

Town of Union Planning Board Minutes

Tuesday, April 4, 2006

A regular meeting of the Town of Union Planning Board was held on Tuesday, March 21, 2006 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York. Chairperson McLain opened the meeting at 7:00 p.m. The first order of business was a public hearing on Legends at Dimmock Hill scheduled for 7:00 p.m. The public hearing for the Legends at Dimmock Hill was closed at 7:50 p.m. The Chair deferred the approval of the special permit for Legends at Dimmock Hill until a future meeting. The Planning Board meeting immediately followed the closing of the public hearing. Unless otherwise noted, the Chair does not vote on motions.

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

Members absent: None

Others present: Paul Nelson, Marina Lane

I. APPROVAL OF MINUTES

Chairman McLain asked for any additions or corrections to the March 21, 2006 minutes.

Chairman McLain asked for a motion to approve the March 21, 2006 minutes as presented.

Motion made: B. Seliga

Motion seconded: L. Miller

MOTION: Motion to approve minutes from March 21, 2006 as presented.

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

Opposed: None

Abstained: A. Paniccia

Motion Approved

APPROVAL OF PUBLIC HEARING TRANSCRIPT

Chairman McLain asked for a motion to accept the transcript from the Homestead Village Subdivision Public Hearing of March 7, 2006.

Motion made: A. Elwood

Motion seconded: L. Miller

MOTION: Motion to accept the transcript from the Public Hearing on the Homestead Village Subdivision, held March 7, 2006.

VOTE: **In Favor:** A. Elwood, L. Miller, B. Seliga, A. Paniccia

Opposed: None

Abstained: T. Crowley, R. Signorelli

Motion Approved

II. THE PINES AT STONEY CREEK CONCEPT PLAN

David Petcosky of Petcosky Building and Keith Barney of Keystone Associates presented a conceptual plan for development of a gated community on Farm to Market Road and Twist Run Road. They are proposing a zoning change for the property to PUD in order to accommodate a mixed use with condominiums, townhouses and single-family homes. They are proposing 18 acres of dedicated green space with four-hole executive greens, a park picnic area and possible tennis courts. They are also planning a gym facility, a bistro restaurant, and a library.

They are developing a website to gauge community support for this type of community. The development will be serviced with public utilities, will be located in the Maine Endwell School District and serviced by the Endwell Fire Department. A homeowner's association is planned for maintenance of the property. When additional details are available, they will be provided to the Planning Board.

III. SETTLERS WALK SUBDIVISION; PRELIMINARY SUBDIVISION APPROVAL

Ms. Sarah Campbell, an attorney with Hinman, Howard & Kattell, representing Settler's Walk Subdivision, updated the Board on developments that had occurred since the Public Hearing on March 7, 2006. At this point the owner is seeking Preliminary Subdivision approval. Revised drawings have been submitted to the Town with changes based on comments received from the public and the Board. They are also submitting a summary of questions and responses from the 239 review by the County.

One neighbor had indicated that he was concerned there was a wetland on the property. The owner has investigated that issue, has hired a retired DEC engineer (Ray Nolan) to review the property. Mr. Nolan has submitted a report to the DEC indicating there is no impact with regard to a wetland. The report has been submitted to the DEC for their sign off, they anticipate having it by the next meeting in order to obtain final approval.

The issue of micropond ownership will be incorporated into any site plan approvals. The Town has asked for deed restrictions as to how the microponds will be maintained. Ms. Campbell assured the Board that this issue will be taken care of with language in the deed as well.

Ms. Lane read into the record the recommendations from the Planning Department regarding the microponds:

In the event the developer fails to maintain the drainage structure and related improvements, the responsibility shall fall to the remaining property owners and a payment schedule yet to be determined will be added to the taxes for the Town's maintenance fees.

Ms. Lane asked if any decision had been made regarding the entrance way on the eastern entrance. Mr. Rychlewski responded that the entrance on the eastern side of the property will consist of curb and gutter for 150 feet.

Chairman McLain, as a courtesy, allowed resident Joe D'Alessio of 285 Twist Run Road to address the Board. He expressed his concerns with the microponds and particularly with one that is in close proximity to his property. He also provided information (in hardcopy format) to the Board regarding the advantages and disadvantages of microponds as well as pond failure.

Mr. Nelson explained that the Town Engineer also shares some of the same concerns regarding the microponds. He explained that detention ponds and storm water management is a relatively new concept in the development process. Outlining the maintenance issues in a deed conveyance when a lot is sold will ensure that the structures are maintained the way they should be.

Ms. Lane read the Staff Findings as follows:

Comments were received from the following agencies: Broome County Health Department, Broome County Department of Planning and Economic Development, Broome County Environmental Management Council, Town Engineering Department, Broome Metropolitan Transportation Study had no comments. The Stormwater Pollution Prevention Plan has been completed. It is recommended by the staff that in the event the developer fails to maintain the drainage structure and related improvements, the related responsibility shall fall the remaining property owners and a payment schedule, yet to be determined will be added to the taxes for the Town's maintenance fee. The applicant meets all of the requirements for a Preliminary Subdivision Plan of Section 181-11 and 181-12 of the Town Subdivision Regulations and the Planning Department recommends approval of the Negative Declaration under the New York State Environmental Quality Review Act (SEQRA) and Preliminary Subdivision Plans for Settler's Walk.

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

Motion made: T. Crowley
Motion seconded: L. Miller
MOTION: Approving the Negative Declaration under SEQRA for Settler's Walk.
VOTE: **In Favor:** A. Elwood, L. Miller, B. Seliga, A. Paniccia, T. Crowley, R. Signorelli
Opposed: None
Abstained: None
Motion Approved

Chairman McLain asked for a motion to approve the Preliminary Subdivision Plan for Settler's Walk with the following conditions:

1. There will be an engineer on site during the compaction/construction of the microponds.
2. Submission of the park recreation trust fee of \$300.00 per lot.
3. Language for the deed restriction regarding the maintenance of the drainage structures.

Motion made: R. Signorelli
Motion seconded: A. Elwood
MOTION: Approving the Preliminary Subdivision Plan for Settler's Walk with the above-noted conditions.
VOTE: **In Favor:** A. Elwood, L. Miller, B. Seliga, A. Paniccia, T. Crowley, R. Signorelli
Opposed: None
Abstained: None
Motion Approved

IV. HOMESTEAD VILLAGE 60-DAY EXTENSION AND PUD ADVISORY OPINION

Mr. Signorelli and Mr. Crowley recused themselves from this discussion.

Mr. Chase of Keystone Associates introduced his associates, Ken Ellsworth, Alex Urda and Mr. Walsh, owner of Homestead Village.

Mr. Chase presented their revised plan for Homestead Village, which consisted solely of residential development. They have removed the proposed lake and have pulled all development out of the flood plan and the archeological area.

Mr. Nelson reported to the Board that the emergency access easement for Fairmont Park has been finalized and the final description/agreement will be ready by April 5, 2006.

The driving range is still a possible future component, but there are no plans at this time to install the driving range. Homestead Village will retain ownership of the microponds built in connection with the residential subdivision.

The BMTS traffic study has been completed (on the original plan) and did not identify any significant impact on the traffic situation.

Chairman McLain asked for a motion to grant the 60-day extension to the 60-day subdivision review period.

Motion made: A. Paniccia
Motion seconded: A. Elwood
MOTION: Grant the 60-day extension to the 60-day subdivision review period
VOTE: **In Favor:** A. Elwood, L. Miller, B. Seliga, A. Paniccia
Opposed: None
Abstained: T. Crowley, R. Signorelli
Motion approved

Chairman McLain asked for a motion granting the PUD advisory opinion indicating the Planning Board's approval of the preliminary concept plan for the Traditions at the Glen Conference Center and the Homestead Village residential subdivision.

Motion made: A. Paniccia

Motion seconded: L. Miller

MOTION: Granting the PUD advisory opinion to the Town Board indicating the Planning Board's approval of the preliminary concept plan for the Traditions at the Glen Conference Center and the Homestead Village residential subdivision

VOTE: **In Favor:** A. Elwood, L. Miller, B. Seliga, A. Paniccia

Opposed: None

Abstained: T. Crowley, R. Signorelli

Motion approved

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

Mr. Nelson advised that at the April 25 meeting the final Settler's Walk subdivision plan may be ready for approval, the preliminary subdivision plans for Homestead Village may be ready for approval and the representatives/owners of Legends at Dimmock Hill will be attending for an advisory opinion.

The Board will also be asked to make an advisory opinion to the Zoning Board for a sign variance for Manley's on Main Street.

V. ADJOURNMENT

Motion made: B. Seliga

Motion seconded: A. Paniccia

MOTION: Adjourning the meeting at 9:07 p.m.

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

Opposed: None

Abstained: None

Motion approved.

Meeting date

The next meeting and Public Hearing will be held on Tuesday, April 25, 2006 at 7:00 p.m.

Respectfully submitted,
Kathleen C. Carney
Transcriptionist