

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
February 21st, 2017
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 7:01 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Doug Chrzanowski, Sarah Titus, William Dimmick III, Art Cacciola, Grady Updyke, Tim Pollard

Excused: Georgeanne Eckley, John Current, Chris Curry, Pam Moore, Jim Tornatore

Absent:

B. Ex Officio Members:

C. Local Officials:

D. 239m Review: Julie and Ike Lovelass, Mandy and Lou Neira, Marc Maser of Maser Engineering, Steve Vukas of Bohler Engineering

E. Guests: Amy and Ray Lavo, Linda Case

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda amended to add item VII B. Possible Non-Action 239 referrals
S. Titus/W. Dimmick/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of January 17, 2018 minutes
T. Pollard/G. Updyke/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

- None heard.

VI. CORRESPONDENCE

- Folder passed around.

VII. NEW BUSINESS

A. 239 Reviews

1. County Case 2018-003: Village of Owego, Rezoning Turtletown, Turtletown Residents

The applicants are requesting to rezone their properties as indicated on the local law and on the map from the current Residential 3 (R3) to Residential 2 (R2). All twenty-eight (28) properties owners have signed the petition for this rezoning action. This action would decrease the density of structures and residents allowed to locate in this neighborhood in the Village of Owego. As much of the area is located within FEMA’s Special Flood Hazard Area 1% annual chance of flood, the decrease in allowed density will increase safety in the area by not exposing additional multiple families to potential flooding.

Staff recommends approval of the rezoning request.

Q.T. Pollard – Will there be any non-conforming properties as a result of this, and if so, how many?

A. E. Jardine – Yes, there will be. The VOO Board of Trustees is aware of this. Unsure of the number impacted.

Motion to recommend approval of the Rezoning:

| | |
|------------------------------------|----------|
| S. Titus/W. Dimmick/Carried | |
| Yes | 6 |
| No | 0 |
| Abstention | 0 |

2. County Case 2018-004: Town of Candor, Site Plan Review, DNPY, LLC Dollar General

The applicant is requesting site plan review approval to construct a 9,100 square foot general retail commercial store on the existing 2-acre parcel. There will be one driveway for ingress and egress from NYS Route 96B and 30 parking spaces are provided. There will be two light poles in the parking lot, small lighting wall packs on the building, one interior-lit wall sign and one-interior-lit pylon sign.

Hours of operation are set at 7:00 AM to 11:00 PM daily. Vehicle trips generated are expected to be around 16 in morning peak times and 27 in the evening peak times each, with an average estimate of 195 total vehicle trips per day. Employee information has not been provided.

This is general retail use is proposed in a suitable location and is appropriate for the area. The increased sales tax will benefit the Candor community.

Staff recommends approval of the site plan review with the conditions that the applicant develops and submits a SWPPP to NYS DEC, consults with the Tioga County Health Department on septic system design and installation, and complies with the requirements outlined in the NYS DOT Region 9 Site Plan Review Committee comment letter (which E. Jardine will provide to the applicant).

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

| | |
|--|------------------------|
| W. Dimmick/G. Updyke/ Not Carried | |
| Yes | 5 |
| No | 0 |
| Abstention | 1 (A. Cacciola) |

3. County Case 2018-005: Village of Spencer, Site Plan Review, Fun City Service, LLC

The applicant is requesting site plan review approval to re-construct the 4,500 square foot convenience store on this existing 0.6-acre gas station site. The only thing that is changing is the convenience store itself that will move back to the rear of the property, with new asphalt pavement and marked parking spaces. Everything else on site will remain the same including the locations and numbers of gas pumping stations, the pylon sign, the hours of operation, the number of employees and the number of vehicle trips. The proposal to update the existing convenience store should have little impact on the small Spencer community. It will improve the aesthetics at this main intersection in the village, as well as adding improved vehicular circulation and stormwater drainage.

E. Jardine then updated TCPB members on information provided by Wendy Walsh, Tioga County Soil & Water District Manager, regarding drainage and stormwater management on the site related to the high water table in the area and the sole source primary aquifers. In these conditions, dry wells for drainage are not recommended.

Staff recommends approval of the site plan review with the conditions of complying with the NYS DOT Region 9’s Site Plan Review Committee comment letter, resolving the septic system design and permitting issue with NYS DEC and connecting with the TC SWCD Manager to resolve the stormwater management and drainage issues.

Marc Maser then discussed the project with TCPB Members. He stated he will also be working with the TC HD on updating the private water well, although its location will remain the same. He also informed the Board that the requirement for a NYS DEC permit for exceeding 1,000 gallons of discharge per day was a result of change in regulations. The location will be moved from under the parking lot to the rear of the new convenience store as it is more important to stay further away from neighbors’ water wells than Nichols Pond.

Q. D. Chrzanowski – How long will construction take? **A. M. Maser** – About four months.

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

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|---|----------|
| W. Dimmick/D. Chrzanowski/ Carried | |
| Yes | 6 |
| No | 0 |
| Abstention | 0 |

4. County Case 2018-006: Village of Owego, Rezoning 233-249 Front Street, Neira and Lovelass

The applicants are requesting to rezone their properties as indicated on the local law and on the map from the current Residential 2 (R2) to Business (B) along the north side of Front Street. Two of the four property owners are requesting this zoning change and have signed the local Village of Owego zoning application. These two properties make up 57% of the street frontage along these four lots.

The two applicants / property owners both wish to start low-impact businesses on these properties within the existing houses on the lots. While only two of the four property owners have signed to request this zoning change, their two properties’ street frontage complies with the Village’s zoning code. This action would extend the business/commercial area a bit more eastward down Front Street. There are already medical offices within the homes on the south side of this portion of Front

Street, so establishing businesses in this small area would not be out character, especially if the existing housing structures are used for future businesses.

E. Jardine then updated TCPB members that the VOO Planning Board met and recommended disapproval of the rezoning from R2 to Business due to neighbor opposition and long term impacts on the neighborhood. They instead recommended approval of rezoning R2 to R3. If the Neira’s agree to modify their proposed business plan to comply with the village code’s R1 home occupation definition and requirements, this would satisfy all parties needs and concerns. The only outstanding factor is the VOO Code Enforcement Officer has to make the determination that the Neira business will qualify for a home occupation.

Staff recommends approval of the rezoning request (R2 to R3) with the condition that the VOO CEO works with the Neira’s so their business will comply with the R1 zoning district regulation and home occupation definition.

Q. T. Pollard – Are the Lavos favorable to R3 rezone? **A. A. Lavo** – Yes, we are very happy with that.

Motion to recommend approval of the rezoning with the condition noted:

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|---|----------|
| D. Chrzanowski/S. Titus/ Carried | |
| Yes | 6 |
| No | 0 |
| Abstention | 0 |

B. Possible Non-Action 239 referrals

1. Town of Nichols, lot density area variance, Tinney – TCPB agreed to send this back to the town waiving TCPB comment with the condition that Ag Data Statement procedure was still carried out.
2. Town of Candor, site plan review, Bostwick Auction expansion – TCPB requested to have this case proceed through the 239 referral process due to traffic safety concerns.

III. REPORTS

A. Local Bits and Pieces

1. Town of Candor – A. Cacciola

- Art reported he was reappointed to the Town Planning Board.

2. Town of Nichols – P. Moore

- Not in attendance.

3. Town of Berkshire – T. Pollard

- The Town Board will hold a public hearing for the Dollar General SPR on February 26th.
- Amish farmers are making a presence in Berkshire.

4. Town of Tioga – D. Chrzanowski

- Construction bids for the Halsey Valley Rd / NYS Route 17C elevation project funded by NY Rising have come in around anticipated cost so this project will move forward.

5. Village of Waverly – W. Dimmick III

- No report

6. Village of Owego – G. Eckley

- Not in attendance.

7. Town of Newark Valley – S. Titus

- Town Board scheduled public hearing on comprehensive plan adoption for March 6th.
- Pig farm located on NYS Route 38B is still the cause of foul odor and many nuisance complaints. S. Titus is the neighbor representative working with the farmer to find a solution to the problem.

8. Village of Newark Valley – J. Tornatore

- Not in attendance.

9. Town of Owego – J. Current

- Not in attendance.

10. Town of Barton – G. Updyke

- No report.

11. Town of Richford - vacant

12. Spencer – vacant

- B. Staff Report: E. Jardine stated that she will email TCPB members a new roster for 2018.

IX. OLD BUSINESS

A. Oath of Office - Secretary

- E. Jardine stated she would connect with Pam another time on this.

X. ADJOURNMENT

- A. Next Meeting March 21st, 2018 @ 7:00 PM in the Legislature Conference Room.
B. Motion made to adjourn at 8:25 PM. S. Titus/W. Dimmick /Carried.

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