

Town of Union Planning Board Minutes

Tuesday, October 19, 2021

The Town of Union Planning Board held a regular meeting on Tuesday, October 19, 2021, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, D. Kudgus, S. Forster, M. Jaros, K. Rose,
C. Curtin (Alternate)

Members absent: T. Crowley, S. McLain

Others present: Marina Lane, Andrea DellaValle, Sam Arcangeli, Jay li (via FaceTime), Ray Standish, Kelly Sullivan, Pete Dolgos

A. CALL TO ORDER

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

B. MEETING MINUTES

1. Acceptance of September 14, 2021 Meeting Minutes

Chairman Miller asked for a motion to accept the September 14, 2021, Meeting Minutes as written.

Motion Made: S. Forster

Motion Seconded: K. Rose

MOTION: Acceptance of the September 14, 2021, Meeting Minutes as written.

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

Opposed: None

Abstained: None

Motion Carried

2. Acceptance of September 14, 2021, Public Hearing Transcript: 4324 Watson Boulevard, Special Permit for Floodplain Development

Chairman Miller asked for a motion to accept the Public Hearing Transcript for Floodplain Development at 4324 Watson Boulevard as written.

Motion Made: S. Forster

Motion Seconded: K. Rose

MOTION: Acceptance of the Public Hearing Transcript for Floodplain Development at 4324 Watson Boulevard as written.

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

Opposed: None

Abstained: None

Motion Carried

3. Acceptance of September 14, 2021, Public Hearing Transcript: 1500 County Airport Road, Outdoor Kids' Festival Special Use Permit

Chairman Miller asked for a motion to accept the Public Hearing Transcript for an Outdoor Kids' Festival Special Use Permit at 1500 County Airport Road as written.

Motion Made: S. Forster
Motion Seconded: K. Rose
MOTION: Acceptance of the Public Hearing Transcript for an Outdoor Kids' Festival Special Use Permit at 1500 County Airport Road as written.
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster, M. Jaros, K. Rose
Opposed: None
Abstained: None
Motion Carried

4. Acceptance of September 14, 2021, Public Hearing Transcript: 3623 George F. Highway, Auto Sales Special Use Permit

Chairman Miller asked for a motion to accept the Public Hearing Transcript for an Auto Sales SUP Permit at 3623 George F. Highway as written.

Motion Made: S. Forster
Motion Seconded: K. Rose
MOTION: Acceptance of the Public Hearing Transcript for an Auto Sales Special Use Permit at 3623 George F. Highway as written.
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster, M. Jaros, K. Rose
Opposed: None
Abstained: None
Motion Carried

5. Acceptance of September 14, 2021, Public Hearing Transcript: 3623 George F. Highway, Special Permit for Floodplain Development

Chairman Miller asked for a motion to accept the Public Hearing Transcript for a Special Permit for Floodplain Development at 3623 George F. Highway as written.

Motion Made: S. Forster
Motion Seconded: K. Rose
MOTION: Acceptance of the Public Hearing Transcript for a Special Permit for Floodplain Development at 3623 George F. Highway as written.

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

6. Acceptance of September 14, 2021, Public Hearing Transcript: 3003 Watson Boulevard, Taylors' Pizzeria/Restaurant Special Use Permit

Chairman Miller asked for a motion to accept the Public Hearing Transcript for Taylors' Pizzeria/Restaurant Special Use Permit as written.

Motion Made: S. Forster
Motion Seconded: K. Rose
MOTION: Acceptance of the Public Hearing Transcript for Taylors' Pizzeria/Restaurant Special Use Permit at 3003 Watson Boulevard as written.
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster,
M. Jaros, K. Rose
Opposed: None
Abstained: None
Motion Carried

7. Acceptance of September 14, 2021, Public Hearing Transcript: 3608 George F. Highway, Special Permit for Floodplain Development

Chairman Miller asked for a motion to accept the Public Hearing Transcript for a Special Permit for Floodplain Development at 3608 George F. Highway as written.

Motion Made: S. Forster
Motion Seconded: K. Rose
MOTION: Acceptance of the Public Hearing Transcript for a Special Permit for Floodplain Development at 3608 George F. Highway as written.
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster,
M. Jaros, K. Rose
Opposed: None
Abstained: None
Motion Carried

8. Acceptance of September 21, 2021 Meeting Minutes: Postponed

C. 1060 Robinson Hill Road, Animal Husbandry Special Use Permit, Area Variance for Shed Location, Andrea DellaValle

Ms. Lane reminded the Planning Board members that agricultural activities do not require a SEQRA review, and the Planning Board declared the project a Type II Action at the last meeting.

1. Public Hearing for a Special Use Permit to Keep Poultry, Vote at Planning Board's Discretion

Chairman Miller read the public notice and then opened the Public Hearing for a Special Use Permit to Keep Poultry at 1060 Robinson Hill Road at 7:03 p.m. There were no questions or comments so Chairman Miller closed the Public Hearing at 7:05 p.m.

Ms. Lane read her report for the Planning Board. “Andrea DellaValle submitted an application to keep five ducks at 1060 Robinson Hill Road. The property is located in a Rural Residential (RR) zoning district, and keeping poultry is permitted by Special Use Permit. Two of the requirements associated with keeping poultry include having a minimum of 3-acres and the storage of manure must be no closer than 100 feet from any residentially zoned lot line. Ms. DellaValle’s property is 22.11-acres, and the proposed poultry coop is over 330-feet from the road, and over 150-feet from the closest side property line. Any manure stored outside will not affect any adjacent uses. There are a NYS Ag and Markets participating farm and farmland across the road, the 55+ acre Robinson Hill mulch business to the east, and iHeart Media’s 47+ acre telecommunications property to the west. Agricultural uses are not subject to an environmental review, per the NYS DEC regulations under the State Environmental Quality Review Act (SEQRA).

Planning Department staff recommend that the Planning Board approve the Special Use Permit for Animal Husbandry to keep poultry in a Rural Residential zoning district with the following stipulations:

1. Should the number of poultry be increased to 50 or greater, a revised Special Use Permit will be required to ensure the poultry are maintained in a clean and safe manner.
2. The poultry shall be confined to the property.
3. An accessory structure or a covered enclosure (aka coop) must be provided.
4. Such coop must be located at least 100-feet from any residential structure on any adjacent lot. The coop must be constructed and placed so as to minimize odor and noise.
5. The coop must be clean, dry, and odor-free, and kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.

6. Poultry must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, wild birds and predators.
7. Provision must be made for the storage and removal of manure. All manure not used for composting or fertilizing shall be removed.
8. The Special Permit shall expire should the property or business be sold to another entity, per § 300-66.11. Transferability:
 - A special permit is not transferable except upon approval by resolution of the issuing board.
 - This special permit shall authorize only one special use and shall expire if the special use ceases for one year for any reason.
9. The applicant shall be required to acknowledge all of the above conditions in writing prior to October 29, 2021. The applicant shall agree to follow stipulations of approval in strict accordance with the special use permit approved by the Planning Board. Changes to the use following approval may require a new special permit or site plan review, depending on the change.”

Ms. DellaValle stated that the ducks are her pets and currently they are being housed in her three-car garage. She was concerned that the special permit would expire before she had the shed installed, and Ms. Lane answered that the special permit goes into effect now because she already has the ducks. Mr. Jaros asked whether the special use permit would expire after one year rather than the usual three months. The Planning Board members agreed that the one-year time period for the special use permit was fine.

Chairman Miller called for a motion to approve the Special Use Permit to Keep Poultry, with stipulations.

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| Motion Made: | D. Kudgus |
| Motion Seconded: | M. Jaros |
| MOTION: | Approval of the Special Use Permit to keep Poultry, with stipulations. |
| VOTE: | In Favor: L. Miller, D. Kudgus, S. Forster, M. Jaros, K. Rose |
| | Opposed: None |
| | Abstained: None |
| | Motion Carried |

2. Advisory Opinion for Area Variance to allow accessory building forward of principal building

Ms. Lane read the relevant portion of her report to the Planning Board. “Ms. DellaValle wishes to place the coop, an attractive pre-built shed, forward of

the house in order to keep the ducks in view from her home, and further from the woods and associated wildlife hunters in the rear of the home. She applied for an area variance to place the accessory structure forward of the house. The proposed poultry coop is over 330-feet from the road, and over 150-feet from the closest side property line.

Planning Department staff recommend that the Planning Board recommend to the ZBA approval of area variance to allow the accessory coop to be built forward of the house. The ordinance requiring accessory structures be to the side or rear of the property is based only on aesthetics, not any building code requirement. The coop is attractive, and placing the shed forward of the home will not have any negative impacts on the adjacent uses. There are a NYS Ag and Markets participating farm and farmland across the road, the 55+ acre Robinson Hill mulch business to the east, and iHeart Media's 47+ acre telecommunications property to the west."

Mr. Forster expressed concern that if Ms. DellaValle sold her house, the accessory building would still be between the main house and the road. Ms. Lane stated that the location of an accessory building behind the front line of a house is just an esthetic rule, and pointed out that many homes have garages that were built forward of the house before the Code requirement was implemented. Ms. Lane asked Mr. Forster if the shed being in front of the house was a negative look. Mr. Forster answered "not now," but thirty years down the road, it would be if the shed became dilapidated. Mr. Jaros commented that if the shed became dilapidated it could negatively affect the property values of surrounding homes, if the area were developed. Ms. Lane answered that there would not be major development in that area because there is no public water or sewer.

Chairman Miller asked for a motion to recommend the ZBA approve an area variance to allow an accessory building forward of a principal building.

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| Motion Made: | M. Jaros |
| Motion Seconded: | D. Kudgus |
| MOTION: | Recommendation that the ZBA approve an area variance to allow an accessory building forward of a principal building. |
| VOTE: | In Favor: L. Miller, D. Kudgus, S. Forster, M. Jaros, K. Rose Opposed: None Absent: None Motion Carried |

D. 1571 Union Center-Maine Highway, Development in Floodplain, Sam Arcangeli

1. Public Hearing for a Special Permit to Repair Pond in Floodplain, Vote at the Planning Board's Discretion

Chairman Miller read the public notice and then opened the Public Hearing for a Special Permit to repair a pond in the floodplain at 1571 Union Center-Maine Highway at 7:21 p.m.

Mr. Arcangeli explained that the pond on his property needs to be repaired to improve the drainage of water and prevent the collection of silt in drainage ditches. Mr. Arcangeli will work with the Commissioner of Public Works, Mr. Lou Caforio, to make sure the plan meets with his approval. Ms. Lane noted that previously Mr. Arcangeli had worked with Mr. Bob Bennett to implement a swale system on the property to improve water flow.

Chairman Miller closed the Public Hearing at 7:28 p.m.

Ms. Lane then read her report to the Planning Board. "Sam Arcangeli submitted an application to reconfigure a pond in the 100-year floodplain to its original shape. Any development in a floodplain requires a special permit. Most of the property is in a Rural Residential zoning district and Mr. Arcangeli grows corn. Per Mr. Arcangeli, over the years, the original pond wall retention and intended flow has deteriorated causing extensive seepage along the east pond embankment. These dynamics have resulted in the fields and home lawn to the east and southeast of the pond to exhibit increased flooding and unintended silt collection. Mr. Arcangeli proposes to fortify the eastern pond wall by moving existing material to reseal said retaining sections of the pond. Material within the pond will be directed so as to re-establish water flow, as originally designed, through the existing drainage pipe at the western end of the pond. Existing ditches will be cleared of silt collection to re-establish the southerly flow of water. All actions will be accomplished with existing materials.

Per the Broome County GIS website, the pond ground elevation is 838-feet above sea level (a.s.l.), the fields are at 836-feet a.s.l., and base flood elevation is between 837 and 839-feet a.s.l. The reconstruction of the pond wall will not result in any rise in base flood elevation.

Under the regulations of SEQRA Section 617.5(c), the proposed action is a Type II action and no further review is required. The property is subject to a 239-Review, and there were no comments. A stormwater management plan is not required, and this action will improve stormwater management.

The Planning Department recommends approval of the Special Permit for Development in a Floodplain with the following stipulations:

- 1) The applicant shall submit plans for the pond wall restoration to the Commissioner of Public Works.
- 2) The repair of the drainage system shall have no negative impacts on the adjacent properties, or a revised plan for the reconstruction shall be submitted to the Commissioner of Public Works."

Ms. Lane explained that Mr. Arcangeli has already spoken to Mr. Caforio about the pond repair. She explained the second stipulation provides a mechanism for Mr. Arcangeli to come back to the Planning Board if the repairs do not work the way they are supposed to.

Chairman Miller called for a motion to approve the Special Permit to repair a pond in the Floodplain, with stipulations.

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| Motion Made: | S. Forster |
| Motion Seconded: | D. Kudgus |
| MOTION: | Approval of the Special Permit to repair a pond in the Floodplain, with stipulations. |
| VOTE: | In Favor: L. Miller, D. Kudgus, S. Forster, M. Jaros, K. Rose Opposed: None Abstained: None Motion Carried |

E. 2308 Riverview Drive, Development in Floodplain, Jay li

1. SEQRA Determination

Ms. Lane connected with Mr. li via FaceTime, shared the view with the Planning Board, and then reviewed Part 1 of the Environmental Assessment Form (EAF). Mr. li would like to install a pool and gazebo in his backyard in the spring. Mr. li requires a Special Permit because the structures will be in the 100-year floodplain. The actual area to be disturbed is less than a quarter of an acre. Ms. Lane reviewed Part 2 of the EAF and all of the environmental impacts were small to none for the project.

Ms. Lane then read the Determination of Significance for the Planning Board. “Mr. Jay li would like to place a 512 square-foot residential pool and 240 square-foot gazebo in the rear of his property at 2308 Riverview Drive. The location is in the 100-year floodplain, which requires a Special Permit.

The accessory uses are permitted in the Urban Single-Family zoning district, and the pool and gazebo will not cause a significant change in the intensity of use of land, nor impair the character of the residential district. They will not result in an increase in traffic or use of energy. The pool will use domestic water but not so much as to have any impact on the water supply system, and will not generate wastewater.

Although the site is within an archaeologically sensitive buffer area, the ground has been graded in the past for the construction of the subdivision. The ground disturbance will be minimal, and if any artifacts are discovered, the contractor

shall stop the excavation for the pool. The pool and gazebo will not impact the Susquehanna River.

Any impacts of the 240 square-foot gazebo to the floodplain will be mitigated by the 512 square-foot residential pool. The gazebo will be anchored to prevent it from being moved by floodwaters.

The pool and gazebo will not create any hazards to environmental resources or human health. It is within the buffer area of C704038, the Endicott Area-Wide Investigation, but that contamination does not directly impact this property.

The installation of a pool and gazebo will not have any significant adverse impacts on the environment.”

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

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

2. Public Hearing for Special Permit for to place a residential pool and gazebo in a Floodplain; Vote at the Planning Board’s Discretion

Chairman Miller read the public notice and then opened the Public Hearing for a Special Permit to place a residential pool and gazebo in the Floodplain at 2308 Riverview Drive at 8:22 p.m.

Ms. Lane noted that Mr. Li will have the earth from the pool excavation removed from the property. Since there were no other comments, Chairman Miller closed the Public Hearing at 8:25 p.m.

Ms. Lane then read a summary of her report for the Planning Board. “Per the Broome County GIS website, the ground elevation at the proposed location of the pool and gazebo is 832-feet above sea level (a.s.l.), and base flood elevation is 834 a.s.l. The in-ground pool and placement of the gazebo will not raise base flood elevation.

Under the regulations of SEQRA Section 617.7(c), the proposed action is an Unlisted Action and the Planning Department staff recommend a Negative Declaration. The property is subject to a 239-Review, and Broome County had

no comments. A Stormwater Pollution Prevention Plan was not required because the proposed disturbance is significantly less than one-acre.

The Planning Department recommends approval of the Special Permit for Development in a Floodplain with the following stipulations:

- 1) The applicant shall apply for any required permits from the Building Permits Office in order to construct the pool and gazebo.
- 2) Any earth excavated for the pool shall be removed from the property, and not placed in the 100-year floodplain.”

Chairman Miller called for a motion to approve the Special Permit to place a residential pool and gazebo in the Floodplain, with stipulations.

Motion Made: S. Forster
Motion Seconded: K. Rose
MOTION: Approval of the Special Permit to place a residential pool and gazebo in the Floodplain, with stipulations.
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster, M. Jaros, K. Rose
Opposed: None
Abstained: None
Motion Carried

F. 1101 River Drive, Expansion of Public Utility Special Use Permit, Rick Materese

1. Declare Lead Agency

Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made: D. Kudgus
Motion Seconded: M. Jaros
MOTION: Declare the Planning Board as Lead Agency.
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster, M. Jaros, 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: M. Jaros
Motion Seconded: D. Kudgus
MOTION: Classify the Project as an Unlisted Action.
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster,

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

3. SEQRA Determination

Ms. Lane read a brief description of the project. “The existing wet well/dry well Town of Union sanitary sewer pumping station is at the end of its useful life and needs to be replaced. The current configuration requires confined space entry to service and maintain the system. To eliminate the need for confined space entry, the new station will utilize submersible pumps mounted on guide rails in the wet well. When the pumps require maintenance, they can be pulled to the surface. The new pump station, controls and generator platform will be located above flood level at 1101 River Drive, Parcel I.D. #140.20-4-20, is owned by the Town of Union. The platform elevation (836.50) was calculated by means of the preliminary FIRMS for the 500-year flood elevation. The new pump station will be designed to closely match the capacity of the existing station, since no new flows are anticipated in the area.”

Ms. Lane noted that the sanitary sewer is a 10” pipe that runs down the east side of Route 26. The new pump station had to be relocated to the 1101 River Drive location because the new facility does not fit on the property on which the existing pump station is located due to a flood levy. The Town acquired the new property from Broome County this spring specifically to build this project.

Ms. Lane then read Part 3 of the EAF to the Planning Board. “The Town of Union plans to replace the sanitary sewer pump station in West Corners with new wet-well pumps and an elevated platform to keep a backup generator out of any potential floodwaters. The replacement public utility requires a special use permit. The project is on the Town-owned, wooded lot at 1101 River Drive and 0.04-acres of trees will be removed for its placement. A stormwater management plan is not required.

- The pump station will not create adverse changes to traffic, parking, or utilities. A portion of River Drive and Ardmore Street will be temporarily closed to traffic during installation, but this will not affect any residences.
- There will be no significant permanent impacts to flora, fauna, endangered or threatened species, water or the air. -Approx. 0.04 acres of trees will be removed, but other than the 36-inch wet-well, the disturbed area will remain pervious.
- The project will not significantly alter the character of the community. Existing trees shall provide screening of the control panel platform and associated 10-foot high lights.
- There will be a temporary increase of noise during construction. The pumps will be submerged and therefore not result in noise. The backup

generator will run for one-hour per week during daytime hours, unless in use due to an electric outage.

- The pump station is not associated with hazardous or toxic substances, heavy machinery or equipment. No odors will be generated.
- The submerged pumps and elevated control panel platform will not increase the potential for flooding and will not impact wetlands.
- The proposal will not create a hazard to human health.
- The project will not impact archaeological resources.

Upon review of all the information submitted, the proposed sanitary pump station will not have a significant adverse impact on the environment.”

Mr. Forster commented that he was not sure that the sewage being pumped is not hazardous. Ms. Lane responded that piped sewage is not listed as toxic.

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

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

4. Retroactively Call for a Public Hearing for a Special Use Permit to expand a Public Utility; Vote at Planning Board’s Discretion

Chairman Miller asked for a motion to retroactively call for a Public Hearing to expand a Public Utility

Motion Made: M. Jaros
Motion Seconded: D. Kudgus
MOTION: Retroactively call for a Public Hearing to expand a Public Utility
VOTE: **In Favor:** L. Miller, D. Kudgus, M. Jaros, K. Rose
Opposed: S. Forster
Abstained: None
Motion Carried

5. Public Hearing for Special Use Permit to expand a Public Utility, Vote at the Planning Board’s Discretion

Chairman Miller read the public notice and then opened the Public Hearing for a Special Use Permit to expand a Public Utility at 1101 River Drive at 8:45

p.m. Since there were no comments or questions, Chairman Miller closed the Public Hearing at 8:46 p.m.

Ms. Lane then read her staff report. “The new pump station is necessary for pumping sewage that originates from the north, goes into a natural depression in this West Corners neighborhood, and must be forced southward uphill to a point where it can be gravity flowed.

The property is owned by the Town, and is across River Drive from the existing pump station, which is outdated and in need of an upgrade. The Town initially intended to locate the new pump station at the same location as the existing pump station, which is on property owned by Broome County, but the upgraded facility does not fit on that property due to the flood levy. The plans call for the construction of the new pump station and sanitary sewer lines, closing off the unnecessary sanitary sewer lines, removal of the existing pump station, and restoration of the land.

The new system includes a wet-well with submersible pumps mounted on guide rails so the pumps can be extracted for any necessary maintenance. A control panel platform will be constructed to keep the control panel and a natural gas backup generator raised above historical flood levels. The platform will be raised 12-feet from a grade elevation of 824.5-feet a.s.l. to a first level elevation of 836.5-feet a.s.l. Three light poles will extend 10-feet above the platform. The compound will be enclosed with a 6-foot high chain link fence.

The 0.21-acre property, 1101 River Drive, is a wooded lot. The entire project will disturb 0.15-acres, but only approximately 0.04 acres of trees on the wooded lot will be removed.

The project was subject to the 239-Review. The County Planning Department had no comments. The NYS DOT will require highway work permits for signage along the state highway, SR 26.

The Planning Department recommends approval of the Special Use Permit for expansion of a public utility use at 1101 River Drive, with the following stipulations:

1. The backup generator shall be cycled no more than once per week and for no longer than one hour, unless circumstances require differently.
2. Special permit modification approval shall be required if there are any changes to the site plan or change of use on the property, per § 300-66.10.
3. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. The applicant shall agree to follow stipulations of approval in strict accordance

with the special permit approved by the Planning Board.”

Chairman Miller asked for a motion to approve the Special Use Permit to expand a Public Utility, with stipulations.

Motion Made: D. Kudgus
Motion Seconded: K. Rose
MOTION: Approval of the Special Use Permit to expand a Public Utility, with stipulations.
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster, M. Jaros, K. Rose
Opposed: None
Abstained: None
Motion Carried

6. Pending SUP approval, Site Plan Review

Ms. Lane read her recommendations regarding the site plan to the Planning Board. “The Planning Department recommends approval of the site plan with the following stipulations:

1. The lights shall be directed downward so as to not shine on adjacent properties. Per 300-55.4, General Requirements,
 - A. All outdoor lighting fixtures shall be shielded or otherwise contained on the property from which it originates (known as "light trespass limitations").
 - B. Exterior lighting fixtures shall conform to the Illuminating Engineer Society of North America (IESNA) criteria for full cutoff fixtures. In addition, the lighting levels shall be designed to meet the minimum requirements of the latest recommended levels set forth by IESNA.
 - C. To minimize the indiscriminate use of illumination, lighting, except as required for security, shall be extinguished during non-operating hours. Where practicable, lighting installations are encouraged to include timers, sensors, and dimmers to reduce energy consumption and unnecessary lighting.
2. The Applicant shall be required to acknowledge and agree to all of the above stipulations, in writing, prior to the issuance of a building permit. Changes to the site plan following approval may require a minor site plan review or resubmittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.”

Chairman Miller asked for a motion to approve the Site Plan for 1101 River Drive, with stipulations.

Motion Made: D. Kudgus
Motion Seconded: M. Jaros

MOTION: Approval of the Site Plan for 1101 River Drive, with stipulations.

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

G. Homestead Village PUD, 4311 Watson Boulevard, Delaware River Solar Project, Ray Standish, Kelly Sullivan, Pete Dolgos

Presentation, Review of Project by a Town-Designated Engineer

Ms. Lane introduced Ray Standish, an engineer from Barton & Loguidice. Mr. Standish was hired to review the plans by Bergmann Associates for the Delaware River Solar farm at 4311 Watson Boulevard. Mr. Standish thanked the Town for hiring his company to do the review of the project and he noted that they have done many of these reviews for other municipalities. He provided the Planning Board members with a copy of his review of the project.

Mr. Standish explained that the project is a Type I action under SEQRA and the Planning Board will have to coordinate the SEQRA Review with all the involved agencies. Ms. Lane interjected that the Town Board had already declared lead agency because the project location is part of a Planned Unit Development. She will manage the coordination with the other agencies for the Town Board. The Planning Board will do a separate review after the Town Board approves the solar project in the PUD.

Mr. Standish said that they had thirteen comments on Part 1 of the EAF.

The Planning Board is concerned about the impact to the land due to the removal of trees. Mr. Jaros asked Mr. Standish to address the difference in the acreage amounts for the project. Mr. Standish answered that this discrepancy on the plans must be addressed and that the client needs to provide consistent information on both the site plan and the EAF materials, clarifying whichever acreage is correct.

Mr. Forster asked Mr. Standish if he had seen the Visual Impact photos and he had not. Ms. Kelly Sullivan, Senior Project Manager from Bergmann Associates, said that she would discuss the photos with the Planning Board later in the meeting.

Mr. Standish then discussed the most important comments that he had about the SWPPP. He said, "The SWPPP appears incomplete and should be revised in accordance with the NYSDEC's Memorandum on Solar Panel Construction Stormwater Permitting/SWPPP Guidance (dated 02/21/2020), particularly as it relates to pre-/post-construction hydrology and post-construction stormwater management controls for impervious areas (i.e., concrete equipment pads)." Ms. Sullivan commented that the proposed driveway had conflicted with the GlidePath property, requiring a revised site

plan, so the SWPPP will be updated with this change. Finally, the Notice of Intent (NOI) indicates that the total area to be disturbed will be 48.32 acres, however, the HydroCAD report indicates that the cover type will change by 49.906 acres. This discrepancy should be amended and “provide consistent area of disturbance values throughout all application materials.”

Ms. Lane then reviewed several comments about the Site Plan Drawings from Mr. Standish’s report. She asked if a wetland delineation had been performed on the site. Ms. Sullivan replied that they had performed a wetlands delineation and they would provide the report to the Planning Board. Mr. Standish also noted that because a significant portion of the site had steep slopes, the grading plan needs to provide information on whether the slope stability had been assessed based on removing vegetative cover and site and specific geotechnical data. Ms. Lane requested that the site plan should differentiate between tree clearing and tree cutting activity. She also noted that the post-construction stormwater practices should be identified on the Site Plan Drawings. Ms. Lane asked Ms. Sullivan if more than five acres of land would be disturbed at any one time. Ms. Sullivan answered “no.”

Mr. Standish also recommended a detailed, itemized Decommissioning Cost Estimate based on the associated labor cost to dismantle the equipment and load and the transportation costs to a permitted disposal facility. Ms. Rose asked how long the solar panels would last. Mr. Pete Dolgos, Delaware River Solar, answered “thirty years.”

Ms. Lane asked whether they were coordinating with Buckeye Pipeline for an easement to provide a right-of-way. Ms. Sullivan explained that, due to heavy trucks, they would need to provide an air bridge to transport the materials over the pipeline safely; she added that they would do whatever Buckeye Pipeline preferred. Bergmann Associates provides services to Buckeye, so they have been working on the easement. Ms. Sullivan said that she would forward a copy of that agreement to the Planning Department.

Mr. Standish asked Ms. Sullivan if they had done a glare analysis. Mr. Dolgos answered that they had sent their project plans to the FAA and so far, they have not received an answer from them. Ms. Sullivan said that she would send a copy of any letter they receive from the FAA to the Planning Department.

Ms. Lane explained that there should be no increase in the rate of post-construction stormwater runoff, per the Town of Union code. Ms. Sullivan responded that they did make room to do ponds, but that they believe that rock lined ditches would take care of the runoff.

Ms. Sullivan then reviewed the visual renderings for the project. The trees in the foreground would hide the panels because they are forty to fifty-feet tall. Mr. Kudgus said that because of the number of acres that were being cleared for the project, he anticipates that the panels would be more visible than the visual renderings indicate. Ms. Sullivan stated that they had also taken pictures from the top of the hill by the mulch nursery, and even there a buffer

of trees on the property line hid the panels. The nursery property owner is in favor of the project and they had even discussed putting an access road through his property.

Ms. Lane asked if they had addressed any noise issues. Mr. Dolgos answered that the inverters sit on concrete pads and are so far back from the road that they would not be audible. In addition, the inverters do not operate at night.

Mr. Jaros asked if Delaware River Solar had done larger jobs than this project. Mr. Dolgos answered that they had done over fifty projects, and one project had six five-acre projects side by side for a total of 30 megawatts. Mr. Jaros asked if there is a relationship between megawatts and acreage, i.e., the smaller the acreage, the smaller the megawatts. Mr. Dolgos that there is a relationship but that it depends on the individual project.

Mr. Kudgus was concerned about the erosion, the environmental effects to the property, and what will be visible once the trees are cut. Mr. Forster commented that the acreage for the project used to be a horse farm, and that seventy-five years ago, those trees were not there. Mr. Dolgos added that the solar farm would not be forty acres of dirt because grass would grow under the panels and it would become more like a meadow. Ms. Sullivan added that the stormwater runoff number (CN number) for the meadow grass was the same as the forested area. Ms. Sullivan added that the Planning Board would be able to specify the type of seeding under the panels. Ms. Lane asked Mr. Standish if he would be reviewing Ms. Sullivan's changes and resubmitting a second report to the Planning Board and he said that was part of the contract.

H. 475 Boswell Hill Road, Use Variance for Accessory Use without a Principal Use, Paul Wasicki

The property owner for this project, Mr. Wasicki, lives in the Town of Maine and he owns a ten-acre farm with a house and garage at 475 Boswell Hill Road. Mr. Wasicki would like to sell off an acre with the house but keep the remaining nine acres with the garage for himself because he stores a tractor in the garage. The garage is twelve feet away from the house. Mr. Forster suggested that if the owner sells the house with the garage, he would have enough money from the sale of the house to buy a shed for the tractor on his remaining property.

Ms. Miller asked if the Town had previously allowed a use variance for an accessory structure without a primary building. Ms. Lane answered there had been a similar situation where there was a request for a use variance for a barn without a principal use, and the Zoning Board denied it. Ms. Lane noted that there is another complication with the project because the septic tank for the house would be on the property with the garage.

The fact that the septic system would not be a part of the house property was considered an obstacle by all of the Planning Board members for approval of the use variance.

1. Advisory Opinion for Use Variance and Side Set-Back Area Variances

Chairman Miller asked for a motion to recommend the ZBA deny a use variance to have an accessory building without a principal use.

Motion Made: K. Rose
Motion Seconded: D. Kudgus
MOTION: Recommendation that the ZBA deny a use variance to allow an accessory building without a principal building.
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster, M. Jaros, K. Rose
Opposed: None
Absent: None
Motion Carried

I. 301 Glendale Drive, Modification of Special Use Permit for Outdoor Storage, Mark Parker

1. Declare Lead Agency

Chairman Miller asked for a motion to Declare Lead Agency.

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

3. Call for a Public Hearing to Modify a Special Use Permit for Outdoor Storage, to be held on November 9, 2021, at 7:00 p.m.

Chairman Miller asked for a motion to call for a Public Hearing to Modify a Special Use Permit for Outdoor Storage, to be held on November 9, 2021, at 7:00 p.m.

Motion Made: S. Forster
Motion Seconded: M. Jaros
MOTION: Call for a Public Hearing to Modify a Special Use Permit for Outdoor Storage, to be held on November 9, 2021, at 7:00 p.m.
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster, M. Jaros, K. Rose
Opposed: None
Abstained: None
Motion Carried

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

Ms. Lane reminded all the members to bring the paperwork associated with the AutoZone addition project and the Storage Project at 301 Glendale Drive to the November meeting.

M. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 9:08 p.m.

Motion Made: K. Rose
Motion Seconded: D. Kudgus
MOTION: Adjourning the meeting.
VOTE: **In Favor:** L. Miller, D. Kudgus, S. Forster, M. Jaros, K. Rose
Opposed: None
Abstained: None
Motion Carried

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, November 9, 2021, at 7:00 p.m.

Respectfully Submitted,
Carol Krawczyk