

Town of Union Planning Board Minutes
Tuesday, June 11, 2019

A regular meeting of the Town of Union Planning Board was held Tuesday, June 11, 2019, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, S. McLain, T. Crowley, M. Jaros,
D. Kudgus, S. Yalamanchili

Members absent: L. Cicciarelli, S. Forster

Others present: Marina Lane, Iliya Honovich, Elena Honovich

A. CALL TO ORDER

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

B. MEETING MINUTES

- 1) Acceptance of May 14, 2019, Public Hearing Transcript – Postponed
- 2) Acceptance of May 14, 2019, and May 28, 2019 Meeting Minutes – Postponed

C. Food Fusion Bar and Grill, 737 W. Main Street, I. Honovich

1) Site Plan Review

Iliya Honovich submitted an application to add outdoor patio dining at the existing restaurant, Food Fusion, located at 737 West Main Street. The restaurant, in a Neighborhood Commercial zoning district, was approved by Special Permit in 2015. The addition of the outdoor dining area will increase the number of required parking spaces to 79, one space per two seats.

The existing parking lot has 50 designated parking spaces on the adjacent lot (749 W. Main Street, by easement filed with the deed), and the revised site plan shows 9 new parking spaces adjacent to the building for a total of 59 available parking spaces, including 2 handicapped accessible spaces. The applicant was granted an area variance of 20 parking spaces on June 10, 2019.

The site has access to public water, sanitary sewer, and storm sewer. The restaurant building, parking lot and patio are existing, so there is no need for construction or an increase in impervious area. Therefore, a stormwater pollution prevention plan (SWPPP) is not required. The Planning Board made a Negative Declaration under SEQRA on May 14, 2019.

This location was subject to a 239-Review as it is within 500 feet of the Village of Endicott and along State Route 17C. Broome County Planning had no concerns for any countywide impacts. The NYS Department of Transportation reminds the applicant that nothing may be placed within the State right-of-way, including patron seating and signage. The Village of Endicott expressed no

concerns about the project. The site plan has been reviewed by the Town of Union Code Enforcement and Engineering Departments.

Mr. Honovich asked if he could open the patio for business just to serve food before he received the liquor license from the state licensing board. Ms. Miller advised that it would be safer to wait for the liquor license for the patio. In the event that someone took alcohol out to the patio, even though not allowed, Mr. Honovich would still be liable.

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

1. Maximum indoor occupancy for the restaurant is 99 people, including all customers, staff and entertainment.
2. The patio shall not be covered under any circumstance, or you will be violating the NYS Building and Fire Code. A fence surrounding the patio shall be installed prior to opening the patio to customers.
3. Contact the Code Enforcement office at 607-786-2920 for a fire inspection prior to opening the patio to customers.
4. A grease trap shall be installed no later than June 28, 2019, and the plumber shall contact the Building Permits office to schedule an inspection following the installation of the grease trap.
5. A backflow prevention device shall be installed by June 28, 2019. Contact Brian Burns, Backflow Specialist for the Village of Endicott Water Department, to coordinate the installation. Backflow prevention devices shall be tested annually, and appropriate paperwork shall be filed with the Village of Endicott Water Department. Mr. Burns can be reached at 607-757-5301.
6. The new parking area north of the building shall be striped according to Town Code Chapter 300, Article 51, Off-Street Parking, Loading and Stacking Regulations, prior to opening the patio to customers.
7. The restaurant shall be required to use a private trash service for a minimum of weekly trash removal.
8. Per § 300-54.6., the dumpster and service area shall be screened from view with either a wall, a solid fence or a combination of fencing and evergreens creating a solid visual barrier to a height of at least five feet above grade level on all sides. The dumpster enclosure shall be maintained in satisfactory condition, per Code's requirements.
9. Prior to the installation of any additional exterior lighting, the location and details shall be submitted to the Code Enforcement Office and Planning Department for review and approval.

10. Prior to mounting any new signage, the location and details shall be submitted to the Code Enforcement Office for review and approval.

11. The required landscaping shall be maintained as approved, and in healthy condition by the property owner. Failure to maintain such landscaping or to replace dead or diseased landscaping shall constitute a violation of landscaping plan approval. Any proposed changes to the landscape plan shall require review and approval by the Planning Department.

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

13. 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. Changes to the site plan following approval may require a minor site plan review or resubmittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

Ms. Lane explained to Mr. Honovich that he has a whole year to set up the outside patio area before site plan approval expires. She also said to contact her if he has trouble meeting the backflow prevention device and grease trap installation deadlines. Mr. Honovich noted that he is waiting to hear from the liquor-licensing bureau regarding the fencing around the patio.

Mr. Jaros commented that there is already a fence in the back separating his property from the school, and asked if Mr. Honovich will put fencing on two sides of the patio. Mr. Honovich responded that the liquor licensing authority is recommending a wrought iron fence around the entire patio area. Ms. Golazeski recommended a beeper on the fence to prevent patrons from leaving without paying their bills. Ms. Lane asked Mr. Honovich if he will have a staff member outside monitoring the patio area. Mr. Honovich answered that he has no problems with his clientele so this will not be necessary.

Mr. Jaros asked if covering the patio for a wedding reception will be allowed. Ms. Lane answered that the patio cannot be covered at all because the covering would extend to the building; and then Mr. Honovich would need to install a sprinkler system. Mr. Crowley asked whether smoking will be permitted on the patio. Ms. Miller confirmed that the law allows smoking in uncovered areas outside of restaurants.

Ms. Lane said the Town wants Mr. Honovich to install the backflow prevention device as soon as possible because state law requires it. Mr.

Honovich asked what the backflow prevention device does. Ms. Lane explained that in the event there is a loss of pressure in the system, the backflow prevention device prevents dirty water from backing up and contaminating the town's fresh water system. The Village water department can assist Mr. Honovich with the necessary paperwork that is required by the Village of Endicott for the backflow device. Ms. Lane added that Mr. Honovich should notify the Town Building Permits department after he has installed the grease trap.

Mr. Honovich asked if he could put a barbecue by the patio. Ms. Lane suggested that Ms. Honovich run the outside barbecue idea by Ms. Golazeski to see if he can. Other applicants who wanted an outside barbecue have been approved through a minor site plan review to ensure that applicants use appropriate safety measures.

Chairman Miller asked for a motion to approve the site plan for the Food Fusion Bar and Grill Outdoor Patio located at 737 W. Main Street, with stipulations.

Motion Made:	M. Jaros
Motion Seconded:	S. McLain
MOTION:	Motion to approve the Site Plan for the Outdoor Patio located at 737 W. Main Street, with stipulations.
VOTE:	In Favor: L. Miller, S. McLain, T. Crowley, M. Jaros, D. Kudgus Opposed: None Abstained: None

Ms. Lane then introduced Surge Yalamanchili, who was appointed by the Town Board as an Alternate Planning Board Member. Ms. Lane explained that when Ms. Miller and Mr. Cicciarelli recuse themselves from the Planning Board meeting during the Fairmont Housing project, Mr. Yalamanchili will participate as a regular member. Ms. Lane noted that she had checked with Alan Pope, the Town attorney, and he advised that Ms. Miller and Mr. Cicciarelli could stay in the room during the discussion because they have no financial interest in the project.

D. Barton Avenue Levee Project – Floodplain Development

Ms. Lane briefed the Planning Board about the Barton Avenue Levee Project. Ms. Lane distributed a copy of the Environmental Assessment form from the Town Board and site plans from Griffiths Engineering. The environmental form description stated that "The Proposed Action will modify and extend an existing earthen levee." The Town Board has already declared lead agency for the financial portion of the project. Ms. Lane noted that even though the

project is referred to as the Barton Avenue Levee extension, the extension will occur on 4301 and 4311 Watson Boulevard.

The floodwall project finally received the green light from FEMA after a significant number of families in the Fairmont Park subdivision lost their homes after the floods in 2006 and 2011. The extension of the Barton Avenue flood levee will offer protection for residents in the Fairmont Park subdivision. Ms. Miller asked if the funds are being disbursed through the HUD program. Ms. Lane answered that Community Development Block Grant – Disaster Recovery funds will be used to pay for the project. The same funds had been used to repair Brixius Creek and for the floodwall across Watson Boulevard. The Town had received 10.1 million dollars in disaster recovery funding after the 2011 flood that was administered through the CDBG program.

Mr. Jaros asked where the floodwall closure is located. Ms. Lane said there is a levee on each side of Watson Boulevard and when a flood is imminent, workers will erect the floodwall manually across the road. That's why the only time you can see that floodwall is during a flood event.

1. Declare Lead Agency for the Special Permit for Floodplain Development

Chairman Miller asked for a motion to declare the Planning Board Lead Agency for the Special Permit for Floodplain Development.

Motion Made: D. Kudgus
Motion Seconded: T. Crowley
MOTION: Declare the Planning Board Lead Agency for the Special Permit for Floodplain Development
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley
M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

2. Call for Public Hearing for a Special Permit for Floodplain Development to be held July 9, 2019, at 7:00 p.m.

Chairman Miller asked for a motion to call for a Public Hearing for a Special Permit for Floodplain Development to be held July 9, 2019, at 7:00 p.m.

Motion Made: D. Kudgus
Motion Seconded: M. Jaros
MOTION: Call for a Public Hearing for a Special Permit for Floodplain Development to be held July 9, 2019, at 7:00 p.m.

VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain,
M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

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

National Pipe and Plastics has changed the entrance for the construction vehicles to enter 1 North Page Avenue from North Page Avenue. This change was made after the last Planning Board meeting. Ms. Lane commented that National Pipe and Plastics wanted to address the concerns that the Planning Board members had about construction traffic on Maple Street, which abuts the south side of the West Endicott Park. Ms. Lane said that the rest of the site plan is the same and this change will be in effect only during construction.

The owner of a repair garage in Endicott has inquired about using a former garage on Pearl Street as an overflow repair garage for long-term vehicle repairs. Mr. Crowley noted that the Planning Board has always had restrictions on how long a car can be stored outside a repair facility. Ms. Lane responded that as long as a vehicle is registered, the Planning Board has no authority to restrict how long a vehicle can be parked outside a garage.

Mr. Jaros asked if there would be a restriction on how many vehicles can be parked outside the garage. Ms. Lane answered there is parking for four vehicles outside the building. Ms. McLain asked how far this site is from the owner's principal garage. The principal garage is on North Street. Ms. Miller asked if the applicant will be moving from his current location. Ms. Lane answered that he will maintain the principal location and would use this site for long-term repairs. Mr. Kudgus added that the applicant probably doesn't want to tie up his main bay with a transmission job, which can take several days to repair. Mr. Yalamanchili asked if any customers will be going to the new site. Ms. Lane noted that the new owner may ask his customers to meet him there, but she is not sure about whether there is a customer area in the building.

Mr. Crowley asked if the garage was in the floodplain and Ms. Lane answered that it is not. Mr. Crowley asked if the Town will have to inspect the floor drains if the building will be used as a repair garage. Ms. Lane answered that all the normal stipulations for a repair garage use would be in effect and she noted that the repair garage was once a permitted use for the building. Ms. Miller asked why the gentleman needed to come before the Planning Board at all since the site had been used as a garage before. Ms. Lane said that since the site is not currently being used as a garage, at minimum a minor site plan will be required.

Mr. Yalamanchili said his only question is if there will be a customer area inside the building if any customers come to the site. Mr. Kudgus agreed that the

building use might evolve in the future if customers came to the overflow site on a regular basis. Mr. Jaros commented that he does not want the outside parking area to turn into a junkyard for cars requiring extensive repairs. Mr. Crowley asked if the Planning Board can stipulate that no body work can be done at the building. Ms. Lane said that the only thing the Code considers is whether the building will be used for vehicle repairs or vehicle sales.

Ms. Lane asked if the Planning Board felt a formal site plan is necessary. Ms. McLain suggested that the applicant add the two bay doors to the current site plan. Ms. Lane liked this suggestion and she will also request a floor plan of the building. The other Planning Board members agreed that a more formal site plan is not necessary.

Chairman Miller asked for a motion to adjourn the meeting at 7:45 p.m.

Motion Made:	D. Kudgus
Motion Seconded:	M. Jaros
MOTION:	Adjourning the meeting.
VOTE:	In Favor: S. Miller, S. McLain, T. Crowley, M. Jaros, D. Kudgus
	Opposed: None
	Abstained: None
	Motion Carried

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, July 9, 2019, at 7:00 p.m.

Respectfully Submitted,
Carol Krawczyk