

Town of Union Planning Board Minutes
Tuesday, February 11, 2020

A public hearing and regular meeting of the Town of Union Planning Board was held Tuesday, February 11, 2020, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

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

Others present: Marina Lane, Sara Zubalsky-Peer, Rick Materese, John Visconti, Desera Johnson, John Lobevero, Manny Samaras, Gary Morse, Joan Morse, Maggie Schultheisy

A. CALL TO ORDER

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

B. MEETING MINUTES

1. Acceptance of January 14, 2020 Meeting Minutes

Chairman Miller asked for a motion to accept the January 14, 2020, Meeting Minutes, as written.

Motion Made:	L. Cicciarelli
Motion Seconded:	M. Jaros
MOTION:	Acceptance of the meeting minutes of January 14, 2020, 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. Visconti Trucks & RVs, Special Permit for Vehicle Sales, 1651 Union Center-Maine Highway, J. Visconti

1. SEQRA Determination

Mr. Visconti submitted an application to sell motor vehicles from 1651 Union Center-Maine Highway, an existing commercial property, and auto sales requires a special permit and site plan review. Ms. Lane noted that Detailz had approval to sell cars from the same location in 1993, so the parking lot is already set up as a parking lot for auto sales.

Ms. Lane reviewed Part 2 of the EAF that addresses potential environmental impacts; all environmental impacts were small to none. Per the Determination of Significance, Mr. Visconti applied to open an auto sales business on property with an existing two-bay commercial garage

located at 1651 Union Center-Maine Highway (SR 26). The 0.26-acre property is zoned General Commercial, and the auto sales use is permitted by special permit. There is an existing office inside the garage, and two single-bedroom apartments on the second floor. No construction is proposed, and the parking lot was previously paved.

Up to nine (9) vehicles will be parked over 4,043 square feet of the existing 5,000 square feet of pavement, as parking is not permitted within the ten-foot front setback. The project will not significantly impact traffic, existing utilities, and will not impact wildlife or flora. There will be no significant impacts pertaining to odors, noise or lighting. No vehicle repairs will be conducted on site.

A stormwater remediation plan is not required as no increase in impervious area is planned. The existing parking area drains into the Town's swale system. The property is not in the current 100-year floodplain and there are no wetlands on the property. This property is located within the buffer area of NYS DEC remediation site #704038, the Endicott Area-Wide Investigation, but is not directly impacted by any contamination.

Upon close review, the project as proposed will not have a significant adverse impact upon the environment.

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

Motion Made:	D. Kudgus
Motion Seconded:	M. Jaros
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 for the Sale of Vehicles, Decision at the Planning Board's Discretion

Chairman Miller opened the Public Hearing for the Special Permit for Auto Sales at 7:08 p.m. There were no questions from the audience or the Planning Board about the project, so Ms. Miller closed the Public Hearing at 7:10 p.m.

3. Decision at Planning Board's Discretion

Ms. Lane read her staff report for the Planning Board. John Visconti submitted an application to sell motor vehicles from an existing commercial

property with a two-bay garage at 1651 Union Center-Maine Highway. The property is located in a General Commercial zoning district and selling vehicles is a permitted use only by Special Permit from the Planning Board. Mr. Visconti does not plan to repair vehicles at this location.

The property had been approved as an auto sales lot in 1993, hence the existing 2-bay garage and paved parking lot. The parking lot is approximately 5,000 square-feet, of which approximately 4,045 square-feet is available for parking due to the ten-foot setback requirement. The parking requirement for the auto sales business is two for every employee, and Mr. Visconti is the only employee. The site plan shows five parking spaces for display vehicles, two customer parking spaces, and two spaces for the tenants of two second-story apartments.

The garage has public utilities, water and sewer. Stormwater currently drains into the roadside swale system, all of which eventually drains into Nanticoke Creek.

The location of the garage is in the five-hundred year floodplain, and therefore a Special Permit for floodplain development is not required, although due to the five-hundred year floodplain, it shall be recommended that all flammable or toxic fluids be stored no lower than two-feet (2') above ground level, and that absorbent pads be maintained on site.

The granting of a special permit may be conditioned upon a periodic renewal.

The staff recommendation is to approve the Special Permit with the following stipulations:

- 1) § 300-40.2. Automotive sales.
 - A. The sale of new or used vehicles may be allowed by special use permit, provided the following:
 - (1) The sales area shall be paved, suitably graded and drained, and maintained in a neat and orderly manner.
 - (2) No more than five vehicles shall be displayed for sale on site, as the number of cars that may be for sale on the premises must be specified on the special use permit. An increase in the number of cars to be sold shall require a new special permit.
 - (3) A spill prevention plan shall be provided to the Planning and Code Enforcement offices.
 - B. All maintenance of motor vehicles shall be performed fully within the garage. No motor vehicle parts shall be stored outside of an enclosed structure or screened area, which may not be located in front of the building.

- C. No vehicles shall be displayed for sale or parked within 10 feet of the front property line. The display of vehicles shall be contained to the spaces shown on the site plan, in front of the garage.
- D. The retail sale of fuel or automobile parts shall not be permit
- 2) No vehicle repairs may take place on the property, other than cleaning.
- 3) All flammable or toxic fluids shall be stored no lower than two-feet (2') above ground level, and absorbent pads shall be maintained on site.
- 4) A fire inspection is required before the issuance of a Certificate of Compliance. Contact Code Enforcement to make the arrangements at (607) 786-2920.
- 5) § 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.
- 6) The applicant shall be required to acknowledge all of the above conditions, in writing, before displaying a DMV Dealer's License sign, but no later than February 28, 2020.

Mr. Forster asked if the stipulation under Automotive Sales of a setback of 10 feet referred to all property lines. Ms. Lane thanked Mr. Forster for his question and amended this stipulation to read "10 feet from the front property line."

Chairman Miller asked for a motion to approve the Special Permit for Auto Sales at 1651 Union Center-Maine Highway, with revised stipulations.

Motion Made:	S. Forster
Motion Seconded:	L. Cicciarelli
MOTION:	Approval of the Special Permit for Auto Sales, at 1651 Union Center-Maine Highway, with revised 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

Ms. Lane then read her site plan report for the Planning Board. Broome County Planning did not identify any significant county-wide impacts, but recommended stipulating that there should be no leaking vehicles. The NYSDOT is requiring that the entrance be brought into conformance with their standards for control of access highway safety. In addition, nothing may be placed in the right-of-way, including signage, vehicles for sale, and customer parking.

The Town Engineering Department has reviewed the project and has no concerns. Code Enforcement's comments have been included with the stipulations of approval.

The staff recommendation is to approve the Site Plan, with the NYS DOT requirements and the following stipulations:

1. The site plan shall be revised and approved by the Planning Department to meet the NYS Department of Transportation requirement for standard driveway entrances, prior to receiving a Certificate of Compliance. The minimum driveway width shall be no less than 24-feet for two-way non-residential uses. Either fencing or large stones shall be used to delineate the entrance.
2. No vehicles shall be parked within the 10-foot front setback.
3. The automobile sales parking lot shall be repaired and striped according to the plan by June 30, 2020.
4. Hazardous materials, such as waste oils, solvents, acids, batteries, paints or tires, shall not be stored outdoors at any time.
5. If the applicant wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
6. If a sign is desired, the applicant shall apply for a sign permit from the Building Official. All temporary signs (including price signs), portable signs, or balloons 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. Signage shall be at least eight-feet from the front property line.
7. If any approved site improvements are not complete prior to the request for a Certificate of Compliance, the Building Official may issue a Temporary Certificate of Compliance for no more than six months.
8. Site plan approval shall expire after one year unless substantial improvements have been made pursuant to the approved site plan. The applicant may request an extension from the Planning Board.

9. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. The applicant shall agree to follow the stipulations of approval in strict accordance with the site plan. Changes to the site plan following approval may require a minor site plan review or submittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

Ms. Lane explained that if Mr. Visconti make any big changes, for instance the addition of two more parking spaces for display vehicles, that change would be considered major and would require another special permit and site plan review. However, if Mr. Visconti wanted to put an enclosure in the back for storage, this change would require only a minor site plan review.

Mr. Forster asked when the blacktop plants open and Ms. Miller answered that they opened in April. Mr. Forster thought that May 30 was a little early for the parking lot repairs. Mr. Crowley agreed that Mr. Visconti needs more time to make blacktop repairs. Mr. Cicciarelli asked Mr. Visconti if he had a contractor to repair the parking lot and Mr. Visconti answered no. He is working out a deal with the owner of the property about blacktopping the property and would like to have the blacktop completed in either June or July. Ms. Lane noted that Mr. Visconti could be issued a temporary Certificate of Compliance if the driveway is not completed by June 30. She stated that Mr. Caforio, Commissioner of Public Works, has complained that people who are getting site plan approval are not following up on parking lot requirements. She advised Mr. Visconti to make sure that he followed up on the driveway repairs. Mr. Visconti commented that the he would, because he doesn't like the way the lot looks either. The Planning Board agreed to extend the repairs to the parking lot deadline to June 20, 2020.

Chairman Miller asked for a motion to approve the Site Plan for 1651 Union Center-Maine Highway, with the revised stipulations.

Motion Made:	S. Forster
Motion Seconded:	S. McLain
MOTION:	Motion to approve the Site Plan for Site Plan at 1651 Union Center-Maine Highway, with revised 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. Lobevero Pool, Floodplain Development Special Permit, 4302 Watson Boulevard, J. Lobevero

1. SEQRA Review: Re-Classify Project as a Type II Action, No Further Review Required

Ms. Lane explained that because the area of the project is under 4,000 square-feet, the Planning Board could reclassify the project as a Type II Action.

Chairman Miller asked for a motion to Re-Classify Project as Type II Action, with no further review required.

Motion Made:	S. McLain
Motion Seconded:	D. Kudgus
MOTION:	Motion to Re-Classify Project as a Type II Action, with No Further Review Required.
VOTE:	In Favor: L. Miller, L. Cicciarelli, S. McLain, S. Forster, T. Crowley, M. Jaros, D. Kudgus
	Opposed: None
	Abstained: None
	Motion Carried

2. Public Hearing for Floodplain Development, Decision at Planning Board's Discretion

Before beginning the public hearing, Ms. Lane read part of her staff report as an introduction to the project. John Lobevero submitted an application to maintain a 10-foot diameter family-style pool in his yard, which is in the one-hundred-year floodplain, and any development in the floodplain requires a special permit. The property is in an Urban Single-Family zoning district and the accessory aboveground family pool is permitted with a building permit.

Per the Broome County GIS website, the ground elevation is 832-feet above sea level (a.s.l.), and base flood elevation is 836 a.s.l.

Ms. Miller opened the Public Hearing for Floodplain Development at 7:28.p.m. Ms. Lane noted that after the sign was posted for the public hearing, she had been contacted by several neighbors wanting to know if the project was for a neighborhood pool. Since there was no other discussion about the project, Ms. Miller closed the Public Hearing at 7:29 p.m.

Ms. Lane then read the rest of her report for the Planning Board. The property is subject to a 239-Review, and Broome County advised that the applicant should be made aware of the risks associated with placing the

pool in the floodplain. A Stormwater Pollution Prevention Plan was not required because there is no proposed disturbance to the site.

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

- 1) The applicant shall apply for a building permit in order to maintain the pool.

Ms. Lane explained that any pool that holds over a certain volume of water requires a building permit per state law.

Chairman Miller asked for a motion to approve the Special Permit for Floodplain Development at 4302 Watson Boulevard, with stipulations.

Motion Made:	S. Forster
Motion Seconded:	D. Kudgus
MOTION:	Motion to approve the Special Permit for Floodplain Development at 4302 Watson Boulevard, with stipulations.
VOTE	In Favor: L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus
	Opposed: None
	Abstained: None

E. Manolo Driveway Area Variance, 2204 North Street, M. Samaras

1. Declare Lead Agency

Chairman Miller then asked for a motion to declare Lead Agency.

Motion Made:	L. Cicciarelli
Motion Seconded:	M. Jaros
MOTION:	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 then asked for a motion to Classify Project the Project as an Unlisted Action.

Motion Made:	S. McLain
Motion Seconded:	L. Cicciarelli
MOTION:	Declare Lead Agency and 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 Determination

Ms. Lane reviewed Part 2 of the EAF and found all of the environmental impacts to be small to none. Ms. Lane reviewed the Determination of Significance for the Planning Board. Manolo Realty LLC submitted a proposal to construct a parking lot in the rear of a mixed-use building. The area is now vacant and covered with gravel. The parcel is zoned Neighborhood Commercial, and parking lots are permitted as an accessory use. The parking lot is intended to support a parking need for a salon business on the first floor of the building, and two apartments on the second floor. The salon has two employees.

The application includes a request for an area variance for the access driveway to the parking lot in the rear of the building. Steps on the west side of the building are only 13-feet from the western property line. Code requires a 24-foot driveway for a commercial use. Therefore, the applicant has applied for an 11-foot area variance to have a 13-foot commercial driveway.

The proposed parking lot does not conflict with or impair the quality of adjacent residential uses, and will not change the intensity of use or traffic patterns as the same number of employees, customers and residents will continue to use the mixed-use building. Parking on North Street will be alleviated.

There will not be any significant impact to the land or any Critical Environmental Area. There will be no impact on historic resources. Although in an archeologically sensitive area, the land had been previously developed.

The proposed project will not adversely impact the use of energy, water or wastewater utilities, natural resources, wildlife nor create a hazard to environmental resources or human health. There will be no increase in flooding, erosion, nor impacts on wetlands. The applicant proposes maintaining the gravel driveway, and there is a grassy area to the rear. Stormwater will permeate into the gravel base, and any additional stormwater will drain towards the grassy area on the same lot.

After review, it was determined that the proposed parking lot would not have any significant adverse impacts on the environment.

Ms. Lane reviewed the history of the property. In 2016, there was photo studio at 2204 North Street, and in 2017, Grace Cotroneo opened a salon

business. Ms. Cotroneo need a parking space variance to have two stations in the salon and the ZBA granted a one-space parking variance. Mr. Samaras of Manolo Realty recently purchased the property with the salon business and started to install a five-space parking area behind the building. Code Enforcement cited the property for site work without site plan approval, and Mr. Samaras immediately applied for site plan review.

Town Code requires a 24-foot driveway for the commercial business to access a parking area at the rear of the building but the property isn't wide enough. Consequently, Mr. Samaras would need a variance to have the driveway width narrowed to 13 feet. Mr. Samaras noted that the salon business does not generate significant traffic because the clients usually have two to three-hour appointments. He explained that there is a special needs tenant on the first floor of the building, so he would like to keep the carport so that the tenant does not have to deal with snow in the winter.

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

Motion Made:	T. Crowley
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. Advisory Opinion to the ZBA

Mr. Samaras gave a short presentation about the parking lot. He said that the backyard will have a lot of green space even after the parking area is completed. He is building a five space parking area using a geo-grid, which is covered with two rolls of fabric, and then filled with 57 crusher stone tamped down with a jumping jack and roller. Mr. Samaras is anxious to comply with the code requirements; he was not aware that installing a parking lot required a permit.

Ms. Lane then read her staff report for the Planning Board. Manolo Realty, LLC submitted an application to construct a parking area in the rear yard of 2204 North Street. The building is mixed-use, with an existing salon on the first floor and apartments on the second floor. The property was granted a one-space parking variance in 2017 with the condition that it is solely for a personal services use. The justification was that there was only one employee at that time, but since then, a second employee is working at the

salon, therefore generating a greater need for parking. The property is located in a Neighborhood Commercial zoning district and the accessory parking lot use is permitted.

There is one parking space on the west side of the building under a carport. In order to construct a parking lot in the rear of the building, the carport would need to be removed. In addition, Code requires a 24-foot wide access driveway for two-way traffic for a commercial property. There is a set of exterior stairs on the west side of the building that restrict the possible width of a new driveway to 13-feet. Therefore, Manolo Realty, LLC applied for a driveway width variance from 24-feet to 13-feet.

Planning Department staff recommends that the Planning Board recommend to the ZBA approval of the variance for a driveway entrance of 13-feet. The need has been created, and it is a low-intensity use that will not generate a significant amount of traffic. If the variance is granted, the applicant shall be required to submit plans for site plan review with the Planning Board.

Chairman Miller then asked for a motion to recommend approval of the variance to have a 13-foot wide driveway entrance by the ZBA.

Motion Made:	S. McLain
Motion Seconded:	M. Jaros
MOTION:	Recommendation of approval of the variance to have a 13' driveway entrance to the ZBA.
VOTE:	In Favor: L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus Opposed: None Abstained: None Motion Carried

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

Ms. Lane asked for a recommendation for the Planning Board Vice-Chairperson. Mr. Forster recommended Mr. Cicciarelli for Vice-Chairperson of the Planning Board.

Ms. Miller called for a motion to recommend Mr. Cicciarelli as Vice-Chairperson of the Planning Board.

Motion Made:	S. Forster
Motion Seconded:	D. Kudgus
MOTION:	Recommendation for Mr. Cicciarelli to be the Chairperson of the Planning Board.
VOTE:	In Favor: L. Miller, L. Cicciarelli, S. McLain, S. Forster, T. Crowley, M. Jaros, D. Kudgus

Opposed: None
Abstained: None

There was some discussion about the CDS housing project. Several of the Planning Board members have been asked about the project after a news program quoted the incorrect number of apartments that will be built. Ms. Lane corrected the misinformation by stating that the proposal still calls for 115 apartments. She added that the ZBA had some comments at their meeting about the fire department's access to the property. These concerns are not significant because there will be two hydrants within acceptable distance to the property, and the building will have sprinklers.

Ms. Zubalsky-Peer commented that she had attended a countywide meeting about the lack of affordable housing in Broome County, and our seniors and disabled citizens deserve housing that is affordable. Mr. Kudgus said that the demographics of the area have changed significantly and that many seniors are retiring and want to sell their homes because they can no longer afford them. Mr. Jaros added that the new building would be an asset to the community because it will not be run by absentee landlords and the property will be maintained properly. Mr. Cicciarelli works for SEPP and he volunteered to give a tour to anybody who wants one to see other affordable housing projects in the Town. Ms. McLain said that she knows a former neighbor who moved to Cardinal Cove, which is a SEPP project, because the community had affordable apartments that met her needs.

Ms. Lane said that the County plans to replace the bridge that is near the CDS housing project and the adjacent property some time in 2023.

Chairman Miller asked for a motion to adjourn the meeting at 8:13 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, March 10, 2020, at 7:00 p.m.

Respectfully Submitted,
Carol Krawczyk