

Town of Union Planning Board Minutes

Tuesday, December 19, 2006

A regular meeting of the Town of Union Planning Board was held on Tuesday, December 19, 2006 at the Town of Union Office Building, 3111 East Main Street, Endwell, New York. Chairperson 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, B. Seliga, T. Crowley, J. Rotella

Members absent: R. Signorelli

Others present: Paul Nelson, Marina Lane, Alan Pope, Jeremy Evans, Philip Akel, Ferris Akel, Mike McDonnell, John Cooper, Jim Mulligan, Kevin Maher, Gary Ganoung

A. CALL TO ORDER

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

B. APPROVAL OF MEETING MINUTES: DECEMBER 5, 2006

Chairman McLain asked for a motion to accept the November 8, 2006 meeting minutes with the addition of the 'classification by acreage' chart to the comprehensive plan discussion portion of the minutes.

Motion made: A. Elwood

Motion seconded: L. Miller

MOTION: Approving the minutes from November 8, 2006 as amended.

VOTE: **In Favor:** A. Elwood, L. Miller S. McLain, B. Seliga,

Opposed: None.

Abstained: T. Crowley

Motion Carried

Chairman McLain noted the following changes to the meeting minutes of December 5, 2006:

Page 1, Item C, Paragraph 4, Line 9: Change "pain" to "plain".

Page 2, Line 1: Change "requirement" to "required".

Page 3, Paragraph 1, Line 5: Change "exists" to "exits".

Page 3, Paragraph 3, Line 1: Remove word "of".

Chairman McLain asked for a motion to accept the minutes from December 5, 2006 as amended.

Motion made: B. Seliga

Motion seconded: A. Elwood

MOTION: Approving the minutes from December 5, 2006 as amended.

VOTE: **In Favor:** A. Elwood, L. Miller J. Rotella, B. Seliga, T. Crowley

Opposed: None.
Abstained: None.
Motion Carried

C. AES -- WESTOVER: 720 RIVERSIDE DRIVE

Site Plan Presentation
Advisory Opinion to ZBA

Representatives from AES presented a proposal to install pollution control technology at the plant on Riverside Drive in order to reduce nitrous oxide and other particulate emissions. AES is under a consent order by the DEC to reduce emissions. They would like to break ground in the spring of 2007 and go on line in November 2008. They explained the proposed improvements to the Board and answered questions from Board members.

Ms. Lane read the Variance Request, Environmental Impact and Staff Findings as follows:

A. VARIANCE REQUEST:

AES Westover, LLC has applied for a building permit to construct a Multi-Pollutant Control System, as mandated by the NYS DEC, at the existing electric power-generating plant located at 720 Riverside Drive, Johnson City. The property is zoned Heavy Industrial (H.I.), and the public utility is permitted in the district. The existing emissions stack is 265 feet high, and the proposed maximum height of the Multi-Pollutant Control System is 138.4 feet in height. The zoning ordinance states that the maximum building height in the Heavy Industrial district is sixty (60) feet. Therefore, a seventy-eight (78) foot height variance is requested.

B. ENVIRONMENTAL IMPACT

The project involves the installation of Air Pollution Control equipment that will significantly reduce the facility's air emissions for nitrogen oxides and sulfur oxides, as required by a Consent Decree executed by and between AES Westover and the NYS Department of Environmental Conservation (NYSDEC). As such, the applicant's proposal is considered a Type II action under the New York State Environmental Quality Review Act (SEQRA). A long environmental assessment form has been submitted to document existing environmental conditions, and planned environmental measures designed to ensure that adverse environmental impacts to not occur as a result of this project. No further environmental review is required.

C. STAFF FINDINGS

The Planning Department recommends approval of the seventy-eight-foot height variance. The multi-pollutant control system is mandated by the NYSDEC, and will improve environmental conditions (emissions). The project will require a Special Permit for development in a floodplain, and a Special Permit for the storage of aqueous ammonia in an Aquifer.

Chairman McLain asked for a motion to recommend approval of the 78-foot height variance to the Zoning Board of Appeals.

Motion made: T. Crowley

Motion seconded: A. Elwood

MOTION: Recommending approval of the 78-foot height variance to the Zoning Board of Appeals.

VOTE: **In Favor:** A. Elwood, L. Miller J. Rotella, B. Seliga, T. Crowley

Opposed: None.

Abstained: None.

Motion Carried

D. GIANT MARKETS: 412 DAY HOLLOW ROAD

Ms. Seliga recused herself from this portion of the meeting.

Site Plan Presentation

Mr. McDonnell presented updated plans for the Giant Market on Day Hollow Road. The plans now include an exit passageway on the Akel property that will not have an impact on the adjoining fire station. There is now a corridor (exit passageway) approximately four feet wide that goes along the back of the new addition that will allow egress along the corridor and exit onto a new sidewalk that comes out toward Day Hollow Road.

The plans also include increased green space on each side of the main access/egress to Route 26 (egress 3 on the plans) to better define the location coming into the parking lot.

The width of the second entrance on Day Hollow Road has been accepted by the Broome County Department of Public Works. (Justification for the width was provided to the County by Mike McDonnell).

Mr. Nelson indicated that the only other outstanding issue is the SWPPP plan. Mr. McDonnell indicated they will perform the 60-day reconstruction redevelopment permit process. They will follow standard practices from the DEC. Mr. Nelson informed Mr. McDonnell that Pete Olevano (Town Engineering) would like the SWPPP Plan to accompany the final drawings when they are submitted to the Town.

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

1. Request from Town Attorney Alan Pope to change Planning Board meeting schedule.

The Board agreed to meet on the second and fourth Tuesday of each month (as opposed to the first and third Tuesday).

2. Homestead Village Development PUD – Amendment Review

Ms. Lane advised that on December 20, 2006 a meeting will be held with Bob Bennett, Bill Walsh, Keith Barney, a Keystone Associates representative, the Fire Marshall from Johnson City, Pete Olevano, John Bernardo, Joe Moody, Paul Nelson and Marina Lane to discuss the water issues relative to the PUD amendment. Ms. Lane explained the proposed water looping issues that will be discussed.

Ms. Lane presented the submitted plans to the Board to ensure that they are complete before they are sent to the Town Board for a public hearing. The Board reviewed the plans outlining the PUD. Ms. Lane explained that the amendment to the PUD now includes adding 4311 Watson Boulevard and 13 Beech Street into the 4101 Watson Boulevard address of the PUD to make that part of one PUD. The golf course will be dedicated as part of the 25% open space requirement

The second part of the amendment is to take the parcel of 13 Beech Street, which is on both the north and south side of Beech Street, and partition it so the upper 2.5-acre portion may be sold to the American Cancer Society.

The Town Board will ultimately hold a Public Hearing on this issue. The Planning Board is not ready to make that recommendation at this point.

Mr. Nelson will inform the Board of the results of the meeting on December 20, 2006.

H. ADJOURNMENT

Motion made: J. Rotella
Motion seconded: B. Seliga
MOTION: Adjourning the meeting at 9:48 p.m.
VOTE: **In Favor:** L. Miller, B. Seliga, A. Elwood, T. Crowley, J. Rotella
Opposed: None
Abstained: None
Motion Carried

Meeting date

The next meeting of the Planning Board is scheduled for Tuesday, January 9, 2007 at 7:00 p.m.

Respectfully submitted,
Kathleen C. Carney