

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
June 19, 2019
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 7:07 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Doug Chrzanowski, Mike Reynolds, Georgeanne Eckley, Tim Pollard, Pam Moore, Chelsea Robertson, John Current, Tim Goodrich

Excused: Rawley Filbin, Grady Updyke, Art Cacciola

Absent: Sarah Titus

B. Ex Officio Members:

C. Local Officials: None

D. 239m Review: Robert Switala of Bergmann PC on behalf of Newark Valley NY I, LLC, an affiliate of Delaware River Solar, LLC

E. Guests: None

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 May 15, 2019 minutes.

P. Moore/J. Current/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 2019-008: Town of Candor, Solar Energy Systems Site Plan, Newark Valley NY I, LLC

The applicant is proposing to construct and operate a 5.0 MWAC solar photovoltaic system via leasing from the owner approximately 30 acres located in the northwestern portion of the nearly 300-acre property. The current use of the property is non-active agricultural land and pasture.

Electric power generation from the solar panels will be connected to the utility grid by a transformer installed by NYSEG. Approximately 870 local households will benefit by reduction of their current electricity rate through the project owner's Community Solar Program. Construction is expected to take up to 16 weeks to complete. The solar panels will be 9 feet high from ground level with steel pylon bases.

The case is subject to 239 review because the property is enrolled in the NYS Agricultural District Program and is located on a county road. The Town of Candor has completed the Agricultural Data Statement form.

This project encompasses a wetland for which the applicant will be submitting a Jurisdictional Permit application to the US Army Corp of Engineers. It also involves disturbance of just over 1 acre for the constructing of an impervious surface access road. The applicant will be submitting a SWPPP to NYS DEC for stormwater construction compliance. The stormwater practice will be drainage designed to flow to a retention pond. This location is not within FEMA's Special Flood Hazard Area. Soils on this site are classified as Farmland of Statewide Significance.

The Tioga County DPW Commissioner was consulted on this case due to West Creek Road being a county road. He stated that the applicant will need a driveway permit, and that the access road will need a cross slope to prevent roadway runoff from exiting onto West Creek Road. In addition, a permit is needed if any utility poles are proposed in the right of way.

The applicant's proposal meets all requirements in the Town of Candor's Site Plan Review and Solar Energy Systems regulations. In this case, it is important to weigh the community benefit of the solar project vs. versus loss of agricultural land, as well as private property rights when making a decision.

Staff recommends approval of the Solar Energy Systems Site Plan Review with the conditions that the applicant obtains a driveway permit from the Tioga County DPW and follow their driveway access design recommendation, and that the applicant follows NYS Department of Agriculture & Markets Agriculture Solar Energy Guidelines during all phases of the project.

R. Switala confirmed that there are no poles to be located in the right of way. He also explained that the preferred location of the driveway access is the new one proposed to the south as shown on the site plan, and that is why there are two accesses shown.

Q. T. Pollard – Will there be a fence around the solar panels area? **A. R. Switala** – Yes. It will be more of an agricultural type fence that is eight feet high, and not chain link. He distributed a picture.

Q. P. Moore – How will the property be maintained? **A. R. Switala** – It will be mowed and inspected once a month. **P. Moore** – Will the company bond the decommissioning, because the stated value of decommissioning seemed quite low. **A. R. Switala** – Yes. However, TCPB members stated that the company's Decommissioning Plan did NOT include bonding. E. Jardine stated that the Town of Candor law does not require bonding. **P. Moore** commented on the loss of agricultural land posed with this solar project. Discussion ensued on this topic; with the recognition that farmland is important, but the town's local law allows this land use and private property rights are important as well.

R. Switala commented that the access road is very steep and long, and heavy equipment will not be capable of driving up it. Panels will have to be unloaded at the bottom and taken up the hill by smaller trucks.

Q. T. Pollard – What is the size of this project? There are references to different acreages in the Project Description. **A. R. Switala** – This is because the length of the access road. The size with the access road is 49 acres, and the solar panel area only is 28 acres.

Motion to recommend approval of the Solar Energy Systems Site Plan Review:

J. Current/D. Chrzanowski/Carried	
Yes	6
No	2 (P. Moore, T. Pollard)
Abstention	0

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – A. Cacciola

- Not in attendance.

2. Town of Nichols – P. Moore

- There is an Amish community locating in South Owego and Nichols.

3. Town of Berkshire – T. Pollard

- NY Rural Water Association Source Water Protection Plan for Berkshire is complete. Now what? E. Jardine asked if there are recommendations for water well testing included in the report.

4. Town of Tioga – D. Chrzanowski

- No report.

5. Village of Waverly – R. Filbin

- Not in attendance.

6. Village of Owego – G. Eckley

- No report.

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 and C. Robertson

- Town of Owego Highway is working on stormwater drainage in the Sunnyside neighborhood.

10. Town of Barton – G. Updyke

- Not in attendance.

11. Town of Richford - vacant

12. Spencer – T. Goodrich

- Town and Village of Spencer are dissolving joint Planning Board and repealing joint Site Plan Review law. Village Planning Board and Site Plan Review will continue.
- Spencer Annual Picnic is July 21 and 22, so come on up!

B. Staff Report:

- E. Jardine pointed out new format of monthly report and stated that Zack Baker, Ag Development Specialist left EDP employment last week. The future of this position is unknown at this time. Also, Abbey Hendrickson, Community Development Specialist, starts next week.

IX. OLD BUSINESS

- A. Please provide E. Jardine with certificate from May 29 Agricultural land use municipal officials training if you attended.

X. ADJOURNMENT

- A. Next Meeting July 17, 2019 @ 7:00 PM in the Legislature Conference Room.
B. Motion made to adjourn at 8:20 PM. G. Eckley/T. Pollard/Carried.

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