

Present: Gerald Putman, Chairman
Andrew Holbert, Vice Chairman
Donald Slota
Greg Matyas
Mary Jacyna

Also Present: Nathan VanWhy, 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 and noted the emergency exits.

MINUTES

A motion to approve the minutes from the October 23, 2018 meeting was made by Ms. Jacyna and seconded by Mr. Slota. The motion passed with all those present voting in the affirmative.

PRIVILEGE OF THE FLOOR

Chairman Putman opened the privilege of the floor.

Chairman Putman closed the privilege of the floor.

COMMUNICATIONS - None

CONTINGENCIES - None

OLD BUSINESS - None

NEW BUSINESS

Mark Dellapenna – 37 & Portion of 35 Burns Street

Agree to Village Board as Lead Agency, Advisory Opinion re: Petition to Rezone from Urban Single Family to Industrial
Unlisted Action

Mr. Mark Dellapenna, the owner of 35 and 37 Burns Street appeared on behalf of the application. Mr. Dellapenna bought 35 Burns Street from an estate sale. He noticed the lot next door was overgrown and had a lot of garbage, so seven years ago he decided to buy it from the State and clean it up. The property sat for seven years, and recently he parked an excavator on the property, which turned out to be a violation. He is asking the Board to consider rezoning the property. The properties behind 35 and 37 Burns are zoned Industrial. If the Village were to extend the Industrial zoning to these lots, it would help him with his small business of about ten men. The lot would only be used if he had to stage a truck there during the busy season. If a truck is broken, they would park it there and it might sit there for two or three months. His business is at 7 Burns Street. He won't be able to use this lot at all unless the rezoning is approved. The property is in the flood zone and he can't build on it, so he would just continue to mow it. Daria Golazeski suggested Mr. Dellapenna also try and rezone the back part of 35 Burns Street due to meeting minimum lot dimension requirements.



Mr. Matyas questioned the dimensions.

Marina Lane confirmed the lots at 35 and 37 Burns Street are both 55 x 150. Mr. Dellapenna submitted the petition to rezone 37 Burns Street and a 32-foot by 55-foot portion of the rear of 35 Burns Street from Urban Single Family to Industrial. The proposal includes combining the 1,760 square-feet of 35 Burns Street into 37 Burns Street in order to meet the minimum lot size requirement under Industrial zoning of 10,000 square feet. With the remainder of 35 Burns Street being 6,490 square feet, it would still exceed the minimum lot size of 6,000 square feet required for a two-family in an Urban Single Family zoning district.

Chairman Putman advises this would give him the 10,000 square feet he needs.

Mr. Dellapenna further states that there is an 18-foot egress and ingress, and showed on a site plan six parking spots that they would probably not use, but he will keep it clean.

Discussion followed between Ms. Lane, the Planning Board members, and Mr. Dellapenna regarding what will be required if the property is rezoned, including parking and fencing the property.

Chairman Putman read the Staff Report including Department Head Comments.

Department Head Comments:

- **Broome County Planning:** Pending
- **BMTS:** Pending
- **Broome County Engineering:** Pending
- **NYS DOT:** Pending
- **B.C. Health Department:** Pending
- **Police:** Pending
- **Fire:** Pending
- **Code Enforcement:** Has Concerns – It's the residential part of Burns Street. Unfortunately, Code Enforcement was not contacted before NYS DOT sold the property. Fence has been opened so there is free access to highway bank. Partially in current flood zone.
- **Public Works & Water:** Pending
- **Planning Department:** Planning staff recommends that the Planning Board recommend to the Village Board of Trustees that the application to rezone 37 Burns Street and a portion of 35 Burns Street to Industrial be denied.

Per § 300-62.8. Review criteria, in reviewing and making decisions on Zoning Map amendments, the Planning Board and Village Board of Trustees must consider at least the following criteria:

1. Whether the proposed rezoning is in substantial conformance with adopted plans and policies affecting the area proposed to be rezoned;
2. Whether the rezoning will substantially harm the public health, safety or general welfare or the value of nearby properties;
3. Whether the rezoning is compatible with the zoning and use of nearby property;
4. The suitability of the subject property for the uses and development to which it has been restricted under the existing zoning regulations; and
5. The gain, if any, to the public health, safety and general welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.



- The proposed zoning district is not consistent with the Future Land Use Plan adopted in 2009, which recommends Medium Density Residential land uses for the area.
- Although the proposed rezone to Industrial would not be spot zoning, potential uses could have negative health and economic impacts on the existing residential properties that are adjacent to and face the project property.
- There is no hardship under current zoning as the properties can be used residentially.
- Industrial uses are not suitable in the floodplain. Adding industrial uses to an area that floods increases the potential for flood-related contamination to the environment.

Chairman Putman confirms there will be no structure on this property. Attorney VanWhy states in the context of a rezoning, we can't put a condition on a zone. We can't say it can only be used for storage.

The Planning Board, Ms. Lane and Attorney VanWhy discussed Special Permits and Site Plans under the zoning code.

A motion to recommend approval of the rezoning of a portion of 35 Burns Street and 37 Burns Street to Industrial and to declare the Village Board as Lead Agency was made by Mr. Slota and seconded by Mr. Holbert.

Motion Carried - Vote:

Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0

Howard Newman – 104 N. Baldwin Street

Declare Lead Agency, Unlisted Action, Call for a Public Hearing for a Special Permit to have a parking lot to be held on December 17, 2018.

A motion to declare lead agency, declare as unlisted action and call for a public hearing for 104 N. Baldwin Street was made by Mr. Holbert and seconded by Mr. Slota.

Motion Carried - Vote:

Yes – 5 (Matyas, Jacyna, Holbert, Slota, Putman) No – 0 Absent – 0

ADJOURNMENT

A motion to adjourn the Planning Board Meeting was made by Ms. Jacyna and seconded by Mr. Slota. The motion passed with all those present voting in the affirmative.

The meeting was adjourned at 7:58pm.

Respectfully submitted,

Kim Cunningham
Planning Board Clerk

