

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
April 20, 2022
VIA ZOOM**

I. CALL TO ORDER AND INTRODUCTIONS

- Chairman D. Chrzanowski called the meeting to order at 7:03 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, Rawley Filbin, Chelsea Robertson, Matt Tomazin

Excused: Bryan Goodrich

Absent:

B. Ex Officio Members:

C. Local Officials:

D. 239m Review: Christopher Mix of Morning Light Landscapes and Vincent Porto of Porto Bagel, Inc.

E. Guests: None

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda as amended.

J. Current/T. Pollard/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of March 16, 2021 minutes.

P. Moore/A. Cacciola/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 2022-006: Town of Nichols, Zoning Amendment, Town Board

The Nichols Town Board wishes to Amend Chapter 194 Zoning, Article X Solar Energy Systems, §194-4, Solar collectors and installations for major systems or solar farms, paragraph D, item (2) (c) to specify they type of landscape buffer to be provided by the applicant or solar developer. Additionally, other corrections have been made throughout the law. See highlighted text in the attached law. This new language specifying the type of landscaping buffer gives solar applicants clear stipulations on how solar energy systems are to be buffered with evergreens to screen view from any affected rural resident in the town.

Staff advises the County Planning Board recommend approval of the zoning amendment.

Motion to recommend approval of the zoning amendment:

C. Robertson/A. Cacciola/Carried	
Yes	9
No	0
Abstention	0

Note: Georgeanne Eckley entered the meeting at 7:08 PM.

2. County Case 2022-007: Town of Owego, Rezoning, Wood

The applicant wishes to rezone their said 10.99-acre property, located between the IDA railroad and State Route 38, from the current Agricultural-zoning district to Industrial. There does exist industrial zoning across the railroad from this property in the Tioga Industrial Park area, so this would be an extension of the current Industrial zoning district. See attached survey and GIS maps.

This parcel and surrounding parcels are enrolled in the NYS Agricultural Districts Program, so the Town is going through the Ag Data Statement process. This rezoning would allow for easier attraction of perspective industrial clients with the zoning change already in place. It is a logical extension of the current industrial zoning district. Although it could potentially mean a loss of almost 11 agricultural acres, it is the property owner’s choice to do so, and it is an opportunity to improve the tax value of the property if developed in the future for commercial purposes.

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

Q. D. Chrzanowski – Is this rezoning even doable give the railroad is in between the properties? **A. E. Jardine** – Yes, often streets separate the same zoning district.

Q. P. Moore – Is this zoning change appropriate given that the entire brown area on the map, including this property is in the Ag Districts Program, the County Ag Plan targets this property and area as the highest agricultural land preservation priority, and this is all active farmland? Discussion ensued emphasizing these points.

Q. D. Chrzanowski – Would this property be split because of the creek? **A. E. Jardine** – A crossing could be constructed. **D. Chrzanowski** – But might not be feasible to build a large industrial building.

Motion to recommend disapproval of the rezoning request:

T. Pollard/P. Moore/Carried	
Yes	9
No	1 (R. Filbin)
Abstention	0

3. County Case 2022-010: Town of Owego, Floodplain Special Use Permit and Site Plan Review, Morning Light Landscapes

The applicant is requesting a floodplain development special use permit and site plan review to establish a retail florist and garden center as well as the landscaping business at the site of the former Hometown Auto business in Apalachin. The business will be open approximately April through October, seven days a week, 8:00 AM to 5:00 PM. Applicant plans for outdoor floral and plant areas, a greenhouse and mulch bins on site. Applicant estimates little traffic change. Traffic will enter from Pennsylvania Ave and exit on to State Route 434. The applicant has not provided signage plans at this time. This property is located within an existing commercial area along State Route 434. While development within FEMA’s Special Flood Hazard Area is not an ideal situation, development should be evaluated on a case-by-case basis, and balanced with the economic well-being of the community. The proposed use of the floral and landscaping businesses is appropriate, depending on how the existing building will be used. The outdoor contents can be easily evacuated in the event of a flood. The traffic flow entering from Pennsylvania Avenue and exiting onto State Route 434 provides logical traffic flow.

Staff advises the County Planning Board recommend approval of the floodplain special use permit and the site plan review with the conditions that the applicant comply with the NYS DOT Site plan Review comments and requirements and that the number of parking spaces and signage needs to be finalized with the local Town of Owego Board(s).

Q. E. Jardine – What will you use the existing building for? **A. C. Mix** – For office and the florist part of the business. **E. Jardine** – Will you have coolers for the flowers? **C. Mix** – Yes.

Q. P. Moore – Will you be storing toxic materials on site? **A. C. Mix** – No, just mulch and container trees and plants. We don’t use any chemicals.

Q. T. Pollard – Will the greenhouse structure be temporary and movable? **A. C. Mix** – Yes.

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

A. Cacciola/T. Pollard/Carried	
Yes	10
No	0
Abstention	0

4. County Case 2022-011: Town of Owego, Rezoning, Porto

The applicant wishes to rezone about 1/3 of their said 69-acre property from its current Agricultural to Highway Interchange (HIC) as the eastern portion is, so that the entire property will be zoned Highway Interchange (HIC) (please see attached map). This is a logical request, so the entire property can be developed in a manner that is allowed via the Town of Owego’s HIC and General Business (GB) zoning districts. The surrounding properties are all commercial in nature within this small commercial neighborhood, with the exception of the steep slope to the rear, which is zoned Agricultural and not developable. This rezoning would allow for easier attraction of perspective commercial clients with the zoning change already in place for the entire property, and it is an opportunity to improve the tax value of the property if developed in the future for commercial purposes.

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

Q. P. Moore – Exactly which part of this property is developable that is not steep slope and in the trees? **A. V. Porto** – The very small triangle in the northwest corner of the property that shows as field. The remainder in the trees is not developable, and it is not agricultural in nature. The IDA site that they are developing as residential is directly to the west of this property.

Q. A. Cacciola – What lies in the white area where the map legend is? **A. E. Jardine** – The Owego Gardens senior housing apartment building.

Motion to recommend approval of the rezoning request:

C. Robertson/G. Eckley/Carried	
Yes	10
No	0
Abstention	0

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)
 - The County Planning Board should be seeing a solar law from the Town soon.

4. **Town of Newark Valley** (M. Tomazin)
 - No report.

5. **Town of Barton** (G. Updyke)
 - No report.

6. **Town of Owego** (J. Current)
 - No report.

7. **Town of Nichols** (P. Moore)
 - Inquired about a breakaway fence in case of a flood, as is proposed by solar developers in a proposed project on the old Petzold farm in the Town of Newark Valley.

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:

- Please RSVP tomorrow for the April 28 TEAM Tioga Breakfast to Linda Sampson, EDP Secretary. EDP invited all County Planning Board members.

IX. OLD BUSINESS

- None.

X. ADJOURNMENT

- A. Next Meeting May 18, 2022, @ 7:00 PM via Zoom.
- B. Motion made to adjourn at 8:03 PM. P. Moore/A. Cacciola/Carried.

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