



MEETING AGENDA
TIOGA COUNTY PLANNING BOARD

May 18, 2022 at 7:00 PM

Via ZOOM at

<https://us02web.zoom.us/j/89581529479>

Meeting ID: 895 8152 9479

Call In: (646) 558-8656

- I. CALL TO ORDER**
 - A. Introductions

- II. ATTENDANCE**
 - A. Members:
 - B. Ex Officio Members:
 - C. Local Officials:
 - D. 239m Review Applicants:
 - E. Guests:

- III. APPROVAL OF AGENDA**

- IV. APPROVAL OF MINUTES**
 - A. April 20, 2021

- V. PRIVILEGE OF THE FLOOR**

- VI. NEW BUSINESS**
 - A. 239 Reviews
 - 1. County Case 2022-013: Town of Spencer, Telecommunications Special Use Permit, Verizon Wireless
 - 2. County Case 2022-014: Village of Waverly, PUD Special Use Permit with Site Plan Review, Valley Bowling Center

- VII. REPORTS**
 - A. Local Bits and Pieces
 - B. Staff Report

- VIII. OLD BUSINESS**
 - None

- IX. ADJOURNMENT**
 - A. Next Regular Meeting June 15, 2022
 - B. Adjourn

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
April 20, 2022
VIA ZOOM**

I. CALL TO ORDER AND INTRODUCTIONS

- Chairman D. Chrzanowski called the meeting to order at 7:03 PM.
- Note - this meeting was conducted via Zoom as allowed by NYS law regarding COVID-19 spread prevention. These minutes serve as a transcript of the meeting.

II. ATTENDANCE

- A. Planning Board Members:
Present: Doug Chrzanowski, Grady Updyke, Art Cacciola, Pam Moore, John Current, Tim Pollard, Georgeanne Eckley, Rawley Filbin, Chelsea Robertson, Matt Tomazin
Excused: Bryan Goodrich
Absent:
- B. Ex Officio Members:
- C. Local Officials:
- D. 239m Review: Christopher Mix of Morning Light Landscapes and Vincent Porto of Porto Bagel, Inc.
- E. Guests: None
- F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda as amended.

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

IV. APPROVAL OF MINUTES

- Approval of March 16, 2021 minutes.

P. Moore/A. Cacciola/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 2022-006: Town of Nichols, Zoning Amendment, Town Board

The Nichols Town Board wishes to Amend Chapter 194 Zoning, Article X Solar Energy Systems, §194-4, Solar collectors and installations for major systems or solar farms, paragraph D, item (2) (c) to specify they type of landscape buffer to be provided by the applicant or solar developer. Additionally, other corrections have been made throughout the law. See highlighted text in the attached law. This new language specifying the type of landscaping buffer gives solar applicants clear stipulations on how solar energy systems are to be buffered with evergreens to screen view from any affected rural resident in the town.

Staff advises the County Planning Board recommend approval of the zoning amendment.

Motion to recommend approval of the zoning amendment:

C. Robertson/A. Cacciola/Carried	
Yes	9
No	0
Abstention	0

Note: Georgeanne Eckley entered the meeting at 7:08 PM.

2. County Case 2022-007: Town of Owego, Rezoning, Wood

The applicant wishes to rezone their said 10.99-acre property, located between the IDA railroad and State Route 38, from the current Agricultural-zoning district to Industrial. There does exist industrial zoning across the railroad from this property in the Tioga Industrial Park area, so this would be an extension of the current Industrial zoning district. See attached survey and GIS maps.

This parcel and surrounding parcels are enrolled in the NYS Agricultural Districts Program, so the Town is going through the Ag Data Statement process. This rezoning would allow for easier attraction of perspective industrial clients with the zoning change already in place. It is a logical extension of the current industrial zoning district. Although it could potentially mean a loss of almost 11 agricultural acres, it is the property owner’s choice to do so, and it is an opportunity to improve the tax value of the property if developed in the future for commercial purposes.

Staff advises the County Planning Board recommend approval of the rezoning request.

Q. D. Chrzanowski – Is this rezoning even doable give the railroad is in between the properties? **A. E. Jardine** – Yes, often streets separate the same zoning district.

Q. P. Moore – Is this zoning change appropriate given that the entire brown area on the map, including this property is in the Ag Districts Program, the County Ag Plan targets this property and area as the highest agricultural land preservation priority, and this is all active farmland? Discussion ensued emphasizing these points.

Q. D. Chrzanowski – Would this property be split because of the creek? **A. E. Jardine** – A crossing could be constructed. **D. Chrzanowski** – But might not be feasible to build a large industrial building.

Motion to recommend disapproval of the rezoning request:

T. Pollard/P. Moore/Carried	
Yes	9
No	1 (R. Filbin)
Abstention	0

3. County Case 2022-010: Town of Owego, Floodplain Special Use Permit and Site Plan Review, Morning Light Landscapes

The applicant is requesting a floodplain development special use permit and site plan review to establish a retail florist and garden center as well as the landscaping business at the site of the former Hometown Auto business in Apalachin. The business will be open approximately April through October, seven days a week, 8:00 AM to 5:00 PM. Applicant plans for outdoor floral and plant areas, a greenhouse and mulch bins on site. Applicant estimates little traffic change. Traffic will enter from Pennsylvania Ave and exit on to State Route 434. The applicant has not provided signage plans at this time. This property is located within an existing commercial area along State Route 434. 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 proposed use of the floral and landscaping businesses is appropriate, depending on how the existing building will be used. The outdoor contents can be easily evacuated in the event of a flood. The traffic flow entering from Pennsylvania Avenue and exiting onto State Route 434 provides logical traffic flow.

Staff advises the County Planning Board recommend approval of the floodplain special use permit and the site plan review with the conditions that the applicant comply with the NYS DOT Site plan Review comments and requirements and that the number of parking spaces and signage needs to be finalized with the local Town of Owego Board(s).

Q. E. Jardine – What will you use the existing building for? **A. C. Mix** – For office and the florist part of the business. **E. Jardine** – Will you have coolers for the flowers? **C. Mix** – Yes.

Q. P. Moore – Will you be storing toxic materials on site? **A. C. Mix** – No, just mulch and container trees and plants. We don’t use any chemicals.

Q. T. Pollard – Will the greenhouse structure be temporary and movable? **A. C. Mix** – Yes.

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

A. Cacciola/T. Pollard/Carried	
Yes	10
No	0
Abstention	0

4. County Case 2022-011: Town of Owego, Rezoning, Porto

The applicant wishes to rezone about 1/3 of their said 69-acre property from its current Agricultural to Highway Interchange (HIC) as the eastern portion is, so that the entire property will be zoned Highway Interchange (HIC) (please see attached map). This is a logical request, so the entire property can be developed in a manner that is allowed via the Town of Owego’s HIC and General Business (GB) zoning districts. The surrounding properties are all commercial in nature within this small commercial neighborhood, with the exception of the steep slope to the rear, which is zoned Agricultural and not developable. This rezoning would allow for easier attraction of perspective commercial clients with the zoning change already in place for the entire property, and it is an opportunity to improve the tax value of the property if developed in the future for commercial purposes.

Staff advises the County Planning Board recommend approval of the rezoning request.

Q. P. Moore – Exactly which part of this property is developable that is not steep slope and in the trees? **A. V. Porto** – The very small triangle in the northwest corner of the property that shows as field. The remainder in the trees is not developable, and it is not agricultural in nature. The IDA site that they are developing as residential is directly to the west of this property.

Q. A. Cacciola – What lies in the white area where the map legend is? **A. E. Jardine** – The Owego Gardens senior housing apartment building.

Motion to recommend approval of the rezoning request:

C. Robertson/G. Eckley/Carried	
Yes	10
No	0
Abstention	0

VIII. REPORTS

A. Local Bits and Pieces

1. **Town of Candor** (A. Cacciola)
 - No report.

2. **Town of Tioga** (D. Chrzanowski)
 - No report.

3. **Town of Berkshire** (T. Pollard)
 - The County Planning Board should be seeing a solar law from the Town soon.

4. **Town of Newark Valley** (M. Tomazin)
 - No report.

5. **Town of Barton** (G. Updyke)
 - No report.

6. **Town of Owego** (J. Current)
 - No report.

7. **Town of Nichols** (P. Moore)
 - Inquired about a breakaway fence in case of a flood, as is proposed by solar developers in a proposed project on the old Petzold farm in the Town of Newark Valley.

8. **Village of Waverly** (R. Filbin)
 - No report.

9. **Village of Owego** (G. Eckley)
 - No report.

10. **Alternates** (B. Goodrich, C. Robertson)
 - No report.

B. Staff Report:

- Please RSVP tomorrow for the April 28 TEAM Tioga Breakfast to Linda Sampson, EDP Secretary. EDP invited all County Planning Board members.

IX. OLD BUSINESS

- None.

X. ADJOURNMENT

- A. Next Meeting May 18, 2022, @ 7:00 PM via Zoom.
- B. Motion made to adjourn at 8:03 PM. P. Moore/A. Cacciola/Carried.

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

**Economic Development and Planning
Legislative Committee Report
May 3, 2022
Prepared By: Elaine Jardine**

Meetings

- Solar Projects Best Practices and Policies meetings
- ST8 Appalachian Regional Commission FY 2023 Tioga County information session
- Racker Center Neighborhood Depot Project local approvals and CDBG grant application meetings
- Climate Action Council Draft Public Scoping Plan at Binghamton University
- Tioga County Planning Board meeting
- NYSERDA code enforcement officers training for permitting and inspecting solar PV systems
- NYSERDA local officials training on the model Battery Energy Storage System law

Active Projects

- Working with Ithaca Neighborhood Housing Services and Village of Owego DPW to prepare an infill affordable housing project for local approvals with the Village of Owego Planning Board, Zoning Board of Appeals and County Planning Board. The Village of Owego Planning Board and ZBA still need to act on this case.
- Starting a gateway beautification project in Waverly with school students to paint murals on the railroad underpass at State Route 17 exit 61 and fence at exit 60. In the process of obtaining work permits from NYS DOT and Norfolk Southern Railroad.
- Completed all the NYSERDA Clean Energy Community trainings and enough representation was achieved to receive the maximum financial award.
- Assessed the 2016 Tioga County 2020 Strategic Plan with all Department Heads to ascertain accomplishments and the need for a Plan update. See attached infographic report.
- Waverly DRI application – working on the Supportive Local Policies section.

Grants

Active

- DOS Local Government Efficiency Program - County ITCS Shared Services with Village of Owego and Town of Candor – IT starting with Village of Owego in February in the new village office building, then the Town of Candor this summer.
- ESD Planning and Feasibility Study Program – Village of Waverly economic market analysis (\$50,000) – The Mayor has signed ESD's final Incentive Proposal. Work has started with the consultant team MRB | group and ELAN. Project Steering Committee members have been identified and project is moving forward.
- OPRHP EPF Municipal Grant Program – Village of Owego OPD building restoration (\$625,811).

Pending

- Grant application to the National Park Service's Historic Revitalization Program through REAP for a countywide historic structure revitalization program (\$750,000). Submitted before deadline of February 22. Award date in the fall.
- Appalachian Regional Commission final applications – Tioga County IDA Workforce Education Coordinator was finalized as the top-ranked application; NYS DOS has approved and the application will be sent to ARC in Washington, DC soon.
- FEMA HMGP DR 4567 – Tioga County IDA stream crossing in Town of Richford preliminary engineering services – working on application with IDA Executive Administrator. Submitted before November 10 deadline. NYS DHSES has approved and the application is moving onto FEMA for review.
- FEMA HMGP DR 4480 – Grant to update the County's Hazard Mitigation Plan has been submitted and accepted by NYDHSES. Budget will change from 25% local match to 10% during award process.

- Racker Center CDBG CARES grant application for the Neighborhood Depot – assisting B. Woodburn with accomplishing items on the NEPA Environmental Review checklist.

Potential

- NYS DEC Climate Smart Communities Grant Program, 2022 CFA, to fund a consultant to develop Tioga County's Energy Action Plan.

Plans/Studies

- Village of Waverly Comprehensive Plan Implementation – Waverly art students' gateways mural projects and downtown design guidelines. Work has also started on the Economic Market Analysis. Project Committee has been created, the survey has been released, and a revised project schedule is in development.
- Embarking on an effort to create a Tioga County Energy Action Plan. This plan would layout a path for Tioga County government, residents and businesses of all types to work toward requirements of the NYS Climate Leadership and Community Protection Act (CLCPA). Will likely be a CFA to NYS DEC's Climate Smart Communities Grant Program.
- Solar Best Practices & Policies – The consultant, MRB group has held three Management Committee meetings and three Project Committee meeting. Two reports are completed and one draft report is under review. Siting and Operation and Maintenance Plans are in development. All deliverables are complete but in draft form. Most of the products will be delivered in early May.

Reviews (239)

- County Case 2022-006: Town of Nichols, Zoning Amendment, Town Board – Applicant proposes to add specifics regarding landscaping requirements and fixing a few errors in their Solar Energy Systems Law, a section in their Zoning law. Staff advised the County Planning Board to recommend approval and the TCPB unanimously recommended approval.
- County Case 2022-007: Town of Owego, Rezoning, Wood – Applicant proposes to rezone their 10.99 acre property between the IDA railroad and State Route 38 from Agricultural (AG) to Industrial (IN), as this property is just north of the current Tioga Industrial Park. Staff advised the County Planning Board to recommend approval, but the TCPB recommend disapproval.
- County Case 2022-008: Town of Owego, Rezoning, Steen – Applicant proposed to rezone their property from Residential 3 (R3) to Highway Interchange (HIC) in order to not have to provide a landscaped buffer for a proposed business on an adjacent property, also the applicant's property. This case was withdrawn due to death of applicant.
- County Case 2022-009: Town of Owego, Floodplain Special Use Permit and Site Plan Review – Applicant proposes to establish and operate an outdoor produce and floral market. This case was withdrawn due to death of applicant.
- County Case 2022-010: Town of Owego, Floodplain Special Use Permit and Site Plan Review – Applicant proposes to establish and operate a landscaping, retail plant sales and florist at the previous site of Hometown Auto in Apalachin. Staff advised the County Planning Board to recommend approval and the TCPB unanimously recommended approval.
- County Case 2022-011: Town of Owego, Rezoning, Vincent Porto – Applicant proposes to rezone his entire property from Agricultural (AG) to Highway Interchange (HIC). Currently, the property is zoned about two-thirds HIC and one-third AG. Staff advised County Planning Board to recommend approval and the TCPB unanimously recommended approval.

• Resolutions –

None

**Economic Development and Planning
Legislative Committee Report
May 3, 2022
Prepared By: Megan Schnabl**

Meetings

IDA Monthly Meeting and Annual Meeting
IDA Training
Meeting with Opportunity Grows
STN Broadband Extension Meeting
DRI Meeting with AJH Design and A. Capriglione
Call with NYS HCR – NYMS Candor
Meeting with REDEC/ A. Capriglione
Leadership Tioga
STREDC Loan Committee Meeting
Meeting with B. Layman – NYSEG COVID-19 Grant
Town of Candor Water Infrastructure Meeting
Land Bank Audit Committee Meeting
Land Bank Regular Meeting
Meeting with J. Yoder – NYS Sales Tax Certificate

Active Projects

DRI Projects Administration-SHPO and OHPC consultations
NYMS Project Administration-Owego and Candor
GIS Mapping Activities
USDA Community Facilities Program Village of Nichols Sweeper/Vacuum Truck
State Leads Responses
GIS/IDA/EDP Available Sites Mapping and Website
USDA Small Business Technical Assistance Grant
USDA ReConnect Broadband Nichols

Active Leads

Grants

Active

Pending

USDA ReConnect III Broadband – Town of Nichols
USDA Community Facilities Program Village of Nichols Sweeper/Vacuum Truck
Berkshire Fire Department FEMA Grant for Sign

Potential

NYSEG COVID-19 Relief Grant – The Cellar Restaurant