

Town of Union Planning Board Minutes
Tuesday, December 2, 2008

A regular meeting of the Town of Union Planning Board was held on Tuesday, December 2, 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,
J. Rotella

Members absent: B. Seliga

Others present: Paul Nelson, Marina Lane, Dino Petrilli, Scott Forster

A. CALL TO ORDER

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

B. APPROVAL OF MEETING MINUTES: November 18, 2008

The following changes were made:

On Page 2, under *Presentation*:

- Correct the spelling of plan in the first sentence.
- In the seventh line from the bottom the word “and” after negative should be changed to “or.”
- The next to the last sentence should read “...it can probably be ready for approval by January.”

On Page 4

- Remove the word “although” from the first sentence.
- Remove the stray “l” in the right margin near the bottom of the page.

Chairman McLain asked for a motion to accept the November 18, 2008 meeting minutes as corrected.

Motion made: T. Crowley

Motion seconded: A. Elwood

MOTION: Approving the minutes from November 18, 2008 as written.

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

Opposed: None
Motion Carried

C. 1 PAGE AVENUE NORTH: Petition to Rezone to RU-M/O

1) Advisory Opinion to the Town Board

Ms. Lane read the applicant's basis for the request for this rezoning from her memorandum of December 2, 2008. She also read the Environmental Review and Staff Recommendations from the memorandum. The Planning Department recommends approval of the proposed zoning change from Light Industrial to RU-M/O.

Pictures of six transformers, three inside the building and three outside, were shown. The outside transformers have a small amount of PCB leakage in the soil surrounding the slab they set on which will require cleanup. Board members were also able to see maps showing the number of micrograms per liter of contamination existing in the neighborhood surrounding the property. The DEC advises that soil vapor intrusion tests should be done around the building.

It was suggested that there may be two fuel tanks buried on the property. Some years ago the DEC had put an "administratively closed" classification on the tanks, meaning they were either removed or filled. When Ms. Lane spoke to the Kirkwood DEC it was discovered there is no record of what happened to them. It is assumed that the classification is probably an error and the DEC is investigating it.

When asked about the time frame, Ms. Lane said the developer is hoping to have the first group of apartments available in August of 2009 and was planning on finishing and renting the building in stages. Board members expressed concern about the storage of construction equipment and supplies during the project, especially if for an indefinite amount of time, and whether Certificates of Occupancy could be issued in stages. Ms. Lane will look into these concerns.

Chairman McLain asked for a motion to recommend approval of a zoning change to RU-M/O.

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

D. COMPREHENSIVE PLAN: Final Draft

1) Discussion

Discussion revolved around the absence of the word “agriculture” in the future land use categories. The Comprehensive Plan proposes replacing the zoning district “Agricultural” with “Rural Residential” when the new Unified Zoning Ordinance is prepared. Chairman McLain and several other Board members stated that they would like to see the word in both the Land Use designation as well as the zoning category because a few residents expressed concern about the change. Although the “as-of-right” uses of property would be no different, the perception of how the land could be used or would be assessed bothered residents. Farmers fear that those who buy homes under the Rural Residential designation, not knowing agriculture is allowed, may not like farming activity near their homes. Board members were also concerned about it appearing that the Town was discouraging farming. Mr. Nelson stressed that the Rural Residential zoning category already allows open field agriculture by right and that residents have protections under the federal Right to Farm Act. He also pointed out that it is important to remember that there is no change from the 1979 plan and that Future Land Use is supposed to reflect how an area is envisioned based upon development constraints such as steep slopes and floodplains and recent development trends, not necessarily how it exists today. He emphasized that it has been trending away from farming since the 1950s. Ms. Lane read from the Goals and Objectives section for the category and it suggests that duplexes be restricted and animal husbandry permitted when the zoning ordinance is rewritten. There was discussion about the possibility of having an overlay district for the current properties (approximately seven) that have applied for and received New York State Agriculture District designations. The overlay would not change any rights or uses but might help with the perception issue that farming is being discouraged. It was asked if the word “Agriculture” could be added to the Rural Residential name to satisfy the perception problem. Mr. Nelson said it could be done, but would be cumbersome and stressed again that it is not the best approach for all the reasons that have been discussed.

Mr. Nelson asked the members if there were any changes that they wished to consider based upon the comments received relative to the proposed plan. A discussion took place regarding the letter from Mr. Feinberg. It was the consensus of the members that the contents of the letter were not really comments about the proposed plan per se but rather an attempt to re-argue the Walgreen’s rezoning application that the Planning Board members recommended denial of. The consensus of the members was that of all the areas of the Town, the Hooper Road corridor was the one that they spent the most time analyzing and discussing and that no changes to the initial recommendations would be made.

Mr. Nelson indicated that he would summarize all the comments and concerns received from the public hearing, the letters received from residents after the public hearing, and comments from board members tonight. He will send a copy of the summary to each of the Board members for their review before the next scheduled meeting. After the next meeting the plan will be finalized and sent to the Town Board for their consideration.

2) If Needed, Motion to Adopt Changes in Language

No motion was made.

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

No issues were discussed.

F. ADJOURNMENT

Motion made: J. Rotella
Motion seconded: L. Miller
MOTION: Adjourning the meeting at 8:30 p.m.
VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller,
J. Rotella, R. Signorelli
Opposed: None
Motion Carried

Next Meeting Date

The next regular meeting of the Planning Board is scheduled for Tuesday, December 16, 2008 at 7:00 p.m.

Respectfully submitted,

Dawn Foti