



MEETING AGENDA
TIOGA COUNTY PLANNING BOARD
October 19, 2022 at 7:00 PM
Tioga County Health and Human Services Building, Room #2139
1062 State Route 38, Owego NY 13827

- I. CALL TO ORDER
 - A. Introductions

- II. ATTENDANCE
 - A. Members:
 - B. Ex Officio Members:
 - C. Local Officials:
 - D. 239m Review Applicants:
 - E. Guests:

- III. APPROVAL OF AGENDA

- IV. APPROVAL OF MINUTES
 - A. September 21, 2022

- V. PRIVILEGE OF THE FLOOR

- VI. NEW BUSINESS
 - A. 239 Reviews
 - 1. County Case 2022-027: Town of Owego, Area Variance, Harry's Express
 - 2. County Case 2022-028: Town of Owego, Rezoning, Mosher
 - 3. County Case 2022-029: Town of Tioga, Site Plan Review, HEA, LLC
 - 4. County Case 2022-030: Town of Owego, Site Plan Review and Special Permit, Art of Combat

- VII. REPORTS
 - A. Local Bits and Pieces
 - B. Staff Report

- VIII. OLD BUSINESS
 - None

- IX. ADJOURNMENT
 - A. Next Regular Meeting November 16, 2022 at the HHS Building
 - B. Adjourn

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
September 21, 2022
Tioga County Health & Human Services Building, Room #2139**

I. CALL TO ORDER AND INTRODUCTIONS

- Chairman D. Chrzanowski called the meeting to order at 7:15 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Doug Chrzanowski, Rawley Filbin, John Current, Georgeanne Eckley, Chelsea Robertson, Matt Tomazin

Excused: Bryan Goodrich, Art Cacciola, Pam Moore

Absent: Grady Updyke, Tim Pollard

B. Ex Officio Members:

C. Local Officials: none

D. 239m Review: Stacey Davis and Nat Drucker of Jupiter Power; Mel Farmer of Stantec; Scott Moore; Noah Ryder of Fire & Risk Alliance; Jack Globe, Matt Fuller, Gary Parzych and Casey Parzych of Best Bev; Dan Williams and Mike Overton of Williams Construction; Mark Suozzo of KSPE; Paul Barber, Jeff Barber and Emily Barber of Waverly Trade Center, LLC.

E. Guests: None

F. Staff: Elaine Jardine, Karen Warfle

III. APPROVAL OF AGENDA

- Approval of agenda.

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

IV. APPROVAL OF MINUTES

- Approval of August 17, 2022 minutes.

R. Filbin/D. Chrzanowski/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 2022-025: Town of Barton, Site Plan Review, Elm Line, LLC

The applicant is requesting site plan approval to construct and operate a 10 MW battery energy storage system (BESS) on approximately 3 acres of this 13.5-acre property. The property consists of vacant land with two overhead transmission lines. There is an existing access road from Ellistown Road to this location on the property and the applicant will obtain an easement along this road for access to the BESS equipment.

The siting at this location is due to grid demand and the fact that the nearby East Sayre substation has capacity to receive the stored energy from this BESS project. Local energy demand is not a factor in this siting. This proposed BESS project is in a logical location, taking advantage of all the necessary resources of the current power grid. It is a small battery energy storage project, and the first one of its kind in Tioga County, and will have little impact to the surrounding area given the isolated location. E. Jardine stated that when reviewing the Considerations in the Town of Barton Site Plan Review law, the only thing that stood out was that the ground disturbance of this project is greater than 1 acre, so the applicant is developing a SWPPP to submit to NYS DEC for approval.

Staff advises the County Planning Board to recommend approval of the site plan review with the condition that applicant complies with the NYS DOT Region 9 Site Plan Review Committee’s comments and requirements.

Q. J. Current – Will you be leasing the land? **A. S. Davis** – We have an option to purchase the 3-acre property.

Q. C. J. Current – The Decommissioning assurity, will this be worked out with the Town? **A. S. Davis** – That is correct.

Q. C. J. Current – In Appendix 1 – who is the owner and who is the contractor? **A. S. Davis** – Jupiter Power is the owner and operator. The contractor is whom we hire to do the decommissioning work.

Q. D. Chrzanowski – Why did you site the facility at this location? **A. S. Davis** – It was a primary opportunity to serve both NY and PA. **N. Drucker** further stated that this property would be profitable for Jupiter Power because the site has the electric capacity, they can sell power at peak demand, and sell frequency regulation. **N. Drucker** continued about siting at this location.

Q. J. Current – Is PENELEC your customer? **A. N. Drucker** – It is really PJM, the regional power entity.

Q. M. Tomazin – How many more facilities might come on line in this area? **A. N. Drucker** – I don’t know for sure, but perhaps a few in this area of 10 – 150 MW each.

Q. J. Current – Can you expand the BESS on this site? **A. N. Drucker** – If we had enough land.

Q. J. Current – Isn’t this a project incentivized through NYSERDA? **A. N. Drucker** – No, there is no NYSERDA or local incentives.

Q. G. Eckley – Are you looking to buy more land on this site? **A. S. Davis** – If we can find more land, but not on this site.

Q. D. Chrzanowski – I’m guessing the presence of many solar projects in this county is also a factor in choosing this site? **A. S. Davis** – Yes, this is the exact model.

Motion to recommend site plan review with the conditions noted:

M. Tomazin/J. Current/Carried	
Yes	6
No	0
Abstention	0

2. County Case 2022-026: Village of Waverly, Site Plan Review and Area Variance, Waverly Trade Center, LLC

The applicant is requesting a site plan review approval to renovate the existing Waverly Trade Center to establish and operate a beverage bottling facility. This will take place via long lease agreement. The bottling facility will involve batching, packaging and warehousing activities all within the enclosed structure. The applicant proposes additional loading docks on the west side of the building, plus five silos for storage on the east side of the building. The tallest silo will be 72 feet, requiring an area variance.

The business plans to operate first with one canning line, employing 65 people over one 7:00 AM to 3:00 PM shift five days a week, with eventual plans to add other bottling lines with 100 employees working 24/7. Trucking trips are anticipated at five per day to start, then eventually working up to 40 trucks per day at the facility. Inputs will be trucked in by tanker truck and the bottled or canned product will be shipped out on pallets by tractor trailer. This proposal to reuse and retrofit an underutilized property in the Waverly area will benefit the Village in both property taxes and available jobs. Regarding the area variance, this is a substantial area variance request, however there are other tall industrial structures in the area.

Staff recommends approval of the site plan review and area variance with the conditions that the applicant complies with NYS DOT Region 9 Site Plan Review Committee’s comments and requirements, that the applicant provides specific signage plans to the Village Boards, and that applicant obtains all necessary licenses and permits for the municipal water and sewer usage.

Q. C. Robertson – Forty trucks per day is not insignificant. Are there road use agreements in place with the municipality? **A. P. Barber** – I have spoken with both the Town of Barton Supervisor and the Village Street Department and neither has a problem with this amount of truck traffic. Discussion ensued about industrial truck traffic history on Broad Street Extension.

Q. D. Chrzanowski – Why can’t you use shorter silos that meet the height requirement? **A. C. Parzych** – Because we are repurposing a silo from a farm that went out of business, which saves cost on the project and space.

Q. D. Chrzanowski – What are you storing in the silos? **A. J. Blobe** – Food grade liquids and sugars.

Q. D. Chrzanowski – What type of materials will you be bottling in – glass, plastic, etc.? **A. J. Blobe** – Just aluminum cans, no plastic or glass.

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

G. Eckley/D. Chrzanowski/Not Carried	
Yes	5
No	0
Abstention	1 (R. Filbin)

VIII. REPORTS

A. Local Bits and Pieces

1. **Town of Candor** (A. Cacciola)
 - Not in attendance.

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

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

4. **Town of Newark Valley** (M. Tomazin)
 - No report.
5. **Town of Barton** (G. Updyke)
 - Not in attendance.
6. **Town of Owego** (J. Current)
 - No report.
7. **Town of Nichols** (P. Moore)
 - Not in attendance.
8. **Village of Waverly** (R. Filbin)
 - No report.
9. **Village of Owego** (G. Eckley)
 - No report.
10. **Alternates** (B. Goodrich, C. Robertson)
 - No report.

B. Staff Report:

- E. Jardine notified the Board members whose terms are up at the end of 2022, those being D. Chrzanowski, R. Filbin, B Goodrich, T. Pollard and G. Updyke. Please notify E. Jardine about your intent to serve again.

IX. OLD BUSINESS

- None.

X. ADJOURNMENT

- A. Next Meeting October 19, 2022, @ 7:00 PM at HHS Building Room #2139.
- B. Motion made to adjourn at 8:24PM. R. Filbin/J. Current/Carried.

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

**Economic Development and Planning
Legislative Committee Report
October 4, 2022
Prepared By: Elaine Jardine**

Meetings

- Tioga County Planning Board meeting
- ST8 Broadband Collaboration meeting
- ST8 Economic Development meeting
- NYSAC fall conference
- ARC Project Review Committee meeting
- How the Electric Grid Works webinar
- Hazard Mitigation Planning Committee meeting
- ST8 Climate Smart Communities meeting

Active Projects

- Gateway beautification project in Waverly with school students to paint murals on the railroad underpass at State Route 17 exit 61 and fence at exit 60. Students have painted the mural and constructed a frame. The mural is not going on the RR under pass, but possibly the side of Foote's building. Plans for building on this building will begin when school starts again.
- Waverly NY Forward application – helped review the entire application.
- Town of Richford – Assisting the Town Planning Board with developing a solar energy law.
- NYS Department of Agriculture & Markets has developed a new streamlined approach to SEQR for Agricultural District modifications. This new approach requires that, after a public hearing, the County Legislature adopt a new, customized SEQR EAF. See resolution J01 to adopt the new SEQR Short Environmental Assessment Form and J02 to adopt the SEQR cooperative agreement.

Grants

Active

- DOS Local Government Efficiency Program - County ITCS Shared Services with Village of Owego and Town of Candor – IT is complete with the Village of Owego and waiting on Haefele and Spectrum to act for the Town of Candor.
- ESD Planning and Feasibility Study Program – Village of Waverly downtown economic market analysis (\$50,000) – The Waverly Board of Trustees adopted the Downtown Plan. Reporting to ESD is the only thing left to do.
- OPRHP EPF Municipal Grant Program – Village of Owego OPD building restoration (\$625,811). Assisting Village of Owego officials with grant implementation and administration. They have been prepared to conduct all pre-construction activities.
- Appalachian Regional Commission (ARC) Tioga County IDA Education Workforce Coordinator – Met with Education Workforce Coordinator and IDA Executive Director to go over progress and payment reporting requirements.
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Pending

- FEMA HMGP DR 4567 – Tioga County IDA stream crossing in Town of Richford preliminary engineering services – Submitted before November 10 deadline. NYS DHSES has approved and FEMA has asked their request for information questions. Still waiting on award notification.
- FEMA HMGP DR 4480 – Grant to update the County's Hazard Mitigation Plan has been submitted and accepted by NYDHSES. NYDHSES has asked their request for information questions and we submitted the response. Budget has now been changed to 90% federal, 10% local match from 75/25.
- Racker Center CDBG CARES grant application for the Neighborhood Depot – assisting B. Woodburn with accomplishing items on the NEPA Environmental Review checklist. Wrote notice of FONSI and Request for Funds, published and comment period is over. Completed

the Request for Funds form. \$3M grant is now in question due to demolition of residential units without having new replacement units for tenant relocation.

Potential

- Appalachian Regional Commission FY2022 – Wrote and submitted grant application to fund 50% of the consultant cost for a new County operational strategic plan. The application is sitting with NYS DOS.
- Appalachian Regional Commission FY2022 – Assisted TCIDA Executive Administrator with grant application to fund 50% of consultant cost to develop preliminary engineering to make the Lounsberry Industrial Park site shovel ready. This application is sitting with NYS DOS.

Plans/Studies

- Village of Waverly Comprehensive Plan Implementation – Waverly art students' gateways mural projects and downtown design guidelines. Work is finalized on the Village of Waverly Downtown Economic Market Analysis. Presented to the Board of Trustees who will adopt at their next Board meeting. Additionally, this Department wrote and submitted the Waverly NYF grant application.

Reviews (239)

- County Case 2022-025: Town of Barton, Site Plan Review, Elm Line, LLC – Applicant wishes to establish and operate a 10 MW battery energy storage system on a 3-acre property. Staff advised the County Planning Board to recommend approval and the County Planning Board voted unanimously for approval.
- County Case 2022-026: Village of Waverly, Site Plan Review and Area Variance, Waverly Trade Center, LLC – Applicant wishes lease their building to a co-packaging facility of liquid beverages (Best Bev). Area variance is needed for height of storage siloes. Staff advised the County Planning Board to recommend approval with conditions and the County Planning Board could not achieve a majority vote, resulting in a non-action.

• Resolutions –

- J01 – Adopt new Ag & Markets SEQR Short Environmental Assessment Form
- J02 – Adopt Ag & Markets SEQR Cooperative Agreement