

## Town of Union Planning Board Minutes

Tuesday, May 23, 2006

A regular meeting of the Town of Union Planning Board was held on Tuesday, May 23, 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: A. Elwood, S. McLain, R. Signorelli, L. Miller, A. Paniccia, T. Crowley, B. Seliga

Members absent: None

Others present: Paul Nelson, Marina Lane

### I. APPROVAL OF MEETING MINUTES, MAY 2, 2006

Chairman McLain asked for a motion to approve the May 2 meeting minutes as presented.

Motion made: R. Signorelli  
Motion seconded: B. Seliga  
MOTION: Approving the meeting minutes from the May 2, 2006 meeting.  
VOTE: **In Favor:** A. Elwood, R. Signorelli, L. Miller, T. Crowley, B. Seliga, A. Paniccia  
**Opposed:** None  
**Abstained:** None  
Motion Approved

Chairman McLain asked for a motion to approve Public Hearing transcript from the May 2, 2006 public hearing.

Motion made: L. Miller  
Motion seconded: A. Paniccia  
MOTION: Approving the transcript from the May 2, 2006 public hearing.  
VOTE: **In Favor:** A. Elwood, R. Signorelli, L. Miller, T. Crowley, B. Seliga, A. Paniccia  
**Opposed:** None  
**Abstained:** None  
Motion Approved

### II. PUBLIC HEARING: AMENDMENT TO PUD/LOT C10 SUBDIVISION

A public hearing was held on the Amendment to PUD for lot C10 Subdivision. The public hearing commenced at 7:02 p.m. and adjourned at 7:16 p.m. The Planning Board meeting resumed at 7:16 p.m.

### III. HOMESTEAD VILLAGE SUBDIVISION:

Board members R. Signorelli and T. Crowley recused themselves from this portion of the meeting.

Chairman McLain read the Amendment to Conditions of Approval as follows: On May 18, 2006 the Planning Board approved the final plan of Phase 1 of the Homestead Village Subdivision at 4101 Watson Boulevard. A condition of approval was the submittal of a single-sheet Storm Water Pollution Prevention Plan (SWPPP) as requested by Pete Olevano, Town of Union Commissioner of Public Works, in order to meet the standard requirements of the Storm Water Pollution Prevention Plan Review Checklist for the NYSDEC SPDES General Permit for Stormwater Discharge from Construction Activity – Permit No. GP-02-01.

On May 22, 2006 it was determined by Charles McElwee of Broome County Soil and Water Conservation after conferring with Ellen Hahn of NYSDEC, that the Storm Water Pollution Prevention Plan (SWPPP) presented by Keystone Associates for Homestead Village Development Group, LLC, was appropriate and sufficient for the Homestead Village Subdivision at 4101 Watson Boulevard, Tax Map 142.07-1-1.11. Pete Olevano, CPW, accepted the recommendation from Charles McElwee.

Ms. Lane read the Staff Findings as follows: The Planning Department recommends approval of the amendment to the conditions for approval. The requirement for a single-sheet SWPPP is primarily to facilitate the reader of the SWPPP while in the field monitoring erosion control measures during construction and the final SWPPP shall contain 6 sheets with tabs to indicate specific areas of erosion control and corresponding measures taken.

Chairman McLain asked for a motion to approve the amendment to the conditions as written:

Motion made: A. Paniccia  
Motion seconded: L. Miller  
MOTION: Approving the amendment to the conditions as written above.  
VOTE: **In Favor:** A. Elwood, L. Miller, B. Seliga, A. Paniccia  
**Opposed:** None  
**Abstained:** R. Signorelli, T. Crowley  
Motion Approved

**IV. LEGENDS AT DIMMOCK HILL: 130 DIMMOCK HILL ROAD**

Ms. Seliga recused herself from this portion of the meeting.

Request for amendment to conditions of approval: change in hours of operation from 10:00 a.m.-10:00 p.m. Monday through Sunday to 9:00 a.m.-10:00 p.m. Monday through Friday and 8:00 a.m. – 10:00 p.m. Saturday-Sunday.

Ms. Lane provided all Board members with a copy of a letter from the applicant as well as the relevant testimony from the Public Hearing. Chairman McLain read the letter from Mr. Watkins and Mr. Bambara, dated May 12, 2006, into the record.

Chairman McLain asked for comments or questions from the Planning Board.

Mr. Nelson pointed out that the adjoining property owner is not aware of this requested change. The adjoining property owner was concerned about the hours of operation during the public hearing. Ms. Elwood noted that she had spoken to the property owner across the street regarding the change in hours of operation and he had no objection to the change of hours.

Mr. Watkins addressed the Board and noted that the 8:00 a.m. – 10:00 p.m. hours would just be summer hours, probably until the of September. He also advised that for the early hours (8:00 a.m.-10:00 a.m. Saturday and Sunday) he would commit to keeping patrons in the enclosed area directly off the main building.

Mr. Watkins offered a compromise to the hours of 9:00 a.m. – 10:00 p.m. Monday through Sunday.

Chairman McLain asked informally how many members of the Planning Board felt the original agreement for the hours of operation should be maintained. Four members felt that the original agreement should be maintained.

Chairman McLain asked for a motion regarding the hours of operation.

Motion made: A. Elwood  
Motion seconded: None  
MOTION: Approving amendment of the hours of operation.  
VOTE: **In Favor:**  
**Opposed:**  
**Abstained:** B. Seliga  
Motion Lost

Mr. Nelson informed the Board that the Planning Board is not required to notify the next door neighbor of the owner's intent to modify the hours of operation. He felt that the neighbor should be notified as a courtesy.

**V. CVS: 800 HOOPER ROAD, PARK MANOR PLAZA**

Mr. George Akel presented a preliminary plan and drawings for the construction of a CVS Drugstore at 800 Hooper Road in the Park Manor Plaza. Mr. Akel introduced Josh Podkaminer of Emhoff Associates (the developer) to the Board. Mr. Podkaminer addressed the Board and presented the preliminary plans, particularly the building configuration on the property facing into the shopping plaza. He indicated that the building location will be fairly important in CVS' willingness to move forward with the plans.

The Board discussed the proposed project with Mr. Podkaminer and Mr. Akel, particularly relating to the direction of the building on the site.

Mr. Signorelli asked if the drawings shown were the actual prototypes. Mr. Podkaminer replied that they were. Mr. Signorelli expressed his opinion that

buildings CVS builds in the southern part of the United States (North Carolina) were more appealing than this prototype. Mr. Podkaminer replied that these were Type 3 buildings, they have slightly different variations for different areas of the country. He expressed that CVS would be willing to work with the Planning Board on the design criteria of the building as long as the layout of the building is approved to face the Giant.

**VI. GIANT MARKET AT WEST CORNERS: 412 DAY HOLLOW ROAD**

Mr. McDonnell addressed the changes to the plan previously presented.

- The distance between the parking spaces on the plan was in fact 20 feet and it has been changed to 24 feet (lanes).
- In order to eliminate stacking near the entrance/exit on Day Hollow Road, they have created a landscape strip near the entrance from Day Hollow Road.
- Access and egress through parcels 171 and 176 is prohibited, therefore the exit onto Route 26 has been changed back to the existing driveway. Tractor-trailers will now exit through the existing access curb cut. This was presented to both the DOT and the Zoning Board and acceptance from both entities has been received.
- There have been meetings with Chip McElwee regarding storm water. They had discussed storm water remediation across the front of the plaza, which will now be unacceptable. They will concentrate on their storm water quality control in the north area in the grass and the west area with an underground system expanding into the parking areas. They have added landscaping to some of the raised islands (indicated on plan).
- Stamped concrete walkway along Route 26.

The easement next to the West Corners Fire Department was discussed.

**VII. OTHER SUCH MATTERS THAT MAY PROPERLY COME BEFORE THE PLANNING BOARD**

Amendment to the Subdivision Regulations

Mr. Nelson explained the amendment to the Planning Board.

Chairman McLain asked for a motion for an advisory opinion recommending an amendment to section 181.14K (3) of the subdivision regulation as written.

Motion made: B. Seliga

Motion seconded: A. Elwood

MOTION: Recommending approval of the amendment to section 181.14K (3) of the subdivision regulation as written.

VOTE:                   **In Favor:** A. Elwood, L. Miller, B. Seliga, A. Paniccia,  
R. Signorelli, T. Crowley  
**Opposed:** None  
Motion Carried

Letter to Mr. Rafferty

Chairman McLain will draft a letter to Mr. Rafferty asking for a status update on Tony's Restaurant, the Jason Miller trucking business at 1704-1714 Union Center Maine Highway and the proliferation of signs along Main Street.

**VII. ADJOURNMENT**

Motion made:           B. Seliga  
Motion seconded:    A. Paniccia  
MOTION:                Motion to adjourn at 9:15 p.m.  
VOTE:                   **In Favor:** A. Elwood, L. Miller, B. Seliga, A. Paniccia,  
R. Signorelli, T. Crowley  
**Opposed:** None  
Motion Carried

Meeting date

The next Planning Board meeting will be held on Wednesday, June 14, 2006 at 7:00 p.m.

Respectfully submitted,  
Kathleen C. Carney  
Transcriptionist