

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
August 19, 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 Doug C. called the meeting to order at 7:02 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Tim Pollard, Doug Chrzanowski, Dave Mumbulo, William Dimmick III, Pam Moore, James Tornatore, Gary Henry, Jr., Georgeanne Eckley

Excused: John Current, Jason Bellis

Absent:

B. Ex Officio Members:

C. Local Officials:

D. 239m Review Applicants: Paul Barber and Steve Olmsted for EL-BA Park, LLC and Brad Helmetsie for Pelican Law Office

E. Guests: Rob McConnell and Ryan Both, Southside Drive residents

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda

G. Henry, Jr./P. Moore/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of July 15, 2015 minutes as amended with word correction on page 3

J. Tornatore/W. Dimmick, III/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

- None heard.

VI. CORRESPONDENCE

Folder passed.

VII. NEW BUSINESS

A. 239 Reviews

1. County Case 2015-011: Village of Owego, Local Law #5 2015, Rezoning

The applicant is requesting to rezone a small 8.55 acre property from Industrial to Residential 3 to make the vacant property more marketable, yet not allow industrial uses on the site. At the Village of Owego Board of Trustees meeting on 7/6/15, the Trustees voted to override the Village Planning Board’s recommendation of disapproval of rezoning from R2 to Industrial. Therefore the property was effectively rezoned to Industrial. Some Trustees did not realize what they were voting on and after the fact stated they voted incorrectly. Therefore the Board of Trustees wants to reconsider that vote.

The neighborhood contains residential, commercial and vacant uses.

According to the Village of Owego zoning code, rezoning this property to Residential 3 will allow for the development of single family housing up to the potential of a hotel to be built on the site. While it is preferable that this property could have remained zoned as its original Residential 2, Residential 3 zoning is at least better than Industrial zoning as it will allow less intensive uses and therefore can potentially save on potential property damage in the event of future flooding. As stated in previous cases regarding rezoning of this property, a vast majority of the 8.55 acres is within FEMA’s designated Special Flood Hazard Area.

Staff recommends approval of the rezoning of this property from Industrial to Residential 3.

Mr. Robert McConnell spoke and stated that all the Southside Drive and Knaupf Road residents oppose the Industrial zoning.

Q. P. Moore – Has the Village considered buying this property for flood control purposes? **A. R. McConnell** – No, just when they contemplated putting the compost facility there. E. Jardine further explained that the Village Attorney, Bob McKertich, has been at previous meetings in which this was discussed and stated the Village has no plans to purchase this property.

Q. T. Pollard – This doesn’t seem right that this property should be zoned R3 instead of R2. Can this Board vote for a rezone back to the original R2? **A. E. Jardine** – Yes, the Board could make that motion. Discussion ensued amongst members regarding this with consensus reached that this would be a futile effort since the question at hand is R3, which the Village Planning Board has also recommended.

Motion to recommend approval of Local Law #5 of 2015 for the rezoning:

P. Moore/G. Henry, Jr./Carried	
Yes	8
No	0
Abstention	0

2. County Case 2015-012: Town of Barton, Site Plan Review, EL-BA Park, LLC

The applicant is requesting Site Plan Review approval to regrade and stabilize around 20 acres of the northerly portion of the site. Of this improved 20 acres, 9.6 acres will be paved to create 1,357 parking spaces for automobiles awaiting auction or transfer from State Line Auto. This proposed new parking lot will adjoin an existing parking lot to the west used for the same purpose.

The neighborhood contains a mix of commercial, agricultural and some residential uses.

The proposed new parking lot will allow transient storage of significantly more vehicles as they await their destination. Since the soil and sub-base of the reclaimed gravel mine is questionable in nature for future structural development, this parking lot is most likely the most suitable, productive use that can be done safely on the property. The applicant is developing a SWPPP for submittal to NYS DEC.

E. Jardine reported that she has had Gary Hammond, Tioga County DPW Commissioner, review the materials for this project as Ellistown Road is a county road. Mr. Hammond had 3 concerns: 1) The EAF Part 1 Question D.2., e, iv on page 6 of 13 be changed from Yes to No, and 2) He receives a copy of the SWPPP to review for potential impacts to the county road system, and 3) That research on culvert under the railroad be conducted to determine if it is of an adequate size.

Q. T. Pollard – Where does the runoff go now? **A. S. Olmsted** – It filters into the gravelly ground. There is one catchment basin on Ellistown Road that must be the County’s.

Q. G. Henry, Jr. – Is there drainage under the tracks now? **A. S. Olmsted** – Yes, that is existing. **G. Henry, Jr.** – But the site plan does not address the size of the culvert.

Q. D. Chrzanowski – So this will be the first major parking lot across State Route 17C from the business? **A. S. Olmsted** – Well there is other existing ones on the other side of the road. **D. Chrzanowski** – Yes but this one is much larger and what new traffic patterns will be created?

E. Jardine – If it helps, Gary Hammond, Tioga County DPW Commissioner, had no issues with traffic generation, only with stormwater impacts.

Q. P. Moore – What will be the surface material and will it be permeable? **A. S. Olmsted** – It will be modified gravel for the first year, then chip and oil over that. It will be impervious.

Q. G. Eckley – How do cars arrive – on tractor trailer, bed truck, driven individually, etc.? **A. S. Olmsted** – All of those. This is driven by today’s market in which most sales are now done on an individual basis over the internet. This method requires more space for transient car storage.

Discussion ensued between the County Planning Board members and the County Planning Director on how to address the concerns over stormwater impacts. It was decided by consensus to have a multi-faceted condition regarding stormwater.

Motion to recommend approval of the site plan review with the following conditions regarding Stormwater Impacts:

- 1) EAF Part 1 Question D.2., e, iv on page 6 of 13 be changed from Yes to No**
- 2) That the applicant provides a full copy of the SWPPP to Gary Hammond, Tioga County DPW Commissioner for his review**
- 3) That the culvert under the railroad be included as part of the stormwater practice to initiate research into sufficient size of the culvert**

G. Henry, Jr./W. Dimmick, III/Carried	
Yes	7
No	0
Abstention	1 (D. Mumbulo)

3. County Case 2015-013: Village of Spencer, Site Plan Review, Pelican Law Office

The applicant is requesting Site Plan approval to establish and operate a law practice in a residence. The business office will occupy ½ of room, about 200 square feet, of the first floor, and will have a separate entrance. A small business ground sign has been placed within the tree lawn of the property.

The neighborhood is residential with a mix of commercial uses. The proposed in-home business will have little to no impact on the neighborhood.

Staff recommends approval of the site plan with the condition that the NYS DOT Region 9 Site Plan Review Committee reviews and approves the site plan, particularly the sign in the tree lawn, which is normally NYS DOT right-of-way.

Q. J. Tornatore – How many customers do you expect per day or week? **A. B. Helmetsie** – Only about one or two per week since this is a secondary office. My main office is in Ithaca.

Motion to recommend approval of site plan review:

T. Pollard/J. Tornatore/Carried	
Yes	8
No	0
Abstention	0

4. County Case 2015-014: Town of Owego, Special Use Permit, Benjamin Clute

The applicant is requesting to fill a small portion of his rear yard as part of an ongoing stabilization of the bank that exists. This residential parcel is in an R2 zoning district and is located in between the railroad and State Route 17C just south of the Crestview Heights housing subdivision. This project is residential in nature and will have no impact on neighbors or the railroad. It is not within FEMA’s Special Flood Hazard Area. Chair D. Chrzanowski agreed that this project poses no intermunicipal or countywide impacts, so E. Jardine sent a letter back to the Town of Owego and the applicant waiving Tioga County Planning Board recommendation.

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – G. Henry

- Contract has been finalized to build new town barn.
- Updated Town Comprehensive Plan is now with the Town Board for their review.

2. Town of Nichols – P. Moore

- Sundaes at the Farm event is Sunday, August 23rd at the Lawton Jersey Farm in Newark Valley.

3. Town of Berkshire – T. Pollard

- No report.

4. Town of Tioga – D. Chrzanowski

- Town Planning Board working on updating the comprehensive plan – using the Town of Richford’s’ current draft update as a working model.
- E. Jardine came to visit the Town of Tioga Planning Board at their last meeting.

5. Village of Waverly – W. Dimmick III

- Nothing to report

6. Village of Owego – G. Eckley

- The Owego Gardens senior housing project got approved at the last Village Owego Planning Board and ZBA meetings. Resident across the street has concerns over visibility of the parking lot retaining wall. Applicant committed to make this more aesthetically pleasing with landscaping etc.

7. Town of Newark Valley – vacant

8. Village of Newark Valley – J. Tornatore

- No report. Work on historic municipal building exterior is complete.
- Village has put a CFA application this year under ESD Capital Funds to demolish the old ladder factory and build a solar farm.

9. Town of Owego – J. Current

- Not in attendance.

10. Town of Barton – D. Mumbulo

- The EL-BA Park, LLC parking lot site plan was discussed.

11. Town of Richford - vacant

12. Spencer – vacant

B. Staff Report

- E. Jardine covered the following topics:
 - The time the CPD has spent visiting the municipal planning and zoning boards can be eligible for one hour of training. E. Jardine will make certificates and e-mail them to TCPB members. You all will be responsible to get them out to all your local planning and zoning board members.

IX. OLD BUSINESS

- A. Tioga County Planning Board By-Law – Members requested E. Jardine to e-mail the By-Laws out again to them to review and suggest updates..

X. ADJOURNMENT

- A. Next Meeting September 16th, 2015 @ 7:00 PM in the Legislature Conference Room.
- B. Motion made to adjourn at 8:06 PM. J. Tornatore/W. Dimmick III/Carried.

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