

**Town of Union Planning Board Minutes**  
Tuesday, May 2, 2006

A regular meeting of the Town of Union Planning Board was held on Tuesday, May 2, 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 a Special Permit for the Union Center Fire Station scheduled for 7:00 p.m. The public hearing for the Union Center Fire Station was closed at 7:14 p.m. The regular meeting of the Planning Board resumed at 7:14 p.m. Unless otherwise noted, the Chair does not vote on motions.

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

Members absent: B. Seliga

Others present: Paul Nelson, Marina Lane

**I. UNION CENTER FIRE STATION**

Mr. Nelson indicated that there was no reason why a determination could not be made on the Special Permit request as this was a public safety issue and the station needs to get underway. Also, there were no comments that needed to be addressed.

Chairman McLain asked for a motion to approve the negative declaration under SEQRA for the Special Permit.

Motion made: T. Crowley  
Motion seconded: R. Signorelli  
MOTION: Approving the negative declaration under SEQRA.  
VOTE: **In Favor:** A. Elwood, R. Signorelli, L. Miller, T. Crowley,  
A. Paniccia  
**Opposed:** None  
**Abstained:** None  
Motion Approved

Chairman McLain asked for a motion to approve the Special Permit subject to Site Plan approval.

Motion made: A. Elwood  
Motion seconded: A. Paniccia  
MOTION: Approving Special Permit subject to Site Plan approval.  
VOTE: **In Favor:** A. Elwood, R. Signorelli, L. Miller, T. Crowley,  
A. Paniccia  
**Opposed:** None  
**Abstained:** None  
Motion Approved

Ms. Lane read the following staff recommendations into the record:

1. Special permit approval will be required if there are any changes to the site plan or change in use of the property.
2. The applicant should follow Best Management Practices (BMPs) associated with storing vehicles and heavy equipment, particularly as they pertain to leaks and spills of fluids.
3. The building must be designed to meet the wind, snow and seismic requirements of the Building Code of NYS because it fall in the category of life safety.

The Town Planning Department recommends approval of the Negative Declaration under the New York State Environmental Quality Review Act (SEQRA) and approval of the site plan for the construction of a replacement fire station and parking lot at 1807 and 1811 NYS Route 26 with the following conditions:

1. The septic system shall be reviewed and approved by the Broome County Health Department prior to the issuance of the building permit.
2. 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. If applicable, 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 shall be reviewed and approved by the Building Official.
3. 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.
4. The site shall be paved and striped prior to the Certificate of Occupancy.
5. A final landscaping plan shall be submitted according to Town Code Article VI: 205-38-40.
6. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit.

Chairman McLain asked for a motion to approve the negative declaration under SEQRA for the Site Plan Approval.

Motion made: T. Crowley  
Motion seconded: L. Miller  
MOTION: Approving the negative declaration under SEQRA for Site Plan Approval.

VOTE: **In Favor:** A. Elwood, R. Signorelli, L. Miller, T. Crowley,  
 A. Paniccia  
**Opposed:** None  
**Abstained:** None  
 Motion Approved

Chairman McLain asked for a motion for the Site Plan Approval.

Motion made: R. Signorelli  
 Motion seconded: A. Elwood  
 MOTION: Approving the for Site Plan.  
 VOTE: **In Favor:** A. Elwood, R. Signorelli, L. Miller, T. Crowley,  
 A. Paniccia  
**Opposed:** None  
**Abstained:** None  
 Motion Approved

**II. WEST CORNERS GIANT – RECOMMENDATION FOR ZBA FOR PERIMETER VARIANCE**

Chairman McLain announced that the Board will go out of order on the agenda and will address the West Corners Giant discussion next on the agenda.

Mike McDonnell, representative for the Akel's and Giant Markets, presented the proposed plans for the West Corners Giant and specifically addressed the perimeter strips along Route 26 and Day Hollow Road. There is currently no landscape buffer along the perimeter of the property. The code requires a perimeter buffer of landscaping. They are suggesting a landscaping area of varying widths on Day Hollow Road and a width of 5 feet along Route 26.

The Board and applicant discussed various options for landscaping in the perimeter strips as well as traffic flow and drainage issues.

Mr. Crowley asked if the trash pickup could be a time other than 5:00 a.m. Mr. Akel indicated that they do have control over when the trash is picked up and will request that the pickup time be later.

Chairman McLain asked for a motion to make a recommendation to the Zoning Board of Appeals for approval of the 5 foot perimeter strip (5 foot variance) along Route 26 with the condition that random plantings (annuals or grasses) be planted in areas along the perimeter strip (not the entire perimeter strip) and the islands (in the parking lot) and also approval of a perimeter strip of varying widths along Day Hollow Road.

Motion made: R. Signorelli  
 Motion seconded: A. Elwood  
 MOTION: Motion to approve the recommendation to the ZBA for perimeter variances.  
 VOTE: **In Favor:** A. Elwood, R. Signorelli, L. Miller, T. Crowley  
**Opposed:** None

**Abstained:** A. Paniccia  
Motion Approved

**III. HOMESTEAD VILLAGE SUBDIVISION DISCUSSION:**

Let the record show that Mr. Crowley and Mr. Signorelli have recused themselves from this portion of the meeting.

Mr. Nelson reported to the Board that a letter had been received from Broome County pursuant to Section 239I-and-m of the General Municipal Law. They had some items they wanted addressed prior to project approval.

There has also been discussion regarding the SHPO review of the property regarding historical value and/or archaeological value. Mr. Nelson explained that an indication has been made (by Kathleen LeFrank) that the entire site will be determined eligible for the National Register of Historic Places plus the project would have to go the State Technical Services for Site Plan Review. The Planning Department has not received any correspondence directly from SHPO. This issue will have to be resolved before the application process can proceed.

Mr. Nelson addressed the letter from Rita Petkash, Broome County Department of Planning and Economic Development dated May 2, 2006. He addressed the items listed as follows:

1. The Town should require the developer to indicate, in writing, that these plans are the final development plans. **These are the final plans of the residential component.**
2. Due to the existence of the former IBM dumpsites, archeological sensitive areas and the project area being larger than 10 acres, a Full Environmental Impact Statement must be prepared. **The former IBM dumpsites are outside the property boundaries. The archeological sensitive areas are outside the residential area (how far is SHPO going to extend their authority) and the 10-acre Full Environmental Impact Statement was for the commercial development (now on hold).**
3. The project appears to be segmented in that the intent to develop commercial areas has been put forward in a subsequent phase, as have the proposed changes to the existing hotel/mansion. **The developer is interested in developing the property as potential buyers become available.**
4. The ruling from SHPO must be received before the project construction begins. A determination must be made concerning the known archaeologically sensitive areas on the site. **Mr. Walsh indicated that SHPO has received all information requested in mid-February and he has not heard from them since (nor has the Town or the Town Engineer).**
5. The NYSDEC Permit must be obtained prior to construction. A determination should be made regarding the impact of known IBM dumpsites on the project

- area, including the mound on Robinson Hill Road. **This is addressed in the ordinance.**
6. The Army Corps Permit must be obtained prior to construction. **The pond area is not part of this development, nor is it officially proposed at this time until the Army Corps clearance is obtained.**
  7. What is the source of the water supply? **Resolved.**
  8. Where will the sewage go? **Resolved.**
  9. Who will maintain the 20-foot Town of Union access easement? **Agreement is in writing.**
  10. What is the status of the changes to the existing hotel/conference center? **The number of parking spaces is being reduced as there was office space at the hotel/conference center that is now being used as hotel rooms, requiring fewer parking spaces.**
  11. Are the existing golf cart paths to remain? If yes, how will these paths be maintained and who will maintain these paths?
  12. Why is Eagle Drive considered an easement? **Because of flood access.**
  13. What is the proposed development schedule? **The builder will provide a schedule.**
  14. Who will maintain the proposed Stormwater Detention Ponds? **Maintained by the developer. Language will be included in individual deeds.**
  15. Where will overflow from the detention ponds go? **Emergency spillways which will flow into a water hazard channel.**
  16. Can the proposed Eagle Drive cross over the Village of Endicott Water Transmission easement and right-of-way as well as the Town of Union Sewer Improvement Easement and right-of-way? **The changing grade on this is minimal. The water main has five feet of coverage, the sewer has four feet of coverage.**
  17. Will all utilities, including phone, cable and electric, be placed underground? **Yes.**
  18. The grade behind lots 21A, 21B, 22A and 22B appears to be very steep. What construction techniques will be used to prevent run-off into the houses? **This is part of Phase II. During construction the builder will provide a drain or open swale to provide positive drainage away from the building, collect the water and bring it down.**

Mr. Nelson indicated that items 5 – 18 are all items that are contained in the existing ordinances.

The Board discussed with the builder/owner the archeological issues. Mr. Nelson will get clarification from SHPO on this issue. The approval of the residential subdivision will be tabled until the SHPO issues are resolved.

**IV. APPROVAL OF MINUTES**

Chairman McLain asked for any additions or corrections to the April 25, 2006 minutes.

Chairman McLain asked for a motion to approve the April 25, 2006 minutes as presented.

Motion made: R. Signorelli  
Motion seconded: L. Miller  
MOTION: Motion to approve minutes from April 25, 2006 as presented.  
VOTE: **In Favor:** A. Elwood, R. Signorelli, L. Miller, A. Paniccia  
**Opposed:** None  
**Abstained:** T. Crowley  
Motion Approved

**V. CONSTITUENT LETTER RESPONSE**

Mr. Nelson presented a response received from Michael J. Fitzpatrick, P.E., L.S. regarding the Homestead Development proposal. No further response will be drafted at this time.

**VI. ADJOURNMENT**

Motion made: A. Paniccia  
Motion seconded: L. Miller  
MOTION: Adjourning the meeting at 9:33 p.m.  
VOTE: **In Favor:** A. Elwood, R. Signorelli, L. Miller, T. Crowley, A. Paniccia  
**Opposed:** None  
**Abstained:** None  
Motion approved.

**Meeting date**

The next meeting and Public Hearing will be held on Tuesday, May 23, 2006 at 7:00 p.m.

Respectfully submitted,  
Kathleen C. Carney  
Transcriptionist