

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
April 16, 2014
Tioga 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 7:16 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: William Dimmick III, Tim Pollard, John Current, Doug Chrzanowski, Pam Moore, Patty Porter, Georgetanne Eckley, Jason Bellis, Dave Mumbulo

Excused: Hans Peeters

Absent: Nathan Clark

B. Ex Officio Members:

C. Local Officials: LeeAnn Tinney, Director of Economic Development and Planning

D. 239m Review Applicants: Janice and Eric Johnson for Johnson Pools & Spas

E. Guests: none

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda

P. Porter/W. Dimmick/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of March 19, 2014 minutes with corrections on page 1 adding Dave Mumbulo to Absent and page 2 changing any to and.

T. Pollard/P. Moore/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

None heard.

VI. CORRESPONDENCE

Folder passed around. Upon inquiry, E. Jardine explained the Town of Spencer resolution to support Agenda 21.

VII. NEW BUSINESS

A. 239 Reviews

1. County Case 2014-006: Village of Owego, Special Use Permit and Site Plan Review, Johnson's Pools & Spas, LLC

G. Eckley recused herself and exited the room.

The applicant is requesting a special use permit and site plan review approval for the construction of a 10'x10' concrete block building to house a water connection to utilize as a filling station for water trucks for the applicants business- Johnson Pools and Spas. First an area variance needs to be granted as this proposed commercial/industrial-type use is not allowed in the Village of Owego's R3 zoning district.

Applicant states that currently water is accessed through the Town of Owego during normal operating hours of their utility department. This limited access restricts applicant's ability to operate his business as water is only accessible Monday through Friday 7:30AM-3PM. The proposal states that water would be purchased from United Water in the Village of Owego. The site has access to a 6" main. Water withdrawals would fall under United Water's SRBC permit (confirmed by staff).

Hours of operation will be primarily Monday – Saturday 7AM-7PM with maximum projected capacity of 6 loads per day (currently hours of operation limit Johnson Pools and Spas to a maximum of 3 loads per day).

In order to make the intended use work logistically, the applicant must obtain a lease from the Village of Owego to access their FEMA flood buy-out property, so the trucks can enter from Mill Street and exit to Water Street. The applicant is pursuing such lease agreement with the Village of Owego.

The neighborhood contains a mix of uses, but mainly vacant land, and neighboring lots are zoned Industrial.

Staff recommends approval of the special use permit and site plan review with the following conditions:

- That the Village of Owego ZBA must have overridden the TCPB recommendation for disapproval with a supermajority vote and granted the applicant the use variance; and
- That the water filling station structure is constructed in compliance with the Village of Owego's Flood Damage Prevention Local Law; and
- The Village of Owego obtains FEMA approval to have this intended use conducted on their buy-out property.

E. Jardine reported that the Village of Owego ZBA did override the Tioga County Planning Board disapproval recommendation with a supermajority and therefore granted the applicant the use variance at their meeting last night.

Q: T. Pollard. – Did the County Attorney give the OK for the Tioga County Planning Board to go ahead and act on the Special Use Permit and Site Plan Review for this case? **A. E. Jardine** – We've had much correspondence on this case between last month and this month, and never once did Judy say it could not move forward. Additionally, since this Board made the motion last month to vote only on the Use Variance and not consider the Special Use Permit or Site Plan Review, this is a moot point.

Motion to recommend approval of the special use permit and site plan review with the conditions noted:

P. Porter/P. Moore/ Carried
Yes 8
No 0
Abstention 0

G. Eckley re-entered the room.

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – G. Henry
 - Not in attendance.

2. Town of Nichols – P. Porter
 - The Town Planning Board continues to work on site plan review regulations and has obtained example SPR ordinances from the towns of Barton, Chemung, and Owego.
 - P. Porter requested E. Jardine to provide her copies of Zoning related applications i.e. SUP, SPR, UV & AV. E. Jardine said she would pass along the Village of Owego’s applications.

3. Town of Berkshire – T. Pollard
 - Planning Board has decided to collaborate with the Town of Richford on developing a road use local law. They intend to meet sometime in May.

4. Town of Tioga – D. Chrzanowski
 - Site Plan Review regulations have moved forward to the Town Attorney for review.

5. Village of Waverly – W. Dimmick III
 - No report.

6. Village of Owego – G. Eckley
 - No report.

7. Town of Newark Valley – H. Peeters
 - Not in attendance.

8. Town of Richford - vacant

9. Town of Owego – J. Current
 - No report.

10. Town of Barton – D. Mumbulo
 - No report.

11. Spencer – N. Clark
 - Not in attendance.

- B. Staff Report – E. Jardine had two additional items to report:
- Provided new 239 Referral Municipal Brochure with corrected July meeting date. E-mailed the updated brochure to all municipal mayors, supervisors, clerks and 239 contacts.
 - E. Jardine will be out of the office on leave of absence from 4/23 – 10/8. Caroline Quidort of STERPDB will be covering for 239 referrals/reviews during this time.

IX. OLD BUSINESS

- A. None

X. ADJOURNMENT

- A. Next Meeting May 21, 2014 @ 7:00 PM in the Legislature Conference Room.
B. Motion made to adjourn at 7:38 PM. P. Porter/P. Moore/Carried.

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