

Town of Union Planning Board Minutes
Tuesday, May 11, 2021

A regular meeting of the Town of Union Planning Board was held Tuesday, May 11, 2021, via Zoom Virtual Meeting Software.

Members present: L. Miller, L. Ciccirelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus, K. Rose (Alternate)

Others present: Marina Lane, Rick Materese, Kassandre Murdock, Sarah May, Chad Kies, Jeff Kies, Jim Taber, Dan Faldzinski, Peter Beylo, Craig Wademan, Jerry Judkiewicz, Mike Brown

A. CALL TO ORDER

Chairman Miller called the meeting to order at 7:03 p.m., and read the Recommended Procedure and Executive Order regarding virtual meetings.

Ms. Lane called the roll of the Planning Board members. Lisa Miller, Len Ciccirelli, Sue McLain, Tom Crowley, Scott Forster, Mark Jaros, Dave Kudgus and Kirsten Rose (Alternate) were present.

B. MEETING MINUTES

1. Acceptance of April 13, 2021 Meeting Minutes: Postponed

C. The K-9 District – Dog Kennel Special Use Permit, 4324 Watson Boulevard, K. Murdock

1. Public Hearing: Special Permit for Dog Kennel Use

Chairman Miller opened the Public Hearing for a Special Permit for a Dog Kennel Use at 4324 Watson Boulevard at 7:10 p.m.

Ms. Lane read a brief description of the project and then asked Ms. Murdock how the dog daycare business was going. Ms. Murdock answered that everything is going well with the business, and they are doing upgrades to the inside and outside of the building. She is very happy to be able to grow the business in the Town of Union.

As no one had further questions, Chairman Miller closed the Public Hearing for a Special Permit for a Dog Kennel Use at 4324 Watson Boulevard at 7:13 p.m.

2. Decision at the Planning Board's Discretion

Ms. Lane read her staff report to the Planning Board. Last month the Planning Board classified the project a Type II Action under SEQRA on April 13, 2021, because the project is the reuse of a commercial building. No soil disturbance is planned, so a stormwater remediation plan is not required. The building is connected to existing public utilities.

The Planning Department recommends approval of the Special Use Permit for an overnight boarding / kennel use in the existing 1,938 square-foot building with an outdoor enclosure at 4324 Watson Boulevard, with the following stipulations:

1. A maximum of 24 dogs shall be permitted on the premises at any one time.
2. Per Section 300-40.11, the kennel and its operation shall not create nuisance conditions for adjoining properties due to noise or odor, in accordance with performance standards contained in the local law of the Town.
3. Other than during walks or outdoor exercise, all animals shall be confined to the property and housed in an enclosed structure in humane conditions (i.e., protected from weather, with clean and sanitary conditions, adequate space, nonporous surfaces, well-vented, etc.).
4. Animals are to be kept inside an enclosed structure between the hours of 8:00 p.m. and 6:00 a.m.
5. A plan for adequate methods for sanitation and sewage disposal shall be required, per Section 300-40.11(D), should the Code Enforcement office determine that there is an odor or visual impact to the neighborhood.
6. Dog waste shall be contained in tightly sealed trash bags. No more than six items total may be placed out for trash pick-up for the property.
7. No vehicles shall be parked within the 10-foot front setback.
8. The customer parking lot shall be striped according to the plan by June 30, 2021. The required handicapped-accessible parking shall conform to the Building Code of New York State as amended, and shall be maintained with signage displaying the international symbol of accessibility. The access aisle shall be maintained with signage reading “No Parking Anytime.”
9. If the applicant wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
10. If a sign is desired, the applicant shall apply for a sign permit from the Building Official. All temporary signs or portable signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that blink, rotate, or move are not permitted. Signage shall be at least eight-feet from the front property line.
11. Per NYS law, all commercial buildings must be inspected for fire safety compliance every three years. It is your responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920 every three years after the issuance of a Certificate of Compliance.
12. 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.

13. Special permit modification approval shall be required if there are any changes to the site plan or change of use on the property, per § 300-66.10.

14. The Special Permit shall expire should the property or business be sold to another entity, per § 300-66.11. Transferability:

a. A special permit is not transferable except upon approval by resolution of the issuing board.

b. A special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.

15. The applicant shall be required to acknowledge all of the above conditions, in writing, no later than May 21, 2021, and prior to any overnight boarding use. The applicant shall agree to follow stipulations of approval in strict accordance with the special permit approved by the Planning Board.

Ms. Lane referred to stipulation number six, and reminded Ms. Murdock that the dog waste bags should be stored behind the building except on trash pick-up day. Mr. Forster asked if there would be anyone overnight to watch the dogs. Ms. Murdock answered that there would be someone overnight to stay with the dogs.

Chairman Miller called for a motion to approve the Special Use Permit for an overnight Dog Boarding / Kennel Use at 4324 Watson Boulevard, with stipulations.

Motion Made: S. Forster

Motion Seconded: D. Kudgus

MOTION: Approval of the Special Use Permit for an overnight dog boarding/kennel use at 4324 Watson Boulevard, with stipulations.

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

Opposed: None

Abstained: None

Motion Carried

D. The Fairways – Tavern Special Use Permit, 511 Hooper Road, John Miller, Chad Kies

1. Public Hearing: Special Permit for Tavern Use

Chairman Miller opened the Public Hearing for a Special Permit for a Tavern Use at 511 Hooper Road at 7:18 p.m.

Mr. Kies thanked the Planning Board for working with him to open The Fairways tavern. Pending the Planning Board's decision tonight, he has already spoken to the County Health Department about a food permit.

Ms. Rose asked for clarification about the COVID restrictions regarding outdoor seating. Ms. Lane explained that Mr. Kies would need permission from the property owner and the Planning Department to have temporary outdoor seating during the COVID pandemic. If he is interested in permanent outdoor seating, Mr. Kies would have to show the Planning Board that he can provide an enclosed protected area for the outdoor seating. Ms. Lane noted that outdoor seating is something that could be considered in the future.

As no one had further questions, Chairman Miller closed the Public Hearing for a Special Permit for a Tavern Use at 511 Hooper Road at 7:22 p.m.

2. Decision at the Planning Board's Discretion

Ms. Lane read her staff report to the Planning Board. Fishs Eddy IV, LLC, on behalf of Chad Kies, applied to open a tavern with an accessory simulated golf facility in the multi-tenant commercial building located at 511 Hooper Road. The property is in a Neighborhood Commercial zoning district and the tavern is permitted by a Special Use Permit from the Planning Board. The applicants propose locating the tavern in the western end unit of the building, formerly occupied by Ruby Jewelers.

The tavern is approximately 3,200 square-feet, including 1,359 square-feet for the accessory golf simulation area. The proposed number of seats is 33; therefore, the tavern requires 17 parking spaces, one space for every two seats. The property has approximately 144 parking spaces, which is ample parking for the plaza. Minimal food will be provided, including hot dogs and popcorn. Hours of operation are Monday through Saturday 9:00 a.m. to 11:00 p.m., and Sunday 9:00 a.m. to 8:00 p.m. The facility shall be in compliance with all COVID restrictions.

The project is subject to a 239-Review as the property is along County Route 49, Hooper Road. Broome County Planning did not identify any significant countywide impacts. The Broome County Health Department stated that the applicant will need to obtain a food permit for the operation of a tavern. Contact Benjamin Holden, Sr. for information regarding that permit. BMTS did not identify any issues regarding site access or traffic impacts.

The project meets the requirements for a Special Use Permit for a tavern in a Neighborhood Commercial zoning district. The staff recommendation is to approve the Special Permit with the following stipulations:

1. No cooking shall take place outdoors.
2. The tavern shall comply with COVID restrictions at all times. No seating shall be placed outdoors.
3. The project includes four simulation stations. An increase of stations in the future may change the parking requirement. Therefore, contact the

Code Enforcement Official prior to increasing the number of simulation stations.

4. If proposed in the future, changes to outdoor lighting fixtures shall be submitted to the Code Enforcement Office for review and approval prior to their installation.
5. A sign permit shall be submitted to the Building Permits office for all proposed signage. All temporary signs, portable signs, balloons, sidewalk and curb signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property.
6. Signs that flash, blink, rotate, or move are not permitted.
7. Special permit modification approval shall be required if there are any changes to the site plan or change of use on the property, per § 300-66.10.
8. The Special Permit shall expire should the property or business be sold or transferred to another entity, per § 300-66.11. Transferability:
 - a. A special permit is not transferable except upon approval by resolution of the issuing board.
 - b. A special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.
9. The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to the issuance of a building permit or Certificate of Compliance, whichever shall come first. The applicant shall agree to follow stipulations of approval in strict accordance with the special permit approved by the Planning Board.

Mr. Jaros asked if the Planning Board was making any exceptions about outdoor seating due to COVID. Ms. Lane answered that with COVID specifically, if the restaurant owner can demonstrate to Code Enforcement and the Planning Department that they can provide safe enclosed outdoor seating, they would be allowed to have outdoor seating for the balance of seats that were not permitted inside the establishment. Establishments were granted temporary approval for the outdoor seating with the understanding that the total maximum occupancy of both the inside and outside seats does not exceed the limit that had originally been approved for the facility. Therefore, anybody can apply to the Planning Department at no cost for the outdoor seating as long as the COVID restrictions are in place. However, once the COVID restrictions are lifted, restaurants with approved temporary outdoor seating will have to remove their outdoor seating, unless they want to come to the Planning Board for a full site plan review.

Chairman Miller called for a motion to approve the Special Permit for a Tavern Use at 511 Hooper Road, with stipulations.

Motion Made: S. McLain
Motion Seconded: M. Jaros
MOTION: Approval of the Special Use Permit for a Tavern at 511 Hooper Road, with stipulations.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, S. Forster, T. Crowley, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

E. JKS Construction Sign Area Variance, 3400 E. Main Street, Jim Taber, JAX Signs

JAX Signs submitted an application for a side setback variance for a pylon sign at 3400 E. Main Street. The property is located in a General Commercial zoning district and a pylon sign is permitted. Ms. Lane distributed photo compilations that showed the proposed location of the new pylon sign relative to the side property line with the Burger King. The proposed sign conforms to the height and size requirements for a pylon sign per table 300-52.1 in the zoning code, but does not meet the side setback requirement of 8-feet from the side property line. The application is for a 6-foot area variance from the side property line.

Planning Department staff recommends that the Planning Board recommend to the ZBA that they approve the six-foot variance to place the sign two-feet from the side property line.

Other than the immediate landscaped front of the building, the required parking lot takes up the remainder of the property. The proposed location is the only area in the parking lot that would not interfere with or take up a parking space. The sign is setback from the front property line, which is the inside edge of the sidewalk, by the required eight-feet.

Planning Board members were concerned during the April meeting that the new sign was too close to the Burger King drive-through and signage. The project was postponed until this meeting so they could investigate the placement of the sign with regard to the Burger King. Mr. Forster said that when he visited the site, he noticed that JKS Construction does have a lit sign on the front of the building; consequently he is opposed to the Planning Board granting a variance for the pylon sign. Ms. Lane reminded the Planning Board that a business is permitted to have a wall sign and a pylon side, according to code. She added that the NYS DOT did not have any concerns with the sign other than that the sign could not be placed within the state's right-of-way. Mr. Cicciarelli commented that JKS Construction has done a great job on that facility and he feels if this sign will enhance the business, then he is in favor of the variance to allow it. Mr. Crowley then asked whether any part of the sign would be closer than two feet to the property line and Mr. Taber answered that the leading edge of the sign, not the center of the pole, would be no closer than two feet from the property line. Ms.

Lane then asked Mr. Taber to confirm whether the sign would be perpendicular to the street and Mr. Taber answered that that was correct.

1. Advisory Opinion to the ZBA

Motion Made: L. Cicciarelli
Motion Seconded: T. Crowley
MOTION: Recommend approval of the 6-foot side-setback area variance for the pylon sign at 3400 E. Main Street to the ZBA.
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, M. Jaros, D. Kudgus
Opposed: S. Forster
Abstained: None
Motion Carried

F. NYSEG Training Facility, Special Use Permit for Expansion of a Utility, 1195 Reynolds Road, Pete Beylo, Dan Faldzinski, Craig Wademan

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

Chairman Miller asked for a motion to Declare Lead Agency and Classify Project as Unlisted Action.

Motion Made: S. Forster
Motion Seconded: S. McLain
MOTION: Declare the Planning Board as Lead Agency and Classify Project as Unlisted Action
VOTE: **In Favor:** L. Miller, L. Cicciarelli, S. McLain, T. Crowley, M. Jaros, D. Kudgus, S. Forster
Opposed: None
Abstained: None
Motion Carried

2. Call for a Public Hearing for a Special Use Permit for the expansion of a public utility for a training facility to be held on June 8, 2021 at 7:00 p.m.

Chairman Miller asked for a motion to call for a Public Hearing for a Special Use Permit for the expansion of the training facility for a public utility to be held on June 8, 2021, at 7:00 p.m.

Motion Made: S. Forster
Motion Seconded: L. Cicciarelli
MOTION: Call for a Public Hearing for a Special Use Permit to expand a public utility on March 9, 2021 at 7:00 p.m.
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 introduced Dan Faldzinski, the engineer for the project, Craig Wademan, the architect for the project and Pete Beylo, the project manager for the project, all from Delta Engineers, Architects and Surveying.

Mr. Wademan gave a short presentation about the project. There is an existing training facility for gas and electric at 1195 Reynolds Road. NYSEG is expanding the training facility to comply with COVID requirements and to expand the number of personnel that they can train on site. They plan to add two modular buildings directly across from the existing buildings, with additional parking between the new modular buildings. The project also involves widening the road to satisfy the fire department's requirements. Delta, on behalf of NYSEG, coordinated the project with Code Enforcement to make sure that they were meeting all the building code and fire regulation requirements for the buildings. The proposed buildings will not have any bathrooms since they will use existing bathroom facilities on site. The buildings will be heated electrically and they resemble the temporary modular buildings that you see on construction sites.

Mr. Faldzinski added that they are widening the road into the site which will be coordinated with the Broome County Highway Department because of the disturbance of the Reynolds Road right-of-way. The parking areas next to the modular units will have lights but they do not anticipate any impact on residential neighbors due to existing wooded screening. Mr. Faldzinski added that the nearest neighbor is three-to-four-hundred feet away, so they should not experience any light spillover.

There is a SWPPP for the project because NYSEG is adding additional paved areas to the site. There will be four different stormwater practices and the plan is designed to deal with any increase in the stormwater runoff. Ms. Lane asked if the SWPPP is designed for the full build out of three modules and Mr. Faldzinski answered yes. Ms. Lane also commented that part of the remaining wooded area will be only about 30 feet wide. She added that NYSEG will be required to make sure that the new parking lights do not shine down on the residential properties below the site. Mr. Faldzinski replied that they do have some flexibility with locating the second detention pond, and they may be able to reduce the number of trees that are removed. This would widen the thirty-foot buffer to fifty-feet. Ms. Lane responded that the increased wooded area would be an improvement over the current plan.

G. Development in Floodplain for Residential Shed, 2116 Riverview Dr., Jerry Judkiewicz

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

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

Motion Made: S. Forster
Motion Seconded: D. Kudgus
MOTION: Declare the Planning Board as Lead Agency and Classify Project as 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 a Public Hearing for a Special Use Permit to place a residential shed in the floodplain, to be held on June 8, 2021 at 7:05 p.m.

Chairman Miller then asked for a motion to call for a Public Hearing for to place a residential shed in the Floodplain on June 8, 2021, at 7:00 p.m.

Motion Made: S. McLain
Motion Seconded: S. Forster
MOTION: Call for a Public Hearing for Floodplain Development on March 9, 2021 at 7:00 p.m.
VOTE: In Favor: L. Miller, L. Cicciarelli, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus
Opposed: None
Abstained: None
Motion Carried

Mr. Judkiewicz explained that the shed was for the outdoor storage of a lawn mower and cultivation tools. The shed will be a one-story and mounted on cinder blocks anchored to the ground. The shed will be set back five feet from the property line.

Ms. Lane noted that she had drawn the location of the shed on the aerial photo, and just behind the proposed shed there is a sharp drop-off. She explained that since the entire property is in the 100-year floodplain, she has discussed with Mr. Judkiewicz raising the shed to allow water to pass through in the event of a flood.

Mr. Forster advised Mr. Judkiewicz that if he wants to store gas, oil or fertilizer in the shed, these containers would need to be two feet above base flood elevation. Ms. McLain mentioned that since Mr. Judkiewicz has woodchucks on his property, he may want to make sure they don't build their homes under his elevated shed.

Ms. Lane advised Mr. Judkiewicz that a public hearing sign will be posted on his property at least five days before the Public Hearing.

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

Ms. Lane noted that the Planning Department is approving the conversion of a small grass field to a turf field for Mr. Kashou at 1500 Co. Airport Road. She also

commented on the article in the newspaper about a new building on Mr. Kashou's property. She noted that only indoor fields, the locker room and concession stand had been approved for the sports dome in the past. The ZBA permitted the uses only as accessory to the outdoor sports field activities. Retail sales are not permitted, except for the concession stand. Ms. Lane added Mr. Kashou submitted another lighting plan but there is still light spillage going across the street, so the new plan still does not meet code requirements.

Keystone Engineering approached Ms. Lane about putting relocatable metal containers in the parking lot at 301 Glendale Avenue. Ms. Lane advised them that the original approval for outdoor storage was for vehicles only. If they want to explore putting relocatable metal containers in the parking lot, the applicants would need to come back to the Planning Board for a revision to the original special use permit.

Ms. Lane discussed the current fill project at 3901 Watson Boulevard. The Walsh family has approached the Planning Department about wanting to have self-storage facilities on both sides of the road. The self storage use is not permitted under the current Neighborhood Commercial zoning. Neighborhood Commercial zoning allows a mixture of residential, small-scale commercial and office uses. Consequently, the Walsh family has asked us to think about rezoning the property to PUD. They would like to make a presentation to the Planning Board. If the Town Board accepts their application, one of the first steps, in addition to sending the application to the Broome County for a 239 review, is to have an advisory opinion from the Planning Board.

Ms. Lane noted that the Town Board voted to discontinue the Town's intermunicipal agreement with the Village of Johnson City for planning services in July. This decision was reached because Ms. Golazeski is retiring May 28. Mr. Materese added with Ms. Golazeski leaving and because there will be two other vacancies in the Code department, it was decided that the Town of Union has enough work in the Town itself. Ms. Lane noted that this change will allow her to refocus her attention on the Town of Union.

Mr. Crowley was concerned about the West Endicott Park striping of the parking spaces near the new National Pipe and Plastics building. He is concerned about children crossing the street especially with the Memorial Day holiday. Ms. Lane explained that since National Pipe and Plastics has not yet filed the street deed to the Town, the Town cannot stripe the parking spaces. Once the Town accepts the different street sections, then the Town can stripe. Ms. Lane had sent a reminder to National Pipe and Plastic in October, 2020. Mr. Materese added that the Town cannot stripe the spaces until the land is officially in the Town's hands. Mr. Jaros asked for confirmation that once the National Pipe and Plastics building is opened, there will be no parking on the south side of Maple Avenue. Mr. Materese answered that this is correct, and that additional parking has been created and the Town is gaining about eighteen spaces. Ms. Lane noted that National Pipe and Plastics will not receive a Certificate of Occupancy until they meet all the requirements.

Mr. Materese noted that the Endicott Rotary Organization purchased an original band organ that is 85-years old. This year the organ will be placed at West Endicott Park for Memorial Day. The organ plays traditional carousel music and it will rotate between the George W. Johnson Park, Highland Park, and the West Endicott Park every year.

I. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:22 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, June 8, 2021, at 7:00 p.m.

Respectfully Submitted,
Carol Krawczyk