

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
June 17, 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 7:10 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Tim Pollard, Doug Chrzanowski, John Current, William Dimmick III, Pam Moore, James Tornatore (by speaker telephone)

Excused: Dave Mumbulo, Jason Bellis

Absent: Gary Henry, Jr., Hans Peeters, Georgeanne Eckley

B. Ex Officio Members:

C. Local Officials:

D. 239m Review Applicants: J. Henry David, Joyce and Arnie Pasto for Christian Activities Network

E. Guests:

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda

P. Moore/W. Dimmick III/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of May 20, 2015 minutes with word change on page 2

W. Dimmick III/J. Current/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 2015-008: Town of Spencer, Site Plan Review, Christian Activities Network

The applicant is requesting Site Plan approval to construct community tennis courts and possibly a 13,640 square-foot building for a community center in the future. The 4-acre site, which is currently vacant land, is located on the southeast corner of the intersection of State Route 34 and Darrt’s Cross Road in the Town of Spencer, across from the Spencer-VanEtten High School.

The neighborhood is mix of small commercial, residential, institution, but mostly open space and agriculture.

The development of a community facility is a suitable use at this location, and it will provide the entire town with a new community recreation resource. For maximum pedestrian safety, especially at peak traffic times of the high school, it is recommended to stripe a cross-walk on Darrt’s Cross Road.

Staff recommends approval of site plan review.

Q. T. Pollard – Is stormwater required? **A. E. Jardine** – No because project will disturb less than 1 acre and the small parking area will be gravel.

Q. P. Moore – Will there be lighting that might affect dark skies? **A. E. Jardine** – No lighting is proposed.

Motion to recommend approval of the site plan review:

W. Dimmick III/T. Pollard/Carried	
Yes	6
No	0
Abstention	0

2. County Case 2015-009: Village of Owego, Rezoning, Cerretani

The applicant is requesting to rezone their 8.55-acre property from Residential 2 to Industrial 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 nearby residential neighborhood. The surrounding area 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. The Industrial District allows for standard types of industrial uses. R2 is a low-density use that is suitable for this parcel, which is virtually entirely in the 1% annual flood chance (100-year) and 0.2% (500-year) annual flood chance hazard areas, according to the 2012 FEMA floodplain map. The previous FEMA map showed much less area of this parcel in the special flood hazard area (see attached map). Additionally, The Village’s most recent Comprehensive Plan (2014) shows this area to remain residential in nature (see attached map).

This property is not a suitable location for anything higher than R2 zoning. Rezoning to a higher use 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. Given past experience of repeated flooding along the Susquehanna River and on this property, the best flood mitigation action the Village of Owego Board of Trustees could enact is keeping this property zoned R2, thereby minimizing future flooding impacts.

Staff recommends disapproval of the rezoning request.

Motion to recommend disapproval of the rezoning:

J. Tornatore/T. Pollard/Not Carried	
Yes	5
No	1 (J. Current)
Abstention	0

- B. Tioga Downs Support Letter
- E. Jardine read the short letter of support for the Tioga Downs casino application to the state which reiterated support for them pursuing and receiving the Southern Tier license.

Motion to Chair signature and providing said letter:

P. Moore/W. Dimmick III/Carried	
Yes	6
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
 - Vice Chair and Secretary of the Town Planning Board resigned so they are down 2 members.
 - Case of building expansion encroachment next to Town Hal property is still on-going.
 - 4. Town of Tioga** – D. Chrzanowski
 - No report.
 - 5. Village of Waverly** – W. Dimmick III
 - Nothing to report

6. Village of Owego – G. Eckley

- Not in attendance.

7. Town of Newark Valley – H. Peeters

- Not in attendance.

8. Village of Newark Valley – J. Tornatore

- No report.

9. Town of Owego – J. Current

- Nothing to Report

10. Town of Barton – D. Mumbulo

- Not in attendance

11. Town of Richford - vacant

12. Spencer – vacant

B. Staff Report

- E. Jardine covered the following topics:
 - Agricultural districts/uses and Junk Laws – per discussion from last meeting, E. Jardine researched this issue with NYS Department of Agriculture and Markets and found out that when a farm is no longer in operation, agricultural exceptions from local planning and building code no longer apply and therefore code can be enforced.
 - Mileage sheets were sent out in the packets and e-mailed to members. Travel mileage to trainings held in Tioga County can also be covered so include those trips on your mileage sheets as well.

IX. OLD BUSINESS

- A. Discussion continued more generically on the topic of towns having building code that contains building setbacks from roads and parcel boundaries. It was decided that how to proceed in the future would be determined in the courts.

X. ADJOURNMENT

- A. Next Meeting July 15th, 2015 @ 7:00 PM in the Legislature Conference Room.
- B. Motion made to adjourn at 8:15 PM. T. Pollard/W. Dimmick III/Carried.

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