

Town of Union Planning Board Minutes

Tuesday, July 9, 2019

A public hearing and regular meeting of the Town of Union Planning Board was held Tuesday, July 9, 2019, 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, D. Kudgus, S. Yalamanchili,

Others present: Marina Lane, Sarah Zubalsky-Peer, Rick Materese, Rose Pope, Jeff Ayres, Theresa Ayres, Chris Stastny, Rick Woitd, Anthony Grassi, Deborah Grassi, Robert Craig, Bill Didas Marie Didas, Paul Darpino, John Bernardo, John Jones, Mary Macek, and Robert Potochniak

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 Meeting Minutes

Chairman Miller asked for a motion to accept the May 14, 2019, Meeting Minutes, as written.

Motion Made: M. Jaros
Motion Seconded: D. Kudgus
MOTION: Acceptance of the meeting minutes of May 14, 2019, as written.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: T. Crowley
Motion Carried

2. Acceptance of May 14, 2019 Public Hearing Transcript – Development in the Floodplain

Chairman Miller asked for a motion to accept the May 14, 2019, Public Hearing Transcript for the Special Permit for Floodplain Development, as written:

Motion Made: S. McLain
Motion Seconded: D. Kudgus
MOTION: Acceptance of the May 14, 2019, Public Hearing Transcript for the Special Permit for Floodplain Development, as written.

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

3. Acceptance of May 28, 2019 Meeting Minutes

Chairman Miller asked for a motion to accept the May 28, 2019, Meeting Minutes, as written.

Motion Made: L. Cicciarelli
Motion Seconded: T. Crowley
MOTION: Acceptance of the meeting minutes of May 28, 2019, as written.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros
Opposed: None
Abstained: D. Kudgus
Motion Carried

C. Barton Avenue Levee Project – Floodplain Development, 4301 & 4311 Watson Boulevard, S. Zubalsky-Peer

1. Classify as Unlisted Action; SEQRA Determination

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

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

2. SEQRA Determination

The Barton Avenue Levee addition will increase the level of protection offered by the existing levee that follows Barton Avenue by modifying and extending the levee to an elevation of 841 feet above sea level (a.s.l.) to match the existing floodwall and road closure system across Watson Boulevard. The project will require the removal and replacement of sections of an existing paved walkway/golf path, and will remove a section of an existing parking lot. The properties affected are 4301 and 4311 Watson Boulevard, with most of the proposed levee extending northward on 4311 Watson Boulevard. The total disturbance is expected to be approximately

1.4–acres, and will reduce current impervious surfaces. Construction will take place on a previously disturbed area.

The flood levee is proposed for construction in the 100-year floodplain. Base flood elevation is 836 feet a.s.l. The area is a non-effective/backwater area of the Susquehanna River, and therefore the project will not have any impact on water surface elevations, per a preliminary FIS hydraulic model.

Ms. Lane reviewed Part 2 of the EAF which addresses potential environmental impacts. All impacts were small to none. The proposed action will improve the quality of the existing community. The proposed action will not affect traffic or the infrastructure for mass transit, biking or walking. There will no increase in the use of energy and the project will not affect public/private water supplies or wastewater treatment utilities. Based on an exhaustive study done for the National Environmental Protection Act, the project will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources. Since the proposed action will affect only 1.4-acres of a 265-acre property, the impact to natural resources will be minimal. The project will ease the potential for flooding. Finally, the project will not create a hazard to environmental resources or human health.

Five items in Part 1 of the EAF had required additional review, and she addressed these in Part 3, the Determination of Significance, as follows:

Part 1 (12) Although historic and archeological resources are identified within 2,000 feet, the levee will be built over previously developed land and does not affect any buildings. NYS SHPO determined no impacts.

Part 1 (13) The identified nearby wetland will not be affected by the levee, as it is separated by 2,000 feet with another earthen levee in-between. This small wetland lies along the bottom of the former golf course at the bottom of the Homestead Village subdivision to the west of Fairmont Park.

Part 1 (15) Presence of the protected Bald Eagle was reviewed by US Fish & Wildlife, which determined there are no known individuals or critical habitat within the vicinity of the project site; therefore, no impacts.

Part 1 (16) This project is in the 100-year floodplain and will decrease damage during future flood events. Per the consulting engineer's report, the FIS hydraulic study concluded that this area of the floodplain is in a non-effective/backwater area of the Susquehanna River and the project will have no effect on water surface elevations.

Part 1 (20) The area is within the buffer area of NYS DEC remediation site #704038, the Endicott Area-Wide investigation for groundwater contamination. This contamination will not impact the levee project.

This project will increase the level of flood protection for existing and future development in Fairmont Park.

Based on the information and analysis above, the proposed action will not result in any significant adverse environmental impacts.

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

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

3. Public Hearing

Before the Public Hearing, Mr. Stastny and Mr. Woidt gave a short presentation. Mr. Stastny explained that the project is an approximately 600-foot extension running from the end of the existing levee, along the golf course and terminating in a higher ground elevation at the north end of Barton Avenue. The elevation of the raised levee is set at 841 feet a.s.l., which is a foot above the 500-year flood elevation. There will be a minor disturbance of the parking lot, and a toe drain will be set up to collect any seepage that could potentially go into a future pump station. Mr. Stastny showed the audience renderings of the new levee to show how high the existing levee would look when it is raised to the 841 feet a.s.l.. Mr. Woidt noted that the levee will still have a wide footprint when it is raised. Mr. Cicciarelli asked if the project will incorporate a pump station, and Mr. Woidt explained that a pump station is not part of this project; however, if the water rises to 10 feet and breeches the levee, the toe drain will catch the seepage. Mr. Woidt noted that even during the 2011 flood the waters receded in two to three days. The drain will be an additional precaution.

Chairman Miller opened the Public Hearing for the Special Permit for Floodplain Development at 7:19 p.m.

Mr. Woidt gave a short presentation about the history of the project. Both the 2006 and 2011 floods had affected the Fairmont Park neighborhood and the properties located on Watson Boulevard located by the golf course. Mr. Woidt answered a number of questions from the public about the causes for the flooding and noted that even though this is a significant improvement to the levee, it will not be certifiable by the state until more work is done to close off more areas that caused the flooding.

Ms. Zubalsky-Peer, the Town of Union Planning Director, explained the history of the funding for the project and noted that this will be the last project that the federal money from the original Disaster Recovery block grant will fund. In the future, if the Town is able to procure more funding, they will look at improving the pump stations near the Barton Levee.

Mr. Materese, the Town Supervisor, noted that the project will be sent out for a bid in August and that the Town hopes to have the project completed by November, 2019.

Chairman Miller closed the Public Hearing at 7:58 p.m.

4. Decision at the Planning Board's Discretion

This location was subject to a 239-Review, as it lies within 500 feet of two state highways, SRs 17 and 17C. Broome County Planning did not identify any significant countywide or inter-community impacts associated with the proposed project, but did comment that the project site is located at least partially within the existing FEMA Special Flood Hazard Area, and partially within the Preliminary FEMA Special Flood Hazard Area, and suggested that the Special Flood Hazard Area should be noted on the site plan. The Broome County DPW had no comments. The NYSDOT did not need to review the project.

The Planning Department recommends approval of the Special Permit for development in the floodplain for the extension of the Barton Avenue Levee in the 100-year floodplain, located at 4311 and 4301 Watson Boulevard.

Mr. Jaros asked if the Town can monitor the pumping station located by the Barton Avenue Levee to make sure that it will work in the event of a flood. Mr. Materese answered that he will contact the Department of Public Works to check the maintenance schedule for the pumps.

Chairman Miller asked for a motion to approve the Special Permit to develop in the Floodplain for the extension of the Barton Street Levee located at 4301 and 4311 Watson Boulevard.

Motion Made:	S. Forster
Motion Seconded:	T. Crowley
MOTION:	Motion to approve the Special Permit to develop in the Floodplain for the extension of the Barton Street levee located at 4301 and 4311 Watson Boulevard.
VOTE	In Favor: L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus Opposed: None

Abstained: None
Motion Carried

D. Rezone Petition for 1553 Union Center Maine Highway, J. Ayres

1. Advisory Opinion to the Town Board

Jeff Ayres submitted a petition to rezone the rear portion of 1553 Union Center-Maine Highway from Rural Residential to General Commercial to match the remainder of the property, which is currently zoned General Commercial. Mr. Ayres plans to use the 3.25 acres of the parcel for a tractor-trailer business office and accessory storage of his truck and other vehicles. The proposed office and commercial businesses are consistent with the surrounding uses.

Ms. Lane explained that the Planning Board needs to consider all uses permitted under General Commercial for the property before they make an advisory opinion to the Town Board. Mr. Ayres plans to construct several buildings on the parcel, a small 40' x 40' commercial building and a 50' x 50' storage building for the tractor-trailer with an attached covered, open sided area. At this meeting, the Planning Board will vote on an advisory opinion to the Town Board regarding the rezoning of the rear of the parcel.

Mr. Jaros asked Mr. Ayres to describe the location of the property. Mr. Ayres answered that the property is between Evan's Plumbing and Detailz. Mr. Jaros stated he had visited the property and there were already some trailers parked on the property.

The project was submitted to the Broome County Planning Department for a 239-review as the property is located on State Route 26. They have not responded at this time. The B.C. Health Department recommends that if fuel or chemical storage should ever be necessary as part of the auto business, inside storage of these materials is recommended to prevent accidental spills from contaminating the drinking water aquifer. Floor drains connected to dry wells are regulated by the USEPA and should be avoided in areas that might have auto repairs in the future. The NYS DOT requires that if any work is to be conducted within the State right-of-way, such as for improvement of the site's driveway, the applicant will require a Highway Work Permit prior to commencement of such work. The applicant may contact the NYSDOT Broome Residency at (607) 775-0522 for information and assistance. Finally, nothing shall be placed within the State right-of-way, including signage, parking, or vehicles for sale.

Planning staff recommends that the Planning Board recommend the Town Board rezone the rear portion of 1553 Union Center-Maine Highway from Rural Residential (RR) to General Commercial (GC). This is not spot zoning, and presents an opportunity to use land that is currently vacant for a use that is consistent with other commercial and light industrial uses in the area. The Comprehensive Plan proposes a mixture of Corridor Commercial and Rural Density Residential uses along Union Center-Maine Highway.

The potential uses in General Commercial zoning districts would not have a significant impact on the agricultural farm just to the south, in that any high-intensity use proposed would require a Special Permit, which would provide the Planning Board the ability to impose conditions that would protect surrounding uses. Owners of the plant business, Nanticoke Gardens, have been notified, and as of yet, have not raised any concerns.

If the rezone is approved, a special permit for development in the floodplain would be required, and the owner plans to have louvered buildings to allow the flow of floodwater through them. In addition, new structures would facilitate proper storage facilities for any potentially hazardous or toxic fluids. Site plan review would be required, pending approval of a special permit for floodplain development.

Mr. Crowley asked Mr. Ayres if the property is large enough for Mr. Ayres to turn his tractor trailer around without backing into the road, and he answered yes. Mr. Crowley said that this would make it safer for Mr. Ayres and better for traffic. Mr. Forster asked what plans Mr. Ayres has for the two tractor trailer containers that are now on the property. Mr. Ayres answered that he is not sure what he is going to do with the containers right now. He is storing wood in one of the trailers and there is not much of anything in the other trailer. Mr. Forster asked Mr. Ayres if he plans to move any more trailers onto the property and Mr. Ayres said no. Mr. Ayres noted that if things go well with the business, he would not have a problem with removing the trailers that are on the property sometime in the future. There was a suggestion that Mr. Ayres move the storage trailers further back on the property to increase the curb appeal of the property.

Chairman Miller asked for a motion to recommend the Town Board approve the petition to rezone of a portion of 1553 Union Center-Maine Highway from Rural Residential (RR) to General Commercial (GC).

Motion Made: T. Crowley
Motion Seconded: S. McLain

MOTION: Recommendation of approval of zoning change for a portion of 1553 Union Center-Maine Highway from Rural Residential (RR) to General Commercial (GC) by the Town Board.

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

Ms. Lane noted that if the Town Board approves the petition to rezone, the Planning Board will call for a public hearing for development in the floodplain at the August Planning Board meeting. The public hearing will then be scheduled for the September Planning Board meeting. She advised Mr. Ayres to finalize the Site Plan before the Public Hearing in September because if the special permit is approved, the Planning Board can do the site plan review at the same meeting.

E. Fairmont Park Duplex Project: 12 and 14 Oak St., 25 Poplar and 37 Poplar St., 10, 12, 13, 15, 17., 29 and 30 Woodland Ave., 20, 22, 24, 25, 27, 28, 29 and 31 Birch St., S. Kimmel

At this time, Chairman Miller and Mr. Cicciarelli stated that they will recuse themselves from the Fairmont Park duplex project due to a potential conflict of interest.

Mr. Forster made a motion to nominate Ms. McLain to act as the temporary Planning Board Chairperson for the Fairmont Park Duplex project.

Motion Made: S. Forster
Motion Seconded: D. Kudgus
MOTION: Approval of Ms. McLain as the Temporary Planning Board Chairman for the Fairmont Park Duplex Project

VOTE: **In Favor:** S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

Ms. McLain, the Temporary Chairman, designated Surge Yalamanchili, the Alternate Member, for Mr. Cicciarelli. Ms. McLain noted that Mr. Yalamanchili was appointed by the Town Board to serve as an Alternate Board Member in the event of a conflict of interest in accordance with Town Law Chapter 46, Section 46-1.

1. Declare Intent for the Planning Board to be Lead Agency; Classify as an Unlisted Action

Chairman McLain asked for a motion to declare Intent for the Planning Board to act as Lead Agency and to classify the project as an unlisted action, subject to the approval of state agencies involved in the project.

Motion Made: D. Kudgus
Motion Seconded: T. Crowley
MOTION: Declare the Planning Board Lead Agency and classify the project as an unlisted action, subject to state agencies' approval.
VOTE: **In Favor:** S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus, S. Yalamanchili
Opposed: None
Abstained: None
Motion Carried

2. Call for a Public Hearing for a Special Permit for Floodplain Development to be held August 13, 2019, at 7:00 PM.

Motion Made: M. Jaros
Motion Seconded: D. Kudgus
MOTION: Approval of Public Hearing for a Special Permit for Floodplain Development to be held on August 13, 2019, at 7:00 PM.
VOTE: **In Favor:** S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus, S. Yalamanchili
Opposed: None
Abstained: None
Motion Carried

3. Call for a Public Hearing for a Special Permit for Two-Family Use in USF Zoning District to be held August 13, 2019, at 7:05 PM.

Motion Made: S. Yalamanchili
Motion Seconded: D. Kudgus
MOTION: Approval of Public Hearing for a Special Permit for Two-Family Use in an USF zoning district to be held on August 13, 2019, at 7:05 PM.
VOTE: **In Favor:** S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus, S. Yalamanchili
Opposed: None
Abstained: None
Motion Carried

Chairman McLain called for a motion to return to the regular membership session.

Motion Made: S. Forster
Motion Seconded: D. Kudgus
MOTION: Approval returning to the regular membership session for the remainder of the July 9, 2019 Planning Board Meeting.
VOTE: **In Favor:** S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus, S. Yalamanchili
Opposed: None
Abstained: None
Motion Carried

F. Food Fusion Bar and Grill, 737 W. Main Street, Revision of deadline dates.

The June 12, 2019, approval for outdoor seating at the Food Fusion Bar and Grill included the stipulation that the grease trap and the backflow prevention device be installed by June 28. Mr. Honovich has had a problem getting people to do these improvements on such short notice so he asked for a three-week extension. Mr. Crowley suggested that the Planning Board give the applicant a little bit of breathing room and extend the deadline until July 31, 2019. Mr. Crowley felt confident that the applicant would comply with the new deadline since at the last Planning Board meeting, he had been so sincere about what he was doing to improve the restaurant. Ms. Lane added that Mr. Honovich would not be permitted by Code to use the outdoor patio until these items are addressed.

Chairman Miller asked for a motion to approve the revision of deadline dates until July 31, 2019, for Food Fusion Bar and Grill at 737 W. Main Street, with stipulations.

Motion Made: T. Crowley
Motion Seconded: S. McLain
MOTION: Approval of the Revision of deadline dates until July 31, 2019, for Food Fusion Bar and Grill at 737 West 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

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

During discussion, Mr. Potochniak said he is in real estate and he came to learn about the Fairmont Park duplex project. He would like to know where the

duplexes will be located and what they will do for the community. Ms. Lane commented that there will be nineteen properties that will be realigned into seventeen parcels, and then developed with duplexes (thirty-four units). She added that the units will be marketed as mixed income rental units. Ms. Lane noted that Fairmont Park is a very desirable neighborhood, and due to the 2011 flood, the Town of Union received disaster recovery money from the state to renovate the neighborhood. Mr. Materese added that the duplexes will definitely enhance the neighborhood. Ms. Lane suggested Mr. Potochniak attend the August 13, 2019, Planning Board meeting when there will be two public hearings about the project.

H. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:43 p.m.

Motion Made:	D. Kudgus
Motion Seconded:	M. Jaros
MOTION:	Adjourning the meeting.
VOTE:	In Favor: S. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, 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, August 13, 2019, at 7:00 p.m.

Respectfully Submitted,
Carol Krawczyk