

**TIOGA COUNTY PLANNING BOARD  
MEETING MINUTES**

**August 19, 2020**

~~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.
- Note - this meeting was conducted via Zoom as allowed by Governor Cuomo Executive Order regarding COVID-19 spread prevention. These minutes also serve as a transcript of the meeting.

**II. ATTENDANCE**

A. Planning Board Members:

**Present:** Doug Chrzanowski, Rawley Filbin, Art Cacciola, John Current, Tim Pollard, Mike Reynolds, Tim Goodrich, Chelsea Robertson, Pam Moore

**Excused:**

**Absent:** Sarah Titus, Georgetanne Eckley, Grady Updyke

B. Ex Officio Members:

C. Local Officials: None

D. 239m Review: Jennifer deSouza for Krave Café; Kelly Sullivan and Robert Switala of Bergmann, PC and Alyssa Neilson and Peter Dolgos of Delaware River Solar, LLC for NY Owego II, LLC

E. Guests: none

F. Staff: Elaine Jardine

**III. APPROVAL OF AGENDA**

- Approval of agenda.

C. Robertson/T. Pollard/Carried  
None Opposed  
No Abstentions

**IV. APPROVAL OF MINUTES**

- Approval of April 15, 2020 minutes.

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

**V. PRIVILEGE OF THE FLOOR**

- None heard.

**VI. CORRESPONDENCE**

- Addresses during Old Business

**VII. NEW BUSINESS**

**A. 239 Reviews**

**1. County Case 2020-010NA: Town of Owego, Site Plan Review Amendment, Taylor Garbage, Inc.**

Applicant is rebuilding their single-streamed recycling facility on State Route 434 that burnt to the ground this past January. They are now required to construct an accessory water tower and associated pump house to ensure fire suppression capacity.

Tioga County Chair, Doug Chrzanowski determined to waive the County Planning Board recommendation on this case due to lack of inter-municipal or countywide impacts.

**2. County Case 2020-011: Town of Owego, Special Use Permit, Krave Café**

The applicant plans to repurpose the 1,000 square foot commercial building (house) that was previously an optometrist office into a coffee café with drive through window. The property is located at the corner of Griffen Drive and State Route 434 in Apalachin.

Hours of operation will be 9:00 AM – 2:00 PM daily, with three employees expected, those being a barista, a cook and manager. The site plan shows one entry-only access from State Route 434, which is the driveway extended around the rear of the house for the drive through service, then a two-way entrance and exit on the Griffen Drive side. There will also be a small parking lot to the rear of the house and drive through lane. Indoor seating will hold up to twenty patrons.

Applicant intends to use existing sign pole for their business sign, but hang a new 7’x4’ sign. Exterior lighting will consist of two lights existing on the house, as well as two existing lighting poles, which will be moved from the existing garage (to be demolished) to two corners of the house.

This is a suitable adaptive use for this prime commercial property located at the bottom of Tioga Terrace. There is plenty of parking space, and the traffic flow has been carefully designed for vehicular safety given the drive through aspect. The neighborhood is already commercial, and the new use will keep the property productive and beneficial to the community.

Staff recommends approval of the special use permit with the condition of compliance with NYS DOT Region 9’s comments.

E. Jardine then gave an update as NYS DOT Region 9 provided their comment letter today. They have several concerns regarding vehicular traffic safety and flow, especially the potential for cars to be backed up in the queue onto State Route 434, expressing the need for two access points from Griffen Drive. Discussion ensued on how traffic could be looped all the way around the house, with an only entrance from Griffen Drive.

**Q. T. Pollard** – Does NYS DOT have purview on side streets? **A. E. Jardine** –As far as I know, only 100 feet from their right of way.

**Motion to amend recommendation for approval of special use permit with the condition noted**

<b>T. Pollard/P. Moore/Carried</b>	
<b>Yes</b>	<b>9</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

### 3. County Case 2020-012: Town of Owego, Special Use Permit, Delaware River Solar, LLC for NY Owego II, LLC.

The applicant is proposing to develop, construct and operate a 4.98MW solar photovoltaic system via lease agreement with the property owner located on Cafferty Hill Road, near the intersection with Campville Road. This solar project will occupy approximately 26.27 acres of this 69.6-acre meadowland and wooded parcel. This Community Distributed Generation solar project will generate enough energy to provide 870 Owego households with a reduced energy bill.

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 nine feet on the higher end off the ground. A seven-foot, high-wire mesh perimeter fence with locking gate will be installed surrounding the facility, as well as a gravel access road that extends from an existing access road running along the western property boundary. Electrical lines will be installed underground. This site was chosen because it located at the rear of this property, so distance should mitigate views from the road. Vegetative screening may be considered along the south end of the project to screen views from Cafferty Hill Road. The site also provides adequate contiguous acreage, has suitable topography, requires minimal land and ground cover disturbance, and avoids sensitive environmental attributes. The project owner will develop and submit a Stormwater Pollution Prevention Plan to the Town of Owego for approval. There will be sufficient distance between modules to allow rainfall to infiltrate in between and flow between arrays, allowing runoff to naturally infiltrate and drain over ground surface.

Construction is expected to take four months. The applicant has provided a Decommissioning Plan that ensures the project owner will provide adequate financial resources to the Town of Owego in the event they abandon the project.

This project is being reviewed under GML §239 because it is on the border of Town of Owego / Village of Endicott as well as Tioga and Broome counties.

Staff recommends approval of the special use permit.

**Q. D. Chrzanowski** – Will there be battery storage included with this project? **A. P. Dolgos** – No, none. If this is planned in the future, we will have to through the entire approvals process again, including local approvals.

**Q. D. Chrzanowski** – Triple Cities Airport in Endicott is close by. Have you researched if there will be minimal glare effects that will affect that operation? **A. R. Switala** – All these project requirement submittal to FAA for review. FAA makes comments only if solar project is within an airport facility's flight path. This project is not located within the Triple Cities Airport's flight path.

**Q. D. Chrzanowski** – Will established wooded areas be cleared and will you be remove stumps? **A. R. Switala** – We will be clearing and grubbing only 2.7 acres within the fenced project area.

**Q. P. Moore** – Where will the removed stumps be going? **A. R. Switala** – Stumps will be chipped and stockpiled to use for groundcover or will be disposed of properly.

**Q. P. Moore** – In the Decommissioning Plan, it states that soil removed will be restored. Where and how much soil will be removed and stockpiled? **A. R. Switala** – Soil stripping will be done only for the improved access road. Very little top soil stripping will occur.

**Q. P. Moore** – Exactly what format will the decommissioning financial resources for the Town of Owego be in? **A. P. Dolgos** – Either a cash deposit with annual inflation contributions for 30 years, or

a bond of the same nature. P. Moore made a comment for the record that she does not believe that the NYSERDA estimated costs of decommissioning are enough to cover actual costs.

**Q. P. Moore** – Is the cabin shown on the aerial photograph active? **A. R. Switala** –Yes that is the landowner’s cabin.

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

<b>R. Filbin/C. Robertson/Carried</b>	
<b>Yes</b>	<b>7</b>
<b>No</b>	<b>2 (P. Moore, T. Pollard)</b>
<b>Abstention</b>	

**VIII. REPORTS**

**A. Local Bits and Pieces**

1. **Town of Candor** (A. Cacciola)
  - Candor Farmers’ Market is up and running.
  - Mothers’ Day Drive Up BBQ was successful
  - Now that residents know that agricultural buildings are exempt from Town Building Permits, people are trying to test the situation. Discussion ensued on how other towns handle this situation by issuing records or permits without fees for agricultural buildings
  
2. **Town of Tioga** (D. Chrzanowski)
  - Tioga Town Hall is now equipped to hold virtual Zoom meetings
  
3. **Town/Village of Spencer** (T. Goodrich)
  - Village of Spencer’s Dissolution vote is scheduled for September 9
  - No Spencer Picnic this year
  - Team Tioga worked on a National Register of Historic Places nomination for Nichols Park, which the NYS Board for Historic Preservation will vote on September 10.
  
4. **Town of Berkshire** (T. Pollard)
  - Planning Board completed update of dog licensure law, now working on update of construction and building permit law.
  
5. **Village of Newark Valley** (M. Reynolds)
  - The NYSEG electric high tension line in this area has experienced excess voltage which has presumably caused destruction of several appliances
  
6. **Town of Newark Valley** (S. Titus)
  - Not in attendance
  
7. **Town of Barton** (G. Updyke)
  - Not in attendance
  
8. **Town of Owego** (J. Current)
  - No report
  
9. **Town of Nichols** (P. Moore)

- Town of Nichols has a Right To Farm and wants to put up informational road signs to such effect, but is having difficulty

**10. Village of Waverly (R. Filbin)**

- Comprehensive Plan update has progressed to the point where two public hearings are required

**11. Village of Owego (G. Eckley)**

- Not in attendance.

**B. Staff Report:**

E. Jardine reported on the progress of the two 8-year Agricultural Districts Reviews of Owego / Nichols and Spencer. Both of them are nearing the end of local tasks. She also reported on the development of the countywide Economic Strategic Recovery Plan, based on Committee input, those being Agriculture, Private Businesses, Nonprofit Organizations, Human Services, Schools, Real Estate Trends, Workforce Development and Hospitality and Retail. Plan is expected to be complete by end of September.

**IX. OLD BUSINESS**

- A. E. Jardine stated that all regular Correspondence periodicals are on file in the EDP Office. If you every have a certain issue you want researched, please contact her to request it, or you can come to the office to access the information.
- B. The Governor's EO for virtual public meetings and hearings is extended until September 6.

**X. ADJOURNMENT**

- A. Next Meeting September 16, 2020, @ 7:00 PM via Zoom.
- B. Motion made to adjourn at 8:04 PM. R. Filbin/T. Pollard/Carried.

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