



**MEETING AGENDA**  
**TIOGA COUNTY PLANNING BOARD**  
**September 21, 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. August 17, 2022
  
- V. PRIVILEGE OF THE FLOOR
  
- VI. NEW BUSINESS
  - A. 239 Reviews
    - 1. County Case 2022-025: Town of Barton Site Plan Review, Elm Line, LLC
    - 2. County Case 2022-026: Village of Waverly, Site Plan Review and Area Variance, Waverly Trade Center, LLC
  
- VII. REPORTS
  - A. Local Bits and Pieces
  - B. Staff Report
  
- VIII. OLD BUSINESS
  - None
  
- IX. ADJOURNMENT
  - A. Next Regular Meeting October 19, 2022 at the HHS Building
  - B. Adjourn

**TIOGA COUNTY PLANNING BOARD  
MEETING MINUTES  
August 17, 2022  
VIA ZOOM**

**I. CALL TO ORDER AND INTRODUCTIONS**

- Chairman D. Chrzanowski called the meeting to order at 7:01 PM.
- Note - this meeting was conducted via Zoom as allowed by NYS law regarding COVID-19 spread prevention. These minutes serve as a transcript of the meeting.

**II. ATTENDANCE**

- A. Planning Board Members:  
**Present:** Doug Chrzanowski, Grady Updyke, Art Cacciola, Pam Moore, John Current, Tim Pollard, Georgeanne Eckley, Bryan Goodrich  
**Excused:** Rawley Filbin, Chelsea Robertson, Matt Tomazin  
**Absent:**
- B. Ex Officio Members:
- C. Local Officials: Barbara Roberts, County Legislator
- D. 239m Review: Shannon and Rob Etienne of Labrador Lumber, Tim Gourley of Tract Engineering, Anthony Albanese, Jason Kline of CSG Developers, Sarah Eberly of Catskill Shed Company
- E. Guests: None
- F. Staff: Elaine Jardine, Karen Warfle

**III. APPROVAL OF AGENDA**

- Approval of agenda.  

T. Pollard/D. Chrzanowski/Carried  
None Opposed  
No Abstentions

**IV. APPROVAL OF MINUTES**

- Approval of July 20, 2022 minutes with adding T. Pollard’s question on solar project.  

P. Moore/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 2022-021: Town of Berkshire, Site Plan Review, Labrador Lumber

The applicant is proposing to rebuild, rehabilitate and start lumber operations in the former Howland Brothers facility on Mill Street in the Town of Berkshire. Existing buildings on site include a sawmill building, planing / finishing building, warehouse, and office building. All buildings will be repurposed.

The applicant plans to rehabilitate the existing buildings, so no new construction will take place and ground disturbance will be minimal. Operations will include sawing lumber and timbers for retail as well as kiln drying and milling finished products such as cabin stock, tongue and groove flooring and paneling, shiplap and nickel gap paneling, trim and exterior wood siding.

Hours of operation will be 8:30 AM to 5:00 PM Monday through Friday and Saturday 8:00 AM to Noon. Applicant plans to begin operations with five employees, and expects four vehicle trips per day. They have nine parking spaces to accommodate the employees and retail customers.

The case is subject to 239 review because the parcel is within 500 feet of a State/County road and is within 500 feet of farm operations enrolled in the NYS Agricultural Districts program. The Town needs to complete the Ag Data Statement Form and go through the process.

Reutilizing this existing property for another lumber mill is an ideal situation for this property. It will benefit the Town of Berkshire to have a productive, full value operation working on the site again.

Staff advises the County Planning Board recommend Approval of the Site Plan Review with the conditions that the Town of Berkshire submit the project materials to the NYS DOT Region 9 Site Plan Review Committee for their comments and requirements; that the applicant applies to the Town Code Enforcement Officer for a floodplain development permit and complies with the Town of Berkshire's Flood Damage Prevention Law as they are rehabilitating and repurposing the existing buildings; and that the Town of Berkshire goes through the Ag Data Statement process.

E. Jardine noted the correction that the parcel is within 500 feet of an Ag District, but perhaps not within 500 feet of a state or county road. She will remove to the conditions that the Town of Berkshire submit to NYS if not within 500 feet of NYS Route 38. She also noted that the applicant must comply with the Town of Berkshire's Flood Damage Prevention Law that requires the buildings on the parcel be elevated, or made water-tight, up to two feet above base flood elevation. R. Etienne noted he is working with Williams and Edsall Land Surveyors regarding the flood plain issue.

**Q. T. Pollard** – Is there no new construction planned? The end of the proposal package shows two new pole barns and two bins. **A. R. Etienne** – There will be two small kilns built behind the new warehouse. The bins will be open and like retaining walls, with mulch.

**C. D. Chrzanowski** – Wood floats; so what happens to the material on site in the event of a flood? **A. R. Etienne** – The property is flat, the material will be in buildings, only ½ of the map shows flooding on the property. There would need to be a lot of water to lift and move the packs of lumber. The property has never flooded. **C. T. Pollard** – It is not true that the property never flooded. In 1935/36 it flooded over the railway tracks, so the property would have been flooded, too.

**C. D. Chrzanowski** – The railway is the line going through the property. The 2011 flood was 4 to 5 feet higher than that.

**Motion to recommend site plan review with the conditions noted:**

**P. Moore/T. Pollard/Carried**

<b>Yes</b>	<b>8</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

**2. County Case 2022-022: Town of Owego, Special Use Permit and Site Plan Review, Anthony Albanese**

The applicant is requesting a special use permit and site plan review to construct a new 1,560 square foot, four-family residential apartment building at the western end of this newly combined parcel. There exists two other 1,560 square foot, four-family residential buildings there now. It is appropriate for another four-unit multi-family apartment building to be erected on this lot. There is plenty of space on the property, and more apartment units are needed countywide.

Staff recommends approval of the special use permit and site plan review with the conditions that the applicant complies with NYS DOT Region 9 Site Plan Review Committee’s comments and requirements and that the applicant and Town of Owego Boards come to a mutual agreement on the necessary number of parking spaces.

**Q. B. Goodrich** – I see only seven parking spaces on the site plan when eight are required, is this correct? **A. E Jardine** – I miscounted eight spaces. I will add as a condition that the applicant and the local boards come to a mutually agreeable number of parking spaces **A. Albanese** added that the basement apartments are for single residents only, as with the existing apartment buildings, so that consistently leaves empty parking in the existing parking lot.

**Q. B. Goodrich** – What is meant by the recreation area as shown on the site plan? **A. A. Albanese** – I plan to put a barbeque there and some benches for residents to utilize and relax outside.

**Motion to recommend approval of the special use permit and site plan review with the conditions noted:**

<b>T. Pollard/B. Goodrich/Carried</b>	
<b>Yes</b>	<b>8</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

**3. County Case 2022-023: Town of Owego, Special Use Permit, Barton Solar Farm**

The applicant is proposing to develop, construct and operate a 13.5 MW/AC solar photovoltaic system via lease agreement with the property owner on about 56 of these 90 acres of vacant farmland located on Jacobs Road, which is off Pennsylvania Avenue in Apalachin.

This ground-mounted solar system project includes rotating solar photovoltaic panels, access drive, data box, battery storage and connection to the existing power distribution system.

The applicant has supplied both a Decommissioning Plan and Operations and Maintenance Plan.

This community distributed generation project is providing a direct benefit to community residents and contributing toward New York State’s aggressive clean energy production goals. This vacant field is a suitable place for a solar photovoltaic ground mounted system. This land is in a designated medium priority preservation from the Tioga County Ag & Farmland Protection Plan of 2015, and is enrolled in the NYS Agricultural Districts Program. It appears from the orthoimagery to be a mostly

mowed field. However, the property owner is desirous of having this solar project on this property, which is his right as a private property owner.

Staff advises approval of the special use permit with the condition that the applicant meets with both local fire personnel and County Emergency Management Services to provide training and information on fire safety especially for the battery component of the project.

**Q. D. Chrzanowski** – How big is the battery component of this proposal? **A. T. Gourley** – It will be about this size of a shipping container, on approximately an eight by forty foot pad. **Q. D.**

**Chrzanowski** – What type of battery? **A. J. Kline** – Tesla lithium with possibly iron phosphate. **C. D.**

**Chrzanowski** – I would like to add a condition that the applicant connect with the both the local fire personnel and County Emergency Management Services to provide critical fire protection information and training.

**Q. P. Moore** – Did the Town go through the Ag Data Statement process? **A. E. Jardine** – Yes, that form was included in the electronic file materials, not the paper package.

**Q. P. Moore** – How many acres of trees are you clearing? **A. T. Gourley** – About five to eight acres of trees at the top.

**B. Goodrich** – Is there a retention pond planned for drainage and stormwater management? **A. T.**

**Gourley** – We have developed a SWPPP, but there will only be non-structural practices used, such as reclaiming of grass zones.

**Q. P. Moore** – Is there an intermittent stream that runs between both arrays? **A. T. Gourley** – Yes, there is, and we are obtaining a joint permit for a stream crossing.

**Q. P. Moore** – Along one side of this project there are residences so how high will the fence be? **A. T. Gourley** – Six feet high, what is required by the Town of Owego.

**Motion to recommend approval of the Special Use Permit with the conditions noted:**

<b>D. Chrzanowski/J. Current/ Not Carried</b>	
<b>Yes</b>	<b>4</b>
<b>No</b>	<b>4 (G. Updyke, T. Pollard, B. Goodrich, P. Moore)</b>
<b>Abstention</b>	<b>0</b>

**4. County Case 2022-024: Town of Owego, Floodplain Special Use Permit, Catskill Shed Company**

The applicant is requesting a floodplain development special use permit to establish and operate a retail sales facility for sheds, cabins and other backyard items. The applicant will see customers by appointment only. There will be no employees. Applicant states there is rarely more than three to four vehicles on site at any given time, and there is plenty of space on site for parking. There will be one sign with a phone number on it. The property owner, Mr. Khan, has given written permission for the applicant to utilize his property for this purpose.

This location is within FEMA’s Special Hazard Area 1% Annual Chance of flood so a floodplain development permit is required.

This property is located within an existing commercial area along State Route 434, and it has been the intention that this property be developed commercially for a long time now as it has been filled for many years in anticipation of floodplain development. While development within FEMA’s Special Flood Hazard Area is not an ideal situation, development should be evaluated case-by-case, and

balanced with the economic well-being of the community. The proposed use sheds with no permanent structure on it will not deter floodwater or push it on to adjoining properties.

Staff advises the County Planning Board recommend approval Site Plan Review with the conditions that the applicant complies with NYS DOT Region 9 Site Plan Review comments and requirements, that the applicant provides signage plans that comply with the Town of Owego’s sign regulations.

**Q. B. Goodrich** – Will the project be as stated here or is future development planned? **A. S. Eberly** – No, the project is just as stated – sheds on display.

**Q. D. Chrzanowski** – To clarify, will this permit go with the project or the land? **A. E. Jardine** – The permit goes with this applicant and this project, not the land.

**Q. T. Pollard** – Will the sheds float away during a flood event? **A. S. Eberly** – We have the trailer equipment necessary to move the sheds out of there given enough notice of a flood event. But, yes, they will float.

**C. B. Goodrich** – Has there been a study done to make sure that flood waters will not be pushed onto surrounding properties during a flood? **A. E. Jardine** – That type of study is required only when a project is located in the floodway, not a floodplain.

**Motion to recommend approval of the Special Use Permit with the conditions noted:**

<b>T. Pollard/B. Goodrich/Carried</b>	
<b>Yes</b>	<b>8</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

**VIII. REPORTS**

**A. Local Bits and Pieces**

1. **Town of Candor** (A. Cacciola)
  - Village of Candor is working on replace water distribution lines, fire hydrants and installing a pump for houses higher than the water tank to improve their existing municipal water system.
  
2. **Town of Tioga** (D. Chrzanowski)
  - Ransom Park has just gotten some improvements including an exercise / walking trail with four to six stations and playground equipment.
  
3. **Town of Berkshire** (T. Pollard)
  - Had dedication ceremony for new park across the railroad tracks from the Town Hall.
  
4. **Town of Newark Valley** (M. Tomazin)
  - Not in attendance.
  
5. **Town of Barton** (G. Updyke)
  - No report.
  
6. **Town of Owego** (J. Current)
  - No report.

7. **Town of Nichols** (P. Moore)
  - No report.
8. **Village of Waverly** (R. Filbin)
  - Not in attendance.
9. **Village of Owego** (G. Eckley)
  - No report.
10. **Alternates** (B. Goodrich, C. Robertson)
  - The Tioga County Fair looks like it went well last week.
  - The old Apalachin Field Days property was purchased recently.

**B. Staff Report:**

- P. Moore asked about the where the industrial park is that was noted for an ARC grant application for preliminary engineering services. E. Jardine answered the location is on Stanton Hill and Buck Road where the new Town Highway Barn is located. Discussion ensued on “designating” this area an industrial park.

**IX. OLD BUSINESS**

- None.

**X. ADJOURNMENT**

- A. Next Meeting September 21, 2022, @ 7:00 PM via Zoom or in person at 56 Main Street.
- B. Motion made to adjourn at 8:15PM. P. Moore/G. Eckley/Carried.

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

**Economic Development and Planning  
Legislative Committee Report  
August 2, 2022  
Prepared By: Elaine Jardine**

**Meetings**

- Waverly Board of Trustees meeting
- Tioga County Planning Board meeting
- NYS Association of County Planning Directors meeting
- NYSAC IT Taskforce Meeting
- ST8 Broadband Collaboration meeting
- Town of Richford Planning Board 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.
- Waverly NY Forward application – working on the Supportive Local Policies section.
- Town of Richford – Assisting the Town Planning Board with developing a solar energy law.

**Grants**

**Active**

- DOS Local Government Efficiency Program - County ITCS Shared Services with Village of Owego and Town of Candor – IT starting with Village of Owego in February in the new village office building, then the Town of Candor this summer.
- ESD Planning and Feasibility Study Program – Village of Waverly downtown economic market analysis (\$50,000) – The consultant has developed a final DRAFT report for Board of Trustees adoption.
- OPRHP EPF Municipal Grant Program – Village of Owego OPD building restoration (\$625,811).

**Pending**

- Appalachian Regional Commission final applications – Tioga County IDA Education Workforce Coordinator was finalized as the top-ranked application; NYS DOS has approved and ARC staff in Washington, DC has reviewed. Need to create an ARCnet account in order to start grant. Need to modify September start date.
- FEMA HMGP DR 4567 – Tioga County IDA stream crossing in Town of Richford preliminary engineering services – working on application with IDA Executive Administrator. Submitted before November 10 deadline. NYS DHSES has approved and FEMA has asked their 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. Budget will change from 25% local match to 10% during award process.
- 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.

**Potential**

- Appalachian Regional Commission FY2022 – Wrote and submitted grant application to fund 50% of the consultant cost for a new County operational strategic plan. ST8 staff has reviewed and after making corrections, is ready to go to 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 Lounsbury Industrial Park site shovel ready.



## 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.

## Reviews (239)

- County Case 2022-014: Town of Newark Valley, Site Plan Review and Solar Energy Special Use Permit, TJA-NY Newark Valley Solar Farm, LLC – Applicant wishes to establish a solar project on farmland and in the floodplain along West Creek Road. Staff advised the County Planning Board to recommend disapproval and the County Planning Board voted unanimously for disapproval.
- County Case 2022-015: Town of Owego Zoning Amendments for Solar Energy, Owego Town Board – the Town developed regulations for solar array projects. Staff advised the County Planning Board to recommend approval with conditions and the County Planning Board voted unanimously for approval.
- County Case 2022-016: Town of Nichols, Solar Energy System Special Use Permit and Site Plan Review, Tioga Downs – Tioga Downs wishes to install and operate a 0.25 MW/AC solar array project on their own land for use at their facility. Staff advised the County Planning Board to recommend approval and the County Planning Board unanimously recommended approval.
- County Case 2022-017: Town of Owego, Site Plan Review, Franklin Land Associates, LLC – Applicant wishes to construct and operate a 10,000 +/- square foot general retail store on State Route 17C close to Kinney Road in Campville. Staff advised the County Planning Board recommend approval with conditions and the County Planning Board unanimously recommended approval.
- County Case 2022-018: Town of Barton, Site Plan Review, GLT Enterprises, LTD – Applicant (Nasco Flooring) wishes to construct two pole barns for storage across the highway from his current facility on State Route 17C. Staff advised the County Planning Board to recommend approval with conditions and the County Planning Board recommended approval.
- County Case 2022-019: Town of Owego, Site Plan Review, Forys Savage, LLC – Applicant wishes to relocate their storage shed sales facility from next to Bud's Place to almost at the corner of State Route 434 and Forest Hill Road in Apalachin. Staff advised the County Planning Board to recommend approval with conditions and the County Planning Board unanimously recommended approval.
- County Case 2022-020: Town of Owego, Site Plan Review and Special Use Permit, Mapleridge Ranch – Applicant wishes to move some of their children's camp facilities from Montrose Turnpike to Holmes Road. Staff advised the County Planning Board to recommend approval with conditions and the County Planning Board unanimously recommended approval.

## • Resolutions –

None

**Economic Development and Planning  
Legislative Committee Report  
September 6, 2022  
Prepared By: Megan Schnabl**

**Meetings**

IDA Monthly Meeting  
IDA Training  
Leadership Tioga  
Neighborhood Depot Weekly Update Meeting  
Meeting with Fuddy Duddy's  
Meeting with Mr. Mohamed/Tioga Trails  
Meeting with SHPO/A. Duda  
Meeting with P. Ayres NY Forward  
OHPC Meeting  
Call with M. Bowman  
Neighborhood Depot meeting with HCR  
Village of Waverly/ Best Bev Water Meeting  
Neighborhood Depot/ESD Meeting  
Village of Waverly/Bowman Restore Meeting

**Active Projects**

DRI Projects Administration  
NYMS Project Administration-Owego and Candor  
GIS Mapping Activities  
USDA Community Facilities Program Village of Nichols Sweeper/Vacuum Truck  
State Leads Responses  
GIS/IDA/EDP Available Sites Mapping and Website  
USDA Small Business Technical Assistance Grant  
CDBG Racker The Neighborhood Depot  
Restore NY River House Confectionery & Mercantile  
Restore NY Tioga Trails Redevelopment

**Active Leads**

**Grants**

**Active**

NYSEG COVID-19 Relief Grant – The Cellar Restaurant  
USDA Community Facilities Program Village of Nichols Sweeper/Vacuum Truck

**Pending**

Berkshire Fire Department FEMA Grant for Sign

**Potential**

## **Completed**

### **Plans/Studies**

### **Other**

### **Resolutions**

106 – Set Public Hearing for Restore NY Communities Initiative Round 6  
Application – River House Confectionery & Mercantile Rehabilitation Project

107 – Set Public Hearing for Restore NY Communities Initiative Round 6  
Application – Tioga Trails Rehabilitation Project