

Town of Binghamton
Zoning Board of Appeals
February 27, 2023, 6:30 PM

Members Present:

Tom Bensley
Mark Bordeau
Theresa Taro
Meggan Olds
Tim Cooper, alternate
Alan Pope, Attorney
Gina Middleton, Attorney

The meeting was called to order at 6:22 PM. A request for an executive session was made by Mark Bordeau at 6:23 PM.

Tom Bensley made a motion to enter into executive session.

Tim Cooper second.

All were in favor.

A motion was made by Theresa Taro to end the executive session at 6:31 PM. Second by Tom Bensley. All in favor.

The public hearing reconvened at 6:31 PM.

Meggan Olds completed the roll call.

Public hearing: Atlas Renewables: Lluís Torrent and John Watson

1. The topography of the land justified making a change in the layout of the array
2. The result is a slightly smaller fenced area, with the full project still being the same number of acres as originally approved
3. Purpose is to move the array to a less steep slope
4. The 100 foot minimum buffer would still remain
5. SWPP: will improve hydrology by moving from steep areas to more flat slope areas
6. The SWPP will be updated with the building permit if this change is approved by ZBA and Planning Board
7. They have communicated with Dr. Bill Miller, town resident, regarding placing evergreens as a buffer between the solar array property and his property
8. SEQR review by Alan Pope: There was a great deal of work that went into all 3 parts of the original SEQR. Is what is proposed a greater, the same, or less environmental impact than what was proposed before?
 - a. Response from Atlas: This is less because panels are being moved from the steeper areas to less steep areas. This will decrease disturbance of the soil of steep slopes.
 - b. Also, the buffer is being kept, particularly in regards to Mr. Miller, and the overall impact to him is less because panels near his property are being moved to a new location.
 - c. In terms of line of sight, the impact will be equal or less.
9. Mr. Pope asked if Atlas can think of anything that would result in a greater environmental impact. Atlas responded that they did not, because they are moving off the steep slope.

Voice of the Public

1. Bill Miller - 137 Powers Rd., Binghamton, NY 13903
 - a. To his knowledge his is the only property that is impacted visually by this project
 - b. Atlas has been in discussion with him regarding where the company will plant and maintain a double row of evergreens
 - c. Mr. Miller would like to have the commitment to maintenance of the evergreens on paper. Mr. Donahue stated that this is on paper in the Planning Board paperwork.
 - d. Atlas was asked if there is a revised drawing of the plan to match the changes. They presented and went over the revised drawing.
 - e. Atlas stated that they agree to plant and maintain the evergreens, as per their most recent plan. As per Attorney Pope, this must be included in the SEQR- the conditions set forth in part III of the SEQR before will be maintained.

Votes:

1. Revote of SEQR 3: A resolution to approve a negative declaration on the same basis as the original determination and decision dated May 9, 2022 by the Zoning Board of Appeals.
 - a. Tom Bensley: Motion
 - b. Tim Cooper: Second
 - c. All voted in favor
2. A resolution to approve requested modification of the variance previously granted by the Zoning Board of Appeals by decision dated June 14, 2022 on the condition that all previous seven (7) conditions of the June 14, 2022 decision are applicable and continued.
 - a. Tom Bensley: Motion
 - b. Theresa Taro: Second
 - c. All voted in favor

Approval of minutes of 11/14/2022 meeting

1. Motion: Theresa Taro
2. Second: Tim Cooper
3. All voted in favor

Motion to adjourn:

1. Motion: Tom Bensley
2. Second: Tim Cooper
3. All voted in favor

Meeting adjourned at 6:52 PM

Respectfully submitted by Meggan Olds