

Present: Gerald Putman, Chairman
Andrew Holbert, Vice Chairman
Thomas Sheredy

Absent: Joanne Drimak, Secretary
Donald Slota

Also Present: Diane Busko, Clerk to the Planning & Zoning Boards
Jeff Jacobs, Attorney for the Village
Marina Lane, Town of Union Senior Planner

A brief work session was held at 7:00pm. The board discussed the agenda and reviewed the applications.

Chairman Putman called the meeting to order at 7:30pm & noted the emergency exits.

MINUTES

A motion to approve the minutes of the May 24, 2016, June 28, 2016 and July 26, 2016 regular meetings was made by Mr. Holbert and seconded by Mr. Sheredy. The motion carried with all those present voting in the affirmative.

PRIVILEGE OF THE FLOOR - None

COMMUNICATIONS – None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

Spirit Halloween - 560 Harry L. Drive ***Advisory Opinion – Sign Variance***

American Sign & Engraving has submitted an application on behalf of Spirit Halloween to install a temporary banner on the rear face of the commercial building at 560 Harry L Drive, the former Weis Market space. Per Code 300-52.5, a banner may be permitted only as a temporary sign to communicate the opening of a new business for a total of 10 days. The banner measures 4' by 20' and would be attached to the rear of the building facing Route 17. American Sign & Engraving is applying for an area variance to extend the allowable time for Spirit Halloween to display the temporary banner from 10 days to 90 days.

Kevin Reardon with American Sign & Engraving was present on behalf of the applicant.

Mr. Reardon reviewed the request. They have the permission of the building owner, the Akel Family. This sign will help the business increase sales resulting in an increase in sales taxes, and an increase in jobs.



Chairman Putman asked when the business will open. Mr. Reardon explained that they are open now with a soft opening. Chairman Putman asked when the business will close for the season. Mr. Reardon stated that he did not know. There is a sign on the front of the building.

Chairman Putman read the department head and staff comments.

Department Head & 239-Review Comments

- Police:** No compelling interest.
- Fire:** No compelling interest.
- Code Enforcement:** No comment / no objections.
- Public Works & Water:** No compelling interest.
- Planning Department:** The Planning Department staff recommends:
Approval of the time period for the display of the banner to 90 days, to be located on the rear of the former Weis building on the same space as were mounted previously permitted signs. As recommended by the NYS DOT and BC Planning, Planning staff recommends the banner be removed as soon as the Halloween store closes for the season. Previously, Giant Markets and Weis Market had a sign in the same space on the rear of the building. The new business is seasonal, and the owners would like visibility from Route 17 for potential customers prior to Halloween.
- B.C. Planning Dept.:** No significant countywide or intercommunity impacts identified, but recommend that the sign be displayed only during the time period that the Halloween store is in operation.
- NYS DOT:** This banner is okay as long as it is restricted to being there within the time period during which the Halloween store is in operation with an active opening/closing hours schedule.

A motion to recommend approval of the variance to the Zoning Board of Appeals for up to 90 days or until the store closes for the season was made by Mr. Sheredy and seconded by Mr. Holbert.

Motion Carried - Vote:

Yes – 3 (Sheredy, Holbert, Putman) No – 0 Absent – 2 (Drimak, Slota)

Agron Cekic – 31 Broad Street

Declare Lead Agency

Declare Unlisted Action

SEQR

Advisory Opinion – Parking Variance

Set Public Hearing for September 27, 2016

Agron Cekic has submitted an application to convert an 825 square-foot space into a take-out restaurant (pizza/deli) in an existing mixed-use building located at 31 Broad Street in a Neighborhood Commercial Zoning District. The take-out restaurant use is permitted by Special Permit from the Planning Board. The building currently consists of one commercial space on the first floor and one two-bedroom and one three-bedroom apartment on the second floor. The



proposed take-out restaurant will also provide seating for eight (8) customers. There is no parking at the site and the seating requires 4 parking spaces. An area variance for four (4) parking spaces is required. There are approximately 50 parking spaces on the adjacent municipal lot which is in a Central Business zoning district.

The applicant, Mr. Agron Cekic, was present.

Mr. Cekic reviewed his request and explained the type of pizza place he is planning to create.

Lead Agency

A motion to declare the Planning Board as Lead Agency for the purposes of SEQR was made by Mr. Holbert and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 3 (Sheredy, Holbert, Putman) No – 0 Absent – 2 (Drimak, Slota)

Unlisted Action

A motion to declare the action an unlisted action under SEQR was made by Chairman Putman and seconded by Mr. Holbert.

Motion Carried - Vote:

Yes – 3 (Sheredy, Holbert, Putman) No – 0 Absent – 2 (Drimak, Slota)

SEQR

Chairman Putman explained that a SEQR Full Environmental Assessment Form has been prepared and reviewed.

The board, having reviewed Part I, Part II and Part III of the SEQR Full Environmental Assessment Form has determined that there will not be any significant adverse environmental impacts with respect to the project, therefore a motion was made by Mr. Holbert and seconded by Mr. Sheredy declaring the action a Type 1 action and finding that the proposed action will not have a significant adverse environmental impact and authorizing the Chairman to sign the Negative Declaration.

Motion Carried - Vote:

Yes – 3 (Sheredy, Holbert, Putman) No – 0 Absent – 2 (Drimak, Slota)

Chairman Putman read the department head comments.

Department Head and 239-Review Comments

Code Enforcement: Parking is required at a rate of 0.5 spaces per seat if there is any seating, or 2 spaces per 1,000 square feet if the use is only take-out.

DPW: There is not much room for plumbing but it will have to be redone to install a backflow prevention device. Details are needed for the three-quarter inch meter location, and a grease trap is required.

Police: No compelling interest

BC Health Dept: The applicant should contact Mark Mancini at 778-2810 for information on BCHD restaurant permitting requirements. This should happen before work begins on the facility.

BC Planning Dept: No concerns for intercommunity impacts, but recommend that the project



site should include landscaping at the building entrance. *The building fronts on the municipal sidewalk so landscaping is not permitted.*

BMTS:

No comments.

Planning Dept:

The Planning Department staff recommends that the Planning Board recommend to the ZBA approval of the area variance for four parking spaces. The Planning Department staff notes that the four (4) required parking spaces for the take-out business will not place a burden on the adjacent municipal parking lot. If the variance is granted, the Planning Board will hold a Public Hearing for a special permit for the take-out restaurant use. If the Special Permit is approved, the Planning Board will conduct a site plan review.

A motion to recommend approval of the parking variance for 31 Broad Street to the Zoning Board of Appeals was made by Mr. Sheredy and seconded by Mr. Holbert.

Motion Carried - Vote:

Yes – 3 (Sheredy, Holbert, Putman) No – 0 Absent – 2 (Drimak, Slota)

A motion to set a public hearing for a special permit at 7:30pm on September 27, 2016 was made by Mr. Holbert and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 3 (Sheredy, Holbert, Putman) No – 0 Absent – 2 (Drimak, Slota)

Oakdale Valley Associates – 801 Valley Plaza Drive

Declare Lead Agency

Declare Unlisted Action

SEQRA Determination

Site Plan Review

Oakdale Valley Associates, LLC, has submitted an application to open a former daycare facility back into a daycare, following the 2015 approval of a multi-family facility for the same building. The building is located at 801 Valley Plaza (#143.37-1-47), the property is zoned General Commercial (GC), and the daycare is a permitted use by right. The building has existing utilities extending through the neighboring property, and there is a utility easement filed with the deed. As there will be in no increase in impervious area, there is no post-renovation stormwater remediation required. The existing sign base will be used for a future sign. The parking requirement for a daycare is one space per every six children and one per employee. There are 26 parking spaces available on site, which permits a maximum of 72 children and 12 employees.

Mr. Ed Gent, Mr. Rick Searles and the operator of the proposed daycare center (name is unintelligible on the recording) were present.

Mr. Gent reviewed the request. The landscaping will be cleaned up and enhanced. There is lighting on all 4 sides of the building and the property is fenced. The inside needs to be renovated.



Chairman Putman asked how many children they expect the center to be licensed for. Mr. Gent said the site will support 72 children and 12 employees. The operator stated that they will be licensed to the maximum they can be, so 72 children.

Chairman Putman asked the ages of the children. The operator explained from 6 weeks to 13 years before and after school. Chairman Putman asked if they will be providing daycare or early child care education. The operator said they will provide both. They already have a location in Endicott, "The Learning Ladder" which is licensed for 110 children. There are 104 children there currently. They have been there for 3 years.

Chairman Putman asked when they plan to start. The operator stated as soon as possible with completion by January 1st at the latest.

Chairman Putman read the department head comments.

Department Head and 239-Review Comments:

The project was subject to a 239-Review as it is within 500 feet of state road 17C. The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA), and the Planning Department recommends a Negative Declaration. The following comments are from the internal and 239-Review:

Code Enforcement: Any new striping of any parking lot will have to conform to the Property Maintenance code of NYS and include the new accessibility symbol.

Fire Department: Remove the fire service line from the site plan. Carbon monoxide detectors are required.

Police Department: No comments.

Public Works & Water: No comments.

Planning Dept: The Planning Department recommends approval of the site plan, with the requirements from the Code Enforcement, and the following stipulations:

1. The Fire service line shall be removed from the site plan prior to the issuance of a building permit.
2. A landscaping plan shall be submitted to the Planning Department for review and approval prior to the issuance of the Certificate of Compliance. This plan may include existing landscaping and shall follow the spirit of Article 54, Landscaping, Screening and Buffering Regulations. Landscaping shall be planted no later than June 30, 2017.
3. The landscaping shall be maintained at all times. Should plants die or weaken substantially, they shall be replaced. Should the property owner wish to change types of plantings, a new landscaping plan shall be submitted to the Planning Department for review and approval prior to the change of plants, and shall follow the spirit of Article 54, Landscaping, Screening and Buffering Regulations.



4. Any signage shall be submitted to the Code Enforcement Officer prior to installation for review and approval. All temporary signs (including price signs), portable signs, search lights, balloons, sidewalk and curb signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that blink, rotate, or move are not permitted.
5. If any new lighting is proposed, the applicant shall first submit a lighting plan to the Code Enforcement Officer for review and approval.
6. Details for the dumpster enclosure shall be submitted to the Planning Department for review prior to installation and prior to the issuance of the Certificate of Compliance. Per Code 300-54.6, dumpsters in or adjacent to residential uses shall be screened from view with either a wall, a solid fence or a combination of fencing and evergreens creating a solid visual barrier to a height of at least five feet above grade.
7. If any approved site improvements are not complete prior to the request for a Certificate of Compliance, the Building Official may issue a Temporary Certificate of Compliance and the applicant shall provide a performance bond, or other form of guarantee approved by the Village Attorney for the cost of site improvements not completed. The bond shall be posted to the Village Board of Trustees prior to the issuance of the temporary or permanent Certificate of Compliance. The bond shall cover a period of one (1) year.
8. 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.
9. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a Certificate of Compliance. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board.

B. C. Planning:

No significant county-wide or inter-community impacts associated with the project; however the department had the following comments: 1.) B.C. Planning recommends that the applicant should be made aware of the risks of developing in the Preliminary FEMA 100-year floodplain. 2.) B.C. Planning recommends that the project include a landscaping plan and a lighting plan.

BMTS:

No comments.

B.C. Health Department:

No comments



Lead Agency

A motion to declare the Planning Board as Lead Agency for the purposes of SEQR was made by Mr. Holbert and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 3 (*Sheredy, Holbert, Putman*) **No** – 0 **Absent** – 2 (*Drimak, Slota*)

Unlisted Action

A motion to declare the action an unlisted action under SEQR was made by Mr. Holbert and seconded by Mr. Sheredy.

Motion Carried - Vote:

Yes – 3 (*Sheredy, Holbert, Putman*) **No** – 0 **Absent** – 2 (*Drimak, Slota*)

SEQR

Chairman Putman explained that a SEQR Short Environmental Assessment Form has been prepared and reviewed.

The board, having reviewed Part I, Part II and Part III of the SEQR Short Environmental Assessment Form has determined that there will not be any significant adverse environmental impacts with respect to the project, therefore a motion was made by Chairman Putman and seconded by Mr. Sheredy finding that the proposed action will not have a significant adverse environmental impact and authorizing the Chairman to sign the Negative Declaration.

Motion Carried - Vote:

Yes – 3 (*Sheredy, Holbert, Putman*) **No** – 0 **Absent** – 2 (*Drimak, Slota*)

Site Plan Review

A motion to approve the site plan for 801 Valley Plaza Drive was made by Mr. Holbert and seconded by Mr. Sheredy.

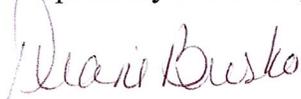
Motion Carried - Vote:

Yes – 3 (*Sheredy, Holbert, Putman*) **No** – 0 **Absent** – 2 (*Drimak, Slota*)

ADJOURNMENT

A motion to adjourn the meeting at 8:10pm was made by Mr. Holbert and seconded by Mr. Sheredy. The motion carried with all those present voting in the affirmative.

Respectfully submitted,



Diane Busko
Planning Board Clerk

