

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
February 17, 2021**

~~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 7:04 PM.
- Note - this meeting was conducted via Zoom as allowed by Governor Cuomo Executive Order and extensions regarding COVID-19 spread prevention. These minutes also serve as a transcript of the meeting.

II. ATTENDANCE

A. Planning Board Members:

Present: Doug Chrzanowski, Rawley Filbin, Grady Updyke, Tim Pollard, Mike Reynolds, Art Cacciola, Georgeanne Eckley, Pam Moore, Matt Tomazin, Tim Pollard, Tim Goodrich

Excused: Chelsea Robertson, John Current

Absent:

B. Ex Officio Members:

C. Local Officials: none

D. 239m Review: Jennifer Seymour, Marianne Perez and William Beebe for Cocoon Wellness and Birth, LLC; Alex Urda of Urda Engineering for Apalachin Development; John Evangelista for Watson Engineering

E. Guests: Bryan Goodrich of Tioga County GIS

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda.

R. Filbin/M. Tomazin/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of January 20, 2021 minutes.

P. Moore/R. Filbin/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 2021-003: Village of Waverly, PUD Special Permit with Site Plan Review, Cocoon Wellness and Birth, LLC

The applicant is requesting a PUD special permit with site plan approval to utilize this existing large two-story residential structure as a midwifery and healthcare practice. The birthing center will be housed in the west side of the building, while the clinic will be in the east side of the building. The clinic entrance will utilize the existing front door, while the birthing patients will access via a rear entrance with ADA ramp.

The practice will initially employ up to four positions, and ramp up as demand increases. Applicant predicts they will see 15 clients between two to three days per week when the practice first opens, as well birthing 200 babies per year. They estimate that office hours will eventually encompass Monday through Saturday between 8:00AM and 7:00PM. Midwives and labor nurses will be on-call in close travel distance, and will be on site only when meeting a patient at the facility or for birthing. Facilities of this size typically require 10 – 12 parking spaces, which are shown on the drawn site plan. A post sign is planned in the front lawn. Exterior lighting will consist of a few pedestrian-scale Victorian lampposts to illuminate walking paths and one motion-sensor flood light at the rear entrance. These exterior changes will be made with respect to the historic beauty and character of this spectacular building.

This proposal for a birthing center healthcare practice is a productive business and offers an alternative to conventional birthing facilities nearby. It is beneficial to the community and county that a small business will be established and maintain the tax base

Staff recommends approval of the PUD special permit with site plan review with the conditions that the Village of Waverly Planning Board modify the number of parking spaces required, that the applicant provide the Village Planning with specific signage plans that comply with the Village’s zoning code for signs, and that the applicant comply with NYS DOT Region 9 Site Plan Review Committee’s comments and requirements.

Q. D. Chrzanowski: The front post sign that you plan should meet Village zoning code requirements. **A. J. Seymour** – I am having a professional designer design the sign. **E. Jardine** commented that Jennifer should provide the Village Planning Board with a drawing of the front post sign indicating dimensions, as well as height from ground level. E. Jardine will add this to the review as a condition

Motion to recommend approval of the PUD special permit with site plan review with the conditions noted: (*Note – G. Eckley dropped from Zoom meeting, so her vote was not recorded)

T. Goodrich/T. Pollard/Carried	
Yes	8
No	0
Abstention	1 (R. Filbin)

2. County Case 2021-004: Town of Owego, Floodplain Development Special Use Permit, Apalachin Development

The applicant is requesting a floodplain development special use permit to improve the grade to this currently vacant, approximately 9-acre site to meet the requirements of the Town of Owego’s Flood Damage Prevention law, thereby making the site more marketable for future commercial development. Floodplain regulations require that the first “livable” floor is 2 feet above Base Flood Elevation. The attached FIRM panel shows that BFE is at 825 feet amsl. The applicant plans to use fill from the property to even the entire site to 827.5 feet amsl.

This property is located within an existing commercial area along two state routes, and it has been the intention that this property be developed commercially for over two decades. While development within FEMA’s Special Flood Hazard Area is not an ideal situation, development should be evaluated on a case-by-case basis, and balanced with the economic well-being of the community. The elevation of this property will make future commercial development compliant with the Town’s Flood Damage Prevention law, and should therefore eliminate any danger of structural damage during a future flood event, while increasing the tax base of the community.

Staff recommends approval of the floodplain special use permit with the condition that the applicant complies with NYS DOT Region 9 Site Plan Review Committee’s provided comments and requirements.

Q. D. Chrzanowski: This site was already elevated, correct, so you will just be using the fill on site to evenly grade the property? **A. A. Urda** – The FIRM was changed with the 2012 version which raised the base flood elevation to 825 amsl. So the property owner wants to make the site compliant with an elevation at 2 feet above BFE and therefore be more marketable. **D. Chrzanowski** – Will there be fill to the back side or Main Street side of the property where there are houses? **A. A. Urda** – No, this project will involve only about 9 acres of the 10-acre site.

Q. A. Cacciola: So will there be additional fill brought in? **A. A. Urda** – Mostly just spreading the new fill mound around the parcel, but there may be need for more fill.

Q. P. Moore: So will there be new fill on the site or not? **A. A. Urda** – Yes, there will be more fill. **Q. P. Moore** – Was the new fill mound permitted? **A. A. Urda** – No. **P. Moore** – Doug previously pointed out houses on the Main Street side of this property. If this site continues to be filled, those houses will be more impacted during a flood.

Motion to recommend approval of the floodplain development special use permit: (*Note – G. Eckley dropped from Zoom meeting, so her vote was not recorded)

T. Goodrich/R. Filbin/Not Carried	
Yes	5
No	4
Abstention	0

3. County Case 2021-005: Town of Owego, Special Use Permit, Watson Engineering

The applicant is requesting a special use permit to add five 30’x50’ storage units for public rental to the rear of his pending engineering business office located near the corner of State Route 434 and Forest Hill Road in Apalachin. Surface access to the storage units will be via a thick stone course driveway to and all around the storage units.

It is beneficial that local professional businesses stays in the local area to provide the local property tax and all other spin-off economic benefits resulting from young professionals staying in the area. This particular land has remained vacant for decades, so it is advantageous to see a low-intensity use

and productive business locating there. The addition of the storage units will have little to no impact on the neighborhood.

Staff recommends approval of the special use permit with the condition that the applicant complies with NYS DOT Region 9 Site Plan Review Committee’s provided comments and requirements.

Q. T. Pollard: I know there was a concern when this project came around previously for the office building. What was it? **A. D. Chrzanowski** – The current drainage pattern, that was created by the construction of State Route 17 in the 1960’s, runs from the rear of the property to State Route 434 when there is a rain or storm event. That drainage pattern creates heavy stormwater runoff flow. The drainage pattern needs to be redesigned correctly to eliminate impacts to this property or to NYS Route 434. Mr. Watson said he had taken care of the drainage flow in the original site plan design, and this site plan does not show a change in design. I just wanted to emphasize again this potential problem.

Q. T. Goodrich: Does this stormwater runoff affect the nearby residential properties? **A. D. Chrzanowski** – No, as the drainage flows away from the properties and northward towards State Route 434.

Q. M. Reynolds: Are there plans to construct a fence in the rear of the property to provide a buffer from those residential homes? **A. J. Evangelista** – No, but there is a natural hedgerow there. **Q. M. Reynolds** – I am looking on Google Maps street view right now and it does not appear that those hedges will shield the view from the residences.

Motion to recommend approval of the special use permit: (*Note – G. Eckley joined back into the Zoom meeting so her vote was recorded)

R. Filbin/T. Goodrich/ Carried	
Yes	10
No	0
Abstention	0

B. Election of 2021 Officers

E. Jardine reminded the Board members of the current officers – Doug Chrzanowski is Chair, Tim Pollard is Vice Chair, and Pam Moore is Secretary. D. Chrzanowski called for nominations for all three officer positions. T. Goodrich nominated the current slate of officers for 2021.

Motion to for the Secretary to offer the one slate of nominations and approve:

G. Eckley/A. Cacciola/Carried
None Opposed
No Abstentions

VIII. REPORTS

A. Local Bits and Pieces

1. **Town of Candor** (A. Cacciola)
 - Village EMS is still working with the Candor Town Board to fund the paid positions gap. E. Jardine mentioned that Congressman Tom Reed has sent the EDP Office a funding opportunity for this. She said she would forward that email to Art.

2. **Town of Tioga** (D. Chrzanowski)

- The Town Planning Board will be referring another solar project to the TCPB in a couple months; this one is located on an appropriate gray or underutilized and probably contaminated site.
3. **Town/Village of Spencer** (T. Goodrich)
 - Inquired about how the Village should address an incoming site plan review for a veterinary office. E. Jardine stated her advice would be that the Board of Trustees should repeal the Site Plan Review law at this time, since there has not been a functioning Planning Board for a while now to address these cases, and the future for a Village planning board is not optimistic. He inquired about the Village Board of Trustees acting as a default. E. Jardine said this is not legal unless the Site Plan Review law is effective and has specifically designated the Board of Trustees as the authorized body, as is the case in the Village of Newark Valley. Otherwise, there is no “default” body. She emphasized to confirm this with Irene Graven the Village Attorney.
 4. **Town of Berkshire** (T. Pollard)
 - Revisions on Site Plan Review law are almost complete. This should come before the County Planning Board in March.
 5. **Village of Newark Valley** (M. Reynolds)
 - Board of Trustees approved the Seal Right, Inc. site plan review.
 - Submitted the Comprehensive Plan Update, based on information from Frank Como to the Board of Trustees for their consideration. When the Board of Trustees has reviewed the document and determined it is ready for local approvals, this will also come before the County Planning Board for recommendation.
 6. **Town of Newark Valley** (M. Tomazin)
 - The Town of Newark Valley is also in discussions with a developer for a potential solar project.
 7. **Town of Barton** (G. Updyke)
 - No report.
 8. **Town of Owego** (J. Current)
 - Not in attendance.
 9. **Town of Nichols** (P. Moore)
 - No report.
 10. **Village of Waverly** (R. Filbin)
 - E. Jardine stated that the Village Planning Board is going through a process to prioritize short term actions contained in the recently completed Comprehensive Plan Update. She is waiting on input from the Mayor and Attorney to finalize. Priorities are clustered around Downtown Improvements and Sidewalk Improvements.
 11. **Village of Owego** (G. Eckley)

- No report.

B. Staff Report:

- E. Jardine discussed the Governor's COVID-19 Executive Orders expiration either before or on April 30, 2021 and how this impacts County Planning Board members. Call-in only participation will no longer be allowed. This will impact only G. Updyke because he does not have video capacity either at home or otherwise. He will have to attend meetings at the County Office Building with E. Jardine. Until the County Legislature opens up the COB after 5:00 to the public again, we will have to continue with ZOOM meetings.
- Code Enforcement issues were also discussed. EDP will be funding a universal building code and inspection fee schedule for the municipalities to use in April through the Community Foundation of South Central NY. This application was delayed from February.

IX. OLD BUSINESS

- None.

X. ADJOURNMENT

- A. Next Meeting March 17, 2021, @ 7:00 PM via Zoom.
- B. Motion made to adjourn at 8:18 PM. M. Reynolds/T. Goodrich/Carried.

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