



**MEETING AGENDA**  
**TIOGA COUNTY PLANNING BOARD**

**August 17, 2022 at 7:00 PM**

**Via ZOOM at**

**<https://us02web.zoom.us/j/89693328034>**

**Meeting ID: 896 9332 8034**

**Call In: (646) 518-9805**

- I. CALL TO ORDER**
  - A. Introductions
  
- II. ATTENDANCE**
  - A. Members:
  - B. Ex Officio Members:
  - C. Local Officials:
  - D. 239m Review Applicants:
  - E. Guests:
  
- III. APPROVAL OF AGENDA**
  
- IV. APPROVAL OF MINUTES**
  - A. July 20, 2022
  
- V. PRIVILEGE OF THE FLOOR**
  
- VI. NEW BUSINESS**
  - A. 239 Reviews
    - 1. County Case 2022-021: Town of Berkshire, Site Plan Review, Labrador Lumber
    - 2. County Case 2022-022: Town of Owego, Site Plan Review and Special Use Permit, Albanese
    - 3. County Case 2022-023: Town of Owego, Special Use Permit, Barton Solar Farm, LLC
    - 4. County Case 2022-024: Town of Owego, Site Plan Review and Floodplain Special Use Permit, Catskill Shed Company
  
- VII. REPORTS**
  - A. Local Bits and Pieces
  - B. Staff Report
  
- VIII. OLD BUSINESS**
  - None
  
- IX. ADJOURNMENT**
  - A. Next Regular Meeting September 21, 2022
  - B. Adjourn

**TIOGA COUNTY PLANNING BOARD  
MEETING MINUTES  
July 20, 2022  
VIA ZOOM**

**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 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, John Current, Tim Pollard, Georgeanne Eckley, Rawley Filbin, Chelsea Robertson, Matt Tomazin  
**Excused:** Bryan Goodrich  
**Absent:**
- B. Ex Officio Members:
- C. Local Officials: Jake Brown, County Legislator District 4; Dan Cheresnowski, Town of Newark Valley Code Enforcement Officer
- D. 239m Review: Joann Lindstrom of Town of Owego; Brenda Faye-Pelotte of Town of Nichols; Michael Frateschi of TJA; Stuart Yetter, Town of Newark Valley Supervisor, Nathan Caplan of GLT Enterprises, LTD; Duane Blasdel of Mapleridge Ranch; Rick Haddock of Mapleridge Ranch; Emily Peters of LaBella Associates; Matt Lessard of Boehler Engineering; Bob Gage of GBT Realty; Jim Savage of Forys Savage, LLC
- E. Guests: Karen Gunther of West Creek Road; Whitney and Fermin Romero of West Creek Road; Scott Sassina of WBNG TV
- F. Staff: Elaine Jardine, Karen Warfle

**III. APPROVAL OF AGENDA**

- Approval of agenda as amended.  

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

**IV. APPROVAL OF MINUTES**

- Approval of May 18, 2022 minutes.  

P. Moore/J. Current/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 2022-014: Town of Newark Valley, Solar Energy Special Use Permit and Site Plan Review, Town Board

The applicant is proposing to develop, construct and operate a 5 MW/AC solar photovoltaic system, with all appurtenances on said property on West Creek Road. This solar project will occupy approximately 20 acres of this 42-acre agricultural land property. Activities included the installation of a ground-mounted solar energy system consisting of solar modules/panels, new electrical equipment and accessories including an electric line, access road, and concrete pads containing transformers.

This subject property is within 500 feet of a property enrolled in the NYS Agricultural Districts Program; therefore, the Town of Newark Valley is going through the Ag Data Statement process. Much of the actual site of the proposed solar project within the subject property is in land that has been valued High Farmland Preservation Priority in Tioga County's 2015 Agricultural and Farmland Protection Plan. This 40-acre field is actively farmed.

The applicant's Decommissioning Plan states that the project will have a 35-year useful life and ensures the project owner will provide adequate financial resources to the Town of Newark Valley in the event of project abandonment.

This community distributed generation solar project is providing a direct benefit to community residents and provides another contribution toward clean energy production. However, this is active agricultural field with row crops on it now. Furthermore, according to Tioga County's 2015 Agricultural & Farmland Protection Plan, the entire 40 acres of this property is within the highest preservation priority of agricultural land. Therefore, the highest and best use of this property, which is also in the floodplain, should continue to be agricultural row crops.

Staff advises the County Planning Board recommend disapproval of the solar energy special use permit and site plan review.

**Q. T. Pollard** – Is 35 years of life correct? This is first time we've seen a useful life this long, are they super special panels or are you overly optimistic about the useful life projection? **A. M. Frateschi** – The solar panels warrantee is for 25 years plus two five-year extensions. However, twenty-five years is the cut off for NYS funding/incentive program, so if that program were to stop, 25 years would be the end of useful life.

**Q. A. Cacciola** – If the property needs to be reclaimed to agriculture, is there enough money in place in advance to do this? **A. M. Frateschi** – Yes, there has to be some type of surety bond in place that renews on an annual basis with a small escalator. This bond must be in place before we pull the permits to begin construction.

**Q. P. Moore** – Is this solar project 4 or 5 MW AC? **A. M. Frateschi** – It is planned for 4 MW AC. I know it said both in our project materials. **P. Moore** – Did you have to restrict the project to 4 MW AC? **A. M. Frateschi** – Yes because of limitations on thermal loading of the sub-transmission line.

**Q P. Moore** – Is this land being purchased or leased? **A. M. Frateschi** – Leased. **E. Jardine** commented that lease materials were required by the Town of Newark Valley law and this was not provided.

**Q. P. Moore** – This land is the highest rated prime farmland in Tioga County, yet the Decommissioning Plan says it will restore the land to meadow conditions. Is this adequate for restoration to agriculture? **A. M. Frateschi** – Well now we have the condition that the land is to be restored to agricultural conditions as required by NYS Ag & Markets for requirements for agricultural restoration, so we will have to account for that in the decommissioning security.

**Q. D. Chrzanowski** – This land is in the floodplain and adjacent to the floodway. How are you going to turn these panels off during a flood event? **A. M. Frateschi** – There are two forms of shut offs – one remotely and one manual at the front of the site that should be accessible even during a flood. All equipment is outside the floodplain on the site. **E. Peters** – Additionally the solar panels will be sitting at two feet above the 500 year floodplain elevation and all the wiring is at 2 feet above the 500-year elevation.

**C Matt Tomazin** – As we have resources now such as the Ag & Farmland Protection Plan and the Solar Best Policies and Practices Plan, I believe we should be following them.

**Motion to recommend disapproval of the solar energy special use permit and site plan review:**

<b>T. Pollard/D. Chrzanowski/Carried</b>	
<b>Yes</b>	<b>10</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

**2. County Case 2022-015: Town of Owego, Solar Energy Law and Zoning Amendments, Town Board**

The Town of Owego has developed regulations for solar energy projects that will be allowed in all zoning districts. Solar energy projects will not be allowed within wellhead areas. The Town’s proposed solar energy law is very close to NYSERDA’s model law. The three local laws will comprehensively address regulation of solar energy projects, small and large, located within the Town of Owego.

Staff advises the County Planning Board recommend approval Solar Energy Law and Zoning Amendments.

**Q. D. Chrzanowski** – How do you define size of a large-scale solar project? Because a residential ground-mounted solar system can sell electric offsite as well. **A. J. Lindstrom** – I am unsure. We will consider something.

**Q. T Pollard** – Will the town have any special considerations for projects on active agricultural land and within the Agricultural Zoning District? **A. J. Lindstrom** – No, but the Town Board can consider something like that.

**Motion to recommend approval of the Solar Energy Law and Zoning Amendments:**

<b>C. Robertson/M. Tomazin/Carried</b>	
<b>Yes</b>	<b>10</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

**3. County Case 2022-016: Town of Nichols, Solar Energy Special Use Permit and Site Plan Review, Tioga Downs**

The applicant is proposing to construct and operate a 0.25 MW/AC major solar collection system on 2.2 of 50.9 acres on their own property.

The project will be a ground-mounted solar array that will use rotating solar photovoltaic panels that are 10 feet high. The panels will be mounted to an aluminum or steel racking system utilizing driven posts or helical ground screw. Electric wiring will be routed in conduit underground and connected to an existing transformer before the electric goes to the facility for private use. The solar project is within the 0.2% annual chance FEMA Special Flood Hazard Area (500-year floodplain), so floodplain regulations are not applicable. This solar PV power generation project will provide a direct benefit to the Tioga Downs by discounting electric rates for the facility. This proposal meets all applicable Town of Nichols codes and regulations.

Staff advises the County Planning Board recommend approval Solar Energy Systems Special Use Permit and Site Plan Review with the conditions that the applicant conducts a consultation with NY SHPO for historic and cultural resources affects.

**Q. D. Chrzanowski** – This is in a 500 year floodplain and still can experience flooding so will the Tioga Downs facility have full control? **A. B. Faye-Pelotte** – I don’t know for certain, but I would suspect so.

**Q. P. Moore** – Are they hooking the generated power into the grid? **A. B. Faye-Pelotte** – No, the power is for their own private use.

**Motion to recommend approval of the Solar Energy Systems Special Use Permit and Site Plan Review:**

<b>A.Cacciola/T. Pollard/Carried</b>	
<b>Yes</b>	<b>10</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

**4. County Case 2022-017: Town of Owego, Site Plan Review, Franklin Land Associates, LLC**

The applicant is requesting site plan review to construct, establish and operate a 10,640+/- square foot general retail store. The store will be open 8:00 AM to 10:00 PM daily. Applicant expects the store to have eight to ten employees with approximately 30 vehicle trips during peak hours in morning and evening.

That applicant has not provided signage plans at this time.

Because this property is within 500 feet of a property enrolled in the NYS Agricultural Districts Program, the Town of Owego is going through the Agricultural Data Statement process.

This proposed use is an appropriate land use for the character of the area. The proposal appears to be compliant with the Town of Owego codes. It will be a benefit for the neighboring residents to have such a general store adjacent to the residential area.

Staff advises the County Planning Board recommend approval Site Plan Review with the conditions that the applicant complies with NYS DOT Region 9 Site Plan Review comments and requirements, that the applicant provides signage plans that comply with the Town of Owego’s sign regulations and that applicant and the Town Planning Board agrees on the amount of parking spaces both designated and overflow and that the Town goes through the Ag Data Statement process.

**Q. D. Chrzanowski** – There is another Dollar General less than a mile away across the bridge, are you certain this new store is needed? **A. B. Gage** – Yes, this store will serve a different audience and our market research shows this new store will be successful. By the way, there is a sidewalk planned now after discussing with NYS DOT Region 9.

**Q. C. Robertson** – What is the building going to look like? **A. B. Gage** – It will be prototypical as the community’s zoning regulations do not require anything special, but we will entertain requests. **C. Robertson** commented that the town should negotiate an upgraded building in exchange for the extra parking spaces.

**C. Doug Chrzanowski** – This area of State Route 17C is in the area of a changing speed zone and could be problematic. Just wanted to note this for the record.

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

<b>T. Pollard/G. Eckley/Carried</b>	
<b>Yes</b>	<b>10</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

**5. County Case 2022-018: Town of Barton, Site Plan Review, GLT Enterprises, LTD**

The applicant is proposing to construct and operate two new pole barns directly across the highway from his current business, NASCO Carpets. The applicant plans to construct the two 28x100-foot pole barns for storage of inventory. This would eliminate six tractor-trailers they are currently using for storage.

Applicant states the buildings will have no electricity, water, or sewer. Construction is expected to take about two months.

This property is within 500 feet of a property participating in the New York State Agricultural Districts Program; therefore, the Town of Barton needs to conduct the Agricultural Data Statement process.

This proposed storage use is logical given the applicant’s current storage situation. The two new buildings will make the applicant’s current site much cleaner and more aesthetically pleasing.

Staff advises the County Planning Board recommend approval Site Plan Review with the conditions that the applicant complies with NYS DOT Region 9 Site Plan Review Committee’s comments and requirements and that the Town goes through the Ag Data Statement process.

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

<b>A. Cacciola/C. Robertson/Carried</b>	
<b>Yes</b>	<b>9</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>1 (Grady Updyke)</b>

**6. County Case 2022-019: Town of Owego, Site Plan Review, Forys Savage, LLC**

The applicant is requesting site plan review to relocate their existing storage shed sales facility to this new location. There will be approximately 40 sheds on the property at any given time. There will also

be a small office shed on site at 10x20 square feet. The business has no employees other than the two owners. The hours of operation are 11:00 AM to 5:00 PM three days per week and Saturday 10:00 AM to 1:00 PM during summer and fall and additionally by appointment only during winter and spring. Applicant states they have only about three customers per day. The applicant has not provided signage plans at this time, but does plan to install a light pole.

This proposed use is an appropriate land use for the character of the area. The proposal appears to be compliant with the Town of Owego codes.

Conditions:

1. That the applicant obtain all required state, county and local permits, licenses and registrations.
2. That applicant comply with NYS DOT Region 9 Site Plan Review Committee’s comments and requirements.
3. That the applicant submits signage plans that comply with the Town of Owego’s code and regulations for signs.

Staff advises the County Planning Board recommend APPROVAL of the Site Plan Review with the conditions noted above.

**Q. T. Pollard** – Is this the same applicant as last year’s office building applicant? **A. D. Chrzanowski & E. Jardine** – No that was a different applicant adjacent to this location.

**Q. A. Cacciola** – Will the light pole contribute to night sky pollution? **A. J. Savage** – No and we are not open at night.

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

<b>C. Robertson/R. Filbin/Carried</b>	
<b>Yes</b>	<b>10</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

**7. County Case 2022-020: Town of Owego, Site Plan Review and Special Use Permit, Mapleridge Ranch**

The applicant is requesting site plan review to relocate their existing children’s summer camp facility from Montrose Turnpike to this location on Holmes Road. The summer camp hosts typically hosts 500 to 600 children campers per summer. The launch phase of the camp includes construction of an open-air pavilion, camper cabin and the chapel. They will be improving the roadway. The applicant is now working with an engineer to design the private water, septic and electrical systems. The applicant has not provided signage plans at this time. This proposed use is an appropriate land use for the rural character of the area. The proposal appears to be compliant with the Town of Owego codes.

Conditions:

1. That the applicant obtain all required state, county and local permits, licenses and registrations.
2. That the applicant submits signage plans that comply with the Town of Owego’s code and regulations for signs.
3. That the applicant and Town Planning Board agree upon the number of parking spaces to be provided in the designated parking area.

After thorough consideration of the above, Staff advises the County Planning Board recommend APPROVAL of the Site Plan Review with the conditions noted above.

**Q. D. Chrzanowski** – Are you bringing everything over to the new location (e.g. Horses, etc.) **A. R. Haddock** – Not everything. There is a logging road we will use to travel back and forth from the Montrose Turnpike site to utilize some of the facility/resources on that original site.

**Q. D. Chrzanowski** – The properties are adjacent, so you can build roads between them? **A. R. Haddock** – Yes, and there is a lake on the Holmes side.

**Q. D. Chrzanowski** – Will you be able to enter on the Holmes side if approved? **A. R. Haddock** – Yes, that will be the primary entrance into the area.

**Q. P. Moore** - Does this move have to do with the approved nearby solar project or some other reason? **A. R. Haddock** – It has to do more with the adjacent property becoming available. **D. Blasdel** – It did increase our desire to get on the other side faster.

**Q. D. Chrzanowski** – Both properties will be maintained? **A. D. Blasdel** – Yes.

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

<b>P. Moore/G. Eckley/Carried</b>	
<b>Yes</b>	<b>10</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

**VIII. REPORTS**

**A. Local Bits and Pieces – deferred until next regular meeting.**

1. **Town of Candor** (A. Cacciola)
  - No report.
  
2. **Town of Tioga** (D. Chrzanowski)
  - No report
  
3. **Town of Berkshire** (T. Pollard)
  - No report.
  
4. **Town of Newark Valley** (M. Tomazin)
  - No report.
  
5. **Town of Barton** (G. Updyke)
  - No report.
  
6. **Town of Owego** (J. Current)
  - No report.
  
7. **Town of Nichols** (P. Moore)
  - No report.
  
8. **Village of Waverly** (R. Filbin)
  - No report.
  
9. **Village of Owego** (G. Eckley)



- No report.

**10. Alternates** (B. Goodrich, C. Robertson)

- No report.

**B. Staff Report:**

- Nothing other than what was sent in the meeting packet.

**IX. OLD BUSINESS**

- None.

**X. ADJOURNMENT**

A. Next Meeting August 17, 2022, @ 7:00 PM via Zoom.

B. Motion made to adjourn at 8:43PM. M. Tomazin/T Pollard/Carried.

Respectfully submitted,

Elaine Jardine, Tioga County Planning Director  
Economic Development & Planning

**Economic Development and Planning  
Legislative Committee Report  
August 2, 2022  
Prepared By: Elaine Jardine**

**Meetings**

- Waverly Board of Trustees meeting
- Tioga County Planning Board meeting
- NYS Association of County Planning Directors meeting
- NYSAC IT Taskforce Meeting
- ST8 Broadband Collaboration meeting
- Town of Richford Planning Board meeting

**Active Projects**

- Gateway beautification project in Waverly with school students to paint murals on the railroad underpass at State Route 17 exit 61 and fence at exit 60. Students have painted the mural and constructed a frame. The mural is not going on the RR under pass, but possibly the side of Foote's building.
- Waverly NY Forward application – working on the Supportive Local Policies section.
- Town of Richford – Assisting the Town Planning Board with developing a solar energy law.

**Grants**

**Active**

- DOS Local Government Efficiency Program - County ITCS Shared Services with Village of Owego and Town of Candor – IT starting with Village of Owego in February in the new village office building, then the Town of Candor this summer.
- ESD Planning and Feasibility Study Program – Village of Waverly downtown economic market analysis (\$50,000) – The consultant has developed a final DRAFT report for Board of Trustees adoption.
- OPRHP EPF Municipal Grant Program – Village of Owego OPD building restoration (\$625,811).

**Pending**

- Appalachian Regional Commission final applications – Tioga County IDA Education Workforce Coordinator was finalized as the top-ranked application; NYS DOS has approved and ARC staff in Washington, DC has reviewed. Need to create an ARCnet account in order to start grant. Need to modify September start date.
- FEMA HMGP DR 4567 – Tioga County IDA stream crossing in Town of Richford preliminary engineering services – working on application with IDA Executive Administrator. Submitted before November 10 deadline. NYS DHSES has approved and FEMA has asked their questions. Still waiting on award notification.
- FEMA HMGP DR 4480 – Grant to update the County's Hazard Mitigation Plan has been submitted and accepted by NYDHSES. Budget will change from 25% local match to 10% during award process.
- Racker Center CDBG CARES grant application for the Neighborhood Depot – assisting B. Woodburn with accomplishing items on the NEPA Environmental Review checklist. Wrote notice of FONSI and Request for Funds, published and comment period is over.

**Potential**

- Appalachian Regional Commission FY2022 – Wrote and submitted grant application to fund 50% of the consultant cost for a new County operational strategic plan. ST8 staff has reviewed and after making corrections, is ready to go to NYS DOS.
- Appalachian Regional Commission FY2022 – Assisted TCIDA Executive Administrator with grant application to fund 50% of consultant cost to develop preliminary engineering to make the Lounsbury Industrial Park site shovel ready.

## Plans/Studies

- Village of Waverly Comprehensive Plan Implementation – Waverly art students' gateways mural projects and downtown design guidelines. Work is finalized on the Village of Waverly Downtown Economic Market Analysis. Presented to the Board of Trustees who will adopt at their next Board meeting.

## Reviews (239)

- County Case 2022-014: Town of Newark Valley, Site Plan Review and Solar Energy Special Use Permit, TJA-NY Newark Valley Solar Farm, LLC – Applicant wishes to establish a solar project on farmland and in the floodplain along West Creek Road. Staff advised the County Planning Board to recommend disapproval and the County Planning Board voted unanimously for disapproval.
- County Case 2022-015: Town of Owego Zoning Amendments for Solar Energy, Owego Town Board – the Town developed regulations for solar array projects. Staff advised the County Planning Board to recommend approval with conditions and the County Planning Board voted unanimously for approval.
- County Case 2022-016: Town of Nichols, Solar Energy System Special Use Permit and Site Plan Review, Tioga Downs – Tioga Downs wishes to install and operate a 0.25 MW/AC solar array project on their own land for use at their facility. Staff advised the County Planning Board to recommend approval and the County Planning Board unanimously recommended approval.
- County Case 2022-017: Town of Owego, Site Plan Review, Franklin Land Associates, LLC – Applicant wishes to construct and operate a 10,000 +/- square foot general retail store on State Route 17C close to Kinney Road in Campville. Staff advised the County Planning Board recommend approval with conditions and the County Planning Board unanimously recommended approval.
- County Case 2022-018: Town of Barton, Site Plan Review, GLT Enterprises, LTD – Applicant (Nasco Flooring) wishes to construct two pole barns for storage across the highway from his current facility on State Route 17C. Staff advised the County Planning Board to recommend approval with conditions and the County Planning Board recommended approval.
- County Case 2022-019: Town of Owego, Site Plan Review, Forys Savage, LLC – Applicant wishes to relocate their storage shed sales facility from next to Bud's Place to almost at the corner of State Route 434 and Forest Hill Road in Apalachin. Staff advised the County Planning Board to recommend approval with conditions and the County Planning Board unanimously recommended approval.
- County Case 2022-020: Town of Owego, Site Plan Review and Special Use Permit, Mapleridge Ranch – Applicant wishes to move some of their children's camp facilities from Montrose Turnpike to Holmes Road. Staff advised the County Planning Board to recommend approval with conditions and the County Planning Board unanimously recommended approval.

## • Resolutions –

None

**Economic Development and Planning  
Legislative Committee Report  
August 2, 2022  
Prepared By: Megan Schnabl**

**Meetings**

IDA Monthly Meeting and Annual Meeting  
IDA Training  
Land Bank Meeting  
Leadership Tioga County  
Restore NY Webinar  
Nichols Fire District/USDA Community Facilities Grant Meeting  
STREDC Loan Committee Meeting (7/19 & 7/27)  
Sweeper Truck Shared Services Meeting  
Restore NY meeting

**Active Projects**

DRI Projects Administration  
NYMS Project Administration-Owego and Candor  
GIS Mapping Activities  
USDA Community Facilities Program Village of Nichols Sweeper/Vacuum Truck  
State Leads Responses  
GIS/IDA/EDP Available Sites Mapping and Website  
USDA Small Business Technical Assistance Grant  
CDBG Racker The Neighborhood Depot

**Active Leads**

**Grants**

**Active**

NYSEG COVID-19 Relief Grant – The Cellar Restaurant  
USDA Community Facilities Program Village of Nichols Sweeper/Vacuum Truck

**Pending**

Berkshire Fire Department FEMA Grant for Sign

**Potential**

Restore NY - Waverly

**Completed**

**Plans/Studies**