

## Town of Union Planning Board Minutes

Tuesday, November 13, 2018

A public hearing and a regular meeting of the Town of Union Planning Board held Tuesday, November 13, 2018, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros

Others present: Marina Lane, Bob Kashou, Gary Bush, Steve Harter, Jim Taber, Hebert Joseph, Nathan Lerche, Steve Lerche, Jan Zajac, Donna Zajac, Phil Cesarano, Ray Shapinas

### A. CALL TO ORDER

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

### B. MEETING MINUTES

#### 1. Acceptance of October 9, 2018, Meeting Minutes

Chairman Miller asked for a motion to accept the October 9, 2018, Meeting Minutes, as written.

Motion Made: L. Cicciarelli

Motion Seconded: T. Crowley

MOTION: Acceptance of the October 9, 2018, Meeting Minutes, as written.

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

**Opposed:** None

**Abstained:** S. Forster, M. Jaros

Motion Carried

### C. Revision of Special Permit for Greater Binghamton Sports Dome, 1500 Co. Airport Rd., B. Kashou

#### 1. SEQRA Determination

Plans to have indoor, overnight non-spectator sports events several times a month at an existing sports facility were reviewed for potential negative impacts to the environment. Having reviewed Parts 1 and 2 of the EAF, Ms. Lane proposed that any potential impacts were small to none. She read Part 3, the Determination of Significance. The 16.1-acre property has a 123,375 s.f. inflatable sports dome and outdoor sports fields. There are 228 parking spaces on site, including a fire lane along the dome. The area is rural, but there are several residences across the road from the Sports Dome.

The proposed action will not result in any adverse effects to existing air quality, surface or groundwater quality or quantity, solid waste disposal, potential for erosion, drainage or flooding problems. The proposed overnight use will not affect vegetation or animals, including rare or endangered species.

There is a potential for increased noise affecting the adjacent neighbors. This can be mitigated to a degree by prohibiting excessive vehicular noise and the use of loud speakers at events. The Town does have a noise ordinance which should be followed. The use will not alter the general characteristics of the area as the sports dome is already built and used for sporting events through 11 p.m.

The review of the project found no significant adverse impacts to the environment.

Sports events in the dome can only be non-spectator sports because the dome does not have sprinklers. At this time, these would be adult softball games, except for the annual Word of Life tournament. Following the first Word of Life event which generated a number of complaints from neighbors, the Planning Board has required that neighbors within a quarter of a mile of the dome be notified prior to these events. Ms. Lane stated that they have not received any complaints about the Word of Life events since the first time it happened. There should not be any impacts from lighting during the proposed overnight events, but the softball teams would have to limit noise.

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

Motion Made:	S. Forster
Motion Seconded:	L. Cicciarelli
MOTION:	Approval of the Negative Declaration under SEQRA
VOTE:	<b>In Favor:</b> L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros
	<b>Opposed:</b> None
	<b>Abstained:</b> None
	Motion Carried

## 2. Public Hearing for the Revision of the Special Permit

Chairman Miller opened the Public Hearing for the Revision of the Special Permit for Indoor Sports Events at 7:12 p.m.

Mr. Kashou has asked the Board to revise his special permit for recreation to allow up to two overnight events for indoor sports events each month.

The Word of Life overnight sports event on November 9 through 10 was very successful and there were no complaints from the public about noise.

The public's main concerns about these overnight events are noise in the early morning hours, public safety on the roads during the overnight events, illegal snow removal onto neighboring properties, and the inability to speak with the owner, Mr. Kashou, directly when there is a problem in the middle of the night. Ms. Lane addressed some of these concerns, noting that loud speakers and music will not be permitted during the events. Ms. Lane also stated that snow removal onto neighboring properties is not permitted and will need to stop immediately.

Mr. Kashou's neighbors congratulated him on the safety record of the dome for the last fourteen years. However, the neighbors are concerned that the frequency of the events will become a noise nuisance. Mr. Gary Bush, in charge of the indoor softball league, attended the meeting so that he would be aware of the public's concerns. Mr. Bush assured the Planning Board that he will make the team members aware of the rules concerning noise and the safety issues involved when traveling on County Airport Road during the early morning hours. The Public Hearing was closed at 8:00 p.m.

### **3. Decision at Planning Board's Discretion**

Ms. Lane summarized her report for the Planning Board. The property is zoned Rural Residential, and indoor recreation is a nonconforming legal use, permitted by Special Permit from the Planning Board in 2005. When approved, the hours of operation were limited to 8 a.m. through 11 p.m.

A Stormwater Pollution Prevention Plan is not required because there is no proposed disturbance to the site. The project was subject to a 239-Review. Broome County Planning did not identify any significant county-wide impacts, but recommended that the Planning Board ensure that the overnight events would not cause noise or lighting impacts on surrounding residences. Broome Metropolitan Traffic Study (BMTS) and Department of Public Works had no comments.

The Planning Department staff recommended temporary approval of the Special Permit to extend the hours of operation, currently from 8 a.m. to 11 p.m., to include up to three overnight, non-spectator sports events per month, with the following stipulations specific to the overnight events:

- 1) The approval shall be for one year, and may be renewed upon request. Such a renewal shall require a new public hearing, per Section 300-66.9 of the Code book.
- 2) The overnight events are limited to Friday and Saturday nights.
- 3) The applicant shall notify Code Enforcement and the Choconut Center Fire Chief at least one week prior to each overnight event.

- 4) Electric loud speakers are prohibited due to the proximity of adjacent residences.
- 5) Noise at all times shall not exceed the Town's noise limits, which must be decreased by six decibels as this property is in a residential district (Chapter 300, Article 50).
- 6) The property owner shall be responsible for all activities that occur on the property.
- 7) Parking shall be prohibited in clearly marked areas dedicated to emergency vehicles and their access-ways. No parking shall be permitted on the east side of the Dome except as approved in the 2016 site plan, showing five spaces at the northeast corner. Parking shall not be closer than 10 feet to any property line, and not within the Columbia / Millennium Pipeline Group's 50-foot utility right-of-way.
- 8) Portable heaters, LP gas tanks, and flammable or combustible liquids or gases are not permitted inside the structure.
- 9) No motor vehicles shall be permitted to run longer than 10 minutes on site. No motor vehicles shall be permitted to race within the site at speeds higher than 10 miles per hour.
- 10) No alcohol shall be brought on site from attendees.
- 11) Special permit modification approval will be required if there are any changes to the site plan or change in use of the property.
- 12) 300-66.11. TRANSFERABILITY OF SPECIAL PERMITS

A special permit is not transferable except upon approval by resolution of the issuing board. 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.

Mr. Shapinas asked why written notice to neighbors about these events is being eliminated. Ms. Lane responded that written notice is not a code book requirement and was previously provided as a courtesy. The published advertisement and posted signs of the public hearing tonight provide notification of these future events. Ms. Miller requested that Mr. Kashou put the signs out for the events at the same time that he notifies the fire chief and code enforcement. Mr. Kashou said that he will put the signs out one week before each event.

Ms. Lane also stressed that if any of the neighbors have concerns or issues to please call to make the Town aware of them. Mr. Jaros added that it is important to create a paper trail so that the Town and the Planning Board are aware of any problems with the events.

A question was raised about the weeknights of the events, and Ms. Lane responded that the Word of Life event is held on a Friday night and the indoor softball events would be held on Saturday nights. Mr. Forster asked

if there is a possibility of having a Sunday night event on President's weekend in February. Mr. Bush said that they would probably not have an event that weekend and most likely would just do one in February.

Mr. Crowley questioned the stipulation about cars being allowed to run for no more than ten minutes. Mr. Crowley noted that due to the lag time between games, players may go sit in their cars for more than ten minutes. Ms. Lane responded that if this happens, the neighbors will notify the Town and Mr. Kashou may not have his permit renewed.

There was some discussion about restricting the sports events to only softball, as Mr. Bush is present at the meeting and knows the requirements. However, both Mr. Forster and Mr. Crowley noted it is up to Mr. Kashou to enforce the stipulations for these events, regardless of what sport is being played. Mr. Kashou added that he is responsible for the licensing of the facility and anything that happens within the facility. He agreed that he will make sure that there is no music or loudspeakers at these events.

After this discussion, the following changes were made to the stipulations: the special permit will extend two rather than three overnight events per month; the approval shall be for six months rather than one year; in addition to notifying Code Enforcement and the Fire Chief one week before each event, the owner shall post three signs at least one week prior to each overnight event; parking shall not be permitted along the east side of the property during these overnight events; and parking for emergency vehicles needs to be clearly marked.

Chairman Miller asked for a motion to approve the Revision to the Special Permit for Indoor Sports Events at 1500 County Airport Road, with amended stipulations.

Motion Made: S. Forster  
Motion Seconded: T. Crowley  
MOTION: Approval of the Special Permit for Indoor, Overnight Special Events at 1500 County Airport Road, with amended stipulations.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**D. Sign Area Variance, 3550 George F. Highway, S. Harter  
Advisory Opinion to the ZBA**

Mr. Harter distributed pictures of the pylon sign in front of his building at 3550 George F Highway. He explained that the sign frame was hit by a car. Mr. Harter hired JAX Signs to replace the sign frame. When Mr. Taber came for a

permit in October, he discovered that the sign was no longer legal because Vape Scapes had changed the sign face without a permit. Ms. Golazeski advised Mr. Harter that he would need an area variance to have a pylon sign larger than permitted since the sign had lost its legal nonconforming status.

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, which was legal nonconforming, is 112 square-feet. The application is for an area variance for a 32 square-foot larger sign than permitted in a General Commercial zoning district.

Planning Department staff recommends that the Planning Board recommend the ZBA approve the area variance for the sign face to be 32 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. Jaros asked Mr. Harter how Vape Scapes had changed the sign. Mr. Harter explained that there were three 4' x 8' signs there for three different businesses. The previous sign for Mr. Harter's insurance business had been removed and replaced by Vape Scapes without his knowledge. Ms. Lane also explained that the sign had been conforming prior to the code change in 2011. Mr. Cicciarelli asked if they will be using something more durable for the frame, and Mr. Taber answered that they will be using steel columns instead of wood.

Chairman Miller called for a motion to recommend approval of the area variance for the sign face to be 32 square-feet larger than permitted by the Zoning Board of Appeals at 3550 George F. Highway.

Motion Made:	M. Jaros
Motion Seconded:	T. Crowley
MOTION:	Recommend the ZBA approve the area variance for a pylon sign 32 square-feet greater than permitted at 3550 George F. Highway.
VOTE	<b>In Favor:</b> L. Miller, L. Cicciarelli, S. McLain S. Forster, T. Crowley, M. Jaros <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

**E. Request for Revision of Special Permit, 684 Main Street, H. Joseph**  
Mr. Joseph is requesting that he be allowed to add another row of parking on his auto sales and repair lot so that he can display more vehicles for sale. Mr. Joseph feels that if he can offer his customers a greater selection of cars, he will increase his business revenue.

Ms. Lane noted that the Planning and Code departments are still reviewing the site plan layout because code requirements may make it difficult to add all of the requested parking spaces without Mr. Joseph requesting a setback variance for the front of the parking lot.

**1. Declare Lead Agency**

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

Motion Made: T. Crowley  
Motion Seconded: S. McLain  
MOTION: Declare the Planning Board Lead Agency  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros  
**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. Forster  
MOTION: Declare the project an Unlisted Action.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**3. Call for a Public Hearing for a Special Permit to Increase the Number of Vehicles for Sale, to be held December 11, 2018.**

Motion Made: L. Cicciarelli  
Motion Seconded: M. Jaros  
MOTION: Approval of the Public Hearing for a Special Permit to Increase the Number of Vehicles for Sale at 684 Main Street, to be held on December 11, 2018, at 7:00 p.m.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros  
**Opposed:** None  
**Abstained:** None  
Motion Carried

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

Ms. Lane distributed summaries of the minor site plan reviews that have been approved by the Planning Department in-house in 2016, 2017 and up-to-date 2018. Ms. Lane noted that these lists do not include the minor site plans that we process for the Village of Johnson City.

Ms. Lane noted that the Samaritan House at 3001 Main Street knocked down a house in order to create more parking. Because the parking lot expansion was not a requirement triggered by a change in the site, the Planning Department processed the project as a minor site plan.

Ms. Miller advised Ms. Lane that JKS Construction has already moved into the building by Burger King and they already have a sign. Ms. Lane noted that she will be in touch with the owners since they have not submitted the proper paperwork to the Planning Board for this project.

F. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:40 p.m.

Motion Made:	M. Jaros
Motion Seconded:	L. Cicciarelli
MOTION:	Adjourning the meeting.
VOTE:	<b>In Favor:</b> S. McLain, L. Miller, L. Cicciarelli, T. Crowley, S. Forster, M. Jaros
	<b>Opposed:</b> None
	<b>Abstained:</b> None
	Motion Carried

**Next Meeting Date**

The next meeting of the Planning Board is tentatively scheduled for December Tuesday, December 11, 2018 at 7:00 PM

Respectfully Submitted,  
Carol Krawczyk