

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
August 21, 2019
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 7:04 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Doug Chrzanowski, Mike Reynolds, Georgeanne Eckley, Tim Pollard, Pam Moore, Rawley Filbin, Grady Updyke, Tim Goodrich, Chelsea Robertson, John Current

Excused: Art Cacciola

Absent: Sarah Titus

B. Ex Officio Members:

C. Local Officials: None

D. 239m Review: Dan Watson from Lodestar Energy, LLC

E. Guests: Matt Freeze, Morning Times

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda.

J. Current/C. Robertson/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of July 17, 2019 minutes with one typo on page 4 and correction on page 3.

P. Moore/D. Chrzanowski/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

- None heard.

VI. CORRESPONDENCE

- Folder passed.

VII. NEW BUSINESS

A. 239 Reviews

1. County Case 2019-012: Town of Nichols, Site Plan Review/Solar Energy Systems Permit, Lodestar Energy, LLC

The applicant is proposing to construct and operate a 4.5 MW/AC major solar collection system via leasing nearly 20 acres (on the north side of Smith Creek Rd) of the 158-acre property. The site will be accessed by using and extending an existing 18' wide gravel private drive from Smith Creek Road.

Electric power generation from the solar panels will be connected to NYSEG's electric grid by a transformer. This project will also provide critical battery storage to NYSEG's local infrastructure. Approximately 400 Nichols households will benefit by reduction of their current electricity rate. Construction is expected to take up to 19 weeks. A 7-foot high security fence with locking gate will encompass all panels and electrical components.

The case is subject to 239 review because the parcel is within 500 feet of a property with farmland enrolled in the NYS Agricultural Districts Program. The Town of Nichols has completed the Agricultural Data Statement form and is conducting the process.

This solar PV power generation project will provide a direct benefit to the community by discounting electric rates for local participating residents. This proposal appears to meet all applicable Town of Nichols codes and regulations. However, the applicant must complete a consultation with NY SHPO and obtain a No Adverse Impact to historic and cultural resources letter, as this project is located within SHPO's Archaeological Sensitive Zone.

While the project site is located in a medium priority area for preservation of farmland according to Tioga County's 2015 Agricultural and Farmland Protection Plan, NYS Department of Agriculture and Markets has given the project a cursory review. Ag & Markets staff commented that the project location is suitable as the site is not located on prime farmland, is out of the floodplain, and has soil groups of 6 and 7, which are less favorable to agricultural production. Furthermore, the landowner will continue to have agricultural operations and active farmland on the remainder of this large property.

****Added Update from Pam Moore - Dan Watson of Lodestar Energy spoke with Bob Somers at NYS Agriculture and Markets, who referred him to guidance documents for locating industrial scale solar projects on farmland, including NYS Ag& Markets' "Guidelines for Agricultural Mitigation for Solar Energy Projects." Dan Watson obtained the agricultural information stated above from these Guidelines. Ag & Markets did not conduct a site review for this solar project, as Lodestar Energy's engineer had stated in the submitted project materials.****

Staff recommends approval of the Site Plan Review / Solar Energy Systems Permit with the condition of obtaining the NY SHPO clearance letter.

P. Moore commented that NYS Agriculture & Markets probably would not make any recommendations on solar projects displacing farming, or the suitability of a solar project on farmland.

D. Watson updated the Board that they had done a SHPO consultation and they do have a NY SHPO clearance letter. **E. Jardine** said she would remove that condition and requested Dan to email that letter to her.

Q. T. Goodrich – This property is not in the NYS Agricultural Districts Program? **A. E. Jardine** – No, but a nearby property is, and that is what triggers the 239 referral.

C. P. Moore – P. Moore had several comments on this proposal, mostly that the nearby Hunt Creek Road property on which Lodestar is also proposing a solar project is much less conducive to agricultural production, and therefore more desirable for solar project. This Smith Creek Road property is targeted for agricultural protection according to the Town of Nichols 2013 Agricultural & Farmland Protection Plan of 2012 (she showed TCPB members the map from the Plan). **D. Watson** commented that this solar project would financially allow this landowner to continue to lease the remaining acreage of the property to the farmer working the land.

Q. P. Moore – The access road is right on the western property line, very close to the McBride’s house. Why can’t this be moved further east on Smith Creek Road? **A. D. Watson** – Because the land is too steep elsewhere along Smith Creek Road. **P. Moore** – Where is the landscaping that is required in the Town of Nichols Solar law? **D. Watson** – Along Smith Creek Road (D Chrzanowski pointed to this on the Site Plan drawing). There are existing trees, and where there are gaps, we will plant new ones.

D. Chrzanowski – Commented that they might want to check their stormwater calculations again because the access road covers significant land area and this could add up to more than 1 acre.

D. Watson commented that Lodestar Energy selected this site because of the new 3-phase electricity infrastructure provided to the new industries located here.

Q. P. Moore – What is the purpose of the battery storage? **A. D. Watson** – to stabilize voltage.

Motion to recommend disapproval of the Site Plan Review / Solar Energy Systems Permit:

T. Pollard/P. Moore/Not Carried	
Yes	5
No	5 (D. Chrzanowski, C. Robertson, J. Current, R.Filbin, T. Goodrich
Abstention	0

2. County Case 2019-013: Town of Nichols, Special Use Permit, Burlingame

The applicant is requesting a special use permit to establish and operate a dog grooming business within their home. There will be no workers other than themselves. Applicant states hours of operation will be 9:00 AM to 5:00 PM Monday through Friday, and expects to service 3 to 4 dogs daily. The dogs will be housed in an indoor kennel when they are not being groomed and until owners pick them up.

Customers will park in their driveway, where applicant states there is plenty of room for customer parking. Applicant plans to have one door sign and one ground sign at the end of their driveway.

This project location is within 500 feet of a property enrolled in the NYS Agricultural Districts Program. The Town of Nichols has conducted the Agricultural Data Statement process.

The applicant is following proper local approval procedure to establish this in-home business

Staff recommends approval of the Special Use Permit with the condition that the Town of Nichols officials conduct a Short EAF SEQR review and that the applicant’s proposed signs comply with the Sign section of the Town of Nichols zoning code.

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

R. Filbin/ T. Pollard /Carried	
Yes	10
No	0

VIII. REPORTS**A. Local Bits and Pieces****1. Town of Candor – A. Cacciola**

- Not in attendance.

2. Town of Nichols – P. Moore

- I heard there was a beaver dam blown up down by Crown Cork & Seal. Who would have jurisdiction over this? D. Chrzanowski said that NYS DEC issues permits for eliminating beaver dams.

3. Town of Berkshire – T. Pollard

- AT&T has applied for SPR for a 235-foot telecommunications tower. Should come to TCPB for recommendation next month.
- Recreation committee has contracted for engineering and landscape architecture services to design a town park and trails on town land behind the Town Hall and along the short line RR tracks.

4. Town of Tioga – D. Chrzanowski

- No report.

5. Village of Waverly – R. Filbin

- No report.

6. Village of Owego – G. Eckley

- DRI projects were announced a couple weeks ago.

7. Town of Newark Valley – S. Titus

- Not in attendance.

8. Village of Newark Valley – M. Reynolds

- A resident survey will be taken for the comprehensive plan update.
- The storm on Sunday caused a lot of damage in Trout Ponds Park, which is now temporarily closed. New playground equipment was damaged.

9. Town of Owego – J. Current and C. Robertson

- No report.

10. Town of Barton – G. Updyke

- No report.

11. Town of Richford - vacant**12. Spencer – T. Goodrich**

- Our Land Use Commission will meet for the first time in September to explore zoning.
- Town Planning Board dissolves January 1, 2020.

B. Staff Report:

- EDP's new Ag Ed Dev Specialist, Megan Griffiths, starts September 3.
- The County Attorney has reversed his decision on the TCPB requirement to take Sexual Harassment Prevention and it is now mandatory for all members. Several members inquired about applicability of taking the training for work or other Boards. E. Jardine will ask the County Attorney.
- STC is offering SEQR training in September in Corning. E. Jardine will attend and most likely will bring a similar training here in Tioga County in late fall.

IX. OLD BUSINESS

- A. None.

X. ADJOURNMENT

- A. Next Meeting September 18, 2019 @ 7:00 PM in the Legislature Conference Room.
- B. Motion made to adjourn at 8:30 PM. T. Goodrich/M. Reynolds/Carried.

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