

**Town of Union Planning Board Minutes**  
Tuesday, October 25, 2006

A regular meeting of the Town of Union Planning Board was held on Tuesday, October 25, 2006 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York. Chairperson McLain opened Planning Board meeting at 7:04 p.m. Unless otherwise stated, the Chair does not vote on motions.

Members present: S. McLain, L. Miller, R. Signorelli, A. Elwood, B. Seliga

Members absent: T. Crowley

Others present: Paul Nelson, Marina Lane, Jeff Rotella, B. Kashou, Ming & Hue Liao

**A. CALL TO ORDER**

Chairperson McLain opened the regular meeting of the Planning Board at 7:04 p.m.

**B. APPROVAL OF MEETING MINUTES: OCTOBER 17, 2006**

Chairman McLain asked for a motion to approve the minutes from the meeting held October 17, 2006.

Motion made: L. Miller  
Motion seconded: A. Elwood  
MOTION: Approving the minutes from meeting held October 17, 2006.  
VOTE: **In Favor:** A. Elwood, S. McLain, R. Signorelli, L. Miller,  
**Opposed:** None.  
**Abstained:** B. Seliga  
Motion Carried

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Chairman McLain asked for a motion to approve the transcript from the Public Hearing for Realty USA held October 17, 2006.

Motion made: R. Signorelli  
Motion seconded: A. Elwood  
MOTION: Approving the transcript from the Public Hearing for Realty USA held October 17, 2006.  
VOTE: **In Favor:** A. Elwood, S. McLain, R. Signorelli, L. Miller,  
**Opposed:** None.  
**Abstained:** B. Seliga  
Motion Carried

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Chairman McLain asked for a motion to approve the transcript from the Public Hearing for Southern Tier Insulations held October 17, 2006.

Motion made: L. Miller  
Motion seconded: R. Signorelli  
MOTION: Approving the transcript from the Public Hearing for Southern Tier Insulations held October 17, 2006.  
VOTE: **In Favor:** A. Elwood, S. McLain, R. Signorelli, L. Miller,  
**Opposed:** None.  
**Abstained:** B. Seliga  
Motion Carried

**C. SOUTHERN TIER INSULATIONS, 322-326 CHAUMONT DRIVE**

SEQRA Declaration  
Special Permit Decision  
Site Plan Review

Ms. Lane distributed the Negative Declaration under SEQRA dated October 25, 2006. She read the Description of Action as follows:

The proposed project includes the demolition of a 6050 SF existing building, addition of clean fill and the construction of a new 7000 SF office/warehouse building on the same site. The project area is zoned Commercial Industrial (CI) which permits the building and use. The site is served by public water and sewer. The site is located in the flood fringe, and requires the Engineer's Certification post-construction that the building is at least one (1) foot above base flood level. In fact, the proposed building is six (6) feet above base flood level. The fill is being moved from an adjacent property in the flood fringe, resulting in a net zero floodwater displacement.

Ms. Lane read the Reasons Supporting This Determination:

Under the requirements of Section 617.7(c), the proposed project was examined from the initial demolition of the existing building to the construction of a new 7,000 square foot office/warehouse, including related storm water management structures. Since the area to be disturbed is less than 1-acre, a Storm Water Pollution Prevention Plan was not required. As presented, the application meets the requirements for Site Plan Review.

The project, as proposed, was found to not have a significant impact on the environment.

Ms. Lane read the Staff Recommendations as follows:

The Planning Department recommends approval of the Negative Declaration under the New York State Quality Review Act. The proposed design meets the conditions of

Section 205-57.B.2(a-f) for a Special Permit for development of a non-residential building in a flood-fringe:

1. Special permit approval will be required if there are any changes to the site plan or change in use of the property.
2. As listed in the Section 205-59.Subsections A-E, the Development Plan, the applicant must furnish such information as is deemed necessary by the Town of Union Planning Board in determining the suitability of the particular site for the proposed use and the required special permit:
  - A. Plans, in triplicate, drawn to scale, showing the nature, location, dimensions and elevation above mean sea level of the lot, existing or proposed structures, fill, storage of materials and floodproofing measures and the relationship of the above to the location of the channel, floodway and the flood protection elevation.
  - B. Elevation above the mean sea level of the lowest floor, including basements, of all buildings, certified by a professional engineer, architect or land surveyor certified by the State of New York. [Amended 8-6-1986 by Ord. No. 86-2]
  - C. Elevation above the mean sea level to which any nonresidential building and its water supply and sanitary facilities have been floodproofed, certified by a professional engineer, architect or land surveyor certified by the State of New York. [Amended 8-6-1986 by Ord. No. 86-2]
  - D. A certificate, from a professional engineer or architect certified by the State of New York, that the nonresidential floodproofed building meets the floodproofing criteria in § 205-57B(2)(b) and (f).
  - E. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed use.

Chairman McLain asked for a motion approving the Negative Declaration under SEQRA.

Motion made: R. Signorelli  
Motion seconded: B. Seliga  
MOTION: Approving the Negative Declaration under SEQRA.  
VOTE: **In Favor:** A. Elwood, B. Seliga, R. Signorelli, L. Miller,  
**Opposed:** None.  
**Abstained:** None.  
Motion Carried

Chairman McLain asked for a motion to grant the Special Permit to Southern Tier Insulations for development in the flood fringe.

Motion made: L. Miller  
Motion seconded: A. Elwood

MOTION: Granting the Special Permit to Southern Tier Insulations for development in the flood fringe  
VOTE: **In Favor:** A. Elwood, B. Seliga, R. Signorelli, L. Miller,  
**Opposed:** None.  
**Abstained:** None.  
Motion Carried

Ms. Lane presented the finalized site plans which were approved by Pete Olevano.

Ms. Lane read the Staff Recommendations.

The Planning Department recommends approval of the site plan with the following conditions:

1. A landscaping plan must be submitted to the Planning Department for approval by April 30, 2007, and the landscaping must be completed by June 30, 2007.
2. The applicant shall apply for a sign permit from the Building Official. The sign details shall include the dimensions of any ground or wall signs, including the proposed letter style and colors. The details shall show the height of the ground sign above the existing grade. Any ground, freestanding, or wall sign shall meet the requirements under the Town code. All temporary signs (including price signs), portable signs, search lights, 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 submitted to the Building Official shall be identical to the plan submitted to the Planning Board as part of the Site Plan review process.
3. 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. The use of electronic message boards is expressly prohibited.
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. Given the visual prominence of the proposed building due to the proposed elevation, the exterior should be well-maintained at all times, and must conform to the site plan approved by the Planning Board.
6. 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.

Chairman McLain asked for a motion approving Site Plan.

Motion made: R. Signorelli  
Motion seconded: A. Elwood  
MOTION: Approving the Site Plan  
VOTE: **In Favor:** A. Elwood, B. Seliga, R. Signorelli, L. Miller,  
**Opposed:** None.  
**Abstained:** None.  
Motion Carried

**D. ROBERT KASHOU, 1500 COUNTY AIRPORT ROAD: SITE PLAN REVISION AND DISCUSSION OF PERIMETER LANDSCAPING**

Mr. Kashou did not have the final revised site plan. Keystone Associates is still completing the survey.

The Board discussed with Mr. Kashou the issues regarding the placement of the soccer field and the landscape tree border along the one side of the field.

The Board informed Mr. Kashou that the field must be shown accurately on the site plan from Keystone.

Chairman McLain informed Mr. Kashou that no recommendation for site plan revision or perimeter landscaping can be made until a complete and accurate as-built Site Plan is received and reviewed.

Mr. Kashou will forward the survey to Ms. Lane as soon as it is received (before the site plan review is done).

**E. MING & HUE LIAO, 675 MAIN STREET, WESTOVER – SITE PLAN REVIEW "COFFEE CORNER"**

Site Plan Review

Ms. Lane distributed the Negative Declaration under SEQRA dated October 25, 2006. She read the Description of Action as follows:

The proposed project includes the conversion of a free-standing residential building to a mixed commercial and residential building. The project area is zoned Commercial Highway Oriented (CHO) which permits the proposed use. The site is surrounded by

residential, commercial and manufacturing uses. The site is located on the corner of a major thoroughfare and small neighborhood street, and parking is in the rear of the lot, accessed from the neighborhood street, Frederick Street. The site has the required four parking spaces. The site is served by public water and sewer, and must meet the requirements of the New York State Fire Code prior to the issuance of building permit.

Ms. Lane read the Reasons Supporting This Determination:

Under the requirements of Section 617.7(c), the proposed project was examined for the conversion of residential style and use to a coffee shop on the first level and an apartment on the second level. Since the area to be disturbed is less than 1-acre, a Storm Water Pollution Prevention Plan was not required. As presented, the application meets the requirements for Site Plan Review.

The project, as proposed, was found to not have a significant impact on the environment.

The ZBA did grant the required perimeter strip variances on October 24, 2006.

Chairman McLain asked for a motion approving the Negative Declaration under SEQRA.

Motion made: A. Elwood  
Motion seconded: R. Signorelli  
MOTION: Approving the Negative Declaration under SEQRA.  
VOTE: **In Favor:** A. Elwood, B. Seliga, R. Signorelli, L. Miller,  
**Opposed:** None.  
**Abstained:** None.  
Motion Carried

Ms. Lane read the Staff Recommendations:

The Planning Department recommends approval of the site plan with the following conditions:

1. 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, search lights, 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 has been reviewed and approved by the Building Official (*Sect. 205-71.A, J*)
2. 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.

3. Regular trash receptacles shall be maintained in the rear of the building, in closed condition, in the enclosed patio.
4. The sidewalk extending from the parking lot to the front of the building shall be adequately maintained so pedestrians may safely access the parking lot.
5. The building must meet the requirements of the Building Code and the New York State Fire Code prior to issuance of a building permit.
6. 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.
7. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit.

Chairman McLain asked for a motion approving the Site Plan.

Motion made: B. Seliga  
Motion seconded: L. Miller  
MOTION: Approving the Site Plan.  
VOTE: **In Favor:** A. Elwood, B. Seliga, R. Signorelli, L. Miller  
**Opposed:** None.  
**Abstained:** None.  
Motion Carried

**F. ROGER STEEN, 3901 WATSON BOULEVARD**

Ms. Lane explained the proposed rezoning.

Chairman McLain asked for an advisory opinion to the Town Board for a change of zoning of a portion of 3901 Watson Boulevard from RSH to RUMO for continuity.

Motion made: B. Seliga  
Motion seconded: A. Elwood  
MOTION: Recommending a change in zoning for a portion of 3901 Watson Boulevard from RSH to RUMO for continuity.  
VOTE: **In Favor:** A. Elwood, B. Seliga, R. Signorelli, L. Miller  
**Opposed:** None.  
**Abstained:** None.  
Motion Carried

**G. REALTY USA – MERLE WHITEHEAD, 3628-3640 GEORGE F. HIGHWAY**

Ms. Lane read the Description of Action as follows:

The proposed project includes construction of a new real estate office to replace two existing retail/office buildings on the same site. The project area is zoned Commercial Industrial (CI) which permits the construction of commercial use buildings. The new office will be approximately 8,825 square feet in size, two stories high with no basement. Because the property lies in the flood fringe, in the Engineer's Certificate, post-construction will be required to state that the foundation is raised at least one foot above base flood elevations. The proposed building is three (3) feet above base flood elevation levels. The site is served by public water and sewer. Because the disturbed area is greater than one acre, a stormwater pollution prevention plan (SWPPP) is required.

Ms. Lane read the Reasons Supporting This Determination:

Under the requirements of section 617.7(c), the proposed project was examined from the initial demolition of the existing two buildings to the construction of a new 8,825 square foot office building, including related storm water management structures. Since the area to be disturbed is greater than 1-acre, a Storm Water Pollution Prevention Plan is required. As presented, the application meets the requirements for issuance of a Special Permit. The project as proposed was found to not have a significant impact on the environment.

Chairman McLain asked for a motion approving the Negative Declaration under SEQRA.

Motion made: R. Signorelli  
 Motion seconded: L. Miller  
 MOTION: Approving the Negative Declaration under SEQRA.  
 VOTE: **In Favor:** A. Elwood, B. Seliga, R. Signorelli, L. Miller,  
**Opposed:** None.  
**Abstained:** None.  
 Motion Carried

Ms. Lane read the special permit request as follows:

Realty USA (Merle Whitehead) plans on erecting an office building on a raised foundation at 3628-3640 George F. Highway, also known as State Route 17C. The property is zoned Commercial Industrial (C.I.), and the use is in conformance with the Town of Union Zoning Ordinance. The site lies in the 100-year floodplain, specifically in the flood-fringe, as verified by the Building Official and Floodplain Management Officer. The project involves the demolition of two existing buildings, then the construction of a single office building, with the foundation raised to a finished floor elevation (FFE) at 836.5 feet, which is three (3) feet above base flood elevation (equal to 833.5 feet above sea level).

Ms. Lane read the staff recommendations, which pertain solely to the special permit for development in the flood fringe.

The Planning Department recommends approval of the Negative Declaration under the New York State Quality Review Act. The proposed design meets the conditions of Section 205-57.B.2(a-f) for a Special Permit for development of a non-residential building in a flood-fringe:

1. Special permit approval will be required if there are any changes to the site plan or change in use of the property.
2. As listed in the Section 205-59.Subsections A-E, the Development Plan, the applicant must furnish such information as is deemed necessary by the Town of Union Planning Board in determining the suitability of the particular site for the proposed use and the required special permit:
  - A. Plans, in triplicate, drawn to scale, showing the nature, location, dimensions and elevation above mean sea level of the lot, existing or proposed structures, fill, storage of materials and floodproofing measures and the relationship of the above to the location of the channel, floodway and the flood protection elevation.
  - B. Elevation above the mean sea level of the lowest floor, including basements, of all buildings, certified by a professional engineer, architect or land surveyor certified by the State of New York. [Amended 8-6-1986 by Ord. No. 86-2]
  - C. Elevation above the mean sea level to which any nonresidential building and its water supply and sanitary facilities have been floodproofed, certified by a professional engineer, architect or land surveyor certified by the State of New York. [Amended 8-6-1986 by Ord. No. 86-2]
  - D. A certificate, from a professional engineer or architect certified by the State of New York, that the nonresidential floodproofed building meets the floodproofing criteria in § 205-57B(2)(b) and (f).
  - E. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed use.

Chairman McLain asked for a motion to approve the Special Permit.

Motion made: A. Elwood  
Motion seconded: L. Miller  
MOTION: Approving Special Permit.  
VOTE: **In Favor:** A. Elwood, B. Seliga, R. Signorelli, L. Miller,  
**Opposed:** None.  
**Abstained:** None.  
Motion Carried

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

CVS Pharmacy

Mr. Nelson presented to the Board block samples from Cemex with varying scoring lines. The Board discussed the samples and favored the double scored style. They also favored the Carolina Clay color in the polished finish.

The Pines at Stoney Creek

The Board discussed height allowances for the condo building. Mr. Nelson will draft correspondence to Mr. Petkosky advising that the height limit for the condo building is not to exceed 45 feet (as opposed to a number of stories). He would also inquire as to their plans for the roads (private versus public) and their proposal as far as bedroom numbers in order to determine density.

**HJ. ADJOURNMENT**

Motion made: B. Seliga

Motion seconded: L. Miller

MOTION: Adjourning the meeting at 9:35 p.m.

VOTE: **In Favor:** L. Miller, B. Seliga, A. Elwood, R. Signorelli

**Opposed:** None

**Abstained:** None

Motion Carried

**Meeting date**

The next meeting of the Planning Board is scheduled for Wednesday, November 8, 2006 at 7:00 p.m. The Planning Board will meet for a work session on November 14, 2006 at 6:00 p.m.

Respectfully submitted,  
Kathleen C. Carney