



MEETING AGENDA
TIOGA COUNTY PLANNING BOARD
April 19, 2023 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. March 15, 2023

- V. PRIVILEGE OF THE FLOOR

- VI. NEW BUSINESS
 - A. 239 Reviews
 - 1. County Case 2023-008: Town of Berkshire, Solar Law, Town Board
 - 2. County Case 2023-009: Town of Nichols, Area Variance, Talcott NA
 - 3. County Case 2023-010: Town of Owego, Special Use Permit, Bothar Construction
 - 4. County Case 2023-011: Village of Owego, Site Plan Review, Kathy Cakes

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

- VIII. OLD BUSINESS
 - None

- IX. ADJOURNMENT
 - A. Next Regular Meeting May 17, 2023 at the HHS Building
 - B. Adjourn

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
March 15, 2023
Tioga County Health & Human Services Building, Room #2139**

I. CALL TO ORDER AND INTRODUCTIONS

- Chairman D. Chrzanowski called the meeting to order at 7:00 PM.

II. ATTENDANCE

- A. Planning Board Members:
Present: Art Cacciola, Doug Chrzanowski, John Current, Bryan Goodrich, Pam Moore, Matt Tomazin, Grady Updyke
Excused: Georgeanne Eckley, Chelsea Robertson
Absent:
- B. Ex Officio Members: none
- C. Local Officials: none
- D. 239m Review: Joshua Judson, Doren Judson, Austin Judson, Kyle Judson, Helena McDowell, Delta Engineers: Anthony Paniccia, Galen Richmond
- E. Guests: none
- F. Staff: Elaine Jardine, Karen Warfle

III. APPROVAL OF AGENDA

- Approval of agenda as presented.

J. Current/M. Tomazin/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of January 18, 2022 minutes.

J. Current/M. Tomazin/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

- None

VI. NEW BUSINESS

- A. 239 Reviews
 - 1. **County Case 2023-005: Town of Owego, Site Plan Review, Upstate Shredding, LLC**

The applicant is requesting site plan review to construct and operate a 20,800 square foot chopper building, a new addition to the current recycling facility. This chopper house will process shredder metal wire by forming it into balls, separating out the metal parts and then turning these metal parts into coarse and fine aluminum as well as other fine metals.

This proposed use is an appropriate land use for the character of the area. The proposal is compliant with the Town of Owego codes. It is of benefit to the Town of Owego to have another business expand in these difficult financial times.

Staff advises the County Planning Board recommend approval of the Site Plan Review with the following condition:

1. That the applicant obtains all required state, county and local permits, licenses and registrations.

Q. D. Chrzanowski: Was there a radio wire separator already in place; is this a new technology? **A.** G. Richmond: (shared photos of plan) Yes, new technologies for separating out materials which makes the recycled material from cars at approximately 92%; non-recyclable material is transported to the Broome County landfill.

Q. D. Chrzanowski: There have been previous concerns regarding the “fluff” that floats and gets blown around in the wind. Is there a containment place for that in this new system?

A. A. Paniccia: There is a dust collector that collects it within the building and deposits it into a covered garbage container outside.

Q. B. Goodrich: So, there’s no pilings of that stored outside? **A.** A. Paniccia: No, it will go directly from the dust collector to the trailer outside.

Q. B. Goodrich: With the addition of this new facility, does he (A. Weitsman) expect more payload coming into the site? **A.** G. Richmond: Payload? No, it’d be the same amount, but instead of going into the one chopper building and the to the railroad to be shipped offsite, now the same material will go to this other building to be refined more. Five additional employees will be needed to run the chopper building but the material amount should be the same; the only added traffic will be those employees’ vehicles.

Q. B. Goodrich: My concern with this is the vehicle traffic as the trucks from this site interact with an adjacent parcel and there are large trucks, and employee trucks coming out of Corporate Drive taxing on Route 38 for ¼ mile just to turn off – never getting up to speed and stalling the flow of traffic on Route 38, plus the street sweepers going down the road. Has anyone considered integrating the two sites with a crossover at the railroad tracks so all that can be done off of the main road? **A.** A. Paniccia: At this time, no. The building across the street is being used as overflow right now, but it is anticipated that it will not be used for these trucks in the future. However, Upstate Shredding property is zoned heavy industrial in that area, so the trucks are allowed under the code for industrial usage. Additional traffic, other than the 5 employee vehicles, is not anticipated. Moving forward, we can work with the Town of Owego to address traffic and parking concerns.

Motion to recommend approval of the Site Plan Review, with the condition noted above.

J. Current/A. Cacciola/Carried	
Yes	7
No	0
Abstentions	0

2. County Case 2023-006: Town of Owego, Special Use Permit and Area Variance, Bowen-Judson

The applicant is proposing to establish and operate a junkyard permit for his property on the corner of West Creek Road and Park Settlement Road in Owego. He has stored more than one abandoned vehicle on his property for a while now, as he transforms junk cars into demolition derby cars. Up to now, these vehicles have been exposed to public view. Now he plans to erect a fence where it's been missing, so all the vehicles will now be sheltered from view with this special use permit. This requires an area variance because the proposal does not meet the setback requirements for a junkyard along Park Settlement Road and West Creek Road.

If the property owner does fully comply and completes the missing piece of fence and the business operates compliant to any special use permit conditions, the junkyard should not impact neighboring properties.

Staff advises the County Planning Board recommend approval of the Special Use Permit and Area Variance with the conditions:

1. That the applicant obtains all required federal, state or local permits, licenses and registrations.
2. That the applicant complies with requirements and comments from Tioga County DPW and the Town of Owego Highway Superintendent.

Q. J. Current: How many vehicles are you projecting at one time to be there? **A. J. Judson:** A max of 30 but it can hold 76. We usually burn 30-40 derby cars a year just during the derby car season. Between the 5 of us, we each hit 6-10 derbies a year, resulting in 60-100 cars smashed. Thirty is an ideal number at one time and we stay organized and clean and that's what we're asking of the Town.

Q. P. Moore: How long have you been doing this? **A. J. Judson:** I've been doing this for 26 years; 16 years at that residence with no problems the first 14 years until a neighbor bought property up behind the house.

Q. P. Moore: Were the applicants aware of the zoning when they started doing this? **A. E. Jardine:** When they put the application in, yes.

C. J. Judson: There is nothing in the Town law about derby cars.

C. D. Chrzanowski: This meets NYS law.

Q. M. Tomazin: Is it in a flood plain? **A. E. Jardine:** No, not even near.

Q. A. Cacciola: You don't take the demolition derby cars and scrap them, you actually take junk cars and make them into derby cars? **A. J. Judson:** We purchase vehicles and/or people sign titles over to us and we transform them into derby cars. Once done being used as a derby car we remove the interior and glass and put that into an onsite dumpster. The remainder of the vehicle goes to Weitsman's. DEC has even inspected the site, at the request of the neighbor, and found no oil or gas spills. We run a clean operation.

Q. E. Jardine: There's still a part of the fence that needs completion? **A. J. Judson:** (shared photo of fence installed 6' off the property line) Only installation remaining is the gate. All Planning Board members are invited to stop by the property to see what we do.

Motion to recommend approval of the Special Use Permit and Area Variance, with the conditions noted above:

A. Cacciola/B. Goodrich/Carried	
Yes	7
No	0

3. County Case 2023-006: Town of Owego, Special Use Permit , Bella's Boutique

The applicant is proposing to relocate (from Richford) and operate a full service dog training and care business at this location on State Route 434, across from Sweeney's Plaza. Dogs will be groomed, trained and cared for in this operation. Hours of operation are set for grooming 9:00 AM to 6:00 PM Monday through Saturday, and daycare 7:00 AM to 7:00 PM Monday through Friday. Currently there is one employee other than the owner. Depending on how many dogs are allowed, the ratio will be six dogs to one employee. The owner is requesting to handle 15 dogs at any given time; however the Town Attorney is limiting the number of dogs to four or fewer over six months of age, in this Highway Interchange zoning district. This is not a kennel that is allowed in Agricultural zoning districts only.

The main building will be used for customer flow and services offered. The secondary building will be used for rainy day doggy activities and storage for equipment. The applicant will use the existing sign structure located on the property, which is compliant with Town of Owego zoning regulations. With only four dogs allowed in the boarding portion of this dog care business, it will be compatible with all the other businesses located in this commercial area.

Staff advises the County Planning Board recommend approval of the Special Use Permit and with the conditions:

1. That the applicant obtains all required federal, state or local permits, licenses and registrations.
2. That the applicant complies with requirements and comments from NYS DOT Region 9 Site Plan Review Committee
3. That the applicant and the Town of Owego come to a mutually agreeable # of dogs to have on premises at any given time.

Q D. Chrzanowski: Are you OK with only four dogs? **A. H. McDowell** told her story and said she would be happy with even six dogs allowed. **D. Chrzanowski** – It is up to you and the Town to come up with a mutually agreeable number of dogs.

VII. REPORTS

A. Local Bits and Pieces

1. **Town of Candor** (A. Cacciola)
 - Have a new Code Enforcement Officer
 - Tiny home developer discussion again. Once Art mentioned leased lots, it is really a mobile home park.
2. **Town of Tioga** (D. Chrzanowski)
 - No report.
3. **Town of Berkshire**
 - No report.

4. **Town of Newark Valley** (M. Tomazin)
 - Inquired about property maintenance code. D. Chrzanowski suggested to use NYS's Property Maintenance Code.
5. **Town of Barton** (G. Updyke)
 - No report.
6. **Town of Owego** (J. Current)
 - No report.
7. **Town of Nichols** (P. Moore)
 -
8. **Village of Waverly**
 - No report.
9. **Village of Owego** (G. Eckley)
 - No report.
10. **Alternates** (B. Goodrich, C. Robertson)
 - B. Goodrich stated that the Village of Owego has created a Climate Smart Communities Taskforce with the ultimate goal of reducing homeowners' flood insurance rates.
 - He noticed and applauded all the tree trimming going on within the Village to clear power lines.

B. Staff Report:

- E. Jardine mentioned the Ethics Renewal and Financial Affidavit Disclosure forms. Please submit those as soon as possible. Also, please consider attending the training session on Monday, March 20.

VIII. OLD BUSINESS

- None.

IX. ADJOURNMENT

- A. Next Meeting April 19, 2022, @ 7:00 PM at HHS Building Room #2139.
- B. Motion made to adjourn at 8:00 PM. M. Tomazin/J. Current/Carried.

Respectfully submitted,

**Economic Development and Planning
Legislative Committee Report
April 4, 2023
Prepared By: Elaine Jardine**

Meetings

- Tioga County Planning Board meeting
- Village of Owego Climate Smart Communities Taskforce meeting
- DOT meeting for Lovelass's DRI project
- Southern Tier GIS Users Group meeting
- DRI project sponsors meetings
- NYS Association of County Planning Directors meeting
- ITCS Steering Committee Meeting
- Village of Waverly SEPP housing project meeting
- Business Leaders of Colors meeting with Gladys Brangman

Active Projects

- Gateway beautification project in Waverly with school students to paint murals at strategic gateway locations. Students have painted the mural on panels. The mural is not going on the RR under pass, but possibly the side of Don Foote's building. Estimate now is that the mural will be erected in springtime 2023. The one panel mural went up on the WWTP fence at Exit 61.
- Town of Richford – Assisting the Town Planning Board with developing a solar energy law. Town Board has made last changes to the draft law, and it is now going through local approvals.
- Assisting Ec Dev with environmental compliance and local approvals for five new Village of Owego DRI projects.
- Assisting with local approvals for a proposed housing project in the Village of Waverly.

Grants

Active

- DOS Local Government Efficiency Program - County ITCS Shared Services with Village of Owego and Town of Candor – IT is working on computers and phones for the Town of Candor and seeing about connecting their Town Highway Barn as well. Village of Owego is almost complete except for the Fire Department.
- ESD Planning and Feasibility Study Program – Village of Waverly downtown economic market analysis (\$50,000) – The Village provided the final MRB Group report to ESD, who reviewed it and provided the Village with grant closeout paperwork. Assisting the Village with this paperwork.
- FEMA HMGP DR 4567 – Tioga County IDA stream crossing in Town of Richford preliminary engineering services – FEMA awarded this grant. Work will begin after the subrecipient contract is executed between NYS DHSES and the IDA.
- FEMA HMGP DR 4480 – Grant to update the County's Hazard Mitigation Plan has been awarded to NYS by FEMA.
- Appalachian Regional Commission FY2022 for Strategic Plan – ARC awarded the grant.

Pending

Potential

- Appalachian Regional Commission FY2022 – Assisted TCIDA Executive Director 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 for review at ARC in Washington, DC.

Plans/Studies

- Strategic Operations Plan – ARC awarded the grant, need to accept the award and sign contract (see resolution D15); released the RFP and proposals are due April 4.
- Hazard Mitigation Plan Update – Conducted contract negotiations with Barton & Loguidice. Contract is now signed and work is beginning on the Plan Update.

Reviews (239)

- County Case 2023-005: Town Owego, Site Plan Review, Upstate Shredding – Applicant proposed to add a metal chopper building to the facility on Corporate Drive. Staff advised the County Planning Board recommend approval, and the County Planning Board voted to recommend approval of the site plan review.
- County Case 2023-006: Town of Owego, Special Use Permit, Bowen-Judson – Applicant proposed to establish and operate a junkyard to transform junk cars into demolition derby cars at the corner of West Creek Road and Park Settlement Road. Staff advised the County Planning Board recommend approval, and the County Planning Board voted to recommend approval of the special use permit.
- County Case 2023-007: Town of Owego, Special Use Permit, Bella's Boutique – Applicant proposed to establish and operate a doggy day care/grooming/training business on Route 434 in Apalachin. Staff advised the County Planning Board recommend approval with the condition that the Town and applicant come to a mutual agreement on the number of dogs allowed at the facility, and that the applicant complies with DOT Region 9 requirements, and the County Planning Board recommended approval of the special use permit with those conditions.

- **Resolutions –**

- D01 – Appoint member (A. David) to the Tioga County Planning Board.
- D15 – Accept ARC grant award and Create Accounts for Strategic Plan