

Town of Union Planning Board Minutes

Tuesday, September 10, 2019

A public hearing and regular meeting of the Town of Union Planning Board was held Tuesday, September 10, 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, Rick Materese, Dan Nead, Ray Vanderpoel, Jeff Ayres, Steve McElwain, Mary Ann Cuff, Marty Cuff, Ash Forse, Donald Forse, Skye Forse, Alice Christoff, and Carl Rant

A. CALL TO ORDER

Chairman Miller opened the meeting of the Planning Board at 7:02 p.m.

B. MEETING MINUTES

1. Acceptance of July 9, 2019 Meeting Minutes

Chairman Miller asked for a motion to accept the July 9, 2019, Meeting Minutes, as written.

Motion Made: S. McLain
Motion Seconded: T. Crowley
MOTION: Acceptance of the meeting minutes of July 9, 2019, as written.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

2. Acceptance of July 9, 2019 Public Hearing Transcript – Development in the Floodplain

Chairman Miller asked for a motion to accept the July 9, 2019, Public Hearing Transcript for the Special Permit for Floodplain Development, as written:

Motion Made: D. Kudgus
Motion Seconded: L. Cicciarelli
MOTION: Acceptance of the July 9, 2019, Public Hearing Transcript for the Special Permit for Floodplain Development, as written.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain,

T. Crowley, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

C. Riverfront Improvements, 42 Camden Street, D. Emilio

1. Declare Lead Agency for Floodplain Development

Chairman Miller asked for a motion to Declare Lead Agency for floodplain Development.

Motion Made: T. Crowley
Motion Seconded: M. Jaros
MOTION: Approval to Declare Lead Agency.
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 project as an Unlisted Action

Chairman Miller asked for a motion to classify project as an Unlisted Action

Motion Made: L. Cicciarelli
Motion Seconded: S. McLain
MOTION: Approval to classify project 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. SEQRA Review

Ms. Lane noted that the County had received a grant for riverfront improvements in parks along the Susquehanna River. The proposed improvements at William Hill Park include the addition of a 6' wide asphalt multi-use trail around the perimeter of the park, a small river overlook area with two park benches, picnic table, grill, sign and trash receptacles. The total area of disturbance will be less than half an acre. Ms. Lane reviewed Part 2 of the EAF, which addresses potential environmental impacts of the project. All of the impacts were small to none.

Ms. Lane then read the Determination of Significance for the Planning Board. Broome County received funding for improvements to various parks along the Susquehanna Riverfront, including William Hill Park at 42 Camden Street. The 13.1-acre site is zoned Open Space, and the

recreational use is permitted. The project area is completely in the existing 100-year floodplain, and therefore requires a Special Permit for floodplain development. The improvements include a paved path, picnic tables, a grill and trash receptacles, but do not include any building construction.

The entire Susquehanna Riverfront project was previously reviewed under SEQRA by Broome County, but this particular review pertains specifically to development in the floodplain, which requires a public hearing.

Base flood elevation will not be affected, as the enhancements will not impede the flow of floodwaters.

The NYS Historic Preservation Office confirmed there are no identified historic, archeological, or cultural impacts. The DEC EAF Mapper identified the protected Bald Eagle, but this project will have no impact on any Bald Eagle habitat. The identified remediation site #704020, the U.S. Air Force plant, is undergoing remediation at this time, and does not pose a threat to the project.

The project will not create any impacts relative to noise, air, and the ground, other than briefly during the construction of the pathway.

Upon close review, the project as proposed will not have a significant adverse impact upon the environment, and specifically to base flood elevation, and therefore no further environmental analysis is required. Ms. Lane recommended a Negative Declaration.

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

Motion Made:	D. Kudgus
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, D. Kudgus Opposed: None Abstained: None Motion Carried

4. Public Hearing, Decision at Planning Board's Discretion

Ms. Miller opened the Public Hearing for Floodplain Development at 7:08 p.m. Mr. Cuff, a visitor, suggested the Town should plant more trees on the Susquehanna riverbank to preserve the park from erosion. Concerned about motorcycles that are already racing in the park, he wondered if a path will increase this behavior, and commented that Otsiningo Park has issues with asphalt tracks moving during flood events. Mr. Nead, of Clark Patterson Lee engineering firm, said the Town will be responsible for park maintenance, including the new track. Ms. Miller closed the Public Hearing at 7:13 p.m.

Decision at the Planning Board's Discretion

Ms. Lane explained that Ben Girtain-Plowe from the DEC had contacted her at 3:45 p.m., so she had not had an opportunity to review his concerns with Mr. Emilio or Mr. Nead. The DEC is requesting the relocation of the large stones on the site plan. Mr. Girtain-Plowe stated that the rocks are too close to the DEC easement, which is 15-feet from the toe of slope, and that trucks delivering the stones might encroach into the easement. Mr. Cicciarelli asked what the purpose of the rocks is, and Mr. Nead explained they are sitting or fishing rocks. Mr. Girtain-Plowe also requested the stones be relocated to an area with no grass in order to make it easier to mow. Ms. Lane noted that moving the stones further to the west will require making a minor adjustment to the site plan.

Ms. Lane said that current contour maps show the property is 824-feet above sea level (a.s.l) on average, and base flood elevation at the site is between 836-837 feet a.s.l. The minor park improvements will result in no increase in base flood elevation, which is the main objective when considering development in the floodplain. Mr. Girtain-Plowe also assisted her in determining the flood gauge elevation at which flooding in the park would begin, that is a flood stage of 18-feet at Vestal.

This project is coordinated by Broome County Planning, although this property is not subject to a 239-review. The New York State Historic Preservation Office was consulted and had no concerns at William Hill Park.

The Planning Department recommends approval of the Special Permit for Floodplain Development with the following stipulations:

- 1) The Town Parks Department shall be responsible for securing all tables, benches and trash receptacles prior to any potential flood event once the flood gauge at Vestal reaches flood stage 18-feet.
- 2) No equipment, including temporary construction vehicles, shall move within or be placed in the DEC easement, 15-feet from toe of slope.
- 3) The proposed boulders shall be relocated at least 5-feet to the west along the park's river frontage.

Chairman Miller asked for a motion to approve the Special Permit for development in the Floodplain at 42 Camden Street, with stipulations.

Motion Made: S. Forster

Motion Seconded: M. Jaros

MOTION: Motion to approve the Special Permit to develop in the Floodplain at 42 Camden Street, 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

Chairman Miller asked for a motion to approve the Site Plan with revisions to the placement of the boulders at 42 Camden Street.

Motion Made: D. Kudgus

Motion Seconded: L. Cicciarelli

MOTION: Motion to approve the Special Permit to develop in the Floodplain at 42 Camden Street, 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

D. Commercial Development: 1553 Union Center Maine Highway, J. Ayres

Jeff Ayres submitted an application for a tractor-trailer business office and accessory storage of his tractor and other vehicles at 1553 Union Center-Maine Highway. The 3.25-acre property is zoned General Commercial, and the business office and accessory storage building are permitted.

1. SEQRA Determination

Ms. Lane explained that Mr. Ayres had submitted one EAF Part 1 for the entire project, including the rezoning, in order to not segment the environmental review. Therefore, the EAF Part 1 that the Planning Board would review for this portion of the project includes references to the rezoning. The property was rezoned to be entirely General Commercial in August, 2019. Mr. Ayres changed the site plan since the last Planning Board meeting, merging the office with a garage structure, which may potentially house a car sales business in the future.

Ms. Lane reviewed Part 2 of the EAF, which assesses the potential environmental impacts of the project. All impacts were small to none. Ms. Lane then read the Determination of Significance.

The proposed use fits with the surrounding auto-related, office and agribusiness uses, and will not alter the character of the community or use of the land.

The proposed use will not create adverse changes to traffic, parking, utilities (new septic and well are required), nor historical, architectural aesthetic resources. The ground is stabilized and flat, and the proposed office and indoor storage use would not have significant negative impacts on the ground, flora, fauna, endangered or threatened species, water or the air. Any outdoor lighting that could have a negative impact on the Ag District nursery to the immediate south will be shielded and directed northward.

All buildings will be constructed in a flood resilient manner, so the use would not increase the potential for flooding or erosion. Similar surrounding uses are all consistent within the General Commercial district.

The proposal would not create a hazard to human health. The identified DEC remediation site, the Endicott Area-Wide Investigation, does not affect this site.

Upon review of all the information submitted, the proposed use of a commercial building with accessory garage will not have a significant adverse impact on the environment. Ms. Lane recommended a Negative Declaration.

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

Motion Made: L. Cicciarelli
Motion Seconded: D. Kudgus
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

2. Public Hearing: Decision at Planning Board's Discretion

Ms. Miller opened the Public Hearing for Floodplain Development at 7:34 p.m. and read the public notice. After it was observed that the tax map number appeared incorrect on the notice, the correct number, Tax Map # 141.05-1-26, was determined, and will be used on the final letter of approval. No other comments were made. The Public Hearing was closed at 7:38 p.m.

Steve McElwain, engineer for the project, indicated the placement of the septic tank on the site plan. Having consulted with the Broome County Health Department, Mr. McElwain explained that the septic tank needs to be far enough away from the pond on the adjacent property. He has also reduced the area of disturbance by combining the office with the garage. There are existing features on the property that will not change, such as the drainage that flows southward along the west side of all the properties adjacent to the west side of Union Center-Maine Highway. Any stormwater runoff from the project will remain on site.

Ms. Lane explained that some of the existing drainage has pooled north of the filled area on Nanticoke Gardens into what appears to be a small wetland on 1553 Union Center-Maine Highway. Mr. McElwain confirmed that this project will not go near that area. Ms. Lane requested that the wetlands not be disturbed when the property is being mowed.

Mr. Cicciarelli asked if the design of the septic system includes capacity for future development of a potential auto sales business, and Mr. McElwain confirmed yes, and the anticipated daily consumption of water is going to be very small, maybe 30 gallons per day. The septic tank will be designed for maybe 100 gallons per day. The soil on the property is gravel-soil based and the whole valley is very perk-able. The bigger concern is how far down you have to go before you hit ground water. Mr. Forster asked if the bottom of the septic tank could be below the ground water level. Mr. McElwain answered that this would not be a problem because he can put in a low profile tank, which is a shallower tank, and it will still meet the requirements of the DEC. Mr. Cicciarelli asked if Broome County allows grinders. Mr. McElwain answered Broome County does allow grinders for septic systems but they would not be cost efficient for this project.

Ms. Lane then presented her staff report for a Special Permit for floodplain development. The site lies in the 100-year floodplain, and was flooded most recently in September 2011. In order to construct the buildings, a Special Permit for development in the floodplain must be approved by the Planning Board. Base flood elevation was confirmed to be 837.3-feet above sea level, and the office will be constructed with the first floor elevation two-feet above base flood elevation. The storage facility will have louvers to allow any flood water to flow through the structure. Per Chapter 121-10.4, buildings are permitted in the flood fringe, or that part of the 100-year floodplain that is outside of the floodway.

The Planning Department recommends approval of the Special Permit with the following stipulations:

The construction of the buildings shall meet the requirements of Town Code 121, Flood Damage Prevention:

§ 121-10.4. Flood-fringe provisions.

A. Flood-fringe. That portion of the areas of special flood hazard within the one-hundred-year-flood (base flood) boundary and outside the regulatory floodway.

B. Permitted uses. All uses within the flood-fringe, other than those specified in § 121-10.1, are allowed only as special permit uses in compliance with the following standards. Uses specified in § 121-10.1 are permitted by right.

(1) Any building or use permitted in the floodway, § 121-10.3B.

(2) Buildings, provided that:

(b) The elevation of the lowest floor, including basement, of all new nonresidential buildings or substantial improvements to existing nonresidential buildings within the flood-fringe area shall be at least one foot higher than the base flood elevation or, together with

attendant utility and sanitary facilities, shall be floodproofed up to one foot higher than the base flood elevation.

(c) All uses located in the flood-fringe area shall be floodproofed in the manner outlined in § 121-13 below.

(d) Fill deposited for the purpose of elevating the lowest floor above the base flood elevation shall extend at least 15 feet beyond the limits of any building erected thereon. Such fill shall be protected against erosion by riprap, vegetation, bulk heading or other forms of cover.

(e) Any storage facility for chemicals, explosives or flammable liquids shall be located at an elevation at least one foot higher than the elevation of the base flood.

(f) All special permit uses shall be subject to such other reasonable conditions as may be established by the Planning Board in acting on the special permit application.

§ 121-13. General standards. In all areas of special flood hazard, the following standards are required:

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

(1) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. When designed for location below the base flood elevation, a professional engineer's or architect's certification is required.

Chairman Miller asked for a motion to approve the Special Permit for Development in the Floodplain at 1553 Union Center Maine Highway, with stipulations.

Motion Made: S. Forster

Motion Seconded: S. McLain

MOTION: Motion to approve the Special Permit to develop in the Floodplain at 1553 Union Center Maine Highway, 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

4. Site Plan Review

The 3.25-acre property is zoned General Commercial, and the business office and accessory storage building are permitted. The cumulative area of the office space (320 s.f.) requires two parking spaces, and the site plan provides five parking spaces, including two handicap accessible spaces. Only one handicap parking space is required.

The project was submitted for a 239-review as the property is located on State Route 26. Broome County Planning made a number of recommendations, which have been incorporated into the current site plan, such as grading, contours, and flood elevation. The B.C. Health Department recommends that if fuel or chemical storage should ever be necessary, inside storage of these materials is recommended to prevent accidental spills from contaminating the drinking water aquifer. Floor drains connected to dry wells are regulated by the USEPA and should be avoided in areas that might have auto repairs in the future. The NYS DOT requires that if any work is to be conducted within the State right-of-way, such as for improvement of the site's driveway, the applicant will be required to obtain a Highway Work Permit prior to commencement of such work. The applicant may contact the NYSDOT Broome Residency at (607) 775-0522 for information and assistance. Finally, nothing shall be placed within the State right-of-way, including signage, parking, or vehicles for sale.

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

1. The parking spaces shall be paved and striped, and the handicap-accessible parking space and access aisle posted before the office building is issued a Certificate of Occupancy.
2. Should outdoor lighting be provided in the future, the lighting shall be arranged so as to reflect light away from adjacent properties, particularly to the south in order to not affect the plant nursery. All changes to outdoor lighting shall be approved by the Code Enforcement Department prior to installation.
3. The shrubby area to the south of the mowed field shall not be impacted unless a survey by a field biologist determines the presence of, or lack of, wetlands first. Any such field biologist shall submit a report to the Planning Department for verification before the area is mowed.
4. Plans for any grading or fill not associated directly with the construction of the buildings shall be submitted to the Code Enforcement and Planning departments prior to such action.
5. This approval does not include approval for an auto sales business. No vehicles may be displayed at the site without a Special Permit from the Planning Board.

6. There shall be no outdoor storage on the property.

7. For any new signage, the applicant shall first apply for a sign permit from the Building Official prior to display. All temporary signs or portable 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.

8. Per NYS law, all commercial buildings must be inspected by the Municipal Fire Code Inspector every three years. It is the applicant's responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920 within three years after the issuance of the Certificate of Occupancy.

9. 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. Extensions of this time period may be granted by the Planning Board.

10. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Changes to the site plan following approval may require a minor site plan review or resubmittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

Mr. McElwain asked if it would be considered a minor site plan change if he needs to move the septic system for better access to the bathroom. Ms. Lane confirmed that would require only a minor site plan review.

Chairman Miller asked for a motion to approve the Site Plan at 1553 Union Center-Maine Highway, with stipulations.

Motion Made: S. McLain

Motion Seconded: D. Kudgus

MOTION: Motion to approve the Site Plan at 1553 Union Center-Maine Highway, 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

E. Express Auto Office addition, 3652 George F. Highway, Extension of Site Plan Approval

Ms. Lane explained that Express Auto had been required to submit a final parking plan when approved last year, and they have fulfilled that requirement, including adding a stabilized entrance on River Road. They have just finalized

plans for their addition, and since they have not made substantial improvements on the property, they are asking for an extension of the site plan approval from October 9, 2019, to October 31, 2020. They will start working on the addition immediately.

Ms. Miller asked for an extension of the Site Plan approval for 3652 George F. Highway until October 31, 2020, with stipulations.

Motion Made: L. Cicciarelli

Motion Seconded: M. Jaros

MOTION: Motion to approve the extension of the Site Plan approval for 3652 George F. Highway until October 31, 2020, 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

F. JKS Home Improvement Office, 3400 E. Main Street, Revised Landscaping Plan

Mr. Sager had not followed the original landscaping plan which called for grass in front of the JKS Construction building at 3400 E. Main Street. Instead, he placed stones, so he was cited by the Code Department. He asked his architect, Bill Hall, to develop a new landscaping plan that would work with the stone in front of the building. The new landscaping plan includes nine boxwood shrubs. Ms. McLain noted that planting shrubs with stones has become a popular alternative to grass. Mr. Crowley added that Gault Toyota had also come back to the Planning Board with a request to change their landscaping plan to incorporate shrubs and stones rather than grass in front of their business.

Mr. Cicciarelli asked if there was an environmental reason. Mr. Crowley stated that Mr. Sager should have asked permission first. Ms. Lane suggested that having bushes with stone is more in keeping with the landscaping requirements than just planting grass. The shrubs should not be too close to each other or the building, or they would not grow properly. It was also suggested that a landscaping edge be added to the requirements so that stones would not encroach on the sidewalk. Ms. Lane said that putting in the shrubs will meet the town's landscaping requirement.

Chairman Miller asked for a motion to approve the revision of the Site Plan for 3400 E. Main Street to include gravel with nine 2-3 foot-high boxwoods planted with landscaping edging to prevent gravel from flowing onto the sidewalk, with the understanding that if a shrub dies, it must be replaced within a month.

Motion Made: L. Cicciarelli

Motion Seconded: T. Crowley

MOTION: Approval of the Revision of the Landscaping Plan for JKS Home Improvement at 3400 E. Main Street, with stipulations.

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

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

Ms. Lane informed the Planning Board that a small barbershop plans to open across the street from the municipal building. The business needs to come in for Site Plan review at the next meeting because the space was originally used for storage, and will now be converted to a personal services business.

The Planning Department has approved the minor site plan for Custom Integrated Systems, Inc. to move into the former Ames building in the plaza at 800 Hooper Road.

Ms. Lane also noted that there is a new restaurant called Mooney's moving into the former Ground Round location, and there will be a public hearing in two weeks for Beer Tree to open a second location at the former Sears building in Johnson City.

H. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:28 p.m.

Motion Made: L. Cicciarelli
Motion Seconded: D. Kudgus
MOTION: Adjourning the meeting.
VOTE: **In Favor:** L. 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, October 8, 2019, at 7:00 p.m.

Respectfully Submitted,
Carol Krawczyk