

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
December 17, 2025
Tioga County Health & Human Services Building, Room #2139**

I. CALL TO ORDER AND INTRODUCTIONS

- Chair D. Chrzanowski called the meeting to order at 7:00 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Doug Chrzanowski, Joe Budney, Art Cacciola, John Current, Vicki Davis, Sam Davison, Georgeanne Eckley, Jim Marzen, Pam Moore, James Tornatore, Grady Updyke

Excused: None

Absent: Bryan Goodrich

B. Ex Officio Members: None

C. Local Officials: Charles Davis, Town of Richford Supervisor

D. 239m Review Applicants: Joe Karpel, Val-U Auto; Brenda Fay-Pelotte, Town of Nichols Deputy Supervisor; Keegan Coughlin, Coughlin & Gerhart LLP

E. Guests: Sara Zubalsky-Peer, Tioga County Economic Development & Planning

F. Staff: Elaine Jardine, Colleen Chrzanowski

III. APPROVAL OF AGENDA

- Approval of agenda as presented:

J. Current/S. Davison/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of October 15, 2025 minutes noted corrections:

P. Moore/J. Current/Carried
None Opposed
Abstention: A. Cacciola (Excused from Oct. Meeting)

V. PRIVILEGE OF THE FLOOR

- None

VI. NEW BUSINESS

A. 239 Reviews

1. County Case 2025-024NA: Town of Barton, Residential Setback, Orlandi

E. Jardine reported that this is a No Action review. The Town of Barton Planning Board reviewed a residential setback which is in their building code. This is a No Action for the Tioga County Planning Board since it pertains to a residential use.

2. County Case 2025-025: Town of Nichols, Solar Energy Systems Local Law Amendment, Town Board

The Nichols Town Board, Town Planning Board and Town Attorney have been working diligently over the past several months to amend the existing Solar Energy Systems law that is within their zoning code to add more restrictions to the permitting and location of commercial solar energy systems, which they feel were necessary to protect the general health, safety and welfare of their residents. Please see the attached proposed local law. Tioga County Planning staff have conducted an informal review of this proposed law prior to going through the local approvals process, therefore, the language in red line is what the Town Attorney and Town Board agreed to change upon staff suggestions for changes.

This action is a Type 1 Action according to SEQRA as the adopted changes in the allowable uses within any zoning district will affect more than 25 acres. Therefore, the Nichols Town Board has provided a completed, dated and signed Part 1 of the Full EAF.

Comments:

In addition to the Tioga County Planning staff input in redline text, staff also is concerned that prohibiting commercial solar energy systems to locate in the Agricultural-Residential District, which encompasses a vast majority of the town's land area, might pose a taking as private landowners throughout the A-R zoning district will no longer be allowed to locate commercial solar energy systems on their property. A zoning taking results when zoning regulations restrict the use of private property to the extent that the landowner is substantially deprived of its reasonable use or value, even if it does not deny all economically viable uses.

After discussion with the Town Attorney regarding this specific concern, County Planning Staff still feel this law amendment potentially poses a regulatory taking. However, the Town Attorney is adamant that this proposed zoning restriction as written is defensible in a court of law and furthermore, this is the Nichols Town Board's intention and right, and the Town Board is willing to take this risk.

Conditions:

1. None.

After thorough consideration of the above, Staff advises the County Planning Board recommend Approval of the Solar Energy Systems local law amendment.

Q. D. Chrzanowski –What is the megawatt level that the State of New York regulations will supersede this Town of Nichols law. **A. E. Jardine/K. Coughlin** – A solar farm of 25 megawatts or more will be ruled by New York State regulations.

Q. D. Chrzanowski – If a solar farm is being implemented for 30 megawatts, how does this local law affect the New York State regulations. **A. K. Coughlin** – If this happened, it would not invalidate the local legislation. The New York State regulations mandate that with a solar farm over 25 megawatts, authority is taken out of the local governing ability. Local law site restrictions would still need to be complied with which means towns can still control the decommissioning. Towns can still petition for intervenor funds to advocate for as much of the local law to be followed.

Q. P. Moore – Pertaining to decommissioning, normally we see this set up with bonds. I see this law allows for letters of credit. What is the difference? **A. K. Coughlin** – It functions that same way. They can use either to ensure the municipality has enough money for decommissioning. The major change in this law is that the letter of credit provides more flexibility to secure the decommissioning amount and it allows the Town of Nichols to revisit that amount at least annually to account for increased decommissioning costs. **A. E. Jardine** – Bonds have a lot more steps to them. A letter of credit is easier.

Q. D. Chrzanowski – Does this law have a provision for penalty if the solar developer does not pay an annual PILOT and grieves to the town assessment board for reassessment to lower costs of fire insurance? **A. K.**

Coughlin – This law does not address that. In my experience, that issue is addressed in the PILOT agreements or the host community agreements.

Motion to recommend Approval of the Solar Energy Systems local law amendment:

J. Current/J. Marzen/Carried

Yes 11

No 0

Abstentions 0

3. County Case 2025-026: Village of Owego, Special Use Permit, Val-U Auto

The applicant plans to add a dismantling operation to their existing towing and auto salvage business/property located on Southside Drive. The applicant is required to obtain a NYS DMV vehicle dismantling license.

Applicant states that current hours of operations are Monday – Friday 8:00 AM to 5:00 PM with towing 24/7, will remain the same. Number of employees will not change. There will be no exterior changes to the property.

Pursuant to 6NYCRR Part 617 SEQR, the Village of Owego Code Enforcement has categorized this project as an Unlisted action. Therefore, the Village has provided a Short EAF Part 1 that has been completed, signed and dated by the applicant.

Comments:

It is the municipality's responsibility that this project complies with all applicable Village of Owego code requirements, even those that are not cited in this document. It is the applicant's responsibility to obtain all required federal, state and local permits, licenses and registrations.

Conditions:

1. That the applicant complies with the NYS DOT Region 9 Site Plan Review Committee's comments and requirements.
2. That the applicant stores the dismantled vehicle parts within a building to comply with the Village Zoning code.
3. Before the applicant constructs the dismantling storage building, they must come back through the entire local approvals process for site plan review and approval.

After thorough consideration of the above, Staff advises the County Planning Board recommend Approval of the Special Use Permit with the conditions noted.

Q. E. Jardine – There was conflicting information and no site plan provided. Are there plans to build another building on this site for the dismantling operation and storing vehicle parts? **A. J. Karpel** – Yes, that is our plan. A car would come into the building with shelving on both sides for parts. It will be built on the lower portion of the property.

Q. S. Davis – Wouldn't ValuAuto need to come back local approvals for site plan review if they intend to build a storage building? **E. Jardine** – Yes, that is the case. ValuAuto will have to come back through the entire local approvals process for site plan review and approval before they construct a storage building. We need to add this to the conditions. If this changes, and a building will not be constructed, ValueAuto will need to apply for a variance from the Zoning Board of Appeals to store parts outdoors instead of within a building as the Village Zoning Code requires.

Motion to recommend Approval of the Special Use Permit with the conditions noted:

J. Current/J. Tornatore/Carried

Yes 10

No 1 (S. Davison)

Abstentions 0

VII. REPORTS

A. Local Bits and Pieces

- 1. Town of Barton** (G. Updyke)
 - No report.
- 2. Town of Berkshire** (S. Davison)
 - S. Davison reported that the Town of Berkshire has a new Highway Superintendent, two new Board members, a new Supervisor and a new Judge.
- 3. Town of Candor** (A. Cacciola)
 - A. Cacciola reported that Sunday, December 21st , is the Candor Fire Department Christmas Pancake Breakfast from 7:30 am to 10:30 am.
- 4. Town of Newark Valley** (J. Marzen)
 - No report.
- 5. Town of Nichols** (P. Moore)
 - No report.
- 6. Town of Owego** (J. Current)
 - No report.
- 7. Village of Owego** (G. Eckley)
 - No report.
- 8. Town of Richford** (V. Davis)
 - No report.
- 9. Town of Spencer** (J. Budney)
 - No report.
- 10. Town of Tioga** (D. Chrzanowski)
 - No report.
- 11. Village of Waverly** (Vacant)
 - No report.
- 12. Alternates** (B. Goodrich, J. Tornatore)
 - B. Goodrich – Not in attendance.
 - J. Tornatore – Asked that a reminder be passed onto Town/Village Clerks to make sure email information on new officials appointed/elected be sent to

Tioga County or to him at JTornatore@stny.rr.com for the Council of Governments.

- J. Tornatore – Reported that he has retired as the Village of Newark Valley but will be actively involved with other town/county projects.
- J. Tornatore – Reported that New York State DEC approved a grant for the Slossen Creek Watershed Assessment.
- J. Tornatore – Reported that the Village of Newark Valley Highway Barn burnt down. Decisions for replacement of the structure and equipment have not been made yet as the situation is still being analyzed.

B. Staff Report:

- E. Jardine asked that Planning Board members hand in mileage reimbursement forms.

VIII. OLD BUSINESS

None.

IX. ADJOURNMENT

- A.** Next Meeting January 21, 2026, @ 7:00 PM at HHS Building Room #2139.
- B.** Motion made to adjourn at 7:45 PM. J. Tornatore/J. Current/Carried.

Respectfully submitted,

Colleen Chrzanowski
Tioga County Planning Board Recording Secretary