

Town of Union Planning Board Minutes

Tuesday, November 21, 2017

A regular meeting of the Town of Union Planning Board was held Tuesday, November 21, 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

Members absent: S. Daglio

Others present: Marina Lane, Brian Weisz, Shalisa Weisz, Bob Wendland,
Dawn Wendland

A. CALL TO ORDER

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

B. MEETING MINUTES

1. Acceptance of October 10, 2017, Meeting Minutes

Chairman Miller asked for a motion to accept the October 10, 2017, Meeting Minutes, as written.

Motion Made: L. Cicciarelli

Motion Seconded: A. Elwood

MOTION: Acceptance of the October 10, 2017, Meeting Minutes, as written.

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

Opposed: None

Abstained: T. Crowley

Motion Carried

2. Acceptance of September 12th, 2017, Public Hearing Transcript – Up State Tower / Blue Wireless Special Permit for a Cellular Tower (Telecommunications Facility)

Chairman Miller asked for a motion to accept the September 12, 2017, Public Hearing Transcript for the Up State Tower / Blue Wireless Special Permit for a Cellular Tower (Telecommunications Facility), as written.

Motion Made: S. McLain

Motion Seconded: L. Cicciarelli

MOTION: Acceptance of the September 12, 2017, Public Hearing Transcript for the Up State Tower / Blue

VOTE:

Wireless Special Permit for a Cellular Tower (Telecommunications Facility), as written.

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

Opposed: None

Abstained: None

Motion Carried

C. Stanis / Weisz Two-Family Use Special Permit, 712 Carl Street, C. Stanis

1. SEQRA Determination

Mr. Stanis's application for a two-family use at 712 Carl Street was reviewed for potential negative impacts to the environment with Parts 1 and 2 of the short Environmental Assessment Form (E.A.F.). All the potential impacts were small to none. Per the Determination of Significance, Chris Stanis purchased an approximately 1,710 square-foot home at 712 Carl Street, which has been vacant for some time. The house had been previously used as a two-family, equipped with two full separate kitchens, at least one full bathroom per unit, and at least two entrances per unit. Mr. Stanis has applied to legally convert the building to a two-family house, which requires a Special Permit from the Planning Board, as it is located in an Urban Single Family (USF) zoning district.

Converting this building to a two-family will not have any new physical environmental effects. The building's exterior structure will not change. The parking requirement for a two-family dwelling is two per unit; therefore four parking spaces are required. The driveway is 18-feet wide by 70-feet long, has an additional 10-foot by 20-foot space, and can fit seven vehicles. The property exceeds the requirements for a two-family in width and square footage.

There will be no increase in impervious area, no increase in noise, odors, or impacts to wildlife or plants. The site does not have any wetlands, nor is it in the floodplain. The parcel is within the buffer of an archeologically sensitive area; but since the site has already been developed and no excavation is planned, there is little potential to disturb any archeological artifacts. The property is also within the buffer area of the NYS DEC Remediation site #704038, the Endicott Area-Wide Investigation, but is not physically affected by the contamination.

The project was reviewed for any potential negative effects under Part 617.7 of SEQRA, and it has been determined that it will not create any significant adverse impacts to the environment. Planning staff recommend a Negative Declaration under SEQRA.

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

Motion Made: T. Crowley
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. Public Hearing for a Special Permit for a Two-Family Use

Chairman Miller opened the public hearing for the Special Permit for a Two-Family Use at 7:10 p.m.

There were several questions from the audience about the source of information for the two-family house. Ms. Lane responded that the Planning Department uses the Broome County GIS website, a realtor's website, and information supplied by the applicants. In addition, the Building Permits Department made a personal onsite inspection to ensure that the house meets the State structural requirements for a two-family use. Ms. Lane noted that the property exceeded both the parking and lot-size requirements for a two-family house. Mr. Forster asked if the house had separate gas and electric meters for the apartments. Ms. Weisz responded that the house already has two separate furnaces and that they plan to have separate electric meters for each apartment once the Planning Board approves the Special Permit for the two-family home.

Members of audience asked if Brian and Shalisa Weisz would live at the property. Ms. Weisz responded that they already live in the neighborhood, and plan to rent out the two units. They own other rental properties and conduct background and credit checks on all potential tenants. Ms. Weisz said that they would not tolerate any disturbances at the property.

Chairman Miller closed the public hearing at 7:24 p.m.

Ms. Lane then summarized her report to the Planning Board. The bulk requirements for a two-family use are 3,000 square feet minimum lot size per unit (total 6,000 square feet), and twenty-five feet property width per unit (total 50 feet). The property exceeds these minimum requirements. The lot is approximately 9,600 square feet and is 80 feet wide. The parking requirement for a duplex is two spaces per unit, and there are seven parking spaces available in the driveway.

The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). Under the requirements of Section 617.7, the proposed action was reviewed with the short Environmental Assessment Form, and the Planning Department recommended approval of a Negative Declaration for the project.

The project meets the requirements for a Special Permit for a two-family use. Planning staff recommends approval of the Special Permit with the following stipulations:

1. The applicant shall work with the Building Permits Department to ensure compliance with all NYS Building Code standards and requirements.
2. Special permit modification approval will be required if there are any changes in the use of the property.
3. The Special Permit shall expire should the property 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 more than three months for any reason.

Chairman Miller then asked for a motion to approve the Special Permit for a Two-Family Use at 712 Carl Street, with stipulations.

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| Motion Made: | T. Crowley |
| Motion Seconded: | S. McLain |
| MOTION: | Motion to approve the Special Permit for a Two-Family Use at 712 Carl Street, with stipulations. |
| VOTE: | In Favor: L. Miller, L. Cicciarelli, S. McLain, A. Elwood, T. Crowley Opposed: S. Forster Abstained: None Motion Carried |

3. Pending Special Permit Approval, Transfer of Special Permit to Brian and Shalisa Weisz

Ms. Lane stated that originally, Mr. Stanis had applied for the Special Permit for the two-family use, but that Mr. Stanis had recently sold the house to Brian and Shalisa Weisz on November 7, 2017. Mr. Stanis submitted a

request for the transfer of the Special Permit for the two-family use to Brian and Shalisa Weisz, per Code 300-66.11. The Code reads:

“300-66.11. TRANSFERABILITY OF SPECIAL PERMITS. A special permit is not transferable except upon approval by resolution of the issuing board.”

Planning staff recommends approval of the transfer of the Special Permit to Brian and Shalisa Weisz, with the same stipulations required for Mr. Stanis. Chairman Miller asked for a motion to approve the transfer of the Special Permit for a Two-Family Use at 712 Carl Street from Chris Stanis to Brian and Shalisa Weisz, with stipulations.

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| Motion Made: | L. Cicciarelli |
| Motion Seconded: | A. Elwood |
| MOTION: | Motion to approve the transfer of the Special Permit for Two-Family Use at 712 Carl Street, from Chris Stanis to Brian and Shalisa Weisz, with stipulations. |
| VOTE: | In Favor: L. Miller, L. Cicciarelli, S. McLain, A. Elwood, T. Crowley, S. Forster Opposed: None Abstained: None Motion Carried |

D. Public Hearing for Tarpon Towers II / Verizon Wireless, 11 Frey Ave., CANCELLED

Ms. Lane noted that the Planning Department has not received all the information needed to make a SEQRA determination, so the Public Hearing has been postponed. Ms. Lane was hopeful that the information would arrive in time to hold the Public Hearing at the January meeting.

**E. Enviro Car Wash, 3121 Watson Boulevard, Area Setback Variance, D. Yacobelli
Advisory Opinion to the ZBA**

David Yacobelli plans to replace an approved dumpster with a storage shed at his business, the Enviro Auto Wash, located at 3121 Watson Boulevard. The property is in a Neighborhood Commercial district and the proposed shed is a permitted accessory use. The original dumpster pad is located 2 feet from the side property line. A dumpster is not considered a structure, and is permitted within side and rear setbacks. The storage shed has a roof and is considered

a structure, and therefore must comply with the setback requirements, or the owner may apply for an area variance. Section 300-21.4, Table 20-3 of the Code requires a 10-foot setback from the side property line.

The property is 0.33-acres, and the car wash facility takes up most of the available space on the lot, so other options would be difficult. Therefore, Mr. Yacobelli is requesting an 8-foot area variance from the required 10-foot side setback.

The Planning Department staff recommends that the Planning Board recommend the ZBA approve the eight-foot variance of the side setback.

Ms. Miller noted that there were garbage bins by the car wash for customers to use to dispose of their trash, and that Mr. Yacobelli was good about taking care of this property. Ms. Lane also noted that Mr. Yacobelli could store the trash inside the building where he stores his chemicals, so there should be no impact on the neighborhood.

Chairman Miller then called for a motion to recommend the ZBA approve the 8-foot side setback variance for 3121 Watson Boulevard.

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| Motion Made: | S. Forster |
| Motion Seconded: | L. Cicciarelli |
| MOTION: | Recommendation the ZBA approve the 8-foot side setback variance for 3121 Watson Boulevard. |
| VOTE | In Favor: L. Miller, L. Cicciarelli, S. McLain, A. Elwood, T. Crowley, S. Forster Opposed: None Abstained: None Motion Carried |

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

Ms. Lane noted that the Tarpon Towers project would not be ready for the December Planning Board meeting, and if no other projects are submitted in time, the December Planning Board meeting may be cancelled.

Ms. Sue McLain then called for a motion to go into Executive Session at 7:45 p.m. for Up State Tower litigation.

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| Motion Made: | S. McLain |
| Motion Seconded: | L. Cicciarelli |
| MOTION: | Recommendation to go into Executive Session at 7:45 p.m. for Up State Tower litigation. |

VOTE

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

Opposed: None

Abstained: None

Motion Carried

Mr. Len Cicciarelli then called for a motion to go out of Executive Session at 7:54 p.m. for Up State Tower litigation.

Motion Made: L. Cicciarelli

Motion Seconded: S. Forster

MOTION: Recommendation to go out of Executive Session at 7:54 p.m. for Up State Tower litigation.

VOTE

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

Opposed: None

Abstained: None

Motion Carried

G. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 7:55 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, December 12, 2017 at 7:00 PM

Respectfully Submitted,
Carol Krawczyk