

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
February 19, 2014
Tioga 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 7:00 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: William Dimmick III, Tim Pollard, John Current, Doug Chrzanowski, Arrah Richards, Hans Peeters, Gary Henry, Jr., Patty Porter

Excused: Jason Bellis, Georgeanne Eckley, Pam Moore, Elaine Jardine

Absent: Nathan Clark

B. Ex Officio Members:

C. Local Officials: Kevin Millar, Village of Owego Mayor, LeeAnn Tinney, Director of Economic Development and Planning

D. 239m Review Applicants: Janice and Eric Johnson for Johnson Pools & Spas, Marty Matrazzo and Michael Franz for the Farmhouse Brewery, Danielle and Michael Austin, Austin Excavating &

E. Guests: none

F. Staff: Linda Sampson, Erik Miller

III. APPROVAL OF AGENDA

- Approval of agenda.

G. Henry/A. Richards/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of January 15, 2014 minutes

T. Pollard/P. Porter/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

- Arrah Richards reported this was her last meeting and announced Dave Mumbulo, from the Town Planning Board, will be filling her seat.
- LeeAnn Tinney reported that the Economic Development and Planning Department has been tasked with garnering regional and local support for Tioga Downs in their bid for a Gaming License in the Southern Tier Region. Demonstrating local support is an important part of the application process. They have reached out to towns, villages, business owners, private individuals and service organizations. Ms. Tinney distributed

the “Win One for Tioga Downs” Flyer and asked the Tioga County Planning Board for a letter of support for the Tioga Downs project, as well as the individual planning boards if they haven’t done so already.

VI. CORRESPONDENCE

Folder passed around.

VII. NEW BUSINESS

A. 239 Reviews

1. County Case 2014-002: Village of Owego, Special Use Permit, Johnson Pools & Spas, Inc.

The applicant is requesting a special use permit for the construction of a 10’x10’ concrete block building located on the corner of Water St. and Mill St. to house a water connection to utilize as a filling station for water trucks for the applicants business – Johnson Pools and Spas.

The applicant states that currently water is accessed through the Town of Owego during normal operating hours of their utility department. This limited access restricts applicant’s ability to operate his business as water is only accessible Monday through Friday 7:30AM – 3PM. The proposal states that water would be purchased from United Water in the Village of Owego. The site has access to a 6” main. Water withdrawals would fall under United Water’s SRBC permit (confirmed by staff).

Hours of operation will be primarily Monday – Saturday 7AM - 7PM with maximum projected capacity of 6 loads per day (currently hours of operation limit Johnson Pools and Spas to a maximum of 3 loads per day).

The neighborhood contains a mix of uses and neighboring lots are zoned Industrial.

This proposal is an appropriate industrial use per zoning regulation. Impacts of greatest concern are not water withdrawals per se but water security at the site. The building will be constructed to Department of Health requirements with concrete block and roof. One concern, local in nature is related to traffic flow characteristics and it is recommended that local traffic impacts be assessed in the Village’s review procedure.

Mr. Miller asked Mr. Johnson to speak on the issue of a water permit/water withdrawals. Mr. Johnson reported hauling 1.4 million gallons which falls under United Water’s permitting process, the same water he’s been drawing for 15 years.

Q: P. Porter asked if he would be coming out of the lot and going to West Main following regular truck routes.

A: Mr. Johnson reported that he will be going to see the Mayor shortly to discuss traffic. His plan is to turn down Canal St., go to the end of Canal St. to

River and come back up Water St. The ultimate goal is that the Village has a provision in the law that a neighboring property owner can lease village owned property for a certain amount of dollars per year. He would like to lease these two properties so the 3 lots will be combined together and, so he can back in the lot and drive right out on Main St.

Q: P. Porter asked about the noise level for the few residences that are in the area.

A. Ideally Mr. Johnson would like to turn on Mill St., but the intersection is too small for the trucks.

Mr. Miller asked Mr. Johnson about the 10' x 10' concrete block, is it for security reasons? Mr. Johnson, yes, a concrete building for security is required by the State of New York Health Department.

Mr. Miller reported it falls within the flood zone and will have to get the approval of the Flood Plain Administrator to move forward.

Q: H. Peeters asked about any required permits.

A: Mr. Johnson said he would be getting a building permit from the Village and the filling station has to be inspected and approved by the State of NY.

Q: J Current asked about outdoor lighting.

A: Mr. Johnson said there would a light to light up the area for safe working conditions. Nothing that will illuminate 24/7.

Q: T. Pollard: Your trucks only?

A: Yes, trucks owned or leased by Mr. Johnson.

Q: H. Peeters: How many residents?

A: One in the Village. Located on Canal St.

P. Porter commented it was enough distance away from where they're going to put the building.

Mr. Miller reported this was sent to NYS DOT for site plan approval and will get back with any comments and concerns.

Motion to recommend approval of the site plan:

G. Henry/J. Current/ Carried

Yes 8

No 0

Abstention 0

2. County Case 2014-003: Village of Owego, special Use Permit, Farmhouse Brewery

The applicant is requesting a special use permit for continuance of a non-conforming use to establish and operate a tasting room and retail store for the Farmhouse Brewery at 2 Whig Street Suite #A, Newark Valley, NY at the former Kathy Hansen School of Dance.

Applicant states they are proposing a family friendly location to establish a tap room for their licensed farm brewery. Customers will be able to taste Farmhouse Brewery beers and old fashion sodas on tap, stay and enjoy a beverage, and refill “growler” glass vessels to go. It is estimated that majority of customers will stay less than 20 minutes.

Hours of operation will be 3PM to 8PM Wednesday through Friday, and noon to 6PM Saturday and Sunday. The owners live next door, so they will not be using the facility’s parking lot.

The neighborhood contains a mix of residential and commercial uses, including the Owego-Harford short line railroad.

This property is a non-conforming use since it has always been a commercial use, even before the Village of Owego’s zoning regulations were established. The Village’s non-conforming use regulations allows for this as long as the property’s use has not been discontinued for more than one year. The property has not been vacant for any substantial time. While this is a high traffic area, this use will generate traffic that is much less event/lesson time oriented than the dance studio of 2011, and more in keeping with the current traffic flows of the neighboring ice cream parlor.

Mr. Miller asked Mr. Franz or Mr. Mattrazzo to respond to questions regarding whether it is a bar, traffic impacts, lighting and signage for the Farmhouse Brewery

Mr. Mattrazzo reported the production facility is in Newark Valley and is licensed through the state as a farm brewery. Different than a micro-brewery, it allows us to have a separate location outside the production facility for tastings and serve pints of their own beer. They are not opening a bar. They would remain open until sunset in the summer, 8:00 PM or 9:00 PM. Ultimately they desire a retail location to sell shirts and hats, local honey, maple syrup and candles; in the summer have a farmers market feel selling local fruits and vegetables as well; a family friendly operation.

Q: G. Henry: How is it different from a micro-brewery?

A: M. Mattrazzo: There are some tax benefits. We only have to buy 20 % of ingredients in-state which affords us a farm brewery license. The Farmhouse Brewery is buying all their ingredients in-state, we malt it on site and then make the beer. By using in-state ingredients we pay the \$120.00 label fee that other brewery’s pay, but get it back at the end of the year. A micro-brewery can only sell beer. As a farm brewery we can sell other farm “stuff”; have a farmers market feel.

Q: A. Richards: Is there an apartment upstairs?

A. M. Franz: It was Kathy Hansen’s Dance Studio for 35 years, prior to that it was Mr. Franz’ Great Grandfathers Kies Bottling Works, after the 2011

flood it got wiped out. Mr. Franz applied for special use permit to open the ice cream store, Ice Cream Works, which has been a success.

- As far as parking and traffic flow, they were busy and had no problems. With the brewery, he does not foresee any problems.
- They will probably have a sign with a light over it, nothing extensive.
- There is an apartment there that was not affected by the flood.

Q: P. Porter asked if Mr. Franz lives next door.

A: M. Franz: Yes, and commented there is no interest in opening a bar, Mr. Matrazzo added they will be making homemade soda for kids as well.

Q: T. Pollard: Asked about number of parking lot spaces required per square footage.

A: E. Miller: This is a grandfathered use, not allowed by zoning. Because this was a commercial use prior to zoning being in place in the Village, there were no zoning guidelines.

Ms. Tinney commented that the Farmhouse Brewery is also selling malt to other breweries and distilleries as another part of the business.

Motion to recommend approval of the site plan:

A. Richards/P. Porter/ Carried	
Yes	7
No	0
Abstention	1 T. Pollard

3. County Case 2014-004: Town of Barton, Site Plan Review, Austin Excavating & Paving

The applicant is requesting a Site Plan approval to construct a 60' x 100' pole barn on their 11 acre property at Talmadge Hill Rd. West. The site is commercial in nature and currently used to park and store related business vehicles and machinery. The structure proposed is an open sided pole barn, approximately 6,000 square feet. There will be minimal ground disturbance, roughly the footprint of the proposed structure. The only infrastructure onsite is electric and no plans are proposed/provided indication water or septic is planned.

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

The applicant's proposal to construct a 60' x 100' open sided pole barn will have little if no impact from a planning perspective to the surrounding area.

Mr. Miller distributed two pictures received today. One is an aerial picture of the proposed site.

Mr. Miller asked Mr. Austin if he had anything to add.

Mr. Henry commented that the building code limits vehicle storage facilities to 5000 square feet without a sprinkler system. Being an open sided structure, this building may be exempt from that. It's not a planning issue, but suggested Mr. Austin should verify that.

Mr. Miller reported this was sent to NYS DOT for site plan approval and will get back with any comments and concerns.

Motion to recommend approval of the site plan:

G. Henry/ W. Dimmick III/ Carried
Yes 7
No 0
Abstention 1 A. Richards

B. Election of 2014 Officers

Motion to accept the slate of officers presented at last month's meeting:

P. Porter/W.DimmickIII/Carried
Yes 8
No 0
Abstention 0

C. Ethics Certification and financial Affidavit Disclosure forms – new procedure

Ms. Sampson distributed a packet regarding the 2014 Financial Disclosure & Annual Policy Review Recertification. The packet included a memo with instructions where to find the policies on the County Website for review, the Annual Policy review Attestation form that needs to be signed and the Statement of Financial Disclosure that needs to be filled out by each board member and an addressed envelope to either mail the signed forms in or drop them off to the Economic Development & Planning office.

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – G. Henry
 - No report.
2. Town of Nichols – P. Porter
 - No report.
3. Town of Berkshire – T. Pollard
 - No report
4. Town of Tioga – D. Chrzanowski
 - Still working on the Town Board assigned Site Plan Review regulations to the Planning Board. Sent it on for the Town to review and it will come back to us next month to review again, then forward on to the lawyers.
5. Village of Waverly – W. Dimmick III
 - No Report

6. Village of Owego – G. Eckley

- Not in attendance.

7. Town of Newark Valley – H. Peeters

- Looking at lighting regulations and asked if anyone had any to share. G. Henry, in Candor recently did one and could bring the regulations to the next meeting.

E. Miller will send a Dept. of State Handbook to all the Planning Board Members.

8. Town of Richford - vacant

9. Town of Owego – J. Current

- No report.

10. Town of Barton – A. Richards

- Austin’s Excavating & Paving site plan review

11. Spencer – N. Clark

- Not in attendance.

G. Peeters had a concern, they are also doing a comprehensive plan and there is a section about agriculture. Is there something we need to do with Ag & Markets prior to our comprehensive plan being approved? E. Miller responded that the agricultural section is like any other economic section in the comprehensive plan. Unless you’re dealing with an Ag District Protection Plan that is funded by Ag & Markets, they really don’t have a say.

Ms. Tinney requested a time frame for the support letter for Tioga Downs.

Motion to recommend approval of the Letter of Support for Tioga Downs becoming a casino:

P. Porter/J. Current/Carried	
Yes	8
No	0
Abstention	0

Chairman Doug Chrzanowski agreed to sign a letter of support on behalf of the Tioga County Planning Board.

B. **Staff Report** – E. Miller would like to talk to the Planning Board at the next meeting about the potential broadband coming through the region.

IX. OLD BUSINESS

A. None

X. ADJOURNMENT

A. Next Meeting March 19th, 2014 @ 7:00 PM in the Legislature Conference Room.

B. Motion made to adjourn at 8:00 PM. P. Porter/T. Pollard/Carried.

Respectfully submitted,
Linda Sampson, Administrative Assistant
Economic Development and Planning