

## **Town of Union Planning Board Minutes**

Tuesday, June 14, 2022

The Town of Union Planning Board held a regular meeting on Tuesday, June 14, 2022, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

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

Members absent: S. McLain, K. Rose

Others present: Marina Lane, Rick Materese, Paul Simonet, Annie Walck, Jon Stone, Jared Heinl, Robert Potochniak

### **A. CALL TO ORDER**

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

Due to absent members, Chairman Miller appointed Colleen Curtin, the Alternate Member, to serve as a regular voting member for this meeting.

### **B. MEETING MINUTES**

#### **1. Acceptance of April 12, 2022 Meeting Minutes**

Chairman Miller asked for a motion to accept the April 12, 2022, Meeting Minutes as written.

Motion Made: T. Crowley

Motion Seconded: C. Curtin

MOTION: Acceptance of the April 12, 2022, Meeting Minutes as written.

VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin

**Opposed:** None

**Abstained:** None

Motion Carried

#### **2. Acceptance of April 12, 2022, Public Hearing Transcript: 3100 Watson Boulevard, Byrne Dairy, Aquifer Permit**

Chairman Miller asked for a motion to accept the Public Hearing Transcript for an Aquifer Permit for 3100 Watson Boulevard, as written.

Motion Made: T. Crowley

Motion Seconded: C. Curtin

MOTION: Acceptance of the Public Hearing Transcript for Special an Aquifer Permit at 3100 Watson Boulevard, as written.

VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin

**Opposed:** None  
**Abstained:** None  
Motion Carried

**3. Acceptance of April 12, 2022, Public Hearing Transcript: 3100 Watson Boulevard, Special Use Permit for a Gasoline Station**

Chairman Miller asked for a motion to accept the Public Hearing Transcript for a Special Use Permit for a Gasoline Station at 3100 Watson Boulevard, as written.

Motion Made: T. Crowley  
Motion Seconded: C. Curtin  
MOTION: Acceptance of the Public Hearing Transcript for a Special Use Permit for a Gasoline Station at 3100 Watson Boulevard, as written.  
VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**4. Acceptance of April 12, 2022, Public Hearing Transcript for a Special Permit for Development in the Floodplain at 340 Scarborough Drive**

Chairman Miller asked for a motion to accept the Public Hearing Transcript for a Special Permit for Development in the Floodplain at 340 Scarborough Drive, as written.

Motion Made: T. Crowley  
Motion Seconded: C. Curtin  
MOTION: Acceptance of the Public Hearing Transcript for Special Permit for Floodplain Development at 340 Scarborough Drive, as written.  
VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**5. Acceptance of April 12, 2022, Public Hearing Transcript for a Special Permit for Development in the Floodplain at 4101 Watson Boulevard**

Chairman Miller asked for a motion to accept the Public Hearing Transcript for a Special Permit for Development in the Floodplain at 4101 Watson Boulevard, as written.

Motion Made T. Crowley  
Motion Seconded: C. Curtin

MOTION: Acceptance of the Public Hearing Transcript for a Special Permit for Development in the Floodplain at 4101 Watson Boulevard, as written.

VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**6. Acceptance of April 12, 2022, Public Hearing Transcript for a Special Permit for Development in the Floodplain at 4320 Watson Boulevard**

Chairman Miller asked for a motion to accept the Public Hearing Transcript for a Special Permit for Development in the Floodplain at 4320 Watson Boulevard, as written.

Motion Made: T. Crowley  
Motion Seconded: C. Curtin  
MOTION: Acceptance of the Public Hearing Transcript for a Special Permit for Development in the Floodplain at 4320 Watson Boulevard, as written.

VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**7. Acceptance of April 12, 2022, Public Hearing Transcript for a Special Use Permit for Auto Rentals at 15 Delaware Avenue**

Chairman Miller asked for a motion to accept the Public Hearing Transcript for a Special Use Permit for Auto Rentals at 15 Delaware Avenue, as written.

Motion Made: T. Crowley  
Motion Seconded: C. Curtin  
MOTION: Acceptance of the Public Hearing Transcript for a Special Use Permit for Auto Rentals at 15 Delaware Avenue, as written.

VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**C. 3502 Argonne Avenue, Development in the Floodplain for an Off-Premise Sign, Paul Simonet of Park Outdoors**

**1. SEQRA Determination**

Ms. Lane drew the Planning Board's attention to the map showing the location of the floodplain and floodway at 3502 Argonne Avenue. Having recently reviewed the Flood Damage Prevention Code, she determined that a development project cannot raise floodwater, or base flood elevation, more than one foot in relation to the floodway. This requirement is not relative to the area of special hazard, i.e. the 100-year floodplain.

Ms. Lane noted that the Planning Board is not reviewing the proposed sign, only the potential impacts from development in the floodplain, as the entire property is in the 100-year floodplain. Ms. Lane then read the description of the action from Part 1 of the environmental assessment form (EAF). "We propose to erect a back to back "vee" sign that would read to both eastbound and westbound traffic along I-86/Route 17. To erect the sign, we would have to dig a foundation that would be approximately 12' x 12' x 13.5'. (Final size will be determined after soil sample is analyzed) The height of the sign will be approximately 45 feet (from the base of the sign), but will not exceed 35 feet above grade level of I-86/Route 17. This is in accordance with Town Ordinance. The resulting signs will be required to pass NY State requirements and a DOT sign permit will need to be provided prior to erecting signs."

Ms. Lane reviewed Part 2 of the EAF and all of the environmental impacts were small to none for the project. Per the Determination of Significance, Park Outdoor has proposed an electronic 45' high, approximately 432 square-foot off-premise sign to be located at 3502 Argonne Avenue. The entire property is in the 100-year floodplain and therefore the proposal requires a special permit for development in the floodplain. The property is owned by the Town of Union and is used for storage. The proposal to locate a billboard sign in the floodplain was evaluated for any adverse negative impact on the floodplain and environment. The property is entirely within the 100-year flood plain.

The sign pole base is proposed to be located at ground elevation approx. 821' above sea level (a.s.l.). Base flood elevation is 835' a.s.l. The sign would be elevated on a 42" pipe column in a 12' by 12' and approximately 13'5"-deep concrete base. The base and pole would not result in any rise in base flood elevation.

The project does not require a stormwater management plan as there is minimal soil disturbance proposed.

The sign is permitted, and therefore it has been determined by the Town Board that the proposed action would not result in adverse impacts to aesthetic, agricultural, historic or other natural or cultural resources; or community or neighborhood character.

The proposed sign, pipe column and buried base would not have any significant negative impacts on base flood elevation or the environment.

Ms. Lane proposed a Negative Declaration under SEQRA.

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, T. Crowley, S. Forster, M. Jaros, C. Curtin  
**Opposed:** None  
**Abstained:** None  
Motion Carried

## **2. Public Hearing for a Special Permit for Development in the Floodplain, Vote at Discretion of Planning Board**

Chairman Miller opened the Public Hearing for Development in the Floodplain at 7:10 p.m. During the Public Hearing Mr. Simonet confirmed that the off-premise sign would be mounted on top of a monopole. There were no other questions during the public hearing. The Public Hearing was closed at 7:12 p.m.

After the public hearing concluded, Mr. Simonet was asked what they would be doing with the excavated dirt from the project. Mr. Simonet confirmed that any dirt removed during the project would be hauled from the site.

Ms. Lane then summarized her report for the Planning Board. The Planning Board determined that the placement of the sign and pole within the floodplain will not cause base flood elevation to rise.

The property is subject to a 239-Review; Broome County Planning did not identify any community-wide impacts. NYS DOT stated that the sign is subject to NYSDOT's Outdoor Advertising Permit process prior to the commencement of the project.

The Planning Department recommends approval of the Special Permit for development in the floodplain, with the following stipulations:

1. Utilities, electrical and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the utility components during conditions of flooding.
2. Per § 121-12.H.,
  - (2) All [other] development occurring within the area of special flood hazard will have upon completion a certificate of compliance issued by the local administrator.
  - (3) All certificates shall be based upon the inspections conducted subject to Subsection G of this section and/or any certified elevations, hydraulic information, floodproofing, anchoring requirements or encroachment

analysis, which may have been required as a condition of the approved permit.

3. This Special Permit shall expire if construction of the sign has not commenced within one year.

4. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a sign permit. The applicant shall agree to follow the stipulations of approval in strict accordance with the special permit. Changes to the site plan following approval may require a minor site plan review or submittal 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 Special Permit for Development in the Floodplain at 3502 Argonne Avenue, with stipulations.

Motion Made:	T. Crowley
Motion Seconded:	C. Curtin
MOTION:	Approval of the Special Permit for Development in the Floodplain, with stipulations.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

**D. 519 Hooper Road, Special Use Permit for a Sit-Down Restaurant, The Bright Side Café, Annie Walck**

**1. Public Hearing for a Special Use Permit for a Sit-Down Restaurant, Vote at Discretion of Planning Board**

Chairman Miller opened the Public Hearing for a Sit-Down Restaurant at 7:15 p.m. During the Public Hearing, Ms. Lane reminded the Planning Board that the project had been classified as a Type II Action at the May 10, 2022, Planning Board Meeting, and therefore it would not require any further environmental review. The Public Hearing was closed at 7:17 p.m.

Ms. Lane then reviewed her report for the Planning Board. Annie Walck applied to open a sit-down café in an existing commercial building located at 519 Hooper Road. The property is in a Neighborhood Commercial zoning district and a sit-down restaurant is permitted by a Special Use Permit from the Planning Board. The anticipated hours of operation are 7:00 a.m. to 2:00 p.m. Only the two co-owners will work in the restaurant.

Novello's Dry-Cleaners formerly occupied the 800-square-foot space, and the anticipated occupancy is similar. Ms. Walck and her business partner envision a warm and inviting space where friends and family can gather and enjoy specialty coffees and healthy food choices. Pastries will be outsourced from

a local bakery, and other food selections will be assembled on site. Ms. Walck does not plan to fry or bake foods on site.

Co-tenants in the building are CSL Plasma, Horizons Federal Credit Union and Lourdes. Additional businesses are located across the street. The proposed café compliments the adjacent businesses, and no residential uses will be affected by the sit-down restaurant.

Under the requirements of Section 617.7(c), the proposed action was examined by the Short Environmental Assessment Form. The project is the reuse of a commercial space and no exterior disturbance is planned, therefore the Planning Board classified the project as a Type II on May 10, 2022, and no further environmental review is required. A stormwater management plan is not required because the site is already developed. Stormwater drainage is directed to the public storm sewer system. The site has public water and sanitary sewer service.

The property is subject to a 239-Review because it is on Broome County Highway 33, Hooper Road. Broome County Planning did not identify any intercommunity impacts. The B.C. Health Department requires a food permit. The Town Engineering Department and Code Enforcement have reviewed the project and had no concerns.

Ms. Lane said that the County did want Ms. Walck to put potted plants in front of the business, but noted that it was a parking lot.

The staff recommendation is to approve the Special Use Permit for a sit-down restaurant at 519 Hooper Road with the following stipulations:

- 1) If the type of food served changes to include on-site baking or frying, the applicant must first consult with the Code Enforcement Office to review equipment and venting requirements.
- 2) Any plan to add outdoor seating shall first be reviewed by the Code Enforcement Office.

Ms. Walck noted that Subway has two small outdoor tables and that she may want to add outdoor tables in front of her establishment too. Ms. Lane advised Ms. Walck to contact the owner to get his permission for the outside tables before she does anything.

- 3) Special permit modification approval may be required if there are any changes to the site plan or change in use of the property.
- 4) The Special Permit shall expire should the property or business be sold or transferred to another entity, per § 300-66.11. Transferability:
  - a. A special permit is not transferable except upon approval by resolution of the issuing board.
  - b. A special permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.

- 5) The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to the issuance of a Certificate of Compliance.

There was a suggestion to change the timeline for the expiration of the Special Permit from three months to six months. Ms. Lane did not agree with this change because the three-month timeline is from the code. Ms. Lane added that Ms. Walck could always request an extension of the timeline if she needs one. Ms. Lane explained to Ms. Walck that this means that her special use permit would expire if she were to close the café for three months.

Chairman Miller called for a motion to approve the Special Use Permit for a Sit-Down Restaurant, with stipulations.

Motion Made:	S. Forster
Motion Seconded:	M. Jaros
MOTION:	Approval of the Special Use Permit for a Sit-Down Restaurant, with stipulations.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

## **2. Pending Approval of the Special Use Permit, Site Plan Review**

Ms. Lane then reviewed her staff report for the Planning Board. The anticipated hours of operation are 7:00 a.m. to 2:00 p.m. Only the two co-owners will work in the café. The plaza has 104 parking spaces including five-accessible, signed parking spaces. Vehicle traffic can access the site via Hooper Road or Smith Drive, and there is a bus stop located at the corner of Country Club and Hooper Roads.

The plaza has dumpster service. Ms. Walck that each business in the plaza had to have their own garbage taken care of and she confirmed that it is in the back of the business.

The project meets the requirements for site plan review for a sit-down restaurant in a Neighborhood Commercial zone. The staff recommendation is to approve the Site Plan, with the following stipulations:

1. The parking lot shall be maintained in good repair, and the required handicap parking shall conform to the Property Maintenance code of NYS.
2. The trash-storage area shall be maintained in a neat and orderly manner.
3. If the applicant wishes to add any outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
4. The applicant shall apply for a sign permit from the Building Permits office. All temporary signs, portable signs, search lights, balloons, sidewalk and curb signs shall be reviewed and approved by the Code Enforcement Office prior



to being placed on the property.

Ms. Lane noted that Ms. Walck could have a sandwich board sign. Ms. Lane added that a sandwich board sign requires permission from the code enforcement office not a permit.

5. Signs that blink, rotate, or move are not permitted.
6. Per NYS law, restaurants with fewer than 50 seats must be inspected by the Code Enforcement every three years. It is your responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920. The initial inspection shall be completed prior to the issuance of a Certificate of Compliance.
7. Site plan approval shall expire after one year unless substantial improvements have been made pursuant to the approved site plan. The applicant may request an extension from the Planning Board.
8. 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 the stipulations of approval in strict accordance with the site plan. Changes to the site plan following approval may require a minor site plan review or submittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

The Planning Board members asked whether Ms. Walck would be responsible for keeping the parking lot in good repair. Ms. Lane responded that she also sends the stipulations to the owner of the property, and that this particular stipulation applies to the owner, not Ms. Walck. Ms. Walck was asked whether she would be putting a sign on the building. Ms. Walck has not discussed whether there will be a sign on front of the building with the owner yet, but she will contact him to discuss this issue. Lastly, one of the members suggested that Ms. Walck open at 6:30 a.m. rather than 7 a.m. because he knows that there is a lot of activity from 6:30 a.m. to 7 a.m. on Hooper Road. Ms. Lane explained that Ms. Walck is free to open at 6:30 a.m. and that normally the Planning Board does not restrict the hours of operation unless there is a special reason to do so.

Chairman Miller called for a motion to approve the Site Plan for a Sit-Down Restaurant at 519 Hooper Road, with stipulations.

Motion Made:	S. Forster
Motion Seconded:	C. Curtin
MOTION:	Approval of the Site Plan for a Sit-Down Restaurant at 519 Hooper Road, with stipulations.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin
	<b>Opposed:</b> None
	<b>Abstained:</b> None
	Motion Carried

**E. 1571 & 1657 Union Center-Maine Hwy., Norbut Solar Farm Project, Jon Stone, Jared Heint**

Ms. Lane reminded the Planning Board that when a project involves other agencies for approval or funding, Ms. Lane is required to notify the other agencies when the Planning Board has declared their intent to be Lead Agency. The other agencies have thirty days to respond to contest this if they wish, and none did.

**1. Confirm that the Planning Board as Lead Agency**

Chairman Miller asked for a motion to declare the Planning Board as Lead Agency.

Motion Made:	M. Jaros
Motion Seconded:	C. Curtin
MOTION:	Declare the Planning Board as Lead Agency.
VOTE:	<b>In Favor:</b> L. Miller, S. McLain, T. Crowley, S. Forster, M. Jaros, C. Curtin <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

**2. SEQRA Determination**

Ms. Lane introduced Jared Heint as the engineer on the project who completed Part 1 of the EAF. Mr. Heint read the description of the project. “Norbut Solar (via NSF Union Site 1B, LLC; NSF Union Site 2B, LLC; NSF Union Site 3B, LLC and Union Center Maine Hwy, LLC), proposes to construct a 15 MW solar farm consisting of three separate, but adjacent/contiguous sites (of approximately 5 MW each). The proposed project area spans two separate tax parcels with a linear easement across other adjacent parcels. All lands occupied by the project are currently a mix of vacant agricultural or wooded cover. The project will include a permeable pavement gravel access road for construction and maintenance access, perimeter fencing, safety signage, and associated utility grid interconnection facility. The project also includes a Land partition impacting Tax Parcels 124.04-1-8.1 and 124.04-1-5.1 and associated area variance request for the partition lots. The project will also request consideration of relief from and variances to set back requirements. Please note that the portions of Tax parcel 124.04-1-8.1 that are located east of Union Center-Maine Highway are discussed relative to land partition but not proposed for development under this project and are not included in overall site or land use areas described in this EAF. Additionally, a portion of Tax Parcel 124.04-1-1 (482 Boswell Hill Road) will include a utility easement access as depicted on the plans, the associated easement area is included in area summary tables described in this EAF).

Ms. Lane confirmed that all members of the Planning Board had a copy of Parts 1, 2 and 3 of the EAF. She reviewed the most significant questions and answers.

Section C.3 Zoning, the current zoning is Rural Residential and solar farms are permitted in this zoning district.

Section D.1(b), the total acreage of the proposed action is 147.60-acres. The total acreage to be disturbed is 8.5-acres. There is a side note about the 30-foot roadway corridor, the access road that starts at the base of the property off Union Center-Maine Highway.

Section D.1(e), the anticipated period of construction is 12 months.

Section D.1(g) is a description of the structures. The individual PV modules will be 16.42' max height when mounted; 3' width; and 5' length. There will be approximately 40,580 structures.

Section D.2(a), will the project include excavation, mining or dredging during construction? There will be no excavating, mining, dredging, just some general contouring to facilitate the road.

Section D.2(b)(i), would the action encroach into any existing wetland, waterbody, shoreline, beach or adjacent area? The action will affect an unnamed tributary to Nanticoke Creek.

Section D.2(b)(ii) describes how the proposed action would affect the waterway or wetlands. The limited use access roadway will cross the unnamed tributary at two locations to allow construction and maintenance access, an additional crossing of an unnamed channel is also required in the vicinity of the Point of Interconnection off Shale Road. Crossings will include appropriately sized corrugated plastic pipe culverts set along the existing stream/channel thalweg and imported granular fill material to create roadway bed. Side slopes may be protected with stone rip rap. They are in the process of applying for a joint New York State DEC and United States Army Corps of Engineers application. Culvert installation will result in limited soil disturbance along the length of the proposed culvert barrels.

Section D.2(e), will the proposed action disturb more than one acre? The answer is yes, either from a new point source or non-point source (i.e. sheet flow). How much impervious surface will the project create in relation to the total size of the project? This topic is under discussion with Delta Engineering, who are reviewing the SWPPP. Delta Engineering felt that the potential for soil compaction beneath the proposed access roadway could classify this roadway as impermeable, but it is really a minor issue at this point.

Section D.2(f), does the proposed action include any source of air emissions? The answer is yes. The emissions will come from construction vehicles, including tractor trailers, dump trucks, pickup trucks, track mounted excavators and similar equipment.

Ms. Lane then asked Mr. Stone how they planned to install the racking system. Mr. Stone answered generally they are installed with a mini excavator, which is about the size of a bobcat kind of tractor vehicle. The machine has a pneumatic head on it that will basically pound those posts. We do have two options. One is pre-drilling them in with a large ground screw; and at times that can be a more helpful application. We will do a pull test to measure uplift resistance and utilize an engineered installation method as appropriate for the site. We will drive a

couple of poles with that pneumatic device, and then apply pressure uplift on it. In this case, with the glacial fill that we have in the area it is expected to pass the test. However, if it does not, we would potentially have to switch to a screw-type foundation.

Section D.2(l) Hours of Operation. Construction will take place between the hours of 7 a.m. until 7 p.m. Monday through Saturday. Ms. Lane asked that Norbut Solar let the neighbors know when construction is going to begin so that it is not a surprise to them. When asked if there was reason they work on Saturdays, Mr. Stone answered that it is to maintain productivity. He added that if it rains on a Thursday, then they work on Saturday.

Section D.2(m), will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? The answer is yes, and that was the principal reason for asking about the method of installation. Noise may be produced from typical construction vehicles and equipment (tractor trailers deliveries, pickup trucks, track hoe excavators, bulldozers or similar). Mr. Stone explained that there is definitely some construction noise but it would not be much different from what happens on a typical construction site. Construction operations are anticipated to primarily occur weekdays during daylight hours. Norbut Solar submitted an accompanying noise study for any analysis of sound related to permanent equipment (i.e. inverters and transformers). Mr. Stone was asked how long he anticipates the construction to last. He answered that if everything was perfect, active construction would last six months; but if there are delays or equipment doesn't show up, or we have bad weather, it could be longer. Mr. Stone noted that the work would all be subcontracted. Mr. Stone confirmed that there are general contractors that specialize in this type of construction.

Ms. Lane discussed part two of the noise question. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? The answer is no.

Section D.2(r), will the proposed action involve or require the management or disposal of solid waste? Ms. Lane noted that Delta Engineering had inquired about this. Mr. Stone explained that the packaging for panels/shipping materials will be recycled if recyclable. Ms. Lane asked what they do with the trees being removed from the site.

Mr. Stone answered that, depending on the species, they try to find local processors. There will be no chipping of the trees on site. Mr. Stone explained that wood chips are great for temporary stabilization but when you try to get permanent stabilization with wood chips, they just spread everywhere; you end up having to dig them out and adding top soil to get a good base to really take hold. Mr. Stone mentioned that they have another project where they are stockpiling the wood chips because they have a neighboring piece of property where they can add the wood chips in a natural composting facility

Section E.1(b), The changes in land use chart. The most significant part of the chart is on the right hand side. There will be a loss of 16.5-acres of forested land,

and a loss of the agricultural land, grasses, of 49.70-acres. There will be 63 acres of PV Arrays but they will have the pollinator friendly seed mix underneath.

Section E.1(h), has there been a reported spill at the proposed project site? The response was that the project site is located within the Endicott Area-Wide Investigation for remediation site C704038. The investigation is completed with no further action anticipated except for continued area-wide vapor monitoring.

Ms. Lane noted that a portion of the site is located in the 100-year floodplain so she will have to add another public hearing for development in the floodplain to the agenda for the next meeting.

Section E.2(m) Identify the predominant wildlife species. The NYSDEC EAF Mapper report indicated that there is a “recognized species,” but it was not identified.

Section E.3(b), are agricultural lands consisting of highly productive soils present? There are approximately 89.57 acres of highly productive soils even though they are not currently farmed.

Section E.3(f) asks if the project site or any portion of it is located in or adjacent to an area designated as sensitive for an archaeological site. That answer was pre-filled as “yes” from the DEC database. The properties have the potential to have had a possible settlement or campsite because it is mountainous and it is looking over a river.

Ms. Lane then reviewed Part 2 of the EAF for the Planning Board. There will be some excavating, but overall that will be a small impact to the land. The answer to the impact on geological features was no. The answer to the impact on surface water is yes because there are the wetlands on site and the crossing of the unnamed tributary. The answer to the impact on groundwater is no. The answer to the impact on flooding is yes, but it will be just the enhanced access road. The answer to the impact on air is no. The impact on plants and animals will be small because there are no protected animals in this area. There will be a small impact on agricultural resources because the land has potentially a highly productive agricultural soil. The answer to the impact on aesthetic resources is no. There is the potential for archaeological findings. The answer to the impact on open spaces and recreation is no. The answer to the impact on critical environmental areas is no. The answer to the impact on transportation systems is no. The answer to the impact on energy the answer is no. The answer to the impact on noise, odor and light and the answer is yes, however, will the proposed action will not produce sound above noise levels established by local regulations. (Ms. Lane interjected that it would be no worse than if you were having a subdivision built.) The answer to the impact on human health is no. The project will not change community character because it will not be visible.

Ms. Lane then reviewed Part 3 of the EAF, the Determination of Significance. Norbut Solar applied to construct (3) separate, approximately Five Megawatt solar sites for one combined 15-MegaWatt (MW) community solar project on a combined area of approximately 63-acres of 1571 & 1657 Union Center-Maine

Highway. The facility will connect to the electric grid via a utility access easement through 482 Boswell Hill Road.

-Impact on land: 35% of the facility footprint is on >15% sloped land, and 16.5-acres of trees will be cut, but stumps will remain and stabilize the ground. The stormwater management plan is designed to prevent erosion and maintain the rate of stormwater runoff at the same or lower rate as existing.

-Impacts on surface water: Army Corps of Engineer wetlands may be affected by the project's interior road system. A tributary to Nanticoke Creek will be crossed and the applicant is working with the DEC and ACOE for permitting required for these. Potential erosion and drainage issues during construction will be addressed by an approved erosion control plan.

-Impacts on flooding: The entrance road is in the 100-year floodplain, and will be enhanced. A Special Permit will ensure no impacts to the floodplain.

-Impact on plants and animals: The removal of 16.5-acres of trees would disturb some animals, but given the two properties contain approx. 147.6-acres of undeveloped or farmed land, the proposed development would not significantly affect plants and animals. US Fish and Wildlife Service found no rare, protected or endangered animals or plants. No NYS Critical Environmental Area would be affected. In addition, the DEC reports no impact on threatened or endangered species.

-Impacts on agricultural resources: The land has been identified as highly productive agricultural soil, but no agricultural activity is currently active, and the project will not alter the nature of the soil. Pollinator-friendly seed-mix will be planted which supports animal-life and enhances the quality of the soil.

-Impact on archaeological resources: the site is identified by NY SHPO as potentially archaeologically sensitive. Should any evidence of artifacts be discovered, the developers shall initiate a Phase I study.

-Impact on noise, odor and light: A noise study was submitted showing that noise related to the transformers would be mitigated by trees and distance. -Increased traffic during construction would be temporary, and once constructed, the project would result in 3-5 vehicle trips/summer. Solid waste production during construction would be recycled or disposed of through a private waste disposal company. There would be minimal waste produced during normal operations. There would be no impacts to public water and sanitary sewer systems. The proposed action would not result in any adverse effects to aesthetic or cultural resources, nor community or neighborhood character, being largely unseen by the public after construction.

The proposal would not result in any adverse effects in either quantity or type of energy, and in fact would be an asset by stabilizing the electric grid. The proposed action would support renewable energy use, and reduce the grid's dependence on non-renewable energy sources that negatively affect the environment.

Mr. Forster noted that comparing the noise from the pile driver to the noise of hammering a roof was not an accurate description of the noise; he noted that the noise would be ten times louder. Ms. Lane replied that she had referenced a subdivision, not a house. Given the acreage of the site, if they were building a subdivision, the noise on the site would be greater. Mr. Stone acknowledged that he does not want to minimize the impact of the noise, but there are other types of development sites where noise levels are much louder. As an example, he noted that very large bulldozers that do mass grading work are a lot louder than the pile drivers are. He also referred to bridge construction where you are dropping a weight from two stories up trying to hammer in a bridge pylon. Mr. Stone said he did not want to pretend that this was not a construction site, because it is. Ms. Lane concluded that the noise would be temporary and hopefully the benefits of the solar project outweigh the temporary disruption for the neighbors.

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

Motion Made:	T. Crowley
Motion Seconded:	D. Kudgus
MOTION:	Approval of the Negative Declaration under SEQRA
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

### **3. Advisory Opinion to ZBA: Area Setback Variances, Area Variance for Lot without Street Frontage**

Ms. Lane then presented her staff report to the Planning Board. Norbut Solar Farms applied for the construction of a fifteen mega-watt community solar farm at 1571 and 1657 Union Center-Maine Highway (UC-MH). Large-scale solar energy systems are permitted by Special Use Permit from the Planning Board per Town Code § 161-6.

The parcel 1571 Union Center-Maine Highway is split-zoned Rural Residential and General Commercial, while all of 1657 Union Center-Maine Highway is zoned Rural Residential. The proposed solar farm would be located across the two properties within the Rural Residential zoning district, with access to the parcels from Union Center-Maine Highway through the General Commercial zoning district on 1571 Union Center-Maine Highway. Per § 161.6-A.4.a(2), ground-mounted large-scale solar energy systems located in a residential district shall be set back an additional 200-feet from the minimum yard setback along all property lines that abut a lot located in a residential district.

Per the Public Service Commission (PSC), in order for solar projects to be classified as Community Distributed Generation solar farms, they are limited to a maximum of 5-MW AC, and each must be located on a unique parcel with its own

tax ID number. This requires the division of the 15-MW farm into three 5-MW farms, each on its own parcel. The applicant proposes three new partitioned parcels on 1571 Union Center-Maine Highway, one being the residential lot that will remain for Mr. Arcangeli, and two for Lot 1B (NSF Union Site 1B, LLC); and Lot 2B (NSF Union Site 2B, LLC). The parcel 1657 Union Center-Maine Highway (UC-MH) is an existing lot, with no road frontage, and that lot will house Lot 3B (NSF Union Site 3B, LLC).

The Town subdivision Code section § 181-5, Land partition, states that a division of land into four or fewer lots on existing streets is considered to be a land partition, not a subdivision. NSF Union Site 1B, LLC is proposed as a new lot with no road frontage, and therefore Norbut Solar Farms applied for a variance from the subdivision Code § 181-5 Land partition.

The proposal does not conform to the Town of Union Code in the following areas: §161-6 A (4) [2] and §181-5.

Ms. Lane noted that the variance distances were taken from the actual panels to the property lines.

Lot 1B: NSF Union Site 1B, LLC (western subset of 1571 UC-MH):

Application requests the following variances for Lot 1B:

- Required Front setback to Lot 2B of 235' (Required) – 20' (Provided) = Front setback variance of 215'
- Required North Side Setback to northern property line with Lot 3B of 220' (Required) – 33' (Provided) = North Side setback variance of 187'
- Required South Side setback to southern property line with 1555 UC-MH of 220' (Required) - 90' (Provided) = South Side setback variance of 130'
- Required Rear setback to western property line with 346 Boswell Hill Road of 260' (Required) - 74' (Provided)= Rear setback Variance of 186'
- Lot with no road frontage, therefore variance from § 181-5 to permit a partitioned parcel with no road frontage.

Lot 2B: NSF Union Site 2B, LLC (central subset of 1571 UC-MH):

Application requests the following variances for Lot 2B:

- Required Front setback to 1605 UC-MH of 235' (Required) – 78' (Provided) = Front setback variance of 157'
- Required North Side setback to northern property line with 1617 UC-MH of 220' (Required) - 79' (Provided) = North Side setback variance of 141'
- Required North Side setback to northern property line with 1605 UC-MH of 220' (Required) - 107' (Provided)= North Side setback variance of 113'
- Required South Side setback to southern property line with 1555 UC-MH of 220' (Required) – 61' (Provided) = South Side setback variance of 159'
- Required Rear setback to western property line with Lot 1B of 260' (Required) – 20' (Provided) = Rear setback variance of 240'

Lot 3B: NSF Union Site 3B, LLC (1657 UC-MH):



Application requests the following variances for Lot 3B (No Front Setback Variance Required)

- Required North Side setback to northern property line with 1683 UC-MH of 220' (Required) – 70' (Provided) = North Side setback variance of 150'
- Required South Side setback to southern property line with Lot 1B (western subset of 1571 UC-MH) of 220' (Required) – 30' (Provided) = South Side setback Variance of 190'
- Required South Side setback to southern property line with 1617 UC-MH of 220' (Required) – 79' (Provided) = South Side setback variance of 141'
- Required Rear setback to western line with 482 Boswell Hill Road of 260' (Required) – 73' (Provided) = Rear setback variance of 187'

The Planning Department recommends the Planning Board recommend approval of all variances with the stipulation that all the properties be brought into conformance with Town Code upon decommissioning of the project. The Renewable Energy Chapter of the Town Code was approved prior to the Town being informed that each 5-MW solar project must be located on a unique parcel with its own tax ID number.

Ms. Lane will be proposing to the attorneys that we revise the code regarding interior setbacks. Mr. John Freer, the Code Enforcement Officer, agrees that when you have a single project with multiple parcels due to this requirement, we should not need to consider the interior setbacks, only the setbacks to properties that are not a part of the project.

Mr. Stone explained it is the Public Service Commission who has the 5 MW requirement. This Community Solar farm will tie into same power lines that run right out in front of the building, the distribution lines. Hence, it is called Community Distributed Solar Generation. The idea there is that this type of solar farm doesn't need to put a lot power onto the big transmission lines; it doesn't require a lot of transmission upgrades. Major capital projects at the state level use taxpayer money in that regard. In that set of rules, this is where this separate site requirement comes in. The state doesn't want these the community solar farms to be too big. In order to apply for a Community Solar interconnection on the grid it cannot be larger than 5MW a.c. and each needs to be on a unique tax parcel. Mr. Stone added that they could technically link five solar farms together as long as they stay below 25 MW. If they go over 25 MW, they would have to follow the ISO rules as a transmission level project. The downside of this project, doing three separate 5 MW interconnections, is that we have to pay the utilities for three separate studies, and three separate interconnection facilities. So if we could have one interconnection for the 15 MW, it would save many hundreds of thousands of dollars. There will be three separate sets of interconnections and three sets of poles and they will all tie into the same line. There are three separate lines just in case one of them has to be shut down. He added that they also are metered individually. It is part of a larger group of regulations in the utilities industry. In addition, Ms. Lane added, the local municipality does not get to review 25 MW or greater solar farms; the state handles those. Therefore, it might seem

complicated, but at least we have the opportunity to go through SEQRA and make our own determinations.

Chairman Miller then asked for a motion to recommend the ZBA approval of the many variances.

Motion Made: D. Kudgus  
Motion Seconded: M. Jaros  
MOTION: Recommendation that the ZBA approve the many variances..  
VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**4. Call for a Public Hearing for a Special Use Permit for a Large-Scale Solar Energy System on July 12, 2022, at the 7:00 p.m. Planning Board meeting**

Chairman Miller asked for a motion to call for Public Hearing for a Special Use Permit for a Large-Scale Energy System on July 12, 2022, at the 7:00 p.m. Planning Board meeting.

Motion Made: S. Forster  
Motion Seconded: D. Kudgus  
MOTION: Call for Public Hearing for a Special Use Permit for a Large-Scale Solar Energy System on the July 12, 2022, at the 7:00 p.m. Planning Board meeting  
VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**5. Call for a Public Hearing for a Special Permit for Development in the Floodplain on July 12, 2022, at the 7:00 p.m. Planning Board meeting**

Chairman Miller asked for a motion to call for Public Hearing for a Special Permit for Development in the Floodplain on July 12, 2022, at the 7:00 p.m. Planning Board meeting

Motion Made: C. Curtin  
Motion Seconded: T. Crowley  
MOTION: Call for Public Hearing for a Special Permit for Development in the Floodplain on the July 12, 2022, at the 7:00 p.m. Planning Board meeting  
VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin  
**Opposed:** None  
**Abstained:** None

Motion Carried

Ms. Lane thanked both Mr. Stone and Mr. Heintz and added that they have both been very good to work with. Mr. Stone was asked how many solar projects they have done. Mr. Stone answered that they have about 150 MW in our current development; and we have another 60 or 70 MW behind that. He added that they do their best to utilize local labor as much as possible.

**F. 921 Hooper Road, Small-Scale Solar Project, Renovus Solar, William Adey**

**1. Declare Lead Agency**

Chairman Miller asked for a motion to Declare Lead Agency.

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

**2. Classify the Project as a Type II Action (Less than 4,000 s.f.)**

Chairman Miller asked for a motion to classify the Project as a Type II Action.

Motion Made: T. Crowley  
Motion Seconded: M. Jaros  
MOTION: Classify the Project as a Type II Action.  
VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley,  
S. Forster, M. Jaros, C. Curtin  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**3. Call for a Public Hearing for a Special Use Permit for a Small-Scale Solar Project on July 12, 2022, at the 7:00 p.m. Planning Board meeting**

Chairman Miller asked for a motion to call for Public Hearing for a Special Use Permit for a Small-Scale Solar Project System on July 12, 2022, at the 7:00 p.m. Planning Board meeting

Motion Made: D. Kudgus  
Motion Seconded: C. Curtin  
MOTION: Call for Public Hearing for a Special Use Permit for a Small-Scale Solar Project at the July 12, 2022, 7:00 p.m. Planning Board meeting  
VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley,  
S. Forster, M. Jaros, C. Curtin  
**Opposed:** None  
**Abstained:** None

Motion Carried

**G.301 Glendale Drive, Revised Site Plan for Outdoor Storage, Will Borchers**

**1. Site Plan Review for Revision to Storage Arrangement**

Ms. Lane noted that the client had contacted her because the area where the Planning Board had approved the storage units last year will not support the weight of the storage units. Therefore, they want to switch the location of the storage units to the rear of the building and the vehicles to the side.

Ms. Lane the presented a summary of her report to the Planning Board. The owners of Storage Sense Self Storage, 301 Glendale Drive LLC, received special use permit and site plan approval in October 2020 for the expansion of outdoor storage for vehicles at the existing storage facility at 301 Glendale Drive. The additional outdoor storage area is located to the rear of an existing indoor self-storage building and would expand an existing paved outdoor storage area by nearly one-acre. The project does not include any changes to the building.

The Planning Department staff recommends approval of the site plan with the following stipulations:

1. A revised landscaping plan shall be submitted, per the plan approved by the Planning Board. The landscaping plan shall be installed per the approved site plan by June 30, 2022. An extension of this deadline may be approved by the Planning Board.
2. The landscaping shall be maintained according to the landscaping plan, and any dead or dying plants shall be replaced with similar plants within one month, weather permitting. Failure to maintain such landscaping or to replace dead or diseased landscaping required by this chapter shall constitute a violation of these regulations 300-54.2.
3. Prior to posting any new signage, the applicant shall apply for a sign permit from the Building Official. All temporary signs and portable signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that blink, rotate, or move are not permitted.
4. If any new outdoor lighting is proposed, the applicant shall first submit cut-sheets to the Code Enforcement Officer for approval.
5. Per NYS law, all commercial buildings must be inspected by Code Enforcement every three years. It is your responsibility to coordinate the next inspection by calling the Code Enforcement office at (607) 786-2920.
6. Site plan approval shall expire after one year, unless substantial improvements have been made pursuant to the approved site plan.
7. The stipulations of site plan approval shall follow the property as approved until such time that a new site plan application is approved by the Planning Board.
8. The applicant shall be required to acknowledge all of the above conditions,

in writing, prior to the issuance of a fill and grading permit. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. Should the applicant change the site plan, the applicant must resubmit a new site plan to the Town of Union Planning Department and Code Enforcement Office.

Chairman Miller called for a motion to approve the Revised Site Plan for Outdoor Storage at 301 Glendale Drive, with stipulations.

Motion Made: M. Jaros  
Motion Seconded: D. Kudgus  
MOTION: Approval of the Revised Site Plan for Outdoor Storage at 301 Glendale Drive, with stipulations.  
VOTE: **In Favor:** L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin  
**Opposed:** None  
**Abstained:** None  
Motion Carried

Ms. Miller mentioned that someone is cutting down a lot trees behind property on Western Heights Boulevard. Mr. Materese answered that he had just heard that Bob Mead had sold property there. Ms. Miller asked if they need approval to build a road there. Ms. Lane said that she had contacted the Village of Endicott and they did not know anything about trees being cut. However, she will ask John Freer if he can investigate what is happening there.

#### H. Other Such Matters as May Properly Come Before the Board

Ms. Lane reminded the Planning Board that the Homestead Village PUD project had surprised us at the prior meeting by saying that the project now requires a subdivision. Ms. Lane explained that we have always used the subdivision law that was accepted in 1984, which states that once a property is partitioned into more than four parcels it will require a subdivision. Ms. Lane noted that 4311 Watson Boulevard used to be part of 4301 Watson Boulevard, as were the tennis courts across the street; that was all one parcel. But now it has been partitioned into three parcels and GlidePath will make the fourth partition. Alan Pope, the town attorney, determined that since the project now requires a subdivision, it must now go back to the Town Board for approval. When the Town Board accepts it, they refer it back to the County for another 239-review. Subsequently, the Delaware River Solar project would come back to the Planning Board for an advisory opinion and the Planning Board will also hold another public hearing for it. In addition, the project will require variances for one of their two parcels. This will start next month.

The Fairways at 511 Hooper Road will be coming in for site plan review at the next meeting. They are planning to install a pergola with outdoor seating on the side of their business facing Dunkin' Donuts. John Freer determined that the tavern use was permitted but that they would need site plan approval to have outside seating. Ms. Lane noted that the pergola would take up five parking

spaces and require some kind of enclosure. Ms. Miller added that they would need a different permit for serving alcohol outside.

I. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:50 p.m.

Motion Made:	C. Curtin
Motion Seconded:	D. Kudgus
MOTION:	Adjourning the meeting.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, T. Crowley, S. Forster, M. Jaros, C. Curtin
	<b>Opposed:</b> None
	<b>Abstained:</b> None
	Motion Carried

**Next Meeting Date**

The next meeting of the Planning Board is tentatively scheduled for Tuesday, July 12, 2022, at 7:00 p.m.

Respectfully Submitted,  
Carol Krawczyk