

**TIOGA COUNTY PLANNING BOARD  
MEETING MINUTES  
March 15, 2023  
Tioga County Health & Human Services Building, Room #2139**

**I. CALL TO ORDER AND INTRODUCTIONS**

- Chairman D. Chrzanowski called the meeting to order at 7:00 PM.

**II. ATTENDANCE**

A. Planning Board Members:

**Present:** Art Cacciola, Doug Chrzanowski, John Current, Bryan Goodrich, Pam Moore, Matt Tomazin, Grady Updyke

**Excused:** Georgeanne Eckley, Chelsea Robertson

**Absent:**

B. Ex Officio Members: none

C. Local Officials: none

D. 239m Review: Joshua Judson, Doren Judson, Austin Judson, Kyle Judson, Helena McDowell, Delta Engineers: Anthony Paniccia, Galen Richmond

E. Guests: none

F. Staff: Elaine Jardine, Karen Warfle

**III. APPROVAL OF AGENDA**

- Approval of agenda as presented.

J. Current/M. Tomazin/Carried  
None Opposed  
No Abstentions

**IV. APPROVAL OF MINUTES**

- Approval of January 18, 2022 minutes.

J. Current/M. Tomazin/Carried  
None Opposed  
No Abstentions

**V. PRIVILEGE OF THE FLOOR**

- None

**VI. NEW BUSINESS**

**A. 239 Reviews**

**1. County Case 2023-005: Town of Owego, Site Plan Review, Upstate Shredding, LLC**

The applicant is requesting site plan review to construct and operate a 20,800 square foot chopper building, a new addition to the current recycling facility. This chopper house will process shredder metal wire by forming it into balls, separating out the metal parts and then turning these metal parts into coarse and fine aluminum as well as other fine metals.

This proposed use is an appropriate land use for the character of the area. The proposal is compliant with the Town of Owego codes. It is of benefit to the Town of Owego to have another business expand in these difficult financial times.

Staff advises the County Planning Board recommend approval of the Site Plan Review with the following condition:

- 1. That the applicant obtains all required state, county and local permits, licenses and registrations.

**Q.** D. Chrzanowski: Was there a radio wire separator already in place; is this a new technology? **A.** G. Richmond: (shared photos of plan) Yes, new technologies for separating out materials which makes the recycled material from cars at approximately 92%; non-recyclable material is transported to the Broome County landfill.

**Q.** D. Chrzanowski: There have been previous concerns regarding the “fluff” that floats and gets blown around in the wind. Is there a containment place for that in this new system?

**A.** A. Paniccia: There is a dust collector that collects it within the building and deposits it into a covered garbage container outside.

**Q.** B. Goodrich: So, there’s no pilings of that stored outside? **A.** A. Paniccia: No, it will go directly from the dust collector to the trailer outside.

**Q.** B. Goodrich: With the addition of this new facility, does he (A. Weitsman) expect more payload coming into the site? **A.** G. Richmond: Payload? No, it’d be the same amount, but instead of going into the one chopper building and then to the railroad to be shipped offsite, now the same material will go to this other building to be refined more. Five additional employees will be needed to run the chopper building but the material amount should be the same; the only added traffic will be those employees’ vehicles.

**Q.** B. Goodrich: My concern with this is the vehicle traffic as the trucks from this site interact with an adjacent parcel and there are large trucks, and employee trucks coming out of Corporate Drive taxiing onto Route 38 for ¼ mile just to turn off – never getting up to speed and stalling the flow of traffic on Route 38, plus the street sweepers going down the road. Has anyone considered integrating the two sites with a crossover at the railroad tracks so all that can be done off of the main road? **A.** A. Paniccia: At this time, no. The building across the street is being used as overflow right now, but it is anticipated that it will not be used for these trucks in the future. However, Upstate Shredding property is zoned heavy industrial in that area, so the trucks are allowed under the code for industrial usage. Additional traffic, other than the 5 employee vehicles, is not anticipated. Moving forward, we can work with the Town of Owego to address traffic and parking concerns.

**Motion to recommend approval of the Site Plan Review, with the condition noted above.**

<b>J. Current/A. Cacciola/Carried</b>	
<b>Yes</b>	<b>7</b>
<b>No</b>	<b>0</b>
<b>Abstentions</b>	<b>0</b>

**2. County Case 2023-006: Town of Owego, Special Use Permit and Area Variance, Bowen-Judson**

The applicant is proposing to establish and operate a junkyard permit for his property on the corner of West Creek Road and Park Settlement Road in Owego. He has stored more than one abandoned vehicle on his property for a while now, as he transforms junk cars into demolition derby cars. Up to now, these vehicles have been exposed to public view. Now he plans to erect a fence where it's been missing, so all the vehicles will now be sheltered from view with this special use permit. This requires an area variance because the proposal does not meet the setback requirements for a junkyard along Park Settlement Road and West Creek Road.

If the property owner does fully comply and completes the missing piece of fence and the business operates compliant to any special use permit conditions, the junkyard should not impact neighboring properties.

Staff advises the County Planning Board recommend approval of the Special Use Permit and Area Variance with the conditions:

1. That the applicant obtains all required federal, state or local permits, licenses and registrations.
2. That the applicant complies with requirements and comments from Tioga County DPW and the Town of Owego Highway Superintendent.

**Q. J. Current:** How many vehicles are you projecting at one time to be there? **A. J. Judson:** A max of 30 but it can hold 76. We usually burn 30-40 derby cars a year just during the derby car season. Between the 5 of us, we each hit 6-10 derbies a year, resulting in 60-100 cars smashed. Thirty is an ideal number at one time and we stay organized and clean and that's what we're asking of the Town.

**Q. P. Moore:** How long have you been doing this? **A. J. Judson:** I've been doing this for 26 years; 16 years at that residence with no problems the first 14 years until a neighbor bought property up behind the house.

**Q. P. Moore:** Were the applicants aware of the zoning when they started doing this? **A. E. Jardine:** When they put the application in, yes.

**C. J. Judson:** There is nothing in the Town law about derby cars.

**C. D. Chrzanowski:** This meets NYS law.

**Q. M. Tomazin:** Is it in a flood plain? **A. E. Jardine:** No, not even near.

**Q. A. Cacciola:** You don't take the demolition derby cars and scrap them, you actually take junk cars and make them into derby cars? **A. J. Judson:** We purchase vehicles and/or people sign titles over to us and we transform them into derby cars. Once done being used as a derby car we remove the interior and glass and put that into an onsite dumpster. The remainder of the vehicle goes to Weitsman's. DEC has even inspected the site, at the request of the neighbor, and found no oil or gas spills. We run a clean operation.

**Q. E. Jardine:** There's still a part of the fence that needs completion? **A. J. Judson:** (shared photo of fence installed 6' off the property line) Only installation remaining is the gate. All Planning Board members are invited to stop by the property to see what we do.

**Motion to recommend approval of the Special Use Permit and Area Variance, with the conditions noted above:**

<b>A. Cacciola/B. Goodrich/Carried</b>	
<b>Yes</b>	<b>7</b>
<b>No</b>	<b>0</b>

**Abstentions 0**

**3. County Case 2023-006: Town of Owego, Special Use Permit , Bella’s Boutique**

The applicant is proposing to relocate (from Richford) and operate a full service dog training and care business at this location on State Route 434, across from Sweeney’s Plaza. Dogs will be groomed, trained and cared for in this operation. Hours of operation are set for grooming 9:00 AM to 6:00 PM Monday through Saturday, and daycare 7:00 AM to 7:00 PM Monday through Friday. Currently there is one employee other than the owner. Depending on how many dogs are allowed, the ratio will be six dogs to one employee. The owner is requesting to handle 15 dogs at any given time; however the Town Attorney is limiting the number of dogs to four or fewer over six months of age, in this Highway Interchange zoning district. This is not a kennel that is allowed in Agricultural zoning districts only.

The main building will be used for customer flow and services offered. The secondary building will be used for rainy day doggy activities and storage for equipment. The applicant will use the existing sign structure located on the property, which is compliant with Town of Owego zoning regulations. With only four dogs allowed in the boarding portion of this dog care business, it will be compatible with all the other businesses located in this commercial area.

Staff advises the County Planning Board recommend approval of the Special Use Permit and with the conditions:

1. That the applicant obtains all required federal, state or local permits, licenses and registrations.
2. That the applicant complies with requirements and comments from NYS DOT Region 9 Site Plan Review Committee
3. That the applicant and the Town of Owego come to a mutually agreeable # of dogs to have on premises at any given time.

**Q D. Chrzanowski:** Are you OK with only four dogs? **A. H. McDowell** told her story and said she would be happy with even six dogs allowed, but wants to have 15. D. Chrzanowski – It is up to you and the Town to come up with a mutually agreeable number of dogs.

**Motion to recommend approval of the Special Use Permit with the conditions noted above:**

<b>D. Chrzanowski/M. Tomazin/Carried</b>	
<b>Yes</b>	<b>7</b>
<b>No</b>	<b>0</b>

**VII. REPORTS**

**A. Local Bits and Pieces**

1. **Town of Candor** (A. Cacciola)
  - Have a new Code Enforcement Officer
  - Tiny home developer discussion again. Once Art mentioned leased lots, it is really a mobile home park.

2. **Town of Tioga** (D. Chrzanowski)
  - No report.
3. **Town of Berkshire**
  - No report.
4. **Town of Newark Valley** (M. Tomazin)
  - Inquired about property maintenance code. D. Chrzanowski suggested to use NYS's Property Maintenance Code.
5. **Town of Barton** (G. Updyke)
  - No report.
6. **Town of Owego** (J. Current)
  - No report.
7. **Town of Nichols** (P. Moore)
  - The Town has a new Town Clerk – Marcy Hill.
8. **Village of Waverly**
  - No report.
9. **Village of Owego** (G. Eckley)
  - No report.
10. **Alternates** (B. Goodrich, C. Robertson)
  - B. Goodrich stated that the Village of Owego has created a Climate Smart Communities Taskforce with the ultimate goal of reducing homeowners' flood insurance rates.
  - He noticed and applauded all the tree trimming going on within the Village to clear power lines.

**B. Staff Report:**

- E. Jardine mentioned the Ethics Renewal and Financial Affidavit Disclosure forms. Please submit those as soon as possible. Also, please consider attending the training session on Monday, March 20.

**VIII. OLD BUSINESS**

- None.

**IX. ADJOURNMENT**

- A. Next Meeting April 19, 2022, @ 7:00 PM at HHS Building Room #2139.
- B. Motion made to adjourn at 8:00 PM. M. Tomazin/J. Current/Carried.

Respectfully submitted,