



MEETING AGENDA
TIOGA COUNTY PLANNING BOARD
November 16, 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. October 19, 2022

- V. PRIVILEGE OF THE FLOOR

- VI. NEW BUSINESS
 - A. 239 Reviews
 - 1. County Case 2022-031: Town of Owego, Site Plan Review and Special Use Permit, Harry's Expressway
 - 2. County Case 2022-032: Town of Owego, Site Plan Review, Upstate Shredding, LLC

- VII. REPORTS
 - A. Local Bits and Pieces
 - B. Staff Report

- VIII. OLD BUSINESS
 - None

- IX. ADJOURNMENT
 - A. Next Regular Meeting December 21, 2022 at the HHS Building
 - B. Adjourn

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
October 19, 2022
Tioga County Health & Human Services Building, Room #2139**

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, Rawley Filbin, John Current, Georgeanne Eckley, Matt Tomazin, Bryan Goodrich, Art Cacciola, Pam Moore
Excused: Chelsea Robertson, Grady Updyke
Absent: Tim Pollard
- B. Ex Officio Members:
- C. Local Officials: none
- D. 239m Review: Floyd and Lesa Mosher, Harry Singh, Brian Doak
- E. Guests: None
- F. Staff: Elaine Jardine, Karen Warfle

III. APPROVAL OF AGENDA

- Approval of agenda as amended with striking County Case 2022-030.
P. Moore/J. Current/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of September 21, 2022 minutes.
G. Eckley/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 2022-027: Town of Owego, Area Variance, Harry's Expressway

The applicant wishes to establish and operate a gasoline station on his property on State Route 96 that already has a convenience store and liquor store on the property. This site was formerly Lawler's.

The Town of Owego’s zoning code states that gasoline stations cannot be closer than 1,500 feet from each other, measured from the closest property lines. This proposed station would be only 940 feet from the existing Mirabito gasoline station located almost at the corner of State Routes 96 and 38. Therefore, the Town of Owego Zoning Board of Appeals needs to grant an area variance in order for this project to move forward.

Going through the considerations for an area variance, the only answer in the negative is the adverse impact on the physical or environmental conditions. This proposed gas station will increase ingress and egress at this location. This particular segment of two-lane highway is already heavily travelled, with Average Annual Daily Traffic count over 13,000 vehicles, according to the NYS DOT Traffic Viewer. Adding more traffic activity to the highway would decrease traffic safety in this area.

Adding another gasoline station that is so close to not only one, but two gasoline stations (Mirabito and Kwik Fill), does not promote the general health, safety and welfare of the public as the increased ingress and egress action resulting would simply create more traffic problems in an already congested traffic area.

Staff advises the County Planning Board to recommend disapproval of the area variance.

Q. P. Moore – How close is this location to the Kwik Fill? **A. E. Jardine** – About 1,200 feet from the Kwik Fill in the Village of Owego and 940 feet from the Mirabito in the Town of Owego.

Q. D. Chrzanowski – Has DOT been contacted about this yet? **A. E. Jardine** – No, it is on their agenda for tomorrow’s meeting. **B. Doak** commented that this stretch of highway has good sight distance and wide shoulders and can accommodate this new gas station. **D. Chrzanowski** commented that there is more traffic on Glenmary Drive now to avoid this congested area of State Route 96. Discussion ensued regarding traffic impacts versus the positive change of a new gas station.

B. Goodrich commented that most of the congestion in this area is due to through traffic and having an extra option for gasoline could alleviate congestion at the current two gas stations. Discussion ensued about convenience stores at the two gas stations vs. groceries, which Harry’s Express currently has groceries, the other two gas stations do not.

Q. M. Tomazin – Is there a reason in the community to have more gasoline pumps? **A. B. Doak** – To provide competition. **H. Singh** continued that they have more space on this site for pumps than any other station in the area. Safety is our top priority issue. It will offer competition and diversify traffic.

Q. D. Chrzanowski – Does this property go all the way back to the creek? **A. H. Singh** – Correct.

Q. A. Cacciola – How long has it been since the Town of Owego updated their Comprehensive Plan? **A. E. Jardine** - 1997.

Q. G. Eckley – How does the Town of Owego feel about this area variance? **A. E. Jardine** – I don’t know, but I do know that Joann Lindstrom researched the reason for this regulation in past Planning Board minutes and found they were concerned about traffic, the general safety of gasoline stations, and that they were getting many requests for gas stations at that time back in the late 1970’s.

Motion to recommend approval of the area variance:

R. Filbin/M. Tomazin/Carried	
Yes	7
No	1 (Art Cacciola)
Abstention	0

2. County Case 2022-028: Town of Owego, Rezoning, Floyd and Lesa Mosher

The applicant wishes to rezone about 1/3 of their said 61.58-acre property from its current Agricultural, Neighborhood Transition, and Residential A to all Agricultural. This request will make the property easier to market for resale as agricultural in nature, as it has been for a very long time.

Staff advises the County Planning Board to recommend approval of the rezoning.

Q. B. Goodrich – Can you rezone just up to DeGroat Road? **A. E. Jardine** – No, because there are horses on that portion of the property between State Route 434 and DeGroat Road.

Motion to recommend approval of the rezoning request:

D. Chrzanowski/P. Moore/Carried	
Yes	8
No	0
Abstention	0

3. County Case 2022-028: Town of Tioga, Site Plan Review, Hea Hea, LLC

The applicant is requesting site plan approval to establish and operate an outpatient eating disorder clinic at the site of the former Glenmary Inn. There will be six to seven employees and a maximum of 15 patients at any given time. There are 15 parking spots available. Hours of operation are Monday through Friday 8:00 AM to 6:00 PM and Saturday 8:00 AM to 2:00 PM. The doctor will be living on site.

This adaptive reuse is an ideal situation for this prominent building, which was originally used for healthcare purposes. It is a benefit to the Town to have a productive use in this facility again that will maintain the structure and keep it in a state of good repair.

Staff advised the County Planning Board to recommend approval of the site plan review.

Motion to recommend approval of the site plan review:

A. Cacciola/G. Eckley/Carried	
Yes	7
No	0
Abstention	1 (D. Chrzanowski)

VIII. REPORTS

A. Local Bits and Pieces

1. **Town of Candor** (A. Cacciola)
 - No report.

2. **Town of Tioga** (D. Chrzanowski)
 - No report.

3. **Town of Berkshire** (T. Pollard)
 - Not in attendance.

4. **Town of Newark Valley** (M. Tomazin)

- No report.
- 5. **Town of Barton** (G. Updyke)
 - Not in attendance.
- 6. **Town of Owego** (J. Current)
 - No report.
- 7. **Town of Nichols** (P. Moore)
 - No report.
- 8. **Village of Waverly** (R. Filbin)
 - No report.
- 9. **Village of Owego** (G. Eckley)
 - No report.
- 10. **Alternates** (B. Goodrich, C. Robertson)
 - No report.

B. Staff Report:

- Nothing other than what was provided in the meeting packet.

IX. OLD BUSINESS

- A. Cacciola inquired about when we can meet at the County Office Building, 56 Main Street again. E. Jardine advised him to write the County Legislature Chair as she has no influence over this issue.

X. ADJOURNMENT

- A. Next Meeting November 16, 2022, @ 7:00 PM at HHS Building Room #2139.
- B. Motion made to adjourn at 7:50 PM. D. Chrzanowski/B. Goodrich/Carried.

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

**Economic Development and Planning
Legislative Committee Report
November 8, 2022
Prepared By: Elaine Jardine**

Meetings

- Tioga County Planning Board meeting
- ST8 Broadband Collaboration meeting
- ST8 CEDS Collaborative meeting
- ST8 Regional Board meeting
- Historic Preservation in Planning webinar
- ST8 Climate Smart Communities meeting
- ITCS Steering Committee 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. Plans for building on this building will begin when school starts again.
- Waverly NY Forward application – helped with the interview presentation.
- Town of Richford – Assisting the Town Planning Board with developing a solar energy law. Waiting on the Town Board to make one last change to the draft law before it goes through local approvals.
- NYS Department of Agriculture & Markets cooperative agreement for SEQR and Ag District reviews has been finalized and executed.

Grants

Active

- DOS Local Government Efficiency Program - County ITCS Shared Services with Village of Owego and Town of Candor – IT is still waiting on Haefele and Spectrum to act for the Town of Candor but communications have started.
- ESD Planning and Feasibility Study Program – Village of Waverly downtown economic market analysis (\$50,000) – The Waverly Board of Trustees adopted the Downtown Plan. The Village is working on final reporting to ESD.
- OPRHP EPF Municipal Grant Program – Village of Owego OPD building restoration (\$625,811). Assisting Village of Owego officials with grant implementation and administration. The RFP for preconstruction activities has been written and approved by Parks staff and has been posted in the newspapers, APA NY Upstate e-newsletter, and has been distributed to interested firms.
- Appalachian Regional Commission (ARC) Tioga County IDA Education Workforce Coordinator – Met with Education Workforce Coordinator and IDA Executive Director to go over progress and payment reporting requirements.
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Pending

- FEMA HMGP DR 4567 – Tioga County IDA stream crossing in Town of Richford preliminary engineering services – Submitted before November 10 deadline. NYS DHSES has approved and FEMA has asked their request for information questions. IDA Executive Director has changed budget to 90% federal, 10% local match. 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. NYDHSES has asked their request for information questions and we submitted the response. Budget has now been changed to 90% federal, 10% local match from 75/25.
- Racker Center CDBG CARES grant application for the Neighborhood Depot – assisting B. Woodburn with accomplishing items on the NEPA Environmental Review checklist. The

Environmental Review Record has been finalized and the Request for Release of Funds has been granted.

Potential

- Appalachian Regional Commission FY2022 – Wrote and submitted grant application to fund 50% of the consultant cost for a new County operational strategic plan. The application is now down at ARC in Washington, DC.
- Appalachian Regional Commission FY2022 – Assisted TCIDA Executive Administrator with grant application to fund 50% of consultant cost to develop preliminary engineering to make the Lounsberry Industrial Park site shovel ready. This application is now down at ARC in Washington, DC.

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. Additionally, this Department wrote and submitted the Waverly NYF grant application.

Reviews (239)

- County Case 2022-027: Town of Owego, Area Variance, Harry's Expressway – Applicant proposes to install a gasoline station closer than is allowed to another gasoline station on State Route 96. Staff advised the County Planning Board recommend disapproval of the area variance, and the County Planning Board voted to recommend approval.
- County Case 2022-028: Town of Owego, Rezoning, Mosher – Applicant proposes to rezone their entire 68-acre parcel to only Agricultural. It is now zoned in three districts – Agricultural, Residential A and Neighborhood Transition. Staff advised the County Planning Board to recommend approval and the County Planning Board voted unanimously to recommend approval.
- County Case 2022-029: Town of Tioga, Site Plan Review, Hea Hea, LLC – Applicant proposes to convert the former Glenmary Inn into an outpatient clinic for adolescents with eating disorders. Staff advised the County Planning Board to recommend approval the County Planning Board voted to recommend approval.
- County Case 2022-030: Town of Owego, Special Use Permit, Art of Combat – Applicant proposes to establish an inside venue for mixed martial arts events. Applicant withdrew his application.

- **Resolutions –**

K13 – Reappoint Member (D Chrzanowski) to the Tioga County Planning Board

K14 – Reappoint Member (B. Goodrich) to the Tioga County Planning Board

K15 – Reappoint Member (G. Upkyke) to the Tioga County Planning Board