

The Regular Meeting of the Town of Owego Planning Board was held at 7:00 PM on Tuesday, July 27, 2021, at the Owego Town Hall, 2354 State Route 434, Apalachin, New York.

Present: Chairman Robert Rieg, Lisa Baileys, Craig Wademan, James Tofte and Lynne Esquivel.

Absent: Leah Hammond Excused: David Marsh

Others Present: Planning & Zoning Administrator Joann Lindstrom, Town Attorney Irene Graven.

Chairman Rieg called the meeting to order at 7:00 PM. Lisa Baileys made a motion to approve the minutes from the June 22, 2021 as written. Lynne Esquivel seconded the motion, and the motion was carried unanimously.

Chairman Rieg introduced Appeal No. 2094, a request for a Special Use Permit to construct a Solar Farm at 2635 Day Hollow Road, submitted by NY Owego III, LLC affiliate of Delaware River Solar. John Schmauch Director of Development from Delaware River Solar, Kelly Sullivan, project manager for Bergmann, and James and Judith DeVita, land owners were present.

Chairman Rieg noted a letter dated July 22, 2021 from the Tioga County Planning Board recommending approval of the Special Use Permit.

Chairman Rieg then asked Kelly Sullivan to give a brief overview of the project. Ms. Sullivan stated Delaware River Solar is proposing a 4.98 MWac Community Solar Farm on Day Hollow Road. The project would cover 28 acres with 7-foot high wire perimeter fence. They intend to cut some trees, and plant landscaping screen along the south end of the project to buffer the view. Access to the project will be from Day Hollow Road. An Individual Section 401 NYS DEC Water Quality Certification is being submitted to the US Army Corps of Engineers as a joint permit due to temporary impact of 0.5 acre PEM wetland. A Decommissioning Plan has been submitted.

Chairman Rieg questioned a start date. Mr. Schmauch stated it will be a spring 2022 build, if all the appropriate approvals are completed. Chairman Rieg questioned the length of time it would take to complete the build. Ms. Sullivan stated 4 months.

Mr. Tofte noted the plastic cells that are being used on their road way. He asked if they had previously used these at other sites. Ms. Sullivan stated they are used on all their sites. Mr. Tofte requested clarification on the drainage (ditches, etc.). Ms. Sullivan stated that nothing outside of the plans is needed due to the design and grading of the site. Mr. Tofte expressed his concern with water running down the hill and creating ditches or running onto the road. Ms. Sullivan noted this concern and will look at this again.

Chairman Rieg asked what amount of acreage would be used for this project. Ms. Sullivan stated 26 to 28 acres. Chairman Rieg commented on the trees being cut for the project. Ms. Sullivan said any trees being cut outside of the fenced area will have the stump left intact.

Mr. Tofte questioned the pad off to the right in the design. Ms. Sullivan stated it was a parking area that was temporary. Mr. Tofte questioned if there was equipment there, which Ms. Sullivan answered no. Mr. Tofte asked if there was a turnaround at the top of the hill for vehicles. Ms.

Sullivan said they can add one, but as of right now there is not one. Mr. Wademan mentioned there is a turnaround midway up the road. Mr. Tofte would suggest a turnaround at the top of the hill to prevent vehicles from backing down due to the percentage of the slope. Mr. Tofte asked if the company would need to be able to access the project in the winter. Mr. Schmauch stated yes for routine maintenance.

Chairman Rieg noted this is the same company that has done the Gaskill Road and Cafferty Road Solar Projects.

Mr. Tofte questioned how the fence is working at the previous sites. Mr. Schmauch stated they have not had any issues with deer getting into the fence, and it has held up well with no issues.

Mr. Wademan asked if there will be security cameras. Mr. Schmauch stated there will be security cameras at the entrance. Mr. Wademan questioned the narrow road and the possibility of it needing to be widened in the event of snow. Mr. Schmauch stated the road is 20ft wide and this has been successful in previous projects, so he does not feel there is a need to widen the road.

Mr. Tofte asked if there is any differences in the installations of the poles given the soil type. Mr. Schmauch stated the driven poles work in every soil condition, and they do rigorous testing beforehand.

Mrs. Baileys wanted clarification if the Campville Fire Department has been contacted. Ms. Sullivan answered yes and they have agreed to leave a lock box at the gate in case of an emergency.

Chairman Rieg then asked the land owners James and Judith DeVita if they have any issues or concerns with the plans as presented. They answered they do not.

Chairman Rieg then opened it to the public if they had any questions or concerns. None were voiced at this time.

Chairman Rieg made a motion to recommend approval to the Zoning Board of Appeals with two contingencies:

- (1) that, the applicant must address potential water drainage onto Day Hollow Road;
- (2) that, a turnaround should be installed at the top of the road.

Ms. Esquivel seconded the motion, which carried unanimously.

Chairman Rieg then introduced Planning Board Special Permit #1-2021, a request to construct a telecommunications tower at 341 Summit Road, submitted by Tarpon Towers II, LLC. Jared Lusk of Nixon Peabody LLP, and Carl Humenik, project manager of Airosmith Development were present.

Chairman Rieg asked for a brief description of the project. Mr. Lusk stated Tarpon Towers II, LLC is requesting to construct a tower to collocate a Verizon set of antennas on the tower. Mr. Lusk stated an area of 100'x100' will be leased from the land owner, Walter McHale. There will be an access easement from Summit Road. The facility would consist of a 185 foot tall monopole tower (plus a

4 foot lightning rod). Mr. Lusk stated there is a need for this new tower because the existing towers are currently overworked, and it would provide more coverage to a larger area.

Mr. Tofte asked if the tower would be 5G. Mr. Lusk answered not yet, but technology is continuing to develop and is hopeful that it will eventually happen.

Chairman Rieg asked if there were any other alternatives that could correct the coverage issue, without buddying up with an existing tower. Mr. Lusk stated there is no alternative, because there is no existing tower to collocate off and a fresh set of antennas is needed.

Mr. Tofte asked is Tarpon partners with other carriers or strictly Verizon. Mr. Lusk explained Verizon works with a number of tower companies, and after a process of establishing what company was interested in building a tower, Tarpon Towers II, LLC was awarded the project, partnering with Verizon and entering into a lease agreement. Mr. Tofte asked how many arrays the monopole will hold. Mr. Lusk stated it can be designed anyway they want, but currently there is only three major carriers, being Verizon, AT&T and T-Mobile. Mr. Lusk went on to explain how 341 Summit Rd was the best choice for the tower construction because of the elevation. Mr. Lusk reiterated the tower will be 185 feet tall with a 4 foot lightning pole and Verizon installs cabinets under the tower to house the radio equipment and a backup generator. Mr. Tofte questioned the fuel source for the generator, he stated diesel because there is no propane tank or natural gas available. Mr. Tofte asked if the power line would be overhead or underground. Mr. Lusk stated the power lines would be underground.

Chairman Rieg noted the project will disturb very minimal ground. Mr. Lusk stated this is true, as they plan to use the existing driveway and then extend it to the field where the project will be located. Chairman Rieg asked if there was any excavation. Mr. Lusk stated only the underground utilities.

Mr. Wademan asked if there have been any comments from the Apalachin Fire Department. Mr. Lusk stated he had not heard of any, nor had he spoken to them.

Chairman Rieg asked if there was a gate with a key for the Fire Department to access if they need to. Mr. Lusk stated they would do what the Fire Department needed. Mr. Humenik stated there is a gate at the 100'x100' pad, but that it is a chain and padlock.

Mr. Tofte asked if Federal Administration Aviation (FAA) lighting was needed. Mr. Lusk answered that the preliminary report showed no lighting was needed for the tower because it was below the standard height. Mr. Tofte asked about mitigation for wildlife, citing a bald eagle nest that was found in the area. Mr. Lusk replied a technician will monitor and visit the site once a month, and Verizon has their own protocol and appropriate people to deal with these instances.

Chairman Rieg commented on the archeological sensitivity of the State Environmental Quality Review (SEQR) assessment. Mr. Lusk stated Verizon will not do anything that is archeological sensitive, and Tarpon is in the process of doing a Phase 1A study, and he will ask for a copy of the report once completed. Chairman Rieg also commented on the visuals of the tower, focusing on the 109,000 viewers the report mentioned, as it is such a large number, wants to know if this is weekly, monthly, etc. Mr. Lusk explained that the number is annually and this is because of the I-86 highway considered in the immediate vicinity.

Mr. Tofte completed the SEQR form with Chairman Rieg, with only noting the above archeological sensitivity.

Chairman Rieg then opened the meeting to the public.

James McFadden, Tioga County Treasurer, commented that the county government will be undertaking a large communications project in the next three to four years to eliminate “dead spots” for the sheriff’s road patrol and EMT response. He noted that it will be an expensive project, and in addition to building their own towers, the County will be looking for private companies, such as Tarpon, to lease space on the towers for the public good.

Roxie Canavan, 306 Summit Road, expressed concern about her property value, and the tower emissions being constant and in mass amounts. Mr. Tofte asked Mr. Lusk if they have done a study on this, to which Mr. Lusk referred to the plans submitted, and it is noted Tarpon is within the Federal Communications Commission (FCC) required limits guidelines. Ms. Graven pointed out to Chairman Rieg that the Town of Owego Code states the Planning Board shall impose a condition that the radio frequency be in compliance with the FCC.

Mr. Tofte made a motion to approve the Planning Board Special Use Permit #1-2021 with the following contingency:

- (1) Submission of a Phase IA Archeological assessment

Mrs. Baileys seconded the motion and it carried unanimously.

Mr. Tofte made a motion to declare a negative declaration under SEQR contingent on a satisfactory Phase IA Archeological survey

Mrs. Baileys seconded the motion and it carried unanimously.

Chairman Rieg made a motion to approve the site plan for Planning Board Special Use Permit #1-2021. Mr. Wademan seconded the motion and it carried unanimously.

Chairman Rieg introduced Town Board Special Permit #2-2021 for a Canine Sports Facility located at 1385 Frank Hyde Road, submitted by Karen Cole and Norma McFadden, who were both present.

Chairman Rieg asked for a brief overview of the proposed project. Ms. Cole explained they would like to construct a dock diving pool for dogs, a 100’x100’ fenced-in grassy area for agility and obstacle courses, and do luring coursing. She mentioned no structure would be permanent, and a generator would be needed for the luring coursing. Ms. Cole stated parking would be in the field, porta-potties would be available, and she is hopeful to drill a well.

Chairman Rieg asked if Ms. Cole and Ms. McFadden are representatives of a larger local group. Ms. Cole stated no, she is connected with local groups, but she is not a representative. Chairman Rieg asked if Ms. Cole or Ms. McFadden have competed with their own animals. Ms. Cole stated she has.

Chairman Rieg asked if Ms. Cole and Ms. McFadden would be boarding the dogs at facility. Both stated no, it would be by an appointment only and the handler/owner would be with the dog at all times. Chairman Rieg asked about keeping the dogs contained during activities. Ms. Cole stated the dogs are either going to be fenced in, or on a leash at all times with their handler/owner.

Mr. Wademan asked time of day, and what days of the week this facility would be accessible. Ms. Cole stated it would be seven days a week. Ms. McFadden stated the competitions are generally on the weekends, and there is only three to four a year. Mr. Wademan asked for an approximate start and ending time. Ms. Cole stated the time usually goes 8am to 4pm. Mr. Wademan asked for an approximate number of cars that would be at the facility. Ms. Cole stated 1 to 2 cars per half hour.

Mrs. Baileys asked if there would be scheduled times for the trainings/competitions. Ms. Cole stated there would be no drop-ins, and that everyone would need to have a scheduled time.

Chairman Rieg asked the average number of people to show for a competition. Ms. Cole stated she expects to see 30-40 cars for the entire day.

Mr. Wademan questioned how people would be directed to know where to park, and where the porta-potties are located. Ms. McFadden answered they would have signage. Ms. Cole also stated during competitions, there is a show committee that will direct people where to park.

Mr. Tofte asked if camping would be available. Ms. Cole stated it is not uncommon for individuals to stay at the competition site in their campers. Mr. Tofte recommended that no camping be allowed unless the proper permit is obtained. Mr. Tofte asked if the idea of getting a temporary permit to hold these competitions elsewhere was ever considered, because the site plan that was submitted is incomplete. Ms. Cole stated no.

Chairman Rieg noted the Tioga County Planning Board did submit a recommendation for the Approval of the Town Board Special Use Permit with the conditions:

- (1) that, the applicant obtain all required state, county and local permits, licenses and registrations;
- (2) that, if a road sign is planned, the applicant provides signage details to the Owego Town Board that are compliant with the Town's sign regulations.

Chairman Rieg stated he was curious how the neighbors feel about the proposed project. He made note of the written questions that were received, which centered around the site plan.

Ms. Esquivel gave a few examples about what neighbors are concerned with, mentioning lights, sounds (specifically dogs barking), speakers etc.

Mr. Tofte stated one question in particular: if we receive a lot of rain, will the cars be tracking mud into the roadway, and will other residence's driveways be used for turnarounds, which will cause destruction to their driveways. Ms. McFadden stated there are many different tiles under the fields for proper drainage, and they have never had an issue with drainage.

Mr. Wademan stated parking really needs to be thought about before submitting a complete site plan for approval. Mr. Wademan suggested different ideas for entering and exiting the facility, as well as segregated parking, depending on if individuals were there for lessons or competitions and length

of time. Ms. Cole and Ms. McFadden stated they will put all the requested information into their completed site plan.

Chairman Rieg then opened it up to the public for any comment.

Bob Anders, 1144 Frank Hyde Road, expressed multiple concerns, many of which were previously addressed, including driveways, destruction of the road, possible camping and the number of attendees to the competitions. Mr. Anders questioned what restrictions would be put in place for the facility, and what would the maximum number of people allowed be. Chairman Rieg reiterated that many of Mr. Anders' concerns were already addressed.

Mary Lou Anders, 1144 Frank Hyde Road, expressed concern of the noise factor of dogs barking in a relatively quiet neighborhood.

Beth Fisher, 1292 Frank Hyde Road, expressed concern with having the added traffic and safety, due to families out walking or running on the road and it being such a narrow space at certain spots.

Bob Fisher, 1292 Frank Hyde Road, stated he chose to live on Frank Hyde Road because of the little traffic that travels the road. He went on to say he has also done lure courses with his dogs, and these are typically done in a park setting.

Mr. Tofte asked if the applicants had considered using the Towns facilities (i.e. Hickories Park). Ms. Cole stated no, that her intention was to run a business, as she is not the one who would be running the shows, it would a third party organization who would rent her facility from her.

Dan English, 1300 Frank Hyde, questioned the amount of annual revenue Ms. Cole and Ms. McFadden plan to accrue and if they have a business plan drawn up. Ms. Cole stated she did not have an estimate for revenue, but would expect it to be on the lower end of the scale. Mr. English commented he only asked because of the amount of money that neighbors have spent to make it a peaceful place and the amount of time it has taken to get to that point.

Chairman Rieg stated all these questions would be a part of the future site plan review, and when it goes in front of the Town Board.

Mr. Wademan made a motion to table the discussion pending a satisfactory site plan. Mrs. Baileys seconded the motion and it carried unanimously.

The next regular scheduled meeting is Thursday, August 24, 2021 at 7:00 PM.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Teddi Card
Secretary, Planning Board