

Town of Union Planning Board Minutes
Tuesday, February 27, 2007

A regular meeting of the Town of Union Planning Board was held on Tuesday, February 27, 2007 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York. Chairman McLain opened the Planning Board meeting at 7:00 p.m. Unless otherwise stated, the Chair does not vote on motions.

Members present: S. McLain, L. Miller, A. Elwood, R. Signorelli, B. Seliga, J. Rotella

Members absent: T. Crowley

Others present: Marina Lane, Alan Pope, Jim Mulligan, Gary Ganoung, John Cooper, Kevin Maher, Nancy LaBare, Gene LaBare

A. CALL TO ORDER

Chairman McLain opened the regular meeting of the Planning Board at 7:00 p.m.

B. APPROVAL OF MEETING MINUTES: JANUARY 9, 2007

The minutes from the January 9, 2007 meeting and the January 24, 2007 meeting will be voted at the March 13, 2007 meeting.

C. AES WESTOVER: 720 RIVERSIDE ROAD

1. Declaration of Lead Agency

Chairman McLain asked for a motion approving the Planning Board as Lead Agency for the AES project.

Motion made: A. Elwood

Motion seconded: B. Seliga

MOTION: Approving the Planning Board as Lead Agency for AES project.

VOTE: **In Favor:** L. Miller, R. Signorelli, A. Elwood, J. Rotella
B. Seliga

Opposed: None

Abstained: None

Motion Carried

2. Public Hearing: Aquifer Permit to Develop in an Aquifer Protection District

a) SEQRA Declaration

Ms. Lane read the Description of Action as follows:

The project requires the installation of a Multi-Pollutant control (MPC) system in order to comply with a Consent Decree issued by the New

York State Department of Conservation (NYSDEC). The MPC system components include a Selective Catalytic Reduction (SCR) system and a Dry Flue Gas Desulfurization System, with associated equipment including a 15,000 gallon 19% aqueous ammonia tank, and a quick lime storage silo. The system will ultimately reduce NOx emissions by greater than 70%, SO2 by greater than 90%, mercury emissions by greater than 80% and will result in a reduction of particulates (fly ash).

The ammonia storage system includes one ASME Section VIII 15,000 gallon aboveground storage tank, with a secondary containment capable of storing a minimum of 11% of the contents of the storage tank. The tank will be equipped with level indicators and an overflow protection system. In addition, the tank will be equipped with a visual and audible high-level alarm. The Facility is required to perform daily calibrations of the monitors, and is subject to semi-annual certification of emissions.

The ammonia off-loading pad is designed to capture and divert a spill or release, equivalent to the volume of the delivery tank truck, to the ammonia tank secondary containment structure. Off-loading will be performed in accordance with the Facility's standard operating procedures for chemical deliveries. During product transfer operations, the tank truck will be attended to at all times by a Facility employee trained in off-loading operations and spill prevention and response.

The project in and of itself was determined to be a Type II action by the DEC and therefore would not require a SEQRA review. Mr. Nelson felt that it was wisest to have a SEQRA review of these particular permits.

Ms. Lane read the Reasons Supporting This Determination:

Under the requirements of Section 617.7(c), the design of the aqueous ammonia storage tanks and associated dike and spillway was reviewed for any significant negative environmental impacts. As presented, the application meets the requirements for issuance of a Special Permit. The project, as proposed, was found to not have a significant negative impact on the environment.

Chairman McLain asked for a motion approving the Negative Declaration under SEQRA.

Motion made: R. Signorelli
 Motion seconded: L. Miller
 MOTION: Approving the Negative Declaration under SEQRA

VOTE: **In Favor:** L. Miller, R. Signorelli, A. Elwood, J. Rotella
 B. Seliga
Opposed: None

Abstained: None
Motion Carried

b) Public Hearing

See transcript

3. Public Hearing: Special Permit to Develop in a Flood Plain

a) SEQRA Declaration

Ms. Lane read the Description of Action as follows:

The project requires the installation of a Multi-Pollutant control (MPC) system in order to comply with a Consent Decree issued by the New York State Department of Conservation (NYSDEC). The MPC system components include a Selective Catalytic Reduction (SCR) system and a Dry Flue Gas Desulfurization System, with associated equipment including a 15,000 gallon 19% aqueous ammonia tank, and a quick lime storage silo. The system will ultimately reduce NOx emissions by greater than 70%, SO2 by greater than 90%, mercury emissions by greater than 80% and will result in a reduction of particulates (fly ash).

The aboveground ammonia storage tank and secondary containment tank capable of storing a minimum of 110% of the contents of the storage tank, will be surrounded by a six-and-a-half foot high dike. This is three-and-a-half feet above the flood elevation level. Any significant rains will therefore be contained by the system and will not pose any further displacement of water, and the dike will contain any possible spillage from the double tank system.

The remaining components of the Multi-Pollutant Control system will be completely raised above the flood elevation level, other than a fan which will require only cleaning post-flood.

Ms. Lane read the Reasons Supporting This Determination as follows:

Under the requirements of Section 617.7(c), the design of the aqueous ammonia storage tank and associated dike were reviewed for any significant risk in a flood event. The dike is determined to be greater than the required one foot above flood elevation level. As presented, the application meets the requirements for issuance of a Special Permit.

This project, as proposed, was found to not have a significant impact on the environment as it pertains to construction in a floodplain.

Chairman McLain asked for a motion approving the Negative Declaration under SEQRA.

Motion made: A. Elwood
Motion seconded: L. Miller
MOTION: Approving the Negative Declaration under SEQRA
VOTE: **In Favor:** L. Miller, R. Signorelli, A. Elwood, J. Rotella
B. Seliga
Opposed: None
Abstained: None
Motion Carried

b) Public Hearing

See transcript

Chairman McLain asked if the permits should be voted tonight. Mr. Nelson indicated there was no reason not to vote. The Board felt they should proceed with voting on the permits.

Ms. Lane read the Environmental Review for the Aquifer Permit as follows:

The State Environmental Quality Review (SEQR) regulations (6NYCRR Part 617), provides that "civil or criminal enforcement proceeding, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;" (617.5(c)(29)) are Type II Actions. Therefore, the improvements required at AES – Westover are considered Type II Actions and are not subject to review under SEQR. A Construction Stormwater Pollution Prevention Plan (CSWPPP) was required because the area to be disturbed during construction is greater than one acre (1.5 acres). The final project will not result in any increase in stormwater runoff.

Project Site Information:

The property is located on the west side of Riverside Drive, to the south of BAE Systems, Inc., in Westover. The 33.1-acre parcel is zoned Heavy Industrial (HI). The surrounding uses are heavy industrial, light industrial, and residential. The property has been flooded twice in the past two years during area-wide flood events.

The area is designated on Town of Union Future Land Use and Transportation Plan as industrial. The designation includes a mixture of office and industrial uses, and the current use is in conformance.

Staff Recommendation:

Although the Action is determined to be Type II by the NYSDEC, and therefore not subject to a State Environmental Quality Review, Planning Department staff reviewed

Environmental Review:

According to a ruling by the New York State Department of Environmental Conservation (NYSDEC), the State Environmental Quality Review (SEQR) regulation 6NYCRR Part 617 provides that “civil or criminal enforcement proceeding, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;” (617.5(c)(29)) are Type II Actions. Therefore, the improvements required at AES – Westover are considered Type II Actions and are not subject to review under SEQR. A Construction Stormwater Pollution Prevention Plan (CSWPPP) was required because the area to be disturbed during construction is greater than one acre (1.5 acres). The final project will not result in any increase in stormwater runoff.

Project Site Information:

The property is located on the west side of Riverside Drive, to the south of BAE Systems, Inc., in Westover. The 33.1-acre parcel is zoned Heavy Industrial (HI). The surrounding uses are heavy industrial, light industrial, and residential. The property has been flooded twice in the past two years during area-wide flood events.

The area is designated on Town of Union Future Land Use and Transportation Plan as industrial. The designation includes a mixture of office and industrial uses, and the current use is in conformance.

Staff Recommendation:

Although the Action is determined to be Type II by the NYSDEC, and therefore not subject to a State Environmental Quality Review, Planning Department staff reviewed the ammonia storage tank and proximal components for proper construction in a flood-fringe. The Wellhead Protection Committee considered the design of the dike around the storage tank, and spillway components, and determined the dike to be sufficient protection in the event of a flood. The Planning staff recommends a Negative Declaration pertaining to the elevated and ground-level structures, as proposed.

The design meets the requirements for Special Permit application to develop in a floodplain, and the staff recommendation is to approve the Special Permit, with the applicable conditions as described in Section 205-57.B.2(a-f). The following are applicable, although not exclusive:

1. Elevation above the mean sea level to which any nonresidential building and its water supply and sanitary facilities have been floodproofed, certified by a professional engineer, architect or land surveyor certified by the State of New York. [Amended 8-6-1986 by Ord. No. 86-2]
2. Special permit modification approval will be required if there are any changes to the site plan or change in use of the property.

Chairman McLain asked for a motion granting the special permit for development in the flood plain.

Motion made: L. Miller
Motion seconded: R. Signorelli
MOTION: Approving the Special Permit for development in the flood plain for the AES Project
VOTE: **In Favor:** L. Miller, R. Signorelli, A. Elwood, J. Rotella
B. Seliga
Opposed: None
Abstained: None
Motion Carried

D. COMPREHENSIVE PLAN: FUTURE LAND USE MAPS

The Board discussed the future land use maps. Paul Nelson will forward the maps in pdf format to all Board members for review and future comment/discussion.

E. OTHER SUCH MATTERS AS MAY PROPERLY COME BEFORE THE BOARD

The Board discussed the current zoning issues surrounding the Tony's Restaurant property and ownership issues involving the subject property.

F. ADJOURNMENT

Motion made: J. Rotella
Motion seconded: B. Seliga
MOTION: Adjourning the meeting at 9:32 p.m.
VOTE: **In Favor:** L. Miller, R. Signorelli, A. Elwood, B. Seliga, J. Rotella
Opposed: None
Abstained: None
Motion Carried

Meeting date

The next meeting of the Planning Board is scheduled for Tuesday, March 13, 2007 at 7:00 p.m.

Respectfully submitted,
Kathleen C. Carney