

Town of Union Planning Board Minutes

Tuesday, December 13, 2022

The Town of Union Planning Board held a regular meeting on Tuesday, December 13, 2022, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, D. Kudgus, C. Bullock, S. Forster

Members absent: S. McLain, T. Crowley, M. Jaros

Others present: Marina Lane, Rick Materese, Len Cicciarelli, Lawrence Curtiss, Henry Kaphesi, Dan Wojehowski, Rob Potochniak, Sharon Ross, Ethan Jones, Caleb Yurek

A. CALL TO ORDER

Chairman Miller called the meeting to order at 7:00 p.m.

B. MEETING MINUTES: Postponed

C. 910 Westminster Road, Development in a Floodplain for a Shed, Henry Kaphesi

1. Public Hearing for a Special Permit for Development in a Floodplain for a Shed, Decision at Planning Board's Discretion

Chairman Miller opened the Public Hearing at 7:01 p.m. There were no comments or questions, and Chairman Miller closed the meeting at 7:03 p.m.

Ms. Lane summarized comments made at the previous meeting when Henry Kaphesi had explained that he plans to store household items in the shed, rather than having to carry everything up into his attic. She pointed out the floodplain layer and contour elevations on the aerial map provided to the Planning Board. Per her report, Mr. Kaphesi submitted an application to place a 240-square-foot (12 by 20-foot) shed in his yard at 910 Westminster Road. The proposed location, according to the BC GIS website, is in the 100-year floodplain, which requires a Special Permit for development in a floodplain. Base flood elevation at the property is 831-feet above sea level (831' a.s.l.), and current contour maps show the proposed location of the shed to be at approximately 830-feet a.s.l. The professional installation company has recommended that the shed be placed on a stone gravel bed to allow floodwater to move beneath the shed.

Per Chapter 121-10.4, Flood Damage Prevention, the proposed shed is permitted in the flood fringe, or that part of the 100-year floodplain that is outside of the floodway. Per Section 121-12, projects in areas of special flood hazard, meaning within the 100-year floodplain, shall not have an adverse effect on adjacent properties. The floodplain extends directly from the Nanticoke Creek basin that connects with the Susquehanna River basin. The placement of a 240-square-foot shed will have no adverse impacts on base flood elevation, nor on adjacent properties.

The Planning Board classified the project a Type II Action under SEQRA on November 8, 2022, as the shed is less than 4,000 square-feet. No further environmental review is required.

The property is subject to a 239-Review as it is within 500-feet of State Route 26. Broome County Planning did not identify any significant countywide impacts, but did comment that the applicant should be made aware of the risks of placing the structure in the floodplain.

The Planning Department recommends approval of the Special Permit to place a 240-square-foot shed within the 100-year floodplain at 910 Westminster Road, with the following stipulations:

1. Per Town Code for Flood Damage Prevention, Section 121-12. H, any development occurring within the area of special flood hazard will have upon completion a certificate of compliance issued by the floodplain administrator.
2. Any chemicals or potentially pollutant or toxic materials shall be stored at least three-feet above ground level, an elevation two feet higher than the elevation of the base flood elevation, in the event of flooding.
3. Utilities: The building and utilities, electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. The shed shall be anchored to prevent it from moving during any flood event.

Mr. Forster asked whether there was a louvre system requirement for the shed. Ms. Lane answered that, after reviewing the flood code more carefully, she determined that this is only a requirement for projects that are in the floodway, per Town Code for Flood Damage Prevention, Section 121-12H. In the previous meeting, Mr. Kaphesi had mentioned that the floodwater barely came up to the garage during the last flood. In addition, the shed will be raised up on a bed of gravel which would help water flow under the shed in the event of a flood. Ms. Lane cautioned Mr. Kaphesi to be careful about what he stores in the shed in case of a flood.

Chairman Miller asked for a motion to approve the Special Permit for Development in the Floodplain at 910 Westminster Road, with stipulations.

Motion Made:	S. Forster
Motion Seconded:	C. Bullock
MOTION:	Approval of the Special Permit for Development in the Floodplain, with stipulations.
VOTE:	In Favor: L. Miller, D. Kudgus, S. Forster, C. Bullock
	Opposed: None

Abstained: None
Motion Carried

2. Advisory Opinion to ZBA for an accessory structure in front of the principal structure

Henry Kaphesi submitted an application to place a 240-square-foot (12 by 20-foot) shed in his yard at 910 Westminster Road, which is permitted in an Urban Single-Family zoning district. The property is located between Westminster Road and Arbor Drive (front and rear), which according to Town Code is defined as having two front yards. Mr. Kaphesi wishes to place the shed between the house and Arbor Drive, and he has applied for an area variance to place the accessory structure forward of the house on the Arbor Drive side.

Planning Department staff recommend that the Planning Board recommend to the ZBA approval of the area variance to allow the accessory shed to be built forward of the house. Placing the shed forward of the home towards Arbor Drive will not have any negative impacts on the adjacent residences, as it is in effect behind the front entrance of the house.

Chairman Miller then asked for a motion to recommend the ZBA approval of an accessory structure in front of the principal structure.

Motion Made: S. Forster
Motion Seconded: D. Kudgus
MOTION: Recommendation that the ZBA approve an accessory structure in front of the principal structure.
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster, C. Bullock
Opposed: None
Abstained: None
Motion Carried

D. 22 (a.k.a. 20) Birch Street, Development in a Floodplain for a Shed, SEPP Management, Len Cicciarelli

1. Declare Lead Agency

Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made: C. Bullock
Motion Seconded: D. Kudgus
MOTION: Declare the Planning Board as Lead Agency.
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster, C. Bullock
Opposed: None
Abstained: None
Motion Carried

2. Classify the Project as a Type II Action, No Further Environmental Review Required

Chairman Miller asked for a motion to classify the Project as a Type II Action.

Motion Made: D. Kudgus
Motion Seconded: S. Forster
MOTION: Classify the Project as a Type II Action.
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster, C. Bullock
Opposed: None
Abstained: None
Motion Carried

3. Retroactively call for a Public Hearing for Development in a Floodplain at the 7:00 p.m. December 13, 2022, Planning Board Meeting

Chairman Miller asked for a motion to retroactively call for Public Hearing for a Special Permit for Development in a Floodplain at the 7:00 p.m. December 13, 2022, Planning Board meeting.

Motion Made: S. Forster
Motion Seconded: D. Kudgus
MOTION: Retroactively call for Public Hearing for a Special Permit for Development in a Floodplain at the 7:00 p.m. December 13, 2022, Planning Board meeting.
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster, C. Bullock
Opposed: None
Abstained: None
Motion Carried

4. Public Hearing for a Special Permit for Development in a Floodplain, Vote at Discretion of Planning Board

Chairman Miller opened the Public Hearing at 7:15 p.m. Mr. Cicciarelli explained that they plan to store simple household maintenance materials and equipment in the shed. There will be no lawn maintenance tools or power equipment stored in the shed. No provision was made to have a storage shed when the duplexes were built. However, since SEPP manages them, they determined there is a need for a shed to store materials and equipment to repair the units. Chairman Miller closed the public hearing at 7:18 p.m.

Ms. Lane explained maps showing base flood elevation at the property at 836-feet above sea level, and maps showing the ground elevation of the location between 830 and 832-feet above sea level. Since the contours are below the base flood elevation of 836 feet, the project is in the 100-year floodplain and requires a special permit for development in the floodplain.

Ms. Lane explained that in 2008, a developer submitted a HEC-RAZ study (a hydraulic analysis) for a fill project, and that study included Fairmont Park as

a part of the same floodwater basin. The conclusion reached by FEMA stated, “The proposed fill site does not produce any increase in water surface elevations through the project area or in upstream locations for any of the flood events. This is due to the fact that the proposed fill site is located in a non-effective flood fringe area of the 100-year and 500-year events and thus is displacing a minimal amount of overall floodplain compared to the overall floodplain storage within the Susquehanna River basin.” Ms. Lane concluded from that study that the placement of a 96-square-foot shed would have no adverse impacts on base flood elevation, nor on adjacent properties.

Mr. Forster added that the new floodwalls around the Fairmont Park subdivision should also prevent floodwater from getting into the area. Ms. Lane added that Broome County Planning did not identify any significant countywide impacts.

The Planning Department recommends approval of the Special Permit to place a 96-square-foot shed within the 100-year floodplain at 22 Birch Street, with the following stipulations:

1. Per Town Code for Flood Damage Prevention, Section 121-12. H, any development occurring within the area of special flood hazard will have upon completion a certificate of compliance issued by the floodplain administrator.
2. No chemicals or potentially pollutant or toxic materials shall be stored in the structure in the event of flooding.
3. Utilities: The building and utilities, electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. The shed shall be anchored to prevent it from moving during any flood event.

Chairman Miller asked that Ms. Lane include that the property is also known as 20 Birch Street somewhere in the report. Ms. Lane responded that she will include the property tax ID number and the words “20 Birch Street” in her letter of approval. Mr. Cicciarelli said that they were working with the County to resolve the address for this parcel.

Chairman Miller asked for a motion to approve the Special Permit for Development in the Floodplain at 22 Birch Street, with stipulations.

Motion Made: C. Bullock

Motion Seconded: D. Kudgus

MOTION: Approval of the Special Permit for Development in the Floodplain, with stipulations.

VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster, C. Bullock

Opposed: None

Abstained: None
Motion Carried

**E. Curtiss Auto Sales Special Use Permit, 1787 Union Center Maine-Highway,
Lawrence Curtiss**

1. Declare Lead Agency

Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made: C. Bullock
Motion Seconded: D. Kudgus
MOTION: Declare the Planning Board as Lead Agency.
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster,
C. Bullock
Opposed: None
Abstained: None
Motion Carried

2. Classify the Project as a Type II Action (no changes to property), No Further
Environmental Review Required

Chairman Miller asked for a motion to classify the Project as a Type II Action.

Motion Made: C. Bullock
Motion Seconded: D. Kudgus
MOTION: Classify the Project as an Unlisted Action.
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster,
C. Bullock
Opposed: None
Abstained: None
Motion Carried

3. Call for a Public Hearing for a Special Use Permit for Auto Sales to be held at
the 7:00 p.m. January 10, 2023, Planning Board meeting

Chairman Miller asked for a motion to call for Public Hearing for a Special Use
Permit for Auto Sales at the 7:00 p.m. January 10, 2023, Planning Board
meeting.

Motion Made: S. Forster
Motion Seconded: D. Kudgus
MOTION: Call for Public Hearing for a Special Use Permit for
Auto Sales to be held at the 7:00 p.m. January 10,
2023, Planning Board meeting
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster,
C. Bullock
Opposed: None
Abstained: None
Motion Carried

Mr. Curtiss said that he had been in business at 1755 Union Center-Maine Highway for thirty years until that property was sold. At that time he moved his business to Binghamton. Now he is coming back to the Town of Union five doors from where he was previously located. Mr. Curtiss stated he will never have more than two or three cars at the new location because he does most of his sales at auctions or dealerships. The location will not look any different than it does right now. There would be no auto repairs done on the property, only auto sales.

F. 2320 Lewis Street Ames Automotive, Rob Ames

1. Call for a Public Hearing for an Aquifer Permit at the 7:00 p.m. January 10, 2023, Planning Board meeting

Chairman Miller asked for a motion to call for Public Hearing for an Aquifer Permit at the 7:00 p.m. January 10, 2023, Planning Board meeting.

Motion Made:	C. Bullock
Motion Seconded:	D. Kudgus
MOTION:	Call for Public Hearing for a Special Use Permit for an Aquifer Permit at the 7:00 p.m. January 10, 2023, Planning Board meeting
VOTE:	In Favor: L. Miller, D. Kudgus, S. Forster, C. Bullock Opposed: None Abstained: None Motion Carried

Ms. Lane said she received paperwork from Mr. Ames last week so she will get together with the Wellhead Committee to review the project before the next Planning Board meeting. Mr. Ames has 550-gallons of used engine oil on his property. Ms. Lane noted that the Aquifer Permit is on hold for Mr. Zhang's property on Chaumont Drive because she is still waiting for paperwork from him.

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

Yel-Help Locksmith will be moving his business from Binghamton to 3106 Wayne Street, so there will be a site plan review for his business office. Members remembered that the building had originally been a car wash, which explains why it is so spacious inside, perfect for parking two vans for the business.

Ms. Lane then handed out slips to the Planning Board members to submit suggestions for a Planning Board Chairman for next year to the Town Board. The Town Board selects the chairperson, but they are receptive to suggestions from the Planning Board. The term for the Planning Board Chairman is one year.

Mr. Forster reported that he had attended the ribbon-cutting ceremony for the new dome sports building. The new building is smaller than the former dome building, but there is more usable space in the new building. The building is insulated so they can now heat it to a comfortable temperature. In addition, the insulation makes the building a lot more soundproof. Mr. Materese commented that the new building is a lot brighter with LED lighting and Mr. Kudgus agreed that the new

building is brighter and warmer. Everyone agreed that they did a nice job on the new building.

Ms. Lane noted that Mr. Kudgus will be leaving the Planning Board to work on the Town Board and Mr. Materese will be leaving the Town Board to enjoy his retirement. She added that both men will be missed by the Board.

H. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 7:42 p.m.

Motion Made:	C. Bullock
Motion Seconded:	D. Kudgus
MOTION:	Adjourning the meeting.
VOTE:	In Favor: L. Miller, D. Kudgus, S. Forster, C. Bullock
	Opposed: None
	Abstained: None
	Motion Carried

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, January 10, 2023, at 7:00 p.m.

Respectfully Submitted,
Carol Krawczyk