

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
January 20, 2016
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 called the meeting to order at 7:03 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Tim Pollard, John Current, Doug Chrzanowski, Jason Bellis, Pam Moore, Dave Mumbulo, Sarah Titus

Excused: James Tornatore, William Dimmick III., Georgeanne Eckley

Absent:

B. Ex Officio Members:

C. Local Officials: Brian Carey, Town of Candor Planning Board

D. 239m Review Applicants: Frank Como and Don Sassman for Waverly Pharmacy Holdings, LCC; Donn Webber and Alex Urda for Nelcorp Properties, LLC

E. Guests:

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda

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

IV. APPROVAL OF MINUTES

- Approval of November 18, 2015 minutes, as amended with 2 corrections on page 2.

J. Current/D. Mumbulo/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

- None heard.

VI. CORRESPONDENCE

- Folder passed around. E. Jardine pointed out there is updated TCPB rosters in the folder, so please take one, and she will e-mail the *Zoning Practice* issues to the Board.

VII. NEW BUSINESS

A. 239 Reviews

1. County Case 2016-001: Village of Owego, Local Law #1 of 2016, Zoning Amendment

The applicant is requesting to amend their zoning code to repeal references to the Architectural Review Board, and, where appropriate, replace with the Owego Historic Preservation Commission, throughout the chapter. This is a housekeeping measure that is long overdue to make the Village of Owego Zoning Code current and accurate.

Staff recommends approval of the zoning amendment.

Motion to recommend approval of the Zoning Amendment:

J. Bellis/S. Titus/Carried	
Yes	7
No	0
Abstention	0

2. County Case 2016-002: Town of Candor, Comprehensive Plan Update Review

The Candor Town Board and Planning Board have worked together to update their comprehensive plan over the last couple years. They have conducted a survey, and held at least two public hearings during development to solicit public input. While most of the traditional content is there, the document would be improved and easier to read with better organization. Appendix A, Background, as well as Appendix F, Population Statistics should be up front before diving into the Goals to get a picture or snapshot of the town before recommending goals and strategies. Additionally, reading about natural resources is a bit confusing and out of place under Goal 2: Maintain and/or improve property values. Inserting a heading labelled 2a – Natural Resources before the 6th paragraph might resolve this. Additionally, paragraphs 10 and 11 that discuss water quality, reforestation and soil conservation on page 8 now in Goal 3, could be more impactful if they were included in the paragraphs regarding natural resources in Goal 2.

One last comment, in the second paragraph under Goal 3 regarding identification and preservation of agricultural lands, the County Ag & Farmland Protection Board created an update to the County Agricultural and Farmland Protection Plan in 2015, which includes a countywide map of agricultural land areas to be protected. The Conservation Advisory Committee could start their efforts by using this map, and plan as tools to protect agricultural land.

Staff recommends approval of the Comprehensive Plan Update.

Motion to recommend approval of the Comprehensive Plan Update:

J. Bellis/J. Current /Carried	
Yes	7
No	0
Abstention	0

3. County Case 2016-003: Village of Waverly, Special Permit/Site Plan Review, Waverly Pharmacy Holdings, LLC

The applicant is requesting site plan review and a special permit to create an additional parking lot on the parcel just adjacent to the south (443 Cayuta Ave) of the Waverly Pharmacy. The applicant is currently under purchase contract with that property owner’s estate, and wants to expand the

parking lot in this space by creating 12 or more parking spaces. The expanded parking lot will create better and safer traffic flow for Waverly Pharmacy customers. The current house on the property will be demolished. See the attached project narrative for more detailed activities. The added parking will greatly improve the traffic situation at this site, and will also benefit the business by facilitating an increase in customer patronization at any given time.

The neighborhood contains a mix of residential and commercial uses nearby.

Staff recommends approval of the Special Permit/Site Plan Review with the condition that the Village of Waverly Planning Board agrees with final design and layout of the expanded parking lot.

The applicant’s attorney, Frank Como, then passed out an updated site plan showing 5 to 10 additional parking spaces to be located at the rear of the adjacent parcel, to expand the employee parking area.

Q. D. Mumbulo – I take it the house is going to be torn down – have there been any complaints about the impact to property taxes? **A. F. Como** – The value of the old house vs. the value of improved parking lot is not much.

Q. P. Moore –How many total parking spaces will there be? **A. D. Sassman** – 24. **P. Moore** - Is this property in the 100-year floodplain? **A. F. Como** – Yes, but it never floods. **D. Sassman** - It is inside the levee along Cayuta Creek.

Motion to recommend approval of the Special Permit/Site Plan Review:

J. Bellis/T. Pollard/Carried	
Yes	7
No	0
Abstention	0

4. County Case 2016-004: Town of Owego, Floodplain Development Special Use Permit, Nelcorp Properties, LLC

The applicant proposes re-subdivide a current non-developed subdivision off Marshland Road in Apalachin, to be named Marshland Trail Estates. The proposal calls for nine parcels, six of which are out of the floodplain and three are located within the floodplain on site. All nine parcels will contain duplex residential structures, resulting in 18 dwellings. Each duplex structure is expected to be 1,200 - 1,500 square feet, with lot sizes ranging from 42,000 to 140,000 based on percolation rates. All dwellings will be serviced by private water wells and septic systems.

The entire subdivision totals approximately 19 acres, with 12 acres of which is within the 100-year floodplain. The residential structures located on lots within the floodplain will be raised by cut and fill method with material located within the floodplain area on site, with the lowest finish floors being at 2-feet above the base flood elevation (BFE). Since the established BFE in the area is at 819 mean feet above sea level, all finished floor elevation (FFE) levels will be no lower than 821 feet.

While there is a need for alternative housing types from single family owner occupied in this area, the risk of flooding and repeated damage to these potential residential structures is too great to justify building in the floodplain, which will just worsen flooding impacts in the area around them. Even if the raised structures are higher than the floodplain, the residents will still have to evacuate during a flood, and potentially put more people’s safety in jeopardy if local emergency responders have to perform rescues.

Staff recommends Approval with Modification of the special use permit with the condition that the applicant constructs only the proposed residential structures for those six that are out of the floodplain, and not develop the three lots within the floodplain, to retain the integrity of the floodplain connection to the Susquehanna River.

The applicant’s engineer, Alex Urda, then added a few items:

- Each lease will have in it a mandatory evacuation stipulation
- They will develop an evacuation plan
- The units are for ages 50+
- The duplex structure on the property closest to Marshland Road could be moved back approximately 40 feet to be in a high area of the property that is out of the floodplain

Discussion ensued amongst the TCPB members regarding the need for this type of housing versus the risk of deleterious flooding impacts.

Q. D. Chrzanowski – It looks there is a water well right next to a federal wetland on one of these properties. Is there any buffer requirement? **A. A. Urda** – No, the ACOE does not currently impose wetland buffers.

Motion to recommend Disapproval of the special use permit:

P. Moore/T. Pollard/Not Carried	
Yes	2 (P. Moore, T. Pollard)
No	5
Abstention	0

Motion to recommend Approval with Modification of the special use permit:

D. Chrzanowski/J. Current/Not Carried	
Yes	1 (S. Titus)
No	6
Abstention	0

B. Nominations for 2016 TCPB Officers

Secretary Moore called for nominations by consensus. The following nominations were made:

- Doug Chrzanowski - Chair
- William Dimmick, III – Vice Chair
- Pam Moore – Secretary

After hearing no more nominations, Secretary Moore closed the nominations by consensus. This slate will be presented for vote at the Board’s February meeting.

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – vacant

2. Town of Nichols – P. Moore

- Inquired about anticipated discharge method for Crown Cork. J. Bellis explained that NYS DEC provided alternatives to the WWTP expansion to discharge processed water given the short construction timeline for the company. These options included groundwater discharge, discharge to

Hunt's Creek or discharge to the Susquehanna River. In the end, it was agreed that the best method was still the WWTP expansion.

3. Town of Berkshire – T. Pollard

- Town Planning Board has a new member, plus Jim Lacey re-joined the Board as an alternate.
- Have completed first two section of the Comp Plan Update.

4. Town of Tioga – D. Chrzanowski

- Town Planning Board down a member to due to resignation of Jeff Barnes. Brenda Middendorf's daughter in-law is the new secretary, since Carol resigned with Jeff.
- Comprehensive Plan update – goal for the Planning Board is to have the document completed by May.

5. Village of Waverly – W. Dimmick III

- Not in attendance.

6. Village of Owego – G. Eckley

- Not in attendance.

7. Town of Newark Valley – S. Titus

- Nothing new to report.

8. Village of Newark Valley – J. Tornatore

- Not in attendance.

9. Town of Owego – J. Current

- No report.

10. Town of Barton – D. Mumbulo

- No report.

11. Town of Richford - vacant

12. Spencer – vacant

B. Staff Report

- There was no staff report to provide for December 2015.
- E. Jardine reported on two items: 1) Tioga County Departments are working on updating the County's 2005 Strategic Plan; and 2) Brittany Woodburn was hired as the EDP Economic Development Specialist. She started December 28th. Bryant Myers has taken the Tioga County Industrial Development Agency's Executive Administrator position.

IX. OLD BUSINESS

None

X. ADJOURNMENT

- A. Next Meeting February 17th, 2016 @ 7:00 PM in the Legislature Conference Room.
- B. Motion made to adjourn at 8:16 PM. J. Bellis/T. Pollard/Carried.

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