

Town of Union Planning Board Minutes

Tuesday, December 5, 2006

A regular meeting of the Town of Union Planning Board was held on Tuesday, December 5, 2006 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York. Chairperson McLain opened Planning Board meeting at 7:00 p.m. Unless otherwise stated, the Chair does not vote on motions.

Members present: S. McLain, L. Miller, R. Signorelli, A. Elwood, B. Seliga, T. Crowley, J. Rotella

Members absent: None

Others present: Paul Nelson, Marina Lane, Alan Pope, Thad DeMulder, Bonnie Brown, Bonnee Wright, Mark Parker, Keith Barney, Jeremy Evans, Denise Murray, Dan Whelan, Bill Walsh, Alex Urda, Phil Capra

A. CALL TO ORDER

Chairperson McLain opened the regular meeting of the Planning Board at 7:03 p.m.

B. APPROVAL OF MEETING MINUTES: NOVEMBER 8, 2006

The approval of the November 8, 2006 minutes was postponed until December 19, 2006.

C. REALTY USA – MERLE WHITEHEAD: 3628-3640 GEORGE F. HIGHWAY

SEQRA Review
Site Plan Review

Mr. Thad DeMulder presented the proposal for the new Realty USA building to be located on the George F. Highway.

Ms. Brown read a statement from the engineer as follows:

"We are here to present a proposed 8,825 square foot, one-and-a-half story real estate office facility to be located on the south side of the George F. Highway, which is also Route 17C. The existing developed site is approximately 1.15 acres with paved parking and two structures, both of which were completely demolished for this development. No change of use is proposed for the project and the project requires a special use permit for development within the flood zone. The building façade is brick and cultured stone with a pitched shingled roof and standard hung windows. The building does not contain a basement and the floor slab is raised about three feet above the flood plain elevation. A single curb cut as directed by the DOT leads to a new paved parking area around the facility with stairs and handicapped accessible ramps leading to the building entrances. An access easement with the Endwell Rug Company property currently exists allowing vehicular egress to River Road. The current site does not contain a stormwater management system. A proposed dry

detention basin is included to provide the required treatment and quantity control of run off as per the New York State DEC regulations. Runoff then outfalls to Patterson Creek, just west of the project parcel. The remaining engineering issues are in regards to furnishing a storm water pollution prevention plan and are minor in nature. Andy Marino of Tredo Engineers has contacted Mr. Peter Olevano and will be submitting the final report within one week. A new sanitary lateral shall connect to the existing public sewer to the south and the domestic water line shall connect to the existing public main along the south property line. Existing fire hydrants provide coverage to the building. Landscape design incorporates native species tolerant to our climate and ... maintenance free. All other departmental review comments have been incorporated in the documents submitted. We hereby request Site Plan approval be granted tonight to further this business development."

Ms. Lane read the Description of Action from the SEQRA Negative Declaration dated December 5, 2006 as follows:

The proposed project includes the 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, 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 one-acre, a Storm Water Pollution Prevention Plan is required. The applicant has been issued a Special Permit for development in the flood-fringe (10/25/06). 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.

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

Motion made: B. Seliga
 Motion seconded: T. Crowley
 MOTION: Approving the Negative Declaration under SEQRA.
 VOTE: **In Favor:** A. Elwood, R. Signorelli, L. Miller

J. Rotella, B. Seliga, T. Crowley

Opposed: None.

Abstained: None.

Motion Carried

The site plan was presented to the Board.

Ms. Lane read the Staff Findings as follows:

Comments were received from the following agencies: Broome County Health Department, Broome County Department of Planning and Economic Development, New York State DOT, Broome Metropolitan Transportation Study (BMTS), and the Town Engineering Department. Comments from the NYS DOT resulted in a change in the configuration of the curb cuts from two entry/exits, to one.

The applicant meets all the requirements for a site plan review under Section 205-IV (Site Plan Review) and 205-IX (Floodplain Management FPM District) of the Town Subdivision Regulations.

The Planning Board has approved the Negative Declaration under the New York State Environmental Quality Review Act (SEQRA) for the Special Permit to develop in a flood plain. The Planning Department recommends the approval of the Negative Declaration under the New York State Environmental Quality Review Act (SEQRA) for the site plan.

Ms. Lane read the Staff Recommendations as follows:

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

1. The Stormwater Pollution Prevention Plan must be approved by the Town of Union's Engineering Department before the site plans shall be stamped and signed for final approval by the Planning Board Chairperson. The building permit cannot be issued until such time.
2. The landscaping must be completed by June 30, 2007.
3. 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, 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 submitted to the Building Official shall be identical to

the plan submitted to the Planning Board as part of the Site Plan review process.

4. 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.
5. The Special Permit to construct a non-residential building in the floodplain requires a post-construction certificate from a professional engineer or architect certified by the State of New York, that the nonresidential flood proofed building meets the flood proofing criteria in § 205-57B(2)(b-f). The applicant must submit the FEMA Elevation Certificate prior to the Certificate of Occupancy.
6. The building must conform to Section 1612.5 (Flood Loads) of the Building Code of New York State.
7. The contractor for the stormwater detention pond shall be certified in erosion control, and will monitor erosion control measures during construction, in accordance with the Town of Union Ordinance § 181-27 and the NYSDEC State Pollutant Discharge Elimination System (SPDES) Permit for Storm Water Discharges from a Construction Activity. The Notice of Intent (NOI) must be filed at least five days prior to any area disturbance.
8. The maintenance of the stormwater detention pond shall be followed as described in the Stormwater Pollution Prevention Plan (SWPPP). It is recommended by the staff that in the event that the owner fails to maintain the drainage structure and related improvements according to the approved SWPPP, the Town reserves the right to maintain said facility, the cost of which shall be added to the tax bill.
9. 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 further questions from the Planning Board.

Chairman McLain asked for a motion approving the Site Plan for 3628-3640 George F. Highway.

Motion made: B. Seliga

Motion seconded: L. Miller

MOTION: Approving the Site Plan 3628-3640 George F. Highway.

Chairman McLain asked for a motion to recommend that the Town Board call a Public Hearing to solicit input for the amendment to the PUD.

Motion made: L. Miller
Motion seconded: B. Seliga
MOTION: Recommending the Town Board call a Public Hearing to solicit input for the amendment to the PUD.
VOTE: **In Favor:** L. Miller, S. McLain, B. Seliga, J. Rotella
Opposed: A. Elwood
Abstained: R. Signorelli, T. Crowley
Motion Carried

Later in the meeting, Attorney Alan Pope recommended to the Board that they rescind their earlier recommendation to the Town Board. Until it is clear what type of action is needed (amendment to the PUD, etc.), a recommendation for a Public Hearing should not be made.

Motion made: B. Seliga
Motion seconded: L. Miller
MOTION: Rescinding the earlier recommendation to the Town Board to call a Public Hearing to solicit input for the amendment to the PUD.
VOTE: **In Favor:** L. Miller, B. Seliga, J. Rotella, A. Elwood
Opposed: None
Abstained: R. Signorelli, T. Crowley
Motion Carried

E. KEYSTONE ASSOCIATES: 13 BEECH STREET

Site Plan Discussion: American Cancer Society

Mark Parker and Alex Urda of Keystone Associates presented site plans for an 800 square foot office building at 13 Beech Street.

The Board discussed the proposed development with the representatives of the American Cancer Society.

The Board discussed the PUD revision/revocation process with Attorney Alan Pope. Mr. Nelson and Mr. Pope will meet separately to discuss whether this property requires an amendment, revision or revocation. Attorney Alan Pope recommended revising the PUD process.

F. JUSTIN MARCHUSKA: ATTENTION DISORDERS CLINIC

The Board discussed the piping issues for the subject property.

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

Mr. Nelson explained term limits. He indicated that Lisa Miller and Sue McLain were being reappointed.

H. ADJOURNMENT

Motion made: J. Rotella

Motion seconded: B. Seliga

MOTION: Adjourning the meeting at 9:52 p.m.

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

Opposed: None

Abstained: None

Motion Carried

Meeting date

The next meeting of the Planning Board is scheduled for Tuesday, December 19, 2006 at 7:00 p.m.

Respectfully submitted,
Kathleen C. Carney