

Town of Union Planning Board Minutes

Tuesday, February 13, 2007

A regular meeting of the Town of Union Planning Board was held on Tuesday, February 13, 2007 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York. Chairman McLain opened Planning Board meeting at 7:00 p.m. Unless otherwise stated, the Chair does not vote on motions.

Members present: S. McLain, L. Miller, R. Signorelli, A. Elwood, J. Rotella,

Members absent: T. Crowley, B. Seliga

Others present: Paul Nelson, Marina Lane, Nancy LaBare, Brian Allis (Allis Development), Tom Meade (Citizen) Mike McDonnell (MJ), Ferris Akel (Giant), Phillip Akel (Giant/FGR) and Gene LaBare (Legislature)

A. CALL TO ORDER

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

B. APPROVAL OF MEETING MINUTES: January 9, 2007

The minutes from the January 9, 2007 meeting will be voted on at the March 13, 2007 meeting

C. GIANT MARKET- 412 Day Hollow Road

1. Lead Agency

Chairman McLain asked for a motion appointing the Town of Union Planning Board as Lead Agency for the Giant Project.

Motion made: A. Elwood

Motion seconded: J. Rotella

MOTION: Designating Town of Union Planning Board as Lead Agency

VOTE: **In Favor:** A. Elwood, J. Rotella, L. Miller, R. Signorelli,

Opposed: None.

Abstained: None.

Motion Carried.

Philip Akel explained that the existing CVS and Blockbuster Video building will be demolished and that area will become parking. The expansion of the Giant Market will be to the south of the existing market. Two new entrance/exits are proposed for Day Hollow Road, eliminating the three that are currently there. The single ingress/egress on Route 26 will stay where it currently is.

The landscaped area will be increased by 5% over the existing conditions. There will be landscaped areas on each side of the entrances. There will be landscaping islands and stamped concrete between the curb and existing sidewalk.

Mr. Akel advised that the main entrance for the store has not changed. All docks are incoming docks. The different dock locations are to service the different areas of the store. The floor plan of the store will resemble the Hooper Road and Front Street stores.

2. SEQRA Determination

Ms. Lane distributed the Negative Declaration under SEQRA dated April 25, 2006. She read the Description of Action as follows:

The proposed project includes the demolition of an existing, adjacent commercial building (22,465 SF) and grading of the impervious area required for utility services, with the required erosion control measures. Construction of the addition to the existing Giant Markets building (32,718 SF) on the same site will expand the building to approximately 61,450 SF gross floor area. Total parking spaces based on effective floor area is 212, which are provided. The project area is zoned Commercial Highway Oriented (CHO), and the retail store is permitted by use. Delivery trucks will use Broome County Highway Department approved entrances on Day Hollow Road. The site is served by public water and sewer.

The project was found not to have significant impact on the environment. It actually will reduce the current impervious area by 5% and improve the run-off conditions due to erosion and sediment control measures required by the DEC.

Ms. Lane read the Reasons Supporting this Determination:

Under the requirements of Section 617.7 (c), the proposed project was examined from the initial demolition of the existing adjacent building, to the construction of a 28,732 square foot addition to the existing food retail building. Since the area to be disturbed is greater than 1-acre, but is not adding to the impervious area, a Redevelopment Storm Water Pollution Plan is required, and has already been approved by the NYSDEC. As presented, the application meets the requirements for Site Plan Review.

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

Motion made: R. Signorelli
 Motion seconded: J. Rotella
 MOTION: Approval of the Negative Declaration
 VOTE: **In Favor:** R. Signorelli, J. Rotella, L. Miller, A. Elwood,
Opposed: None

Abstained: None
Motion Carried

3. Site Plan Review

The Site Plan was presented to the Board.

Ms. Lane read the Environmental Review as follows:

The lot is approximately 4.67 acres, and largely impervious; therefore a Stormwater Pollution Prevention Plan (SWPPP) is required. The stormwater runoff from the building will be directed to the existing enclosed drainage system. The stormwater runoff from the parking lot, on-site drives and receiving areas will be directed to standard NYSDEC water quality plan components, in compliance with NYSDEC approved Redevelopment Stormwater Pollution Prevent Plans. The Notice of Intent (NOI) has been filed with the NYSDEC, and a SPDES General Permit for Stormwater Discharges from Construction Activity has been granted by the NYSDE (Permit No: GP-02-01: Site Identifier: NYR 10 M258). The Town of Union Engineering Department has also approved the SWPPP. The final impervious surface will actually decrease by 5% following construction, due to increased landscaping.

Ms. Lane read the Staff Recommendations as follows:

The Planning Department recommends approval of the site plan with the following stipulations:

1. The landscaping must be completed by October 30, 2008.
2. Parking areas shall be paved and striped prior to being used by the public.
3. If the landscaping, paving or other site improvements are not completed prior to October 30, 2008, the applicant shall provide a performance bond, letter of credit or other guarantee approved by the Town Attorney for the site improvements not completed. The bond shall be posted to the Town Board prior to issuance of the temporary or permanent Certificate of Occupancy. The bond shall cover a period of one (1) year.
4. The applicant shall apply for a sign permit from the Building Official. The sign details shall include the dimensions of any ground or wall signs, including the proposed letter style and colors. The details shall show the height of the ground sign above the existing grade. Any ground, freestanding, or wall sign shall meet the requirements under the Town code. All temporary signs (including price signs), portable signs, searchlights, balloons, sidewalk and curb signs are prohibited. Signs that blink, scintillate, rotate, or move are not permitted. Banners, pennants, and sandwich board signs are permitted at the opening of a new business for a total of 10 days after which they shall be

removed. The sign plan submitted to the Building Official shall be identical to the plan submitted to the Planning Board as part of the Site Plan review process.

5. As a condition of site plan approval, the property shall comply with the Town's sign ordinance at all times specifically including, but not limited to, the placement of temporary signs, portable signs, and banners. The use of electronic message boards is expressly prohibited.
6. The inspector for the project's stormwater quantity and quality control measures shall be certified in erosion control, and will monitor erosion control measures during construction, in accordance with the Town of Union Ordinance § 181-27 and the NYSDEC State Pollutant Discharge Elimination System (SPDES) Permit for Storm Water Discharges from a Construction Activity. The Notice of Intent (NOI), which must be filed at least five days prior to any area disturbance, has been filed and approved (Permit No: GP-02-01).
7. The maintenance of the water quality unit shall be followed as described in the Stormwater Pollution Prevention Plan (SWPPP). It is recommended by the staff that in the event that the owner fails to maintain the drainage/filtering structure and related improvements according to the approved SWPPP, the Town reserves the right to maintain said facility, the cost of which shall be added to the property owners' tax bill.
8. The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to the issuance of a building permit. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan 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.

Giant will be asked to acknowledge all of the Staff Recommendations and Review items in writing prior to the issuance of a building permit.

Chairman McLain asked for a motion approving the Site Plan.

Motion made: J. Rotella

Motion seconded: L. Miller

MOTION: Approval of the Site Plan for the Giant Market

VOTE: **In Favor:** L. Miller, A. Elwood, J. Rotella, R. Signorelli

Opposed: None

Sustained: None

Motion Carried

D. ALLIS DEVELOPMENT – 440 Airport Road

1. Declaration of Lead Agency.

Chairman McLain asked for a motion appointing the Town of Union Planning Board as Lead Agency for the Allis Development Project.

Motion made: R. Signorelli
 Motion seconded: L. Miller
 MOTION: Designating Town of Union Planning Board as Lead Agency
 VOTE: **In Favor:** A. Elwood, J. Rotella, L. Miller, R. Signorelli
Opposed: None.
Abstained: None.
 Motion Carried.

2. SEQRA Determination.

Mr. Allis would like to build a one-story, 3,000 square-foot steel shop building related to his excavating business. This would be on a one acre parcel located on the northeast corner of the intersection of Airport Road and Marshall Drive. This property is largely vacant except for a small existing storage shed and other construction related materials stored on the site. In addition to the proposed building, a 4100 square-foot parking lot increases the impervious area to 7,100 square feet. A full SWPPP is not required, but an erosion and sediment control study was required.

The project is zoned Light Industrial (LI), and the office/storage building is permitted by right. The site is serviced by public water and sewer.

Under the requirements of Section 617.7(c) “the proposed project was examined for the construction of a new 3000 steel shop/office building, including the latest stormwater management structures. Since the area to be disturbed is less than one acre, a SWPPP was not required. As presented, the application meets the requirements for site plan review. The project as proposed was found not to have a significant impact on the environment.”

Mr. Allis will install a dry well, and will have the responsibility to maintain and clean it out. Mr. Allis will install the roof leaders into the well so rainwater is not directly running into the ditch out front. The water currently collects on the corner of the property because there is no way for it to get into the catch basin located there. Therefore, the dry well will be improving conditions.

There will be a floor drain that will drain into the sewer. They will install an oil/water separator in the floor which will go to the sanitary sewer.

Paul raised some concerns about the width of the driveway. Driveway width must be 24 feet for two-way traffic. Currently, the width is only 20 feet. Paul suggested that Mr. Allis shorten his parking spaces. Mr. Allis advised that it would not be a problem to adjust the width of the driveway. Mr. Allis will have minimal truck parking as the vehicles are usually out on jobs.

The dumpster will be screened in by Code.

“The impervious area is expected to be 7100 square feet. The submitted drainage plan was approved by the Town’s Engineering Department, and will incorporate a dry well for building runoff. The sheet flow from the parking lot will be directed to the existing storm sewer. The water from the bank on the north side will drain naturally to the dry well.”

“The Environmental Management Council had concerns pertaining to stormwater quality, which have been addressed in the approved drainage plan. The Town Engineering Department has approved the site plans.”

A condition of approval will be that a revised drawing be submitted showing that the driveway meets the minimum width of 24’.

The perimeter strip will have a low covering of grass and a 10 foot green space. In the front Blue and Red Junipers will be planted across the front. The landscaping does not need to be established by the October 30, 2007, it just must be started.

Brian advised that he stored only 5 gallon pails of hydraulic oil and a 55 gallon drum of 15/40 oil. He uses his oil for replacement only.

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

Motion made: R. Signorelli
Motion seconded: A. Elwood
MOTION: Approval of the Negative Declaration
VOTE: **In Favor:** L. Miller, J. Rotella, A. Elwood, R. Signorelli
Opposed: None.
Abstained: None.
Motion Carried.

3. Site Plan Review

The Site Plan was presented to the Board.

Ms. Lane read the Staff Recommendations as follows:

The Planning Department recommends approval of the site plan with the following stipulations:

1. The landscaping, particularly along the north bank, must be completed by October 30, 2007.
2. The parking lot shall be paved and striped prior to receiving the Certificate of Occupancy.
3. Construction trucks must use Marshall Drive to enter and exit Airport Road.
4. If the landscaping, paving, or other site improvements are not completed prior to October 30, 2007, the applicant shall provide a performance bond, letter of credit, or other guarantee approved by the Town Attorney for the site improvements not completed. The bond shall cover a period of one (1) year.
5. The applicant has not included a sign plan with his application. Should he decide to have a sign, it must be presented to the Planning Board for approval prior to applying for a sign permit.
6. In the event that the applicant chooses to use a sign, the applicant shall apply for a sign permit from the Building Official. The sign details shall include the dimensions of any ground or wall signs, including the proposed letter style and colors. The details shall show the height of the ground sign above the existing grade. Any ground, freestanding, or wall sign shall meet the requirements under the Town code. All temporary signs (including price signs), portable signs, search lights, balloons, sidewalk and curb signs are prohibited. Signs that blink, scintillate, rotate, or move are not permitted. Banners, pennants, and sandwich board signs are permitted at the opening of a new business for a total of 10 days after which they shall be removed.
7. As a condition of site plan approval, the property shall comply with the Town's sign ordinance at all times specifically including, but not limited to, the placement of temporary signs, portable signs, and banners. The use of electronic message boards is expressly prohibited.
8. The contractor for the project shall follow Best Management Practices during construction for erosion control and stormwater quantity and quality control, in accordance with the Town of Union Ordinance § 181-27 and the NYSDEC State Pollutant Discharge Elimination System (SPDES) Permit for Storm Water Discharges from a Construction Activity. After construction, Best Management Practices for the storage of heavy equipment and associated oils and toxic

fluids should be followed. An oil/water separator shall be installed in a drain within the building, and is to be indicated on the building plans.

- 9. The dry well shall be maintained for water quantity and quality with monthly inspections for sediment build-up. It is recommended by the staff that in the event that the owner fails to maintain the drainage/filtering structure, the Town reserves the right to maintain said facility, the cost of which shall be added to the property owners' tax bill.
- 10. The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to the issuance of a building permit. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan 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.

Chairman McLain asked for a motion approving the Site Plan, with the condition that revised drawing be submitted showing that the driveway meets the minimum width.

Motion made: R. Signorelli
 Motion seconded: J. Rotella
 MOTION: Approval of the Site Plan for the Allis Development, with the condition that revised drawing be submitted showing that the driveway meets the minimum width.
 VOTE: **In Favor:** L. Miller, R. Signorelli, A. Elwood, J. Rotella
Opposed: None.
Abstained: None.
 Motion Carried.

E. AES- Westover 720 Riverside Drive: Call for Public Hearings (2/27/07)

1. Aquifer Permit: Development in an Aquifer Protection District

Chairman McLain asked for a motion to hold a Public Hearing for Development in Aquifer Protection District.

Motion made: A. Elwood
 Motion seconded: L. Miller
 MOTION: To Hold a Public Hearing for Development in Aquifer Protection District
 VOTE: **In Favor:** A. Elwood, R. Signorelli, J. Rotella, L. Miller
Opposed: None

Abstained: None
Motion Carried

2. Special Permit: Development in a Floodplain.

Chairman McLain asked for a motion to hold a Public Hearing for a Special Permit to develop in a Floodplain.

Motion made: R. Signorelli
Motion seconded: L. Miller
MOTION: To Hold a Public Hearing for a Special Permit for Development in a Floodplain
VOTE: **In Favor:** A. Elwood, R. Signorelli, J. Rotella, L. Miller,
Opposed: None
Abstained: None
Motion Carried

F. Floodplain Discussion with Tom Meade, Resident

Tom Meade has lived at 611 Jeanette Road off of Glendale for 30 years and wanted to discuss flood plain issues. Mr. Meade's property borders Nanticoke Creek. 20 years ago he saw the water rise approximately a foot. Since then there have been an additional 5 floods, including the ones last March, June and November.

During the March flood, the creek flowed over the road. Mr. Meade can see a 3-foot difference in the creek depending on the rainfall. He is worried about development in the Nanticoke Creek area overall. Mr. Meade feels that if there is increased development in the properties along the creek, it will increase the chances of flooding.

Mr. Meade requested that the Planning Board do what they can to make Jason Miller remove fill that he is storing illegally. Mr. Miller has equipment stored outside of his building. Mr. Meade has never seen any people on the Miller property. The building has never been completed. A letter from the DEC was issued on December 28, 2006 advising that the filling in the site must stop.

Can the Planning Board ask for a revised site plan from Mr. Miller?

Should the Miller matter be turned over to Alan for review and possible legal action?

G. OTHER SUCH MATTERS WHICH MAY PROPERLY COME BEFORE THE BOARD

None

H. ADJOURNMENT

Motion made: J. Rotella
Motion seconded: L. Miller
MOTION: Adjourning the meeting at 9:02 p.m.
VOTE: **In Favor:** L. Miller, A. Elwood, R. Signorelli, J. Rotella
Opposed: None
Abstained: None
Motion Carried

Meeting date

The next meeting of the Planning Board is scheduled for Tuesday, February 27, 2007 at 7:00 p.m.

Respectfully submitted,
Heather Gaughan