

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
July 17, 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 7:04 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Doug Chrzanowski, Mike Reynolds, Georgeanne Eckley, Tim Pollard, Pam Moore, Rawley Filbin, Grady Updyke, Art Cacciola

Excused: Tim Goodrich, Chelsea Robertson, Sarah Titus

Absent: John Current

B. Ex Officio Members:

C. Local Officials: None

D. 239m Review: Dan Watson from Lodestar Energy, Cynthia Zatwarnicki from Delta Engineering, Jeff Luciano and Nancy Murray from High End Multi Processing, Josh Bruckel from WNYWP, LLC, Tim Gourley for Tri-County Real Estate Enterprises, LLC

E. Guests: Matt Freeze, Morning Times

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda.

M. Reynolds/T. Pollard/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of June 19, 2019 minutes with one typo correction on page 2.

P. Moore/T. Pollard/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 2019-009: Village of Waverly, Site Plan Review/Special Use Permit, Tri-County Real Estate Enterprises, LLC

The applicant is requesting site plan review and a special use permit to construct an 18-unit multiple family residence for seniors. Each unit will be 1,560 square feet, and include one garage plus one outdoor parking space. One wall-mounted light and a ceiling-mounted porch light will exteriorly light each unit. No exterior street lighting is planned. The applicant has verified with the Waverly / Barton Fire Department that their trucks can maneuver on the full road design as drawn on the site plan. The applicant proposes one ground/monument sign proposed at the Center Street entrance. The applicant plans to connect this new residential development to the existing municipal water and sewer utilities. The applicant has already properly demolished two old single-family homes that existed on two of the three properties in preparation for this development.

As ground disturbance will be greater than one acre, the applicant is developing a SWPPP for submittal to NYS DEC. Stormwater drainage will be controlled with a series of 12 dry-well catchment basins, if NYS DEC approves. This project location does not lie within the FEMA floodplain. Additionally, as this project location is within NY SHPO's Archeological Sensitive Zone, the applicant has already consulted with SHPO and received a No Impact letter.

The neighborhood contains a mix of residences and vacant land nearby. The applicant's proposal for multi-family residences complies with all applicable regulations in the Village of Waverly's Zoning Code. Senior housing is a compatible use with this residential neighborhood.

Housing development at higher densities has been documented as a need in the Tioga County Housing Market Assessment in 2003 as well as the more recent Tioga County Housing Study in 2017. The Village of Waverly Comprehensive Plan from 1981 mentions in its Overall Development Pattern Chapter that this area is mainly single family in nature, but more intense usage is always a possibility.

Staff recommends approval of the Site Plan Review / Special Use Permit with the standard condition.

Q. A. Cacciola – Will there be a master key in a lock box available or staff with keys in case a resident cannot open a door for emergency response purposes? **A. T. Gourley** – No. This is not an assisted living facility, just independent living seniors, so this has not been considered.

Q. D. Chrzanowski – Is the road shown on the site plan a private road? **A. T. Gourley** – Yes.

Q. M. Reynolds – How many fire hydrants will there be on site? **A. T. Gourley** – There are two on the main road (he pointed to them on the site plan displayed on the television, and one on the property for a blow-off valve.

Q. P. Moore – Why doesn't the road go through to Lincoln Street? **A. T. Gourley** – Two reasons; one is that the grade is too steep, and two is that this is a private road and therefore we did not want to create a thru-street short cut.

Q. D. Chrzanowski – What about snow removal? It looks like plowed snow will have to be pushed to the adjoining property. **A. T. Gourley** – The developer will handle all maintenance. **D. Chrzanowski** – Yes, but pushing snow to an adjoining property could cause a problem.

Motion to recommend approval of the Special Use Permit /Site Plan Review:

T. Pollard/D. Chrzanowski/Carried	
Yes	8
No	0
Abstention	0

2. County Case 2019-010: Town of Tioga, Site Plan Review, Lodestar Energy, LLC

The applicant is proposing to construct and operate this proposed 4.9MW/AC solar project on approximately 26 acres of the 127.54-acre property via lease agreement. The project site is on the western side of Halsey Valley Road. The current land use is vacant farmland and grass.

The solar panels will be 8 – 9 feet tall, depending on angle tilt. A seven-foot high chain link fence with locking gate will surround and protect the panel arrays. This project location, which will serve up to 450 local residences, is strategic to NYSEG infrastructure for interconnection. Site visits for regular inspection and mowing/maintenance will take place every 2 to 4 months.

There are no mapped wetlands or floodplain areas on this project site. Project development will involve tree clearing and grading on only two acres of land. The Town of Tioga has completed the Agricultural Data Statement form and process, as there are properties enrolled in the NYS Agricultural Districts Program located within 500 feet of the subject property. The project site is located in an area designated as medium priority for farmland protection in Tioga County’s 2015 Agricultural and Farmland Protection Plan.

Nearby land uses include open space, woodland and agricultural fields. This solar PV power generation project will provide benefit to the community by generating clean energy and energy cost discounts to many local homeowners. The project has been carefully planned and logically arranged. Although the land is designated as Medium Priority for farmland protection, local knowledge is that the land on this site is only marginally agriculturally productive.

This proposal has been provided to the County DPW Commissioner for his pending comments. Lastly, it is important to note that the Town of Tioga is not requiring bonding to cover decommissioning cost, as it does not have a local law regulating this.

Staff recommends approval of the Site Plan Review with the standard condition.

- Q. M. Reynolds** – What is the height of the fence? The Decommissioning Plan says 6 feet. **A. E. Jardine** – I informed the applicant that NYS Electrical Code requires a 7 foot fence and the applicant consented and we thought we got all the references to 6 feet. Thanks for pointing that out. **C. G. Updyke, T. Pollard and P. Moore** – We are concerned that these solar companies are continually taking up productive agricultural land in our county, and what the resulting cumulative impacts might be. Discussion ensued weighing private property rights versus the agricultural value of land involved in these solar projects. **Q. T. Pollard** – What is the source of the local knowledge of agricultural production on this land? **A. D. Chrzanowski** – Alan Bill and Bob Strong. **P. Moore** commented that this information then had not come from the farmer who farms the land.

Motion to recommend approval of the Site Plan Review:

T. Pollard/D. Chrzanowski/Not Carried	
Yes	4
No	3 (G. Updyke, T. Pollard, P. Moore)
Abstention	1 (D. Chrzanowski)

3. County Case 2019-011: Town of Barton, Site Plan Review, WNYWP, LLC

The applicant is proposing to establish a new hemp CBD extraction facility utilizing ethanol at the former Grand Union warehouse property, which 6.8 acres. The applicant plans to renovate and retrofit the existing 100,756 square foot building for this purpose, as well as widen the existing entrance drive from the road going over the Norfolk & Southern railroad tracks. The applicant is under contract to purchase with the current property owner, pending results of a new engineering environmental assessment.

The applicant expects to employ 35 office jobs, plus up to 25 jobs in the processing area working over two shifts. After year one, the applicant expects this number to increase to 70 processing employees, working 24/7. Truck traffic generation is expected to be only two to three per day during non-peak time. During peak season, which occurs after hemp harvest time (October through June), five to ten truck per day are expected to pick up the processed CBD product. Applicant has stated that local farmers will be contacted for hemp production possibilities.

As this area lies within SHPO's Archeological Sensitive Zone, the applicant will be required to conduct a consultation with NY SHPO via the online CRIS system, and obtain a No Impact clearance letter. The Town of Barton has submitted this proposal to NYS DOT Region 9's Site Plan Review Committee and their comments are pending.

E. Jardine updated the group that the applicant's engineer, Fagan Engineering, had just completed an Environmental Assessment of the property and there was no contamination found. Also, the County DPW Commissioner informed her that Broad Street Extension is no longer a county road, but the bridge is and he wanted make sure that there were no truck loads heavier than the bridge could handle.

Staff recommends approval of the Site Plan Review with the standard condition.

Q. P. Moore – How long has this building been empty? **A. J. Luciano** – About 20 years. **E. Jardine** then repeated that Fagan Engineers were just in the building to complete the Environmental Assessment, and found no contamination.

Q. G. Eckley – So this is a processing facility? **A. J. Luciano** – Yes, for CBD oil production in large, bulk volumes to send to manufacturers that make retail products. This project is privately funded.

Q. P. Moore – Why did you choose this location and area? **A. J. Luciano** – I am from this area, I live and run a small CBD processing plant in the Village of Spencer. We had a good offer on a property in Olean, but LeeAnn Tinney with Tioga County EDP directed us to this building and available property, and we chose it so we could remain here.

Q. M. Reynolds – Will there be a security fence around the facility? **A. J. Luciano and J. Bruckel** – We are considering a fence for security. Note – later during this discussion the applicants stated they are committed to installing a 7-foot high fence, possibly topped with barbed wire, as they realize that vandalism and theft is a high possibility.

Q. A. Cacciola – How else will you address theft? **A. J. Luciano** – By having continual contact with local law enforcement and installing many monitoring cameras. We will also have signage indicating there is industrial hemp on the property, which does not contain THC.

Q. A. Cacciola – Why not use NYS funding for this initiative? **A. J. Luciano** – Because the NYS incentive funding has been delayed. Private funding allows us to move forward now.

Q. P. Moore – The information says you will outreach to local farmers for growing hemp. Is this true? **A. J. Luciano** – Yes. The closer we can get the input hemp plants, the cheaper and more efficient it is for our business. Plus local farmers know their soils and what land would be suitable for good crops. We will be able to process 2,000 pounds of this biomass per hour, which equates to one acre of crop per hour.

Q. T. Pollard – Are these truck trip estimates at peak time correct? They seem low. **A. J. Bruckel** – Yes, because the input comes in big, and the end product goes out small. So tractor trailers will deliver the hemp plants into the facility, and the processed CBD product will go out of the facility with UPS trucks.

Q. D. Chrzanowski – It looks like when the facility is at full capacity you will process 4,000 acres per hour? **A. J. Luciano** – Yes, you are correct.

Q. D. Chrzanowski – N-Pentane is extremely volatile and flammable. Do you have a plan for emergency response in case of a spill event? **A. J. Luciano and J. Bruckel** – No. **D. Chrzanowski** stated he would like this added as a condition to the Board’s recommendation of approval, as well installation of a security fence.

Motion to recommend approval of the Site Plan Review with the conditions that the applicant install a fence around the facility for security and that the applicant contact Waverly / Barton Fire Department and County Emergency Services to develop an Emergency Response Plan for the hazardous material N-Pentane:

T. Pollard/D. Chrzanowski/Carried	
Yes	7
No	0
Abstention	1 (G. Updyke)

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – A. Cacciola

- Fourth of July parade was successful.
- Dollar General landscaping is now complete.

2. Town of Nichols – P. Moore

- No report.

3. Town of Berkshire – T. Pollard

- NYS DOS has responded to request for a list of registered local laws. Some laws on the Town’s books were not actually registered with NYS DOS.

4. Town of Tioga – D. Chrzanowski

- No report.

5. Village of Waverly – R. Filbin

- No report.

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

- Not in attendance.

10. Town of Barton – G. Updyke

- No report.

11. Town of Richford - vacant

12. Spencer – T. Goodrich

- No report.

B. Staff Report:

- None.

IX. OLD BUSINESS

- A. None.

X. ADJOURNMENT

- A. Next Meeting August 21, 2019 @ 7:00 PM in the Legislature Conference Room.
B. Motion made to adjourn at 8:25 PM. T. Pollard/D. Chrzanowski/Carried.

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