

**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