

## **Town of Union Planning Board Minutes**

Tuesday, April 9, 2019

A regular meeting of the Town of Union Planning Board was held Tuesday, April 9, 2019, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, and D. Kudgus

Members absent: T. Crowley

Others present: Marina Lane, Supervisor Rick Materese, Rose Pope, Amy Priddy, Sarah Campbell, Christopher Maby, Dave Culbertson, and Emily Culbertson

### **A. CALL TO ORDER**

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

### **B. MEETING MINUTES**

#### **1) Acceptance of January 8, 2019, Meeting Minutes**

Chairman Miller asked for a motion to accept the January 8, 2019, Meeting Minutes.

Motion Made:	M. Jaros
Motion Seconded:	L. Cicciarelli
MOTION:	Acceptance of the meeting minutes of January 8, 2019.
VOTE:	<b>In Favor:</b> L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, D. Kudgus <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

### **C. Rezone Petition for 110 & 112 Berkley Street, A. Priddy**

#### **1) Advisory Opinion to the Town Board**

Ms. Lane explained that Ms. Priddy purchased five lots in West Endicott to relocate her lawn care business. The properties were being sold together and several of the lots are zoned Neighborhood Commercial. Her attorney advised her that 110 Berkley Street had formerly housed a small engine repair business and that she would be able to relocate her lawn care business there. However, 110 and 112 Berkley Street properties are zoned Suburban Multi-Family, and this use is not permitted. Ms. Priddy spoke to Ms. Lane and Ms. Golazeski about this situation and they advised her to petition the Town Board to rezone the Berkley Street properties to Neighborhood Commercial, which permits the office and commercial use.

Per Ms. Lane's report, the County Planning Department has not identified any significant countywide or inter-community impacts associated with the proposed project; however, they have the following comments: project is in the Preliminary Floodplain; Town Board should consider the most intensive land uses when considering rezoning to NC; and the storage of any hazardous chemicals including fuel, oil and pesticides should be handled properly. The BC Health Department recommends secondary storage of any potential contaminants. DPW had no comments.

The Planning Department recommends the Town Board rezone 110 Berkley Street (140.20-5-44) and 112 Berkley Street (140.20-5-45) from Suburban Multi-Family (SMF) to Neighborhood Commercial (NC). It is not spot zoning, and the present zoning district, SMF, does not permit the use of the existing building as it is designed. Site plan review will be required before the building can be used, at which time any concerns associated with the office and storage of equipment indoors will be addressed.

The Planning Board members had several questions about the project. Ms. Miller asked whether Ms. Priddy plans to keep the garage located on 109 Carl Street, and Ms. Priddy replied the garage had flooded so she is not sure if she will tear it down or try to repair it. Mr. Jaros asked whether 110 Berkley has sewer access. Ms. Lane responded that sanitary sewer would be extended from 112 Berkley Street to 110 Berkley Street. Ms. Miller asked whether Ms. Priddy would store any chemicals on site. Ms. Priddy noted that there would be a couple of gas cans; she is not licensed to fertilize lawns so there will be no other chemicals in the building. Mr. Cicciarelli asked if there is a water line to the 110 Berkley Street property. Ms. Lane responded that a water line could be extended from the lateral of a demolished house on 107 Carl Street to 110 Berkley Street. Mr. Forster asked if the Carl Street properties are zoned Neighborhood Commercial. Ms. Lane answered these properties are already zoned Neighborhood Commercial and the rezoning of 110 and 112 Berkley Street will just be extending this zoning district.

Chairman Miller asked for a motion to recommend approval to the Town Board for the rezoning of 110 & 112 Berkley Street from Suburban Multi-Family (SMF) to Neighborhood Commercial (NC).

Motion Made:	S. Forster
Motion Seconded:	M. Jaros
MOTION:	Recommendation of approval of zoning change for 110 & 112 Berkley Street from Suburban Multi-Family (SMF) to Neighborhood Commercial (NC) by the Town Board.
VOTE:	<b>In Favor:</b> L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, D. Kudgus <b>Opposed:</b> None <b>Abstained:</b> None

Motion Carried

**D. NP&P Office Building, 1 North Page Avenue, S. Campbell**

**1. Declare Lead Agency**

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

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

**3. Presentation**

Sarah Campbell, attorney for Hinman, Howard & Kattell representing National Pipe and Plastic, introduced Dave Culbertson, the President of National Pipe and Plastic, his wife Emily Culbertson, and Chris Maby, the engineer for the project. Ms. Campbell then gave a short presentation about the project.

Ms. Campbell pointed to the building rendering and noted the building will be situated in the center of the lot and an employee parking lot will be in the rear of the building along the railroad tracks. There will be a maximum of 52 employees working at this office site, and the hours will be Monday through Friday from 8 a.m. to 5 p.m. The site plan also shows a future parking lot which is listed on the current site plan as green space. Ms. Lane explained that the Town has a policy to limit constructed parking to that needed, as long as the developer shows that they have sufficient area to add the required parking should it become necessary. This also allows

National Pipe and Plastic to sell the building to another business that may need more parking spaces. Mr. Forster asked about additional parking for the park. Ms. Campbell stated that National Pipe and Plastic will provide some land to the Town so that the Town can reconfigure street parking near the park. Mr. Jaros noted that the Planning Board can make suggestions to the Town Board about the parking. Ms. Campbell said that she is not the position to make recommendations to the Town Board, but that Ms. Lane could. Ms. Campbell added that National Pipe & Plastic's engineering firm designed a draft parking layout for the Town. Ms. Lane stated that site plan review is under the jurisdiction of the Planning Board, but that the responsibility for parking in the right-of-way falls under the jurisdiction of the Commissioner of Public Services.

Ms. Lane stated that at this time the Planning Board has been presented with a site plan that meets most of the code requirements, and a completed site plan will be required before final site plan review. Ms. Lane added that it may become a slightly more complicated site plan, as there are two alternatives: if parking for the park is provided on site, or if it is not. In addition, existing utilities complicate the site plan and parking options. Ms. Lane asked Mr. Maby if he had heard from NYSEG about the utility poles on the site plan. Mr. Maby answered that they are still waiting to hear back from NYSEG. He added that National Pipe and Plastic wishes to remove one of two poles and relocate the remaining pole to a different area on the site plan. Ms. Campbell stated that a lot of thought went into the building and she also noted the site plan reflects the Planning Department's suggestions. Essentially, Ms. Campbell commented, the one-story building will have a big lawn with a lot of green space and landscaping designed by Mike Haas, so that when it is finished it will fit in with the community. Parking is located in the rear, and will be shielded by the building. Ms. Campbell added National Pipe and Plastic understands that no industrial activity is permitted on this office-building site.

Ms. Miller asked whether the pipe along the west side of the site will remain. Ms. Campbell responded that it will not be stored on the office building property. Ms. Miller believes that the pipe should not be located there. Mr. Culbertson answered that the National Pipe & Plastic facility [at 11 Frey Avenue] has two pipe yards, one on the east side of the building and the other on the west side of the building, and both of them were approved by the Planning Board. Ms. Lane stated that the Planning Board had been told only black flexible pipe would be on the east side. The Town did not require National Pipe and Plastic to apply for an Outdoor Storage special permit which would have limited the locations of the stored pipe. Mr. Jaros asked whether the piping is going to stay by the fence and Mr. Culbertson answered that it will. Mr. Maby noted that the landscaping plan for the office building will provide some screening because several trees will be planted in this area.

For the benefit of new members, Ms. Lane explained the Planning Board policy regarding impervious area. In an effort to minimize new blacktop, it is acceptable for developers to install only the parking they will need, versus that required, as long as they show that the site can support the required parking. Therefore, this site plan shows the location and design of additional parking, currently shown as green space, to demonstrate that the site plan meets the parking requirements for the size of the building. Ms. Lane added that if there is a need for the additional parking, such as if the building is sold to a tenant who requires more parking, then Code Enforcement can require that this green area be developed into additional parking for the site.

Ms. Campbell noted that the office will observe typical office hours during the week but that some employees may come in on the weekends to finish work. Ms. Lane voiced some concern about the construction hours starting at 6 a.m., Monday through Saturday. Ms. Lane requested that this starting time be changed to 7 a.m., out of respect to the adjacent residents. Mr. Culbertson said that he was fine with changing the construction start time to 7 a.m. It was clarified that workers could come to the site earlier, just no construction equipment should be started. Per Mr. Maby, the timeframe for construction of the building should be a single construction season. Mr. Culbertson said they want to move into the building by the end of this year, and that they do not anticipate doing outside construction work beyond the summer construction season, and afterwards the building construction will be much quieter because it will be indoors and they will not need a lot of heavy equipment.

Per 239-Review comments, NYS DOT asked about the amount of traffic the site will generate. Ms. Lane noted that in the past there were issues with the trucks from the National Pipe and Plastic going east on Route 17C, but not on Maple Street. Ms. Campbell asked Mr. Culbertson if he anticipates a lot of truck traffic on Maple Street. He answered that they request that their drivers not drive pipe through the Village, heading west on 17C from LaTourette, but they don't always listen. There will be no truck traffic on Maple Street; National Pipe and Plastic wants the Maple Street area to be safe.

Ms. Lane stated that the project has to go to the State Historic Preservation Office because of the historic West Endicott Fire Station and the carousel across the street. Mr. Maby responded that SHPO sent them a letter stating no adverse impacts to historic resources. He will forward a copy of the letter to Ms. Lane. She will send SHPO a notification of Lead Agency anyhow.

There was some discussion about the provisions for stormwater runoff. Mr. Maby stated that they plan to capture all of the stormwater surface runoff

from the rear parking lot in a bioretention infiltration system between the parking lot and the railroad. Mr. Cicciarelli asked whether the system would be open and Mr. Maby answered that the system will be open and the drain rate for the system is 10 ½ inches per hour. The site is very porous. Ms. Lane asked Mr. Maby to explain how the bioretention area is going to funnel water into an existing stormwater system on 11 Frey Avenue. Mr. Maby answered that yes, it is actually the same system to which the site originally drained. Mr. Maby explained that drainage along the front of the property will continue to drain into the Town's storm sewer system as it does now. From the back of the building, most of the drainage water will infiltrate into the ground. If there is a heavy rainstorm, any overflow will go into the bioretention system, under which there is a six-inch pipe. Ms. McLain asked whether there will be a detention pond to hold the excess water so that it never leaves the property. Mr. Maby noted before the project will reduce the impervious area from 3.8 acres to 1.4 acres and this reduction satisfies 95% of the DEC's requirements. Mr. Cicciarelli asked where the roof water will drain. Mr. Maby answered since rain water is clean, it will drain directly into a closed system. The system drains into an outlet between National Pipe and Plastic's detention pond and the floodwall detention pond. Eventually the water from the site ends up in Nanticoke Creek. Ms. Lane noted that County asked if the SWPPP addresses the potential additional parking. Mr. Maby noted that the system is built so that it can just be extended around the corner to the potential parking lot and that water will be captured as well.

Ms. Lane questioned whether the raised gutter around the circular driveway in front of the building will impede the flow of water toward the street. Ms. Lane suggested a depressed gutter around the driveway which will facilitate water drainage. Mr. Maby noted that the final grading of the front of the property is still being discussed, and it will depend on what the Town decides about the parking. However, there will be a high point in the grading that will allow the water to sheet off the front property over the curb to get to the inlets on the street. Mr. Jaros asked whether the inlets were across the street. Mr. Maby answered that there are inlets on both sides of Maple Street, so the water will not run across the street; it will stay on the south side of the street.

Mr. Cicciarelli asked whether there will be any pervious payment. Mr. Maby explained that Delta did a study for Herkimer Community College about this type of pavement and it looked good until they looked at the yearly maintenance costs to maintain it. Mr. Maby noted that the maintenance costs can make this type of pavement cost prohibitive. Ms. McLain asked whether there will be more water leaving the property than left it before the construction. Ms. Lane answered that the DEC just looks at preconstruction and what it will be after the new building is completed, post construction. Mr. Maby added that the infiltration basin will slow the rate of runoff, per the

DEC requirement to treat a one-year storm. Mr. Cicciarelli noted that with all the green on the site plan and the perc rate, he doubts there will be a problem with runoff. Mr. Maby noted that the steepest slope on the site is a 1-foot drop every 8 feet; generally the property is very flat so he does not expect runoff to be a problem. Mr. Maby noted that there will be scarification of the existing black top next to the building and this process will loosen up the dirt so that water will be able to drain into the soil.

Mr. Jaros asked whether there will be something commemorating the Johnson building. Mr. Culbertson answered that there will be a plaque in the middle of the green space on the eastern part of the lot. They will use bricks from the old Johnson building to build a circular structure and have a metal plaque on top of the structure with a description of the building etched into it. Mr. Jaros asked if the community will have access to the memorial. Mr. Culbertson answered that it will not be a public area, but visitors will be allowed to cross the grass in order to view the memorial plaque. The property will not be fenced. Ms. Lane advised he make sure the landscaping plan is what he wants, as the Building Inspectors ensure that the plants on the plan are actually planted. Mr. Culbertson asked whether it would be a problem if they have more plants than required as he would like to beautify the area, and Ms. Lane said that would be fine.

Mr. Culbertson noted that there will be a flagpole on the site and asked if there are height restrictions. Ms. Lane answered that there are two sections of the Code that deal with flagpoles, but the section that will probably take precedence is Section 300.53 (9) that states there is no height restriction on flagpoles. Ms. Lane added that the flagpole would also have to meet the FAA guidelines. Mr. Forster asked Mr. Culbertson if the flagpole will be lit and Mr. Culbertson answered yes.

Mr. Maby said the single-story building will be 21 feet tall at its highest point. There are going to be two different roof levels around the outside of the building. Mr. Culbertson noted that the roofline has different height levels to create free space within the building. Mr. Jaros asked if the glass windows are in the front of the building. Mr. Maby answered that windows are in the front of the building and that there will be landscaping in front of the windows. The location of the building footprint was determined by the locations of the utilities through a software program. Ms. Lane asked Mr. Maby to advise Mike Haas, the landscape architect, that the Code Department will be checking that the types/number of trees and plants are planted in accordance with the site plan before issuing a Certificate of Occupancy.

Ms. Lane noted that all agencies involved with the construction or approval of the project need to be contacted. Ms. Lane will send a notice to SHPO. Mr. Culbertson added that the New York State Economic Development

Program would also need to be contacted. Ms. Campbell will get Ms. Lane a list of the agency contacts. Ms. Campbell asked Planning Board members to let Ms. Lane know before the next meeting if they have any other questions about the project.

After Mr. Culbertson, Chris Maby, and Ms. Campbell left the meeting, Ms. Lane explained that the Town is trying to work with National Pipe and Plastic to provide additional parking. Supervisor Materese said that he has been in only one meeting with Mr. Culbertson, and Mr. Culbertson seemed willing to make adjustments. The original plan was to have back-in parking on Page Avenue which he thought that was not a safe option because Page Avenue is such a busy street. Ms. Lane, Ms. Golazeski, Mr. Caforio, and Mr. Bertoni had agreed with Supervisor Materese about not having diagonal parking on Page Avenue, and prefer parallel parking at that location, with the addition of land donated by Mr. Culbertson. The Board suggested that National Pipe and Plastic donate some land for additional parking along the park because Mr. Culbertson is requesting that there be no parking along the south side of Maple Street. With the donation of land along the south side of Maple Street, parking on the north side of Maple Street will be doubled by having diagonal parking, and children will not have to cross the street to get to the park. Mr. Jaros commented that with the addition of the land, the whole road would shift over. The discussion about who is responsible for paying for the street improvements is still being discussed.

#### **E. Howard Hanna Shed in Floodplain; 3630 George F. Highway, B. Brown**

Howard Hanna would like a place to store their “For Sale” signs. The location for a proposed shed is in the 100-year floodplain, so it will require a public hearing for a special permit for development in the floodplain.

##### **1. Declare Lead Agency**

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

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

**3. Call for Public Hearing for a Special permit for Floodplain Development to be held May 14, 2019, at 7:00 p.m.**

Chairman Miller asked for a motion to approve the Public Hearing for a Special Permit for Floodplain Development to be held on May 14, 2019, at 7:00 p.m.

Motion Made: L. Cicciarelli  
Motion Seconded: S. McLain  
MOTION: Approval of the Public Hearing for a Special Permit for Floodplain Development, to be held on May 14, 2019, at 7:00 p.m.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain,  
S. Forster, M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:**  
Motion Carried

**F. Amendments to Chapter 300, Articles 52.1, Sign Regulations and 70.2 Definitions**

**1) Advisory Opinion to the Town Board**

Ms. Lane noted that the Town Board has made additional revisions to the Sign Code that the Planning Board had reviewed during the September 11, 2018 meeting. Ms. Lane noted that the Town Board did not incorporate any of the Planning Board's suggestions made during the September, 2018 Planning Board meeting. This current version has been sent back to the County for the 239-Review, and for the Planning Board's advisory opinion.

Under 300-52.3 (G) The word "project" would be omitted and replaced with the word "contractor." The Planning Board recommends that the size of the signs be changed to 16 square feet in residential districts and 32 square feet in all other districts, with the total square footage of all the signs not to exceed 256 square feet total signage (vote 6-0). There was some discussion about whether contractor signs on the side of their trucks or

trailers were considered signs, and Ms. Lane said that this will be up to Ms. Golazeski's interpretation of the code.

Under 300-52.3 (I) (3) Video menu boards are permitted. This change would allow drive-in facilities, like McDonalds, to have a touch screen menu board. All the Planning Board members agreed with this change (vote 6-0).

Under 300-52.3 (J) Removal of the following sentence "Flagpoles shall be subject to the height restrictions imposed by each respective zoning district." Ms. Lane noted that Ms. Golazeski had originally eliminated that wording regarding flagpole height because it is addressed in a different section of the code. In addition, having this section in the sign code would mean that flagpole height is regulated by the sign code. The Planning Board members all agreed to remove the sentence (vote 6-0).

Under 300-52.5 (K) The addition of feather signs to the category and changing the timeframe to allow these signs to be up for 60 days. In addition, the following sentences "Maximum size for these signs is 20 square feet. For Special events or sales for existing business, these may be permitted for 30 days for one event in a calendar year. Maximum number of signs is 1 per 50 feet of business road frontage" will be added regarding banner, pennant, windblown, feather or inflated signs. Supervisor Materese commented that these changes are being added to make the sign code more business friendly. Mr. Cicciarelli commented that in the past Ms. Golazeski had some difficulty enforcing the code with regard to businesses removing temporary signs. Ms. Lane noted that the 60-day time limit refers only to the opening of a new business. Supervisor Materese commented that the Town Board members think additional advertising is a good idea, and added that businesses cannot use the temporary signs for the opening of a new business and a special event in the same calendar year. The Planning Board members agreed with all the proposed changes regarding banner, pennant, windblown, feather or inflated signs (vote 6-0).

Under 300-52.5 (O) (P) the removal of video signs and the inclusion of interactive signs. Ms. Lane explained that an interactive sign reacts to the behavior or electronic signals of motor vehicle drivers. The code will also prohibit roof signs. The Planning Board members agreed with these changes (vote 6-0).

Under Section 300-52.6 (B) (1) to clarify the code change the following sentence was added, "If a business is located in a building with 2 street frontages, a total of 2 wall signs may be permitted one each per wall with street frontage for a total of 3 signs." Ms. Lane explained that this change specifically addressed the number of wall signs that a business on a corner

property are allowed; they can have a wall sign on the front and on the side or rear of the building, plus they are allowed to maintain a third sign being a ground sign, for a total of three signs on the property. Ms. Lane also noted that awning and canopy signs are a separate category of signs and this code change does not apply to those signs. The Planning Board members agreed with the proposed changes (Vote 6-0).

Under Section 300-52.6 (B) (2) to clarify the code about shopping center signs the wording will be as follows: "Where groups of three or more contiguous businesses are located together, one sign per use shall be permitted in addition to a single freestanding sign for the entire shopping center. The single freestanding sign shall be no more than 80 square feet if there are four (4) businesses or less. An additional fifteen (15) square feet may be added to the freestanding sign for each business over four (4), up to a maximum of 300 square feet." The Planning Board agreed with the proposed changes (Vote 6-0).

Under Section 300-52.6 (C) Ms. Lane noted that some changes are suggested for off-premises signs. An off-premise sign is typically a billboard because it advertises for a business that is not located on that parcel. The code change will only permit off-premise signs within General Commercial and Industrial zoning Districts within 500 feet of the right of way of NYS Route 17/Interstate 86. Ms. Lane noted that some of the Town Board members wish to allow billboards, including digital billboards. The code changes would allow a company to put up a new billboard only as long as it replaces another billboard. Ms. Lane noted that the new code would read as follows: "Install of new off premise signs is permitted only if non-conforming off premise signage is removed of equal or greater square footage in the Town of Union excluding the Village of Johnson City and Endicott." Ms. Lane commented that billboard signs are currently prohibited, so if a nonconforming billboard sign is damaged, it has to be removed without replacement. Ms. Lane explained that under the proposed code, if a nonconforming off-premise sign is removed, a business would be able to put up another off-premise sign where permitted. Supervisor Materese commented that the Town Board is trying to not eliminate a company's ability to advertise, but they will not have a bad sign and a new one; they are going to have one sign.

Ms. Lane continued, "Yearly license fees for off premise digital signs shall be equal to 5 percent of the gross revenue." There was a comment that 5 percent of the gross revenue is not high enough.

Mr. Forster asked if a business will be able to put up a digital billboard if the business takes down a billboard. Ms. Lane answered that this may happen in the future if digital signs are permitted as off-premise signs. Mr. Forster asked if the Town Board is in favor of digital billboards. Ms. Lane

cannot generalize about the Town Board but some members of the Town Board are in favor of these signs because of the revenue they will generate for the town. Ms. Lane noted that not everybody feels digital signs are bad. Mr. Jaros commented that he almost hit the car in front of him because he was trying to read a digital sign. Mr. Cicciarelli asked what the penalty percentage would be if they do not submit revenue to the town. Ms. Lane said it is still in discussion. The Planning Board agreed that a business should be able to replace an off-premise sign if one is first removed (Vote 6-0).

Ms. Lane continued with the following changes to off premise signs: (a) "No more than one off premise sign is permitted on a lot. The size of the off premise sign shall not exceed 300 square feet in size, 35 feet in height and setback (8) feet from any property line;" (b) "No off premise sign shall be located within 500 feet of another off premise sign facing the same direction; nor, as measured along the street line on which the sign is located within 500 feet from any residential district boundary, nor within 500 feet of the property line of a public or parochial school, library, church, hospital or similar institutional use fronting on the same street." Ms. Lane noted that they had increased the distance between off premise signs from 100-feet to 500-feet. The Planning Board agreed with changes for Section 300-52.6 (C) (a) and (b) (Vote 6-0).

Mr. Cicciarelli asked if the town has received many applications for off premise signs. Supervisor Materese answered that there are businesses who want to put up digital off premise signs. Following discussion about how quickly digital signs change ads, Supervisor Materese said he believes that the proposed 8 seconds between ads goes back to an industry standard so that people are not stopping to read a sign. Ms. Lane referred to a sign company's comment that 8 seconds is deemed the fastest sign changes can be safely made, and that for each ad that flashes on the sign, the sign company makes some revenue. Mr. Materese responded that you do not want the sign changing too slowly, because then people stop to read the sign and disrupt the flow of traffic. Mr. Forster noted that he understands why people get distracted because they slow down to read the sign. Mr. Foster and Mr. Kudgus are not in favor of digital billboards, but if approved, both agree that the more restrictions on off premise signs, the better.

Section (c) reads "Digital message signs are permitted as an off premise sign." Referring to the proposed restrictions on digital signs Section 300-52.6 (C) (c) a-g, Mr. Cicciarelli pointed out that if you disagree with this change, you disagree with all the restrictions. Ms. Lane explained that in her memo to the Town Board last fall, she included the restrictions, in the event that the Town Board voted in favor of digital signs.

Mr. Cicciarelli believes the Town Board thinks it is progressive to have digital billboards, so regardless of what the Planning Board recommends, the digital billboards are going to be approved. Therefore it's appropriate to recommend restrictions. Mr. Forster added that once digital signs are allowed, it will be very hard to take them away, and many digital billboards are not for local businesses, but are for national chains, and putting signs up is not going to give back to this community. Ms. Lane asked whether the Planning Board would like to vote on the one statement, "Digital Message signs are permitted as an off premise sign."

Mr. Jaros commented digital signs are an indication of progress. Mr. Forster answered that does not mean that it is progress in the right direction. Ms. McLain commented that if digital billboards become an issue that the code could be changed back again. Ms. Lane noted that she doubted that the code would be changed back once it is approved. Mr. Jaros felt that if the code restricts digital signs from residential districts by 500 feet, you would only see these signs along highway routes. Per Ms. Lane, the proposal is that digital signs can only be within 500 feet of Route 17, not Route 17C, and only in areas that are zoned General Commercial or Industrial. Ms. Miller noted that the change is restrictive. Mr. Jaros recommended that the Planning Board members vote in favor of the digital signs because with all of the restrictions, it was limited and there is not a lot of room in the code to abuse it. Mr. Cicciarelli feels that the digital signs are going to be approved and he feels that what the Planning Board members should vote in favor of the digital signs with the restrictions. Mr. Jaros recommended that the Planning Board vote in favor of the digital signs because they are limited enough that they won't be abused. All the Planning Board members except Mr. Forster voted in favor of the digital signs with restrictions (Vote 5-1).

Ms. Lane added that there is a difference in the size of a regular billboard, not to exceed 300 square feet, and a digital billboard not to exceed 450 square feet. Ms. Lane responded to the questions from the Planning Board about the illumination of the digital billboards by stating that the NYS Department of Transportation regulates illumination. Ms. Pope added that it was explained at a meeting that digital billboards should not be too small because it would take longer for a person to read and would distract people for a longer period. Mr. Materese added that he believed that 450 square feet is the industry standard for a digital billboard sign.

Under Section 300-52.7 (c) [1] the following wording was added: "except that the restrictions on digital signs shall not apply to Fire Districts or Fire companies, regardless of the applicable zoning district." Ms. Lane noted that the Endwell Fire Company is zoned Neighborhood Commercial and right now digital signs are not permitted. They are asking that fire companies be exempt from the zoning requirement, so that any fire

company would have the right to have a digital sign. Mr. Forster noted that the change should be limited to one per Fire Company. Mr. Materese said that the reason that the fire companies want to have these signs is for emergency warnings. Ms. Lane responded that she does not think all the fire companies will be rushing to put up digital signs because they are expensive. Mr. Forster said that taxpayers end up paying for these signs. Mr. Cicciarelli added that if there is an emergency in Endwell he is not going to drive to the message board to see what is going on, and Mr. Cicciarelli thinks that the fire companies do not need digital signs. The Planning Board voted against allowing fire companies to have digital signs regardless of the zoning district (vote 6-0).

Under Section 300-52.7 (c) [2] the following wording was added under message display: “a. the message shall change no more than once per day and shall consist of two colors. b. No digital message sign may contain text, which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen. c. The content of the sign must transition by changing instantly (e.g. not fade-out or fade-in.) d. The sign shall contain a default design, which shall freeze the sign message in one position if a malfunction should occur.” Ms. Lane asked the Planning Board that if the fire companies are allowed to have digital signs could we agree that at least these restrictions should apply. The Planning Board are in agreement with these restrictions (vote 6-0).

Under Section 300.52.7(d) the following changes are being recommended: “Digital message centers for Governmental uses including Fire Districts and Fire Companies. (1) Signs are permitted in any zoning district on property owned by the entity. (2) Signs are permitted to be monument type signs. (3) Maximum height is (10) feet. (4) Maximum size is 40 square feet in area. (5) Emergency messages such as weather/amber/emergency alerts can change every 10 seconds. Signs cannot flash.” Ms. Lane commented that these changes were an expansion of digital signs to governmental agencies. Mr. Cicciarelli said that he thinks allowing governmental agencies to have digital signs is opening the door up again for these signs and he recommends that the Planning Board vote against it. The Planning Board members all agreed to recommend against allowing governmental agencies to have digital signs (vote 6-0). If the code is approved for digital signs for governmental agencies, the restrictions 1-5 would be applied to them.

Under Section 300-52.8 (A) (3) the following change was added: “Replacement of an existing sign face or faces for a new business or advertiser or change in existing business or advertiser logo without altering the sign structure is permitted and will not result in a loss of nonconforming status.” Ms. Lane noted that Johnson City has already made the change to their code that if you are just changing the face, not the structure of a

sign, you will not have to apply for a variance but you will have to apply for a sign permit. This change will eliminate some of the costs associated with changing a sign face when a new business moves into a building. The Planning Board members agreed with this change (vote 6-0).

Under Section 300-70.2, add the following definitions: “P. Animated Sign Any sign which is designated and constructed to give its message through movement or change of lighting including but not limited to blinking or flashing lights or a sequence of progressive changes of parts or lights or degrees of lighting, excluding time and temperature signs. Q. Roof Sign A structure or device fastened or attached to the roof of a building and used as a sign. R. Interactive Sign - An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.”

Under Table 52-1 the following changes are proposed: to allow internal lighting in Neighborhood Commercial (NC) and Commercial (CO) zoning districts for monument signs, wall signs and awning and canopy signs. In Commercial Office (CO) change the maximum number permitted from 1 per structure to 1 per use.

Mr. Cicciarelli asked whether there is some restriction about the brightness of the internal lighting. Mr. Materese suggested using the wording from Section 300.52.6 (g) “The illumination from an internally lit sign shall be controlled not to be visible from or cast light or shadows onto adjacent properties or cause unwanted glare in accordance with Article 55.” The Planning Board agreed with these additions to the Definitions section and the Sign Table with the recommendation suggested by Mr. Materese (vote 6-0).

#### G. Other Such Matters as May Properly Come Before the Board

Ms. Lane noted at the next Planning Board meeting there will be site plan review for National Pipe & Plastic; a Public Hearing for Floodplain Development for Howard Hanna; and if the Town Board approves the rezoning, there will be site plan review for Ms. Priddy’s landscaping business.

#### H. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 9:45 p.m.

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

**Next Meeting Date**

The next meeting of the Planning Board is tentatively scheduled for Tuesday, May 14, 2019, at 7:00 p.m.

Respectfully Submitted,  
Carol Krawczyk