

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
August 17, 2016
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.

II. ATTENDANCE

A. Planning Board Members:

Present: John Current, Doug Chrzanowski, Grady Updyke, , Tim Pollard, Chris Curry, Sarah Titus, James Tornatore, William Dimmick III

Excused: Jason Bellis, Georgeanne Eckley, Pam Moore

Absent:

B. Ex Officio Members:

C. Local Officials:

D. 239m Review Applicants: Duane Philips, Jr and Marc Maser for Dandy Mini Mart, Kate Millar and Jon McNamara for Renovus, Greg Hering of Brite Light and Rich Purtell of Climate Control Technologies for Solar City

E. Guests: Gwen Kania, Director of Tioga County Chamber of Commerce, Warren Howler of the Sayre Evening Times, Rick Stilson of Finger Lakes Community Newspaper

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 July 20, 2016 minutes, with two grammatical corrections.

J. Tornatore/J. Current/Carried

None Opposed

No Abstentions

V. PRIVILEGE OF THE FLOOR

- None heard.

VI. CORRESPONDENCE

- Folder passed around.

VII. NEW BUSINESS

A. 239 Reviews

1. County Case 2016-019: Town of Tioga, Site Plan Review, Solar City

The applicant is proposing to construct and operate via lease agreement, the Baldwin Solar Project, a 2.8MW solar photovoltaic system that is ground-mounted, and consists of 2,280 individual panels, on approximately 13 acres situated in the southern portion of the owner’s 76-acre property. Project construction will disturb 12 acres and is expected to take 3 and a half months starting in early September after local approvals are obtained. There will be a fifty-foot gravel access road with a paved driveway, and a perimeter safety fence with two gates for vehicular access. There will be no signage or outdoor lighting.

Electric power generation from the solar panels will be connected to the utility grid by two transformers. Electricity generated will go straight back to the grid wholesale for Time Warner Cable.

Applicant states that NYS DEC has required a SWPPP for Erosion and Sediment Control during construction only. No permanent stormwater control practices are required.

The applicant has conducted a thorough site due diligence of environmental, natural and cultural resources investigations. The project is not located within the floodplain and avoids impacts state and federal wetlands plus their buffer areas. Additionally, the applicant has conducted consultations with pertinent agencies and received written concurrence of “no impact” from U. S. Fish and Wildlife for threatened and endangered species, and NYS SHPO regarding archeological resources.

See the attached materials for further details.

Staff recommends approval of the site plan review with the condition of review and approval of NYS DOT Region 9 Site Plan Review Committee.

Q. E. Jardine – What is the business relationship between Bright Lite, Solar City and Time Warner Cable? **A. G. Hering** – Bright Lite was sold to Solar City, who is the developer. Solar City is selling power credits to Time Warner Cable.

Q. T. Pollard – Will there be any outdoor lighting? **A. G. Hering** – No, however if security does become an issue, there will be a downward-directed light pole installed at the inverter.

Q. J. Tornatore – Does the mineral oil in the transformers leak? **A. G. Hering** – No, the requirement is for the oil to be fully contained in the transformer. There can be no secondary containment.

Q. T. Pollard – What is the expected chance for the need of emergency services? **A. G. Hering** – There solar panels and transformers (1 MW a piece) are far less dangerous than an electric substation. There are also obvious shut-offs in the event of an emergency.

Motion to recommend approval of the Site Plan Review:

J. Tornatore/S. Titus/Carried	
Yes	7
No	0
Abstention	1 (D. Chrzaowski)

2. County Case 2016-020: Town of Tioga, Comprehensive Plan Update

The Tioga Town Board and Planning Board have worked together to update their comprehensive plan this year. They have invited the public to their work session meetings and held a public hearing during development to solicit public input.

The document is simple but contains all topics that are important to the Town of Tioga. Some typos need to be addressed. The only substantive change needed is to add a sentence on complying with the Town of Tioga’s Flood Damage Prevention regulations when development is proposed in the floodplain as a measure of hazard mitigation plan implementation required by FEMA. So there should be a recommendation added under the Land Use section’s Recommendation as follows (or similarly worded) – “If development must occur within the floodplain, all new construction must comply with the Town of Tioga’s Flood Damage Prevention law of 2012”.

Staff recommends approval of the comprehensive plan with the condition that the sentence regarding new development complying with the Town of Tioga’s Flood Damage Prevention regulation be added under the Recommendations in the Land Use section.

Motion to recommend approval of the comprehensive plan update with the condition noted:

T. Pollard/W. Dimmick, III/Carried	
Yes	8
No	0
Abstention	0

3. County Case 2016-021: Village of Waverly, Rezoning and PUD Site Plan Review/Special Use Permit, Dandy Mini Mart

The Village of Waverly Board of Trustees is requesting rezoning of tax parcels 166.16 – 3- 25.20 and 25.10 in their entirety (see GIS map) from Residential to Planned Unit Development based on a request from the applicant. Once the rezoning is acted on later this month, Dandy Mini Mart is requesting a Planned Unit Development (PUD) Site Plan Review and Special Use Permit to construct and operate a Dandy Mini Mart gasoline station and convenience store on their new property that will be 2.16 acres. None of the four properties in question are in the floodplain. The existing uses consisting of an abandoned house and repair garage will be demolished before new construction begins. Construction will take 3 months. The applicant has developed a SWPPP for stormwater control and has submitted it to NYS DEC.

The convenience store will be 5,400 square feet. The one proposed gasoline fueling canopy, which will be located on the Chemung Street or northern portion of the property, will be 18 feet tall and have 6 double-sided pumps, totaling twelve fueling stations. Hours of operation are 24 hours, 7 days a week. The convenience store will employ a total of 24 people, with no more than five employees on site at any given time. There will be two LED signs, one large twin pole, 27.5-foot high sign at Chemung Street entrance and a smaller twin pole or simple monument on the Ithaca Street side. All site lighting will be energy-efficient LED and designed to obtain nearly zero spillage onto adjoining properties.

There will be 37 parking spaces provided. The applicant’s engineer estimates generation of 200 traffic trips in peak weekday AM hours (8:00 – 9:00 AM), and 162 traffic trips in peak weekday PM hours (4:00 - 5:00 PM). Also 124 trips generated on peak Saturday hours (11:30 AM – 12:20 PM). Additionally, up to five delivery trucks per day are expected.

See attached project narrative for details. The neighborhood contains a mix of residential and commercial uses nearby.

Staff recommends approval of the rezoning and PUD site plan review/special use permit with the conditions that NYS DOT Region 9 Site Plan Review Committee reviews and approves, the Village of Waverly, DOT and Dandy Mini Mart work out a safe setback for the Chemung Street sign, and that a NY SHPO consultation is done for a possible archeological investigation.

M. Maser clarified that the SWPPP is actually in development, and that SHPO consultation is required for that process.

Q. J. Tornatore – How will you control glare from parking lot lights? **A. D. Philips** – All the lighting at this facility will be LED and shielded internally. **J. Tornatore** – How will you account for the difference in the 50 parking spaces required by village code vs. the 37 you show on the site plan? **A. E. Jardine** – Since this is in a PUD zoning district, any of these supplemental regulations are flexible and therefore can varied base on each specific situation.

Q. D. Chrzanowski – I believe Ithaca Street is a local street and doesn't allow trucks, will you comply with that? **A. M. Maser** – Yes, the driveway at that end is much narrower, at 24 feet, so that will limit the size of vehicle that can enter from Ithaca Street. **D. Philips** commented that they are also working out a solution for the Chemung Street truck route problem with Village of Waverly officials.

Q. D. Chrzanowski – Will diesel trucks be fueling at this station? **A. D. Philips** – Only smaller trucks will be able to logistically access the diesel fueling location on this site. No tractor trailers.

Q. C. Curry – Will the Ithaca Street sign have the LED digital display? **A. M. Maser** – No, it will be just the monument shown in the materials packet.

Q. D. Chrzaowski – How much higher is the proposed Chemung Street sign compared to the village's sign regulations for height in this district? **A. E. Jardine** – I believe 25 feet, so this proposed sign is not much higher. Again, this restriction is flexible in the PUD zoning district.

Motion to recommend approval of the rezoning and the PUD SPR/SUP with condition noted:

W. Dimmick, III/S. Titus/Carried	
Yes	8
No	0
Abstention	0

4. County Case 2016-022: Town of Candor, Site Plan Review, Renovus Solar

The applicant is proposing to construct and operate a 6MW solar photovoltaic system consisting of 22,440 solar modules, which will stand no higher than 10 feet. The proposed solar project will lease and use 35.1 acres of the 164.16 acre property. The solar arrays will be surrounded by a 6-foot tall fence. There will be no on-site lighting. Construction will take up to five months, with most disruption (pile driving and trenching) occurring in the first four weeks. The remainder of the construction timeline entails assemblage and commissioning.

Electric power generation from the solar panels will be connected to the utility grid by a transformer installed by NYSEG. Participating Candor residents will benefit by a 10% reduction of their current electricity rate.

The applicant has verified that the northern section of project, Array C, is situated very close to the floodplain, but is not within it.

Please see the attached Description, Operation and Maintenance Plan, and Decommissioning Plan for more details.

This solar PV power generation project will provide benefit to the community by generating energy in a clean manner. It will be buffered by vegetation, topography and distance from the road so it won't be visible from the road or from adjoining properties.

This solar PV power generation project will provide a direct benefit to the community by discounting electric rates for up to 600 local participating residents. It is an emerging utility technology that Candor has envisioned benefiting from if the opportunity materialized.

Staff recommends approval of the site plan review with the conditions that the applicant complies with the Ag Data Statement Process, conducts due diligence consultations with the stated various agencies, and submits the proposal to the NYS DOT Region 9 Site Plan Review Committee for approval.

Q. S. Titus – What happens to the solar arrays if they get wet from flooding since the floodplain is so close? **A. J. McNamara** – The arrays are also exposed to rain for their 24 year life, so they will not be impacted when getting wet. The transformer will need replacement if it gets flooded.

Q. D. Chrzanowski – Where will the access road be located? **A. J. McNamara** – It will either be where the existing farm road is on the western side of the site, or will be located more centrally where the current easement is. J. McNamara also pointed out that most of the array will be located on top of a reclaimed gravel pit, where the row crops are not so viable for the farmer. Additionally, they will be using sheep to maintain grass among the modules.

A discussion ensued regarding the benefits of solar projects vs. their consumption of relatively high quality, flat farmland.

Motion to recommend approval of the site plan review:

S. Titus/J. Current/Carried	
Yes	8
No	0
Abstention	0

5. County Case 2016-023: Town of Owego, Zoning Amendment, Local Law #5 of 2016

Applicant wishes to amend the Town zoning code to clarify the requirement for ZBA special permits for development in the floodplain. For each zoning district, the phrase "Permitted Use" will be replaced with "Non-residential use in floodplain area". This will eliminate residential projects from the local approval process. After consulting with TCPB Chair, this case was turned back to the Town of Owego without TCPB recommendation on the basis of no countywide or intermunicipal impacts.

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – J. Bellis

- Not in attendance.

2. Town of Nichols – P. Moore

- Not in attendance.

3. Town of Berkshire – T. Pollard

- Planning Board still working on comprehensive plan update with the Town Board.

4. Town of Tioga – D. Chrzanowski

- No report.

5. Village of Waverly – W. Dimmick III

- No report.

6. Village of Owego – G. Eckley

- Not in attendance.

7. Town of Newark Valley – S. Titus

- No report.

8. Village of Newark Valley – J. Tornatore

- Restore NY grant application for demolition of old ladder factory building.

9. Town of Owego – J. Current

- No report.

10. Town of Barton – G. Updyke

- No report.

11. Town of Richford - vacant

12. Spencer – vacant

B. Staff Report

- No staff report this month due to staff being on vacation.

IX. OLD BUSINESS

Municipal Policy for Solar Monday, August 22nd at 5:00 – 7:30 PM in the Auditorium of the Tioga County Office Building.

X. ADJOURNMENT

- A. Next Meeting September 21st, 2016 @ 7:00 PM in the Legislature Conference Room.
- B. Motion made to adjourn at 8:25 PM. J. Tornatore/W. Dimmick, III/Carried.

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