

Town of Union Planning Board Minutes
Tuesday, August 14, 2007

A regular meeting of the Town of Union Planning Board was held on Tuesday, August 14, 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, T. Crowley, A. Elwood, L. Miller, B. Seliga, R. Signorelli

Members absent: J. Rotella

Others present: Paul Nelson, Marina Lane, Theodore Lauve, Sarah Campbell, Esq., Alan Pope, June Elavsky, Edward A. Elavsky, Mary Ellen Chervak, Mark P. Bennett, Pauline A. Sherba, Cher Snethen, Tom Snethen, Jane Hashey, Bill VanBramer, Andrea Kramarczyk, Becky Bilos, Roger Zevotek, Barbara Zevotek, Barbara Skarvinko, Mike Malarkey, Lois White, Paul White, John Hill, Larry Claudia, Lynette Wyatt, Barbara Granoski, Frank Nachman, Joe Moody, Karen Shelepak, Greg Shelepak, Jeff Hoskins, Chris Balsley, Jeremy Evans, Carol Carpenter, Nancy LaBare, Mark McManus, Joseph Monforte, Carl Wolff, Marian L. Johnson, Robert F. Johnson, John Perry, Jamie Edwards, Patricia Aylward, Matt Napierala, Tim Connolly

A. CALL TO ORDER

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

B. APPROVAL OF MEETING MINUTES: JULY 24, 2007

Chairperson McLain postponed approval of the minutes until the next regular meeting.

C. EIGHT-LOT SUBDIVISION: 1001 Prescott Avenue

1) Final Subdivision Review

Ms. Lane read from her memo to the Planning Board dated August 14, 2007, including Final Subdivision Plan Approval and Planning Department's Recommendation. The Negative Declaration for this property was previously approved by the Board and, with the exception of an underground drain added along the frontage of Prescott Avenue, there have been no changes.

Chairperson McLain asked for a motion to approve the Final Subdivision Review.

Motion made: L. Miller
Motion seconded: R. Signorelli
MOTION: Approving the Final Subdivision Review
VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller,
R. Signorelli
Opposed: None
Abstained: B. Seliga
Motion Carried

D. REZONING PRESENTATION: 3600 & 3606 COUNTRY CLUB RD., 3603 & 3605 BEATRICE LANE

Chairperson McLain stated that this meeting was not a public hearing and was the first time the plan would be presented to the Planning Board.

Ms. Sarah Campbell, attorney for the developer, introduced herself, Developer Tim Connolly and Site Engineer Matt Napierala.

Mr. Napierala described the basics of the development as a four-parcel site bounded by Hooper Road, Country Club Road and Beatrice Lane. It consists of the Church of Christ of Endwell, with church and rectory, and three other residences. It is approximately 1.8 acres and is zoned residential. The proposed drive-through pharmacy (Walgreens) facility will be approximately 14,400 square feet. It will be a single-story structure with a front consisting of an architectural façade which includes brick on the front and a brick awning over the entry door. There are 65 parking spaces wrapping the site. They are also proposing the placement of an underground storm water mitigation system on the northern corner of the property. There are adequate sewer and water facilities.

Mr. Napierala stated that they are requesting a zoning change for the property from residential to commercial. They are also requesting a variance for parking spaces as they have room for only 65 of the 72 required spaces.

Ms. Campbell stated that normally an open basin would be used for storm mitigation but they recognize the sensitive nature of this corner and it would be inappropriate for such a location. They are, therefore, proposing an underground stormwater mitigation system. She also stated that there is one house that has been purchased but will not be demolished until the current resident leaves the home. The property will be then utilized as green space.

Ms. Campbell also stated that the plans for this property are very preliminary. They are anxious to work with the Board and the County through site plan review. She also stated that the developer, as part of the agreement, would be building a new church in another location in the Town, to replace the one that will be demolished. They will be working with the Board on site plan review when they are ready to build that church. The current church is not a taxable property, but the developer would be paying taxes on that property, if it is developed for the proposed Walgreens.

A drawing of the proposed front of the building was shown to the Board, but a question arose about what the rest of the property would look like. Mr. Napierala showed prototypes that Walgreens' uses for many of their buildings. A decision on the back has not been designed or completed. There will be grading changes. There is not a detailed landscaping plan at this point but they will have plantings, fencing, directional lighting, etc.

It was asked if Walgreens, being a national recognizable chain, would show willingness to change their building design styles to fit neighborhood needs. Mr. Connolly stated that they are allowed slight modifications to the land itself but the building must meet Walgreens' criteria.

Concern over the grading and size of the property and its impact on traffic was discussed. When asked about the height of the retaining wall that would be needed, Mr. Napierala said that it would start out at 3 feet and gradually rise to 9 feet and taper back to 3 feet. Because of the grades they had to deal with, certain access points cannot be changed, and it will be necessary to request a variance for the perimeter strip. Also the driveway on Beatrice would be forced to move toward Hooper Road in order to accommodate large delivery trucks.

A concern arose about the distance between the remaining home scheduled for future demolition and the retaining wall. Mr. Napierala said there were nine feet, but shrubs would be provided to help buffer it.

Several concerns were raised about increased traffic in the area. Mr. Napierala said a traffic study of existing and proposed traffic generation has been done and given to the Planning Department. Although the facility from a peak hour sense will increase numbers, it is not negatively impacting the intersections according to their study. The main entrance will have a right-in, right-out configuration to aid flow of traffic. Although the Planning Department would prefer to see it at the center of the building to allow better stacking at the light, Walgreens feels the entrance would be better positioned closer to the Hooper Road/Country Club Road intersection to avoid congestion near the front of the building. Mr. Nelson pointed out that in the 1990s CVS proposed a building on the same site. Their traffic engineer felt the northern-most driveway was too close to the intersection to be safe. The CVS development proposal was eventually rejected.

Ms. Lane asked about their intentions of doing a SWPPP form. Mr. Napierala stated that they had done a drainage summary but were well on the way to having needed information for the SWPPP form. Mr. Nelson stated that it would be better, largely because of the expense, to wait and see if anything will materialize. The Planning Board will make an advisory opinion to the Town Board which could either be completely rejected or sent out to a public hearing. He will speak to someone in the County about waiting on the SWPPP.

When asked about a time line, should the project hypothetically receive approval, Ms. Campbell and Mr. Connolly told the Board that they expect to receive the 239-Review shortly. Their zoning request would need approval and a public hearing would be held. The church would have to be replaced first, followed by the development of Walgreens.

Chairperson McLain addressed the visitors, thanking them for the e-mails that have been received. If more residents would like to address questions and concerns to the Board, they were encouraged to mail a letter or e-mail to planning@townofunion.com.

E. ZBA ADVISORY OPINION: SITE PLAN AT 724 TAFT AVE.

Ms. Lane read from the memorandum to the Planning Board dated August 14, 2007 including the Variance Request, Environmental Impact and Staff Findings.

Mr. Malarkey, the developer of this property, was asked about the elimination of one parking space. He stated that the proposal to narrow the space was rejected because of a change in state code. Mr. Nelson stated that the Planning Board does have the authority to waive a small number of parking spaces. It will be required that the eliminated space be replaced with a green area.

Mr. Nelson stated that the County was concerned about the arrangement of garages. The plan shows them underneath the building, but they want to be assured that entering them would be similar to any residential garage. Mr. Malarkey stated that they are normal garages where you would pull into the driveway and drive straight into the garage. There are living spaces directly above the garages. The plans show hard-wiring for smoke and carbon monoxide detectors, and sprinklers.

Ms. McLain asked for a motion to recommend approval of the perimeter strip variance, the reduction of a single parking space and replacement of the 14th parking space with green area.

Motion made: A. Elwood
Motion seconded: B. Seliga

MOTION: Approving the perimeter strip variance, the reduction of a single parking space and replacement of the 14th parking space with green area.

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

F. HOMESTEAD VILLAGE SUBDIVISION: REQUEST FOR TEMPORARY CERTIFICATE OF OCCUPANCY

Ms. Lane read from the memo to the Board of August 14, 2007 including the Final Subdivision Acceptance & Certificates of Occupancy and Planning Department's Recommendation.

The project is almost completed. The developers are waiting for results of concrete curb tests and as-builts. The as-builts were submitted today. The lighting is almost complete with poles installed and heads to be installed tomorrow. The access road for Fairmont Park is open and in good condition.

Ms. McLain asked for a motion to approve the Temporary Certificate of Occupancy with Stipulations as Stated.

Motion made: B. Seliga

Motion seconded: L. Miller

MOTION: Approving the Temporary Certificate of Occupancy with Stipulations as Stated.

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

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

Ms. Lane stated that Mr. Kashou had contacted her and stated that they will be installing Colorado Spruce on the perimeter of his Airport Road property as shown in the original drawings. The trees will be purchased in August and planted no later than September 30, 2007. Ms. Lane also stated that Mr. Kashou has received the permit for installing the culvert under the driveway and his engineer is working on the plan for the culvert. The Board discussed the idea of having future developers group trees rather than line properties and/or plant trees closer to buildings to make properties more aesthetically pleasing.

Ms. Lane received a letter from Mr. Sal Julian requesting the date for expiration of his PUD development approval. His progress has been held up because of

water tank negotiations. Mr. Pope explained that the existing tank is adequate for water for domestic use, but not for fire protection. If there were to be a fire on Mr. Julian's property there is adequate protection; however, if there were simultaneously a fire elsewhere, there may not be sufficient water for fire protection. It was important to obtain insurance to protect the Town in case of such an event. Ms. Lane will send him a letter stating that his PUD Development Plan approval will be void one year from the approval date, unless he requests an extension prior to the one-year date, or begins construction on the project within the one-year period.

A question arose about the Temporary Certificate of Occupancy. Ms. Lane explained that in the Code Book there are two places that refer to this. One section is in Chapter 86 which states that a Building Code Official can issue a Temporary Certificate of Occupancy. There is a second section on the issuance of Temporary Certificates of Occupancy (COs) in the Zoning Chapter, Section 205-90, in which the Planning Board is authorized to approve temporary COs for those projects which initially required approval from the Planning Board. Mr. Nelson said that there will be a grant to do a review of Town zoning ordinances. He is suggesting that the Planning Department make a list of the areas where there appear to be conflicts such as this to avoid problems in the future. A selection process for a consultant to review Town ordinances will be beginning shortly.

The Comprehensive Plan was discussed. Mr. Nelson will be sending the Planning Board members copies of the demographic analysis section in about a week. It will include a generic demographic section with related information showing changes since the 1960s and 1970s.

Easement problems on the former C-10 Lot were discussed. Easement language, the plans, and a picture of one of the large tunnels going under the highway from the river to Fairmont Park were shown. The Town has purchased land from Sunoco to put another flood wall on one side of the property. Closing paperwork on purchase of that land is in progress.

A question was raised about two repair shops on Route 26, Star Motors and Jimmy's Auto. They had been approved by the Planning Board as repair shops but are thought to be now selling cars. Permission may have been received from the Planning Department to do that. Ms. Lane will investigate. It was stated that it seems more appropriate for changes such as this to go through Board approval.

Concern about a culvert at Marshall Road and Airport Road was raised. The culvert has been completely filled in where the cleanout was. Ms. Lane will contact the Engineering Department to find out the reason.

Discussion of the appearance of the proposed Walgreen's continued with concerns raised about the architectural style of the structure, signage choices, height of the retaining wall, zoning, and the timetable should the project be approved. Discussion about the option of using blighted properties that could be improved by replacement with new businesses was discussed. Mr. Nelson suggested the desirability of grants for removing blighted properties as incentives for developers to redevelop existing marginal commercially-zoned properties.

H. ADJOURNMENT

Motion made: B. Seliga
Motion seconded: L. Miller
MOTION: Adjourning the meeting at 9:00 p.m.
VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller, B. Seliga,
R. Signorelli
Opposed: None
Motion Carried

Meeting Date

The next meeting of the Planning Board is scheduled for Tuesday, August 28, 2007 at 7:00 p.m.

Respectfully submitted,

Dawn Foti