

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
July 20, 2022
VIA ZOOM**

I. CALL TO ORDER AND INTRODUCTIONS

- Chairman D. Chrzanowski called the meeting to order at 7:04 PM.
- Note - this meeting was conducted via Zoom as allowed by NYS law regarding COVID-19 spread prevention. These minutes serve as a transcript of the meeting.

II. ATTENDANCE

A. Planning Board Members:

Present: Doug Chrzanowski, Grady Updyke, Art Cacciola, Pam Moore, John Current, Tim Pollard, Georgeanne Eckley, Rawley Filbin, Chelsea Robertson, Matt Tomazin

Excused: Bryan Goodrich

Absent:

B. Ex Officio Members:

C. Local Officials: Jake Brown, County Legislator District 4; Dan Cheresnowski, Town of Newark Valley Code Enforcement Officer

D. 239m Review: Joann Lindstrom of Town of Owego; Brenda Faye-Pelotte of Town of Nichols; Michael Frateschi of TJA; Stuart Yetter, Town of Newark Valley Supervisor, Nathan Caplan of GLT Enterprises, LTD; Duane Blasdel of Mapleridge Ranch; Rick Haddock of Mapleridge Ranch; Emily Peters of LaBella Associates; Matt Lessard of Boehler Engineering; Bob Gage of GBT Realty; Jim Savage of Forys Savage, LLC

E. Guests: Karen Gunther of West Creek Road; Whitney and Fermin Romero of West Creek Road; Scott Sassina of WBNG TV

F. Staff: Elaine Jardine, Karen Warfle

III. APPROVAL OF AGENDA

- Approval of agenda as amended.

J. Current/T. Pollard/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of May 18, 2022 minutes.

P. Moore/J. Current/Carried
None Opposed
No Abstention

V. PRIVILEGE OF THE FLOOR

- None

VI. CORRESPONDENCE

- On file at the EDP Office

VII. NEW BUSINESS

A. 239 Reviews

1. County Case 2022-014: Town of Newark Valley, Solar Energy Special Use Permit and Site Plan Review, Town Board

The applicant is proposing to develop, construct and operate a 5 MW/AC solar photovoltaic system, with all appurtenances on said property on West Creek Road. This solar project will occupy approximately 20 acres of this 42-acre agricultural land property. Activities included the installation of a ground-mounted solar energy system consisting of solar modules/panels, new electrical equipment and accessories including an electric line, access road, and concrete pads containing transformers.

This subject property is within 500 feet of a property enrolled in the NYS Agricultural Districts Program; therefore, the Town of Newark Valley is going through the Ag Data Statement process. Much of the actual site of the proposed solar project within the subject property is in land that has been valued High Farmland Preservation Priority in Tioga County’s 2015 Agricultural and Farmland Protection Plan. This 40-acre field is actively farmed.

The applicant’s Decommissioning Plan states that the project will have a 35-year useful life and ensures the project owner will provide adequate financial resources to the Town of Newark Valley in the event of project abandonment.

This community distributed generation solar project is providing a direct benefit to community residents and provides another contribution toward clean energy production. However, this is active agricultural field with row crops on it now. Furthermore, according to Tioga County’s 2015 Agricultural & Farmland Protection Plan, the entire 40 acres of this property is within the highest preservation priority of agricultural land. Therefore, the highest and best use of this property, which is also in the floodplain, should continue to be agricultural row crops.

Staff advises the County Planning Board recommend disapproval of the solar energy special use permit and site plan review.

Q. T. Pollard – Is 35 years of life correct? This is first time we’ve seen a useful life this long, are they super special panels or are you overly optimistic about the useful life projection? **A. M. Frateschi** – The solar panels warrantee is for 25 years plus two five-year extensions. However, twenty-five years is the cut off for NYS funding/incentive program, so if that program were to stop, 25 years would be the end of useful life.

Q. A. Cacciola – If the property needs to be reclaimed to agriculture, is there enough money in place in advance to do this? **A. M. Frateschi** – Yes, there has to be some type of surety bond in place that renews on an annual basis with a small escalator. This bond must be in place before we pull the permits to begin construction.

Q. Tim Pollard – Are you aware that there is another solar project probably less than ¼ mile away across the creek in the Town of Candor? **A. M Fratecshi** – No I am not.

Q. P. Moore – Is this solar project 4 or 5 MW AC? **A. M. Frateschi** – It is planned for 4 MW AC. I know it said both in our project materials. **P. Moore** – Did you have to restrict the project to 4 MW AC? **A.**

M. Frateschi – Yes because of limitations on thermal loading of the sub-transmission line. **T. Pollard** – It could be because of that other nearby solar project.

Q P. Moore – Is this land being purchased or leased? **A. M. Frateschi** – Leased. **E. Jardine** commented that lease materials were required by the Town of Newark Valley law and this was not provided.

Q. P. Moore – This land is the highest rated prime farmland in Tioga County, yet the Decommissioning Plan says it will restore the land to meadow conditions. Is this adequate for restoration to agriculture? **A. M. Frateschi** – Well now we have the condition that the land is to be restored to agricultural conditions as required by NYS Ag & Markets for requirements for agricultural restoration, so we will have to account for that in the decommissioning security.

Q. D. Chrzanowski – This land is in the floodplain and adjacent to the floodway. How are you going to turn these panels off during a flood event? **A. M. Frateschi** – There are two forms of shut offs – one remotely and one manual at the front of the site that should be accessible even during a flood. All equipment is outside the floodplain on the site. **E. Peters** – Additionally the solar panels will be sitting at two feet above the 500 year floodplain elevation and all the wiring is at 2 feet above the 500-year elevation.

C Matt Tomazin – As we have resources now such as the Ag & Farmland Protection Plan and the Solar Best Policies and Practices Plan, I believe we should be following them.

Motion to recommend disapproval of the solar energy special use permit and site plan review:

T. Pollard/D. Chrzanowski/Carried	
Yes	10
No	0
Abstention	0

2. County Case 2022-015: Town of Owego, Solar Energy Law and Zoning Amendments, Town Board

The Town of Owego has developed regulations for solar energy projects that will be allowed in all zoning districts. Solar energy projects will not be allowed within wellhead areas. The Town’s proposed solar energy law is very close to NYSERDA’s model law. The three local laws will comprehensively address regulation of solar energy projects, small and large, located within the Town of Owego.

Staff advises the County Planning Board recommend approval Solar Energy Law and Zoning Amendments.

Q. D. Chrzanowski – How do you define size of a large-scale solar project? Because a residential ground-mounted solar system can sell electric offsite as well. **A. J. Lindstrom** – I am unsure. We will consider something.

Q. T Pollard – Will the town have any special considerations for projects on active agricultural land and within the Agricultural Zoning District? **A. J. Lindstrom** – No, but the Town Board can consider something like that.

Motion to recommend approval of the Solar Energy Law and Zoning Amendments:

C. Robertson/M. Tomazin/Carried	
Yes	10
No	0
Abstention	0

3. County Case 2022-016: Town of Nichols, Solar Energy Special Use Permit and Site Plan Review, Tioga Downs

The applicant is proposing to construct and operate a 0.25 MW/AC major solar collection system on 2.2 of 50.9 acres on their own property.

The project will be a ground-mounted solar array that will use rotating solar photovoltaic panels that are 10 feet high. The panels will be mounted to an aluminum or steel racking system utilizing driven posts or helical ground screw. Electric wiring will be routed in conduit underground and connected to an existing transformer before the electric goes to the facility for private use. The solar project is within the 0.2% annual chance FEMA Special Flood Hazard Area (500-year floodplain), so floodplain regulations are not applicable. This solar PV power generation project will provide a direct benefit to the Tioga Downs by discounting electric rates for the facility. This proposal meets all applicable Town of Nichols codes and regulations.

Staff advises the County Planning Board recommend approval Solar Energy Systems Special Use Permit and Site Plan Review with the conditions that the applicant conducts a consultation with NY SHPO for historic and cultural resources affects.

Q. D. Chrzanowski – This is in a 500 year floodplain and still can experience flooding so will the Tioga Downs facility have full control? **A. B . Faye-Pelotte** – I don’t know for certain, but I would suspect so.

Q. P. Moore – Are they hooking the generated power into the grid? **A. B. Faye-Pelotte** – No, the power is for their own private use.

Motion to recommend approval of the Solar Energy Systems Special Use Permit and Site Plan Review:

A.Cacciola/T. Pollard/Carried	
Yes	10
No	0
Abstention	0

4. County Case 2022-017: Town of Owego, Site Plan Review, Franklin Land Associates, LLC

The applicant is requesting site plan review to construct, establish and operate a 10,640+/- square foot general retail store. The store will be open 8:00 AM to 10:00 PM daily. Applicant expects the store to have eight to ten employees with approximately 30 vehicle trips during peak hours in morning and evening.

That applicant has not provided signage plans at this time.

Because this property is within 500 feet of a property enrolled in the NYS Agricultural Districts Program, the Town of Owego is going through the Agricultural Data Statement process.

This proposed use is an appropriate land use for the character of the area. The proposal appears to be compliant with the Town of Owego codes. It will be a benefit for the neighboring residents to have such a general store adjacent to the residential area.

Staff advises the County Planning Board recommend approval Site Plan Review with the conditions that the applicant complies with NYS DOT Region 9 Site Plan Review comments and requirements, that the applicant provides signage plans that comply with the Town of Owego’s sign regulations and that applicant and the Town Planning Board agrees on the amount of parking spaces both designated and overflow and that the Town goes through the Ag Data Statement process.

Q. D. Chrzanowski – There is another Dollar General less than a mile away across the bridge, are you certain this new store is needed? **A. B. Gage** – Yes, this store will serve a different audience and our market research shows this new store will be successful. By the way, there is a sidewalk planned now after discussing with NYS DOT Region 9.

Q. C. Robertson – What is the building going to look like? **A. B. Gage** – It will be prototypical as the community’s zoning regulations do not require anything special, but we will entertain requests. **C. Robertson** commented that the town should negotiate an upgraded building in exchange for the extra parking spaces.

C. Doug Chrzanowski – This area of State Route 17C is in the area of a changing speed zone and could be problematic. Just wanted to note this for the record.

Motion to recommend approval of the Site Plan Review with the conditions noted:

T. Pollard/G. Eckley/Carried	
Yes	10
No	0
Abstention	0

5. County Case 2022-018: Town of Barton, Site Plan Review, GLT Enterprises, LTD

The applicant is proposing to construct and operate two new pole barns directly across the highway from his current business, NASCO Carpets. The applicant plans to construct the two 28x100-foot pole barns for storage of inventory. This would eliminate six tractor-trailers they are currently using for storage.

Applicant states the buildings will have no electricity, water, or sewer. Construction is expected to take about two months.

This property is within 500 feet of a property participating in the New York State Agricultural Districts Program; therefore, the Town of Barton needs to conduct the Agricultural Data Statement process.

This proposed storage use is logical given the applicant’s current storage situation. The two new buildings will make the applicant’s current site much cleaner and more aesthetically pleasing.

Staff advises the County Planning Board recommend approval Site Plan Review with the conditions that the applicant complies with NYS DOT Region 9 Site Plan Review Committee’s comments and requirements and that the Town goes through the Ag Data Statement process.

Motion to recommend approval of the Site Plan Review with the conditions noted:

A. Cacciola/C. Robertson/Carried	
Yes	9
No	0

Abstention 1 (Grady Updyke)

6. County Case 2022-019: Town of Owego, Site Plan Review, Forys Savage, LLC

The applicant is requesting site plan review to relocate their existing storage shed sales facility to this new location. There will be approximately 40 sheds on the property at any given time. There will also be a small office shed on site at 10x20 square feet. The business has no employees other than the two owners. The hours of operation are 11:00 AM to 5:00 PM three days per week and Saturday 10:00 AM to 1:00 PM during summer and fall and additionally by appointment only during winter and spring. Applicant states they have only about three customers per day. The applicant has not provided signage plans at this time, but does plan to install a light pole.

This proposed use is an appropriate land use for the character of the area. The proposal appears to be compliant with the Town of Owego codes.

Conditions:

1. That the applicant obtain all required state, county and local permits, licenses and registrations.
2. That applicant comply with NYS DOT Region 9 Site Plan Review Committee’s comments and requirements.
3. That the applicant submits signage plans that comply with the Town of Owego’s code and regulations for signs.

Staff advises the County Planning Board recommend APPROVAL of the Site Plan Review with the conditions noted above.

Q. T. Pollard – Is this the same applicant as last year’s office building applicant? **A. D. Chrzanowski & E. Jardine** – No that was a different applicant adjacent to this location.

Q. A. Cacciola – Will the light pole contribute to night sky pollution? **A. J. Savage** – No and we are not open at night.

Motion to recommend approval of the Site Plan Review with the conditions noted:

C. Robertson/R. Filbin/Carried	
Yes	10
No	0
Abstention	0

7. County Case 2022-020: Town of Owego, Site Plan Review and Special Use Permit, Mapleridge Ranch

The applicant is requesting site plan review to relocate their existing children’s summer camp facility from Montrose Turnpike to this location on Holmes Road. The summer camp hosts typically hosts 500 to 600 children campers per summer. The launch phase of the camp includes construction of an open-air pavilion, camper cabin and the chapel. They will be improving the roadway. The applicant is now working with an engineer to design the private water, septic and electrical systems. The applicant has not provided signage plans at this time. This proposed use is an appropriate land use for the rural character of the area. The proposal appears to be compliant with the Town of Owego codes.

Conditions:

1. That the applicant obtain all required state, county and local permits, licenses and registrations.
2. That the applicant submits signage plans that comply with the Town of Owego’s code and regulations for signs.
3. That the applicant and Town Planning Board agree upon the number of parking spaces to be provided in the designated parking area.

After thorough consideration of the above, Staff advises the County Planning Board recommend APPROVAL of the Site Plan Review with the conditions noted above.

Q. D. Chrzanowski – Are you bringing everything over to the new location (e.g. Horses, etc.) **A. R. Haddock** – Not everything. There is a logging road we will use to travel back and forth from the Montrose Turnpike site to utilize some of the facility/resources on that original site.

Q. D. Chrzanowski – The properties are adjacent, so you can build roads between them? **A. R. Haddock** – Yes, and there is a lake on the Holmes side.

Q. D. Chrzanowski – Will you be able to enter on the Holmes side if approved? **A. R. Haddock** – Yes, that will be the primary entrance into the area.

Q. P. Moore - Does this move have to do with the approved nearby solar project or some other reason? **A. R. Haddock** – It has to do more with the adjacent property becoming available. **D. Blasdel** – It did increase our desire to get on the other side faster.

Q. D. Chrzanowski – Both properties will be maintained? **A. D. Blasdel** – Yes.

Motion to recommend approval of the Site Plan Review with the conditions noted:

P. Moore/G. Eckley/Carried	
Yes	10
No	0
Abstention	0

VIII. REPORTS

A. Local Bits and Pieces – deferred until next regular meeting.

1. **Town of Candor** (A. Cacciola)
 - No report.
2. **Town of Tioga** (D. Chrzanowski)
 - No report
3. **Town of Berkshire** (T. Pollard)
 - No report.
4. **Town of Newark Valley** (M. Tomazin)
 - No report.
5. **Town of Barton** (G. Updyke)
 - No report.
6. **Town of Owego** (J. Current)
 - No report.

- 7. **Town of Nichols** (P. Moore)
 - No report.
- 8. **Village of Waverly** (R. Filbin)
 - No report.
- 9. **Village of Owego** (G. Eckley)
 - No report.
- 10. **Alternates** (B. Goodrich, C. Robertson)
 - No report.

B. Staff Report:

- Nothing other than what was sent in the meeting packet.

IX. OLD BUSINESS

- None.

X. ADJOURNMENT

- A. Next Meeting August 17, 2022, @ 7:00 PM via Zoom.
- B. Motion made to adjourn at 8:43PM. M. Tomazin/T Pollard/Carried.

Respectfully submitted,
Elaine Jardine, Tioga County Planning Director
Economic Development & Planning