

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

Tuesday, September 13, 2022

The Town of Union Planning Board held a regular meeting on Tuesday, September 13, 2022, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock

Members absent: M. Jaros, T. Crowley

Others present: Marina Lane, Rick Materese, Kelly Sullivan, Pete Dolgos, Gary Diehl, Bill Walsh, Rachel Johnson, Eric Webster, Scott Dow, Meryl Deemie, Al Jasinski, Bruce DeLing, Russell Ryan, Dino Christopher, Suzanne Todd, Joe Gibbons, Marian Towers, Matt White, Samantha Bowen, Adam Fishel, Robert Potochniak

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

Chairman Miller called the meeting to order at 7:02 p.m.

### **B. MEETING MINUTES**

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

- Page 1, second line, delete the “1” from the “20221” in the first sentence.

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

Motion Made: D. Kudgus

Motion Seconded: C. Bullock

MOTION: Acceptance of the July 12, 2022, Meeting Minutes as amended.

VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock

**Opposed:** None

**Abstained:** None

Motion Carried

#### **2. Acceptance of July 12, 2022, Public Hearing Transcript for a Special Permit for Development in a Floodplain at 1571 and 1657 Union Center-Maine Highway**

Chairman Miller asked for a motion to accept the July 12, 2022, Public Hearing Transcript for a Special Permit for Development in a Floodplain at 1571 and 1657 Union Center-Maine Highway, as written.

Motion Made: D. Kudgus

Motion Seconded: C. Bullock

MOTION: Acceptance of the July 12, 2022, Public Hearing Transcript for a Special Permit for Development in a Floodplain at 1571 and 1657, as written.

VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain,

S. Forster, C. Bullock

**Opposed:** None

**Abstained:** None

Motion Carried

**3. Acceptance of July 12, 2022, Public Hearing Transcript for a Special Use Permit for a Large-Scale Solar Energy System at 1571 and 1657 Union Center-Maine Highway**

Chairman Miller asked for a motion to accept the July 12, 2022, Public Hearing Transcript for a Special Use Permit for a Large-Scale Solar Energy System at 1571 and 1657 Union Center-Maine Highway, as written.

Motion Made: D. Kudgus

Motion Seconded: C. Bullock

MOTION: Acceptance of the July 12, 2022, Public Hearing Transcript for a Special Use Permit for a Large-Scale Solar Energy System at 1571 and 1657, as written.

VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock

**Opposed:** None

**Abstained:** None

Motion Carried

**4. Acceptance of July 12, 2022, Public Hearing Transcript for a Special Use Permit for a Small-Scale Solar Project at 921 Hooper Road**

Chairman Miller asked for a motion to accept the Public Hearing Transcript for a Special Use Permit for a Small-Scale Solar Project at 921 Hooper Road, as written.

Motion Made: D. Kudgus

Motion Seconded: C. Bullock

MOTION: Acceptance of the July 12, 2022, Public Hearing Transcript for a Special Use Permit for a Small-Scale Solar Project at 921 Hooper Road, as written.

VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock

**Opposed:** None

**Abstained:** None

Motion Carried

**5. Acceptance of July 26, 2022 Meeting Minutes**

Chairman Miller asked for a motion to accept the July 26, 2022, Meeting Minutes as written.

Motion Made: D. Kudgus

Motion Seconded: C. Bullock

MOTION: Acceptance of the July 26, 2022, Meeting Minutes as written.

VOTE:                      **In Favor:** L. Miller, D. Kudgus, S. McLain,  
S. Forster, C. Bullock  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**6. Acceptance of July 26, 2022, Public Hearing Transcript for a Revised Special Use Permit for Outdoor Seating and Cooking at 511 Hooper Road**

Chairman Miller asked for a motion to accept the July 26, 2022, Public Hearing Transcript for a Revised Special Use Permit for Outdoor Seating and Cooking at 511 Hooper Road, as written.

Motion Made:            D. Kudgus  
Motion Seconded:      C. Bullock  
MOTION:                Acceptance of the July 26, 2022, Public Hearing  
Transcript for a Revised Special Use Permit for  
Outdoor Seating and Cooking at 511 Hooper  
Road, as written.

VOTE:                      **In Favor:** L. Miller, D. Kudgus S. McLain,  
S. Forster, C. Bullock  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**C. 4311 Watson Boulevard, NY Union I, LLC and Union II, LLC, Delaware River Solar, LLC, Kelly Sullivan**

**1. Public Hearing for a Subdivision, Vote at the Discretion of the Planning Board**

The Public Hearing opened at 7:03 p.m. There were no questions asked at the public hearing. Ms. Lane stated for the record that the project has been reviewed for over a year with four different environmental reviews. Ms. Miller closed the Public Hearing at 7:05 p.m.

Per Ms. Lane's report, Delaware River Solar, LLC applied on behalf of NY Union I, LLC & NY Union II, LLC to construct two contiguous community distributed solar facilities at 4311 Watson Boulevard within the Homestead Village Planned Unit Development. Per the requirement by the Public Service Commission that each 5 MW (maximum) solar project must be on its own tax map parcel, Delaware River Solar submitted an application to subdivide the two parcels into their own tax ID parcels. NY Union I, LLC, a 37.1-acre lot, has an electric generating capacity of 4.988 Megawatts-a.c., and NY Union II, LLC, 32.8-acre lot, has an electric generating capacity of 4.757 Megawatts-a.c. Within these two proposed lots, the solar facilities themselves entail a combined area of approximately 49.0-acres of the 259.44-acre lot, 4311 Watson Boulevard.

An access road will extend from the northeast corner of the property on Robinson Hill Road to the proposed NY Union I, LLC lot. The Zoning Board of Appeals approved a 50' setback variance NY Union II, LLC, and a variance from the subdivision code to allow for no street frontage for NY Union II, LLC on August 22, 2022, in anticipation of the lots being subdivided and subsequently requiring the variances for the project.

The developer will extend electrical utilities across Robinson Hill Road to the NYSEG Oakdale Road substation. No water or sanitary sewer utilities are required for the unmanned solar facility. The majority of stormwater drainage will be directed south and westward via a system of swales and detention ponds.

The Planning Board has classified the project as a Type I Action under the New York State Environmental Quality Review Act (SEQRA), and approved the Negative Declaration on August 9, 2022. The Stormwater Pollution Prevention Plan is currently under review by a consulting engineering firm.

The application meets all the requirements for a final subdivision plat under Section 181-13 of the Town Subdivision Regulations.

1. The lots, NY Union I, LLC & NY Union II, LLC, shall be dissolved back into 4311 Watson Boulevard as a part of the decommissioning agreement.
2. § 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

3. The subdivision plat shall be revised to show an 18-inch culvert pipe at the entrance to the site (versus the proposed 12-inch culvert).
4. At least two 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 October 18, 2022, sixty-two (62) days after Planning Board approval (*Section 181-14P*).

Ms. Lane explained that the Planning Board is going through a subdivision review process because Town code requires it due to the number of times that 4301 Watson, the original parcel, has been partitioned. This includes the IBM Country Club, which retained the address of 4301 Watson, the golf course that is 4311 Watson with the woods behind it, and the parcel across the street, 4300 Watson Boulevard, with the tennis courts. In addition, GlidePath will create a fourth parcel, and Delaware River Solar is creating two more parcels. Town Code requires a subdivision procedure for anything over four lots; otherwise, this would have been a simple partition. Therefore, the language is modified to address the fact that this is not a true residential subdivision.

5. No work shall begin on the subdivision until the plat is recorded in the County Clerk's Office and submitted to the Planning Department. A receipt from the Broome County Clerk's office shall be submitted to the Planning Department.
6. A pre-construction meeting shall be held including project contractors, Town of Union Highway Superintendent, Town of Union Engineering, and the Town of Union Building Permits Official prior to any construction on site and within any road.
7. The Town of Union Department of Public Works requires the developer apply for a permit from the Highway Department for any proposed construction in Robinson Hill Road. The developer shall coordinate with the Town of Union Highway Department for work related to the construction in Robinson Hill Road. The developer will be responsible for the repair of Robinson Hill Road to the satisfaction of the Town Superintendent of Highway as a result of any utility work necessary to the project.
8. A specific recordable instrument with stormwater management system maintenance language for the stormwater management system associated with the NY Union I, LLC & NY Union II, LLC Subdivision at 4311 Watson Boulevard 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. Homestead Village Development Group, LLC, 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.

9. Similarly, Access Easements shall be filed with all deeds in the event that the property owner 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.

10. 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.

11. 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).

12. The Town of Union Department of Public Works requires the developer apply for a permit from the Highway Department for any proposed construction in Robinson Hill Road. The construction of the new entrance shall be compliant with NYS DOT Highway Design Standards. The developer shall coordinate with the Town of Union Highway Department for work related to the construction in Robinson Hill Road. The developer will be responsible for the repair of Robinson Hill Road to the satisfaction of the Town Superintendent of Highway as a result of any utility work necessary to the project.

13. The applicant and owner shall agree to the stipulations of approval in writing prior to September 30, 2022. The applicant shall agree to follow the stipulations of approval in strict accordance with the site plan approval.

Mr. Dolgos asked for clarification about the deed requirement that the parcels will be go back to one parcel. He stated that it was not necessary to have separate deeds for the subdivided parcels, just separate tax map parcel numbers. Ms. Lane said the principal deed should contain the stormwater management language, and refer to the included tax map number parcels. Ms. Lane summarized that 1) no separate deeds for the sub-parcels are required; and 2) the stormwater document will run with 4311 Watson Boulevard and should reference the tax ID numbers for all parcels.

Ms. Lane also noted that we are not requiring them to build an access road according to NYS DOT standards; that is a residential subdivision requirement.

Chairman Miller asked for a motion to approve the Final Subdivision Plans at 4311 Watson Boulevard, with minor changes to the stipulations.

Motion Made: S. McLain  
Motion Seconded: D. Kudgus  
MOTION: Approval of the Subdivision at 4311 Watson Boulevard, with minor changes to the stipulations.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock  
**Opposed:** None  
**Abstained:** None  
Motion Carried

## **2. Pending Approval of Subdivision, Site Plan Review for a Large-Scale Solar Project**

Ms. Lane then reviewed her site plan report for the Planning Board. On August 9, 2022, the Planning Board issued a Negative Declaration per SEQRA, and approved the Final Homestead Village PUD Development Plan to include the subdivision of two parcels for two community solar farms. The subdivision will consist of one 37.1-acre lot and one 32.8-acre lot. The lots shall be dissolved back into 4311 Watson Boulevard as a part of the decommissioning plan. The total acreage of the property 4311 Watson Boulevard is 259.44-acre lot, and the area of disturbance is 49.0-acres. The facility will connect to the grid via the Oakdale Substation to provide discounted electricity to local homes and businesses.

The properties slope upward from the north side of Watson Boulevard, north of the golf course, away from any homes or traffic. The project area was lightly wooded with new growth trees, many of which have been removed.

The access road will extend westward into the property from Robinson Hill Road, and cross over a 20-foot New York Transit Company Pipeline right-of-way, and a 13-foot Buckeye Pipeline Company right-of-way. A 7-foot agricultural fence will surround the solar arrays.

The US Fish and Wildlife Service 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

Under the requirements of Section 617.7(c), the proposed action was determined to be a Type I Action, and the Planning Board made a Negative Declaration determination on August 9, 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 is under review by a Town-designated engineer. The property, 4311 Watson Boulevard, is subject to a 239-Review because it is within 500-feet of the Village of Johnson City, County Route 20 (Watson Boulevard), and State Route 17/86. Broome County Planning made a number of recommendations that are required by Town Code and have been provided by the developer.

- The facility will not affect water or sanitary sewer utilities, and once constructed, will generate less than one vehicle trips per month.
- The NYS Office of Parks, Recreation, and Historic Preservation determined the project would have no adverse impact on historical or archeological resources. No rare or endangered species of animal or plant have been identified in this location, per the NYS DEC.
- The solar energy system will provide clean energy to the regional electric grid, reducing the need for non-renewable, fossil-fueled energy. This will contribute to New York's goals for clean energy, per the 2020 Renewables Act. New York's Clean Energy Standard (CES) is designed to fight climate change, reduce harmful air pollution, and ensure a diverse and reliable low carbon energy supply.
- The solar facility will be located in a wooded area with no residences nearby. Renewable energy facilities are permitted in every zoning district, and in PUD districts, a 50-foot side setback is required. The proposed solar panels are positioned approximately a minimum of 89-feet to the east of the forever-wild IBM Glen, owned and maintained by the Waterman Center. In addition to the proposed panels being above grade from the Glen, the hiking trails are naturally screened with forest trees. Any additional plantings needed to further screen will be planted with recommendations from the Waterman Center's executive office and consultants. The remainder of the project is surrounded by natural wooded landscape.

The Planning Department recommends approval of the Site Plan for a ten (10) MW a.c. community distributed generated solar facility at 4311 Watson Boulevard, with stipulations.

Ms. Lane asked Mr. Dolgos to define what makes this project a community distributed solar facility. Mr. Dolgos replied the size of each solar farm is less than 5 megawatts, and the way energy would be marketed to the community defined the project as a community distributed solar project.

1. The site plan shall be revised to show an 18-inch culvert pipe at the entrance to the site (versus the proposed 12-inch culvert).



2. § 162-5 PILOT required. A. The owner of a property on which an alternative energy system is located or installed (including any improvement, reconstruction, or replacement thereof), shall enter into a PILOT agreement with the Town consistent with the terms of this chapter.
3. Agreements to cross the 20-foot New York Transit Company Pipeline right-of-way, and a 13-foot Buckeye Pipeline Company right-of-way shall be provided to the Town Planning and Code Enforcement offices prior to the issuance of a building permit.
4. Per § 161-6B, Abandonment and decommissioning regulations for large-scale solar energy systems, the owner of the facility and owner of the land upon which the system is located shall be jointly and severally responsible to physically completely remove all components of the system within one year of abandonment. Removal of a large-scale solar energy system shall be in accordance with a decommissioning plan approved by the Planning Board.
5. The stormwater management 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.
6. 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.
7. 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.
8. 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.
9. A pre-construction meeting shall be held including project contractors, Town of Union Highway Superintendent, Town of Union Engineering, and the Town of Union Building Permits Official prior to any construction on site and within any road.
10. The Town of Union Department of Public Works requires the developer apply for a permit from the Highway Department for the installation of the access drive on Robinson Hill Road. The developer will be responsible for the repair of Robinson Hill Road to the satisfaction of the Town

Superintendent of Highway as a result of any road work necessary to the project.

11. 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.

Ms. Lane noted that the Planning Board preferred an agricultural fence. The latest plan shows that the fence would be 6-inches above the ground. Mr. Dolgos agreed to the Planning Board's requirement for agricultural fencing.

12. 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.

13. Warning 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.

Ms. Lane stated that warning signage does not require a sign permit.

14. The landscaping along the west perimeter of the project shall be maintained at minimum height necessary to screen the project from the IBM Glen Waterman Center, and any dead or dying plants shall be replaced with similar plants within one month, weather permitting. Failure to maintain such landscaping or to replace dead or diseased landscaping required by this chapter shall constitute a violation of these regulations 300-54.2.

15. 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.

16. The applicant shall be required to acknowledge all of the above conditions, in writing, no later than September 30, 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.

Mr. Dolgos asked Ms. Lane to explain the minimum-height screening requirement for the IBM Glen. Ms. Lane answered that the agreement required that the trees near the IBM Glen would be maintained, but at a height that would not create a shadow on the solar panels. Therefore, anything that is in that buffer area to the west would remain at a height that screened the

solar arrays from the IBM Glen. Mr. Dolgos replied “So what we are really talking about is the trees that we don’t trim, we are just going to let them grow.” Ms. Lane noted that if a tree grows and is putting a shadow on the panels, that tree could be removed and replaced with a new young growth tree. Ms. Sullivan added that on the walk in the IBM Glen property, they had discussed “selective cutting,” which allowed the lower growth bushes around the trees to remain. Ms. Lane added that she would have the town attorney review the language in this stipulation to clarify the meaning for Mr. Dolgos. She added that the screening agreement was the determining factor for her to recommend a Negative Declaration under SEQRA.

Mr. Bill Walsh also asked Ms. Lane about the seventh stipulation that states, “The maintenance of the stormwater management system shall be the responsibility of the property owner.” Ms. Lane noted that she had discussed this with Commissioner of Public Works Lou Caforio and they had taken the language directly from Town Code. She offered to submit the language in this stipulation to the Town Attorney for review. The important idea is for the Town ultimately to be able to keep track of what entity is responsible for stormwater.

Chairman Miller asked for a motion to approve the site plan review for a large solar project at 4311 Watson Boulevard, with some possible changes to the stipulation language.

Motion Made:	C. Bullock
Motion Seconded:	D. Kudgus
MOTION:	Approval of the site plan with review for 4311 Watson Boulevard, with stipulations.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock
	<b>Opposed:</b> None
	<b>Abstained:</b> None
	Motion Carried

**D. 1221 Campville Road, Pawlandias – Dog Treats and Daycare, Rachel Johnson**

**1. SEQRA Review / Determination**

Ms. Lane read a brief description of the project from Part 1 of the Environmental Assessment Form (EAF). “Team HopeFull is a registered 501c3 nonprofit organization with a mission to help fulfill the lives of people with Prader-Willi Syndrome and other special needs. We have created Pawlandias to help fulfill this mission. Pawlandias sells homemade dog treats and toys made by individuals with special needs in our community.” Ms. Lane noted that they have a property that they can buy, but the organization does not want to purchase it without knowing that the dog daycare would be approved. Parking is proposed for the property behind the former Lupo’s meat packing facility. The project will not disturb any acreage. Although the project is near the Endicott Village Landfill & Wellfield and the Endicott Area-Wide Investigation, neither impacts this property.

Ms. Lane reviewed the questions on Part 2 of the EAF and noted all the environmental impacts were small to none. Per Part 3 of the EAF, the Determination of Significance, Rachel Johnson of Team HopeFull applied to relocate Pawlandias, which makes dog toys and treats, to 1221 Campville Road to provide employment opportunities for those with special needs. She plans to expand into dog daycare within the next five years. The property is zoned General Commercial, and making dog treats and toys is permitted. The dog daycare is permitted by special use permit for a kennel use. The existing building is a house, and has been used as office space for the adjacent Lupo's meat processing business, both owned by BMEJ, LLC. The property has one accessible parking space and access space, and Pawlandias will have a shared parking agreement with the adjacent property, 1207 Campville Road.

The dog treats and daycare use will not change the character of the surroundings, as long as the number of dogs permitted on site are limited to a manageable number. Dog waste shall be cleaned up daily, and stored in a manner to limit odors. Dogs will be controlled to limit barking, and the size of dogs will be limited. The project in an existing commercial/residential building with an existing adjacent parking lot will not significantly impact traffic, existing utilities, and will not impact wildlife or flora.

A stormwater remediation plan is not required as no increase in impervious area is planned. The property is not in the current 100-year floodplain and there are no wetlands on the property. The site is not directly impacted by any nearby remediation sites.

With mitigation to include maintaining a clean and sanitary business and monitoring dogs to prevent excessive barking, the project will not have any significant adverse impacts to the environment.

Ms. Lane stated that the new Code Enforcement Official interprets dog daycare differently than Ms. Golazeski, the former Code Official, who felt that dog daycare was similar to child daycare. Mr. John Freer, the new Code Enforcement Official, feels that it is more similar to a kennel use. Therefore, a special use permit for a kennel use is required, even though it does not fully meet the definition of a kennel.

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

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

## **2. Public Hearing for a Special Use Permit for a Kennel (Dog Daycare), Vote at Discretion of the Planning Board**

Ms. Miller opened the Public Hearing for a Special Use Permit for a Kennel at 7:45 p.m. There was some discussion about the number of dogs that would be permitted on the property and whether overnight boarding would be provided. Ms. Lane answered that there will be recommendation that there can be no more than twenty dogs, with only five who are 75 pounds or larger. She added that the facility would not provide overnight boarding. The Public Hearing was closed at 7:50 p.m.

Ms. Lane then reviewed the recommendations for the Special Use Permit for the Kennel (Dog Daycare) for the Planning Board.

The Planning Department staff recommend that the Planning Board approve the Special Use Permit for a dog daycare, a kennel use, in a General Commercial zoning district with the following stipulations:

1. Between two weeks to one month prior to opening the dog daycare business, the Code Enforcement Department shall be contacted to review arrangements specific to the dog daycare, including method and location of dog waste storage and disposal.
2. The facility shall provide a sanitary and safe environment for both animals and employees.
3. No greater than 20 dogs shall be maintained at the business at any one time. Of those 20 dogs, no greater than five (5) shall be 75-lbs. or larger.
4. Adequate staff shall be on site at a ratio of one supervisory staff member for every ten dogs.
5. Per § 300-40.11. Kennels, the dog daycare business shall not create nuisance conditions for adjoining properties due to noise or odor, in accordance with performance standards contained in the local law of the Town.
6. Other than during arriving and leaving, all dogs shall be confined to the property and housed in an enclosed structure in humane conditions (i.e., protected from weather, with clean and sanitary conditions, adequate space, nonporous surfaces, well-vented, etc.).
7. Dogs shall be leashed when arriving and leaving the property.
8. No animals shall be permitted on the premises for daycare between the hours of 8:00 p.m. and 7:00 a.m.
9. Dog waste shall be contained in tightly sealed trash bags. No more than six items total may be placed out for trash pick-up for the property.
10. The Special Permit shall expire should the property or business be sold to another entity, per § 300-66.11. Transferability:

- A special permit is not transferable except upon approval by resolution of the issuing board.
- This special permit shall authorize only one special use and shall expire if the special use ceases for three months for any reason.

11. The applicant shall be required to acknowledge all of the above conditions in writing prior to September 30, 2022. The applicant shall agree to follow stipulations of approval in strict accordance with the special use permit approved by the Planning Board. Changes to the use following approval may require a new special permit or site plan review, depending on the change.

Chairman Miller called for a motion to approve the Special Use Permit for a Kennel (Dog Daycare) at 1221 Campville Road, with stipulations.

Motion Made: D. Kudgus

Motion Seconded: S. McLain

MOTION: Approval of the Special Use Permit for a Kennel (Dog Daycare) at 1221 Campville Road, with stipulations.

VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock

**Opposed:** None

**Abstained:** None

Motion Carried

### **3. Pending Approval of Special Use Permit for a Kennel, Site Plan Review**

Ms. Lane reviewed her site plan staff report for the Planning Board. Ms. Johnson intends to add fencing to the rear of the property for an enclosed 3,900 square-foot outdoor recreation area for the dogs. There is no parking requirement for the toys and treats-making business, which are sold off-site, but a carryout restaurant business is required to provide two spaces for every 1,000 square-feet. That would mean four spaces required for the toys and treats-making business. The parking requirement for a daycare is one per six enrolled students, and one per employee. Pawlandias plans to have a maximum of 20 dogs at any one time, and a maximum of seven employees, resulting in a requirement of eleven parking spaces. One accessible space and an access space are provided at the front entrance to the building. The adjacent property, 1207 Campville Road, will provide at least 15 parking spaces. The manufacturing business in that building has relocated to 625 Dickson Street, and only offices are in use.

Per § 300-51.5 Shared parking,

A. The collective provision of off-street parking areas by two or more commercial or industrial buildings or uses located on adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required of the various buildings or uses computed separately, and further provided that the land upon which the collective facilities are located

is owned or leased by one or more of the collective users.

B. Shared off-street parking for two or more uses that are located on the same lot or share a common property boundary and have different peak parking demands or operating hours may be permitted, provided that:

(1) Parking must be located within 400 feet of the buildings/uses it is intended to serve.

(2) The applicant must demonstrate that the uses have different peak-hour parking demands or that the total parking demand at one time would be adequately served by the total number of parking spaces proposed.

(3) A shared parking agreement must be drafted documenting the joint use and must be reflected in a deed, lease, contract, easement or other appropriate document.

The property has public utilities, water and sewer. Stormwater currently drains southward into the roadside swale system, which eventually drains into the Susquehanna River.

The Planning Board classified the project an Unlisted Action under SEQRA on August 9, 2022, and made a Negative Declaration on September 13, 2022. A stormwater remediation plan was not required because there is no proposed disturbance to the site.

The project is subject to a 239-Review as the property is along State Route 17 / 86. Broome County Planning did not identify any significant countywide or inter-community impacts associated with the proposed project. However, they suggested that the site plan should show the parking spaces.

The NYS Department of Transportation stated that nothing may be placed within the State right-of-way, including signage and no parking will be allowed within the State right-of-way. All vehicular access to the site shall be made via the local roadway or the adjacent site, and the curb cut to NYS Route 17C may not be used for any parking area or future site access. Finally, if any work is to be conducted with the State right-of-way, such as for removal of the curb cut to NYS Rout 17C, the applicant will require a Highway Work Permit from NYSDOT. The applicant may contact the NYSDOT Broome Residency at 606-775-0522 to apply for this permit.

The staff recommendation is to approve the site plan for a dog product and dog daycare business with the following stipulations:

1. The required handicapped-accessible parking shall be striped and shall conform to the Building Code of New York State as amended, and shall be maintained with signage displaying the international symbol of accessibility. The access aisle shall be maintained with signage reading “No Parking Anytime.”

2. A parking and access agreement between 1207 and 1221 Campville Road shall be submitted for review by the Town's attorney prior to the issuance of a Certificate of Compliance. Once the agreement is approved, it shall be filed with Broome County, and a copy of the receipt shall be provided to the Planning Department.

3. No vehicles shall be parked within the 10-foot front setback.

Ms. Lane added the wording “along State Route 17C” to the third stipulation.

4. Per NYS Department of Health Section 5-1.31 Cross-Connection Control regulations, the property owner must install a backflow prevention device. The Village of Endicott Water Department, (607-757-5301), has determined that a non-testable check valve backflow prevention device shall be installed. A plumber shall submit plans and specs for the new backflow device to the Endicott Water Department. Once Endicott has approved and signed off on the device, your plumber shall install the device prior to the issuance of a Certificate of Compliance.

5. If the applicant wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.

6. For all signs, the applicant shall apply for a sign permit from the Building Official. All temporary signs or portable signs shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that blink, rotate, or move are not permitted. Signage shall not be posted within the eight-foot setback from the two front property lines.

7. Per NYS law, all commercial buildings must be inspected for fire safety compliance every three years. It is your responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920 every three years after the issuance of a Certificate of Compliance.

8. Site plan approval shall expire after one year unless substantial improvements have been made pursuant to the approved site plan. The applicant may request an extension from the Planning Board.

Ms. Lane changed the time frame from one year to five years. Ms. Lane explained that Team HopeFull has the opportunity to buy the property now, but the organization intends to develop the business within three to five years. The organization wants to make sure that they have the approval for the dog daycare before the organization purchases the property.

9. The applicant shall be required to acknowledge all of the above conditions, in writing, no later than September 30, 2022. The applicant shall agree to follow the stipulations of approval in strict accordance with the site plan. Changes to the site plan following approval may require a minor site plan review or submittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.



Ms. Johnson asked about the Certificate of Compliance. Ms. Lane explained that if Ms. Johnson makes changes to the interior of the building, she may need a building permit from the Code Department. After the work is done, the Code department would come back and do an inspection. At that time, they will determine if there are the proper exit signs, fire extinguishers and other safety measures in the building. After the inspection to check the safety and maximum occupancy of the building, they issue a Certificate of Compliance.

There was also a question if there will be commercial baking ovens at the site. Ms. Johnson answered they use dehydrators to make most of the treats and they will not use a commercial oven in the building.

Chairman Miller called for a motion to approve the Site Plan for a dog kennel at 1221 Campville Road, with revised stipulations.

Motion Made:	S. McLain
Motion Seconded:	C. Bullock
MOTION:	Approval of the Site Plan for a dog kennel at 1221 Campville Road, with revised stipulations.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

**E. 4301 Watson Boulevard, Conifer Housing Development,** Adam Fishel, Marathon Engineering

Mr. Adam Fishel of Marathon Engineering and Mr. Joe Gibbons, the architect for the project, gave a short presentation about the project on behalf of Conifer Development. The proposal involves demolishing the former IBM Country Club facility to construct two four-story multi-family affordable housing buildings. The IBM Country Club spans eastern two-thirds of the parcel and the western third is primarily the former parking lot. The former parking lot will be demolished and turned into lawn area. There will be two points of access on Watson Boulevard with a third potential access point on Barton Avenue. They have met with the Fire Officials and Ms. Lane several times and they have taken their comments and incorporated them into their plans. Most recently, the fire code officials wanted circulation around the two buildings for full fire truck and emergency access and aerial access to the buildings.

The unit count requires 141 parking spaces, but they are asking to land-bank 28 parking spaces and keep 113 parking spaces. This will be a ratio of 1.5 parking spaces per each dwelling unit. They would like to have the 28 alternative parking spaces in the front of the building, and will provide the 113 parking spaces in the rear of the building. Ms. Lane clarified that Town Code has a provision for the Planning Board to waive 25-percent of required parking as long as an alternate plan is submitted showing that 100-percent of the parking could be built.

The Watson Boulevard floodwall is located by the entrance to the site. Access to the site will be reconstructed to provide full access from Watson Boulevard with a secondary access point further west also connecting to Watson Boulevard. The access points will not impact the Watson Boulevard floodwall. The site is surrounded by a floodplain, so the buildings have elevated above both the 100 and 500-year floodplains. The access points at Watson Boulevard and Barton Avenue are in the floodplain so there is not much that can be done to protect access.

There is a 4,500 square-foot recreational space in the northwest corner that is required for multi-family projects. There is also a 3,500-square-foot community courtyard located between the two buildings.

The buildings are four stories and the roofline is below the maximum height requirement. However, the emergency access stair tower protrudes above that maximum height requirement. Ms. Lane stated that the town uses an average roofline to evaluate this.

There was an inquiry about whether the original brick building (the Crocker house) would be preserved. Mr. Fishel stated that the building has been examined by structural engineers and there is no way to save it, so the intent is to have it demolished. They may be able to incorporate some of the features of the older building into the new buildings, but there is really no way to preserve the structure. They are currently in discussions with SHPO about the structure. The developer may be able to memorialize the building in the new structures.

Mr. Gibbons explained that there would be two buildings, with an amenities space and a courtyard space between them. Building A has 39 apartments and Building B has 36 apartment units in it, for 75 units. There is a mix of one-bedroom, two-bedroom, and three-bedroom units. All of the apartments will be furnished with full kitchens, full bathrooms and full bedrooms. Building B has most of the amenity space in the complex, including a community room, a reception area with the offices, a conference room, and it has a small support service area. Both buildings have fitness rooms, interior mail areas and elevators. About ten percent of the rooms will be handicapped accessible, but all the units will be made adaptable so that they can be turned into an accessible unit if it is needed in the future. The exterior materials for the buildings include bricks on the bottom on the lower half of the buildings, and a mixture of fiber cement panels and vinyl panels on the higher portions of the buildings.

Ms. Lane asked who would be responsible for managing the apartments and whether there would be an onsite management staff. Mr. Gibbons said that he would pass that question on to Conifer. There was also a question whether there were any restrictions on the rental of the apartments with regard to income or age. Mr. Gibbons answered that the apartments are within the affordable income range and students would not be allowed to rent them. Conifer-LeChase will build the project; it is an organization created between Conifer and the building contractor LeChase. Conifer is working with emergency responders to develop a response

plan in the event that people have to be evacuated. There will be a fire hydrant loop around the buildings and sprinklers for fire protection inside the buildings.

When asked if the floodplain elevations would be based on the existing or preliminary floodplain data, Mr. Fishel said that the proposed floodplain elevation is at 836 feet, which is the newest one in the preliminary 100-year floodplain. This plan has Building B at an elevation of 839 feet and Building A is at 844 feet. The plans raise Building B up a foot above what has been determined to be the 500-year floodplain elevation, a criteria for CRS. There will not be any additional fill added to the property as a whole. They are working with the Johnson City Water and Sewer Departments on the project; these departments have confirmed that there is sufficient water and sewer capacity for the project.

One item that Conifer would like to discuss with the Town is some land that would not be usable for the project. Ms. Lane stated that the Town has acquired many properties since the 2006 and 2011 floods so they probably would not be interested in acquiring another parcel of land that would require maintenance. Mr. Materese added that if Conifer did come up with a use for the piece of land in the future to contact the Town to see if they would be interested in acquiring it.

There was some discussion about whether the land-banked parking spaces could be located further to the west on the site plan rather than in front of the building. The developer prefers the parking spaces to be closer to the building for accessibility. Mr. Dino Christopher, a member of the Johnson City Elks Club, suggested that their organization would be interested in using the western portion of the property for parking, especially for when they have special events as they do now. Ms. Lane will supply the Elks Club contact information to Conifer. Finally, guest parking has been included in the parking 1.5 spaces to one-unit ratio.

## **F. 3001 E. Main Street Site Plan Review, Samaritan Counseling Center, Marian Towers**

### **1. Declare Lead Agency**

Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made:	S. Forster
Motion Seconded:	C. Bullock
MOTION:	Declare the Planning Board as Lead Agency.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock
	<b>Opposed:</b> None
	<b>Abstained:</b> None
	Motion Carried

### **2. Classify the Project as a Type II Action, No Further Environmental Review Required**

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

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

### 3. Site Plan Review

Ms. Lane presented her staff report to the Planning Board. Marian Towers of the Samaritan Counseling Center of the Southern Tier, Inc. applied to convert a residential house on the former 2 S. Knight Avenue to office and meeting room space. The property was rezoned by the Town Board from Urban Single-Family residential to General Commercial on September 7, 2022. The property combination form has been submitted to merge 2 S. Knight Avenue into 3001 E. Main Street. The office use is permitted in a General Commercial zoning district.

The existing parking lot on the 0.46-acre property provides 27 parking spaces, including two accessible spaces and access space. Office space requires five parking spaces per 1,000 square-feet. The parking lot provides adequate lighting and stormwater drainage goes into the municipal storm sewer system. There is an existing pylon sign.

The applicant's proposal is considered a Type II Action under the New York State Environmental Quality Review Act (SEQRA) because it is the reuse of a residential or commercial space and has no outdoor impacts. No earth shall be disturbed, and therefore a stormwater plan is not required.

This project was subject to a 239-Review as it is along State Route 17C, East Main Street. Broome County (B.C.) Planning had no comments pertaining to site plan review. The NYS DOT - requires that

The Planning staff recommendation is to approve the application for the conversion of a residential house into an office with meeting room space for the Samaritan Counseling Center of the Southern Tier with the following stipulations:

1. The facility shall adhere to the determination of maximum occupancy at all times. Maximum occupancy shall be determined by the Code Enforcement office.
2. Per NYS law, all commercial buildings must be inspected by Code Enforcement every three years. It is your responsibility to coordinate that inspection by calling the Code Enforcement office at (607) 786-2920 prior to the issuance of a Certificate of Compliance, and every three years afterwards.

3. A fence six-feet in height shall be maintained along the north property line, beginning at 8-feet from the property line along S. Knight Avenue. Any fence shall have its finished or decorative side facing the adjacent properties. The fence posts and other supporting structures of the fence shall face the interior of the area to be fenced.
4. If any new signage is proposed, a sign permit application shall first be submitted to the Building Permits office. All temporary signs, including portable or flag signs, shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that flash or blink are not permitted.
5. Any interior structural modifications shall first require consultation with the Code Enforcement office.
6. If you wish to add any outdoor lighting for the parking lot, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
7. Parking shall not be permitted on the grass. If Code Enforcement determines there is not enough parking on site, a revised site plan with additional parking shall be submitted for site plan review.
8. Should the Code Enforcement Official determine that there is not sufficient parking available on site, an additional parking area shall be required with plans submitted within one month of such notification.
9. Any change in use of the property shall be reviewed by the Code Enforcement office prior to any change in use or occupancy. Changes to the site may require a minor site plan review or submittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.
10. Site plan approval shall expire after one year unless substantial improvements have been made pursuant to the approved site plan. The applicant may request an extension from the Planning Board.
11. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a building permit. The applicant shall agree to follow the stipulations of approval in strict accordance with the site plan. Changes to the site plan following approval may require a minor site plan review or submittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

There was some discussion whether there would be enough parking for the new offices. Ms. Lane suggested that Samaritan House might want to think about adding a parking lot behind the new offices. Ms. Towers noted that they would not be increasing the number of people who use the parking lot now; it will be the same number of cars that already use it. Ms. Lane explained to the Board that Samaritan House had already increased the parking lot without it being a requirement on what used to be 3005 East Main Street. However, Ms.

Lane stated, the Town does not want people parking their cars on the street, especially in a residential neighborhood.

Chairman Miller called for a motion to approve the Site Plan for offices at 2 South Knight Avenue, with stipulations.

Motion Made: C. Bullock  
Motion Seconded: D. Kudgus  
MOTION: Approval of the Site Plan for offices at 2 South Knight Avenue, with stipulations.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**G. 3008 Watson Boulevard, Muddy Pawed Dog, Samantha Bowen**

**1. Declare Lead Agency**

Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made: C. Bullock  
Motion Seconded: D. Kudgus  
MOTION: Declare the Planning Board as Lead Agency.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**2. Classify the Project as a Type II Action, No Further Environmental Review Required**

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

Motion Made: D. Kudgus  
Motion Seconded: S. McLain  
MOTION: Classify the Project a Type II Action.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**3. Site Plan Review**

Ms. Lane reviewed her staff report for the Planning Board. Samantha Bowen submitted an application for a dog grooming business on the first floor of an existing 1,498 square-foot house located at 3008 Watson Boulevard. The property is in a Neighborhood Commercial zoning district and dog grooming,

a personal service, is a permitted use. Ms. Bowen takes clients by appointment only, generally one pet at a time. It is a self-operated business, and there are no employees.

The property is approximately 0.17-acres. The parking requirement for the salon business is 1.5 per chair, and there are three parking spaces for customers located behind the house. Clients generally enter the property from the west, drop off or pick up their pet at the side entrance of the front of the building, and loop behind the house to exit on the east side of the house.

The property has public utilities, water and sewer. Ms. Bowen does not plan to make any changes to the building.

The Planning Board classified the project a Type II Action under SEQRA on September 13, 2022, and therefore no further environmental review was required. A stormwater remediation plan was not required because there is no proposed disturbance to the site.

The property is subject to a 239-Review as the property is within 500-feet of a County facility, the Broome West Senior Center. Broome County (B.C.) Planning did not identify any significant countywide impacts. NYS DOT, B.C. Department of Public Works, and the B.C. Health Department had no concerns.

The staff recommendation is to approve the site plan and dog grooming business with the following stipulations:

1. The dog grooming business shall not create nuisance conditions for adjoining properties due to noise or odor, in accordance with performance standards contained in the local law of the Town. Due to the proximity of residences, the business must comply with Town Code Chapter 300-50, Noise Limits.
2. No more than three dogs shall be at the salon at any one time.
3. Per NYS Department of Health Section 5-1.31 Cross-Connection Control regulations, the property owner must install a backflow prevention device. The Village of Endicott Water Department, (607-757-5301), has determined that a non-testable check valve backflow prevention device shall be installed. A plumber shall submit plans and specs for the new backflow device to the Endicott Water Department. Once Endicott has approved and signed off on the device, your plumber shall install the device no later than October 31, 2022.
4. The existing signage in the front window does not meet the Town's sign code in that window signs in a Neighborhood Commercial zoning district can take up no greater than 25% of the window. Contact the Code Enforcement / Building Permits Department at 607-786-2920 to discuss the requirements.
5. For all new signage, the applicant shall first apply for a sign permit from the Code Enforcement / Building Official prior to display. All temporary

signs shall be reviewed and approved by the Code Enforcement Official prior to being placed on the property. Signs that blink, rotate, or move are not permitted.

6. Dog waste shall be contained in tightly sealed trash bags. No more than six items total may be placed out for trash pick-up for the property.

7. If the applicant wishes to add additional outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.

8. Per NYS law, all commercial buildings must be inspected for fire safety compliance every three years. Contact the Code Enforcement office at (607) 786-2920 to schedule the first inspection no later than September 30, 2022. It is your responsibility to coordinate that inspection by calling the Code Enforcement office every three years after the issuance of a Certificate of Compliance.

9. Should the business close for greater than one year, site plan approval shall be deemed revoked.

10. The applicant shall be required to acknowledge all of the above conditions, in writing, prior to the issuance of a September 30, 2022. The applicant shall agree to follow the stipulations of approval in strict accordance with the site plan. Changes to the site plan following approval may require a minor site plan review or submittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

There was some discussion about a pylon sign on the property and the size of the sign in the window of the business. Ms. Lane stated that these issues would be resolved by Code Enforcement. With regard to the pylon sign left on the property. Ms. Lane stated that the last owner was responsible for removing the sign when their business stopped operating.

Chairman Miller called for a motion to approve the Site Plan for a Dog Grooming business at 3008 Watson Boulevard, with stipulations.

Motion Made: S. McLain

Motion Seconded: D. Kudgus

MOTION: Approval of the Site Plan for Dog Grooming business at 3008 Watson Boulevard, with stipulations.

VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock

**Opposed:** None

**Abstained:** None

Motion Carried



**H. 1606 Farm-to-Market Road, Good Shepherd Village, Mike Keenan, Eric Webster**

Mr. Webster gave a short presentation about the project. The facility is about thirteen years old and it is due for some upgrades to keep it current. The new demographics indicate that as people age they want to be outdoors more. Some of the plans show new outdoor terraces, fire pits, and a new bocce ball court. When the building was first built they assumed that people would eat at different times; however it turned out that people all like to eat together at one time so they have to enlarge the dining space. One of the additions would increase the dining area so that more people can eat at any given time. There will be two little bump outs in the front of the healthcare building to add offices for visitors. They also want to add a sunroom in the dementia unit and outdoor terraces because people want to experience the outdoors even though they can't leave the facility.

The owner only has a certain amount of money so they will prioritize what they build based on what they can afford. There are no new resident rooms planned. It is mainly enhancing what is already there.

They are also trying to make the signs to the facility more attractive by updating the existing signs at Farm-to-Market Road and Sally Piper Road. The signs will be a similar size with similar lighting on them. Delta Engineers will check the stormwater detention basins to make sure that they will accommodate the planned updates.

**1. Declare Lead Agency**

Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made:	C. Bullock
Motion Seconded:	S. McLain
MOTION:	Declare the Planning Board as Lead Agency.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, S. McLain S. Forster, C. Bullock <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

**2. Classify the Project as an Unlisted Action**

Chairman Miller asked for a motion to classify the Project as an Unlisted Action.

Motion Made:	D. Kudgus
Motion Seconded:	S. Forster
MOTION:	Classify the Project as an Unlisted Action.
VOTE:	<b>In Favor:</b> L. Miller, D. Kudgus, S. McLain S. Forster, C. Bullock <b>Opposed:</b> None <b>Abstained:</b> None Motion Carried

### **3. SEQRA Review / Determination**

Ms. Lane reviewed the proposed updates on the site plan with the Planning Board, and read the brief description of the project from Part 1 of the EAF. “Small additions approximately 250 s.f. on either side of health care building, sunroom addition (approximately 800 s.f.), a new upper terrace (approximately 375 s.f. at the nursing wing, small two-story addition approximately 550 s.f. at the service entrance, a 6,200 s.f. addition at the village center, creation of a patio area with gas fire pits, and construction of a sidewalk and patio social area on the north side of the independent living building area planned. Repairs to an existing retaining wall adjacent to the main parking lot are also anticipated.” The total property is 63.93 acres and the total area to be disturbed is less than one acre. There had been an equipment failure involving five gallons of hydraulic oil in 2009 and this spill was closed by the DEC on September 23, 2009.

Ms. Lane reviewed the questions on Part 2 of the EAF and noted all the environmental impacts were small to none. Per Part 3 of the EAF, the Determination of Significance, Good Shepherd Village submitted plans to add a number of small additions to the existing buildings at the continuing care retirement community at 1606 Farm-to-Market Road. The residential and assisted care community PUD was approved in 2007, and the modifications to the buildings warrant site plan review by the Planning Board. The additions will allow the expansion of the kitchen and dining services areas, and office space. In addition, Good Shepherd Village proposes outdoor recreational enhancements for the residents.

The additions to the different buildings amount to an increase of approx. 9,000 square-feet of impervious area. The entire facility covers approx. 38-acres of the 64-acre property, and a stormwater management facility will be evaluated for proper and adequate functioning as the project progresses.

The proposed use fits with the surrounding residential, healthcare and office uses, and will not alter the character of the community or use of the land. The additions will not create adverse changes to traffic, parking, or utilities, nor historical, architectural or aesthetic resources. The facility is existing, and the proposed additions would not have significant negative impacts on the ground, flora, fauna, endangered or threatened species, water or the air.

The property is not in the floodplain. There are no wetlands. It will not affect any archaeological sites as it is already developed. The proposal would not create a hazard to human health. The identified minor 2009 spill incident on this site has been closed.

Upon review of the information submitted, the proposed additions and outdoor recreation facilities will not have a significant adverse impact on the environment.

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

Motion Made: C. Bullock  
Motion Seconded: S. McLain  
MOTION: Approval of the Negative Declaration under SEQRA  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock  
**Opposed:** None  
**Abstained:** None  
Motion Carried

#### 4. Site Plan Review

Ms. Lane presented her staff report to the Planning Board. Good Shepherd Village at Endwell is in the Good Shepherd Village Planned Unit Development (PUD), and is a continuing care retirement community, approved on December 18, 2007. Good Shepherd Village submitted plans to add a number of small additions to the existing buildings:

- Small additions approximately 250 square-feet on either side of health care building,
- a sunroom addition (approximately 800 square-feet),
- a new upper terrace (approximately 375 square-feet at the nursing wing,
- a small two-story addition approximately 550 square-feet at the service entrance,
- a 6,200 square-foot addition at the village center, and
- creation of a patio area with gas fire pits and construction of a sidewalk and patio social area on the north side of the independent living building are planned.

Repairs to an existing retaining wall adjacent to the main parking lot are also anticipated. These uses were previously approved as a part of the PUD, and therefore these revisions require only site plan review by the Planning Board.

The applicant's proposal is considered an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA) because it will impact greater than 4,000 square-feet, but less than one acre. Estimated increase in impervious area for just the building additions is 8,950 square-feet, and the outdoor recreation areas will increase the impervious area only for the fire pits.

This project was subject to a 239-Review as it is on Farm-to Market Road (County Route 49), and there are several NYS Ag and Market District farms within 500-feet to the north. Broome County Planning did not identify any significant countywide or inter-community impacts associated with the project.

Broome County Engineering, the Department of Public Works, recommended that the existing stormwater system be analyzed for capacity thresholds prior to construction. Good Shepherd Village has engaged a local excavation company to evaluate the existing stormwater detention basin, remove any silt build-up as necessary, and restore it to its original condition. Delta

Engineering will review the stormwater system to confirm whether there is a need to increase the size of the ponds as the project moves forward.

The Planning staff recommendation is to approve the modifications to the continuing care retirement community, Good Shepherd Village at Endwell, with the following stipulations:

1. The stormwater management system shall be in proper functioning condition, relative to comments from the Broome County's Department of Public Works. Confirmation shall be submitted to the Code Enforcement Official and Planning Department prior to the issuance of either a Certificate of Occupancy or Compliance, as may be appropriate.
2. Annual inspection reports by the NYS Department of Health for compliance with fire and safety codes shall be submitted on an annual basis to the Code Enforcement office (607-786-2920). The initial inspection shall be completed by the Code Enforcement / Building Permits office prior to the issuance of a Certificate of Occupancy or Compliance, as may be appropriate, for any addition and change in maximum occupancy.
3. If any new signage is proposed, a sign permit application shall first be submitted to the Building Permits office. All temporary signs, including portable or flag signs, shall be reviewed and approved by the Code Enforcement Office prior to being placed on the property. Signs that flash or blink are not permitted.
4. Any interior structural modifications shall first require consultation with the Code Enforcement Office (607-786-2920).
5. If you wish to add any outdoor lighting, the lighting plan shall be submitted to Code Enforcement for their approval prior to installation.
6. Future amendments to the final Good Shepherd Village PUD development plan can be made by the applicant by submitting a new site plan to the Planning Department. The process for final development plan amendments shall be followed as detailed in § 300-65.9. Revision to PUD Districts.

Ms. Lane added the following language to the stipulation. "Site plan approval shall be valid for 3 years. An extension may be granted by the Planning Board upon request."

7. The applicant shall agree to the stipulations of approval in writing prior to the issuance of a Building Permit. The applicant shall agree to follow the stipulations of approval in strict accordance with the site plan approval.

Chairman Miller called for a motion to approve the Site Plan for Good Shepherd Village, with new language added to the stipulations.

Motion Made: D. Kudgus  
Motion Seconded: C. Bullock

MOTION: Approval of the Site Plan for Good Shepherd Village, with new language added to the stipulations.

VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**I. 4212 Watson Boulevard, Elks Club Use Variance for a Digital Sign, Dino Christopher**

Mr. Scott Dow explained that when he called about the digital sign, he was told that he would have to come to the Code Enforcement office and get a new sign permit and that it would be fine. The Johnson City Elks Club supports many organizations with their Friday night dinners: Mother's Day Dinner, Veterans Home, Soldiers in Watertown, Mom's House Christmas Party, Santa Claus for the Mentally Handicapped, Hoop Shoot, Youth Appreciation Day, Johnson City Base Ball League sponsor, the Johnson City School After Prom Party, the Johnson City School Dictionary Program, a ceremony for Flag Day, Fun-Filled Fair Days, the Soccer Shoot, dinners for the police and firemen, Memorial Day event, Seton After Prom Party, Drug Take Back, donations to St. Patrick's food program, the Back Pack Reading Program, and donations to the Sarah Johnson Church Food Program. Mr. Dow noted that they need the sign to advertise what they will be serving at their Friday night dinners that support these programs. Ms. Deemie, another member, noted that when they had multiple events on a weekend they need to change the letters after each event on the current pylon sign; sometimes they needed to make three changes in one weekend.

Ms. Lane asked if they had other methods of advertising. Mr. Dow said that they use Facebook; and they used to do ads in the Good Times, but it's no longer published.

Ms. Lane explained that they would need a use variance for a digital sign. Ms. Lane will email the requirements for a use variance to the lodge. Although the sign is in a General Commercial zoning district, digital signs are not permitted within 500-feet of residentially zoned property. Ms. Lane noted that they would need to develop arguments to present to the Zoning Board of Appeals since the County recommended denial of the variance. Ms. Lane stated that they would need a super majority of the Zoning Board members to approve the variance.

Mr. Materese asked if the Code specifies whether it has to be a permanent sign. He suggested that they could use a mobile sign for special occasions. Ms. Lane answered that the Code says that a digital sign must be on a monument sign, but does not specify whether the sign has to be permanent. Ms. Lane asked how they provide electricity to the sign. Mr. Dow answered that one of their members donated \$1,000 to run electricity to the sign and he added that the sign cost another \$4,000.

Mr. Forster made the point that a church in Endwell had been denied a digital sign use variance after they purchased it. Even though the church does good things, the church was not granted approval for their digital sign because it did not meet the Code requirements. Chairman Miller noted that the Planning Board does not write the Code, but that it is the duty of the membership to follow it when they make their decisions.

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

Chairman Miller asked for a motion to recommend the ZBA deny the use variance for a Digital Sign at 4212 Watson Boulevard.

Motion Made:	S. Forster
Motion Seconded:	D. Kudgus
MOTION:	Recommendation that the ZBA deny the use variance to allow a Digital sign where not permitted.
VOTE:	In Favor: L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock
	Opposed: None
	Absent: None
	Motion Carried

**J. Greater Binghamton Sports Complex, 1500 Co. Airport Road, Bob Kashou**

**1. Request for Annual Overnight Sporting Event on November 11 evening through November 12 morning**

Ms. Lane presented the stipulations of approval for the annual one-time overnight Special Event as follows:

- 1) No live bands are permitted, and the only permitted uses shall be sports-related.
- 2) Noise shall be monitored by the applicant at the northwest and southeast corners of the property. Noise shall not exceed that permitted in the Noise Limits Ordinance, Chapter 300-50.
- 3) The clients must use Airport Road, not Dimmock Hill Road or Middle Stella Ireland Road, other than to immediately access Airport Road.
- 4) You must notify residents by mail within one-quarter mile in all directions one week in advance of the event (address labels are enclosed);
- 5) A minimum of two signs, approximately two feet by three feet, must be posted on the property four days in advance of the event, and removed within 24 hours after the event;
- 6) Buses should be left running no longer than approximately ten minutes after arrival and before departure.
- 7) You must notify the Choconut Center Fire District Chief two weeks prior to the event.

Chairman Miller asked for a motion to approve the extension of normal hours for the Word of Life overnight indoor special event to be held on November 11 and 12, 2022.

Motion Made: S. Forster  
Motion Seconded: S. McLain  
MOTION: Approval of motion to extend the normal hours for the Word of Life overnight event on November 11 and 12, with stipulations.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**K. 2320 Lewis Street, Revision to Striping Stipulation, Ames Automotive, Robert Ames**

Ms. Lane noted that Mr. Ames is asking for an extension for the striping because the property owner has not paved it yet.

**1. Request to Extend Striping Requirement to October 31, 2022**

Chairman Miller asked for a motion to approve the extension of the striping requirement to October 31, 2022.

Motion Made: S. McLain  
Motion Seconded: C. Bullock  
MOTION: Approval of motion to extend the striping requirement to October 31, 2022.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock  
**Opposed:** None  
**Abstained:** None  
Motion Carried

**K. Other Such Matters as May Properly Come Before the Board**

Ms. Lane noted that she received preliminary PUD plans for 3901 Watson Boulevard. The sale of Amish sheds would be one use and enclosed storage would be another use proposed for this property.

**I. Adjournment**

Chairman Miller asked for a motion to adjourn the meeting at 9:34 p.m.

Motion Made: C. Bullock  
Motion Seconded: D. Kudgus  
MOTION: Adjourning the meeting.  
VOTE: **In Favor:** L. Miller, D. Kudgus, S. McLain, S. Forster, C. Bullock

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

**Next Meeting Date**

The next meeting of the Planning Board is tentatively scheduled for Tuesday, October 11, 2022, at 7:00 p.m.

Respectfully Submitted,  
Carol Krawczyk