



MINUTES

Town of Binghamton Planning Board

October 24, 2023 | 6:30pm

In attendance:

- Kathy Kiekel, Ray Mastin, Dave West, Bill McGowan, Christopher Streno – Planning Board
- Michael Donahue – Town Board Liaison
- Gina Middleton, Attorney
- Elizabeth Rounds – Town Supervisor

The meeting was called to order at 6:32pm. Attendance taken and the good and welfare of the Members was discussed.

Prior to the joint Legal Corner, Supervisor Rounds introduced Bob Strick as a new member of the ZBA as a result of the resigning of Mark Bordeau. Bordeau had been the Chairperson of the ZBA and current ZBA member, Theresa Taro, was introduced as the new Chair.

Attorney Middleton presented a joint Legal Corner for the Planning Board and Zoning Board of Appeals, the subject of which was 'Home Rule Law'. Middleton gave a general overview of the history of Home Rule and its origins within Article 9 of the New York State Constitution.

She described some of the pertinent aspects of the Bill of Rights of Local Governments, including giving towns the ability to elect officials and adopt local laws that deal with the property and affairs of local government.

The establishment of the NYS Constitution and the Bill of Rights of Local Governments limited the power of New York State to regulate municipal governments, however it does not limit the state's jurisdiction of schools or the state's ability to override local zoning in "affairs that concern the state". This caveat, although not well defined, gives the state the ability to challenge local government decisions based upon a substantial state concern. Those challenges are reviewed by the court and it is up to the court to determine what defines a "substantial state concern".

Middleton reviewed several case law examples of both the rights of Home Rule and the exceptions that have resulted in New York State's successfully challenging local laws and zoning.

Some questions were raised after the Legal Corner and there was discussion regarding the County's ability to impose similar challenges on local governments.



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For more details of Home Rule and adopting local laws, Middleton referred the members to a New York State publication; the James A. Coon Local Government Technical Series – Adopting

Local Laws in New York State. This publication is attached to the Minutes. The members of the ZBA left the meeting at the conclusion of the Legal Corner.

The first course of business was a discussion regarding Golden Valley Views, formerly referred to as the Mill Street Housing project. Chairperson Streno informed the Board that he received an email from Tom Pappas of Griffiths Engineering providing an update of the project. The email stated that they have met with CPL Engineering a few times and resubmitted plans in order to work out the remaining items that CPL had on their comment list.

The latest resubmissions were sent on Friday, October 20. The email further stated that they had not planned on attending the meeting because they wanted to have everything cleared up with CPL first. Pappas believes that everything “that could be addressed has been addressed”. They anticipate setting up a meeting with the Planning Board once CPL responds to their latest submission.

The next course of business was in reference to Access Unlimited, 570 Hance Road, and their plan to construct a building on their property. Streno relayed to the Board that an email from business/property owner, Tom Egan, stated that due to other projects with the business they have decided to put off the new construction until next year but reiterated that they are still planning to move forward with the plans and will be looking for Planning Board approval.

At Mr. Mastin’s suggestion, Streno advised he would remind Mr. Egan to make himself familiar with the town’s PDD zoning info.

The next course of business was an update regarding the Binghamton Solar Project on Powers Road. Supervisor Rounds was present and provided an update on the developments from the Town Board and their progress with the Host Agreement, Decommission Plan and Road Use Agreement. She also addressed a previous concern raised by the Planning Board regarding access to the property; she explained that a decision was made to stay with the plan to access the property via the city of Binghamton and Forest Hill Road. The concerns raised by the Planning Board were in regards to the several tight turns in that neighborhood and the ability, or difficulty of large construction vehicles to maneuver them. Supervisor Rounds reported that the contraction company will be using smaller trucks and equipment for the property access and therefore not looking for an alternative access point.



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Planning Board member Mastin provided a print out from the previous concerns/answers brought up to Atlas Renewables, specifically related to First Responder response and training regarding the Solar project site.

These are the questions and answers that were previously corresponded;

1. Who will routinely perform training for First Responders and subsequent training of “new” First Responders?

Atlas response: *Binghamton Solar LLC will provide training opportunities by opening the site for drills and familiarization purposes. The fire departments are well-equipped and accustomed to training their first responders on regular basis.*

2. Will Binghamton Solar contribute to training of First Responders and to the necessary equipment?

Atlas response: *Yes. Binghamton Solar will make the site, it's representatives and any future documentation available to the fire departments and its firefighters at any time for training purposes. Firefighters are trained to respond to emergencies at substations and other commercial facilities of similar nature already. The biggest concern is electrical shock and making sure the power is isolated from the inverter. There will be clearly marked electrical disconnect switches on site. There is no extra necessary equipment needed specifically for a solar farm.*

Mr. Mastin, who is a member of the Town of Binghamton Fire Department, did not agree with the highlighted responses from Atlas Renewables. Streno agreed to notify both TOB Fire Chief Lewis and John Watson from Atlas Renewables for discussion on these issues.

Members were given updated training hours for the calendar year. Mr. McGowan provided an additional training that he was not credited for.

With nothing further from the members, Attorney, Town Board Liaison or any members of the public, the meeting was adjourned at 7:24pm.

The next regularly scheduled Planning Board meeting is scheduled for Tuesday January 23rd, 2024 at 6:30pm.

Respectfully submitted,

Christopher Streno -Planning Board Chairperson