

Testimony of a Public Hearing of the Town of Union Planning Board held at the Town Office Building, 3111 East Main Street, Endwell, NY, Tuesday, November 1, 2016, at 7:07 PM.

PRESENT:

Members present: L. Miller
L. Cicciarella
S. McLain
S. Foster
T. Crowley

Others present: Marina Lane
James Tofte
Carl Guy
Allan Eagles
Robert Larnerd
Dan Buchanan
Jim Tiesi
Cheryl Sacco
John Sacco
Paul Woodward
Alan Moyle
Ken Jackson
Justin Marchuska

MS. MILLER: The Town of Union Planning Board will conduct a public hearing relative to an application by Carl Guy of Fahs Construction Group, on behalf of Allan and Jessica Eagles, for a Special Permit for floodplain development in a General Commercial zoning district, located at 3658 River Road (property tax map number 142.18-1-29). The project will use fill from an adjacent road repair project in the same floodplain and does not include any construction.

The public hearing will take place on Tuesday, November 1, 2016, at 7:00 PM in the Town Board Meeting Room on the second floor of the Town of Union Office Building located at 3111 East Main Street, Endwell, New York. The application is available for review in the Town of Union Planning Department (at the address listed above) during normal business hours (8 AM to 4PM).

MS. MILLER: Any comments or questions? If you do have any questions or comments we request that you give your name and address, and try to keep your comments from three to five minutes.

MS. LANE: Jim, would you like to give us a short presentation of the project?

MR. TOFTE: This project is taking advantage of the construction by the Hooper Road bridge. We will be using the spoils from this DOT road project which is in the same floodplain as the Eagles property at 3658 River to fill in the back of their property, so that eventually the Eagles will be able to do something with that back area of the property once it is leveled off. Right now the plan is to remove trees from the property and to place 3 to 4 feet of the fill at the back end of the property to level it off. We will install silt fencing around the property and any other soil erosion control measures throughout the duration of the work, and until newly graded areas have been topsoiled, seeded, mulched, and the disturbed area has been stabilized

MR. GUY: We will access the property from a railroad driveway between the property and Endwell Rug. We will follow all applicable local, state and federal regulations for soil erosion and protection measures.

MR. FORSTER: So you're saying that you are taking the DOT's spoils material and placing it in the same floodplain?

MR. TOFTE: Yes, they are removing material from the same floodplain so there will not be a net increase in the floodplain. They will be moving 3,000 cubic yards, which is equivalent to about a tenth of a foot. So it wouldn't influence the Susquehanna River because of the size of the river. If it were part of a much larger project, cumulatively it could have a huge impact, but this project is not on that scale.

MS. LANE: Scott, the DOT project will have material from the same floodplain, and the Town doesn't want all the material placed in that Hooper Road circle.

MR. FORSTER: The new part on the south side of Hooper Road is higher than the floodplain and the DOT will be using new sub materials in the road, so there will actually be a net increase in the floodplain.

MR. CROWLEY: I'm very concerned about this because the fill can affect the floodplain. Marina, the comments from the Broome County Planning Department recommended that the Town Planning Board should exercise caution in approving a project located in the floodplain. Three people on this Planning Board were affected by the last flood, and my business suffered \$2 million in damage. People who were

still paying mortgages on their homes were wiped out in the last flood, and this area is still recovering from the 2006 and 2011 floods.

- MS. LANE: At the last meeting, the Planning Board could have required the applicant to provide a hydraulic study, but you didn't. The members from the Woidt Engineering firm, which is a top firm for flood mitigation, did a HEC-RAS study for the Walsh project at 3901 Watson Boulevard, which affected both sides of Watson Boulevard, and they concluded that the fill would raise base flood elevation less than a tenth of inch. This project is much smaller and the amount of fill, the 3,000 cubic yards of soil, is a much smaller amount of fill, so it will have essentially no impact on the existing floodplain.
- MR. CROWLEY: I understand, but if we let everyone continue to develop in the floodplain, it will have a cumulative effect.
- MR. FORSTER: I live in Endwell and after the floods I went around the Town and saw the damage caused by the floods, so the Planning Board is very concerned about any kind of development in the floodplain.
- MR. GUY: If you look at the top half of the property, it is not in the floodplain. The fill will be placed on 0.65 of an acre where the property slopes down. It's not like the fill will raise the property ten or twelve feet. We are talking about inches versus feet, and a very small amount of elevation.
- MR. CROWLEY: But part of the project is in the 100-year floodplain. I'm against it because filling the floodplain has caused so many problems.
- MR. GUY: The spoil material from the DOT project is in the floodplain and if we don't take it, the DOT is still going to dump it in the floodplain.
- MR. CROWLEY: If you look at the project, you are still adding to the floodplain. Don't get me wrong; if I was in your position I would be doing the same thing. But as I say, people walked away from their houses and many people were hurt by the floods, so we have to really think about projects that have the potential to affect the floodplain.
- MR. TOFTE: What some communities do is to provide current town flood maps to help residents when they are planning a move.
- MR. FAHS: Look at the Hooper Road circle. We are not adding to the floodplain; we are just moving the fill to another area in the floodplain.
- MR. FORSTER: At the Hooper Road circle, any dirt that you put in the circle area is going up to level the area. Since base flood elevation is now at 835

feet above sea level (asl'), you are not actually increasing the flood plain. But the elevations where you plan to use the fill are at 831-832 feet above sea level (asl') and that actually could affect the floodplain.

MS. LANE: Scott, you weren't at the last meeting, but at that meeting Frank Bertoni stated that the Town does not want the DOT filling in the Hooper Road circle.

MR. TOFTE: It's getting late in the season, so we don't have the time to do a study now, and at your last meeting you didn't think that it was necessary.

MS. MCLAIN: Why do they want to put it along the river? You say that the DOT is enabling this to happen because now you have an opportunity to use clean fill and your argument is that you are compensating for it because the fill will be in the same floodplain.

MR. GUY: We will be compensating for it when we remove a couple of feet during the stump removal. The elevation is still going to remain the same even after we add two to three feet of fill by Argonne Avenue. My understanding of the law is that you are not adding fill if you are just moving the dirt from one area of the floodplain to another. This opportunity will not exist again and in the grand scheme of things, it will have a very small impact. I can't beat your argument that you have to start limiting floodplain development, but I think that this is not the time to do it. I believe that you do need to consider making changes to the Town's comprehensive plan when considering the impact of floodplain development in the future.

MR. TOFTE: You also have to remember that there are other projects along the Susquehanna River basin that have an effect on the flooding in this area that you have no control of. Floodplain development is something that has to be considered in a larger context on a county-wide level.

MR. GUY: It would really be pushing the limit now to have to provide a study since we are at the end of the construction season.

MR. TOFTE: It wouldn't require a full study to show that there would be no impact on the floodplain.

MR. CICCARELLI: But how do you know without doing the study?

MR. GUY: We understand that you have to draw the line somewhere. I just see this as such a small project that I would still like to request that you consider it. I think that you realize that a more comprehensive

approach to floodplain development is needed down the line, but this is not the way to develop guidelines, by denying this project.

MS. LANE: We do have guidelines already. As I stated in my report, "In all areas of special flood hazard in which base flood elevation data is available, the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one inch at any point."

MS. MILLER: Any questions or comments from anyone else?

MR. MOYLE: My name is Al Moyle and I live at 455 Twist Run Road. I was just interested to know what affect removing houses from the floodplain has. There were a lot of FEMA buyouts after the 2011 floods.

MR. TOFTE: Yes, their removal had a positive impact on the floodplain. Removing houses from the floodplain improves drainage in the area because it removes impervious materials and increases the green area.

MS. MILLER: Thank you. Well,if there are no other questions, we will close the public hearing.

Meeting concluded: 7:38 PM.

I, CAROL M. KRAWCZYK, do hereby certify that the foregoing transcript of a Public Hearing of the Town of Union Planning Board is a true, accurate, and complete transcript of my stenographic notes/tape taken at the above time and place.

CAROL M. KRAWCZYK