using overlays of development guidelines in limited development areas to guide acceptable development of wetlands and the floodplain. Mr. Signorelli indicated that he still had some concerns about the Watson Blvd. area Future Land Use recommendations. Mr. Nelson suggested waiting to release the Watson Boulevard Neighborhood Plan if the members were not sure about the Future Land Use recommendations, but it was agreed to go ahead with the process as it could still be changed before the plan is finalized.

Mr. Nelson said he will be releasing sections of the Comprehensive Plan to the Town Board members immediately for their review. Neighborhood meetings will start in April, beginning with one at the Johnson City Senior Center. The meetings will continue after that over the next five to six weeks at the Highland Park Recreation Center, the Anne McGuinness Cafetorium and other locations throughout the Town of Union and Villages of Endicott and Johnson City. The Planning Department would like to have all of the neighborhood meetings completed by Memorial Day. Once released for public comment, the plan will also be posted on the Town of Union website for residents to read and comment on.

Mr. Nelson again asked Board members to read the sections carefully and contact him with suggestions or changes.

E. OTHER SUCH MATTERS AS MAY PROPERLY COME BEFORE THE BOARD

Ms. Lane stated that she had followed up on Mr. Crowley's question from the last meeting regarding the Department of Transportation filling in the flood plain near Home Depot. She had contacted Tom Laskowski at the DOT who said that they had been doing it for years because it was an area they perceived to be waste property. She explained to them that it was difficult to justify requiring others in the area to do engineering studies and not the State. She then spoke with Larry Lepak at DEC and he said an Engineering Study is required. Mr. Nelson added that Mr. Lepak also advised that there is a new Model Ordinance available for flood plains that he would send for the Planning Department's review. It has already been adopted, with enhancements, by the Town of Kirkwood. Mr. Nelson will send copies of the Model Ordinance to the Board when he receives it.

Ms. Lane also said that Sal Julian is moving ahead with his development. He is anticipating getting the financing soon and will be moving ahead with his plans.

Mr. Crowley asked about a property on Route 26 that had large construction equipment stored outside without absorbent pads and questioned how they were able to get a Certificate of Occupancy. Ms. Lane explained that she is not aware of which properties have or have not been granted Certificates of Occupancy. Ms. LaBare shared with the Board that the County is looking into purchasing Oracle software in order to bring needed information up to date in a format that will be able to be shared throughout government offices.

Mr. Lane said that Ferris Akel will not have to put up a performance bond for incomplete landscaping on his West Corners Giant property in order to get a temporary Certificate of Occupancy, as the Letter of Approval stated he would need to do so only if landscaping was not completed by October 30, 2008. Fire safety protection has been installed but needs to be tested and approved before a temporary Certificate of Occupancy can be granted.

F. ADJOURNMENT

Motion made: R. Signorelli
Motion seconded: L. Miller
MOTION: Adjourning the meeting at 8:35 p.m.
VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller, R. Signorelli
Opposed: None
Abstained: None
Motion Carried

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Next Meeting Date

The next regular meeting of the Planning Board is scheduled for Tuesday, March 25, 2008 at 7:00 p.m.

Respectfully submitted,

Dawn Foti