

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
September 18, 2013
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 7:04 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: William Dimmick III, Patty Porter, John Current, Doug Chrzanowski, Arrah Richards, Hans Peeters

Excused: Tim Pollard, Jason Bellis, Georgeanne Eckley, Pam Moore

Absent: Nathan Clark, Gary Henry

B. Ex Officio Members:

C. Local Officials: Ron Keene, Village of Waverly Trustee

D. 239m Review Applicants: Tray Campbell for Waverly United Methodist Church

E. Guests: None

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda.

A. Richards/W. Dimmick III/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of August 21, 2013 minutes

A. Richards/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**

1. **County Case 2013-015: Village of Waverly, Local Law #3 of 2013, Zoning Amendment**

The applicant is requesting to amend the Sign section of their zoning code to allow churches to have LED informational signs. All churches within the

Village of Waverly are located in Residential zoning districts, which understandably, currently allows only limited signs of very small size.

The Village of Waverly has a unique situation in which all of the churches within its municipal borders are located in Residential-zoned districts. Currently the zoning does not allow churches any sign of greater than 6 square feet. Village of Waverly officials have been working for more than a year on updating the sign regulations in their zoning code to accommodate this situation. The County Planning Director provided initial guidance on language to add. Subsequently, the Village of Waverly Planning Board and the Board of Trustees have simplified the language even further to creating a special permit process to allow these signs, as well as effectively regulating use LED signs for this purpose. This solution is acceptable and works well as an addition to this section of the Village of Waverly Zoning Code.

Staff recommends approval of the zoning amendment.

Q. J. Current – Is there any existing language in the zoning code that does not allow flashing signs? **A. E. Jardine** – Not quite sure, but I think so.

R. Keene then spoke about their efforts over the last year plus to allow the Church to have this sign.

Q. Doug C. – What is the difference between a church and a home business in this situation being able to have a sign? **A. E. Jardine** – Religious institutions are covered by the RLUIPA federal legislation of 2000.

Q. P. Porter – How often will the sign change message? **A. T. Campbell** – However it is programmed. E. Jardine then commented that she had put in the language she provided a stipulation that the text message in the LED sign change no more frequently than once every minute. T. Campbell commented that once every 30 seconds would be more reasonable and still safe. Board members agreed.

Q. A. Richards – What types of messages are on your current sign? **A. T. Campbell** – Not just religious in nature, but more a community billboard as several non-profit and community organizations utilize our facilities such as Boys and Girls Scouts, the Bridge (and he named many others).

Discussion then turned to brightness. Doug C. commented that the old digital sign at Tioga Central School was too bright at night. T. Campbell countered that it is common that LED signs will darken automatically at nighttime. Also, he could just as easily install brighter flood lights on his current sign that would be much brighter and disruptive than an LED sign. E. Jardine also pointed out that proposed language requires no operation after 8:00 PM, so that point is moot.

TCPB members decided by consensus that they wanted to modify the proposed local law language to include the regulation of frequency of changing message.

Motion to recommend approval with modification of the zoning amendment to add a stipulation as follows:

The LED signs allowed under this section shall cycle or change messages no more frequently than once every 30 seconds.

H. Peeters/W. Dimmick III/ Carried

Yes	6
No	0
Abstention	0

2. County Case 2013-016: Town of Candor, 239 Review Agreement

The applicant is proposing a revision to their 239 Review intermunicipal agreement for Site Plan Review filtering with the Tioga County Planning Board to clarify the size of a modification to a site, as it currently has two qualifiers – 25% and/or not exceeding 4,000 square feet (the threshold for making an action exempt from SEQR).

The new/proposed language removes the 25%, and uses only the not exceeding 4,000 square feet as a qualifier for not being reviewed by the Tioga County Planning Board.

Earlier this year, there was a site plan review case in the Town of Candor in which the interpretation of this clause came into question as to whether or not the case would be reviewed by the Tioga County Planning Board. This site plan proposed an addition that was not over 4,000 square feet but was over the 25% increase limit and involved a change of use.

The Town of Candor Code Enforcement Officer and the Tioga County Attorney interpreted the agreement in a manner that the case complied with the agreement and therefore the site plan was not referred to the County Planning Board. The County Attorney also suggested that this language be simplified and clarified so there was no question in the future as to the applicability of the agreement to a site plan review being referred or not.

Consequently, the Town of Candor Planning Board has taken steps to change the language for clarification.

Staff recommends approval of 239 review agreement.

Motion to recommend approval of the 239 review agreement.

H. Peeters/P. Porter/ Carried	
Yes	6
No	0
Abstention	0

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – G. Henry
 - Not in attendance.

2. Town of Nichols – P. Porter
 - Updating the Town’s recreational vehicle ordinance to not allow two or more on a single property, and no permanent residences in an RV.

3. Town of Berkshire – T. Pollard
 - Not in attendance.

4. Town of Tioga – D. Chrzanowski
 - No report.
5. Village of Waverly – W. Dimmick III
 - No report.
6. Village of Owego – G. Eckley
 - Not in attendance.
7. Town of Newark Valley – H. Peeters
 - Planning Board working on a light ordinance and asked if SEQR applies, and if so Long or Short EAF. E. Jardine answered yes SEQR must be done and probably a long form is appropriate for a new local law.
8. Town of Richford - vacant
9. Town of Owego – J. Current
 - Looks like there will be a new dog park at Hickories Park.
10. Town of Barton – A. Richards
 - Planning Board meeting in October.
11. Spencer – N. Clark
 - Not in attendance.

- B. **Staff Report** – E. Jardine distributed Community Health Assessment survey to TCPB member to complete and submit.

IX. OLD BUSINESS

- A. None

X. ADJOURNMENT

- A. Next Meeting October 16th, 2013 @ 7:00 PM in the Legislature Conference Room.
B. Motion made to adjourn at 8:18 PM. P. Porter/W. Dimmick III/Carried.

Respectfully submitted,
Elaine D. Jardine
County Planning Director