

**TIOGA COUNTY PLANNING
BOARD MEETING MINUTES**

August 21, 2024

Tioga County Health & Human Services Building, Room #2139

I. CALL TO ORDER AND INTRODUCTIONS

- Chair D. Chrzanowski called the meeting to order at 7:01 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Doug Chrzanowski, Joe Budney, Art Cacciola, John Currant, Sam Davison, Vicki Davis, Georgeanne Eckley, Bryan Goodrich, Jim Marzen, Pam Moore, Grady Updyke

Excused: C. Robertson

B. Ex Officio Members: None

C. Local Officials: Charles Davis, Town of Richford Supervisor

D. 239m Review Applicants: Michael Hoffman, Jean Hoffman, Nash Hoffman, Polar’s Doggy Palace; Mike McCracken, Taco Bell; John Bessette, Capierala Consulting; Jason Bellis, Larson Design Group; Mike Thompson, TNT Performance Auto

E. Guests: Dave Wierbowski, Town of Owego Resident

F. Staff: Elaine Jardine, Colleen Chrzanowski

III. APPROVAL OF AGENDA

- Approval of agenda as presented:

J. Current/P. Moore/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of May 15, 2024 minutes:

J. Current/P. Moore/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

- None

VI. NEW BUSINESS

A. 239 Reviews

- 1. County Case 2024-018: Town of Barton, Site Plan Review, Polar’s Doggy Palace**

The applicant is requesting site plan approval to construct and operate a dog boarding facility in a new 24' wide x 60' long, 1,440 square foot building. The applicant plans to board up to 25 dogs at any given time, have less than 10 employees and operate Monday – Friday 7:00 AM to 6:00PM, with an option of overnight stays. The applicant expects less than 40 vehicle trips per day, including obvious repeat trips from the same customers to both drop off and pick up their dogs in the same day. The applicant also plans to erect a 12" wide x 36" long sign closer to the road than the building. The site does not have a paved or identified parking area but does have sufficient space for parking.

Pursuant to 6NYCRR Part 617 SEQR, the Town of Barton Planning Board, as Lead Agency, has categorized this site plan review is an Unlisted Action. Therefore, the Town has provided a SEQR Short Environmental Assessment Form that the applicant has completed, signed and dated.

Pursuant to NYS Agricultural Districts Law Article 25 AA, §305-b, the Town of Barton Planning Board has researched that the subject parcel and surrounding parcels are enrolled in the NYS Agricultural Districts Program. Therefore, the Town Clerk has completed Parts 1 and 2 of the provided Ag Data Statement Form and sent the farmland owners, via certified mail, said Form and the project materials.

The applicant is responsible for obtaining all required federal, state or local permits, licenses and registrations.

Staff advises the County Planning Board to recommend Approval of the Site Plan Review.

Q S. Davison – How will dog feces be disposed of? **A M. Hoffman** – It will be gathered and disposed in our regular garbage service.

Q. P. Moore – Did BOCES student do the site plan drawing? **A. M. Hoffman** – Yes, I worked with BOCES Faculty to make it a project for the class to complete.

Q. C. Davis & E. Jardine inquired about desire to become an animal shelter like Stray Haven. **A. M. Hoffman** – This facility will not be a dog shelter. It will only be a dog boarding facility.

Motion to recommend Approval of the Site Plan Review:

A. Cacciola/B. Goodrich/Carried	
Yes	10
No	0
Abstentions	1 (G. Updyke)

2. County Case 2024-019: Town of Owego, Special Use Permit, Ryan Kline

E. Jardine reported that the Town of Owego has withdrawn this case for the month as the applicant did not complete and submit a SEQR Short Environmental Assessment Form Part 1.

3. County Case 2024-020: Town of Owego, Special Use Permit, TNT Performance Auto

The applicant is requesting a special use permit to construct and operate a 40'x52' square foot or 2,080 square foot addition to his existing 2,100 square foot auto repair and enhancements business building, for a total of 4,180 square feet. The business owner is the only employee and expects to service four to five vehicles per day, with hours of operation Monday – Friday 9:00AM to 5:00PM. The existing parking and staging area in the front of the building will be expanded, with 18 parking spaces provided. The 18 parking spaces provided do not meet the Town of Owego Zoning Code which would require 35 parking spaces. However, the Town of Owego has outdated, and excessive parking requirements and

the low intensity of this business does not demand the number parking spaces.

Pursuant to 6NYCRR Part 617 SEQR, the Town of Owego Planning and Zoning Administrator has categorized this grade improvement special use permit as an Unlisted Action under SEQR. Therefore, the Town has provided a Short Environmental Assessment Form Part 1 completed, signed and dated by the applicant.

It is of benefit to the Owego community that a small business/owner intends to expand their business. It keeps the property productive and the real property taxes paid. This auto repair business is in harmony and compatible with the surrounding commercial area.

It is the applicant’s responsibility to obtain all required federal, state or local permits, licenses and registrations.

Conditions:

- 1. That the applicant complies with NYS DOT Region 9 Site Plan Review Committee’s comments and requirements.

Staff advises the County Planning Board to recommend *Approval of the Special Use Permit with the condition noted.*

Q. B. Goodrich – It appears that the building is within the 40-foot setback of the front yard. **A. J. Bellis** – The building is not within the 40-foot setback.

Q. D. Chrzanowski – reported that this is not in the floodplain.

Q. P. Moore – What is the setback of the neighboring house? **A. J. Bellis** – The plan comes right up to the side yard. It is from 12 feet of 52 feet mark.

Q. D. Chrzanowski – Is that a right of way that goes through the property? **A. J. Bellis** – Yes. It is an easement that has not been used in years possibly for the railroad. The surveyor recommended closing that right of way.

Motion to recommend Approval of the Special Use Permit with the Condition Noted:

A. Cacciola/J. Current/Carried	
Yes	11
No	0
Abstentions	0

4. County Case 2021-021: Town of Owego, Special Use Permit, Taco Bell

The applicant is requesting a special use permit to operate a Taco Bell fast-food restaurant with a drive-through. The applicant will renovate the existing 2,720 square foot building on the property for this purpose. Hours of operation will be Sunday – Thursday 7:00Am to midnight and Friday – Saturday 7:00AM to 1:00AM. Applicant expects that traffic generated at peak times of lunch and dinner Monday – Friday will be 35 customer trips per hour.

The property is located within FEMA’s 1% Annual Chance Special Flood Hazard Area; however, the Town of Owego has determined that this specific building renovation does not trigger substantial improvement

regulations and requires only an administrative floodplain development permit. The project will meet NYS DEC Stormwater regulations with a permanent practice of connecting proposed stormwater conduit to existing stormwater conduit on site that flows to the Susquehanna River. The applicant intends to make improvements to the drainage system in the existing parking lot and then repave around the building.

Pursuant to 6NYCRR Part 617 SEQR, the Town of Owego Planning and Zoning Administrator categorized this special use permit as an Unlisted Action under SEQR. Therefore, the Town has provided a Short Environmental Assessment Form Part 1 completed, signed and dated by the applicant.

This fast-food restaurant proposal is a suitable and compatible use for this strip commercial area. Reusing the existing building is preferable to demolishing and building a new one.

It is the applicant's responsibility to obtain all required state, county and local permits, licenses and registrations.

Conditions:

1. That applicant complies with NYS DOT Region 9 Site Plan Review Committee's comments and requirements.
2. That western access from State Route 17C be redesigned to restrict exiting to right turn only.

Staff advises the County Planning Board to recommend *Approval Special Use Permit with the conditions noted above.*

Q. D. Chrzanowski – Are you able to salvage the complete building, the walls or remove roof only?

A. M. McCracken – A structural engineer is coming to make the assessment. The plan is to take the roof off and to raise the parapet. A flatter roof would be replaced as identified in the elevations.

Q. B. Goodrich – Is there an agreement with neighboring hotel properties to use their drive? **A. M. McCracken** – There is a cross-access agreement between the properties. **E. Jardine** commented that all these properties owned by the same property owner, Owego Associates, LLC, so even though it appears as separately on the site plan, in reality no delineation exists between parking lots. Taco Bell is leasing the building.

Q. B. Goodrich – Since this building was previously a bank, there will be more traffic generated changing the use to a restaurant. There will be a point of congestion using the West side exit if turning left, especially with another restaurant directly across the road. **A. M. McCracken** – We suspect most customers will use the exit at the access with the traffic light to turn left. The traffic light is closer to the exit point versus circling back around behind the building. Also, the delivery truck will have a difficult time having to enter and then back out all the way without using the West side entrance.

Q. D. Chrzanowski – Where will the tractor trailer park to unload? **A. M. McCracken** – Generally, they park right in front of the building that faces 17C and deliveries are normally early in the morning.

Q. B. Goodrich – Since this area is in a flood prone area, how are the grease traps managed for flooding? **A. J. Bessette** – There will be a waterproof tank with watertight lids. **A. M. McCracken** – The floor drains in the kitchen have grease traps. The grease will stay in the trap and the water will flow through.

Q. D. Chrzanowski – Is DOT 9 requesting them to improve that driveway? **A. E. Jardine** – No, but DOT stated that additional driveways other than what is already there will not be allowed. **D. Chrzanowski**

– Due to the concern of possible congestion with the West entrance and exit, could that be an entrance only? **V. Davis** – The addition of the Aldi store will add to this congestion. **Others** – A consideration needs to occur for the traffic congestion. **M. McCracken** – Would a right turn only exit at this access point solve the congestion? **J. Current** – Curbs would need to be changed to require the right turn only.

TCPB members decided by consensus to add the condition of a right-turn only exit at the western access point.

Motion to recommend Approval of the Special Use Permit with the Condition Noted:

B. Goodrich/J. Current/Carried	
Yes	11
No	0
Abstentions	0

5. County Case 2024-022: Village of Owego, Floodplain Special Use Permit, Village of Owego Board of Trustees

The Village of Owego Board of Trustees is requesting a floodplain special use permit in areas subject to flooding for replacement of the existing bathroom facility in Marvin Park to construct a new bathroom building. This project is located within FEMA’s 1% annual chance Special Flood Hazard Area.

The site of the new bathroom facility in Marvin Park is to be located in the same place as the old, non-functioning bathroom building was. The Village is using a portion of the Downtown Revitalization Initiative 2019 grant award to fund construction of the new bathrooms. Reconstruction of the bathroom facility will provide an ADA and building code compliant facility, that is resilient to flooding and vandalism. Flood resistant materials, including a concrete slab foundation, masonry walls and a metal roof, will be used to construct the new bathroom facility. Due to this, repairs after a flood are not expected. Only cleaning will be necessary.

Pursuant to 6NYCRR Part 617 SEQR, the Village of Owego Board of Trustees, as lead agency, has categorized this floodplain special use permit as an Unlisted Action under SEQR. Therefore, the Village has provided a Short Environmental Assessment Form Part 1 completed, signed and dated by the applicant.

The Village of Owego Zoning Board of Appeals has granted the Flood Damage Prevention Law variance for construction of the new bathroom facility in Marvin Park. The Village of Owego’s engineer has the designed the proposed new bathroom facility in Marvin Park to minimize building flood damage and floodplain impacts, while meeting accepted standards of ASCE and NFIP. Elevating the first floor of the bathroom facility at the high-water mark elevation of the flood of record is neither desirable or necessary as it poses difficulty complying with ADA requirements/access and causes the Village of Owego financial hardship.

Additionally, the Marvin Park bathrooms need to be sited within the park as required by NYS law, which is entirely located in FEMA’s 1% Annual Chance Special Flood Hazard Area. Parks or recreation areas are one of the best and highest uses occurring in the floodplain.

Conditions:

1. That the Village of Owego successfully obtains a variance from the ICC_ES building code report (which requires that flood vents be permitted only when located on enclosures below an elevated structure) from the NYS Board of Review.

Staff advises the County Planning Board to recommend Approval of the Floodplain Special Use Permi with the condition noted.

B. Goodrich – Are there any privacy concerns with these vents? **E. Jardine** – The vents will be in the foundation, not in the building which are shown in the elevation sheet.

B Goodrich – Has there been any consideration to use the pool restroom facilities since they are higher and this would eliminate the cost of new facilities? **E. Jardine** – This project was planned and funded in 2018 Village of Owego DRI Plan. Due to the complexity of the project, it has taken a long time to get to this point.

Motion to recommend Approval of the Floodplain Special Use Permit with the Condition Noted:

P. Moore/B. Goodrich/Carried	
Yes	11
No	0
Abstentions	0

VII. REPORTS

A. Local Bits and Pieces

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

2. **Town of Berkshire** (S. Davison)
 - Still attempting to get property maintenance issues and working to get laws in place.
 - There has been an increase in ATVs, mini-bikes and vehicles using public roads that are unlicensed, unregistered and not using lights. The Sheriff’s Office is aware.

3. **Town of Candor** (A. Cacciola)
 - The Five pizza restaurant has opened and is doing well.
 - Race track has not been following ordinance for hours of operation to end at 10 PM. They are not closing until 1 am typically. Town is trying to work with owners & operators but they are not compliant. The Town of Candor resolution may be to not renew the permit next year.
 - Fourth of July Festival had the carnival ride business cancel on them at the last minute.

4. **Town of Newark Valley** (J. Marzen)
 - No report.

5. **Town of Nichols** (P. Moore)
 - No report.

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

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

- 8. **Town of Richford** (Vicki Davis)
 - Friends of Rawley put on two concerts at Rawley Park and a third is planned in September.
 - Potato Festival is planned for September 21, 2024.

- 9. **Town of Spencer** (Joe Budney)
 - Spencer Picnic did not have good attendance due to the carnival ride business canceling at the last minute. Vendors were disappointed with the turn out.

- 10. **Town of Tioga** (D. Chrzanowski)
 - New sign has been installed at Ransom Park. Old signs have been removed.
 - The Scouts put a new roof and supports on the Old Post Office at Ransom Park. The Town supplied the funding. J. Current suggested getting historic preservation tax credits for the building.

- 11. **Village of Waverly** (vacant)
 - No report.

- 12. **Alternates** (B. Goodrich and/or C. Robertson)
 - Tioga County Fair had a better-than-expected turnout on Friday. The weather was predicted to be a washout but did not occur to that extent so Friday afternoon had good attendance.

B. Staff Report:

- A flyer for In person training at Broome County on September 12 has been emailed to everyone. E. Jardine will continue to email any virtual training opportunities as they are offered.

VIII. OLD BUSINESS –

None.

IX. ADJOURNMENT

- A. Next Meeting September 18, 2024, @ 7:00 PM at HHS Building Room #2139.
- B. Motion made to adjourn at 8:00 PM. A. Cacciola/G. Eckley/Carried.

Respectfully submitted,

Colleen Chrzanowski
Tioga County Planning Board Recording Secretary