

TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
May 20, 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 7:03 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Tim Pollard, Doug Chrzanowski, John Current, William Dimmick III, Hans Peeters, Pam Moore, James Tornatore, Dave Mumbulo

Excused: Jason Bellis, Gary Henry, Jr., Georgeanne Eckley

Absent:

B. Ex Officio Members:

C. Local Officials:

D. 239m Review Applicants: Robert McKertich, Village of Owego Attorney

E. Guests: Bob McConnell

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda

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

IV. APPROVAL OF MINUTES

- Approval of March 18, 2015 minutes

J. Tornatore/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 2015-005: Village of Owego, Rezoning, Cerrtani

The applicant is requesting to rezone a small 8.55 acre property from Residential 2 to Residential 3 to make the vacant property more marketable. This applicant attempted to rezone the same property back in 2010 from R2 to Industrial, so the Village of Owego could purchase the property to construct a compost facility as part of their nearby waste water treatment facility in order to comply with Chesapeake Bay TMDL (total maximum daily load) requirements. The County Planning Board recommended approval of that rezoning. The Village of Owego Board of Trustees, however, did not approve that rezoning due to neighbor concerns of incompatibility with the relatively residential area. The neighborhood contains residential, commercial and vacant uses.

The Residential 2 District in the Village of Owego allows for mainly lower density residential uses and offices in the home. This is a low-density use that is suitable for this parcel, which virtually entirely in the 1% annual flood chance (100-year) and 0.2% (500-year) annual flood chance hazard areas. According to the Village of Owego zoning code, rezoning this property to Residential 3 would put more people within the special flood hazard area, with the potential for even a hotel to be built on the site. This property is not a suitable location for R3 zoning. It puts more people, real property, and therefore emergency responders in jeopardy of damage in the event of a flood. In this case, general health, welfare and safety of the citizenry should be considered above economic development benefits.

With the past experience of repeated flooding along the Susquehanna River, the best flood mitigation action that the Village of Owego Board of Trustees could enact is keeping this property zoned R2, thereby minimizing future flooding impacts. This rezoning is not suitable to the area.

Staff recommends disapproval of the rezoning from R2 to R3.

R. McKertich addressed the County Planning Board members saying that what was referred to the TCPB was in error and the actual request from the applicant was a rezoning from R2 to Industrial. This is the second time the applicant has made this request. For the first request made back in 2010, the County Planning Board recommended approval of the rezoning. But the Village of Owego Board of Trustees disapproved it, citing concerns from the residential neighbors about noise, odor, traffic and other safety concerns.

E. Jardine said these are there options at this point. The TCPB could proceed with the recommendation as is, the Board could discuss and make a recommendation tonight on the rezoning to Industrial, or the Board could table action on the case due to incorrect information.

Motion to table County Case 2015-005 until the Village of Owego refers the case again with the correct information:

J. Current/J. Tornatore/Carried	
Yes	8
No	0
Abstention	0

2. County Case 2015-006: Village of Owego, Local Law #3, Zoning Amendment,

The applicant is requesting to amend the number of multi-family residential units allowed in the Office Park (OP) District section of the code. The regulation of multi-family units in the Office Park Districts is carried over from the Residential 4 District which allows no more than six (6) residential

units on any one lot. A pending multi-residential unit apartment building project requires a change in this regulation.

The Office Park zoning district established for this site was intentionally created as a mixed use district as defined by the Tioga County IDA's 2006 FGEIS and Master Plan Mixed-Use Concept Map. These clearly indicate a mixed variety of uses for the property, including a mixed variety of housing types, especially at higher densities. The exclusion of multi-family dwellings of no more than six on any given parcel was simply an oversight since this use is regulated in the R4 District, and not in the permitted or special permitted lists, but in the Lot Width and Area requirements. This zoning amendment will allow greater flexibility in the variety of residential dwellings allowed on the site, and at the same time fulfill a long-standing community need – providing for modern, market-rate senior multi-family apartments. Additionally, regulating this use by special use permit will provided an added review by the Village of Owego Zoning Board of Appeals to ensure compatibility and safety of each applicable project.

Staff recommends approval of the zoning amendment.

Q. D. Chrzanowski – What type of industry is allowed in the OP District and how is it controlled?

A. E. Jardine – Very light industrial. It is controlled by the permitted and special use-permitted used listed for the district in the Village of Owego zoning code. **D. Chrzanowski** – You wouldn't want an incompatible industry located next to residential apartments. **E. Jardine** – The likelihood of an industrial use located on the site now is very low, given that this upcoming project will be taking most of the lowest portion of the parcel. The remainder will most likely be some type of residential and small retail.

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

P. Moore/J. Current/Carried	
Yes	8
No	0
Abstention	0

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – G. Henry

- Not in attendance.

2. Town of Nichols – P. Moore

- No report.

3. Town of Berkshire – T. Pollard

- No report.

4. Town of Tioga – D. Chrzanowski

- Planning Board is now working on updating town comprehensive plan.

5. Village of Waverly – W. Dimmick III

- No 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

- Village of NV's Planning Board has been re-formed. E. Jardine will contact Mertie Pozzi for details on contacts and meeting times.

9. Town of Owego – J. Current

- Nothing to Report

10. Town of Barton – D. Mumbulo

- No report.

11. Town of Richford - vacant

12. Spencer – vacant

B. Staff Report

- P. Moore asked Ms. Jardine about the Ag & Farmland Protection Plan Update adoption. E. Jardine reported the County Legislature adopted the Plan at their May 12th meeting unanimously.
- J. Tornatore commented that the DOS land use training session on 4/23 was very good. E. Jardine asked what other topics board members would like to have a training session on. Agriculture and local laws enforcement was the consensus. She will contact Ag & Markets to arrange that.

IX. OLD BUSINESS

None

X. ADJOURNMENT

- A. Next Meeting June 17th, 2015 @ 7:00 PM in the Legislature Conference Room.
- B. Motion made to adjourn at 7:50 PM. P. Moore/W. Dimmick III/Carried.

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