

**TIOGA COUNTY PLANNING BOARD  
MEETING MINUTES**

**May 19, 2021**

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

**II. ATTENDANCE**

A. Planning Board Members:

**Present:** Doug Chrzanowski, Grady Updyke, Tim Pollard, Mike Reynolds, Art Cacciola, Georgeanne Eckley, Pam Moore, Matt Tomazin, John Current, Rawley Filbin

**Excused:** Chelsea Robertson

**Absent:** Tim Goodrich

B. Ex Officio Members:

C. Local Officials: None

D. 239m Review: Kelly Sullivan of Bergmann PC for Delaware River Solar and Annie McQuillan of Delaware River Solar, LLC; Sarah Campbell of Hinman, Howard & Kattel, Matt Kushner and Chris Maby of Delta Engineers and Dr. David Gallagher

E. Guests:

F. Staff: Elaine Jardine

**III. APPROVAL OF AGENDA**

- Approval of agenda.

J. Current/M. Reynolds /Carried  
None Opposed  
No Abstentions

**IV. APPROVAL OF MINUTES**

- Approval of April 21, 2021 minutes.

P. Moore/D. Chrzanowski/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 2021-011: Town of Tioga, Site Plan Review, Delaware Solar, LLC (NY Tioga III, 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 on State Route 17C, the former site of an automobile salvage yard. This solar project will occupy approximately 20 acres of this 39.25 acre undeveloped property. This Community Distributed Generation solar project will generate enough energy to provide 816 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 12 feet on the higher end off the ground. A seven-foot, high-wire mesh perimeter fence with locking gate will be installed surrounding the project facility. Access will be provided via a driveway and extended road from State Route 17C. Views of the project from the north, south and west will be mitigated by natural vegetation, distance from road or distance from other properties. Vegetative screening may be considered along the eastern boundary to screen view from neighboring structures. 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. Additionally, this project temporarily impacts 0.44 acres and permanently impacts 0.00008 acres of wetland 1. Therefore, it requires an Individual Section 401 Water Quality Certification from NYS DEC due to temporary and permanent impacts. The application will also be submitted to the Army Corps of Engineers as a Joint Permit Application to authorize coverage under 2021 NWP 51. Lastly, there is no agricultural land impacted by this particular solar project.

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 Tioga in the event they abandon the project.

Staff recommends approval of the site plan review. E. Jardine then updated Board members on NYS DOT Region 9 Site Plan Review Committee’s comments and requirements per their letter dated May 18, 2021. Nothing out of the ordinary is required.

**M. Reynolds:** I like the fact that this project does not impact farmland.

**Q. P. Moore:** How far away are nearby houses from this project? **A. D. Chrzanowski** – Not close at all. The couple of houses along State Route 17C are at a much lower elevation due to the steep incline, so they won’t see the project except maybe in the winter when there is no leaves on the trees. **K. Sullivan:** Yes, that is correct and this property owner also owns the property across the highway.

**Motion to recommend approval of the site plan review:**

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

**Abstention                      1 (D. Chrzanowski)**

**2. County Case 2021-013: Town of Owego, Outdoor Recreation Special Use Permit, Dr. David Gallagher**

The applicant is requesting a special permit to establish and operate a private outdoor recreation facility at their existing residence and 5.34-acre property on South Apalachin Road. The applicant plans to construct a 3,900 square foot second-story addition to the eastern wing of their current house. The facility will be comprised of an enclosed glass reception hall, with 20’ Grotto waterfall that leads to a volcanic waterbed, which is the centerpiece for the indoor seating area. Outdoor activities will include dining and use of the residence’s existing pool and fire pit area. The vision is to provide a recreational venue for business professionals and private celebrations in a unique setting. The applicant plans to have these events catered.

Hours of operation are planned for Saturdays Noon – 10:00 PM and Sundays Noon - 8:00 PM. There will a maximum of 100 people allowed per event, but there will be no overnight visitors, as this is now and will continue to be the home of Dr. Gallagher. There will be a maximum of 15 caterers on site at any given time. No amplified music will be allowed outdoors. The applicant plans to install a curbside sign for this business, but has not submitted any signage plans. The site plan show a new driveway that is 20 feet wide to accommodate two-way traffic to the facility’s parking lot. The only lighting will be an illuminated pathway that leads from the parking lot to the main entrance of the grotto.

The surrounding neighborhood contains agricultural uses and wooded land. The property is within 500 feet a property enrolled in the NYS Agricultural Districts Program, so the Town of Owego is going through the Ag Data Statement process. The applicant’s proposal meets the requirements in the Town of Owego Zoning Code. This low-intensity event facility will have little to no impact on the surrounding properties.

Staff recommends approval of the outdoor recreation special use permit with the conditions that the applicant’s proposed curb sign meets the Town of Owego’s sign regulations.

**Q. D. Chrzanowski:** How long is the driveway? NYS Fire Code is now going to require that for driveways longer than 500 feet have the capacity to pass two water tankers if there is no access municipal water. **A C. Maby** – The new offshoot driveway is planned at 20 feet wide, so it will have the capacity to pass two water tankers side by side.

**Q. P. Moore:** What is a volcanic waterbed? **A D. Gallagher** – Where the waterfall falls into, the water flow will be colored to look like an erupting volcano.

**Motion to recommend approval of the outdoor recreation special use permit with the conditions noted:**

<b>T. Pollard/R. Filbin/Carried</b>	
<b>Yes</b>	<b>10</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

**3. County Case 2021-012: Town of Owego, Special Use Permit, Way Bay Star, LLC**

The applicant is requesting a special use permit to construct an 18,000 square foot, two-story Article 28 compliant medical building for Lourdes. This is the site of the former Trabucco/Matthews Chevrolet automobile dealership. Site development for this proposed healthcare facility will include existing building demolition, site utilities, storm water management, paving, landscaping, and site lighting. Building construction will consist of medical office space, clinical exam, imaging, lab, and pharmacy drive thru.

The proposed use is in character with this small pocket of industrial and commercial uses within the Town. Even though the use is more commercial in nature, Town staff has determined that it does comply with the “catch all” clause referenced above for special use permits in Industrial districts.

Staff recommends approval of the site plan review with the conditions that the applicant comes back for other required local approvals at a future date.

**Motion to recommend approval of the special use permit 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>

**VIII. REPORTS**

**A. Local Bits and Pieces**

1. **Town of Candor** (A. Cacciola)
  - Planning Board is working final draft of seasonal road local law.
  - A Town Councilman passed away last week leaving a vacancy on the Town Board
  
2. **Town of Tioga** (D. Chrzanowski)
  - NYS DEC is grubbing and clearing a significant area along Owego Creek and Glenmary Drive. Doug will provide E. Jardine DEC’s work plan, as she has had questions about it and has not informed to answer.
  
3. **Town/Village of Spencer** (T. Goodrich)
  - Not in attendance.
  
4. **Town of Berkshire** (T. Pollard)
  - The Town Planning Board is combining the Town’s Site Plan Review law and Subdivision Law into one local law. This will come before the TCPB for recommendation when they have a final draft.
  
5. **Village of Newark Valley** (M. Reynolds)
  - The Village will hold the Summerfest on July 31, at which they will celebrate the 150<sup>th</sup> anniversary of Trout Ponds Park.
  - The Comprehensive Plan update final draft is nearly complete and will be coming before the TCPB for recommendation soon.
  
6. **Town of Newark Valley** (M. Tomazin)
  - No report.

7. **Town of Barton** (G. Updyke)
  - No report.
8. **Town of Owego** (J. Current)
  - No report.
9. **Town of Nichols** (P. Moore)
  - Crown Cork & Seal installed a second driveway for the sole use of tractor-trailers, causing an issue because the adjacent creek is eroding the bank and narrowing the town road. GPS incorrectly directs tractor-trailer drivers to take town roads to the facility, causing more wear and tear on the town roads. No one seems to know how to solve this GPS issue.
10. **Village of Waverly** (R. Filbin)
  - No report.
11. **Village of Owego** (G. Eckley)
  - No report.

**B. Staff Report:**

- E. Jardine updated Board members on local boards' outcomes for three recent cases:
  - The Newark Valley Town Board overrode the TCPB's recommendation for disapproval and approved the GEM Energy solar project on Howard Hill and Prentice Hill Roads
  - The Town of Owego ZBA overrode the TCPB's recommendation for disapproval and approved the SunEast Valley Solar solar project on Montrose Turnpike
  - The Town of Owego ZBA has requested that Apalachin Development (Roger Steen) obtain a letter of permission from the Ackel family, who is the property owner, before he elevates and grades the vacant property on State Route 434 across from the NYS Route 16 Exit 66.

**IX. OLD BUSINESS**

- TCPB members discussed continuing virtual Zoom meetings even after Governor Cuomo's Executive Orders allowing them are discontinued. P. Moore would have to work out something to be with either E. Jardine at the office or with another Board member so she can be seen. The TCPB decided by consensus to continue meeting virtually via Zoom.

**X. ADJOURNMENT**

- A. Next Meeting June 16, 2021, @ 7:00 PM via Zoom.
- B. Motion made to adjourn at 8:12 PM. F. Filbin/M. Tomazin/Carried.

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