TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
October 15, 2014
Ronald E. Dougherty County Office Building
Legislative Conference Room – First Floor
56 Main Street, Owego, NY
7:00 PM

I. CALL TO ORDER AND INTRODUCTIONS

- Chairman Doug C. called the meeting to order at 7:05 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: William Dimmick III, Tim Pollard, Doug Chrzanowski, Hans Peeters, Georgeanne Eckley, John Current, Gary Henry, Pam Moore, Jason Bellis, David Mumbulo

Excused: Patricia Porter, Elaine Jardine

Absent: Nathan Clark,

B. Ex Officio Members:

C. Local Officials: Kevin Millar, Village of Owego Mayor, LeeAnn Tinney, Director of Economic Development and Planning

D. 239m Review Applicants: Jay Dinga & Tom Osiecki, representing Tioga Downs Racino

E. Guests: Amanda Renko-Morning Times

F. Staff: Nathan Layman, Caroline Quidort

III. APPROVAL OF AGENDA

- Approval of agenda

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

IV. APPROVAL OF MINUTES

- Approval of August 20, 2014 minutes

H. Peeters/P. Moore/Carried
None Opposed
No Abstentions

- Approval of the September 17th, 2014 meeting minutes with a correction to the excused members by adding Jason Bellis

H. Peeters/T. Pollard/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

- None heard

VI. CORRESPONDENCE

Folder passed around.

VII. NEW BUSINESS

A. 239 Reviews

1. **County Case 2014-020: Village of Owego, Zoning Amendment, Local Law 3 & 4**

   The applicant is requesting to amend the Definition section and OP (Office Park) District section of the code. A definition for Care Home does not currently exist nor are similar uses defined or permitted in any district. The applicant is also proposing to subject all permitted uses in the OP district to site plan Review.

   Amendment #1: Proposed amendment to Local Law No. 3 adding a Care Home definition to the Definitions section of the Village of Owego's local Zoning Code. No Definition for Care Home currently exists.

Q: H. Peeters- Are the clients who will be living at this Care Home all self-directive?
A: Caroline- I believe so.
H. Peeters- That means that they know what they need to do in case they need to be taken care of.
A: Caroline- Yes, it does not specifically say that but if you read further in the definition it states that it "shall exclude hospitals, clinics, mental health facilities, and similar institutions devoted primarily to the diagnosis and/or treatment of disease or injury…"
A: LeeAnn- Skilled nursing type facility.
A: Caroline- So people will not be committed to this facility.
Q: D. Mumbulo- So it's not the same to a family care home?
Q: H. Peeters- not like Riverview and that type of deal?
A: LeeAnn- More like a skilled nursing facility.
Q: H. Peeters- So that needs to be approved by State Health?
A: LeeAnn- You know more about that then I do.
A: H. Peeters- That's why I am asking the Question. If there is going to be a nursing home site then it will need to get approval from the State Health Department.
Q: G. Henry- By limiting it to three people doesn't that keep it under the requirement?
A: **H Peeters-** That's why I was looking at the number. Certain numbers require that you don't need to have a license. Three or more puts it in that category.
Q: LeeAnn- Is that the certification that we talked about being certified?
A: H. Peeters- Ya you have to be certified by the state.

Amendment #2: Proposed amendment to Local Law No. 3 adding Care Homes to the Permitted Uses section within an OP District.

Amendment #1: Proposed amendment to Local Law No. 4 adding Article XIIA (OP Permitted Uses) to the Site Plan Review section of the village of Owego's Zoning Code.

Q: J. Current- And this is restricted to the office park?
A: Caroline- Correct it is only allowed within this district.
A: Kevin Millar- The site plan review law went into effect before the office park law went in and it was not added at that time and it really should have been.
Q: D. Mumbulo- So the people that are going to be residing in the care home are not people that they wanted to main stream out into the communities. This is different from what I am hearing?
A: Caroline- It is a residence it is allowing a use that could meet a variety of other definitions it could be nursing home it could be a resting home, a home for prenatal care, and convalescent home, but it is on a smaller scale.
A: G. Eckley- It says it excludes mental health facility so does that answer your question?
A: D. Mumbulo- Yeah, because I was just thinking if it is an office park and they want them main streamed into the community to be living next door to neighbors and people then it doesn't make sense to be in an office park.
A: Caroline- If you look at the permitted uses then you see that office park is a broad term.
Q: G. Henry- Do we have a zoning map to see what office park covers?
A: Caroline- I do not have that, it was not provided to me. All uses permitted in the R4 district are permitted in the OP district, so there are residential uses permitted in that area so they are not only going to be living next to a bank. There is a potential to have residential units and typically more multi-family housing located in that area.
A: LeeAnn- The concept for that site is a mixed use park, so it can be any combination of things. It just so happens we have some interest from a nursing home type facility and for us to locate it at the site right now it will not be permissible. For the site in general it is a mixed use concept and it could be a number of things that might go there depending on how we fit it together. It is not just intended for office space or light industrial the thought is that we will have housing there as well.
Q: G. Henry- I'm just curious why you wouldn't allow something like this in a residential area, why is it just limited to an office park area if it is limited to the number of people you are saying?
A: Caroline- It is three or more people, so it could be 10 or 100.
Q: D. Mumbulo- What if someone has a home that they have 5 people they are caring for in a residential neighborhood. Would they not be allowed to do that?
A: G. Henry- They would have to get a variance.
A: Caroline- If they are already there and preexisting then they are ok. If they are a new business that comes in then they would have to locate to the OP District or they will need to get a use variance.
Q: D. Mumbulo- So if they wanted to work with Broome Developmental or something like that and have 5 people residing in their home from there, that are supposed to be mainstreamed into the community. They are going to have to be restricted to Office Park?
A: Caroline- Or they will need to get a variance, or it depends on how the code enforcement agent interprets that type of use. It is up to the local jurisdiction to make that interpretation of what that use is. If he or she interprets that it is a nursing home or

nursing home like facility and it fits under the Care Home definition then, yes they would only be a permitted use within the OP district. They would be able to apply for a use variance.
Q: G Henry- Does any of the other residential districts contain multifamily housing like apartment complexes? And why wouldn't this facility be allowed there?
A: Kevin Millar- Actually I hesitated to mention it but they would be able to live there. We have a residential support services building and those facilities can go into any zoning. If you remember Candle Light was on the end of East Main Street and was allowed there regardless of what the zoning was there.
A: H. Peeters- Yeah you cannot exclude them from a residential section.
Q: D. Mumbulo- So this change would not affect them or any new ones?
A: H. Peeters- That is correct.

Staff Comments: The Care Home use definition does not currently exist in the Village's zoning code. Uses included in the proposed Care Home definition are not defined or permitted in the current code. The OP (Office Park) District allows for a variety of uses including residential, business and professional offices, outpatient medical services, research and development, telemarketing, and computer software development and television and radio stations. The proposed Care Home use is of a similar nature to the residential and outpatient medical services currently allowed in the OP District. Defining the use and adding it to the list of permitted uses allows the defined use to be located in a district.

The amendment to the zoning code to subject all permitted uses with the OP District to site plan review allows for a great level of review of proposed projects in that district. It provides the Planning Board with a set of procedures and standards to utilize so that site plans are reviewed in a complete and consistent manner.

Recommendation: After thorough consideration of the above, Staff advises the County Planning Board recommend ***APPROVAL of the Zoning Amendments.***

With no further discussion, motion to recommend approval of the Proposed Zoning and Local Law Amendments:

W. Dimmick III/H. Peeters/ Carried

Yes	**9**
No	**0**
Abstention	**1-** Georgeanne Eckley

2. **County Case 2014-022: Town of Nichols, Area Variance, Tioga Downs Racino**

   The applicant is requesting an area variance to grant relief from the Town of Nichols building sign regulations for wall signs to erect two (2) 49'-4" x 19' 4" (953.8SF/each) banner signs on the exterior of the south facing wall of the parking garage. The proposed signs will be "copy change" signs in such that the visual message may be periodically changed. The proposed signs will be 19' 4" in height and cover a portion of the upper two decks.

   The proposed signs will utilize a wall mount tension frame system to be mounted to the concrete walls with stainless steel screw anchors. The tension frame projects 1" from the attached support structure.

   This project is located within 500 feet of a right-of-way of State Route 17

Staff Comments: Tioga Downs is a unique piece of property. The scale of the establishment is greater than the typical business establishment. As such, it is not unexpected that the associated signage would need to be of a larger scale. However, the proposed variance requested is substantial. The town of Nichols zoning code permits a maximum area of 400 square feet of area per sign. The applicant is proposing 2 signs, each of 953 square feet of rea per sign. The applicant is proposing 2 signs, each of 953 square feet which is an approximate 130% increase of the maximum area permitted.

Additionally, NYS Department of Transportation has regulations regarding the size of the signs within a certain distance of a state right-of-way. This project is scheduled to be reviewed by the NYS DOT Site Plan Review Committee on Thursday, October 16th.

Recommendation: After thorough consideration of the above, Staff advises the County Planning Board recommend ***DISAPPROVAL of the Area Variance.***

- **Jason Bellis** Recused himself in order to represent Tioga Downs Racino.

  Caroline: DOT does not need to have a meeting to review this sign because it is being classified as an onsite sign as long as the signage is related to Tioga Downs.

  Q: G. Eckley- So its different from a billboard?

  A: Jason Bellis- The definition is, on premise or off premise for signs and if it's an off premise it falls under the Highway beautification act.

  Q: J. Current- Are the signs illuminated?

  A: Jason Bellis – Yes they have LED lights that back light the canvas signs.

Q: D. Chrzanowski- So the variance that is being asked for is only for the banner signs and can't be turned into LED jumbo trons or anything else like that?"

A: J. Bellis – No, Copy change signs is the area variance request, which will be changed for each event.

Q: D. Chrzanowski – Does the town of Nichols restriction say anything about putting 400 square foot banners around this building everywhere?

A: C. Quidort – There is not a limit to the amount of signs.

Q: D. Chrzanowski – If they were under 400 sq ft then I could put 20 of these copy change banners up?

A: J. Bellis - Correct

A: C. Quidort- Just to clarify the town of Nichols' code states that the maximum area of wall sign graphics can be one square foot for every linear foot of building frontage occupied by the enterprise on which the sign is placed.

Q: G. Eckley- So it does constitute a limit and is not unlimited?

A: C. Quidort – There is no limit on the number of signs one entity can have there is a limit on the square footage.

D. Chrzanowski – What I was getting to was, if they split the signs in half and they fall under the variance because they will be under 400 sqft each, this in my opinion would be foolish especially with the technology they are try to use just to be able to wiggle around the code for the same results.

G. Henry – The other thing I would like to point out is the building itself is an advertisement. When they came in front of us to do the building, they were requesting a height variance twice the allotted height. For this reason the building itself is a sign.

Q: D. Chrzanowski – So if they did want to change this to some electronic device then they would still have to come back?

A: C. Quidort – Correct that would not be permitted and they would need to put in another application for a variance.

Q: D. Chrzanowski – These signs will change per event structure?

A: J. Bellis- Yes

Q: P. Moore- Did the DOT committee meeting happen today?

A: J. Bellis – The meeting is tomorrow and after talking to Chris this afternoon I believe it's still on the agenda for the site plan review.

Q: D. Mumbulo- Do you still need DOT approval?

A: J. Bellis – They are going to be issuing a letter based on the review of the situation. In my conversation with Chris it was stated that if the owner is going to advertise on premise for the enterprise located on site then they have no say in the matter.

A: C. Quidort – For the record we are speaking of Chris Kline from the regional DOT office**.**

With no further discussion, motion to not accept staff recommendations and approve the sign area variance.

G. Henry/ J. Current/ Carried	
Yes	**9**
No	**0**
Abstention	**1- Jason Bellis**

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – G. Henry

- Jason Bellis attended the Southern Tier East Regional Planning Board meeting and thought this would be a good time to share what is happening in the region. At the last meeting they talked about their ARC (Appalachian Regional Commission) and the project priority ranking.
    - The highest priority is the Last Mile Broad Band Initiative out in Schoharie County funding request is $73,000 Southern Tier East regional planning development board is the project sponsor.
    - There is a careers opportunities in rural education at the Milford Central School district in Otsego County for funding requests for under $25,000. They are doing some sustainable model out there and they implemented a small portion of that model and this project is to expand that.
    - The Newman Technology Center work force development project in Delaware County is through the greater Roxbury learning initiative corporation. It is basically an E Center and is a technology training center geared towards adults and youth.
    - Southern Tier Community Reuse center start up, Finger Lakes reuse, Broome Cortland and Tioga. Tompkins County already has this program and they are looking to expand into other counties. This is another sustainable model where they destruct homes and then re-sell or recycle all the materials. It's basically

like a retail store and the money goes to feet on the ground in those counties.

- Work Force Development Training to support local Bioenergy use and infrastructure through the NY Farm Viability Institute and would serve Allegany, Broome, Delaware, Schoharie, Steuben, and Tompkins counties. Funding request is just over $92,000.
- The Value Added Production, Marketing and Distribution Assistance Program for Southern Tier East farm businesses located at SUNY Cobleskill, counties served will be Chenango, Delaware, Schoharie, and Otsego. What they do is build a retail store on or off campus and connect with local farms and learn how to get the local agricultural products to market.

2. Town of Nichols – P. Porter
   - Not in attendance.

3. Town of Berkshire – T. Pollard
   - We have a new code enforcement officer from the village of Newark Valley.

4. Town of Tioga – D. Chrzanowski
   - All the paper work for the site plan review is finished and there is a board meeting scheduled for Nov. 7th which the planning board will be in attendance in order to finalize everything.

5. Village of Waverly – W. Dimmick III
   - No Report

6. Village of Owego – G. Eckley
   - No Report

7. Town of Newark Valley – H. Peeters
   - Newark Valley is having some problems with its sign code and although it's up to the Board to decide if we will be looking at I believe we will be looking at it soon.

8. Town of Richford - vacant

9. Town of Owego – J. Current
   - Budget Time

10. Town of Barton – D. Mumbulo
    - Unfortunately our code enforcer passed away, until a replacement is found the town supervisor is filling in.

11. Spencer – N. Clark
    - Not in attendance

B. **Staff Report** – Linda Sampson asked me to remind you all that mileage reimbursement forms will be due, so we will get them out to you next month and we would like them filled out and back before the December Meeting.

IX. OLD BUSINESS

A. G. Henry- After talking to Nathan Clark he told me that he is no longer interested in holding his seat representing Spencer. This leaves a vacant seat for Spencer.

X. ADJOURNMENT

A. Next Meeting November 19th, 2014 @ 7:00 PM in the Legislature Conference Room.

B. Motion made to adjourn at 7:56PM. D. Chrzanowski /D. Bellis/Carried.

Respectfully submitted,
Nathan Layman, Administrative Planning Assistant
Economic Development and Planning