

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
February 16, 2022
VIA ZOOM**

I. CALL TO ORDER AND INTRODUCTIONS

- Chairman D. Chrzanowski called the meeting to order at 7:03 PM.
- Note - this meeting was conducted via Zoom as allowed by NYS law regarding COVID-19 spread prevention. These minutes serve as a transcript of the meeting.

II. ATTENDANCE

A. Planning Board Members:

Present: Doug Chrzanowski, Grady Updyke, Art Cacciola, Pam Moore, Rawley Filbin, John Current, Chelsea Robertson, Bryan Goodrich, Matt Tomazin, Tim Pollard, Georgeanne Eckley

Excused:

Absent:

B. Ex Officio Members:

C. Local Officials: None

D. 239m Review: Brenda Bask-Lewis of Centerline Communications, Matt Siok of Lockheed Martin, Jason Kline of Farmer Brown Solar, LLC, Tim Gourley of Farmer Brown Solar, LLC, John Weaver of Commercial Solar Guy, Tom D’Arpino of Apalachin Land Development, LLC

E. Guests: None

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda.

J. Current/C. Robertson/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of January 19, 2021 minutes.

J. Current/C. Robertson/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 2022-002: Town of Owego, Special Use Permit, Farmer Brown Solar, LLC

The applicant is proposing to develop, construct and operate a 4.95MW /AC solar energy photovoltaic system via lease agreement with the property owner on this 40.4-acre property, which is currently mostly vacant land. The project will sit on approximately 18 acres of the non-wooded portion of this property.

Earth disturbance will only occur for the construction of the driveway, equipment pads, underground electric trenching and posts. Solar panels will be installed on existing grade (no grading or earthwork) via a racking system that is supported by steel pile driven into the ground. These 11,484 solar panel modules will be a maximum of 15 feet high from the ground and will rotate to follow the sun's path during the day. The applicant will install a seven-foot high perimeter fence surrounding the project facility. Access will be provided via an existing access drive from NYS State Route 434. Natural vegetation will screen the solar arrays and minimal glare from neighbors to the south, east and west. There are no neighbors to the north. The project will be visible from NYS Routes 434 and 17. The applicant has developed a SWPPP and has submitted it to the Town of Owego. Grass strips between module arrays will allow rainfall to infiltrate and flow in between arrays, allowing runoff to naturally infiltrate and drain over ground surface. This project is not located in the floodplain, but does appear it might be impacting a federally protected wetland specifically on the northwest corner of the property, with no mention of this in the project materials. This proposal also includes a small battery energy storage system in a future phase.

Town of Owego Planning & Zoning states that they do not require a Decommissioning Plan at the time of local approvals. The Town Board negotiates the Decommissioning Plan with the applicant after the local approvals are complete.

This community distributed generation project is providing a direct benefit to community residents and also provides another contribution toward clean energy production.

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

Q. J. Current – Does this project also require a Site Plan Review? **A. E. Jardine** – No, not according to the Town of Owego Zoning Code.

Q. D. Chrzanowski – Didn't the property to be developed directly to the west have stormwater management troubles so the owner decided not to proceed? **A. E. Jardine** – Yes, but he just did not want to comply with stormwater management regulations, which were new at that time.

Q. E. Jardine – Why is there no reference to wetland mitigation regarding the mapped wetland in the northwest corner of the property? **A. T. Gourley** – We have just recently conducted a wetland delineation and that report shows no wetlands there any longer. The original NWI maps are more than 30 years old. **E. Jardine** – We will add a condition that the wetland delineation report be provided to the Town of Owego ZBA. **A. T. Gourley** – We will do that.

Q. T. Pollard – Is this a brownfield? **A. E. Jardine** – No, this land was cut 50 years ago to make NYS Route 17. However, there is no municipal water or sewer in this area, so the property has been underutilized.

Q. D. Chrzanowski – Did I see that a battery energy storage system (BESS) was also included in this proposal? **A. J. Kline** – Yes, in a future phase. **D. Chrzanowski** – Then we need to include as a condition that if the BESS is built, the applicant needs to provide incident and management training to the personnel of the Apalachin Fire District and the Tioga County Department Emergency

Management Services. **T. Gourley** – Yes, we have already discussed this with Mike George at the Apalachin Fire District.

Motion to recommend approval of the special use permit with the two conditions noted:

C. Robertson/M. Tomazin/Carried	
Yes	9
No	2 (T. Pollard, G. Updyke)
Abstention	0

2. County Case 2022-003: Town of Owego, Site Plan Review, Special Use Permit Area Variance, Centerline Communications

The applicant is proposing to develop, construct and operate a 104 feet high telecommunications tower and associated improvements via lease agreement with the property owner (Lockheed Martin) on this 27-acre property, which is currently vacant land. This Lockheed Martin land sits directly adjacent to the east of the Lockheed Martin facility and property. The tower will be situated on the northernmost portion of the property and be accessed by a private drive between the two properties - facility and this site. The entire telecommunications complex will be on a 100' x 100' footprint, and enclosed with a fence and locking gate.

Before and After propagation maps provided show that this tower is needed to improve telecommunications coverage and capacity at the adjacent Lockheed Martin facility.

The tower will be buffered from non-facility neighbors by natural woodland. There is adjacent property enrolled in the NYS Agricultural Districts Program, so the Town is conducting the Agricultural Data Statement process.

Analyzing the area variance considerations, nothing is out of line regarding the five tests, except that the variance request is moderate at 60%.

This new telecommunications tower will have positive impacts on Lockheed Martin, our county's largest employer, by increasing their telecommunications coverage and capacity, and therefore operations. Yet the tower will have little to no impact on the surrounding uses and neighbors.

Staff advises the County Planning Board recommend approval of the site plan review, special use permit and area variance.

Q. C. Robertson – Are the colocation or ring maps showing all the adjacent towers? **A. B. Blask-Lewis** – Yes, there is only one other tower in the area, another AT&T tower.

Q. B. Goodrich – Can you tell me what the legend colors mean on the propagation maps? **A. B. Blask-Lewis** – the colors correspond to what kind of signal the land uses are receiving inside buildings – in the denser, better services areas it is more pink and on the outskirts in the less serviced areas the colors are more green and yellow.

Q. D. Chrzanowski – Is this tower being installed to mainly serve Lockheed Martin's needs? **A. B. Blask-Lewis** – Yes, but there will also be better residual coverage along Bodle Hill Road and State Route 17C.

Q. T. Pollard – Aren't you concerned about the area variance and the height of the tower in relation to the closeness of the helicopter-landing pad? **A. E. Jardine** – I figured if Lockheed Martin wasn't

worried about it, I shouldn't be concerned. M. Siok – Yes, we consulted with our flight division, and they studied it and said the proximity will not cause issues.

Q. C. Robertson – Will the beacon at the top stay lit constantly? **A. M. Siok** – Yes.

Motion to recommend approval of the site plan review, special use permit and area variance:

R. Filbin/J. Current/Carried	
Yes	10
No	1(T. Pollard)
Abstention	0

VIII. REPORTS

A. Local Bits and Pieces

1. **Town of Candor** (A. Cacciola)
 - No report.

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

3. **Town of Berkshire** (T. Pollard)
 - No report.

4. **Town of Newark Valley** (M. Tomazin)
 - No report.

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

6. **Town of Owego** (J. Current)
 - No report.

7. **Town of Nichols** (P. Moore)
 - No report.

8. **Village of Waverly** (R. Filbin)
 - No report.

9. **Village of Owego** (G. Eckley)
 - No report.

10. **Alternates** (B. Goodrich, C. Robertson)
 - B. Goodrich asked about the cumulative impact of the solar array projects and should we be in the energy development business. C. Robertson responded that this determination is the responsibility of the municipalities through local laws, we just need to make sure the projects are compliant and do not have intermunicipal or countywide impacts. Discussion ensued on this topic.
 - C. Robertson announced that her organization, Southern Tier Central Regional Planning Board is hosting a municipal leadership conference on March 31st. She will email E. Jardine another notice.

B. Staff Report:

- Nothing more than was sent with the meeting packet.

IX. OLD BUSINESS

- None.

X. ADJOURNMENT

A. Next Meeting March 16, 2022, @ 7:00 PM via Zoom.

B. Motion made to adjourn at 8:01 PM. J. Current/C. Robertson/Carried.

Respectfully submitted,

Elaine Jardine, Tioga County Planning Director

Economic Development and Planning