

Town of Union Planning Board Minutes
Wednesday, June 14, 2006

A regular meeting of the Town of Union Planning Board was held on Wednesday, June 14, 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, L. Miller, T. Crowley, B. Seliga

Members absent: R. Signorelli, A. Paniccia

Others present: Paul Nelson, Marina Lane

I. APPROVAL OF MEETING MINUTES, MAY 18, 2006

Ada Elwood noted that she was not present at the May 18, 2006 meeting. Chairman McLain asked for a motion to approve the May 18, 2006 meeting minutes as amended.

Motion made: L. Miller
Motion seconded: B. Seliga
MOTION: Approving the meeting minutes from the May 18, 2006 meeting as amended.
VOTE: **In Favor:** L. Miller, B. Seliga
Opposed: None
Abstained: A. Elwood, T. Crowley
Motion to be carried over until the next meeting

Chairman McLain asked for a motion to approve the May 23, 2006 meeting minutes with the correction of Joseph Barbara to Joseph Bambara.

Motion made: T. Crowley
Motion seconded: A. Elwood
MOTION: Approving the meeting minutes from the May 23, 2006 meeting as amended.
VOTE: **In Favor:** L. Miller, B. Seliga, A. Elwood, T. Crowley
Opposed: None
Abstained: None
Motion Carried

II. AMENDMENT TO PUD: 4101 WATSON BOULEVARD

Mr. Crowley recused himself from this portion of the meeting.

The amendment to the PUD was presented to the Town Board and approved at the June 7, 2006 meeting. The amendment to the PUD was to remove the parking lot from the conference center, add the additional tee box to the driving range and the concept of the C10 lot on Homestead Road.

III. LOT C10 SUBDIVISION DECISION: 4101 WATSON BOULEVARD

Mr. Crowley recused himself from this portion of the meeting.

The Planning Board is the lead agency on this project.

Chairman McLain asked for a motion to recommend approval of the negative declaration under the New York State Environmental Quality Review Act for the preliminary subdivision plans for lot C10.

Motion made: L. Miller
Motion seconded: B. Seliga
MOTION: Approving the negative declaration under the New York State Environmental Quality Review Act for the preliminary subdivision plans for lot C10.
VOTE: **In Favor:** A. Elwood, L. Miller, B. Seliga, S. McLain
Opposed: None
Abstained: T. Crowley
Motion Approved

The preliminary plans were recommended for approval. Ms. Lane read the staff findings into the record as follows:

Comments received from the following agencies were as follows: Broome County Planning Department, Broome County Department of Public Health and NYSDOT indicated that each had no comments. The Town Engineering Department and the Superintendent of Public Works for the Village of Endicott have approved the Preliminary Subdivision Plan.

The New York State Office of Parks, Recreation, and Historic Preservation (SHPO) issued a letter dated May 23, 2006 in which they reviewed the Lot C10 and Overall Conceptual Pond layout plans, indicating they have no archeological concerns with this Lot C10 or future construction on adjacent lots labeled Detention Pond 3 or on the lots labeled Detention Pond 4A ad 4B.

SHPO further determined that the Lot C10 will have an adverse impact on the 9-hole golf course 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, and this has been completed by the applicant, as required for the approval of the residential subdivision May 18, 2006.

The Storm Water Pollution Prevention Plan has been completed. The Town Engineering Department requests that on page 2, paragraph B, last two sentences contain the work "should", and these will be changed to "shall". In addition, the SWPPP review checklist provided by the Commissioner of Public Works to the applicant contains several items that must be addressed in the final revised submittal. He states "these concerns are minor in nature and do not warrant postponing approval."

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 to recommend approval of the preliminary subdivision plans.

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

The final review decision was recommended for approval. Ms. Lane read the Planning Department recommendations as follows:

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

1. Five 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 August 16, 2006, (sixty-two 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 Town 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 stamped 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 Homestead Road, up to and including the cul-de-sac, shall be submitted to the Engineering Department no later than July 5, 2006 (three weeks). (*Section 181-17A*). Estimates shall include all road construction items. If adequate gravel exists in the improved shoulder areas to the satisfaction of the Town's Commissioner of Public Works, then new gravel is not required, and the estimate will be revised by the Town's Commissioner of Public Works.
4. The street deed and any easement descriptions shall be submitted to the Engineering Department for their review and approval by July 12, 2006, four weeks from Subdivision Approval.
5. The applicant is responsible to submit all final deeds, easements, and other appropriate legal documentation to convey to the Town, all improvements shown on the subdivision plat no later than July 26, 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, and a performance bond or letter of credit for 100% of the subdivision improvements to be held until October 2006, 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. A performance bond will be provided for the incomplete modifications (tack coat and one and one-half (1 ½) inch top coat). These modifications are to be completed by October 1, 2007. A written three (3) year warranty shall be provided for the tack coat in lieu of the geogrid installation.
 8. 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.
 9. 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*)
 10. 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 Homestead Road, up to and including the cul-de-sac, 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 from the date of subdivision acceptance for maintenance. (*Section 181-19G*)
 11. Language shall be included on the plot and in the deed indicating the owner shall be responsible for road maintenance until acceptance by the Town in accordance with Section 181-16.C.
 12. 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 five 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.
 13. 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.

- 14. 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.
- 15. In light of the applicant's donation of a significant amount of property including the Glen, and because the Lot C10 Subdivision is intended for professional office use rather than residential use, the Planning Department recommends that the parkland set aside or cash in lieu of parkland requirement be waived.
- 16. A revised page will be included showing the lot and the road without the details.

Chairman McLain asked for a motion to recommend approval of the final subdivision plans.

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

IV. (ADAM) HOUSTON DEVELOPERS: 229 TWIST RUN ROAD

David Chase of Keystone Associates and Kristie Houston presented a sketch plan for the property at 229 Twist Run Road. They plan to submit a preliminary plan in August 2006.

V. CVS: 800 HOOPER ROAD, PARK MANOR PLAZA

Mr. Nelson will request a rendering with faux windows from Josh Podkaminer.

Chairman McLain asked for a motion recommending approval of the amendment to the PUD located at 800 Hooper Road to allow the placement of a pad site to the left of the main entrance.

Motion made: T. Crowley
 Motion seconded: A. Elwood
 MOTION: Recommending approval of the amendment to the PUD location at 800 Hooper Road to allow placement of a pad site to the left of the main entrance.
 VOTE: **In Favor:** A. Elwood, L. Miller, T. Crowley, S. McLain
Opposed: None
Abstained: B. Seliga
 Motion Approved

VI. SETTLERS WALK: DISCUSSION FOR EXTENSION

Settlers Walk has asked for a 30-day extension of the original approval deadlines. There is another Army Corps of Engineers determination pending. Chairman McLain asked for a motion to extend the original approval deadlines by 30 days.

Motion made: B. Seliga
Motion seconded: L. Miller
MOTION: Approving a 30-day extension of the original approval deadlines.
VOTE: **In Favor:** A. Elwood, L. Miller, B. Seliga, T. Crowley
Opposed: None
Abstained: None.
Motion Approved

VII. GIANT MARKET AT WEST CORNERS: 412 DAY HOLLOW ROAD

The Board discussed the landscaping plan presented by the Giant Market at West Corners. It was decided that the Planning Board would ask Giant Markets to wrap the landscaping on Route 26 around three parking spaces instead of one or two.

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

The Board discussed Mr. Rafferty's 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: L. Miller
MOTION: Adjourning the meeting at 9:21 p.m.
VOTE: **In Favor:** A. Elwood, L. Miller, B. Seliga, T. Crowley
Opposed: None
Motion Carried

Meeting date

The next Planning Board meeting will be held on Tuesday, June 27, 2006 at 7:00 p.m.

Respectfully submitted,
Kathleen C. Carney
Transcriptionist