

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
September 19th, 2018
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.

II. ATTENDANCE

A. Planning Board Members:

Present: Doug Chrzanowski, Georgeanne Eckley, Grady Updyke, Tim Pollard, Mike Reynolds, John Current, Art Cacciola, Rawley Filbin

Excused: Sarah Titus, Pam Moore, Chelsea Robertson

Absent:

B. Ex Officio Members:

C. Local Officials:

D. 239m Review: Rudy Zona, Peter Wilson and Ed Keplinger for Two Plus Four Construction; Robert Switala of Bergmann Associates for Delaware River Solar, LLC

E. Guests: Matt Freeze, Sayre Morning Times; Len Mantei, resident

F. Staff: Elaine Jardine, LeeAnn Tinney

III. APPROVAL OF AGENDA

- Approval of agenda.

J. Current/G. Eckley/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of August 27, 2018 minutes

J. Current/T. Pollard/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 2018-022: Town of Tioga, Site Plan Review, F S Lopke Contracting, Inc.

The applicant is proposing to establish the Ayres-Brink sand and gravel mining operation. This project location is about 1,500 feet south of the applicant’s current Schoonover mine. The area surrounding the Ayres-Brink mine is rural and agricultural in nature and contains very few scattered homes.

The applicant proposes to mine approximately 109.6 acres of the 122.4 Life of Mine area at this site. Much of this land is within FEMA’s Special Flood Hazard Area, making it unsuitable for development. Archeological investigations are now being conducted on about two-thirds of the northern portion of the site. No mining can take place in this area until the investigation is complete and NY SHPO has made a cultural resources impact determination. Additionally, the U S Army Corp of Engineers had made determination of No Impact related to wetlands. Lastly, NYS DEC has issued a gravel mining permit to the applicant.

The applicant plans to mine mostly below the water table, leaving a series of three ponds; one 84.3 acres, one 8.1 acres and the last 1.9 acres. Dust will be controlled mainly by washing gravel during processing, as well as having a water truck equipped with spray nozzles on site that will wet down haul roads as needed. Reclamation will take place concurrent with mine sequencing to the maximum extent practicable. Once final grade is established in areas other than the three ponds, side slopes above water will be finished to a grade of no steeper than 1:2 vertical to horizontal, and will be covered with a minimum of six inches of soil capable of sustaining vegetation. This will allow for the continuance of the aboveground land to be used for agricultural fields.

The Town of Tioga has conducted the Agricultural Data Statement process, which is required since surrounding properties are enrolled in the NYS Agricultural Districts Program.

This proposed gravel mine is in a suitable location. In Tioga County, land use conflicts between gravel mining and agriculture is a common struggle. In this case, although agricultural cultivation will be interrupted, it appears that the applicant is committed to a reclamation plan that facilitates reuse of the above ground land for agricultural purposes, as well as recreational and wildlife purposes. Furthermore, the use of this land for mining within the floodplain eliminates the risk of future development occurring in this highly flooded area.

Wendy Walsh of the Tioga County SWCD commented that native grasses for wildlife sustainability should be used in reclamation since the applicant states that the land would be reclaimed for wildlife recreational purposes. This topic can be added as a condition to the recommendation.

Staff recommends approval of the site plan review with the condition that the reclamation plan includes vegetation with native grasses necessary to sustain wildlife.

Motion to recommend approval of the Site Plan Review with the condition noted:

A. Cacciola/J. Current/Carried	
Yes	7
No	0
Abstention	1 (D. Chrzanowski)

2. County Case 2018-023: Village of Owego, Rezoning, Nobiletti

The applicant is requesting to rezone their 19-acre vacant land property as indicated on the local law and on the map from the current Residential 2 (R2) to Residential 3 (R3). The property is off Montrose Avenue, close to NYS Route 96.

Residential 3 (R3) zoning on this property will allow for an interested developer to purchase the property, construct and operate general occupancy multi-family housing development. Residential 3 (R3) zoning already exists on the other side of Montrose Avenue, so this will not pose any spot zoning situation. See the attached zoning map and site concept map for further details.

NYS DOT Region 9' Site Plan Review Committee has already reviewed and provided comment on the rezoning and the site concept map. They have determined based on trip generation estimates that a traffic study is not required. If the residential development is built, they will likely change Montrose Ave / State Route 96 intersection to a full stop sign instead of a yield sign. DOT is also requiring that if the zoning change is approved, the developer prepare a SWPPP/Drainage plan since the DOT's stormwater conveyances will be impacted.

Rezoning this parcel from R2 to R3 will allow for development of new and safe multi-family housing units on this property. Alternative types of residential development, particularly at higher densities where appropriate, has been a documented need, in the Village of Owego Comprehensive Plan Update of 2014, the Tioga County 2020 Strategic Plan, and the Tioga County Housing Study of 2017. Rezoning this property to R3 facilitates implementation of this well-documented need. The location is also out of FEMA's special flood hazard area, eliminating flood vulnerability to more lives and property.

It is important to note that if the Village of Owego Board of Trustees approves and adopts this zoning change, no further local approvals are required for the multi-family residential development since this is a residential zoning district, according to the Village of Owego Zoning Code.

Staff recommends approval of the rezoning request.

Q. J. Current – Will the stormwater drainage be handled by a pond? **A. E. Keplinger and R. Zona** – No, the drainage running from the vegetated slope will be handled by a series of wet swales around the cluster of townhomes, and via culvert that by passes the private drive and dumps into the NYS drainage system near Montrose Ave.

Q. L. Mantei – Could this development be done as it is now zoned R2? **A. E. Jardine** – Yes, but the development would have to occur on all 19 acres, resulting in more impacts. **E. Keplinger** – The sloped terrain limits development location on this property as well. The rezone to R3 allows the cluster design shown that takes into account the natural slope and avoids it.

Q. L. Mantei – This is a business and as such, after you get rezoning approval, can you make changes to this site plan, such as moving a building? **A. P. Wilson and E. Keplinger** – Yes, we could. However, this site plan layout is the most physically and economically suitable design for this site. Any change would make the project financially unfeasible. The stormwater practices were designed in accordance with NYS DEC MS4 Stormwater requirements and standards. NYS DEC still needs to approve the SWPPP.

Motion to recommend approval of the Rezoning:

J. Current/T. Pollard/Carried	
Yes	9
No	0
Abstention	0

3. County Case 2018-023: Town of Owego, Special Use Permit, Delaware River Solar, LLC

The applicant is proposing to develop, construct and operate a 4.98MW solar photovoltaic system via lease agreement with the property owner on a property on the west side of Gaskill Road, just south the Wagner Lumber facility. This solar project, named the Gaskill Road Solar Farm, will occupy approximately 26 acres in the southern portion of the 160-acre parcel. See attached site map.

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. As a result, there is little to no earth disturbance and a SWPPP is not required. A seven-foot, wire-mesh perimeter fence with locking gate will be installed, as well as a short, gravel access road that extends from an existing access road. Electrical lines will be installed underground. The applicant has identified a small wetland of just over one acre in size in the southeastern corner of the property, and has designed the solar panels layout to avoid wetland impacts.

The applicant has provided a Decommissioning Plan. Construction is expected to take four months. The existing field will be brush hogged prior to construction and mowed post construction.

The Town of Owego has conducted the Agricultural Data Statement since properties surrounding this solar farm site are enrolled in the NYS Agricultural Districts Program.

This solar project will be a community distributed generation project. Therefore, the applicant is providing a direct benefit to community residents and also providing another contribution toward clean energy production. The site location is very rural in nature, so there will be little to no residential visual impacts, with the exception of the property owner. The applicant has conducted complete due diligence work on the project area.

Gary Hammond, Tioga County DPW Commissioner comments that if improvements are done to the driveway access on Gaskill Road, the applicant must obtain a county highway work permit from his office.

Staff recommends approval of the special use permit with the condition of the county highway work permit.

R. Switala commented that there would be no changes made to the driveway access, and that the interconnection in this particular location is great for a rural area.

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

G. Eckley/J. Current/Carried	
Yes	8
No	0
Abstention	0

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – A. Cacciola

- New Dollar General Store next to Town Hall is starting construction.
- There is a third solar project developer interested in the old gravel pit area.

2. Town of Nichols – P. Moore

- Not in attendance.

3. Town of Berkshire – T. Pollard

- The new Dollar General store has been open for a couple weeks now. Community is happy to be able to purchase staples of life close to home.

4. Town of Tioga – D. Chrzanowski

- Lots of flooding damage has occurred throughout the town.

5. Village of Waverly – R. Filbin

- No report

6. Village of Owego – G. Eckley

- No report.

7. Town of Newark Valley – S. Titus

- Not in attendance.

8. Village of Newark Valley – M. Reynolds

- One trustee has resigned due to moving out of village.
- Village has experienced repeated flooding issues.

9. Town of Owego – J. Current

- No report.

10. Town of Barton – G. Updyke

- No report.

11. Town of Richford - vacant

12. Spencer – vacant

B. **Staff Report:** E. Jardine reported the EDP Office wrote the VOO \$10M DRI grant application.

IX. OLD BUSINESS

A. None.

X. ADJOURNMENT

A. Next Meeting October 17th, 2018 @ 7:00 PM in the Legislature Conference Room.

B. Motion made to adjourn at 8:17 PM. J. Current/G. Eckley/Carried.

Respectfully submitted,

Elaine Jardine, Tioga County Planning Director

Economic Development and Planning