

Town of Union Planning Board Minutes
Tuesday, May 12, 2009

A regular meeting of the Town of Union Planning Board was held on Tuesday, May 12, 2009 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: S. McLain, R. Signorelli, T. Crowley, A. Elwood, L. Miller

Members absent: J. Rotella

Others present: Marina Lane, Brigit Plate, Robert Gault, Mike Malarkey, Frank Bertoni, Gene LaBare, Bill Walsh, Gary Whistle, Rosemary Whistle

A. CALL TO ORDER

Chairman McLain opened the regular meeting of the Planning Board at 7:04 pm.

B. APPROVAL OF MEETING MINUTES: April 21, 2009

The following correction was made on Page 1: Corrected the spelling of "McLain"

On Page 3, Section E, Second Bullet: Replaced "due to the fact that" with "because."

Chairman McLain asked for a motion to accept the March 10, 2009 meeting minutes as corrected.

Motion made: L. Miller

Motion seconded: R. Signorelli

MOTION: Approving the minutes as corrected.

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

Opposed: None

Abstained: T. Crowley

Motion Carried

C. PROPOSED PHOTOGRAPHY OFFICE: 2512 North Street: Perimeter Strip Variance, Advisory Opinion

Mrs. Brigit Plate has submitted a site plan to open a family photography studio at 2512 North Street in an existing building. The residential building sits on a 0.10 acre property zoned Commercial Retail (CR) and the use is permitted by right. Mrs. Plate is requesting a nine-foot wide perimeter strip variance along the rear property line, and a two-foot variance along Moore Avenue in order to provide the required three parking spaces. The variances are needed due to space limitations.

In regards to the Environmental Impact, Ms. Lane advised the board that the applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA) and a short environmental assessment form has been submitted. The project does not require a 239-Review. A full Storm Water Pollution Prevention Plan (SWPPP) is not required as the project area is less than one acre. An Erosion and Storm Water Control Plan has been submitted, with no proposed measures to minimize stormwater increases due to the paved parking lot. The Town's engineering consultant has suggested a proposed ditch to accommodate excess storm water.

Per Ms. Lane, staff findings show that the proposed plans for the building include significant renovations and attractive landscaping for the perimeter strips. The Planning Department recommends approval of both the two-foot and nine-foot perimeter strip variances.

Chairman McLain asked for a motion to recommend approval of the perimeter strip variances

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

D. TWELVE-UNIT APARTMENT BUILDING: 718 Taft Avenue

1) SEQRA Determination

Ms. Lane read the Description of Action and Reasons Supporting This Determination from the Negative Declaration. Per the Description of Action, the proposed project involves construction of a new apartment building with associated parking on the same site. The site is served by private water via 724 Taft Avenue, and public sewer. The project required

a 4-foot perimeter strip variance for Magnolia Street, a two-space parking variance and a 50% area variance from the ZBA. All variances were granted on April 21, 2009.

As per Reasons Supporting This Determination, An Erosion and Sediment Control Plan was required to reduce the new rates of storm water flow. A proposed leaching pit will collect storm water, and the developer must adhere to the erosion and sediment control measures for small site construction projects. As presented, the application meets the requirements for submission for Site Plan Review.

The project, as presented, 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: T. Crowley
 Motion seconded: R. Signorelli
 MOTION: Approving the Declaration
 VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller,
 R. Signorelli
Opposed: None
 Motion Carried

2) Site Plan Review

Ms. Lane read the Site Plan Review, Staff Findings, and Staff Recommendation and Review from her memorandum dated May 12, 2009. As stated in the Staff Findings, a proposed leaching pit seven and a half feet wide, and six feet deep, shall be installed on the southwest corner of the property to control the rate of storm water runoff. Mr. Whistle provided a visual plan for the board members.

Ms. Lane brought to the attention of the Board, a letter written by Phyllis R. Quinn in opposition to project and the six-foot perimeter strip variance requested by Mr. Mike Malarkey for 718 Taft Avenue. Ms. Quinn is the current owner of 2605 Magnolia Drive, which abuts the 718 Taft Avenue property line. Per the letter, her main concerns with the proposed building project are her right to privacy, and the location of the parking lot along with lighting placement. Ms. Quinn also states that she would like to be advised of any further hearings conducted on the application, and wants to be apprised of any decisions reached by the ZBA in regards to the variance.

Staff Recommendation and review supports approval of the site plan based on a number of conditions. The following changes/additions were made:

- Number 1: That the shared water line between 718 Taft Avenue and 724 Taft Avenue would be disconnected as it is currently, and reconnected separately under conditions acceptable to the Village of Endicott should the two twelve-unit apartment buildings ever be sold and the titles split between individual owners. This agreement will be recorded in Miscellaneous Records at the Broome County Clerk's office at the expense of MPM Apartments. Although the Village of Endicott Water Department agrees to the arrangement, it must also be approved by the Town Attorney and filed prior to the issuance of the Certificate of Occupancy.
- Number 2: Due to the concern of nearby residents in regards to parking lot noise and lighting, a revised landscaping plan shall be submitted to include additional plantings to buffer adjacent properties, to give neighbors a boundary as well as privacy. Foundation plantings were also discussed.
- Number 7: A maintenance agreement for the annual maintenance of the leaching pit shall be submitted to the Town Attorney for review, and filed with the County prior to the issuance of the Certificate of Occupancy. This agreement would grant the town access to maintain the pit at the owner's expense, should the owner fail to maintain it himself.
- Number 8: Correction regarding the bond being posted to the Town Board prior to the issuance of the temporary Certificate of Occupancy.
- Number 10: States that the applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. Should the applicant change the site plan, the approval will become null and void and a new site plan must be submitted to the Planning Board for review.
- Number 18: The statement on the plans regarding water access was removed from the site plan altogether and is now covered under item Number 1.

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

Motion Made: L. Miller
 Motion Seconded: A. Elwood
 MOTION: Approving the Site Plan with conditions.
 VOTE: **In Favor:** S. McLain, T. Crowley, R. Signorelli, L. Miller, A. Elwood
Opposed: None
 Motion Carried

E. EXISTING APARTMENT BUILDING : Area Variance; 712 Taft Ave, Advisory Opinion

Ms. Lane reviewed the Letter of Denial sent to Mr. Malarkey by the Town of Union regarding the minimum lot size for the existing apartment building located at 712 Taft Avenue. It was explained to the board that this letter is a request for an advisory opinion, and serves as official notification that the lot is not in conformance with the Town of Union Zoning regulations. It will also enable Mr. Malarkey to apply for any necessary variances from the ZBA. Per the application, a 17,520 square feet area variance is required to allow the existing twelve-family unit.

Chairman McLain asked for a motion to approve the advisory opinion to the ZBA in favor of the 17,520 square foot variance

Motion made: R. Signorelli
 Motion seconded: A. Elwood
 MOTION: Approving the 17,520 square foot variance as an
 Advisory
 Opinion to the ZBA
 Vote: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller,
 R. Signorelli
Opposed : None
 Motion Carried

F. EXISTING APARTMENT BUILDING: Area Variance; 724 Taft Ave, Advisory Opinion

Ms. Lane again reviewed the Letter of Denial sent to Mr. Malarkey by the Town of Union regarding the minimum lot size for the existing apartment building located at 724 Taft Avenue. The board was reminded that this letter is for an advisory opinion only and will serve as official notification that the lot is not in conformance with the Town of Union Zoning regulations. It too will enable Mr. Malarkey to apply for any necessary variances from the ZBA. Per the application, an 18,120 square feet area variance is required to allow the existing twelve-family unit.

Chairman McLain asked for a motion to approve the advisory opinion to the ZBA in favor of the area variance

Motion made: L. Miller
 Motion seconded: R. Signorelli
 MOTION: Approving the 18,120 square foot variance as an
 Advisory
 Opinion to the ZBA

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

G. HOMESTEAD VILLAGE SUBDIVISION: 4101 Watson Boulevard (Eagle Drive)

1) SEQRA Determination

Ms. Lane reviewed the Description of Action and Reasons Supporting the Determination for the board. Per the Description of Action, the proposed revision to the subdivision removes one of the original five lots of area One. The developer now intends to construct two single-family semi-attached buildings on four lots as opposed to the original five-unit townhouse cluster. Lot 2 was modified to straighten Lot 2B, slightly increasing its size, and to separate a section of the original Lot 2A to become common area for the proposed location of the development's sign.

As for the Reasons Supporting This Determination, since the area to be disturbed will now be less than previously planned, the environmental impacts should be slightly reduced. The developer is aware that a federal wetland borders the perimeters of Lots 1A-E, and that erosion control measures must be implemented during construction to protect that wetland per the Dedicated Open Space requirement.

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

Motion made: R. Signorelli

Motion seconded: T. Crowley

MOTION: Approving the declaration

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

Opposed: None

Motion Carried

2) Subdivision Revision

The Homestead Village Development Group, represented by Bill Walsh, had submitted plans to reduce the number of lots for Phase I of their three-part subdivision at 4101 Watson Boulevard. The proposal includes splitting Lot 1C adding half to Lot 1B and half to Lot 1D, straightening the lot line of Lot 2B, and sectioning a portion of Lot 2A into common area for the purpose

of sign placement. The Planning Department recommends approval of the revised subdivision plans under the added conditions:

- Number 1 : Lot 1D will have two sanitary sewer laterals and at the time of construction the lateral not being used will have the clean out stand pipe removed and the wye capped.
- Number 2: Revised plans shall be brought to the Planning Board for the Chairperson's signature and filed in the Broom County Clerk's Office no later than July 20, 2009.
- Number 3: No building permits will be issued for the revised lots until the revised subdivision plat is recorded in the County Clerk's Office and submitted to the Planning Department. One reproducible drawing (Mylar) and four paper copies of the plans shall be submitted to the Planning Department.
- Number 4: One reproducible copy and two paper copies of the as-built drawings must be submitted to the Engineering Department showing that Lot 1C was capped off.

Chairman McLain asked for a motion to approve the revised site plan with conditions

Motion Made: A. Elwood
 Motion Seconded: L. Miller
 MOTION: Approving the Site Plan with conditions.
 VOTE: **In Favor:** S. McLain, T. Crowley, R. Signorelli, L. Miller, A. Elwood
Opposed: None
 Motion Carried

3) Sign Plan Review

Mr. Walsh addressed the Board regarding sign location plans proposed for the subdivision while Ms. Lane read her Memorandum for the Board. The original designs included a sign easement within Lot 1A. The revised plan shows the sign will now be located in the common area created in Lot 2B per the revised subdivision plans. Mr. Walsh stated that placing the sign on the opposite side of the road will allow better visibility when driving to and from the development; the placement will be less awkward than the original location and the new position will allow for easier maintenance.

Chairman McLain asked for a motion to approve the revised sign plan.

Motion Made: T. Crowley
 Motion Seconded: R. Signorelli
 MOTION: Approving the Sign Plan
 VOTE: **In Favor:** S. McLain, T. Crowley, R. Signorelli, L. Miller,

A. Elwood

Opposed: None
Motion Carried

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

- Mr. Crowley inquired whether the dentists' office plans will remain the same, even though Pearl Brucher, original owner of two of the lots involved in the rezoning for the dental office addition and resident for life, has passed away. This was confirmed by Ms. Lane.
- Ms. Lane stated that along with Mr. Rafferty's successor will come procedural changes, including a Review Committee for all submitted plans.
- Ms. Lane stated that the contractor for Realty USA is requesting his bond money back, but the money cannot be returned until a landscaping plan for the planter around the sign is approved and completed. After recalling previous discussions regarding the sign and surrounding landscaping, it was decided by the Board that the original landscaping plan, which includes a knee wall of 1 or 2 courses of garden stone around a raised bed with an assortment of Stella Doro daylilies and Dense Yew, is sufficient. Ms. Lane advised that she would take the information back to the parties involved so that work can be concluded and the bond money returned upon completion.

Chairman McLain asked for a motion to approve the existing planting plans.

Motion made: T. Crowley
Motion seconded: L. Miller
MOTION: Approving the existing planting plan for the Realty USA sign
VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller,
R. Signorelli
Opposed: None
Motion Carried

I. ADJOURNMENT

Chairman McLain asked for a motion to adjourn the meeting at 8:50 pm.

Motion made: A. Elwood
Motion seconded: R. Signorelli
MOTION: Adjourning the meeting.
VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller,
R. Signorelli
Opposed: None

Motion Carried

Next Meeting Date

The next regular meeting of the Planning Board is tentatively scheduled for Tuesday, June 9, 2009 at 7pm.

Respectfully submitted,

Sandra Cragle