

Town of Union Planning Board Minutes

Tuesday, April 21, 2009

A regular meeting of the Town of Union Planning Board was held on Tuesday, April 21, 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, and J. Rotella

Members absent: None

Others present: Paul Nelson, Marina Lane, Gary Whistle, Mike Malarkey, Rosemary Whistle, and Greg Frazier

A. CALL TO ORDER

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

B. APPROVAL OF MEETING MINUTES: March 10, 2009

The following correction was made on Page 3: Change the words "...was intended to direct" to read "was designed to direct."

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

Motion made: R. Signorelli

Motion seconded: A. Elwood

MOTION: Approving the minutes as corrected.

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

Opposed: None

Abstained: J. Rotella

Motion Carried

C. TWELVE-UNIT APARTMENT BUILDING: 718 Taft Avenue

At the March meeting, Mr. Mike Malarkey submitted a concept plan for a 12-unit, three-story apartment building proposed for 718 Taft Avenue. The 0.41-acre (17,818 square feet) property is zoned Residential Suburban Multifamily and an apartment building is permitted by right. However, it was recently noted that the Town Code has an area requirement for multi-family units. For each unit constructed, a minimum of 3,000 square feet of land area is required. Based on this requirement, the proposed twelve-unit apartment building requires a minimum of 36,000 square feet of land. Mr. Rotella asked Mr. Malarkey if an eight-unit apartment building could be considered, as that would require a less substantial variance. Mr. Malarkey explained that it would not be cost effective to have fewer units as the land has already been purchased, the plans have been drafted, and contractors have been acquired. Upon a Planning Department review of nine

existing multi-family units and their number of units per square footage, it was found that if the outlier was removed, the average is 2,722 SF per unit. It was noted that under Section 205-94 c of the Town Code that the applicant, Mr. Malarkey, must show that there are practical difficulties or unnecessary hardship in carrying out the strict application of the zoning ordinance in order for a variance to be granted. Mr. Malarkey and Mr. Whistle stated that the new building will be constructed to look similar to his existing buildings on either side of the site, therefore the project will not have an adverse impact on the character of the neighborhood. Mr. Malarkey stated that he felt this is a substantial request, and denied that this was a self-created hardship as he would not have purchased the property if the area variance requirement had been identified in previous applications when plans were submitted. Plans were previously reviewed by Steve Rafferty for required variances, and previous advisory opinions were given regarding the perimeter strip and parking variances for the site. Mr. Malarkey and Mr. Whistle asked the Board to recommend approval of this area variance request to the Zoning Board of Appeals. Chairman McLain advised Mr. Malarkey that the Zoning Board would have to approve this variance in order for construction to go forward. Mr. Malarkey advised that if the area requirement had been found a year ago plans could have been altered to fit the guidelines. As it stands, plans have been submitted, and Mr. Malarkey is 95% into the project. Mr. Rotella's opinion was that the Board should recommend approval to the Zoning Board with the understanding that the guidelines in the code will be adhered to from this point forward.

Ms. Lane read the Environmental Impact and Staff Findings from her memorandum to the Board. Per the 239-Review, Broome County Planning had no compelling interests in the variance. Staff Findings show that the Planning Department recommends denial of the variance proposed, as it will set a precedent for future multiple-family projects.

1) Advisory Opinion for area variance

Chairman McLain asked for a motion to make an advisory recommendation regarding the area variance to the Zoning Board.

Motion made: J. Rotella
 Motion seconded: A. Elwood
 MOTION: Recommendation that the area variance be approved.
 VOTE: **In Favor:** A. Elwood, L. Miller, J. Rotella, R. Signorelli
Opposed: S. McLain, T. Crowley
 Motion Carried

D. REZONING PETITION: 2113 Newell Road

1) Request to rezone from RS-T to RS-M

Ms. Lane stated that Greg Frazier of Port Castle Associates has submitted a petition to rezone 2113 Newell Road (#141.11-1-10), currently zoned Residential Two-Family (RS-T) to Residential Suburban Multifamily (RS-M), with the intention of

constructing a sixteen-unit apartment building. The petition does not meet current or proposed future land use plans for the site at this time, and future zoning classifications have not been determined at this time. The 1979 Town of Union Future Land Use Plan recommends Urban Low Density for the parcel, which indicates 10 to 15 units per acre. The proposed Future Land Use Plan recommends this location for Neighborhood Commercial use. Ms. McLain stated that a four-story apartment building would be out of place and out of scale in this particular neighborhood. Other members of the board also stated that an area variance would be a problem in the future due to the density of the proposed building and the surrounding structures.

Ms. Lane read the staff findings from her memorandum to the Board. Staff Findings show that the Planning Department recommends denial of the petition, as it is not consistent with the recommended Future Land Use plan.

Chairman McLain asked for a motion regarding the advisory opinion to the Town Board regarding the rezoning petition.

Motion made: R. Signorelli

Motion seconded: T. Crowley

MOTION: Issue and advisory opinion to the Town Board recommending denial of the rezoning application in that is not consistent with the recommended Future Land Use Plan.

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

Opposed: None

Motion Carried

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

- Per Mr. Nelson, the Village of Johnson City has formally approved their Comprehensive Plan.
- Mr. Nelson discussed the funding that the Town has been scheduled to receive under the Homeless Prevention and Rapid Re-Housing Program and that the Town does not appear to have a significant homeless population. It was identified in the Town's Consolidated Plan that the group most likely at risk of homelessness are elderly homeowners because they live on a fixed incomes and the cost of utilities and taxes are on the rise.
- Ms. Elwood mentioned that she had heard that the possibility of a windmill being erected on the Good Shepard site to offset the cost of electricity was being discussed. Ms. Lane advised that she would inquire as to the validity of such a proposal at the next Good Shepard meeting.
- Mr. Nelson advised the board that the Town is awaiting a response for a grant application from New York State regarding the floodwall closure at Fairmont Park.
- Mr. Signorelli suggested that the Board come up with a plan regarding the area variance. Previous buildings were constructed in the Town without meeting the density requirements even though the guidelines were in effect.

What can be done in the future to enforce guidelines and restrictions? Mr. Nelson suggested a possible "Project Review Team" including representation from the Building, Planning, and Engineering offices to review future projects that require site plan review. He plans to approach the Town Board with the idea. Mr. Crowley suggested a checklist for all projects. Mr. Nelson stated that a site plan checklist is already being used. Mr. Nelson also envisioned the idea of a two-tiered Major/Minor site plan process to review all site plans in relation to Town requirements and codes.

- Chairman McLain highlighted topics covered from the March 4, 2009 Town Board meeting.

F. ADJOURNMENT

Chairman McLain asked for a motion to adjourn the meeting at 8:45 pm.

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

Next Meeting Date

The next regular meeting of the Planning Board is tentatively scheduled for Tuesday, May 12, 2009 at 7 PM.

Respectfully submitted,

Sandra Cragle