

**Town of Union Planning Board Minutes**  
Tuesday, April 15, 2008

A regular meeting of the Town of Union Planning Board was held on Tuesday, April 15, 2008 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: S. McLain, A. Elwood, L. Miller, J. Rotella, R. Signorelli

Members absent: T. Crowley, B. Seliga

Others present: Paul Nelson, Marina Lane, Brian Allis, Leon Anastasokos, Alberto Paolini, John Willow, and Jon Mechling.

**A. CALL TO ORDER**

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

**B. APPROVAL OF MEETING MINUTES: March 25, 2008**

Approval of the minutes was postponed until the next meeting.

**C. 3408 E. MAIN STREET, KWIK FILL**

Mr. Rotella recused himself during this discussion.

**1) Declaration of Lead Agency**

Chairman McLain declared the Planning Board the Lead Agency.

**2) SEQRA Determination**

Ms. Lane read the Description of Action and Reasons Supporting This Determination from the Negative Declaration. Mr. Signorelli asked for clarification on the gasoline storage tanks since only the pipes are scheduled for replacement. Ms. Lane and Mr. Mechling explained that the tanks were replaced in 1991 and meet all requirements of the DEC. They are tested every five years by the DEC and yearly by the State of New York. Ms. Lane said that the representatives she spoke to from the DEC were very impressed with United Refining Company's recordkeeping and testing. The proposed project was found to not have a significant impact on the environment.

Chairman McLain asked for a motion to approve the Negative Declaration under SEQRA.

Motion made: R. Signorelli  
Motion seconded: A. Elwood  
MOTION: Approving the Negative Declaration.  
VOTE: **In Favor:** S. McLain, A. Elwood, L. Miller, R. Signorelli  
**Opposed:** None  
**Abstained:** J. Rotella  
Motion Carried

### 3) Site Plan Review

Ms. Lane read the Staff Recommendation and Review from her memorandum dated April 15, 2008. The following changes were made:

- In Item No. 2 the date for completion of landscaping was changed to June 30, 2008.
- In Item No. 5 the wording was changed from having all canopy lights turned off to "All but one light shall be turned off within one hour of the closing of the facility." The concern of the Board is that there not be too much unnecessary light because it is a residential area. There is also concern about the safety of the employees and the facility itself. It was agreed that if there are any complaints from neighbors about the amount of light, the issue would be readdressed.
- Mr. Nelson noted that sheet C-501 had a dumpster enclosure incorrectly labeled as stockade when it should be board-on-board. The developers agreed that they would submit two copies of Sheet C-501 with the correction shown.

Chairman McLain asked for a motion to approve the Site Plan as corrected.

Motion made: L. Miller  
Motion seconded: R. Signorelli  
MOTION: Approving the Site Plan as corrected.  
VOTE: **In Favor:** S. McLain, A. Elwood, L. Miller, R. Signorelli  
**Opposed:** None  
**Abstained:** J. Rotella  
Motion Carried

**D. 2306, 2308, 2400 WATSON BOULEVARD, PAOLINI'S RESTAURANT**

**1) Declaration of Lead Agency**

Chairman McLain declared the Planning Board the Lead Agency.

**2) SEQRA Determination**

Ms. Lane read the Description of Action and Reasons Supporting This Determination from the Negative Declaration. The parking lot will be graded and paved with stormwater drainage directed to two new dry wells in the lowest point of the parking lot. The proposed project was found to not have a significant impact on the environment.

Chairman McLain asked for a motion to approve the Negative Declaration under SEQRA.

Motion made: L. Miller

Motion seconded: J. Rotella

MOTION: Approving the Negative Declaration.

VOTE: **In Favor:** S. McLain, A. Elwood, L. Miller, J. Rotella, R. Signorelli

**Opposed:** None

Motion Carried

**3) Site Plan Review**

Site Plan drawings were provided for the Board to review. Mr. Nelson said it would be beneficial to have enter and exit signs as well as pavement markings. He stated that Steve Rafferty could review sign requirements with Mr. Paolini. Although not a Site Plan requirement, there was a discussion about the possible need for something to protect the front of the building in the event a car coming down the hill veered onto the property. Mr. Rotella has visited the building and praised the quality and cleanliness of the building. Ms. Lane added that the Building Department and Health Department have also been out to inspect the facility and were very satisfied with the progress thus far. Ms. Lane then read the Staff Recommendation and Review from her memorandum dated April 15, 2008. The following changes and clarifications were made to the recommendations:

- In Item Number 4 the word "temporary" was deleted from the second line and the word "permanent" from the fifth line.
- In Item Number 6 Mr. Nelson clarified that the fence must be board on board.
- It was added that the entrance and exit should have both signs and pavement markings.
- It was added that the applicant shall extend the retaining wall to the size of the property. Ms. Lane explained that this addition resulted

after an inspection of the retaining wall when it was suggested that a small lip should be added.

Chairman McLain asked for a motion to approve the Site Plan as revised.

Motion made: A. Elwood  
Motion seconded: R. Signorelli  
MOTION: Approving the Site Plan as revised.  
VOTE: **In Favor:** S. McLain, A. Elwood, J. Rotella, L. Miller, R. Signorelli  
**Opposed:** None  
Motion Carried

**E. 440 AIRPORT ROAD, BRIAN ALLIS: Consideration of Revised Time Line**

Ms. Lane explained that she had spoken with Mr. Allis about unfinished Site Plan requirements for this property, specifically (1) putting in a dry well, (2) paving and striping the parking lot, and (3) completion of required landscaping. The work was to be completed by October 30, 2007. She said he could have received a temporary Certificate of Occupancy at that time if he had put up a bond, but that was never done. Instead, he is using the facility without any Certificate of Occupancy. Mr. Allis admits he has failed to satisfy the Site Plan requirements and asked for an extension of time in order to complete the work. He explained that this is a difficult time of year to come up with necessary funds to complete the work or to put up a performance bond. Ms. Lane stated, and the Planning Board agreed, that he had been given adequate time to complete the required improvements and now needed to be in conformance. Ms. Lane, Mr. Nelson and Mr. Rotella patiently explained to Mr. Allis the different options available for posting a bond. Ms. Lane reminded Mr. Allis that the Board had pushed the project through for him last year and that cooperation is needed back. He was instructed to submit an estimate of costs for the remaining work by the end of the week. Chairman McLain explained that the Board cannot recommend a Temporary Certificate of Occupancy until an estimate is done and a bond posted. Mr. Allis agreed that he would submit the estimate of costs this week. Ms. Lane will then have Engineering check the estimate and she will bring the issue before the Planning Board again.

**F. COMPREHENSIVE PLAN DISCUSSION**

Mr. Nelson said that the Neighborhood Meetings are scheduled, with the first one being held at Highland Park on Thursday, April 24. He asked the members to let him know by e-mail which dates are most convenient for them to attend. Ads for the open houses will be in the newspaper this week along with a press release.

**G. OTHER SUCH MATTERS AS MAY PROPERLY COME BEFORE THE BOARD**

- Ms. Lane presented a letter from Steve Rafferty to the Planning Board regarding the Polar Shot Driving Range. A question had been raised at the last meeting about the use of a temporary trailer on the property. The letter stated that an inspection of the property showed it has a port-a-john and running water, but no permanent buildings. Because there is no permanent building, it is not subject to New York State Building codes. Based on the seasonal use of the property and restrictions on building in the flood plain, the use for the property is limited. Since the driving range has been in operation since at least the early 1970s and no complaints were received last year, it will be allowed to operate again as it did last year. Ms. Elwood said she has a copy of a letter that stated the temporary trailer would not be allowed to be brought back on the property if removed. She will find it and submit it for the record.
- Ms. Lane distributed a letter from Steve Rafferty to Man Ting Rentals regarding a landscaping concern that was brought up at last week's meeting. The letter explained that as new owners they may not have been aware that they were required to have landscaping for screening purposes and as a buffer for noise reduction. Mr. Rafferty spoke with the owners following receipt of the letter, and they plan to provide more landscaping. He gave them a list of the approved plantings that were part of the original Site Plan. Ms. Lane said that the pavement that had been extended to State Route 26 is under the jurisdiction of the State, and that the Town is unable to enforce the Site Plan which did not allow vehicles to exit onto Route 26.
- Ms. Lane said Mr. Rafferty had been contacted by Nezumtoz with a request to use a solid pressure treated fence as a dumpster screen rather than the vinyl fence in the original Letter of Approval. It was agreed that a wood fence, board-on-board would be acceptable. Ms. Lane asked the Board if they wanted to be included on approval of minor changes such as this one since it was often not done in the past. The Board members agreed that it is beneficial to be a part of approving changes. There is a concern about follow-up and tracking of projects once they have received the approval of the Planning Board. Tighter controls over the completion of projects which have been given approval and tracking of any issuances of Certificates of Occupancy are critical to maintaining the quality of development the Planning Board strives for. It was suggested that perhaps the Chairman of the Planning Board or a member of the Planning Department should have the ability to write a letter or issue a Notice of Violation if Site Plans are not being adhered to.

**H. ADJOURNMENT**

Motion made: J. Rotella  
Motion seconded: A. Elwood  
MOTION: Adjourning the meeting at 8:50 p.m.  
VOTE: **In Favor:** S. McLain, A. Elwood, L. Miller, B. Seliga, R. Signorelli  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**Next Meeting Date**

The next regular meeting of the Planning Board is scheduled for Tuesday, May 13, 2008 at 7:00 p.m.

Respectfully submitted,

Dawn Foti