

Town of Union Planning Board Minutes

Tuesday, June 9, 2009

A regular meeting of the Town of Union Planning Board was held on Tuesday, June 9, 2009 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

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

Members absent: J. Rotella

Others present: Marina Lane, Alan Pope, Greg Frazier, Ron Hiller, Richard Pokorak, Kathy Pokorak, Shirlenn O'Brien, Bill O'Brien

A. CALL TO ORDER

Chairman McLain opened the regular meeting of the Planning Board at 7:01 pm.

B. APPROVAL OF MEETING MINUTES: May 12, 2009

The following correction was made on Page 2: Change the words "...asked for a motion to make a recommendation of approval regarding the perimeter..." to read "asked for a motion to recommend approval of the perimeter.."

On page 4, bullet Number 2, replaced the word "suggested" with the word "discussed".

Page 8, first bullet, paragraph re-written as such: "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 rezoning for the dental office addition and resident for life, has passed away. This was confirmed by Ms. Lane.

Page 8, third bullet, the second sentence will now read: "After recalling previous discussions regarding the sign and surrounding landscaping, it was decided by the Board that the original landscaping plan, which includes 1 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".

Chairman McLain asked for a motion to accept the May 12, 2009 meeting minutes as altered.

Motion made: A. Elwood

Motion seconded: L. Miller
 MOTION: Approving the minutes as altered.
 VOTE: **In Favor:** T. Crowley, A. Elwood, L. Miller, R. Signorelli,
 S. McLain

Opposed: None
 Motion Carried

**C. MANLEY'S MIGHTY MART: 3117 Watson Blvd.
 Revised Site Plan: Request for Change of Hours of Operation to
 24 hours/day**

Manley's Mighty Mart, located at 3117 Watson Blvd., has submitted a revised site plan application requesting permission to extend the hours of their existing gas station to 24 hours per day, seven days a week. The original site plan was discussed on February 26, 2002, and at that time the hours of operation were stated to be from 5:00 AM to 1:00 AM. Because the station is located in a residential area, the Board needs to take into consideration the public health, safety, and welfare along with the comfort and convenience of the general public as well as the surrounding neighbors.

Ms. Lane reviewed her memorandum with the Board. As noted in the "Staff Findings", a revised site plan was approved on November 7, 2002. The revised plan required the owner to reduce the impact of the canopy lights on the adjacent residential properties. Ms. Lane also stated that the noise from the loudspeakers is now considered a negative impact to the adjacent residences.

Staff Recommendation and Review states that the Planning Department recommends approval of the revised site plan with hours of operation being twenty-four hours per day, seven days a week, under the following conditions:

1. The loudspeakers, including those at the pumping stations, be programmed to automatically turn off between 10:00 PM and 6:00 AM.
2. Shields shall be installed on the existing surface mounted canopy light fixtures to direct the light downward and shall be maintained in a manner to shield the residences to the north.
3. The applicant shall be required to acknowledge the above conditions, in writing, prior to the changes in hours of operation. All modifications shall be completed prior to the changes in hours. Should the applicant change the site plan or conditions of approval once it has been approved by the Planning Board, even if by petition to the Town's Zoning Board of Appeals, the site plan approval will become null and void

and the applicant must resubmit a new site plan to the Town of Union Planning Board.

Once Ms. Lane finished her memorandum review, the floor was open to those in attendance. Ron Hiller spoke on behalf of Manley's, and neighbors were represented by Richard and Kathy Pokorak, along with Shirlenn and Bill O'Brien.

Mr. and Mrs. O'Brien stated several of their concerns, including an increase in noise level with 24 hour service, an increase in deliveries and the hours in which the deliveries might be made, garbage being thrown into neighboring yards and upkeep with the station area in general. They also stated that the existing intercom and speaker system, which is used by Manley's to welcome customers and advertise products, can be a nuisance as the volume varies from day to day.

Mr. and Mrs. Pokorak questioned why this particular station is requesting permission to operate 24 hours a day, seven days per week, as opposed to other Manley's locations in more commercial areas. Both stated that there is minimal traffic after business hours, and that currently the station closes around 11:00 PM when, by previous approval, they can remain open until 1:00AM. The Pokoraks, like the O'Briens, agreed that maintenance, garbage, and noise from both the intercom and station customers are existing issues that need to be addressed. They also voiced concern over an increase in alcohol sales with extended hours.

In response, Mr. Hiller stated that extended hours would offer surrounding businesses, as well as companies with fleet cars and those that do early deliveries, the opportunity to have a nearby location to fuel their vehicles under a contracted price. He also stated that patrons of the station have requested extended hours.

In regards to the concerns addressed by the surrounding neighbors, Mr. Hiller said that speaking with the current staff and management may be all that is necessary to resolve the issues at hand. The intercom and advertising system volume can be adjusted and he is willing to check on whether or not it can be permanently set at a reasonable decibel. Lot maintenance and garbage clean up will be addressed with staff. Wattage on the existing lighting system has already been reduced from 750 to 320 watts, and concerning alcohol sales, per New York State Law, sales must stop at 1:00 AM.

Mr. Crowley asked Mr. Pope if the Board has the legal right to restrict the hours. Per Mr. Pope, the Board does have the right to set limits on the hours of business, and that these same concerns were addressed when the Revised Site Plan was brought before the Board on February 26, 2002. The current hours of operation, 5:00 A.M. to 1:00 A.M., were

negotiated with all parties involved. In response to the concerns with litter and noise, both matters are considered code enforcement issues; and though it has been discussed, there is currently no noise ordinance for the Town. Mr. Crowley and Mr. Signorelli again suggested that another Manley's site in a more commercial location be considered for 24 hour service, as opposed to this station which buffers residential properties.

After further debate between the parties involved, and due to the fact that Manley's is not currently utilizing the full time frame available to them, the Board stated that at this time it would be best to leave the hours as they are and as they were agreed upon in 2002; 5:00 A.M. to 1:00 A.M. The Board also advised Mr. Hiller that they are still requesting that covers of some kind be placed on the canopy lights to reduce glare on the neighboring properties, and suggested that the loudspeakers be turned off between the hours of 9:00 P.M. and 7:00 A.M. to reduce noise level in the evening.

Chairman McLain asked for a motion to leave the hours as is and as were previously agreed upon.

Motion made: R. Signorelli

Motion seconded: T. Crowley

MOTION: To leave business hours as approved on Feb. 26, 2002

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

Opposed: None

Motion Carried

D. REZONING PETITION: 2113 Newell Road, Advisory Opinion

1) Request to rezone from RST to CR

Ms. Lane advised the Board that Mr. Greg Frazier, of Port Castle Associates, has submitted a petition to rezone 2113 Newell Rd from Residential Two-Family (RST) to Commercial Retail (CR). His intention is to build a twelve-unit apartment building. The current Commercial Retail zoning category allows apartment buildings by right.

As stated in the "Staff Recommendation" portion of Ms. Lane's memorandum, the Town of Union Future Land Use Plan recommends Urban Low Density residential development for this parcel, and indicates 10 to 15 units per acre. The proposed apartment building would be built at approximately 24 units to the acre as this is a 0.48 acre lot. Because future zoning classifications have not been determined at this time, it is difficult to determine which uses would be permitted by right under the petitioned zoning classification. Due to the permitted development of

similarly sized residential apartments across the street, and the fact that the requested zoning change conforms to the Neighborhood Commercial land use proposed in the Future Land Use Plan under consideration by the Town Board, the Planning Department has no objection to the petition.

Ms. Lane also provided Board members with a copy of the Rezoning Request Summary Impact Evaluation Worksheet for the lot in question. The evaluation states that the transition is desirable as it continues the commercial node that serves the neighborhood. Sewer, water and drainage are available to the site, and no significant additional volume is expected. Because the parcel is only one-half acre in size, its development as residential or commercial will have little impact on the quality of life in the Town, other than offering more housing for the community.

Chairman McLain asked for a motion to approve the rezoning petition.

Motion Made: T. Crowley
 Motion seconded: L. Miller
 MOTION: Advisory Opinion to rezone 2113 Newell Rd from RST to CR
 VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller, R. Signorelli
Opposed: None
 Motion Carried

2) Advisory Opinion – Request to rezone RS-T portion of 701 Taft Ave. to CR

As noted in the Staff Recommendation of Ms. Lane's memorandum, 701 Taft Avenue has split zoning, following the deeding of a portion of paper street, Summit Street, to the south end of 701 Taft Avenue in 1986. The paper street originated from a parcel that was zoned RS-T (Residential Suburban Two-Family). It remains zoned as RS-T today. A petition has been submitted to rezone 2113 Newell Road from RS-T to CR. Because this portion of 701 Taft Avenue and 2113 Newell Road share boundaries, the Planning Department is recommending that the paper street be rezoned as CR in an effort to be consistent across the lot. The Future Land Use Plan recommends this location for Neighborhood Commercial use.

After further discussion between Board members, R. Signorelli suggested that the two properties in question be presented to the Town Board as a single motion.

Chairman McLain asked for a motion to recommend the approval of the rezoning of 701 Taft Avenue and that both lots be presented as one motion to the Town Board.

Motion Made: R. Signorelli
 Motion seconded: A. Elwood
 MOTION: Advisory Opinion to rezone 701 Taft Avenue from RS-T to CR and to combine the motion with 2113 Newell Road

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

**E. FIRST BAPTIST CHURCH: 1327 Reynolds Road
 Sign Plan Review**

Ms. Lane presented the Board with a visual plan of the proposed sign for the First Baptist Church located at 1327 Reynolds Road. The new sign will be made up of a set of brick pillars with the name of the Church engraved on a center slab. All Board members agreed that the proposed sign is aesthetically pleasing, appropriate for a Church and a definite upgrade from the sign plan that had first been submitted.

Chairman McLain asked for a motion to approve the Sign Plan

Motion made: L. Miller
 Motion seconded: A. Elwood
 MOTION: Approval of the Sign Plan for the First Baptist Church

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

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

- Per T. Crowley and Ms. Lane, there may be a possible rezoning petition brought before the Board in regards to Tim Connolly moving his offices to a six-acre piece of property south of Marian Apartments on Hooper Road.
- S. McLain reviewed minutes from the Town Board meeting regarding approval for an alcohol license for Good Shepherd Homes. She also mentioned the 2113 Newell Road rezoning

petition as well as the authorization for Ms. Lane and Steven Carson to go to the one day GIS conference located in Big Flats.

ADJOURNMENT

Chairman McLain asked for a motion to adjourn the meeting at 8:15 P.M.

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

Opposed: None

Motion Carried

Next Meeting Date

The next regular meeting of the Planning Board is tentatively scheduled for Tuesday, July 14, 2009 at 7 P.M.

Respectfully submitted,

Sandra Cragle