

Town of Union Planning Board Minutes
Tuesday, September 9, 2008

A regular meeting of the Town of Union Planning Board was held on Tuesday, September 9, 2008 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

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

Members absent: T. Crowley

Others present: Marina Lane, Anthony Mattioli, Ferne Mattioli, Bob Kashou

A. CALL TO ORDER

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

**B. APPROVAL OF MEETING MINUTES AND PUBLIC HEARING
TRANSCRIPT: August 5, 2008**

Chairman McLain asked that the wording in the first bulleted paragraph on Page 3 of the minutes be changed to read: The advantage of the GEIS is that if someone submits a development plan for approval and it is consistent with the Comprehensive Plan, *further environmental reviews will not be necessary unless the plan involves rezoning.*

Chairman McLain asked for a motion to accept the August 5, 2008 meeting minutes as revised.

Motion made: A. Elwood

Motion seconded: L. Miller

MOTION: Approving the minutes from August 5, 2008 as revised.

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

Opposed: None

Abstained: B. Seliga

Motion Carried

Chairman McLain asked for a motion to accept the transcript of the August 5, 2008 Public Hearing.

Motion made: R. Signorelli
Motion seconded: L. Miller
MOTION: Accepting the transcript of Public Hearing.
VOTE: **In Favor:** S. McLain, A. Elwood, L. Miller, J. Rotella,
R. Signorelli
Opposed: None
Abstained: B. Seliga
Motion Carried

C. 1017 MIDDLE STELLA IRELAND ROAD, MATTIOLI WAREHOUSE:

1) SEQRA Determination

Ms. Lane stated that because the Site Plan had been revised, another SEQRA Review and Negative Declaration were done. The wording on the Short Environmental Assessment Form, Part II, Section C now reads: *The stormwater runoff due to a new bituminous paved lot shall be resolved with a catchbasin-to-drywell system, that will result in a decrease in net post-construction stormwater runoff.* Based on this new wording, the Negative Declaration was changed to reflect the revision and any potential negative impacts that would occur from the paving of a 17-space parking lot on the surrounding area. The project was found not to have a significant impact on the environment.

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

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

2) Site Plan Review

Ms. Lane read the "Environmental Review" and "Staff Findings." Mr. Mattioli told the Board that the culvert has already been completed by the County. She then read eleven stipulations under "Staff Recommendation and Review." The following revisions to those stipulations are noted:

- No. 4: the date for completion of improvements was changed from July 30, 2008 to *November 30, 2008*.
- Since a sea container cannot be registered, No. 6 was changed to read: *The sea container on the proposed commercial lot shall either be removed by March 31, 2009 or must comply with code by March 31, 2009*. Ms. Lane explained that the sea container that is on the residential property comes under the jurisdiction of Code Enforcement. Mr. Rotella mentioned that the use of the containers is on the increase and that the Town may want to look into regulation of their use. Ms. Lane said she would see that the committee responsible for the new Zoning Ordinance for the Unified Zoning Code is aware of that concern.

Chairman McLain asked for a motion to approve the Site Plan with revisions.

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

D. RULES AND PROCEDURES: Amendment for Technical Correction

The recently adopted Town of Union Planning Board Rules and Procedures allow for a simple majority vote of the Planning Board to make a non-monetary change. Ms. Lane explained that there was an oversight in the "Public Hearing Notice Publishing Requirements" and "Public Hearing Notice Sign" sections where it was stated that five (5) days notice was required prior to the conduct of a hearing and placement of a sign on the subject parcel announcing the hearing. The time period should be ten (10) days in both sections.

Chairman McLain asked for a motion to approve amending the five (5) days notice to ten (10) days notice.

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

E. DRAFT COMPREHENSIVE PLAN:

1) Adoption Of Changes In Text

Ms. Lane went over five suggested changes made by the Town Board to existing text in the Draft Comprehensive Plan. The following two changes were made to the proposed text in that document:

- Tech Background Chapter 3–Natural Features Page 13 should be changed to read: *For the reasons mentioned above, woodlands should be preserved and building or development in these areas should be carefully evaluated. Any approved development shall be monitored.*
- Goals and Objectives Chapter 18 Economic Development Page 12, Land Use and Ordinance, Policies, No. 2 should be changed to read: *Carefully evaluate requests for extensions of commercial zoning unless there is a shortage of available, usable and affordable commercial space within market area.*

All other proposed text changes were accepted as written.

Chairman McLain asked for a motion to accept the adoption of changes in text to the Draft Comprehensive Plan.

Motion made: R. Signorelli
Motion seconded: A. Elwood
MOTION: Approving the adoption of changes in text.
VOTE: **In Favor:** S. McLain, A. Elwood, L. Miller, J. Rotella,
B. Seliga, R. Signorelli
Opposed: None
Motion Carried

2) Approval For Planning Department To Release Final Draft On Or Before October 10, 2008.

Chairman McLain asked for a motion to release the final draft of the Comprehensive Plan on or before October 10, 2008.

Motion made: B. Seliga
Motion seconded: L. Miller
MOTION: Approving the release of the final draft.
VOTE: **In Favor:** S. McLain, A. Elwood, L. Miller, J. Rotella,
B. Seliga, R. Signorelli
Opposed: None
Motion Carried

3) Call for Public Hearing on Wednesday, October 29, 2008

Chairman McLain asked for a motion to hold a Public Hearing on October 29, 2008 with location to be determined later.

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

F. GREATER SPORTS DOME FACILITY: Special Event

Bob Kashou explained his request to have the Word of Life event in his facility for the night of November 7, 2008 into the morning of November 8, 2008. It is a repeat of the event held last year which was very successful and held with no complaints from Town residents. The procedure will be the same this year with Mr. Kashou sending out letters explaining the event to neighbors within ¼ mile of his facility prior to the event. The Town will supply the addresses for the mailings. He will follow the same sign procedure as last year and will simply change the date on the signs that were used.

Chairman McLain asked for a motion to approve the special event at the Greater Sports Dome Facility on November 7, 2008.

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

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

- Ms. Lane distributed a Town of Union fee schedule. After looking at the figures, Mr. Rotella asked to be put on record that the fees charged are much too low. As a contractor he gave an example of two recent

projects he had done: a \$700,000 project with a fee of \$49 in the Town of Union compared to a \$500,000 one with a fee of \$4,000 in the Town of Vestal. He stated that his customers would expect to be charged higher fees when developing in the Town and would be willing to pay them. He questioned how Town costs, including code enforcement, could possibly be covered with such low fees. Board members feel the fees should be reviewed and compared to other municipalities to bring them up to standard and asked Ms. Lane to investigate the matter further.

- Ms. Lane distributed a letter from John McDonald that clarified concern about assessments in agricultural areas as a result of a change in zoning classification. It stated that since there is currently no discount or reduction to assessment because a non-farm use is located in an agriculturally zoned area, there would be no change to a current assessment simply because the zoning classification of the area changed.
- Ms. Lane briefly outlined a meeting held with the Walshes today regarding filling the flood plain on Watson Boulevard. The meeting was attended by several people including Chairman McLain, Larry Lepak, Rick Woidt and Bob Bennett. She said that the Walshes left with an understanding that the Town is justified in requiring a hydraulic study because of the amount of fill they want to move into the flood plain. She said Mr. Lepak said that in his 20 years at the DEC he had never seen a request for such a large amount of fill to be moved into a flood plain and that with any request even close to that magnitude it would be standard policy to require a hydraulic study. As a result of the meeting, the plan is for Rick Woidt to decide the parameters of the hydraulic study, the study will then go to FEMA for approval that the study is sufficient, and the Board will get the results to make a decision in preparation for a Public Hearing.

Although Board members agreed that they want to see development on Watson Boulevard, they also agreed that the fear of problems in the flood plain is real and the Planning Department and Planning Board need to be vigilant about protecting the area. Chairman McLain suggested that, if for nothing else than a cost-saving measure, the Walshes combine any long-range plans in their requests for development and movement of fill. The Board does not want to see avoidance of required erosion and stormwater testing through piecemeal development. As part of this discussion, Mr. Rotella expressed his concern about dumping of silt and debris by the Department of Transportation near Home Depot and on the Watson Boulevard property and the problem of them being held to a different standard. Ms. Lane explained that the Planning Board has addressed this issue before and she has had numerous conversations with New

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York State DOT about this practice and that, as a result, it should no longer be occurring. She asked that if anyone knows of this practice continuing, that she be contacted.

- Ms. Lane reminded Board members of the upcoming September workshops. Members that want her to make the reservations should contact her.

H. ADJOURNMENT

Motion made: B. Seliga
Motion seconded: J. Rotella
MOTION: Adjourning the meeting at 8:55 p.m.
VOTE: **In Favor:** S. McLain, A. Elwood, L. Miller, J. Rotella,
B. Seliga, R. Signorelli
Opposed: None
Abstained: None
Motion Carried

Next Meeting Date

The next regular meeting of the Planning Board will be announced.

Respectfully submitted,

Dawn Foti