

Town of Union Planning Board Minutes  
Tuesday, October 8, 2019

A public hearing and regular meeting of the Town of Union Planning Board were held Tuesday, October 8, 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, and Alternate S. Yalamanchili

Others present: Marina Lane, Sarah Zubalsky-Peer, Rick Materese, Steven Crampton, Dave Kimmel, Ed Keplinger, Peter Wilson, John Bernardo, Len Basso, Rob Potochniak, Alan Chapin, Jean Chapin, Richard Jones, and Joan Zopp

**A. CALL TO ORDER**

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

**B. MEETING MINUTES**

**1. Acceptance of August 13, 2019 Meeting Minutes**

Chairman Miller asked for a motion to accept the August 13, 2019, Meeting Minutes, as written.

Motion Made: L. Cicciarelli  
Motion Seconded: D. Kudgus  
MOTION: Acceptance of the meeting minutes of August 13, 2019, as written.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus, S. Yalamanchili  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**2. Acceptance of August 13, 2019 Public Hearing Transcript – for Special Permit for Development in the Floodplain**

Chairman Miller asked for a motion to accept the August 13, 2019, Public Hearing Transcript for the Special Permit for Floodplain Development, as written:

Motion Made: S. McLain  
Motion Seconded: S. Yalamanchili  
MOTION: Acceptance of the August 13, 2019, Public Hearing Transcript for the Special Permit for Floodplain Development in Fairmont Park, as written.

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

**3. Acceptance of August 13, 2019 Public Hearing Transcript – for Special Permit for Two-Family Use in USF Zoning District**

- Page 5: Change name “Forester” to “Forster.”

Chairman Miller asked for a motion to accept the August 13, 2019, Public Hearing Transcript for the Special Permit for Two-Family Use in USF Zoning District, as amended:

Motion Made: L. Cicciarelli  
Motion Seconded: D. Kudgus  
MOTION: Acceptance of the August 13, 2019, Public Hearing Transcript for the Special Permit for Two-Family Use in USF Zoning District, as amended.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus, S. Yalamanchili  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**4. Acceptance of August 13, 2019 Public Hearing Transcript – for Special Permit for Outdoor Storage**

Motion Made: L. Cicciarelli  
Motion Seconded: S. McLain  
MOTION: Acceptance of the August 13, 2019, Public Hearing Transcript for the Special Permit for Outdoor Storage, 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. Beards and Shears, 3102-3104 E. Main Street, S. Crampton**

**1. Declare Lead Agency, and classify project as a Type II Action with no further environmental review required**

Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made: S. McLain  
Motion Seconded: L. Cicciarelli  
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 a Type II Action with no further environmental review required

Chairman Miller asked for a motion to classify project as a Type II Action with no further environmental review required.

Motion Made: T. Crowley  
Motion Seconded: S. McLain  
MOTION: Approval to Classify project as a Type II Action with no further environmental review required.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain,  
T. Crowley, S. Forster, M. Jaros, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

## 3. Site Plan Review

Ms. Lane introduced Steve Crampton whose business partner, Colin Harder, was not able to attend the meeting tonight. Mr. Crampton explained that he and his business partner have both been practicing barbering about two years and wanted to open their own barbershop. They both wanted a brick and mortar establishment, and the site at the rear of 3102-3104 East Main Street met their needs.

Ms. Lane then read her staff report to the Planning Board. Colin Harder and Steve Crampton submitted an application to open a two-station barbershop in a 212 square-foot room in the walk-out basement of the existing commercial building located at 3102-3104 E. Main Street. The 0.22-acre parcel is zoned General Commercial (GC) and the personal services use is permitted. There is currently a mixture of personal services businesses and one apartment in the three-story building. The space designated for the barbershop was formerly used for storage.

The site has access to public water and sanitary sewer, and a backflow prevention device will be installed to protect drinking water. The parking lot has fourteen parking spaces, including two handicapped accessible spaces and associated access space. The parking plan was approved by Code Enforcement.

This project, the permitted reuse of an existing commercial building, is classified as a Type II action under SEQRA, and is not subject to further environmental review. Being on State Route 17C, the property is subject to a 239-Review. Broome County Planning saw no significant county-wide or inter-community impacts, but did recommend landscaping. In addition, they pointed out that a portion of the property is in the 100-year floodplain. BMTS had no concerns. NYS DOT requires that nothing, including signage, be placed in the right-of-way. If assistance is needed to locate the right-of-way, the applicants may contact the NYS DOT Broome Residency at 607-775-0522.

The Planning Department recommends approval of the site plan for a barbershop in the basement of 3102-3104 E. Main Street with the following stipulations:

1. The maximum number of personal service stations is two (2). No other personal service stations shall be permitted beyond the two approved stations without approval from the Planning Board.
2. A sink shall be installed on the basement level of the building to ensure compliance with the NY State requirement that barbers wash hands between clients. A building permit shall be required for the installation of all plumbing.
3. A backflow prevention device shall be installed prior to the issuance of a Certificate of Compliance. Contact Brian Burns, Backflow Specialist for the Village of Endicott Water Department, at 607-757-5301 to coordinate the installation. Backflow prevention devices shall be tested annually, and appropriate paperwork shall be filed with the Village of Endicott Water Department. The Building Inspector shall inspect the installation of the backflow prevention device prior to the issuance of the Certificate of Compliance.
4. Any proposed new signage shall be submitted to the Code Enforcement Officer for review and approval prior to installation. If any changes to signage are proposed, the applicant shall apply for a sign permit from the Building Official. All temporary signs including price signs, portable signs, and sidewalk 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.
5. Prior to the installation of any additional exterior lighting, the location and details shall be submitted to the Code Enforcement Office for review and approval.

6. Contact the Code Enforcement Office at 607-786-2920 for a fire inspection prior to the issuance of a Certificate of Compliance.

7. 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.

8. 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. Materese asked if the old fashioned barber pole would be illegal according to these stipulations. Mr. Crampton answered that they had discussed the barber pole with Ms. Golazeski, but that they are not proposing a barber pole at this time. They may install a standing red, white and blue pole in the future. Ms. Lane added that they can always apply for a variance to have an old-fashioned barber pole.

Chairman Miller asked for a motion to approve the Site Plan at 3102-3104 E. Main Street, with stipulations.

Motion Made: S. Forster  
Motion Seconded: L. Cicciarelli  
MOTION: Motion to approve the Site Plan at 3102-3104 E. Main 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. Fairmont Park Duplex Project: 12 and 14 Oak St., 25 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: M. Jaros

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

Ms. McLain, the Temporary Chairman, designated Surge Yalamanchili, the Alternate Member, 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. **Special Permit Review for Floodplain Development in Fairmont Park, Vote**

Ms. Lane asked Ed Keplinger, the engineer for the project, to give a short summary of the changes that have occurred to the project since the last meeting. Mr. Keplinger noted that they had cleaned up the items that the Town staff had brought to their attention, primarily changes to the plan notations, but nothing major. The new plans show that they will now be preserving a 70' tree that is along Poplar Street, rather than removing it. The plans will be edited so that everything in the Town right-of-way is built to the Town's specifications. Finally, the new plans call for moving two houses, 10 Woodlawn and 12 Woodlawn Avenue, five feet to the east to provide more of a buffer between the house at 8 Woodlawn Avenue and the duplexes.

Ms. Lane read her staff report to the Planning Board. Two Plus Four and Lakewood Development II, LLC has proposed the construction of seventeen residential duplexes in the Fairmont Park subdivision at the addresses referenced above. The properties are in the one-hundred year floodplain, and prior to the 2006 and 2011 floods, single-family homes were situated on these properties. The project properties were acquired by the Town of Union after the 2011 flood using CDBG Disaster Recovery funds, which were intended for redevelopment projects. Lakewood Development II, LLC has applied for funding from the NYS Homes and Community Renewal (HCR) Program to construct new homes. In order to construct the duplexes, they applied for a Special Permit to develop in the floodplain.

Base flood elevation at the site is 835 feet above sea level (835' a.s.l.), and current contour maps show the elevations among the properties between 828' a.s.l. to 832' a.s.l. Per FEMA regulations, and Town Code, the lowest residential floor elevation must be at least two feet above base flood elevation.

The applicant's proposal is considered an Unlisted Action under the NYS Environmental Quality Review Act (SEQRA). Under the requirements of Section 617.7(c), the proposed action was examined using the full Environmental Assessment Form, and the Planning Board made a Negative Declaration on August 13, 2019.

Several of the properties were subject to a 239-Review, as they are within 500 feet of Watson Boulevard. The Broome County Planning Department did not find any significant county-wide impacts, but did recommend the applicants be made aware of the floodplain, and provide additional green infrastructure for stormwater management (The Town has an existing stormwater drainage system and the SWPPP calls for an additional dry well system).

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

1. An elevation certificate from a licensed surveyor or engineer shall be submitted to the Code Enforcement Office no less than one month from the completion of the buildings in order to show that the first floor elevation is no less than two feet above base flood elevation.
2. The construction of the buildings shall meet the requirements of Town Code 121, Flood Damage Prevention:

§ 121-10.4. Flood-fringe provisions.

A. 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:

(2) Buildings, provided that:

(a) The elevation of the lowest floor, including basement, of all new residential construction or substantial improvements to existing residential buildings within the flood-fringe area shall be at least two feet 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.

(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.

§ 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 McLain asked for a motion to approve the Special Permit for Floodplain Development in Fairmont Park, with stipulations.

Motion Made: T. Crowley

Motion Seconded: S. Yalamanchili

Ms. Jean Chapin, one of the visitors, wished to say something before the vote and Ms. McLain noted that the public hearing was closed so it would not be in order for her to make comments. Ms. Lane added that the residents had had two months to make their comments to the Planning Board before this meeting.

Mr. Richard Jones noted that the Town did not post anything about the meeting beforehand. Ms. Lane explained that regular Planning Board meetings are posted on the website and at the entrance to the building. When there is a public hearing, which is different than a meeting, the properties are posted with signs, even though not required by state law, and as happened for the public hearings for this project. Ms. Chapin stated that there is an issue with the properties. Mr. Materese explained the sale of the Fairmont Park properties was put on a permissive referendum back in May and because the announcement did not make the newspaper, the permissive referendum has not been held yet. Ms. Lane responded that the sale of the lots has nothing to do with the Planning Board. Applicants do not have to own property to apply for special permits for development from the Planning Board as long as they have permission from the property owner. In fact, many purchasers want to make sure that they will be granted approval for development before they proceed with the purchase of a property. Mr. Potochniak, a local realtor and visitor, confirmed this. Mr. Jaros explained to Ms. Chapin that the permissive referendum concerned a prior meeting with the Town Board, not the Planning Board.

Ms. Zubalsky-Peer and Ms. Lane reiterated that the permissive referendum for the sale of the properties has nothing to do with the Planning Board. The permissive referendum is a Town Board matter.

Mr. Materese explained that the permissive referendum is being held, and was published in the prior Sunday newspaper. If the permissive referendum is passed, all of the approvals by the Planning Board tonight will be set in motion. Mr. Materese continued that the Town Board cannot sell anything until the applicant has these approvals.

Mr. Richard Jones noted that the permissive referendum showed that twenty properties were involved, not nineteen. Ms. Lane explained that 29 Woodland and 31 Woodland had been previously combined, so nineteen lots, not twenty, will be reconfigured into seventeen properties.

Mr. Forster reiterated again that Planning Board approvals have nothing to do with the actual purchase of the property. He described how an applicant for a property near Gault Chevrolet had gotten approval to change the house into a photography studio, but the project never went forward. So now that property is a Gault Chevrolet parking lot.

Chairman McLain asked for a vote on the Special Permit for Floodplain Development in Fairmont Park, having been already moved:

MOTION: Approval of the Special Permit for Floodplain Development in Fairmont Park, with stipulations.  
VOTE: **In Favor:** S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus, S. Yalamanchili  
**Opposed:** None  
**Abstained:** None  
Motion Carried

## **2. Special Permit Review for Two-Family Use in USF Zoning District in Fairmont Park, Vote**

Ms. Lane summarized her staff report to the Planning Board. The properties are zoned Urban Single-Family (US) and the two-family use is permitted by Special Permit under the Town of Union Code 300-20.33, Table 20-2.

The Urban Single Family zoning district requires a minimum lot size of 6,000 square feet for a two-family use (3,000 square-foot minimum lot size per unit), twenty-five feet property width per unit (total 50 feet), minimum side yard setback of 5 feet, a minimum front yard setback of 25 feet, and a minimum rear yard setback of 25 feet. Lot area variances were granted for 10 Woodland Avenue and 25 Poplar Street. Ms. Lane confirmed with Mr. Keplinger that the lot area variance for 10 Woodland Avenue would not be required for the reconfigured lot. The requested lot size variances are not extreme, and all the structures have less than the maximum footprint, which is 30% of the property size. All properties met the 5-foot side setback requirement, but several properties required rear setback variances. Those variances were granted as

the properties are those that are irregular in shape, and whose rear property lines are facing either other proposed duplexes or the woods, and are not impacting any existing residences.

The required parking for a two-family is two spaces per unit. The driveways are approximately 25-feet long; and there is one additional parking space beneath each unit, except for the handicap accessible building, which has no garage. Instead, a parking lot is provided with handicap accessible and regular parking spaces.

In issuing the special permit, the Planning Board shall impose any condition which it deems necessary, such as screening, landscaping, vehicular parking space, loading and unloading areas, operational hours, type and size of signs, method of refuse disposal, amount, size and location of windows and doors and general exterior appearance of buildings or structures. The granting of a special permit may be conditioned upon a periodic renewal.

Planning staff recommends approval of the Special Permit with the following stipulations:

1. Special permit modification approval will be required if there are any changes in the use of the property. Should any of the structures be converted to a single family house, special permit approval shall be required to convert back to a two-family use.
2. The special permit shall expire should the property 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.

The Planning Board had several concerns about the duplex project. Mr. Forster asked what the height of the buildings will be. Mr. Keplinger answered 34 feet at the midway point of the peak of the building, as calculated by the NYS Building Code. Mr. Forster then asked what the average height of the buildings in the neighborhood are. Ms. Lane answered that there is a mixture, including Mr. Kerwin's house which is a three-story. Most of the single-story buildings were lost after the floods. Ms. Lane also stated there are several two-story buildings and a three-story house on Birch Street that was elevated after the 2011 flood in the existing Fairmont Park neighborhood. Mr. Forster was concerned that the duplexes would tower over the existing homes in the neighborhood, and he commented that the property owners do not even live in Broome County. Ms. Lane replied that all of the buildings met the code requirements for side setbacks, and the duplex homes on Birch Street are adjacent to each other. The duplexes on Woodland adjacent to Ms. Chapin's

home, which is a two-story, will be relocated to the east. She continued to show on the site plan how each proposed duplex is, for the most part, a good distance from existing homes. Mr. Forster was opposed to voting on all the two-family use permits as an “all or nothing proposition” just because they all meet the code. Mr. Forster asked why there is a Special Permit requirement if the Planning Board cannot say “no” to a Special Permit for a two-family use.

Mr. Jaros asked who had requested the change of the lot lines for 10 and 12 Woodland Avenue. Ms. Lane answered that the Town had requested that the lot lines be moved further east because the lot at 12 Woodland Avenue has extra space to the east, and by moving the lot line over, the plans could shift the duplexes another five feet to the east, away from the homeowner’s garage at 8 Woodland that is almost on the property line. Ms. Lane added that this change would give both the homeowner and the duplex residents more room.

Mr. Jaros asked about the minimum distance between the duplexes. Mr. Keplinger confirmed that the minimum distance between the duplexes is ten feet, based on the five-foot side setback requirement. Mr. Keplinger confirmed with Mr. Jaros and Mr. Forster that the height of the proposed buildings, 34 feet, is necessary to meet the flood code, so that the living space would be two feet above base flood elevation. When asked about the pitch of the roofs, Mr. Keplinger answered that they will be 6/12.

Mr. Forster commented that if the living space in the duplexes was only one story high, the builder couldn’t fit as many people in them and would not make as much money. Mr. Bernardo, Executive Director of SEPP, which is collaborating on the project with Lakewood Development II, LLC, responded to Mr. Forster stating that the project would be economically unfeasible unless the duplexes were two stories. The project is for affordable housing, so the economic margins are very thin. Ms. Lane concluded the discussion by adding that the Planning Board has specific and limited functions; they are not involved with the funding of the projects.

Chairman McLain asked for a motion to approve the Special Permits for Two-Family Use in USF Zoning District in Fairmont Park, with stipulations.

Motion Made: T. Crowley  
Motion Seconded: D. Kudgus  
MOTION: Approval of the Special Permits for Two-Family Use in USF Zoning District in Fairmont Park, with stipulations.  
VOTE: **In Favor:** S. McLain, T. Crowley, M. Jaros, D. Kudgus, S. Yalamanchili  
**Opposed:** S. Forster  
**Abstained:** None  
Motion Carried

## **2. Contingent on Special Permit Approvals, Site Plan Review for the Fairmont Park Duplex Project**

Ms. Lane then reviewed the relevant new information regarding the project from her staff report. Following the 2006 and 2011 floods, a total of 84 bedrooms in the subdivision were lost due to demolitions. Post construction, there will be 85 total new bedrooms, which is not a significant increase. In addition, modern sanitary facilities are more efficient, so total water use will more than likely be less than that used by the original subdivision.

The subdivision has approximately 10 lots formerly with homes which will remain open space. The Johnson City school system welcomes new students as their student numbers otherwise are diminishing. The Village of Johnson City has ample water, and will be responsible for the maintenance of the new water lines.

The Planning Board approved the Negative Declaration under the New York State Environmental Quality Review Act (SEQRA) on August 13, 2019. The Town of Union Engineering Department and Code Enforcement Department, the Village of Johnson City Water Department, the Johnson City Fire District and the Johnson City Central School District have all reviewed the plans, and any relevant comments have been incorporated into the site plan.

Since the area to be disturbed by the new development is greater than 1-acre, a Storm Water Pollution Prevention Plan (SWPPP) was submitted for approval by the consultant to the Town Engineering Department. The plan includes a number of dry wells designed to maintain the predevelopment rate of stormwater runoff. Annual dry well maintenance shall be required per the SWPPP. Ms. Lane explained briefly that the leaders from the roofs will tie into the drywells, and stormwater will also be directed towards the drywells.

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

- 1) The contractor shall apply for Highway Work Permits for any work to be completed in the right-of-ways. This requires individual permits for each duplex.
- 2) NYSEG shall apply for Highway Work permits for the extension of new gas lines.
- 3) Separate fire suppression (sprinkler) water lines shall be added to the final site plan, subject to the Town Building Permit Department's review and approval, and in accordance with the proposed new water line system.

4) A pre-construction meeting shall be held with all contractors, subcontractors, Town Engineering, Highway, and the Code Enforcement and Building Official prior to any site work, including grading or tree removal. Soil restoration measures shall be agreed upon.

5) Prior to the issuance of final Certificates of Occupancy, the Developer shall submit one (1) digital version (AutoCAD LT) and one (1) PDF of the as-built drawings of all infrastructure improvements (i.e. water, sanitary and sewer) and erosion and sediment control measures to the Engineering and Planning Departments.

6) The maintenance of the stormwater control dry wells shall be followed as described on page 18 of the Stormwater Pollution Prevention Plan (SWPPP). Soil restoration shall be followed as described on page 14 of the SWPPP.

7) A specific recordable instrument with maintenance language for the drywells associated with the Two Plus Four development in the Fairmont Park Subdivision shall clearly define the maintenance obligations, and shall be referred to as running with the land in the deed of each parcel. The recordable instrument shall contain language such that if the dry wells are not properly maintained, the Town of Union may issue a notice to cure, and if not cured, then the Town of Union may cure and/or correct the situation and charge the costs and expenses of the same to you or any future property owner. Lakewood Development II, LLC, as the owner of the properties on which the drywells are located, shall have the initial obligation to maintain the drywells in a functional condition, as described in the Stormwater Management and Pollution Prevention Plan (SWPPP), but if not so obligated the Town of Union may proceed to cure and /or correct the situation as noted above.

8) Similarly, an Access Agreement must be filed with the deeds, in the event that the property owner has failed to maintain the drywells and the Town of Union finds it imperative to enter the property to correct any pond failures. The access agreement shall be submitted to the Town Planning Department for review by the Town Attorney prior to being filed.

9) Drywell maintenance language must be submitted sufficiently in advance to the Planning Department and Town Attorney for approval within four weeks of Planning Board approval. The following language is acceptable to the Town of Union and is submitted herewith for your review:

“This conveyance is subject to the terms and provisions of the Johnson City Birch & Woodland Storm Water Prevention Plan approved by the Town of Union Consulting Engineer and made part of the final Site Plan approval granted by the Town of Union on October 8, 2019. The Storm Water Prevention Plan requires the installation and maintenance of drywells located on 22, 24, 25, 27, 28 and 29 Birch Street, 10, 12, 13, 29 and 30 Woodland Avenue, 25 and 37 Poplar Street, and 12 and 14 Oak Street, land owned by the Applicant. The Plan requires that the Lot Owner continue to own the drywells and be responsible for their continuing maintenance. In

the event that the Lot Owner fails to perform the required maintenance after written notice to cure issued by the Town of Union, the necessary maintenance shall be provided by the Town of Union. Any costs, expenses or charge for this maintenance by the Town of Union shall be paid by the owners of the lot, and if not so paid by a Lot Owner within sixty (60) days of invoicing by the Town of Union, the Town of Union shall charge the individual Lot Owner.”

10) A final landscaping plan including numbers, species and heights of plants, shall be submitted for Planning Board review prior to the commencement of construction. The landscaping shall be established prior to receiving final Certificates of Occupancy, or by June 30 of the following year depending on the weather.

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

12) The parking lot at 29 Woodland Avenue shall be striped according to the approved plan prior to receiving any Certificate of Occupancy.

13) Site plan approval shall be valid for two years, unless substantial improvements have been made pursuant to the approved site plan and a valid building permit.

14) 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. Jaros asked if each building was going to have a dry well. Ms. Lane replied not each building, but almost all of them. Mr. Jaros asked if the drywells will benefit the community. Mr. Keplinger answered the land was contoured and with the drywells, no runoff will affect adjoining properties or the right-of-way, so they will benefit other properties in the development. Ms. Lane noted that the neighborhood has existing curbs and gutters and so that is where most of the storm water will be directed.

Mr. Richard Jones asked how the drywells would be affected by snow melt. Mr. Keplinger answered that the snow will be moved next to each driveway as at any other house, and the driveways are pitched toward the drywells. Ms. Joan Zopp expressed her concern that the character of the neighborhood will be less stable with the addition of rental units.

Chairman McLain asked for a motion to approve the Site Plan for Fairmont Park Duplex Project, with stipulations.

Motion Made: T. Crowley  
Motion Seconded: M. Jaros  
MOTION: Approval of the Site Plan for the Fairmont Park Duplex Project, with stipulations.  
VOTE: **In Favor:** S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus, S. Yalamanchili  
**Opposed:** None  
**Abstained:** None  
Motion Carried

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

Motion Made: S. Forster  
Motion Seconded: M. Jaros  
MOTION: Approval returning to the regular membership session for the remainder of the October 8, 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

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

Ms. Lane showed the Planning Board a modified site plan for the recently approved insurance office at 593 Hooper Road. Mr. Valenta also owns the house next to the office, so he decided that it would be nicer for the house to shift the office parking lot to the opposite side of the office. The parking lot has the same number of spaces and there is an additional swale on the new site plan. The Planning Department approved the change as a minor site plan review.

Mr. Culbertson of National Pipe and Plastics submitted a revised site plan so that they can begin construction because NYSEG is not moving their utility pole fast enough to accommodate the approved plan. Therefore, National Pipe and Plastics moved the entire footprint of the building 12-feet to the east. Everything is still the same, other than a slight revision to the parking lot in front of the building. The Planning Board members asked if this would affect street parking and Ms. Lane answered that it would not. Mr. Jaros asked whether the visitor's entrance would be right across from the park's entrance. Mr. Materese answered that the park is forty feet from Page Avenue so he did not think that there would be a problem. Ms. Lane added that she does not anticipate that there will be a lot of traffic going

in and out of the visitors' parking lot. The Planning Department also approved these changes as a minor site plan review.

Ms. Lane reminded the Planning Board members that there is a requirement for four hours of training per year. There will be a SEQRA training seminar on October 29<sup>th</sup> to review the changes that were made earlier this year. Another training seminar will be held on October 21, 2019, on Battery Energy Storage.

**F. Adjournment**

Chairman Miller asked for a motion to adjourn the meeting at 8:26 p.m.

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

**Next Meeting Date**

The next meeting of the Planning Board is tentatively scheduled for Tuesday, November 12, 2019, at 7:00 p.m.

Respectfully Submitted,  
Carol Krawczyk