

Town of Union Planning Board Minutes
Tuesday, March 14, 2023

The Town of Union Planning Board held a regular meeting on Tuesday, March 14, 2023, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, M. Jaros, T. Crowley, C. Bullock, M. Hills, N. Sarpolis, G. Ksenak (Alternate)

Members absent: S. McLain

Others present: Marina Lane, Alan Pope, Chad Kies, Blake Hickey, Chris Brown, John Miller, Patty Kies, Jeff Kies, Jill Lloyd, John Mastronardi, Greg Catarella, Lisa Gallagher, Linda Mackenzie, Jessica Archetto, Rob Potochniak and Jason Shaw

A. CALL TO ORDER

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

Chairman Miller appointed Gary Ksenak, the alternate member, as a participating member in Ms. McLain's absence.

B. MEETING MINUTES: Postponed

C. The Fairways Indoor Golf Co. – Revised Special Use Permit, 511 Hooper Road, Chad Kies and Chris Brown

1. Public Hearing for a Revision to the Special Use Permit for a Tavern, Decision at Planning Board's Discretion

Chairman Miller opened the Public Hearing at 7:02 p.m., and read the public notice for the public hearing to consider a revision of a special use permit for a tavern prohibiting outdoor amplified music at the Fairways Indoor Golf Company. Ms. Lane read an e-mail from Chris Solon, an Endwell resident, in favor of keeping outdoor music at the Fairways. Mr. Brown acknowledged prior music events, and stated that, going forward, they will not allow bands to place speakers outside the garage doors because they want to have a positive impact in the area, and do not want to disturb the community.

Chairman Miller then called for a motion to keep the Public Hearing open for public comments until the April 11, 2023 Planning Board Meeting. This is due to the State of Emergency declared by Broome County because of concerns about a heavy snowfall, which did not finally occur, but may have kept some residents from attending the meeting.

Motion Made: T. Crowley

Motion Seconded: M. Jaros

MOTION: To keep the Public Hearing open for public comments until the April 11, 2023, Planning Board Meeting.

VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills,
C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

D. 3001 E. Main Street, Samaritan Counseling Center Addition, Marian Towers and Jill Lloyd

Nick Sarpolis recused himself from voting due to a prior engagement with the applicant, the Samaritan Counseling Center.

1. Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made: T. Crowley
Motion Seconded: M. Jaros
MOTION: Declare the Planning Board as Lead Agency.
VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills,
C. Bullock, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

2. Classify the Project as a Type II Action (less than 4,000 s.f.), no further review required

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

Motion Made: G. Ksenak
Motion Seconded: C. Bullock
MOTION: Classify the Project as a Type II Action.
VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills,
C. Bullock, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

3. Site Plan Review

Mr. John Mastronardi, Griffiths Engineering, presented the project. The Samaritan Counseling Center is proposing a 16'6" x 36' addition on the front, or south side, of the building. The addition will be two stories and includes a basement as well. Overall, it is just under 1,800-square feet. The building will be setback 6.24-feet from the property line along South Knight Avenue. However, the existing rear corner of the building is 5.8-feet from the South Knight Avenue property line, so there is no intensification of that pre-existing setback encroachment.

The sidewalk along South Knight Avenue will be protected during construction. They have a proposed landscaping area around the addition. Their intent is

to transplant the landscaping that exists along the south and west sides of the building back to this area, and then supplement with additional plantings. Overall, there is no impact to the site drainage, the entrance lighting or any other features on the site.

Mr. Mastronardi asked if the Planning Board had any questions about the project. One of the members noted that the addition would be a two-story building that was only six-and-a-half feet from the sidewalk. Mr. Mastronardi confirmed that this correct. Ms. Lane noted that it is currently a two-story building and that the rear setback is 5.8 feet.

Ms. Lane directed attention to the existing and proposed floor plans, showing the portion of the existing front of the building that will be removed and expanded with the addition. Mr. Mastronardi explained that there is a concrete walk along the front now and two-stair treads up to a concrete landing. That main entrance alcove will be removed to accommodate the new addition.

Mr. Mastronardi added that the new addition will have a ramp along the east side to accommodate ADA accessibility and the new stairs will also be located on the east side of the building. These will open into a secured entry and then into a waiting area. Ms. Lane commented that during COVID they realized that there was a need to have a little more space in the waiting room.

Ms. Jill Lloyd, the Director of the Samaritan Counseling Center, commented that the addition will have an elevator so that clients will be able to access the basement and second level of the building. The addition will provide additional needed space.

Ms. Lane then presented her report to the Planning Board. The Samaritan Counseling Center of the Southern Tier, Inc. applied to construct a 594-square-foot addition onto the front of the existing office building at 3001 E. Main Street. The three-story addition includes three new offices at the basement level; expanded waiting room, restroom, secure entry, handicap access on the main level with elevator and stairs to all levels, and three new office spaces on the second floor. The property is zoned General Commercial and the office use is permitted by right.

The existing parking lot on the 0.64-acre property provides 27 parking spaces, including two accessible spaces and access space. Office space requires five parking spaces per 1,000 square-feet. The Town of Union Code Enforcement Official has determined that the parking requirements are met. The parking lot provides adequate lighting and stormwater drainage goes into the municipal storm sewer.

Ms. Lane commented that the 0.64-acre property includes the 2 South Knight Avenue parcel which has not been officially merged into the property at the county level. Ms. Lane added that when the Planning Department first received the plans, Mr. John Freer, the Code Enforcement Official, did a

calculation of the square-footage of the office space and determined that 20 parking spaces were required.

The applicant's proposal is considered a Type II Action under the New York State Environmental Quality Review Act (SEQRA) because the area of the addition is less than 4,000-square-feet.

This project was subject to a 239-Review as it is along State Route 17C, East Main Street. Broome County (B.C.) Planning recommended landscaping. The B.C. Health Department, BMTS and the NYS DOT had no comments pertaining to site plan review.

The Planning staff recommendation is to approve the addition to the existing office at the Samaritan Counseling Center of the Southern Tier, 3001 E. Main Street, with the following stipulations:

1. A pre-construction meeting shall be held with the Building Official and contractors no less than one week prior to construction commencing. Call (607) 786-2920 to arrange.
2. No interior construction may commence prior to the issuance of a building permit.
3. Construction site erosion control measures shall be in place prior to beginning any site work.
4. Should there be any damage or work within the Town's right-of-way, all new sidewalk and curb within the Town's right-of-way shall be constructed per Town of Union standards. The contractor shall apply for a highway work permit prior to any work in the right-of-way. Curbs and all other infrastructure facilities must be installed and noted deficiencies corrected in accordance with Town Standards by October 15, 2023. An extension of this date may be approved by the Planning Board upon request.
5. Per NYS law, all commercial buildings must be inspected by Code Enforcement every three years. It is your responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920 prior to the issuance of a Certificate of Occupancy, and every three years afterwards.
6. A landscaping plan for the perimeter of the addition shall be submitted by April 28, 2023, and landscaping shall be planted by October 15, 2023. 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, per Code Section 300-54.2.

Ms. Lane noted that if they need an extension for the landscaping to send her an email requesting an extension.

7. A fence six-feet in height shall be maintained along the north property line, beginning at 8-feet from the property line along S. Knight Avenue. Any

fence shall have its finished or decorative side facing the adjacent properties. The fence posts and other supporting structures of the fence shall face the interior of the area to be fenced.

8. If any new signage is proposed, a sign permit application shall first be submitted to the Building Permits office. Signs that flash, rotate or blink are not permitted.

9. All temporary signs, including portable signs announcing events, shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. No signs shall be placed in the NYS Right-of-Way.

10. If you wish to add any outdoor lighting for the parking lot, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.

11. Parking shall not be permitted on the grass. Should the Code Enforcement Official determine that there is not sufficient parking available on site, an additional parking area shall be required with plans submitted within one month of such notification.

Ms. Lane noted that parking on the grass referred to the former 2 South Knight Avenue parcel.

12. Any change in use of the property shall be reviewed by the Code Enforcement office prior to any change in use or occupancy. Changes to the site may require a minor site plan review or submittal to the Planning Board, depending on the degree of change per Code Section 300-63.2. Applicability.

13. Site plan approval shall expire after one year unless substantial improvements have been made pursuant to the approved site plan. The applicant may request an extension from the Planning Board.

14. The applicant shall be required to acknowledge all of the above conditions, in writing, no later than March 31, 2023. 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 Code Section 300-63.2. Applicability.

Ms. Lane said that the official 239-review period ends on March 15, 2023, and their comments have not been submitted yet, so the Planning Board cannot vote on the site plan tonight. Ms. Lane proposed a follow-up Planning Board meeting with a minimum of four members to take a formal vote on the site plan.

Ms. Lane asked if there were any questions concerning the stipulations of approval. The question was asked if the project needed a variance for 6.5-foot setback. Ms. Lane explained that when there is a pre-existing encroachment into a setback, variances are required only when a new

encroachment extends further into the setback. Mr. Alan Pope, Town attorney, confirmed that the building footprint is already pre-existing, so as long as they don't further encroach into the setback, they are perfectly legal and they don't have to get a variance. Ms. Lane reiterated that this is a front setback and right now a portion of the building is closer to the front property line along South Knight Avenue than what is being proposed, and this is consistent with how the Town has interpreted the code for many years.

Mr. Mastronardi noted that both Ms. Lane and Mr. Freer had been concerned about the footprint of the new building encroaching into the setback. Mr. Mastronardi did not feel comfortable with information from GIS website or old surveys so he had a new survey prepared to make sure that the setback measurements were very accurate.

The follow-up meeting date for a final vote will be determined.

E. 53 N. Kelly Avenue, Cloud Kings Vape Shop, Jaime Renfro

Ms. Jessica Archetto introduced herself and explained that she is an employee, and was there to represent Jaime Renfro due to a health emergency.

1. Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made: C. Bullock
Motion Seconded: N. Sarpolis
MOTION: Declare the Planning Board as Lead Agency.
VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

2. Classify the Project as a Type II Action (re-occupancy of commercial space), no further review required.

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

Motion Made: M. Hills
Motion Seconded: N. Sarpolis
MOTION: Classify the Project as a Type II Action.
VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

3. Site Plan Review

Ms. Lane explained that a town employee noticed a new vape shop next to the laundromat at 53 North Kelly Avenue. The space was formerly used as a

tax office. Because of the change from office to a retail use, the project requires a site plan review by the Planning Board.

Ms. Lane then presented her staff report to the Planning Board. Jaime Renfro of Cloud Kings submitted an application for a vape supplies shop in the small plaza at 53 N. Kelly Avenue. The 0.34-acre property is in a Neighborhood Commercial zoning district, and the retail use is permitted by right. The 20-foot by 40-foot space was formerly a business office and the change in use requires site plan review with the Planning Board. There is also a laundromat in the building.

The requirement for parking for a general retail use is four (4) parking spaces for every 1,000 square-feet of retail area. The parking required for a laundromat is two (2) parking spaces for 1,000 square-feet. The retail use occupies 500 square-feet out of 800 square feet for customer space, which requires two parking spaces. The remainder of the building is approximately 2,200 square-feet, and the laundromat use requires a maximum of five parking spaces. Although the parking lot is not striped at this time, aerial photos from 1999 and 2011 show space for ample parking, in addition to the parking available on the owner's adjacent lot at 3012 Watson Boulevard.

Ms. Lane distributed maps of the property showing that there is a lot of parking around the building. She explained that when Code calculates the parking required for a retail business, they look at the area of retail use, and don't include the restrooms, the employee space or storage; only customer space determines the parking requirement.

The property has public water and sanitary sewer, and municipal stormwater management.

The project is the reuse of an existing commercial building with no exterior changes and the Planning Board therefore determined the project to be a Type II project under SEQRA. No further environmental review is required. The property is not subject to a 239-Review.

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

1. Per § 300-51.6. General requirements, the two required parking spaces in front of the retail business shall be striped no later than May 31, 2023. Off-street parking, loading and stacking facilities required by this article serving nonresidential uses, shall conform to the requirements of this article as follows:

- A. Paving. All parking facilities shall have a smooth, all-weather surface. Such surface shall be permanent and capable of being kept free of snow, dust, and dirt and of being permanently marked.

- B. Marking. All parking facilities and access driveways shall be clearly marked with a minimum painted stripe of four inches in width.

2. Per § 300-51.7.B. Size of parking spaces. The size of the parking spaces shall have the following minimum dimensions, based on the angle of parking: (1) Ninety-, sixty-, forty-five-, and thirty-degree parking: All parking spaces shall be at least nine-feet by 18-feet.
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. Prior to posting any new signage, 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.
5. The building shall meet the NYS Fire Prevention and NYS Building Codes. Contact the Code Enforcement Office to arrange for a fire safety inspection at (607) 786-2920. Once the retail space is determined to meet all NYS Building Code requirements, Code Enforcement shall issue a Certificate of Compliance.
6. Per NYS law, commercial businesses must be inspected by a Town Code Enforcement Officer every three years. It is your responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920, first to conduct the initial inspection prior to the issuance of a Certificate of Compliance, and thereafter every three years after the issuance of a Certificate of Compliance.
7. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance, but no later than March 31, 2023. The applicant shall agree to follow the stipulations of approval in strict accordance with the site plan. Changes to the site plan following approval may require a minor site plan review or submittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

Ms. Lane will send the letter with the stipulations of approval to Mr. Renfro and to the new owner of the building.

A question was asked if the owner would have to put in an accessible space. Ms. Lane was not sure whether the Planning Board could require Mr. Renfro to put in a handicap and access space because he is required to have only two parking spaces, and the Town doesn't have the authority to require the owners to stripe the remainder of the plaza. Mr. Pope said that you could encourage the owners to put in a handicapped space, but he did not think that they could enforce that requirement.

Ms. Jessica Archetto said that there would be no vaping inside the building, but that she would not be able to stop clients from vaping outside the building. She does not believe that Mr. Renfro plans to install any new lighting or signage.

Chairman Miller asked for a motion to approve the Site Plan for the Cloud Kings shop at 53 N. Kelly Avenue, with stipulations.

Motion Made: G. Ksenak
Motion Seconded: M. Hills
MOTION: Approval of the Site Plan for the Cloud Kings Vape Shop at 53 N. Kelly Avenue, with stipulations.
VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

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

Ms. Lane polled the Planning Board members to see who would be available for a meeting to vote on the Samaritan Counseling Center site plan as soon as possible. Enough members will be available to make a quorum for a meeting at 9 a.m. on March 20, 2023.

There was some discussion about the illegal sale of cannabis products in convenience stores throughout the town. Ms. Lane noted that last year the Town Board had approved areas in the town where such sales would be permitted. She said that enforcement of the code was not the responsibility of Planning Board members, but future legal cannabis sales will require a special use permit from the Planning Board. The Cannabis Overlay Districts are on Airport Road off of Campville Road and Union Center-Maine Highway in areas that are zoned General Commercial.

Ms. Lane was asked about the property at 3901 Watson Boulevard. She stated that is it second-hand information, but she understands that a representative of the Army Corps of Engineers has told Code that they intend to visit the property in the spring. The Planning Department has been approached by Mr. Walsh with several ideas for the property, but they are not ripe for presenting. Ms. Lane noted that there have been several internal meetings about the property, and at this time the Planning Department will not be making any decisions until those meetings are concluded.

Ms. Lane discussed the concept of ex-parte communications, concerning private conversations with project developers without everyone else on the Board being privy to those conversations. Mr. Pope clarified the rules that should guide Planning Board members regarding conversations and visitations of applicants' properties. Planning Board members can visit a public property like Home Depot because it is open to the public, but that they are not allowed to just walk onto a project site which was not open to the public. He also cautioned the members about having conversations with applicants outside of Planning Board meetings.

I. Adjournment

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

Motion Made: C. Bullock
Motion Seconded: N. Sarpolis
MOTION: Adjourning the meeting.
VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills,
C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, March 20, 2023, at 9:00 a.m.

Respectfully Submitted,
Carol Krawczyk