

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
April 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 7:01 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Tim Pollard, John Current, Doug Chrzanowski, Georgeanne Eckley, Sarah Titus, James Tornatore, William Dimmick III, Pam Moore, Chris Curry, Grady Updyke

Excused: Jason Bellis

Absent:

B. Ex Officio Members:

C. Local Officials: Scott Kismarcik, Village of Newark Valley Code Enforcement Officer

D. 239m Review Applicants: Rocco and Jen Grassi, Jay Dinga of Tioga Downs, Ronald LaFritz of Blauvelt Funeral Home

E. Guests: Amanda Renko of Sayre Morning Times

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda

P. Moore/J. Current/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of March 16, 2016 minutes.

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

V. PRIVILEGE OF THE FLOOR

- Chairman Doug Chrzanowski welcomed the two new board members – Christopher Curry (alternate) and Grady Updyke (Town of Barton).

VI. CORRESPONDENCE

- Folder passed around.

VII. NEW BUSINESS

A. 239 Reviews

1. County Case 2016-010: Village of Newark Valley, Site Plan Review, Grassi

The applicant wishes to establish an ice cream store and also display a few used cars for sale on this property. The applicant will utilize the existing building on site. The two uses will not be conducted simultaneously as the applicant plans to have the display cars for sale only when the ice cream store is closed for the season.

The applicant will utilize the village’s municipal water system and existing septic system. The neighborhood contains a mixture of commercial and residential uses.

Both the ice cream store and the sale of used cars conducted in different seasons are appropriate uses for this site and building. It is beneficial to the Village of Newark Valley that someone occupies this building and keeps it maintained and the property productive.

Staff recommends approval of the site plan review with the condition of review and approval of NYS DOT Region 9 Site Plan Review Committee.

Scott Kismarcik and Rocco Grassi updated TCPB members that Scott Vergason of NYS DOT Region 9 had responded saying that nothing can be placed in the NYS DOT Right of Way. R. Grassi stated he will comply with this requirement.

Motion to recommend approval of the Site Plan Review:

| | |
|------------------------------------|-------------------------|
| J. Current/P. Moore/Carried | |
| Yes | 9 |
| No | 0 |
| Abstention | 1 (J. Tornatore) |

2. County Case 2016-011: Town of Nichols, Area Variances, Tioga Downs, LLC

The applicant is requesting area variances to grant relief from both the Town of Nichols sign height regulation, which is 20 feet in all zoning districts, as well as from sign size, which is restricted to 50 square feet for freestanding signs, to erect an on premise, digital bulletin board.

The proposed free-standing billboard is to be 40 feet high above final grade and the size of one face of the two-sided sign will be 341 square feet. The sign is to be placed near State Route 17, in front of the main entrance to the facility. See site plan for exact location.

E. Jardine presented the answers to the five area variance considerations, summarizing that while the relief requested is significant, there will be little impact to the already commercial area and Business zoning district, so the economic benefit outweighs the impact.

Staff recommends approval of the Area Variances with the condition that NYS DOT Region 9’s Site Plan Review Committee reviews and approves of proposal.

Update – NYS DOT Region 9 has since reviewed and provided comment on this case saying that, from NYS DOT regulation ADVERTISING SIGNS ADJACENT TO INTERSTATE AND PRIMARY HIGHWAY

SYSTEMS 150.13 (c)(1)(i), on-premise signs must be located within 50 feet of the regularly used buildings or parking lots. Tioga Downs is proposing the sign location to be about 80 feet from their building, leaving a 30 foot gap.

The Town of Nichols Zoning Ordinance does not contain setback restrictions for any kind of sign, leaving the TCPB jurisdiction to just the area variances for height and size.

Jay Dinga then stated that the sign person they utilize on a regular basis has never heard of this DOT regulation. E. Jardine responded that at first she was in agreement with this summation, however, the NYS DOT staff, Scott Vergason has cited an exact regulation from NYS DOT laws, making it appear to be official.

Q. G. Eckley – Can we table this case since this information has not been finalized? **A. E. Jardine** – No because first we will run over the 30-day timeframe, and second – this becomes a local issue since this Board has jurisdiction over only the height and size of sign.

E. Jardine then gave the board two options for a recommendation. One is to update the second condition to say that all three parties (Tioga Downs, NYS DOT and Town of Nichols ZBA come to a mutual agreement on sign location. The second is to make a recommendation for Approval with Modification, to comply with the DOT regulation and force the Town of Nichols to override with a supermajority.

Q. D. Chrzanowski –It looks like the line of sight from the west-bound lane will be hidden by a stand of trees in front of the proposed billboard placement. You might want to have someone look at that again in regards to billboard placement. **A. J. Dinga** – Will do.

Q. S. Titus – I see that NYS DOT has standards for brightness and flashing/animation. Will this billboard comply? **A. E. Jardine** – This billboard will be owned and operated by Park Outdoor Advertising and they always comply with NYS DOT standards.

Q. C. Curry – I also see that NYS DOT has standards for billboard size. Will this billboard comply? **A. E. Jardine and J. Dinga** – Again, Tioga Downs and Park Outdoor will comply with NYS DOT standards.

Motion to recommend approval of the Area Variances with the updated condition noted:

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| S. Titus/W. Dimmick, III /Carried | |
| Yes | 10 |
| No | 0 |
| Abstention | 0 |

3. County Case 2016-012: Village of Waverly, SUP/SPR, Blauvelt Funeral Home

The applicant wishes to replace the current double-faced ground sign with a new ground sign – the top part will be double-faced illuminated from within, and the bottom part, which is LED digital, will be on one side only. See attachments for details. The neighborhood contains commercial uses nearby.

Uses within PUD zoning districts are allowed to vary from regulation restrictions stated in the other village zoning districts. The replacement of this sign is a business decision, and the proposed specifications of the new sign are well within reasonable limits compared with the regulations stated in the Village of Waverly zoning code in districts other than the PUD. It will have no impact on this commercial area. NYS DOT Region 9 has no concerns with this case.

Staff recommends approval of the Special Use Permit/Site Plan Review.

Q. D. Chrzanowski – Will this sign be lit 24/7 and will it be bright at night? **A. R. LaFritz** – This is strictly a commercial area so there should be no impact with it being lit at night. However, if it does become a problem, we can always turn the lighting off at night.

Q. P. Moore –How often will the message in the digital message center be changed? **A. R. LaFritz** – Day to day or week to week. Not that often.

Q. D. Chrzanowski – Will the sign lighting be dimmed at night? **A. R. LaFritz** – Whatever the standard is we'll comply. Also, the sign's top part is internal fluorescent bulbs. Only the lower part is the digital message center.

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

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|--|-----------|
| W. Dimmick, III/J. Current /Carried | |
| Yes | 10 |
| No | 0 |
| Abstention | 0 |

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – J. Bellis

- Not in attendance.

2. Town of Nichols – P. Moore

- The Crown Cork & Seal building is going up fast.

3. Town of Berkshire – T. Pollard

- No report.

4. Town of Tioga – D. Chrzanowski

- No report.

5. Village of Waverly – W. Dimmick III

- No report.

6. Village of Owego – G. Eckley

- No report.

7. Town of Newark Valley – S. Titus

- No report.

8. Village of Newark Valley – J. Tornatore

- No report.

9. Town of Owego – J. Current

- No report.

10. Town of Barton – G. Updyke

- No report.

11. Town of Richford - vacant

12. Spencer – vacant

B. Staff Report

- E. Jardine reported on executed TCPB membership changes – Jason Bellis switched from an Alternate position to the Town of Candor representative. , Chris Curry from Apalachin, appointed to the Alternate position. Grady Updyke appointed to Town of Barton representative, replacing David Mumbulo.
- P. Moore inquired about hiring status of CCE Ag Development Position. E. Jardine stated that she knew a second interview was conducted last Friday with the only candidate left in contention, but have not gotten updated on this issue any further. E. Jardine will gather this information and report back to Pam.

IX. OLD BUSINESS

E. Jardine handed out Ethics Review Certification and Financial Affidavit Disclosure forms to the new members and G. Eckley for them to complete and submit to our EDP office as soon as possible.

X. ADJOURNMENT

- A. Next Meeting May 18th, 2016 @ 7:00 PM in the Legislature Conference Room.
- B. Motion made to adjourn at 7:7:38 PM. W. Dimmick, III/S. Titus/Carried.

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