

## Town of Union Planning Board Minutes

Tuesday, August 10, 2021

The Town of Union Planning Board held a regular meeting on Tuesday, August 10, 2021, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus, K. Rose

Members absent: T. Crowley

Others present: Marina Lane, Rick Materese, Sandy Bauman, Pete Walsh, Bill Walsh, Terri Farrell, Bob Kashou, Kelly Sullivan, Peter Dolgos, Ezzat Mustafa, Shivan Othman, and George Taylor

### A. CALL TO ORDER

Chairman Miller called the meeting to order at 7:00 p.m.

### B. MEETING MINUTES

#### 1. Acceptance of June 8, 2021 Meeting Minutes

Ms. Lane handed out a draft set of the June 8, 2021, minutes and noted that there will be a revised paragraph on page 10. A revised set of minutes will be distributed at the next Planning Board meeting.

#### 2. Acceptance of Public Hearing Transcript: 2116 Riverview Drive: Special Permit for Floodplain Development

Chairman Miller asked for a motion to accept the June 8, 2021, Public Hearing Transcript for the Special Permit for Floodplain Development at 2116 Riverview Drive, as written.

Motion Made: S. McLain

Motion Seconded: M. Jaros

MOTION: Acceptance of the June 8, 2021, Public Hearing Transcript for a Special Permit for Floodplain Development at 2116 Riverview Drive, as written.

VOTE: **In Favor:** L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus, K. Rose

**Opposed:** None

**Abstained:** None

Motion Carried

#### 3. Acceptance of Public Hearing Transcript: 1195 Reynolds Road: Special Permit for Utility Use Expansion

Chairman Miller asked for a motion to accept the June 8, 2021, Public Hearing Transcript for the Special Permit for Utility Use Expansion at 1195 Reynolds Road, as written.

Motion Made: D. Kudgus

Motion Seconded: S. McLain

MOTION: Acceptance of the June 8, 2021, Public Hearing Transcript for a Special Permit for Utility Use Expansion at 1195 Reynolds Road, as written.

VOTE: **In Favor:** L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus, K. Rose  
**Opposed:** None  
**Abstained:** None

**4. Acceptance of July 13, 2021 Meeting Minutes: Postponed**

**C. 4324 Watson Boulevard, Special Permit for Floodplain Development, Premier Media, Pat Lyons**

Ms. Lane noted that Premier Media already has a permit to put up an off-premise digital billboard and the DOT has already issued the approval. The sign is not subject to Planning Board approval because the Town Code permits it.

**1. Declare Lead Agency**

Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made: S. McLain  
Motion Seconded: M. Jaros  
MOTION: Declare the Planning Board as Lead Agency.  
VOTE: **In Favor:** L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**2. Classify the Project as an Unlisted Action**

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

Motion Made: D. Kudgus  
Motion Seconded: S. Forster  
MOTION: Classify Project as an Unlisted Action.  
VOTE: **In Favor:** L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**3. Call for a Public Hearing for Special Permit for Floodplain Development, September 14, 2021, at 7:00 p.m.**

Chairman Miller asked for a motion to call for a Public Hearing for a Special Permit for Floodplain Development, installation of an off-premise sign, on September 14, 2021, at 7:00 p.m.

Motion Made: S. McLain  
Motion Seconded: D. Kudgus

MOTION: Call for a Public Hearing for a Special Permit for Floodplain Development, installation of an off-premise sign on September 14, 2021, at 7:00 p.m.

VOTE: In Favor: L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**D. 1500 County Airport Road, Outdoor Kids' Festival, Terri Farrell**

**1. Declare Lead Agency**

Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made: M. Jaros  
Motion Seconded: S. McLain  
MOTION: Declare the Planning Board as Lead Agency.  
VOTE: **In Favor:** L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**2. Classify the Project as an Unlisted Action**

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

Motion Made: S. McLain  
Motion Seconded: D. Kudgus  
MOTION: Classify Project as an Unlisted Action.  
VOTE: **In Favor:** L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**3. Call for a Public Hearing for Special Use Permit for Outdoor Entertainment, September 14, 2021, at 7:05 p.m.**

Chairman Miller then asked for a motion to call for a Public Hearing for a Special Use Permit for Outdoor Entertainment on September 14, 2021, at 7:05 p.m.

Motion Made: S. Forster  
Motion Seconded: M. Jaros  
MOTION: Call for a Public Hearing for a Special Use Permit for Outdoor Entertainment on September 14, 2021, at 7:05 p.m.  
VOTE: In Favor: L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus, K. Rose  
**Opposed:** None

**Abstained:** None  
Motion Carried

Ms. Lane introduced Terri Farrell, the coordinator of the outdoor festival that will be held at the Sports Facility. Ms. Farrell works for Molina Healthcare and they help the underserved population of families find affordable healthcare. Ms. Farrell is working with iHeart Media in collaboration with Mr. Kashou, hosting a fun festival at the Greater Binghamton Sports Complex to raise money to help kids who might not be able to afford the expenses of playing a sport. The date of the “Support Our Sports” event will be September 18, 2021, from 9:30 a.m. until 2:30 p.m. Mr. Kashou explained that the money will fund kids who are not able to pay for some of the expenses of playing a sport, such as transportation to sports events. Ms. Farrell added that all the money will go to aspiring, underserved athletes; and the organization will work with schools to make sure that they are finding these kids. They will be collaborating with Mr. Kashou at the Greater Binghamton Sports Complex this year, and next year they will be working with the Binghamton Bulldogs. Mr. Kashou said there will be bouncy houses and vendors at the festival and that the event will be limited to 250 kids.

Ms. Lane said that she is not concerned about the noise since this is a one-time event that will be held during the day. However, she had been concerned whether there would be enough parking on site. Ms. Farrell contacted Ms. Lane and clarified that there will be parking attendants for the festival.

Mr. Forster asked if they assumed that the Planning Board would approve the event. Mr. Kashou answered that they did not want to assume anything, but Ms. Lane had suggested that they attend the meeting so that they could gauge the Planning Board’s thought process about the event. Mr. Forster added that he thinks it is a great program but noted that they will only have four days to advertise the festival. Since the Planning Board knows about the project, Ms. Lane had advised Ms. Farrell that she could advertise the program at her own risk. Ms. Farrell said that they have an alternative plan to hold a virtual event if the Planning Board does not approve the project after the Public Hearing.

**E. 3623 George F. Highway, Special Use Permit for Auto Sales and Floodplain Development, Kevon Othman**

**1. Declare Lead Agency**

Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made: S. McLain  
Motion Seconded: M. Jaros  
MOTION: Declare the Planning Board as Lead Agency.  
VOTE: **In Favor:** L. Miller, S. McLain, T. Crowley,  
S. Forster, M. Jaros, D. Kudgus, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

## 2. Classify the Project as an Unlisted Action

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

Motion Made: S. McLain  
Motion Seconded: M. Jaros  
MOTION: Classify Project as an Unlisted Action.  
VOTE: **In Favor:** L. Miller, S. McLain, S. Forster,  
M. Jaros, D. Kudgus, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

## 3. SEQRA Review

Ms. Lane gave a short history of the project site to the Planning Board. Tony Fabrizio, the former owner, sold the property to the Othman brothers, without letting them know that the business extended into the DOT right-of-way. Ms. Golazeski, the former Code Enforcement Official, had insisted that the new owners get a survey because she wanted them to be restricted to the parcel they actually own. In addition, the Code also required a Special Permit for Auto Sales for the project. Ms. Lane has been helping the Othman brothers submit their application to the DOT for a Use and Occupancy agreement. Ms. Lane noted that the minimum they need for a DMV dealers license is three cars for display. Ms. Lane spoke to the DMV and they advised her that the applicant can now apply for the dealer's license and it will be contingent on Special Permit approval. Ms. Lane added that if they eventually want to display more cars for the business, they will have to come back to the Planning Board for another approval.

Ms. Lane read the project description on Part 1 of the Environmental Assessment Form (EAF) to the Planning Board. "The proposal is to open an automobile sales business at the location, similar to the prior use in 2020. We plan to have three display vehicles, with one parking space for customers and one parking space for an employee. There will be one employee on the site during business hours. Per the attached alternate parking plan, the number of final parking spaces will depend on a satisfactory resolution of the area outside of the property for our use, pending approval by the NYS Department of Transportation and/or Broome County." Ms. Lane will adjust the acreage on Part I of the EAF. She concluded that there were small to no environmental impacts noted on part 2 of the EAF.

Ms. Lane then read the Determination of Significance to the Planning Board. "Kevon Othman applied to open an auto sales business in an existing commercial building at 3623 George F Hwy. The 0.21-acre property is in a General Commercial zoning district, and auto sales are permitted by special use permit from the Planning Board. There was a previous auto sales

business on the property for many years, and applicant does not propose to do any construction to the building.

The proposed action will not have any significant negative impacts on existing air quality, noise levels, existing traffic patterns, solid waste production or disposal. The main corridor route is traveled regularly by traffic not associated with the project, and the number of vehicles parked on the property is regulated by the special use permit.

The proposed action will not result in adverse impacts to aesthetic, agricultural, historic or other natural or cultural resources; or community or neighborhood character.

There will not be any significant impacts to any Critical Environmental Area, or endangered or threatened vegetation or animals. The proposal will not create a hazard to environmental resources or human health. The property is in the 100-year floodplain, and any toxic or hazardous chemicals used will be stored with secondary containment two feet above base flood elevation. There are no wetlands on the site.

The proposed project will not adversely impact the use of energy, nor have adverse impacts on subsequent development. The proposed action will not result in any adverse effects on the community's existing plans or goals, or significant change in use or intensity of use of land.

The review of the project found no significant adverse impacts to the environment.”

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

Motion Made: S. Forster  
Motion Seconded: D. Kudgus  
MOTION: Approval of the Negative Declaration under SEQRA  
VOTE: In Favor: L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**4. Call for a Public Hearing for Special Use Permit for Auto Sales, September 14, 2021, at 7:10 p.m.**

Chairman Miller asked for a motion to call for a Public Hearing for a Special Use Permit for Auto Sales, on September 14, 2021, at 7:10 p.m.

Motion Made: S. McLain  
Motion Seconded: D. Kudgus  
MOTION: Call for a Public Hearing for a Special Use Permit for Auto Sales on September 14, 2021, at 7:10 p.m.  
VOTE: In Favor: L. Miller, S. McLain, S. Forster,

M. Jaros, D. Kudgus, K. Rose

**Opposed:** None

**Abstained:** None

Motion Carried

**5. Call for a Public Hearing for Special Permit for Floodplain Development, September 14, 2021, at 7:15 p.m.**

Chairman Miller asked for a motion to call for a Public Hearing for a Special Permit for Floodplain Development, on September 14, 2021, at 7:15 p.m.

Motion Made: M. Jaros

Motion Seconded: S. McLain

MOTION: Call for a Public Hearing for a Special Permit for Floodplain Development on September 14, 2021, at 7:15 p.m.

VOTE: In Favor: L. Miller, S. McLain, S. Forster,  
M. Jaros, D. Kudgus, K. Rose

**Opposed:** None

**Abstained:** None

Motion Carried

**6. Advisory Opinion on Parking Setback Variance**

Ms. Lane read her staff report to the Planning Board. Kevon Othman submitted a site plan for auto sales at 3623 George F. Highway. The property is located in a General Commercial Zoning District and auto sales are permitted by Special Use Permit from the Planning Board.

The proposal does not conform to the Town of Union Zoning code. The proposed front setback for the parking spaces along George F. Highway is 0-feet 0-inches where 10-feet are required, per Section 300-51.6, L and M.

The following variance is requested:

- 10'0" area variance for a parking space setback of 0'0" from George F. Highway.

The Planning Department recommends approval of the variance.

The parked vehicles would not block visibility because the area of the property with the parked vehicles is about 50-feet from George F. Highway. The parcel is surrounded by NYS DOT and Broome County right-of-way.

Chairman Miller asked for a motion to recommend approval by the ZBA for a 10'0" Area Variance for a parking space setback of 0' 0" inches from George F. Highway.

Motion Made: S. Forster

Motion Seconded: S. McLain

MOTION: Recommendation of approval by the ZBA of a 10'0" Area Variance for a parking space setback of 0-feet 0 inches from George F. Highway.

VOTE: **In Favor:** L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus, K. Rose  
**Opposed:** None  
**Absent:** None

**F. 3003 Watson Boulevard, Taylors' Pizzeria/Restaurant, George Taylor**

Mr. George Taylor explained that he wants to expand his take-out only pizza business to a small sit-down restaurant, which can also serve craft beer. The location is in the same neighborhood as his current business and it has better parking. Mr. Materese asked Mr. Taylor if he planned to do anything with the back of the lot and Mr. Taylor answered that he might add more parking. If he is able to put in more parking, he may put in a back patio or a small addition in the future.

**1. Declare Lead Agency**

Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made: S. Forster  
Motion Seconded: S. McLain  
MOTION: Declare the Planning Board as Lead Agency.  
VOTE: **In Favor:** L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**2. Classify the Project as an Unlisted Action**

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

Motion Made: S. Forster  
Motion Seconded: D. Kudgus  
MOTION: Classify the Project as an Unlisted Action.  
VOTE: **In Favor:** L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**3. Call for a Public Hearing for Special Use Permit for Sit-Down Restaurant, September 14, 2021, at 7:20 p.m.**

Chairman Miller asked for a motion to call for a Public Hearing for a Special Use Permit for a Sit-Down Restaurant, September 14, 2021, at 7:20 p.m.

Motion Made: S. Forster

Motion Seconded: D. Kudgus  
MOTION: Call for a Public Hearing for a Special Use Permit for a Sit-Down Restaurant, on September 14, 2021, at 7:20 p.m.  
VOTE: In Favor: L. Miller, S. McLain, T. Crowley, S. Forster, M. Jaros, D. Kudgus, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**G. Homestead Village PUD, 4311 Watson Boulevard, Solar Project, Kelly Sullivan**

**1. Presentation**

Ms. Sullivan noted that the original plans have been updated, and Ms. Lane stated that she had distributed the new plans to the Planning Board members.

The project is located on a 255.94-acre parcel within the Homestead Village PUD. Delaware River Solar is planning to apply for a special use permit for a solar project and site plan development for the project if the Town Board approves the new use for the Homestead Village PUD. They are proposing a 9.73 MW AC Community Solar Farm located west of the approved battery storage project, which will be accessed off Robinson Hill Road. The proposed project is approximately 43 acres of the 255 –acre site, or about 16-17% of the total parcel area. The solar panels will be located inside a 7-foot wire fence. There will also be 15 acres outside the fence that would be cleared to prevent shadowing on the panels bringing the total acreage for the project to 58 acres. Currently the entire area is forested and is located upland of any water features and wetlands located on the property.

Solar panels would be installed on existing grade (no grading or earthwork) via a racking system that is supported by steel pile posts driven into the ground. The angled panels would measure around 3-feet at the lower end and up to 9-feet on the higher end. A seven-foot high wire mesh perimeter fence with a locking gate would be installed surrounding the facility.

Electric lines would be installed underground along a gravel driveway. There would be an inverter station, which contains the transformer, and this will connect the Solar Facility to the existing distribution network at the NYSEG facility. The project construction is expected to take approximately five months.

Mr. Peter Dolgos, the project manager, gave a quick summary of the technology. The panels themselves will be mounted on a racking system that is pile-driven into the ground. The panels will be in rows that are about 17 to 19 feet apart to permit maintenance trucks to get through. The wiring on the racking is generally underneath the panels or it will be in a trench underground. The inverters will sit on a concrete pad and there will be a main trench with underground wires, which will connect to the utility grid. All electrical

equipment will be on the inverter pad. The utility will install some poles off the access road.

The Planning Board members had some questions about the project. Mr. Forster asked whether the 58-acres of timber that will be cleared are old growth forest. Ms. Sullivan answered that it varies and she said that the company could provide pictures of the forest. Ms. Lane expressed concern about erosion issues once the trees were removed. Mr. Dolgos noted that 43 acres will definitely be cleared to the ground, but outside the fence, the other 15 acres will still have vegetation. The trees will only be cut low enough so that the sun shines on the panels. Ms. Sullivan added that they had met the guidelines based on New York State's guidance on solar projects. She added that they had met with the DEC and redesigned the driveway according to their suggestions. Mr. Dolgos commented that the slope of the panels means that the rain will not fall in a solid sheet of water because the panels all have spaces between them.

Mr. Forster asked how they selected the site. Mr. Dolgos answered that the landlord has to be willing to have the solar facility on his land and the site needs to be near a utility that has appropriate lines to support the facility. In addition, Mr. Dolgos noted that they perform a SWPPP to make sure that the site is workable. Mr. Forester and other members asked if they could provide simulations of the site. Mr. Sullivan answered yes. Ms. Lane then asked for a simulation of what the site would look like from the Pour House on Watson Boulevard.

Mr. Jaros asked what other facilities they have locally. Mr. Dolgos answered that they have a fully constructed five MW AC facility in Owego at 4890 Gaskill Road. They also have another four or five solar facilities under construction in Tioga County. Mr. Forster asked if they would use local contractors to build the facility. Mr. Dolgos answered they have their own construction managers but they mostly source out the work to local contractors. Mr. Kudgus asked how the Owego facility compared in size to this project. Mr. Dolgos answered that it is a five MW AC facility and about half the size of this project. Ms. Sullivan said that the Glen Mary Drive facility at 443 Glen Mary Drive is an eight MW AC facility and it is closer to the road than the Watson Boulevard project will be. Mr. Dolgos also noted that the Watson Boulevard project is actually two systems side by side; one is five MW AC facility and one is 4.5 MW AC facility. Mr. Jaros asked if another system could be added to the site. Mr. Dolgos answered that generally, two systems is the max that the electric lines can accommodate. If they want to add another system, they would have to pay the utilities a very large sum to upgrade the lines and it would be cost prohibitive. Mr. Jaros asked if there would be different lines that they could hook into if the project were brought down closer to Watson Boulevard. Ms. Lane interjected that Mr. Walsh had already looked into locating a solar project closer to Watson Boulevard and the cost was prohibitive.

The Broome County Planning Department had several concerns about the project. The County Planning Department is concerned about noise since the

project requires the removal of so many trees. Mr. Dolgos answered that the solar panels do not generate any noise; the only noise is from the electrical inverters and they are pretty far from Robinson Hill Road. Broome County also wanted to know if the road was large enough to accommodate emergency vehicles. Ms. Sullivan answered that the company will contact the local fire department to find out about the local requirements; she also noted that the company will provide training to the local fire department. Mr. Dolgos added that the company would show the local fire department where the emergency shut-off switches are located.

Mr. Materese asked if there were any workers on the site and Mr. Dolgos answered that only scheduled maintenance workers go to the site so there will be a minimal impact on traffic. Mr. Materese also asked if it was possible for some of the energy from the solar project to go to the battery storage facility. Mr. Dolgos answered that the battery project could purchase energy from the community solar project as a customer.

Mr. Forster asked how many of the solar panels do not last for thirty years. Mr. Dolgos said that generally the panels will degrade over time and will not produce energy at full capacity. The panels are monitored remotely so that if one does fail completely, they will replace it. Mr. Materese asked if the panels were recyclable. Mr. Dolgos answered that the panels are recyclable as far as the materials are concerned. Ms. Rose asked whether they would replace them after the 30-year life cycle of the panels. Mr. Dolgos answered that most landowners do not want to lease their land for more than thirty years, but he said that it was possible if the landowner agreed to that. Mr. Forster asked whether the company just dismantled the project at the end of the thirty years and Mr. Dolgos answered that there is a decommissioning plan that is in place for the facility.

Ms. Lane then reviewed the process for the Solar Project. The first step in terms of procedure is going to be for the Planning Board to give an advisory opinion about the new use to the Homestead Village PUD. Next, the Town Board would be voting on whether to permit the use. If the Town Board votes to accept the preliminary PUD, then the Planning Board will call for a Public Hearing for the Special Permit required for the solar project. Unless the Public Hearing is highly controversial, the Planning Board will often vote on the Site Plan the same night as the Public Hearing. Mr. Materese asked Mr. Dolgos if they had any deadline with New York State or any other agency for the project. Mr. Dolgos answered that they did not have any deadline with New York State; the only deadline is getting it into their own construction schedule.

## **2. Request for Review of Project by a Town-Designated Engineer**

Ms. Lane asked the Planning Board to look at page 6C in the code handout. The code provides for reimbursement for the costs of review by a town designated engineer. Ms. Lane noted that she does not have the expertise to do the kind of review that a qualified engineer could give to the project. Mr. Forster asked if the engineer would be from the Town of Union and Ms. Lane

answered that the town has used several local engineers to review other town-wide projects and that an engineer would be chosen from that list. Mr. Materese added that he could request a qualified engineer from the Town of Union be considered for the review of the project.

Chairman Miller asked for a motion to Request a Town-Designated Engineer to Review the Delaware River Solar Project.

Motion Made: S. McLain  
Motion Seconded: K. Rose  
MOTION: Request a Town-Designated Engineer to review the Delaware River Solar project.  
VOTE: In Favor: L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

Ms. Lane noted that the developer would reimburse the Town for the cost of the engineer.

## **H. Endwell Storage PUD, 3901 Watson Boulevard, Pete Walsh**

### **1. Presentation**

Mr. Pete Walsh gave a short presentation on behalf of the Walsh family about the project. He noted that everyone is familiar with the site being actively filled. They are looking to have a mixed-use project with partial indoor-outdoor storage, along with sections designated for Amish Shed sales. The first phase is going to happen on the north side of the property and will consist of approximately 55 outdoor parking spaces for boats, RVs, and travel trailers. There will also be an Indoor storage building in front of the parking spaces to act as screening for the outdoor vehicles. They own a similar facility in Vestal and they thought that this property was a great property to expand their storage business because of the easy access off the highway. The entire property is 26.25 acres and the first phase is comprised of approximately two acres. The second phase is on the south part of Watson Boulevard and it will be about another two acres designated for storage buildings. The third phase will be delayed for a couple of years because it is still being filled.

Ms. Lane asked how they are stabilizing the fill to maintain the integrity of the wetlands on the site. In 2009, the Army Corp. of Engineers recommended that the fill should not be within 50 feet of the wetlands. Since the Army Corp of Engineers does not have jurisdiction over the property, they could not require it. The Planning Board only recommended that there be ten feet between the fill and the wetlands. Mr. Pete Walsh commented that even with some heavy rains, they have not had much of the fill wash out. They intend to seed and mulch the site to stabilize the fill.

Mr. Materese asked if the project would change if the Town goes through with the development of the old IBM property. Mr. Pete Walsh answered that they see a need for storage in the area so they do not anticipate changing the scope of the project. Mr. Bill Walsh commented that buildings could be taken down easily if a more profitable use was found for the property. However, he noted the storage uses for this property would bring dollars into the Town right now. Mr. Pete Walsh noted that while the storage uses may not look good to everybody, the project would generate taxes for the town now.

Ms. Miller noted that the Walsh storage facility in Vestal is in an Industrial district and that is different from a Neighborhood Commercial zoning district. She added that there are \$300,000 to \$500,000 houses that will be looking down at this project from their homes. Mr. Bill Walsh suggested that Planning Board members visit their Vestal facility because it is not an eyesore and the facility is maintained very well. Ms. Lane asked Mr. Walsh to send her pictures of the storage units that are located in their Vestal facility. Mr. Bill Walsh noted that they are not locked into anything yet on the portion of the property that is still being filled. However, they want to get started on the development on the north side of Watson Boulevard to spur interest in the property on the south side of Watson Boulevard.

Mr. Bill Walsh said the construction on Phase I of the project will take a year and that the south side of Watson Boulevard will not be ready for several years. Within twelve months the storage facilities on the north side of Watson will be fully occupied. Ms. Lane asked if they would have attractive landscaping for the indoor storage facility and Mr. Pete Walsh answered affirmatively.

Mr. Materese asked Ms. Lane if a PUD use is granted for this purpose and then they come along with another use that is much more profitable, do they have to come back? Lane said that as soon as you introduce a new use into an existing PUD, you have to go through the whole process again for a new PUD. Ms. Lane noted that the Planning Board has done minor revisions for the Traditions PUD, when it was the expansion of the spa, for example.

Mr. Bill Walsh noted that a PUD zoning district allows them to do many different things that they are not able to with the current Neighborhood Commercial zoning. He is aware that if they have a new use, they will have to come before the Town Board and the Planning Board again.

Ms. Sandy Bauman, member of the Town Council, asked how many driveways the project will have and what effect new driveways will have on the traffic flow on Watson Boulevard. Ms. Bauman noted that there are many people that use Watson Boulevard to get to their jobs in Johnson City. Mr. Pete Walsh responded that they have about twenty-five RVs at their Vestal location and sixty percent of them do not move on a regular basis. Customers do not take the RVs out every day. Generally, his Vestal customers take the travel trailers out on the weekend and then park them at the facility over the winter, so there will not be a tremendous increase in traffic. Mr. Walsh estimated that at most there are two or three vehicles at their indoor Vestal storage facility at one time, so there will not be a tremendous number of vehicles going in or out of the indoor storage facility either.

Mr. Bill Walsh anticipated that they would be moving the driveway to the west on the property where the turn is on the north side of Watson Boulevard.

Ms. Lane reminded Mr. Walsh that she still needs a map revision regarding the floodplain. Mr. Pete Walsh replied that he had reached out for this letter and it takes a long time, but he will try again.

Ms. Lane anticipates that Broome County will have problems with the storage of vehicles in the floodplain but also the proximity to the wetlands. She asked Mr. Walsh what his plans are for making sure that they will not have fluids leak from the vehicles. Mr. Bill Walsh answered that they would have asphalt millings so there is not a lot of runoff because it will all go through the gravel.

Mr. Jaros asked if they will have any large tractor-trailers in the outdoor storage and Mr. Pete Walsh answered that they have only one contractor with that type of trailer in the Vestal facility. He also noted that for the most part there would be Class A & C motorhomes. Mr. Bill Walsh said that the largest spaces they have are 36 feet. Mr. Bill Walsh noted they would have a coded access gate where you can book your space with a smart phone. In addition, he noted that there would be motion sensors in each of the indoor storage units. Mr. Pete Walsh added that the app would allow them to track everyone who goes in and out of the facility.

Mr. Kudgus was concerned about the wear and tear on the road from the travel trailers. Mr. Bill Walsh responded that right now there is heavier truck traffic with the fill project than there will ever be with the outdoor storage of travel trailers. He does not believe that these travel trailers will be an issue for wear and tear on the road.

Ms. Lane stated that they are still waiting for the SWPPP, and she hopes that they get the SWPPP before the September 14 Planning Board meeting so the Planning Board can give an advisory opinion to the Town Board at that time.

**I. 3217 Pearl Street, Auto Sales, Colin Cronk**

Ms. Lane showed that eight more parking spaces were added to the revised site plan, as discussed at the prior meeting. She commented that the Code Department has inspected the building and they require the owner put in a new electrical service, and Mr. Cronk must transfer his DMV license from his prior location to this location before they can issue a Certificate of Compliance.

**1. Revised Site Plan**

Chairman Miller asked for a motion to approve the Revised Site Plan for Auto Sales at 3127 Pearl Street.

Motion Made:	T. Crowley
Motion Seconded:	M. Jaros
MOTION:	Approval of the Revised Site Plan for Auto Sales at 3217 Pearl Street.
VOTE:	In Favor: L. Miller, S. McLain, S. Forster,

M. Jaros, D. Kudgus, K. Rose  
Opposed: None  
Abstained: None  
Motion Carried

J. Other Such Matters as May Properly Come Before the Board

A year ago, the Planning Board approved the Dunkin' (Donuts) at 724 Main Street. They had a lot of work to do with the DOT because of the revision to the entrance that is opposite Oakdale Road. The applicant requested an extension for one year for all the approvals.

Ms. Miller called for a motion to extend all of the approvals for the Dunkin' at 724 Main Street for one year.

Motion Made: S. Forster  
Motion Seconded: D. Kudgus  
MOTION: Approval to extend all of the approvals for Dunkin' at 724 Main Street for one year.  
VOTE: In Favor: L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus, K. Rose  
Opposed: None  
Abstained: None

Ms. Lane noted that after the last Planning Board meeting, Mr. Len Cicciarelli stepped down and Kirsten Rose was approved by the Town Board to be a member of the Planning Board. Therefore, the Planning Board needs to elect a new vice-chairman. Ms. McLain nominated Dave Kudgus for the position.

Ms. Miller called for a motion to elect Dave Kudgus as Vice-Chairperson of the Planning Board.

Motion Made: S. McLain  
Motion Seconded: S. Forster  
MOTION: Elect Dave Kudgus to be the Vice-Chairperson of the Planning Board.  
VOTE: In Favor: L. Miller, S. McLain, S. Forster, M. Jaros, D. Kudgus, K. Rose  
Opposed: None  
Abstained: None

K. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:48 p.m.

Motion Made: K. Rose  
Motion Seconded: D. Kudgus  
MOTION: Adjourning the meeting.

VOTE:                   **In Favor:** L. Miller, S. McLain, S. Forster,  
M. Jaros, D. Kudgus, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**Next Meeting Date**

The next meeting of the Planning Board is tentatively scheduled for Tuesday, September 14, 2021, at 7:00 p.m.

Respectfully Submitted,  
Carol Krawczyk