

Town of Union Planning Board Minutes
Tuesday, July 14, 2020

A regular meeting of the Town of Union Planning Board was held Tuesday, July 14, 2020, remotely via Zoom Virtual Meeting Software.

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

Others present: Marina Lane, Sara Zubalsky-Peer, Bob Kashou, Steve Grant,
Mike Malarkey

A. CALL TO ORDER

Chairman Miller opened the meeting of the Planning Board at 7:28 p.m. Ms. Miller then read the proclamation, "This Planning Board meeting is being held in compliance with Executive Order 202.1 issued by Governor Andrew M. Cuomo on March 12, 2020. The Executive Order suspends Article 7 of the Public Officers Law to the extent necessary to permit any public body to meet and take any action authorized by law without permitting in public, in-person access to meetings, and authorizing such meetings to be held remotely by conference call and via Zoom virtual meeting software. This meeting is being held remotely by conference call and remotely via Zoom virtual meeting software. The public has the ability to view or listen to this meeting live via the Zoom app, web browser, and/or by telephone. This meeting is being recorded and will be transcribed at a later date."

B. MEETING MINUTES

1. Acceptance of June 9, 2020 Meeting Minutes

Chairman Miller asked for a motion to accept the June 9, 2020, Meeting Minutes, as written.

Motion Made: S. Forster
Motion Seconded: L. Cicciarelli
MOTION: Acceptance of the meeting minutes of June 9, 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

2. Acceptance of June 30, 2020 Meeting Minutes

Chairman Miller asked for a motion to accept the June 9, 2020, Meeting Minutes, as written.

Motion Made: L. Cicciarelli
Motion Seconded: M. Jaros
MOTION: Acceptance of the meeting minutes of June 30, 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

3. Acceptance of Public Hearing Transcripts:

a. 4324 Watson Boulevard: Floodplain Development

Chairman Miller asked for a motion to accept the June 9, 2020, Public Hearing Transcript for the Special Permit for Development in the Floodplain as written.

Motion Made: L. Cicciarelli
Motion Seconded: M. Jaros
MOTION: Acceptance of the June 9, 2020, Public Hearing Transcript for Development in the Floodplain, 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

b. 4324 Watson Boulevard: Auto Repairs

Chairman Miller asked for a motion to accept the June 9, 2020, Public Hearing Transcript for the Special Permit for Auto Repairs as written.

Motion Made: T. Crowley
Motion Seconded: L. Cicciarelli
MOTION: Acceptance of the June 9, 2020, Public Hearing Transcript for Auto Repairs, 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. 328 and 332 Scarborough Drive: Floodplain Development

Chairman Miller asked for a motion to accept the June 9, 2020, Public Hearing Transcript for the Special Permit for Development in the Floodplain as written.

Motion Made: T. Crowley
Motion Seconded: L. Cicciarelli
MOTION: Acceptance of the June 9, 2020, Public Hearing Transcript for Development in the Floodplain, 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. Grant’s Autohouse, 1606 Union Center-Maine Highway, S. Grant
1. SEQRA Determination

Ms. Lane reviewed Part 2 of the EAF that addresses potential environmental impacts, and all environmental impacts were small to none.

Per the Determination of Significance, Steve Grant applied to open an auto repair and sales business in an existing two-bay garage facility in a mixed-use building at 1606 Union Center-Maine Hwy. The property is 0.50-acre in a General Commercial zoning district, and the auto sales and repair businesses are permitted by Special Use Permit. The applicant does not propose to do any additional construction or renovations to the building.

The proposed action will not have any significant effects on existing air quality, noise levels, existing traffic patterns (parking requirement is met), solid waste production or disposal. The project does not require a SWPPP as there is no soil disturbance or construction proposed.

The proposed action will not result in adverse impacts to aesthetic, agricultural, historic or other natural or cultural resources, or community or neighborhood character. There will not be any significant impacts to any Critical Environmental Area, or endangered or threatened vegetation or animals; nor create a hazard to environmental resources or human health. All toxic or hazardous chemicals will be stored with secondary containment.

The building is existing, and will not pose any new impacts to the floodplain. All toxic or hazardous chemicals will be stored two-feet above base flood elevation, which is ground level.

The proposed project will not adversely impact the use of energy, nor have adverse impacts on subsequent development. The proposed action will not result in any adverse effects on the community’s existing plans or goals, or change in use or intensity of use of land.

The review of the project in my opinion found no significant negative impacts on the environment.

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

Motion Made: S. Forster
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

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

Chairman Miller opened the Public Hearing for Floodplain Development at 7:32 p.m. and closed at 7:33 p.m. There were no comments or questions from the public during the hearing.

3. Public Hearing for Auto Repair Special Permit: Decision at Planning Board's Discretion

Chairman Miller opened the Public Hearing for Auto Repair at 7:35 p.m. and closed at 7:35 p.m. There were no questions or comments from the public during the hearing.

4. Public Hearing for Auto Sales Special Permit: Decision at Planning Board's Discretion

Chairman Miller opened the Public Hearing for Auto Sales at 7:36 p.m. and closed at 7:36 p.m. There were no questions or comments from the public during the hearing.

(2) Floodplain Development: Decision at Planning Board's Discretion

Ms. Lane then read her staff report. Steve Grant, of Grant's Autohouse, submitted an application for a new automobile business located in the 100-year floodplain at 1606 Union Center-Maine Highway. A special permit for floodplain development is required to address having an automobile business in the floodplain.

The base flood elevation at the site is approximately 840 feet above sea level (ASL), and the ground elevation in the area proposed for the

automobile business is also 840 feet ASL. No vehicle maintenance will occur outside to minimize the potential for spills and contamination of the Nanticoke Creek watershed.

The project is subject to a 239-Review as it is along State Route 26 (Union Center-Maine Hwy.). Broome County Planning did not find any significant countywide or inter-community impacts associated with the project; however, specific to the floodplain, they recommend that the applicant be made aware of the risks of developing in the 100-year floodplain.

The Planning Department recommends approval of the Special Permit for the development in the floodplain with the following stipulations pertaining to such floodplain development:

- 1) All flammable, hazardous or toxic fluids shall be stored no less than two feet above ground level in the garage due to the height of the base flood elevation.
- 2) All containers for waste fluids shall be anchored, and stored with a secondary containment tray.
- 3) The owner of the business shall be responsible for ensuring that vehicles on site are well maintained and not leaking fuel, oil, transmission and other fluids to prevent contamination of the Nanticoke Creek watershed.

Ms. Lane asked Mr. Grant to describe what he is doing about the storage of chemicals. Mr. Grant answered that he built new storage shelving two-feet above the floodplain elevation to store chemicals. Mr. Grant then spoke about his secondary containment system for waste oil. He does not have a lot of waste oil, so he uses a 30-gallon plastic tank, which he then stores in a metal barrel. He uses a 30-gallon tank rather than a 50-gallon tank because it is easier to move.

Mr. Crowley asked Mr. Grant if the barrel will hold 30 gallons if the plastic container leaks. Mr. Grant answered that it would hold 40 gallons.

Chairman Miller asked for a motion to approve the Special Permit for Floodplain Development at 1606 Union Center-Maine Highway, with stipulations.

Motion Made:	S. Forster
Motion Seconded:	D. Kudgus
MOTION:	Approval of the Special Permit for Floodplain Development at 1606 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

(3) Auto Repair Special Permit: Decision at Planning Board's Discretion

Ms. Lane explained that Mr. Grant plans to do minor vehicle repairs. Mr. Grant confirmed he will not do any painting. Mr. Grant plans to do brakes, struts, tires and basic repairs. Ms. Lane noted that Mr. Grant would need to have a cleanup system for spills. Mr. Grant said that he has a PIG containment system, basic pads and Speedy Dry for spills.

The property is subject to a 239-Review. Pertaining to the proposed Special Permit for Motor Vehicle Repair, the Broome County Planning Department recommend that conditions of approval stipulate the project include a spill prevention plan, and compliance with state and federal laws regarding hazardous materials storage, handling and disposal. They recommend the applicant should indicate whether the project includes onsite washing of vehicles and storage of waste oil. They also recommend no vehicle repair be conducted outdoors or tires be stored outdoors.

The Broome County Health Department advised that floor drains at motor vehicle repairs shops are regulated by the US EPA Underground Injection Control program. If floor drains are present in the service bays, an operating permit must be obtained, or the drains must be decommissioned.

All chemical and petroleum storage at this facility should be stored in the building to prevent accidental spills from contaminating soil. They further recommend secondary storage.

Ms. Lane asked Mr. Grant if he plans to wash cars at the site and he answered he may wash a few cars, but he made it clear that the business is to sell cars and repair cars, not to wash cars. Ms. Lane described a drainage strip in the garage and said she will talk to Mr. Caforio to see if the drain is connected to anything. She thinks that all the drains in the Town were closed off years ago by Steve Rafferty, a former Code Enforcement Officer. Mr. Grant added that his former garage business, which is a quarter of a mile from this site on Union Center Maine Highway, also had floor drains that did not go anywhere.

Ms. Lane then read the staff recommendations. The project meets the requirements for a Special Permit to repair automobiles in a General Commercial zoning district. The staff recommendation is to approve the Special Permit with the following stipulations:

1. § 300-40.3 Motor vehicle repair shops. Motor vehicle repair shops shall comply with the following:
 - A. Any such use shall be buffered from adjacent uses by no less than 10 feet.

- B. The entire site area that is traveled by motor vehicles shall be hard-surfaced (i.e., asphalt, concrete, or any other dust-free surface).
 - C. Rubbish, oil cans, tires, discarded motor vehicle parts and components and other waste materials may be stored up to one month in a completely fenced-in opaque enclosure adjacent to the building, provided that the area of such enclosure shall not exceed 5% of the area of the principal service station building. There shall be no storage of any items, at any time outside of such enclosure or building.
 - D. The number of vehicles that can be accommodated on site for repair and storage is to be determined by the Planning Board.
 - E. Motor vehicle repair garages shall not be used for the storage of automobiles, trucks, trailers, mobile homes, boats, snowmobiles or other vehicles.
 - F. All maintenance, service and repairs of motor vehicles shall be performed fully within an enclosed structure. No motor vehicle parts or unlicensed motor vehicles shall be stored outside of an enclosed structure.
 - G. A spill prevention plan is provided.
 - H. No vehicle in for repair may remain outside longer than 10 days.
- 2) § 300-66.11. *Transferability.*
- a) The special permit is not transferable except upon approval by resolution of the issuing board.
 - b) The special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason
- 3) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance.

Chairman Miller asked for a motion to approve the Special Permit for Auto Repair at 1606 Union Center-Maine Highway, with stipulations.

Motion Made: S. Forster
Motion Seconded: S. McLain
MOTION: Approval of the Special Permit for Auto Repair at 1606 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) Auto Sales Special Permit: Decision at Planning Board’s Discretion

Ms. Lane noted the application showed eleven vehicles to be displayed on site for sale. In addition, there is parking for customers, employees and residents. Per the landlord, Mr. Grant also set aside an area for the residents to park on the property. Ms. Lane noted that the daycare center to the south of the property has put up large blocks that along their driveway. Ms. Lane commented that there is a lot of space there for easy movement through the property.

Ms. Lane then read the staff recommendation 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) 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 permit. A request was made for ultimately displaying eleven (11) vehicles on site.
 - (3) A spill prevention plan shall be provided to the Code Enforcement office. The applicant shall provide proof of spill cleanup materials during inspection for a Certificate of Compliance.
 - B. All maintenance of motor vehicles shall be performed fully within an enclosed structure. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed structure or screened area.
 - C. No vehicles shall be displayed for sale within 10 feet of the property line. The display of vehicles shall be contained to the spaces shown on the site plan, unless a new site plan is submitted and approved.
 - D. The retail sale of fuel shall not be permitted.
- 2) No tires shall be stored outdoors.
- 3) No vehicles shall be loaded or unloaded within the state right-of-way.
- 4) § 300-66.11. Transferability.
 - a) The special permit is not transferable except upon approval by resolution of the issuing board.
 - b) The 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, prior to the issuance of a Certificate of Compliance.

Chairman Miller asked for a motion to approve the Special Permit for Auto Sales at 1606 Union Center-Maine Highway, with stipulations.

Motion Made: S. Forster
Motion Seconded: T. Crowley
MOTION: Approval of the Special Permit for Auto Sales at 1606 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. Pending Approval of Special Permits, Site Plan Review

After the Special permits were approved Ms. Lane read her staff report for the Planning Board

The NYS DOT comments from the 239-Review included:

- 1) The driveway opening should be brought into conformance with Department standards for control of access and highway safety,
- 2) For any work in the State right-of-way, such as for modification of the site's driveway, the applicant shall be required to obtain a Highway Work Permit prior to the commencement of such work. Contact Broome Residency to apply for the permit, and
- 3) Nothing is to be placed in the State right-of-way, including signage, customer parking, or vehicles for sale. Deliveries to the site may not be conducted in the State right-of-way.

The staff recommendation is to approve the Site Plan, with the following stipulations:

1. All requirements by the NYS DOT shall be adhered to. The parking lot north entrance shall be delineated to 24-foot width, per Town Code. Structural barriers shall be installed by August 28, 2020.
2. The parking lot shall be striped according to the site plan by August 28, 2020. In addition, the accessible space and access aisle shall conform to the Property Maintenance code of NYS and include the new accessibility symbol.
3. If the applicant wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
4. Before any sign is installed, other than the NYS DMV signage,

the applicant shall apply for a sign permit from the Building Official. All temporary signs and 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.

5. 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.

Mr. Grant acknowledged that the north section of the property needs to be cleaned up because this area has become overgrown with weeds over the years. Mr. Grant is working with Ray Magliocca, a neighboring property owner, to fix the parking lot and he would like the parking lot improvements deadline extended to August 2021 due to the rough shape it is in. Ms. Lane added that Mr. Grant has an additional problem because, due to the fill permit issued to Mr. Magliocca, water drains onto the Mr. Grant's parking lot. Mr. Grant is working with Mr. Magliocca to come up with a plan to fix the parking lot. The Planning Board agreed to extend the parking lot improvements deadline to August 2021.

Ms. Lane noted that Mr. Grant needs to talk with Ms. Golazeski before he adds any signs to the property. Ms. Lane also advised Mr. Grant that if he wanted to increase the number of cars on the lot he would need to come before the Planning Board.

Ms. Miller than called for a motion to approve the Site Plan for 1606 Union Center-Maine Highway, with amended stipulations.

Motion Made: S. Forster
Motion Seconded: D. Kudgus
MOTION: Motion to approve the Site Plan for 1606 Union Center-Maine Highway, with amended stipulations.
VOTE **In Favor:** L. Miller, L. Ciccirelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

D. Special Permit for Outdoor Entertainment, 1500 County Airport Road, B. Kashou

1. SEQRA Determination

Mr. Kashou plans to hold outdoor drive-in movies on a 25-foot by 40-foot inflatable screen. The back of the screen is solid black so no light can pass

through the screen into the eyes of drivers on County Airport Road. The parking lot will be used as the viewing area so that Mr. Kashou's fields are not damaged.

Ms. Lane reviewed Part 2 of the EAF that addresses potential environmental impacts, and all environmental impacts were small to none.

Ms. Lane then read the Determination of Significance. Mr. Kashou applied for a Special Permit for Outdoor Entertainment to hold outdoor drive-in movies at an existing commercial sports field and associated parking lot on 16.1 –acres. The project was evaluated for any adverse negative impact on the environment.

The movie sound will be transmitted via low signal FM radio transmission so there will be no impacts to noise. There may be a temporary minor localized impact to air quality if vehicles run their engines. The screen is an inflatable screen in a solid black frame that will not permit light to penetrate through, so there will be no impact on drivers on County Airport Road.

The proposed action will not have any significant effects on existing traffic patterns (parking spaces will limit attendance), solid waste production or disposal. The project does not require a SWPPP as there is no soil disturbance or construction proposed.

The proposed action will not result in adverse impacts to aesthetic, agricultural, historic or other natural or cultural resources, or community or neighborhood character.

There will not be any significant impacts to any Critical Environmental Area, or endangered or threatened vegetation or animals; nor create a hazard to environmental resources or human health.

The proposed project will not adversely impact the use of energy, nor have adverse impacts on subsequent development. The proposed action will not result in any adverse effects on the community's existing plans or goals, or change in use or intensity of use of land.

The project will not have any significant negative impacts on the environment.

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

Motion Made:	S. Forster
Motion Seconded:	T. Crowley
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 Outdoor Entertainment: Decision at Planning Board's Discretion

Chairman Miller opened the Public Hearing for Outdoor Entertainment at 8:12 p.m. and closed at 8:13 p.m.

Ms. Lane noted that she received correspondence from the West Endicott Residents. This group has a Facebook page and they put out a post and forwarded a message to Mr. Materese saying they were very excited about the drive-in movies. Ms. Lane added that this message will be kept as a part of the Public Hearing record.

Ms. Lane asked Mr. Kashou who will handle the movie set-up. Mr. Kashou answered that a professional drive-in movie company would come and set up the screen and he provides the venue for the event. The parking spaces will alternate so cars will not be next to each other. Ms. Miller asked Mr. Kashou how many cars would be at the event. Mr. Kashou said they are testing the concept and they really won't know how many cars will fit until they set up the screen, but he estimates that they could fit 35 to 40 cars. Mr. Kashou added that if the drive-in movies are successful he may expand it next year. Ms. Miller asked Mr. Kashou whether he would have enough staff to clean the bathrooms and concessions stands. Mr. Kashou answered that they will probably not use the outdoor bathrooms, and he would have enough staff to keep the indoor bathrooms and concession area clean. Mr. Crowley asked what time Mr. Kashou expects the cars to leave the property. Mr. Kashou answered he expects that the all the cars will leave the property between 10:30 p.m. and 11 p.m. Ms. Miller asked Mr. Kashou if he would have anyone directing traffic. Mr. Kashou said that he would have a staff person handing out a flyer to the patrons when they drive in to show them the direction of the traffic flow. Mr. Kashou noted there will only be one entrance and one exit at the event, so he expects the traffic to flow smoothly. Mr. Jaros asked Mr. Kashou if he planned to change the signage to advertise the movies. Mr. Kashou answered that this year they will be using social media to advertise the events, but if the event is successful, he may add signage next year.

Ms. Lane then read her staff report for the Planning Board. The project is subject to a 239-Review. Broome County Planning did not identify any significant countywide impacts. The Broome County Health Department requires that if there are any changes to existing food and restroom facilities, the Health Department should be consulted. The Broome Metropolitan Traffic Study (BMTS) and the B.C. Department of Public Works had no concerns.

The Planning Department staff recommends approval of the Special Permit specifically for outdoor movies with the following stipulations:

- 1) It is recommended that pre-show tickets be sold to limit the number of vehicles so as to maintain an empty parking space between each vehicle.
- 2) Adequate staff shall be present to guide vehicles into and out of the property and the indicated parking spaces.
- 3) Traffic circulation and traffic control arrangements shall ensure safe passage for emergency vehicles, motor vehicles and pedestrians to and from the main event space.
- 4) No Adult Entertainment movies, as defined by the Code book, shall be shown.
- 5) Movies shall end at 10:00 p.m. and attendees must be gone by 11 p.m.
- 6) The property owner shall be responsible for all activities that occur on the property.
- 7) No alcohol shall be brought on site from attendees.
- 8) Special permit modification approval will be required if there are any changes to the site plan or change in use of the property.
- 9) *300-66.11. Transferability of Special Permits*
 - a. A special permit is not transferable except upon approval by resolution of the issuing board. 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 discussed the stipulations and had questions about what months the movies would be shown and whether Mr. Kashou planned to do double features. Mr. Kashou said that each showing cost \$3,000.00 so he would like to do double features to recover some of his investment. Mr. Kudgus asked if the movies would be shown during the week. Mr. Kashou responded that if the demand was there, he would like to have weekday showings. Several of the members thought that the 10:00 p.m. deadline would not give Mr. Kashou the flexibility to do a double feature. Mr. Crowley suggested that the times be 10:00 p.m. for Monday through Thursday and 11:00 p.m. on Fridays and Saturdays. Mr. Kudgus and Mr. Jaros agreed, and the Planning Board amended this stipulation. Mr. Jaros suggested that the noise level during the summer months might be greater because people would sit outside their cars on lawn chairs. Mr. Kashou responded that due to the concern about the COVID virus, this would probably not be an issue.

Mr. Cicciarelli asked how people would hear the movies and Mr. Kashou replied that customers would hear the movies through their car radios. Mr. Cicciarelli then asked if there were Code requirements about noise levels. Ms. Lane answered that the Code requirement is in decibels at the property

perimeter, so the noise from the car radios would probably not be an issue. Ms. Lane noted that Bill Kuzel, Mr. Kashou's neighbor, was receptive to the movies, but Ms. Lane suggested that Mr. Kashou discuss the change in hours with Mr. Kuzel in person. Ms. Lane also asked which months Mr. Kashou would have the drive-in movies and Mr. Kashou answered July through October 2020. Since the Special Permit is good for only one year, Ms. Lane suggested that Mr. Kashou contact the Planning Board in February 2021 to apply for another special permit for drive-in movies from April through October 2021. Ms. Lane noted that the sporting events at the Dome end at 11 p.m. so the extended deadline for weekend showings would probably be fine. If Ms. Lane receives noise complaints, the special permit hours could be amended in the future. Ms. Lane also suggested that Mr. Kashou post requirements for COVID compliance in several places. Mr. Kashou said that Broome County had approved his reopening plan, which includes COVID compliance measures.

Chairman Miller asked for a motion to approve the Special Permit for Outdoor Entertainment at 1500 County Airport Road, with amended stipulations for the times of the venues.

Motion Made: L. Cicciarelli
Motion Seconded: D. Kudgus
MOTION: Approval of the Special Permit for Outdoor Entertainment at 1500 County Airport Road, with amended 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. Fairmont Park Subdivision Water Infrastructure Project

At the previous meeting, the Planning Board declared their intent to be lead agency because several funding sources are involved agencies, and SEQRA requires they be notified before the Planning Board makes their determination of significance. The funding sources have all agreed that the Planning Board is lead agency.

1. Classify Project as an Unlisted Action

Chairman Miller then asked for a motion to Classify Project as an Unlisted Action.

Motion Made: S. McLain
Motion Seconded: L. Cicciarelli
MOTION: 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

2. SEQRA Determination

Ms. Lane reviewed Part 2 of the EAF that addresses potential environmental impacts, and all environmental impacts were small to none.

Per the Determination of Significance, the Town of Union received federal funding for the construction of water infrastructure improvements in the Fairmont Park Subdivision. The proposed project will upgrade the water mains to 8-inch lines and will loop the system, per current Health Department standards. Any development in the 100-year floodplain requires a Special Permit.

The proposed action will not result in any significant negative impacts to cultural, historic, natural, or socioeconomic resources. It will not result in significant or long-term increases in traffic, noise, need for emergency services, or strain on public utilities. The utility improvements will not have significant negative impacts on the ground, flora, fauna, endangered or threatened species, water or the air.

The installation of new water mains will be underground, and therefore the proposed action will not raise base flood elevation.

The identified nearby DEC remediation site, the Endicott Area-Wide Investigation, does not directly affect the subdivision. Although the action is in an area identified as potentially having archeological artifacts, the area has been previously disturbed during construction of the original subdivision.

Upon review of the information submitted, the proposed action will not have a significant adverse impact to the environment. In fact, it will have a significant positive impact to the public water supply system in the Fairmont Park Subdivision.

Mr. Crowley asked where the main pipe was coming from and whether it would go through the floodwall. Ms. Zubalsky-Peer answered that the pipe will come from Johnson City and loop through Barton Avenue. The pipe will not go through the floodwall.

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

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

Chairman Miller opened the Public Hearing for Floodplain Development at 8:51 p.m. and closed it at 8:51 p.m. There were no comments or questions during the Public Hearing.

Ms. Lane then read her report to the Planning Board. The Town of Union received federal funding for the construction of Water Infrastructure Improvements in the Fairmont Park Subdivision, subsequently the Town Board declared their intent to be Lead Agency under SEQRA for the administration of such funds. The site is located within the 100-year floodplain. A Special Permit for development in the floodplain must be reviewed and approved by the Planning Board before the construction of the new waterlines. Specifically for purposes of this Special Permit, the Planning Board declared their intent to be Lead Agency on June 9, 2020.

The existing water distribution system is not adequately sized for the supply demand of the neighborhood and is unable to allow the new construction as currently configured due to Health Department regulations that are more stringent than when the subdivision was originally built. The existing water mains consist of ¾" and 1" lines. These are not looped and the current system requires periodic hydrant flushing. The proposed project will upgrade the water mains to 8" lines and will loop the system per current Health Department standards.

Construction will take place on previously disturbed areas. The total disturbance is expected to be approximately 2.5-acres, and following construction, all areas of disturbance will be restored. The proposed improvements will enhance the water supply of existing structures, and allow for new development in a desirable residential neighborhood.

The Planning Department recommends a Negative Declaration in that the project will not create any significant, adverse impacts on the environment, and in fact, will have significant positive impacts on the public water supply system in the Fairmont Park Subdivision.

This location was subject to a 239-Review, as it lies within 500 feet of State Route 17C, and County Route 56, Watson Boulevard. Broome County Planning did not identify any significant countywide or inter-community impacts associated with the proposed project. The Broome County Health Department will review the project with Town of Union staff.

The Planning Department recommends approval of the Special Permit to develop in the 100-year floodplain for the installation of the water infrastructure project in the Fairmont Park Subdivision.

Chairman Miller asked for a motion to approve the Special Permit for Floodplain Development at Fairmont Park Subdivision.

Motion Made: S. McLain
Motion Seconded: L. Cicciarelli
MOTION: Approval of the Special Permit for Floodplain Development at the Fairmont Park Subdivision.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

F. Special Permit for Floodplain Development, 1420 Union Center-Maine Highway, K. Ricker

Ms. Lane noted that Mr. Ricker would like to put up a split rail fence to prevent people from walking on his property. Since part of Mr. Ricker's property is in the floodway, he must use a split rail fence because the railings can be removed in the event of a flood.

1. Declare Lead Agency

Chairman Miller asked for a motion to Declare Lead Agency.

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 the Project as an Unlisted Action

Chairman Miller asked for a motion to Classify Project as an Unlisted Action.

Motion Made: S. McLain
Motion Seconded: L. Cicciarelli
MOTION: Approval to 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. Call for a Public Hearing for Floodplain Development on August 11, 2020, at 7:00 p.m.

Ms. Miller asked for a motion to call for a Public Hearing for a Special Permit for Floodplain Development at 1420 Union Center-Maine Highway to be held August 11, 2020, at 7:00 PM.

Motion Made: D. Kudgus
Motion Seconded: L. Cicciarelli
MOTION: Approval of Public Hearing for a Special Permit for Floodplain Development at 1420 Union Center-Maine Highway to be held on August 11, 2020, 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. M & S Real Estate Subdivision, 1908 Newell Road, M. Malarkey

1. Declare Lead Agency

Chairman Miller 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 the project as an Unlisted Action.

Motion Made: S. McLain
Motion Seconded: L. Cicciarelli
MOTION: 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. Call for a Public Hearing for a Subdivision to be held August 11, 2020, at 7:05 p.m., or thereafter.

Ms. Miller called for a motion to call for a Public Hearing for a Subdivision at 1908 Newell Road to be held August 11, 2020, at 7:05 p.m., or thereafter.

Motion Made: D. Kudgus
Motion Seconded: S. Forster
MOTION: Approval of Public Hearing for a Subdivision at 1908 Newell Road to be held on August 11, 2020, at 7:05 p.m., or thereafter.
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 asked Mr. Malarkey if anything had changed since the initial application. Mr. Malarkey answered that the number of units has increased from 24 to 28 units. The perc test had gone better than expected so he was able to add more units to the property. The units will be designed for adults 55 years and older. There will be a homeowners' association and the association will own the retention ponds and be responsible for the maintenance of them as well. The homeowners' association will be included as a deed restriction for all the properties.

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

Ms. Lane received a letter from Alex Urda, of Urda Engineering, concerning the fill material at 328 and 332 Scarborough Drive. The letter states the following: "I conducted a field inspection of the fill material placed at the referenced properties on June 26, 2020. The fill material appears to be a mix of roadbed materials as you indicated including gravel with portions of concrete and asphalt milling. The fill type appears to be structurally stable, and does not have the potential to wash away in the event of a flood. The fill area is at an outer limit of the floodplain within a pocket area, not near the floodway, with low flood flow velocities not likely to cause erosion of the site in its current condition." Ms. Lane forwarded a copy of the letter to Alan Pope, the Town Attorney, and Mr. Pope agreed that if the property was seeded and stabilized, it would probably be okay. Ms. Lane will forward a copy of the letter to the Planning Board members, and the members will vote on whether Mr. Belardinelli has to remove the fill or is granted the Special Permit at the August 11 Planning Board meeting. Ms. Lane asked all the members to read the transcription of the Public Hearing on a Special Permit for Floodplain Development before the next Planning Board meeting.

There is a pending project to revise the Homestead Village Planned Unit Development (PUD). Custom Systems Integration (CSI) would like to build an engineering design and assembly building on the vacant parcel at 16 Beech Street. Because the engineering and assembly use is a new use in the PUD, it requires that the PUD go through the full approval process with the Town Board, before the Planning Board can review the site plan for CSI. Alex Urda is working on the new PUD plan and it will be submitted to the Town Board on July 22, 2020. If the Town Board accepts the application, it will then be referred back to the Planning Department for the 239-Review.

Ms. Lane explained that a Planned Unit Development consists of a mixture of uses. Any Town Planned Unit Development requires a minimum of 10 acres and a dedication of 25 percent open space. In 2006, Bill Walsh submitted a PUD plan that included Traditions at the Glen, the golf course, the subdivision on Eagle Drive, and an extensive wooded area, totaling about 400 acres.

Ms. Lane then explained how the Town adopts a PUD Plan. First, the Town Board accepts the preliminary plan application, and forwards it to the Planning Board for an advisory opinion. After the Planning Board provides the advisory opinion to the Town Board, they hold a public hearing, and may approve the preliminary development plan. The Planning Board votes on the final development plan.

Tentatively, The Town Board could accept the new Preliminary PUD Plan on July 22. Then on August 11, the Planning Board will give an advisory opinion to the Town Board about the proposed new PUD. On September 2, the Town Board will hold a Public Hearing and may approve the new use and the new development plan. Finally, on September 8, the Planning Board would hold site plan review for the CSI building. Ms. Lane explained that Ms. Golazeski, the Code Department Official, defined the use more narrowly as an engineering and assembly use, rather than an industrial use.

A flight simulation company, SCT, will be moving a small component of their business into the former Abbott building at 430 Airport Road. The use is similar to the assembly use that was in the building before, so the project requires only a minor site plan review.

I. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 9:15 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, August 11, 2020, at 7:00 p.m.

Respectfully Submitted,
Carol Krawczyk