

Town of Union Planning Board Minutes

Tuesday, September 12, 2017

A regular meeting of the Town of Union Planning Board was held Tuesday, September 12, 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 (arrived at 7:15 pm)

Members absent: S. Daglio

Others present: Marina Lane, Alan Pope, Matthew Raymond, Clinton Stratton,
Rich Procanik, Joe DeGennaro, Brett Noonan, Matt Kerwin,
Wes Miga, Ray Serowik, Maureen Adams, Lori Maron, Joe
Calleo, Carl Guy, Kurt Ricker, Bonnie Brown, and Alberto
Paolini

A. CALL TO ORDER

Chairman Miller opened the meeting of the Planning Board at 7:02 pm.

B. MEETING MINUTES

1. Acceptance of August 8, 2017 Meeting Minutes

Chairman Miller asked for a motion to accept the August 8, 2017, Meeting Minutes, as written.

Motion Made: S. McLain

Motion Seconded: A. Elwood

MOTION: Acceptance of the August 8, 2017, Meeting Minutes, as written.

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

Opposed: None

Abstained: L. Cicciarelli

Motion Carried

2. Acceptance of August 8, 2017 Public Hearing Transcript – Taylor Pizza and Sandwich Shoppe Special Permit for Take-Out Restaurant

Chairman Miller asked for a motion to accept the August 8, 2017, Public Hearing Transcript for Taylor Pizza and Sandwich Shoppe Special Permit for Take-Out Restaurant, as written.

Motion Made: S. McLain

Motion Seconded: S. Forster

MOTION: Acceptance of the August 8, 2017, Public Hearing Transcript for Taylor Pizza and

VOTE:

Sandwich Shoppe Special Permit for Take-out Restaurant, as written.

In Favor: L. Miller, S. McLain, A. Elwood, T. Crowley, S. Forster

Opposed: None

Abstained: L. Cicciarelli

Motion Carried

**C. Penske Truck Rentals (Home Depot), 778-780 Main Street; M. Raymond
Special Permit for Auto Rental**

1. Public Hearing for Auto Rental Use: Vote at Planning Board's Discretion

Chairman Miller opened the public hearing for the Special Permit for Auto Rental Use at 7:03 pm. There were no questions from the audience, and Chairman Miller closed the public hearing at 7:10 pm.

GreenbergFarrow, on behalf of Home Depot U.S.A. INC., has applied to allow the rental of Penske moving trucks from the existing multi-tenant retail property at 778-780 Main Street. The property is located in a General Commercial zoning district and renting out vehicles is permitted by Special Permit from the Planning Board. The applicant does not propose to do any construction or renovations to the building.

The Special Permit application proposes to display ten (10) Penske moving trucks in specially designated parking spaces in the Home Depot parking lot. There are 549 existing parking spaces on site, of which only 529 are required. Fueling and vehicle maintenance happen off-site at a regional Penske facility.

The project is subject to a 239-Review as it is within 500-feet of State Route 17C and the Town of Vestal. The Town of Vestal, NYS DOT, B.C. Public Works, B.C. Health Department, and BMTS have no comments or concerns about the proposal. The Broome County Planning Department reminds us of the floodplain concerns.

The staff recommendation is to approve the Special Permit with the following stipulations:

- 1) A. The rental of vehicles may be allowed by special use permit, provided the following:
The rental area shall be paved, suitably graded and drained, and maintained in a neat and orderly manner. No greater than ten (10) rental trucks shall be stored on site at any one time. An increase in the number of vehicles to be parked at any one time shall require a new permit.

- B. All maintenance and fueling of rental vehicles shall be performed off-site.
 - C. The storage of vehicles shall be limited to the spaces shown on the site plan, unless a new site plan is submitted and approved.
 - D. The retail sale of petroleum-based products intended to re-fuel motor vehicles shall not be permitted.
- 2) § 300-66.11. Transferability.
- A) The special permit is not transferable except upon approval by resolution of the issuing board.
 - B) The special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.
- 3) The applicant shall be required to acknowledge all of the above conditions in writing, prior to September 30, 2017. Should the applicant change the site plan or specially permitted use approved by the Planning Board, even if by petition to The Town's Zoning Board of Appeals, Special Permit approval will become null and void and the applicant must resubmit a new application to the Town of Union Planning Board.

Chairman Miller then asked for a motion to approve the Special Permit for Auto Rental Use at 778-780 Main Street, with stipulations.

Motion Made:	S. McLain
Motion Seconded:	A. Elwood
MOTION:	Approval of the Special Permit for Auto-Rental Use at 778-780 Main Street, with stipulations.
VOTE:	In Favor: L. Miller, L. Cicciarelli, S. McLain, A. Elwood, T. Crowley
	Opposed: None
	Abstained: None
	Motion Carried

2. Pending Special Permit Approval: Site Plan Review

The property is 31-acres with two retail buildings, in a General Commercial zoning district. The applicant does not propose to do any renovations to the Home Depot building, as the rental transactions take place at the customer service counter. 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 staff recommendation is to approve the Site Plan, with the following stipulations:

- 1) The rental truck spaces shall be restriped according to the site plan by October 31, 2017.
- 2) If a sign is desired, 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, and no flag signs or flutter signs are permitted.
- 3) Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
- 4) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to September 30, 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 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.

Ms. Miller asked if Penske would have an outside sign on the building, and Mr. Procanik replied that they did not plan to have an outside sign. Chairman Miller then asked for a motion to approve the Site Plan for Penske Truck Rentals (Home Depot) located at 778-780 Main Street, with the recommended stipulations.

Motion Made:	L. Cicciarelli
Motion Seconded:	A. Elwood
MOTION:	Motion to approve the Site Plan for Penske Truck Rentals (Home Depot) located at 778-780 Main Street, with stipulations.
VOTE:	In Favor: L. Miller, L. Cicciarelli, McLain, A. Elwood, T. Crowley
	Opposed: None
	Abstained: None
	Motion Carried

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

1. SEQRA Determination

Mr. DeGennaro's application for outdoor storage at 11 Delaware Avenue was reviewed for potential negative impacts to the environment. Ms. Lane reviewed Parts 1 and 2 of the short Environmental Assessment Form (E.A.F.) for the members of the Planning Board and noted that all of the

potential impacts were small to none. Per the Determination of Significance, the property is 0.2 acres with an existing warehouse building. The applicant uses the building for the storage and occasional sale of primarily stainless steel restaurant kitchen equipment. Mr. DeGennaro applied to store the same type items in a 10-foot wide by 75-foot long enclosed, screened area adjacent to the building. The property is zoned Industrial, and screened outdoor storage is permitted by Special Permit.

The applicant does not propose to do any additional construction or renovations to the building. Water and sanitary sewer are available at the facility and the front and rear yards of the building are paved. Mr. DeGennaro has typically five customers per week, generally other restaurateurs, and therefore generates minimal traffic. The proposal will not affect the physical environment. The developed property is not in a flood zone and stormwater is managed by the municipal storm sewer system.

The property is bounded on four sides by residential uses, and therefore maintaining the storage area and screening will result in a better visual appearance for the neighborhood.

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

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

Chairman Miller opened the public hearing for the Special Permit for Outdoor Storage Use at 7:20 pm. There were no questions from the audience, and Chairman Miller closed the public hearing at 7:23 pm.

11 Delaware Avenue, LLC and Joe DeGennaro submitted an application for an enclosed outdoor storage yard for stainless steel restaurant equipment

at 11 Delaware Avenue for the business DG Equipment. The fenced outdoor storage area is approximately 75-feet by 10-feet, immediately adjacent to an existing commercial/warehouse building. The 0.2-acre property is zoned Industrial (I) and outdoor storage is permitted by Special Permit from the Planning Board.

Outdoor storage is required to be fully screened. The storage area has a chain link fence with barbed wire at the top. Mr. DeGennaro has submitted a sample of black screening fabric for approval. Barbed wire on fencing is permitted in non-residential districts, provided that the barbed wire starts at least six feet above the grade, per Code Section 300-53.15(F). Mr. DeGennaro's chain link fence is six-feet six-inches, and the barbed wire starts above the fence.

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. The Broome County Planning Department recommended that the conditions of approval include installation of appropriate screening for the outdoor storage and no outdoor storage of waste products or unsanitary equipment. The Broome County Health Department and the Department of Public Works had no comments.

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 forward of the building.
 - (2) All outdoor storage shall be screened to ensure the area is not visible from the public right-of-way or adjacent residential districts or uses.
 - (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) There shall be no outdoor storage of waste products or unsanitary equipment.
- 3) The fabric screening material shall be applied to the enclosure within two weeks of this approval (by October 12, 2017). It shall be maintained at all times, and if damaged, shall be replaced or repaired within fourteen days (two weeks).
- 4) 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 one year for any reason.

5) The applicant shall be required to acknowledge all of the above conditions in writing, prior to September 26, 2017. Should the applicant change the site plan or specially permitted use approved by the Planning Board, even if by petition to the Town's Zoning Board of Appeals, Special Permit approval will become null and void and the applicant must resubmit a new application to the Town of Union Planning Board.

Mr. Forster asked whether Mr. DeGennaro could have anything sticking out above the fence, and Ms. Lane responded that Mr. DeGennaro had already rearranged the equipment in the fenced-in area so that it did not stick above the fence. Mr. Crowley requested that Ms. Lane extend the screening deadline if necessary, due to delays from Hurricane Irma. The Planning Board agreed to extend the deadline for the screening to October 13, 2017. Ms. Lane said that Mr. DeGennaro should call her if he encountered any problems.

Chairman Miller then asked for a motion to approve the Special Permit for Outdoor Storage Use at 11 Delaware Avenue, with revised stipulations.

Motion Made:	S. Forster
Motion Seconded:	L. Cicciarelli
MOTION:	Motion to approve the Special Permit for Outdoor Storage at 11 Delaware Avenue, with revised stipulations.
VOTE:	In Favor: L. Miller, L. Cicciarelli, S. McLain, A. Elwood, T. Crowley, S. Forster Opposed: None Abstained: None Motion Carried

2. Pending Special Permit Approval: Site Plan Review

Ms. Lane noted that Mr. DeGennaro was the only employee on site and that he will apply for a sign permit for the sign that is already on the building. The stainless steel equipment is primarily restaurant kitchen equipment that is for sale to other restaurant owners by appointment, with a maximum of approximately five customers per week. Ms. Lane recommended 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. If any new outdoor lighting is proposed, the applicant shall first submit cut-sheets to the Code Enforcement Officer for approval.
3. 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.

4. Per NYS law, all commercial buildings 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 prior to September 26, 2017.
5. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan.
6. The applicant shall be required to acknowledge all of the above conditions, in writing, no later than September 26, 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 then asked for a motion to approve the Site Plan for DG Equipment located at 11 Delaware Avenue, with stipulations.

Motion Made:	L. Cicciarelli
Motion Seconded:	A. Elwood
MOTION:	Motion to approve the Site Plan for DG Equipment located at 11 Delaware Avenue, with stipulations.
VOTE:	In Favor: L. Miller, L. Cicciarelli, McLain, A. Elwood, T. Crowley, S. Forster Opposed: None Abstained: None Motion Carried

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

1. SEQRA Determination

Up State Tower Co., LLC and Buffalo-Lake Erie Wireless Systems, d/b/a as Blue Wireless, submitted a proposal to construct and operate a 160-foot self-support lattice telecommunications facility at 1209 Taft Avenue, property owned by the Union Center Fire Company. The proposed new telecommunication facility is a Type 1 Action and Part 1 of the full Environmental Assessment Form (E.A.F.) was submitted. Ms. Lane reviewed the E.A.F. for potential adverse impacts to the environment with members of the Planning Board.

The project is in a Rural Residential zoning district, and the telecommunications facility is permitted by Special Permit from the Planning

Board. The use will not have any impacts on the air or ground, the floodplain, wetlands, aquifer, historic or archeologically sensitive areas. There is no need for access to water, sewer, or storm sewer. A new overhead electric service will be provided by NYSEG from the opposite side of Taft Avenue. Daily parking for the telecommunications use is not required, and maintenance vehicles can park on the access drive. The location is not affected by any remediation sites. There will be a temporary increase in noise and vehicular odors during construction.

The following were checked on Part 2 of the E.A.F. The action does involve construction on land. The legs of the tower will be anchored into the ground, the enclosed yard and driveway will be stabilized with gravel, and any stormwater runoff will be directed to the existing swale in the road that will be enhanced during construction of the driveway.

Impact on plants and animals. The area of site disturbance is 0.17 acres of a 2.87-acre parcel. The site is currently woods, so there will be a small impact to existing wildlife and trees. No rare or protected species have been identified in the area.

Impact on energy. The energy consumption is anticipated to be 150 kilowatts per year. To compare, in 2015, the average annual electricity consumption for a U.S. residential utility customer 10,812 kilowatt-hours.

No designated aesthetic or scenic resources have been identified within the view shed of the proposed tower, but a visual analysis was submitted and reviewed. The tower will be visible from O'Day Drive, but will not restrict any existing public views of identified cultural or aesthetic importance. Other towers are also visible from O'Day Drive. The 160-foot tower may cause minor changes to the aesthetic or scenic quality of the area, but would not drastically changed the character of the area.

After review, it was determined that the proposed 160-foot lattice tower and associated antennas will not have any significant adverse impacts on the environment.

Ms. Lane then gave a short summary of her responses to comments from the Broome County Planning Department.

1. "The setback variances seem excessive." The "excessiveness" of the variances is partly due to the required additional 100-foot setback in a residential district, over and above the more usual setback required (equal to height). No existing structures are within 160-feet of the proposed tower, and the self-collapsing breakage-point on the tower is designed at the 140-foot height. The special treatment of public utilities stems from the essential services they provide and because a public

utility facility must be located in a particular area in order to provide service.”

2. “The Planning Board should ensure that the July 17, 2015 FCC Radio Frequency Compliance Report is current for the proposed cell tower.” The submitted RF report documents that the emissions are well below the 1640-watt limit. The antennas are located at a height that excludes them from review, per the FCC, being higher than 33-feet at the lowest point of any antenna.
3. “The application should document whether the existing tower could be removed and the existing tower antennas co-located on the proposed tower to avoid having two towers on one site.” Code does not require that the original tower be removed. It is likely that the U-E Transportation Department will co-locate on the new tower and then the Fire Department may well find it aesthetically beneficial to remove the existing tower.
4. “The project application should also include the following:
 - a. “Structural Analysis Report certified by a New York State licensed professional engineer, verifying the ability of the structure to handle all proposed antennas and snow and ice loads on the project site.” A passing structural analysis will be required for review and approval prior to the issuance of a building permit.
 - b. “Topographic and geomorphic study confirming that the ground can accommodate the project.” A geo-tech study is not required by the town.
 - c. “Visual impact study.” The visual impact study was submitted for review prior to the SEQRA Determination.
 - d. “Documentation that there are no other existing towers or tall structures for use within or in close proximity to the search area.” Such documentation is part of the propagation study. The nearest tower is on Twist Run Road, and per Broome County, “the new tower on Twist Run Road is owned by the County and it is for Public Safety / 911 use. It is not your typical commercial telecommunications tower. This will be used for police, fire and emergency medical communications as well as the Town of Union and eventually Village of Endicott local government radio and data use.”
 - e. “Documentation that the existing cell tower is not structurally suitable for co-location and lacks sufficient height for Blue Wireless to achieve its coverage objective.” The small, 30 to 35-foot tower on the site will clearly not support cellular telecommunication equipment structurally, and does not have the necessary height to make the Blue Wireless equipment effective.
 - f. “Reclamation Plan, and Demolition and Removal Bond.” The demolition and removal bond is already a standard condition of approval.

- g. "Inspection and Maintenance Plan." Inspection and maintenance requirements are already a standard condition of approval.
 - h. "Co-location policy." The co-location policy is covered in Exhibit 12.
 - i. "Access road maintenance plan to ensure continuous emergency access." Road maintenance for emergency access is not a requirement.
 - j. "All easement agreements." The Town does not require that the access easement be filed. The required lease has been submitted.
- 5. "Conditions of approval should include: the maximum number of carriers covered under the special use permit; maximum number of antennas and microwave dishes covered under the special use permit; and the maximum height allowed for the tower structure." Approval does not restrict the number of carrier or antennas; the structure of the tower does. Telecommunications towers are exempt from height restrictions (300-53.9).
 - 6. "The applicant should document the reason the monopole cannot be used in place of a lattice tower." Staff research results concur with the applicant that at 160-feet tall, a lattice tower is structurally more stable and able to support the weight of equipment better than a monopole.
 - 7. "The cell-tower is described as a monopole in the SEQRA Full EAF Part 1 project description." This oversight has been corrected to document the self-support structure.
 - 8. "The SEQRA Full EAF Part 1C. 2.b should reference the Susquehanna Heritage Area." The Upper Susquehanna is included in Part 1, C.2b.
 - 9. "The site plan should also include:
 - a. "Driveway designed to NYSDOT standards and guidelines." A driveway cross-section was submitted with the application. Further requirements will be reviewed by the County as a part of the Broome County Highway Department work permit.
 - b. "Existing cell tower." Will be added to the plan for site plan review.
 - c. "Drainage system." Stormwater will drain into the enhanced swale on Taft Avenue, as shown on the site plan, Sheet C-3. Broome County Engineering feels that the proposed design is adequate, and once the final design is submitted to the Broome County Highway Department, they will complete the final review.
 - d. "Signage plan." No signage permitted, except identifying information on the enclosure.
 - e. "Lighting plan." No lighting planned or required.
 - f. "Parking space." Parking space is on the access driveway.
 - g. "Anti-climbing devices." Anticlimbing devices are required for the building permit.
 - h. "Details for future co-locator, proposed fenced compound, and lease area." Details for future co-locators are shown on Sheet C-2.
 - i "All Easements." All easements are shown on Sheet C-1.

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

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

2. Public Hearing for Proposed Cell Tower: Vote at Planning Board's Discretion

Chairman Miller opened the public hearing for the Special Permit for a Proposed Cell Tower at 8:07 pm.

Mr. Kerwin gave a presentation about the proposed 160-foot Up State cell tower. He noted that the proposed tower falls within the search ring developed by the RF engineers and will improve Blue Wireless's in-house and in-vehicle coverage. Two members of the Union Fire Company spoke on behalf of the improved public safety that the new tower would provide to residents. Then several residents from O'Day Avenue voiced their concerns about the health risks of having a cell tower so close to their homes, and the effect that it would have on their property values.

The public meeting was left open to allow residents the opportunity to contact the Planning Department regarding the proposed cell tower prior to the next Planning Board Meeting, which is October 10, 2017.

3. Advisory Opinion to the ZBA: Area Variances

Ms. Lane read her staff report to the Planning Board members. Up State Tower Co., LLC and Buffalo-Lake Erie Wireless Systems are proposing to construct a 160-foot telecommunications facility at 1209 Taft Avenue. The project location is zoned Rural Residential; and per the Telecommunications Code, residential zoning requires setbacks from property lines equal to the height of a tower plus an additional 100 feet. Therefore, the proposed tower requires setbacks from all property lines of 260-feet.

The tower is proposed for a location at the north end of a wooded 2.87-acre property owned by the Union Center Fire Company. The site plan shows the proposed setbacks from the property lines to be a) 25-feet to the north, b) 50.3-feet to the east, and c) 109.6-feet to the west. Up State Tower

submitted an application for variances from the required 260-feet (160-feet plus 100-feet) to allow the proposed setbacks.

The Planning Department recommends the Planning Board recommend to the Zoning Board of Appeals approval of the following variances:

- a) a variance of 235-feet from the required 260-feet to the north for a 25-foot setback, b) a variance of 209.7-feet from the required 260-feet to the east for a 50.3-foot setback, and c) a variance of 150.4-feet from the required 260-feet to the west for a 109.6-foot setback.

When considering variances for telecommunications towers, the value of improved cellular communication not just for the public, but also for emergency services, should be considered. There are no residential homes, buildings or structures within 160-feet of the tower. Due to the topography in the area, Up State Tower has proposed a tower with the minimum height necessary to bridge the gap in coverage with the closest available telecommunication facilities.

Ms. Lane used the BCGIS website to determine whether any structures fell within a 160-foot radius of the proposed tower and determined there were none. Ms. Lane also stated that the tower was 231 feet from the fire station.

Chairman Miller then called for a motion to recommend the ZBA approve the setback variances for 1209 Taft Avenue.

Motion Made:	A. Elwood
Motion Seconded:	L. Cicciarelli
MOTION:	Recommendation of approval for the setback variances for 1209 Taft Avenue by the ZBA.
VOTE	In Favor: L. Miller, L. Cicciarelli, S. McLain, A. Elwood, S. Forster Opposed: None Abstained: None Motion Carried

F. Express Auto Accessory Garage, 3652 George F Highway and 3658 River Road, C. Guy

1. Declare Lead Agency

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

Motion Made:	L. Cicciarelli
Motion Seconded:	S. McLain
MOTION:	Declare the Planning Board Lead Agency
VOTE:	In Favor: L. Miller, L. Cicciarelli, A. Elwood,

S. McLain, S. Forster, T. Crowley

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: L. Cicciarelli

Motion Seconded: S. McLain

MOTION: Declare the project an Unlisted Action.

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

Opposed: None

Abstained: None

Motion Carried

3. SEQRA Determination

FAHS Construction Group plans to construct an accessory garage for a vehicle sales business, Auto Express. Ms. Lane reviewed Parts 1 and 2 of the short Environmental Assessment Form with the members of the Planning Board and noted that all of the potential impacts were small to none. Per the Determination of Significance, the business is on a 0.74-acre property at 3652 George F Highway (SR 17C), and fill was added to a portion of the adjacent 0.65-acre property located to the south in 2016. The fill raised a portion of that lot to base flood elevation so that the garage could be constructed above the floodplain. The properties are in the process of being combined. No other construction is planned at this time.

As the project location was recently filled in 2016, the project will have no impact on wildlife and flora. There will be no significant impacts from odors, noise, or lighting, and the project will not impact traffic or utilities. Although the property is within the buffer of an archeologically sensitive area, this project will not have any impacts since the soil has been previously disturbed or filled. This property is located within the buffer area of the NYS DEC remediation site #704038, The Endicott Area-Wide Investigation, but is not directly impacted by the contamination.

The southern edge of the property remains located in the 100-year floodplain but no construction is planned in that area. Only over-flow vehicles will be stored in this area, and can be moved if flooding is imminent. In all areas of special flood hazard in which base flood elevation data is available, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not

increase the water surface elevation of the base flood more than one inch at any point.

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

2. Site Plan Review

Mr. Guy gave a short presentation about the project. Currently the Eagles rent a garage on North Street for vehicle maintenance, and they want to consolidate the business on one site. The proposed 54' x 60' garage is designed to be placed above the flood plain. The only additional black top that will be added is a small area off the display area to allow for employee parking and the access drive into the service building. The garage is a sheet metal Morton building, and the sides facing George F Highway and River Road will have decorative four-foot-high stone wainscot. Oil changes, tire changing and washing the vehicles will be done off site. Mr. Guy noted that they plan to use sump pumps to address any spills, and do not plan any floor drains at this time.

Mr. Foster asked what the building would be used for and Mr. Guy responded that it would be used to do tune-ups, to tweak vehicle engines and check the brakes of the vehicles. Mr. Cicciarelli asked if the building would have lifts and Mr. Guy answered that there will be lifts bolted to the concrete floor. Mr. Crowley asked where the dumpster is located, and Mr. Guy answered that it is in the back. Ms. Lane noted that screening is not required for the dumpster since it is not visible to the public.

Ms. Lane then summarized her site plan report for the Planning Board. The proposed accessory garage will be a 54-foot by 60-foot Morton pre-fab metal building with up to six bays. The garage and new accessory parking are proposed for part of the area that was originally in the floodplain, and was approved for a fill project in 2016. The base flood elevation is 835-feet above sea level (835'asl), and the anticipated final finished floor elevation will be

835.5-feet above sea level, six-inches above base flood elevation. The site plan includes 7 customer parking spaces, 12 striped employee parking spaces and 31 display parking spaces. The paved and striped parking spaces are more than are required (21).

The site has existing public water and sewer, and public storm sewer along George F Highway. Stormwater from the rear of the property drains southward through green space to the swale along Argonne Avenue. Maintaining the gravel surface for the overflow parking between the required pavement and the green space will help minimize any increase in the rate of stormwater runoff. A satisfactory spill plan has been submitted.

The property is subject to a 239-Review as it is within 500-feet of State Route 17C. The Broome County Health Department recommends in the event that the new building has floor drains, they must be connected to the public sewer. Chemicals should be stored inside the building, but if necessary, any outdoor storage should have secondary containment. The Town Engineering and Code Enforcement Departments have reviewed the project and have no concerns.

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

1. Erosion control measures shall be followed during the construction of the garage.
2. The expanded vehicle asphalt parking area and driveway shall be paved and striped according to the site plan by May 31, 2018.
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 31, 2018.
4. Per Code Enforcement, utilities shall be installed above base flood elevation.
5. If floor drains are incorporated into the design of the garage, an oil / water separator shall be installed as part of the construction of the garage.
6. Hazardous materials, such as waste oils, solvents, acids, batteries, paints or tires, shall not be stored outdoors at any time. Hazardous materials shall be stored two feet or greater above base flood elevation.
7. The dumpster shall be clean, neat and kept in good repair; no garbage, rubbish trash, yard waste or other items of refuse shall be located outside the dumpster.
8. Per the NYSDOT, nothing may be placed in the State right-of-way, including advertising, signage, vehicles for sale, or customer parking.
9. Per NYS law, all commercial buildings must be inspected by the Municipal Fire Code Inspector every three years. A certificate is needed prior to the issuance of a Certificate of Occupancy.
10. If in the future, the applicant wishes to add additional outdoor lighting, or any new signage the lighting plans should be submitted to Code

Enforcement prior to installation and the applicant shall apply for a sign permit from the Building Official prior to display.

11. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan. A revised site plan showing the scale of the site plan, and depth of the new driveway area shall be submitted prior the issuance of a building permit.
12. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Building Permit. 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 Express Auto's Accessory Garage at 3652 George F Highway and 3658 River Road, with stipulations.

Motion Made:	T. Crowley
Motion Seconded:	A. Elwood
MOTION:	Approval of the Express Auto's Accessory Garage site plan at 3652 George F Highway and 3658 River Road, with stipulations.
VOTE	In Favor: L. Miller, S. McLain, L. Cicciarelli, A. Elwood, T. Crowley, S. Forster Opposed: None Abstained: None Motion Carried

G. Ricker Use Variance for Storage Structure, 1425 Union Center-Maine Hwy., K. Ricker

Advisory Opinion to the Zoning Board

Kurt Ricker placed a storage container for sports and property maintenance equipment at 1425 Union Center-Maine Highway. The property is located in a Suburban Single Family (SSF) zoning district, and the storage container as a principal use is not permitted.

The storage container takes up approximately 0.01-acre in the floodway on the 14.2-acre site. Mr. Ricker has leveled a 40-foot by 40-foot area with four-inches of gravel on the property, and constructed a gravel driveway into the property. He is requesting a use variance for the storage container as a principal use.

Per Town Law, no use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each

and every permitted use under the zoning regulations for the particular district where the property is located,

- (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (4) that the alleged hardship has not been self-created.

The Planning Department staff recommends that the Planning Board recommend to the ZBA denial of the use variance for a storage container as a principal use. Approval of the use variance for a metal container as a principal use would set an undesirable precedent for other properties.

Mr. Ricker explained that he had recently purchased the property with the end goal of providing a safe place where he could camp out and fish with his children. He had purchased a steel container to store maintenance equipment and sporting equipment on the site. Mr. Ricker was not aware that this was not a permitted use of the property.

Ms. Lane said that she had reviewed the problems of having a permanent structure in the floodplain with Mr. Ricker and explained to him that even if he were granted the use variance, it would be difficult to have the project approved because it was in the floodway. Ms. McLain also stated that there were some very good reasons not to put a permanent structure in the floodway. Ms. Lane also noted that Mr. Ricker would need a use variance from the ZBA before the project could proceed, and if the ZBA did not allow the storage tank, Mr. Ricker would have 180 days to remove the structure.

Mr. Pope also concurred that a use variance was very hard to get and suggested that Mr. Ricker consider something that was temporary that could be moved each season. Mr. Ricker responded that he had looked into Amish sheds but that it is a sixty-percent greater cost for one fourth of the storage space. Mr. Ricker noted that the steel container was watertight and that it could be anchored so that it would remain stable in the event of a flood; he also commented that if aesthetics were an issue, he would landscape the property to screen the container from the road. Mr. Pope noted that logical or aesthetic reasons were not factors that should sway the ZBA, and added that there are five statutory conditions for a use variance and Mr. Ricker would have to meet all of them.

Chairman Miller then called for a motion to recommend the ZBA deny the use variance for a storage container as a principal use at 1425 Union Center-Maine Highway.

Motion Made: S. McLain
Motion Seconded: T. Crowley
MOTION: Recommendation of denial for use variance for a storage container as a principal use at 1425 Union Center-Maine Highway by the ZBA.
VOTE **In Favor:** L. Miller, L. Cicciarelli, S. McLain, A. Elwood, T. Crowley, S. Forster
Opposed: None
Abstained: None
Motion Carried

**H. Howard Hannah Real Estate Services, 3630 George F Highway, Sign Variance, B. Brown
Advisory Opinion to the Zoning Board**

Heather Beihler submitted a sign application on behalf of Howard Hanna Real Estate Services to change the face of a nonconforming pylon sign at 3630 George F Highway from "Realty USA.com" to "Howard Hanna Real Estate Services." The property is located in a General Commercial zoning district and a pylon sign of 80 square feet is permitted. The existing pylon sign face is 85.5 square-feet.

The variance application is for an area variance for a 5.5 square-foot larger sign than permitted in a General Commercial zoning district.

The Planning Department staff recommends that the Planning Board recommend to the ZBA:

- 1) approval of the area variance for the sign face to be 5.5 square-feet larger than permitted.

Planning staff recommend that the Zoning Board of Appeals consider that the proposed sign is replacing an existing nonconforming pylon sign, which had been previously permitted. The proposed size of the sign face fits the size of the frame of the existing sign.

Mr. Crowley noted that originally a monument sign had been proposed when the real estate agency was built and then the Planning Board had finally approved the existing pylon sign.

Chairman Miller then called for a motion to recommend the ZBA approve the area variance for a 5.5 square feet larger sign than permitted at 3630 George F Highway.

Motion Made: L. Cicciarelli
Motion Seconded: T. Crowley
MOTION: Recommendation of approval for an area variance for a 5.5 square feet larger sign than

VOTE

permitted at 3630 George F Highway by the ZBA.

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

Opposed: None

Abstained: None

Motion Carried

**I. Ristorante Dell'Arco, 2308 Watson Blvd., Sign Variances, A. Paolini
Advisory Opinion to the Zoning Board**

Alberto Paolini submitted an application for a 12-foot high, internally-lit pylon sign for the Ristorante Dell'Arco at 2308 Watson Boulevard. The property is located in a Suburban Multi-Family zoning district and a pylon sign is not permitted. The original site planned was approved with a monument sign, and then revised to have a wall sign. Monument signs are permitted at a maximum height of 16-feet, with a sign face a maximum of 12-square-feet. Mr. Paolini believes that visibility exiting the restaurant would be compromised by a monument sign.

The dimensions of the internally-lit pylon sign face would be 72-inches wide by 48-inches high (24 square-feet). The overall height of the sign would be 12-feet to the top of the sign.

The proposed location of the sign is 3 feet from the west property line and 6 feet from the front property line. Pylon signs require an eight-foot setback from any property line. Therefore, Mr. Paolini has applied for a use variance to have a pylon sign in a Suburban Multi-Family zoning district, an area variance of 5-feet to the west property line, and an area variance of 2-feet from the front property line.

The Planning Department staff recommends that the Planning Board recommend to the ZBA:

- 1) Denial of the use variance for a pylon sign;
- 2) Denial of the two-foot area variance to have a six-foot front setback; and
- 3) Denial of the five-foot area variance to have a three foot side setback from the west property line.

Planning staff recommends a wall sign, such as the temporary sign posted on the building. Wall signs up to 24-square feet are permitted in Suburban Multi-Family zoning districts.

Ms. Lane noted that Mr. Paolini had recently opened his restaurant. The original approval for the restaurant was approved by the Planning Board in 2008 and called for a monument sign in the center front yard. Later, Mr. Paolini

wanted to change the monument sign to a wall sign. Since the original approval, Mr. Paolini has run electrical wiring for the sign across the parking lot to the west perimeter of the parking lot, rather than straight through to the front of the property. Therefore, Mr. Paolini would like a pylon sign that is on the perimeter of the property, requiring a use variance for the pylon sign and two setback variances.

Currently Mr. Paolini has two temporary signs, a banner on the roof and a sandwich board sign in front of the restaurant. Mr. Paolini would like to have a sign that can be seen from the road. After some discussion by the Planning Board members, Mr. Cicciarelli suggested that Mr. Paolini consider a monument sign, which could still be seen from Watson Boulevard. A monument sign is permitted so a use variance would not be necessary. Mr. Paolini has the room on the property to move a monument sign back another couple of feet and therefore, only a side setback from the ZBA would be needed for the monument sign.

The Planning Board proposed the following revised recommendations:

- 1) Denial of the use variance for a pylon sign, but recommend approval for a monument sign instead;
- 2) Denial of the two-foot area variance to have a six-foot front setback; and
- 3) Approval of the five-foot area variance to have a three foot side setback from the west property line.

Chairman Miller called for a motion to recommend approval of the following use and area variances by the Zoning Board of Appeals.

1) Use Variance for Pylon Sign in a Suburban Multi-Family Zoning District

Motion Made: L. Cicciarelli

Motion Seconded: T. Crowley

MOTION: Recommendation of denial of the use variance for directory pylon sign, and a recommendation for approval of a monument sign by the ZBA.

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

Opposed: S. Forster

Abstained: None

Motion Carried

2) Area Variance for a two-foot front setback

Motion Made: L. Cicciarelli

Motion Seconded: T. Crowley

MOTION: Recommendation of denial of the 2-foot front setback area variance from the required 8-feet by the ZBA.

VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, A. Elwood, T. Crowley, S. Forster
Opposed: S. Forster
Abstained: None
Motion Carried

3) Area variance for a three-foot side setback on west side of property

Motion Made: L. Cicciarelli
Motion Seconded: T. Crowley
MOTION: Recommendation of approval of the 5-foot side setback area variance from the required 8-feet by the ZBA.

VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, A. Elwood, T. Crowley, S. Forster
Opposed: S. Forster
Abstained: None
Motion Carried

**J. Greater Sports Facility Special Overnight Event: 1500 Co. Airport Rd.,
B. Kashou**

1. Discussion

Mr. Kashou of Kashou Enterprises is requesting a one-time per year annual extension of operating hours beginning the evening of November 17th through the morning of November 18^h to host the annual Word of Life overnight sporting event. The event will take place at the sports dome located at 1500 County Airport Road. Ms. Lane noted that there had been no reported problems at last year's event.

The normal hours of operation were approved for 8 am to 11pm. The extension of hours requires approval by the Planning Board.

2. Decision at the Planning Board's Discretion

The Planning Department staff recommends approval of the overnight event based on the following stipulations:

Only sports-related uses are permitted. No live bands are permitted, and noise shall be monitored by the applicant and shall not exceed 50 dBAs (decibels), taken from locations identified in the report. Clients must use County Airport Road, not Dimmock Hill Road or Middle Stella Ireland Road, other than to immediately access County Airport Road.

Mr. Kashou shall notify residents by mail within one-quarter mile one week in advance of the event and three signs must be posted on the property four days in advance of the event, and removed within 24 hours after the event.

Buses shall run no longer than approximately ten minutes, and the Choconut Center Fire District Chief shall be notified two weeks prior to the event.

Chairman Miller asked for a motion to approve the one-time extension of operating hours for an annual overnight event between November 17th and November 18th with the conditions as outlined.

Motion Made: S. Forster
Motion Seconded: L. Cicciarelli
MOTION: Approval of the extension of operating hours on November 17th and November 18th at 1500 County Airport Road, with stipulations.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, A. Elwood, T. Crowley, S. Forster,
Opposed: None
Abstained: None
Motion Carried

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

Ms. Lane noted that James Wheelock of Triple City Towing has leased space at VanDervort's Service Station in Vestal and will not be using the 402 Airport Road facility for outdoor storage.

Ms. Lane also addressed Mr. Forster's concerns about the Riverdale Banquet Hall and stated that they had taken steps to rectify the issue with the wall being too close to the 25-foot triangle-of-visibility.

Mr. Bill Walsh has also contacted Ms. Lane to discuss changing the order of fill, per the Special Permit for 3901 Watson Boulevard. Ms. Lane noted that the Army Corp of Engineers will have to approve the wetland delineation before the work is started.

Ms. Lane also reported that the Planning Department had reviewed two minor site plans: one for Daylight Donuts at 3208 E. Main Street to reopen their drive-through breakfast restaurant, and the second for Alynn Properties to expand the parking lot at 3664 George F Highway.

L. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 10:15 p.m.

Motion Made: L. Cicciarelli
Motion Seconded: S. Forster
MOTION: Adjourning the meeting.
VOTE: **In Favor:** S. McLain, L. Miller, L. Cicciarelli, A. Elwood, T. Crowley, S. Forster

Opposed: None
Abstained: None
Motion Carried

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, October 10, 2017 at 7:00 PM

Respectfully Submitted,
Carol Krawczyk