

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
November 20th, 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 7:02 PM.

II. ATTENDANCE

A. Planning Board Members:

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

Excused: Art Cacciola, Georgeanne Eckley, Sarah Titus

Absent:

B. Ex Officio Members:

C. Local Officials:

D. 239m Review: Amanda Postma for Renovus

E. Guests: Matt Freeze, Sayre Morning Times

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda.

T. Pollard/J. Current/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of October 17, 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 2018-028: Town of Nichols, Solar Energy Systems Site Plan Review, Renovus**

The applicant is proposing to construct and operate a 250kWac solar photovoltaic system consisting of 880 solar modules via leasing 1 acre of the 41.8-acre property. While much of this parcel is within FEMA's Special Flood Hazard Area, the solar project is located on the southern portion outside the floodplain.

Electric power generation from the solar panels will be connected to the utility grid by a transformer installed by NYSEG. Solar panels will be placed 10 feet above the ground on steel piles. Approximately 25 Nichols households will benefit by reduction of their current electricity rate. Construction is expected to take four to six weeks dependent on the weather.

Please see the attached Description, Operation and Maintenance Plan, and Decommissioning Plan for more details.

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 in an Agricultural District. The Town of Nichols has completed the Agricultural Data Statement process.

E. Jardine then stated that this revised review now includes the condition of the bond requirement that is in the Town of Nichols Solar Energy Systems code. This was missing before.

Staff recommends approval of the site plan review with the condition that the applicant complies with bond requirement as stipulated in the town's code.

P. Moore – Wanted to comment that both your solar projects we reviewed last month and this current one are located in areas of prime agricultural soils. **A. E. Jardine** – I forgot to state in my presentation that this project location is within a designated growth area, not an agricultural preservation area, according to the Town of Nichols' Agricultural and Farmland protection plan. Therefore, this project location is consistent with that 2013 Plan.

Q. D. Chrzanowski – What is the electricity voltage running through the lines with this project? **A. A. Postma** – I do not know. **D. Chrzanowski** further commented that he has researched the requirement of a perimeter fence in these instances, and if you consider these solar projects a power generator, a fence is applicable. **E. Jardine** commented that the Town of Nichols Solar Energy Systems code requires a fence anyway, but this was not the case in the Town of Candor, where solar projects are regulated currently by Site Plan Review.

Q. T. Pollard – How high will the bottom of the panels be? **A. A. Postma** – Two and a half to three feet above the ground.

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

J. Current/T. Pollard/Carried	
Yes	8
No	0
Abstention	0

2. County Case 2018-029: Village of Owego, Code Amendment, Local Law #X of 2018 Repeal and Replace Chapter 126 Historic Preservation

The Village of Owego Board of Trustees has created a new proposed local law to govern properties within designated historic districts as well as individually designated landmarks. This new law reduced the size of the Owego Historic Preservation Commission (OHPC) from seven to five members. The law also makes many aspects of local approvals for historic preservation, such as procedure, criteria, hardship and appeals much clearer.

Additionally, there is an effort to streamline the approval process by outlining conditions in which a minor request can qualify for an administrative review and issuance of a Certificate of Appropriateness. Furthermore, when the OHPC will conduct the local approval, the law makes it clear that the Commission is to utilize the Secretary of Interior’s Standards for Rehabilitation and the principles laid out in those standards to issue a Certificate of Appropriateness.

Lastly, the law now contains flexibility in the demolition or removal of landmark or historic buildings via a prescribed economic hardship demonstration. Currently any demolition of historically designated properties or those within a historic district is prohibited

This renewed Historic Preservation local law should greatly improve the functioning of historic preservation regulation in the Village of Owego. The clarity in the law will make the OHPC’s role in review of applications sharper and more focused. Procedures are detailed. The added flexibility will also allow removal of unsafe and dilapidated historic buildings. Lastly, this law will facilitate the re-establishment of the Village of Owego as a Certified Local Government under the State Historic Preservation Office, which offers many resource, programmatic and financial advantages.

Staff recommends approval of the Historic Preservation Local Law code amendment with the condition that the Village of Owego Board of Trustees completes that SEQR Full EAF for this Type 1 action.

Q. D. Chrzanowski – Does this new historic preservation law apply to all properties throughout the entire village? **A. C. Robertson** – Section 126-11 says it applies only to those individual landmarked properties and those within a designated historic district. E. Jardine added that there are stringent criteria that must be met in order for an individual property to qualify as historic and be nominated and placed on the National and State Registers of Historic Places.

Discussion ensued amongst the TCPB members about the applicability of the local law, as well as concern about the magnitude of its regulation regarding individual properties.

Motion to recommend approval of the Historic Preservation LL with the condition noted:

P. Moore/J. Current/Not Carried	
Yes	5
No	3 (G. Updyke, M. Reynolds, R. Filbin)
Abstention	0

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – A. Cacciola

- Not in attendance.

2. Town of Nichols – P. Moore

- No report.

3. Town of Berkshire – T. Pollard

- The Town Board adopted the new unregistered vehicle law and sent it to NYS DOS for filing.

- Planning Board is now working on local law to regulate behavior in the new park.
- Planning Board members are getting a stipend in 2019.

4. Town of Tioga – D. Chrzanowski

- Elevation of the intersection of Halsey Valley Road with State Route 17C is now complete.

5. Village of Waverly – R. Filbin

- No report

6. Village of Owego – G. Eckley

- Not in attendance.

7. Town of Newark Valley – S. Titus

- Not in attendance.

8. Village of Newark Valley – M. Reynolds

- No report.

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:** Just a reminder about the upcoming NYS DOS of training on November 27th.

IX. OLD BUSINESS

A. None.

X. ADJOURNMENT

A. Next Meeting December 19th, 2018 @ 7:00 PM in the Legislature Conference Room.

B. Motion made to adjourn at 7:50 PM. J. Current/P. Moore/Carried.

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