

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
March 18, 2015
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 Doug C. called the meeting to order at 7:00 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Tim Pollard, Doug Chrzanowski, John Current, William Dimmick III, Gary Henry, Jr., Hans Peeters, Pam Moore, James Tornatore

Excused: Dave Mumbulo, Georgeanne Eckley, Jason Bellis

Absent:

B. Ex Officio Members:

C. Local Officials:

D. 239m Review Applicants: Michael Way of Smartlink, Gary Ellis representing Alex Urda of Urda Engineering

E. Guests:

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda

G. Henry/W. Dimmick III/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of February 18, 2015 minutes

G. Henry/T. Pollard/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

- None heard.

VI. CORRESPONDENCE

Folder passed.

VII. NEW BUSINESS

A. 239 Reviews

1. County Case 2015-003: Town of Barton, Site Plan Review / Telecommunications Facility, Smartlink on behalf of Horvath Communications

The applicant is requesting a Site Plan approval to construct a 195-foot self-supported telecommunications tower on this 97-acre agricultural property owned by Fred and Gregory Schweiger. This project includes the tower itself, plus a fenced-in 80'x80' equipment compound area. The proposed lease area totals 100'x100'. The disturbed area will ultimately occupy only .63 acres of the large parcel. The applicant plans use the existing farm road for access. There will a locked gate at the access entrance from Oak Hill Road. The tower structure is collapsible and therefore will have a zero fall-zone if such an event occurs.

The facility will be unmanned. The neighborhood is agricultural.

This proposed action is subject to GML §239 as it is within 500 feet of a county road, and a property participating in the NYS Agricultural District program. The applicant has completed an Agricultural Data statement and sent to the adjacent farm property owners.

The only two items this proposal is not in compliance with, according to the Town of Barton Telecommunications Facilities Ordinance. First is parking area is to be designated on site plan to illustrate there is sufficient space for the number of service vehicles involved, and there is no such space designated on the site plan, although there is plenty of room for this. Second, the Town of Barton regulations require an 8-foot high fence around the ground structures, and this proposal calls for a 7-foot high fence.

Staff recommends approval of the telecommunications tower site plan review, with the conditions that the applicant, Barton Planning Board and Barton Town Board all mutually agree on parking space designation and height of fence.

Q. G. Henry – How many parking spaces are required? **A. E. Jardine** – Town of Barton Telecommunications Ordinance states “sufficient enough to accommodate all service vehicles involved in the facility”.

Q. T. Pollard – Does the access road provide a turn-around area? **A. M. Way** – Yes there is turn-around space provided. It will be comprised of the same material as the access road – compacted gravel.

Q. H. Peeters – Will there be multiple vendor located on this cell phone tower? **A. M. Way** – Yes, Verizon and other carriers will collocate.

Motion to recommend approval of the site plan review / telecommunications facility:

G. Henry/J. Current/Carried	
Yes	8
No	0
Abstention	0

2. County Case 2015-004: Town of Owego, Special Use Permit Amendment, KRM Management Group, LLC

The applicant first requested approval to fill this property in June, 2013 which is in Apalachin located between NYS Route 434 and Main Street. The Tioga County Planning Board recommended approval for the fill in case 2013-005. With that project the applicant filled 3.0 acres of the 4.9 acres property. The applicant's business partner has acquired the small residential parcel (1881 Main St) that is surrounded by the original property and has given the applicant permission for grading. This brings the total project acreage to 5.2 acres. Between filling a small portion of the current property and a small portion of the rear of the new property, the size of the increase in fill is 0.4 acres, bringing the total filled area to 3.4 acres. Both proposed fill areas are illustrated by gray shading on the site plan provided. The applicant states the reason for these 2 new fill areas is to provide better access from NYS Route 434 on the current property, and to make a flatter rear yard on the smaller residential property.

The area currently contains residential and commercial uses nearby. The proposed project is located within an Area of Special Flood Hazard Zone AE the 100-year floodplain. The established base flood elevation is 827 feet.

While the larger property is vacant, most surrounding properties are residential with NYS DOT property (State Route 434 and respective right of way) to the north. The new smaller parcel is residential.

The applicant has completed a Short EAF Part 1 and a floodplain development permit and submitted to the Town of Owego. The applicant is working with NYS DEC to amend the existing Stormwater Pollution Prevention Plan (SWPPP) to accommodate these changes. Additionally the applicant has previously received cultural resources clearance from OPRHP. The applicant's engineer conducted an amended HEC-RAZ flood analysis which again shows no impact regarding flooding impact of surrounding properties.

This case is subject to GML §239 because the fill site is within 500 feet of a state road.

Staff recommends approval of the special use permit amendment.

Q. P. Moore – How much additional fill are you bringing in? **A. G. Ellis** – Approximately 1,900 cubic yards.

Q. D. Chrzanowski – I see the fill area now involves the stream on the eastern portion of the parcel. How do you propose to handle the stream – with a crossing of some type? **A. G. Ellis** – Yes, there will be a 40-foot, 3-foot diameter storm pipe, as well as a grass swale. It is shown on the site plan.

Motion to recommend approval of the site plan review / telecommunications facility:

G. Henry/D. Chrzanowski/Carried

Yes 8

No 0

Abstention 0

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – G. Henry

- Older portion of Town Barn caught on fire earlier in the week. They lost 4 plow trucks and a loader.
- The survey sent out for the Comprehensive Plan update resulted in a successful return rate of 15%. PB is now compiling the responses.

2. Town of Nichols – P. Moore

- No report.

3. Town of Berkshire – T. Pollard

- Wondered about burned out building in center of Richford, and if code enforcement is working to tear it down.

4. Town of Tioga – D. Chrzanowski

- No report.

5. Village of Waverly – W. Dimmick III

- Nothing to report

6. Village of Owego – G. Eckley

- Not in attendance.

7. Town of Newark Valley – H. Peeters

- No report.

8. Village of Newark Valley – J. Tornatore

- Municipal Building exterior rehabilitation work will begin this summer. This is possible by a grant from NYS OPRHP Municipal Historic Preservation program at 50/50 dollar match.
- Sidewalk construction on Whig Street will also be done this summer, made possible from a NYS DOT Safe Streets to School grant at 80/20 (homeowners) dollar match.
- E. Jardine informed Jim that the Newark Valley ZIP code 13811 exceeds OPRHP 10%+ poverty rate which results in a 75/25 dollar match. So if there is more municipal building exterior work or some interior work to start, a grant would be easier to match.

9. Town of Owego – J. Current

- Nothing to Report

10. Town of Barton – D. Mumbulo

- Not in attendance

11. Town of Richford - vacant

12. Spencer – vacant

B. Staff Report

- E. Jardine covered the following 3 topics:
 - Tioga County Planning will be hosting an upcoming NYS DOS land use training. It is scheduled for April 23rd in the evening. The flier is almost ready, and will be e-mailed to county planning board members, as well as municipal planning board and zba members, governing boards, and code enforcement officers. Both land use training and code enforcement credit hours will be offered.
 - Please complete and turn in your ethics and financial affidavit forms to Linda Sampson at the EDP Office.

IX. OLD BUSINESS

None

X. ADJOURNMENT

- A. Next Meeting April 15th, 2015 @ 7:00 PM in the Legislature Conference Room.
- B. Motion made to adjourn at 7:40 PM. G. Henry/Doug C./Carried.

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