

Town of Union Planning Board Minutes

Tuesday, April 11, 2017

A regular meeting of the Town of Union Planning Board was held Tuesday, April 11, 2017, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

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

Others present: Marina Lane, Paul Nelson, James Wheelock, Tracy Severson

A. CALL TO ORDER

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

B. MEETING MINUTES

1. Acceptance of 03/20/17 Meeting Minutes

- Page 3, replace the word “to” with the word “the” in the last sentence of the third paragraph.

Chairman Miller asked for a motion to accept the 3/20/17 Meeting Minutes as amended.

Motion Made: S. McLain

Motion Seconded: L. Cicciarelli

MOTION: Acceptance of the March 20, 2017, Meeting Minutes, as amended.

VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain,
A. Elwood, T. Crowley, S. Forster, S. Daglio

Opposed: None

Abstained: None

Motion Carried

C. Triple City Towing, 402 Airport Road, J. Wheelock Special Permit for Outdoor Storage

1. SEQRA Determination

Ms. Lane reviewed Parts 1 and 2 of the Short Environmental Assessment Form with members of the Planning Board and noted that all of the potential impacts were small to none. Per Part 3, the Determination of Significance, the 1.81-acre property has an existing metal warehouse with overhead garage doors. Mr. Wheelock will use approximately 1/3 of the 9,000 square-foot building for the indoor storage of his tow trucks, and the remainder of the building is owner-occupied with a seal coating business. The applicant does not propose any construction or renovations to the building.

A 20-foot by 40-foot opaque, fenced enclosure will be placed on site for the outdoor storage of those rarely towed vehicles which owners are not able to pick up immediately. Mr. Wheelock, the only employee, will not service vehicles outside, and any towed vehicles that are leaking fluids will be stored inside. The only floor drain in the area of the building for the towing business has been plugged, and he will maintain SafeTSorb, Contractor Grade absorbent pads, and drip trays and pans on site.

Public water and sanitary sewer are available at the warehouse. This project will not produce odors, noises above current levels, or affect wildlife or plants.

The site is within an archeologically sensitive buffer, but no ground disturbance is planned and the project would not affect any artifacts. The property is also within the buffer area of NYS DEC Remediation sites #704038, the Endicott Area-Wide Investigation, and #704008, the Endicott Village Landfill, but this site is not directly affected by the plume and the landfill contamination has been capped.

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.

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

2. Public Hearing for Outdoor Storage; Vote at Planning Board's Discretion

Chairman Miller opened the public hearing for the Special Permit for Outdoor Storage at 7:05 pm. There were no questions from the audience, and Chairman Miller closed the public hearing at 7:07 pm.

Ms. Lane then summarized her report for the members of the Planning Board. Ms. Lane noted that the 1.81-acre property is zoned Industrial (I) and outdoor operations and storage is permitted by Special Permit from the Planning Board.

The project was subject to a 239-Review as it lies within 500 feet of the Village of Endicott. The Village did not have any concerns. Broome County Planning and Health Departments recommended that the conditions of approval include a spill prevention plan, as has been provided. The Health Department noted that if the applicant plans to do repairs on the work vehicles, fluids should be stored inside to prevent accidental spills from contaminating soils and groundwater.

The Planning Department recommends approval of the Special Permit with the following conditions:

1. Per § 300-40.16, Outdoor storage, in General Commercial and Industrial districts:
 - (1) Outdoor storage shall not be allowed in the 20-foot front yard setback.
 - (2) All outdoor storage shall be screened to ensure the area is not visible from the public right-of-way.
 - (3) Screening shall be of sufficient height and density to hide the storage from public view.
 - (4) All screening shall be maintained in such a manner as to present a neat and orderly appearance at all times.
2. Damaged vehicles that are leaking shall not be stored outside, unless the leak is temporary and minor enough that drip pans will capture all leakage.
3. A fire extinguisher and carbon monoxide detector shall be maintained in working order on site at all times.
4. All self-contained vehicular fluids shall be stored inside the building.
5. The Special Permit shall expire should the property or business be sold 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 three months for any reason.

There was some discussion about the stipulations of approval. Mr. Crowley wanted the screening stipulations to be more specific. The wording was changed so that the fencing shall be 6-feet high and that screening should be used on all sides that are open to public view. Mr. Wheelock noted that the fenced enclosure will be locked, but that all impound vehicles will be stored inside the building, and there will also be surveillance cameras installed both inside and outside the building. The Special Permit transferability time limit

was also changed from one year to three months if the special use ceases for any reason.

Mr. Wheelock inquired whether he needed a permit for a dumpster. Ms. Lane noted that Mr. Wheelock should talk to Lisa Balshuweit in the Refuse Department to see what the Town requirements are for regular trash pickup. Mr. Crowley noted that you are allowed to put out six cans and that there is a weight limit of fifty (50) pounds per can.

Chairman Miller then asked for a motion to approve the Special Permit for Outdoor Storage Development at 402 Airport Road, with changes to the stipulations.

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| Motion Made: | S. Daglio |
| Motion Seconded: | L. Cicciarelli |
| MOTION: | Motion to approve the Special Permit for Outdoor Storage at 402 Airport Road, with changes to the stipulations. |
| VOTE: | In Favor: L. Miller, L. Cicciarelli, McLain, A. Elwood, S. Forster, T. Crowley, S. Daglio Opposed: None Abstained: None Motion Carried |

3. Site Plan Review, Pending Approval of Special Permit

Ms. Lane then summarized her site plan staff report for the Planning Board. James Wheelock, owner of Triple City Towing & Road Service, submitted an application for a towing business, including the occasional temporary outdoor storage of towed vehicles, at 402 Airport Road.

A 20-foot by 40-foot opaque, fenced enclosure will be placed on site for the temporary outdoor storage of towed vehicles. The majority of vehicles are towed to either a residence or repair shop, but occasionally vehicles cannot be towed immediately. Therefore, customers would come to the property only when retrieving their vehicles. Mr. Wheelock is the only employee, and parking for industrial uses requires one space per employee. The site plan has two parking spaces, including one handicap space, and its associate access space. The handicap parking space and access aisle will be paved.

Mr. Wheelock does not plan any signage at this time, but once he is established, he anticipates that AAA will provide him with a sign. There are no changes proposed to the existing utilities (public sewer, water, and gas). The applicant is proposing to use the existing site lighting only. The hours of operation are listed as 24 hours per day, seven days a week, in that he will be available at all times for towing services.

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

1. The parking lot on the west side of the building shall have a smooth, all-weather surface. Such surface shall be permanent and capable of being kept free of snow, dust, and dirt and of being permanently marked.
2. The new striping shall designate two parking spaces at a minimum of nine (9) feet by eighteen (18) feet, with one parking space as handicapped-accessible only, and a minimum of one eight (8) foot wide handicap access space adjacent to the handicap parking space. These shall be striped, weather-permitting, but no later than May 30, 2017.
3. The applicant shall stripe and maintain the regular and handicapped-accessible parking space and access aisle, and post the appropriate signage no later than May 30, 2017. The required handicapped-accessible 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.
4. All exterior lighting shall face away from adjacent properties, and shall not cause a nuisance to traffic on the road and the adjacent railroad to the south. Lighting shall not spill off site. If any new outdoor lighting is proposed, the applicant shall first submit cut-sheets to the Code Enforcement Officer for approval.
5. The applicant shall apply for a sign permit from the Building Official prior to posting any signage. 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.
6. Per NYS law, all commercial buildings must be inspected by the Municipal Fire Code Inspector every three years. It is the applicant's responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920.
7. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
8. The applicant shall be required to acknowledge all of the above conditions, in writing, no later than April 21, 2017. 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, the applicant must resubmit a new site plan to the Town of Union Planning Department and Code Enforcement Office.

Chairman Miller asked for a motion to approve the Site Plan for Triple City Towing at 402 Airport Road with stipulations.

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| Motion Made: | L. Cicciarelli |
| Motion Seconded: | A. Elwood |
| MOTION: | Approval of the Triple City Towing Site Plan at 402 Airport Road with stipulations. |
| VOTE | In Favor: L. Miller, L. Cicciarelli, S. McLain, A. Elwood, S. Forster, T. Crowley, S. Daglio Opposed: None Abstained: None Motion Carried |

D. J.C. Water Department, 44 Camden Street, Special Permit for Floodplain Development

1. SEQRA Determination

Ms. Lane reviewed Parts 1 and 2 of the Short Environmental Assessment Form with members of the Planning Board and noted that all of the potential impacts were small to none. Per Part 3, the Determination of Significance, a 4,890 square-foot maintenance and storage building is proposed to replace a flood-damaged former administrative and operations building for the Village of Johnson City Water Department at 44 Camden Street, located in the Town of Union. The 1.26-acre site is zoned Urban Single-Family, and the public use, which would normally require a Special Permit, is a grandfathered, permitted use. It should be noted that the proposed building is in the 500-year floodplain of the Preliminary FEMA Floodplain.

This project has previously been reviewed under SEQRA, but this particular review pertains specifically to the development in the floodplain, which requires a public hearing.

The site has not been identified as historic, within any archeologically sensitive buffer area, and although it was flagged by the DEC EAF Mapper as potentially having threatened or endangered animals, per consultation with the Fish & Wildlife Service and DEC, the project will not have any impacts to such animals. The identified remediation site #704020, the U.S. Air Force plant, is undergoing remediation at this time, and does not pose a threat to the project.

As the proposed building is replacing a previous building and the proposed use is storage and maintenance, the new building will not have any new impacts on

noise, air, and the ground, other than briefly during its construction. Similarly, the base flood elevation will not be affected. The building itself will be slightly elevated, and will be floodproofed to prevent damage from flooding in the future.

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.

Paul Nelson gave a short presentation about the new maintenance and storage building. Previously the operations and administrative functions were located at 44 Camden Street, the west side of Camden Street where the maintenance building is now proposed. Those buildings were demolished and a new operations and new administrative building have recently been built on the east side, 45 Camden Street. He noted that essentially the two functions are being flipped to different sides of the road.

The reason is that there is a higher grade elevation at 45 Camden Street, and the J.C. Water Department wanted to elevate the operational equipment which keeps the pumps running and water flowing to people during storm events. Mr. Nelson noted that the well houses have all been flood-proofed now, so that in the event there is another big storm event and the levees are overtopped, they will still be able to keep the water plant pumps running. The new maintenance and storage building will be built on essentially the same foundation as the previous operations and administrative building.

Mr. Nelson noted that the Governor's Office of Storm Recovery should have come to the Planning Board when the new administration and operations buildings were built; however, the Governor's Office did not pick up on the requirement thinking it was excluded as a municipal project.

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

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

2. Public Hearing for Floodplain Development; Vote at Planning Board's Discretion

Chairman Miller opened the public hearing for the Special Permit for Floodplain Development at 7:38 pm. Mr. Nelson, administrator of the CDBG-DR fund, once again gave a presentation. No one from the public had any questions and the Planning Board did not have any concerns about the project, so Chairman Miller closed the public hearing at 7:56 pm.

Ms. Lane reviewed her staff report for the Planning Board. The Town of Union has allocated Community Development Block Grant - Disaster Recovery (CDBG-DR) funding to demolish a flood-damaged administration and operations building for the Village of Johnson City Water Department, and to construct a 4,890 square-foot maintenance and storage building at the existing water treatment site at 44 Camden Street in the Town of Union. The 1.26-acre site is zoned Urban Single-Family, and the public use, which would normally require a Special Permit, is a grandfathered, permitted use.

During initial review, it was determined that the property is partially within the existing 100-year floodplain, and therefore requires a Special Permit for floodplain development. Under further review using the FEMA Flood Insurance Rate Map (FIRM), the floodplain administrator determined that the building location was actually protected by an existing berm, and the FIRM showed the building to be located in Zone B, the area between the limits of the 100-year flood and 500-year flood, the area of 100-year shallow flooding where depths are less than one foot. It should be noted that the proposed building is in the 500-year floodplain of the Preliminary FEMA Floodplain.

A protective membrane will be installed around the approximately 20-foot deep poured concrete foundation, the basement will be filled, and the protective membrane will be continued over the lip of the foundation and lie under the new building slab. The protective membrane will also be extended four feet up the wall of the new maintenance building, altogether “dry-proofing” the building to minimize any future damage. The building will be slightly elevated on the slab.

Under the requirements of SEQRA Section 617.7(c), the proposed action was examined by the Short Environmental Assessment Form, is considered an unlisted action, and Planning Board issued a Negative Declaration. A storm water plan is not required, as the new building is replacing the damaged building, and therefore the pre- and post-construction rate of flow of storm water off site are the same.

The project is subject to a 239-Review. The Broome County Planning Department, Town of Vestal, and the Village of Johnson City had no concerns.

Although the parcel boundaries are in the 100-year floodplain, the building location itself is in the 500-year floodplain, and the Planning Department recommends approval of the Special Permit for floodplain development. Ms. Lane noted that there were no stipulations that applied to the permit.

Chairman Miller then asked for a motion to approve the Special Permit for Floodplain Development at 44 Camden Street.

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| Motion Made: | S. Forster |
| Motion Seconded: | T. Crowley |
| MOTION: | Motion to approve the Permit for Floodplain Development at 44 Camden Street. |
| VOTE: | In Favor: L. Miller, L. Cicciarelli, McLain, A. Elwood, T. Crowley, S. Daglio Opposed: None Abstained: None Motion Carried |

3. Pending Special Permit Approval, Site Plan Review

Ms. Lane summarized her site plan staff report for the Planning Board. The new 4,890 square-foot building covers most of the footprint of the previous administration and operations. The new building will be slightly elevated and flood proofed to prevent damage from flooding in the future. A separate 1,056 square-foot canopy structure just north of the new building will be able to house four pickup trucks. The site plan, including that for the new administration building at 45 Camden Street, has 14 parking spaces, with one handicapped-accessible space with the associated access space. The maintenance building will be used to store village vehicles and will also house a portable light with a generator. The areas around the existing buildings are paved and there is an existing drainage system, including a detention pond. No additional drainage plan is required as the new building is replacing the damaged building.

Under the requirements of SEQRA Section 617.7(c), the proposed action was examined by the Short Environmental Assessment Form, is considered an unlisted action, and Planning staff recommends a Negative Declaration. A storm water plan is not required, as the new building is replacing the damaged building, and therefore the pre- and post-construction rate of flow of storm water off site are the same.

The project is subject to a 239-Review. The Broome County Planning Department, Town of Vestal, and the Village of Johnson City had no concerns.

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

- 1) The Village of Johnson City shall apply for a building permit from the Building Permits office prior to any construction.
- 2) The parking lots shall have a smooth, all-weather surface. Such surface shall be permanent and capable of being kept free of snow, dust, and dirt and of being permanently marked.
- 3) The new parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet, with one parking space dedicated as handicapped-accessible only, and a minimum of one eight (8) foot wide handicap access space adjacent to the handicap parking space. These shall be striped, weather-permitting, but no later than May 30, 2018.
- 4) The Village of Johnson City shall stripe and maintain the regular and handicapped-accessible parking space and access aisle, and post the appropriate signage no later than May 30, 2018. The required handicapped-accessible 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.
- 5) If the Village of Johnson City wishes to add outdoor lighting, the lighting plan shall be submitted to Code Enforcement for approval prior to installation.
- 6) Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
- 7) The Village of Johnson City shall be required to acknowledge all of the above conditions, in writing, prior to applying for a building permit. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Should the Village of Johnson City 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 asked for a motion to approve the Site Plan for JC Water Department maintenance and storage building located at 44 Camden Street, with stipulations.

Motion Made: S. Daglio
Motion Seconded: A. Elwood
MOTION: Motion to approve the Permit for Floodplain Development at 402 Airport Road, with stipulations.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, McLain, A. Elwood, T. Crowley, S. Daglio
Opposed: None
Abstained: None
Motion Carried

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

Ms. Lane noted Barnaby's Pub received minor site plan approval to demolish the house next to them to expand his parking lot. The curb cut closest to the gas station will be closed off and the remaining entrance on East Main Street will be an entrance only. Patrons can still enter and exit from Kentucky Avenue.

Ms. Lane also noted that Riverdale Banquet Hall, formerly Brothers Two restaurant, had been approved through a minor site plan review by the Planning Review team. The Anastos brothers have purchased the building and also have a lease for the parking lot across the street. The Anastos brothers still need to submit a revised site plan for that parking lot.

Mr. Nelson noted that the Planning Department is opening bids for the floodwall closure at Watson Boulevard. The Brixius Creek project was finally approved and will also be going out for bids. The project will start in July due to a blackout period from the middle of March until the middle of July. Because of a rare or endangered fish in the creek during that period, the DEC does not allow construction during then. Mr. Nelson noted that even though the Patterson Creek bid was awarded last year, construction has been delayed due to the snow melt and rain because they have to de-water the creek while they are working to get the lower level of the stone in place. This project also cannot start up until mid-July because of the DEC wildlife regulations. Mr. Nelson also noted that they have preliminary drawings for the new refuse garage and the plans will be ready for site plan review in June.

Ms. Lane noted that she is not aware of how Mr. Laman's sign variance stands with the ZBA.

F. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:15 pm.

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| Motion Made: | L. Cicciarelli |
| Motion Seconded: | S. Daglio |
| MOTION: | Adjourning the meeting. |
| VOTE: | In Favor: S. McLain, L. Miller, A. Elwood, L. Cicciarelli, 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, May 9, 2017 at 7:00 pm.

Respectfully Submitted,
Carol Krawczyk