

**TIOGA COUNTY PLANNING BOARD  
MEETING MINUTES  
October 21, 2015  
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 7:02 PM.

**II. ATTENDANCE**

A. Planning Board Members:

**Present:** Tim Pollard, John Current, Doug Chrzanowski, William Dimmick III, Pam Moore, James Tornatore, Jason Bellis, Gary Henry, Jr., Georgeanne Eckley

**Excused:**

**Absent:** Dave Mumbulo

B. Ex Officio Members:

C. Local Officials:

D. 239m Review Applicants: Roberta Holcomb and Kenneth Miller of the Richford Town Board, Charlie Davis and Vicki Nuzzo of the Town of Richford Planning Board. Ed Kropp, Brian Rogers, Tom Johnson of Crown Cork & Seal; Tom Meagher, Michael Henderson of Blue Rock; Mel Farmer of Stantec, Ken Kamlet of HH&K all for Crown Cork & Seal USA. Tom Osiecki and Jay Dinga of Tioga Downs.

E. Guests: Warren Howler of Sayre Morning Times

F. Staff: Elaine Jardine, Linda Sampson

**III. APPROVAL OF AGENDA**

- Approval of agenda with amended 239 review case order  
J. Tornatore/J. Current/Carried  
None Opposed  
No Abstentions

**IV. APPROVAL OF MINUTES**

- Approval of September 16, 2015 minutes  
J. Tornatore/J. Current/Carried  
None Opposed  
No Abstentions

**V. PRIVILEGE OF THE FLOOR**

- None heard.

**VI. CORRESPONDENCE**

Suspended until next regular meeting.

**VII. NEW BUSINESS**

**A. 239 Reviews**

**1. County Case 2015-016: Town of Richford, Comprehensive Plan Update**

The Town of Richford’s original comprehensive plan was done in 2002. The Town Planning Board has been working for about a year and a half on this update (please see the attached Comprehensive Plan Update). The Town Planning Board and the Town Board have each held their required public hearings. The document was revised to reflect the input heard at each hearing. The Town Planning Board worked closely with the Town Board to ensure their needs were met to facilitate a hopefully smooth adoption. The Town of Richford has done a good job in focusing on their most important community asset – its natural resources. Yet it remains flexible enough in vision to allow for small scale non-agricultural or residential uses throughout the town. They have also included a Future Land Use map, which illustrates this vision in a clear and simple, spatial manner.

E. Jardine gave an update that the Town of Richford submitted the draft updated Comprehensive Plan to NYS Department of Agriculture & Markets for their review. The only substantive response was that the Department offers the Municipal Agricultural Planning Program if the town was interested. E. Jardine advised them to put the Ag & Markets response in an Appendix, so the substance of the plan would not be changed. The Planning Board is moving forward with this approach.

Staff recommends approval of the Town of Richford Comprehensive Plan Update.

**Motion to recommend approval of comprehensive plan update:**

<b>J. Bellis/W. Dimmick, III/Carried</b>	
<b>Yes</b>	<b>9</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

**2. County Case 2015-019: Town of Nichols, Area Variances, Crown Cork & Seal, USA**

The applicant is requesting an area variance to grant relief from both the Town of Nichols building height regulation, which is 35 feet in all zoning districts, as well as from building setbacks, which are 150 feet from all boundary lines or road centerline in Industrial zones. The property is approximately 40 acres. The proposed facility is to be 505,000 square feet, with future expansion area of just under 90,000 square feet.

Crown Cork & Seal manufactures aluminum cans, mainly for consumer beverage products. This proposed site will be a combination of manufacturing and storage. Their product is 100% recyclable.

The applicant is requesting a 55% variance from the restricted height of 35 feet to 54.25 feet. This height increase applies to the smaller warehouse portion of the building only. The building setbacks variances vary from 16% to 43% on three sides, but are not consistent along the three sides, and in fact, encompass small areas of linear footage.

The addition of Crown Cork & Seal USA in our community comes with substantial benefits. They are very reputable manufacturing company, whose product is in great demand, and is non-hazardous, plus 100% recyclable. It will bring 164 stable and good paying jobs, and the minor variances from the Town of Nichols zoning code will have minimal to no effect on the community. In this case, the economic benefits to the community outweigh the nominal impacts of granting the height and building setback area variances.

Staff recommends approval of the both the height and building setback area variances.

Ken Kamlet then spoke to the TCPB members, informing them that the company just found out today of a change needed to the building height. Tom Meagher of Blue Rock Constructions said that the building manufacturer informed him today the roof on the warehouse section needed to be pitched higher in order to facilitate faster water and snow/ice diversion. The height needed now is 59 feet. E. Jardine calculated the increase in variance requested from 55% to 68%.

**Q. T. Pollard** – Is the 100 foot buffer from the wetlands a DEC requirement? **A. E. Jardine** – Yes. **T. Pollard** – And this meets that requirement? **E. Jardine** – Yes, the curvature in the parking lot on the eastern side was designed that way to accommodate the wetland buffer.

**Q. D. Chrzanowski** – What is the pitch height change? **A. E. Jardine** – 54.29 feet to 59 feet.

**Q. P. Moore** – What is the percent variance? **A. E. Jardine** – Approximately 70 %, moderate.

**Q. T. Pollard** – Do you remember what the height variance for the Best Buy warehouse was? **A. E. Jardine** – There was no variance needed as the Town of Nichols attorney at that time advised the ZBA that this space was not habitable or occupiable, so the 35 feet height restriction in habitable structures did not apply. The Town of Nichols since changed that clause to say 35 feet high in any building in any zoning district, to not bypass local review.

**Q. G. Henry** – Do you know what the Best Buy building height is? **A. E. Jardine** – 45 feet high. It is a flat roof and a concrete building.

**Q. D. Chrzanowski** – What type of outdoor lighting will be around the parking lots? **A. M. Farmer** - LED lights all around the building and in the parking areas.

**Q. P. Moore** – Will the lighting be downward directed? **A. M. Farmer** – Yes, they will be dark sky compliant.

**Q. D. Chrzanowski** – Will this facility be trucking and transporting 24/7, 365? **A. E. Jardine** – Yes, which is good since there will not be concentrated, peak traffic times.

**Q. D. Chrzanowski** – Will there be 12 hour shifts during what hours of operation? **A. CCK Reps** – Haven't decided yet but probably 12 hour shifts. **D. Chrzanowski** – 365? **CCK Reps** – Probably 355.

**Q. J. Tornatore** – 48 or 53 foot trucks? **A. CCK Reps** – Both.. **J. Tornatore** – Are trucks being loaded during the day and shipping at night or both at the same time? **CCK Reps** – They are shipping out of this area (pointing to spot on the site plan) 24/7.

**Q. D. Chrzanowski** – The trucking traffic is through the doors? Turning around? Going around the building? **A. CCK Reps** – (Pointing to the site plan) There is a company prepared road, trucks go around and make a bit of a u-turn into the loading docks and go to the exit.

**Q. K. Kamlet** – Is there a separate entrance for the offices? **A. CCK Reps** – (Pointing at the site plan) The employee entrance is around the corner. Also pointing out there will be 3 to 5 trucks a month making special deliveries at another entrance (pointing), so they wouldn't have to make a u-turn.

**Q. G. Henry** – Which part of the building is the warehouse? **CCK Rep** – Pointed to it on the site plan.

**G. Henry** – When you talk about the height increase is that for the whole structure? **A. E. Jardine, CCK Reps** – No, only for the warehouse portion. The rest stays the same.

**Q. D. Chrzanowski** – Do you have any plans for back-up power? **A. CCK Reps** – Yes, a generator.

**Q. T. Pollard** – Is anything going to DEC for stormwater? **A. E. Jardine** – Yes, I just spoke with Mel Farmer at Stantec about this and will provide him tomorrow with contact information for the new DEC Region 7 SWPPP Coordinator. Mel will submit the SWPPP to him for review.

**Motion to recommend amendment of height area variance request to 59 feet (68%):**

<b>G. Henry, Jr./J. Current./Carried</b>	
<b>Yes</b>	<b>8</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>1 (J. Bellis)</b>

**Motion to recommend approval of the amended height area variance and building setback variances:**

<b>J. Current/W. Dimmick, III/Carried</b>	
<b>Yes</b>	<b>8</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>1 (J. Bellis)</b>

**3. County Case 2015-018: Town of Nichols, Area Variance and Special Permit Use, Tioga Downs, LLC**

The applicant is requesting an area variance to grant relief from the Town of Nichols building height regulation, which is 35 feet in all zoning districts, specifically for construction of their proposed expanded casino facility. This component of the complex is proposed to be 46-feet high at the parapet. Applicant states this is necessary to have an elevated ceiling in the new gaming area for space proportion, and to hide roof-top equipment that will service the second-floor office space.

The special permit is required for the entire use of the proposed Tioga Downs gaming, hotel and amenities expansion. New proposed additions include: a gaming floor expansion for table games, a 161-room (original proposed was 136 rooms), six-story hotel with spa, an indoor events center, two new restaurants, and a pool/bar/lounge area and water slide, and finally a new outdoor festival and concert event space.

This expansion will require improvements to the facility’s on-site water and wastewater systems, due to the additional usage. Also, a current traffic study (see attached summary) reflects NYS DOT’s analysis that there are no further traffic control improvements needed than were identified for Tioga Downs’s original proposal for expansion in 2012; those being a traffic signal on Route 282 at the exit ramps on NYS Route 17 west bound, and a right turn lane on Route 282 at the intersection with West River Road.

Since the Tioga Downs property is surrounded by farmland that is enrolled in the NYS Agricultural Districts Program, the applicant has completed an Agricultural Data Statement and submitted to the Town of Nichols Clerk. The Clerk has sent this out to the adjoining farmland property owners.

An area variance of 31% from the building height restriction of 35 feet is needed for just the new gaming and second-floor office space. The roof is proposed to be 46 feet high to accommodate space proportions in the gaming area and also providing a barrier so that roof-top equipment will not be visible. The height of this gaming area will still be lower than that of the hotel, and the cupolas on the main building.

The overall design of the Tioga Downs proposed expansion is aesthetically pleasing and the plans illustrate that the original casino structure will still be the focal point of the complex from the highway view, the other amenities extending diagonally to the right away from the highway. All the varied components and development expansions are tightly compacted around the existing structure, minimizing both impacts to surrounding properties and site disturbance. Since the site has been used as a race track intermittently since the 1970's, this proposed expansion is in harmony with area.

The successful history and experience of Tioga Downs under this newer ownership has been consistently positive for the area and for the Town of Nichols. Tioga Downs is also a friendly and generous community partner to Tioga County and the Town of Nichols. The substantial economic benefit to be gained by this expansion will be of great benefit to the community.

Staff recommends approval of the height area variance and special permit use.

**Q. P. Moore** – Are they going to put a traffic light in at the intersection of Route 282 and West River Road? **A. J. Bellis** – No. For clarification, DOT reviewed the original traffic impact study done for the 2012 expansion, and said that no further traffic improvements were needed. The improvements cited in the that 2012 study called for a signalized intersection at the NYS Route 17 westbound access ramps and Route 282; and a right-turn lane on Route 282 at the intersection with West River Road.

**Q. P. Moore** – No traffic light at that intersection? **A. J. Bellis** – No. Discussion ensued on existing traffic problems at this intersection.

**Q. D. Chrzanowski** – Will there be any improvements to the main entrance? **A. J. Bellis** – No.

**Motion to recommend approval of the height area variance and special permit use:**

<b>J. Current/P. Moore/Carried</b>	
<b>Yes</b>	<b>8</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>1 (J. Bellis)</b>

**4. County Case 2015-017: Village of Owego, Local #7 of 2015, Zoning Amendment sign size in OP District**

The applicant is requesting to amend the size of signs allowed in the Office Park (OP) District section of the code. The regulation of signs in the Office Park Districts is partially carried over from the Residential 4 District which allows no more than a nine square foot sign. Since this OP District is not entirely residential in nature and businesses will not be located within homes, this sign size is restrictive for the intended mixed-uses on site such as senior living complexes, research and development firms, and office and professional practices as well. This proposed local law increases the size of signage allowed to a twenty-five (25) square foot sign. The Office Park zoning district established for this site was intentionally created as a mixed use district as defined by the Tioga County IDA's 2006 FGEIS and Master Plan Mixed-Use Concept Map. These clearly indicate a mixed variety of uses for the property, including a mixed variety of housing types, at higher densities, office space, research and development firms, medical and professional services, practices, and high tech uses. This zoning amendment will ease the restriction of an exceedingly small sign for the mixed use nature of the site, and allow for more appropriately-sized signage. The maximum size of 25 square feet is suitable and reasonable for these types of uses and this OP District.

Staff recommends approval of Local Law #7 of 2015.

**Q. J. Current** – Are sign permits required in the Village of Owego? **A. E. Jardine** – Yes, I believe so.

**Q. G. Henry** – Will this apply to all zones? **A. E. Jardine** – No, only in the Office Park zoning district, which is just the one area on Southside Drive.

**Motion to recommend approval of zoning amendment:**

<b>J. Bellis/G. Henry, Jr./Carried</b>	
<b>Yes</b>	<b>9</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

**VIII. REPORTS**

**A. Local Bits and Pieces**

**1. Town of Candor** – G. Henry

- No report.

**2. Town of Nichols** – P. Moore

- No report.

**3. Town of Berkshire** – T. Pollard

- No report.

**4. Town of Tioga** – D. Chrzanowski

- No report.

**5. Village of Waverly** – W. Dimmick III

- Nothing to report

**6. Village of Owego** – G. Eckley

- Nothing to report

**7. Town of Newark Valley** – vacant

**8. Village of Newark Valley** – J. Tornatore

- No report.

**9. Town of Owego** – J. Current

- No report.

**10. Town of Barton** – D. Mumbulo

- Not in attendance.

**11. Town of Richford** - vacant

**12. Spencer** – vacant

**B. Staff Report**

- E. Jardine reported that the Town of Newark Valley has nominated a new Town Planning Board member as a candidate for the County Planning Board. Now the County Legislature needs to appoint the candidate.

**IX. OLD BUSINESS**

- A. Tioga County Planning Board By-Laws – E. Jardine informed the members of the changes made (shown in highlighted text). Repeated absence is defined per last meeting’s discussion; the Planning Board makes a recommendation for removal, and passes it along to the County Legislature.

**Motion to recommend adoption of amended By-laws:**

	<b>Jason Bellis/G. Henry, Jr./Carried</b>
<b>Yes</b>	<b>8</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

**X. ADJOURNMENT**

- A. Next Meeting November 18<sup>th</sup>, 2015 @ 7:00 PM in the Legislature Conference Room.
- B. Motion made to adjourn at 7:59 PM. W. Dimmick, III/T. Pollard/Carried.

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