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**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
June 18, 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 7:00 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: William Dimmick III, Tim Pollard, Doug Chrzanowski, Hans Peeters, Jason Bellis, Georgeanne Eckley

Excused: Dave Mumbulo, John Current, Elaine Jardine

Absent: Nathan Clark, Gary Henry, Jr., Patty Porter, Pam Moore

B. Ex Officio Members:

C. Local Officials:

D. 239m Review Applicants: Richard & Carol Lowe, Julie Trudeau & Tami Blow, Paul & Denise Cornell, Leonard Hilldale, George Johnson

E. Guests: Matt Hicks, Morning Times

F. Staff: Linda Sampson, Nathan Layman, Caroline Quidort

III. APPROVAL OF AGENDA

- Approval of agenda after amended change to move the 1st 239 Review, VII. A. 1, County Case 2014-0010, to after VII.A. 5, County Case 2014-014.

T. Pollard/W. Dimmick III/Carried

None Opposed

No Abstentions

IV. APPROVAL OF MINUTES

- Approval of April 16, 2014 minutes with a correction of the date to April 16, 2014.

J. Bellis/H. Peeters/Carried

None Opposed

No Abstentions

V. PRIVILEGE OF THE FLOOR

- None heard

VI. CORRESPONDENCE

Folder passed around.

VII. NEW BUSINESS

A. 239 Reviews

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1. County Case 2014-011: Village of Waverly, Special Use Permit, Site Plan Review, P & D Llenroc, LLC

The applicant is requesting to remove an existing free standing sign and replace it with a commercial grade steel pole sign. The proposed sign will be installed in the pavement of the parking lot and be located approximately fifteen (15) feet from the sidewalk. The proposed sign will be internally lighted by three (3) fluorescent bulbs. The proposed sign will be four (4) feet high by five (5) feet long and attached to a ten (10) foot pole. The bottom of the sign will be approximately six (6) feet and six (6) inches from the pavement.

The neighborhood contains a mix of residential and commercial uses nearby. Staff recommends approval of the special use permit with the following conditions:

- That the applicant obtain all required state, county and local permits, licenses and registrations.
- The applicant shall provide the Village Planning Board with documentation that the proposed sign meets the regulations for wind pressure load.

Q: T. Pollard - Will you be sacrificing a parking spot with the sign?

A: P. Cornell: No, P. Cornell presented a better picture. The new sign will be smaller, but raised and the lot will meet the minimum parking requirements. Mr. Cornell added this sign will be a commercial grade, double sided sign meeting all the specifications necessary.

Q: C. Quidort - Regarding the dimensions, the application states that it's a 10 ft. pole, but when adding 6 ft. 6 in. plus 4 ft. of sign it is more than 10 ft.

A: P Cornell explained that the sign will have a 6 ft. 6 in. clearance from the pavement and the sign is an additional 4 ft., making it 10 ft. 6 in. P. Cornell left a better picture with C. Quidort.

With no further discussion, motion to recommend approval of the site plan:

H. Peeters/ W. Dimmick III/Carried	
Yes	6
No	0
Abstention	0

2. County Case 2014-012: Village of Waverly, Special Use Permit, Site Plan Review, Sister's Family Restaurant

The applicant is requesting a site plan review and a special permit to establish and operate a casual dining restaurant in an existing vacant restaurant building. The main floor will be the only floor utilized. The basement and upper story will remain vacant at this time. Hours of operation will be Monday – Saturday, 6 AM – 8 PM and Sunday, 7 AM – 2 PM. The restaurant will have approximately 141 seats. The applicant anticipates the business will have 10 employees. According to the applicant the existing parking lot has 67 parking spaces including handicap parking. The applicant proposes to utilize the existing business sign located at the front corner of the Route 17C/Route 34 frontage.

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C. Quidort reported that the site plan was not submitted by the Village

C. Quidort reported that it is recommended that the Village request the square footage of the floor space, so that the amount of required parking can be calculated.

The neighborhood contains a mix of residential and commercial uses nearby. Staff recommends approval of the special use permit with the following conditions:

- That the applicant obtain all required state, county and local permits, licenses and registration.
- That the NYS DOT Region 9 Site Plan Review Committee review and approve this proposal.

Q: T. Pollack - Did this get referred because it was out of use for more than a year?

A: C. Quidort - It was referred because it is within 500 ft. of Route 17C.

Q: H. Peeters - Is the seating capacity changing?

A: J. Trudeau - It is staying around the same, about 150. We are using everything that is already there.

Q: Doug C. - asked for clarification on the dining area dimensions.

A: J. Trudeau: The dining area is 2871 sq. ft.

J. Bellis reported at 100 sq. ft. calculation, that would be 28 almost 29 parking spaces required.

With no further discussion, motion to recommend approval of the site plan:

J. Bellis/T. Pollard/Carried

Yes 6

No 0

Abstention 0

3. County Case 2014-013: Village of Newark Valley, Site Plan Review, Community Thrift Store and Donation Center

The applicant proposes to establish a community thrift store to sell new and used merchandise. The business will have two employees. The proposed operating hours are Wednesday through Saturday from 9:00 AM - 4:00 PM. The site plan shows sufficient parking with seven parking spots.

The neighborhood contains a mixture of commercial and residential uses. Staff recommends approval of the special use permit with the following conditions:

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- That the applicant obtain all required state, county and local permits, licenses and registrations, including a Floodplain Development permit if required by Village code.
- That the applicant obtain approval from the NYS DOT Region 9 Site Plan Review Committee.
- Vehicular access from Route 38/S Main Street be ingress only and be signed as such.
- The applicant should post signage along the Route 38S Main Street driveway alerting vehicles to the presence of pedestrians and provide a separated pedestrian walkway along the side of the structure or post signage alerting vehicles to the presence of pedestrians.

R. Lowe commented that prior to the Board Meeting last week he took some pictures that shows the one way do not enter sign. Also, a picture showing the parking lot described as over grown, showing grass grown from the flood. There hasn't been much traffic since. The Village has since removed the fence shown along the Water Street driveway, so now you can see left or right when turning on to Water Street.

Q: H. Peeters - Is that where the laundromat is?

A: R. Lowe: There is an apartment right next to the laundromat.

Q: H. Peeters - Are you next to the new produce place?

A: R. Lowe: Yes.

C. Quidort commented the site plan does not indicate a visual or noise buffer between the proposed parking area and a neighboring lot. It's an existing building, structure, neighborhood.

R. Lowe responded that there will not be any garbage trucks going through the area because the there are other buildings nearby that have dumpsters that we will be using.

Q: Doug C. - The site review map shows the main dumpster is behind your cars?

A: R. Lowe - No, the main dumpster location has changed to only 100 ft. away, located behind a garage (he pointed to a picture). The people who own the building have asked, and village recommended, we put a layer of stone down where tire tracks have worn a path and has given 60 days after moving in to complete this.

Q: H. Peeters - People can come in on Route 38, but have to leave out on Water St.?

A: R. Lowe - Yes, and there is a ramp to get into the back entrance. There will be entrance signs there.

Q: Doug C. - The proposed exit coming out on Water Street; the apartments have egress out of their doors is there going to be parking right there?

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A: R. Lowe - They go out on their porch and go down 3 or 4 steps to go to their car. They are not stepping out into traffic.

Q: C. Quidort - Do you think there should be no parking signs at the driveway?

A: Doug C. - I would like to make a proposal to adjust some of the no parking recommendations; no parking signs placed at the egress positions, so people don't get blocked or have fire access problem. The other motion would be the dumpster taken off the site plan because the location has changed.

Q: J. Bellis - Does the Village have any zoning requirements associated with single and double lane traffic, adding that 12 ft. wide is narrow for two way traffic as well as 9 ft. wide for single lane traffic. Have you spoke to Region 9 DOT?

A: R. Lowe - We spoke to the Code Enforcement Officer of Newark Valley, he was at the meeting last week and said it wouldn't be a problem. It is actually 14 ft. wide. We left a foot on each side for mirrors on trucks. The distance is less than 50 ft. from the road to the back of the parking lot, so they can be seen.

Q: J. Bellis – My concern is a 9 ft. wide lane, even if it's ingress, the turning radius to get into a 9 ft. lane and on your highway occupancy permit through NYS DOT what they require – they are tight traffic conditions; for either one or two lanes.

A: R. Lowe – the driveway has been there for quite a while, the curb has been prepared by the state, and has been there for years.

J. Bellis raised the concern what the NYS DOT is going to say even though it's existing conditions, they change their outlook all the time.

Q: J. Bellis – How about snow removal?

A. R. Lowe – It is the responsibility of the owner of the building.

Motion to adjust the conditions for the site plan approval to add the placement of no parking signs in the areas of the egress

G. Eckley/H. Peeters/All in favor

Motion to adjust the conditions for site plan approval to note that the dumpster is not part of the original package.

J. Bellis/H. Peeters/All in favor

With no further discussion, motion to recommend approval with the above modifications of the site plan:

T. Pollard/ W. Dimmick III/ Carried

Yes 6

No 0

Abstention 0

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Doug C. recommended that Mr. and Mrs. Lowe meet with NYS DOT, in the State Office Building in Binghamton, as soon as possible. J. Bellis added that Christine Klein is the Site Plan Review Manager.

4. County Case 2014-014: Town of Owego, Site Plan Review, Savemore Furniture

The applicant is proposing to reuse an existing vacant structure to operate a retail furniture sales store and warehouse. Based upon the information, provided it appears that no alterations will be made to the footprint of the existing structure. Applicant states hours of operations are expected to be 10 AM – 8 PM Monday through Saturday. The business will be closed on Sundays. This new business will have 4 - 5 employees. The proposed business will result in 20 - 25 vehicle trips per day and 1 - 2 tractor trailers per week.

No information was provided regarding signage or external lighting.

There are industrial, residential and vacant land uses in the vicinity. Staff recommends approval of the site plan review with the following conditions:

- That the applicant obtain all required state, county and local permits, licenses and registrations.
- That NYS DOT Region 9 Site Plan Review Committee reviews and approves the site plan.

L. Hilldale reported that there are already lines there for parking that they can redo. There are 150 parking spaces in the lot. They want to add 4 handicap parking spaces. The building is handicap accessible

Q: H. Peeters – is there going to be a loading dock?

A: L. Hilldale – there is a bay door where a trailer would have a clear shot without being near any customer parking. A picture was distributed.

L. Hilldale reported there is a driveway next to the building where you'd come in and the entire front of the building is curb accessible, no sidewalk; asphalt to asphalt. The plan is to use the driveway by the store.

Q: T. Pollard – asked about signage.

A: L. Hilldale – Right now there is a real estate sign there with two 4 x4 posts that come out of the ground. That would probably be the only sign standing outside, everything else would be fastened to the building.

Q: G. Eckley – Would the sign be lighted?

A: L. Hilldale – Possibly lights aiming at the sign that is attached to the building.

Doug C. suggested they see the Town of Owego and make sure to include the sign in the permit. This review does not cover a sign. If a variance is required it would come back to the [Tioga County] Planning Board.

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G. Eckley recommended being very specific with signage; find out what the Town of Owego allows.

Q: C. Quidort – Will there be any lighting in the parking lot?

A: L. Hildale – There are lights in the parking lot and we could light them up, but frankly we will hardly have 6 or 7 cars in the parking lot and will most likely be parked next to the building. Most of the cars will be employees.

Q: Doug C. - Is this a business move? Or a new business?

A: L. Hildale – This is a new business.

Q: G. Eckley – In addition to the one on Elm Street?

A: L. Hildale – Yes.

Q: Doug C. – Typically retail business is open 7 days of week. You will be closed on Sunday's. Is that standard?

A: L. Hildale - That is what we are doing here. If the business does great, we may change.

J. Bellis asked the TCPB members if they need DOT approval? Is Taylor Road a state road? If it's a county road, does it need site plan approval? If is not a state road, they may not look at it.

Staff A: During the August 20th Planning Board meeting it was confirmed that Taylor Road is in fact not a State road and therefore does not need a Site Plan Review from NYS DOT Region 9 Site Plan Review Committee.

C. Quidort suggests removing the 2nd condition.

Motion to remove Condition #2: That NYS DOT Region 9 Site Plan Review Committee reviews and approves the site plan.

J. Bellis/G. Eckley/Carried

Yes 6

No 0

Abstention 0

With no further discussion, motion to recommend approval of the site plan with modifications:

H. Peeters/W. Dimmick III/ Carried

Yes 6

No 0

Abstention 0

5. County Case 2014-0010: Village of Waverly, Proposed Zoning and Local Law Amendments

The applicant is requesting to amend multiple sections of the zoning code to clarify certain uses, regulations and definitions.

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Staff advises the County Planning Board recommend approval of the Zoning Amendments; #1 through #7.

Amendment #1 – Proposing to delete existing language related to nonconforming use and nonconforming structures and replace with new language and standards for nonconforming use and structures.

Q: T. Pollack – When a change like this is made, who reviews it? Does the Village Attorney look at it to make sure it is legally correct?

A: J. Bellis – As a board they come together to agree on the terms, then it gets sent to legal counsel for proper language.

Amendment #2 - Delete “Specialized Industrial” from list of special permit uses. Replace with “Light Industrial” and itemize uses that are prohibited under the “Light Industrial” definition.

Q: H. Peeters – Is there a reason why they wanted this change?

A: C. Quidort – When I spoke with Kerri Hazen at the Village she said they wanted to clean up the code and make it more business friendly; clearer to developers.

G. Eckley added that there are a lot of mixed uses in Waverly within their industrial areas. It has never been specific.

Amendment #3 – Delete the last portion of a sentence.

Amendment #4 – Definitions, amend the definition for “Motor Vehicle”.

Amendment #5 – Definitions, amend the definition for “Service Station”

Amendment #6 – Definitions, add the definition “Industry, Light”.

Amendment #7 – Definitions, add the definition “Street Level”.

With no further discussion, motion to recommend approval of the Proposed Zoning and Local Law Amendments:

H. Peeters/W. Dimmick III/ Carried	
Yes	6
No	0
Abstention	0

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – G. Henry
 - Not in attendance; J. Bellis had no report.
2. Town of Nichols – P. Porter
 - Not in attendance.

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3. Town of Berkshire – T. Pollard
 - Survey for comprehensive plan is closed and will get results at an open town meeting/ice cream social.
4. Town of Tioga – D. Chrzanowski
 - Continue to work on site plan and will start looking at a comprehensive plan throughout the year.
5. Village of Waverly – W. Dimmick III
 - No Report
6. Village of Owego – G. Eckley
 - Strawberry Fest this weekend.
7. Town of Newark Valley – H. Peeters
 - Continuing to work on the comprehensive plan.
8. Town of Richford - vacant
9. Town of Owego – J. Current
 - Not in attendance
10. Town of Barton – D. Mumbulo
 - Not in attendance
11. Spencer – N. Clark
 - Not in attendance

B. Staff Report – No report

IX. OLD BUSINESS

- A. J. Bellis offered to reach out to N. Clark, to find out if he has interest in representing Spencer on the Planning Board and report back next month.

X. ADJOURNMENT

- A. Next Meeting July 16th, 2014 @ 7:00 PM in the Legislature Conference Room.
- B. Motion made to adjourn at 8:30PM. W. Dimmick III/H. Peeters/Carried.

Respectfully submitted,
Linda Sampson, Administrative Assistant
Economic Development and Planning