

Town of Union Planning Board Minutes
Tuesday, August 8, 2017

A regular meeting of the Town of Union Planning Board was held Tuesday, August 8, 2017, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, S. McLain, A. Elwood, T. Crowley, S. Forster,
S. Daglio

Members absent: L. Cicciarelli

Others present: Marina Lane, Kurt Schrader, George Taylor, Matthew
Raymond, Clinton Stratton, Joe DeGennaro, Matt Kerwin,
Brett Noonan

A. CALL TO ORDER

Chairman Miller opened the meeting of the Planning Board at 7:00 pm.

B. MEETING MINUTES

1. Acceptance of July 11, 2017 Meeting Minutes

Chairman Miller asked for a motion to accept the July 11, 2017, Meeting Minutes, as written.

Motion Made: A. Elwood

Motion Seconded: S. McLain

MOTION: Acceptance of the July 11, 2017, Meeting Minutes, as written.

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

Opposed: None

Abstained: T. Crowley, S. Daglio
Motion Carried

**C. Taylor's Neighborhood Pizza & Sandwich Shoppe, 3017 Watson Boulevard; G. Taylor
Special Permit for Take-out Restaurant Use**

1. Public Hearing for Take-out Restaurant Use; Vote at Planning Board's Discretion

Chairman Miller opened the public hearing for the Special Permit for a Take-out Restaurant at 7:01 pm. There were no questions from the audience, and Chairman Miller closed the public hearing at 7:03 pm.

Ms. Lane reviewed her staff report for members of the Planning Board. George Taylor has applied to open a take-out pizza and sandwich

restaurant in an existing commercial building located at 3017 Watson Boulevard. The property is in a Neighborhood Commercial zoning district and the carry-out restaurant use is permitted by Special Permit from the Planning Board. This building has housed pubs, an ice cream shop, and a sit-down restaurant most recently. Mr. Taylor plans to have no seating, so the pizza and sandwich business will be take-out only.

Under the requirements of Section 617.7(c), the proposed action was examined using the Short Environmental Assessment Form. The Planning Board, as Lead Agency, declared the project an Unlisted Action and made a Negative Declaration under SEQRA on July 11, 2017. A Stormwater Pollution Prevention Plan was not required because there is no proposed disturbance to the site.

The project was not subject to a 239-Review. The Town Engineering Department and Code Enforcement have reviewed the project and had no concerns.

The project meets the requirements for a Special Permit for a take-out restaurant in a Neighborhood Commercial zoning district. The staff recommendation is to approve the Special Permit with the following stipulations:

- 1) No cooking shall take place outdoors.
- 2) Any plan to add outdoor seating shall first be reviewed and approved by the Code Enforcement Officer.
- 3) The hours of public operation shall be permitted between 7:00 a.m. and 11:00 p.m., due to the proximity of residences.
- 4) Special permit modification approval will be required if there are any changes to the site plan or change in use of the property.
- 5) The Special Permit shall expire should the property or business be sold or transferred to another entity, per § 300-66.11. Transferability:
 - a. A special permit is not transferable except upon approval by resolution of the issuing board.
 - b. A special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.

- 6) The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to the issuance of a Building Permit.

Mr. Forster asked why the Planning Board was limiting Mr. Taylor to a closing time of 11:00 p.m. when a nearby facility had closing hours of 1:00 a.m. during the weekdays and 3:00 a.m. on the weekends. Ms. Lane answered that the Riverdale Banquet Hall was only open for special events, and was not a take-out restaurant that was open seven days a week. Mr. Taylor stated that he was fine with the 11:00 p.m. closing time.

Chairman Miller then asked for a motion to approve the Special Permit for a Take-out Restaurant at 3017 Watson Boulevard, with stipulations.

Motion Made: S. Forster
Motion Seconded: S. Daglio
MOTION: Motion to approve the Special Permit for a Take-out Restaurant at 3017 Watson Boulevard, with stipulations.
VOTE: **In Favor:** L. Miller, S. McLain, A. Elwood, S. Forster, T. Crowley, S. Daglio
Opposed: None
Abstained: None
Motion Carried

2. Site Plan Review, Pending Approval of Special Permit

Ms. Lane then summarized her site plan staff report for the Planning Board. Mr. George Taylor applied to use the existing 1,000+/- square-foot commercial building at 3017 Watson Boulevard as a take-out restaurant. The 0.17-acre site has existing public water, sanitary sewer, and storm sewer curb and gutter drainage.

Parking for a take-out restaurant is set at two spaces for every 1,000 square feet. Therefore, two parking spaces are required, and there are six parking spaces on the west side of the building, including one handicapped accessible space and access space. A total of sixteen spaces in the plaza, including two garage spaces, provides parking for all uses in the plaza.

The staff recommendation is to approve the Site Plan with the following stipulations:

1. The required handicap parking shall conform to the Property Maintenance code of NYS, and shall be provided with signage displaying the international symbol of accessibility. The access aisle shall be provided with signage reading "No Parking Anytime." Signs shall be permanently installed at a clear height of between 60 inches and 84 inches above grade and shall not interfere with an accessible route from an access aisle.

2. The outdoor trash storage area shall be maintained in a neat and orderly manner.
3. If the applicant wishes to add any outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
4. The applicant shall apply for a sign permit from the Building Official. All temporary signs (including price signs), portable signs, search lights, balloons, sidewalk and curb signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that blink, rotate, or move are not permitted.
5. Per NYS law, restaurants with fewer than 50 seats must be inspected by the Municipal Fire Code Inspector every three years. It is your responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920. The initial inspection shall be completed prior to the issuance of a Certificate of Compliance.
6. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
7. The applicant shall be required to acknowledge all of the above stipulations, 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 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 Miller then called for a motion to approve the Site Plan for Taylor's Pizza and Sandwich Shoppe at 3017 Watson Boulevard, with stipulations.

Motion Made: S. Forster
Motion Seconded: T. Crowley
MOTION: Approval of the Taylor Pizza and Sandwich Shoppe site plan at 3017 Watson Boulevard, with stipulations.
VOTE **In Favor:** L. Miller, S. McLain, A. Elwood, T. Crowley, S. Forster, S. Daglio
Opposed: None
Abstained: None
Motion Carried

D. Penske Truck Rental (Home Depot), 778-780 Main Street; M. Raymond

1. Declare Lead Agency

Chairman Miller asked for a motion to declare the Planning Board Lead Agency.

Motion Made: S. McLain
Motion Seconded: A. Elwood
MOTION: Declare the Planning Board Lead Agency
VOTE: **In Favor:** L. Miller, A. Elwood, S. McLain, S. Forster, T. Crowley, S. Daglio
Opposed: S. Daglio
Abstained: None
Motion Carried

2. Declare Project an Unlisted Action

Chairman Miller asked for a motion to declare the project an Unlisted Action under SEQRA.

Motion Made: S. McLain
Motion Seconded: S. Daglio
MOTION: Declare the project an Unlisted Action.
VOTE: **In Favor:** L. Miller, S. McLain, A. Elwood, T. Crowley, S. Forster, S. Daglio
Opposed: None
Abstained: None
Motion Carried

3. SEQRA Determination

Home Depot Store Number 1252 would like to rent Penske moving trucks from its existing parking lot at 778-780 Main Street. Up to 10 vehicles that have been rented for the day plus one extra truck for walk-ins would be temporarily stored in specified parking spaces. Ms. Lane reviewed Parts 1 and 2 of the Short Environmental Assessment form with members of the Planning Board, and the Board determined that the potential impacts were small to none.

The property is approximately 31-acres with two retail buildings, a use which is permitted in the General Commercial zoning district. Auto rental requires a Special Permit from the Planning Board. The applicant does not propose any additional construction or renovations to the buildings. Per the site plan, the Home Depot building, including the garden center and tool rental spaces, requires 529 parking spaces, and the site plan provides 549 spaces. The current site plan has designated 10 parking spaces for the rental vehicles. The remaining number of parking spaces for employees in the rear of the building, and customers in front and to the west of the building, meet Code requirements.

The home improvement retail store and parking lot are existing and the additional auto rental use will not change the character of the surroundings. There will be no disturbance to the environment. The nearby Critical Environmental Area, the Well Field in Vestal, will not be affected by the storage of trucks on an existing parking lot. The site is located within an archeologically sensitive area; but as there is no new ground disturbance, possible artifacts will not be disturbed. Similarly, no threatened or endangered animals or plants will be affected.

Upon close review, the project as proposed will not have a significant adverse impact upon the environment. Ms. Lane recommended a Negative Declaration under SEQRA

Chairman Miller then asked for a motion to approve the Negative Declaration under SEQRA.

Motion Made: T. Crowley
Motion Seconded: S. Daglio
MOTION: Approval of the Negative Declaration under SEQRA
VOTE: **In Favor:** L. Miller, S. McLain, A. Elwood, T. Crowley, S. Forster, S. Daglio
Opposed: None
Abstained: None
Motion Carried

4. Call for a Public Hearing for Auto Rentals to be held September 12, 2017, at 7:00 PM

Mr. Matthew Raymond, the site consultant for Home Depot, gave a short presentation about the project to the Planning Board. Mr. Raymond noted that the proposed location for the parking of the Penske Trucks was towards the middle of the parking lot. The only change that will be made to the parking lot is to restripe the new parking spaces with the Penske Truck Parking label. Ideally, the number of trucks on site would be between five and ten trucks, and if excess trucks accumulate in the parking lot, Penske will come and remove them. Trucks are normally stored and maintained at the closest regional Penske facility.

Ms. Miller asked whether there would be a separate office for the truck rentals in the Home Depot store. Mr. Clinton Stratton, the new store manager, responded that truck rental transactions would be done at the customer service desk, and the only thing outside of the store was a drop box for customers returning the trucks after hours. Ms. Lane asked if the location in the parking lot was chosen because of visibility from the highway. Mr. Raymond responded that there were several criteria used in choosing the location for the Penske Truck parking spaces. Home Depot wanted Penske parking spaces to be 20

spaces away from the front of the store, since those spaces are prime parking for store customers. In addition, there are gas and power line easements across the parking lot that were avoided. Mr. Forster asked whether there would be any overhead signage for the Penske trucks, and Mr. Raymond responded that there would no outside signage. Ms. McLain asked if there would be any restrictions against the public parking in the Penske spaces. Mr. Raymond said that there is no legal restriction, so store customers could use these spaces. If Penske trucks are returned to regular customer parking spaces, Home Depot associates will relocate the trucks to the Penske spaces.

Chairman Miller then asked for a motion to call for a Public Hearing for Auto Rentals to be held September 12, 2017, at 7:00 p.m.

Motion Made: S. Forster
Motion Seconded: A. Elwood
MOTION: Approval to hold the Public Hearing for Auto Rentals on September 12, 2017, at 7:00 p.m.
Favor: L. Miller, S. McLain, A. Elwood, T. Crowley, S. Forster, S. Daglio
Opposed: None
Abstained: None
Motion Carried

E. DG Equipment – Outdoor Storage, 11 Delaware Avenue, J. DeGennaro

1. Declare Lead Agency

Chairman Miller asked for a motion to declare the Planning Board Lead Agency.

Motion Made: S. Daglio
Motion Seconded: S. McLain
MOTION: Declare the Planning Board Lead Agency
VOTE: **In Favor:** L. Miller, A. Elwood, S. McLain, S. Forster, T. Crowley, S. Daglio
Opposed: None
Abstained: None
Motion Carried

2. Declare Project an Unlisted Action

Chairman Miller asked for a motion to declare the project an Unlisted Action under SEQRA.

Motion Made: S. McLain
Motion Seconded: A. Elwood
MOTION: Declare the project an Unlisted Action.

MOTION: Approval to hold the Public Hearing for Outdoor Storage on September 12, 2017, at 7:05 p.m.
VOTE: **In Favor:** L. Miller, S. McLain, A. Elwood, T. Crowley, S. Forster, S. Daglio
Opposed: None
Abstained: None
Motion Carried

F. Up State Tower / Blue Wireless, 1209 Taft Avenue, M. Kerwin

Mr. Matthew Kerwin, the attorney representing Up State Tower and Blue Wireless, presented a proposal to construct a new 160-foot cell tower on property owned by the Union Center Fire Company, located at 1209 Taft Avenue.

Up State Tower and Blue Wireless plan to place the new tower in the northern portion of the wooded property to limit its visibility from anyone who is living or working in the area. The radio antennas on the new tower operate by “line-of-site” technology and due to the mountainous topography in the area, the tower is proposed at the 160-foot height in order to be effective. Up State Tower proposes a self-support tower with three legs with latticework because they believe this design provides greater structural integrity than a monopole design.

Mr. Crowley asked about the fall zone. Mr. Kerwin responded that this tower is designed with a structural breakpoint at 140-feet, so essentially 25-feet (including a 5-foot lightning rod) would fold over on itself within the facility’s fenced compound. Ms. Elwood stated that she was still concerned about the fall zone for the entire tower, and Mr. Daglio commented that even if the entire 160-foot tower did collapse, it would not hit any residences in the area. Mr. Forster asked how far the tower was from the fire company building and Mr. Kerwin replied that it was 231-feet from the building. Mr. Forster asked whether there would be a light on top of the tower because of airports, and Mr. Kerwin responded that the tower was far enough away from any airport so the FDA did not require a light. Planning Board members expressed their views on the design of the tower and noted that they did not want a tower that will be an eyesore to neighboring residents.

Mr. Crowley asked if the Union Center Fire Company will receive any money from Up State Tower. Mr. Kerwin answered that Up State Tower will pay the fire company rent to use their property. Ms. Miller asked if other carriers could co-locate on the new tower and Mr. Kerwin answered that the tower is designed to accommodate four carriers. Ms. Lane asked whether different carrier signals would get confused, and Mr. Kerwin noted that there are no concerns with interference because each carrier has a unique frequency.

Blue Wireless will be the first carrier to locate on the tower. The company is trying to build out their network, and they are focusing on providing improved “in-building” and “in-vehicle” coverage in the populated areas of Broome County. Mr. Kerwin said that the hilly topography affects the radio signals, so Blue Wireless needs a new cell tower to improve cell phone coverage for their customers. Mr. Forster asked who would own the tower and Mr. Kerwin noted that Up State Tower would own and operate the tower and Blue Wireless would be the first carrier on the cell tower. Mr. Forster asked whether the Union Center Fire Company would receive more revenue if other carriers co-located on the tower. Mr. Kerwin answered that the lease agreement between the fire company and Up State Tower would determine future payments to the fire company when other carriers co-locate on the cell tower.

Mr. Kerwin noted that the Union Center Fire Company property provides an ideal location for the tower because it is located within the coverage search ring for Blue Wireless. Up State Tower also chose the fire company’s location because there is a tower there already and the new tower would provide revenue to a municipal agency. Mr. Crowley asked whether the tower would still be operational if the power went out. Mr. Kerwin answered that the tower has a backup battery so it would remain functional during a storm event.

Mr. Kerwin noted that Blue Wireless is a FCC licensed wireless provider and is also considered a public utility provider in New York State. As a public utility, Blue Wireless has to demonstrate a need for service and that the proposed tower will remedy a coverage gap before they can erect a tower. The Blue Wireless existing coverage maps that Mr. Kerwin shared with the Planning Board demonstrated gaps in coverage, and also showed that the new cell tower would remedy these existing coverage gaps.

Ms. Lane then summarized the timeline for the tower. The Planning Board will declare Lead Agency and that the project is a Type 1 Action at tonight’s meeting. The Zoning Board (ZBA) will have an opportunity to agree to the Planning Board being Lead Agency at their August 18th meeting. On September 12, there will be a Public Hearing for the cell tower, and a vote on the SEQRA determination. If the Planning Board feels they can issue a Negative Declaration, they will provide an advisory opinion favoring the area variances. If the ZBA grants the variances at their September 18th meeting, then at their October 10th Planning Board meeting, the Planning Board will vote on the Special Permit and the Site Plan.

Ms. Lane asked the Planning Board whether they thought a balloon float was necessary and Mr. Crowley responded that because the site was on top of the hill, he felt that it was unnecessary. Ms. Elwood said that since the tower is 160-feet, perhaps a balloon float would be helpful. Ms. Lane said that after she and Dee conduct a survey of the surrounding neighborhood, they would be able to evaluate whether the float was necessary. Mr. Kerwin said Up State Tower

would provide a balloon float study if the Planning Board requested it. Mr. Daglio asked how long it would take to construct the tower. Mr. Kerwin answered that it would take 6-8 weeks for its construction.

1. Declare Lead Agency

Chairman Miller asked for a motion to declare the Planning Board Lead Agency.

Motion Made: T. Crowley
Motion Seconded: A. Elwood
MOTION: Declare the Planning Board Lead Agency
VOTE: **In Favor:** L. Miller, A. Elwood, S. McLain, S. Forster, T. Crowley, S. Daglio
Opposed: None
Abstained: None
Motion Carried

2. Declare Project a Type 1 Action

Chairman Miller asked for a motion to declare the project a Type 1 Action under SEQRA.

Motion Made: S. Daglio
Motion Seconded: S. McLain
MOTION: Declare the project a Type 1 Action under SEQRA.
VOTE: **In Favor:** A. Elwood, S. McLain, L. Miller, S, Forster, T. Crowley, S. Daglio
Opposed: None
Abstained: None
Motion Carried

3. Call for a Public Hearing for a Cellular Tower to be held September 12, 2017, at 7:10 PM

Chairman Miller then asked for a motion to call for a Public Hearing for a new cellular tower to be held September 12, 2017, at 7:10 p.m.

Motion Made: S. Forster
Motion Seconded: A. Elwood
MOTION: Approval of the Public Hearing for a Cellular Tower to be held on September 12, 2017, at 7:10 p.m.
VOTE: **In Favor:** L. Miller, S. McLain, A. Elwood, T. Crowley, S. Forster, S. Daglio
Opposed: None

Abstained: None
Motion Carried

G. Other Such Matters as May Properly Come Before the Board

Ms. Lane noted that she and Lou Caforio had met with Mr. Marchuska, Sr. about the Daylight Donuts project. Mr. Marchuska, Sr. had some concerns about some of the Planning Department requirements.

H. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:20 p.m.

Motion Made: S. Daglio
Motion Seconded: S. Forster
MOTION: Adjourning the meeting.
VOTE: **In Favor:** S. McLain, L. Miller, A. Elwood
T. Crowley, S. Forster, S. Daglio,
Opposed: None
Abstained: None
Motion Carried

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, September 12, 2017 at 7:00 PM

Respectfully Submitted,
Carol Krawczyk