

**TIOGA COUNTY PLANNING  
BOARD MEETING MINUTES**

**September 18, 2024**

**Tioga County Health & Human Services Building, Room #2139**

**I. CALL TO ORDER AND INTRODUCTIONS**

- Chair D. Chrzanowski called the meeting to order at 7:00 PM.

**II. ATTENDANCE**

A. Planning Board Members:

**Present:** Doug Chrzanowski, Joe Budney, Art Cacciola, Vicki Davis, Sam Davison, Bryan Goodrich, Jim Marzen, Pam Moore, Chelsea Robertson, Grady Updyke

**Excused:** John Currant, Georgeanne Eckley

B. Ex Officio Members: None

C. Local Officials: None

D. 239m Review Applicants: Torrey Clark, New Energy Equity; George Alexopoulos, Town of Owego Resident

E. Guests: None

F. Staff: Elaine Jardine, Colleen Chrzanowski

**III. APPROVAL OF AGENDA**

- Approval of agenda as presented:

S. Davison/B. Goodrich/Carried

None Opposed

No Abstentions

**IV. APPROVAL OF MINUTES**

- Approval of August 21, 2024 minutes noted corrections:

J. Budney/S. Davison/Carried

None Opposed

No Abstentions

**V. PRIVILEGE OF THE FLOOR**

- None

**VI. NEW BUSINESS**

**A. 239 Reviews**

**1. County Case 2024-023: Town of Newark Valley, Site Plan Review and Solar Energy Special Use Permit, New Energy Equity**

The applicant is proposing to develop, construct and operate a 2.54 MW/AC community distributed generation solar photovoltaic system, with all appurtenances on said property off Whig Street. This solar project will ultimately occupy approximately 18.1 acres, with 26.47 acres being the area of permitting, of the total 156.73-

acre properties. Activities include the installation of a steel pile-driven ground-mounted solar energy system consisting of 7,080 solar modules/panels estimated to be 15 feet high, new electrical equipment and accessories including an electric line, concrete pads containing transformers and fencing surrounding the solar arrays. This solar project will comply with the Town's setback requirements of 100 feet, maintain existing topography, avoid site grading, plant new trees and minimize tree clearing. The applicant will utilize the existing gravel driveway for access and create a 20' gravel drive to intersect and lead to the project.

The applicant's Decommissioning Plan states the service life of the solar facility is 35 years. The Plan appears to assume the salvage value of the solar PV facility at \$268,196 will contribute toward expenses of facility removal and site restoration, which will not exceed \$418,334. The Decommissioning Plan does not state who is responsible to remove the solar facility and restore the land. Furthermore, there is no statement that the applicant will provide the Town of Newark Valley with any kind of committed financial resources to accomplish decommissioning.

This subject property is adjacent to a property enrolled in the NYS Agricultural Districts Program; therefore, the Town of Newark Valley is going through the Ag Data Statement process, pursuant to NYS Agricultural Districts Law Article 25AA. Much of the site of the proposed solar project within the subject properties is land that has been valued Medium Farmland Preservation Priority in Tioga County's 2015 Agricultural and Farmland Protection Plan. Currently the properties contain wood land and non-active agricultural land.

Pursuant to 6NYCRR Part 617 SEQR, the Newark Valley Town Board, as Lead Agency, has categorized this as an Unlisted action and required the applicant to complete a Full Environmental Assessment Form Part 1. The Town Board subsequently has completed the Full EAF Parts 2 and 3 and determined this action to have no significant adverse environmental impacts and made a Negative Declaration.

A wetland delineation report concludes that some federal wetland resources may be directly impacted by this solar project's access road or equipment and requested that the applicant overlay sub-meter accuracy points they provided in GIS to facilitate review and determine if a consultation with the US Army Corps of Engineer's Buffalo Office is required. The applicant has conducted a consultation with NY SHPO, who provided a letter of no impact on archaeological or cultural resources.

This community distributed generation solar project is providing a direct benefit to community residents and provides another contribution toward clean energy production. The proposed solar facility complies with pertinent Town of Newark Valley local law requirements and will have minimal impacts on the neighborhood.

The applicant is responsible to obtain all required federal, state or local permits, licenses and registrations.

**Conditions:**

- That the applicant meets with the local fire department to discuss potential hazards procedure.
- That the applicant develops an official Decommissioning Agreement with the Town of Newark Valley that provides adequate financial resources with inflation to support decommissioning when needed.
- That the applicant utilizes the GIS data points provided by the consultant DEIHLUX to identify if there will direct impacts to federal wetland resources and proceed with consulting the USACE Buffalo Office if necessary.
- E. Jardine then informed T. Clark that she had reviewed the Part 1 EAF which said 80% of the site has 10% steep slopes. NYS DEC requires gravel strip diaphragms as well as vegetative strips when slopes are at 10% grade and will add this as a condition. New condition - That the applicant uses gravel infiltration

diaphragms as well as vegetative strips for permanent stormwater management practices, as is required by NYS DEC when slopes are at 10%. T. Clark said they would comply.

Staff advises the County Planning Board recommend Approval of the Site Plan Review and Solar Energy Special Use Permit with conditions noted.

**Q. D. Chrzanowski** – Is this a true community distributed generation solar project with community buy-in? **A. T. Clark** – If the project is approved and constructed, then the product is registered with the New York Sun Program and then it would be one of the community solar farms that residents can sign up for the 10% discount and credits.

**Q. D. Chrzanowski** – It is a credit not a buy in? **A. T. Clark & E. Jardine** – It will be a credit since there are no buy ins.

**Q. D. Chrzanowski** – on the NYSEG report there are failures for line loads. Are you putting in new lines? **A. T. Clark** – Yes, new lines will be placed. All of those failures on the report go into a report that informs us what the cost for interconnection will be. We take into consideration what line loads will be. We bear the cost of this upgrade to connect to the grid.

**Q. S. Davison** – Does Newark Valley have a decommission regulation in their solar law? **A. T. Clark** – Yes, they do. We gave them a decommission report and then we work with the town on who they want to be responsible. Typically, we shoulder that load. We put up a bond that goes under the Tioga CSG so the bond follows the project.

**Q. P. Moore** – Who is that bond with? Is it payable to the County? **A. T. Clark & E. Jardine** – The bond should be payable to the Town because the County will not be involved.

**Q. T. Clark** – asked Board if they had updated plans showing the array is now out of the wetlands? **A. E. Jardine** – Updated plan was not received and asked for just the site plan sheet to be emailed to her. T. Clark agreed and also distributed the updated site plan via a display board for the TCPB Board members to pass.

**Q. P. Moore** – Is the new plan the same size overall? **A. T. Clark** – Yes.

**Q. S. Davison** – Is this the first solar field for Newark Valley. **A. E. Jardine** – Not the first proposed. There has been two proposed but never were constructed.

**Q. B. Goodrich** – Has there been a solar study done to assess productivity? Property seems to be East facing and surrounded by trees. **A. T. Clark** – Yes. To get to this point a Planar Study has been performed that provides assessment of production, orientation and fixed or tracking panels. These panels would be tracking panels. Our company tries to stick with tracking panels because it is less detrimental to the land.

**Q. B. Goodrich** – Does the Planar Study also give you estimated productivity? Can you estimate what the productivity for a year would be. **A. T. Clark** – Yes, we try to float productivity of 80% to 90% of the Planar Study. Every year, we file the productions with New York State.

**Q. E. Jardine** – Have you met with the Newark Valley Fire Department? **A. T. Clark** – No but we can. We regularly do on other projects.

**Q. P. Moore** – On the Decommissioning Report, it states that the project will be fully removed but then later in the report it states that copper wiring will be dug up if required. Who decides if it is required? **A. T. Clark** – We try to remove it fully. The only reason we leave this caveat there is that if removing the copper wire would be overly detrimental to the land to remove it. 95% of the time, the wire is removed. This caveat can be removed if needed.

**Q. P. Moore** – There have been instances with other companies where the steel pilings were not removed and cut off at the ground? **A. T. Clark** – They would be removed. We do not cut them off.

**Q. S. Davison** – Does the power from the solar fields go into a current sub-station or a new sub-station? **A. T. Clark** – It will go into a current sub-station within 5-7 miles of the field that will be upgraded for this addition. A new sub-station will not be built.

**Q. S. Davison** – Does NYSEG cover this cost? **A. T. Clark** – No, we cover the cost. Once we submit a study to

NYSEG, NYSEG generates a report that will identify the failures which show what upgrades need to occur to handle the addition of the solar field.

**Q. P. Moore** – What employment is created due to this project? **A. T. Clark** – Impact on local economy development mainly is the six-month influx due to project construction. Eligible local companies are used for this construction. Once this is completed, then it moves into site maintenance only and we try to use local companies for maintenance as well such as mowing the lawn and maintaining the landscaping.

**Q. P. Moore** – Do you have further information on the economic multipliers this project would have? **A. T. Clark** – I can send this information to E. Jardine and she can distribute. (New Energy Equity never provided this economic multiplier information)

**D. Chrzanowski** – With a pilot program like this and the fire tax is independent of the pilot, there may be an issue if the project is sold off. The fire tax is based on an assessment value agreed upon by the town and the pilot. Newark Valley may want to make sure the pilot agreement includes language to address that the agreed upon fire tax assessment is for the length of the pilot and is not subject to lawsuits.

**Motion to recommend Approval of the Site Plan Review and Solar Energy Special Use Permit with the Conditions Noted:**

**C. Robertson/D. Chrzanowski/Carried**

**Yes                    7**

**No                     3**

**(G. Updyke, B. Goodrich, P. Moore)**

**Abstentions      0**

**2. County Case 2024-024: Town of Owego, Special Use Permit, Alexopoulos**

The applicant is requesting a special use permit for a grade improvement to raise the side portion of the property, between the house and the eastern property boundary, with fill about two feet in the entire area indicated on the drawings to be level with the first-floor level of the house to make it easier for the property owner to access the house without using stairs. Applicant states on the Part 1 SEQR Short EAF that this area encompasses .69 acres. The entire property lies within FEMA’s 1% Annual Chance Special Flood Hazard Area. The measured distance between the house and the eastern property line is approximately 96 feet, and the topography is flat with current elevation at 813 feet above mean sea level.

Pursuant to 6NYCRR Part 617 SEQR, the Town of Owego Planning and Zoning Administrator has categorized this grade improvement special use permit as an Unlisted Action under SEQR. Therefore, the Town has provided a Short Environmental Assessment Form Part 1 completed, signed and dated by the applicant.

Pursuant to NYS Agricultural Districts Law Article 25 AA, §305-b, the Town of Owego Planning and Zoning Administrator has researched that surrounding parcels are enrolled in the NYS Agricultural Districts Program. Therefore, the Town Clerk has completed Parts 1 and 2 of the provided Ag Data Statement Form and sent the farmland owners, via certified mail, said Form and the project materials.

The applicant has not provided evidence via a hydrologic and hydraulic analysis or other similar study that raising the side portion of the property will not push flood water onto adjacent properties. While specific cubic ton information has not been provided by the applicant, the proposed action involves a voluminous amount of fill that will displace the natural flow of stormwater in the floodplain in this local

area.

It is the applicant’s responsibility to obtain all federal, state or local permits, licenses and registrations.

Staff advises the County Planning Board to recommend Disapproval of the Special Use Permit.

**Q. C. Robertson** – Does this require a flood plan development permit for fill? **A. E. Jardine** – No, the Town of Owego requires just an administrative floodplain development permit for residential fills.

**Q. A. Cacciola** – Would a wide handicap ramp not suffice? It would be less expensive. **A. G. Alexopoulos** – It would be less expensive but I am trying to improve that entire corner. There is an above ground fuel tank that is secured above grade on concrete piers in case of future flooding. We also want to raise the grade to allow for a parking pad that you can pull into from the road and walk right into the house. The area would have stone that would be permeable topped with topsoil for grass. The eastern boundary of the property has six undeveloped parcels totaling 22 acres. On the back side of the property is farmland. The house behind us has been abandoned since the flood of 2011 and the house is caving in on itself. The only home near us is 800 feet to the south of us. To the north of us, the home is approximately a ¼ mile away. We estimate 300 cubic feet of material which we estimate to displace 50,000 gallons of water. We believe that this project would have a negligible impact compared to the two neighboring above-ground pools that are to the west of us. Also, our concern on the eastern side of the property is the Japanese Knotweed that is encroaching on our sewer’s leach field from the undeveloped land. There are a number of factors as to why we are trying to do this.

**Q. P. Moore** – Is this home in the floodplain or the flood way. **A. E. Jardine** – Floodplain.

**Q. P. Moore** – According to the flood map is all of the property the same elevation. **A. E. Jardine** – Yes, it is all 813

**Q. P. Moore** – Are the nearby buildings abandoned? There is a vehicle there. **A. G. Alexopoulos** – Correct, the vehicle has been abandoned there since we moved there in 2013. Discussion ensued on the condition of properties surrounding the subject property.

**Q. C. Robertson** – Is there a reason why a Hydraulic Study has not been performed? **A. G. Alexopoulos** – I do not know anything about it. **Q. C. Robertson** – expressed concern that the estimation of fill may not be accurate and the impact on flooding. A Hydraulic Study stamped by an engineer would confirm the calculations. **A. G. Alexopoulos** – I will look into it.

**D. Chrzanowski** wanted to clarify the concern that the calculations to make a flat entrance from the road may be off a bit and would require much more fill. If the plan is a sloped entrance to a parking pad, it may require less fill.

**Q. B. Goodrich** – How much water was in house? **A. G. Alexopoulos** – It reached my shoulder.

**Motion to recommend Approval of the Special Use Permit:**

**B. Goodrich/J. Budney/Not Carried**

**Yes 4**

**No 6**

**(C. Robertson, G Updyke, P. Moore, V. Davis, A. Cacciola, D. Chrzanowski)**

**Abstentions 0**

**3. County Case 2024-025: Village of Waverly, Site Plan Review, Jan’s Bubble Tea (Non-Action)**

E. Jardine stated this business is relocating to an existing commercial building. DOT had no recommendations resulting in a non-action.

**4. County Case 2021-026: Village of Waverly, Site Plan Review, Tom’s Hardware & Industrial Sales**

The applicant is requesting site plan review to expand his current hardware & feed store located at 615 Cayuta Avenue to this second location on Chemung Street for a hardware and industrial sales showroom. The applicant intends to utilize the existing 6,400 square foot commercial building on site for this purpose as well as utilize the second building on site for storage. Applicant state that no modifications to the existing buildings or new construction are planned. Hours of operation at this second location will be Monday – Friday 7:00 AM to 6:00 PM and Saturday 8:00 AM to 4:00 PM. The applicant plans to have four employees and expects generated traffic of about 50 - 100 cars per day. The applicant will utilize the abundant space on the property adjacent to the commercial building for sixty parking spaces. The entire property lies within FEMA’s 1% annual chance Special Flood Hazard Area.

Pursuant to 6NYCRR Part 617 SEQR, the Village of Waverly Clerk has categorized this site plan review as an Unlisted Action under SEQR. Therefore, the Village has provided a Short Environmental Assessment Form Part 1 completed, signed and dated by the applicant.

It is of benefit to the Waverly community that a small business/owner intends to expand their business. It keeps the property productive and the real property taxes paid. This hardware and industrial sales business in harmony and compatible with the surrounding commercial area.

It is the applicant’s responsibility to obtain all required federal, state or local permits, licenses and registrations.

E. Jardine reported that site plan requires 57 parking space and plan provides 60 spaces. One ground sign is planned at entrance of property however no specifics were provided. If improvements to entrance of driveway, DOT requires a highway work permit.

**Conditions:**

1. That the applicant complies with NYS DOT Region 9 Site Plan Review Committee’s comments and requirements.
2. That applicant provides ground sign specifications to the Village Planning Board and the proposed sign complies with the Village’s zoning code.
3. That the applicant obtains a floodplain development permit from the Village of Waverly Code Enforcement Officer and the Code Enforcement Officer determines that the value of proposed improvements does not exceed 51% of current building’s fair market value.

Staff advises the County Planning Board to recommend Approval of the Site Plan Review with the conditions noted.

**Motion to recommend Approval of the Site Plan Review with the Conditions Noted:**

**A. Cacciola/P. Moore/Carried**

**Yes                      10**

No 0  
Abstentions 0

**5. County Case 2024-027: Village of Waverly, Site Plan Review and PUD Special Permit, VM 561 Broad St, LLC.**

The applicant is requesting site plan review and a PUD special permit to locate and operate a new liquidation sales business in the existing 10,132 square foot building on site, which used to be occupied by the Salvation Army Thrift Store. Applicant states that no modifications to the existing building or new construction are planned. The applicant states that hours of operation will be Monday – Saturday 9:00 AM to 7:00 PM and Sunday 10:00 AM to 6:00 PM. They plan to employ eight to ten associates. Lighting on site will not change. A vast majority of the existing building and property lies within FEMA’s 1% annual chance Special Flood Hazard Area.

Pursuant to 6NYCRR Part 617 SEQR, the Village of Waverly Clerk has categorized this site plan review as an Unlisted Action under SEQR. Therefore, the Village has provided a Short Environmental Assessment Form Part 1 completed, signed and dated by the applicant.

It is of benefit to the Waverly community that a new business intends to occupy this existing building, which has been vacant for quite some time. It keeps the property productive and the real property taxes paid. This liquidation sales business is in harmony and compatible with the surrounding commercial area.

It is the applicant’s responsibility to obtain all required federal, state or local permits, licenses and registrations.

Conditions:

1. That the applicant complies with NYS DOT Region 9 Site Plan Review Committee’s comments and requirements.
2. That the applicant obtains a floodplain development permit from the Village of Waverly Code Enforcement Officer and the Code Enforcement Officer determines that the value of proposed improvements does not exceed 51% of current building’s fair market value.

Staff advises the County Planning Board to recommend Approval of the Site Plan Review and PUD Special Permit with the conditions noted.

**Motion to recommend Approval of the Site Plan Review and PUD Special Permit with the Condition Noted:**

**P. Moore/J. Marzen/Carried**  
Yes 10  
No 0  
Abstentions 0

**6. County Case 2024-028: Village of Owego, Site Plan Review and Floodplain Special Use Permit, Waterman Conservation Education Center (Non-Action)**

E. Jardine reports that Waterman wants to build an overlook deck on Brick Pond before this year’s construction season ends. No impact resulting in non-action.

**VII. REPORTS**

**A. Local Bits and Pieces**



1. **Town of Barton** (G. Updyke)
  - No report.
  
2. **Town of Berkshire** (S. Davison)
  - S. Davison reported that there is a lot of site preparation work along Route 38 going towards Newark Valley. Was this brought to the County? E. Jardine reported Newark Valley did not send this project to the County.
  
3. **Town of Candor** (A. Cacciola)
  - A. Cacciola invited everyone to the Candor Fall Festival on Columbus Day weekend.
  
4. **Town of Newark Valley** (J. Marzen)
  - No report.
  
5. **Town of Nichols** (P. Moore)
  - P. Moore asked if large (larger than 25 megawatt) scale solar project is looking to locate locally. E. Jardine stated these size solar projects go to the State Office of Renewable Energy Siting for review; local approvals are usurped. D. Chrzanowski reported solar companies have sent a lot of letters to landowners regarding leasing land.
  
6. **Town of Owego** (J. Current)
  - No report.
  
7. **Village of Owego** (G. Eckley)
  - No report.
  
8. **Town of Richford** (V. Davis)
  - No report.
  
9. **Town of Spencer** (J. Budney)
  - No report.
  
10. **Town of Tioga** (D. Chrzanowski)
  - No report.
  
11. **Village of Waverly** (vacant)
  - No report.
  
12. **Alternates** (B. Goodrich and/or C. Robertson)
  - No report.

**B. Staff Report:**

- None.

**VIII. OLD BUSINESS –**

None.



**IX. ADJOURNMENT**

- A.** Next Meeting October 16, 2024, @ 7:00 PM at HHS Building Room #2139.
- B.** Motion made to adjourn at 8:12 PM. C. Robertson/P. Moore/Carried.

Respectfully submitted,

Colleen Chrzanowski  
Tioga County Planning Board Recording Secretary