

**PLANNING BOARD  
REGULAR MEETING  
MONDAY, JULY 9, 2018  
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12  
BINGHAMTON – NY – 13901**

**Approval of the June 11, 2018 Regular Planning Board Minutes.**

**PRESENT:** Cynthia Paddick, Chair  
Messer: Donnelly, Carl, Blythe & Worden

**ALSO, PRESENT:** Alex Urda P.E. - Town Engineer  
John Freer – Building/Code Inspector  
Terry Kellogg – Councilperson

**ABSENT:** Michael Boland - Planning Board Alternate

The meeting convened at 7:00 p.m., at which time Mrs. Paddick called the meeting to order. The first order of business is the approval of the minutes from the Regular Planning Board meeting on June 11, 2018.

A motion was made by Mr. Blythe, seconded by Mr. Carl, to approve the minutes from the June 11, 2018, Planning Board meeting.

Roll Call:                      Ayes - 5                      Nays - 0                      Absent -1 (Boland)

**NEW BUSINESS**

- **DONATAS LLC.**- David Gatto - 42 & 54 Chenango Bridge Rd- TM#112.05-2-4 & 112.05-2-5  
Application for commercial re-occupancy for Tavolo Italian/American Restaurant.

Mr. Urda – This is a re-occupancy of the former Brass Lantern location to operate an Italian/American Restaurant. The applicant should assure they will provide and maintain the exterior ADA accessible parking spaces, aisles, access routes marking and slopes along with the appropriate signage in accordance with ICC/ANSI, A117.1, 2009 or latest revision and the 2015 Building Code of New York State. This is a Type II action under SEQR and is subject to Broome County 239 review. We do not find any engineering concerns regarding this re-occupancy.

Mr. Freer – If the Planning Board approves this site plan application, the Ordinance Department would request a fire inspection prior to opening for business.

Mr. Gatto was present to answer questions from the Board.

Mrs. Paddick – NYS DOT suggested the pedestrian sidewalk connection

There being no further discussion a motion was made by Mr. Donnelly, seconded by Mr. Carl to approve this commercial re-occupancy.

Roll Call:                   Ayes - 5                   Nays - 0                   Absent: 1 (Boland)

Mrs. Paddick – You will need a fire inspection prior to opening.

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- **CHENANGO SOLAR LLC**- Elie Schecter- 247 Airport Rd – TM#096.05-1-8.11– Application for site plan review for a ground mounted solar energy system & full EAF.

Mr. Urda – There are several steps that need to be followed, such as:

- Pre-application meeting with code is required. Just a reminder from the applicant, we did meet last year to discuss this project.
- Visual Assessment Form completed and submitted. This was received on June 28, 2018.
- The decommissioning plan is sufficient.
- Concern on the ability to remain less than an acre of disturbance during construction. Documentation has been submitted to support this claim. It is possible if it is dependent on zero vehicle tracking/rutting. If the construction exceeds one acre the projected will be stopped for a Stormwater Pollution Prevention Plan (SWPPP), Notice of Intent (NOI) a revised site plan will be required.
- We have not received FAA response regarding if there will be impacts or not.
- A building permit will be required if approved.
- Subject to Broome County 239 review and comments received.
- Applicant to provide a copy of proof of the final, executed lease agreement for filing.
- This is an Unlisted Action under SEQR.

The Environmental Review Board met on 6/21/18 and requested a few minor changes to the EAF Part I form along with a few questions to be answered. The Board met again today reviewed the updated EAF Part I form along with the completed Visual Assessment form Mr. Parker did say in the Visual Assessment there are a few things within 3 miles. So we went through all of them to see what would be visible and checked the appropriate box if it was visible within 3 miles. Mark did clarify nothing would be visible from those distances. You can't see the river from this project. The County and Local Road it will be visible within 1 mile which we did note. Broome County 239 review suggested getting comments from the Railroad. Also if anyone has concerns on the archeological sensitive area, that whole site is located in one according to SHPO. The applicant did reach out to SHPO and received a letter indicating the posts don't matter. It would only be the drive that triggers any concerns. The Environmental Review Board considered the project as Unlisted Action with a "Negative Declaration". Approval is recommended with the items noted being addressed.

Mr. Blythe – County Road are you referring to Airport Road?

Mr. Parker, Keystone Engineer and the applicant Eli Schecter Project Designer is here to answer any questions you may have. County Road is Rte I 81 and the Local Road is Airport Road being across the street will be visible. Most of the area won't be able to see the site. Let me give a brief overview of the proposed project. We have leased 37 acres from the owner to place a ground mounted solar energy system. This will include access road and connections to NYSEG power distribution network. The electrical wiring will from the racks will be routed in conduit underground trench to the NYSEG right-of-

way along Airport Road. The 15 foot panels will be surrounded by 8 foot chain link fencing. There will be no lighting and all equipment will be either aluminum steel or some type of galvanized metal with a gray or black color. We'll be using the existing field access with a gate and gravel driveway.

Mr. Schecter- There is an easement that will go through Mr. Haskell's property until it gets to the NYSEG poles near the road for the connection to the grid. It will be underground the whole way.

Mrs. Paddick – We will take questions after they have finished their presentation.

Mr. Parker - I just want to show you the array outline. Pictures were displayed for the board and audience.

There were several people from the audience asking questions, before the presentation could be completed.

Mrs. Paddick – Let the Board Members asked their questions and then they can take questions from the audience.

Mr. Blythe – Will the airport still operate? What about the hangers will they be removed.

Mr. Donnelly – What about power outages?

Mr. Schecter – We have a lease agreement with Mr. Haskell, liability has to be considered. We are trying to co-exist with the airport. This is not a public air strip but private. As for the power outages everything will be properly grounded. Any interruption the system will automatically go down and stay down until the system is restored. This is part of the new technology and the Triple E requirements.

Anonymous female – Yes it is private but the public can land or take off from there.

Mrs. Paddick – Diane, did we reach out to Broome County Aviation?

Ms. Aurelio –Yes, we are still waiting for comments.

Mrs. Paddick – Not much traffic will be involved with this project. Will there be noise from the arrays and will there be moving parts?

Mr. Schecter-There will be mowing 4 to 5 times a year and annual maintenance once a year as needed, but no heavy equipment. As for the noise it should not be audible. It will be similar to the residential transformers on the light poles.

Mr. Blythe – The Town Code requires landscape screening, will that be done?

Mr. Schecter- The plan is without any type of landscaping. We are waiting for the Planning Board direction in this matter as to what they would like to see.

Residents questioned where on Airport Road? Those pictures don't show us anything you can't tell where on Airport Road it is.

Mr. Parker – The site plan shows a closer view from this end of Airport Road. The further away view is from the other end.

Mr. Schecter – If you are familiar with the site the runway runs east to west. All panels will run north to south, there will be nothing to the right. The fencing will also be setback from the runway. It will not be overlaying on the runway.

Anonymous female – Will a 6 point plane be able to fly?

Mr. Schecter – When I was at the site a couple of weeks ago I met with 2 people that were there and agreed on the 50' setback.

Anonymous female - I was talking to a pilot who owns the Greene Airport and he was thinking about installing solar panels on one of his hangers. He said all the sun shining down on these on the panels and trying to land with the glare it would be very dangerous.

James Pecha – I'm the manager for the Chenango Bridge Airport. I have a plane stored at the site. This site plan will prohibit me to land with only a 50 foot setback. God forbid if there is a wind shear I will be running into the fencing, not to mention the reflection from the panels. The reflection alone will make it difficult to land not to mention if there are any other variables such as the trench along the sides. This is an active runway how are you going to respond to these concerns? And what about the agricultural exemptions?

Mr. Schecter – There are several things. First of all there are 2 types of solar panels technology. Concentrated solar thermal, includes mirrors/lens to a concentrate a large area of sunlight. This does have some glare. Photovoltaic is what we will be using; it is silicon dark solar intake panels that are designed to absorb sunlight. The glare factor would be minimal. Studies have been done on the glare and reflectivity. They found it was less reflective than fields of snow and bodies of water, windows of skyscrapers and soiling fields. Remember there are 15 solar projects involving airports in the United States. The second piece, we do have a contract with the owner. This is private property and it is ultimately up to the owner to make these decisions. The last meeting I had with Mr. Haskell we are trying to have both uses co-exist. So the owner would not have to make that choice having the airport remain. We did not want to force any difficult decision to not allow the operation to continue. So the current design that is here, does not allow the operation to continue.

Mr. Pecha – Can he terminate our agreement or your contract?

Mr. Schecter - He cannot terminate our contract, unless we are operating outside of the contract agreement. There are stipulations on insurance and liability in the contract that the owner has to be

mindful of allowing multiple uses of the site. We are trying to put our best foot forward to allow multiple uses and the agreed upon setbacks for the runways from the solar arrays and what is in the best interest for all to co-exist. As for the exemptions I will be contacting Scott Russell, Town Assessor regarding this. So we were able to cross the runway for survey activities. I have been involved with other airport projects and there is no need to get out there in a moment's notice. You can plan ahead to schedule things with the hanger.

Mr. Pecha – You don't know that.

Anonymous female - This is a private airport, but anyone can land and take off. So there is no way you can plan this. Technically this is like a public air strip and can be utilize at any time. There is no one to call and scheduled times.

Mr. Schecter – So there is no one controlling the air traffic.

Mr. Pecha - No.

Anonymous female – According to what I understand from another airport you can't build within so many feet of a runway. You also have to give 3 years prior notice before closing an airport. So there is a lot going on here, under the table. You can ask the owner of the Greene Airport what the regulations are.

At one point the discussion became inaudible, too many people talking at the same time.

Mr. Schecter – Is that an FAA rule, I'm just trying to get all the facts.

Mrs. Paddick – Have we received anything from the FAA?

Mr. Schecter – This is a private air strip and my understanding this does not trigger FFA review.

Mrs. Paddick – So we won't be receiving any comments from them.

Mr. Schecter – It has been my experience there are 15 airports operating solar fields in the United States. There are 2 categories where with airports and FFA does get involved with a detailed review. We are still waiting to see what path to pursue as where we fall for this project.

Mr. Carl – Is this a FAA funded runway? I don't believe it is.

Mr. Pecha – Yes, I have to supply the FAA an extensive security document each year. This is a 15 page report on our number of airplanes, where are hangers are located, what our security measures are, who has access to the airport, and a diagram of the field and run way. It is a very in depth analysis. Which, I can provide to you if you would like to see it.

Mr. Schecter – What is the air strip designated as?

Mr. Pecha – The FAA Identifier is 1NK8.

Same anonymous female – What about the 99 year lease agreement with Harmon Johnson, Green Brothers and now Mr. Haskell. I'm not sure who has the lease agreement now with the airport

Mr. Schecter – There is a binding lease agreement for the solar project, so there are 2 paths we can take. I represent the entity that has the lease agreement in place. We would like to do the right thing to keep the air field in place. If that is not possible, then we will need other conversations to happen. Our preference is for the airport to continue operating.

James Johnson, resident of Airport Rd. -To try in co-exists, why this wasn't worked out with Mr. Haskell in prior years to discuss this with the air field people and the FAA to set forth a plan.

Anonymous female – We were never notified about this project and nothing was ever mentioned to the airport. Would you like to live across the street and see that every morning?

Mrs. Paddick – The agendas are posted on the Town's website, there is no notification sent out for site plans.

Anonymous female resident - We have all grown up here and patronized Mr. Haskell's family farm. Yes, it is his land to do whatever he wants. But, we all live here and we were not going to be notified. Why isn't Mr. Haskell here tonight? He has not said anything to anyone about this project and we see him every day. How is Mr. Haskell financially benefiting from this, is the town or residents getting anything out of it?

Mrs. Paddick – You need to contact Mr. Haskell yourself to ask that question. That is not our business or what this Board does.

Tony Johnson – Our planes have been based their for 33 years. We operate 7 days a week with 3 large events annually. People come from Florida, Canada and Ohio for the 3 to 4 day air show. All proceeds go to local charities. My concern is the glare and possible radio interference creating safety concerns. We have people who come from all over to pay to fly their planes, some with 15 to 20 foot wing span. Kids use it for the remote control planes. It would be terrible thing if we have to close the facility.

Mr. Pecha – There is a lot of history with this airport. Granted it is not a radio controlled airport but, people do land there periodically and if you are not a seasoned pilot the 50 foot setback is not enough. I would have difficulty maneuvering with a 50 foot setback. If there was a wind shear, I would be crashing into those panels or fencing.

Anonymous male – Why not split out the runway.

Mrs. Paddick – Is there any way you could move the solar panels further away?

Mr. Schecter – We did a lot of outreach to different land owners for this proposed project.

Mr. Carl – Didn't you do a title search on the property?

Mr. Schecter- A title search was done but nothing showed up, nothing was flagged.

Mrs. Paddick - Public airports get public funding, the private airport the public can land at the site the difference is it is a non-control airport.

Mr. Pecha – That is correct. We still have guide lines and reports that I file yearly with the FAA.

Mr. Worden – Since this is a private site it can be closed at any time.

Anonymous female – We are all here tonight we have concerns. Will the small planes be allowed there anymore? We all live in here, how would you like to live across the street from these panels. You can't tell me they won't be visible. We need some answers.

Mrs. Paddick – Mr. Blythe brought up the point about landscaping, what type would you consider?

Mr. Schecter – There will be 8 foot fencing around the 15 foot panels. Some type of vegetative landscaping will be used. We were leaving that up to the Board to determine the type.

Mr. Johnson - If they do this, we will be unable to get insurance due to the liability. It will be a million dollars and too costly for us.

Mrs. Paddick – We have to try to co-exist with the airport. Is it possible to move the solar panels further away from the air strip? Could that be feasible?

Mr. Schecter – To avoid legal battles we would entertain that concept. I would be willing to have a productive meeting with the flyers and residents to go over their concerns and relay my findings to Mr. Haskell to try in work this out.

There being no further discussion a motion was made by Mr. Carl, seconded by Mr. Blythe to table the application for further information regarding:

- **Verification on the 99 year lease agreement with the airport.**
- **Receive documentation from the FAA comments/opinions regarding the project.**
- **Type of vegetation screening and noted on the site plan**
- **Indicate any easements on the site plan.**
- **Executed lease agreement for filling and project sign off from the owner on the application.**
- **Coordinate a meeting with the residents and group members of the airport, and the owner, Mrs. Paddick and Alex Urda and the engineer for the proposed project to field their concerns.**

Roll Call:                      Ayes - 5                      Nays - 0                      Absent- 1 (Boland)

**ADVISORY OPINION/REFERRALS**

- **JAMES AUKEMA** – 451 Mix Rd. – TM#056.19-1-2- Application for an area variance to create a buildable lot with less than required road frontage from 240’ to 0’ in an agricultural zone.

Mr. Urda – Upon reviewing the applicant’s request to create a buildable lot with less than required road frontage, granting this variance is necessary for reasonable use of the land. It would be in harmony with the general purpose and intent of these Chapters Article VII §73-23 C Variances (2) (a), (b), and (c). This condition was not self- created and the owner has ample adjacent land and road access in the Town of Barker. We find no engineering concerns. This project is subject to Broome County 239 review and is a Type II Action under SEQR. Recommend a favorable advisory.

Mr. Freer – If the Zoning Board approves this variance, the Ordinance Department requests a building permit be required.

Mr. Aukema was not present to answer questions from the Board.

Mrs. Paddick – The applicant is applying for variance to build a house with no road frontage in the Town of Chenango. The house property taxes would be paid to the Town of Chenango.

Mr. Carl the application is self-explanatory.

There being no further comments a motion was made by Mr. Donnelly, seconded by Mr. Worden to forward a favorable advisory to the Zoning Board of Appeals.

Roll Call:                      Ayes - 5                      Nays - 0                      Absent: 1 (Boland)

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- **JOHN CHORDAS** – 96 Grant Rd – TM#111.12-4-3- Application for a use variance to allow ducks (2) in a residential zone & a short EAF.

Mr. Urda – The applicant is requesting a use variance to allow two (2) ducks in a residential zone. This is not unreasonable use of the land and would not create undue hardship to the neighborhood, since there are chickens already in the immediate area. This is subject to Broome County 239 review and is an Unlisted Action under SEQR. The Zoning Board will not act on the SEQR. However, the Environmental Review Board has reviewed the application. It is recommended the noise and odors shall be maintained according to Town Code, with that said we find no problems from an engineering stand point.

Mr. Freer – The Ordinance Office has no concerns with this application.

Mr. Chordas was not present for the meeting.

Mr. Worden – I was unable to find any ducks at the site. The neighbor has chickens.

There being no further discussion a motion was made by Mr. Worden, seconded by Mr. Blythe to forward a favorable advisory to the Zoning Board of Appeals for this use variance.

Roll Call:                   Ayes - 5                                   Nays - 0                                   Absent: 1-(Boland)

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**DISCUSSION**

- **Revising the sign ordinance to include electronic messaging centers.**

The Board began their discussion regarding the electronic messaging system as to what should and should not be allowed within the Town.

The Board had some concern regarding the Church exceeding what they were approved. They were approved for 1 message per day and not scrolling and they are not in compliance. That is important to watch, which, falls back onto the Ordinance Office to enforce. The suggestion was made to get a meter to read the intensity of the lighting, but this has to be calibrated and training is also involved. No decision was made on this point.

They decided to discuss the first seven bullet points on the discussion sheet for the August meeting.

Mrs. Paddick – Before we adjourn I have been approached by Mr. Abbey to be placed on the agenda possibly August or September to discuss the road onto Fallon Drive with the Board. This would be preliminary discussion with no action taken. Just to see what the board thoughts are to avoid having to spend a lot on a site plan and SWPPP just to be denied.

The Board agreed and Mrs. Paddick will contact Mr. Abbey on a time frame.

There being no further discussion the Board unanimously agreed to adjourn the meeting at 8:15 p.m.

Respectfully submitted,

Diane Aurelio  
Ordinance Secretary