

**Town of Union Planning Board Minutes**  
Tuesday, June 13, 2023

The Town of Union Planning Board held a regular meeting on Tuesday, June 13, 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,  
M. Hills, G. Ksenak (Alternate, appointed as regular member)

Members absent: N. Sarpolis

Others present: Marina Lane, Skye Hansen, Mitch Gorton, Steve Calocerinos,  
Michael Pisani, Rob Potochniak, Lou Fata, Travis Fata, Eric  
Emerick

**A. CALL TO ORDER**

Chairman Miller called the meeting to order at 7:02 p.m., and appointed Gary Ksenak, the alternate, to be a participating member in Mr. Sarpolis's absence.

**B. MEETING MINUTES**

**1. Acceptance of 5/09/23 Meeting Minutes**

Ms. Bullock questioned the first stipulation on page 13 of the May minutes. She thought when the Planning Board voted on the proposal to allow Fairways to keep their garage door open, it had not included the actual location of the band. Ms. Lane explained that by putting the band location into the stipulations of approval, if someone complains about the noise it would give the Planning Board something that we could address with the applicant. Everyone agreed that going forward, we need to pay closer attention to the exact wording in the stipulations before we vote. Mr. Jaros clarified that the board members were in favor of keeping the stipulation the way it was written.

Chairman Miller asked for a motion to accept the May 9, 2023, Meeting Minutes, as written.

Motion Made: M. Jaros  
Motion Seconded: S. McLain  
MOTION: Acceptance of the May 9, 2023, Meeting Minutes,  
as written.  
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain,  
C. Bullock, M. Hills, G. Ksenak  
**Opposed:** None  
**Abstained:** T. Crowley  
Motion Carried

**2. Acceptance of 5/09/23 Public Hearing Transcript for a Special Permit for Development in a Floodplain at 4301 Watson Boulevard**

Chairman Miller asked for a motion to accept the May 9, 2023, Public Hearing Transcript for a Special Permit for Development in a Floodplain at 4301 Watson Boulevard, as written.

Motion Made: C. Bullock  
Motion Seconded: G. Ksenak  
MOTION: Acceptance of the May 9, 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, M. Hills, G. Ksenak  
**Opposed:** None  
**Abstained:** None  
Motion Carried

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

1. Public Hearing for a Special Use Permit for Auto Sales

Chairman Miller opened the Public Hearing at 7:04 p.m. There were no questions or comments, and Chairman Miller closed the Public Hearing at 7:05 p.m.

Ms. Lane then presented her staff report to the Planning Board. Michael Pisani submitted an application to sell motor vehicles from 2320 Lewis Street. The property is located in an Industrial zoning district and selling vehicles is permitted only by Special Use Permit from the Planning Board. If approved, Mr. Pisani will be able to transfer his dealer's license to this location. Mr. Pisani's principal business is auto detailing, and the retail sale of vehicles is accessory to the detailing business.

Mr. Pisani applied to display a maximum of three vehicles from the property. The display and parking area are pre-existing, and the building has a large garage bay area. The Zoning Board of Appeals granted ten-foot front setback variances along Heath Avenue and Lewis Street, as the only available onsite parking is between the building and the front property lines.

The site plan shows nine parking spaces: three display and four customer spaces, one employee space, and one accessible space along with the associated access space. The parking requirement in Industrial zoning is one per employee. Mr. Pisani is the only employee.

The Planning Board declared the project an Unlisted Action under the State Environmental Quality Review Act (SEQRA). Although there will be no outdoor disturbance and the project is using an existing structure for detailing and sales, the space has been vacant for some time and the vehicles will be

parked outdoors. The Planning Board made a Negative Declaration on April 11, 2023.

This project required a 239-Review, being within 500-feet of State Route 17C (East Main Street). The Broome County (B.C.) Department of Planning did not identify any countywide impacts with the proposal. The B.C. Health Department recommended that a spill response plan and equipment should be readily available onsite for spills, leaks, or other discharges of any hazardous materials/wastes. Plan to include notification to NYS Spill Hotline of any “Reportable Spill” as defined by NYSDEC (800-457-7362). Floor drains should connect to an oil/water separator before entering the wastewater system.

Ms. Lane asked Mr. Pisani if he would be changing oil on the cars he services and he answered that he does not do that.

The staff recommendation is to approve the Special Use Permit to Sell Automobiles, with the following stipulations:

1) § 300-40.2. Automotive sales.

A. The sale of new or used vehicles may be allowed by special use permit, provided the following:

(1) The sales area shall be paved, suitably graded and drained, and maintained in a neat and orderly manner.

(2) A maximum of three (3) unlicensed, display vehicles for sale may be on the property at any one time. An increase in the number of vehicles displayed for sale shall require a new special use permit, which may or may not be approved.

(3) A spill prevention plan shall be provided and directions shall be displayed for employees to follow.

B. All maintenance and service of motor vehicles shall be performed fully within an enclosed structure. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside of an enclosed structure or screened area.

D. The retail sale of fuel shall not be permitted.

E. Landscaping (Article 54), signage (Article 52), and lighting (Article 55) shall meet the requirements of their respective sections.

2) All spills of hazardous or toxic fluids shall be addressed per the approved spill prevention plan.

Ms. Lane noted that when Mr. Pisani has his inspection he will need to show that he has materials to soak up spills.

3) § 300-66.11. Transferability.

a) A special use permit is not transferable except upon approval by resolution of the issuing board. Any change in property ownership or business ownership shall be reported to the Code Enforcement Office, and if applicable, a request to transfer the special use permit shall be submitted to the Planning Department no less than one month prior to its transfer.

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.

Ms. Lane explained that if Mr. Pisani sold the business he would need to send the Planning Department an email requesting a transfer of ownership so that it can be on the agenda. Then the Planning Board could transfer the special use permit, as long as there have been no past issues with it.

4) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to June 23, 2023. The applicant agrees to comply with the stipulations of approval for the Special Use Permit. Changes to the use following approval will require resubmittal to the Planning Board.

Chairman Miller asked for a motion to approve the Special Use Permit for Auto Sales at 2320 Lewis Street Unit G, with stipulations.

Motion Made: G. Ksenak  
Motion Seconded: M. Hills  
MOTION: Approval of the Special Use Permit for Auto Sales, at 2320 Lewis Street Unit G, with stipulations.  
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, M. Hills, G. Ksenak  
**Opposed:** None  
**Abstained:** None  
Motion Carried

## 2. Pending approval of the Special Use Permit, Site Plan Review

Ms. Lane then presented her recommendation to approve the site plan with the following stipulations:

1) A maximum of three (3) unlicensed, display vehicles for sale may be on the property at any one time.

2) The customer parking spaces shall be striped, posted and no less than nine-feet by eighteen-feet (9'x18'). All striping shall be complete prior to May 30, 2023, subject to an inspection by Code Enforcement.

Ms. Lane changed the completion date to June 30, 2023. She also suggested where the parking spaces come up to the building it would be advisable to put inexpensive wheel stops to make sure that no one hits the building.

- 3) The landscaping shall be maintained as is, and any dead or dying plants shall be replaced with similar plants within one month, weather permitting.
- 4) For any new signage other than the NYS DMV permit sign, the applicant shall first apply for a sign permit from the Building Permits Official prior to display. All temporary or portable signs shall be reviewed and approved by the Code Enforcement Office (607-786-2920) prior to being placed on the property.
- 5) Signs that blink, rotate, or move are not permitted. This includes “Open” signs.
- 6) Site plan approval shall expire after one year if the project has not be implemented in accordance with the approved site plan.
- 7) The applicant shall be required to acknowledge all of the above conditions, in writing, no later than June 23, 2023. The applicant agrees to maintain the site in strict accordance with the site plan approved by the Planning Board. Changes to the site plan following approval may require a minor site plan review or resubmittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

Mr. Crowley asked if Mr. Pisani details cars for dealers, referring to the first stipulation restricting the number of unlicensed vehicles on site to three. Yes, but the cars from dealers would be parked in customer parking spaces

Ms. Lane noted that Mr. Freer had sent Mr. Pisani a letter that referenced the section of the Code that says either vehicles have to be parked no less than ten-feet back from the property line, or fencing must be installed. Since Mr. Pisani was granted setback variances for the parking, he does not need the fencing. Ms. Lane added that it is up to Mr. Pisani whether he wants to keep the fencing up.

Chairman Miller asked for a motion to approve the Site Plan with corrections for Pisani Auto Shine at 2320 Lewis Street G, with stipulations.

Motion Made: M. Jaros  
Motion Seconded: C. Bullock  
MOTION: Approval of the Site Plan for the Pisani Auto Shine at 2320 Lewis Street, Unit G, with corrections to the stipulations.  
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. bullock, M. Hills, G. Ksenak  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**D. 534 Hooper Road, Outdoor Seating at Jonathan's, Luigi and Travis Fata**

1. Public Hearing for a Special Use Permit for a Tavern to expand seating

Chairman Miller opened the Public Hearing at 7:21 p.m. Eric Emerick, resident, gave a statement about Jonathan's restaurant. He noted that the owners have over fifty years in the business and welcomed Endwell's sports teams for yearly celebrations. He felt that the expansion of outdoor seating would be a positive enhancement to the community and urged the Planning Board to move the project forward. As no one else wished to speak, Chairman Miller closed the Public Hearing at 7:26 p.m.

Ms. Lane then presented her staff report to the Planning Board. Jonathan's Fine Food & Spirits, a restaurant/tavern, was built in 1980 prior to the adoption of the Town of Union zoning code. The multi-tenant commercial building is currently in a Neighborhood Commercial zoning district, adopted in 2011, and since then, restaurants and taverns are permitted only by Special Use Permit by the Planning Board. The restaurant includes existing outdoor seating and cooking. Because the owners of the property and business would like to permanently expand outdoor seating, they have applied for a Special Use Permit for a restaurant to include the expansion of outdoor seating.

The existing porch for seating is 14-feet by 32-feet, and the applicants would like to expand the porch another 14-feet by 32-feet. The parking lot striping shall be revised to replace 90-degree parking in the parking lot adjacent to the addition with angled parking, requiring that a section of the driving lane is narrowed to 18-feet, and becomes one-way toward the existing exit curb cut.

The outdoor grill on the corner of Hooper Road and Pruyne Street will have a new 10-foot by 14-foot seasonal gazebo over the grill, and a low fence around it for pedestrian safety.

Under the requirements of Section 617.7(c), the proposed action was determined to be a Type II Action as the proposal involves less than 4,000 square-feet. A stormwater management plan was not required because there is no proposed disturbance to the site other than installing the posts.

The project is subject to a 239-Review as the property is along County Route 33, Hooper Road. Broome County (B.C.) Planning did not identify any significant countywide impacts. BMTS and the B.C. Health Department had no comments, and the B.C. Department of Public Works requires that nothing may be placed in the County right-of-way. Additionally, line of sight at the corner for vehicles onto Pruyne Street should be maintained.

Ms. Lane noted that BMTS did originally have some comments, and the site plan was revised per those comments.

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 Use Permit for a tavern with expanded outdoor seating and outdoor cooking with the following stipulations:

- 1) Outdoor seating shall be permitted. All outdoor seating shall be enclosed.
- 2) Outdoor cooking shall be permitted. Measures for pedestrian safety shall be reviewed by Code Enforcement as a condition of the issuance of the Certificate of Compliance for the addition.
- 3) Amendments or revisions to an approved special use permit require review and approval in accordance with § 300-66.10.
- 4) § 300-66.11. Transferability.
  - a) A special use permit is not transferable except upon approval by resolution of the issuing board. Any change in property ownership or business ownership shall be reported to the Code Enforcement Office, and if applicable, a request to transfer the special use permit shall be submitted to the Planning Department no less than one month prior to its transfer.

Ms. Lane explained new wording about property ownership had been added to the fourth stipulation because the Planning Department needs to keep track of the owners of businesses, particularly when an LLC owns a business.

- 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.

5) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. The applicant agrees to comply with the stipulations of approval for the Special Use Permit. Changes to the use following approval will require resubmittal to the Planning Board.

Mr. Travis Fata questioned section b of the 4<sup>th</sup> stipulation because his outdoor seating is seasonal. Ms. Lane explained that the three-month period would not apply because Jonathan's restaurant would still be open.

Chairman Miller asked for a motion to approve the Special Use Permit for a tavern to expand seating at 534 Hooper Road, with stipulations.

Motion Made: T. Crowley  
Motion Seconded: G. Ksenak  
MOTION: Approval of the Special Use Permit for a tavern to expand seating at 534 Hooper Road, with stipulations.  
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, M. Hills, G. Ksenak  
**Opposed:** None  
**Abstained:** None  
Motion Carried

2. Pending approval of the Special Use Permit, Site Plan Review

Ms. Lane then presented her staff report to the Planning Board. Clients of the restaurant business park on site and across Pruyn Street, a residential neighborhood street, at the M&T bank. Jonathan's has a verbal agreement for this parking, and signage at M&T bank limits non-bank customer parking to those hours after the bank is closed. This has been an adequate arrangement for many years.

The outdoor grill on the corner of Hooper Road and Pruyn Street will have a new 10-foot by 14-foot seasonal gazebo over the grill, and a low fence around it for pedestrian safety.

The staff recommendation is to approve the site plan for outdoor seating and a gazebo over the grill at an existing tavern with the following stipulations:

1) Outdoor seating shall be restricted to the enclosed area beneath the porch canopy.

2) Directional signs in the parking lot shall be posted for the one-way driveway on the north side of the property at the points where two-way traffic transitions to one-way traffic.

Ms. Lane stated that they could just put a bucket of sand with a one-way sign in it at each end of the one-way area.

3) Outdoor cooking shall be restricted to the area shown on the site plan. Any change to the location shall require minor site plan approval, per § 300-63.2B (3) Placement of accessory structures.

4) No solid fences over 24 inches in height shall be permitted in the triangular area formed by the intersecting street lines and a straight line joining the street lines at points which are 25 feet in distance from the point of intersection measured along the street lines. Measurement of height shall be from the grade of the abutting top of curb or from the crown of the abutting road, if there is no curbing. Split-rail fences, cyclone fences or other similarly open fences are permitted in the triangular area, provided that they do not create a traffic hazard and block visibility.

5) Prior to the installation of the canopy and gazebo, you shall meet with a Code Enforcement / Building Permits officer to discuss the issuance of building permits.

6) Per NYS law, restaurants with 50 seats or greater must be inspected by the Code Enforcement every year. It is your responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920. The initial inspection shall be completed prior to the issuance of a Certificate of Compliance for any change in maximum occupancy.



7) 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.

8) For all proposed new signage, a sign permit shall be submitted to the Building Permits office. 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.

9) Signs that flash, blink, rotate, or move are not permitted.

10) 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.

11) The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. 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 clarified that M&T bank limits onsite parking during bank business hours to bank customers. Jonathan's customers may park there during non-bank business hours.

Travis Fata explained that the parking in the back of the building will be changed to two-way traffic because BMTS requested that change. The two-way traffic only applies until the end of Jonathan's property and does not apply to Conti's parking lot. Ms. Lane added that Conti has a permanent easement into Jonathan's property for exiting only. One of the members thought Jonathan's should post a sign so that customers did not end up in Conti's parking lot, but Ms. Lane said that it is Conti's decision if they want to post a sign on their property.

Chairman Miller asked for a motion to approve the Site Plan for Jonathan's Outdoor Seating at 534 Hooper Road, with stipulations.

Motion Made: G. Ksenak

Motion Seconded: S. McLain

MOTION: Approval of the Site Plan for Jonathan's Outdoor Seating, 534 Hooper Road, with stipulations.

VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, M. Hills. G. Ksenak

**Opposed:** None

**Abstained:** None

Motion Carried

**E. 430 Airport Road, Simulation and Control Technologies (SCT), Mitch Gorton**

1. Declare Lead Agency

Chairman Miller asked for a motion to Declare Lead Agency

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

2. Classify Project as an Unlisted Action under SEQRA

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

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

3. SEQRA Determination

Ms. Lane then explained that the SCT project was classified as an unlisted action per SEQRA because it is disturbing more than 4,000 square feet. Ms. Lane read Mr. Gorton's description of the proposed project; "Repave (asphalt) existing parking lot (approximately 100' x 54') in front of building and add new parking lot/driveway (approximately. 25' x 194) on the west side of the property. Expand number of office employees from one to twelve for a platform control technology firm." The total acreage is 0.88-acres and they are disturbing 0.21-acres. Ms. Lane noted that the answer to Question 12b about disturbance of an archeological site was answered yes by the DEC's EAF Mapper program, but that she is not concerned about it because the site has already been disturbed.

Ms. Lane reviewed the questions on Part 2 of the EAF and noted all the potential environmental impacts were small to none. Per the Determination of Significance, Simulation and Control Technologies submitted a proposal to convert an 8,800 square-foot warehouse building to an engineering facility at 430 Airport Road, and the engineering use is permitted in the Industrial zoning district.

The property is ~0.88-acres, the building is existing, and the existing parking lot will be expanded. The area of disturbance is approximately 0.21-acres.

With 19 proposed parking spaces, the project will have more than the required 12 parking spaces, including the accessible spaces. The engineering business will not generate a significant amount of traffic.

As the property is developed, the project will have no significant impact on wildlife and flora. There will be no significant impacts from odors, noise, or lighting. The site is not in a floodplain or other environmentally sensitive area. Stormwater will drain into the Town's storm sewer system.

This property is located within the buffer area of NYS DEC remediation sites #704008 (Endicott Village Landfill and Wellfield) and #704038 (Endicott Area-Wide Investigation), but is not directly impacted by any contamination.

The project as proposed will not have a significant adverse impact upon the environment.

Mr. Gorton was asked if SCT has any holding tanks on the property and Mr. Gorton said no because everything they do is electric. SCT does not have to submit any chemical abstract reports because they outsource all of the finishing to outside firms. They are a dry facility; they have three or four assemblers and the rest of the staff are engineers. The company is privately owned; the father owns 51 percent and his son owns 49 percent.

Ms. Lane explained the drainage on the site to the Planning Board. There is a private stormwater system that goes underground north between the two buildings at 430 and 408 Airport Road. Mr. Horvatt, assistant engineer for the Town, met with Mr. Gorton on site, and found that there are two catch basins in the front of the property and there is also a catch basin in the back of the building that drains into Dead Creek. Mr. Gorton said they had a blockage issue in the back drain so highway staff worked to unblock the drain. Ms. Lane stated that across the street at 407 Airport Road there is a swale and the aerial photo shows the two holes to the drainage pipe that goes under the driveway into the swale. So stormwater not only drains from the north side of the property, but also along Airport Road along the southeast side of the property.

Mr. Cowley mentioned that there might be another drainage pipe that goes underneath the building; his concern was that the floor would buckle if heavy machinery were placed on it. Mr. Gorton answered that as part of the building remodel they had excavated a 30' x 30' piece of concrete two-feet down for a footer for their machine without any issues. He added that he and Mr. Horvatt found an abandoned pipe that goes underneath the building at 408 Airport Road. Ms. Lane said that she had talked to Mr. Caforio and Mr. Horvatt and they did not feel that SCT would need their proposed dry wells because the parking lot expansion is not that large of an area and there is existing drainage.

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

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

#### 4. Site Plan Review

Mitch Gorton said SCT is a technology company that primarily does what Link Solutions used to do before they left the area. They build control loading solutions for military training environments, whether they be helicopters, planes, tanks, Humvees or search and rescue helicopters, basically anything a pilot puts their hands on, the throttles, the side-sticks, the center-sticks, the collectives. SCT builds training environments from small up to large and including motion systems. Founder John Fuller was an ex-Link employee and when they moved, he and a few partners bought a couple of product lines from Link and started in Greene. The company then moved to Susquehanna Valley right by the high school but this location flooded in 2006. Then they bought a piece of property in Conklin, but now have just run out of room in that building. Because some of the systems that SCT is trying to sell are quite expensive, they need a presentable space for customers to come and watch the systems in motion. SCT purchased the building at 430 Airport road in January of 2020. Most of their contracts from the Department of Defense dried up due to COVID for a couple of years. They took their time remodeling the building and put about half a million dollars into the old Abbott Automation building. It was run down inside so they ripped the entire base of the building off to give it more of an industrial atmosphere.

There will be eleven (11) offices upstairs, and it is 11,000 square-feet between the upstairs and downstairs offices, between assembly, testing and about 7,500 square-feet with an industrial floor with items that SCT sells. The company has been in business since 1997 and there are only a handful of companies in the world that do what SCT does, and the only one in the United States. Most competitors are in the Netherlands and Europe with US based sales. Since SCT is a veteran-owned small business, it really helps with getting a seat of the table with defense contractors. For instance a company like Lockheed Martin will get a 25 million dollar project and SCT does a sliver of that project using our specialty.

Ms. Lane then presented her site plan report to the Planning Department. SCT is moving from their original office in Conklin, NY. The floor plan was originally approved in 2020 by the Building Permits office, but before it can be fully used,

the site plan must be approved for parking in order to transfer the employees to the new location. No additions are planned for the building exterior.

The engineering company has twelve (12) employees, and the parking requirement in Industrial zoning is one per employee, therefore 12 spaces. A total of 16 spaces are shown on the site plan, including one accessible space and associated access space. The site is relatively flat, with a 2-foot slope gradient between the side property line shared with 434 Airport Road and the building. The driveway will be paved. A private stormwater drainage system runs along the southern edge of the property, and drains into Dead Creek to the east. A municipal stormwater swale system runs along the south side of Airport Road and also drains into Dead Creek, which eventually feeds into the Susquehanna River.

The site is served by public water and sanitary sewer. The property is not in any floodplain area, and has no wetlands. There is a NYSEG easement on the property.

The project is an Unlisted Action, and the Planning Board made a Negative Declaration on June 13, 2023. A stormwater pollution prevention plan (SWPPP) is not required as the disturbance is less than one-acre. This location was subject to a 239-Review, as it lies within 500 feet of the Village of Endicott and State Route 17C. Broome County Planning and the Village of Endicott expressed no concerns for impacts to the County or surrounding area. BMTS recommended that the Town require stricter access management practices to better define the driveway, and distinguish between parking versus maneuvering areas. Their intention is to reduce conflict points between vehicles entering and exiting the site, and vehicles traveling along Airport Road. Mr. Gorton commented that the parking in front of the building is 54-feet and the parking spaces are 18-feet, so there is plenty of room to back out.

The Planning Department recommends approval of the site plan for SCT's engineering office with the following stipulations:

1. The new parking lot shall be striped within two months after being paved, as permitted due to weather. The required accessible parking space and associated access space shall conform to the Property Maintenance Code of NYS, and shall be posted with signage displaying the international symbol of accessibility. The handicap parking access space shall be no less than eight-feet by eighteen-feet (8'x18').

2. A Certificate of compliance shall not be issued until the conversion has been inspected by the Municipal Fire Code Inspector. Please call (607) 786-2920 to arrange for the inspection.

Ms. Lane removed the 2<sup>nd</sup> stipulation because SCT has already received a Certificate of Compliance.

3. Per NYS law, all commercial buildings must be inspected by the Municipal Fire Code Inspector every three years. It is the applicant's responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920 once again three years after the issuance of the Certificate of Compliance.
4. Any new exterior lighting shall first be approved by the Code Enforcement Officer.
5. For any new signage, the applicant shall first apply for a sign permit from the Building Official prior to display. All temporary signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that blink, rotate, or move are not permitted.
6. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan and a valid building permit.
7. The applicant shall be required to acknowledge all of the above conditions, in writing, no later than June 23, 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.

Chairman Miller asked for a motion to approve the Site Plan, with Ms. Lane's changes, for Simulation and Control Technologies at 430 Airport Road.

Motion Made: M. Hills  
Motion Seconded: T. Crowley  
MOTION: Approval of the Site Plan, with Ms. Lane's changes, for SCT at 430 Airport Road.  
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, M. Hills, C. Bullock, G. Ksenak  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**F. 724 Main Street, Dunkin',** Todd Markevicz and Skye Hansen, APD Engineering

1. Presentation: Update to Site Plan

Ms. Lane gave a brief summary about the history of the project. In 2020 the Planning Board approved the Dunkin' Donuts site plan but the plan called for a new entrance from Oakdale Road directly across State Route 17C and into the site. The NYS DOT had to consider all of the ramifications of changing the configuration of that intersection. During COVID, the NYS DOT was meeting remotely and everything took a long time to review.

Ms. Skye Hansen from APD Engineering gave a short summary of the project. She noted that they had finally received approval from the DOT in February. The site plan did not really change much. The only change on the updated site plan is that the driveway on Camden Street is now a two-way drive instead of a one-way drive because the DOT did not want people to turn left into the site at the Oakdale intersection light. Dunkin anticipates that local residents who get their morning coffee will be able to find the new way to enter the site relatively quickly. Ms. Hansen noted that they did not scale down the landscaping too much; they just relocated a lot of the landscaping and added more variety. Ms. Lane noted that they had developed a new SWPPP and that is what forced them to remove some of the original landscaping. They will have stormwater basins in the northeast and southeast corners of the site. Ms. Lane then distributed a letter from Ms. Hansen that listed the changes made to plans from the original approved set.

## 2. Vote on Final Site Plan

Ms. Lane then presented her staff report to the Planning Board. An application for the construction of a single-story, 1,840 square-foot Dunkin' fast-food restaurant at 724 Main Street, submitted on behalf of Bapa Network LLC, was approved on August 11, 2020. The property is zoned General Commercial (GC), and drive-through, fast food restaurants are a permitted use. The site plan meets all area and bulk requirements, so no variances are required. A former McDonalds used to be on the same site. The site has public water, sanitary sewer and municipal storm sewer.

Ms. Hansen updated the square footage of the building to 1,688 square-feet.

A Traffic Impact Study was required to address the reconfiguration of the entrance of the new Dunkin' to align with the intersection of Main Street and Oakdale Road. The NYS DOT and BMTS have signed off on the reconfiguration of the intersection, and including Main Street and Camden Street, as there will be one curb cut from the property onto Camden Street. All details pertaining to these reconfigurations will be detailed in the application for any Highway Work Permits with the DOT. Due to a lengthy review with the NYS DOT and subsequent changes to the site, the project requires a second site plan review with the Planning Board.

Ms. Hansen explained that the reconfigurations have already been approved by the DOT.

The parking requirement for a drive-through restaurant is one space per employee, plus four per 1,000 square-feet. Dunkin' plans to have 15 employees, and with a 1,688 square-foot footprint, 23 parking spaces are required. A total of 34 parking spaces are shown on the site plan, including two handicapped accessible spaces. Town Code requires a minimum of six stacking spaces, and the site has 6 stacking spaces for typical order and pick-up. A secondary stacking lane is provided for additional stacking. A right-in only access driveway is proposed from Main Street eastward into the site. The

Oakdale Road intersection will be reconstructed to permit direct access into and out of the site. The curb cut onto Camden Street will be two-way. The proposed hours of operation are Monday to Friday 5:00 a.m. to 10:00 p.m., Saturday 5:00 a.m. to 10:00 p.m. and Sunday 6:00 a.m. to 10:00 p.m.

The lighting plan meets Town requirements for no light trespass onto adjacent parcels. A landscaping plan has been submitted, and offers significant landscaping as a buffer for adjacent residential uses, in addition to a proposed six-foot high wooden fence. Landscaping has been revised but meets the spirit of the Code. The dumpster is enclosed and has attractive landscaping for additional aesthetic appeal for this highly visible location.

The applicant's proposal was classified as an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA) and the Planning Board made a Negative Declaration on August 11, 2020. The resulting site shall have less impervious area than pre-construction, but as over an acre of soil will be disturbed, a Stormwater Pollution Prevent Plan (SWPPP) has been submitted for erosion control measures during construction.

This location was subject to a 239-Review as it is on State Route 17C. In 2020, the Broome County Planning Department did not identify any countywide impacts, but had the following suggestion: the applicant should be made aware that the project site is located almost entirely within the preliminary FEMA special flood hazard area. Additional comments pertained to the site plan, and have been addressed per Town requirements.

BMTS stated that they are satisfied with the results of the Traffic Impact Study. Recommendations made during the review of the Traffic Impact Study were incorporated into the final design. Broome County Engineering commended the design of the site which significantly decreases impervious surface. Contact Matt Laine at the Health Department for food service permitting requirements at (607) 778-2814.

The Planning Department recommends approval of the revised site plan with the Broome County Health Department requirement for food service permitting, and the following stipulations:

1. The contractor shall utilize erosion control and stormwater runoff preventative measures during construction, per the approved SWPPP. No excavation or building permit shall be issued until the final SWPPP has been approved by the Consulting Engineer.
2. If necessary, the contractor shall apply for highway work permits from the Town of Union Highway Department prior to any work in the Camden Street right-of-way, including any restoration of sidewalks and curbs. Curbs, sidewalk, and all other infrastructure facilities to be restored must be installed and noted deficiencies corrected in accordance with Town Standards and the Planning Board plan by October 15<sup>th</sup> of the year in which street acceptance is requested. (*Section 181-19B[2]*)



3. The water service requires a backflow prevention device prior to the issuance of a Certificate of Occupancy. The device will be required to be installed and tested by a certified backflow device tester. The Village of Johnson City Water Department (607-797-2523) has approved the backflow prevention device, which shall be tested prior to the issuance of a Certificate of Occupancy, and annually thereafter and a report submitted to the Village of Johnson City Water Department.

4. The parking lot shall be striped according to Town Code Chapter 300, Article 51, Off-Street Parking, Loading and Stacking Regulations. The required handicapped-accessible parking spaces shall conform to the Property Maintenance Code of NYS, and shall be posted with signage displaying the international symbol of accessibility. The handicap parking access spaces shall be no less than eight-feet by eighteen-feet (8'x18'). All paving and striping shall be complete prior to the issuance of a Certificate of Occupancy.

5. Per Section 300-51.7 F. 13(e), one additional stacking space shall be added to the site plan in the lane which is served by the order box (*Restaurants: six spaces, measured from the order box*).

Ms. Lane removed the fifth stipulation because it had already been done.

6. The landscaping plan shall be installed by October 30, 2024. An extension of this deadline may be approved by the Planning Board.

7. The landscaping shall be maintained according to the landscaping plan, and any dead or dying plants shall be replaced with similar plants within one month, weather permitting. Failure to maintain such landscaping or to replace dead or diseased landscaping required by this chapter shall constitute a violation of these regulations 300-54.2.

8. The primary pylon sign location will be clarified on a final site plan.

Ms. Lane commented that right now the sign is within 8-feet of the property line, so they either need to change the position of the sign, or they will have to apply for a variance.

9. For any new signage, the applicant shall first apply for a sign permit from the Building Official prior to display. All temporary signs (including price signs), portable signs, or balloons 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.

10. Per 300-55.4, General Requirements,

A. All outdoor lighting fixtures shall be shielded or otherwise contained on the property from which it originates (known as "light trespass limitations").

B. To minimize the indiscriminate use of illumination, lighting, except as required for security, shall be extinguished during non-operating hours. Where practicable, lighting installations are encouraged to include timers, sensors, and dimmers to reduce energy consumption and unnecessary lighting.

11. Any new exterior lighting not shown on the lighting plan shall first be approved by the Code Enforcement Officer.

12. Per 300-54.15, the 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. Solid fences shall maintain an eight-foot setback from any street property line. Every fence shall be maintained in a safe, sound and upright condition.

13. Per NYS law, the Village of Johnson City Fire Marshall must be inspected all restaurants every year. It is the applicant's responsibility to coordinate that inspection by calling the Fire Marshall at (607) 729-0428, and every year after the issuance of the Certificate of Occupancy.

14. A Certificate of Occupancy shall be required before occupancy of the new building.

15. Site plan approval shall be valid for one year, unless substantial improvements have been made pursuant to the approved site plan and a valid building permit. The Planning Board may extend the Site Plan approval upon request.

16. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Changes to the site plan following approval may require a minor site plan review or resubmittal to the Planning Board, depending on the degree of change per Section 300-63.2.  
Applicability

Chairman Miller asked for a motion to approve the Revised Site Plan with corrections for Dunkin' at 724 Main Street.

Motion Made: S. McLain

Motion Seconded: G. Ksenak

MOTION: Approval of the Revised Site Plan with corrections for Dunkin' at 724 Main Street.

VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, M. Hills, G. Ksenak

**Opposed:** None

**Abstained:** None

Motion Carried

**G. NYSEG Training Facility, SPR and SUP for Expansion of Utility, 1195 Reynolds Road**

1. Declare Lead Agency

Chairman Miller asked for a motion to Declare Lead Agency

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

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

3. SEQRA Determination

Ms. Lane stated that Steve Calocerinos, LaBella Associates, submitted Part 1 of the full EAF on behalf of NYSEG. She read the project description from Part 1. “Construction of a new 34,048 square-foot, 3-story training center building, a replacement of an existing storage barn with a new, 14,667 square-foot pre-engineered metal building storage building, on an existing 37.4 acre site currently occupied by existing training facilities. Existing use is as a training facility. Use and student volume are not projected to change. Proposal is to provide more adequate training facilities.” Ms. Lane commented that when COVID came, NYSEG needed to expand their classroom space for training so they put temporary buildings up. Mr. Calocerinos added that there are three or four modular units which are assembled right next to each other. Those will be removed as part of this project and replaced with a larger three-story training facility building. There is an existing pole barn on site which is generally in the same location of the proposed pre-engineered metal building. This will be an enhanced storage and maintenance building for the vehicles and equipment that they use during training. Mr. Calocerinos confirmed that they will also still have training poles in this building.

A lot of the improvements on site were previously done as part of their facility expansion plan. They will be modifying an existing SWPPP which is still open. Most of the paving and parking has already been installed; there will be another five-foot strip to provide a loading dock lane. The parking will be restriped so that the parking spaces line up better with the proposed building. In general, the area around the pre-engineered building is partially asphalt paved and primarily highly compacted gravel. NYSEG proposes to pave around the building but whatever is stone is going to remain stone. The road entering the site will be widened another four-feet in some areas to provide a 24-foot width.

The stormwater management areas that were constructed as part of the previous expansion plan are going to remain, and will be enlarged slightly to accommodate the increased impervious area as result of this project. A couple of proposed small stormwater management areas are associated with the pre-engineered metal building.

Utilities run through the site currently and there is a sanitary sewer lateral that comes up the main driveway, and that was extended previously up to this proposed site. A water main runs through the site. A domestic water service is going to be tapped off the main and provided to those training facilities. A combined domestic and fire service will be tapped off the main and serve the pre-engineered building. That building will have a fire pump that will feed the training building for fire service. There will be backflow prevention devices for domestic and fire service in each building.

There is an application for a height variance. In a suburban multi-family zoning district the maximum height is 35-feet and the application is for a five-foot variance for the height of the building, in order to accommodate the equipment in the building. The Special Use Permit also needs to be amended since it is an extension of the facility.

Ms. Lane then reviewed Part 2 of the full EAF, which is an evaluation of responses completed by the applicant on Part 1. She explained how she used the references on Part 2 to specific questions on Part 1 to reach conclusions about the potential significance of the responses in Part 1, which are then summarized on Part 3.

She then reviewed Part 3, the Determination of Significance, with the Planning Board. NYSEG maintains a training center for both gas and electric facilities at 1195 Reynolds Road. The utility use is permitted by special use permit, and the expansion for the permanent classroom building will require a revised special use permit. NYSEG proposes replacing temporary classroom buildings with a permanent, three-story, 34,048 s.f. training center, and an existing high-bay structure with a 14,667 s.f. pre-engineered metal storage building. The site is 37.4-acres, and the area of disturbance is 2.3-acres, and requires a stormwater pollution prevention plan.

Impact on Land - the construction will take place for 24 months, in two phases, but the site is buffered from adjacent residential properties.

Impacts on Surface Water - the project will create stormwater runoff, which will be controlled with a series of detention ponds, swales, and additional existing stormwater management infrastructure.

Impact on Energy - the new structures will create an increased need for electricity, to be provided by NYSEG itself. The increase will be modest, that for a three-story building.

Impact on Noise, Odor and Light - there will be some general construction equipment noise during construction, and wall and pole lights typical for such a facility. Screening will be required to remediate noise and light impacts on adjacent residences.

Impact on Human Health - the site was formerly used for the disposal and storage of coal tar. It's remediation was completed in 2020, and poses no additional health hazards.

Mr. Calocerinos stated that site is under a consent order by the DEC and they do have a remediation plan in place. Their activities on the site will also be reviewed and approved by the DEC and there is a plan in place that if they are excavating certain areas, they will have to stage it and have the soil tested. If the soil is clean, it can just be put back on site; otherwise they will have to dispose of the hazardous waste offsite. Mr. Calocerinos said that it was just the upper two feet of the soil that is affected. He said that it was once common practice to dispose of coal tar and then cover it with dirt.

The Planning Board had several questions about the project. Mr. Calocerinos responded that the site was not designated as a brownfield site. There was also a question whether any methodical soil testing had been done to the site. Mr. Calocerinos answered that there was a testing program that was done as part of the development of their general plan. NYSEG has that report and he can certainly provide it. The report identified three areas on the site where coal tar could be encountered. They do have a plan in place throughout construction and the DEC will be reviewing it.

Mr. Calocerinos said that he believes that there is a backup generator on site that would have been installed in anticipation of this project. Mr. Calocerinos explained that NYSEG is responsible for implementing a plan and providing annual reporting to the DEC.

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

Motion Made: S. McLain  
Motion Seconded: M. Hills  
MOTION: Approval of the Negative Declaration under SEQRA

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

4. Advisory Opinion to the ZBA for a Height Variance for the new buildings

Per Ms. Lane, LaBella Associates submitted a site plan on behalf of NYSEG to replace temporary classrooms erected during the COVID pandemic with a three story training building, and to replace an existing high bay/pole barn with a new pre-engineered metal building at 1195 Reynolds Road. The property is located in a Suburban Multi-Family (SMF) District.

The proposal does not conform to the Town of Union Zoning Code in the following area:

- § 300-20.5 Table 20-4 Bulk Requirements. Maximum building height for nonresidential uses is 35-feet. Proposed is construction of a 3-story 40-high foot non-residential use training center building. This would require a relief in height of 5-feet.

Planning Department staff recommend the Planning Board recommend the Zoning Board of Appeals approve the variance. Per Mr. Calocerinos, the height of the structure is necessary to contain the electrical and mechanical equipment used between floors in the building.

Ms. Bullock asked what the rationale was to make the height requirement 35-feet in the Code. The site is in a Suburban Multi-Family zoning district because of the adjacent multi-family structures along Reynolds Road. The intention was to have a maximum of 35-foot high apartment buildings, not necessarily commercial facilities. The public utility use is permitted by Special Use Permit. Ms. Lane stated that it was a good question and she will use that when she writes her memo to the ZBA. The Planning Board members wanted to be sure that they were not going against the essence of the Code when they recommend approval for this variance.

Chairman Miller then called for a motion to recommend the ZBA approve the 5-foot height variance for 1195 Reynolds Road.

Motion Made:           T. Crowley  
Motion Seconded:      M. Jaros  
MOTION:                Recommendation of approval of the 5-foot  
                                  height variance for 1195 Reynolds Road by  
                                  the ZBA.  
VOTE                    **In Favor:** L. Miller, M. Jaros, S. McLain,  
                                  T. Crowley, C. Bullock, M. Hills, G. Ksenak

**Opposed:** S. Forster

**Abstained:** None

Motion Carried

5. Call for Public Hearing for a Special Use Permit for the expansion of a utility, to be held at the 7:00 p.m. Planning Board meeting July 11, 2023.

Chairman Miller asked for a motion to call for Public Hearing for a Special Use Permit for the expansion of a utility, to be held at the 7:00 p.m. Planning Board meeting July 11, 2023.

Motion Made: S. McLain

Motion Seconded: C. Bullock

MOTION: Call for Public Hearing for a Special Use Permit for the expansion of a utility, to be held at the 7:00 p.m. Planning Board meeting July 11, 2023.

VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, T. Crowley, C. Bullock, M. Hills, G. Ksenak

**Opposed:** None

**Abstained:** None

Motion Carried

Ms. Lane had concerns about some of the trees that were originally required for screening the high bay building due to residential homes adjacent to the site. She asked how much of a buffer is being removed along the east side of the property between the residents. Mr. Calocerinos responded that the east side of the property is wooded for a fair distance down the hill and they are taking a little bit off to expand the stormwater areas, but they will take another look to make sure that there are still a hundred feet of trees remaining. They will also look into replacing some of the trees by the pre-engineered metal building.

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

Ms. Lane stated that Mr. Curtiss was supposed to have his parking lot paved by the end of May, but he came in to explain that he has someone working on it but the contractor could not fit it into his schedule until the end of June. After having that conversation with Mr. Curtiss, Ms. Lane suggested that the Planning Board extend the deadline until the end of July.

1. Extension of Paving Parking Lot Deadline

Chairman Miller asked for a motion to for an extension of Paving Parking Lot Deadline until July 31, 2023, at 1787 Union Center-Maine Highway

Motion Made: C. Bullock

Motion Seconded: T. Crowley

MOTION: Approve Extension for Paving Parking Lot until July 31, 2023, at 1787 Union Center-Maine Highway.

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

#### I. Other Such Matters as May Properly Come Before the Board

Ms. Lane summarized the minor site plan reviews that she had completed. She explained that the degree of change is the determining factor whether a project will go through regular site plan review with the Planning Board or a minor site plan review. The North Seward cell tower had an equipment upgrade. Hustle Fitness moved into a space in 3320 Watson Boulevard plaza, which used to be a fitness and dance studio. The Town Hall and police building are undergoing flood mitigation projects because of two previous flood events. The addition on 3121 E. Main Street does not create a need for new parking so it is a minor site plan review. Bob Kashou is replacing some of his grass field with turf at the Binghamton Sports Complex. Equipment upgrades were approved for the cell tower at 331 Skye Island Drive.

Ms. Lane explained that a neighbor across the street from Storage Sense on 301 Glendale Drive complained that he sees all the outdoor storage from the front porch of his house. When the Planning Board approved the outdoor storage, we looked from the road and you really don't see anything, so we didn't realize that this would be a problem. She is going to meet with this neighbor to discuss the situation. Per code, Storage Sense will have to provide screening. She is not sure whether it will be a six-foot or eight-foot high fence. Ms. Lane would have preferred trees but the site is so wet that trees do not have a good success rate.

There have been no noise complaints about the Fairways tavern.

A flyer about the proposed Watson Boulevard walking path has been sent to residents to make them aware of the proposed project.

#### J. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 9:30 p.m.

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



**Next Meeting Date**

The next meeting of the Planning Board is tentatively scheduled for Tuesday, July 11, 2023, at 7:00 p.m.

Respectfully Submitted,  
Carol Krawczyk