



MINUTES

Town of Binghamton Planning Board

October 17, 2022 | 6:30pm

In attendance:

Bill McGowan, Kathy Kiekel, Ray Mastin, Dave West, Christopher Streno – Planning Board
Michael Donahue – Town Board Liaison
Rose Pope – Attorney
John J. Watson - ATLAS Renewables LLC

The meeting was called to order at 6:34pm.

Attendance was taken and the welfare of the Members was discussed.

Streno confirmed and thanked all members for completing the annual NYS Mandated Harassment Training.

Regarding the Mill Street development; An email received from Thomas Pappas of Griffiths Engineering was read to the members stating that the Mill Street developers are going through some revisions on the project and meeting with the city of Binghamton. They hope to resubmit an application by the next meeting and attend at that time.

Regarding the Atlas Solar (Binghamton Solar) project; John Watson was present and representing Atlas. He had been forwarded a list of concerns and questions that were generated by Members, mostly Ray Mastin.

The questions are below with the summarized responses by Jon Watson in blue;

ATLAS RENEWABLE PLANS Comments with rebuttals; (October 17, 2022)

No Professional Engineer Stamp or Documentation of the Designer of Record on documents.

JW: The initial drawings were stamped. These are intermediate drawings to be reviewed by the board. The final drawings to be approved will be stamped.

Site disturbance area exceeds 1 acre – SWPPP is required but not included.

JW: July 2021, we submitted preliminary SWPPP; Drainage map for pre and post conditions included



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NY-LAY-001

Erosion & Sediment Control Notes (E&SC)

Note 4

The contractor doing excavation shall have someone on-site that has completed the NYSDEC 4 hour Erosion & Sediment Control Course or approved equivalent.

JW: Acknowledged and agreed; final site plan will include this language; currently being drafted by engineering firm.

Note 4

ADD statement

Or after an "X" intensive rain event, i.e. 0.5" rain event.

JW: Acknowledged and agreed; final site plan will include this language; currently being drafted by engineering firm.

Schedule of Construction Activities Notes

Note 10

This note should be an E&SC note.

JW: Acknowledged and agreed

Note 11

Is the plan to use the existing material as backfill for utilities or will designed trench fill be used?

JW: existing material will be used for backfill

Note 16B

This seeding formulation should be included in project specification.

JW: Acknowledged; detailed description will be moved to another portion of the project specification

Note 18

Disposal of silt and sediment disposed of properly to prevent material from accumulating.

JW: Acknowledged. This is in the SWPPP

Survey Notes

Note 4

No Boundary Survey

A boundary Survey of the Original Parcel plus a survey of Leased Parcel MUST be provided and Certified by a Licensed Professional Land Surveyor. (PLS)

Also the survey MUST include the determination of the access between the parcel and the Public Roadways.

JW: Boundary survey and Leased Parcel Survey has not been completed due to us needing to get comment from the Zoning and Planning Boards which may materially affect the leased area. If the Board deems appropriate, we will commission our surveyor for this matter.



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Tax map are only reference documents.
How does project get laid out?
Tax maps cannot be used to demonstrate offsets dimensions.

Note 5
DIG SAFELY NY has been replaced by "UDig NY"
JW: Acknowledged

NY-LAY-002

Without a Survey by a Licensed Professional Land Surveyor this map is unacceptable.
It is based on a reference map. (Tax Map)

There is a question whether construction vehicles will be able to negotiate the sharp bends in the public roadways. (Stanford St. & Forest Hill Rd.)

JW: Acknowledged; we plan on using smaller flat-bed and box trucks.

Binghamton Solar LLC. Will need to acquire Road Use Agreements with the Town of Binghamton, the City of Binghamton and possibly with the County of Broome. (If Proof is not provided to the Board for Legal access to the project from Stanford Rd. or Forest Hill Rd. the company may find it necessary to create a service road from Powers Rd.)

JW: Acknowledged; applicant will apply for road-use permits as needed .

JW/ DB: We accrued a prescriptive easement by openly and notoriously using this for access for more than ten years.

This project will be Subject to a Final 239 Review.

JW: Acknowledged

NY-LAY-003

In the middle of this drawing is a label "Access Door", is this the gate to site?

The minimum width of the opening must be 20'.

The turn around and roadway width must be approved by the Town of Binghamton Fire Department.

JW: Acknowledged and agreed

Appendix D of the NYS Fire Code: Gates must be fire accessible. (Daisy chain Knoxbox Padlock)

This also needs Fire Department approval.

JW: Acknowledged and agreed; will include turnaround and access road specifications in updated and final site plan version.

Is the underground 12.5 KV power line running under the center of the access road or is off to the side?

JW: on the side of the access road



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NY-LAY-004

No detail sheet included.

JW: SWPPP is included

How is the proposed temporary diversion swale terminated to prevent overtopping?

What is the impact of this project on the County owned Powers Road and the highway's existing structures?

JW: There is a slight improvement to stormwater runoff post construction versus pre-construction; There are no impacts; please refer to the SWPPP

Table 4-4 Peak Runoff Rates Flow Rates

Table 4-4: Peak Runoff Flow Rates

Drainage Area	Storm Frequency (24-Hour)	Peak Runoff Flow Rate (cfs)		
		Pre-Development	Post-Development – Without Mitigation	Post-Development – With Mitigation
1	1-year	12.3	12.4	10.1
	10-year	44.1	44.5	36.0
	100-year	115.9	116.9	94.8
2	1-year	4.1	6.8	3.0
	10-year	20.5	32.8	14.8
	100-year	61.7	95.6	45.1

What about the adjoining owners on the northeast side of Powers Road?

JW: There is a slight improvement to stormwater management post construction versus pre-construction; There are no impacts; please refer to the SWPPP

What about the Stanford St. & Forest Hill Rd. residents?

JW: There is a slight improvement to stormwater management post construction versus pre-construction; There are no impacts; please refer to the SWPPP

Is there an existing conveyance for the Vegetated Treatment Swale?

JW:

Clearing and grubbing limits need to be shown.

JW: Clearing and grubbing are on drawing NY-LAY-002; will show labels on updated site plan set

OTHER

Plans need to include statements about altering and code compliance.

JW: Acknowledged and agreed; B&L completing the new notes section in the final site plan



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There were also some questions generated after review of the previous ZBA meetings. Those questions and concerns resulted in the following comments and/or commitments from Mr. Watson;

- the discussion of a PILOT Program is being revisited
- Affirmation that Community Solar is planned
- The construction project costs are estimated at \$8.7 million
- The project will be registered with the Public Service Commission
- Electrical poles will be on leased land (not property owner)
- Will have monitored security cameras
- Will be self-inspecting during construction
- Will send August 2021 Site Plan Review Application
- Will send July 2022 site plan drawing set
- Will send Survey Memo by Keystone Associates to Rose Pope re access to parcel
- Will send digital copy of supplemental Visual Impact Studies
- 1 printed copy of package for Planning Board Member
- Coordinate Boundary Survey; parcel boundary, leased area, plus access road
- Coordinate road-use agreements (Town, City, County)
- Atlas will apply for the Town permit; Atlas construction contractor will apply for the County and City permit, as needed, as they do in all their projects.
- Agree to install Chain link fence instead of planned deer fence (Solar Law requirement)

The discussion of Atlas/Binghamton Solar was concluded and Mr. Watson was excused.

For the next matter of business, the Members were asked to comment on the new Town of Binghamton Battery Energy Storage Systems and Equipment Law which they had previously been provided so that the Board may offer an Advisory Opinion to the Town Board. Ray Mastin, Bill McGowan and Attorney Pope were all active in the development of the new law and answered the few questions that came up. Afterwards the Board voted unanimously to recommend in favor to the Town Board for adoption and approval of the new Law.

The meeting was concluded and adjourned at 8:33pm.

The next regularly scheduled meeting will be held on Monday January 9th, 2023 however the board acknowledged that they will schedule a Special Meeting as soon as feasible to continue the Site Plan discussion with Binghamton Solar.

Respectfully submitted,

Christopher Streno -Planning Board Chairperson