

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
September 15, 2021
VIA ZOOM**

I. CALL TO ORDER AND INTRODUCTIONS

- Chairman D. Chrzanowski called the meeting to order at 7:01 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, Rawley Filbin, Tim Pollard, Georgeanne Eckley, John Current, Matt Tomazin

Excused:

Absent: Tim Goodrich, Chelsea Robertson

B. Ex Officio Members:

C. Local Officials: LeeAnn Tinney, EDP Director

D. 239m Review: Lee Ward and Kori Rosati of Nikos Automotive, Joe Bowes and Chau Pham of INHS, Dave Herrick of TG Miller, PC, Robert Simonnetti of SWBR Architects

E. Guests: Sister Mary O’Brien of Tioga County Rural Ministry, Emily VanScoy of Tioga County REAP LDC, Bryan Goodrich

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda.

G. Eckley/J. Current/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of August 18, 2021 minutes with typo correction on page 2.

G. Eckley/M. Tomazin/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 2021-021: Town of Owego, Site Plan Review, Nikos Automotive

The applicant has obtained a Special Use Permit from the Town of Owego ZBA, and is requesting site plan review approval to expand their existing automobile sales and detail garage business, started in July of 2015, located at the corner of Main Street and Pennsylvania Avenue in Apalachin. The applicant plans to construct a 30’x30’ square foot addition on the northern end of the current structure that will contain two service bays to conduct automobile mechanical and warranty work.

Current hours of operation are Monday through Friday 9:00 AM to 7:00 PM and Saturdays 10:00 AM to 2:00 PM. These hours of operation will remain the same. Applicant states they now have five service customers a day and two to six sales customers. They expect this to increase to 10 to 20 total customers per day with the new services. They also plan to increase number of employees from the current three to a total of seven.

The applicant’s attached concept drawing shows the proposed two added garage bays to the north side of the existing building. Customers for the mechanical and warranty work will enter from the Pennsylvania Avenue side of the property, proceed around the new addition, and enter a garage from the rear of the new addition.

E. Jardine reported that nothing has changed in this project proposal since the TCPB recommended approval of the special use permit at the June meeting.

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

Motion to recommend approval of the site plan review:

T. Pollard/J. Current/Carried	
Yes	9
No	0
Abstention	0

2. County Case 2021-022: Village of Owego, Site Plan Review, Floodplain Special Use Permit and Area Variances, INHS

The applicant is requesting site plan approval, a floodplain special use permit and four area variances to redevelop the majority of the northern block of Liberty Street (both sides) and a majority of the adjacent, northern side of Temple Street into a four-building, 46 unit multi-family housing development. INHS plans to build six two-story townhouses on the west side of Liberty Street (zoned R3) and six two-story townhouses on the east side of Liberty street at the northern end of the project area; a 31-unit, three-story apartment building at the southeast corner of Liberty and Temple Streets; and finally three two-story townhouses at the eastern end of the project area on Temple Street. The townhouse units will contain two and three bedrooms, while the apartment building units will contain one and two bedrooms.

The Tioga County Property Development Corporation (land bank) has been working over the past year to acquire the 13 involved properties located in the project area and demolish many of the current and dilapidated rental structures in anticipation of this redevelopment project. INHS plans to create four separate parcels, one for each of the planned new buildings.

All of the new buildings will be located within FEMA's 1% annual chance Special Flood Hazard Area, which requires that all new residential structures be constructed so that the first livable floor level is at least two feet above Base Flood Elevation, which is at 813 amsl in this neighborhood. The applicant is aware that the east side of the project is greater than one acre, therefore requires development of a SWPPP to be submitted and approved by NYS DEC. The applicant is proposing two infiltrations basins as stormwater management practices.

Area variances are necessary to grant relief from setback regulations in both the R3 and HD/MU zoning districts, as well two variances to related to parking spaces.

INHS will own the housing development and will contract with Tioga Opportunities, Inc. to be the property manager of the entire development.

The applicant has gone to great lengths to design the redevelopment of housing in this neighborhood so that is harmonious and has the same character as existing housing structures on these streets. The overall layout and design optimizes use of this small land area, while creating transition from both sides of the apartment building to existing single-family housing type structures via the townhouse units. They have also exceeded construction standards by elevating to 3.7 feet above BFE, mainly with empty foundations incorporated with flood vents, therefore minimizing elevation by fill to just around the building footprints and creating a no net rise scenario, resulting in no impact to neighboring properties during a flood event. The applicant has also provided materials regarding an evaluation of traffic impacts, and has demonstrated that the amount of additional traffic is minimal and does not trigger any thresholds that necessitates a traffic study.

The current quality and safety of housing in this neighborhood is not the best, which is what prompted the Tioga County Property Development Corporation to acquire these properties, eliminating the blight and preparing for redevelopment. The new housing development will be high quality, environmentally friendly, resistant to flooding, and therefore, most importantly, safe and dignified for residents that choose to live there.

Staff advises the County Planning Board to recommend approval of the site plan review, special permit in areas subject to flooding, and the four requested area variances.

Q. T. Pollard: How will the proposed two drainage chambers be impacted during a flood? **A. K. Herrick** – During a flood event like that of 2011, the parking areas will have several feet of water in them, therefore the chambers will already be inundated with floodwater.

Q. D. Chrzanowski: Are you using standard blacktop throughout the project, not impermeable? **A. D. Herrick** – Yes, standard asphalt will be used. D. Chrzanowski commented that this is preferred anyway, as impermeable asphalt typically plugs up here in the northeast.

Q. D. Chrzanowski: What is meant by TOI being the property manager? **A. Joe Bowes** – INHS will have an agreement with TOI to provide repairs and property maintenance. E. Jardine will clarify that in the review document. **D. Chrzanowski** also suggested that INHS provided two bins per the six units on the west side of Liberty Street, one each for solid waste and recycling.

Q. Pam Moore: Are the units all rental and how many bedrooms are their total? **A. Joe Bowes** – Yes, the units are all rental. There are 25 one-bedroom units, 10 two-bedroom units and 11 three-bedroom units proposed. Another TCPB member calculated a total of 78 bedrooms. E. Jardine stated that the number of spaces the applicant is providing is compliant with Village of Owego zoning code. **P. Moore** commented that 46 parking spaces relative to 78 bedrooms does not seem adequate, especially since some of the existing houses on the street have no driveways and must

park on the street already. This could make the existing street to crowded with parked cars and not allow space for emergency vehicles to navigate freely. E. Jardine stated that the Village could mark and enforce parking on one side of the street only if this happens.

Q. G. Eckley: Will you stipulate in the lease for each apartment that residents be allowed only one parking space? **A. J. Bowes** – Each apartment unit will be allowed one parking space. G. Eckley commented that it would be more effective if this were stated in the rental lease.

Discussion ensued on the issue of number of parking spaces vs. the number of residents. E. Jardine reminded Board members that there main focus on this issue is to ensure the number of parking spaces meets Village Code, which it does.

Q. D. Chrzanowski: With the six townhouse units on the west side of Liberty Street, if the one designated handicapped parking is not used because there is not a handicapped resident in the designated handicapped unit, will that waste a parking space? **A. J. Bowes** – INHS is required to rent that handicapped unit to a handicapped individual/renter.

Q. B. Goodrich: I noticed in your narrative that there will be electric vehicle charging stations, but I did not see them on the site plan. Will there be EV charging stations installed? **A. J. Bowes** – Not marking the EV charging stations on the site plan was simply an oversight. We need to add that. Yes, there will be EV charging stations installed during construction.

Q. B. Goodrich: I also noticed in your narrative the development will be using electric and not natural gas for heating. What is the reason? **A. J. Bowes** – INHS prefers heat sources that lower use of fossil fuels and electric facilitates use of renewable energy needed for LEED requirements.

Motion to recommend approval of the site plan review, special permit in areas subject to flooding, and the four area variances:

T. Pollard/D. Chrzanowski/Carried	
Yes	8
No	0
Abstention	1 (P. Moore)

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/Village of Spencer** (T. Goodrich)
 - Not in attendance.

4. **Town of Berkshire** (T. Pollard)
 - No report.

5. **Alternate – Town of Owego** (B. Goodrich)
 - No report.

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

7. **Town of Barton** (G. Updyke)
 - No report.
8. **Town of Owego** (J. Current)
 - No report.
9. **Town of Nichols** (P. Moore)
 - No report.
10. **Village of Waverly** (R. Filbin)
 - Two loophole stores have opened in Village of Waverly selling high-priced novelty items, and gifting marijuana along with the purchase. E. Jardine reported that the Village of Waverly Chief of Police Dan Gelatt just contacted her today regarding this issue. She suggested to Dan to contact Betty Keene, Village Attorney, because these stores may have been established without perhaps going through required local approvals like site plan review from the Village Planning Board. E. Jardine also reported that she has been making MRTA regulations presentations to various municipal boards throughout the county. Sometimes a staff person from CASA/Trinity accompanies her, who presents on community impacts of marijuana legalization. The Village of Waverly Mayor has asked E. Jardine to make this presentation to the Village of Waverly Board of Trustees at their September 28 workshop meeting. Scheduling has been confirmed. Lastly, E. Jardine reported that more municipalities than she expected are enacting MRTA opt-out laws.
11. **Village of Owego** (G. Eckley)
 - No report.

B. Staff Report:

- Nothing more than was sent with the meeting packet.

IX. OLD BUSINESS

- TCPB members' terms – the last TCPB member roster E. Jardine provided contained very outdated term dates. E. Jardine has updated the terms and will resend the roster.

X. ADJOURNMENT

- A. Next Meeting October 15, 2021, @ 7:00 PM via Zoom.
- B. Motion made to adjourn at 8:13 PM. J. Current/G. Eckley/Carried.

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