

Town of Union Planning Board Minutes
Tuesday, October 23, 2007

A regular meeting of the Town of Union Planning Board was held on Tuesday, October 23, 2007 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York. Chairman 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, Alan Pope

A. CALL TO ORDER

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

B. APPROVAL OF MEETING MINUTES: October 9, 2007

Chairman McLain asked for a motion to accept the October 9, 2007 meeting minutes with the following change:

On Page 1, Item C, change the words "...assigned to a DEC researcher in Auburn" to read "...assigned to an Army Corps of Engineers investigator in Auburn..."

Motion made: L. Miller
Motion seconded: R. Signorelli
MOTION: Approving the minutes from October 9, 2007 as changed.
VOTE: **In Favor:** A. Elwood, L. Miller, B. Seliga, R. Signorelli
Opposed: None
Abstained: S. McLain, T. Crowley
Motion Carried

Ms. Lane also noted that Joe Moody should be added to the visitors' list on the September 25, 2007 minutes. His name will be added and the minutes updated on the Town of Union website.

HOMESTEAD VILLAGE SUBDIVISION: Re: Extension of Temporary COs.

A letter was distributed to the members dated October 22, 2007, from Homestead Village Development Group, signed by Jim Walsh. Mr. Pope gave background information on the extensions for Temporary Certificates of Occupancy requested in this letter. At the last Town Board meeting there was discussion about a dispute between the Town and the developers over curbs which failed strength tests required by the Town. The dispute involves the Town Board's request that 2,100 linear feet of curbs be replaced, and the developer's position that the length needing replacement is far less. Originally the Town Board was going to ask the Planning Board to let the developers have an extension of Temporary Certificates of Occupancy, but it was later decided that it would be most effective to have the developer make the request. Mr. Pope was contacted by a member of the Town Board who suggested that the Planning Board give the Walshes 90 days to resolve the issue. The developers feel that given time, the curb samples will reach the 4,500 psi required by the Town. There was a discussion about the curing and testing of concrete. Mr. Signorelli explained that when tested at the 28th day, concrete has essentially reached its maximum strength and the results will not change significantly. The developers understand that they are responsible for plowing and garbage removal on the street in question until the dispute is resolved and corrections made. Ms. Lane stated that public as well as private roads receive fire protection. Mr. Pope suggested that if the dispute cannot be resolved, a third party should be brought in to arbitrate, with discussion and a decision made within the 90 days.

The letter received from the developer stated that they would replace the curb and an outlet pipe as directed by the Commissioner of Public Works "during the 2008 construction season." It was agreed that this wording left the possibility of far too much time for the matter to be resolved. However, in the interest of the project and the ability of the developers to move forward, it was agreed a more definite timeline to make these corrections would be acceptable.

Chairman McLain asked for a motion to grant an extension of Temporary Certificates of Occupancy under the condition that the scope of the corrective work must be resolved by December 28, 2007 and that all remedial work on streets must be approved by Engineering by June 13, 2008 and accepted by the Town Board by June 18, 2008.

Motion made: B. Seliga
Motion seconded: L. Miller
MOTION: Approving the extension of Temporary Certificates of Occupancy with conditions.
VOTE: **In Favor:** S. McLain, A. Elwood, L. Miller, B. Seliga, R. Signorelli
Opposed: None
Abstained: T. Crowley
Motion Carried

C. REZONING PETITION: Discussion re: 3901 and portion of 4101 Watson Blvd.

Ms. Lane distributed several items to help clarify this petition, including maps of the property, a list of permitted uses under the requested Commercial Retail zoning, and a Full Environmental Assessment Form. Ms. Lane discussed several circled areas on the form that would change if considering the proposed development. Ms. Lane said she had spoken with the Army Corps of Engineers and the person assigned last year to study the property at 4101 Watson Boulevard. He told Ms. Lane that no one has yet been assigned to study 3901 Watson Blvd. He also said that wetlands greater than one-half acre that are requested to be filled will require substantial justification and alternate choices. Ms. Lane explained that in the study by Barnes-Williams it was determined that if site drainage was to be corrected along the base of the cut hillside, the developing wetlands would probably cease to exist. Chairman McLain asked if the wetlands could be moved to the south of Watson Boulevard and made a conservation area. Ms. Lane said the Army Corps of Engineers would make that decision. Her understanding is that if they want to do that they would have to have storm water mitigation of some kind, probably underground. Mr. Nelson said that would be difficult because of the bedrock in that area.

There was discussion about the uses allowed in the Commercial Retail category. There are some permitted uses under this category that would be suitable for this area but others that would not, such as a gas station or mortuary. The concern is that zoning the area CR would allow uses that would not be appropriate. The idea of putting in a conservation easement and limiting the area that could be zoned CR was discussed. This would involve the developers putting in some kind of permanent pond with vegetation to absorb some of the run-off. Mr. Nelson said they may be forced to do that because the soil in the area is so poor that the run-off is a significant issue.

Members were again told that the Army Corps of Engineers will have jurisdiction only over the wetlands, not the rezoning. The developers no longer want tenants but instead plan to sell parcels. They feel they are unable to market them unless they can tell potential purchasers what the zoning will be. Mr. Nelson reminded the Board that the area was rezoned in November of 2006 to RU-MO. The community accepted the change because office space was an acceptable use to them. The change was also reasonable because the areas to the east and the south of the property already had that zoning and it made the area more consistent. Now, only a year later, the request for yet another rezoning is troubling. The option of a PUD was discussed, but Ms. Lane said the Walshes are staunchly opposed because of the need for them to continually come back to the Planning Board for a public hearing or preparation of new site plans whenever they wish to make a change. Mr. Nelson pointed out that a PUD is only allowed pursuant to an approved plan, and in this case the developers have no plan.

A discussion arose about whether or not the area could have zoning with usage conditions. Ms. Lane said there are several areas in the Town where there is split-zoning. Mr. Pope said he could look into the legal issues involved in limiting uses under the Commercial Retail zoning category. He will investigate and work on this with Mr. Nelson and Ms. Lane and report to the Board at the next regular meeting.

D. COMPREHENSIVE PLAN: Future Land Use: Discussion of Final Areas

Discussion involved the incomplete categories on the Future Land Use Map. The first area discussed was the Route 26 corridor. It is currently classified Commercial Highway Oriented along Route 26 for the first 100 to 150 feet on each side of the road and classified Agricultural behind that. There is no public water or sewer so it could be Rural Residential instead of Agricultural. Much of the land to the east of Route 26 is in the flood plain and has steep slopes making it unsuitable for most construction. The west side does not have the same constraints. Mr. Crowley suggested using Google Earth to better see the properties and elevations. Mr. Nelson said that was a possibility and he could also provide maps showing the elevations. There was discussion about how far south on Route 26 the Corridor Commercial should go. It was agreed that a clearer idea of the corridor is needed to make that determination. Boundaries and starting and ending addresses are needed to clearly delineate the area. Ms. Lane said she would provide enlargements showing parcels for the next meeting.

The small area still in question just below the Route 26 corridor was discussed. It was agreed that it is most suited for Neighborhood Commercial. The West Corners area is most appropriate for Neighborhood Commercial, but the surrounding properties are still in question because some have other uses such as dental offices. Making the surrounding area Professional Office was thought to be a reasonable choice and would transition into the neighboring residential area.

The question arose as to what effect land use has. Mr. Nelson said that ultimately it does affect zoning. Once the Comprehensive Plan has been accepted and the Town starts to rezone properties, every single one, by state law, must be in compliance with the adopted Future Land Use recommendations. Any rezoning must be consistent with the Comprehensive Plan.

Ms. Lane suggested that Beatrice Lane might be better categorized as Professional Office. Mr. Nelson agreed that the area needs to be looked at again. Design guidelines for scale-appropriate development will be necessary.

The Argonne Avenue area was discussed. Mr. Nelson said the Town will be acquiring a substantial amount of property there. He said that the Town has a new grant writer/consulting firm that will be putting together an application for funding for the preparation of a Local Waterfront Revitalization Plan (LWRP). If

funding is received, it will be applicable to a number of areas. The possibility of labeling areas as Conservation rather than Limited Development was discussed. In the Conservation description it would have to be noted that many areas are given that designation because of topographical or flood plain constraints.

Chairman McLain expressed concern about the recommended uses for the Riverview Drive and Richmond Road areas. They were originally Suburban Low Density but are now Medium Density. Ms. Lane explained how the determinations for residential areas were made. Individual lots were initially categorized according to the range of lots per acre with Low Density being one to three lots per acre and Medium Density being four to six lots per acre. Once the individual lots were coded, blocks of predominant lot densities were classified into Low, Medium, etc, densities. Chairman McLain's concern is that homes can change from single- to two-family residences because of the density classification. Mr. Nelson explained that the recommended density in the new "medium" category is actually lower than the "suburban low density" designation in the 1979 plan. He further explained that the zoning is what governs the type of home allowed in an area, not its Future Land Use category. Ms. Lane said that she would provide a map showing how the density was determined.

Mr. Nelson briefly discussed a PowerPoint presentation that he is preparing for the neighborhood meetings that will be held to present the draft Comprehensive Plan. It has been decided that there will be six meetings instead of five: one in Johnson City, one in Endicott and four in the Part-town area. Meeting locations and times still need to be determined. Mission statements for Agricultural, Cultural, and Regional Cooperation still need to be completed. The Infrastructure and Utilities section also needs further work.

Ms. Lane proposed having a meeting on October 30, 2007 to work purely on the Comprehensive Plan. Members agreed that it would be a good idea.

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

Available courses offered through Cooperative Extension were discussed. Several Board members have recently attended classes and more are planning on attending courses offered in the next couple of weeks.

F. ADJOURNMENT

Motion made: B. Seliga

Motion seconded: A. Elwood

MOTION: Adjourning the meeting at 9:42 p.m.

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

Opposed: None

Planning Board Minutes, October 23, 2007

Motion Carried

Meeting Date

The next meeting of the Planning Board is scheduled for Tuesday, October 30, 2007 at 7:00 p.m.

Respectfully submitted,

Dawn Foti