

Town of Union Planning Board Minutes

Tuesday, September 29, 2020

A regular meeting of the Town of Union Planning Board was held Tuesday, September 29, 2020, and 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, Rick Materese, Joe Moody, Sarah Campbell, Tom Pappas, Dave Jones, Gary Hamelin, Bill Walsh, Dan Griffiths, Alex Urda

A. CALL TO ORDER

Chairman Miller opened the meeting of the Planning Board at 7:05 p.m. and read a short announcement. "Please take notice that in accordance with an Emergency Order of the Governor of the State of New York, notice is hereby given that the Planning Board meeting is scheduled for Tuesday, September 29, 2020 at 7:00 o'clock in the evening in the 2nd floor Boardroom. COVID-19 guidelines will be in place with social distancing and masks worn at all times. There will be limited seating. Please call to register at 607-786-2926.

In person attendance shall not exceed 50% capacity of the Town Hall Board Room, less Planning Board members and Town Employees. It is anticipated that the maximum number of the public who can be in attendance at Town Hall for this Planning Board meeting and public hearing will be 17 persons. All persons in attendance must wear a face covering to include their mouth and nose region, they must hand sanitize upon entry of the meeting at the hand sanitize stations provided by the Town, and they must adhere to social distancing guidelines and remain six (6) feet apart at all times. Alternatively, or in the event that in person public attendance has met the maximum capacity, the meeting will be accessible to the public via Zoom virtual meeting software. Any members of the public wishing to observe the meeting remotely are advised to access the meeting via Zoom Video Conference."

B. MEETING MINUTES

1. Acceptance of September 8, 2020 Meeting Minutes

Chairman Miller asked for a motion to accept the revised September 8, 2020, Planning Board Minutes.

Motion Made: S. Forster

Motion Seconded: L. Cicciarelli

MOTION: Acceptance of the revised September 8, 2020, Planning Board Minutes.

VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus

Opposed: None

Abstained: None
Motion Carried

C. Homestead Village PUD Development Plan

1. Site Plan Review

Ms. Lane asked Mr. Pappas to give a short summary of the changes made to the site plan. Mr. Pappas said that after discussions with the Town Board and the neighbors, he developed an alternate site plan to minimize the overall impact of the site to the neighborhood. He revised the existing off-street parking area by deepening the parking spaces and making them straight-on parking, so instead of nine spaces, there are now fifteen spaces. He was able to reclaim half of the yard so there is more green space on the site. The characteristics of the SWPPP will stay the same; however, there may be some change to the shape and the location of the detention pond to make it more specific to the new site plan layout.

Ms. Lane reminded the Planning Board that when an applicant introduces a new use into an existing PUD Development Plan, it requires that the Town Board approve the new use. The Town Board approved including the new use, an engineering office with light assembly, into the Homestead Village PUD on September 16, 2020.

Ms. Lane then read her report for the Planning Board. Homestead Village Development Group, LLC applied to amend the existing Homestead Village Planned Unit Development (PUD). This proposal is to correct a previous oversight that had not included 12 Beech Street in the final 2007 Homestead Village PUD, and for the addition of a new use on 16 Beech Street, an engineering office with accessory light assembly on a 3.6-acre lot. These amendments to the PUD required the submittal of a new Preliminary PUD Development Plan. All the properties are zoned PUD, greater than 25% of the land has been dedicated as open space, and the Town Board approved the Preliminary PUD Development Plan with the following uses on September 16, 2020: a townhouse residential development, hotel and conference center including a golf course, office use, and an engineering office use with accessory light assembly. The final PUD development plan conforms to the preliminary PUD plan.

The proposed office at 16 Beech Street conforms to the Commercial Office zoning district bulk requirements. The purpose of the Commercial Office District is to accommodate office and non-retail activity in a manner that protects and enhances existing residential neighborhoods. The bulk requirements are lots with a minimum lot size of 20,000 square-feet, minimum lot width of 80-feet, minimum building side setback of 15-feet, and minimum building rear setback of 20-feet. The Commercial Office district also stipulates a maximum height of 35-feet and building coverage of 50%. The lot at 16 Beech Street is approximately 158,558.4 square-feet and 400-feet wide. The

proposed building is greater than 50-feet from all property lines, and at 17,600 square-feet, it covers approximately 11% of total acreage, and will have a maximum building height of 22-feet in the front, pitching downwards to 12-feet in order to accommodate solar panels. The location, 16 Beech Street, is served by public water and sewer, and the stormwater pollution prevention plan (SWPPP) has been approved.

The Planning Department recommends approval of the final Homestead Village Planned Unit Development Plan with the following conditions:

1. A minimum of three full-size (24"x36") copies of the final PUD development plan shall be submitted to the Planning Department for the Planning Board Chairperson's signature. One signed copy shall be filed in the Town of Union Clerk's Office prior to the issuance of a building permit. One signed copy shall be for the developer.
2. Future amendments to the final development plan can be made by the applicant by submitting a new site plan to the Planning Department. The process for final development plan amendments shall be followed as detailed in Section § 300-65.9. Revision to PUD Districts.
3. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the signature of the Planning Board Chairperson on the site plan and the final Planned Unit Development Plan.

Chairman Miller then asked for a motion to approve the Final PUD Development Plan for the Homestead Village PUD.

Motion Made: L. Cicciarelli
Motion Seconded: M. Jaros
MOTION: Approval of the Final PUD Development Plan for the Homestead Village PUD, with stipulations.
In Favor: L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

D. Custom Systems Integration, Inc. Office Building, 16 Beech Street, Dave Jones

1. Declare Lead Agency

Chairman Miller asked for a motion to declare Lead Agency and to classify the project an Unlisted Action under SEQRA.

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

MOTION: Declare Lead Agency and Classify the Project an Unlisted Action 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. SEQRA Determination

Ms. Lane reviewed Part 1 of the Environmental Assessment Form. She explained that when Mr. Pappas determined the acreage of the proposed action as 2.77-acres, he used the larger portion of the segmented lot, not the entire property, which is 3.126-acres. Mr. Pappas estimated 1.70-acres of disturbance to the property, which is why the SWPPP was required. Ms. Lane also noted that the question regarding archeological disturbance had been automatically checked as “yes” by the DEC website. However, the State Historic Preservation Office did review the site and determined that there would not be any impact on archeological or historic places. The question about endangered animals was checked “yes” due to bald eagles in the area.

Ms. Lane reviewed Part 2 of the EAF that assesses potential environmental impacts, and all potential environmental impacts were small to none. Ms. Lane then read Part 3 of the EAF, the Determination of Significance. Custom Systems Integration Inc. (CSI) applied to construct an engineering office with accessory light assembly on a 3.6-acre lot at 16 Beech Street. The property is a part of the Homestead Village PUD, which is 421.3-acres with 25% of the land dedicated as open space, and the Town of Union Town Board has approved the uses. The PUD consists of a townhouse development, hotel and conference center, golf course, and professional offices.

The proposed one-story, 17,600-s.f. building will be adjacent to a mix of office and residential uses. It will not create adverse changes to traffic, parking, or utilities. There will be no significant permanent impacts to flora, fauna, endangered or threatened species, water or the air. One mature tree will be removed, but a variety of new trees will be planted.

It will not significantly alter the character of the community. Using landscaping for screening and aesthetics, the building and landscaping should complement the adjacent houses and offices. There will be a temporary increase of noise during construction, but when in operation, the business has few on-site visitors, and only approximately 20 employees.

The assembly use is very low impact as no hazardous or toxic substances are involved, no heavy machinery or equipment is involved, no significant heavy truck traffic is generated, and no noise or odors will be generated.

Wall-pack lighting will be directed downward and will not shine on adjacent properties, per Town Code.

The new building will not increase the potential for flooding or erosion and will not impact wetlands in the vicinity. A stormwater management SWPPP will be implemented. Less than 2-acres will be disturbed, and the final impervious area will be 0.82-acres, 30% of the project site (2.77 acres).

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

Per the NYS Office of Parks, Recreation and Historic Preservation, it will not impact historical, architectural or aesthetic resources.

Upon review of all the information submitted, the proposed engineering office building with accessory light assembly will not have a significant adverse impact on the environment.

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

Motion Made: 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

3. Site Plan Review

Mr. Jones gave a short presentation about the different uses in the new office building. The front of the building is designated as Engineering because it includes work space for the electrical, mechanical and software engineers who do the custom designs. There are offices for office administration, human resources, quality and purchasing. The back of the building is where the production technicians work and where all the assembly is done. These technicians take things out of purchased commercial boxes, stack items on racks, wire some boards, and make tables. CSI doesn't do any testing; they just build the equipment and deliver it to manufacturers. The front of the building is where the products are designed, and the back of the building is where the assembly work is done.

Ms. Lane then read her staff report for the Planning Board. Parking for an office use is five per 1000 square feet of office space, and with 3,200 square-feet of office space, 16 parking spaces are required for the office use portion of the building. The assembly use requires ten spaces, one space for every employee in the assembly space. The number of employees may increase by one, but no more due to space limitations. Therefore, a total of 26 parking spaces are required. The business has few occasional visitors. The Town prefers that only the necessary number of parking spaces be constructed in

an effort to minimize impervious surfaces, and the Planning Board is authorized to allow a 75% parking plan, as long as an alternate plan with 100% required parking is submitted for future development should Code Enforcement determine that there is a lack of parking. A total of 31 parking spaces are shown on the site plan, including two handicapped accessible spaces.

The site is served by public water and sanitary sewer. The office building is projected to use less water than a residential use, and that amount has been calculated to be about 300 gallons per day (15 gallons per employee, times 20). A one-inch water lateral shall be brought into the building from Beech Street, and a six-inch sanitary sewer lateral shall connect in Beech Street. The landscaping plan has been submitted.

The applicant's proposal was classified as an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA). Under the requirements of Section 617.7(c), the Planning Department recommends the approval of a Negative Declaration based on completion and review of the short Environmental Assessment Form.

As over an acre of soil will be disturbed, a Stormwater Pollution Prevent Plan (SWPPP) has been approved for erosion control measures during construction and post-construction stormwater remediation. The stormwater management plan incorporates a swale system into a bioretention basin. The stormwater plan is designed for full parking lot build-out.

The Town Code Enforcement and Engineering departments have no concerns with the project.

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

1. The contractor shall utilize erosion control and stormwater runoff preventative measures during construction, per the approved SWPPP. The bioretention pond shall be maintained by the property owner indefinitely, per the SWPPP.
2. A maintenance agreement and access easement shall be reviewed and approved by the Town Department of Public Works and attorney. Subsequently, they shall be filed with the deed, and a copy of the filing receipt shall be submitted to the Town Clerk's Office prior to the issuance of a final Certificate of Occupancy.
3. Prior to the issuance of the final Certificate of Occupancy, one AutoCAD version 2015, one PDF version, and two paper copies of the as-built drawings must be submitted to the Engineering and Planning Departments. The as-built shall include all improvements, including the stormwater control system.
4. The parking lot shall be striped according to Town Code Chapter 300, Article 51, Off-Street Parking, Loading and Stacking Regulations. The

required handicapped-accessible parking spaces shall conform to the Property Maintenance Code of NYS, and shall be posted with signage displaying the international symbol of accessibility. The handicap parking access space shall be no less than eight-feet by eighteen-feet (8'x18') and posted. All paving and striping shall be complete prior to the issuance of a final Certificate of Occupancy.

5. Should the building be occupied by a new business at any time in the future, the Code Enforcement Official shall be notified and a determination may be made that additional parking be installed prior to their occupancy.
6. The Town of Union Department of Public Works requires the developer apply for a permit from the Highway Department for the installation of utilities in Beech Street. The developer will be responsible for the repair of Beech Street to the satisfaction of the Town Superintendent of Highway as a result of any utility work necessary to the project.
7. The landscaping plan shall be completed by October 30, 2021. An extension of this deadline may be approved by the Planning Board.
8. The landscaping shall be maintained according to the landscaping plan, and any dead or dying plants shall be replaced with similar plants within one month, weather permitting. Failure to maintain such landscaping or to replace dead or diseased landscaping required by this chapter shall constitute a violation of regulations 300-54.2.
9. For any new signage, the applicant shall first apply for a sign permit from the Building Official prior to display. All temporary 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. The use of electronic message boards is expressly prohibited.
10. Per 300-55.4, General Requirements,
 - A. All outdoor lighting fixtures shall be shielded or otherwise contained on the property from which it originates (known as "light trespass limitations").
 - B. Exterior lighting fixtures shall conform to the Illuminating Engineer Society of North America (IESNA) criteria for full cutoff fixtures. In addition, the lighting levels shall be designed to meet the minimum requirements of the latest recommended levels set forth by IESNA. Where no standard from IESNA exists, the Planning Board shall determine the appropriate level, taking into account levels for the closest IESNA activity.
 - C. To minimize the indiscriminate use of illumination, lighting, except as required for security, shall be extinguished during non-operating hours. Where practicable, lighting installations are encouraged to include timers, sensors, and dimmers to reduce energy consumption and unnecessary lighting.

11. Any new exterior lighting not shown on the lighting plan shall first be approved by the Code Enforcement Official.
12. A Certificate of Occupancy shall be required before occupancy of the new building.
13. .Per NYS law, all commercial buildings must be inspected by the Municipal Fire Code Inspector every three years. It is the applicant's responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920 once again three years after the issuance of the Certificate of Occupancy.
14. There shall be no outdoor storage on the property.
15. Site plan approval shall expire after one year unless substantial improvements have been made pursuant to the approved site plan and a valid building permit.
16. 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.

Ms. Lane then invited Gary Hamelin, the neighbor across the street from the proposed building, to comment on the project. Mr. Hamelin said that he had attended this meeting to advocate for as much mitigation of the paving, the lighting, and the traffic as possible. He feels that the project will devalue the neighborhood and decrease the quality of life. He appreciated the efforts to reduce the amount of asphalt on the property, but he maintained that the Town Board opened the door to other manufacturing companies building on the site by changing the PUD. Ms. Lane thanked Mr. Hamelin for speaking, and noted that the Planning Board and the Town Board are charged with looking at a proposal's degree of impact versus the degree of benefit to the Town, and Ms. Lane added that there is a benefit to the Town. She added that the Planning Board members are aware of impacts to particular property owners; but when a property is zoned to allow a particular use, the Planning Board can only look at the Site Plan layout. Ms. Lane added that Mr. Pappas had worked hard to make the site as aesthetically pleasing as possible and to mitigate the impacts to Mr. Hamelin's property specifically.

Mr. Jaros asked Mr. Pappas to give the Planning Board more detail about the landscaping that will be planted between Mr. Hamelin's home and the business. Mr. Pappas, the landscape architect for the project, described the proposed taller trees, a row of flowering crab apple trees, and ground cover shrubbery that will fill in the area fairly quickly. Mr. Jaros asked Mr. Hamelin if he had any suggestions that would make the project more livable for him. Mr. Hamelin answered that he appreciated the efforts that had been made on

his behalf, but he really felt that the whole project was not a good fit for the neighborhood.

Mr. Hamelin asked if there was a timetable for the construction of the building. Mr. Jones answered that the original goal was to have the building completed by April 1, 2021. However, if he can't get the foundation in before the ground freezes, the April 1 date will be adjusted. Mr. Jones added that he is still evaluating whether the site will accommodate the future needs of the business, which will also affect the project. Ms. Lane stated that if Mr. Jones had additional minor changes to the Site Plan, the Planning Department would work with him.

Chairman Miller then asked for a motion to approve the Site Plan for CSI, Inc. at 16 Beech Street.

Motion Made: D. Kudgus
Motion Seconded: T. Crowley
MOTION: Approval of the Site Plan for CSI, Inc. at 16 Beech 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

E. Chelo's Delaware Market, 15 Delaware Avenue, Hector Cabezudo

1. Declare Lead Agency and Classify the Project as a Type II Action

Chairman Miller then asked for a motion to Declare Lead Agency and to Classify the Project as a Type II action.

Motion Made: S. McLain
Motion Seconded: L. Cicciarelli
MOTION: Approval to Declare the Planning Board as Lead Agency and to Classify the Project as a Type II 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. Call for Public Hearing for Retail Sales in an Industrial Zoning District, at 7:00 p.m. on October 13, 202.

Chairman Miller then asked for a motion to call for a Public Hearing for Retail Sales in an Industrial Zoning District, at 7:00 p.m. on October 13, 2020.

Motion Made: S. Forster
Motion Seconded: D. Kudgus
MOTION: Approval of the motion for a Public Hearing for Retail Sales in an Industrial Zoning District at 7:00 p.m. on October 13, 2020.
VOTE: In Favor: L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

Ms. Lane explained that the market will be inside the 15 Delaware Avenue apartment complex. Mr. Cabezudo does maintenance for the facility. The owners have encouraged him to open up this convenience store because many of the residents don't have cars or they are handicapped. The store will not sell alcohol or any tobacco products.

F. Request for Revision of Special Permit, 1500 County Airport Road, Bob Kashou

1. Declare Lead Agency and Classify the Project as a Type II Action

Chairman Miller then asked for a motion to Declare Lead Agency and to Classify the Project as a Type II action.

Motion Made: S. McLain
Motion Seconded: L. Cicciarelli
MOTION: Approval to Declare the Planning Board as Lead Agency and to Classify the Project as a Type II 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. Call for Public Hearing for Revision of Special Permit, for 1500 County Airport Road, at 7:05 p.m. on October 13, 2020.

Chairman Miller then asked for a motion to call for a Public Hearing for the Revision of a Special Permit for 1500 County Airport Road, at 7:05 p.m. on October 13, 2020.

Motion Made: S. Forster
Motion Seconded: S. McLain
MOTION: Approval of the motion for Revision of Special Permit at 7:05 p.m. on October 13, 2020.
VOTE: In Favor: L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus
Opposed: None

Abstained: None
Motion Carried

G. Storage Sense Self Storage, LLC: 301 Glendale Avenue, M. Parker

1. Declare Lead Agency and Classify the Project as an Unlisted Action

Chairman Miller then asked for a motion to Declare Lead Agency and to Classify the Project as an Unlisted action.

Motion Made: S. Forster
Motion Seconded: D. Kudgus
MOTION: Approval to Declare the Planning Board as Lead Agency and to Classify the 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. Call for Public Hearing for a Special Permit, for Outdoor Storage at 301 Glendale Drive, at 7:10 p.m. on October 13, 2020.

Chairman Miller then asked for a motion to call for a Public Hearing for a Special Permit for Outdoor Storage at 301 Glendale Drive, at 7:10 p.m. on October 13, 2020.

Motion Made: S. Forster
Motion Seconded: D. Kudgus
MOTION: Approval of the motion to call for a Public Hearing for a Special Permit for Outdoor Storage at 301 Glendale Drive, at 7:10 p.m. on October 13, 2020.
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 noted that last year the Planning Board had approved a Special Permit for Outdoor Storage for 301 Glendale Drive, and then the transfer of the Special Permit because the business was changing ownership. The facility is getting many requests for RV storage because so many people bought RVs this year. Therefore, the owners would like to increase the storage capacity onto a property that is immediately adjacent to 301 Glendale Drive. Because this calls for the expansion of the Special Permit, it requires another Public Hearing.

H. Other Such Matters as may properly come before the Board

Ms. Lane said she received a request from Jeremy Sager, the owner of JKS Construction, to increase the number of parking spaces on the site at 3400 East Main Street. The parking lot was striped with four spaces more than are on the approved site plan. Per Code, three of those spaces can fit on the site and have adequate distance for cars to back out. Ms. Golazeski, Code Enforcement Official, requested the Planning Board vote whether to approve the change to the original site plan. Mr. Forster made a motion to add three parking spaces to the original site plan for 3400 East Main Street, approved in 2019. Mr. Kudgus then seconded the motion, and all the Planning Board members approved the motion.

H. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:08 p.m.

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

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, October 13, 2020, at 7:00 p.m.

Respectfully Submitted,
Carol Krawczyk