



**MEETING AGENDA**  
**TIOGA COUNTY PLANNING BOARD**  
**May 17, 2023 at 7:00 PM**  
**Tioga County Health and Human Services Building, Room #2139**  
**1062 State Route 38, Owego NY 13827**

- 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 19, 2023
  
- V. PRIVILEGE OF THE FLOOR
  
- VI. NEW BUSINESS
  - A. 239 Reviews
    - 1. County Case 2023-012: Town of Barton, Site Plan Review, Waverly DNYP, LLC
    - 2. County Case 2023-013: Town of Owego, Site Plan Review, Apalachin Land Development, LLC
    - 3. County Case 2023-014: Town of Owego, Special Use Permit, Klatt NA
  
- VII. REPORTS
  - A. Local Bits and Pieces
  - B. Staff Report
  
- VIII. OLD BUSINESS
  - None
  
- IX. ADJOURNMENT
  - A. Next Regular Meeting June 21, 2023 at the HHS Building
  - B. Adjourn

TIOGA COUNTY PLANNING BOARD  
MEETING MINUTES

April 19, 2023

Tioga County Health & Human Services Building, Room #2139

**I. CALL TO ORDER AND INTRODUCTIONS**

- Chairman D. Chrzanowski called the meeting to order at 7:03 PM.

**II. ATTENDANCE**

A. Planning Board Members:

**Present:** Art Cacciola, Doug Chrzanowski, John Current, Georgeanne Eckley, Bryan Goodrich, Pam Moore, Chelsea Robertson, Grady Updyke

**Excused:** Matt Tomazin

B. Ex Officio Members: none

C. Local Officials: none

D. 239m Review: John O'Brien, Mike Lumsden, Jason O'Brien, Kathy Hankey, James Hankey

E. Guests: none

F. Staff: Elaine Jardine, Karen Warfle

**III. APPROVAL OF AGENDA**

- Approval of agenda as presented.

C. Robertson/J. Current/Carried  
None Opposed  
No Abstentions

**IV. APPROVAL OF MINUTES**

- Approval of March 15, 2023 minutes with the addition of the recording of the vote taken regarding County Case 2023-007.

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

**V. PRIVILEGE OF THE FLOOR**

- None

**VI. NEW BUSINESS**

**A. 239 Reviews**

**1. County Case 2023-008: Town of Berkshire, Solar Energy Systems Local Law**

The Berkshire Town Board and Town Planning Board have worked together over the past several months to develop this local law. The Town is desirous of regulating solar energy generating systems within the town boundaries. This local law will govern the development of solar energy systems within the Town of Berkshire with some flexibility.

Staff advises the County Planning Board recommend approval of the Solar Energy Systems Local Law with the conditions noted:

1. That the Berkshire Town Board hold a public hearing before adoption of the local law.
2. That the Berkshire Town Board and Planning Board conduct an environmental assessment using the Full EAF as this is a Type I Action under NYS SEQRL law.

Added 3. Change the term “solar farm” to Solar Energy System throughout the law.

**Q. P. Moore** – I would like to see them change the term “solar farm” on pages three and four to solar energy systems. **E. Jardine** – We can make that a condition.

**Q. P. Moore** – Please clarify, on page 4 at the very end, item C 8) “Placement of system on property that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed 50% of the entire lot.” The entire lot likely contains woods, wetlands.... Was the intention to not exceed 50% of the prime farmland/the Farmland of Statewide Importance? **A. E. Jardine** – Of the prime farmland. **Q. P. Moore** – Of the farmland itself, as opposed to the entire parcel? **A. E. Jardine** – Yes.

**Motion to recommend approval of the Solar Systems Local Law, with the conditions noted above.**

<b>C. Robertson/J. Current/Carried</b>	
<b>Yes</b>	<b>8</b>
<b>No</b>	<b>0</b>
<b>Abstentions</b>	<b>0</b>

## 2. County Case 2023-010: Town of Owego, Special Use Permit, Bothar Construction, LLC

The applicant is requesting a special use permit to establish a construction staging yard at this location. They will be staging various stockpiles of granular materials and equipment. Hours of operation typically will be 7:00AM to 5:00 PM. Very few workers will be on site, only one or two. Applicant states there will be few truck trips. This site is ideal for construction staging because it is flat, and because there is no municipal water or sewer on site. It is compatible with the other commercial uses located nearby.

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

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 the NYS DOT Region 9 Site Plan Review Committee.

**Q. D. Chrzanowski** – Is this a permanent thing?

**A. John O’Brien** – Yes. I have spoken to the owners of the neighboring properties, and they all support it.

It will be seasonal, but permanent. We will only be using one part for now, but there is opportunity for growth.

**C. D. Chrzanowski** – Be aware of state requirements for any signage.

**C. John O’Brien** – I don’t need or really want signage.

**Q. B. Goodrich** – How thorough was your site selection process?

**A. John O’Brien** – I have looked for other properties that are zoned properly. One property nearby is in probate and the family has not responded to my inquiries. There’s nothing available on the ends.

**C. B. Goodrich** – It’s good you have reached out to the neighboring properties. The IDA has something right in between by the wastewater treatment plant.

**A. John O’Brien** – I went through the IDA, they gave me several spots, but they were suitable and don’t include general construction.

**C. C. Robertson** – You’re going to be required to have an entrance. Please explain what the narrative means when you refer to the “middle.”

**A. John O’Brien** – There is an entrance. The “middle” refers to the average number of trucks that will be there – a couple per hour or every couple of weeks. But we did put the road in the middle as well, utilizing the layout of the middle of the property in order to give buffer to the neighboring properties.

**C. E. Jardine** – DOT may require a driveway.

**A. John O’Brien** – Right. There is a driveway there, a paved apron.

**C. E. Jardine** – That doesn’t mean it’s up to DOT standards.

**A. John O’Brien** – I deal with DOT all the time. If they require something else, I can put it in and pave it.

**Q. B. Goodrich** – It says granule material, does that mean millings, not clean stone?

**A. John O’Brien** – It could be anything. Yes, mostly millings. I sell them and they are trucked out as I have trucks available. We also use them in projects and DOT has approved them for sub-base. It can be repurposed for all kinds of things.

**Q. C. Robertson** – Do you expect to be storing trucks on the site?

**A. John O’Brien** – Yes, when we’re working there, we want to park equipment out front. Employees will also park personal vehicles there and take the work trucks from there to the work site. It will be a staging area and will not look like a junkyard.

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

<b>P. Moore/D. Chrzanowski/Carried</b>	
<b>Yes</b>	<b>7</b>
<b>No</b>	<b>1 (B. Goodrich)</b>
<b>Abstentions</b>	<b>0</b>

**3. County Case 2023-011: Village of Owego, Site Plan Review, Kathy Cakes**

The applicant is requesting site plan review to establish a roof-top deck for outdoor seating for her bakery business. She is the only worker and hours of operation for customers are by reserved events only. This proposed use of the rooftop deck on the bakery is compatible with this commercial area.

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

1. That the applicant obtain all required state, county and local permits, licenses and registrations.
2. That the applicant comply with requirements and comments from the NYS DOT Region 9 Site Plan Review Committee.

**C. E. Jardine** – The only reason this was referred was due to the proposed rooftop deck, which is an alteration to the structure.

**C. D. Chrzanowski** – The engineer indicated on the drawing 5 net square feet per person, A- 2 Café and 226 max occupancy. The applicant needs to make sure the engineer shows it will carry the load. **A. K. Hankey** – When the CEO called me about it, he mentioned 40-50 due to the size of the staircase.

**Q. J. Current** – I understand why the village would require approval due to the change in the structure, but why is it a county referral?

**A. E. Jardine** – Because it is within 500 feet of NYS Route 96.

**Q. B. Goodrich** – On page 3 of the drawing, is the storage for patio chairs and potted plants during high wind advisories?

**A. K. Hankey** – It is for any equipment up there. The building is surrounded on three sides by the second story of other buildings. Only the front of my building overlooking Lake Street is open.

**Motion to recommend approval of the Site Plan Review with the conditions noted above:**

<b>G. Eckley/C. Robertson/Carried</b>	
<b>Yes</b>	<b>8</b>
<b>No</b>	<b>0</b>
<b>Abstentions</b>	<b>0</b>

**VII. REPORTS****A. Local Bits and Pieces**

1. **Town of Candor** (A. Cacciola)
  - The Village of Candor has started up their water project again.
2. **Town of Tioga** (D. Chrzanowski)
  - No report.
3. **Town of Berkshire**
  - No report.
4. **Town of Newark Valley** (M. Tomazin)
  - Not in attendance.
5. **Town of Barton** (G. Updyke)
  - No report.
6. **Town of Owego** (J. Current)
  - No report.
7. **Town of Nichols** (P. Moore)
  - No report.
8. **Village of Waverly**
  - No report.
9. **Village of Owego** (G. Eckley)
  - No report.
10. **Alternates** (B. Goodrich, C. Robertson)
  - No report.

**B. Staff Report:**

- E. Jardine reported that the County Legislature did not appoint David Abraham to the County Planning Board, resulting in a continued opening for the representation of Berkshire.

**VIII. OLD BUSINESS**

E. Jardine reminded the board to complete the Ethics Renewal and Financial Affidavit Disclosure forms and return to her before May 15<sup>th</sup>.

**IX. ADJOURNMENT**

- A. Next Meeting May 17, 2023, @ 7:00 PM at HHS Building Room #2139.
- B. Motion made to adjourn at 7:45 PM. J. Current/B. Goodrich/Carried.

Respectfully submitted,

Karen Warfle, OSII  
Tioga County Economic Development and Planning

**Economic Development and Planning  
Legislative Committee Report  
May 2, 2023  
Prepared By: Elaine Jardine**

**Meetings**

- Tioga County Planning Board meeting
- Village of Owego Climate Smart Communities Taskforce meeting
- Clean Energy Communities meeting with CEC Coordinator
- Public Health Open House
- Southern Tier Network potential expansion into Town of Owego
- HMP Update Core Planning Group meeting

**Active Projects**

- Gateway beautification project in Waverly with school students to paint murals at strategic gateway locations. Students have painted the mural on panels. The mural is not going on the RR under pass, but possibly the side of Don Foote's building. Estimate now is that the mural will be erected in springtime 2023. The one panel mural went up on the WWTP fence at Exit 61.
- Town of Richford – Assisting the Town Planning Board with developing a solar energy law. The Town is taking a second turn on this and rewriting the entire proposed law.
- Assisting Ec Dev with environmental compliance and local approvals for five new Village of Owego DRI projects. Additionally, became Project Manager for 231 Main, LLC project
- Assisting with local approvals for a proposed housing project in the Village of Waverly.

**Grants**

**Active**

- DOS Local Government Efficiency Program - County ITCS Shared Services with Village of Owego and Town of Candor – IT is working on computers and phones for the Town of Candor and seeing about connecting their Town Highway Barn as well. Village of Owego is almost complete except for the Fire Department.
- ESD Planning and Feasibility Study Program – Village of Waverly downtown economic market analysis (\$50,000) – The Village provided the final MRB Group report to ESD, who reviewed it and provided the Village with grant closeout paperwork. Assisting the Village with this paperwork.
- FEMA HMGP DR 4567 – Tioga County IDA stream crossing in Town of Richford preliminary engineering services – FEMA awarded this grant. Work will begin after the subrecipient contract is executed between NYS DHSES and the IDA.
- FEMA HMGP DR 4480 – Grant to update the County's Hazard Mitigation Plan has been awarded to NYS by FEMA.
- Appalachian Regional Commission FY2022 for Strategic Plan – ARC awarded the grant.

**Pending**

**Potential**

- Appalachian Regional Commission FY2022 – Assisted TCIDA Executive Director with grant application to fund 50% of consultant cost to develop preliminary engineering to make the Lounsberry Industrial Park site shovel ready. This application is now down for review at ARC in Washington, DC.

**Plans/Studies**

- Strategic Operations Plan – The Steering Committee received six proposals and interviewed two of those firms and selected TransPro. Resolution to award contract to TransPro to develop the strategic plan (reso E02). Looking over Draft Scope of Work from TransPro.

- Hazard Mitigation Plan Update – Held first Core Planning Group meeting and scheduled many more meetings to follow with different stakeholders.

## **Reviews (239)**

- County Case 2023-008: Town Berkshire, Local Law (solar), Town Board – Applicant proposed to create a local law regulating solar energy systems townwide. Staff advised the County Planning Board recommend approval, and the County Planning Board voted to recommend approval of the local law with the condition that they change the phrase “solar farm” “to solar energy systems” throughout the document.
  - County Case 2023-009NA: Town of Nichols, Area Variance, Talcott – Applicant proposed to replace their mobile home with a double-wide manufactured home. As this is a residential case, the County Planning Board waived their recommendation due to no intermunicipal or countywide impacts.
  - County Case 2023-010: Town of Owego, Special Use Permit, Bothar Construction – Applicant proposed to establish and operate a construction staging area on currently vacant land on Route 434 in Apalachin. Staff advised the County Planning Board recommend approval with the condition that the applicant complies with DOT Region 9 requirements, and the County Planning Board recommended approval of the special use permit with that condition.
  - County Case 2023-011: Village of Owego, Site Plan Review, Kathy Cakes – Applicant proposed to add a roof-top deck to their bakery business at 187 Main Street. Staff advised the County Planning Board recommend approval with the condition that they comply with the NYS DOT Region 9 requirements, and the County Planning Board recommended approval of the site plan review.
- **Resolutions –**  
E02 – Award Strategic Plan Contract to TransPro.