

Town of Union Planning Board Minutes
Thursday, May 18, 2006

A special meeting of the Town of Union Planning Board was held on Thursday, May 18, 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. Unless otherwise noted, the Chair does not vote on motions.

Members present: S. McLain, L. Miller, A. Paniccia, B. Seliga

Members absent: R. Signorelli, T. Crowley, A. Elwood

Others present: Marina Lane, Keith Barney, William Walsh

I. APPROVAL OF THE MINUTES

Tabled until May 23, 2006.

II. PRELIMINARY SUBDIVISION PLANS: HOMESTEAD VILLAGE, PHASES 1, 2 AND 3; 4101 WATSON BLVD. TAX MAP NO. 142.07-1-1.11

Chairman McLain directed Board Members to the Planning Department review of the preliminary subdivision plans.

Ms. Lane read the Staff Findings:

Comments received from the following agencies were as follows: Broome County Health Department, Broome Metropolitan Transportation Study, and NYSDOT indicated that each had no comments. The Town Engineering Department has approved the Preliminary Site Plan.

The Broome County Department of Planning and Economic Development, Broome County Environmental Management Council provided also provided a number of comments on the revised 239-review, the majority of which are already addressed under the Town's subdivision regulations. The County's comments incorrectly stated that the subdivision is a Type 1 action under SEQR. The number of units proposed is 111, which is well below the Type1 threshold of 250 (for a city, town, or village having a population less than 150,000) if the units are connected to both public water and sewer. The comments also indicated that the subdivision is a Type 1 action because the proposal covers more than 10 acres. The 10-acre threshold for a Type 1 action only applies to activities other than the construction of residential facilities. Accordingly, the Town has classified the project as an Unlisted Action and undertaken a coordinated review of the project.

The New York State Office of Parks, Recreation, and Historic Preservation (SHPO) issued a letter dated May 4, 2006 indicating, "We have evaluated the various materials submitted and have no archeological concerns with this specific phase of the site development". This statement applies only to the residential subdivision. SHPO further determined that the 9-hole golf course is eligible for listing on the National

Register of Historic Places. SHPO recommended that a thorough documentation of the existing appearance of the course prior to starting construction be undertaken. As requested, the applicant prepared documentation consisting of a site plan (including topographic lines) detailing the property in its current condition, photographs depicting the views from the tees and greens of each hole, and aerial photograph of the property. Three sets of the documentation were submitted and have been referred to the County Historian, the Village of Johnson City Public Library, and the Town Planning Department.

The County also mentions possible contamination from IBM dumpsites to the north of the proposed subdivision. On May 8, 2006, Town Planning Director Paul Nelson spoke to two New York State DEC representatives, Justin Deming and John Greco, regarding the areas commonly referred to as Tent City, the lab fill, the burn pit, and the gun club. Mr. Greco indicated that IBM entered into a voluntary agreement to clean the burn pit and gun club areas. The work at the former gun club is already underway. Both Mr. Deming and Mr. Greco indicated that the tent city area (referred to by Broome County) is not the subject of a current state sponsored action. Mr. Nelson also spoke with Ron Brink from the Broome County Health Department. Mr. Brink indicated that the County has agreed to test three private wells in the Fairmont Park subdivision and has contacted the property owners. No tests have been scheduled or completed to date.

The Storm Water Pollution Prevention Plan has been completed. The Town Engineering Department recommended conditional approval of the SWPPP, based on the requested single sheet SWPPP indicating the location of all storm water practices and the corresponding details. It is recommended by the staff that in the event that 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 fee.

The applicant meets all the requirements for a preliminary subdivision plan under Section 181-11 and 181-12 of the Town Subdivision Regulations.

Chairman McLain asked for a motion approving a negative declaration under SEQRA.

Motion made: B. Seliga
Motion seconded: L. Miller
MOTION: Approving a negative declaration under SEQRA.
VOTE: **In Favor:** L. Miller, B. Seliga, A. Paniccia, S. McLain
Opposed: None
Motion Carried

Chairman McLain asked for a motion to approve the preliminary subdivision plans.

Motion made: L. Miller
Motion seconded: A. Paniccia
MOTION: Approving the preliminary subdivision plans.
VOTE: **In Favor:** L. Miller, B. Seliga, A. Paniccia, S. McLain
Opposed: None

Motion Carried

III. FINAL SUBDIVISION PLANS HOMESTEAD VILLAGE, PHASE 1, 4101 WATSON BOULEVARD, TAX MAP NO. 142.07-1-1.11

Ms. Lane stated that the applicant has until July 17, 2006 to submit all original final plans to the Planning Department for stamping/signatures. No work shall begin until the plat is recorded in the Broome County Clerk's Office and submitted to the Town Planning Department, including a receipt from the County Clerk. Ms. Lane read the Planning Department's Recommendations as follows:

The Planning Department recommends approval of the final subdivision plans with the following conditions:

1. The original plans shall be brought to the Planning Department for the Planning Board Chairperson's signature and filed in the Broome County Clerk's Office no later than July 17, 2006, sixty (60) days after the Planning Board approval (*Section 181-14P*)
2. No work shall begin on the subdivision until the plat is recorded in the County Clerk's Office and submitted to the Planning Department. The original plans shall have the Broome County Health Department's stamp. A receipt from the Broome County Clerk's office shall be submitted to the Planning Department. One reproducible drawing and four (4) paper copies of the plans shall be submitted to the Planning Department. (*Section 181-14M, N, O and P*).
3. A copy of the contracted cost estimate for construction of all utility and street construction for Eagle Drive shall be submitted to the Engineering Department no later than June 8, 2006 [three weeks]. (*Section 181-17A*). Estimates shall include all road construction items excluding the base and top coats of blacktop. Applicant shall submit a check payable to the Town of Union in the amount of \$20,150 to cover the cost of the base and top coats of blacktop that will be installed by the Town.
4. The street deed and any easement descriptions shall be submitted to the Engineering Department for their review and approval by June 15, 2006, four weeks from Subdivision Approval.
5. The applicant is responsible to submit all deeds, easements, other appropriate legal documentation to convey to the Town, all improvements shown on the subdivision plat no later than June 29, 2006 [six weeks]. The applicant shall submit a gains affidavit(s), real property transfer form(s), abstract(s), if required by the Town Attorney, and funds sufficient to record or file, as the case any be, all legal documents. (*Section 181-16B*)
6. Conditions (1) through (5) must be satisfied, a performance bond or letter of credit for 100% of the subdivision improvements, and deeds shall be submitted to and accepted by the Town Board prior to any Building Permits being issued. (*Section 181-15A*) The letter of credit, street deed, filing applications, and fee shall be submitted to the Engineering Department. (*Section 181-16 B and C*).

7. Under Section 181-15A, conditions for final subdivision plan approval and issuance for a building permit is stated as follows: The approval of the subdivision plat shall not be deemed final until the applicant has completed all required subdivision improvements to the satisfaction of the Town and the improvements have been accepted by the Town Board until the applicant has filed a letter of credit which has been accepted by the Town Board and has offered for dedication all streets, easements, and improvements.
8. Prior to the Town's acceptance of the street and utility improvements, one reproducible copy and two paper copies of the as-built drawings must be submitted to the Engineering Department. (*Section 181-19E*).
9. A maintenance bond, a letter of credit, or other guarantee approved by the Town Attorney for ten (10) per cent of the cost of the construction of Eagle Drive shall be presented to the Engineering Department for their review. Said bond shall be submitted to the Town Board for their acceptance. The bond shall cover a period of one (1) year. (*Section 181-19G*).
10. Any construction activity that disturbs one acre or more shall require a General Permit for Storm Water Discharges from New York State Department of Environmental Conservation. The permit is related to the construction activity. A Notice of Intent (NOI) is required to be submitted at least two days prior to starting construction. NYSDEC requires preparation of a storm water prevention plan, an on-site monitoring program, utilization of Best Management Practices, and accurate documentation for record keeping prior to submitting the affidavit.
11. Deeds to all future lot owners shall include micro-pool maintenance language that must be submitted must be reviewed and approved by Town Attorney prior to sale of first lot.
12. The final SWPPP is intended to be a stand-alone submittal and shall include a single sheet indicating location of all storm water practices and the corresponding details.
13. Overall subdivision plans shall be revised to show erosion control measures that will be in place during construction. Construction shall be phased so that there is no more than 5 acres of land disturbed (i.e. exposed soil) at any given time. A construction-phasing schedule shall be submitted prior to commencement of work.
14. The Village of Endicott Water Department has suggested a change in the manner in which the new subdivision shall access the main transmission line. The applicant shall submit the changes to the Water Department for approval and incorporate the changes in the final plans prior to the Planning Board Chair's stamping and signing the final plans.
15. In light of the applicant's donation of a significant amount of property including the Glen, the Planning Department recommends that the department's set aside or cash in lieu of parkland requirement be waived.

Chairman McLain asked for a motion to approve the final subdivision plans for Phase I with the conditions and amendments to the conditions.

Motion made: L. Miller
Motion seconded: B. Seliga
MOTION: Approving the final subdivision plans for Phase I with the conditions and amendments to the conditions.
VOTE: **In Favor:** L. Miller, B. Seliga, A. Paniccia, S. McLain
Opposed: None
Motion Carried

Ms. Lane discussed with the Planning Board concept plans and other matters that will come before the Planning Board at the May 23, 2006 meeting.

Motion made: A. Paniccia
Motion seconded: B. Seliga
MOTION: Adjourning the meeting.
VOTE: **In Favor:** L. Miller, B. Seliga, A. Paniccia, S. McLain
Opposed: None
Motion Carried

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