

Town of Union Planning Board Minutes  
Tuesday, August 13, 2019

A regular meeting of the Town of Union Planning Board was held Tuesday, August 13, 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, Alternate S. Yalamanchili

Others present: Marina Lane, Sara Zubalsky-Peer, Rick Materese, Rose Pope, Sue Kimmel, Ed Keplinger, Peter Wilson, John Bernardo, James Hunter, Mark Parker, Michael Heide, 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, Mary Macek, John Jones, Quinton Perry, Ashley Perry, Anne Marie Jones, Laurie Jones, Richard Jones, Robert Potochniak

**A. CALL TO ORDER**

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

**B. MEETING MINUTES**

1) June 11, 2019, Meeting Minutes as written

Chairman Miller asked for a motion to accept the June 11, 2019, Meeting Minutes.

Motion Made: L. Cicciarelli  
Motion Seconded: M. Jaros  
MOTION: Acceptance of the meeting minutes of June 11, 2019.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:** S. Forster  
Motion Carried

**C. 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. Kudgus made a motion to nominate Ms. McLain to act as the temporary Planning Board Chairperson for the Fairmount Park Duplex project.

Motion Made: D. Kudgus

Motion Seconded: S. Forster  
MOTION: Approval of Ms. McLain as the Temporary Planning Board Chairman for the Fairmount Park Duplex Project  
VOTE: In Favor: S. McLain, T. Crowley, S. Forster, M. Jaros, and D. Kudgus  
Opposed: None  
Abstained: None  
Motion Carried

Ms. McLain, Temporary Chairman, designated Surge Yalamanchili, Alternate Member, to act in place of 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) SEQRA Review

As the Planning Board members have had the opportunity to review Part 1 of the Full EAF, Ms. Lane reviewed Part 2 which assesses potential environmental impacts from the project. All the impacts were small to none. Ms. Lane then reviewed the Determination of Significance, Part 3 of the EAF, for the Planning Board.

The project involves the construction of 17 residential duplexes in an existing subdivision on the sites of 19 former homes which were demolished following past flooding events. The application includes a request for setback variances by the Zoning Board of Appeals.

The Planning Board has determined that there will not be an adverse environmental impact to:

- the physical alteration of land as the new buildings would be replacing former residential buildings;
- existing air quality, ground or surface water quality or quantity, or traffic, as all should be similar to prior residential numbers. The existing municipal water system is currently being upgraded as a separate project;
- it will not create a substantial increase in potential for erosion, flooding, leaching or drainage problems. The duplexes will be built in a manner to allow flood water to pass through the first floor level, which will be uninhabitable, and a SWPPP addresses storm water drainage;
- it will not generate a substantial increase in solid waste production;
- it will not cause the removal or destruction of large quantities of vegetation or fauna as these have been previously disturbed;
- it will not cause a substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources. Any bald eagles in the general area will not be impacted as no nesting sites will be removed;

- it is not located in a Critical Environmental Area;
- it will not create a material conflict with a community's current plans or goals as officially approved or adopted;
- it will not cause a major change in the use of either the quantity or type of energy;
- it will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- although the subdivision is adjacent to buildings eligible to be listed on the State Register of Historic Places, and adjacent to property on which archeologically significant artifacts have been found, it has been determined that the replacement buildings will not cause the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character; and
- although the properties are within the buffer area of the Endicott Area-Wide Investigation remediation, the associated contamination does not directly impact the subdivision, and therefore there will be no negative impacts to human health.

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

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

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

## 2) Public Hearing for a Special Permit for Floodplain Development

Before the public hearing, Ms. Kimmel, Managing Member of Lakewood Development and the President of Two Plus Four Construction, gave a short presentation about the project. She then introduced Peter Wilson, the Vice Present of Two Plus Four Construction; John Bernardo, the executive director of SEPP, a partner in the project; and Ed Keplinger, the Two Plus Four site architect. This project is the redevelopment of parcels in the Fairmont Park neighborhood. Ms. Kimmel has talked with the town about this scattered-site project for five years and brought the project before the Planning Board about three years ago, but at that time there was not enough water capacity to support the project. Ms. Kimmel noted that having an affordable housing community in the neighborhood allows the town to access funding to bring water

improvements into the community. The project involves reconfiguring nineteen parcels into seventeen parcels that will be redeveloped. Ms. Kimmel explained that the Town had presented lots that were purchased with CDBG Disaster Recovery money to Two Plus Four Construction for redevelopment. The Town currently owns the parcels but has given an option to Two Plus Four Construction to purchase them for redevelopment.

Ms. Kimmel explained that they will build 17 rental duplexes (34 units). Each unit will have their own driveway so that it will look like the existing structures in the neighborhood. There will be one handicapped accessible building that has a parking lot and more sidewalk area. The goal is to replace the housing that was lost due to flooding, and to blend in with what is existing in the neighborhood. The duplexes will be elevated to allow flood water to flow underneath the units. There will be a storage room that is built in the carport area for storage, but there are no mechanicals in the room and they will all be louvered to allow water to move directly through these structures. Two Plus Four will build the units and SEPP will be the property manager.

Because of the odd shape of the lots, Lakeside Development has applied for rear setback variances from the ZBA. The properties for which variances are requested back up to either other project parcels or wooded areas.

The Public Hearing opened at 7:32 p.m. The audience was concerned that the character of the neighborhood would be changed by the addition of rental duplexes, thirty-four new housing units, in the existing single-family subdivision. Many people questioned whether new housing should even be built in the neighborhood because of the severity of the flooding in 2011. Members from the audience questioned whether flood insurance would be available to the people who would be renting the units. There were also questions about whether the pumps along the floodwalls would be properly maintained and in working order during future floods. For the record, Ms. Chapin, a resident of Fairmont Park, submitted a list of neighborhood questions and concerns about the project.

The audience members asked why they had not been offered the opportunity to purchase the lots, and Ms. Lane advised that the Planning Board did not make this decision; they should address this question to the Town Board.

The Public Hearing was closed at 8:38 p.m. The Planning Board held over the vote on the Special Permit for Floodplain Development.

3) Public Hearing for a Special Permit for Two-Family Use in USF Zoning District

The Public Hearing for a Special Permit for Two-Family Use in an Urban Single-Family zoning district opened at 8:40 p.m. Many audience members were concerned that their property values would drop with the addition of these rental properties to the neighborhood. In addition, many expressed concerns about how close the new three-story structures would be to their property lines. Ms. Kimmel offered to separately discuss these issues with the neighborhood at the meeting room at Cardinal Cove, which is another housing complex built by Two

Plus Four, and that SEPP manages. Ms. Kimmel added that, similarly, tenants of the new development would not be responsible for the properties, as they will be managed by SEPP.

The Public Hearing for a Special Permit for Two-Family Use in an Urban Single-Family zoning district was closed at 8:48 p.m., and Planning Board held over the vote on this Special Permit.

4) Advisory Opinion to the ZBA – Area and Setback Variances

Ms. Lane explained that two lot area variances and eight rear setback variances are required for the project, as listed below:

A. Lot Size Variances

- 1) 25 Poplar St.: a 137 square-foot variance from the required 6,000 square-foot lot size; and
- 2) 10 Woodland Ave.: a 96 square-foot variance from the required 6,000 square-foot lot size

B. Rear Setback Variances

- 1) 12 Oak Street an 8.3-foot variance
- 2) 14 Oak Street an 8.5-foot variance
- 3) 25 Poplar Street a 16.6-foot variance
- 4) 37 Poplar Street a 13.4-foot variance
- 5) 10 Woodland Avenue a 13.1-foot variance
- 6) 12 Woodland Avenue a 17.9-foot variance
- 7) 30 Woodland Avenue 15.6-foot variance
- 8) 28 Birch Street 12.1-foot variance

The Planning Department staff recommends the Planning Board recommend to the ZBA approval of the variances. The requested lot size variances are not extreme, and all the structures have less than maximum footprint, which is 30% of the property size. The properties for which rear setback variances have been applied are those that are irregular in shape. In addition, those are properties whose rear property lines are facing either other proposed duplexes or the woods, and are not impacting any existing residences.

Chairman McLain asked for a motion to recommend to the ZBA approval of the lot size variances for 25 Poplar Street for 137 s.f. and 10 Woodland Avenue for 96 s.f. from the required 6,000-s.f. lot size.

Motion Made: T. Crowley  
Motion Seconded: S. Yalamanchili  
MOTION: Recommendation of approval of the lot size variances for 25 Poplar Street and 10 Woodland Avenue by the Zoning Board of Appeals.  
VOTE: In Favor: S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus, S. Yalamanchili  
Opposed: None

Abstained: None  
Motion Carried

Chairman McLain asked for a motion to recommend to the ZBA approval of the rear setback variances for 12 Oak Street of 8.3', 14 Oak Street of 8.5', 25 Poplar Street of 16.6', 37 Poplar Street of 13.4', 10 Woodland Avenue of 13.1', 12 Woodland Avenue of 17.9', 30 Woodland Avenue of 15.6', and 28 Birch Street of 12.1' from the required 25-foot rear setback required.

Motion Made: S. Yalamanchili  
Motion Seconded: D. Kudgus  
MOTION: Recommendation of approval of the lot rear setback variances for 12 and 14 Oak Street, 25 and 37 Poplar Street, 10, 12 and 30 Woodland Avenue, and 28 Birch Street by the Zoning Board of Appeals.  
VOTE: In Favor: S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus, S. Yalamanchili  
Opposed: None  
Abstained: None  
Motion Carried

At this point, Sue Kimmel reiterated her offer to meet with residents of the neighborhood to discuss the proposal.

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

Motion Made: M. Jaros  
Motion Seconded: D. Kudgus  
MOTION: Approval to return to the regular membership session for the remainder of the August 13, 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

**D. Heritage Self Storage, LLC: 301 Glendale Avenue, M. Parker**

1) Declare Lead Agency & Classify as Unlisted Action

Chairman Miller asked for a motion to declare the Planning Board Lead Agency and Classify the Project as an Unlisted Action.

Motion Made: S. McLain  
Motion Seconded: L. Cicciarelli  
MOTION: Declare the Planning Board Lead Agency and Classify as 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) Retroactively Call for a Public Hearing for a Special Permit for Outdoor Storage to be held August 13, 2019, at 7:10 p.m.

Motion Made: L. Cicciarelli  
Motion Seconded: M. Jaros  
MOTION: Approval of Public Hearing for a Special Permit for Outdoor Storage to be held on August 13, 2019, at 7:10 PM.  
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 explained that the applicant had missed the deadline for the last meeting by one day, so this project was not on last month's agenda to call for the public hearing. She consulted with Mr. Alan Pope, the Town attorney, and he advised that as long as the public notice runs in the newspaper according to Town law and the property is posted at least ten days before the public hearing, it is acceptable to retroactively vote on calling for the public hearing. Ms. Lane added that she had also consulted with Chair Miller, and Town code does not require the Planning Board call for the public hearing the month before the public hearing.

3) SEQRA Review

Ms. Lane noted that since all the Planning Board members had already received Parts 1 and 2 of the EAF, she would just review Part 3.

The current owner of Heritage Storage, LLC applied for a Special Permit to allow outdoor storage in the rear of the existing indoor storage building at 301 Glendale Drive. The property is zoned Industrial, and outdoor storage is permitted by Special Permit.

The outdoor storage would use approximately 6.3% of the property. Three lots together are 995,126 s.f.; the building is 98,605 s.f.; and the area of proposed outdoor storage is 62,700 s.f.

The proposed use fits with the surrounding utility, industrial and office uses, and will not alter the character of the community or use of the land. The storage is proposed behind the building and would not be visible from Glendale Drive.

The proposed outdoor storage will not create adverse changes to traffic, parking, or utilities, nor historical, architectural or aesthetic resources. The parking lot is existing, and the proposed outdoor storage use would not have significant negative impacts on the ground, flora, fauna, endangered or threatened species, water or the air.

The property is not in the flood plain, and does not have wetlands. It will not affect any archeological sites as it is already developed.

The proposal would not create a hazard to human health. The identified nearby DEC remediation sites do not affect this parcel.

Upon review of the information submitted, the proposed outdoor storage associated with an existing indoor storage building will not have a significant adverse impact on the environment.

Ms. Lane added that the owner proposes outdoor storage of only vehicles including trailers, boats, etc. Mr. Crowley asked whether wrecked vehicles would be stored on site. Ms. Lane advised Crowley he could make this a condition under the Special Permit. Mr. Forster asked whether the outdoor storage was visible from the road. Ms. Miller said that it is not visible from the road. Mr. James Hunter, manager of the facility, said that the vehicular storage is visible from the Glendale Corporate Park driveway. The back of the building is fenced, and each space had a coded entry. All the spaces are assigned, and measure 14-feet by 40-feet. Most of the outdoor storage is currently used for recreational vehicles. Ms. Lane asked whether staff or customers park the vehicles. Mr. Hunter said that customers park the vehicles themselves. Ms. Lane suggested there should be lines to help the customers back into their spaces. Mr. Forster was concerned about oil leakage from the recreational vehicles having an adverse impact, but Ms. Lane advised him that leakage from any of the stored vehicles could be addressed under the Special Permit conditions.

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

Motion Made:	D. Kudgus
Motion Seconded:	S. McLain
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

4. Public Hearing for Outdoor Storage; Decision at the Discretion of the Planning Board

Mr. Mark Parker gave a short presentation of the project. There is already existing outdoor storage at the rear of the building. The site plan designates the areas where boats, trailers, and other types of vehicles will be stored on the property. Mr. Parker noted that they were applying for the Special Permit for outdoor storage to meet the Town's code.

Ms. Miller opened the Public Hearing at 9:07 p.m. Mr. Michael Heide spoke on behalf of his neighbors and explained they have no problems with the outdoor storage at the Heritage Self-Storage facility as it is currently being used, but they did not want to see an expansion of that use. Mr. Jaros mentioned seeing tractor trailers in the parking lot, and Mr. Heide said the neighbors are not opposed to them, and said the facility has been a good neighbor. Mr. Hunter explained that the business does try to limit the number of tractor trailers on site. Ms. Lane recommended that the stipulations of approval could address limits on the number of tractor trailers stored at one time on site, with the understanding that tractor trailers need a place to park. Mr. Crowley discussed the need for spill prevention plans. The Public Hearing was closed at 9:20 p.m.

Following the hearing, the Planning Board added the following to the recommended stipulations for the Special Permit for Outdoor Storage: no more than ten semi-truck and trailer accommodations shall be permitted, no junk vehicles shall be stored on site, and a spill prevention plan shall be maintained on site. There was additional discussion regarding unregistered vehicles, and the conclusion was that Code Enforcement would make that determination.

Ms. Lane noted that vehicles have been stored without approval behind the building for several years, but have not been visible to the public because the building is elevated from the road and provides screening. The Planning Department recommends approval of the Special Permit with the following conditions:

1) Per § 300-40.16. B, Outdoor storage, in General Commercial and Industrial districts:

(1) Outdoor storage shall not be allowed forward of the building.

(2) All outdoor storage shall be screened to ensure the area is not visible from the public right-of-way or adjacent residential districts or uses.

(3) Screening shall be of sufficient height and density to hide the storage from public view.

(4) All screening shall be maintained in such a manner as to present a neat and orderly appearance at all times.

2) Storage shall be limited to boats, trailers, and other such vehicles. There shall be no outdoor storage of waste products or unsanitary equipment. No more than ten semi-truck or trailer accommodations shall be permitted.

- 3) Should Code Enforcement become aware that outdoor storage is visible from Glendale Drive, they shall have the authority to require that screening be provided. The screening material shall be maintained at all times, and if damaged, shall be replaced or repaired within fourteen days (two weeks).
- 4) The Special Permit for Outdoor Storage shall expire should the property or business be sold to another entity, per § 300-66.11. Transferability:
  - a) A special permit is not transferable except upon approval by resolution of the issuing board.
  - b) A special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.
- 5) The applicant shall be required to acknowledge all of the above conditions in writing, no later than August 30, 2019.
- 6) No junk vehicles shall be stored on site.
- 7) A spill prevention plan and measures shall be available on site.

Chairman Miller asked for a motion to approve the Special Permit for outdoor storage located at 301 Glendale Drive, with stipulations.

Motion Made: M. Jaros  
Motion Seconded: D. Kudgus  
MOTION: Motion to approve the Special Permit for Outdoor Storage located at 301 Glendale Drive, with stipulations.  
VOTE In Favor: L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus  
Opposed: None  
Abstained: None  
Motion Carried

## 5. Site Plan Review

Ms. Lane then read her staff recommendations for the site plan. The Planning Department staff recommends approval of the site plan with the following stipulations:

1. Prior to posting any new signage, the applicant shall apply for a sign permit from the Building Official prior to posting any such signage. All temporary signs, portable signs, sidewalk and curb signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that blink, rotate, or move are not permitted.
2. If any new outdoor lighting is proposed, the applicant shall first submit cut-sheets to the Code Enforcement Officer for approval.
3. Per NYS law, all commercial buildings must be inspected by the Municipal Fire Code Inspector every three years. It is your responsibility to coordinate the next inspection by calling the Code Enforcement office at (607) 786-2920.
4. Site plan approval shall be valid for one year, unless substantial

improvements have been made pursuant to the approved site plan.

5. The stipulations of site plan approval shall follow the property as approved until such time that a new site plan application is approved by the Planning Board.

6. The applicant shall be required to acknowledge all of the above conditions, in writing, no later than August 30, 2019. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan, the applicant must resubmit a new site plan to the Town of Union Planning Department and Code Enforcement Office.

There was some discussion about how the stipulations of approval would apply to a new owner. The fifth stipulation noted the stipulations would “follow” the property as approved until a new site plan was approved. Ms. Pope determined that since everyone knew the intent of the word “follows,” it would be acceptable.

Chairman Miller then called for a motion to approve the Site Plan for Heritage Self-Storage, LLC at 301 Glendale Drive, with stipulations.

Motion Made:	L. Cicciarelli
Motion Seconded:	S. McLain
MOTION:	Approval of Heritage Self-Storage, LLC site plan at 301 Glendale Drive, with stipulations.
VOTE	In Favor: L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, D. Kudgus
	Opposed: None
	Abstained: None
	Motion Carried

6. Transfer of the Special Permit for Outdoor Storage from Heritage Self Storage, LLC to 301 Glendale Drive, LLC

Ms. Lane read her Special Permit Transfer Report. Heritage Self Storage, LLC plans to sell the properties at 301, 349 and 367 Glendale Drive to 301 Glendale Drive, LLC. Baruch Aronson, the Manager of 301 Glendale Drive LLC, submitted a request that the Special Permit for Outdoor Storage be transferred from Heritage Self Storage, LLC to 301 Glendale Drive, LLC, per Code 300-66.11. The Code reads:

*“300-66.11. TRANSFERABILITY OF SPECIAL PERMITS. A special permit is not transferable except upon approval by resolution of the issuing board.”*

Planning staff recommend approval of the transfer of the Special Permit, with stipulations as approved on August 13, 2019.

Chairman Miller asked for a motion to approve the transfer of the Special Permit for Outdoor Storage located at 301 Glendale Drive, from Heritage Self Storage, LLC to 301 Glendale Drive, LLC.

Motion Made: L. Cicciarelli  
Motion Seconded: M. Jaros  
MOTION: Motion to approve the transfer of the Special Permit for Outdoor Storage at 301 Glendale Drive, from Heritage Self Storage, LLC to 301 Glendale Drive, LLC.  
VOTE: In Favor: L. Miller, L. Cicciarelli, S. McLain, A. Elwood, T. Crowley, S. Forster  
Opposed: None  
Abstained: None  
Motion Carried

**E. Insurance Office: 593 Hooper Road, K. Valenta**

1. Declare Lead Agency & Classify as Unlisted Action

Chairman Miller asked for a motion to declare the Planning Board Lead Agency and Classify as an Unlisted Action.

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

2. SEQRA Review

Ms. Lane explained that Part 2 of the EAF found the potential environmental impacts of the project will be small to none. Ms. Lane then reviewed the Determination of Significance, Part 3 of the EAF, for the Planning Board.

Kevin Valenta, owner of Patterson Creek, LLC, applied to convert an existing 780 s.f. garage into an insurance office at 593 Hooper Road. The property is zoned Neighborhood Commercial with a Hooper Road Overlay district, and the office use is permitted. There is also an existing single-family house on the property.

The proposed use fits with the surrounding residential, office and institutional uses, and will not alter the character of the community or use of the land. The garage building is existing, and will maintain a residential character.

The proposed office will not create adverse changes to traffic or use of energy. The extension of public water and sanitary sewer lines to the new office will not cause any impacts to the municipal utility system.

The office will not impact any historical, architectural or aesthetic resources.

The existing parking lot will be expanded by 0.09-acres in an area where a former house has been demolished. The expanded parking lot will not have significant negative impacts on the ground, flora, fauna, endangered or threatened species, water or the air. The site is in an archeologically sensitive area, but the property has been developed previously.

The property is not in the floodplain and does not have wetlands. There is a stream that runs behind the property, and a new swale between the parking lot and stream will minimize the rate of stormwater runoff into that stream.

The proposal would not create a hazard to human health. The identified DEC remediation site, C704038, does not affect this parcel.

Upon review of the information submitted, the proposed converted insurance office with the expanded parking lot will not have a significant adverse impact on the environment.

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

Motion Made: T. Crowley

Motion Seconded:L. Cicciarelli

MOTION: Approval of the Negative Declaration under SEQRA

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

### 3. Site Plan Review

Ms. Lane read her Site Plan Report for the Planning Board. Kevin Valenta submitted an application to convert a 780-square feet stand-alone residential garage into an insurance agency office at 593 Hooper Road. The site is located in the Hooper Road Overlay District/Neighborhood Commercial zoning district and the professional office use is permitted. A former residential house in front of the garage was demolished, and a second parcel with an existing house was merged into the property in 1998. The parcel is 0.95-acres, and is part of a total of 9.25-acres owned by Patterson Creek, LLC.

The project includes the expansion of an existing parking lot over the footprint of the former house; therefore, the soil was previously disturbed. The six parking spaces for the business, including one handicap accessible space, and two new spaces for the residence result in approximately 0.09-acres of increased impervious area over the current grass area. An existing sanitary sewer system will be extended to the garage, as well as a water line that had served the former house. New electric and gas shall be extended to the house

from existing utilities along Hooper Road. A six-foot stockade fence will separate the office from the residence.

This location was subject to a 239-Review, as it lies along County Route 33, Hooper Road. Under the requirements of Section 617.7(c), the proposed action was examined by the Short Environmental Assessment Form, is considered an Unlisted Action, and the Planning Department recommends a Negative Declaration. A Stormwater Pollution Prevention Plan was not required because there is less than one-acre proposed disturbance to the site. A swale to the southwest of the new parking lot will intercept stormwater runoff to keep the rate of runoff towards an existing stream equal to or less than preconstruction.

The original site plan showed a proposed third driveway entrance directly to the house. Upon submittal to Broome County Planning for the 239-Review, they recommended denial due to Broome County Engineering's regulation that they could not permit a third driveway entrance to a single parcel because they follow NYS DOT standards. The applicant revised the site plan, removing the proposed third entrance. Per Broome County Engineering, if the applicant were to partition the house from the office, a third driveway would be permitted.

No other concerns were expressed, other than the applicant should be made aware that the project site is located partially within the preliminary FEMA Special Flood Hazard Area. The Preliminary Special Flood Hazard Area, which in this case follows the stream, is not recognized by FEMA as a valid floodplain determination.

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

1. The applicant shall apply for the appropriate excavation or grading permit from the Building Permits office prior to construction of the driveway and swale. The contractor shall utilize erosion control and stormwater runoff preventative measures during construction.
2. The swale shall be maintained by the property owner, indefinitely.
3. Any additional work in the County right-of-way shall require a Highway Work permit issued by the Broome County Highway Department.
4. The parking lot shall be striped according to Town Code Chapter 300, Article 51, Off-Street Parking, Loading and Stacking Regulations. The required handicapped-accessible parking space shall conform to the Property Maintenance Code of NYS, and shall be posted with signage displaying the international symbol of accessibility. The handicap parking access space shall be no less than eight-feet by eighteen-feet (8'x18'). All paving and striping shall be complete prior to the issuance of a Certificate of Occupancy.
5. Plans shall be submitted to the Building Permits Department for review prior to the construction of a handicap accessible restroom, and any

other structural revisions to the garage. They can be reached at 607-786-2920.

6. Contact Jeff Cheney, Distribution Foreman for the Village of Endicott Water Department, to coordinate the installation of the new water lateral. He can be reached at 607-757-5301.

7. Contact the Town Engineering Department at 607-786-2950 to coordinate the extension of the sewer lateral. You will need to apply for a Sewer Permit.

8. Any new exterior lighting shall first be reviewed and approved by the Code Enforcement Officer.

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

10. The landscaping shall be completed, per the approved landscaping plan, by October 30, 2020. An extension of this deadline may be approved by the Planning Board. The landscaping shall be maintained according to the landscaping plan, and any dead or dying plants shall be replaced with similar plants within one month, weather permitting. Failure to maintain such landscaping or to replace dead or diseased landscaping required by this chapter shall constitute a violation of these regulations (300-54.2).

11. A Certificate of Occupancy shall not be issued until the converted office has been inspected by the Municipal Fire Code Inspector. Per NYS law, all commercial buildings must be inspected by the Municipal Fire Code Inspector every three years. The property owner shall coordinate that inspection by calling the Code Enforcement office at (607) 786-2920.

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

13. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building or grading/excavation 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.

Mr. Forster was concerned that if Mr. Valenta were to partition the house from the business, parking in front of the insurance office would not meet Code because the property is in the Hooper Road Overlay zoning district in which parking should not be located in front of the principal structure on the lot. Ms. Lane responded that the current parking in front of the office is grandfathered and added that Mr. Valenta could request a parking variance if the property

was ever partitioned. The proposed parking placement meets code at this time. Ms. Lane asked Mr. Valenta how many customers he was anticipating daily and Mr. Valenta answered about eight customers per day. Mr. Forster said he did not have a problem with the insurance agency being on Hooper Road, but he is trying to protect the integrity of the formerly residential neighborhood.

Mr. Forster also asked Mr. Valenta if the manholes on his property would affect the business. Mr. Valenta answered that the manholes are part of the sanitary system for the two houses. Mr. Valenta noted that nothing would be placed over the manholes.

Chairman Miller then called for a motion to approve the Site Plan for the Insurance Office at 593 Hooper Road, with stipulations.

Motion Made: S. McLain  
Motion Seconded: L. Cicciarelli  
MOTION: Approval of the Insurance Office at 593 Hooper Road, with stipulations.  
VOTE In Favor: L. Miller, L. Cicciarelli, S. McLain, S. Forster, M. Jaros, D. Kudgus  
Opposed: None  
Abstained: None  
Motion Carried

**F. Riverfront Improvements: 42 Camden Street, D. Emilio**

**1. Call for a Public Hearing for a Special Permit for Floodplain Development to be held September 10, 2019, at 7:00 PM.**

Broome County acquired some funding for riverfront property improvements and they will use some of the funds to make improvements to the William Hill Park at 42 Camden Street. This project includes adding a trail and putting in a picnic table, a grill, some garbage receptacles, and several two and a half-ton rocks to allow people a place to fish. Ms. Lane noted since these improvements are in the floodplain it requires a special permit.

Ms. Miller called for a motion to call for a Public Hearing for a Special Permit for Floodplain development at 42 Camden Street to be held September 10, 2019, at 7:00 PM.

Motion Made: L. Cicciarelli  
Motion Seconded: D. Kudgus  
MOTION: Approval of Public Hearing for a Special Permit for Floodplain Development at 42 Camden Street to be held on September 10, 2019, at 7:00 PM.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:** None

Motion Carried

**G. Commercial Development: 1553 Union Center-Maine Highway; J. Ayres**

1. Declare Lead Agency

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

Motion Made: M. Jaros  
Motion Seconded: L. Cicciarelli  
MOTION: Declare the Planning Board Lead Agency and Classify as 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. Classify as an Unlisted Action

Chairman Miller asked for a motion to classify the Action as an unlisted Action.

Motion Made: S. McLain  
Motion Seconded: L. Cicciarelli  
MOTION: Classify the Action as 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

3. Public Hearing for a Special Permit for Floodplain Development

Ms. Miller called for a motion to call for a Public Hearing for a Special Permit for Floodplain development at 1553 Union Center Main Highway to be held September 10, 2019, at 7:05 PM.

Motion Made: S. Forster  
Motion Seconded: D. Kudgus  
MOTION: Approval of Public Hearing for a Special Permit for Floodplain Development at 1553 Union Center Main Highway to be held on September 10, 2019, at 7:05 PM.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**H. Endicott Multi-Family Project: 26 Kentucky Avenue; Housing Visions**

1. Extension of the Site Plan approval

Ms. Lane explained that this project was the conversion of the Henry Endicott School into Multi-Family Housing. The site sits between Kentucky Avenue and Jackson Avenue. The majority of the building is in the Village of Endicott, only the gymnasium and the parking lot are in the Town of Union.

The project required an approval before they could apply for funding. Housing Visions recently received the funding for the project so they are applying for a one-year extension of the Site Plan approval.

Ms. Miller called for a motion to call for an extension of the Site Plan Approval for the Endicott Multi-Family Project at 26 Kentucky Avenue until July 2020.

Motion Made: M. Jaros  
Motion Seconded: S. McLain  
MOTION: Approval of a motion to extend the Site Plan Approval for the Endicott Multi-Family Project at 26 Kentucky Avenue until July 2020.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**I. 600 Main Street Redevelopment.** The Agency

Ms. Lane noted that The Agency – Broome County IDA/LDC is taking an active role in developing sites that were seriously impacted by the 2011 flood. In the spring, the Agency requested remediation plans for the former BAE site because the site still has soil contaminants. Three remediation proposals were submitted. The first plan was to take no action. The second alternative involved the excavation of soil with offsite disposal of the contaminated soil. The third option was to cover the contaminated soil. The second alternative would cost approximately \$4.5 million and the third alternative would cost approximately \$1.6 million. The Agency chose the third, less costly, option.

The Agency is asking the Planning Board to allow them to be the Lead Agency for the environmental review of the project. Ms. Lane has reviewed Part 1 of the long EAF form and she considers it to be complete. Mr. Crowley asked whether the head person of The Agency, Stacey Duncan was new, and Mr. Materese answered that she is new as director, but that the rest of the IDA Board is about the same. Ms. Lane consulted with Rose Pope, the Town Attorney, about agreeing to The Agency as Lead Agency and she noted that since they are providing the money for the remediation of the site, it makes sense for The Agency to take the Lead in the environmental review of the project. Mr. Materese added that it would be easier for prospective developers to deal with one agency rather than having to talk to several different agencies at the inception of the project, with the understanding that any project will eventually come to the Planning Board.

Ms. McLain asked how many acres were going to be covered. Mr. Materese answered that he believes twelve out of the twenty-eight acres would be remediated. Mr. Cicciarelli noted that normally the Planning Board does not allow fill to be added to a site in the floodplain. Ms. Lane responded that the current 100-year floodplain is only at the far rear of the property, and the area for the fill was not in this area. Ms. Lane noted that the only decision that the Planning Board is making tonight is to allow The Agency to be the Lead Agency for the environmental review.

Mr. Materese commented that the Town would like to see the site developed and he commented that the 8-feet of fill would raise those twelve acres above the floodplain. Mr. Cicciarelli was still concerned because 45 percent of the property would not fully remediate the property but just seal in the contaminants. Mr. Kudgus was also concerned with this issue and asked who would be liable if future environmental issues developed on the site. Ms. Lane noted that since The Agency is assuming the role of Lead Agency for the environmental review they would be liable, not the Planning Board. Mr. Crowley felt that The Agency would need to follow environmental guidelines, but the Planning Board has a better understanding of the community than The Agency. Ms. Miller stated that The Agency would not promote something that would hurt the area. Mr. Forster disagreed and stated that the IDA had not always promoted projects that were in the interest of the community. However, Ms. Lane explained that with The Agency's involvement, the project could be very viable, as investing in remediation could be cost-prohibitive otherwise. The Planning Board would be safe in letting the Agency do the environmental review, because the Planning Board would still retain control over issuing any special permit for floodplain development and the site plan review.

Ms. Miller then called for a motion to agree The Agency to be the Lead Agency for the environmental review for the former BAE site at 600 Main Street, Johnson City, NY.

Motion Made: T. Crowley  
Motion Seconded: L. Cicciarelli  
MOTION: Declare The Agency as Board Lead Agency for the Environmental Review for 600 Main Street, Johnson City, New York.  
VOTE: In Favor: L. Miller, L. Cicciarelli, T. Crowley, S. Forster, M. Jaros, D. Kudgus  
Opposed: None  
Abstained: S. McLain  
Motion Carried

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

Ms. Lane explained the history of the annual overnight sporting event held by Word of Life each November at the greater Binghamton Sports Dome. Bob Kashou requested permission to hold the overnight sports event for the Word of Life on November 15<sup>th</sup> and 16<sup>th</sup>. There have been no issues with the event

for the past couple of years so the Planning Board members felt that it was not necessary for Mr. Kashou to come before the Board and they voted on the motion to extend the normal hours of operation for this overnight event.

Chairman Miller asked for a motion to approve the extension of normal hours for the Word of Life overnight indoor special event to be held on November 15<sup>th</sup> and 16<sup>th</sup>, 2019.

Motion Made: L. Cicciarelli  
Motion Seconded: D. Kudgus  
MOTION: Approval of motion to extend the normal hours for the Word of Life overnight event on November 15<sup>th</sup> and 16<sup>th</sup>, with stipulations.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

#### K. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 10:28 p.m.

Motion Made: M. Jaros  
Motion Seconded: D. Kudgus  
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, September 10, 2019, at 7:00 p.m.

Respectfully Submitted,  
Carol Krawczyk