

**TIOGA COUNTY PLANNING BOARD  
MEETING MINUTES**

**April 21, 2021**

~~Ronald E. Dougherty County Office Building  
Legislative Conference Room — Main Floor  
56 Main Street, Owego, NY~~

**7:00 PM**

**I. CALL TO ORDER AND INTRODUCTIONS**

- Chairman D. Chrzanowski called the meeting to order at 7:01 PM.
- Note - this meeting was conducted via Zoom as allowed by Governor Cuomo Executive Order and extensions regarding COVID-19 spread prevention. These minutes also serve as a transcript of the meeting.

**II. ATTENDANCE**

A. Planning Board Members:

**Present:** Doug Chrzanowski, Grady Updyke, Tim Pollard, Mike Reynolds, Art Cacciola, Tim Goodrich, Pam Moore, Matt Tomazin, Chelsea Robertson, John Current, Rawley Filbin

**Excused:** Georgeanne Eckley

**Absent:**

B. Ex Officio Members:

C. Local Officials: Christine Lester, Village of Spencer Planning Board

D. 239m Review: Roxanne Sullivan and William Garrison of Spencer Animal Hospital, Kyle Kreft of GEM Energy, and Kelly Sullivan of Bergmann PC

E. Guests: Rebecca Maffei, Tioga County Tourism Director, and Charles Lawton of the National Park Service

F. Staff: Elaine Jardine

**III. APPROVAL OF AGENDA**

- Approval of agenda.

D. Chrzanowski/M. Reynolds /Carried  
None Opposed  
No Abstentions

**IV. APPROVAL OF MINUTES**

- Approval of March 17, 2021 minutes with on corrections on page 2 and 4.

T. Pollard/P. Moore/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 2021-008: Town of Newark Valley, Solar Energy Special Use Permit, GEM Energy

The applicant is proposing to develop, construct and operate a 250 KW /AC solar photovoltaic system, with all appurtenances, via lease agreement with the property owner located on the corner of Howard Hill Road and Prentice Hill Road. This solar project will occupy approximately 2.76 acres of this 115-acre vacant land property. This Community Distributed Generation solar project will generate enough energy to provide 25 area households with a reduced energy bill. The applicant has interconnection agreement with NYSEG for this project. A twenty-foot wide access driveway will be constructed from Prentice Hill Road to the solar panel facility.

The solar panels, which will be approximately nine feet high and have a 25-degree tilt, will be installed via a racking system that is supported by steel pile driven into the ground. There will be four rows of solar arrays with trenches in between that are wide enough to accommodate and infiltrate stormwater runoff from the angled panels. Additionally, a bio retention area will be constructed at the bottom of the solar arrays. . The applicant has developed a SWPPP and submitted it to NYS DEC. All electric conduits will be installed underground. Solar arrays will be surrounded by a perimeter fence to prevent entry into the project site. Maintenance will entail mowing between and under the arrays and periodic inspections.

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 Medium Farmland Preservation Priority in Tioga County's 2015 Agricultural and Farmland Protection Plan. However, the Newark Valley Town Supervisor reports this field has not been actively farmed in several years and therefore has become fallow, typically covered with low brush.

The applicant has provided a Decommissioning Plan that ensures the project owner will provide adequate financial resources in the form of a surety bond to the Town of Newark Valley in the event of project abandonment.

Staff recommends approval of the solar energy special use permit with the condition that the applicant follows NYS Department of Agriculture & Markets guidance for agricultural mitigation restoration requirements upon decommissioning the solar project.

**Q. P. Moore:** I just have a comment about the loss of farmland due to a lot of solar projects being located in Tioga County. Brush can be cleared with a brush hog and the land easily farmed again. Solar panels cannot be cleared easily to return the land to agricultural purposes.

**Q. M. Reynolds:** Which 25 local properties will benefit from this solar project? **A. K. Kreft** – Anyone that subscribes to the distributed solar energy service. **M Reynolds:** Are any local residents interested? **K. Kreft** - Residents all over NYS are interested. **M. Reynolds** – There is also a discrepancy in your informational materials on the life of this solar project; on page 3 in the Decommissioning Plan it says thirty-five in text and 30 in parentheses. Which is it? **K. Kreft** – The solar panels warranty is typically 25 years, and the other equipment life is 30 or 35 years.

**Q. D. Chrzanowski:** In general, there seems to be tendency for solar developers to locate project in desirable farmland, rather than looking at other, less valuable farmland. In this specific case, why couldn't your company move the project more west on this large project, in a hillier area instead of on the flat portion of the property that is better for farming? **A. K. Kreft** – In this case the steeper, wooded hillside would add cost to the project, and this location was the property owner's preference, as they are planning to build a house on that hillside area of the property.

**Q. T. Goodrich:** How does this project benefit the local community? **A. K. Kreft** – These solar projects benefit any electric user as it supplements the energy provided by the electric company, thereby providing back up in the case of a power outage.

**Q. T. Pollard:** Is the Mayor of the Village of Newark Valley still trying to recruit a solar developer to that cleared prior industrial site? **A. E. Jardine** – Based on the experience we've had as a Board reviewing these solar projects, it seems that a site that is less than 2 acres would be too small for a solar project.

**Q. M. Tomazin:** I live on Prentice Hill Road so I am very familiar with this site as I drive past it every day. Why is this proposed project so small? **A. K. Kreft** – Because we are working with the electric utility infrastructure as it exists today. A larger project would require significant upgrades to the nearby electric utility infrastructure, and add too much cost making the project it financially unfeasible.

**Motion to recommend disapproval of the solar energy special use permit with the condition noted:**

<b>P. Moore/T. Pollard/Carried</b>	
<b>Yes</b>	<b>6</b>
<b>No</b>	<b>4</b>
<b>Abstention</b>	<b>1 (M. Tomazin)</b>

**2. County Case 2021-009: Village of Spencer, Site Plan Review, Spencer Animal Hospital**

The applicant is requesting site plan review approval to convert and utilize the existing one-story commercial structure at the corner of Main and Brook Streets into a veterinary hospital. They are relocating this office from the Town of Spencer. The applicant also plans to add a 1,040 square foot addition to the north side of the building. The current entry to this building, which is on the south side of the building (not the side where the driveway is) and the entry ramp will both be reconstructed to be ADA-compliant. The interior will be totally gutted and redesigned, including making the bathroom ADA-compliant.

Applicant expects this new office location will operate with the same conditions as they have at their Town of Spencer location. Their current office has seven part-time employees, with two to four working on site at any given time of day. Customer traffic generation is expected to be two to three vehicle trips per hour. Hours of operation are a total of 44 hours per week, with the business operating various hours during the day six days a week, Monday through Saturday. .

Hazardous materials on site include needle sharps and pet wastes. Sharps are properly contained on site and collected for disposal by a licensed hazardous waste company. Pet waste is frozen on site until picked up by a local veterinary crematorium.

Applicant expects construction to take six months from start, with the goal to be operating at this new location by the end of 2021. The proposal to rehabilitate and update this existing structure to current code requirements will make this building safer, and at the same time ensure this property stays productive and contributes to Spencer community's economy and tax base.

Staff recommends approval of the site plan review with the conditions that the applicant complies with NYS DOT Region 9 Site Plan Review’s comments and requirements, and that the applicant complies with Tioga County Public Health Department’s requirements for getting the property’s septic system and water well refuncting again.

**Q. T. Pollard:** Does the Village of Spencer have a sign ordinance? **A C. Lester** – Yes, we do. I have discussed the sign with the applicant and they intend to utilize the existing sign structure as much as possible and comply with the Village’s sign regulations.

**Motion to recommend approval of the site plan review with the conditions noted:**

<b>T. Pollard/T. Goodrich/Carried</b>	
<b>Yes</b>	<b>11</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

**3. County Case 2021-010: Village of Spencer, Site Plan Review, CPK Storage**

The applicant is requesting site plan review approval to expand his current storage facility by two 48’x132’ units. Applicant plans to construct the first unit (Phase 1) before fall 2021. Phase 2 or the second unit will be completed as demand dictates.

This project is located within FEMA’s 1% annual chance Special Flood Hazard Area, so the applicant must obtain a floodplain development permit from the Village’s Code Enforcement Officer and comply with the Village’s Flood Damage Prevention law for new non-residential construction. Additionally this location is within 500 feet from land enrolled in the NYS Agricultural Districts Program; therefore, the Village of Spencer Planning Board is going through the Agricultural Data Statement process. Please see attached form.

Applicant states current ground is graded naturally in a manner that will drain water away from new structures. There are no plans for new lighting and no employees. Hours of operation are from dawn to dusk daily. Applicant estimates additional traffic of five cars per week.

It is beneficial to the Spencer community that an existing small business is willing to expand during these difficult financial times. However, floodplain regulations must be followed, and furthermore if the applicant determines grading on the land is necessary because it is not naturally graded adequately, the area of disturbance must be limited to under one acre.

Staff recommends approval of the site plan review with the conditions that the applicant complies with NYS DOT Region 9 Site Plan Review’s comments and requirements, and that the applicant complies with Village of Spencer’s Flood Damage Prevention law and obtains a floodplain development permit.

**Motion to recommend approval of the site plan review with the conditions noted:**

<b>J. Current/R. Filbin/Carried</b>	
<b>Yes</b>	<b>11</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

**B. National Parks Service Finger Lakes National Heritage Area Study and Support Resolution**

Chuck Lawson of the National Parks Service in Denver, CO presented on the Feasibility Study they have been conducting for designation of 14 counties, Tioga County included, as the Finger Lakes National Heritage Area. The NPS is now soliciting public comments and documentation of community support. Chuck emailed E. Jardine the presentation slides. She will email the slides to the Board members. E. Jardine showed the Board members the resolution she drafted for the County Legislature to pass at their May meeting, and is asking the Planning Board to pass a similar resolution. She will place the resolution on County Planning Board letterhead and replace references to the County Legislature with County Planning Board.

- **Motion to recommend approval of resolution in support of the Finger Lakes National Heritage Area Designation.**

**D. Chrzanowski/T. Pollard/Carried  
None Opposed  
No Abstention**

**VIII. REPORTS**

**A. Local Bits and Pieces** (deferred until next month due to length of meeting, with the exception of a brief discussion on crisis of municipalities losing their code enforcement officers)

1. **Town of Candor** (A. Cacciola)
2. **Town of Tioga** (D. Chrzanowski)
3. **Town/Village of Spencer** (T. Goodrich)
4. **Town of Berkshire** (T. Pollard)
5. **Village of Newark Valley** (M. Reynolds)
6. **Town of Newark Valley** (M. Tomazin)
7. **Town of Barton** (G. Updyke)
8. **Town of Owego** (J. Current)
9. **Town of Nichols** (P. Moore)
10. **Village of Waverly** (R. Filbin)
11. **Village of Owego** (G. Eckley)

**B. Staff Report:**

- Nothing other than was provided in the meeting packet.

**IX. OLD BUSINESS**

- None.

**X. ADJOURNMENT**

A. Next Meeting May 19, 2021, @ 7:00 PM via Zoom.

B. Motion made to adjourn at 7:45 PM. G. Eckley/C. Robertson/Carried.

Respectfully submitted,

Elaine Jardine, Tioga County Planning Director

Economic Development and Planning