

**Town of Union Planning Board Minutes**  
Tuesday, December 16, 2008

A regular meeting of the Town of Union Planning Board was held on Tuesday, December 16, 2008 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: S. McLain, T. Crowley, A. Elwood, J. Rotella, B. Seliga,  
R. Signorelli

Members absent: L. Miller

Others present: Paul Nelson, Marina Lane, Bob Bennett, Dino Petrilli

**A. CALL TO ORDER**

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

**B. APPROVAL OF MEETING MINUTES: December 2, 2008**

The following change was made:

- On Page 2, the last line of the first paragraph, the word *category* was replaced with *change*.

Chairman McLain asked for a motion to accept the December 2, 2008 meeting minutes as changed.

Motion made: A. Elwood

Motion seconded: R. Signorelli

MOTION: Approving the minutes as changed.

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

**Opposed:** None

**Abstained:** B. Seliga

Motion Carried

**C. DISCUSSION ABOUT HYDRAULIC (HEC-RAS) STUDIES**

Chairman McLain introduced Bob Bennett to the Board. Mr. Bennett is a New York State licensed engineer who the Town of Union has on retainer to review SWPPPs and related issues. Mr. Bennett is also a member of the Town of Vestal planning Board. Mr. Nelson asked him to explain his view of the hydraulic study submitted by the Walshes for their proposed Watson Boulevard project.

Mr. Bennett stated that he was not surprised by the results of the study. While he said he also does not like the idea of filling in the flood plain, from an engineering standpoint the amount of fill is minimal as it relates to the entire floodplain. He used the analogy of a "pea in a bathtub" where adding one pea to a tub full of water makes no difference. He said the study is sound and that the engineer who did the study is very experienced in hydraulics and has a high degree of integrity.

Mr. Rotella explained the dire situation his business faced during the 2006 flood and asked Mr. Bennett what the cumulative effect would be if many businesses decided to fill. Mr. Bennett agreed that excessive filling could be serious, but on this particular project the fill was minimal when compared to the entire floodplain and that the project is not against Town Code. Mr. Rotella is also concerned that it would set a precedent for future development, a common concern among all Board members.

Several Board members asked if the Board can still request some type of mitigation such as compensatory storage. Mr. Nelson explained that as part of the SEQRA review the Board can require mitigation measures as a condition of approval of the Special Permit in order to avoid potential future environmental impacts even though it is not addressed in the current ordinance. Mr. Crowley asked him if the Planning Department would put suggested mitigation measures in their Staff recommendations. Mr. Nelson responded that only the Planning Board has the authority to impose conditions of approval.

Mr. Bennett explained that the developers will still have to do a Storm Water Pollution Prevention Plan (SWPPP) and request a revision to the flood map to reflect any fill. The Town Code does state that post-construction runoff must be the same or less than pre-construction runoff, and based on that, it seems they will have to have some type of plan to store water. Since there is currently no actual plan for development, Mr. Bennett suggested that the Board might require a SWPPP that would reflect the most intensive development potential under the existing zoning. When asked how the Town determines maximum development, Mr. Nelson said that the only limitations are bulk requirements such as setbacks and number of parking spaces required.

Ms. Lane said that the DEC gave the study a cursory review and found the methodology acceptable; however, they are going through staff changes and she anticipates a lengthy time period before a thorough analysis can be done. She also stated that she feels some sort of compromise between not adding fill to the floodplain at all and what Town Code permits should be considered. She added that when the Town works on the Unified Zoning Ordinance the problem can be addressed long-term, but in the meantime the request seems reasonable. She suggested that, if

possible, people drive by or walk by the property to see first-hand what the situation is. Aerial photographs and maps also can be reviewed.

Ms. Elwood stated that the residents in the area believe that if the floodwall is completed on the east side of the Fairmont Park subdivision and the Susquehanna River can no longer flood the area, that much of the flooding problem will be resolved and then the Walshes project may not be as much of a concern.

Mr. Nelson asked the Board about their opinions regarding the impact of the proposal on the corner of Country Club Road and Watson Boulevard. Everyone indicated they were against allowing the corner to be filled. A discussion ensued regarding the premise that as a deliberative body, the Planning Board is not responsible for giving direction on the project. The role of the Planning Board is to consider and comment on the proposals submitted by developers. When requesting a Special Permit, the required SEQRA review will be completed in which many of the issues that Mr. Bennett addressed will be considered.

Mr. Bennett encouraged Board members to contact him with any further questions they may have.

#### **D. FIRST BAPTIST CHURCH**

##### **1) Sign Plan Review**

Ms. Lane presented a drawing of a proposed sign and distributed copies of several sections of the Town's Sign Ordinance. The church submitted a drawing for a large brick ground sign which included an electronic message board in the center of it. After reviewing the Sign Ordinance and speaking with Steve Rafferty, it was determined that the sign is allowed as long as the text portion does not exceed 40 square feet. However, under Section 205-71 the electronic portion of the sign is specifically prohibited.

Ms. Lane will send a letter asking the church to submit a revised sign plan, changing the black area on the drawing to white and indicating on the plan that the area is for manually changeable letters. She will inform them that the electronic message board is prohibited and that the area of lettering can be no larger than 40 square feet.

##### **2) Landscaping Deadline Extension from June 30, 2008 to June 30, 2009**

First Baptist Church submitted a letter requesting an extension of the June 30, 2008 landscaping deadline. Progress has been slower than anticipated, and the site work was not completed enough for landscaping last June. They've requested an extension to June 30, 2009.

Ms. Lane stated that it has been difficult to monitor progress on this project because it is being handled by volunteers who have not always been responsive to actions requested by the Town. Ms. Lane also indicated that she has started a checklist system to follow through on all project deadlines and working with Code Enforcement in enforcing site plan stipulations.

Chairman McLain asked for a motion to grant the deadline extension to June 30, 2009.

Motion made: R. Signorelli  
Motion seconded: J. Rotella  
MOTION: Approving the deadline extension.  
VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, J. Rotella,  
B. Seliga, R. Signorelli  
**Opposed:** None  
Motion Carried

**E. COMPREHENSIVE PLAN: Final Draft:**

**1) Final Review**

Mr. Nelson gave each member a summary of comments received on the Comprehensive Plan. There will be additions made to it before it is sent to the Town Board. He told the Board that when doing the initial survey for the Plan, one question asked was how residents wished to be contacted with updates. Over 50% of the respondents stated they wanted to be notified by the newspaper, which is why it was the primary method of notification used. The Planning Department also issued media releases to all of the local radio and television stations.

Mr. Signorelli complimented Mr. Nelson on the document. The members of the Board agreed that it was very informative and well prepared. Mr. Nelson encouraged Board members to read through the summary and send him any comments or questions via e-mail. He noted that not all of the comments were about the Plan itself. For example, Jeff Feinberg's letter was a re-statement of his argument for a previous rezoning request for a Walgreens on Hooper Road that the Planning Board recommended denial of. At the first meeting in January all comments will be finalized and then submitted to the Town Board.

**2) Motion to Submit to Town Board**

No motion was made.

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

Ms. Lane will be going to the Page Avenue site along with an environmental engineer and the contractor who will be responsible for removing the PCBs. They will also confirm the location of the underground fuel tanks. She has received only one comment on the project and it was short and positive. The Town Board has set a Public Hearing on the project for tomorrow night, December 17.

Mr. Nelson gave each member a copy of an informational brochure that was designed and mailed to anyone who has property that touches the 100-year flood plain. He stated that there is a possibility that the Town could be reclassified under the Community rating System (CRS) program as a Category 7 because of changes in the state building code and mitigation projects such as the buyout programs that have been done. He also mentioned that electronic filing of the grant application for completion of the floodwall in Fairmont Park was sent this week.

**G. ADJOURNMENT**

Chairman McLain asked for a motion to adjourn the meeting at 8:35 p.m.

Motion made: B. Seliga  
Motion seconded: R. Signorelli  
MOTION: Adjourning the meeting.  
VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, J. Rotella,  
B. Seliga, R. Signorelli  
**Opposed:** None  
Motion Carried

**Next Meeting Date**

The next regular meeting of the Planning Board is scheduled for Tuesday, January 13, 2009 at 7:00 p.m.

Respectfully submitted,

Dawn Foti