

TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
November 18, 2020
~~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 7:05 PM.
- Note - this meeting was conducted via Zoom as allowed by Governor Cuomo Executive Order regarding COVID-19 spread prevention. These minutes also serve as a transcript of the meeting.

II. ATTENDANCE

- A. Planning Board Members:
Present: Doug Chrzanowski, Art Cacciola, Tim Pollard, Mike Reynolds, Pam Moore, Sarah Titus, John Current
Excused: Georgeanne Eckley, Chelsea Robertson
Absent: Rawley Filbin, Tim Goodrich, Grady Updyke
- B. Ex Officio Members:
- C. Local Officials: Joann Lindstrom, Town of Owego Planning & Zoning Administrator and Gary Phelps, Town of Owego ZBA Chair
- D. 239m Review: Mel Farmer of Stantec, Allyson Philips of Young Sommer, LLC, and Mike Beckner and Chet McLaughlin of SunEast Valley Solar LLC
- E. Guests: Matt Tomazin, Town of Newark Valley resident and Duane Blasdel of Maple Ridge Farm
- F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda.

M Reynolds/S. Titus/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of **October 21**, 2020 minutes with one correction on page 1.

J. Current/M. Reynolds/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

- None heard.

~~**VI. CORRESPONDENCE**~~

- On file at the EDP Office

VII. NEW BUSINESS

A. 239 Reviews

1. County Case 2020-017: Town of Owego, Special Use Permit, SunEast Valley Solar LLC

The applicant is proposing to develop, construct and operate a 20MW solar photovoltaic system via lease agreement option to purchase with three property owners on four properties located on Montrose Turnpike. This solar project will occupy approximately 168 acres of 303 acres currently active farmland, although only about 35 acres will have panels. This Community Distributed Generation solar project will generate enough energy to provide approximately 3,400 Owego households with a reduced energy bill.

Solar panels will be a maximum of 12 feet high at full tilt. The 168-acre project area will be surrounded by a 7-foot high perimeter fence. There will be some grading, however stripped soil will be used on site. Applicant states they have conducted a wetland delineation, however the site plan maps do not show the wetland areas (or they cannot be seen). The applicant states in the SEQR EAF Part 1 there will be tree clearing, however the site plan maps do not show this area (or it cannot be seen). The applicant has prepared a SWPPP, although the applicant states in the EAF Part 1 that stormwater runoff will be directed to wetlands, which is not allowed by NYS DEC. Also in the EAF Part 1, the applicant states that new vegetative screening will be provided along Montrose Turnpike. Construction is expected to take six to eight months. The applicant has submitted a decommissioning plan.

The subject properties that will have solar panels on them are currently in viable agricultural production. Additionally, there are parcels enrolled in the NYS Agricultural Districts Programs within and nearby the project area. Most of the farmland within these properties are identified as Medium Priority Farmland Preservation Priority in Tioga County's 2015 Agricultural and Farmland Protection Plan. Please see attached map that illustrates these farmland attributes.

This community distributed generation project is providing a direct benefit to community residents and contributing toward New York State's aggressive clean energy production goals.

However, the proposed location of the solar panels plus appurtenances is on currently viable agricultural farmland, some of which is enrolled in the NYS Agricultural Districts Program, and most of which is identified as Medium Farmland Preservation Priority in the Tioga County 2015 Agricultural and Farmland Protection Plan. The applicant provides no information on how they will offset or mitigate this significant loss of active, productive farmland. Therefore, this project comes down to weighing the benefits of production of clean energy versus production of food.

Lastly, the siting of this solar project on this agricultural land is not compatible with its environmental setting.

E. Jardine then commented that the Town of Owego did ask for more information regarding this solar project than what was submitted, similar to what is submitted with other solar developer's engineers and even provided the applicant an example of a full solar project description. The only additional item submitted by the applicant's team was the Decommissioning Plan.

Q. D. Chrzanowski: Will there be a battery storage system in conjunction with this project. **M. Farmer** – No, there will be no battery storage. **D. Chrzanowski** – Just a reminder that if plan change in the future and battery storage will be added, you have to come back for local approval. **M. Farmer** acknowledged this.

A. Philips: This project is permitted by right in the Town of Owego zoning regulations. The special permit is required to take a closer look at it, but the County Planning Board should keep this in mind and focus on countywide impacts. **E. Jardine** – The countywide impact is the loss of 168 acres of farmland. **P. Moore** then commented that with the COVID-19 pandemic, Tioga County needs to be more mindful of the importance of local agriculture and food production.

Q. P. Moore: What is happening on the northernmost parcel (140.00-1-19)? **A. M. Farmer** – This is the point of interconnection to the power grid. And the substation is existing. **P. Moore** – Is SunEast retaining ownership of the solar infrastructure through decommissioning? **A. M. Beckner** – Yes, then we will turn over the land to a group of landowners. We are planning to purchase the 167 acres, except for Les Wagner’s properties, which we will lease. **P. Moore** – How do you determine what the salvage value is 30 years from now? **M. Beckner** – We use engineers’ estimates. **P. Moore** – I’m concerned about the high value put on salvage, especially after what has happened with the sudden and vast reduction in market value of recyclable materials. According to SunEast’s Decommissioning Plan your salvage estimates of \$1,298,825 are nearly as much as the entire \$1,407,687 cost of demolition, leaving a net decommissioning cost of \$108,862. Will SunEast be bonding for the entire \$1,407,687 cost of demolition, or does it hope to only bond the \$108,862? **M. Beckner** – The salvage value should increase over time, like a classic 1968 Mustang. Our intent is to NOT decommission and instead replace the solar equipment with newer technology. **P. Moore** – Have you done any solar projects in NYS? **M. Beckner** – We are in the permitting stage for four other projects.

A. Philips then brought up the issue of the SWPPP and that the Town of Owego should be addressing this issue. **E. Jardine** acknowledged that the Town of Owego ZBA will be the certifying agency and that they will contract Wendy Walsh, CPESC to review the SWPPP and take care of that. It is just her obligation to bring up something to the Town of Owego that is not allowed by NYS DEC. **M. Farmer** then said they plan to keep the exact pattern of stormwater runoff that exists now. No grading will change the current pattern of runoff. It just so happens that wetlands are involved in this flow pattern.

D. Chrzanowski – This project is different from other solar project we have reviewed previously in that there is encapsulation of other outside properties located close to the road. At least one or two properties along the road are proposed to be encased by solar panels. Other projects have been designed so the solar panel area is located further away from the road. **M. Beckner** – Are you talking about the hunting property to the east? **E. Jardine** – No, he is referring to residential parcels along Montrose Turnpike. **M. Farmer** – Solar is a benign use. There is no sound, no traffic or other nuisances associated with the panels. It is quiet and bucolic and attracts mammal wildlife as well as butterflies. **D. Chrzanowski** – That is your opinion.

M. Beckner – Have you spoken with Town of Owego officials? They seem to support this project. **E. Jardine** – If they like it so much they can achieve a supermajority vote to override the disapproval recommendation.

A. Philips – The Town of Owego Board(s) will have to address the impact of this solar project on nearby residences as that is a general standard listed in their special use permit regulations. **E. Jardine** thanked her for this point of clarification.

Q. S. Titus – Have the neighbors been notified? **A. M. Beckner** – Yes, we have talked with them.

Q. D. Chrzanowski – In the Grading and Erosion Plan, it states that trees will be replaced in a ratio of 2:1. Where will this take place? **A. M. Farmer** – Tree planting and vegetative screening will take place along Montrose Turnpike. However, I think you are referring to the clause the applies only to trees cleared outside of the designated tree clearing area.

Motion to recommend disapproval of the Special Use Permit:

J. Current/T. Pollard/Carried	
Yes	7
No	0
Abstention	0

VIII. REPORTS

A. Local Bits and Pieces – deferred until next regular meeting

1. Town of Candor (A. Cacciola)
 -

2. Town of Tioga (D. Chrzanowski)
 -

3. Town/Village of Spencer (T. Goodrich)
 -

4. Town of Berkshire (T. Pollard)
 -

5. Village of Newark Valley (M. Reynolds)
 -

6. Town of Newark Valley (S. Titus)
 -

7. Town of Barton (G. Updyke)
 -

8. Town of Owego (J. Current)
 -

9. Town of Nichols (P. Moore)
 -

10. Village of Waverly (R. Filbin)
 -

11. Village of Owego (G. Eckley)
 -

B. Staff Report:

- Deferred until next regular meeting.

IX. OLD BUSINESS

- **Solar Project Analysis** – E. Jardine showed TCPB members the spreadsheet of 15 solar projects, the total MW capacity (83), households served (14,360) and PILOT payments (\$5.5M). Then she showed the map series illustrating solar projects status, MWs and

PILOT payments, all overlaid on the Farmland Preservation Priority layer from the Tioga County Ag & Farmland Protection Plan of 2015. These maps clearly show the influence of the electric transmission lines on these solar projects location, and show the value of farmland in relation to these solar project locations. Discussion ensued on # households served. E. Jardine state that there are approximately 25,000 addresses in Tioga County, with about 75% of those being residential addresses. So just these 15 projects serve about two-thirds of the entire county's residences. The solar energy production market to serve our households is quickly reaching saturation.

- **2020 Mileage Claims** – Please submit as soon as possible if you are going to claim mileage for the January meeting.

X. **ADJOURNMENT**

- A. Next Meeting December 16, 2020, @ 7:00 PM via Zoom.
- B. Motion made to adjourn at 8:52 PM. D. Chrzanowski/ M. Reynolds/Carried.

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