

**Town of Union Planning Board Minutes**  
Tuesday, November 13, 2007

A regular meeting of the Town of Union Planning Board was held on Tuesday, November 13, 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, J. Rotella, B. Seliga, R. Signorelli

Members absent: None

Others present: Paul Nelson, Marina Lane, Alan Pope, Don Wager, Elsie Wager, Teresa Carter, K. Wojak, Al Moyle, Ali Akbari, Albert Caiati, Dow Jarrett, James Franz, Richard Rosen, Michael Keenan, Sarah Campbell, Matt Napierala, Mike Herzog, Jeff Hoskins, August Valdes, Esther Valdes, June Leonard, Maxine Welch, Raymond Welch, Ron Trelease, Gene Cartie, Marcia Cartie, Kathy Gibbs, Debbie Rydzik, Paul Rydzik, Mike Kodey, Eric Janis, Betty Sullivan, Mark W. Rollo, Fred Camp, Cornelia Downs, Janet Frankovsky, John Black, Roger and Penny Thorp, Myrna Webb, Nancy LaBare

**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 23, 2007 AND OCTOBER 30, 2007: Delayed until after presentation by Good Shepherd Village.**

**C. GOOD SHEPHERD VILLAGE AT ENDWELL, LLC: Discussion of Final Development Site Plan**

Discussion began with a presentation by Sarah Campbell of Hinman, Howard & Kattell, attorney for the applicants. She distributed a detailed site plan dated October 25, 2007 and a revised landscaping plan dated November 5, 2007.

Ms. Campbell outlined the changes the applicants had made in response to concerns of the Planning Board including:

- bringing buildings closer to the center of the property to improve setback for neighbors on the west and north property lines,
- providing a detailed plan for landscape maintenance over time,
- providing a sign plan,
- analyzing sewer and water issues, and

- addressing specific concerns of neighbors.

Ms. Campbell stated that they have spent considerable time reviewing water and sewer issues. They know there is sufficient water and sewer and have agreed to a method of improving the system. They recognize their obligation to contribute their share toward the cost of the study.

Mr. Nelson asked Ms. Campbell to explain what actions the developers had taken to the specific concerns expressed by neighbors at the neighborhood meeting he conducted with them. The following are responses made by the developer:

- *Request:* Add fencing to provide screening for the parking garage.  
*Response:* Considered the request but topography and earthwork needing to be completed proved that landscaping would provide a much better visual barrier. Modified the mixture of planting to a seasonal mix.
- *Request:* Add evergreens to plant selection to provide year-round growth.  
*Response:* Modified plants along Farm to Market Road to 50/50 deciduous and evergreen mix.
- *Request:* Add fencing on property lines near parking lot and maintain as many trees as possible.  
*Response:* Many of the trees fall on the applicant's property and will not be able to be saved. A hedge of evergreens is planned on the applicant's property to shield the neighbor. Careful monitoring will be made to assure that trees belonging to the neighbor remain. There is 18 feet between the neighbor's property line and the parking lot at its closest point, so there is some concern about the root system of trees that are kept. A six-foot high fence will be added.
- *Request:* Add six-foot fencing at entrance driveway along Farm To Market Road.  
*Response:* Added six-foot fencing to screen the property lines.
- *Request:* Add landscaping to screen headlights from residences across from Farm to Market entrance.  
*Response:* A berm and hedge will be planted with forsythia and lilac bushes to screen headlights from residences. An allowance will be made to Mr. Hoskins directly across the street to plant bushes on their property.
- *Request:* In lieu of eliminating all existing plants, add new plants within existing vegetation.  
*Response:* A revised landscaping plan was provided showing areas where trees and shrubs can be saved. The developers were conservative in showing which trees these were. Their hope will be to save any trees

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possible, but determination cannot always be made until after construction begins and they do not want to encourage false hope.

- *Request:* Do not add trees in area near cottages where the map indicates they would be added if additional cottages are not built.  
*Response:* More cottages have been added to the development in that area bringing the total number to 74. The proposed trees will be moved to screen the adjoining carport.
- *Request:* Add screening for carports along Sally Piper Road  
*Response:* Will plant evergreens and deciduous trees to provide screening.
- *Request:* Consider adding evergreens to provide year-round screening of the apartment building from Sally Piper and Cummings Roads.  
*Response:* Trees have been added to shield neighbors.
- *Request:* Add fencing to shield neighbors on Sally Piper Road from parking lot and loading dock.  
*Response:* Because of topography changes, a vegetative screen is preferred. A berm will be built between the two areas with extra plants on top to provide screening.
- *Request:* Add fencing to screen headlights leaving development on Sally Piper Road from residences across the street.  
*Response:* The entrance is designed not to be directly across from any homes and so is believed not to be a problem.
- *Request:* Add vegetation to both the safety and aquatic benches in the detention ponds as a visual deterrent.  
*Response:* Vegetation added to landscaping plan.

Chairman McLain asked for questions or concerns from the members of the Board.

Mr. Nelson expressed concerns that neighbors have brought up about drainage that flows through the property that originates on the other side of Farm To Market Road. Mr. Napierala stated that it was their intent to carry the flow in the direction of the current culvert. He stated that the water should follow its natural course so they will pick it up in a drainage ditch on the back side of the property and it will be routed to the mitigation basin on the far side of the property. It will all be underground and will match the elevation where the current discharge is.

Mr. Signorelli asked if tree wells would be effective in the area near the parking lot where a retaining wall is planned. He suggested that perhaps a cut slope could be done and the wall raised a little so that it would be a little farther from

the property line, thus saving existing trees. The developers stated they would do their best to save vegetation, but because of the building and the elevation, they can make no promises. Ms. Lane stated that the Engineering Department needs plans for the retaining wall. Mr. Napierala stated that the final plan for the wall is not done. He said that a block wall with tieback system will be needed. Specific drawings will address the wall design.

Ms. Lane asked about the text regarding erosion control. Mr. Napierala stated that they are working with New York State DEC because there will be over five acres of disturbance. He stated that the SWPPP had been submitted to the DEC last week. He also stated that he has had regular correspondence for the last month and a half with Ellen Hahn and incorporated some of the ideas from these discussions into the SWPPP.

Ms. Lane asked Ms. Campbell for approximate building heights. Ms. Campbell stated that the independent living apartments' highest elevation is 45 feet 7 inches. The commons building will be 42 feet high to the ridgeline and 55 feet high to the top of a proposed decorative cupola. The two-story health care building will be 35 feet.

Ms. Lane asked about wetland areas. Mr. Napierala stated that the wetlands are being handled by Terrestrial Environmental Science and that they are submitting an application to the Army Corps of Engineers under an existing nationwide permit. They are preparing the permit request and jurisdictional report for the developers and hope to have it finalized soon.

Ms. Lane asked about the lighting plan in the parking lot. Mr. Napierala said that there is minimal light that will be shed on Sally Piper Road. The berm and vegetation will help shield the light. He stated that if it does become a problem that house shields can be put in. There will be no street lights on the private road, the only lighting will be from residential scale lamp posts on each lot and fixtures on the residential units. There is no proposed lighting at the Farm to Market entrance except for the lighting that is provided as part of the monument sign. Mr. Rotella expressed concern about the safety of the intersection unless better lighting is provided. He also felt there should be notations on the plans about lighting restrictions to protect the rights of neighbors.

Mr. Signorelli asked about the plans for the undeveloped areas on Farm to Market Road. The applicants plan on leaving the areas as grass and will mow them.

In the interest of informing the neighbors present at the meeting, Mr. Crowley reminded the Board that if years from now the developers decide to make a change, such as adding or removing a wall or trees agreed to on the site plan, that neighbors have the right to notify the Planning Board.

Mr. Rotella asked about the construction sequence provided by the applicants. The construction of buildings did not appear in the sequence. The applicants stated that they cannot dictate the building schedule to the contractor. They stated that once storm water has been established and rough grading has begun, they could provide an addendum if necessary.

Chairman McLain thanked the residents for coming and opened the floor to any who wanted to express concerns.

Mr. Cartie spoke about two issues. First, he is concerned about the culvert that drains alongside his home. Heavy rains and debris have caused problems and he is concerned about additional difficulties. Mr. Napierala stated that they would make sure his property is protected. Second, Mr. Cartie asked about the six-foot fencing planned for his property. He has never had a fence and would prefer landscaping. Mr. Nelson and Ms. Campbell both said that landscaping is certainly a possibility if he would prefer it.

Mr. Thorp was concerned about landscaping on the two large embankments on the property. He felt that the banks would be steep and unattractive. He also asked how the applicants were planning on maintaining the property. The applicants explained that they had worked with the Planning Board on this issue and have plans for a tiered effect with plantings of deciduous and evergreens in order to mask as much of the slope as possible. They will mow around the cottages, and will leave some areas unmowed to encourage small animals and birds and to preserve trails where neighbors enjoy walking. The banks will be such that they can be mowed and maintained. Mr. Thorp also expressed concern for the safety of residents near the steep bank behind several of the cottages.

Ms. Welch was concerned about the height of the commons building, which they had been told would be a two-story building. She asked if a 45-foot high building was considered to be two stories. They had also been told initially that the apartment building would be 200' from the road and now it appears to be planned much closer. Mr. Napierala explained that the building had been changed and realigned in response to the request to move it more toward the center of the property. It will be 143' from the edge of the property. The building will be at an elevation of 1222' and the elevation of Sally Piper Road is about 1226'. Ms. Welch also expressed concern about the possibility of Sally Piper Road being widened sometime in the future and asked if it would be widened toward the Good Shepherd property. Mr. Nelson said that there are no plans to widen it at this time but typically it would be widened close to an intersection.

Ms. Cartie expressed concern about the removal of brush and trees and asked if some could be left. Ms. Campbell explained that the developers and the neighbors both benefit by leaving as many trees as possible, and they will do everything possible to keep as much vegetation as possible but no guarantees can be made.

Mr. Hoskins expressed concern about the health of two apple trees on his property that provide screening and hopes to keep them as long as possible. He also stated that he wants the option of having bushes added if headlights become a problem. He is very concerned about the extension of the large storm sewer pipe on the west side of Farm to Market Road, and the danger it poses to his young children, should they become trapped in it. In a heavy rain the water runs high and fast and carries debris. He also expressed concern about the glow that might surround the parking lot. Mr. Napierala assured him that they will make sure the pipe is safe and adequately handles the run-off. House shields can be added if lights become a problem. Mr. Nelson said that he will check with the County to see if they have maintained the culvert in front of Mr. Hoskins' home properly.

Ms. Webb asked whether the property had been tested for soil erosion and toxic chemicals. Mr. Napierala said the property is not part of the contamination that has been a problem in the area and there are no measurable toxins. Soil erosion will be addressed with the DEC during construction.

Mr. Rollo expressed his desire to not have a fence along his property line and asked how high they were intending to raise the road. Mr. Napierala said that they are bringing the road into the development at an appropriate grade and may have to add two or three feet of fill in some sections in order to make the transition from Farm To Market Road to the new private road.

Ms. Sullivan asked about the water supply. The newspaper had reported that the Village of Endicott would be able to handle another 250 units and her concern is that there would be more demand than that from the development. Mr. Nelson explained that the 250 unit capacity is without any additional improvements to the system. He stated that there will be improvements and that the developers will have to help pay to upgrade the water system. It is not a problem of supply but one of distribution. He noted that the Endicott and Johnson City systems are already connected on the former IBM Homestead property. Ms. Lane added that residents should speak with Rick Miller in the Village of Endicott if they need specific details on the water supply.

Chairman McLain thanked the residents for coming to the presentation.

**D. APPROVAL OF MEETING MINUTES: OCTOBER 23, 2007 AND OCTOBER 30, 2007: Delayed until after presentation by Good Shepherd Village.**

Chairman McLean asked for a motion to accept the October 23, 2007 meeting minutes.

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Motion made: R. Signorelli  
Motion seconded: L. Miller  
MOTION: Approving the minutes from October 23, 2007 as written.  
VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller, B. Seliga,  
R. Signorelli  
**Opposed:** None  
**Abstained:** J. Rotella  
Motion Carried

Chairman McLain asked for a motion to accept the October 30, 2007 meeting minutes with the following change:

On Page 1, Section B, Paragraph 2, change "The Town Board is considering eliminating the Agricultural section completely because of the lack of farms." to read "*The Planning Board is recommending the elimination of the Agricultural section completely because of the lack of farms.*"

Motion made: A. Elwood  
Motion seconded: L. Miller  
MOTION: Approving the minutes from October 30, 2007 as changed.  
VOTE: **In Favor:** S. McLain, A. Elwood, L. Miller, B. Seliga, R. Signorelli  
**Opposed:** None  
**Abstained:** T. Crowley, J. Rotella  
Motion Carried

**E. REZONING PETITION: Discussion/Advisory Opinion: North 3901 and 4101 Watson Blvd.**

Ms. Lane said that Jim Walsh continues to call her for a status on his request to rezone this property. She said she has told him that the Planning Board members want the wetlands delineation to be completed before making a decision so they can determine what the potential development area could be. Ms. Lane called the Department of State about the possibility of requiring a special permit and they said that unless existing special permits were already required, all uses listed would have to be permitted. Ms. Lane was also told that if the Town's Comprehensive Plan doesn't recommend a particular type of zoning, that the Town runs the risk of potential lawsuits. She said Mr. Walsh would like to consider a PUD but feels the process is too lengthy and expensive.

It is the Board's opinion that the applicant purchased the property understanding its zoning. They again discussed their concern about rezoning the area for the second time in a year, especially not knowing what part of the property is useable and what uses the applicants intend. An informal poll again showed a desire to wait for the report from the Army Corps of Engineers before issuing an Advisory Opinion.

Chairman McLain asked for a motion to table the request for an Advisory Opinion until the Board hears the results from the Army Corps of Engineers.

Motion made: A. Elwood

Motion seconded: J. Rotella

MOTION: Approving the motion to table the request.

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

**Opposed:** None

**Abstained:** T. Crowley

Motion Carried

#### F. OTHER SUCH MATTERS AS MAY PROPERLY COME BEFORE THE BOARD

Ms. Lane showed plans for the Realty USA sign. Although large, she stated it does meet town code. The sign will be on a pole, 15 feet high and is 10 feet by 12 feet. She suggested that when the zoning code is rewritten that it would be advisable not to allow such large signs. The Planning Board members were disappointed by the size and height of the sign and Ms. Lane will speak to Realty USA about their plan in hopes of modifying it.

Ms. Lane said that the 2008 Association of the Towns meeting will be held in New York City on February 17, 2008. By the next meeting Mr. Nelson will need to know who plans on attending. At least two people will be allowed to go, but more spots may be available. Ms. Elwood expressed her interest in attending.

Mr. Nelson stated that there will be training for the Planning Board members in December. He is planning on doing a training session on December 4, 2007 which will serve as two hours of training credit.

Mr. Nelson distributed updated maps for the four unfinished sections of the Comprehensive Plan and asked the Board members to review them for the next meeting. He said that the areas that are designated steep slope, flood plain or wetlands are classified as Limited Development and that if the Board wants to designate them as Limited Development/Conservation, the decision needs to be made soon. The Board members agreed that they had already decided they did not want Conservation as part of the Limited Development classification.

Discussion then took place regarding the residential designations decided on for the Comprehensive Plan. Ms. Lane again explained that density was based on units per acre. She provided in detail the exact formula that was used. Once the units per acre were determined the area was designated as low-, medium- or high-density using a rough approximation based on the most common lot size. She stated that the proposed densities are actually less than the recommendations from the 1979 Comprehensive Plan. Chairman McLain is

concerned about the ability for a resident to convert a one-family home into a two-family based on the density. Mr. Nelson explained that it can happen only if the zoning in the neighborhood allows it. The Town's Zoning Code does not allow it. Chairman McLain is also concerned that someone could apply for a variance in order to convert to a two-family. It was agreed that diligence is needed to monitor changes in the community but that zoning of residential areas will not change.

Mr. Crowley expressed his dissatisfaction with the room arrangement for tonight's meeting, a concern he has voiced before. He stated that it is inconsiderate to have the Board members sit with their backs to residents. He strongly urged that something be done to change the arrangement. Mr. Nelson and Ms. Lane agreed with him and will see if there is a better way to situate the Board in the confined space available.

#### **G. ADJOURNMENT**

Motion made: B. Seliga  
Motion seconded: J. Rotella  
MOTION: Adjourning the meeting at 10:10 p.m.  
VOTE: **In Favor:** S. McLain, T. Crowley, A. Elwood, L. Miller, J. Rotella,  
B. Seliga, R. Signorelli  
**Opposed:** None  
Motion Carried

#### **Meeting Date**

The next meeting of the Planning Board is scheduled for Tuesday, November 27, 2007 at 7:00 p.m.

Respectfully submitted,

Dawn Foti