

Town of Union Planning Board Minutes
Tuesday, April 11, 2023

The Town of Union Planning Board held a regular meeting on Tuesday, April 11, 2023, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock,
N. Sarpolis, G Ksenak (Alternate, appointed as regular member)
Members absent: M. Hills
Others present: Marina Lane, Alan Pope, Chris Brown, Blake Hickey, John Miller,
Adam Fishel, Phil Bartkovich, Muammar Hermanstyne, Rich
Linder, Michael Pisani, Anthony Hranek, Rob Potochniak

A. CALL TO ORDER

Chairman Miller called the meeting to order at 7:00 p.m. Chairman Miller appointed Gary Ksenak, the alternate, to be a participating member in Mr. Hills' absence.

B. MEETING MINUTES

1. Acceptance of 2/21/23 Meeting Minutes

Chairman Miller asked for a motion to accept the February 21, 2023, Meeting Minutes, as written.

Motion Made: M. Jaros
Motion Seconded: G. Ksenak
MOTION: Acceptance of the February 21, 2023, Meeting Minutes, as written.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

2. Acceptance of 2/21/23 Public Hearing Transcript for a Special Permit for Development in a Floodplain at 400 Glendale Drive

Chairman Miller asked for a motion to accept the February 21, 2023, Public Hearing Transcript for a Special Permit for Development in a Floodplain at 400 Glendale Drive, as written.

Motion Made: N. Sarpolis
Motion Seconded: S. McLain
MOTION: Acceptance of the February 21, 2023, Public Hearing Transcript for a Special Permit for Development in a Floodplain, as written.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None

Motion Carried

3. Acceptance of 3/14/23 Meeting Minutes

Chairman Miller asked for a motion to accept the March 14, 2023, Meeting Minutes, as written.

Motion Made: S. McLain
Motion Seconded: M. Jaros
MOTION: Acceptance of the March 14, 2023, Meeting Minutes as written.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

4. Acceptance of 3/20/23 Meeting Minutes

Chairman Miller asked for a motion to accept the March 20, 2023, Meeting Minutes, as written.

Motion Made: C. Bullock
Motion Seconded: G. Ksenak
MOTION: Acceptance of the March 20, 2023, Meeting Minutes as written.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

C. The Fairways Indoor Golf Co. – Outdoor Seating, 511 Hooper Road, Chad Kies and Chris Brown

1. Continue Public Hearing for a Revised Special Use Permit for a Tavern to prohibit outdoor amplified music, held open from the Planning Board meeting on March 14, 2023.

Chairman Miller read the public notice concerning the continuation of the Public Hearing at 7:01 p.m.

Ms. Lane presented her staff report during the Public Hearing. On May 11, 2021, the Town of Union Planning Board approved the special use permit for a tavern with an accessory simulated golf facility at 511 Hooper Road, with stipulations. The tavern is in an existing multi-tenant commercial building located in a Neighborhood Commercial zoning district, and the tavern use is permitted only by special use permit. Special use permits allow uses that may not be desirable in all areas of a zoning district, and are subject to requirements designed to assure that the proposed use is in harmony with the

zoning law and the use will not adversely affect the neighborhood if the requirements are met.

On July 26, 2022, the Planning Board approved the revision to the special use permit for the tavern at 511 Hooper Road to include outdoor seating under the canopy and outdoor cooking with stipulations, including that amendments or revisions to an approved special use permit require review and approval in accordance with § 300-66.10.

Town of Union Board members, Code Enforcement and the Planning Department have received a number of complaints from residents about noise from events on site when amplified bands play at the garage door entrance. Special use permit approval did not include outdoor musical entertainment. Outdoor entertainment venues are not a permitted use in Neighborhood Commercial zoning districts.

The Town Planning Board has extended the public hearing begun on March 14, 2023, through April 11, 2023, to revise the original stipulations of special use permit approval for a tavern at Fairways Indoor Golf Co. to add a stipulation prohibiting outdoor amplified music, per the Town Code § 300-21.3, Table 21-2, Permitted and Specially Permitted Uses in commercial zoning districts.

Per § 300-66.7, the Planning Board shall consider and make findings that the use will be compatible with existing uses adjacent to and near the property; will not alter the essential character of the neighborhood nor be detrimental to the neighborhood residents; and will not otherwise be detrimental to the public convenience and welfare.

Per § 300-66.8 A., the Planning Board may impose such conditions upon the premises benefited by a special use permit as may be necessary to prevent or minimize adverse effects upon other property in the neighborhood, including limitations on the time period for which the permit is granted.

§ 300-66.8 B. states that such conditions shall be expressly set forth in the motion authorizing the special use permit.

The staff recommendation is to approve the Revised Special Use Permit, to include the prohibition of outdoor amplified music, for a tavern in a Neighborhood Commercial zoning district with the following stipulations:

1. Amplified music shall not be projected to the exterior of the building. The garage door shall remain closed in the event of a musical event that utilizes amplifiers.
2. Outdoor seating within the 1,000 square-foot outdoor seating area under the 1,200 square-foot canopy shall be permitted. No seating shall be placed in the access drive between the canopy and adjacent fast-food restaurant with a drive-through service.

3. Outdoor seating shall be enclosed with fencing for the safety of clientele and employees.
4. Outdoor cooking shall be permitted. Consult with Code Enforcement for any safety requirements prior to setting up the grill in 2023.
5. Amendments or revisions to an approved special use permit require review and approval in accordance with § 300-66.10.
6. 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.
7. The applicant shall be required to acknowledge all of the above stipulations, in writing, no later than April 21, 2023. The applicant shall agree to follow stipulations of approval in strict accordance with the special permit approved by the Planning Board.

Chris Brown, applicant, was concerned about the stipulation that the garage door remain closed during amplified musical events. There was a discussion about how the decibels could be measured accurately. Mr. Pope noted that there are decibel measuring devices that could be linked to owners' phones to alert them if the decibels go above a permitted decibel level. Mr. Brown said that they would be happy to install a decibel measuring device. In addition, Mr. Brown noted that they would issue contracts that specified a specific decibel level that the bands would need to maintain. Going forward, bands will play between 7 p.m. and 9:59 p.m.

The question was raised if the property had enough restrooms and exits for the increased occupancy during the concerts. Ms. Lane will refer this issue to the Code department. Mr. Brown noted that since the retaining wall has been added to the canopy, they have removed the fence from the access driveway. Code will need more time to investigate the extension of seating beyond the canopy. In addition, tests will need to be conducted to see how the band sound carries if the garage doors are left open if bands are situated in a back corner of the tavern, rather than at the opened garage door.

Chairman Miller closed the Public Hearing at 7:30 p.m.

Mr. Brown and Mr. Miller posed several scenarios to test for decibel levels. Mr. Miller also asked for confirmation regarding the seating that had been extended beyond the canopy. Planning Board members discussed options for possibly granting a temporary approval, but determined that there are still too many variants, such as measuring decibels, length of time to "test" leaving the garage door open, etc. As there were several unresolved issues with the

stipulations of approval, Ms. Lane advised the Planning Board to hold the vote open. They can legally hold a vote on a special use permit for up to 62 days following the close of the public hearing.

Chairman Miller asked for a motion to hold the vote on the Revised Special Permit to prohibit outdoor amplified music open for up to 62 days from the close of the public hearing.

Motion Made: S. McLain
Motion Seconded: M. Jaros
MOTION: Hold vote on Revised Special Permit to prohibit outdoor amplified music for 62 days.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

D. 4301 Watson Boulevard, Conifer Housing Development, Adam Fishel, Marathon Engineering

1. Confirm Lead Agency Status

Chairman Miller asked for a motion to Confirm Lead Agency Status

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

2. Classify Project as an Unlisted Action

Chairman Miller asked for a motion to classify the project as an Unlisted Action.

Motion Made: S. McLain
Motion Seconded: C. Bullock
MOTION: Classify as an Unlisted Action
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

3. SEQRA Determination

Ms. Lane commented that the Planning Board members have had a copy of Part 1 of the short Environmental Assessment Form (EAF) since the original submittal, from which she now summarized the key points of the proposed project. “Construction of two (2) four-story apartment buildings providing a total of 75 units along with associated site, access, grading, drainage, utility, lighting and landscaping improvements.” The total acreage of the property is 9.3-acres and the area to be physically disturbed is 5.9-acres. A golf course surrounds the rear of the property.

Ms. Lane reviewed the questions on Part 2 of the EAF, reminding everyone to let her know if they have any questions. She explained that the applicant completes Part 1 of the EAF, and Part 2 is an evaluation of answers on Part 1. Reviewing each assessment question, she had determined that all the potential environmental impacts were small to none. Ms. Lane added that last week the Broome County Metropolitan Transportation Study (BMTS) contacted her about a proposal for a walking path or sidewalk, depending on the space or terrain, along Watson Boulevard from Valley Plaza to Hooper Road. The County has contacted Conifer to see if they would donate land from their project for the walking path. Ms. Lane added that we don’t know if the funding will come through for the walking trail. She had not addressed that issue in her EAF.

Per Part 3 of the EAF, the Determination of Significance, Conifer LLC plans to construct a 75-unit multifamily development on 4301 Watson Boulevard. The 9.3-acre property is zoned General Commercial; the multifamily use is permitted and fits in with the residences to the immediate west, and a hotel conference center and golf course to the north. The recently-demolished IBM Country Club on site had been dilapidated since flooding in 2006. The new development is a visual and economic improvement, and includes two 4-story apartment buildings, parking, landscaping, and an enclosed 4,500 square-foot recreation area.

The 5.9-acre area of disturbance is partially in the existing 100-year floodplain and therefore requires a Special Permit for development in a floodplain. Base flood elevation is 836' above sea level (a.s.l.). No fill will be brought on the site, only shifted on site to raise first floor elevations to 840' and 844' a.s.l. and create compensatory storage.

Mr. Fishel added a small correction. They plan to offset any movement of fill within the floodplain from one area to another, so there will be no net change in earth within the floodplain. To achieve the finished grade above the floodplain elevation, they will need to bring in material to do this; however, they do not know to what extent yet. It will not impact base flood elevation. Ms. Lane revised the wording to read, “No additional fill will be placed in areas below the current base flood elevation,” referring to Mr. Fishel’s determination of the 100-year floodplain.

Area variances include fence height (20' vs. 12') and setback variances for the recreational area (10' vs. 50'), a setback variance for parking spaces in the rear of the building adjacent to the property line, and a variance for parking forward of the building. Four spaces are forward of the building front line, and 28 spaces that are required but not intended to be built are located in front of the building. These variances would have a small negative impact.

The NYS Office of Historic Preservation approved the demolition of the historic-eligible IBM Country Club. The project will not affect other historic or archaeological features. The DEC EAF Mapper determined that Bald eagles nest in the general area, but this project site has no known nesting trees. This property is located within the buffer area of Endicott Area-Wide remediation site # 704038, but this site is not directly impacted by the contamination, nor that from 631 Field Street or 3101 Watson Boulevard sites, identified in Part 1 of this EAF.

This development will not create any impacts relative to noise, air, and the ground, other than during construction.

The project as proposed will not have a significant adverse impact upon the environment, and no impact on base flood elevation. Ms. Lane recommended a Negative Declaration.

Mr. Crowley asked how high the flood waters were during the 2006 and 2011 floods. The addition of recent flood remediation structures was discussed. Ms. Lane concluded that the buildings should be safe because they will be above the 100-year floodplain and 500-year floodplain. Mr. Linder added that the funding source on the project also requires that buildings must be above the 500-year floodplain elevation. Mr. Fishel had determined that base flood elevation in the area is 836.3 feet above sea level.

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

Motion Made: N. Sarpolis
Motion Seconded: T. Crowley
MOTION: Approval of the Negative Declaration under SEQRA
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

4. Advisory Opinion to ZBA regarding area variances

Mr. Fishel explained that they had requested several variances from the ZBA for the project. Specifically there were setback variances to accommodate the recreational center, parking variances to allow the land banking of parking

spaces in the front of the building, four regular parking spaces in the front of the building and eleven spaces in the rear of the building, and a height variance for the fence in the recreational area. Mr. Fishel noted that there is a retaining wall in the rear of the building so that the setback to the parking spaces in the rear should be four-feet. Ms. Lane reminded the Planning Board that the code allows the Planning Board to waive up to 25 percent of the parking spaces contingent on an alternate plan showing that all spaces will fit on the site if needed. The 28 land-banked spaces is less than 25 percent.

Per staff report to the Planning Board. “Conifer LLC applied for the construction of two 4-story apartment buildings at 4301 Watson Boulevard. The property is zoned General Commercial and multifamily developments are permitted by right.

Much of the property is located in the 100-year floodplain. Conifer LLC has applied for a special permit for development in a floodplain, and in addition has designed the site plan to avoid the placement of any residential structures in the floodplain that will remain following site development. Therefore, the developable area is constrained, and has resulted in the need for area variances.

Conifer LLC has applied for area variances from the following sections of Town Code:

§ 300-40.13 Multi-family dwellings. B. Dimensional requirements. No multifamily dwelling or required recreation area shall be closer than 50 feet to any property lines.

- The proposed recreation area is 10 feet from the north property line, 20-feet east of the west property line, and 20-feet west of the east property line.

§ 300-40.13 Multi-family dwellings. C. Parking areas may be located in any yard other than the front yard, but no closer than 20 feet from any property line and shall comply with all other regulations of the district in which the use is located.

- Parking is proposed in the front yard: four regular parking spaces along the east border of the parking lot are forward of the building, and an additional 28 “land-banked” spaces are in the front yard, for a total of 32 parking spaces in the front yard.
- Eleven (11) parking spaces in the rear of the building are proposed within the 20-foot setback, of which several are at the property line.

§ 300-53.15 Fences. G. In residential districts, no fences shall be constructed, established or built in excess of six feet in height, with the exception of tennis or recreation courts which may be 12 feet in height. In nonresidential districts, fences for nonresidential uses may be constructed, established or built up to

10 feet in height above the average natural grade, provided that they do not create a traffic hazard.

- The fence around the recreation area is proposed to be 20-feet high.

Planning Department staff recommend the Planning Board recommend the Zoning Board of Appeals approve the following variances:

Recreation Area:

- North Side setback 50' (Required) – 10' (Provided) = North Side setback variance of 40'
- East and West Side setback 50' (Required) – 20' (Provided) = East and West Side setback variance of 30'

A golf course surrounds the recreation area on the north, east and west sides; therefore the variances for the recreation area setbacks will have no negative impacts.

Parking:

- Variance for four (4) regular parking spaces in front yard
- Variance for Twenty-Eight (28) “land-banked” parking spaces in front yard
- Setback variance 20' required, proposed 0' in rear of building for 11 spaces.

The four regular parking spaces extend from the rear and side of the building, into the front yard by approximately 80-feet. The remaining spaces that are forward of the building are “land-banked,” in other words, 28 spaces that are not intended to be built but demonstrate that they can fit on the site, should the need ever arise.

Fencing Height:

- Required maximum height of 12-feet; proposed height of 20'feet.

This fence is for safety, to prevent golf balls from the adjacent golf course from landing in the recreation area and injuring someone.

Chairman Miller asked for a motion to recommend approval of the area variances with changes to the ZBA:

Motion Made: M. Jaros
Motion Seconded: N. Sarpolis
MOTION: Motion to recommend approval of the area variances to the ZBA with changes.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G Ksenak
Opposed: None
Abstained: None
Motion Carried

Mr. Fishel introduced the members of the Conifer team. Mr. Phil Bartkovich and Muammar Hermanstyne from Conifer, and Rich Linder from SWBR. The team discussed and answered questions about the project. Since the previous meeting, landscaping has been revised, the County has proposed a sidewalk project that would impact landscaping, the bus stop, and pedestrian access.

Mr. Hermanstyne explained that the development is targeted to working class people with no more than 30 percent of their total income used for rent. He noted that Conifer had built Woodburn Court in Binghamton, which is a complex that also provides affordable housing to the local residents. Ms. Lane added that people who receive rental assistance would also be able to apply.

Per Mr. Linder, the recreational area will have a high fence, a tall hedge and some trees along it. There is a playground area and a small pavilion in this area. All the landscaping is designed to be durable and maintenance free, and to blend in with the surrounding area. There will be ornamental trees on the west side of the property and they will use tall grass. Ms. Lane advised them to check with Code about the requirements for tall grasses in residential areas. She suggested that they could use some other salt resistant stabilizing plants on the steep slopes to hold the soil. The trees to the east would remain. There will also be year-round maintenance for the landscaping. The meadow grass in the complex will be cut once a year. Conifer will incorporate the Planning Board's suggestions and submit a detailed landscaping plan listing the number and types of grasses, plantings and trees.

Ms. Lane asked whether Conifer had finalized their plans for the western part of the property. Mr. Hermanstyne explained that they are still discussing giving a part to the Elks and an area for a park donation. Ms. Lane noted that the Planning Board members have discussed a possible park and there were concerns about it attracting vagrants. Ms. Lane advised that if curbing on the western side of the site is closed off or removed, it has to be replaced with full curb and gutter.

Ms. Lane asked how high the retaining wall would be and whether Conifer would have an independent engineer designing it. Mr. Fishel answered that the wall would be eight to ten feet high. The wall is listed as a design element of the project but it has not been designed yet. Conifer wanted to get through a few meetings to ensure that the site plan would not have to be changed.

Ms. Lane asked what the off-site improvements referred to. Mr. Fishel explained that they refer to the driveway improvements in the County right-of-way on Watson Boulevard.

Ms. Lane then discussed the light spillage requirements. Town code states that light cannot spill over the property line. Ms. Lane asked Conifer if they would consider lowering the lumens because this would ensure that bright lights would not shine into the resident's windows. Mr. Fishel noted that there is a delicate balance about what lighting is used because brighter lighting is

better for security on the site. However, he added that he would review the lighting plan, keeping Ms. Lane’s suggestions in mind.

Mr. Linder gave a short overview of the building designs. He noted that there would be two four-story buildings, and they would have two staircases. The overall height of the roofline of the buildings is 42’ 8” and there is a parapet railing around the roofline that is 46’3” to hide the condensers. Building A will be 46,945 square feet and Building B will be 48,756 square feet. They will use gray, beige and dark gray vinyl siding on the buildings. The windows will be highlighted in white. Ms. Lane asked if they could use warmer colors for the siding and Conifer noted that they were amenable to changing the color scheme.

There were questions about the golf course behind the buildings. Conifer proposes a 20-foot black-vinyl fence to prevent golf balls from coming into the complex, but they realize that they might still have some exposure even with this fence.

Mr. Fishel noted that they are looking at a courtyard walkway through the complex. This was suggested by the Johnson City Fire Department for full access around the site, and would provide additional recreational opportunities to the residents. There will be removable bollards in the 60-foot wide courtyard so that a fire truck could have access between the buildings. The fire hydrants for the complex will be privately owned. There will also be an accessibility ramp in the courtyard.

5. Call for Public Hearing for a Special Permit for Development in a Floodplain, to be held at the 7:00 p.m. Planning Board meeting May 9, 2023

Chairman Miller asked for a motion to call for Public Hearing for a Special Permit for Development in a Floodplain, to be held at the 7:00 p.m. Planning Board meeting May 9, 2023.

Motion Made:	C. Bullock
Motion Seconded:	N. Sarpolis
MOTION:	Call for Public Hearing for a Special Permit for Development in a Floodplain, to be held at the 7:00 p.m. Planning Board meeting May 9, 2023.
VOTE:	In Favor: L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak Opposed: None Abstained: None Motion Carried

E. 2320 Lewis Street G, Special Use Permit for Auto Sales, Pisani Auto Shine, Michael Pisani

Chairman Miller asked for a motion to Declare Lead Agency.

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

2. Classify the Project as an Unlisted Action under SEQRA

Chairman Miller asked for a motion to classify the Project as an Unlisted Action under SEQRA.

Motion Made: M. Jaros
Motion Seconded: G. Ksenak
MOTION: Classify the Project as an Unlisted Action.
VOTE: **In Favor:** L. Miller, D. M. Jaros, S. McLain,
T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

3. SEQRA Determination

Ms. Lane explained that Mr. Pisani moved into the same building as Rob Ames moved into. Mr. Pisani is in the far west of the building next to EMT. Mr. Pisani was unaware that he needed to submit an application to the Planning Board, but when he found out he immediately submitted the application.

Ms. Lane read a short description of the proposed project from Part 1 of the EAF: “The principal business is for Auto Detailing. Special Use Permit is required to sell no greater than three autos at any one time. Project will require a variance for a zero front setback where 10-feet is required due to the space limitations on site. The outdoor parking area is just over 4,000 square feet, and is already paved. The building is connected to public water and sewer, with a floor drain.” Even though Mike isn’t making any changes to the site, Ms. Lane noted that she is doing an environmental assessment because the use is of greater intensity. The total acreage of the proposed site is 1.5 acres, zero acres will be disturbed, and 0.18 acres is controlled by the applicant.

Ms. Lane reviewed the questions on Part 2 of the EAF and noted all the potential environmental impacts were small to none. Ms. Lane then presented the Determination of Significance to the Planning Board. Mr. Pisani is opening an auto detailing business in an existing commercial/industrial building. The space, unit G, is 3,894 square-feet of a 36,349 s.f. building on a 1.5-acre lot, in an Industrial zoning district. Auto detailing is a permitted use, and auto sales are permitted by special use permit from the Planning Board. The unit is primarily a large garage space with an existing floor drain that is connected to

the Town sanitary sewer system. The building also has an office and restroom. The applicant does not propose any construction to the building.

The proposed action will not have any significant negative impacts on existing air quality, noise levels, existing traffic patterns, solid waste production or disposal. The two front streets are traveled sporadically by adjacent businesses, and the number of sale vehicles parked on the property is regulated by the special use permit. The applicant has applied to display a maximum of three sale vehicles, and the limited space results in an orderly parking pattern. Ms. Lane distributed a GIS map of the site to the Planning Board members and she had also emailed photos to the members that showed how the cars fit on the site.

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. The proposal will not create a hazard to environmental resources or human health. The property is not in the 100-year floodplain and there are no wetlands on the site.

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 significant change in use or intensity of use of land.

The review of the project found no significant adverse impacts to the environment.

There was a discussion about whether cars would be washed in the garage. Mr. Pisani said that he does wash cars there. Ms. Lane noted that since there would be no oil changes and only car washing in the garage, the floor drain need to be attached to a sanitary sewer. She will get written confirmation of whether the drain is attached to a sanitary sewer and forward it to the Planning Board members.

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

Motion Made: G. Ksenak
Motion Seconded: S. McLain
MOTION: Approval of the Negative Declaration under SEQRA
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, Gary Ksenak
Opposed: None
Abstained: None
Motion Carried

4. Advisory Opinion to ZBA

Mr. Pisani gave a short presentation to the Planning Board. Mr. Pisani uses his sales license to do detailing for other dealerships at his location. Detailing is his main business and he does not plan to sell a lot of cars.

Ms. Lane presented her staff report to the Planning Board. Michael Pisani submitted a site plan for auto detailing and accessory auto sales at 2320 Lewis Street. The property is located in an Industrial Zoning District and auto detailing is a permitted use. Auto sales are permitted by Special Use Permit from the Planning Board.

The proposal does not conform to the Town of Union Zoning code. The proposed front setbacks for the parking spaces along Lewis Street and Heath Avenue are 0-feet 0-inches where 10-feet are required, per Section 300-51.6, L and M.

The following variance is requested: a 10'0" area variance for a parking space setback of 0'0" from Lewis Street and Heath Avenue.

The Planning Department recommends approval of the variances.

The existing building was built under a different Code, and left no space for a typical parking lot for Unit G, except that along the street frontage. The proposed parking layout is neat and vehicles can fit entirely on the property. The curbs are depressed at the parking spaces, indicating that the original intention was for vehicles to be able to park at the property lines.

Ms. Lane noted that Mr. Pisani will be meeting with the ZBA and that they may ask him what kind of vehicles will be parked there.

Chairman Miller asked for a motion to recommend approval of setback variances to the ZBA.

Motion Made: N. Sarpolis
Motion Seconded: G. Ksenak
MOTION: Recommendation the ZBA approve the setback variances.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

Ms. Miller asked why the public hearing for auto sales would be held in June. Ms. Lane explained that the County needed a full 30 days to review the 239 documents and she had just submitted them.

3. Call for Public Hearing for a Special Use Permit for auto sales to be held at the 7:00 p.m. Planning Board meeting June 13, 2023.

Chairman Miller asked for a motion to call for Public Hearing for a Special Use Permit for auto sales to be held at the 7:00 p.m. Planning Board meeting June 13, 2023.

Motion Made: C. Bullock
Motion Seconded: M. Jaros
MOTION: Call for Public Hearing for a Special Use Permit for auto sales to be held at the 7:00 p.m. Planning Board meeting June 13, 2023.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

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

Ms. Bullock said that she attended a training where they talked about using the Town's Comprehensive Plan when considering variances and special use permits. She looked at the Comprehensive Plan on the Town of Union website and found it difficult to navigate. Ms. Lane said that the Town is exploring new website development.

She said the last Comprehensive Plan had been done in-house and the Planning Board reviewed it extensively. One of the Planning Department employees did all the statistics and Mr. Paul Nelson, the former Director of Planning, wrote a lot of the plan. In addition, after the Town Comprehensive Plan was accepted, the Town Zoning Code was completely rewritten. The Comprehensive Plan was adopted in 2009 and the new Zoning Code was adopted in 2011. The Zoning Code was based on the Future Land Use Map in the Comprehensive Plan.

Ms. Lane noted that the Comprehensive Plan needs to be updated to include renewable energy, and to address short term rentals (Airbnbs). Updating the zoning code requires a lot of work, and the Town doesn't have the staffing to do this. There is a grant to fund an outside firm to help update the Comprehensive Plan, hopefully by 2024.

G. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 9:18 p.m.

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

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, May 9, 2023, at 7:00 p.m.

Respectfully Submitted,
Carol Krawczyk