

Town of Union Planning Board Minutes

Tuesday, September 19, 2006

A regular meeting of the Town of Union Planning Board was held on Tuesday, September 19, 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: S. McLain, A. Elwood, L. Miller, T. Crowley, R. Signorelli, A. Paniccia
B. Seliga

Members absent: None

Others present: Paul Nelson, Marina Lane, George Akel, Philip Akel, Ron Compeau,
Jim Mushock, Tracy Mushock, Theodore Lauve, Tim Miller,
Khalid Parwez, Madeera Parwez, Hue Liao, Ming Liao, Richard Miller

A. CALL TO ORDER

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

B. APPROVAL OF MEETING MINUTES, AUGUST 29, 2006

Chairman McLain asked for a motion to approve the August 29, 2006 meeting minutes as presented.

Motion made: A. Elwood

Motion seconded: L. Miller

MOTION: Approving the meeting minutes from the August 29, 2006 meeting as presented.

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

Opposed: None

Abstained: R. Signorelli, A. Paniccia B. Seliga

Motion Carried

Chairman McLain asked for a motion to approve the transcript from the Public Hearing held August 29, 2006.

Motion made: L. Miller

Motion seconded: A. Elwood

MOTION: Approving the transcript from the Public Hearing held August 29, 2006 as presented.

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

Opposed: None

Abstained: R. Signorelli, A. Paniccia B. Seliga

Motion Carried

C. CVS SITE PLAN REVIEW, 800 HOOPER ROAD

Mr. Akel provided pictures of the fractured block proposed for this CVS. Board members discussed the use of fractured block versus brick with Mr. Akel, expressing their concern with the use of fractured block.

Chairman McLain asked for a motion for a negative declaration under SEQRA.

Motion made: T. Crowley
Motion seconded: A. Elwood
MOTION: Approving a negative declaration under SEQRA.
VOTE: **In Favor:** A. Elwood, T. Crowley
Opposed: R. Signorelli, L. Miller
Abstained: A. Paniccia B. Seliga
Motion Failed

Mr. Signorelli explained that he felt the Board had made a concession regarding the positioning of the building on the site, but that the appearance of the fractured block was not acceptable. Mr. Signorelli explained to the Board and the applicant that he had been very specific and had brought photos showing what he was looking for in this project.

Mr. Nelson noted that a site plan cannot be approved without an environmental review being performed. The project may be resubmitted a long form to include a visual assessment. The Board can request the applicant to submit additional information or renderings for the visual assessment section.

Mr. Nelson instructed the Board that a motion to reconsider would have to be brought by a member who voted with the prevailing side in the original motion, which was to not recommend the negative declaration. One of those members could bring the motion for reconsideration either at this meeting or at the very next business meeting, which is Tuesday, September 26, 2006.

The applicant was instructed to complete a long form including the section for aesthetics and return to the next business meeting on Tuesday, September 26, 2006.

D. WESTERN RIDGE SUBDIVISION

Ms. Lane read the following into the record regarding the negative declaration.

The proposed project consists of development of a 21-single family subdivision on a 27.023 acre property located between Simon Road on the north and Neal Road (Norman Drive) on the south. The site is zoned RS-7 Residential Suburban Low Density. The subdivision will have new public streets and access from Neal Road. A new 8-inch water main is to be extended into the residential subdivision from an existing 6-inch main in Norman Drive and connected to an existing 8-inch main in

Simon Drive. New sanitary sewer mains will be extended to the subdivision from the 8-inch main in Neal Road.

Storm drainage will be directed through a new closed storm sewer system to a new stormwater detention pond to be located on the east side of the subdivision within Lot 15. The stormwater detention pond will discharge to the existing ravine sloping east to an off-site wetland area and floodplain. The entire subdivision is located within an archeologically sensitive area as indicated on the New York State Historic Preservation Office GIF website. A Phase I Cultural Resources survey was conducted by Binghamton Public Archeology Facility, which found no historic or prehistoric resources and concluded that "no further work is recommended."

As the Board suggested a negative declaration, Ms. Lane read the supporting information as:

Under the requirements of 617.7C, the proposed project examined from the initial quarrying of trees for street construction, unlimited clearing for future residences including the latest stormwater management structures. Since the area to be disturbed is greater than one acre, a storm water pollution prevention plan and Notice of Intent were filed. Stormwater mitigation will include the construction of a micro pool fed by an enclosed stormwater sewer and scales designed to direct the flow of runoff for forested non-residential areas. A 30-foot treed western perimeter shall be described on the subdivision plat and as deed restrictions for lots 4, 5 and 6. The project as proposed was found to not have a significant impact on the environment.

The Board discussed with the applicant the maintenance of the micro pool. Mr. Nelson will discuss this issue with the Town Attorney to determine if the Town has developed official language regarding micro pool maintenance issues.

Chairman McLain asked for a motion for a negative declaration under SEQRA.

Motion made: L. Miller
Motion seconded: B. Seliga
MOTION: Approving a negative declaration under SEQRA.
VOTE: **In Favor:** A. Elwood, T. Crowley, R. Signorelli, L. Miller,
B. Seliga
Opposed: None
Abstained: A. Paniccia
Motion Carried

Mr. Lauve provided the Board with a brief update on the project.

Chairman McLain asked for a motion to approve the preliminary site plan with the following staff findings:

Comments received from the following agencies were as follows: Broome County Health Department and Broome Metropolitan Transportation Study each had no

Ms. Lane advised the Board that the applicant plans to bring this project for final review on September 26, 2006. Mr. Nelson will contact the Town Attorney for micro pool maintenance language prior to September 26, 2006.

E. DR. KHALID PARWEZ, 675 MAIN STREET, WESTOVER

The Board discussed the plans submitted by Dr. Parwez.

It was recommended that the plans be approved with the following conditions:

- The removal of the front staircase as a condition for aesthetics prior to the issuance of a Certificate of Occupancy.
- The handicap ramp is reconfigured to be accessed from the parking lot with a switchback to reduce the length of the proposed ramp prior to the issuance of a Certificate of Occupancy.

Ms. Lane read the Staff Recommendations as follows:

1. The landscaping must be completed by October 30, 2006.
2. Curb cuts shall be extended, with handicap access, in toward the sidewalks to define the new driveway.
3. The applicant shall apply for a sign permit from the Building Official. Any ground, freestanding, or wall sign shall meet the requirements under the Town code. All temporary signs (including price signs), portable signs, searchlights, balloons, sidewalk and curb signs are prohibited. Signs that blink, scintillate, rotate, or move are not permitted. Banners, pennants, and sandwich board signs are permitted at the opening of a new business for a total of 10 days after which they shall be removed. The sign plan shall be reviewed and approved by the Building Official (*Sect. 205-71.A, J*)
4. No illuminated sign located on a lot adjacent to or across the street from any residential district shall be illuminated between the hours of 11:00 p.m. and 7:00 a.m., unless the use to which the sign pertains is open for business during those hours (*Sect. 205-71.K*).
5. 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.
6. Regular trash receptacles shall be maintained in the rear of the building, in closed condition. Bio-hazardous materials shall be kept inside the building up to the time of waste-disposal pick-up.

7. The ramp shall be reconfigured with switchback configuration to reduce the run of proposed ramp, and to access from the parking lot, prior to the issuance of the Certificate of Occupancy.
8. 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.
9. Removal of front staircase for aesthetic appearances prior to the issuance of the Certificate of Occupancy.

Chairman McLain asked for a motion approving the negative declaration under SEQRA.

Motion made: T. Crowley
Motion seconded: R. Signorelli
MOTION: Approving the negative declaration under SEQRA
VOTE: **In Favor:** L. Miller, A. Elwood, T. Crowley, R. Signorelli,
B. Seliga, A. Paniccia
Opposed: None
Abstained: None
Motion Carried

Chairman McLain asked for a motion to approve the site plan with the conditions as amended above.

Motion made: L. Miller
Motion seconded: A. Elwood
MOTION: Approving the Site Plan with conditions as amended.
VOTE: **In Favor:** L. Miller, A. Elwood, T. Crowley, R. Signorelli,
B. Seliga, A. Paniccia
Opposed: None
Abstained: None
Motion Carried

F. MING & HUE LIAO, 675 MAIN STREET, WESTOVER

Ms. Lane explained the project to the Board. An advisory opinion to the Zoning Board for an area variance is required for the project.

Chairman McLain asked for a motion for an advisory opinion to recommend approval of the area variance.

Motion made: A. Elwood
Motion seconded: A. Paniccia
MOTION: Advisory opinion recommending approval of the area variance.
VOTE: **In Favor:** L. Miller, A. Elwood, T. Crowley, R. Signorelli,
B. Seliga, A. Paniccia
Opposed: None
Abstained: None
Motion Carried

G. SOUTHER TIER INSULATIONS, 322-326 CHAUMONT DRIVE

Ms. Lane explained this project to the Board. An advisory opinion to the ZBA for an area variance is required. The Board discussed the project and determined that more information was needed before an advisory opinion could be recommended. No action was taken at this meeting. The applicant (Mr. Rotella) will be invited to attend the September 26, 2006 meeting to provide the Board with more information.

H. ROGER STEEN: 3901 WATSON BOULEVARD

Mr. Nelson explained this parcel to the Board. The Town Board will be referring it for an advisory opinion regarding a change of zoning from residential to RUMO.

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

Mr. Nelson informed the Board that he, Marina Lane and Steve Rafferty would be attending flood mapping meetings on October 3 and October 4.

J. ADJOURNMENT

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

Meeting date

The next meeting of the Planning Board is scheduled for Tuesday, September 26, 2006 at 7:00 p.m.

Respectfully submitted,
Kathleen C. Carney
Transcriptionist