

Town of Union Planning Board Minutes  
Tuesday, July 12, 2022

The Town of Union Planning Board held a regular meeting on Tuesday, July 12, 2022, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

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

Others present: Marina Lane, Sam Arcangeli, Dennis Leonard, Keith Liblick, Bill Adee, Chad Kies, Chris Brown, Scott Winner, Jon Stone, Robert Potochniak

**A. CALL TO ORDER**

Chairman Miller called the meeting to order at 7:07 p.m.

**B. MEETING MINUTES**

1. Acceptance of May 10, 2022, Meeting Minutes

Chairman Miller asked for a motion to accept the May 10, 2022, Meeting Minutes as written.

Motion Made: T. Crowley  
Motion Seconded: D. Kudgus  
MOTION: Acceptance of the May 10, 2022, Meeting Minutes as written.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

2. Acceptance of May 10, 2022, Public Hearing Transcript for a Special Permit for Development in a Floodplain at 304 Scarborough Drive

Chairman Miller asked for a motion to accept the May 10, 2022, Public Hearing Transcript for a Special Permit for Development in a Floodplain at 304 Scarborough Drive as written.

Motion Made: S. McLain  
Motion Seconded: T. Crowley  
MOTION: Acceptance of the May 10, 2022, Public Transcript for Development in a Floodplain at 304 Scarborough Drive as written.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

3. Acceptance of May 10, 2022, Public Hearing Transcript for a Special Use Permit for a Contractor's Storage Yard at 304 Scarborough Drive

Chairman Miller asked for a motion to accept the May 10, 2022, Public Hearing Transcript for a Special Use Permit for a Contractor's Storage Yard at 304 Scarborough Drive as written.

Motion Made: S. McLain  
Motion Seconded: T. Crowley  
MOTION: Acceptance of the May 10, 2022, Public Transcript for a Contractor's Storage Yard at 304 Scarborough Drive as written.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

4. Acceptance of May 10, 2022, Public Hearing Transcript for a Special Use Permit for a Sit-Down Restaurant at 3017 Watson Boulevard

Chairman Miller asked for a motion to accept the May 10, 2022, Public Hearing Transcript for a Special Use Permit for a Sit-Down Restaurant at 3017 Watson Boulevard as written.

Motion Made: D. Kudgus  
Motion Seconded: K. Rose  
MOTION: Acceptance of the May 10, 2022, Public Transcript for a Sit-Down Restaurant at 3017 Watson Boulevard as written.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

5. Acceptance of May 10, 2022, Public Hearing Transcript for a Special Use Permit for a Large-Scale Solar Project at 4311 Watson Boulevard

Chairman Miller asked for a motion to accept the May 10, 2022, Public Hearing Transcript for a Special Use Permit for a Large-Scale Solar Project at 4311 Watson Boulevard as written.

Motion Made: D. Kudgus  
Motion Seconded: S. McLain  
MOTION: Acceptance of the May 10, 2022, Public Transcript for a Large-Scale Solar Project at 4311 Watson Boulevard as written.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, K. Rose  
**Opposed:** None

**Abstained:** None  
Motion Carried

**C. 1571 & 1657 Union Center-Maine Hwy., Norbut Solar Farm Project**, Jon Stone, Scott Winner

1. Public Hearing for a Special Use Permit for a Special Permit for Development in the Floodplain, Vote at Discretion of Planning Board

Chairman Miller read the public notice and then opened the Public Hearing for a Special Permit for Development in a Floodplain at 7:09 p.m. Ms. Lane noted that there had been an extensive environmental review at the previous Planning Board meeting. There were no other questions or comments. The Public Hearing was closed at 7:12 p.m.

Ms. Lane then presented her report on Development in a Floodplain 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). The solar farm is proposed be located across the two properties, with access to the projects via an enhanced pre-existing cart path that runs through the 100-year floodplain on 1571 Union Center-Maine Highway.

Per the Broome County GIS website, the ground elevation along the driveway in the floodplain area varies between is 834 to 838-feet above sea level (a.s.l.), and base flood elevation is 837 a.s.l. The enhancement of the cart path to a reinforced driveway will not result in any rise in base flood elevation.

Under the regulations of SEQRA Section 617.7(c), the complete proposed solar project is a Type I action and the Planning Board made a Negative Declaration under SEQRA on June 14, 2022. The property is subject to a 239-Review, and relevant to the floodplain, the recommendation was to inform the applicants about the floodplain and possible lack of access during a flood event. A stormwater pollution prevention plan (SWPPP) is required.

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

- 1) The construction of the enhanced driveway shall have no negative impacts on any drainage system to the adjacent properties.
- 2) If any drainage issues become apparent to the Code Enforcement Official, upon request a revised plan for the mitigation shall be submitted to the Code Enforcement Official for approval, to be implemented by the developer in a timely fashion.

Ms. Lane noted that Mr. Arcangeli had come before the Planning Board in the fall of 2021 for the repair of the pond in the floodplain. Mr. Arcangeli commented that the flooding by the pond has been much less. He added that the ditches were cleaned, and the flow of water is heading south; however, there is such a lowland there that the water needs another type of exit out of

his property. He said that the installation of the solar energy system would not affect this situation because it is something that has been there all along. He has no problem with the solar development. Mr. Arcangeli commented that they have been up front with him and they seem to be committed to not damaging anything, or making anything worse. He hopes the situation will only get better. Mr. Arcangeli asked for a recommendation on how he might further alleviate the flow of the water from his property. Ms. Lane said that the Town does not currently have an engineer on staff who can make recommendations. He would need to hire someone himself.

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

Motion Made: T. Crowley  
Motion Seconded: D. Kudgus  
MOTION: Approval of the Special Permit for Development in a Floodplain, with stipulations.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

2. Public Hearing for a Special Use Permit for a Large-Scale Solar Energy System, Vote at Discretion of Planning Board

Chairman Miller read the public notice and then opened the Public Hearing for a Special Use Permit for a Large-Scale Solar Energy System at 7:14 p.m. No one from the public spoke, and the Public Hearing was closed at 7:14 p.m.

Ms. Lane then presented her report for the Large-Scale Solar Energy System. Norbut Solar Farms applied for the construction of a fifteen mega-watt community distributed 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 solar arrays will be ground-mounted, single-axis tracking to maximize solar absorption. The total acreage of the project parcels is 147.60-acres, and the project will cover 63.0-acres. A utility easement through adjacent property at 482 Boswell Hill Road will connect the project to the grid to provide discounted electricity to local homes and businesses.

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 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 contain Lot 3B (NSF Union Site 3B, LLC).

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. On July 11, 2022, the Town of Union Zoning Board of Appeals (ZBA) granted area setback variances, which effectively reduce the size of the project by allowing the panels on adjacent new parcels to be closer to each other than permitted. In addition, Norbut Solar propose new lot NSF Union Site 1B, LLC with no road frontage, and the ZBA granted a variance from the Subdivision code that requires road frontage for all parcels.

The existing cart path that is to be enhanced for access to the project site lies in the 100-year floodplain at the front of 1571 Union Center-Maine Highway. The Planning Board approved the special permit for development in the floodplain with the understanding that the enhanced road will not increase base flood elevation. In addition, the developers shall ensure that the enhanced access road will not create drainage issues on any properties.

Per Chapter 161 of the Town Code, special use permit applications for large-scale solar projects must include a copy of legal consent between the current property owner and developer. Mr. Sam Arcangeli and Rozannah Martone own 1571 Union Center-Maine Highway, and Thomas and Faye Coonick own 1657 Union Center-Maine Highway. NSF Union Center Maine Hwy., LLC intends to purchase the portion of 1571 Union Center-Maine Highway that is included in the project, and all of 1657 Union Center-Maine Highway.

A property operation and maintenance plan has been submitted. A maintenance contractor shall inspect the property for routine property and equipment maintenance. A Data Acquisition System (DAS) will indicate when any electrical issues arise, via both landline and cellular signal. The site will

be mowed to keep the pollinator-friendly undergrowth below 36-inches in order to not cover the panels. The project owner shall be responsible for plowing and maintaining access for emergency vehicles as needed.

The decommissioning plan outlines the following major steps: removal of above-ground structures, grading as necessary, restoration of topsoil if needed. The equipment shall be evaluated for potential reconditioning and reuse, salvage, recycling, and disposal. Grade slabs will be broken and removed to a depth below grade as required by the NYS Energy Research and Development Authority (NYSERDA) at the time of decommissioning. Above-ground utility poles shall be completely removed. Any area of the site disturbed during the decommissioning shall be regraded to establish a uniform slope, and stabilized via hydroseeding. The decommissioning surety plan provides a demolition bond in the event the property owner fails to follow through with the decommissioning.

Under the requirements of Section 617.7(c), the proposed action was determine to be a Type I Action, and the Planning Board made a Negative Declaration determination on June 14, 2022 after review of the full EAF, per SEQRA. The conclusion was that the proposed action would not result in significant adverse effects to the environment. The solar arrays are largely hidden from view due to existing vegetation and topographical features. Increased traffic during construction would be temporary, and once constructed, the project would result in one vehicle trip every few months. The proposed project will support renewable energy use, and reduce the grid's dependence on non-renewable energy sources that negatively affect the environment.

A Stormwater Pollution Prevention Plan was submitted and reviewed by a Town-designated engineer. The property is subject to a 239-Review due to the proximity of an NYS Ag and Markets participating farm, which also happens to be the property at 482 Boswell Hill Road through which the project will connect to the grid. Broome County Planning made a number of recommendations that are required by Town Code and have been provided by the developer.

The NYS DOT will require a PERM 33-COM Highway Work Permit prior to the commencement of any work in the State right-of-way, including for construction of the site's driveway. All new or existing driveway openings shall be designed and constructor or reconstructed in accordance with the *NYSDOT Policy and Standards for the Design of Entrances to State Highways*. The application may be required to submit a drainage study, as post-development stormwater outflows to the State right-of-way may not exceed the pre-

development condition. Finally, nothing may be placed in the State right-of-way.

The Planning Department recommends approval of the Special Use Permit to install a fifteen (15) MW a.c. community solar facility at 1571 and 1657 Union Center-Maine Highway. Per § 161.6 A.5, special use permit conditions shall apply to all special use permits issued for large-scale solar energy systems. No special use permit shall be issued unless the Planning Board finds that the following conditions have been or will be met:

1. Per § 161.6 A.5(b), all responsible parties shall enter into a decommissioning agreement with the Town reflecting the decommissioning plan agreed to by the parties and the time frame for completion.
2. The parcels shall be “dissolved” into Code Compliant parcel(s) as a part of the decommissioning agreement.
3. Per § 161.6 A.5(c) Financial plan. The party(ies) responsible for decommissioning must provide a letter of credit or financial surety in an amount sufficient to fully cover the cost of decommissioning and implement the decommissioning plan. Prior to the issuance of a building permit and every three years thereafter, the large-scale solar energy system owner and/or landowner shall file with the Town a renewed letter of credit or financial surety to provide for the full cost of decommissioning and removal of the solar collector system in the event the system is not removed by the system owner and/or landowner. Letters of credit or financial surety shall remain in effect throughout the life of the system and shall be in the form acceptable to the Planning Board and the Town Attorney. In the event ownership of the system is transferred to another party, the new owner (transferee) shall file a letter of credit or financial surety with the Town at the time of transfer, and every three years thereafter, as provided herein. The amount of the letter of credit or financial surety shall be determined by the applicant's engineer based upon a current estimate of decommissioning and removal costs as provided in the decommissioning plan and subsequent annual reports. The amount of the letter of credit or financial surety may be adjusted by the Town upon receipt of an annual report containing an updated cost estimate for decommissioning and removal.

Ms. Lane said the applicant's decommissioning plan proposes annual evaluations of the project up through the first fifteen years. Mr. Stone commented that he was okay with the wording of the decommissioning stipulation. Ms. Lane also explained that the Planning Board is reviewing

three large solar projects and the Town will be reviewing their Storm Water Maintenance Agreements and the Decommissioning Agreements for all three projects in the fall. She added that it is just a matter of making sure that we are comfortable with the wording, and then the Town Board can approve them.

4. Per § 161.6 A.5(d) Report. Upon request of the Town, the owner of the large-scale solar energy system shall provide the Town Code Enforcement Officer a report showing the rated capacity of the system, and the amount of electricity that was generated by the system and transmitted to the grid over the most recent twelve-month period. The report shall be submitted no later than 45 days after a written request. Failure to submit a report as required herein shall be considered a violation subject to the penalties and remedies set forth in this chapter and the Town Code.

5 Per § 161.6 A.5(e) Transfer of ownership. Any special permit issued and all restrictions or obligations under such permit shall transfer in full force and effect to any new owner of the land and/or owner or operator of the large-scale solar collector system.

6. The Special Permit shall expire should the property or business be sold 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.

7. 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.

8. The applicant shall be required to acknowledge all of the above conditions, in writing, by July 29, 2022, prior to the issuance of a building permit. The applicant shall agree to follow stipulations of approval in strict accordance with the special use permit approved by the Planning Board.

Ms. Lane was asked how the transfer of ownership affected the Decommissioning Bond. Ms. Lane explained that the Planning Board needs to be informed if the project was transferred and she noted that the obligation of the decommissioning bond would also be transferred to the new owner.

Chairman Miller called for a motion to approve the Special Use Permit for a Large Scale Solar Energy System, with stipulations.

Motion Made: S. McLain  
Motion Seconded: T. Crowley



MOTION: Approval of the Special Use Permit for a Large Scale Solar Energy System, with stipulations.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, K. Rose  
**Opposed:** None  
**Abstained:** None  
Motion Carried

3. Pending approval of the Special Use Permit, Site Plan Review

Ms. Lane then presented her staff report to the Planning Board. The properties slope upward from the west side of Union Center-Maine Highway, away from any homes or traffic. The property is largely vacant fields with a scattering of trees along the south and north perimeters, and woods to the west.

The hard-packed gravel driveway access will start from the existing cart path on 1571 UC-MH. The solar array will be surrounded by a 7-foot chain-link or agricultural fence.

Wetlands and jurisdictional streams may be impacted, and a joint application to the US Army Corps of Engineers and NYS DEC has been submitted.

Beardsley Engineering and the NYS DEC found no rare, protected or endangered animals or plants. In addition, the land beneath the panels would be seeded with a pollinator-friendly seed mix, which will also help restore and preserve farmland. The seed mixture includes a significant percentage of grasses, which in addition to providing a rich habitat for small animals and birds, further sequesters carbon into the soil

The solar energy distribution system will connect to the grid and NYSEG has completed the requisite analysis and permitted the system interconnection.

The Planning Department recommends approval of the Site Plan for a fifteen (15) MW a.c. community solar facility at 1571 and 1657 Union Center-Maine Highway, with the following stipulations:

1. A copy of legal consent between the current property owners and developer shall be submitted no later than July 29, 2022.
2. The stormwater plan, SWPPP, shall be finalized prior to the issuance of any building permit. The contractor shall utilize erosion control and stormwater runoff preventative measures during construction, per the approved SWPPP.
3. The Town Department of Public Works and attorney shall review and approve the stormwater management system maintenance agreement and access easement and description. Subsequently, the maintenance agreement and access easement shall be filed with Broome County, and a copy of the filing receipt shall be submitted to the Town Planning Department prior to the issuance of a building permit.
4. The maintenance of the stormwater management system shall be the

responsibility of the property owner. Should the project be decommissioned, maintenance of the stormwater management system shall continue to be the responsibility of the property owner until such time that the site has been restored to pre-construction conditions, as confirmed by the Code Enforcement Official.

5. A preconstruction meeting shall be held with the developer, contractor and Code Enforcement Officer prior to any land disturbance commencing.

6. Dust and mud control shall be maintained throughout the construction period, including along Union Center-Maine Highway.

7. Prior to the issuance of the SWPPP Notice of Termination, one AutoCAD version 2021 and one PDF version of the as-built drawings must be submitted to the Engineering and Planning Departments. The as-built shall include the stormwater control system.

Ms. Lane asked Mr. Stone when he anticipated that he would have the Notice of Termination for the project, if any. Mr. Stone answered that the entire project is covered under the NYS General Permit, and does not have any stormwater management facility, but it must be stabilized. Ms. Lane then removed the seventh stipulation from her report.

8. The NYS DOT will require a PERM 33-COM Highway Work Permit prior to the commencement of any work in the State right-of-way, including for construction of the site's driveway. All new or existing driveway openings shall be designed and reconstructed in accordance with the *NYSDOT Policy and Standards for the Design of Entrances to State Highways*. The application may be required to submit a drainage study, as post-development stormwater outflows to the State right-of-way may not exceed the pre-development condition. Finally, nothing may be placed in the State right-of-way.

9. Per § 161.6 A(4)(a)5, the Planning Board shall determine the type and size of the fence. The fencing shall be maintained in an attractive manner at all times, with support structures facing the interior of the fenced-in area.

After some discussion, the Planning Board decided that they would like an agricultural fence. Ms. Lane added the following sentence to the ninth stipulation; "The fencing shall be agricultural fence." Mr. Stone added that the fence will extend from the ground to 7-feet high to meet the electrical code and he noted that the fence would be a high voltage electrical fence.

10. Per § 161.6 A(4)(a)8, a safety sign shall be attached to the fence at the main gate of any ground-mounted or freestanding large-scale solar energy system that contains a warning about high voltage and the Broome County Emergency Services telephone number. Any sign for a large-scale solar energy system classified as a principal use shall adhere to the sign requirements for the zoning district in which it is located. A solar energy system shall not be used to display permanent or temporary advertising, including signage, streamers, pennants, spinners, reflectors, banners or

similar materials.

11. Signage shall be posted regularly around the perimeter of the fence so that at least one sign is visible from all aspects of the fencing.

There was some discussion about how many signs should be posted on the high voltage fencing because people hunt on the adjacent properties. Delta Engineering, the engineering firm hired to review the project on behalf of the Town, was concerned that people might not be aware that the fencing is a high voltage fence and might try to climb it. The Planning Board members interpreted the sign posting to mean that if anyone walks up to the fence, or any spot around it, should be able to see a warning about the high voltage. Ms. Lane noted that they should have high voltage warnings that are visible from all aspects.

12. Site plan approval shall expire after five years unless substantial improvements have been made pursuant to the approved site plan and a valid building permit.

13. The applicant shall be required to acknowledge all of the above conditions, in writing, no later than July 29, 2022. The applicant agrees to construct the project in strict accordance with the site plan approved by the Planning Board. 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 the Norbut Solar Large Scale Energy Project at 1571 & 1657 Union Center-Maine Highway, with modified stipulations.

Motion Made:	M. Jaros
Motion Seconded:	D. Kudgus
MOTION:	Approval of the Site Plan Review for Site Plan for the Norbut Solar Large Scale Energy Project at 1571 & 1657 Union Center-Maine Highway, with modified stipulations.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, K. Rose <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

Mr. Scott Winner stated that they were very grateful to have had the opportunity to work with an organized, thoughtful, communicative municipality on this solar project. They thanked Ms. Lane, John Freer and the staff for their exemplary work on the project.

**D. 921 Hooper Road, Small-Scale Solar Project, Renovus Solar, William Adeo**

1. Public Hearing for a Special Use Permit for a Small-Scale Solar Project, Vote at Discretion of Planning Board

Chairman Miller read the public notice and then opened the Public Hearing for a Special Use Permit for a Small-Scale Solar Project at 7:52 p.m. There was some discussion about whether the residential solar project required additional screening. Ms. Lane had looked at the property and did not feel additional screening was necessary. She added that small-scale solar projects do not require fencing. There were also some questions about why the applicant was using a ground system rather than an installation on his roof. The homeowner chose the ground system because he has the room in his backyard and he did not want to dismantle the entire system when he replaces the roof. In addition, a battery storage system is not included with this facility. The Public Hearing was closed at 7:59 p.m.

Ms. Lane then presented her report to the Planning Board. Renovus Solar applied on behalf of residents William and Tara Adey to install a small-scale solar ground-mounted array at 921 Hooper Road. The one-acre property is in a Suburban Single-Family zoning district and small-scale solar projects are permitted in all zoning districts. The solar array will be 9.84 kW (24 panels), consisting of 525 square-feet of array surface area. Ground-mounted solar projects on less than three-acres requires a special use permit from the Planning Board.

Per § 161-5.C., all ground-mounted small-scale solar energy systems must be installed in side or rear yards. The proposed location of the solar array is behind the house at 921 Hooper Road. The application is for a maximum height of 10-feet. There are existing full-grown landscaping trees and bushes on the sides of the property. The small-scale solar installation project will be partially visible from the rear of the property and from Hooper Road if screening is not provided.

The location of the solar collector meets all applicable setback requirements for accessory structures in the Suburban Single-Family zoning district, being located in the rear yard and located no less than 45-feet from any rear or side property line, where the minimum required for an accessory structure is 10-feet.

Under the requirements of Section 617.5(c), the project encompasses less than 4,000 square-feet, therefore the Planning Board classified the project as a Type II on June 12, 2022, and no further environmental review is required. The 78 square-feet of ground disturbance does not require a stormwater management plan.

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. B.C. Health and Public Works departments had no comments.

The staff recommendation is to approve the Special Use Permit for a small-scale solar array at 921 Hooper Road with the following stipulations:

- 1) § 161-5.C.(f) Solar energy collectors and equipment shall be located in a manner to minimize (i) visual impacts and view blockage for surrounding properties, and (ii) shading of property to the north, while still providing adequate solar access for collectors.
- 2) Per § 161-5.C.(g), The Planning Board shall have discretion to determine the method and location of screening required. If the applicant proposes to use landscaping to screen the facility, the landscaping must be maintained and/or replaced, as necessary.
- 3) Per § 161-5.C.(e), the height of the solar collector and any mounts shall not exceed 15 feet when oriented at maximum tilt.
- 4) Per § 161-5.D., Abandonment and Decommissioning. If a solar collector or system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector or system, mount(s) and associated equipment by no later than 120 days after the end of the 12-month period. If the Building Inspector or Code Enforcement Officer receives a complaint, or requests access to inspect a Small-Scale Solar Energy System or Solar Thermal System, to assess whether the system is operating as originally designed, the property owner shall allow access to the property and facility for testing. If it is determined after testing or inspection that the solar collector or system is not producing at least 50% of the energy it was originally designed to generate, the solar collector or system shall be removed or replaced within 120 days of notice from the Building Inspector or Code Enforcement Officer.
- 5) Special use permit modification approval may be required if there are any changes to the site plan or expansion of the solar array.
- 6) The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to the issuance of a building permit.

Chairman Miller called for a motion to approve the Special Use Permit for a Small Scale Solar Project, with stipulations.

Motion Made:	K. Rose
Motion Seconded:	D. Kudgus
MOTION:	Approval of the Special Use Permit for a Small Scale Solar Project, with stipulations.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, K. Rose
	<b>Opposed:</b> None
	<b>Abstained:</b> None
	Motion Carried

**E. The Fairways Indoor Golf Co. – Outdoor Seating, 511 Hooper Road, Chad Kies and Chris Brown**

1. Declare Lead Agency

Chairman Miller asked for a motion to Declare Lead Agency.

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

2. Classify as a Type II Action (less than 4,000 s.f.) no further environmental review required.

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

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

Ms. Lane explained that last year the Planning Board had approved a Special Use Permit for a tavern use for the Fairways Indoor Golf Company. The project did not require a site plan review then, only a special use permit for the tavern use. This year, Mr. Kies submitted an application for outdoor seating and a grill for the Fairways Indoor Golf Company. The original Special Use Permit for the Tavern Use prohibited outdoor seating and outdoor grilling. Therefore, instead of calling for site plan review, a public hearing will be for a revised special use permit to include outdoor seating and a grill. Ms. Lane suggested a special meeting on July 26 for the public hearing for a revised special use permit and the site plan. She noted that there is a fee of \$350 to hold the special meeting and the applicants said this fee would not be a problem. Mr. Brown said that the new outdoor seating will add approximately sixteen seats to the business, and the seats and tables will be removed during the colder months. They will be adding a garage door in the side of the building, which will open into the outdoor seating area so that people can go in and out of the bar area. Since the outdoor seating area is not enclosed, there may be smoking in the outdoor seating area. They will also try to get bands in on the weekends to play inside the tavern to attract more customers to the business. Ms. Lane noted that if the bands played outside, the town requires a permit for outdoor entertainment. They will have a large propane grill to cook hotdogs one night of the week, either Friday or Saturday. In the future, they plan to expand the business by putting a volleyball court behind the building.

3. Call for a Public Hearing for a Revised Special Use Permit for a Tavern to include outdoor seating and a grill at the 7:00 p.m. Planning Board meeting on July 26, 2022.

Chairman Miller asked for a motion to call for a Public Hearing for a Revised Special Use Permit for a Tavern to include outdoor seating and a grill at the 7:00 p.m. Planning Board meeting on July 26, 2022.

Motion Made:	S. McLain
Motion Seconded:	S. Forster
MOTION:	Motion to call for a Public Hearing for a Revised Special Use Permit for a Tavern at 7:00 p.m. at the July 26, 2022, Planning Board Meeting.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, K. Rose <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

**F. Revised Homestead Village PUD / NY Union I, LLC and Union II, LLC, 4311 Watson Boulevard, Delaware River Solar, LLC, Kelly Sullivan**

Ms. Lane explained that the Public Service Commission requires that community distributed solar projects can be no larger than 5 Megawatts, so Delaware River Solar must subdivide the solar project into two parcels. Per the town Code, setbacks on all sides in the PUD zoning districts is 50 feet. The northern parcel has adequate setbacks, but the southern parcel needs a variance for fifty feet. The 4311 Watson Boulevard property had already been partitioned into three separate lots since 1984. The GlidePath project will partition their project out of the 4311 Watson Boulevard property also. After four partitions, the code requires that the applicant apply for a subdivision. The Planning Board will hold a public hearing for a subdivision at the August 9, 2022, Planning Board meeting. Because of this change, the project has gone back to the Town Board. At this time, the Planning Board needs to give an advisory opinion to the Town Board regarding the PUD to include the Subdivision process.

Ms. Lane then presented her recommendations for the Preliminary Homestead Village PUD Development Plan. Planning staff recommends the Planning Board recommend to the Town Board approval of the revised Preliminary Development Plan to include:

- A subdivision of two lots to meet the requirements of the Public Service Commission, with the stipulation that the lots shall be dissolved into 4311 Watson Boulevard as a part of the decommissioning agreement.
- The proposed facility and subdivision will not affect water or sanitary sewer utilities, and once constructed, will generate only approximately one vehicle trip every three months.

- The renewable energy solar system will provide clean energy to the regional electric grid, reducing the need for non-renewable, fossil-fueled energy support during peak demand. This will contribute to New York's goals for clean energy, and provide the opportunity to residents for savings on electrical supply.
- The subsequent new 421.3-acre Planned Unit Development would include the following mixed uses: a townhouse residential development, a hotel and conference center including a golf course, dental office use, a public utility facility and the renewable solar energy facility.

1. Vote to Extend the Decision on a Special Use Permit for a Large Scale Solar Project until September 13, 2022.

Ms. Lane explained that the Planning Board has only 62 days in which to vote on a Special Use permit from when the Public Hearing was closed. Both parties, Bill Walsh and Peter Dolgos of Delaware River Solar, have already submitted letters to agree to that.

Chairman Miller asked for a motion to Extend Decision on Special Use Permit for a Large Scale Solar Project until September 13, 2022.

Motion Made:	T. Crowley
Motion Seconded:	D. Kudgus
MOTION:	Approval of the Extension for the Decision on the Special Use Permit for a Large-Scale Solar Project until September 13, 2022.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, K. Rose <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

2. Advisory Opinion to Town Board for Preliminary PUD, Revised for Subdivision Procedure

Chairman Miller asked for a motion to recommend Approval to the Town Board for Preliminary PUD, Revised for Subdivision Procedure.

Motion Made:	S. McLain
Motion Seconded:	M. Jaros
MOTION:	Recommend approval to the Town Board for Preliminary PUD, Revised for Subdivision Procedure.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, K. Rose <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried



After the votes, Mr. Jaros raised the issue of what kind of screening would be appropriate for smaller solar projects. Mr. Jaros noted that a hideous orange fence surrounds the small solar project by the Maine Memorial grammar school, and commented that he would hate to see this type of screening for small solar projects used around Town of Union. Ms. Lane responded that the Planning Board has the discretion to determine the method and location of screening required. Mr. Forster added that it would be up to the Planning Board members to decide whether the screening around a smaller solar project was appropriate, and that this would be done on a case-by-case basis. Mr. Crowley added that the Planning Board just has to be consistent about what they consider is appropriate screening for each project.

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

Ms. Lane noted that the Samaritan Counseling Center has purchased a property at 2 South Knight Avenue to expand their counseling services. The property is zoned Urban Single Family and the project would require rezoning to General Commercial zoning. Therefore, the Planning Board will give an advisory opinion on the rezoning at the next meeting.

There may also be discussion of the Endwell Storage PUD project at 3901 Watson Boulevard at the next meeting.

Site plan review for the Greater Binghamton Sports Dome will be on the next agenda. The footprint of the building is smaller, and does not require site plan review for the building. After the original dome collapsed, Mr. Kashou applied for a building permit within a year. Because the new building is now a solid structure with a sprinkler system, the occupancy for the building has increased. The Planning Board will be reviewing the project for the expanded parking for the site.

Ms. Lane also announced that Ms. Rose will be leaving the Planning Board and this is her last meeting. Colleen Curtin will be appointed as a regular member to the Planning Board for the next Planning Board meeting.

#### I. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 8:45 p.m.

Motion Made:	K. Rose
Motion Seconded:	D. Kudgus
MOTION:	Adjourning the meeting.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, S. McLain, T. Crowley, S. Forster, M. Jaros, K. Rose
	<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 26, 2022, at 7:00 p.m.

Respectfully Submitted,  
Carol Krawczyk