



**MEETING AGENDA**  
**TIOGA COUNTY PLANNING BOARD**

**February 16, 2022 at 7:00 PM**

**Via Zoom at**

**<https://us02web.zoom.us/j/89684232531>**

**Meeting ID: 896 8423 2531**

**Call In: 1 (646) 558-8656**

- I. CALL TO ORDER
  - A. Introductions
  
- II. ATTENDANCE
  - A. Members:
  - B. Ex Officio Members:
  - C. Local Officials:
  - D. 239m Review Applicants:
  - E. Guests:
  
- III. APPROVAL OF AGENDA
  
- IV. APPROVAL OF MINUTES
  - A. January 19, 2021
  
- V. PRIVILEGE OF THE FLOOR
  
- ~~VI. CORRESPONDENCE~~
  
- VII. NEW BUSINESS
  - A. 239 Reviews
    - 1. County Case 2022-002: Town of Owego, Special Use Permit, Farmer Brown Solar, LLC
    - 2. County Case 2022-003: Town of Owego, Site Plan Review, Special Use Permit and Area Variance, Centerline Communications
  
- VIII. REPORTS
  - A. Local Bits and Pieces
  - B. Staff Report
  
- IX. OLD BUSINESS
  - None
  
- X. ADJOURNMENT
  - A. Next Regular Meeting March 16, 2022 via Zoom
  - B. Adjourn

**TIOGA COUNTY PLANNING BOARD  
MEETING MINUTES  
January 19, 2022  
VIA ZOOM**

**I. CALL TO ORDER AND INTRODUCTIONS**

- Chairman D. Chrzanowski called the meeting to order at 7:02 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, Rawley Filbin, John Current, Chelsea Robertson, Bryan Goodrich  
**Excused:** Matt Tomazin  
**Absent:** Tim Pollard, Georgetanne Eckley
- B. Ex Officio Members:
- C. Local Officials: None
- D. 239m Review: Kelly Sullivan of Bergmann, PC and John Schmauch of Delaware River Solar, LLC
- E. Guests: None
- F. Staff: Elaine Jardine

**III. APPROVAL OF AGENDA**

- Approval of agenda.  

C. Robertson/D. Chrzanowski/Carried  
None Opposed  
No Abstentions

**IV. APPROVAL OF MINUTES**

- Approval of September 15, 2021 minutes.  

J. Current/R. Filbin/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 2022-001: Town of Candor, Solar Energy Systems Site Plan Review, Delaware River Solar, LLC

The applicant is proposing to develop, construct and operate a 4.98MW /AC solar photovoltaic system via lease agreement with the property owner located at 45 Kelsey Road, which will occupy portions of all four stated tax map properties. The project will sit on approximately 30.2 acres of the total 167 acres. Renovus solar proposed a very similar project on this property back in 2016, but sold the project to Delaware River Solar. The particular location is the site of an old gravel mine, so the land is not suitable to grow agricultural crops. This Community Distributed Generation solar project will generate enough energy to provide 600 households with a reduced energy bill.

Earth disturbance will only occur for the construction of the driveway, equipment pads, underground electric trenching and posts. Solar panels will be installed on existing grade (no grading or earthwork) via a racking system that is supported by steel pile driven into the ground. The angled panels will measure three feet from the lower end to 10 feet on the higher end off the ground. The applicant will install an eight-foot high, wire mesh perimeter fence with locking gate surrounding the project facility. Access will be provided via an existing access drive from Spencer Road. Distance from the road and natural vegetation will screen the project from neighbors to the south and north respectively. Views from the east and west will be screened from residential uses mainly by distance, but vegetative screening will be considered if necessary. The applicant will develop a SWPPP and submit it to NYS DEC. There will be sufficient distance between module arrays to allow rainfall to infiltrate and flow in between arrays, allowing runoff to naturally infiltrate and drain over ground surface. The applicant located this project in a specific manner within the four properties intentionally to avoid both federally protected wetlands and the floodplain.

Construction is expected to take four months. The applicant has provided a Decommissioning Plan that states the project owner (and its successors or assigns) will incur the costs of decommissioning in the event of abandonment or at the end of project life.

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 has completed and sent an Agricultural Data Statement form, included in the submitted materials.

Staff advises the County Planning Board recommend approval of the solar energy systems site plan review.

**Q. P. Moore** – Is this project location out of the floodplain? **A. E. Jardine** – Yes.

**Q. P. Moore** – How does this location rank on the Agricultural Preservation Priority map? **A. E. Jardine** – I did not look it up because of the prior gravel mining use and knowing the land could not be used for agricultural purposes. **P. Moore** – it looks like there could be lines running underneath this location for the manure going from the barn to the anaerobic digester.

**Q. J. Current** – Referring to line 756 of the Project Memorandum, will DRS provide a bond to the town for decommissioning? **A. J. Schmauch** – Yes. DRS typically makes a cash deposit in a bank for the Town, with an annual agreed upon escalator. **P. Moore** – Is the escalator additional money deposited annually, or is the escalator just the relying on minimal bank interest? **A. J. Schmauch** – DRS makes additional payments annually.

**Q. J. Current** – Referring to line 774 of the Project Memorandum, does the manufacturer actually pay the project owner in advance to for the cost of recycling the project's parts and equipment? **A. J. Schmauch** - Yes.

**Motion to recommend approval of the solar energy systems site plan review:**

**D. Chrzanowski/C. Robertson/Not Carried**

<b>Yes</b>	<b>5</b>
<b>No</b>	<b>2 (P. Moore, G. Updyke)</b>
<b>Abstention</b>	<b>1 (A. Cacciola)</b>

**VIII. REPORTS**

**A. Local Bits and Pieces**

1. **Town of Candor** (A. Cacciola)
  - New town Code Enforcement Officer – Paul Tubbs.
  
2. **Town of Tioga** (D. Chrzanowski)
  - A new use of the Glenmary Inn will be coming to the TCPB for recommendation next month.
  
3. **Town of Berkshire** (T. Pollard)
  - Not in attendance.
  
4. **Alternate – Town of Owego** (B. Goodrich)
  - No report.
  
5. **Town of Newark Valley** (M. Tomazin)
  - Not in attendance.
  
6. **Town of Barton** (G. Updyke)
  - No report.
  
7. **Town of Owego** (J. Current)
  - No report.
  
8. **Town of Nichols** (P. Moore)
  - Village of Nichols now has an adult use cannabis “gifting” store.
  
9. **Village of Waverly** (R. Filbin)
  - There are now four adult use cannabis “gifting” stores located on Broad Street.
  
10. **Village of Owego** (G. Eckley)
  - Not in attendance.

**B. Staff Report:**

- Nothing more than was sent with the meeting packet.

**IX. OLD BUSINESS**

- TCPB members’ terms – the last TCPB member roster E. Jardine provided contained very outdated term dates. E. Jardine has updated the terms and will resend the roster.

**X. ADJOURNMENT**

- A. Next Meeting February 16, 2022, @ 7:00 PM via Zoom.
- B. Motion made to adjourn at 7:54 PM. J. Current/C. Robertson/Carried.

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

**Economic Development and Planning  
Legislative Committee Report  
February 8, 2022  
Prepared By: Elaine Jardine**

**Meetings**

- Solar Projects Best Practices and Policies meetings
- CCE Tioga Youth-Opportunity Now justice-involved workforce Coalition
- NYS Association of County Planning Directors meeting
- Waverly CSD railroad underpass mural Planning Committee meeting and introduction to WCSD art class students
- ST8 Broadband Collaborative
- ST8 Housing Summit Series Session #5 moderator
- ST8 Planners Meeting
- ST8 Regional Board Meeting
- ARPA Getting Down to Basics and Eligible Uses webinars for the State and Local Fiscal Recovery Funds.

**Active Projects**

- Working with Ithaca Neighborhood Housing Services and Village of Owego DPW to prepare an infill affordable housing project for local approvals with the Village of Owego Planning Board, Zoning Board of Appeals and County Planning Board. The Village of Owego Planning Board and ZBA still need to meet to act on this case.
- Tracking municipal boards' adult-use cannabis MRTA opt-out local laws table attached). Most permissive referendum waiting periods will be complete by the end of February.
- Starting a gateway beautification project in Waverly with school student to paint murals on the railroad underpass at State Route 17 exit 61. Introductions between art students and Project Committee occurred this month.
- Working with NYSERDA and our Clean Energy Coordinator to set up and host a series of five training sessions regarding renewable energy for a target audience of local planning board and ZBA members, first responders, and code enforcement officers. Most sessions have been scheduled and outreach is starting. Tioga County will then receive credits toward grant funding to fund various clean energy and renewable energy projects.
- Assisted the Town of Richford Planning Board with a subdivision request that required a waiver.

**Grants**

**Active**

- DOS Local Government Efficiency Program - County ITCS Shared Services with Village of Owego and Town of Candor – IT starting with Village of Owego in February in the new village office building.
- ESD Planning and Feasibility Study Program – Village of Waverly economic market analysis and CPSI Incubator Feasibility Study (\$50,000) – The Mayor has signed ESD's final Incentive Proposal. Waiting on confirmation of WBE protocol to get consultant started.
- OPRHP EPF Municipal Grant Program – Village of Owego OPD building restoration (\$625,811) – Village of Owego working on NYS contract and acceptance resolution.

**Pending**

- Due February 22 - grant application to the National Park Service's Historic Revitalization Program through REAP for a countywide historic structure revitalization program (\$750,000). Award date in the fall.
- Appalachian Regional Commission final applications – Tioga County IDA Workforce Education Coordinator was finalized as the top-ranked application; NYS DOS has approved and the application will be sent to ARC in Washington, DC soon.

- FEMA HMGP DR 4567 – Tioga County IDA stream crossing in Town of Richford preliminary engineering services – working on application with IDA Executive Administrator. Submitted before November 10.

### **Potential**

- None.

### **Plans/Studies**

- Village of Waverly Comprehensive Plan Implementation – Waverly art students' gateway mural project.
- Embarking on an effort to create a Tioga County Energy Action Plan. This plan would layout a path for Tioga County government, residents and businesses of all types to meet the requirements of the NYS Climate Leadership and Community Protection Act (CLCPA). These legislative goals include a 40% reduction in greenhouse gas emissions by 2030, and ultimately 85% reduction by 2050. The main way to accomplish this is to utilize renewable energy resources, such as solar, wind and battery energy storage to produce heat, energy and automobile fuel instead of fossil fuels, therefore the CLCPA also requires 70% of all NYS's electricity to come from renewable sources by 2030, and ultimately 100% zero emission energy by 2040.
- Solar Best Practices & Policies – The consultant, MRB group has held three Management Committee meetings and one Project Committee meeting. Two draft reports are completed – Agrivoltaics and PILOTS & HCA's. Project Committee will review these reports at a mid-February meeting.

### **Reviews (239)**

- County Case 2022-001: Town of Candor, Solar Energy Systems Site Plan Review, Delaware River Solar, LLC – Applicant proposes to establish and operate a 4.98 MW solar energy project on AA Dairy land off Kelsey Road. Staff advised the County Planning Board to recommend approval, but the County Planning Board could not carry a recommendation for approval vote, resulting in a non-action.

### **• Resolutions –**

None

**Economic Development and Planning  
Legislative Committee Report  
February 8, 2022  
Prepared By: Megan Schnabl**

**Meetings**

IDA Monthly Meeting and Annual Meeting  
IDA Training  
Weekly call with Southern Tier Network – Broadband Nichols  
Meeting with STN/Yates County – Broadband Nichols  
Newark Valley United Church/CCE site visit  
Leadership Tioga  
Property Database/Website Meeting with GIS, C. Curtis  
Land Bank Monthly Meeting and Annual Meeting

**Active Projects**

DRI Projects Administration-SHPO and OHPC consultations  
NYMS Project Administration-Owego and Candor  
GIS Mapping Activities  
USDA Community Facilities Program Village of Nichols Sweeper/Vacuum Truck  
State Leads Responses  
GIS/IDA/EDP Available Sites Mapping and Website  
USDA Small Business Technical Assistance Grant  
USDA ReConnect Broadband Nichols

**Active Leads**

**Grants**

**Active**

**Pending**

USDA Community Facilities Program Village of Nichols Sweeper/Vacuum Truck

**Potential**

**Completed**

**Plans/Studies**

**Other**

**Resolutions**