

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
August 17, 2022
VIA ZOOM**

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 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, Bryan Goodrich

Excused: Rawley Filbin, Chelsea Robertson, Matt Tomazin

Absent:

B. Ex Officio Members:

C. Local Officials: Barbara Roberts, County Legislator

D. 239m Review: Shannon and Rob Etienne of Labrador Lumber, Tim Gourley of Tract Engineering, Anthony Albanese, Jason Kline of CSG Developers, Sarah Eberly of Catskill Shed Company

E. Guests: None

F. Staff: Elaine Jardine, Karen Warfle

III. APPROVAL OF AGENDA

- Approval of agenda.

T. Pollard/D. Chrzanowski/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of July 20, 2022 minutes with adding T. Pollard’s question on solar project.

P. Moore/D. Chrzanowski/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 2022-021: Town of Berkshire, Site Plan Review, Labrador Lumber

The applicant is proposing to rebuild, rehabilitate and start lumber operations in the former Howland Brothers facility on Mill Street in the Town of Berkshire. Existing buildings on site include a sawmill building, planing / finishing building, warehouse, and office building. All buildings will be repurposed.

The applicant plans to rehabilitate the existing buildings, so no new construction will take place and ground disturbance will be minimal. Operations will include sawing lumber and timbers for retail as well as kiln drying and milling finished products such as cabin stock, tongue and groove flooring and paneling, shiplap and nickel gap paneling, trim and exterior wood siding.

Hours of operation will be 8:30 AM to 5:00 PM Monday through Friday and Saturday 8:00 AM to Noon. Applicant plans to begin operations with five employees, and expects four vehicle trips per day. They have nine parking spaces to accommodate the employees and retail customers.

The case is subject to 239 review because the parcel is within 500 feet of a State/County road and is within 500 feet of farm operations enrolled in the NYS Agricultural Districts program. The Town needs to complete the Ag Data Statement Form and go through the process.

Reutilizing this existing property for another lumber mill is an ideal situation for this property. It will benefit the Town of Berkshire to have a productive, full value operation working on the site again.

Staff advises the County Planning Board recommend Approval of the Site Plan Review with the conditions that the Town of Berkshire submit the project materials to the NYS DOT Region 9 Site Plan Review Committee for their comments and requirements; that the applicant applies to the Town Code Enforcement Officer for a floodplain development permit and complies with the Town of Berkshire's Flood Damage Prevention Law as they are rehabilitating and repurposing the existing buildings; and that the Town of Berkshire goes through the Ag Data Statement process.

E. Jardine noted the correction that the parcel is within 500 feet of an Ag District, but perhaps not within 500 feet of a state or county road. She will remove to the conditions that the Town of Berkshire submit to NYS if not within 500 feet of NYS Route 38. She also noted that the applicant must comply with the Town of Berkshire's Flood Damage Prevention Law that requires the buildings on the parcel be elevated, or made water-tight, up to two feet above base flood elevation. R. Etienne noted he is working with Williams and Edsall Land Surveyors regarding the flood plain issue.

Q. T. Pollard – Is there no new construction planned? The end of the proposal package shows two new pole barns and two bins. **A. R. Etienne** – There will be two small kilns built behind the new warehouse. The bins will be open and like retaining walls, with mulch.

C. D. Chrzanowski – Wood floats; so what happens to the material on site in the event of a flood? **A. R. Etienne** – The property is flat, the material will be in buildings, only ½ of the map shows flooding on the property. There would need to be a lot of water to lift and move the packs of lumber. The property has never flooded. **C. T. Pollard** – It is not true that the property never flooded. In 1935/36 it flooded over the railway tracks, so the property would have been flooded, too.

C. D. Chrzanowski – The railway is the line going through the property. The 2011 flood was 4 to 5 feet higher than that.

Motion to recommend site plan review with the conditions noted:

P. Moore/T. Pollard/Carried

Yes	8
No	0
Abstention	0

2. County Case 2022-022: Town of Owego, Special Use Permit and Site Plan Review, Anthony Albanese

The applicant is requesting a special use permit and site plan review to construct a new 1,560 square foot, four-family residential apartment building at the western end of this newly combined parcel. There exists two other 1,560 square foot, four-family residential buildings there now. It is appropriate for another four-unit multi-family apartment building to be erected on this lot. There is plenty of space on the property, and more apartment units are needed countywide.

Staff recommends approval of the special use permit and 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 applicant and Town of Owego Boards come to a mutual agreement on the necessary number of parking spaces.

Q. B. Goodrich – I see only seven parking spaces on the site plan when eight are required, is this correct? **A. E Jardine** – I miscounted eight spaces. I will add as a condition that the applicant and the local boards come to a mutually agreeable number of parking spaces **A. Albanese** added that the basement apartments are for single residents only, as with the existing apartment buildings, so that consistently leaves empty parking in the existing parking lot.

Q. B. Goodrich – What is meant by the recreation area as shown on the site plan? **A. A. Albanese** – I plan to put a barbeque there and some benches for residents to utilize and relax outside.

Motion to recommend approval of the special use permit and site plan review with the conditions noted:

T. Pollard/B. Goodrich/Carried	
Yes	8
No	0
Abstention	0

3. County Case 2022-023: Town of Owego, Special Use Permit, Barton Solar Farm

The applicant is proposing to develop, construct and operate a 13.5 MW/AC solar photovoltaic system via lease agreement with the property owner on about 56 of these 90 acres of vacant farmland located on Jacobs Road, which is off Pennsylvania Avenue in Apalachin.

This ground-mounted solar system project includes rotating solar photovoltaic panels, access drive, data box, battery storage and connection to the existing power distribution system.

The applicant has supplied both a Decommissioning Plan and Operations and Maintenance Plan.

This community distributed generation project is providing a direct benefit to community residents and contributing toward New York State’s aggressive clean energy production goals. This vacant field is a suitable place for a solar photovoltaic ground mounted system. This land is in a designated medium priority preservation from the Tioga County Ag & Farmland Protection Plan of 2015, and is enrolled in the NYS Agricultural Districts Program. It appears from the orthoimagery to be a mostly

mowed field. However, the property owner is desirous of having this solar project on this property, which is his right as a private property owner.

Staff advises approval of the special use permit with the condition that the applicant meets with both local fire personnel and County Emergency Management Services to provide training and information on fire safety especially for the battery component of the project.

Q. D. Chrzanowski – How big is the battery component of this proposal? **A. T. Gourley** – It will be about this size of a shipping container, on approximately an eight by forty foot pad. **Q. D. Chrzanowski** – What type of battery? **A. J. Kline** – Tesla lithium with possibly iron phosphate. **C. D. Chrzanowski** – I would like to add a condition that the applicant connect with the both the local fire personnel and County Emergency Management Services to provide critical fire protection information and training.

Q. P. Moore – Did the Town go through the Ag Data Statement process? **A. E. Jardine** – Yes, that form was included in the electronic file materials, not the paper package.

Q. P. Moore – How many acres of trees are you clearing? **A. T. Gourley** – About five to eight acres of trees at the top.

B. Goodrich – Is there a retention pond planned for drainage and stormwater management? **A. T. Gourley** – We have developed a SWPPP, but there will only be non-structural practices used, such as reclaiming of grass zones.

Q. P. Moore – Is there an intermittent stream that runs between both arrays? **A. T. Gourley** – Yes, there is, and we are obtaining a joint permit for a stream crossing.

Q. P. Moore – Along one side of this project there are residences so how high will the fence be? **A. T. Gourley** – Six feet high, what is required by the Town of Owego.

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

D. Chrzanowski/J. Current/ Not Carried	
Yes	4
No	4 (G. Updyke, T. Pollard, B. Goodrich, P. Moore)
Abstention	0

4. County Case 2022-024: Town of Owego, Floodplain Special Use Permit, Catskill Shed Company

The applicant is requesting a floodplain development special use permit to establish and operate a retail sales facility for sheds, cabins and other backyard items. The applicant will see customers by appointment only. There will be no employees. Applicant states there is rarely more than three to four vehicles on site at any given time, and there is plenty of space on site for parking. There will be one sign with a phone number on it. The property owner, Mr. Khan, has given written permission for the applicant to utilize his property for this purpose.

This location is within FEMA’s Special Hazard Area 1% Annual Chance of flood so a floodplain development permit is required.

This property is located within an existing commercial area along State Route 434, and it has been the intention that this property be developed commercially for a long time now as it has been filled for many years in anticipation of floodplain development. While development within FEMA’s Special Flood Hazard Area is not an ideal situation, development should be evaluated case-by-case, and

balanced with the economic well-being of the community. The proposed use sheds with no permanent structure on it will not deter floodwater or push it on to adjoining properties.

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.

Q. B. Goodrich – Will the project be as stated here or is future development planned? **A. S. Eberly** – No, the project is just as stated – sheds on display.

Q. D. Chrzanowski – To clarify, will this permit go with the project or the land? **A. E. Jardine** – The permit goes with this applicant and this project, not the land.

Q. T. Pollard – Will the sheds float away during a flood event? **A. S. Eberly** – We have the trailer equipment necessary to move the sheds out of there given enough notice of a flood event. But, yes, they will float.

C. B. Goodrich – Has there been a study done to make sure that flood waters will not be pushed onto surrounding properties during a flood? **A. E. Jardine** – That type of study is required only when a project is located in the floodway, not a floodplain.

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

T. Pollard/B. Goodrich/Carried	
Yes	8
No	0
Abstention	0

VIII. REPORTS

A. Local Bits and Pieces

1. **Town of Candor** (A. Cacciola)
 - Village of Candor is working on replace water distribution lines, fire hydrants and installing a pump for houses higher than the water tank to improve their existing municipal water system.

2. **Town of Tioga** (D. Chrzanowski)
 - Ransom Park has just gotten some improvements including an exercise / walking trail with four to six stations and playground equipment.

3. **Town of Berkshire** (T. Pollard)
 - Had dedication ceremony for new park across the railroad tracks from the Town Hall.

4. **Town of Newark Valley** (M. Tomazin)
 - Not in attendance.

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)
 - Not in attendance.
9. **Village of Owego** (G. Eckley)
 - No report.
10. **Alternates** (B. Goodrich, C. Robertson)
 - The Tioga County Fair looks like it went well last week.
 - The old Apalachin Field Days property was purchased recently.

B. Staff Report:

- P. Moore asked about the where the industrial park is that was noted for an ARC grant application for preliminary engineering services. E. Jardine answered the location is on Stanton Hill and Buck Road where the new Town Highway Barn is located. Discussion ensued on “designating” this area an industrial park.

IX. OLD BUSINESS

- None.

X. ADJOURNMENT

- A. Next Meeting September 21, 2022, @ 7:00 PM via Zoom or in person at 56 Main Street.
- B. Motion made to adjourn at 8:15PM. P. Moore/G. Eckley/Carried.

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