

Town of Binghamton
Zoning Board of Appeals Meeting and Hearing
Minutes
October 17, 2022 at 6:30 PM
Town of Binghamton Town Hall

Present:

Members Present:

Mark Bordeau, Chairperson

Tom Bensley

Kevin Olds

Meggan Olds, Secretary/Processor

Alan Pope, Attorney

Theresa Taro

Gina M. Middleton, Attorney

Town Officials Present

Elizabeth Rounds, Town Supervisor

Mike Bensley, Town Councilperson

Guests

Approximately 37 Guests

2 News Representatives

1. 6:30 PM CALL TO ORDER
 - a. Chairperson Bordeau explained that there will not be a vote this evening.
2. ROLL CALL
3. WELCOME
 - a. Mr. Bordeau reminded the guests to sign in if they desired to speak during the public hearing/comment portion of the meeting
4. MINUTES
 - a. Approval of Zoning Board of Appeals Minutes – September 12, 2022 – Meggan Olds
 - b. Motion to approve: Kevin Olds
 - c. Second: Tom Bensley
 - d. All voted in favor
5. CONTINUING and CONDUCTING PUBLIC HEARING FOR PUBLIC UTILITY USE VARIANCE - 930 POWDERHOUSE RD
 - a. A letter was sent by Alan Pope to the chairs of ZBA and Planning Board stating that the SEQR review needs to be completed. The letter asked the groups if they would like to work together. The Planning Board has 30 days to let the ZBA know if they wish to be involved. Mr. Pope stated that if the Planning Board wishes to participate, this would likely result in a joint meeting process of the two boards.
 - b. Mr. Bordeau presented an overview of the agenda to the public.
6. Presentation by Sigma Solar, LLC – Sigma Representatives
 - a. Representatives
 - i. Ari Goldberg, Attorney - Barclay Damon
 - ii. Matt Mihaly, Sigma/applicant representative
 - iii. Andrew Day - Sigma/applicant representative
 - iv. Tim Steed, PE - Hunt Engineers

- v. Anthony Farrar - Hunt Engineers
- b. Mr. Goldberg began the presentation by recognizing that there is no expectation of a vote this evening.
- c. Mr. Goldberg addressed the change of the access road from Ingraham Hill Road to Powderhouse Road. The access road has been removed from Ingraham Hill and will solely be off Powderhouse Rd. Mr. Bentley asked if there was a house present in a shaded area that was shown on one of the maps. Mr. Goldberg stated the area in question was wetland, but that there is a house just north of the access road.
- d. Tim Steed - Hunt Engineers
 - i. The design is consistent with what was presented before.
 - ii. Mr. Steed stated that the array is 28-plus total acres.
 - iii. Mr. Steed stated that the array will be primarily in fields which are already open. Tree removal will take place in the northeast corner of the array, and in the middle between the north and in the middle between the north and south field where there is a hedgerow of deciduous trees and vegetation. There will be a removal of vegetation along the access road to clear for the road to be put in.
 - iv. Changing vegetation causes a change of runoff. Because there will be more than one acre of disturbance, a SWPPP must be completed showing pre- and post- developed runoff estimates. Regulations state that the runoff rate and volume must be less post-project.
 - v. The area of the array will be maintained as lawn/meadow.
 - vi. The access drive will be built for construction purposes, then removed after construction. Compacted dirt will be taken out, and a fresh gravel road will be the final road after construction.
 - vii. The landscaping in the buffer areas will include multiple rows of coniferous trees in a staggered pattern.
- e. Land owner: Jeff McAuley - co-owner with his brothers
 - i. Created Southill Conservation LLC for finance purposes.
 - ii. The land was originally purchased in 1973 by Mr. McAuley's father.
 - iii. Mr. McAuley stated that the land was kept as a "wildlife preserve" - untouched
 - iv. He then stated his father was the one who signed the lease, and that his father was an advocate of green energy.
 - v. Mr. McAuley explained that he and his father decided they needed to do something to be able to keep the land, as it was going to be difficult to do so financially. Mr. McAuley stated that his father initially wanted to hydrofrack. He and his father decided solar was a way to keep the land but to "do something good" by creating green energy while being a quiet use of the land while keeping it restricted to access by a low number of people.
 - vi. Mr. McAuley then briefly addressed the family's relationship with Bill Webb
 - vii. The McAuley's also decided to enter into a 480A forest management program to keep trees on the land intact, except for the area of the array and some trees infected by fungus.
 - viii. Mr. McAuley then addressed the neighbors to the parcel, stating that this wasn't going to be an open piece of land forever, but that he entered into the forest management program to preserve the forest and stop further development.
 - ix. He then returned to discussing why they made the choice to go with solar, and stated that he did not realize there would be opposition. During his conclusion, he stated that he hoped common ground could be found, as he financially could not leave this as a wildlife preserve forever.

- x. He finished by apologizing for missing the last meeting. He was out of the country due to a death in the family.
- f. Mr. Bordeau then asked Mr. Goldberg to go through the letter sent by Barclay Damon on 10/3/2022 to address concerns of the public. Mr. Goldberg summed up the talking points of the letter.
- i. Land ownership - Mr. McAuley is the owner of the land. There is a lease and an owner authorization on file for Sigma Solar to proceed with this project.
 - ii. Environmental assessment - the SEQR process - this must still be completed. Various state and local agencies will be contacted as part of the process. These will include Broome County, the Department of Environmental Conservation, and the Town of Binghamton Fire Company, Inc. Part of the purpose of the SEQR is to involve multiple agencies to combine their expertise in creating the best possible plan.
 - iii. The storm water plan is being developed and will be submitted to the board. Mr. Pope questioned when the SWPPP will be submitted to the board. A representative of the applicant stated that it is drafted. The applicant had waited to submit until after this evening's meeting so that any additional questions can be addressed within the SWPPP filing.
 - iv. Lawn/vegetation maintenance - a pollinator seed mix will be placed between the rows, with growth continuing between and under the panels. No pesticide will be used. The area will be maintained using traditional mowing, brush-hogging, weed trimming, and possibly through the use of sheep grazing.
 - v. Amount of service provided by the panels - this is a 5 megawatt solar array, which can power up to 1240 residential homes.
 - vi. Mr. Goldberg then reiterated that the access road to the array has been removed from Ingraham Hill Road. No construction or maintenance vehicles will travel on Ingraham Hill Road.
 - vii. Agriculture district - Mr. Goldberg stated that the property is not in an agriculture district.
 - viii. Substation - the substation that will be used for connection is NYS Fuller Hollow 617.
7. ZBA Board Discussion Questions – Mark Bordeau
- a. Mr. Bordeau pointed out that there are incorrect parcel ID numbers throughout numerous documents filed by the applicant. Mr. Goldberg asked if the documents could be corrected or if they needed to be refiled. Mr. Pope and Mr. Bordeau requested they be corrected by the applicant.
 - b. Mr. Bordeau asked who has been notified about the upcoming SEQR process. So far, the DEC, town board, and planning board have been notified. The fire department has not been notified yet, but will be.
 - c. Mr. Pope then asked the applicants to address page 4 of their letter, regarding the first public comment regarding the topic of optics. There are concerns about the line of sight by many residents - specifically what their views will look like at different ages of the array. At the previous meeting, line of site representations were requested by the Board. Mr. Pope asked when this would happen. Mr. Goldberg described what these created images would be, then stated that the applicant needed more direction on what points of view/perspectives the board and public would like. Mr. Pope stated that with Atlas, a group of the board met with Atlas and walked the location to determine these views. Mr. Pope asked that the public provide input, and then that a walk-through be scheduled to finalize what perspectives will be presented. Mr. Goldberg agreed to leave the diagrams up for the public to mark lines of sight they wished to have plotted at the end of the meeting.

- d. Mr. Goldberg began speaking of “changing aesthetics.” He asked the board and residents to remember that beauty is in the eye of the beholder, and that while some may find the array an eyesore, others may see it as beautiful.
- e. Mr. Bensley asked if optics should first be done looking from the homes abutting the project. Mr. Goldberg explained that the Sigma Solar cannot trespass on the lands of these homeowners, so the perspectives will not be directly from the homes. Instead, the Sigma Solar will walk to the point on the McAuley’s property that is closest to the home, and make the perspective from that location.
- f. Mr. Bensley then asked about the location of the formerly planned access road off of Ingraham Hill Road. Mr. Goldberg demonstrated the location. He stated that he agreed that the access road was not appropriate from Ingraham Hill Road and that he had driven the road himself today. Mr. Bensley then asked about the location of the currently planned access road off of Powderhouse Rd. Mr. Goldberg pointed out the location of the transmission lines, and showed that the access road will parallel the lines. Mr. Bensley then asked about the home near the entrance to the access road, and Mr. Goldberg stated that Sigma Solar is going to reach out independently to the land owner to assure they are aware of the project, and also will confirm if they are in the Town of Binghamton. He also reiterated that he requested the Town of Vestal be notified.
- g. Ms. Taro - Can you talk about the transmission lines? Are you installing any other electrical lines? Where is the connection point? Anthony Farrar from Hunt Engineers responded that there will be an installation of overhead lines from Powderhouse Road. Near the southwest corner of the parcel, where the array is near the access road, the lines will change to being placed underground. The underground cables will attach to the array. On the site plan, overhead cables are marked O/H for “overhead.” At the point where it converts to underground, it will be labeled U/E for “underground electric.”
- h. Mr. Bordeau asked if the applicant was ready to comment on the new comments received from the public over the last month? Mr. Goldberg stated that they have been received, but they are not ready to answer them at this time. They will address all in writing.
- i. Mr. Bordeau let the public know that all correspondence from residents and the applicant are being posted on the website.
- j. Mrs. Olds requested a breakdown of increased costs and actual savings for an average resident of the Town of Binghamton due to the array. Mr. Goldberg stated that can be provided.
- k. Mr. Bordeau asked if the applicant has gone through the Town of Binghamton solar law to assure they can address all of it? Mr. Goldberg responded that they will meet what is required as part of the use variance request.
- l. Mr. Bensley asked about who would profit from the project in regards to the homeowner and Sigma Solar, and who would build the array. Mr. Goldberg responded by identifying the representatives in attendance. The group response was that Sigma Solar is a single entity that holds the rights to use the land. Sigma Solar will hire contractors to install the array. The landowner (Southill Conservation LLC) leases the land to Sigma Solar. The solar array will be owned by Sigma Solar, but the land will still be owned by Mr. McAuley. Mr. Bensley then asked if the profits from the solar farm will be shared between Sigma Solar and the land owner. Mr. Mihaly from Sigma Solar stated that Sigma Solar will pay the land owner a yearly lease. The array will generate electricity that will go to the subscribers as credits.
- m. Mr. Bensley asked where the companies involved are based? Sigma Solar is based out of White Plains, NY. Hunt is a Southern Tier engineering company.
- n. Mr. Bensley asked if Sigma Solar was classified as a utility company? The applicant stated they didn’t understand the question. Mr. Bensley again asked if Sigma Solar was classified as a utility company, and the applicant asked “by who?” Board members stated that they were referring to

classification by the government or by the Public Service Commission. Eventually answered no, they are not a Public Service Commission utility, but that NYSEG is. Mr. Goldberg stated that public utilities are not going out and building the infrastructure needed to meet New York State's clean energy goals. New York is therefore asking private entities to take this on.

- o. Mr. Olds commented that within their application, Sigma Solar stated that this property was the best the town had for a solar field. He asked where this study is, and what other properties were explored. Then he asked Sigma if this land was chosen because the landowner approached Sigma. Mr. Goldberg stated that a site selection analysis was appended to the initial application, and that this would be responded to further in writing.
 - p. Mr. Olds asked if the applicant was in contact with the Town of Vestal and Broome County due to the change in the access road location and the use of County and Vestal roads. Mr. Goldberg stated that the County DOT will be contacted as part of the SEQR process. The County Planning Department is also referred to as a part of the SEQR process and mandatory county notification under General Municipal Law 239-n. Also, General Municipal Law 239-nn states that when a project takes place within 500 feet of another municipality, the other municipality must be notified. Mr. Goldberg and Mr. Pope's offices have worked together to assure Vestal was notified, and that they will continue to be notified as part of the SEQR process.
 - q. Mr. Bensley asked how much profit will be made per year. Mr. Goldberg stated that this would be replied to in writing.
 - r. Mr. Bordeau then brought up that this is one of the least sunny areas in the country, and asked how this affects the project. Mr. Goldberg stated that this would be addressed in writing.
 - s. Mr. Olds then questioned the amount of acreage to be used as there are discrepancies in different parts of the application. Mr. Goldberg responded that the full environmental review includes this information in the answer to question E. Mrs. Olds stated we haven't received this yet. Mr. Olds stated that there are discrepancies that must be rectified. Mr. Goldberg stated that this will be responded to in writing.
 - t. Mr. Bordeau asked that a copy of the lease be provided to the board. Mr. Goldberg stated that a redacted copy would be supplied. Certain information will be removed due to commercial and proprietary interest.
 - u. Mr. Bordeau asked if the answers can be provided by November 1, 2022, so the board can view the information. Mr. Goldberg stated yes, with the understanding that it will be sent on November 1, 2022, so they have as much time as possible to respond with quality answers. There was agreement that this was how we will proceed in the future as well.
 - v. Mrs. Olds asked Mr. Goldberg if the applicant team had read the Town of Binghamton Comprehensive Plan. Mr. Goldberg began explaining that out of the 184 acres available, they were only using about 30, meaning they are "preserving open space," as per the comprehensive plan. He also stated that a decommissioning bond will be in place so that the array could be taken down in 30 years. He went to explain that solar is a type of farming. Mr. Bensley asked that the expected profit be put into writing.
 - w. Mrs. Olds spoke, expressing concern that Mr. Goldberg is presenting information that spins the numbers to make it sound like there is open space, when this is clearly not what the residents or the Comprehensive Plan mean - the residents want true open space and open views, not solar fields in their line of sight. Mrs. Olds brought up the statements that have been made about the site surveys and the concern this wasn't done. She also referred to the Conklin array as a model of an appropriate site, where no one's views are disturbed.
8. Public Comment Portion – Mr. Pope explained guidelines for the public comments. He asked that individuals stand, limit their statements to 3 minutes in length, use the microphone, and that comments are addressed to the board. He then commended the public for the last meeting - for following the rules, being polite, and were civil. Mr. Pope reminded everyone that all information will be posted on the

website. If a member of the public feels something should be posted and is missing, Mr. Pope stated that residents should contact Supervisor Rounds, Chairperson Bordeau, or himself as Town Attorney. Mrs. Olds interjected to remind residents that Becky Smith is away, so there will be a delay with any material from this week. Mr. Bordeau then reminded residents that emails from residents are being posted, and that if residents are emailing from a business, they should be aware of the fact that the name will be posted.

a. Dan Rinker - 361 Ingraham Hill Rd.

- i. Presented a storyboard of supporting materials, and referred to the power point he had provided that is posted on the Town's website.
- ii. His concern is that the array would be an industrial site in a residential area. He stated that according to NYS, an industrial area placed next to a residential area requires a 300 foot setback.
- iii. Mr. Rinker then shared examples of his and other properties being as close as 89 feet from the proposed site.
- iv. The array will also have a deep visual impact, blocking views. Mr. Rinker expressed concern in regards to native wildlife. He discussed water runoff, stating that a topographical specialist he knows can show there is a runoff problem. If the applicant used ponding to mitigate this, it would cause water to run across the land of Mr. Rinker and the Ross family.
- v. Mr. Rinker also expressed concerns about the fire risk, stating that the panels draw lightning and are prone to fires. The intense wind direction on Ingraham Hill is from west to east, meaning any fire and fumes will move towards Brown Road. He presented information about the toxic chemicals that would be released in a fire.
- vi. Mr. Rinker returned attention to the statement on the town's website "A beautiful place to live." He reminded the board that this is not just a solar farm - it is an industrial property. The landowner and leasing company need to be responsible for special equipment and training costs for emergency services.
- vii. Mr. Rinker referred to the solar array Conklin site as a strong model of how a solar field can be created.

b. Jeff McAuley - 930 Powderhouse Rd., 118 West Endicott Ave, Bing. - had signed in, but had already spoken earlier in the meeting and chose not to speak now.

c. Drew Newby - 329 Ingraham Hill Rd

- i. Mrs. Newby had submitted a letter to the board last evening, which will be posted onto the website.
- ii. Mr. Newby asked the board not to be intimidated and not to give blanket approval due to fear of lawsuits
- iii. He referred to the 10/3/2022 letter from Barclay Damon, referencing that he feels the project violates the town code, specifically in the criteria specified for a utility variance. The criteria states that the project won't alter the character of the area, nor lower property values. Mr. Newby referred to information in Mrs. Newby's letter which described why they think these criteria are violated by this project.
- iv. Utilities are allowed in a PDD district with a setback of 200 feet from a structure. Mr. Newby feels that the Planning Board should include a set back of 500 feet because the array is adjacent to a residential area, which is allowed in the town's solar law.
- v. Mr. Newby then discussed a noise study of an array going into the Town of Kirkwood. This study showed that there will be an adverse effect from noise. (Kirkwood has a 250 foot setback from residential structures).
- vi. Mr. Newby discussed the newly passed NYS law about the state taking over permitting for farms over 20 megawatts. This doesn't apply here, as this array is too small.

- vii. Mr. Newby stated that they are adjacent to the original access road. At the last meeting, Sigma Solar stated they would reach out to land owners so that they could be shown concerns. The Newby's were never contacted.
- viii. Mr. Newby concluded by drawing attention to studies regarding property values, and provided the board with supporting data.
- d. Bill Webb - 55 Foland Rd.
 - i. Mr. Webb asked Mr. Goldberg to further clarify some items from Barclay Damon's 10/3/22 letter. Mr. Webb specifically referred to the EMI and the Agricultural Exemption, which he stated were not discussed in the letter. Mr. Goldberg stated he would comment at the end of the meeting.
 - ii. Mr. Webb then stated that his contact at the Department of Agriculture and Markets calls solar farms a blight across NYS. The representative states that there are thousands of acres across NYS that are under contract that people don't even know about.
- e. Martin Miranda - Toohar & Barone - 313 Hamilton St. Albany NY
 - i. Attorney in Albany at Toohar & Barone. Representing landowners Marchuska (33 Thistlewood Dr.), Yousuf, and Fahs
 - ii. Mr. Miranda wants to assure that the review is done legally and thoroughly.
 - iii. He asked if a solar project is a public utility, and also questioned if this should be considered a public utility variance? He referred to the Rosenberg case, which was about a cell tower, not a solar farm. He explained that there is a clear difference between the situations. Solar has been taken out of the DSC. Cell towers are owned by the carrier and distributor of the service/utility. Solar arrays are different. The energy is created there, but is sold to a utility, then transferred to the grid. This is an open question, still being debated, so he asked the board not to fast track categorizing this project as a utility, and therefore eligible for a utility variance.
 - iv. How will metal pilings be installed? How will the contractors get through the extremely dense bedrock? How will the water table be addressed? There are wetlands, and a sole-source aquifer on the land in question. He stated that there is an archaeological site present on the land, and that SHPO will need to be contacted.
 - v. Mr. Miranda questioned the site selection process, asking how the site was chosen. Mr. Miranda believes they targeted it because there is open space and because it is close to the transmission lines.
 - vi. Mr. Miranda stated that Sigma Solar is a wholly owned subsidiary of Source Renewables of Connecticut, who found a location near a landfill in South Buffalo for a different solar array. A pristine open space may not be the best space.
 - vii. His final request was for the board to take their time, and to be thorough in your SEQR, SWPPP, wetlands, and special hazard areas.
- f. Justin Marchuska - 33 Thistlewood Dr.
 - i. Mr. Marchuska asked a series of questions, addressed to the board:
 - ii. How many years has Sigma Solar been in business? What is their background? Where does the money tie back to - does it stay in the US or go abroad?
 - iii. Where are panels constructed - in the US or elsewhere?
 - iv. Will the town have oversight of the project?
 - v. Poles should be part of the conceptual line of sight drawing - they are a big part of the eyesore. He referenced the array put in on Rt. 96 outside of Owego
 - vi. How will this land now be assessed? What are the dollars brought in? What are the taxes now, and what will they be?
 - vii. Mr. Miranda asked the board to look at Onondaga County, where they are discussing turning away projects due to the focus on supporting NYC.

- viii. He reminded the board that this is a distribution, not a transmission project. What are the savings?
- ix. Oversight - there should be something put into place with the town overall in regards to all solar projects that is cohesive
- x. Mr. Bordeau asked for clarification of savings on the usage (not on delivery). Mr. Milhaly stated it is approximately 10%
- xi. Mr. Bensley asked for clarification about the home office. Mr. Milhaly stated that there was an office in Connecticut a few years ago, but that they are based out of White Plains now.
- g. Mike Tokos, Colette Tokos - 321 Ingraham Hill Rd: sent in their comments
- h. Gordon Ichikawa - owner of land at 203 Ingraham Hill Rd., GRI Telecom - residing at 56 Gail Dr., Owego, NY
 - i. Mr. Ichikawa owns 74 acres on Ingraham Hill, with two communications sites (towers)
 - ii. Does not have a problem with solar in general, but he has concerns about the selection of this site
 - iii. One positive attribute of Ingraham Hill is that it is electromagnetically quiet. Solar panels can create electrical noise. He is asking the board to put restrictions/requirements for the remediation of interference caused by the panels in place, including if panels are added in the future.
 - iv. Some of the tenants rely on directional signals, which could be altered by this project. These are governed by the FCC. The FCC generally will not become involved until late in the construction process, which could be after much damage is done to the signals. Mr. Ichikawa is asking the board to give thought not only to the items pertinent to the public, but to recognize that this will also have an impact on businesses. He would like studies done regarding the impact of the solar array on his tenants, and to be proactive. Remedying the problems would be a tremendous expense.
 - v. Mr. Pope asked Mr. Ichikawa to email the board an idea of what specific studies would need to be completed. Mr. Ichikawa agreed to provide this information, and let the board know that there are additional stakeholders concerned about this interference. He concluded by stating that those who cause a problem/interference with the signal are responsible for the cost and completion of repair/remediation. The remediation is much more expensive and difficult retroactively.
- i. Tom Szajlewski - City of Binghamton - 45 Washington St.
 - i. Mr. Szajlewski had heard that there were changes made to the cannabis laws in the Town of Binghamton. He asked whether this was related to the solar array proposal, or if this project would fund anything with cannabis in the town.
 - ii. Supervisor Rounds responded that the town is implementing laws about distribution and consumption sites regarding hours of operation, etc. These are simply for management purposes, and are unrelated to the solar array project.
- j. Ed Grenchus - 1601 Campus Drive
 - i. Mr. Grenchus asked for the actual address of the access point on Powderhouse Road. There is not a specific address. It is where the transmission line is.
- k. Geralyn Yousuf - 57 Thistlewood Drive
 - i. Mrs. Yousuf asked for clarification of where Thistlewood Drive was located on the map.
 - ii. Mrs. Yousuf is concerned that more trees will be removed than the applicant is stating. She is within 500 feet of the project, and her view is only of trees.
- l. Krill Zaychik - 3337 Ingraham Hill Rd.
 - i. Mr. Zaychik pointed out that his property is going to look directly at the panels.

- ii. He then discussed concerns over the loss of the hedgerows the company is planning to remove. The hedgerows control the wind and the snow in winter by creating a barrier that slows the wind and catches the snow. Cutting the hedgerows removes this barrier.
 - iii. Most households have children picked up by buses. The roads are cleared now, but increased blowing snow will become a problem if the hedgerows are removed. The town will have to plow much more frequently, and the buses could struggle to get through.
 - iv. Newly planted trees will take years before they offer protection. In the meantime this will be a problem for the area.
- m. Dan Rinker
- i. Mr. Rinker presented the board with a series of articles which he states are educationally relevant to the board.
 - ii. He drew the board's attention to an Electromagnetic Field (EMF) risk study from March 11, 2022 from Solar Farms. He discussed his concerns about high rates of cancer in the area now, and his worry that the EMF field of the array could cause rates to rise.
 - iii. Mr. Rinker also stated that he and Mr. Mike Tokos (Ingraham Hill resident) have information from NYSEG which states that the transmission line must be upgraded.
9. Mr. Olds requested that the applicant provide a list of solar fields approved and built within 500 miles of the Town of Binghamton by Sigma Solar.
10. Mr. Goldberg responded to some of the resident and board concerns, stating that he would continue responses in writing for the next meeting.
- a. Readability of site plan - Mr. Goldberg showed the location of Thistlewood Drive on the map, and showed the treeline that will remain for residents. At the next meeting, the map will be marked to show the distances from the project to the residents on Thistlewood Drive.
 - b. Mr. Bordeau brought the attention back to Mr. Webb's question from earlier in the meeting, asking if there is an active agricultural assessment on the property. Mr. Goldberg stated he would clarify in writing.
 - c. Mr. Bensley asked that the houses be added/clarified within the drawing, and that the transmission poles be included in the site plans and optical views.
 - d. Mr. Pope asked that street names be included. Mr. Goldberg stated that they can create zoomed in views of each area, which will also include setbacks to the property.
 - e. Residents with additional questions should email Mr. Bordeau within the next day or two to be answered at the December meeting.
11. Mrs. Olds asked Mr. Goldberg to remain at the end of the meeting to clarify the names and titles of the representatives of the applicant.
12. Mr. Bordeau spoke to board: there was a request for the board to visit the site to look at lines of site. Should the board meet in early November to visit the site?
- a. If there is a house within 300 feet of the property, they should plan to plot the view
 - b. Board agrees on the 300 foot concept
 - c. The applicant was asked and agreed to prepare perspectives for any house within 300 feet of the project
 - d. The board reserves the right to modify and/or increase this in the future
13. Mr. Bordeau asked for the community's patience - there is much to do. This will be at least 3 more months, if not longer. We will post information on the town's website, and ask the public to send us questions.
- a. Ari asked if the community center has AV. No - the group should bring a projector. They can project onto the white wall.
 - b. Supervisor Rounds will assure that the Community Center is set up so that all in attendance can see the slides.
 - c. Mr. Olds and Supervisor Rounds will assure there is a working sound system.

- d. A resident asked a question about the SWPPP. Mark Bordeau gave assurance that the SWPPP will take an extensive amount of time - it will be thorough.

14. ADJOURNMENT

- a. Motion: Kevin Olds
- b. Second: Tom Bensley
- c. Vote - all in favor

15. LOOKING AHEAD: Next Meeting Monday, November 14, 2022, 6:30 p.m. at the **Town of Binghamton Community Center**

- a. Hearing for Area Variance, 3323 Maxian Rd.
- b. Continuing and Conducting Public Hearing for Public Utility Use Variance, 930 Powderhouse Rd.

Note: Representatives of the Project

Jeff McAuley - co-owner of the property
Ari Goldberg, Attorney - Barclay Damon
Matt Mihaly, Sigma/applicant - Associate
Andrew Day - Sigma/applicant
Tim Steed, PE - Hunt Engineers
Anthony Farrar - Hunt Engineers