

Town of Union Planning Board Minutes

Tuesday, May 22, 2007

A regular meeting of the Town of Union Planning Board was held on Tuesday, May 22, 2007 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York. Chairperson McLain opened Planning Board meeting at 7:00 p.m.

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

Members absent: None

Others present: Philip Akel (Giant/CVS), Theodore E. Lauve First Baptist Church (FBC), Dean Rypkema (FBC), Scott Farr (FBC), David Farr (FBC), Jeff Hoskins (Resident), Jim Murphy (FBC), Bill Hall (FBC), Brian Seachrist (FBC)

A. CALL TO ORDER

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

B. APPROVAL OF MEETING MINUTES: April 24, 2007 and May 2, 2007

Approval of the meeting minutes will be held over to the next meeting.

C. CVS: 800 Hooper Road:

1. Site Plan Revision

Philip Akel presented the Site Plan Revision.

The original Site Plan showed a rectangular box near the compactor. The developer was under the impression that this was to be a dumpster location.

The architect questioned if a dumpster was being put in that location and, if so, pointed out that it blocked the compactor. After some research, they discovered that box was to be a hydraulic lift used to unload trucks. They also learned that this building does not require a hydraulic lift, because CVS now also equips their trucks with hydraulic lifts. They were then able to remove the hydraulic lift from that corner. However, they still needed to fulfill the need for a dumpster. They realized that it wouldn't fit well in the northwest corner because it would block access to the compactor and because it would be unsightly. They thought the best option would be to locate the dumpster at the western boundary of the plaza near the existing wood retaining wall. The revised dumpster location is shown on the new plans. Mr. Akel provided the typical dumpster enclosure plan provided to him by CVS.

They plan to fence the dumpster with the same type of fencing that they Town Board required for the compactor area. They will provide the same construction details for the wooden fence with some metal posts and metal hardware. They thought it would make sense to leave the fence a natural fence so it did not create a big red box in the middle of nowhere.

Their location provides good access for garbage trucks. The adjacent landscape areas give them the opportunity to make the area look decent.

CVS will lose approximately 2 parking spaces with the relocation of the dumpster.

The compactor is for cardboard only. The dumpster is for all other garbage.

Chairman McLain asked for a motion approving the Site Plan Revision

Motion made: T. Crowley

Motion seconded: J. Rotella

MOTION: Approval of the Site Plan Revision

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

Opposed: None

Abstained: B. Seliga

Motion Carried.

D FIRST BAPTIST CHURCH

Marina Lane read from the Staff Report as follows:

I. SITE PLAN REVIEW

This proposed project involves the construction of a new church building with associated parking on the same site. The parcel has split zoning with approximately 4 acres of Residential Suburban High Density (RS-H) along the road. Approximately 30 acres is zoned Agricultural (AG), on which a church is an allowed Institutional use by Special Permit under Town Code 205-80. The Special Permit was approved by the Planning Board on May 8, 2007.

The total parcel is 34.4 acres, and the project area is 19.964 acres, leaving approximately 14 acres undeveloped. The proposed structure would take up approximately 5% of the lot. The project has been granted a height variance and the maximum height of the peak of the roof would be 50 feet. The church building will be approximately 64,000 square feet in size including a balcony, and the associated gymnasium is 15,000 square feet. At this time, the shell of the gymnasium will be

constructed, with the interior to be completed at a later date, yet to be determined. The plan provides 234 parking spaces, more than the required 200 parking spaces. Excepting rare evening meetings or events, the hours of operation will be Sundays, between 9am and 12pm. The site is served by public water and sewer.

II. STAFF FINDINGS

The Broome County Health Department and Broome Metropolitan Transportation Study (BMTS) had no comment. Comments were received from the following agencies: Broome County Department of Planning and Economic Development, Broome County Department of Public Works, and the Town Engineering Department. Recommendations by these agencies were considered during the process of site plan review by the Town Engineering Department and Planning Department.

The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). Under the requirements of Section 617.7(c), the proposed action was examined (Long Environmental Assessment Form), and was found not to have a significant impact on the environment. The Planning Board approved the Negative Declaration on April 24, 2007.

III. STAFF RECOMMENDATION AND REVIEW:

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

1. The landscaping must be completed by June 30, 2008.
2. The applicant shall apply for a sign permit from 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. The use of electronic message boards is expressly prohibited.
4. The inspector for the stormwater detention pond and other erosion control measures shall be certified in erosion control, and will monitor erosion control measures during construction, in accordance with the Town of Union Erosion and Sediment Control Law and the NYSDEC State Pollutant Discharge Elimination System (SPDES) Permit for Storm Water Discharges from a Construction Activity. The developer shall submit the Town's SWPPP Inspector Certification Form to the Planning Department prior to the preconstruction meeting, and shall coordinate the preconstruction meeting with the Town's Engineering Department. The Notice of Intent (NOI) has been filed, as required at least five days prior to any area disturbance. The NYSDEC Letter of Acknowledgement has been received.

5. The maintenance of the stormwater detention pond shall be followed as described in the Stormwater Pollution Prevention Plan (SWPPP).
6. A specific recordable instrument with micro-pool (detention pond) maintenance language for the detention ponds associated with the First Baptist Church of Johnson City at 1327 Reynolds Road shall clearly define the maintenance obligations, and shall be referred to as running with the land in the deed of the parcel. The recordable instrument shall contain language such that if the micro-pool is not properly maintained, the Town of Union may issue a notice to cure, and if not cured, then the Town of Union may cure and/or correct the situation and charge the costs and expenses of the same to you or any future property owner. The First Baptist Church of Johnson City as the owner of the property on which the detention ponds are located shall have the initial obligation to maintain the micro-pools in a functional condition, as described in the Stormwater Management and Pollution Prevention Plan (SWPPP), but if not so obligated the Town of Union may proceed to cure and /or correct the situation as noted above.
7. Micro-pool maintenance language must be submitted sufficiently in advance to the Town Attorney for approval within four weeks of Planning Board approval. The following language is acceptable to the Town of Union and is submitted herewith for your review. (Marina will change "micro-pool" to "detention pond" in the deed language).
8. The Applicant shall submit a landscape plan for the detention pond that will impede access to the aquatic and safety bench, while remaining aesthetically pleasing. The primary purpose of this is for the protection of children. The plan shall be submitted by June 30, 2007.
9. The Applicant shall install a story-pole indicating the depth of the detention ponds, attached to the weir structure of the detention ponds, immediately upon completion of the detention ponds.
10. The Applicant shall be required to acknowledge all of the above conditions, 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.

The SWPPP was approved by Pete Olevano as well as the NYS DEC.

Ralph Signorelli inquired about recommending a gate be put in at the end of the driveway.

Marine Lane stated that this is a preexisting condition. Marina Lane spoke with the neighbors and they stated that the trespassers were accessing their property from Cavalry Love's property and from the NYSEG line.

The new deed language contains specific language that gives the Town the right to go on the land. First Baptist Church already has deed ownership, so they will give an easement to the town.

Marina has spoken with Alan about proposing an annual trip to check how the detention ponds are being maintained.

Chairman McLain asked for a motion approving the Site Plan Review

Motion made: R. Signorelli

Motion seconded: A. Elwood

MOTION: Approval of the Site Plan Review

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

Opposed: None

Abstained: J. Rotella

Motion Carried.

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

The Board received a new submission from Bob Kashou.

The original issues with Bob Kashou were the placement of the trees, the fact that he had to turn his field around, and the detention pond.

Bob Kashou was asked to provide As-Builts in order to verify that the detention pond was built according to standard practices, and also to show the realignment of the field as it is now, and where he was going to place the trees.

Bob Kashou's submittal didn't have enough detail. He was asked to provide as-builts showing inverts, etc. Bob submitted a plan with proposed features, which was basically a revised Site Plan. Bob stated his timeframe for his future development was a month.

On January 11th Mr. Kashou received a letter from Jay Harris that "requested a more detailed As-Built Site Plan including any utility service. The stormwater system should show elevations for all storm structures to include top of grates and inverts of all storm pipes. This would include information on the detention pond. Elevations for inlet pipes, top of bank, four bay, interior weir, micro-pool, outlet pipes and outlet structure grates should be shown. Anything on this site that was not there prior to construction, both above and below ground, should be shown."

Steve Rafferty thought they could say the location of the trees is fine. If they were planted within a month he could get his \$13,000 bond back.

Bob Kashou was running an ad for an overnight soccer camp on his website. He would need a special permit for any activities beyond the hours of operation that were approved by the Board.

The artificial turf on the outdoor soccer field was not part of his approved plan.

Alan Pope suggested that an education meeting be scheduled and Mr. Kashou invited. If Mr. Kashou doesn't have site plan approval for the outdoor soccer field artificial turf, then he would need to go through the proper steps, whether that means he has to do it twice- one for the illegally built one and one for the future built one, or he can combine them. He shouldn't receive his bond back until he complies with what needs to be done.

If Mr. Kashou doesn't want to come to the meeting, then the Board will need to decide what steps should be taken.

The soccer field is just under 2 acres. Is the plan that he had in place up to handling the stormwater runoff?

Action Step

- 1) Invite Kashou to June 12th informational meeting
- 2) Check with Pete Olevano to see if SWPPP submitted included gradings of the soccer field.
- 3) He has pushed soil to create a berm along Airport Road without seeding it, which creates an erosion and drainage issue.

Alan and Marina will work on issues and then submit the issue list to the Board and to Bob Kashou.

Bob rotated the field because the utility company had a permanent easement and the field could not be built on it.

It was suggested that photographs of the property and the lighting be taken prior to the informational meeting.

Marina will check the minutes to check the placement of the soccer field and see if it was approved.

F. ADJOURNMENT

Motion made: B. Seliga
Motion seconded: J. Rotella
MOTION: Adjourning the meeting at 9:27 p.m.
VOTE: **In Favor:** L. Miller, B. Seliga, A. Elwood, R. Signorelli,
S. McLain, T. Crowley, J. Rotella
Opposed: None
Abstained: None
Motion Carried

Meeting date

The next meeting of the Planning Board is scheduled for Tuesday, June 19, at 7:00 p.m.

Respectfully submitted,
Heather Gaughan