

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
April 19, 2017
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 D. Chrzanowski was not in attendance. Vice-Chairman, William Dimmick III, called the meeting to order at 7:00 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Grady Updyke, Tim Pollard, John Current, Pam Moore, William Dimmick III, Jason Bellis, Georgeanne Eckley, Chris Curry, Sarah Titus,

Excused: Doug Chrzanowski, James Tornatore

Absent:

B. Ex Officio Members:

C. Local Officials:

D. 239m Review Applicants:

Grant Collins, Melissa Ballard and Gayle Munter of The Broadway Group, Kevin Gillette and Gail Gillette of 1518 Day Hollow; Outdoor Recreation, Scott Jewell of Jim’s RV Center,

Kenneth Williams of W & W Nursery and James Franz of H, H & K for W & W Nursery

E. Guests:

F. Staff: Elaine Jardine, Linda Sampson

III. APPROVAL OF AGENDA

- Approval of agenda with the following amendments:
 - Not passing the correspondence around due to the length of the agenda.
 - Deferring local bits and pieces to next month due to the length of the agenda.

**C. Curry/G. Updyke/Carried
None Opposed
No Abstentions**

IV. APPROVAL OF MINUTES

- Approval of January 18, 2017 minutes.

**J. Bellis/P. Moore/Carried
None Opposed
No Abstentions**

V. PRIVILEGE OF THE FLOOR

- None heard.

VI. CORRESPONDENCE

- Because of the many items on the agenda, the correspondence was not passed around. Ms. Jardine invited anyone interested to the office to look it over.

VII. NEW BUSINESS

A. 239 Reviews

1. County Case 2017-004: Town of Candor, Local Law #3 of 2017, Candor Town Board

E. Jardine explained the Candor Town Board and Planning Board have worked together quite a while now to update their Uniform Fire Prevention & Building Code. The updates mostly deal with items that are typically contained in zoning code – such as building setbacks from roads, lot size, and non-conformance or abandonment issues.

While the Town of Candor has every right to update their regulations in this manner, ultimately the Town Board should create an official zoning ordinance or law that contains all these setback, lot size and non-conforming use regulations.

Staff recommends approval of the Uniform Fire Prevention and Building Code Amendment.

P. Moore noticed a typo on page 8, section 6, A1; should read “whether a building permit has or has not been issued for such work.”

Motion to recommend approval of the Uniform Fire Prevention and Building Code Amendment:

S. Titus/J. Current/Carried	
Yes	9
No	0
Abstention	0

2. County Case 2017-005: Town of Spencer, Site Plan Review, SUN8 PDC LLC

Since the last applicant’s proposal was reviewed, NYSEG informed them that there was additional capacity in the Spencer area local electric power grid. The applicant is therefore proposing to expand the previously approved Alve property project by adding two more arrays of 2MWac each. These two arrays will encompass an additional 24 acres of land. This would mean a total of five 2MWac arrays on 62 acres. These arrays are to be located adjacent to the north of those three previously approved.

Electric power generation from the solar panels will be connected to the local NYSEG utility grid. Participating Spencer residents will benefit by having SUN8 supply their electricity at a reduced rate.

Staff recommends approval of the site plan review with the following conditions:

1. That the applicant obtains all required federal, state or local permits, licenses and registrations.
2. That the applicant conducts engineering wetlands investigations on this expansion site and obtain a determination of jurisdiction from the Army Corps of Engineers.

Q. C. Curry - Is that still on the side of the hill? **A. E. Jardine** – yes.

Q. P. Moore - I'm curious about the discounts the local community will be getting? **A. E. Jardine** – 10 % credit is what I understand.

Motion to recommend approval of the Site Plan Review with stated conditions:

J. Bellis/J. Current/Carried	
Yes	9
No	0
Abstention	0

3. County Case 2017-006: Town of Nichols, Special Permit, Nick Fuoco

Ms. Jardine called Nick Fuoco in California. The applicant is requesting a special permit to hold a music festival called Nick stock at the Champion Speedway two times this year on June 16th 10:00 AM- June 18th 10:00 AM and August 18th 10:00 AM - August 20th 10:00 AM. The festival runs continuously each weekend. Up to 400 people attend the event daily. Most camp overnights.

The applicant obtains event insurance and a temporary liquor permit for this event. Food vendors serve food for attendees. A band performs live during the day and until 11:00 PM. There are EMT's and a first aid tent on site, as well as security that runs the ticket gate and patrols the grounds. There is plenty of space on site for parking.

The applicant has held this event for 32 years, the last 17 of which have been in the Town of Nichols. The applicant is aware of the town's noise restrictions, and has stated that all music, live and otherwise, will stop at 11:00 PM each night since there are residences close by.

Staff recommends approval of the special permit with the following conditions.

1. That the applicant obtains all required federal, state or local licenses, permits registrations, etc.
2. That all music will end at 11:00 PM each night.
3. That the special permit runs for one calendar year from the start date of the first event in 2017.

Q. J. Bellis – Have you reached out to any of the neighboring residents? **A. N. Fuoco** – Yes, I believe Jason, the owner of the Speedway, has.

Motion to recommend approval of the special permit with stated conditions:

P. Moore/J. Bellis/Carried	
Yes	9
No	0
Abstention	0

4. County Case 2017-007: Town of Nichols, Rezoning, Jewell Brothers Properties, LLC

The applicant is requesting to rezone the northern 5.48-acre portion of this 161.58 acre parcel from its current Agricultural-Residential (A-R) to Business-Agricultural-Residential (B-A-R). The applicant is now under contract to purchase this land, which is adjacent to the west, from the owner, Fred Bean.

The purpose of the rezoning is to expand the display area for Jim's RV Center. The bulk of the property will be fenced, just as the current display area is.

The expansion of this retail business is beneficial to the economy and to the Town of Nichols. The proposed rezoning area is adjacent to the current B-A-R zoning district that Jim’s RV is located in and therefore is a logical expansion for this location that is right along State Route 17.

Staff recommends approval of the Town of Nichols rezoning.

Q. P Moore – I’m wondering where the 5.48 acre portion is in relation to Jim’s RV and the larger parcel? **A. S. Jewell** - It’s on the western border. **E. Jardine** – you can see it from the highway, it makes a perfect triangle; J. Bellis pointed it out on the map.

Motion to recommend approval of the Town of Nichols rezoning:

T. Pollard/W. Dimmick III/Carried	
Yes	9
No	0
Abstention	0

**5. County Case 2017-008: Town of Owego, Special Permit and Area Variance, The
Broadway Group**

E. Jardine distributed updated maps of the site provided by the applicant.

The applicant is requesting a special use permit to construct and operate a 9,100 square foot general retail store on this 4-acre property. Applicant states that the hours of operation will be 7:00 AM – 10:00 PM daily. The new store will employ eight to ten people and will generate up to 17 vehicle trips per hour.

This property has both 0.2% annual chance (500 year) and 1% annual chance (100 year) FEMA Special Flood Hazard Area within it. The building and parking will be located in the 100-year floodplain area.

The applicant will connect to the Town of Owego’s municipal water, but has obtained a waiver from the town requirement to connect to municipal sewer by the Owego Town Board, since there is no existing sewer line within 100 feet of the applicant’s property line. The sewer main in the area runs along Main Street, not State Route 434. Therefore, the applicant plans to install an on-site wastewater treatment system. No specifics on location or design of this septic system have been provided to date.

The proposal does not meet these parking regulations. According to these regulations, the applicant should provide 76 parking spaces, while only 30 are shown. Therefore an area variance is needed. E. Jardine went through all staff answers to the area variance questions.

Applicant states there will be one ground sign and one wall sign; specifics have not been provided.

Staff recommends approval of the special permit and area variance with the following conditions:

1. That the applicant obtain all required state, county and local permits, licenses and registrations.
2. That the NYS DOT Region 9 Site Plan Review Committee reviews and provides comment on this proposal.
3. That signage specifications meet both Town of Owego and NYS DOT regulations.
4. That the applicant obtains septic location and design approval from the Tioga County Department of Health.
5. That the applicant submits and obtains SWPPP certification and approval from the Town of Owego.
6. That the applicant obtains a Floodplain Development Permit from the Town of Owego’s Code Enforcement and that construction complies with the Town’s Flood Damage Prevention regulations.

Q. E. Jardine - What has to happen for a septic system that would be located within the 100 year floodplain? **A. J. Bellis** – It can be done. You can locate a septic system within a 100 year floodplain. You have to meet building code with the finished floor elevation.

Q. P. Moore – Isn't it so close to the sewage treatment plant? **A. E. Jardine** – There's no main line there. **P. Moore** - Even with all the fill that's gone in and that there is a highway interchange? **A. E. Jardine** – The sewer main is not along Route 434, it's on Main Street. That's the issue.

Q. C. Curry – What about the building with all the cars in it; across from the barbeque place? **A. E. Jardine** – I don't know about that, they must also have septic, but I'm assuming The Broadway Group wasn't willing to pay what it would cost to expand the sewer because it would make the project financially unfeasible. That's why they approached the Town for the waiver and received it.

Q. P. Moore - Are the nearby residents on municipal water? **A. E. Jardine** – if they're on Main Street, they probably are. The Town Board already gave them the waiver.

Q. G. Updike – Is this a general store? **A. G. Collins** – a general retail store.

Q. T. Pollard - You have no concern with building a store that will flood every time the river comes up? **A. G. Collins** – we will make our finished floor elevation up to code and we have developed in these areas before.

Q. P. Moore – How much fill are you bringing into this site? **A. G. Collins** – I do not have that exact number. **E. Jardine** – Base flood elevation is at 825 feet there. They would have to elevate to 827 feet. **J. Bellis** added that this brings the elevation to basically the level of the road, which is 827-ish feet.

Q. P. Moore – Are you not wanting to say what kind of a store it is? **A. G. Collins** – We are under a non-disclosure agreement.

Q. P. Moore – Is there going to be any hazardous materials that might cause concern in a flood situation with the residents close by? **A. G. Collins** – No.

Q. T. Pollard – would items stored outside be dislodged? **A. G. Collins** – No, there is designated storage space inside the building.

Q. J. Bellis - Is this going through SEQR? **A. E. Jardine** – Town of Owego has provided a Short EAF.

Motion to recommend approval of the special use permit and area variance with stated conditions. J. Bellis will make a motion based on all conditions including the amended condition #6, listed above, that was not in the Planning Board's original packet.

J. Bellis/S. Titus/Carried	
Yes	7
No	2 (T. Pollard, P. Moore)
Abstention	0

6. County Case 2017-009: Town of Owego, Special Permit, Gail Gillette

The applicant is requesting a special permit to establish and operate an overall fitness center with indoor and outdoor activities and amenities on this property which is situated at the intersection of Day Hollow Road, Day Hollow Road Extension and Bodle Hill Road. The applicant intends to utilize the existing building on site (last used as a church) for indoor gym activities, as well as outdoor activities in the yard behind the building. Outdoor fitness activities will include tire flipping, heavy rope training and sprinting. There will be very little if any equipment left outdoors.

Hours of operation are 6:00 AM – 10:00 PM daily with an anticipated maximum of 30 vehicle trips per day. They plan to run daily lessons, classes, clinics and seminars three to four times per year, and monthly events, in addition to traditional gym membership use. Employment possibilities are up to four part-time staff and one full-time staff. There are 60 parking spaces on site which is more than adequate for this use.

The surrounding neighborhood contains agricultural and residential uses. The property is within 500 feet of three county roads. The applicant’s proposal meets the requirements in the Town of Owego Zoning Code. This low-intensity fitness center will have little to no impact on the surrounding properties, neighborhood, or street network.

Staff recommends approval of the special permit.

Q. T. Pollard – Is the water okay, has it been tested? **A. K. Gillette** –We haven’t had any testing done yet.

Motion to recommend approval of the special permit with stated conditions:

C. Curry/G. Eckley/Carried	
Yes	9
No	0
Abstention	0

7. County Case 2017-010: Town of Owego, Special Permit and Floodplain Development Permit, W&W Nursery

The applicant is requesting a special permit for an outdoor recreation use and a floodplain development permit to add an events facility to his current nursery and landscape business. The proposed event center, called Cornerstone Gardens at W&W will include a large tent structure, luxury portable restrooms (existing as approved in 2005), a large pond and a botanical garden nestled among mature landscaping elements. The pond is existing, and the area of disturbance is less than one acre.

It is planned that this new events facility will host weddings, corporate parties, church functions, class reunions, gardening shows, and educational gardening classes, among others. Hours of operation will be daily until 11:00 PM. Applicant estimates a maximum of 300 guests, but more likely an average of 150 guests per event. The site plan shows more than adequate parking area to accommodate this number of guests. Applicant currently has 18 employees and intends to add up to six more employees when this event facility is operational. Applicant plans to be operational for this summer season.

Food service will be provided by hired caterers that will work from the catering pad located at the rear of the tent. The property is served by a private drinking water well that is sufficient to meet the public water demand for this proposed new operation.

The surrounding neighborhood contains agricultural and residential uses. The property is within 500 feet of an agricultural district property, which is the applicant’s own property, so an Ag Data Statement form is not necessary.

The applicant’s proposal meets the requirements in the Town of Owego Zoning Code. This is another beneficial local business expansion that will result in more direct and indirect jobs, as well as added sales tax. With the increase in demand for outdoor events such as weddings, this is a perfect situation that will showcase this beautiful property and will probably lead to increased business for the applicant’s nursery operation.

Staff recommends approval of the special permit with the condition that the Town of Owego submit this proposal to NYS DOT Region 9’s Site Plan Review Committee for their review and comment.

Q. G. Eckley – You’re putting in a solid concrete slab? **K. Williams** - Actually we’re putting in permeable pavers, so water will run through them.

Q. P. Moore – There will be no fill? **A. K. Williams** – No.

Q. G. Eckley – The tent is 45 feet across in size? **A. K. Williams** – Approximately, maybe 44 ft.; the pad is a little larger than the tent.

Q. G. Eckley – A separate catering pad in the back and will there will be electrical hook up? **A. K. Williams** – yes

Q. C. Curry - Is it going to be behind the greenhouse? **A. K. Williams** – Yes, facing north, nestled in the nursery and trees, by the pond.

Q. T. Pollard – you’ll have a walkway of some kind from the parking lot? **A. K. Williams** - We’re going to use a structural plastic, membrane for stormwater control we’ll plant grass in it, so the water permeate through it

Motion to recommend approval of the special permit and floodplain development permit with stated conditions:

P. Moore/T. Pollard/Carried	
Yes	9
No	0
Abstention	0

B. 2017 Officers Elections

Nominations occurred as follows:

- | | |
|--------------------------|-----------------------------------|
| Chair – Doug Chrzanowski | T. Pollard/J. Tornatore/Carried |
| Vice Chair – Tim Pollard | J. Bellis/W. Dimmick, III/Carried |
| Secretary – Pam Moore | D. Chrzanowski/T. Pollard/Carried |

T. Pollard requestd a modification to the nominations due to William Dimmick, III’s return to the Tioga County Planning Board. William Dimmock, III agreed to take the Vice Chair nomination.

Motion to elect the amended slate of officers nomination:

J. Current/J. Bellis/Carried
None Opposed
No Abstentions

E. Jardine distributed the Oath of Office Form to W. Dimmick and P. Moore for signature and to be filed in the County Clerk’s Office.

C. Town of Candor / TCPB 239 referral Intermunicipal Agreement – E. Jardine will include this in next month’s meeting packet, informed the board it isn’t changing much. Since their building code is their zoning code, they added variances for residential uses will not come before the County Planning Board.

D. Ethics Certification and Financial Affidavit Disclosures - E. Jardine reminded everyone who has not turned in the Policy Review Attestation for Ethics Policy #26 or the Financial Disclosure Statement, please do so as soon as possible.

VIII. REPORTS

- A. Local Bits and Pieces – defer to next meeting.
- B. Staff Report: E. Jardine asked if there was a training topic of interest anyone wanted covered to let her know. T. Pollard suggested that Cortland County recently had a training that sounded interesting, but was unable to attend.

IX. OLD BUSINESS

None

X. ADJOURNMENT

- A. Next Meeting May 17th, 2017 @ 7:00 PM in the Legislature Conference Room.
- B. Motion made to adjourn at 8:15 PM. J. Bellis/J. Current /Carried.

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