

Town of Union Planning Board Minutes
Tuesday, June 19, 2007

A regular meeting of the Town of Union Planning Board was held on Tuesday, June 19, 2007 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York. Chairperson McLain opened the Planning Board meeting at 7:00 p.m.

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

Members absent: R. Signorelli

Others present: Paul Nelson, Marina Lane, Alan Pope, Theodore Lauve, Bob Kashou, Salvadore Julian, Perri Hart, Patti Pomeroy, Jeff Hoskins, Nancy LaBare

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 8, 2007.

Chairperson McLain asked for a motion to accept the April 24, 2007 meeting minutes as written:

Motion made: L. Miller
Motion seconded: J. Rotella
MOTION: Approving the minutes from April 24, 2007 as written.
VOTE: **In Favor:** L. Miller, T. Crowley, A. Elwood, B. Seliga, S. McLain
Abstained: J. Rotella
Opposed: None
Motion Carried

Chairperson McLain asked for a motion to accept the May 8, 2007 meeting minutes as written:

Motion made: J. Rotella
Motion seconded: L. Miller
MOTION: Approving the minutes from May 8, 2007 as written.
VOTE: **In Favor:** L. Miller, T. Crowley, A. Elwood, S. McLain, B. Seliga, J. Rotella
Abstained: None
Opposed: None
Motion Carried

C. SOUTHERLY HILLS PUD: 10 KOT ROAD

1. SEQRA Reaffirmation

Ms. Lane first summarized that because it had been two years since this project had been approved at the Town Board level, under Council's guidance it was appropriate to reaffirm the SEQRA review. A new Full Environmental Assessment Form was prepared.

Ms. Lane then read the Description of Action from The Negative Declaration for Southerly Hills TOU. In summary it stated that since more than one year had passed since Preliminary Approval with no construction activity, The Final Plan, which has not changed since that time, must be re-approved by the Planning Board. The Planning Department recommended a Negative Declaration under the requirements of Section 617.7c. It was found that the parcel has access to both water and sewer, has extensive preservation of green space, provides many amenities, and shows no significant impact on traffic flow. The project has met the approval of the Johnson City Joint Sewage Treatment Board, the Town Engineering Department, the NYS DEC, and the Binghamton Metropolitan Transportation. Any changes deemed substantial will require an additional review.

Chairperson McLain asked for a motion to re-approve the Negative SEQRA determination.

Motion made: B. Seliga
Motion seconded: J. Rotella
MOTION: Re-approving the SEQRA Negative Declaration dated June 19, 2007.
VOTE: **In Favor:** L. Miller, T. Crowley, A. Elwood, B. Seliga, S. McLain, J. Rotella
Opposed: None
Motion Carried

2. Final Development Plan Review

Ms. Lane read the Memorandum on the Final Development Plans. The Final Plan was approved with 32 stipulations, with minor changes to the following:

- Under 1. FINAL PUD DEVELOPMENT PLAN REVIEW: add "are considering options to" to the sentence which now reads "The developer will pay for the cost of constructing a 116,000 gallon tank to be placed adjacent to the existing tank, and the Town and Village *are considering options to* pay for the additional cost to increase the capacity of the proposed tank to 470,000 gallons.

- Stipulation 2: A. Pope needs to research whether the roads can be dedicated to the Town of Union before this stipulation can be approved. Language does not have to be changed until it can be researched to see if a change is necessary.
- Stipulation 8: Add “and/or” to sentence which now reads: Any designated open space or recreational area of facilities including pavilions, putting greens, picnic areas, tennis courts, trails, *and/or* community center shall be labeled permanent (ie: conservation easement in perpetual ownership) and be under the ownership of the developer until these facilities can be transferred as “common element to the condominium association.”
- Stipulation 18: change owner to “developer” to sentence which now reads: Any charge for the permanent vegetative cover by the Town of Union shall be paid by the *developer/* Lot Owners of the parcel on an equal, pro rata basis.
- Stipulation 20: Add “and may convert to permanent dwelling after second tank is constructed” to sentence which now reads: Only after Overlook Drive and the west portion of Lauver Sunrise Circle, the roads to be constructed for Phase I, have been approved and accepted by the Town, and the building(s) are deemed complete by the Building Official, shall the developer be permitted to obtain Certificates of Occupancy for each of the units per model, excepting one unit per model which shall remain uninhabited for model purposes *and may convert to permanent dwelling after second tank is constructed.*

(see Approval Letter)

1) FINAL PUD DEVELOPMENT REVIEW

Chairperson McLain asked for a motion to approve the Final Development Plans with revised conditions.

Motion made: T. Crowley

Motion seconded: J. Rotella

MOTION: Approving the Final Development Plans with the revised conditions concerning the roads and the occupancy of units within the model buildings.

VOTE: **In Favor:** L. Miller, T. Crowley, A. Elwood, B. Seliga, S. McLain.
J. Rotella
Opposed: None
Motion Carried

D. EIGHT-LOT SUBDIVISION: 1001 PRESCOTT AVENUE

1. Preliminary Subdivision Review

A correction was made to the agenda as this is a presentation requiring no action by the Board. Wording was changed to Preliminary Subdivision Presentation.

Ted Lauve, Senior Engineer of Keystone Associates, representing owners Patti Pomeroy and Perri Hart, presented information on the proposed sub-division at 1101 Prescott Avenue. The map showed a preliminary plan for a subdivision consisting of 8 lots at the end of Prescott Avenue near the intersection of Buffalo Street. The smallest lot is about two times the minimum size of 7,000 square feet and the largest is 2.8 acres. No new road construction is necessary as all lots are on existing road frontage. Each lot will have a home and driveway. Existing water and sewer will be used. Disturbance is about 3.9 acres out of a possible 10 acres with total impervious for homes and drives about .4 acres and about 3.5 for lawns and landscaping. The property is well drained. Trip traffic is about 9 trips per hour at peak afternoon hours.

Questions were asked if drainage on Prescott is toward the road and if the road has enough crown. Mr. Lauve responded that the contour map shows that enough crown exists to prevent drainage problems in homes below. Ms. Lane pointed out that in a subdivision where it is anticipated to have only one to five acres of disturbance, only a basic SWPPP is required rather than a full SWPPP review. Mr. Lauve stated that each developer will be responsible for his own erosion and sediment control. The question was asked when they might be in for a Preliminary Subdivision Review. Mr. Lauve stated that they are ready now and are hoping for the Determination for Public Hearing tonight.

2. Declare Lead Agency

Chairperson McLain asked for a motion to declare the Planning Board as Lead Agency.

Motion made: J. Rotella

Motion seconded: L. Miller

MOTION: Motion to declare the Planning Board as Lead Agency.

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

Abstained: B. Seliga

Opposed: None

Motion Carried

3. Call for Public Hearing on July 10, 2007

Chairperson McLain asked for a motion to call for a Public Hearing on July 10, 2007.

Motion made: A. Elwood
Motion seconded: T. Crowley
MOTION: Call for Public Hearing on July 10, 2007.
VOTE: **In Favor:** L. Miller, T. Crowley, A. Elwood, S. McLain, J. Rotella
Abstained: B. Seliga
Opposed: None
Motion Carried

E. FAMILY SPORTS COMPLEX: 1500 AIRPORT ROAD

1. Extension of Operating Hours
2. Proposed location, number and type of trees
3. As-Built requirements
4. Culverts and bond transfer

Originally Mr. Kashou had to give a \$13000 bond for paving and planting of trees. Last Fall he came in with a problem regarding the gas line interfering with the right of way for the trees. Since there was a problem with field placement, he agreed to come back with an as-built for placement of the field and spacing between the field and the right of way. There was also trouble with flooding and a concern arose about a detention pond. The Town Engineering Department asked for as-builts for the pond and all drainage systems. Sheet C1.1 was looked at together as a group at the last Planning Board meeting and it was agreed that Mr. Kashou had to remove any indication of future development. In addition, what was submitted to the Engineering Department was not satisfactory to them.

A problem with the types of trees planted was discussed. The original plan showed a different type and placement of trees as compared to the new plan. The original plan called for a variety of types of trees including White Pine, Norway Spruce, Colorado Spruce, and Easter Hemlock which will grow to 10 to 15 feet. Mr. Kashou stated that the contractor chose evergreens and presented a tag that showed they would grow to 15 feet. However, the Board said that he should have chosen from the list provided with the original plans. Mr. Kashou asked for clarification on what the purpose of the trees was (visual, sound, stabilizing disturbances). He agreed to correct it. Condition of the trees is also a concern of the Board as they do not appear in good condition. The following

items, per the memo sent from Ms. Lane to Mr. Kashou, are to be on the as-builts that are to be submitted:

- All slopes and lengths of inverts including footer drains and rain leaders.
- Contour lines, at 2 foot intervals for the entire site and extending 50 feet beyond the property lines;
- All property lines; and
- Remove all future development (fields, lights, drives, etc.)

Mr. Kashou agreed that he would provide these four items. Mr. Kashou was asked for information on the artificial turf which was not included in the original plan. The turf has already been installed. Mr. Kashou stated that the contractor provided drainage through a pipe that crosses Dimmock Hill Road. A. Urda was contacted about the artificial turf by Ms. Lane and he said the specifications for the turf would be needed from the manufacturer as it can be more porous than grass, depending on the model and how it is put in place.

Ms. Lane brought up a new problem. When reviewing the as-builts, it was noticed that C1.2 did not show a culvert in the northeast corner that was to have been built under the driveway. Mr. Kashou told Ms. Lane that the County had not allowed the culvert to be put in place. A call was made to the County and they stated that that is a Town road and they had never prevented Mr. Kashou from installing the culvert (along Dimmock Hill Road). Mr. Kashou will have to pay for culvert under the driveway on Middle Stella Ireland Road and the County will put it in place. He will also have to pay for, and install, the one that should have been placed on Dimmock Hill Road.

There was concern about a baseball field that was not approved. Any lighting on the field must be approved before being placed. The berms that have been placed on the property need to be properly constructed and drained with correct plantings.

There was a request from Mr. Kashou to extend morning hours from 8:00 a.m. to 7:30 a.m. for summer camps as a convenience to parents for drop-off. The hours had already been advertised without approval. He is anticipating having approximately 15 children at the camp. Mr. Kashou stated that no outdoor activities would occur until after 8:00 a.m. Children would wait in the clubhouse until approximately 8:00 to 8:15. There have been some complaints by homeowners in the area because of traffic and noise. Allowing a seasonal change of hours was discussed for the convenience of working parents. Concern about supervision of children was also discussed. Also, questions about holding other events outside the approved hours of 8:00 to 11:00 were addressed (e.g., prom or church activities). The opinion of the Board is that special events need pre-approval, event by event.

Mr. Pope and Ms. Lane will provide a time-line for Mr. Kashou to use to record his plan of action. This time-line will need to be approved by the Board. There was discussion about where trees should be located on the property and it was decided that a landscape plan should be provided as part of the time-line with the plan to be approved at a later date.

Chairperson McLain asked for a motion to allow temporary change to opening hours of operation with the stipulation that a corrective time-line of actions will be presented for the several items listed in the letter to Mr. Kashou of June 15, 2007.

Motion made: T. Crowley

Motion seconded: J. Rotella

MOTION: Motion to allow temporary authorization to extend opening hours of operation starting at 7:30 a.m., Monday through Friday, June 25, 2007 through August 31, 2007, with no outside activity until 8:00 a.m. contingent on the approval of a corrective action plan received by June 22, 2007.

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

Opposed: None

Motion Carried

F. REZONING REQUEST – ADVISORY OPINION: 3901 & PORTION OF 4101 WATSON BOULEVARD

A map showing the existing zoning and the proposed rezoning of this Watson Boulevard property was shown. The County has recommended that a study be done on the wetlands. A unanimous decision was made to review the map and Mr. Nelson's worksheet on this rezoning request, and then make the Advisory Opinion at the next meeting.

G. OTHER SUCH MATTERS AS MAY PROPERLY COME BEFORE THE BOARD

Mr. Nelson explained that new Demographic Neighborhood Profiles are being prepared. As currently arranged, the book is cumbersome with maps sideways, making it difficult to handle. He is suggesting doing an 8 ½ x 11 for the Town website and standard books, but also make an 11 x 17 size which is much more convenient to use, has larger fonts and has scales easier to read. Although costs can be higher, he is considering doing a limited number in the larger size. Maps should be finished within the next couple of weeks.

H. ADJOURNMENT

Motion made: B. Seglia
Motion seconded: J. Rotella
MOTION: Adjourning the meeting at 9:55 p.m.
VOTE: **In Favor:** L. Miller, T. Crowley, A. Elwood, S. McLain, J. Rotella,
B. Seliga
Opposed: None
Motion Carried

Meeting Date

The next meeting of the Planning Board is scheduled for Tuesday, June 26, 2007 at 7:00 p.m.

Respectfully submitted,
Dawn Foti