

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES**

July 21, 2021

**Tioga County Health & Human Services Building
Administration Conference Room 2153
1062 State Route 38, Owego, NY
7:00 PM**

I. CALL TO ORDER AND INTRODUCTIONS

- Chairman D. Chrzanowski called the meeting to order at 7:03 PM.

II. ATTENDANCE

A. Planning Board Members:

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

Excused: John Current

Absent: Tim Goodrich, Tim Pollard, Matt Tomazin

B. Ex Officio Members:

C. Local Officials: None

D. 239m Review: Kelly Sullivan of Bergmann, PC; Alicia Cerretani and Ryan Reynolds of Home Central; Karen Cole of K9 Sports Facility

E. Guests: Leigh Miller, CCE Tioga Summer Intern

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda (flipping order of 239 review cases).
R. Filbin/C. Robertson/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of June 16, 2021 minutes.
P. Moore/G. Eckley/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 2021-016: Village of Owego, Site Plan Review and Area Variance, Home Central

The applicant is requesting site plan approval to renovate and convert this vacant structure on their property to a kitchen and bathroom showroom and design center. The first floor (1,700 square feet) will be the showroom and the second floor (1,700 square feet) will contain office and meeting space.

The showroom expects to hire between 3-5 new personnel initially, with room for growth in the future. Hours of operation are likely to be Monday – Saturday, 10:00 am to 7:00 pm, with additional availability by appointment for contractors, homeowners, and private parties. Client traffic is expected to be between 4 to 10 customers daily, with the exception of special and promotional events.

The attached picture shows the concept of the improved building exterior, along with the planned wall sign that measures 12’ x 4’, which will be lit by canned lighting hidden in the awning above. Home Central plans to demolish the existing shed at the rear of this building to make room for a nine-space parking lot. If the existing streetlights do not provide sufficient light for the security cameras, Home Central will add exterior lighting to the parking lot area, with consideration of the neighbors.

Village of Owego Zoning Code requires this use to provide 34 parking spaces, so an area variance is required. While the request is substantial, this project will not cause detrimental impact to the environment or neighborhood character and, in fact, will improve the aesthetics of this corner.

Staff advises the County Planning Board to recommend approval of the site plan review and area variance.

Q. D. Chrzanowski: It looks like the parking lot does not have a handicapped parking space as required by NYS Building Code. Will you add one before going to the local boards? **A. A. Cerretani –** Yes, we will. **E. Jardine** will add that to the recommendation as a condition.

Motion to recommend approval of the site plan review and area variance with the condition noted:

R. Filbin/C. Robertson/Carried	
Yes	8
No	0
Abstention	0

3. County Case 2021-018: Town of Owego, Outdoor Special Use Permit, Cole & McFadden

The applicant is requesting a special permit to establish and operate an outdoor canine (K9) sports facility on the field portion (along the road) of their existing residential and 67-acre property on Frank Hyde Road. Amenities and activities on-site will include an agility field, lure coursing, tracking and a dock diving pool, as well as dog training and dog therapy. Off-street parking will be also provided in the field area. Applicant states this new road access will comply with Town of Owego driveway specifications. See attached drawing for anticipated site layout.

K9 Sports facility will conduct individual dog training and therapy by appointment on a daily basis, expecting only one to two cars/customers per hour. Competitions will be weekend events that will

occur three to four times per year in season. Traffic on competition days is estimated at 40 cars spread over an eight-hour period.

Staff advises the County Planning Board to recommend approval of the outdoor recreation special use permit with the condition that the applicant provide the Town Board with sign specifications that are in compliance with the Town’s Zoning Code IF a road sign is planned.

Q. D. Chrzanowski: Will you put a fence around the pool? **A. K. Cole** – Not sure. D. Chrzanowski commented that his will be required per NYS Building Code, as well as an alarm system. The Town of Owego Code Enforcement Officer will go over all these requirements with you.

Motion to recommend approval of the outdoor special use permit:

R. Filbin/P. Moore/Carried	
Yes	8
No	0
Abstention	0

2. County Case 2021-017: Town of Owego, Special Use Permit, Delaware River Solar, LLC for NY Owego III, LLC

The applicant is proposing to develop, construct and operate a 4.98MW CDG solar photovoltaic system via lease agreement with the property owner on about 28 of this 150 acres of farmland located on Day Hollow Road.

The 28-acre project area will be surrounded by a 7-foot high wire perimeter fence with a locking gate. Solar panels will be installed on existing grade (limited grading or earthwork required) via a racking system that is supported by steel pile driven into the ground. The angled panels will measure 15 feet on the higher end at full tilt and two to three feet at the lower end off the ground. An existing access road that extends from Day Hollow Road to the project site will be utilized. Electrical lines will be installed underground. This site was chosen because it located at the rear of this property, so existing vegetation and distance should mitigate views from Day Hollow Road, as well as north, east and west. Vegetative screening may be considered along the south end of the project to screen views from the road, if necessary. The site also provides adequate contiguous acreage, has suitable topography, requires minimal land and ground cover disturbance, and avoids sensitive environmental attributes. The project owner will develop and submit a Stormwater Pollution Prevention Plan to the Town of Owego for approval. There will be sufficient distance between modules to allow rainfall to infiltrate in between and flow between arrays, allowing runoff to naturally infiltrate and drain over ground surface.

This solar project will have a temporary impact of .5 acres so the applicant will be doing the Individual Section 401 NYS DEC Water Quality Certification due to those temporary impacts and also submitting to the US Army Corp of Engineers as a joint permit. Additionally, there will be nearly 17 acres of trees impacted, with 10 acres being cleared and 7 acres of trees cut with the stumps remaining, to make room for these solar arrays.

Construction is expected to take four months. The applicant has provided a Decommissioning Plan that ensures the project owner will provide adequate financial resources via bonding to the Town of Owego in the event they abandon the project.

This is a predominantly rural residential area, comprised of open fields, wooded land, and scattered residences. The applicant has worked with the property owner to locate the project in a specific place where some of the topography is too steep to farm. Therefore, this solar project will compliment and supplement the property owner’s cattle farm and pasture land. There is also no conflict with agricultural cropland on this property.

Staff advises the County Planning Board to recommend approval of the special use permit.

Motion to recommend disapproval of the special use permit:

P. Moore/G. Updyke/Not Carried	
Yes	2
No	6 (D. Chrzanowski, A. Cacciola, C. Robertson, R. Filbin, G. Eckley)
Abstention	0

Motion to recommend approval of the special use permit:

C. Robertson/R. Filbin/Carried	
Yes	6
No	2 (P. Moore, G. Updyke)
Abstention	0

VIII. REPORTS

A. Local Bits and Pieces

1. **Town of Candor** (A. Cacciola)
 - Previous Town Planning Board Chair has been appointed by the Town Board to serve the vacant term of a deceased Councilman position on the Town Board. The new Planning Board Chair is Robin Beebe, and they are looking for a new member.

2. **Town of Tioga** (D. Chrzanowski)
 - No report.

3. **Town/Village of Spencer** (T. Goodrich)
 - Not in attendance.

4. **Town of Berkshire** (T. Pollard)
 - Not in attendance.

5. **Village of Newark Valley** (M. Reynolds)
 - The Village is celebrating the 150th Anniversary of Trout Ponds Park in conjunction with Summerfest at the end of this month.

6. **Town of Newark Valley** (M. Tomazin)
 - Not in attendance.

7. **Town of Barton** (G. Updyke)
 - No report.

8. **Town of Owego** (J. Current)

- Not in attendance.

9. Town of Nichols (P. Moore)

- The Town Planning Board is creating a local law to regulate seasonal RV living.

10. Village of Waverly (R. Filbin)

- No report.

11. Village of Owego (G. Eckley)

- No report.

B. Staff Report:

- Nothing more than was sent with the meeting packet.

IX. OLD BUSINESS

- Future TCPB meetings location – E. Jardine informed members that NYS's Open Meetings Law requires that if any Board member participates in meetings virtually, their addresses where they are located should be posted in the meeting notice. The Board decided by consensus to continue this hybrid format until the Tioga County Legislature makes a decision regarding re-opening the County Office Building to the public after 5:00 PM weekdays. In the meantime, E. Jardine requested that TCPB members email the Legislative Chair and in the County Attorney to express their feelings regarding this. E. Jardine will provide these email addresses to members tomorrow.

X. ADJOURNMENT

- A. Next Meeting August 16, 2021, @ 7:00 PM at the HHS Building and via Zoom.
- B. Motion made to adjourn at 8:02 PM. G. Eckley/M. Roberts/Carried.

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