

The Regular Meeting of the Town of Owego Planning Board was held at 7:00 PM on Tuesday August 23, 2022 at the Owego Town Hall, 2354 State Route 434, Apalachin, New York.

Present: Chairman Robert Rieg, Craig Wademan, Lisa Baileys, Jim Tofte and David Marsh

Excused: Lynne Esquivel, Leah Hammond and Town of Owego Attorney Irene Graven

Chairman Rieg called the meeting to order at 7:00 PM. The minutes from the July 26, 2022 meeting were considered. Chairman Rieg noted a correction needed for Site Plan #2-2022 for the proposed Dollar General's landscaping requirements. The minutes should reflect landscaping and screening to include mature evergreen trees 5 to 6 feet in height and fencing. Chairman Rieg made a motion to accept the minutes with the noted correction. Jim Tofte seconded the motion. Mr. Wademan, Ms. Baileys, Mr. Marsh, Chairman Rieg and Mr. Tofte all voted in favor.

The Board first considered Appeal No. 2115, submitted by Barton Solar, LLC, to construct a 13.5 MW ground mounted solar array on the vacant parcels located at the end of Jacobs Road. Tim Gourley from Tract Engineering PLLC, and Jason Kline from Commercial Solar Guys, were in attendance. Mr. Gourley explained the proposed project is to develop the hillside towards Jewett Hill Road with the solar array, which would consist of 24,300 panels. Mr. Gourley stated there would be three (3) transformers set at the bottom of the array along with the control system, which would be housed in a storage container on a gravel slab. Mr. Gourley stated contact has been made with New York State Electric and Gas (NYSEG) and approval has been given for the project to tie into the existing lines, therefore no new poles would need to be set. Mr. Gourley further stated no trees around the perimeter of the project would be cut down, however there is a seven (7) acre overgrown shrub area at the top of the hill that would be.

The Tioga County Planning Board submitted a letter stating a majority vote could not be achieved resulting in a non-action. Wendy Walsh of Tioga County Soil and Water submitted a letter stating that she was not recommending approval or disapproval, but is highly concerned with drainage issues in the area, as they have been ongoing. Town of Owego Highway Superintendent Mike Roberts submitted a letter with no comments. Sara McIvor of New York State Parks, Recreation, and Historic Preservation submitted a letter stating no adverse impact on historic archeological resources with the following conditions being met: 1. Maintain and protect existing vegetation throughout the site, as is feasible and 2. Provide year-round vegetation at the locations where new utility poles will be installed to provide a visual buffer between the solar facility and two adjacent historic resources. Apalachin Fire Chief Michael George submitted a comment letter recommending approval of the proposal, noting the access road needs to be a minimum of 14' wide, the fire department be provided initial training on once in place to ensure proper safety precautions and emergency procedures are understood, a Knox box must be installed near the access gate, and a local 24/7 point of contact be identified for response to emergencies. Mr. Gourley stated that they will widen the access road to 14' and can meet all other conditions set forth by the fire department.

Mr. Tofte questioned if the access road would be crowned. Mr. Gourley stated the access road would be a permanent road and crowned, to allow water to run off and disperse the further down the hill it goes.

Mr. Tofte asked if there were any wetlands in the area. Mr. Gourley stated there were, however they are not listed on the national wetland site and were not DEC regulated. Mr. Gourley stated they

contracted with a private company to inspect the possible impact, and because of there being small wetlands in the area, they have chosen not to disturb them.

Chairman Rieg questioned if the sole access to the project would be from Jacobs Road. Mr. Gourley stated yes. Chairman Rieg questioned the staging area behind the house on Pennsylvania Avenue during the construction phase. Chairman Rieg stated his concern is how that will impact the residents as the staging area is approximately 150 feet away from the homes. Chairman Rieg would like clarification on how many trips per day would be made with heavy equipment, and how many crew members are expected to be on-site. Mr. Gourley stated construction would take approximately four to six months, depending on the season, with four to five pieces of heavy equipment. He stated they would stagger deliveries in order to prevent traffic from backing up onto Pennsylvania Avenue. Mr. Gourley stated there would be a crew of four to five members installing the panels, and paving the roadway. There would also be a work crew for installing the fence around the panels, which was noted would be six (6) feet high per Town of Owego Code. Chairman Rieg asked once the construction is completed, how long the solar array be in-service. Mr. Gourley stated approximately twenty-five (25) years, give or take any mechanical issues along the way.

Mr. Wademan asked if the plan was to complete the project in one phase. Mr. Gourley stated yes. Mr. Wademan asked for clarification on the drainage noted for one hundred thirty-five (135) acres, although the proposed project is 88 acres. Mr. Gourley stated when projecting the drainage, it was also taken into the account the properties that are situated above the project area due to the hill and runoff.

Mr. Tofte asked how deep the anchors would be for the solar panels. Mr. Gourley stated typically four to six feet.

Mr. Marsh asked what the height of the chain link fence would be, and if there would be any lighting. Mr. Gourley stated the fence would be six feet high, per Town Code, and there would be no lighting.

Chairman Rieg inquired if contact with nearby residents has been made, either by the company installing the solar array, or by the land owners themselves. Mr. Gourley stated there has not been any contact.

Ms. Baileys questioned the placement of the solar panels, with the possibility of glare and how it would affect neighboring houses, particularly those across the street from the panels due to being at a high elevation. Mr. Gourley stated the panels would be placed North to South so they could tilt East to West to receive the most sun. Mr. Gourley stated the panels they are installing will absorb sunlight, not reflect off, therefore glare should not be a problem.

Mr. Tofte asked if they were prepared to do any landscaping mitigation if needed. Mr. Gourley stated they were, however they could not screen the entire area. Mr. Tofte referenced the Environmental Full Assessment Form submitted by Barton Solar, LLC, specifically the question asking if the project site is within five (5) miles of a local scenic or aesthetic resource. Mr. Tofte pointed out that Muth Park, a local Town of Owego park, is across the street from the proposed project, so that would need be addressed. Mr. Gourley agreed.

Ms. Bailey expressed concern of the highly populated residential area with a local elementary grade school just down the road. Mr. Gourley stated the school entrance is at least one thousand (1,000) feet away from the construction entrance on Jacobs Road and should not cause a problem.

Mr. Tofte made a motion to recommend approval of Appeal No. 2115 to the Zoning Board of Appeals with the following conditions:

- 1) Applicant take into consideration the close proximity of the local town park, Muth Park
- 2) Applicant implement traffic control during construction, particularly the egress, perhaps signage be used

Chairman Rieg seconded the motion to recommend approval. The vote is as follows:

Chairman Rieg – Yes
Mr. Tofte – Yes
Mr. Wademan – Yes
Mr. Marsh – Yes
Ms. Baileys – No

Chairman Rieg then introduced Appeal No. 2117, submitted by Anthony Albanese, to construct a multi-family residence at 5980 State Route 434. Mr. Albanese was in attendance. Mr. Albanese explained currently there are two multi-family units located on the property, and he is seeking to add a third.

The Tioga County Planning Board recommended approval of the site plan. Town of Owego Utilities Director Tyson Stiles submitted a comment the proposal meets his approval as did Apalachin Fire Chief Michael George.

Mr. Tofte questioned the current dumpster location and if there would be a new dumpster and where it would be placed. Mr. Albanese stated there will not be an additional dumpster, but he wants to move the current dumpster to a location that is not so visible, but will have to wait until the new building is constructed.

Mr. Marsh asked if Mr. Albanese has taken the opportunity to speak with any of the neighbors who reside on Holmes Avenue, directly behind the proposed new building. Mr. Albanese stated he has spoken to a few when he sees them, and there has not been any objection to his proposal.

Mr. Tofte asked what the back side of the building façade would be. Mr. Albanese stated there would be two decks that would need to be built for the rear egress. Mr. Tofte asked if the new building is single leveled. Mr. Albanese stated it is a raised ranch, the same style as the current ones. Mr. Tofte noted the recreational area on the site plan. Mr. Albanese stated his future plans are to install a fire pit or gazebo, to give his tenants a place to enjoy.

Ms. Baileys asked about lighting for the new building. Mr. Albanese stated he would install the LED lights above the doors, just as the current buildings have, and is looking into installing a pole with NYSEG to illuminate the parking lot.

Mr. Wademan cautioned Mr. Albanese about light pollution, and looking into directional lights would be beneficial as to not disturb the neighboring properties. Mr. Albanese agreed.

Mr. Tofte questioned the number of handicap spots available for the buildings, noting Mr. Albanese has already received the Area Variance through the Zoning Board of Appeals for lacking one parking spot per the Town's requirements. Mr. Albanese stated there would be 3 handicap spots available, essentially one per building. Mr. Tofte stated each handicap spot is to be eight (8) feet in width. Mr. Albanese stated he understood.

Mr. Wademan questioned the time frame for the project. Mr. Albanese stated he is anticipating breaking ground in spring 2023.

Mr. Tofte asked how many families are able to be in the existing units. Mr. Albanese stated the existing buildings are four family units.

Mr. Wademan made a motion to recommend approval of Appeal No. 2117 to the Zoning Board of Appeals with the following conditions:

- 1) Site lighting be shown and neighboring properties be taken into consideration
- 2) Location of the dumpster be shown on plan and out of visibility

Mr. Marsh seconded the motion and it was unanimously carried.

Chairman Rieg introduced Appeal No. 2119, submitted by Ethan Eberly, on behalf of Catskill Shed Company, LLC. Ethan Eberly and Khanzada Khan, land owner, were in attendance. They are requesting a Special Use Permit to sell Amish made sheds. Mr. Eberly stated they plan to even out any ground with crushed stones and set the sheds. Mr. Eberly stated very little traffic would be generated, and there are multiple ways to order a shed, and the on-site sales representative will be by appointment only.

Tioga County Planning Board submitted a letter recommending approval of the proposal with the following conditions:

- 1) Applicant obtain all required state, county and local permits, licenses and registrations
- 2) Applicant comply with NYS DOT Region 9 Site Plan Review Committee's comments and requirements
- 3) The planned signage complies with sign regulations in the Town of Owego zoning code.

NYSDOT Region 9 Site Plan Review Committee provided the following comments:

- 1) Applicant to contact NYSDOT regarding the site's driveway and any improvements that will be required for the applicant to utilize the driveway for commercial purposes.
- 2) Applicant will require a Highway Work Permit from NYSDOT prior to the commencement of any work within the State right-of-way, including for any driveway improvements or vegetation clearing
- 3) Nothing may be placed within the State right-of-way, including signage, sheds or parking
- 4) If any expansion of use or other construction is to be undertaken at the site, additional NYSDOT requirements may apply

Ms. Baileys asked if there will be a sign at the locations. Mr. Eberly stated there would be, generally a sign is 4ft x 8ft, along with banners on the sides of the sheds on display. Mr. Eberly also stated he was prepared to go through the permitting process for signage.

Chairman Rieg questioned if Catskill Shed Company does their own pick-up and delivery or if they contract with another business. Mr. Eberly stated they do all their own deliveries and setting up of the sheds at the properties. Mr. Eberly stated there will be no power or utilities at the site, only sheds on display.

Mr. Wademan asked if there would be any fencing or security measures taken. Mr. Eberly stating there would not be.

Ms. Baileys asked if there would be anyone checking the sheds periodically. Mr. Eberly stated they currently have an employee, Kaitlyn Bailey, who checks the current two local locations three to four times a week.

Mr. Tofte expressed his concern about vehicles parking on the shoulder to look at the sheds. Mr. Eberly stated there would be plenty of room for parking and with there being no fence or gate, there would be no reason for vehicles to pull on the shoulder of State Route 434. Mr. Tofte asked how many sheds would be present at any given time. Mr. Eberly stated anywhere from 15 to 50 sheds, depending on the time of year.

Chairman Rieg made a motion to recommend approval of Appeal No. 2119 to the Zoning Board of Appeals with the following condition:

- 1) Applicant submit plan showing altered ingress/egress

Mr. Wademan seconded the motion and it was unanimously carried.

There being no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Teddi Card".

Teddi Card, Secretary
Planning Board
Town of Owego