



# MINUTES

*Town of Binghamton Planning Board  
Special Meeting*

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Monday December 14, 2020 | 6:30pm

## \*\*\* SPECIAL MEETING OF THE PLANNING BOARD \*\*\*

**In attendance:** Bill McGowan – Planning Board | Christopher Streno – Planning Board  
**Attending via Zoom:** Dave West – Planning Board | Ray Mastin – Planning Board  
Kathy Kiekel – Planning Board | Alan Pope – Attorney | Rose Pope – Attorney  
Victoria Xlander – Town Board Liaison | Michael Catalleto – Scientel Solutions | Roxana Hoffman – Scientel Solutions

The meeting was called to order at 6:33pm and attendance was taken. Two Planning Board Members were present in the Board Room (McGowan/Streno) and the remaining attended remotely via Zoom.

The meeting Minutes from October 19 were recognized and it was noted that they had been previously approved by the Board via email and already posted on the Town website.

Michael Catalleto and Roxana Hoffman from Scientel Solutions were introduced and Mr. Catalleto explained their desire to install two new antennas on the existing tower at 2884 Webb Road. After several questions from members of the Board, Mr. Catalleto confirmed the following;

- The antennas will be installed at a height of 165 feet and not exceed the current height of the tower which is 180 feet.
- The proper Work Permit has been filed with the town.
- There is no construction or building necessary or planned at the location except for a 4'x4' ground space needed for an equipment cabinet that would be at the base of the tower to hold the electric power source that will be wired/cabled to the antennas.
- A letter of Authorization has been filed with the town from Lisa R. Olesky, Director – Real Estate/Leasing for Subcarrier Communications, owner of the property and tower, authorizing Scientel Solutions to file for the project Permits.
- A Purchase Order has been issued to the site owner for an on-site physical inspection of the tower to verify its physical condition and its ability to safely hold the antennas.



# MINUTES

- There will be no cutting of trees or land work done in relation to the project.
- There are no issues with easement or access to the tower as the property owner also owns the access.

Mr. Pope spoke about the need for a SEQR Environmental Impact Study and will work with Scientel to get them the proper paperwork to get that process started.

A request was made that Scientel provide a copy of their lease with the property owner and Mr. Catalleto agreed to provide a copy.

Mr. Catalleto was advised that the next regularly scheduled Planning Board Meeting will be held on January 11, 2021 and he relayed that Scientel would try to get as much of the requested actions completed by then as they could.

The meeting discussion then moved to the Advisory Opinion regarding the proposed TOB 240.57.2 Solar Energy Systems Law. Prior to the meeting all Members were given another revised draft of the proposed law (dated 12/6/20) with the most recent revisions highlighted for their review. Town Board is planning to make law official in January.

Members were asked their individual opinions regarding the revised law draft and initial discussion was deferred to the Members who sat on the proposed Law Committee; West, Mastin and Xlander.

Ray Mastin discussed two issues he had with some wording in the draft;

1. **Under Section IV – Types of Allowed Systems; Part I – Permitting Small Scale Solar Energy Systems**, Mastin directed the attendees to **Subsection A(5)a** that states the applicant for a ground-mounted or free-standing solar collector or solar thermal system (small-scale solar energy system) on any land that is 3 acres or less must apply for a special use permit to the Planning Board. He believes that any request for a Special Use Permit should go through the ZBA instead of the Planning Board.
2. He also directed the participants to **Part IV – Geothermal Systems – Section B(1)j** that reads: “Depending on the scale of the project and the area of land disturbed, a Stormwater Pollution Prevention Plan will be required for site plan approval by the Planning Board.” Mastin felt that this wording was too vague



# MINUTES

3. and after some discussion it was agreed that a change to following more specific wording would be appropriate; *"If more than one acre of land is disturbed, a Stormwater Pollution Prevention Plan will be required for site plan approval by the Planning Board."*

Mr. McGowan inquired if a 239 review was necessary for these latest updates. Mr & Mrs. Pope confirmed that it was not necessary.

No other issues were brought up by any of the other Members and motion was made to issue the Advisory opinion under the two revisions mentioned;

1. Section IV – Types of Allowed Systems; Part I –Permitting Small Scale Solar Energy Systems; subsection A.5.a on pg. 6 change "Planning Board" to "Zoning Board of Appeals."
2. Part IV – Geothermal Systems – Section B.1.j. on pg. 22 change to read: "If more than one acre of land is disturbed, a Stormwater Pollution Prevention Plan will be required for site plan approval by the Planning Board.

The Motion passed unanimously authorizing Chairperson Streno to draft a memo to the Town Board with the Advisory Opinion as stated above. Streno will work with Ms. Pope to complete the Advisory Opinion.

Members were advised of the Town Board's reappointments of Dave West to a new term and Chris Streno as Chairperson for 2021.

The 2021 Planning Board Meeting Schedule was announced. It will remain a quarterly joint meeting with the ZBA to be held at 6:30pm on the 2<sup>nd</sup> Monday of the month. The dates will be as follows;

- January 11
- April 12
- July 12
- October 11

It was noted that as in 2020, the October meeting will fall on Columbus Day so it will likely be moved to the following Monday; October 18.



# MINUTES

The meeting was opened to the public. With no one present it was then opened to any further comments from the Members. With no further comment except for a reiteration of support and thanks to Ms. Xlander for all of her hard work over the years, the meeting was opened to comments from the Town Board Liaison. Ms. Xlander again expressed her appreciation to all the Members for their work on behalf of the town of Binghamton.

With no further discussion the meeting was adjourned at 7:00pm.

**Christopher Streno -Planning Board Chairperson**