

Town of Union Planning Board Minutes
Tuesday, December 11, 2018

A regular meeting of the Town of Union Planning Board was held Tuesday, December 11, 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, Hebert Joseph, Mohammad Amin, Christian Wesser, Mark Kemmerer, Sam Lupo, Elliott Lupo, Stephen Lupo, George Haus, Rudy Hessler, and Becky Hessler

A. CALL TO ORDER

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

B. MEETING MINUTES

1. Acceptance of November 13, 2018 Meeting Minutes

Chairman Miller asked for a motion to accept the 11/13/18 Meeting Minutes, as written.

Motion Made: L. Cicciarelli
Motion Seconded: T. Crowley
MOTION: Acceptance of the meeting minutes of November 13, 2018, as written.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros
Opposed: None
Abstained: None
Motion Carried

2. Acceptance of November 13, 2018, Public Hearing Transcript – Sports Dome Special Permit for Overnight Sporting Events

- Page 6, Paragraph 5, Sentence 6, change “Sinday” to “Sunday”.
- Page 19, Paragraph 13, change speaker from Mr. Foster to Mr. Cesarano.

Chairman Miller asked for a motion to accept the November 13, 2018, Public Hearing Transcript for the Sports Dome Special Permit for Sporting Events, as amended:

Motion Made: S. Forster
Motion Seconded: S. McLain

MOTION: Acceptance of the November 13, 2018, Public Hearing Transcript for Sports Dome Special Permit for Sporting Events, as amended.

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

C. Star Auto Clinic, Revision of Special Permit, 684 Main Street, H. Joseph

1) SEQRA Determination

Mr. Joseph's application to increase the number of vehicles for sale to 20 at an approved vehicle repair and sales lot at 684 Main Street was reviewed for potential negative impacts to the environment. The property had been approved to have 12 display vehicles in 2013. The property is approximately 0.43-acres with an existing three-bay garage. The proposed site plan meets the parking requirement of eleven spaces for employees and customers, and has an additional 20 spaces for sale vehicles. The applicant does not propose to do any additional construction or renovations to the building.

The additional auto display will not change the character of the surroundings, as long as the property and vehicles are maintained in an orderly fashion. No vehicle maintenance will occur outside to minimize the potential for spills and to keep a better appearance for the neighborhood. Junk vehicles are not permitted on the lot. The project will not significantly impact traffic or existing utilities, and will not impact wildlife or flora. There will be no significant impacts pertaining to odors or lighting.

A stormwater remediation plan is not required as no change in pervious area is planned. The existing parking area is currently paved and drains into the Town's storm sewer system. The property is not in the current 100-year floodplain and there are no wetlands on the property. This property is located within the buffer area of NYS DEC remediation sites #704023 (Former Bright Outdoors) and #704020 (former US Army / BAE), but is not directly impacted by any contamination.

Upon close review, the project as proposed will not have a significant adverse impact upon the environment.

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

Motion Made: L. Cicciarelli
Motion Seconded: M. Jaros

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

2) Public Hearing

Chairman Miller opened the Public Hearing for the Revision of the Special Permit for Auto Sales at 7:05 p.m. Ms. Lane congratulated Mr. Joseph on what a good job he and his staff did organizing the vehicles on the lot. There were no questions or concerns voiced during the public hearing. Ms. Miller closed the hearing at 7:08 p.m.

3) Decision at Planning Board's Discretion

Per the staff report, Hebert Joseph submitted an application to increase the number of vehicles for sale at 684 Main Street. The 0.43-acre property is zoned General Commercial and the auto sales use requires a Special Permit. The former Special Permit stipulated that no more than twelve (12) vehicles for sale may be parked on the property at any one time. The request to increase the number of sale vehicles requires a new Special Permit. The pre-existing automobile repair shop with three bays requires six parking spaces for employees and customers, and the additional vehicle sales use requires five more spaces. The site plan has 31 spaces, including one handicapped-accessible space with the associated access aisle. A fence screens the residents to the south.

Being on State Route 17C, this property is subject to a 239-Review. The Broome County Department of Planning did not identify any county-wide impacts with the proposal. They recommend that the applicant should be informed of the risks of placing the project within the Special Flood Hazard Area, and that the conditions of approval should include no leaking vehicles, no junk vehicles, no outdoor repair, no outdoor tire storage and no "pick-up and drop-off" deliveries within the State right-of-way. B.C. Planning also recommends that the site plan should include the following: setbacks, designated spaces for employees, customers, and repair vehicles, and for sale vehicles, landscaping, lighting, signage, and the repair shop area.

The N.Y.S. Department of Transportation requires that nothing may be placed in the State right-of-way, including signage, customer parking or vehicles for sale. Additionally, vehicles parked on the site may not overhang or obstruct the sidewalks adjacent to the site. If any work is to be conducted within the State right-of-way, the applicant will be required to obtain a Highway Work Permit from the Region prior to the commencement of the work. The applicant may contact the NYSDOT Broome Residency at 607-775-0522 for assistance in locating the highway boundary. Finally, deliveries to the site may not be conducted in the State right-of-way.

BC. Health Department and BMTS had no comments. Town Code Enforcement and Public Works departments reviewed the revised site plan and had no comments.

The project meets the requirements for a Special Permit to sell automobiles in a General Commercial zone. The staff recommendation is to approve the Special Permit with the following stipulations:

- 1) § 300-40.2. Automotive sales.
 - A. The sale of new or used vehicles may be allowed by special use permit, provided the following:
 - (1) The sales area shall be paved, suitably graded and drained, and maintained in a neat and orderly manner.
 - (2) The number of cars that may be for sale on the premises must be specified on the special use permit. No more than 31 vehicles may be parked on the lot, with a maximum of 20 vehicles for sale.
 - (3) A spill prevention plan shall be maintained on site.
 - B. All maintenance, service and repairs of motor vehicles shall be performed fully within an enclosed structure. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed structure or screened area. No junk vehicles may be stored on the lot.
 - C. No vehicles shall be displayed for sale within 10 feet of the property line.
- 2) § 300-66.11. Transferability

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.

Chairman Miller asked for a motion to approve the Revision to the Special Permit for Auto Sales at 684 Main Street, with stipulations.

Motion Made: S. Forster
Motion Seconded: T. Crowley
MOTION: Approval of the Revision of the Special Permit for Auto Sales at 684 Main Street, with stipulations.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros
Opposed: None
Abstained: None
Motion Carried

4) Site Plan Review

Ms. Lane read her report for the Planning Board. There are currently three curb cuts to the lot, two from Main Street and one opens on Avon Street. Per the NYS DOT, one of the entrances on Main Street has been closed off as a part of their program to generally decrease the number of curb cuts on the state road.

The project meets the requirements for a Site Plan to sell and repair automobiles in a General Commercial zone. The staff recommendation is to approve the Site Plan, with the following stipulations:

1) § 300-40.3. Motor vehicle repair shops and motor vehicle sales agencies shall comply with the following:

A. Rubbish, oil cans, tires, discarded motor vehicle parts and components and other waste materials may be stored up to one month in a completely fenced-in opaque enclosure adjacent to the building, provided that the area of such enclosure shall not exceed 5% of the area of the principal service station building. There shall be no storage of any items, at any time outside of such enclosure or building.

B. Motor vehicle repair shops and service stations shall comply with the following regulations:

(1) The number of vehicles that can be accommodated on site for repair and storage is to be determined by the Planning Board. A maximum of thirty-one (31) vehicles may be parked on the property.

(2) Motor vehicle repair garages shall not be used for the storage, sale, rental or display of trailers, mobile homes, boats, snowmobiles or other vehicles.

(3) All maintenance, service and repairs of motor vehicles shall be performed fully within an enclosed structure. No motor vehicle parts or unlicensed motor vehicles shall be stored outside of an enclosed structure.

(4) A spill prevention plan shall be maintained on site.

(5) No vehicle in for repair may remain outside longer than 10 days.

(6) There shall be no leaking vehicles or junk vehicles stored outdoors.

2) The applicant shall maintain the closed-off curb cut on Main Street, located closest to Avon Street, per the NYS Department of Transportation's requirements.

3) Per the NYS DOT, nothing may be placed in the State right-of-way, including signage, customer parking or vehicles for sale. Additionally, vehicles parked on the site may not overhang or obstruct the sidewalks adjacent to the site. If any work is to be conducted within the State right-of-way, the applicant will be required to obtain a Highway Work Permit from

the Region prior to the commencement of the work. The applicant may contact the NYSDOT Broome Residency at 607-775-0522 for assistance in locating the highway boundary. Finally, deliveries to the site may not be conducted in the State right-of-way.

4) The applicant shall be required to acknowledge all of the above conditions, in writing, no later than Friday, December 21, 2018. The applicant agrees to maintain the property in strict accordance with the site plan approved by the Planning Board. 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, the site plan approval will become null and void and the applicant must submit a new application to the Town of Union Planning Board.

There was some discussion about whether the vehicles for sale are licensed; and it was noted that Star Auto Clinic maintains records on all the vehicles for sale on the lot per New York State regulations and that until a vehicle is sold it cannot be licensed. Mr. Cicciarelli and Mr. Forster felt that stipulation 1.B.3 should not reference unlicensed motor vehicles as all the vehicles for sale are unlicensed. Ms. Lane agreed with this change and stated that the most important concern is that no junk vehicles are on the lot. Mr. Jaros asked how one refers to these unlicensed vehicles. Mr. Kemmerer replied that the vehicles are considered service vehicles and they are listed in Star Auto's records as repair orders. Mr. Crowley asked what Star Auto does with their waste oil and Mr. Amin answered that they use the appropriate waste containers that an outside service picks up for disposal.

Chairman Miller then called for a motion to approve the site plan for Star Auto Clinic at 684 Main Street, with stipulations.

Motion Made:	L. Cicciarelli
Motion Seconded:	S. McLain
MOTION:	Approval of the Star Auto site plan at 684 Main Street, with stipulations.
VOTE	In Favor: L. Miller, S. McLain, L. Cicciarelli, T. Crowley, S. Forster, M. Jaros
	Opposed: None
	Abstained: None
	Motion Carried

D. Lupo's Meat Processing Plant, 625 Dickson Street, S. Lupo

Being a member of the Kalurah Shrine, current owners of the building, Mr. Forster recused himself from any discussion of Lupo's Meat Processing Plant.

1) Declare Lead Agency

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

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

2) Declare Unlisted Action

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

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

3) SEQRA Determination

Mr. Lupo's application to convert an existing 13,140-foot building with a 9,000 square-foot addition into a meat processing plant was reviewed for potential negative impacts to the environment. The Planning Board reviewed Part 2 of the EAF, in which all potential impacts were small to none. Four trucks will make daily deliveries. There are currently 35 employees, which may increase to 50 employees in the future. Ms. Lane noted when there are parties at the Kalurah Shrine, the parking accommodates at least that many people, so the plant will not have a significant adverse effect on traffic. When Philip Grayson, the director of the Wastewater Treatment Plant, had accompanied Ms. Lane on a tour of the current Lupo plant, he was very impressed with the cleanliness of the wastewater. The project will not impact flooding at the site; in fact, the 2006 and 2011 floods did not come anywhere near the building.

Per the Determination of Significance, the 1.7-acre property is zoned Industrial and the use is permitted by right. Meats will come to the plant largely pre-cut and cleaned. The plant seasons and packages the meats. All USDA and Health Department requirements will be met.

The proposed addition will match the existing metal building. The site plan meets the parking space requirement, with a total of 53 parking spaces shown on the site plan, including 3 handicapped accessible spaces. There will be no significant impacts pertaining to odors, noise or lighting. The proposed use and addition will not create any impacts to traffic or existing municipal utilities. The Village of Endicott has approved the wastewater Pre-Industrial Treatment plan.

The addition will be constructed over a mix of pavement and 0.05-acres of grass. The small increase in the rate of stormwater runoff due to additional impervious area will be mitigated with existing drainage sloping north towards an area of grass and drainage swale on site. At 0.05 acres increased impervious area, a SWPPP is not required. Similarly, as the existing project site is largely impervious, any impact on wildlife or plants will be small.

The property is in an archeologically sensitive area but the soil in the project area has been previously disturbed. The site is not in the 100-year floodplain, and there are no wetlands on the property. This property is determined by the NYS DEC to be within the buffer area of remediation sites #704038, The Endicott Area-Wide Investigation, and #704008, the Endicott Landfill & Wellfield. The associated contamination is under remediation and will have no impact on the proposal.

Upon close review, the project as proposed will not have a significant adverse impact upon the environment.

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

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

4) Site Plan Review

Ms. McLain asked what products the new plant will produce. Mr. Lupo answered that they will be making the same things that they make at the present plant including their spiedies, marinated chicken breasts, pork sausage, chicken sausage and kielbasa. Mr. Lupo said all they are doing is transferring their current business, which is a mile away, to a bigger location because they need the space. Ms. Miller asked if the plant on Campville Road will be closed and Mr. Lupo answered yes. He added that

their workrooms in the summer months are not big enough for all the necessary staff, and there is not room in the current facility to add any new equipment. The new site will double the space that they now have, so there should be room for expansion. Mr. Crowley asked if they have a government meat inspector at the site all the time. Mr. Lupo responded that the inspector does not have to be on the site all day long, but the inspector does maintain an office on site. The Lupo facility is considered the regional office for the inspector. Normally the inspector is there every day, but it can be for five minutes or eight hours. Mr. Crowley asked if the inspector overlooks everything at the site, including the cleanliness of the facility and making sure that nothing goes down the drains. Mr. Lupo responded that they cannot operate without an inspector and that Lupo's is probably the busiest plant in this area that they oversee. Mr. Lupo added that the plant is third-party audited once a year.

Ms. Lane explained that employees and visitors must wear a lab coat, a hair net, and a beard net if they have a beard, when they enter the plant. A mixture of oxygen and carbon dioxide are added to packages of meat to limit microbial spoilage. When someone purchases their meat product, the package is bubbled up because of the oxygen and carbon dioxide mixture, which acts as a sterilizer for the meat. Mr. Jaros asked if they have any plans for an area for the public to purchase spiedies on site. Mr. Lupo answered that they will not open a retail shop, but they will sell to some of their old time customers if they want to purchase a one-pound package of spiedies or marinade from their office.

Mr. Cicciarelli asked about the 2 ½" sanitary line going from the new utility room to the existing sanitary line. Mr. Haus explained that the wastewater will be pumped to the existing line due to the nearly flat elevation. Mr. Cicciarelli asked whether that was just going to be water or whether it will go through a separator. Mr. Haus answered that it would just be pumping water because there will be a grease trap inside before the water goes through the pump. Mr. Lupo said that according to USDA standards they cannot connect the sewer lines and floor wastewater lines until they are outside the building.

Ms. Lane then read her staff report for the Planning Board. The existing building, which is home to the Kalurah Shrine organization, will house offices and storage. The addition, which will match the existing metal building, is for the meat-processing center. There are currently 35 employees, and parking for industrial uses is one per employee. A total of 53 spaces are shown on the site plan, including three handicapped accessible spaces.

The meat processing procedure will be the same as at the existing Lupo's meat processing plant on Campville Road, but the new site will allow for a significant increase in the volume of the end product (Spiedies). The meat product that comes to the plant has already been deboned and cleaned. At the plant, meat is simply trimmed and cut, depending on the type of end

product. Most meats are marinated, or made into sausage, with a proprietary spice mix or marinade. The meats are packaged in sterile packaging, and shipped out to stores via four shipping trucks. Excess trimmings are saved and sold; therefore, wastewater is generated primarily when washing floors and equipment, and as a result is relatively clean. A grease trap and water back-flow prevention device will be required. The Village of Endicott Wastewater Treatment Plant has approved the pre-treatment plan.

The site is served by public water and sanitary sewer, and stormwater is directed either into a drainage swale at the rear of the property, or into the municipal storm sewer in the front of the building. A portion of the property lies in the current 500-year floodplain, but the property did not flood in 2006 or 2011.

This location was subject to a 239-Review as it is within 500 feet of the Village of Endicott. The Broome County Planning and Public Works departments commented that the project site is located almost entirely within the preliminary FEMA special flood hazard area. B.C. Planning also recommended that the site plan include landscaping, signage, lighting and renderings of the proposed addition. They suggested that the Planning Board ensure that the project does not result in odor or noise impacts to the surrounding residences. (In response, it should be noted that the processing plant on Campville Road has no odors or noise.) The Village of Endicott, and the Town Code Enforcement and Engineering departments have no concerns with the project.

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

1. Once the details for the additional water line have been determined, the site plan shall be modified and submitted showing the details. If no new water line is added to the site, the property owner shall notify the Planning Department of such.
2. A water backflow prevention device and a grease separator shall be installed prior to the issuance of a Certificate of Compliance or a Certificate of Occupancy. The backflow prevention device shall be tested annually by a NYS DOH licensed backflow prevention device tester, and the reports shall be submitted to the Town Deputy Commissioner of Public Works for Safety and Health.
3. During construction of the addition, silt fencing shall be installed and maintained along the north and east perimeters of the property.
4. If and when the parking lot is repaved, it shall be striped according to Town Code Chapter 300, Article 51, Off-Street Parking, Loading and Stacking Regulations. The required handicapped-accessible parking spaces shall conform to the Property

Maintenance Code of NYS, and shall be posted with signage displaying the international symbol of accessibility. The handicap parking access spaces shall be no less than eight-feet by eighteen-feet (8'x18').

5. Existing landscaping shall be maintained, and any dead or dying bushes shall be replaced with similar plants within one month, weather permitting.

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 once again three years after the issuance of the Certificate of Occupancy.

7. Any new exterior lighting shall first be approved by the Code Enforcement Officer.

8. For any new signage, the applicant shall first apply for a sign permit from the Building Official prior to display. 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.

9. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan and a valid building permit.

10. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan approved by the Planning Board, even if by petition to the Town's Zoning Board of Appeals, the site plan approval will become null and void and the applicant must resubmit a new site plan to the Town of Union Planning Board.

Mr. Crowley asked if there were any plans for the garage in the back of the building. Mr. Lupo answered that right now they will use the building only for storage. The addition will be at the same level as the current building. Mr. Jaros asked if there was already a driveway going out to Dickson Street on the east side. Mr. Lupo answered yes, and said that the flow of traffic on the east side of the building will go one-way so that tractor trailers do not have to back up. Ms. Lane suggested adding a "truck entrance only" sign on the east side and that she could also add this as a stipulation to the site plan approval since it is a safety issue. Mr. Lupo agreed to put up the sign. Mr. Jaros also asked if they will change the façade of the building. Mr. Lupo answered that they like the façade and plan to keep it. Mr. Jaros asked what the hours of operation will be. Mr. Lupo answered that they generally

operate from 7:00 a.m. to 3:30 p.m. for three quarters of the year, but during the summertime they can close later. Generally they work Monday through Friday, but again during the summer they may work on a Saturday, but never on Sunday. Ms. Miller asked if there would be any deliveries at night and Mr. Lupo answered there will be no night or weekend deliveries.

Chairman Miller then called for a motion to approve the site plan for Lupo's Processing Plant at 625 Dickson Street, with "A 'Truck Entrance Only' sign shall be posted at the east entrance" added to the stipulations.

Motion Made: M. Jaros
Motion Seconded: T. Crowley
MOTION: Approval of the Lupo's Processing Plant site plan at 625 Dickson Street, with stipulations.
VOTE **In Favor:** L. Miller, S. McLain, L. Cicciarelli, T. Crowley, M. Jaros
Opposed: None
Abstained: S. Forster
Motion Carried

E. Hessler's Steps and Handrails, 1715 Union Center-Maine Hwy., R. Hessler

1) Declare Lead Agency

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

Motion Made: S. Forster
Motion Seconded: L. Cicciarelli
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 Unlisted Action

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

Motion Made: S. McLain
Motion Seconded: T. Crowley
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) SEQRA Determination

Mr. Hessler's application to display prefabricated concrete steps on the lawn at 1715 Union Center-Maine Highway was reviewed for potential negative impacts to the environment with Part 2 of the EAF finding all potential impacts were small to none. Per the Determination of Significance, no sales take place at the site. Outdoor display is permitted in General Commercial zoning with the requirement that the area of display be no greater than 10% of the area of the principal structure.

The property is 0.63-acres and has a 780 square-foot uninhabitable house and single-bay garage on site. Due to the size of the house, the display area is limited to 78 square-feet. The applicant does not proposed to do any renovations to the buildings. The garage is used only for personal vehicle storage. There is parking on site, although sales and installation take place at the homes of purchasers. The use does not trigger a significant increase in traffic, noise or light.

The display of concrete steps does not change the character of the surroundings, which is a mix of commercial and residential uses. There will be no disturbance to the environment. The site is located within an archeologically sensitive area, but as there will be no new ground disturbance, possible artifacts will not be disturbed. Similarly, no threatened or endangered animals or plants will be affected. The NYS DEC remediation site #704038 (The Endicott Area-Wide Investigation) is under remediation and does not affect the site.

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

Ms. Miller asked if the Planning Board had any questions. Mr. Cicciarelli asked if Mr. Hessler is actually manufacturing the steps. Mr. Hessler answered that his business is more a resale of the steps that he purchases from Syracuse. Mr. Jaros asked Mr. Hessler if he will be keeping the site by Agway. Mr. Hessler answered yes. Mr. Hessler explained that the reason they had purchased the property was to get more visibility. Ms. McLain asked if Mr. Hessler will be storing anything else on the property other than the stairs. Mr. Hessler answered that he stores the vehicles that move the steps behind the buildings. Ms. Lane asked if the old DMV sign is still on the garage. Mr. Hessler answered that the sign is still there and Ms. Lane suggested that Mr. Hessler remove the sign.

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

Motion Made: L. Cicciarelli

Motion Seconded: M. Jaros

MOTION: Approval of the Negative Declaration under SEQRA

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

4) Site Plan Review

Ms. Lane read her staff report for the Planning Board. Rudy Hessler submitted an application to display samples of concrete steps in front of a house for his steps and rails business. The house is uninhabitable, and therefore vacant. There is also a garage on the property that Mr. Hessler uses for his own vehicle. The following requirements pertain to outdoor sales and display (*Chapter 300-40.15*):

- A. The display area shall not exceed 10% of the gross floor area of the primary structure.
- B. The display area shall not block automotive traffic, fire lanes, or other travel lanes.
- C. The items for display are for sale and said area is not used for storage purposes.

The site plan shows an existing parking area which is not paved, but the property does not have a lot of on-site traffic. There is a sign which does not meet Code at this time.

This location was subject to a 239-Review, as it lies within 500 feet of the S.R. 26 (a.k.a. Union Center-Maine Highway). Broome County Planning expressed no concerns for impacts to the County or surrounding area. They did recommend that the applicant should be made aware that the property is partially in the preliminary FEMA special flood hazard area (response: the concrete steps are unlikely to wash away). They also recommended that the site plan should include: setbacks, designated display area(s) and items to be displayed, proposed uses of the existing building, landscaping and signage. The conditions of approval should address: types of items (steps) that can be displayed, maximum display area and/or numbers of steps that can be displayed at any given time. The NYSDOT noted that nothing may be placed within the State right-of-way, including signage, parking, or items for display. The applicant may contact the NYSDOT Broome Residency at 607-775-0522 for assistance in locating the highway boundary.

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

1. The display area shall not exceed 10% of the gross floor area of the primary structure. The house is 780 square-feet, and therefore the display items shall cover no more the 78 square-feet, or approximately 6-7 sets of stairs. Should Mr. Hessler desire additional display area, he may apply for an area variance.
2. The items for display are for sale. This area shall not be used for

storage purposes.

3. The parking area shall be stabilized with gravel. If Code Enforcement determines that excess mud is being tracked onto S.R. 26, the applicant shall remedy with a more permanent surface.

4. For any new signage, the applicant shall first apply for a sign permit from the Building Official prior to display. All temporary signs (including price signs), portable signs, search lights, balloons, sidewalk and curb signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that blink, rotate, or move are not permitted.

5. Per 300-52.3.V, one sandwich board sign is permitted for each business. Sandwich board signs do not require a sign permit. This sign cannot exceed six square feet in area, and must be removed at the close of each business day. Sandwich board signs cannot be located on a public right-of-way and must be located on the property on which the business is located.

6. Any new exterior lighting shall first be approved by the Code Enforcement Officer.

7. Site plan approval shall remain valid until the use has been discontinued for one year.

8. The applicant shall be required to acknowledge all of the above conditions in writing. The applicant agrees to comply with the site plan and stipulations 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 the Planning Board if they had any questions. Mr. Jaros asked about the sign that does not meet code. Ms. Lane responded that the sign is a pylon sign that is probably in the right-of-way and it should be moved back from the road. Ms. Miller asked if that was the only way that Mr. Hessler advertised his business. Mr. Hessler answered that he is trying to improve the property and get more exposure for his business. He questioned the need for a permit for a different sign and another permit if he wanted to install more lighting on the property. Ms. Lane explained that a permit is not required for lighting, but the Town needs to review proposed lighting to ensure that lights do not shine on neighboring properties. Mr. Hessler will just need to discuss his lighting plan with the code enforcement department before he installs any new lighting. Ms. Miller asked Mr. Hessler if he owned the property and he answered that he does.

Chairman Miller then called for a motion to approve the site plan for Hessler’s Outdoor Storage at 1715 Union Center-Maine Highway, with stipulations.

Motion Made: S. Forster
Motion Seconded: M. Jaros
MOTION: Approval of the site plan for Hessler’s Outdoor Storage at 1715 Union Center-Maine Highway, with stipulations.
VOTE **In Favor:** L. Miller, S. McLain, L. Cicciarelli, T. Crowley, S. Forster, M. Jaros
Opposed: None
Abstained: None
Motion Carried

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

Ms. Lane noted that original Geo’s Pizza shop on Union Center-Maine Highway has been empty for more than a year because he moved his business to the Country Pine Inn. A new couple plan to open a new take out restaurant in this location.

JKS Construction plans to move their business into 3400 East Main Street. They plan to tear down the front part of the building and rebuild it to display the quality of their work. Ms. Lane noted that Pack and Mail plans to occupy the other building at the site.

Mr. Crowley described the webinar he watched on solar panels. By 2030, codes will start putting a lot of restrictions on developers to build houses having southern exposures for solar panels. Mr. Crowley also noted that once solar panels are installed on a house it will limit the neighbor’s ability to build additions that block the sun from those solar panels. Ms. Lane explained that solar panels are handled through the building permits department. However, Johnson City passed a solar law, and now the Town of Union must pass one. Mr. Cicciarelli noted that the technology for solar panels has evolved so rapidly that the regulations will need to evolve as well. Ms. McLain added she had also attended a solar seminar and found it very informational..

G. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:27 PM

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

Motion Carried

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, January 8, 2019, at 7:00 PM

Respectfully Submitted,
Carol Krawczyk