

Town of Union Planning Board Minutes

Tuesday, February 21, 2023

The Town of Union Planning Board held a regular meeting on Tuesday, February 21, 2023, at the Town of Union Office Building, 3111 East Main Street, Endwell, New York.

Members present: L. Miller, M. Jaros, C. Bullock, T. Crowley, M. Hills, N. Sarpolis, G. Ksenak

Members absent: S. McLain

Others present: Marina Lane, James Wilson, Phillip Leber, Adam Fishel, Ferris Akel, Dominic Emilio, Rich Keehle, Karen McElwee, Kenneth Gay, and Dawn Ellis

A. CALL TO ORDER

Chairman Miller called the meeting to order at 7:01 p.m. As Ms. McLain was absent, Mr. Ksenak, Alternate, was appointed as a regular voting member.

B. MEETING MINUTES

1. Acceptance of January 10, 2023 Meeting Minutes

Chairman Miller asked for a motion to accept the January 10, 2023, Meeting Minutes as written.

Motion Made: N. Sarpolis

Motion Seconded: C. Bullock

MOTION: Acceptance of the January 10, 2023, Meeting Minutes as written.

VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills, C. Bullock, N. Sarpolis, G. Ksenak

Opposed: None

Abstained: None

Motion Carried

2. Acceptance of January 10, 2023 Public Hearing Transcript for an Aquifer Permit at 2320 Lewis Street

Chairman Miller asked for a motion to accept the January 10, 2023, Public Hearing Transcript for an Aquifer Permit at 2320 Lewis Street, as written.

Motion Made: N. Sarpolis

Motion Seconded: C. Bullock

MOTION: Acceptance of the Public Hearing Transcript for an Aquifer at 2023 Lewis Street, as written.

VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills, C. Bullock, N. Sarpolis, G. Ksenak

Opposed: None

Abstained: None

Motion Carried

3. Acceptance of January 10, 2023 Public Hearing Transcript for a Special Use Permit for Auto Sales at 1787 Union Center-Maine Highway

Chairman Miller asked for a motion to accept the January 10, 2023, Public Hearing Transcript for Auto Sales at 1787 Union Center-Maine Highway, as written.

Motion Made: N. Sarpolis
Motion Seconded: C. Bullock
MOTION: Acceptance of the Public Hearing Transcript for Auto Sales at 1787 Union Center-Maine Highway, as written.
VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

C. 400 Glendale Drive, Walking Path in Glendale Park, Floodplain Development, Town of Union

1. SEQRA Determination

Ms. Lane introduced Domenic Emilio from Clark Patterson Lee (CPL), the engineer who worked on the project on behalf of the Town. She reviewed Part 1 of the environmental assessment form (EAF) which states that the Town proposes the construction of a 6-foot wide asphalt walking path around Glendale Park. The outer loop will be 1/2-mile in length. Other associated work includes a covered picnic table, minor drainage adjustments, signage, and concrete pad/curb-cuts at pedestrian crossings. The total property is 25.6-acres and they will be disturbing 0.73-acres. There will no impact on utilities and there are no historic buildings. The project is partly in the 100-year floodplain and the floodway, and therefore the proposal requires a public hearing for a special permit for development in a floodplain.

Ms. Lane reviewed the questions on Part 2 of the EAF and noted all the potential environmental impacts were small to none. Per Part 3 of the EAF, Glendale Park is zoned Open Space and recreational uses are permitted. The Town plans to improve amenities in the popular park. The project area, approximately 13.4-acres, is partially in the existing 100-year floodplain and floodway along Nanticoke Creek. In addition to the 1/2-mile 6-foot wide asphalt path loop around the northern half of the park, the improvements also include concrete pads for the placement of anchored picnic tables and benches, crosswalks with detectable warning ramps as needed at pedestrian crossings, and do not include any building construction.

This environmental review pertains specifically to development in the floodplain. Base flood elevation is 831-feet a.s.l., the majority of the project

site is between 820 to 824 feet a.s.l., there will no impact on base flood elevation, and the enhancements will not impede the flow of floodwaters.

The NYS Office of Historic Preservation did not identify historic, archaeological, or cultural impacts. The DEC EAF Mapper determined no endangered or protected plant or animal species are in the vicinity. The property is located within the buffer area of Endicott Area-Wide remediation site #704038, but this site is not directly impacted by the contamination.

The project will not create any impacts relative to noise, air, and the ground, other than briefly during the construction of the pathway.

The project as proposed will not have a significant adverse impact upon the environment, and more specifically, no impact on base flood elevation. Ms. Lane recommended a Negative Declaration.

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

Motion Made: T. Crowley
Motion Seconded: M. Jaros
MOTION: Approval of the Negative Declaration under SEQRA
VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

2. Public Hearing for Development in a Floodplain, Decision at Board’s Discretion

Chairman Miller opened the Public Hearing at 7:08 p.m. Several questions were addressed. Approximately 500 to 600-cubic-yards of soil will be removed from the area during preparation for the asphalt walkway. There is no evidence of any soil contamination and there are no wells near the path. There is a water line that comes in from the street to provide water service to the park. Chairman Miller closed the public hearing at 7:12 p.m.

Per the staff report for the special permit for development in a floodplain, the Town of Union received funding through the American Rescue Plan Act for repairs to flood-impacted infrastructure and properties, in addition to improvements that will lessen damage from future flood events. Glendale Park has been flooded several times in the past. The Town proposes improvements at the park for accessibility and to encourage increased utilization of the park.

Under § 121-10.1, Permitted uses, the following uses which have low flood damage potential and which do not obstruct flood flows may be permitted within areas of special flood hazard: private and public outdoor recreational areas such as swimming areas, open space, wildlife or nature preserves, hunting and fishing areas and hiking and horseback trails, and paved areas

such as parking lots. No uses shall diminish or prohibit in any way the capacity of the channels or floodways of any watercourse, any tributary to the main stream, any other watercourse or drainage ditch or any other drainage facility or system to discharge waters from the base flood.

The improvements are on the north side of West Wendell Street, which bisects the park, and between Glendale Road and Nanticoke Creek. The park improvements will not result in any increase in base flood elevation nor have any negative impacts on adjacent properties.

Environmental Review:

The Planning Board classified the project as an Unlisted Action and made a Negative Declaration per the State Environmental Quality Review Act (SEQRA). The project includes minor drainage adjustments, and affects an area of approximately 0.73-acres. With less than an acre of disturbance, it does not require a stormwater pollution prevention plan (SWPPP). This property is not subject to a 239-Review.

Staff Recommendation:

The Planning Department recommends approval of the Special Permit for development in the floodplain at Glendale Park with the following stipulation:

- 1) The Town Parks Department shall be responsible for securing all tables and benches prior to any potential flood event once the flood gauge at Vestal reaches flood stage 18-feet.

Chairman Miller called for a motion to approve the Special Permit for Development in a Floodplain at 400 Glendale Drive, with stipulations.

Motion Made: M. Hills
Motion Seconded: M. Jaros
MOTION: Approval of the Special Permit for Development in a Floodplain at 400 Glendale Drive, with stipulations.
VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

D. 619 Main Street, UHS Daycare Facility Site Plan Review, Karen McElwee / UHS, Keystone Engineers

1. Declare Lead Agency

Chairman Miller asked for a motion to Declare Lead Agency.

Motion Made: C. Bullock

Motion Seconded: M. Hills
MOTION: Declare the Planning Board as Lead Agency.
VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills,
C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

2. Classify as an Unlisted Action

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

Motion Made: C. Bullock
Motion Seconded: N. Sarpolis
MOTION: Classify as an Unlisted Action
VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills,
C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

3. SEQRA Determination

Part 1 of the EAF summarized the project as the re-occupancy of, and renovations to, a vacant building for use as a child daycare facility, installation of a new playground area and equipment, and re-striping of the existing parking area to accommodate new use. Ms. Lane noted that the applicant had made some revisions to the original plan so that the total area to be disturbed is now 0.979-acres of the 1.96-acre property. Child daycare is a permitted use and the daycare facility will not significantly impact current traffic; in fact, it is a perfect location. There are no historical buildings that will be impacted. The site is not in the 100-year floodplain. Ms. Lane believes the site flooded a little in the 2011 flood. Mr. Keehle said that his understanding is that the floodwater that reached the parking lot was due to pump failures, rather than the flood itself. There are no impacts on the site from the hazardous waste sites #704020 (600 Main Street) and #704023 (Former Bright Outdoors).

Ms. Lane reviewed the questions on Part 2 of the EAF and noted all the environmental impacts were small to none. When reviewing the question on impacts to traffic, Ms. Lane mentioned that traffic will enter from Main Street, and exit on George to Fifth Street, back onto Main Street at a signalized intersection, so she feels that the project will improve traffic flows. In addition, there will be an increase in pervious area, another improvement.

Per Part 3 of the EAF, United Health Services Hospitals, Inc. submitted a proposal to convert a 15,640 square-foot grocery store to a child daycare facility at 619 Main Street, and the daycare use is permitted in the General Commercial zoning district.

The property is ~1.96-acres, the building is existing, and portions of the impervious parking lot will be modified into playground area. No variances are required.

With 57 proposed parking spaces, the project will have more than the required 48 parking spaces, including accessible spaces. The entrance on Main Street will meet NYS DOT requirements. The daycare will not generate a significant amount of traffic over that which travels through the main thoroughfare, and traffic signals are existing.

As the property is developed, the project will have no impact on wildlife and flora. There will be no significant impacts from odors, noise, or lighting, and the project will result in improved utilities. The site is not in a floodplain or other environmentally sensitive area.

Stormwater will drain into the Town's storm sewer system.

This property is located within the buffer area of NYS DEC remediation sites #704023 (Former Bright Outdoors) and #704020 (former US Army / BAE), but is not directly impacted by any contamination.

Upon close review, the project as proposed will not have a significant adverse impact upon the environment. Ms. Lane recommended a Negative Declaration.

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

Motion Made: T. Crowley
Motion Seconded: C. Bullock
MOTION: Approval of the Negative Declaration under SEQRA
VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

4. Site Plan Review

Rich Keehle from UHS introduced himself; Karen McElwee, Director of Construction and Safety Officer for UHS; Dawn Ellis from Bright Horizons who will help manage the daycare facility; and Ken Gay, lead architect from Keystone Associates. UHS is developing this site so they can retain and recruit UHS employees. There will be an occupancy rate of between 82 to 114 children, mainly school age children. The daycare will also be available to other people in the community, depending on demand for the service. UHS has partnered with Bright Horizons, a national leader in childcare programs, for their expertise in the childcare business. The location at 619 Main Street is very attractive because it is right off the highway and Main Street, and close to several UHS facilities, including Wilson Hospital, its largest campus. It is all

one level and will not require an elevator. The timeline is to start the site work this year and hopefully have occupancy of the site in the first quarter of 2024.

Ms. Lane mentioned that during the COVID crisis, UHS had a lot of staff who had childcare challenges. Mr. Keehle explained that UHS had opened a temporary daycare facility at the former Davis College campus to fulfill this need. That temporary facility provided daycare for up to 60 children.

Mr. Gay described the one-way flow of traffic into the site from Main Street to an internal family drop-off point where parents will park and bring their children directly to their classrooms. Traffic will exit from George Street to Fifth Street, and then out onto Main Street. Staff parking is on the eastern side of the parking lot. Some of the original parking was removed from the project to reduce costs, and the project disturbance area is now below an acre. Dumpsters and protective fencing are located behind the building.

There is an outside playground which is surrounded by a 6-foot high fence. An internal 4-foot high fencing will separate the playground areas by age appropriate playgrounds. The playgrounds have been designed so that younger children can enter and exit their playground area directly from their classrooms. There will be either bollards or large boulders around the playground fencing to prevent cars from crashing into the childcare area. They plan to resurface and restripe the parking spaces allocated for the facility. There will be a pedestrian connection between the daycare and the sidewalk along SR 17C, as required by the NYS DOT, as well as redesigning the entrance curb cut to DOT standards.

The question was asked whether there would be onsite security. Mr. Keehle answered that they will have onsite cameras and there will be one officer on the site at all times.

Dawn Ellis from Bright Horizons described the playground areas. There will be age appropriate equipment in each of the separate play areas. The infant area will be a smaller space with age appropriate pull up bars and a soft surface to crawl on. The toddler area has more physical movement with a few more things, like musical instruments, for the children to play. The pre-school children will have a climbing structure, integrated hills, and a slide. The surface will be poured rubber with a wood look. There will not be any mulch or gravel in the playground areas.

UHS had to make some tough decisions to limit the cost of the project in order to provide a great daycare program. Therefore, less of the parking lot will be repaved than originally planned, and they eliminated most of the proposed landscaping on the site.

Planning Board members asked about the process to evacuate the facility in case of an emergency. Mr. Gay showed six exits from the building for quick evacuation, and explained that even though the traffic flow will be one-way in front of the building, the entrance will be wide enough to allow two-way traffic, and the rear access from George Street is still two-way. Ms. Ellis explained

that they practice emergency evacuations monthly with the children in case of a fire, lock-down, railroad derailment, or a flood, which is a requirement by the NYS Licensing Department for child care centers. The fire system will be redesigned to meet standards for having a daycare facility and tested appropriately.

When asked, Ms. Lane does not have access to information regarding the height of previous flooding. The site is not in the current 100-year floodplain, but the Broome County GIS website shows that it was flooded in 2011.

The floor plan was designed with accessibility issues in mind, including doorway entrances. There will be a maximum of 114 children on site in order to meet the square-footage requirements and staff-to-child ratios required by the state.

Ms. Lane then presented her staff report to the Planning Board. Rich Keehle of United Health Services Hospitals (UHS) submitted plans for a youth daycare facility in the former Aldi's grocery store at 619 Main Street. The 1.96-acre parcel is zoned General Commercial (GC) and the daycare use is permitted by right. The 15,640 square-foot facility will provide daycare services for between 82 to 114 infants, toddlers, pre-school and school-aged children, supporting both employees of UHS (~60%) and the community. It will operate Monday through Friday, 6:00 a.m. to 6:00 p.m. UHS is leasing the property from Gurshan Properties, who are supportive of the daycare proposal.

UHS is collaborating with Bright Horizons to manage the daycare facility, a Massachusetts-based childcare provider and the nation's largest provider of employer-sponsored childcare. Bright Horizons and Studio MLA, a company with expertise in designing creative indoor and outdoor areas such as playgrounds, have designed the facility to meet all state childcare requirements. The floor plan shows that all restroom facilities will be accessible, and rooms and facilities will be separated by age group. Although a kitchen is provided for basic needs, meals from Wilson Hospital will be delivered to the loading dock at the rear of the building.

The project site is very convenient to reach, being immediately accessible from State Route 201, very close to State Route 17/86, and on State Route 17C. The existing one-story building is in a mixed-use plaza with existing parking isolated specifically for the facility. The parking requirement for a daycare use is one space for every six enrollees and one space per employee. The design team has determined that the building has a maximum child capacity of 138, and there will be 25 staff members.

Mr. Keehle interjected that although the building can hold 138 children, with staffing they intend to have no greater than 114 children.

Therefore, 48 spaces (23 and 25) are required, and the site plan provides 57 parking spaces, including four (4) accessible spaces with associated access spaces. Traffic will enter the property from Main Street (17C) and exit from

the north, or rear, onto George Street, and then to Fifth Street. From there, traffic will be able to travel to the north, or east and west at the traffic signal on to 17C.

A six-foot high fence will surround the playground, with the internal partitions by age group separated with four-foot high fencing. Bollards are proposed around the circumference of the playground for safety, as the playground will be located in a portion of the original parking lot, adjacent to proposed parking. The play areas are designed with age-appropriated structures and games, and are more than sufficient in area for the proposed number of children playing at any one time.

This property has existing public water and sewer utilities, but the water service must be retrofitted to meet the needs of the new use and Village of Johnson City's requirements, as the water is under the jurisdiction of the Village. The existing water service lines are under the paved entrance to the parking lot, so until contractors lift the pavement in order to redesign the entrance to State DOT standards, the design of the domestic and fire suppression lines are undetermined at this time.

The applicant's proposal is an Unlisted Action under the N.Y.S. Environmental Quality Review Act (SEQRA), and the Planning Board made a Negative Declaration on February 21, 2023. A full SWPPP is not required as the disturbance is less than one-acre, and when completed with the addition of landscaped beds, there will be more greenspace than existing conditions.

This renovation and re-occupancy project was subject to a 239-Review because the property is on Main Street (NYS Route 17C) and within 500-feet of the Village of Johnson City. The Broome County (B.C.) Planning Department has not identified any significant countywide or inter-community impacts associated with the proposed project. They recommend that the applicant be made aware of the potential for flood risk. The B.C. Health Department addressed food permits, which are regulated by the state for childcare centers. They also clarified that the two DEC remediation sites within close proximity, the former USAF Plant 59/BAE site, and Former Bright Outdoors building are under remediation and not a concern. The former spill site at 900 Riverside Drive has been remediated and is not a concern.

The NYS DOT will require a Highway Work Permit for the entrance reconfiguration along SR 17C, and for any other work within the State right-of-way (NYSDOT Region 9 Permit Office – 607-721-8082). The driveway entrances shall conform with the NYS Policy and Standards for the Design of Entrances to State Highways. The DOT required that the developer construct a pedestrian connection between the daycare and the sidewalk along SR 17C. (The site plan was updated to meet this requirement.) Finally, nothing may be placed within the State right-of-way, including signage.

The Planning Department recommends approval of the site plan with the following stipulations:

1. A pre-construction meeting shall be held with all contractors, applicable Village of Johnson City Officers, and Town Code Enforcement and Building Officers prior to any site work.
2. The contractor shall apply for a Water Permit from the Village of Johnson City Director of Public Services (607-797-3031) to determine the location and dimensions of the existing water service, in order to design the new water service. The new water service design shall be reviewed and approved by the Department of Public Services prior to installation.
3. The fire suppression system design shall be reviewed and approved by the Village of Johnson City Fire Marshal (607-729-0428).
4. There shall be a testable backflow device on both the domestic and the fire line. Every backflow device requires a DOH-347 and an engineer's report in quadruplicate, regardless of size. Although there may be testable devices currently installed, if any sizes change, those devices will be obsolete and all new devices shall go through the application process.
5. The NY State Health Department requires backflow prevention devices be tested annually by a certified backflow device tester, and a report submitted to the Village of Johnson City Water Department (607-797-2523). The Department of Health form, DOH-1013, is the "Report on Test and Maintenance of Backflow Prevention Device" and must be completed by an individual that has a DOH certification to test backflow devices. The device at this property shall be tested prior to the issuance of a Certificate of Compliance.
6. As-builts of the known utilities shall be submitted to the Town of Union and Village of Johnson City Water Department prior to the issuance of a final Certificate of Compliance. The final design of the revised NYS DOT-approved entrance on Main Street/State Route 17C shall be provided to the Town of Union Planning Department as a part of the as-builts.
7. The building shall meet the NYS Fire Prevention and NYS Building Codes. The Village of Johnson City Fire Marshal shall inspect the building for fire safety compliance prior to the issuance of a Certificate of Compliance. Call the Fire Department to arrange the inspection at (607) 729-0428.
8. Per NYS law, all daycare buildings must be inspected for fire safety compliance every year. It is your responsibility to coordinate the annual inspection by calling the Fire Marshal at (607) 729-0428 after the issuance of a Certificate of Compliance for the daycare.
9. The Town of Union Code Enforcement Office shall inspect the building and shall issue the Certificate of Compliance upon satisfactory inspection.
10. The parking lot shall be striped per the approved site plan prior to being utilized by customers and/or employees. All parking lots shall be striped and posted per the approved site plan prior to the issuance of a Certificate

of Compliance.

11. The required accessible parking spaces shall be maintained with signage displaying the international symbol of accessibility. The access aisle shall be provided with signage reading “No Parking Anytime.” Signs shall be permanently installed at a clear height of between 60 inches and 84 inches above grade and shall not interfere with an accessible route from an access aisle.

12. The required landscaping shall be planted prior to the issuance of a Certificate of Compliance. If weather conditions prohibit this, landscaping shall be installed no later than May 31 of the following year. The landscaping shall be maintained according to the landscaping plan, 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. Changes to the landscaping should be submitted to the Planning Department for review.

13. For all new signage, the applicant shall first apply for a sign permit from the Building Official prior to display. This includes replacing a sign face on an existing sign structure. All temporary signs and 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.

14. Other than the light pole proposed as a part of this site plan review, any new proposed exterior lighting shall first be approved by the Code Enforcement Official.

15. Site plan approval shall expire after one year unless substantial improvements have been made pursuant to the approved site plan. The Planning Board may grant extensions of this deadline upon request.

16. The applicant shall be required to acknowledge all of the above conditions, in writing, no later than March 17, 2023. 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 submittal to the Planning Board, depending on the degree of change per Section 300-63.2. Applicability.

Mr. Keehle asked whether replacing the fixtures on the existing light pole and the light fixtures on the front of the building would need Code approval. Ms. Lane answered that it is good to run it by Code, especially because of the location. For new development, Town Code says that lighting should be on the outer edges of the property shining in, and does not allow any light trespass over the property line. Mr. Gay clarified that there are two existing light poles, and UHS plans to update their fixtures. Given that these are existing poles, the main point is to not cause glare on the road.

Mr. Keehle said that UHS wants to standardize the fixtures that they use on their properties, so they will investigate the electric infrastructure to make sure

that it will accommodate the new fixtures. Mr. Gay added that UHS still has to analyze the building for toxic hazards, like asbestos, lead paint and lead pipes.

Chairman Miller asked for a motion to approve the Site Plan for 619 Main Street.

Motion Made: M. Jaros
Motion Seconded: M. Hills
MOTION: Approval of the Site Plan Review for 619 Main Street, with stipulations.
VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

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

1. Project Update Presentation

Mr. Fishel, the civil engineer for the project on behalf of Conifer Development, gave a short update about the affordable multi-family project. There will be two four-story buildings, each about 45,000 square-feet, with a total of 75 units. The project is located at the site of the former IBM Country Club, which has recently been demolished.

Access to the site from Watson Boulevard in the front will be maintained, as well as the secondary access to the west. The plans call to remove a large area of the impervious cover on the west side of the site where the Country Club's main parking area was, and also the driveway on Barton Avenue.

The project is in the 100-year floodplain, but the buildings will be above that with site improvements, which requires a special permit from the Planning Board. There will be no net increase in fill placement in the floodplain.

Amenities for the tenants include a 3,500 square-foot courtyard as well as a 4,500 square-foot recreation area to address the recreation requirements of the Town. The exact programming of those facilities have not been worked out, but more details will be developed during this process with the Planning Board. The development will not impact the golf course. There will be a 20-foot tall chain link fence to separate the development from the golf course.

The proposed four-story buildings will have primarily vinyl siding and a flat roof. The flat roof will be lower than the maximum height allowed by Town code so it does not require a variance. They have developed an initial landscaping plan that provides a variety of trees, shrubs, plants and grasses around the perimeter of the site.

The project requires two area variances. The first variance is for a 10-foot setback rather than the 50-foot setback that the Town requires for a recreational facility in a multi-family dwelling. The second variance is to allow parking in the front yard of the multifamily building, as the plan has four regular parking spaces and 28 land-banked spaces located forward of the building.

Ms. Lane explained that the Code allows the Planning Board to waive some of the parking spaces required by the calculations as long as the developer can show that they have the space to put in those additional parking spaces, should it become apparent that they need them. The land-banked parking spaces show they can meet the Town's requirement for parking spaces. Mr. Fishel explained that Conifer, the developer, typically provides 1½ parking spaces per dwelling unit.

Mr. Fishel met with local emergency providers to work out emergency vehicle accessibility requirements. They have provided 26-foot wide fire lanes and looped the fire hydrants around the buildings. A fire truck would fit in the courtyard space between the two apartment buildings if needed during an emergency event.

At a previous meeting the Elks Lodge asked if Conifer would be open to parting with some excess property for their overflow parking. Conifer has been in discussions with the Elks Lodge about this. Mr. Fishel is not sure whether the arrangement will be a lease or a subdivision. If Conifer does go the subdivision route they may have to come in for a lot split. Ms. Lane said that if it is a partition, the Planning Department only needs to see the property lines. If it is a subdivision, it will have to go to the Planning Board.

Conifer Development is applying for funding this spring, and they may secure the funding by the fall. Mr. Fishel explained that NYS Homes and Community Renewal changed the process for how they select the projects. The number of times that you can submit an application has gone down. If everything goes well, the project may start this fall.

The development is in the Johnson City School district. Ms. Lane commented that when the Planning Board was reviewing the Fairmont Park residential development, Johnson City schools said that they wanted more students. She will send the application to the county and the school district.

Mr. Fishel was asked if he anticipates an increase in traffic. Ms. Lane responded that there had been a casino proposed for the same general location and the Town Board had determined that related traffic would not be a significant issue. Mr. Fishel responded that they do have to submit the driveway design to the DOT and he does not foresee that school buses entering the development would be an issue. If there is a need to set a school bus stop on the grounds, they will work with the district to set one up. Mr. Fishel added that there is already a county transit stop in front of the property.

Ms. Lane explained that when the Planning Board declares their intent to be the lead agency of the environmental review, she contacts the funding and

permitting agencies listed on number 2 of the short EAF form to notify them and to see if they agree with the Planning Board's intent to be the lead agency on the project. These agencies are allowed thirty days to respond. If these agencies agree, or 30 days have passed, the Planning Board can move forward with the SEQRA review.

Ms. Lane said that when Conifer meets next with the Planning Board, they will complete the SEQRA review, the advisory opinion to the ZBA for the area variances and call for a Public Hearing for the special permit for development in the floodplain.

Chairman Miller asked for a motion to declare Intent of the Planning Board to be Lead Agency.

Motion Made: C. Bullock
Motion Seconded: M. Jaros
MOTION: Declare the Intent of the Planning Board to be Lead Agency.
VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills, C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

F. 423 Western Heights Boulevard and 329 Glendale Drive, Solar Generation, Philip Leber

1. Presentation

Phillip Leber, the project developer for Solar Generation, presented two separate projects, Glendale Solar and Bingo Solar. The separate projects have different owners, however, there is a shared access road. Mr. Leber explained that the company originally focused on residential projects, but about five years ago they started moving into larger scale development.

Project Glendale is a Community Solar Array. There are generally two types of commercial arrays; ISOs, which are over 5 megawatts a.c.; and Community Solar Arrays, also referred to as distributed generation, and they connect to the three phase power lines on the road. Community solar arrays must be 5 megawatts a.c. or under. This project size is approximately 9.5-acres and the total parcel size is 22.6-acres. The anticipated construction start is the fourth quarter of 2023. They hope the construction is completed by quarter one or two in 2024. They will have a PILOT agreement with the Town of Union.

The company, Solar Generation, is currently negotiating a project development agreement with the owner, Western Broome Corporation, and also working on a lease agreement with the Binghamton University Foundation for the second project. Bryan Clapper will be the engineering firm for the projects. Mr. Leber is aware that they will have to do a SWPPP for the projects. He has completed the application form and the full EAF. He noted

that the answer to D2 on page 6 of the EAF will have to be changed to a yes because they will be disturbing more than an acre of land when they clear the trees from the property.

Mr. Leber reviewed the site plan for the Glendale project, located behind the storage company on Glendale Drive. The point of access is from Glendale Road. The shared access road is on a separate parcel also owned by Western Broome Corporation. They will seek a right-of-way easement for both projects.

The arrays for the Glendale Project will be facing south. Mr. Leber stated that his company is currently applying for an interconnection agreement with NYSEG, and NYSEG has given a preliminary determination that there is enough space on the substation for both projects. The output for the Glendale Project is 3.2 Megawatts d.c., and the output for the Bingo project is 7.48 Megawatts d.c. They will use wildlife fencing around both projects. Mr. Leber will confirm the ground clearance for the fencing at the next meeting.

Solar Generation will be responsible for maintaining the road. Mr. Ksenak asked whether the access road will be able to support the heavy equipment associated with solar panel installation. Mr. Leber said that the slope is not too steep so that he does not anticipate having any trouble getting trucks up there. Ms. Lane was concerned about how close the grading for the road is to the stream whose banks had to be fortified after damage by heavy rain and erosion. She emphasized that the project will require an engineering study.

There will be some background noise from the project that resembles the sound of a loud air conditioner from a bigger building. Mr. Leber said the closest housing is on Western Heights Boulevard, about 300 feet from the site.

Mr. Leber believes that the stream is the one challenge that they are going to have to face. He said that he will get “some eyes on the ground” to see exactly where the stream is. After his ground examination, he will be able to design the access road in a way that makes sense. There will not be any lighting on the access road.

Ms. Lane noted that they will need a civil engineer to design the SWPPP. Mr. Leber responded that Adrian Logan, their in-house designer is a computer engineer and does the initial design work. Then the plans are forwarded to a civil engineer to review and finalize them.

The racking for the arrays is under ten-feet and the arrays will have a fixed tilt. Mr. Leber stated that it is projected that the arrays lose about 20 to 25 percent of their output after about 25 years. The design of the fixed tilt arrays and southern facing slope allow snow to naturally fall off. The site is next to a substation transmission line, but because it is a distributed generation project, they have to interconnect at the road to the substation on the opposite side of Glendale Drive.

Mr. Leber was asked to explain the decommissioning agreement. The lifespan of the lease is 25 years with two five-year renewal extensions. They bond for decommissioning so that they will have enough money after the lifespan of the

project to pay for the costs to return the site to its original condition. They will submit a decommissioning plan with the application.

They will use pollinator-friendly seed on the land and there will be no pesticides used on the land. The only maintenance required is mowing the grass or removing panels if they break.

They will have to clear the trees from the land for both projects. The trees they are clearing are not very large trees, however, the forest is a little thicker on the Bingo project. There is no cadmium or any other hazardous material in the panels that could leach into the soils if one of the panels fell to the ground.

Ms. Lane restated that the applicant needs a civil engineer to design the project and a SWPPP as part of the initial submission. The Bingo project will have to go to the county for a 239-Review and the county will not accept the project without a preliminary SWPPP. The application must be complete before the Town can accept it. The Town will hire an engineering firm requiring a \$5,000 escrow account to pay the reviewing engineering firm. The engineering firm invoices the Planning Department and the Town pays those invoices from the escrow account.

Ms. Lane explained that staff are very earnest about protecting the town, so the town attorney does the lead review of the decommissioning agreement. As a result, this can take some time. The town also requires a stormwater maintenance agreement and access easement for any detention ponds. In addition, the owners of the leased property need to know that they are equally responsible for the maintenance agreement and access easements, which will be filed with Broome County. There can be a joint agreement between the property owner and the applicant.

Mr. Leber asked if Ms. Lane will require all of the agreements before she circulates the application for lead agency. Ms. Lane responded that usually the initial application is not final because the plans will change after Town and the consulting engineer review. Mr. Leber will have to provide the contacts for lead agency to Ms. Lane. Mr. Leber responded that more than likely it will just be NYSERDA.

Mr. Leber added that the State Historic Preservation Office has informed him that there are potential archaeological areas for both projects. He has submitted a request for review by the State Historic Preservation Office. When he receives their report he will forward it to the Planning Department.

Asked how this project would benefit the residents of the area, Mr. Leber said that because the project is a Solar Community project, the community gets 10 percent off of their electric bill if they subscribe to the program. There will also be a payment-in-lieu-of-taxation, PILOT, agreement with the Town. Ms. Lane noted that a judge recently put a freeze on the state-prescribed PILOT formula. The town assessor is working with the attorney on the PILOT agreements.

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

1. Call for a Public Hearing for a Revised Special Use Permit for a Tavern to prohibit outdoor amplified music at the 7:00 p.m. Planning Board meeting on March 14, 2023.

Chairman Miller asked for a motion to call for a Public Hearing for a Revised Special Use Permit for a Tavern to prohibit outdoor amplified music at the 7:00 p.m. Planning Board meeting on March 14, 2023.

Motion Made: M. Jaros

Motion Seconded: M. Hills

MOTION: Call for a Public Hearing for a Special Use Permit for a Tavern to prohibit outdoor amplified music at the 7:00 p.m. Planning Board Meeting on March 14, 2023.

VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills, C. Bullock, N. Sarpolis, G. Ksenak

Opposed: None

Abstained: None

Motion Carried

Ms. Lane explained that when the Planning Board approved the Special Use Permit for the outdoor cooking and seating for The Fairways, the subject of outdoor music was discussed. At that time the applicants were told they would need to apply for a separate permit. Afterwards, Ms. Lane investigated and found that outdoor entertainment is not permitted at all. The business held several musical events in September, and because there were a number of noise complaints, the Planning Board is calling for the public hearing to revise the stipulations of the Special Use Permit to clarify that amplified outdoor music is not permitted in Neighborhood Commercial zoning districts.

H. Other Such Matters as May Properly Come before the Board (Minor SPR: JKS office, Languard's deck, Calico Gift Cottage, UMH Cooling Tower; Upcoming Samaritan Counseling Addition; Conservation Advisory Council / Tree Committee)

Ms. Lane introduced Ferris Akel, who lives on Eagle Drive, and James Wilson, who lives on Country Club Road. Both of these gentlemen have a view of the trees that were cut down at 3901 Watson Boulevard.

Mr. Wilson explained that he believes the special permit issued by the Planning Board in 2020 has been expired for over three months, and he hopes the Planning Board will not renew the special permit. He referred to the recent logging activity in the wetland, and felt that this new issue should be addressed by amending the approved special use permit at 3901 Watson Boulevard, per Town code 300.66-10, which grants procedures for reviewing and approving amendments.

Per Ms. Lane, Mr. Wilson is confusing the fill permit issued by the Code Enforcement Office with the special permit for adding fill in the floodplain granted by the Planning Board. The special permit has not expired, and the Planning Board has no authority to intervene in the case of any fill permit issued by Code Enforcement.

Ms. Lane explained that the Town was surprised when the Army Corp of Engineers (ACOE) told them that property owners can cut trees in wetlands, as long as the stumps of the trees are not removed. Since the roots are anchoring the soil, cutting trees is not classified as a disturbance.

Ms. Lane noted that the new supervisor, Mr. Rob Mack, has increased the size of the Conservation Advisory Council by combining it with the tree committee. This group hopes to be able to make suggestions about how to strengthen the Town code to better protect the town's wetlands.

Mr. Ferris Akel lives nearby and he appreciated the wildlife that lived by the wetland. He realizes that it is Mr. Walsh's property but to see the trees taken down in a wetland area is a shame. There are a lot of people who drive past the site and it is a real eyesore. Ms. Lane thanked both Mr. Wilson and Mr. Akel for their time and input.

Ms. Lane reviewed the Minor Site Plans that have recently been approved. JKS Home Improvement purchased a commercial building at 3212 E. Main Street and Mr. Sager will put an office and hair salon in the building. He fixed up the parking lot beautifully.

Mr. Langland at 1771 Union Center-Maine Highway was approved to build a covered deck at his restaurant for construction workers who stop for lunch. He told Ms. Lane that when customers who work outdoors are eating there, they prefer to be out of the sun. Mr. Langland has enough parking spaces.

There is a former gift shop located on Watson Boulevard that has reopened under different ownership, Calico Gift Cottage.

United Methodist Homes is renovating their buildings. The addition of cooling towers requires minor site plan review, which was approved.

The Samaritan Counseling Center at 3001 East Main Street plans an addition on the front of the building. It will be a full two-story, plus basement addition for an enlarged waiting room, offices and meeting rooms. That project will be coming to the Planning Board soon.

Ms. Lane responded to a prior Planning Board inquiry about an ordinance that no dogs are allowed in any Town of Union parks. The Town Supervisor advised Ms. Lane that the Town's insurance company gives the town a discount for not allowing dogs in the park. There should be a sign in the parks so that it removes any liability in case someone gets bitten.

Chairman Miller asked for a motion to adjourn the meeting at 9:35 p.m.

Motion Made: C. Bullock
Motion Seconded: N. Sarpolis
MOTION: Adjourning the meeting.
VOTE: **In Favor:** L. Miller, M. Jaros, T. Crowley, M. Hills,
C. Bullock, N. Sarpolis, G. Ksenak
Opposed: None
Abstained: None
Motion Carried

Next Meeting Date

The next meeting of the Planning Board is tentatively scheduled for Tuesday, March 14, 2023, at 7:00 p.m.

Respectfully Submitted,
Carol Krawczyk