

Testimony of a Public Hearing of the Town of Union Planning Board held at the Town Office Building, 3111 East Main Street, Endwell, NY, Tuesday, August 13, 2019, at 7:32 p.m.

PRESENT:

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

Others present: Marina Lane
Sara Zubalsky-Peer
Rick Materese
Rose Pope
Sue Kimmel
John Bernardo
Peter Wilson
Ed Keplinger
James Hunter
Mark Parker
Kevin Valenta
Al Chapin
Jean Chapin
Carla Lamoreaux
Diane Wild-Lister
Monica Becker
Joan Zopp
Tammy Plummer
Richard Smith
Pete Shibosh
Deborah Grassi
Roger Hurlbut
Michael Heide
Mary Macek
John Jones
Quinton Perry
Ashley Perry
Anne Marie Jones

Laurie Jones
Richard Jones
Robert Potochniak

MS. MCLAIN: For the public hearing, I will first read the announcement. And then, if the Planning Board has any questions, they can ask them; and then we will open the floor to the visitors. Because there are many of you, and we would like you all to have an opportunity to ask a question, please keep your remarks short. And when you do speak, we ask that you stand, and state your name and address for the record loudly and clearly so that Carol can get them copied down. And please direct any questions and comments to the Planning Board. If you could keep your comments short, to about three minutes, that would be helpful. I will start by reading the announcement.

The Town of Union Planning Board will conduct a public hearing relative to an application by Two Plus Four Construction for a Special Permit for floodplain development to build elevated residential buildings on the following properties: 12 Oak St. (TMP #142.11-1-20), 14 Oak St. (#142.11-1-21), 25 Poplar St. (#142.11-1-35), 37 Poplar St. (#142.11-1-22), 10 Woodland Ave. (#142.11-1-33), 12 Woodland Ave. (#142.11-1-34), 13 Woodland Ave. (#142.11-1-26), 15 Woodland Ave. (#142.11-1-25), 17 Woodland Ave. (#142.11-1-24), 29 Woodland Ave. (#142.11-2-44), 30 Woodland Ave. (#142.11-2-28), 20 Birch St. (#142.11-2-19), 22 Birch St. (#142.11-2-20), 24 Birch St. (#142.11-2-21), 25 Birch St. (#142.11-2-33), 27 Birch St. (#142.11-2-32), 28 Birch St. (#142.11-2-23), 29 Birch St. (#142.11-2-31), and 31 Birch Street (#142.11-2-30). The lowest floor elevation will be at least two feet above base flood elevation.

The public hearing will take place on Tuesday, August 13, 2019, at 7:00 PM in the Town Board Meeting Room on the second floor of the Town of Union Office Building located at 3111 East Main Street, Endwell, New York. The application is available for review in the Town of Union Planning Department (at the address listed above) during normal business hours (8 AM to 4PM).

Individuals with special needs requiring accommodations may contact the Planning Department at (607) 786-2926 at least 24 hours prior to the scheduled public hearing. Sara Zubalsky-Peer, Secretary.

MS. MCLAIN: Any questions from Planning Board members? Okay then, would any of the visitors like to speak? And remember to stand and state your name and address.

MR. R. JONES: I'd like to say something.

MS. MCLAIN: Yes.

MR. R. JONES: My name is Richard Jones and I live at 7 Woodland Avenue which is in Fairmont Park. I brought some pictures along that show what really happened in the Fairmont Park woods. Why would we want to

build something in a flood zone? Why would you put people in harm's way? We have flood protection that does not work. There is also an issue with the sewer lines because the sewage is pumped from Fairmont Park to Johnson City. When it floods, the sewage goes back to the pumps, which pump the flood water out of Fairmont Park. When this happens, if the pumps don't work, the sewage is in the flood water, and that would affect everyone. As you can see, all the areas where you are planning on putting the two-families, which are rentals, they were all under water. The thing about a rental, anyone who rents cannot buy flood insurance. A building owner can have flood insurance, but people who live in these rentals will not be able to be insured. And you can see that there was quite a bit of damage done in the flooding. These were all homes that were there that are now gone. I just thought you should be refreshed about what it looks like when it is flooded. That's what I have to say.

MS. MCLAIN: My street was flooded too, in Endwell, so I know what it looks like.

MS. PLUMMER: I live at 11 Birch Street.

MS. MCLAIN: Can you give your name?

MS. PLUMMER: My name is Tammy Plummer. My house was in this mess; it took me three years to get back home. I've raised my house up above the floodplain, with the idea of living in a residential neighborhood. Now you are talking about taking my residential neighborhood and turning it into a rental area. When I bought the house, it was with the idea of living in a residential one-family neighborhood and that is not what this is. My question to the people that are building this, is this going to be HUD approved? The people who are going to be renting, what is their income?

MS. MCLAIN: Please address your questions to the Planning Board.

MS. PLUMMER: Is it HUD approved? Is it low income? Is it moderate income? Is it families? Will it allow college students? What is that going to be?

MS. LANE: Let me just say that we cannot discriminate. And I often find questions like that offensive because there are many people who actually work here in the Town that would qualify to live there. I find questions like that hurtful because there are many people who work here in the Town who could qualify to live in homes like that, and we are pretty decent people.

MS. PLUMMER: I never said that anybody was indecent.

MS. LANE: But that was the reason you asked your questions.

MS. PLUMMER: You're right. But also, are they college students? Are they families? Are they going to be allowed to cohabit and not have relationships with each other?

MS. LANE: Do you regulate the single-family homes in the subdivision right now about that?

MS. PLUMMER: No, but generally when you get people living together that are not related, there tend to be more issues. It's just what it is.

MS. LANE: Well, people who are not related could live in the subdivision as it is right now. Just keep it in mind.

MS. CHAPIN: My name is Jean Chapin. I live at 8 Woodland Avenue. My house is one of the houses on that map. I had water on my second floor. The end of Woodland Avenue where I live is one of the lowest properties in the neighborhood. The other one is at the other end of Birch Street near Barton Avenue. We get flooded first and we get flooded the worst. I have a lot I could say, but may I hand out a packet that I have put together with the help of my neighbors? It might help you to look at it.

MS. LANE: Ms. Chapin, why don't you not worry about handing that out, and let's hand it to someone who could distribute it for you.

MS. CHAPIN: If I may say, any of the questions on there, most any of us neighbors can answer the questions for you, and expand upon them. But, these are concerns.

MS. MCLAIN: Thank-you.

MS. ZOPP: I just want to say that I live on the corner of Watson Boulevard and Poplar Street, in the big white house. My house was built by Mr. Gray, of Gray's Crossing, in 1910. I have pictures of the 1935 flood and the 1942 flood, and not a drop of water came to my house. Every time that somebody comes in and does an improvement, the dike, the berms, or whatever, it changes the water flow. This last flood, I had water up into the middle of my first floor. All those other floods, I had nothing. All these improvements never helped me a bit.

MS. LANE: Could you please give us your name and address?

MS. ZOPP: Joan Zopp, 4119 Watson Boulevard.

MS. MCLAIN: Thank-you, Ms. Zopp.

MS. BECKER: My name is Monica.

MS. MCLAIN: Your last name also.

MS. BECKER: My last name is Becker and I live at 11 Woodland Avenue. My house was also in this flood, which had flooded twice. We lost almost everything we had. I bought the house after it was rebuilt by a family member. I carry very expensive flood insurance and it costs me about \$1,700 a year. I pay because I love this neighborhood. It's a quiet neighborhood; we are all a family. Bringing in homes that are this tall, my property line, that's going to block all my sunlight. You are pushing people who love the area, and have taken care of the area, and spent the money to rebuild, you are taking that away to put in rental homes. We all spend a lot of money on flood insurance and we are there for a reason. We could have up and left, but we didn't. The Town of Union had the opportunity to buy those lots and they did not want to buy them. We wanted to buy them from the Town of Union, and they said no. Because we wanted to prevent something like this. These homes being that elevated is going to take away so much of our room down there, our sunlight. My home, I will get no sunlight on the side of my home, because I rebuilt on a very small income, and I didn't pay a lot of money (crying.) To put in two-family homes, rentals, it's not going to be a neighborhood. It's going to be in and out.

MS. LISTER: I am Diane Lister, and I am at 23 Barton Avenue; it's a big yellow house. Have these lots already been sold to the developers?

MS. BECKER: Because I am sure everyone will buy them. If the Town of Union does not want to take care of them, I am sure we will buy them.

UNIDENTIFIED: I'm already taking care of the one next door.

MS. BECKER: I did for the first two years.

MS. LISTER: Have they been sold?

MS. MCLAIN: That is a question I can't answer; I don't know.

MS. LISTER: So why is not being offered to the people that live there?

MS. BECKER: I'll mow it. If they don't want to take care of it, I'll mow it.

MS. ZUBALSKY-PEER: It's currently under a purchase option. So the Town currently owns them, but we are in an agreement with them.

MS. LISTER: Why don't you put it up to the people who are there too?

MS. LANE: The Planning Board had nothing to do with that.

MS. LISTER: So who do we contact about that?

MS. LANE: It was a Town Board decision. Back when the monies became available, we got funding from FEMA that said certain properties could never be redeveloped. But other monies came from the Disaster Recovery funds specifically so that they could be redeveloped one day. And I understand that you are protective of your neighborhood, but you have to remember that there were other people living there before. And let me just finish. And there are a lot of people, we get hundreds of requests for housing in this area.

MS. LISTER: Well, if I bought the lot I could leave it empty or I could build a house too.

MS. LANE: It's not a Planning Board decision at all. That has nothing to do with the Planning Board.

MS. CHAPIN: May I speak?

MS. MCLAIN: You did speak once. Is there anyone else who would like to speak?

MS. L. JONES: Laurie Jones, 7 Woodland Avenue. I just want to understand what you are saying. There are seventeen of these homes; they are just replacing one-family houses. But they are not one-family houses. You are saying the impact is the same. Well it is not, because there are two families living in them.

MS. LANE: But the houses that were demolished that can never be redeveloped again, fit into that calculation.

MS. L. JONES: What does that mean?

MS. LANE: So let me finish and explain. Some properties were purchased with FEMA funds that said they could never be redeveloped. And some properties were purchased with FEMA funds that were Disaster Recovery.

MS. L. JONES: I think that there are very few that can't be redeveloped.

MS. ZUBALSKY-PEER: I think the map that she has, any of the lots that are outlined in the pinkish color were bought with FEMA money, and FEMA put restrictions on it that it can never be rebuilt on. The ones outlined in a bluish-green color was Disaster Recovery money, but that was federal funding...

MS. L. JONES: So how many on Woodland Avenue were bought with FEMA money?

MS. ZUBALSY-PEER: I would have to look at the map and count them. The Disaster Recovery lots were funded with federal money with the stipulation that if we demolished the houses then we would then use that property to rebuild houses.

MS. MACEK: That's the lowest part of Fairmont Park, Woodland Avenue. Why would you rebuild there?

MS. CHAPIN: But this is not what we were told.

MS. LANE: Yes, but don't interrupt each other for one thing, please; and as we said, when you want to speak, please ask to be recognized.

MS. CHAPIN: Well, I raised my hand and you told me I already talked. So what am I supposed to do, just sit here and shut up?

MS. LANE: She was trying to give people an opportunity to speak who had not already spoken. For example, Laurie Jones had not already spoken. That is what Sue asked; if there are people who have not spoken already, please let them have a chance first.

MS. MCLAIN: Well, is there anyone who hasn't spoken?

MR. J. JONES: John Jones, 23 Beech Street. The impact from the two-family houses will be more than what it was for sure. You say nineteen lots and seventeen houses you are putting in.

MS. LANE: Nineteen properties being merged into seventeen lots. Again, this does not include the properties that can never be built on. The question is a matter of significance. Therefore, if we added one hundred and fifty new homes, then you could start to say that is a significant amount. However, what is being replaced, those structures, are not going to be using a significantly greater amount of whatever.

MR. J. JONES: One more question. You said that the water lines are on a separate agenda?

MS. LANE: A separate project, nothing to do with the Planning Board.

MR. J. JONES: Do we know when that is going to go in? Are the houses going to go in before that is done? Because that will impact everybody who is there with the water pressure.

MS. LANE: I actually can't answer that.

MS. ZUBALSKY-PEER: We can't do those water main improvements until this project is definitely going through because of the funding source for the water mains. So once we know for sure and have the approval that this project is going to go through, then we can do the water main work. But we cannot do the water main work before this happens because it's federal money.

MR. J. JONES: Will it happen at the same time or after?

MS. ZUBALSKY-PEER: The plan is to do it at the same time so that we are not in there breaking things up multiple times.

MS. LANE: Can you tell me your name please.

MR. J. JONES: John Jones, 23 Beech.

MS. MCLAIN: Is there someone else who hasn't spoken yet?

MR. SHIBOSH: My name is Peter and I am currently residing at 11 Birch Street. It should be an easy question. Regarding the latest United States Supreme Court case where you are talking about a quiet residential neighborhood, I am just wondering if anybody knows what the latest court case is that we would be referring to. I know the one from 1975, I believe. That should have been the first thing that was looked at, the Supreme Court case because it actually prohibited that from happening or at least arguing it in the Supreme Court.

MS. LANE: I'm sorry, I am actually having a hard time understanding you.

MR. SHIBOSH: Okay, I'll come right next to you.

MS. LANE: Make sure you stay where the recorder is.

MR. SHIBOSH: I am just asking someone to cite the latest United States Supreme Court case that says that this could be done regarding the Quiet Family Act. That is all I am asking. Because that has to be done or it could be argued. I can cite the 1975 one; I have it right on my phone. It's not funny. It's a United States Supreme Court decision.

This is a quiet residential neighborhood. They upheld it that they couldn't come into it.

MS. LANE: Who is "they?"

MR. SHIBOSH: The United States Supreme Court upheld the decision that they could not come into a quiet neighborhood.

MS. LANE: Who is "they" cannot come in?

MR. SHIBOSH: Anyone. Anyone could infiltrate a quiet family residential neighborhood. I could quote the latest one too. You can't violate the United States Supreme Court.

MR. KUDGUS: But people do have the right to habitate where they choose to live.

MR. SHIBOSH: I am asking, what is the court case that you guys refer to before making this decision? You should know that; somebody should know that.

MR. FORSTER: We didn't make the decision; the Town Board made the decision.

MR. SHIBOSH: Okay.

MR. FORSTER: This is a Public Hearing on site plan matters. We didn't make the decision.

MS. LANE: Well, it's a residential subdivision and there are available lots, and anybody has the right to build on those lots, except for the ones that FEMA purchased that doesn't allow development.

MR. SHIBOSH: Not unless it is deemed a quiet family neighborhood. Then the United States Supreme Court gets in, and that is where the argument starts.

MS. LANE: We are not going to be voting on this tonight. Therefore, if you would like to submit that case number to us, we have another month to research that.

MR. SHIBOSH: Yes, there is a lot to it. It's from 1974. I was asking if there was a more recent one.

MS. LANE: I will give you my contact information, or you can go on the website and Sara's contact information is there, and you can send us an email with that reference. Because we obviously can't address it tonight because we don't have it.

MR. SHIBOSH: I am not sure how to pronounce it. It's the Village of Belle Terre versus Boraas.

MS. LANE: Well, just submit it to us.

MR. SHIBOSH: Well, I wanted to put it on the recorder so that you know what court case it is. And that prohibits, or least gives a real good argument to prevent this from even happening, if you want to read it. Thank you.

MS. POPE: Marina, please get that to me and I'll look at it. We generally don't look at court decisions before the Town makes its decisions, but since you brought it up, we will look at it to see if it applies.

MR. SHIBOSH: Thank you.

MS. MCLAIN: Is there someone else who hasn't spoken yet?

MR. R. JONES: I've already talked; my name is Richard Jones, 7 Woodland Avenue. You mentioned that you are upgrading the water. Are you also upgrading the sewers?

MS. ZUBALSKY-PEER: The sewers are not part of the water project, no.

MS. LANE: I actually saved in my folder here, an email from when we had this meeting two or three years ago, so I'm glad you brought that up. It was from Laurie Jones questioning about the casino and sanitary sewer. So, I actually have that from a different project, so I will remember to address this with our Commissioner of Public Works.

MR. R. JONES: I went online and I see where they put out bids for water and sewer upgrades for the area. And, as I explained previously, the way the sewer system works in Fairmont Park, it is pumped from Fairmont Park to Johnson City. When it floods, the pumps do not pump the sewage to the Johnson City sewers. Then it backwashes into the storm sewers which are pumped from the park across the dike.

MS. LANE: Richard, that is not an appropriate question for the Planning Board to handle. I mean Planning Board members are private individuals who give up one night a month to come in to vote on projects. However, we as employees of the town can take your concerns to the Commissioner of Public Works, because that is something that is not really project relevant. That is an issue that you are having right now, right?

MR. R. JONES: But it is not going to be done unless this development is done.

MS. LANE: Sara said that the sewer line is not a part of this project.

MR. R. JONES: Well, on the internet it is all one project.

MS. ZUBALSKY-PEER: We haven't put any bids out for the water project yet. I am not sure which project you are referring to...

MS. L. JONES: It was on the town website. It's for water.

MS. ZUBALSKY-PEER: Was it for just the design?

MS. L. JONES: I just wanted to say too if there is a torrential rain, sometimes the sewer on the end of our street, there is toilet paper in that sewer. So if you are going to put in a whole bunch of more toilets, there is already a problem. That's what we are saying.

MS. ZUBALSKY-PEER: Like Marina said, we will certainly take that to the Commissioner of Public Works.

MR. CHAPIN: I'm Al Chapin, 8 Woodland Avenue, and I am concerned about the sewer too. From Traditions, it comes under the floodwall, down Woodland Avenue, and during a flood situation it boils out of that sewer and it all backs up all throughout Fairmont Park. But then from there, it is pumped with big pumps; it is pumped over the flood wall to Traditions. All the sewers from Fairmont Park go through that because they can't get out through the creek. So they should consider that too before you build. And when we're flooded, you can't get out of Fairmont Park; there's no place to get out. So you would need these homes real high to get out of the flood water. There is no place to get out.

MS. LANE: There is an easement. If you go up, and around to the cart path to get onto Eagle Drive.

MR. CHAPIN: Right, well before, that road was all washed out.

MS. LANE: Well, that is what the arrangement has been with Mr. Walsh. That you would be able to come up Beech and over behind, and however you get through...

MR. CHAPIN: I didn't know that we had the easement, but that is good to know to get out.

MR. SMITH: Can I just say something?

MS. MCLAIN: Have you already given your name?

MR. SMITH: Richard Smith, 17 Oak Street. I know you are going to have more meetings and that you are going to decide more on this. But my true feeling is that you can just tell the people that live in Fairmont Park, "You might as well forget the whole thing because what you say doesn't matter. We are going to do it and that is all there is to it." We have no rights. We couldn't take a petition if we wanted to because it's not going to do any good. We are just going to have to suck it up and that's it.

MS. L. JONES: And we have sucked up enough.

MR. SMITH: Excuse me, but I asked about buying property there next door and across the street. And I got "No, no, no. You can't buy the property. We are going to use it to our advantage, not you. You don't matter."

MS. LANE Don't get mad at the Planning Board.

MS. CHAPIN: Well, who are we supposed to get mad at? If we can't get mad at you guys, why are we here talking to you?

MS. LANE: We were presented with an application and we have no control how that land... the Planning Board is not that group. The Town Board controlled that property, and tried to do something helpful that would benefit the entire community. We have to look at the entire community.

MS. CHAPIN: You're not helping our community.

MS. LANE: We have to look at the entire community which has a desperate need for housing. I'm sorry, I've forgotten your name.

MS. BECKER: Monica Becker. I live at 11 Woodland. When it comes time and we want to sell our properties, what is this going to do to our property values? I am not going to get as much for my property having these great big tall homes around a small house. Why don't you just buy out the development? That is another question, are they interested in perhaps buying up all of Woodland Avenue? Then you guys could have all of it. Because you are going to put these great big places in and all of these little homes that are around it, are going to be overpowered, and our value is going to go down. So we either sell immediately, because we are not going to be able to sell it after that. Nobody is going to want to live next to these great big houses where you have no sunlight, no nothing.

MS. LISTER: Are all the lots big enough to take this size home? I mean, they are huge. Some of those lots don't seem like they are big enough for anything.

MS. SARA ZUBALSKY-PEER: They are not building them on individual lots. As you mentioned and as you can see on that diagram, they are combining some of the lots. It's not just on one parcel.

MS. MCLAIN: So, I have a question. The lots are all going to be attractively landscaped, aren't they? Do you have some controls over the appearance of the properties, so the streets look good?

MS. KIMMEL: The individuals who will be residing in the units are not responsible for landscaping. We, as the owners of the property, and SEPP Management in particular, the management agent, they are responsible for the landscaping, the cutting of the grass, and taking care of the shrubberies. One of the things that we will be presenting is a planting plan to show the plants that are going to go back in; now they are just vacant lots. One of the advantages of a rental property is that we do have control over the upkeep and the landscaping, even more so than if they were seventeen individual homes.

MS. MCLAIN: Thank you. Yes?

MS. MACEK: Mary Macek, 23 Beech Street. Can you say your name?

MS. MCLAIN: Please address the Board.

MS. MACEK: Has she mentioned her name? Can she just say her name for my own personal record?

MS. MCLAIN: I think that you did introduce yourself.

MS. KIMMEL: Sue Kimmel, Lakeland Development.

MS. MACEK: I have a question for you about your properties.

MS. MCLAIN: Address us and then we will refer the question to her.

MS. MACEK: Please ask Sue Kimmel to repeat the number of lots that are going to be built on. Was it nineteen?

MS. KIMMEL: There are a total of twenty lots and they are going to be used to create seventeen duplexes.

- MS. MACEK: Twenty lots to create 17 duplexes. A duplex means two, right? Therefore, that is thirty-four units to be placed on these twenty lots here. In these duplexes, how many bedrooms will each duplex have?
- MS. MCLAIN: Does it vary? What is the number of bedrooms?
- MS. KIMMEL: It's half and half. Seventeen are two-bedroom units and seventeen are three-bedroom units.
- MS. MACEK: That seems like a lot more than what was there previously. So that has the potential to be a lot more of a drain on the sewer, the water and the electric. So we are going to be affected. Because I am going to assume that there is going to be one person in each one of those bedrooms.
- MS. MCLAIN: Well, I don't know. With subdivision planning, I suppose it is such that you anticipate the number of people who will living there and you put in the appropriate size pipes, right?
- MS. MACEK: Like the pipes for the water. My second question is has anybody fixed those pumps on the west side of the floodwall in Fairmont Park? The last meeting you had here, the Planning Department, we addressed Mr. Bertoni about checking into whether those pumps had been maintained. Because we told you that in 2011, they were not working. One was completely broken and the other one wasn't even working.
- MS. SARA ZUBALSKY-PEER: I believe our Council members met with the Commissioner of Public Works and the issue was not that the pumps were not working. The issue was that when the flood waters entered, NYSEG cut the power, and at the time there was no back-up power.
- MS. MACEK: That's not correct because there is a man in this room that actually stood there and was working one of the pumps. So if there was no power, how was he getting the pump to come back on?
- MS. LANE: That's just not relevant to this project right now, but it is a valid concern.
- MS. MACEK: But you said you would address it or Mr. Bertoni would look into it and address it at the next meeting, which would be now.
- MS. LANE: I don't think that it was going to be addressed at the next meeting, something like that, because that is a major effort.

MS. MACEK: We just want to look to see if something had been done; that would be a simple yes or no.

MS. LANE: No, I haven't. Nobody in here is Mr. Bertoni.

MS. MACEK: I thought it was John Bertoni.

MS. LANE: Mr. John Bernardo is here.

MR. BERNARDO: Mr. Materese is the Town Supervisor.

MR. FORSTER: But this is not the place.

MS. POPE: This is not relevant to this Public Hearing. You have to keep your questions relevant to this matter.

MS. MACEK: Okay. In the last meeting...

MS. MCLAIN: Address the Board.

MS. MACEK: Okay Board, during the last Planning Board meeting, two people had said that these homes would be income eligible as per HUD guidelines. The people who live in these units have to make a certain salary in order to live there.

MS. LANE: We have already heard from people from the neighborhood express their concerns about people with low income. Somebody already expressed the fact that they raised their house. I don't think that those are relevant concerns. You've got people already in there and you have the potential for all these societal concerns that are coming up that could be happening at any time, and are happening.

MS. MACEK: Is Sue Kimmel actually funded by HUD? Does she work for them, or is she a private individual?

MS. LANE: It doesn't really matter as it is not relevant to the project. Today we are here to talk about development. This is a Public Hearing about development in the floodplain. So the concerns that have been raised during the Public Hearing, like the concern about the height, that is a legitimate concern, but financing for the project is not something that the Planning Board has any involvement in.

MR. JAROS: Marina, excuse me, can you direct her to who would address her questions?

MS. LANE: I don't really know, actually.

MS. KIMMEL: I am happy to provide contact information if anyone has any questions. Again, those types of questions aren't relevant to site plan approval.

MR. JAROS: Absolutely, but I think we are dealing with a number of issues here.

MS. KIMMEL: I would be happy to meet with the neighbors at some point, if that helps, to answer questions and to give them a better understanding of the project as a whole. I would be more than happy to provide my contact information and to make arrangements, perhaps at our Cardinal Cove project here, to have the neighbors come in and have a meeting.

MR. JAROS: I think that would be a great idea. It would alleviate some of the stress.

MS. KIMMEL: I would be happy to do it.

MS. MCLAIN: And probably we have wandered from the main topic, which is development in the floodplain. So perhaps we should limit the rest of our questions to that. So, you wanted to say?

MS. PLUMMER: When is the next meeting where I can get more answers as far as some issues we are facing with having very large buildings next to very small houses? When is the next planned meeting for that?

MS. LANE: Well, that is triggered by the fact that in order to make housing available in the floodplain, they have to build, by FEMA regulations, they have to build above the base flood elevation, so this would be that meeting. The reason that they are raised, and I think you mentioned that you raised your own home...

MS. PLUMMER: Right, but it's not anything like that, not even close.

MS. LANE: I understand...

MS. CHAPIN: I can't hear what she's saying.

MS. LANE: I am just saying that this is the meeting when you express those concerns.

MS. L. JONES: So it's just like my dad said; there is nothing we can do. This is a done deal and we really have no say.

MS. LANE: We are taking your comments right now.

MR. SMITH: But they don't mean anything. Bottom line, I'm sorry to jump up and say something out of turn, but it doesn't mean a damn thing for us. If anyone of you guys had this come into your neighborhood, I am sure that you would have something to say about it. I'm sure you would. I can't see out of the front of my house anymore when you set that damn thing in front of it.

MS. L. JONES: I won't be able to see out the whole side of my house anymore.

MR. SMITH: You can't see a damn thing.

MS. ZUBALSKY-PEER: But you can see out of the other side of your house.

MS. L. JONES: Yay!

MS. LANE: When we do the transcript for these Public Hearings, Carol has to say "so and so said "I can't hear anything,"" and so on and so on. So just please say your name.

MS. SMITH: My name is Richard Smith, 17 Oak Street, and I hate what the hell you are doing to us. And I'll bet you that if you ask every neighbor in the place, nobody wants this. That's what I have to say.

MS. ZOPP: Take a ride through the neighborhood and picture these houses.

MS. CHAPIN: I invite any of you to come to our neighborhood and any of us can show you around as to what is going on with the floodwall system, the pumps, with the sewage department. Come down. I live at 8 Woodland Avenue. I'll make you coffee, give you a soda. Come down and see what is going on.

MR. JAROS: I would like to just say I care what is happening, and I don't think that there is anybody here who doesn't care about what is happening. And everything you say we are listening to. So don't for a minute think that no one cares. That is why we are here.

MS. CHAPIN: I don't mean you.

MR. JAROS: That is why you are here, because you care.

MS. CHAPIN: Exactly.

MR. JAROS: If you don't tell us, if you don't come to meetings, we don't know

MS. CHAPIN: If you build these houses that will be within five feet of my home, I'll never see the light of day again. And it is infringing on my rights. These are the same people that tried this three or four years ago, and didn't finish the project. So why are we at it again now? Why do we have to keep going through this?

MS. MCLAIN: Yes?

MS. LISTER: Diane Lister, 23 Barton Avenue. I just need you to clarify that you guys are from the Planning Board but you said the Town Board is the one who made the decision about selling the properties for income, for taxes. Are they having any more meetings to discuss how the properties get sold, or if it is available to anyone to buy? Why was the decision to sell it to one property development company?

MS. MCLAIN: That is a question that we really don't have the answer to.

MS. LISTER: Is there a meeting that we can go to get more answers?

MS. MCLAIN: Where could they go to get answers?

MS. POPE: As Sara said, the properties are under an option agreement.

MS. LISTER: But they were never offered to people who lived in the neighborhood.

MS. POPE: The Board made its decision. It was a Town Board decision.

MS. CHAPIN: I've called the Town Board for years and nobody will even answer me. I have written letters to the Board and nobody will even answer me. I've called, I have talked to people and they won't even talk to me.

MS. POPE: What you need to do is to go to a Board meeting, okay? Go to a Town Board meeting and that is where you need to address these questions. That is what you need to do.

MS. MCLAIN: Okay, you can talk about that later. I think that we have probably exhausted the topic.

MS. POPE: And the Town Board can address that part so if there is anyone that wishes to speak to this particular issue.

MS. MCLAIN: Do you have something new to add?

MS. L. JONES: Are the people who would move into these going to be told that this is a flood zone? Renters can't buy flood insurance, as I understand it. Are they going to be told this?

MS. MCLAIN: Is that true that you can't buy flood insurance if you are a renter?

MS. ZUBALSKY-PEER: I used to rent in a flood plain and I got flood insurance.

MS. L. JONES: My daughter tried to get flood insurance and was not allowed to.

MS. ZUBALSKY-PEER: No one should ever deny someone the chance to get flood insurance.

MS. L. JONES: But these are low-income people. This flood insurance is expensive. We are all paying thousands of dollars.

MS. ZUBALSKY-JONES: It's different for renters, but no one should ever deny anyone flood insurance. You can get flood insurance.

MS. L. JONES: I don't know if you are right, I'm going to check into it. I want to know if they are going to be told this.

MR. POTOCHNIAK: It's not available from all insurance agencies.

MS. L. JONES: Okay, well, I'm going to check into it.

MS. LANE: Can you repeat that? I'm sorry, I forget your name.

MR. POTOCHNIAK: My name is Bob Potochniak and I was just telling her that not all insurance agencies offer flood insurance.

MR. FORSTER: I have a question for Sue. Now, these are up in the air; and you said how far above the flood level from the past?

MR. KEPLINGER: In the past, I don't know what the houses were set to, but these will all be two feet above the base flood elevation or higher.

MR. FORSTER: And that base flood elevation is...?

MR. KEPLINGER: The base flood elevation is 835 feet.

MS. ZOPP: You said that there are no garages, right?

MS. MCLAIN: Right. Carport.

MS. ZOPP: So every family can only have one car?

MS. MCLAIN: Is there a driveway space in addition to the carport?

MS. KIMMEL: Yes.

MS. MCLAIN: Then you can have two.

MS. ZOPP: I'm just thinking of the streets down there.

MR. SMITH: I want to say one last thing. I want to apologize to each and every one of you, but I am going to say this really hurts me. I lost my wife recently, and now I'm losing my house and everything around me, my view, everything. I can't stand this anymore. It's not fair. And I won't say another word, but I apologize to everybody.

MS. PLUMMER: What is going to happen to the value of our homes?

MS. LANE: And your name?

MS. PLUMMER: I'm Tammy Plummer, 11 Birch Street. I've sunk a lot of money into my home and it is going to go down tremendously when these go in.

MS. MACEK: Does everybody agree with that?

MR. SMITH: Yes.

MS. MACEK: Okay.

MS. BECKER: One hundred percent. All of the values of our homes, the ones who stayed in this neighborhood and worked our butts off to save our homes, we are all going to lose value on our homes.

MR. JAROS: Sue, can I ask you a quick question? Now for example, a home like this lady's; I'm sorry I've forgotten your first name?

MS. BECKER: My name is Monica.

MR. JAROS: Like Monica's, how close will your new structure be to Monica's home?

MS. KIMMEL: Again, that is dictated by the Town code as to how close we can be. We meet all of the side setbacks. It is the rear setbacks that we are asking for a variance for.

MR. JAROS: So the side setbacks are 5 feet from each property line. But with each structure, how far apart would the structures be?

MS. LANE: Mark, that is not an easily answered question because the side setbacks may very well have been different when the subdivision was originally approved. So Ed won't know how close her house is to the side property line. But the Town Code requires under the new zoning regulations as of 2011, that there be five feet on the side from a new home to the property line.

MS. KIMMEL: We can talk to the neighbors about their particular structure.

MR. JAROS: Well, it seems that a number of them are concerned about that, so I just wanted to get an idea of where it was.

MS. LANE: Twelve to fifteen feet.

MR. JAROS: Sitting on this side, I want to make sure everyone's voice is heard, and has their concerns heard.

MR. KUDGUS: Now, the floor level of these new structures...

MS. MCLAIN: We can't hear the question, so could you all please stop? And Dave, you wanted to ask a question.

MR. KUDGUS: The first floor level, the actual living space, you said is at 837 feet, and the last flood that devastated the area, was at what level?

MS. LANE: I don't think that Ed is the person who is responsible for knowing that. That's the 100-year elevation. But Dave, Ed would have nothing to do with that. Ed is following the FEMA and building code of building at least two feet above base flood elevation. So base flood elevation is the 100-year floodplain. Since basically, levees were designed to surpass the 100-year floodplain to address the 500-year floodplain, they used to be designed to be two feet above base flood elevation. We could logically think that probably if that 2011 flood was close to a 500-year flood event, then they probably would have been close to two feet higher. But the residents probably know. How much higher did the flood water come in your home last time in 2011 as compared to 2006?

MR. SMITH: It went over the top of the floodwall.

MS. LANE: I am asking specifically in your homes. Was it ten feet higher in 2011?

MS. CHAPIN: My first floor was under water.

MS. LANE: My theory didn't work. My theory was that by comparing 2006 to 2011, we could guess if it was a 500 year event or a 100 year event. You are saying it didn't really flood in 2006?

MS. CHAPIN: Oh, yes it did.

MS. LANE: Did it flood "ten" feet higher in 2011 than in 2006?

MS. CHAPIN: Yes.

MS. LANE: And I am asking how much.

MR. SMITH: Six feet.

MS. LANE: Thank you. So why did you want to know that, Dave?

MR. KUDGUS: I was just curious as to whether or not these structures, if the 2011 flood happened, would the first level with the living space be flooded?

MS. LANE: We can research that because we can look at what the 500-year floodplain base flood elevation was.

MR. KUDGUS: But that was why I was asking.

MS. LANE: That would be a question that we would ask Ms. Golazeski. So that is something that we can look into. Ms. Golazeski has already been working with everybody about the base flood elevation.

MR. KUDGUS: I'm sure that has been addressed.

MS. KIMMEL: We certainly don't want to build a structure that has the potential for flooding.

MR. KUDGUS: Of course not; obviously.

MR. J. JONES: John Jones, 23 Beech Street. Was this always zoned for multi-family homes, or was it rezoned for these houses?

MS. MCLAIN: Did you hear the question about the zoning?

MS. LANE: So the way the zoning happened is in 2009 the Town put together, with the two Villages, and the Planning Board members put together after years and years of work, a comprehensive plan. Actually I was doing the mapping part for it and we took residential subdivisions and we color-coded for the size of a lot. So if the lot was a particular size, let's say arbitrarily, 4,000 square-feet, versus a 7,000 square-foot lot.

We mapped with every residential lot, and we looked for clusters of lots that were a particular size. So the clusters of lots that had more of the smaller size than the large size were rezoned as Urban Single Family. Lots that were larger, like 7,000 square-feet, were Suburban Single Family. What happened is that many areas in town that had previously been zoned two-family, especially in the Endicott area, in order to not make all those prior built two-family homes nonconforming, we said that you could have a two-family home in an Urban Single Family zoning district with a Special Permit from the Planning Board. So that would allow us to consider whether a two-family would be appropriate in that building. So we have never, that I can recall, denied a two-family special permit. We really haven't had very many. There was one on Shady Drive and one on Carl Street.

MR. J. JONES: So it was basically rezoned?

MS. LANE: The lots were not rezoned for this particular project. The entire town was rezoned. There were all new building categories; and we took away heavy industrial and had just industrial zoning. We changed the agricultural zoning district to the word "rural residential." Every piece of property was rezoned in the entire Town and the two Villages in 2011 as a result of the comprehensive plan. So we were not targeting this neighborhood.

MR. J. JONES: Well, I wasn't saying you were. So in theory almost every lot can be put into a two-family lot.

MS. LANE: Every lot could. Every lot in the Town of Union that is zoned Urban Single Family with a special permit could have a two-family.

MR. J. JONES: Well, there are going to be a lot big houses in that neighborhood. So they can tear a house down and put in what they want.

MS. LANE: Yes, if they get a special permit approval from the Planning Board. So, Sue, you said that these homes, half of the homes have two bedrooms and half have three bedrooms.

MR. J. JONES: A minimum of five people.

MS. KIMMEL: That's four, one per bedroom.

MS. MCLAIN: So if there are no more questions?

MR. R. JONES: My name is Richard Jones, 7 Woodland Avenue. I have one more question. Have you considered building out of the floodplain? Why build in the flood zone?

MS. LANE: Well, I can just tell you this, I did read a report that your neighborhood is extremely desirable. It has good schools, it has existing infrastructure, and access to the highway. It is considered a desirable neighborhood. So when the funding entity was looking for places that could viably support the reconstruction of homes following the flood, in a flood resistant manner, this neighborhood was considered very ideal.

MR. R. JONES: Isn't Westover ideal too?

MS. LANE: I could not speak to that. I am not the one who made that determination.

MR. R. JONES: Well, Westover didn't flood in 2006, and Fairmont Park did flood in 2006.

MS. LANE We were not offered this Disaster Recovery money with the first flood. That Disaster Recovery money, if I recall, came as result of the 2011 flood event. And I think that at that point it offered the Town an opportunity to look at parcels that had not been purchased by the Town after the 2006 flood. Some parcels had been purchased following the 2006 flood, and were bought with money that said these lots could not be used for redevelopment. West Corners is another example that had a lot of flooding; South Endwell. So a lot of properties had been bought with strict FEMA funding that would not allow redevelopment. Then we were granted a sizable grant for disaster recovery. These funds were specifically designed to aid the community in disaster recovery, such as the extension of the Barton Avenue levee, the extension of the floodwall that is across Watson Boulevard in the event of a flood. So those monies were disaster recovery specifically meant to help redevelopment.

MR. J. JONES: By extending the floodwall on Barton Avenue, it does not benefit flood protection because the lowest point of the flood wall is at the gate on Watson Boulevard. So the water would go over the dam before it would go over any extension.

MS. LANE: Well, I'm not sure of that.

MR. J. JONES: I can show you a picture of it.

MS. LANE: We just had the public hearing on that last month. We do hear what you are saying and I am going to put on top of my notes to speak to Lou Caforio about flood and sewer issues in Fairmont Park.

MS. CHAPIN: You should know that we waited over thirty years to get that floodgate up by IBM.

MS. LANE: It wasn't for lack of the Town of Union trying.

MS. CHAPIN: Yeah, right. Okay.

MS. MCLAIN: If there are no more questions?

MR. JAROS: Can I just confirm one thing? Sue can answer this. Sue, when we are looking at those buildings, are they according to Town code thirteen and half feet apart from each other? So the distance between each building is thirteen and a half feet?

MS. LANE: No, that wasn't your question. Your question was specific to Monica's.

MR. JAROS: So, Monica's was thirteen and half feet. So what is the distance between these structures? What is the distance between those four buildings on Birch Street? What is the distance between each building?

MS. KIMMEL: Each one of these lots has to meet the code, your code. So it has the five feet side setbacks that the town requires. Each one of these lots is being treated as if it were an individual owner coming before the Town for a single duplex for a special permit on that lot. We actually made seventeen applications.

MR. JAROS: So can you tell me what the distance is between these buildings?

MS. KIMMEL: A minimum of ten feet.

MR. JAROS: So imagine this table. Is this table eight feet of ten?

MR. MATERESE: It's eight feet.

MR. JAROS: So add two more feet to it which is the minimum. So, these buildings will be this close to each other going up three stories, approximately.

MR. KEPLINGER: We don't have any buildings that are ten feet apart. They are more like twelve to fifteen feet apart.

MR. JAROS: Okay.

MS. CHAPIN: How high is your carport?

MS. ZOPP: What I think we are all trying to say here, because we all raised our kids in this neighborhood, and that is what we are afraid we are going to lose is the neighborhood. I understand that the lots are there and you can build on them; I have no problem with that. But try to keep the neighborhood type of thing, not commercial, not all this mass production, twenty of exactly the same. You know what I am trying to say? We are losing sight, I work at the school in the cafeteria, and we are losing sight of neighborhoods. Kids have nothing to hang onto, nothing to go home to. If we mass produce everything, they won't have anything to go home to. We can build some neighborhoods somewhere, maybe not ours, but anywhere in the Town of Union. We need it for the kids. The kids that are coming up are different. They don't have families, so they need something to hang onto. So when you are doing this, think about homes, someplace you want your kids to bring their friends home to.

MR. CROWLEY: Marina, isn't there still a lot of green space left here? How much green space is left in comparison to when the homes were there before the flood? Just a ballpark to give me an idea. In other words, there is still going to be a lot of green space. Will the Town be taking care of it and mowing it?

MS. ZUBALSKY-PEER: Any of the lots that the Town owns will be maintained.

MR. CROWLEY: So kids are going to have a lot of space to play in.

MS. CHAPIN: No, they're not.

MS. MCLAIN: Any other comments or questions? So then, we will close the public hearing.

Public Hearing concluded: 8:38 p.m.

I, CAROL M. KRAWCZYK, do hereby certify that the foregoing transcript of a Public Hearing of the Town of Union Planning Board is a true, accurate, and complete transcript of my stenographic notes/tape taken at the above time and place.

CAROL M. KRAWCZYK