

Town of Union Planning Board Minutes
Tuesday, June 17, 2008

A regular meeting of the Town of Union Planning Board was held on Tuesday, June 17, 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, B. Seliga, R. Signorelli

Members absent: J. Rotella

Others present: Paul Nelson, Marina Lane, Sal Julian, William Turner, Matt Napierala, Rose Sotak, Bill O'Brien, Shirlee O'Brien, Larry Mazar, Carol Mazar, Vincent Sullivan, Brian Slattering, Michael Tomanocy, Anthony Mattioli, Ferne Mattioli, Jim Walsh, Bill Walsh

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 and April 15, 2008

Chairman McLain asked for a motion to accept the March 25, 2008 meeting minutes as written.

Motion made: B. Seliga

Motion seconded: A. Elwood

MOTION: Approving the minutes from March 25, 2008 as written.

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

Chairman McLain asked for a motion to accept the April 15, 2008 meeting minutes as written.

Motion made: R. Signorelli

Motion seconded: L. Miller

MOTION: Approving the minutes from April 15, 2008 as written.

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

C. SOUTHERLY HILLS PUD, 10 KOT ROAD: Request for Extension

Ms. Lane read from a letter from Salvadore Julian requesting an extension of 12 months to apply for a building permit for this property as allowed under Section 205-49.4 D (3) (f) of the Town Code. The extension would allow him needed time to get necessary permits and financing.

Chairman McLain asked for a motion to grant Mr. Julian the extension on the Southerly Hills PUD project for another year.

Motion made: A. Elwood
 Motion seconded: B. Seliga
 MOTION: Approving the request for extension of time.
 VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller, B. Seliga,
 R. Signorelli
Opposed: None
 Motion Carried

D. MANLEY’S CAR WASH, 3121 WATSON BLVD.: Presentation

1) Declaration of Lead Agency

Chairman McLain asked for a motion to declare the Planning Board the Lead Agency.

Motion made: T. Crowley
 Motion seconded: L. Miller
 MOTION: Approving the declaration.
 VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller, B. Seliga,
 R. Signorelli
Opposed: None
 Motion Carried

2) Presentation

Matt Napierala, Engineer for the project, discussed the proposed addition of an automatic car wash to Manley’s Mighty Mart. The 24-hour a day car wash would have two stalls with automatic doors, two vacuums, and minimal employee involvement with use of kiosks for payment. A lighting plan has been included in the plan. The plans show an entrance and egress from the existing driveway on Watson Boulevard, but the owners are proposing the addition of another driveway from Beckwith Avenue. The seasonal entrance would have a chain and bollards to allow closure and would be only for limited use during non-busy times. He explained that there is a ten-car stacking requirement under the Zoning Code and therefore the entrance would not be able to be used during prime washing

seasons when there would be a high volume of cars. Run-off and drainage would be accomplished by utilizing the property's existing storm drain.

Mr. O'Brien, a neighbor on Beckwith Avenue, presented a list of 14 concerns with the proposed car wash. Ms. Lane had already forwarded the list to Mr. Napierala's assistant. Mr. O'Brien spoke to the Board about the poor existing drainage on the property and his concern that the car wash would only worsen a bad situation. Ms. Lane explained that the engineers have asked for pre- and post-development drainage calculations and assured him that they will be looked at closely. Mr. O'Brien had also hoped that a taller fence could be added for separation on the north side of the property, but Ms. Lane explained that it was not allowed under Town Code. The Board agreed with Mr. O'Brien's concern with the possibility of excess noise from the blowers and automatic doors and with the additional traffic on Beckwith Avenue. It was agreed that the doors should always be used in order to lessen the noise for nearby homes and there was concern that use of the chain fence would not be monitored closely enough. Ms. Lane explained that several of Mr. O'Brien's concerns were enforcement issues and needed to be addressed elsewhere.

In later discussion, the Board unanimously agreed that the developers should be notified that after further thought and consideration that the driveway on Beckwith not be included on the final Site Plan. The consensus was that it is a busy residential street with a church adding additional traffic and the driveway is not necessary for smooth flow of traffic on the property. Ms. Lane will notify Mr. Napierela of that preference so that it can hopefully be incorporated in the Site Plan.

E. 1017 MIDDLE STELLA IRELAND ROAD, MATTIOLI WAREHOUSE

1) Declaration of Lead Agency

Chairman McLain asked for a motion to declare the Planning Board the Lead Agency.

Motion made: R. Signorelli

Motion seconded: L. Miller

MOTION: Approving the declaration.

VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller, B. Seliga,
R. Signorelli

Opposed: None

Motion Carried

2) SEQRA Determination

Ms. Lane read the Description of Action from the Negative Declaration. The project involves the partition of a single residential lot with two garages into two separate lots in order to convert one of the garages to a commercial mattress storage/retail facility. Mattresses are sold by appointment only and the commercial uses are permitted by right as the area is zoned Commercial Highway Oriented. Ms. Lane then read the Reasons Supporting This Determination section which examined any potential negative impacts from the additional paving of a 17-space parking lot. Pre- and post-construction runoff values were required and considered acceptable. Binghamton Metropolitan Transportation Study reported that there should not be a lot of traffic during peak hours.

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

Motion made: T. Crowley

Motion seconded: B. Seliga

MOTION: Approving the Negative Declaration.

VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller, B. Seliga,
R. Signorelli

Opposed: None

Motion Carried

3) Site Plan Review

Ms. Lane explained the project. There are two driveways on the property, one leading to a large garage being used as a dog training and dog daycare center and another garage being used currently for the mattress selling business by the tenant, Mr. Turner, who is also renting the house on the property. He buys the mattresses in bulk and they are delivered every three or four weeks by tractor trailer. Advertising is done in the paper and sales are by appointment only. She explained that you can have more than one principal business on a lot, but the house must be on a separate parcel and have separate access off the road. She explained that there is a permanent sign that does not meet Town Code which must be smaller and moved back ten feet. A temporary canvas banner sign in use is not allowed.

Mr. Mazar, a neighbor, was allowed to speak to the Board about his concerns. He explained that run-off is a problem whenever there is a major rain as the water does not flow into the drainage culvert in the front of his property as it should. He said the County put in a brand new culvert but that there is still a serious problem. Therefore, paving the parking lot, in his opinion, would just add to the problem. He also complained that Mr. Mattioli has not monitored the property carefully in the past allowing tenants to detail and repair cars and congregate in large noisy groups. He finds the mattress containers an eyesore in a residential area and said the entire area is plastered with illegal signs

development. The fill request does not involve the wetlands which the Army Corps of Engineers is currently studying, but rather three areas outside the wetlands that are below the 835 foot level. The goal is to bring those areas up to 840 feet, 5 feet above the current requirement. Ms. Elwood expressed concern about where water would go should there be another flood, and that dirt and debris washes across Watson Boulevard when there is an excessive amount of rain. Mr. Signorelli asked whether the railroad was concerned about the pond-like effect being created near their property by the fill areas. Several members expressed concern about the height of the filled areas in relation to the road as the berms created by the fill would then have buildings on top and would tower over cars traveling down Watson Boulevard. Mr. Walsh explained that there is a one-on-two slope planned so that it would be a gradual slope and the buildings would then be far back from the road. Mr. Nelson also asked about the utilities that would be buried deeper because of the fill. Mr. Walsh explained that they would bring new utilities in, tied to the Eagle Drive property, closer to the surface. Mr. Signorelli was concerned about site distance from the corner of Country Club and Watson Boulevard. When asked where the fill would come from Mr. Walsh responded that it would come from the condominiums being built on the adjoining property. He again emphasized that this first stage does not include the wetlands as they are still working with the Army Corps of Engineers to mitigate them. Eventually they would like to fill that area as well since without it the property is not marketable. Mr. Walsh also reminded the Board that under current Code, filling is allowable and that the post-construction runoff won't be any different than the pre-construction runoff.

3) Request to Call Public Hearing

Chairman McLain asked for a motion to hold a Public Hearing on July 22, 2008.

Motion made: R. Signorelli
 Motion seconded: L. Miller
 MOTION: Approving the motion to hold a Public Hearing.
 VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller, B. Seliga, R. Signorelli
Opposed: None
 Motion Carried

G. HOMESTEAD VILLAGE DEVELOPMENT, 4301 WATSON BLVD.: Presentation

This initial presentation was made by Jim Walsh to show the potential of possible development of this property if his business (Walsh Realty) chooses to relocate from their Vestal location. He discussed three main areas of the property and their hopes for each area. They feel the old gymnasium on the east side would make a good retail area for two or three small businesses. The bowling area on the west side already has parking and would be an office area. The remaining

area in the center is accessible from the rear of the building and is made up of two floors. The lower level would be good for their light manufacturing operation and the upper level for their offices. Screening would be provided on the back and only pickup trucks would be in that area. Heavy construction equipment would be on job sites or behind the construction barn on the golf course. There is considerable asbestos cleanup that would need to be done, but the building is structurally sound. It would be necessary to add some parking spots and the tenth hole of the golf course would have to be moved. He explained again that they do not have clear title, and may not be able to get it, but they are the only ones that would be able to do this type of development as they own the property on all sides of the building. The purpose of meeting with the Board was to get feedback, negative or positive, during this initial stage in order to know how actively to proceed forward. Ms. Elwood emphasized the importance of construction equipment not being stored on the property. The Board agreed with Mr. Walsh that it would be unfortunate to have such a beautiful property simply deteriorate from lack of use and if the construction equipment will not be stored at the property, they would look forward to hearing more about the project at future meetings.

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

- Ms. Lane said that she received a note from Sal Julian's attorney saying the Southerly Hills project is in the final stages of the acceptance process. Both the reviewing engineer and a paralegal have signed off and the reviewing attorney should be done soon.
- Ms. Lane brought up an issue on the Good Shepherd retaining wall. The Site Plan they submitted said excavation cannot go beyond the property line, but there is no reference on the retaining wall plan. Her concern is that if it is not written on the wall detail, then the agreement made with Good Shepherd on behalf of Mr. O'Brien may be overlooked. She suggested the following language be added to the wall detail: "Every effort shall be made to preserve the trees along the property line, such which will not compromise the integrity of the wall." The Board agreed that the language should be added.
- Mr. Nelson distributed copies of the proposed Town of Union Planning Board Rules and Procedures. He will be asking the Town Board to approve it as it will give more weight to Planning Board rules and expectations. Mr. Crowley suggested that on Page 2 the allowed time for a comment at a Public Hearing of "not to exceed 5 minutes" might be excessive if there were several people making comments. It was agreed that it should be changed to read "Such presentations shall not exceed the time allotted by the Chair." Ms. Seliga suggested adding the side heading "Site Inspection" on Page 3 to add clarity to the text.

Mr. Nelson would like any comments or concerns about the document to be addressed to him before the July Town Board meeting.

I. ADJOURNMENT

Motion made: B. Seliga
Motion seconded: L. Miller
MOTION: Adjourning the meeting at 9:55 p.m.
VOTE: **In Favor:** S. McLain, T. Crowley, 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, July 8, 2008 at 7:00 p.m.

Respectfully submitted,

Dawn Foti