

## Town of Union Planning Board Minutes

Tuesday, September 8, 2020

A regular meeting of the Town of Union Planning Board was held Tuesday, September 8, 2020, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York, and was also held remotely via Zoom Virtual Meeting Software.

Members present: L. Miller, L. Cicciarelli, T. Crowley, S. Forster,  
D. Kudgus and S. Yalamanchili (Alternate)

Members absent: M. Jaros, S. McLain

Others present: Marina Lane, Sara Zubalsky-Peer, Rick Materese, Francie Cook, Sandra Malkin, Rossanne Yonkoski, Mike Malarkey, Mark Parker, Dan Griffiths, Alex Urda, Tom Pappas, Sarah Campbell, Dave Jones, Bill Walsh, Erin Hazen, and Lisa Oliver

### A. CALL TO ORDER

Chairman Miller opened the meeting of the Planning Board at 7:05 p.m. and read a short announcement. "Please take notice that in accordance with an Emergency Order of the Governor of the State of New York, notice is hereby given that the Planning Board meeting is scheduled for Tuesday, September 8, 2020 at 7:00 o'clock in the evening in the 2<sup>nd</sup> floor Boardroom. COVID-19 guidelines will be in place with social distancing and masks worn at all times. There will be limited seating. Please call to register at 607-786-2926. In-person attendance shall not exceed 50% capacity of the Town Hall Board Room, less Planning Board Members and Town Employees. It is anticipated that the maximum number of the public who can be in attendance at Town Hall for this Planning Board meeting will be 17 persons. All persons in attendance must wear a face covering to include their mouth and nose region, they must hand sanitize upon entry of the meeting at the hand sanitize stations provided by the Town, they must adhere to social distancing guidelines and remain six (6) feet apart at all times. Alternatively, or in the event that in-person public attendance has met the maximum capacity, the meeting will be accessible to the public via Zoom virtual meeting software. Any members of the public wishing to observe the meeting remotely are advised to access the meeting via Zoom Video Conference."

### B. MEETING MINUTES

#### 1. Acceptance of July 14, 2020 Meeting Minutes

Motion Made: L. Cicciarelli  
Motion Seconded: D. Kudgus  
MOTION: Acceptance of the July 14, 2020, Planning Board Minutes, as written.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, T. Crowley, S. Forster, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**2. Acceptance of Acceptance of August 11, 2020 Meeting Minutes**

Motion Made: L. Cicciarelli  
Motion Seconded: S. Forster  
MOTION: Acceptance of the August 11, 2020, Planning Board Minutes, as written.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, T. Crowley, S. Forster, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**3. Acceptance of Acceptance of Public Hearing Transcripts:  
1420 Union Center-Maine Highway: Special Permit for Floodplain Development**

**A.** Chairman Miller asked for a motion to accept the August 11, 2020, Public Hearing Transcript for the Special Permit for Development in the Floodplain, as written.

Motion Made: S. Forster  
Motion Seconded: L. Cicciarelli  
MOTION: Acceptance of the August 11, 2020, Public Hearing Transcript for Development in the Floodplain at 1420 Union Center-Maine Highway, as written.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, T. Crowley, S. Forster, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**1908 Newell Road: Leisure Village Preliminary Subdivision**

**B.** Chairman Miller asked for a motion to accept the August 11, 2020, Public Hearing Transcript for Leisure Village Preliminary Subdivision, as written.

Motion Made: L. Cicciarelli  
Motion Seconded: S. Forster  
MOTION: Acceptance of the August 11, 2020, Public Hearing Transcript for the Leisure Village Subdivision at 1908 Newell Road, as written.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, T. Crowley, S. Forster, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**C. 247 Hillside Terrace / 445 Chrysler, Use Variance to allow barn without a principal use, R. Yonkoski**

**Advisory Opinion to the Zoning Board of Appeals**

Ms. Sandra Malkin, Ms. Yonkoski's attorney, gave a short presentation on behalf of Ms. Yonkoski. Ms. Malkin explained that Ms. Yonkoski had tried to sell the property at 247 Hillside Terrace for six years and she had not received any offers. Originally, the parcel had been two separate parcels, one at 247 Hillside Terrace and one at 445 Chrysler Road. The Yonkoskis built a barn on the 445 Chrysler Road parcel, which was in compliance with the zoning code at that time. The zoning was changed from Agricultural to Residential, which unfortunately resulted in the barn becoming a non-conforming use, and afterwards, the two properties were merged so the barn would be in compliance as an accessory building. Now a purchaser would like to buy the portion of 247 Hillside without the barn. Therefore, Ms. Yonkoski is petitioning the Planning Board to recommend approval of the use variance to have an accessory use without a principal use on the 445 Chrysler Road parcel.

Ms. Francine Cook, the realtor for Ms. Yonkoski, explained that the barn was built between 1998 and 1999 and water and sewer were added because it was a separate parcel. A road was brought up to the barn at that time. Ms. Yonkoski has tried to sell the property as one parcel and has not been able to. Ms. Cook added the only way that Ms. Yonkoski can sell the property is to separate it into the original two parcels and apply for a use variance. Ms. Yonkoski has buyers for both parcels. The buyer of the barn may convert it to a residence, or build a house on the property in the future.

Ms. Lane then read her staff report. Ms. Yonkoski is planning to sell 247 Hillside Terrace, a 29.12-acre residential lot currently zoned Suburban Single-Family. The property was formerly two separate parcels, 247 Hillside Terrace with a residence and accessory buildings, and 445 Chrysler Road with a barn, permitted under the former Agricultural zoning district. At one point, the family merged 445 Chrysler Road into 247 Hillside Terrace

Ms. Yonkoski has attempted to sell the entire property over the last 7 years. Currently there is an offer for the Hillside Terrace lot with the residence on it. The sale and lot partition would result in the former 445 Chrysler Road property having a barn on it without a principal residence. Therefore, in order to sell only the former 247 Hillside Terrace property and partition the lot into the former configuration of two lots, she is requesting a use variance to permit the parcel at 445 Chrysler Road to have an accessory building without a principal use. The lot areas would be 3.7-acres for 247 Hillside Terrace, and 25.42-acres for 445 Chrysler Road.

Mr. Cicciarelli asked if the only way that Ms. Konkoski could sell the 247 Hillside Terrace property was with a use variance and Ms. Lane responded

that a use variance was necessary. Mr. Kudgus asked whether Ms. Konkoski would meet the criteria for a use variance. Ms. Lane answered that Ms. Cook had submitted a history of the Yonkoski's efforts to sell the parcel for seven years, and that history of hardship justifies the use variance in her mind. Ms. Lane reminded the Planning Board that the use variance follows the land and that technically speaking, if approved, they could leave that as a barn without a principal use forever. Mr. Cicciarelli asked if the Planning Board could add a stipulation to the use variance with regard to the barn. Ms. Lane suggested that they could make a recommendation to the ZBA that required the conversion of the barn to a residence or the construction a single-family residence on the property within five years, for example.

Ms. Malkin said that Ms. Yonkoski met the criteria for a use variance. Ms. Yonkoski had not purchased the properties to do something outside of the zoning code. Ms. Yonkoski did not understand that when she combined the two parcels that she would lose the grandfathering of the non-conforming use of this barn. Ms. Malkin continued that this created a hardship for Ms. Yonkoski because the parcels were not marketable together. If Ms. Yonkoski is not granted the use variance, she will lose the value of the barn, which in today's market would cost between \$50,000 and \$150,000. Ms. Malkin added that Ms. Yonkoski has a buyer for the 247 Hillside Terrace property for \$319,000; nobody knew that having the barn on the property would cause a problem to the purchaser. Ms. Malkin said the character of the neighborhood would not change with the sale of the 247 Hillside Terrace property.

Mr. Cicciarelli is empathetic to the hardship that the current owners have with the sale of their property, but he is concerned that having to convert the barn or build a new residence on the Chrysler Road parcel will create a burden for a new owner. Ms. Lane explained that the 445 Chrysler Road parcel will be in a Suburban Single Family zoning district, so Ms. Golazeski, the Code Enforcement Official, will be the one who makes the final determination of how the barn could be used.

The Planning Department staff recommends that the Planning Board recommend to the ZBA approval of the use variance to permit the barn without a principal use on 445 Chrysler Road. The intention is to sell the 445 Chrysler Road property either for the conversion of the barn into a residence, or for the construction of a new home in addition to the barn.

Mr. Forster noted that the plan says there is a hot water wash stall in the barn and he asked if there were any other facilities in the barn. Ms. Yonkoski answered that there is also a half-bathroom in the barn. Ms. Cook said that

they have a buyer who is interested in the barn and she is researching how much a conversion would cost the buyer

Chairman Miller asked for a motion to recommend approval by the ZBA for the Use Variance for an accessory structure without a principal use, with stipulations.

Motion Made: L. Cicciarelli  
Motion Seconded: S. Forster  
MOTION: Recommendation of approval by the ZBA of a Use Variance for accessory structure at 445 Chrysler Road without a principal use, with the contingency that the barn is converted to a residence or a new principal single family home is constructed within 5 years.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, T. Crowley, S. Forster, D. Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**D. Leisure Village Subdivision, 1908 Newell Road, M. Malarkey / M&S Real Estate Development LLC**

Ms. Lane asked Mr. Mark Parker, an engineer from Keystone Associates, to explain revisions that had been made to the preliminary plan to regarding the utilities and the flow of stormwater in the subdivision. Mr. Parker explained that the Town did not want the stormwater drain under driveways on private property, so he moved it into the Newell Road right-of-way to tie into an existing 48" line. There will be an 8" water line that ties into the main water line on Taft Avenue. He explained that there will still be a small easement on one property on Newell Road that is required for the stormwater catch basin where the new line connects to the original catch basin. Mr. Forster asked where the waterline will be placed. Mr. Parker answered it is going behind the curb per the recommendation from the Endicott Water Department. Ms. Lane noted that the waterline is still in the right of way, but it is between the right of way and the curb.

Mr. Parker also explained that, per the Code Department's recommendation, turnarounds had been added to the properties on Newell Road. Mr. Parker explained that there is a 25-foot setback from the property line to the building so if you are outside the garage with a 16-foot vehicle, it will be very difficult to use the turnaround. Ms. Lane said she will have further discussions with Ms. Golazeski about the turnaround to discuss Mr. Parker's concerns. The turnarounds were added because the Town code does not permit people backing into a road. Mr. Parker added that there are no other turnarounds in that neighborhood. He explained the turnarounds will add more hard surface to the

plan, and this may be a factor to consider as well. Ms. Lane feels another meeting to discuss the merits of the turnarounds can be held to resolve Mr. Parker's concerns. Mr. Malarkey noted that whatever the Town recommends, as long as it works, they will certainly implement it in the plans.

Mr. Malarkey stated that there is no existing waterline on Newell Road. The Endicott Water Department wants the subdivision water lines to be looped. The water lines will start on Taft Avenue and loop around the subdivision street back up Newell Road, to tie into Taft Avenue. The fire hydrant was moved per the Water Department's recommendations, and there is another hydrant at the corner of Taft Avenue and Newell Road. Mr. Forster asked what fire department will service the subdivision. Ms. Lane answered it is the Union Center Fire Department.

Ms. Lane asked Mr. Parker to explain the swale and stormwater system to the Planning Board. Mr. Parker said that they have a full storm sewer system in Leisure Boulevard. Water from the driveways will drain into the two inverts on the street, with half the water draining into each of the stormwater lines on each side of the road. Once it reaches the catch basin associated with its line, the water goes into a bioretention area. The stormwater will be filtered, captured in a perforated pipe, and then directed to the detention pond on the west side of Leisure Boulevard. On the east side of Leisure Boulevard, the stormwater will drain into an infiltration basin. This will allow most of the water to infiltrate into the ground with the overflow going to the detention pond. There is an outlet structure in the detention pond that connects to the storm sewer in the street.

Ms. Lane asked Mr. Parker to show how the swale system runs along the south end of the properties and curls northward up the west perimeter. Mr. Parker explained that the swale system was designed to address the runoff from both the cemetery and the development. The cutoff system reroutes the cemetery runoff to the same place it goes now. Mr. Malarkey commented that he lives across the street from the development and he has never seen any standing water on the property or overflows into the existing catch basin.

Ms. Lane then read her staff report to the Planning Board. The property is zoned Urban Single-Family (USF), and single-family attached homes are permitted by right. The intention is to deed a new center street, Leisure Boulevard, to the town and form a neighborhood association for the maintenance of the properties and stormwater control facilities. The 5.126-acre parcel has an existing easement with the cemetery to the south, which will become easements with eleven separate properties in order to maintain the access road to the cemetery.

The developer will extend utilities between Newell Road and Taft Avenue for the homes along the new road. Most of the stormwater drainage will be directed westward via a series of swales, into a system of bioretention, infiltration, and detention ponds, to the closed storm sewer system in Newell Road.

The homeowners' association will restrict the sale of the homes to seniors only. The individual homes will be 1,300 square-feet, and have basements and garages. The proposed lots with homes are larger than the required minimum 4,000 square-feet, ranging between 4,138 and 10,294 square-feet. The areas of the uninhabited lots with stormwater facilities are 15,649 and 19,232 square-feet, or a total of 0.8-acre.

The Planning Board has classified the project as an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA), and approved the Negative Declaration on August 11, 2020. The Stormwater Pollution Prevention Plan has been approved. The application meets all the requirements for a final subdivision plat under Section 181-13 of the Town Subdivision Regulations.

Ms. Lane explained that the subdivision is complicated because we have an existing road, which will have eight homes, and then we have a proposed road. She tried to make sure that the language in her report addressed that.

1. § 181-13.E.(8) states: The following statement will be on the cover sheet of the final plans signed by the developer and the developer's professional engineer:

On behalf of \_\_\_\_\_ (Developer-Applicant), we hereby certify and agree that the submitted plans meet all the requirements and specification described in §181-11 (Subdivision), and any other applicable sections of the Town of Union Code. Notwithstanding any notes, provisions or specifications in the plans, we agree on behalf of the Developer-Applicant that Town of Union Code specifications shall take precedence over any such notes, provisions or specifications which may be inconsistent with and/or not in conformance with the Town of Union Code specifications. We further agree that in the event of any inconsistency or ambiguity between the notes, provisions or specification on the final plans and the town of Union Code, that in all cases the Town of Union Code specifications shall be controlling with respect to the work, materials or other requirements.

\_\_\_\_\_  
Signature of Developer

\_\_\_\_\_  
Signature of Developer's Engineers or Design Professional

2. The subdivision plat shall be revised to more clearly indicate the driveway curb cut details, differentiating between full curb (double line) and depressed curb (single line).

Mr. Malarkey noted that there depressed curbs for only the driveways on the

plan.

3. Six original plans shall be brought to the Planning Department for the Planning Board Chairperson's signature and filed in the Broome County Clerk's Office no later than November 9, 2020, sixty-two (62) days after Planning Board approval (*Section 181-14P*).
4. No work shall begin on the subdivision until the plat is recorded in the County Clerk's Office and submitted to the Planning Department. The original plans shall have the Broome County Health Department's stamp. A receipt from the Broome County Clerk's office shall be submitted to the Planning Department. The stamped originals are to be distributed as follows: one (1) to the Broome County Health Department, one (1) to the architectural/engineering firm, one (1) to the developer, one (1) to NYSEG, and the two (2) remaining signed originals to the Planning Department. Two (2) paper copies of the signed original plans, and one (1) reproducible drawing (Mylar), shall be submitted to the Engineering Department. (*Section 181-14M, N, O and P*)

Mr. Malarkey noted that Mylar was no longer used for reproducible drawings and Ms. Lane said that it was a small detail that could be discussed later.

5. A copy of the itemized, contracted cost estimate for construction of all utility and street construction for Leisure Boulevard and work required in Newell Road and Taft Avenue shall be submitted to the Commissioner of Public Works for review and approval no later than three weeks from stamped approval (*Section 181-17A*). Estimates shall include all road construction items including unit price and quantities, including the base and top coats of blacktop.

Ms. Lane explained the estimate is required so that Mr. Caforio can get an idea of what Mr. Malarkey's costs are. These costs must be reviewed and approved by Mr. Caforio before the street deed and easements are submitted.

6. The street deed and any easement descriptions shall be submitted to the Engineering Department for their review and approval within four weeks from the date of the stamped Subdivision Approval by Broome County.
7. The applicant is responsible to submit all street deeds, easements (easement maps and descriptions), or other appropriate legal documentation to convey to the Town Board all improvements shown on the approved subdivision plat no later than six weeks from stamped approval. The applicant shall submit the appropriate gains tax affidavit(s), real property transfer form(s), abstract(s), required by the Town Attorney, and funds sufficient to record or file, as the case may be, all legal documents. (*Section 181-16B*). All street deeds submitted to the Town shall contain the language detailed in Section 181-16C of the Town Code Book: "The obligation of the grantor to make improvements within the property granted herein, in accordance with the requirements of the Town of Union, shall continue, notwithstanding the acceptance and recording of this deed. The acceptance and recording of this deed by the Town of Union shall not constitute acceptance of said improvements for maintenance until



said improvements have been completed and approved by the Town Board of the Town of Union.” [Amended 4-6-1994 by L.L. No. 5-1995]

8. Conditions (1) through (7) must be satisfied, a performance bond or letter of credit for 100% of the subdivision improvements, and deeds shall be submitted to and accepted by the Town Board prior to any Building Permits being issued. (*Section 181-15A*) The letter of credit, street deed, filing applications, and fee shall be submitted to the Commissioner of Public Works. (*Section 181-16 B and C*)
9. Under Section 181-15A, conditions for final subdivision plan approval and issuance for a building permit is stated as follows: “The approval of the subdivision plat shall not be deemed final until the applicant has completed all required subdivision improvements to the satisfaction of the Town and the improvements have been accepted by the Town Board, or until the applicant has filed a letter of credit which has been accepted by the Town Board and has offered for dedication all streets, easements, and improvements.”

Ms. Lane noted that key point with this stipulation is that you cannot get a building permit unless it is on an accepted town road. This provision was designed to allow Mr. Malarkey to get a building permit for Leisure Boulevard. Mr. Malarkey noted that the letter of credit in place guarantees that if he doesn't finish it, the Town will have the monies to finish it.

10. A pre-construction meeting shall be held including project contractors, Village of Endicott Water Department, Town of Union Engineering, and the Building Permits Official prior to any construction on site and within any road.
11. Prior to the Town's acceptance of the street and utility improvements, one paper copy and one digital (AutoCAD LT) of the as-built drawings of all infrastructure improvements (i.e. water, sanitary and sewer) and erosion and sediment control measures to the Engineering Department (*Section 181-19E*), and one paper copy and one PDF version to the Planning and Code Enforcement offices.
12. A maintenance bond, a letter of credit, or other guarantee approved by the Town Attorney for ten (10) per cent of the cost of the construction of Leisure Boulevard and within Newell Road shall be presented to the Engineering Department for their review. Said bond shall be submitted to the Town Board for their acceptance. The bond, letter of credit, or other guarantee shall cover a period of one (1) year. (*Section 181-19G*). The developer shall agree to follow the details for street acceptance as described in Article VI: Construction of Subdivision; Street Acceptance, 181-15 through 181-20 of the Code of the Town of Union.
13. A specific recordable instrument with stormwater management system maintenance language for the stormwater management system associated with the Leisure Village Subdivision at 1908 Newell Road shall clearly define the maintenance obligations, and shall be referred to as running with the land in the deeds of all subdivision parcels. The recordable instrument shall contain

language such that if the stormwater management system is not properly maintained, the Town of Union may issue a notice to cure, and if not cured, then the Town of Union may cure and/or correct the situation and charge the costs and expenses of the same to you or any future property owner. M & S Real Estate Development, Inc., as the owner of the properties on which the stormwater management system is located, shall have the initial obligation to maintain the stormwater management system in a functional condition, as described in the Stormwater Management and Pollution Prevention Plan (SWPPP), but if not so obligated the Town of Union may proceed to cure and /or correct the situation as noted above.

14. Similarly, Access Easements shall be filed with all deeds in the event that the property owner or homeowners' association has failed to maintain the stormwater management system and the Town of Union finds it imperative to enter the properties to correct any drainage failures. The survey description of the access easements shall be submitted to the Town of Union Planning Department for Engineering and Attorney review prior to being filed.
15. Stormwater management system maintenance language must be submitted sufficiently in advance of the issuance of a building permit to the Planning Department and Town Attorney for approval.
16. Stormwater management system maintenance language shall be clear and contained in the deed of each parcel of the subdivision. All properties of the Subdivision shall be listed in the deed language. The stormwater management system shall be maintained in a functional condition by the owner of the property on which it is contained, as described in the Stormwater Management and Pollution Prevention Plan (SWPPP).
17. Stormwater management system maintenance language must be reviewed and approved by Town Attorney prior to stamped approval by the Planning Board Chairperson. The following is provided as a guide:
  - i. "This conveyance is also subject to the terms and provisions of the Leisure Village Subdivision Storm Water Pollution Prevention Plan (SWPPP) approved by the Town of Union and made part of the final Subdivision approval granted by the Town of Union on September 8, 2020. The Storm Water Pollution Prevention Plan requires the construction and maintenance of two (2) bioretention basins, one (1) infiltration basin, and one (1) detention basin, integral parts of this Plan located on Lots 29 and 30 of the Subdivision, and including a system of swales and underground piping that shall be owned and maintained by the property owners. The Plan requires that the Developer / Lot Owners continue to own and be responsible for continuing maintenance of the stormwater management system. In the event that the Developer / Lot Owner fails to perform the required maintenance, the necessary maintenance shall be provided by the Town of Union. Any charge for this maintenance by the Town of Union shall be

paid by the owners of the Subdivision lots on an equal, pro rata basis.”

18. At any such time that the homeowners’ association is formed and assigned responsibility of the stormwater management system maintenance, the revised maintenance agreement and access easements shall be provided to the Town for approval by the Town attorney prior to being recorded with the deeds.
19. Broome County Engineering, Department of Public Works, requires the developer apply for a permit from the Highway Department for the proposed driveway opening at Taft Avenue (County Road 29). The construction of any new driveway shall be compliant with NYS DOT Highway Design Standards. The developer will need to coordinate with Broome County Highway Department for work related to the closed drainage system on Taft Avenue. The developer will be responsible for any required upgrades or relocations of the existing systems as a result of this development. Additionally, the developer will be responsible for the repair of Taft Avenue to the satisfaction of the Broome County Superintendent of Highways as a result of any utility work necessary to the project.
20. The Town of Union Department of Public Works requires the developer apply for a permit from the Highway Department for the proposed construction in Newell Road. The construction of any new driveway shall be compliant with NYS DOT Highway Design Standards. The developer will need to coordinate with the Town of Union Highway Department for work related to the construction in Newell Road. The developer will be responsible for any required upgrades or relocations of the existing systems as a result of this development. Additionally, the developer will be responsible for the repair of Newell Road to the satisfaction of the Town Superintendent of Highway as a result of any utility work necessary to the project.
21. The developer and his attorney shall be responsible for finalizing the name of Leisure Boulevard with Broome County.
22. The developer shall provide the Town Planning Department with a copy of the deed restrictions, including language setting minimum age of property purchasers at age 55, not to enforce, but for Town records. Similarly, the developer shall provide the Town Planning Department with a copy of the easements for the church access road.

Ms. Lane added another stipulation that read, “Subdivision construction shall commence substantially within the next (3) years by September 2023. Otherwise, the subdivision plat shall be subject to re-review by the Planning Board in order to address any outstanding concerns or changes to the Code.” Ms. Lane also explained the age 55 was included as a stipulation; otherwise, the Town would have required the park fee. The assumption is that mainly couples without children will be moving into the development.

Mr. Cicciarelli asked Mr. Malarkey if he had a rendering of the buildings. A different engineer is finalizing the updates to the building plans, but he has a rendering with a picture of the house on it and description that he can email to Ms. Lane. Ms. Lane noted that Broome County has asked about a landscaping plan and she had responded that the Town does not have a landscaping requirement for subdivision plans. Mr. Malarkey noted that there will be landscaping by the houses and the bio retention ponds.

### 1. Vote on Final Subdivision Plan

Chairman Miller asked for a motion to approve the Final Plan for the Leisure Village Subdivision at 1908 Newell Road, with the added stipulation.

Motion Made: S. Forster  
Motion Seconded: L. Cicciarelli  
MOTION: Approval of the Final Plan for the Leisure Village Subdivision, including all stipulations related to the plan.  
VOTE: **In Favor:** L. Miller, L. Cicciarelli, T. Crowley  
S. Forster, Dave Kudgus  
**Opposed:** None  
**Abstained:** None  
Motion Carried

## E. 16 Beech Street, CSI Inc. Office Building

### 1. Presentation

Ms. Campbell, attorney from Hinman, Howard & Kattell, gave a short presentation updating the Planning Board on the status of the project. This project is an engineering office with accessory light assembly located in the Homestead PUD. The building is about 17,000 square feet and meets all the requirements of the PUD. The Broome County Planning Department has indicated that there are no significant countywide impacts. A site plan, the SWPPP, and the grading plan have been submitted. In addition, SHPO has signed off on the project. There have not been any significant changes since the last Planning Board meeting. The building coverage is only about 11 percent of the lot. Anything done to the site is only going to improve the stormwater situation; there is a small amount of impervious surface on the site.

The Town Board held a Public Hearing on September 2, 2020, with respect to the PUD modification. There were some people who had questions about it, including a neighbor who lives across the street. The Town Board tabled the matter until their next meeting, which means the Planning Board cannot vote on the project this evening.

Ms. Campbell handed out copies of revised renderings of the building to the Planning Board members. Ms. Campbell noted that the members had already

received a rendering with a tan coloring, but her client's preference was for the blue and heather colors. However, if the Planning Board prefers the tan colored version, Mr. Jones would accept that. Ms. Campbell, Ms. Lane and two members from the Town Board will be meeting with the neighbors on September 9 to discuss their concerns. Ms. Campbell said she hopes that they can adjust the site plan to meet the neighbor's aesthetic concerns. She added that the project is very time sensitive because of the weather. She asked if the Planning Board members could meet sometime after the Town Board meeting in September to approve the final project.

Ms. Campbell said that the client is happy to accommodate any request within reason, except for the one not to build at 16 Beech Street. This property is not zoned residential, so a residence is not going to go on this parcel, but something is. The company has normal hours of operation and there are only twenty employees so the traffic volume will be low. Ms. Campbell added that something a lot bigger could go in on the property. Ms. Lane noted that the building itself is a little bit less than twice the footprint of the American Cancer Society building, but the number of employees is almost exactly the same. Ms. Lane said that CSI conducts most of their business online, so there are not many customers coming to the site regularly. Dave Jones, CSI's president, confirmed that UPS trucks come to the site daily and the company uses large 18-wheeler trucks only to ship large systems. He said they have had four large shipments in the last two and a half months.

Mr. Jones explained that the first renderings presented to the Planning Board were very dark because they were not done professionally. Since the last meeting, Mr. Jones had the renderings redone professionally to demonstrate what the building will look like in real life. Ms. Lane commented that she thinks the main concern about the project is about having a large metal building on the site because there is nothing like it there except the pole barn on 4311 Watson Boulevard. Ms. Campbell agreed that the building is a little techy looking, but since this company is an engineering firm, this is the look that the owner wants for his company. Ms. Campbell recognizes that there will have to be compromise between what the owner wants and the community wants. The latest colors on the rendering are blue and heather, but if the Planning Board prefers the tan color, that is fine too. Mr. Forster commented that he preferred the earth tones for the building because he thinks those colors are a better fit for the wooded area that surrounds the building. Mr. Jones commented that the architects had switched the direction of the siding on the building so that the siding above the windows will be vertical. By mixing up the siding on the building, the intent is to change the visual impact of a large metal building.

Ms. Lane noted that all of the Town Board members wanted to meet with the neighbors on September 9, but due to concerns about the corona virus, only two will attend this meeting to hear the neighborhood concerns. The Town

Board members who attend the onsite meeting will report to the other Town Board members before the next Town Board meeting.

## **F. Presentation by GlidePath, an energy storage company**

### **1. Presentation**

Ms. Erin Hazen, representing GlidePath, introduced Lisa Oliver, an employee of Fisher Associates, the engineering and environmental firm assisting GlidePath with their the battery storage project. Ms. Oliver attended via Zoom, and ran a PowerPoint presentation for the Planning Board members while Ms. Hazen gave the presentation.

GlidePath is proposing the Oakdale Battery Storage project, an energy storage facility to be located on a 9-acre parcel on Robinson Hill Road directly across from a NYSEG substation. The purpose of this presentation is to introduce the project and give the Planning Board an opportunity to ask questions, so that when GlidePath does submit their application they can address the Planning Board's concerns.

GlidePath is one of the largest independent developers of battery storage in the United States, with facilities throughout the United States and Guam. The true function of battery storage is about balancing energy between the supply and demand for power on the grid. There are times when there is extra power on the grid and times when there is not enough, and battery storage facilities serve both needs. Currently that need is served by fossil fuel peaker plants that can take 10 minutes or more to ramp up; however, battery storage facilities can respond in milliseconds instead of minutes with no harmful air emissions, and no water use or discharge. Battery storage facilities represent a modernization of New York State's grid and are based on a business model known as frequency regulation. The batteries will also facilitate the storage of energy from wind and solar projects that are coming to New York.

Battery strings are housed in steel cabinets placed on concrete pads. There would be approximately 116 battery cabinets which are about 53' long, 8' wide, and 9' tall. The containers are grouped in sets with a DC to AC inverter per set. Battery modules are connected into packs, with individual controllers. Each pack reports state of charge, voltage, temperature, and other critical data, in order to make real-time decisions in unison. Packs are assembled into a complete "string" and the strings are compiled into a unified Battery Management System that responds in microseconds to its internal information and signals from the grid. The facility is remotely operated.

The construction of the project would take approximately a year and the company plans to use local union labor whenever possible. The site was carefully chosen to minimize wetland disturbance to less than 0.1 acre. The NYS Office of Parks, Recreation and Historic Preservation finds no adverse

effects on archaeological or cultural resources. The company will work closely with the community to make sure that first responders are familiar with the technology. Initial and recurring on-site training will be offered for emergency agencies. Ms. Hazen added that they will also reach out to the Fire Department to speak with them personally. Fire is a possibility with any electrical equipment and it is important that first responders understand what is inside the cabinets.

Ms. Miller asked if there would be anyone on site to manage the facility. Ms. Hazen answered that no one would be on site but there is 24/7 remote monitoring of the facility. There are sensors within the cabinets for temperature, humidity, and anything that might trigger an alarm would be seen immediately. There are automatic disconnects to remove the electrical current if the sensors detect a problem within a cabinet. There will be regional operation and maintenance crews for the site. Ms. Hazen anticipates there will be about five visits a week to check the site and do weed control.

Mr. Cicciarelli asked Ms. Hazen what the long-term lifecycle of the facility is. Ms. Hazen answered the facility is designed for a thirty-year life; the batteries in the cabinets will degrade over time and will be cycled through. She anticipates ten to fifteen years for each battery. The supplier is responsible for recycling the used batteries when batteries are replaced.

Mr. Forster asked what happens to the site at the end of thirty years. Ms. Hazen said that decommissioning is a very simple process. The containers are bolted to a pad so they are easy to remove. The company can also submit a letter of credit or a decommissioning bond. Ms. Lane said that telecommunications, solar and wind facilities in the Town all require demolition bonds.

Ms. Hazen noted that the parcel is part of the Watson Boulevard PUD and would have frontage on Robinson Hill Road across from the NYSEG substation. Mr. Forster asked if the electric lines from the NYSEG facility would be aboveground or underground. Ms. Hazen answered that it is up to NYSEG, but if the Town would prefer the wires to be underground, she will communicate this to NYSEG.

Mr. Cicciarelli asked if there was a specific benefit to the Town. Ms. Hazen responded that this would be a \$170 million dollar investment in the Town. While it would not have direct onsite employees, GlidePath expects to utilize local contractors during the yearlong construction project. The battery storage facility would be a taxable entity that poses no burden on water, schools or roads.

Ms. Hazen noted since this is a new use of the Homestead PUD they will be seeking an amendment to the PUD for this project. In other communities

where GlidePath has developed battery storage facilities, they have been permitted as public utilities, light industrial or bulk warehouse storage. Ms. Hazen noted that the company chooses sites carefully so that they can tuck them away from residential areas. Ms. Hazen then described the layout of the facility. The battery cabinets will be laid out in a terraced layout, and trees around the perimeter will be maintained for visual screening. There is minimal lighting so the facility is dark-sky compliant.

Ms. Hazen then reviewed the proposed schedule for the project. They are hoping that the Planning Board can declare lead agency in October and have the PUD approval and SEQRA Negative Declaration by November or December 2020. What is driving the timeline are the processes required by New York ISO, an agency that manages the electric markets in the state. To be included in the next class year, GlidePath needs an approval by December. If they get through the ISO process, construction would start in 2022 and the facility would be in operation by 2023.

Ms. Lane added that this project will require the same process that the Planning Board just completed with the CSI project. They will submit their application, it will be presented to the Town Board, and they decide if they want to accept it. If the Town Board accepts it, then it goes to the County for a 239 Review because it is another change to the PUD. It then comes to the Planning Board for an advisory opinion, and then the Town Board would hold a Public Hearing. If the Town Board approves the revision to the PUD, then it can come back to the Planning Board for Site Plan approval.

Mr. Forster asked if there is a residence in the vicinity of the project. Ms. Hazen answered there is one residence at the southern border of the property and she cannot promise that the facility would not be visible to the residents of this property. Ms. Hazen also noted that there is a nursery at the top of the hill and a tree barrier shields that property. Ms. Hazen commented that the battery storage facility would also be shielded from the road with a tree barrier.

Mr. Cicciarelli asked what the criteria was for selecting the property. Ms. Hazen answered that there are open spots on certain substations and the NYSEG substation is one of the more favorable ones. Mr. Forster asked what technology they are using for the batteries. Ms. Hazen answered that the batteries are lithium ion technology, and added that the supplier of the batteries is responsible for recycling them. Ms. Hazen commented that the decommissioning bond is an added assurance to the Town in case the battery storage company goes out of business.

Mr. Cicciarelli asked how many facilities GlidePath has. Ms. Hazen answered that GlidePath is one of the largest independent developers of battery storage in the U.S., with approximately four operating facilities in the U.S. and 2500 megawatts in the pipeline. Mr. Cicciarelli asked how long GlidePath has been



doing this. Ms. Hazen answered that they have operating since 2013 and that they are one of the earliest developers of this technology. Ms. Hazen noted that the first facility went online in 2015 and that the company has never had a major safety incident or a fire. The headquarters for the company is in Elmhurst, Illinois.

Ms. Hazen thanked the Planning Board for their time and their questions.

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

Ms. Lane said that Bill Walsh is filling in a portion of 3901 Watson Boulevard. In 2010 the Planning Board approved a Special Permit for adding fill to the floodplain, but that permit expired. Mr. Walsh approached the Planning Department because dirt from the Fairmont Park construction project was available and he wanted to add this fill to the 3901 Watson Boulevard property. Ms. Golazeski issued a fill permit to add fill to the part of that property that is not in the 100-year floodplain. Mr. Urda, the licensed engineer for the PUD, revised the site plan to make sure that the wetlands were properly delineated. Mr. Walsh was required to stake out the wetlands so that no fill would be deposited there. A resident who lives near the fill site called with a concern about the fill. Ms. Golazeski, the Code Enforcement Official, will inspect the fill site and get back to the resident after her inspection.

H. Adjournment

Chairman Miller asked for a motion to adjourn the meeting at 9:14 p.m.

Motion Made:	M. Jaros
Motion Seconded:	L. Cicciarelli
MOTION:	Adjourning the meeting.
VOTE:	<b>In Favor:</b> L. Miller, L. Cicciarelli, T. Crowley, S. Forster, M. Jaros
	<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, September 29, 2020, at 7:00 p.m.

Respectfully Submitted,  
Carol Krawczyk