

Town of Union Planning Board Minutes

Tuesday, July 11, 2023

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

Members present: L. Miller, M. Jaros, S. McLain, C. Bullock, N. Sarpolis,
G. Ksenak (Alternate)

Members absent: T. Crowley

Others present: Marina Lane, Pete Stanko, Barbara Stanko, Rochelle Lane, Bill Didas, Marie Didas

A. CALL TO ORDER

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

B. MEETING MINUTES

1. Acceptance of June 13 Meeting Minutes and Public Hearings: Postponed

C. 520 Boswell Hill Road, Small-Scale Solar Project, Peter and Barbara Stanko

1. Declare Lead Agency

Chairman Miller asked for a motion to Declare Lead Agency.

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

2. Classify as an the Project as a Type II Action under SEQRA

Chairman Miller asked for a motion to classify the project as a Type II Action under SEQRA

Motion Made: C. Bullock
Motion Seconded: N. Sarpolis
MOTION: Classify as a Type II Action under SEQRA
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain,
C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

3. Site Plan Review

Ms. Lane reminded the Planning Board that Peter and Barbara Stanko live across the road from the 5 megawatt solar farm that the Planning Board had recently approved. The Stankos have decided to put a small-scale solar project behind their house at 520 Boswell Hill Road.

Ms. Lane presented her report to the Planning Board. Renovus Solar applied on behalf of residents Peter and Barbara Stanko to install a small-scale ground-mounted solar array at 520 Boswell Hill Road. The 20.27-acre property is in a Rural Residential zoning district and small-scale solar projects are permitted in all zoning districts. The solar array will be 7.6 kW d.c., consisting of just under 574 square-feet of array surface area. Ground-mounted solar projects on properties greater than three-acres require site plan approval from the Planning Board.

Ms. Lane noted if the property were less than 3-acres, the project would have required a special permit like the project on Hooper Road.

Per § 161-5.C., all ground-mounted small-scale solar energy systems must be installed in side or rear yards. The proposed location of the solar array is behind the house at 520 Boswell Hill Road. Neighbors to the west of the property (front side and across the road) will not see the array, and there are existing full-grown trees on the south side of the property screening the one neighbor to the south. The remainder of the property is surrounded by woods to the north and east, owned by the Stanko family.

Ms. Lane had included an aerial photograph of the property so that the Planning Board members could see the location of the project in relation to the other houses in the area. The neighbors across the road can see the house, but will not see the array behind the house.

The location of the solar collector meets all applicable setback requirements for accessory structures in the Rural Residential zoning district, being located in the rear yard and located no less than 164-feet from any rear or side property line, where the minimum required for an accessory structure is 10-feet.

Under the requirements of Section 617.5(c), the project encompasses less than 4,000 square-feet, therefore the Planning Board classified the project as a Type II Action on July 11, 2023, and no further environmental review is required. A stormwater management plan is not required.

The property is subject to a 239-Review because it is within 500-feet of several NYS Ag District farms. Broome County Planning did not identify any intercommunity impacts. B.C. Health and Office of Emergency Services had no comments.

The staff recommendation is to approve the site plan for a small-scale 7.6 kW solar array at 520 Boswell Hill Road, with the following stipulations:

- 1) § 161-5.C.(f) Solar energy collectors and equipment shall be located in a manner to minimize (i) visual impacts and view blockage for surrounding properties, and (ii) shading of property to the north, while still providing adequate solar access for collectors.
- 2) Per § 161-5.C. (g), The Planning Board shall have discretion to determine the method and location of screening required. If the applicant proposes to use landscaping to screen the facility, the landscaping must be maintained and/or replaced, as necessary.
- 3) Per § 161-5.C. (e), the height of the solar collector and any mounts shall not exceed 15 feet when oriented at maximum tilt.
- 4) Per § 161-5.D., Abandonment and Decommissioning. If a solar collector or system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector or system, mount(s) and associated equipment by no later than 120 days after the end of the 12-month period. If the Building Inspector or Code Enforcement Officer receives a complaint, or requests access to inspect a Small-Scale Solar Energy System or Solar Thermal System, to assess whether the system is operating as originally designed, the property owner shall allow access to the property and facility for testing. If it is determined after testing or inspection that the solar collector or system is not producing at least 50% of the energy it was originally designed to generate, the solar collector or system shall be removed or replaced within 120 days of notice from the Building Inspector or Code Enforcement Officer.
- 5) The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to the issuance of a building permit.

Asked about the size of the solar project, Mrs. Stanko answered there will be 20 panels in their solar array and their property is about 20 acres. The Stankos decided not to put the array on their roof because the weight of the system would have a structural impact on their roof. Mr. Stanko stated that NYSEG estimates that they will pay \$19 a month for their electricity once the system is connected. Energy goes into a bank during the summer months, and is withdrawn during the winter months.

Chairman Miller asked for a motion to approve the Site Plan for 520 Boswell Hill Road, with stipulations.

Motion Made: G. Ksenak
Motion Seconded: C. Bullocks
MOTION: Approval of the Site Plan Review for 520 Boswell Hill Road, with stipulations.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

D. 4416 Watson Boulevard, New Retail Use, The Shops of 607, Rochelle Lane

1. Declare Lead Agency

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,
C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

2. Classify as an the Project as a Type II Action under SEQRA

Chairman Miller asked for a motion to classify the project as a Type II Action under SEQRA

Motion Made: N. Sarpolis
Motion Seconded: M. Jaros
MOTION: Classify as a Type II Action under SEQRA
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain,
C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

3. Site Plan Review

Ms. Marina Lane introduced Rochelle Lane, the applicant for The Shops of 607, and Bill and Marie Didas, the property owners. Ms. Rochelle Lane explained she had received a letter to vacate her space at the Oakdale Commons Mall. She was in a hurry to house the individual vendors of the business when she noticed the for-rent sign on the building at 4416 Watson Boulevard. The site has a lot of personal history for Ms. R. Lane and since it was available, she decided to rent the property for the business.

When Ms. R. Lane applied for a sign permit, she discovered that she should have gone through the planning process before she moved into the building. The Planning Department allowed The Shops of 607 to remain in the building because the retail use is a permitted use and Ms. Rochelle Lane immediately met with the Planning Department to do the necessary paperwork.

Ms. M. Lane presented her report to the Planning Board. Rochelle Lane applied to relocate a vendor-run retail business from the former Oakdale Mall to 4416 Watson Boulevard. The existing two-story house was recently used as an adult daycare, then a music studio, and is currently vacant. Ms. R. Lane

plans to use the first floor of the building for individual vendors to display and sell an assortment of merchandise, much of it handmade, and the upstairs rooms will be used for office space, storage, and occasional group classes. Vendors will manage the store on a rotating basis, with no additional employees anticipated. The property is located in a General Commercial zoning district and the retail use is permitted.

The parking requirement for retail use is 4/1,000 square-feet of actual retail floor space. The parking requirement for office space is 5/1,000 square-feet of office use. Of the 2,575 square-foot building, Ms. Lane intends to use approximately 734 square-feet for retail area, and approximately 390 square-feet of the second floor for office space, in addition to restrooms, storage space, and general hallways, etc. As such, the parking requirement is 5 spaces. The 0.67-acre property has a minimum of 14 existing parking spaces, including one accessible space and access ramp closest to the accessible ramp on the front porch, and there is a garage in the rear. The building has a handicapped-accessible restroom on the first floor. The hours of operation will be Tuesdays through Sundays.

The property has public water and sanitary sewer service, and stormwater drains to the municipal drainage facility immediately to the east.

Planning Board members' reviewed an aerial photo of the site showing four properties that are owned by Mr. Didas. Ms. M. Lane explained that if they had a big event and needed more parking, patrons could use parking at his other properties. There is a culvert east of the property for drainage.

The project is the reuse of an existing commercial building with no exterior changes and the Planning Board therefore determined the project to be a Type II Action under SEQRA. No further environmental review is required. With no exterior modifications, a stormwater management plan was not required.

The project is subject to a 239-Review as it is on Watson Boulevard, County Route 56. Broome County (B.C.) Planning had no concerns, but reminds the applicant that the entire site is within the existing 100-year floodplain. B.C. Engineering requires that nothing be placed within the County right-of-way, including signage, fencing, plantings, or parking. Additionally, any existing encroaching items will need to be removed. Similarly, the NYS DOT comments that the property line along NYS Route 17 is designated an FEE Without Access. No access or work in the State right-of-way across this highway boundary will be permitted. No signs or any other items may be placed within the State right-of-way.

The staff recommendation is to approve the site plan with the following stipulations:

1. No cannabis products may be sold at this property. It is not within the Cannabis Business Overlay District.
2. The existing backflow prevention device shall be test annually and a

report submitted to the Village of Johnson City Water Department (607-797-2523). The next test date should be on September 1, 2023.

3. The required handicapped-accessible parking 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').

4. The building shall meet the NYS Fire Prevention and NYS Building Codes. Contact the Code Enforcement Office to arrange for a fire safety inspection at (607) 786-2920. Once the retail space is determined to meet all NYS Building Code requirements, Code Enforcement shall issue a Certificate of Compliance.

5. Per NYS law, commercial businesses must be inspected by a Town Code Enforcement Officer every three years. It is your responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920, first to conduct the initial inspection prior to the issuance of a Certificate of Compliance, and thereafter every three years after the issuance of a Certificate of Compliance.

6. If a sign is desired, the applicant shall apply for a sign permit from the Building Official prior to posting the sign. This includes the replacement of a sign face on an existing sign structure. All temporary or portable signs, including flag signs, shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property, as they may not be permitted. Signs that blink, rotate, or move are not permitted.

7. If the applicant or owner wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.

8. Unless substantial improvements have been made pursuant to the approved site plan, site plan approval shall expire after one year. The Planning Board may extend site plan approval upon written request.

9. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance, but no later than July 31, 2023. The applicant shall agree to follow the stipulations of approval in strict accordance with the site plan. Changes to the site plan following approval may require a minor site plan review or submittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

There were some comments about the first stipulation regarding the sale of cannabis. Going forward, Ms. M. Lane will include this stipulation for all retail establishments not in the Cannabis Business Overlay District. This stipulation will serve as a reminder to businesses that the sale of cannabis in the Town of Union is restricted to very specific areas. Ms. Marina Lane does not expect that the cannabis stipulation will be a problem for this business since it is a more high-end arts-centered type of business.

Chairman Miller asked for a motion to approve the Site Plan for 4416 Watson Boulevard, with stipulations.

Motion Made: N. Sarpolis
Motion Seconded: S. McLain
MOTION: Approval of the Site Plan Review for 4416 Watson Boulevard, with stipulations.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

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

Call for a Public Hearing for a Special Use Permit for expansion of a utility, to be held at the 7:00 p.m. Planning Board Meeting on August 8, 2023

Chairman Miller asked for a motion to call for Public Hearing for a Special Use Permit for expansion of a utility to be held at the 7:00 p.m. Planning Board meeting on August 8, 2023.

Motion Made: S. McLain
Motion Seconded: N. Sarpolis
MOTION: Call for Public Hearing for a Special Use Permit for expansion of Utility to be held at the 7:00 p.m. Planning Board meeting on August 8, 2023.
VOTE: **In Favor:** L. Miller, M. Jaros, S. McLain, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

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

Ms. Lane updated the Board on what is happening with Storage Sense at 301 Glendale Drive. The neighbors across the street from Storage Sense have a very visible view of the stored vehicles on the property. Therefore, Storage Sense has come to an agreement with the Planning Department that they will install a 6-foot fence to screen the outdoor storage from the public.

Ms. Lane met with Mr. Walsh and the Army Corp of Engineers about the property at 3901 and 4101 Watson Boulevard. Mr. Walsh will have to provide a new delineation of the wetlands on these properties.

The NYSEG public hearing has been moved to the August meeting because the ZBA was not able to meet before the July Planning Board meeting.

Mr. Phillip Leber has contacted Ms. Lane about the Glendale and Bingo Solar projects, and he hopes to have everything together for these projects by the end of July.

G. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 7:35 p.m.

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

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, August 8, 2023, at 7:00 p.m.

Respectfully Submitted,
Carol Krawczyk