

**Town of Union Planning Board Minutes**  
Tuesday, October 14, 2008

A regular meeting of the Town of Union Planning Board was held on Tuesday, October 14, 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, J. Rotella

Members absent: R. Signorelli

Others present: Paul Nelson, Marina Lane, Michael Doolittle, David Kapur,  
Jeff McKinney

**A. CALL TO ORDER**

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

**B. APPROVAL OF MEETING MINUTES: September 9, 2008**

Chairman McLain requested that the word *proof* be changed to *transcript* on Pages 1 and 2 of the meeting minutes.

Chairman McLain asked for a motion to accept the September 9, 2008 meeting minutes as changed.

Motion made: B. Seliga

Motion seconded: L. Miller

MOTION: Approving the minutes from September 9, 2008 as changed.

VOTE: **In Favor:** S. McLain, A. Elwood, L. Miller, J. Rotella,  
B. Seliga

**Opposed:** None

**Abstained:** T. Crowley

Motion Carried

**C. 3514 ARGONNE AVENUE, MFD CONTRACTOR'S STORAGE YARD**

**1) Presentation**

Ms. Lane provided a copy of a letter written by Steve Rafferty to Mr. Doolittle dated April 30, 2008, explaining that his contractor's

storage yard is operating in the 100-year floodplain without the necessary permit required under Section 205-57 A of the Zoning Ordinance. He was advised to discontinue use of the property immediately and to arrange a meeting with the Town Planning and Code Enforcement staff to discuss obtaining a Special Permit. She also provided a copy of the letter dated September 25, 2008 that was sent by the Planning Department to Mr. Doolittle indicating his obligation to provide a completed Project Narrative Form and site plan. Finally, a letter from Mr. Doolittle dated October 1, 2008 was presented indicating that he anticipated no more than six vehicles to be stored on the premises, would have no structures on the property, had no plans for paving, screening or landscaping and intended to put absorbent mats under vehicles parked in case of leakage.

Mr. Kapur, attorney for Mr. Doolittle, explained that the property, an unwanted parcel, had been transferred to his client at the time the adjacent trailer park had been purchased after the flood. He presented a Google Earth picture of the property in response to the Town's requirement for a site plan. Ms. Lane explained that a site plan was more involved than a picture showing the property and briefly explained the site plan process required. Mr. Kapur said he was not aware of the process and would meet with her to become better informed.

Mr. Kapur continued by saying that his client has been using the property for storage of vehicles used for personal as well as business use. In addition, he has allowed Mr. McKinney, who operates a tree service, to use the property for parking his vehicles and as a staging area for storing and cutting trees in exchange for firewood that he then uses during the heating season. According to Mr. Kapur, his client has not altered or changed the use of the property for the last 20 years and did not understand why it has become a concern now. Ms. Lane and Mr. Nelson said that they too did not know why it had recently been brought to the attention of Code Enforcement but, after inspection of the property, agreed that there are reasons for needing a site plan for the required special permit. The ground is torn up and is muddy and poorly maintained. Although the parcel is zoned Commercial Industrial, which means it can be used as a storage yard, it still must meet Town Code. According to the Code, parking spaces have to be paved (two spots plus one per resident employee). A site plan review would assess any other modifications that might be necessary, such as absorbent pads, entrances, egresses, adding gravel beyond paved parking spots, screening, etc.

Mr. Kapur said he would call the Planning Department to arrange a meeting to discuss a site plan. He would then have to measure the cost factors with his client to see if it is worth the investment. Chairman McLain encouraged him to meet with the Planning Department as soon as possible and assured him that the Board would be delighted to consider the Special Permit request when a proper site plan has been filed.

The Board discussed at length the need to have improved and consistent guidelines for companies operating in the floodplain. Discussion involved the need to understand the value of absorbent pads for fuel leaks as compared to other methods, such as creating a downward grade to help runoff of water and other fluids.

Mr. Rotella stated that he feels the Town should have a plan of action in place for the next emergency that may occur. Many communities have a plan in place where the fire or police departments are able to notify property owners that an emergency is occurring. He and Mr. Crowley were able to cite several businesses that lost vehicles during the flood of 2007, some containing hundreds of gallons of oil and other fluids, because the owners were not aware that flooding was going to occur. The matter was discussed and the Board agreed it might be something that should be considered.

## **2) Call for Public Hearing (To Be Announced)**

A public hearing will wait until a proper site plan has been submitted and approved.

## **D. COMPREHENSIVE PLAN: Update**

Mr. Nelson gave Board members a bound copy of Goals and Objectives, Neighborhood Plans, and a copy of the Full Environmental Assessment Form that was done in support of the project. Each member also received a Summary of Comments, which were questions and concerns received from various sources. He asked that they review the Plan one last time before the joint Public Hearing which will be held on October 29, 2008 at 7:00 p.m. on the second floor of the Johnson City Justice Building. He stressed that at least four members will be needed for a quorum. The required Legal Notice for the Public hearing was in the paper today and another notice had previously been published as a press release.

Chairman McLain and the Board complimented Mr. Nelson and his staff for the professional job done on the final product. Ms. Lane stressed the importance of making sure that the documents are kept current with

software updates so that, when the Plan is revisited and updated in 2013, the documents would be able to be opened and altered.

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

Mr. Nelson stated that John MacDonald contacted him about a small problem with the Good Shepherd project. One of the conditions of approval was that they were required to combine parcels. However, one of the original property owners was granted a life use until the cottage he intended to live in at Good Shepherd was completed. Broome County will not allow them to combine a property that has a life use. The cottage will not be completed until after the agreed date for the condition of approval. Therefore, they will be requesting an extension of time.

Mr. Nelson gave each member a final copy of the Planning Board Rules and Procedures.

Chairman McLain read three resolutions made at the last Town Board meeting that were of special interest to the Planning Board

**F. ADJOURNMENT**

Motion made: B. Seliga  
Motion seconded: J. Rotella  
MOTION: Adjourning the meeting at 8:41 p.m.  
VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller,  
J. Rotella, B. Seliga  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**Next Meeting Date**

The next regular meeting of the Planning Board is scheduled for Tuesday, November 18, 2008 at 7:00 p.m.

Respectfully submitted,

Dawn Foti