

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
November 18, 2015
Ronald E. Dougherty County Office Building
LEGISLATIVE Conference Room – Main Floor
56 Main Street, Owego, NY
7:00 PM**

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: Tim Pollard, John Current, Doug Chrzanowski, William Dimmick III, Pam Moore, Dave Mumbulo, Sarah Titus

Excused: James Tornatore, Jason Bellis, Gary Henry, Jr., Georgeanne Eckley

Absent:

B. Ex Officio Members:

C. Local Officials:

D. 239m Review Applicants: Charles Wallace of VIP Structures, David and Erin Talcott, Jamie Ash, Kenneth Williams, Ronald Koski

E. Guests:

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda with amended 239 review case order
P. Moore/T. Pollard/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of October 21, 2015 minutes, as amended with 3 corrections on page 3.
J. Current/D. Mumbulo/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

- E. Jardine welcomed Sarah Titus, from the Town of Newark Valley, to the TCPB.

VI. CORRESPONDENCE

- Folder passed around.

VII. NEW BUSINESS

A. 239 Reviews

1. County Case 2015-021: Town of Nichols, Area Variance, Nichols Cross Dock, LLC

The applicant is requesting an area variance to grant relief from the Town of Nichols building setbacks, which are 150 feet from all boundary lines or road centerline in Industrial zones. The size of the property, now owned by the Tioga County IDA, to be portioned off for this project approximately 22 acres. The proposed FedEx warehousing facility is to be 58,500 square feet total among three structures, with future expansion area of just over 20,000 square feet to the main building only. Just the south side of the small shop building will extend out to 124 feet from the southern property line, resulting in a 17% variance from the required 150 feet.

Nichols Cross Dock, LLC is a good fit for this property, which has been marketed for almost twenty years as a developable site. The Army Reserve training center is next door. The site is close to the Route 17 access in the area, resulting in minimal traffic impacts. The slight accommodation for this particular area variance is a very small part of the totality of the FedEx project, which will provide many benefits in terms of jobs and economic development.

Staff recommends approval of the area variance.

Q. P. Moore – What the difference in the green and white areas of parking? **A. C. Wallace** – The green is immediate parking, the white is the extra docks and parking that will be needed if the facility expands by 20,000 feet. **P. Moore** – Is there a PILOT agreement? **C. Wallace** – Yes. **P. Moore** – What is the timing of the expansion? **C. Wallace** – Not determined at this time. **P. Moore** – Will another PILOT be requested for the expansion? **C. Wallace** – No.

Q. P. Moore – Where will the stormwater go? **A. C. Wallace** – A Notice of Intent and SWPPP have been provided to NYS DEC. A stormwater retention pond will be located on the property north of the facility. We had to increase the property by two acres to accommodate this.

Q. J. Current – What is time schedule for construction? **A. C. Wallace** – We are going to try to put in the gravel base of the road, a temporary stream crossing, and construct the retention pond before the end of this construction season. Everything else will wait until next spring.

Q. D. Chrzanowski – Is there a series of locations being proposed for such facilities? **A. C. Wallace** – NO, this FedEx Freight is the first on we’ve built.

Q. D. Mumbulo – Is this a brand new facility – is there anything on the land now? **A. C. Wallace** – No. It is prior farmland, but hasn’t been actively farmed for the last two years.

Motion to recommend approval of the area variance:

W. Dimmick, III /P. Moore /Carried	
Yes	7
No	0
Abstention	0

2. County Case 2015-022: Town of Spencer, Site Plan Review, Ronald Koski

The applicant is requesting Site Plan approval to establish and operate a vehicle repair shop in the existing 30’x36’ concrete block garage on his property. The property is located just south of the Village/Town of Spencer southern boundary. The neighborhood is mostly agricultural in nature.

The Town of Spencer’s adopted plan of 2003 supports development of small business. This proposed business is using existing resources to establish the business. A vehicle repair shop is a suitable adaptive reuse of a former farm equipment garage. The applicant does intend to pursue a NYS Repair Shop registration.

Staff recommends approval of the site plan review.

Q. D. Mumbulo – How are you going to dispose of oils and other chemicals? **A. R. Koski** – The oil will be burned at the prior location of this business in the Village of Spencer. I also take antifreeze to an area business that disposes of it properly.

Motion to recommend approval of the site plan review:

W. Dimmick, III /J. Current /Carried	
Yes	7
No	0
Abstention	0

3. County Case 2015-023: Town of Owego, Rezoning, Jamie Ash and Kenneth Williams

The applicants are requesting to rezone four properties along Marshland and Wicks Roads from the current Residential A to Agricultural. Jamie Ash owns the property in between Williams and Shedden along Marshland Road, and is currently under contract to purchase the Shedden property next door on the corner of Marshland and Wicks Roads. This applicant wishes to have horses and other agricultural activities on these two parcels. Kenneth Williams owns the property (split into two) at the end of Wicks Road. This parcel was mistakenly omitted when the applicant’s landscaping business (W&W Nursery) property was rezoned from RA to AG a few years ago. He also wants to have the property on which his residence is located (in front of the landscaping business on Marshland Road

The proposed rezoning of these 4 properties from Residential A to Agricultural makes sense given the uses that 1 applicant wants to have, including horses, and that the other applicant already has a nursery/landscaping business. The properties adjacent to the west of this area are all zoned Agricultural, so this proposed rezoning would constitute and extension of the Agricultural zone, and would not be spot zoning.) rezoned to Agriculture.

Staff recommends approval of the rezoning request.

Q. T. Pollard – What about the three parcels along Wicks Road that will still be zoned RA? **A. E. Jardine** – This is how the request came in and the Town of Owego officials did not modify it to include those properties. They are all single family houses, so I left it the way it was proposed.

Motion to recommend approval of the rezoning request:

D. Mumbulo/J. Current/Carried	
Yes	7
No	0
Abstention	0

4. County Case 2015-024: Town of Owego, Special Permit, Talcott

The applicant is requesting a special permit to establish and operate a training camp for national class Race Walkers. Up to 6 female and 6 male walkers would participate in the camp at any given time at duration that fits the specific athlete’s needs. The walkers will use public roads, trails and tracks while doing their race-walking workouts.

The applicant intends to utilize existing buildings on their properties for this purpose. The bunk house will be equipped with two full bathrooms and two kitchenette areas to accommodate the

maximum of 12 athletes. Applicant states that the existing septic system is adequate for this increase in usage, and they have had a new drinking water well drilled and installed. The stone parking area is 20’x60’ just north of the bunk house. Applicant anticipates no more than three additional vehicles on site during camp sessions. The surrounding neighborhood contains agricultural and residential uses.

The applicant’s proposal meets the requirements in the Town of Owego Zoning Code. This low-impact race-walking camp activity will have no impact on the surrounding properties, neighborhood, or street network. The community will benefit from having visitors in the area that will be shopping and doing other activities in the area.

Staff recommends approval of the special permit.

Q. P. Moore – Which roads do you anticipate the athletes will be utilizing? **A. E. Talcott** – State Route 38, Park Settlement Road, Marvin Park, or any other suitable area. We avoid steep hills since they pose too much difficulty.

Q. T. Pollard – Does this really fit in the code as recreational area since it doesn’t address housing?

A. E. Jardine – This is the best fit since it requires kitchen areas and toilet facilities.

Motion to recommend approval of the special permit:

J Current/W. Dimmick, III/Carried	
Yes	7
No	0
Abstention	0

5. County Case 2015-025: Town of Owego, Special Permit and Special Use Permit, Syracuse Sand & Gravel

The applicant proposes modify their current NYS DEC permit for the Dellapena Pit (which expires in 2018) to enlarge currently approved below water table mining areas and add a crusher to the proposed plant flow. The applicant proposes to create one large pond on the 15-acre mined area by mining approximately 20 feet below the water table surface elevation.

Additionally, the proposed crusher processing plant will be located approximately 900 feet from the nearest receptor and located within the pit depression. Current approved processing for the site includes screening and a wash plant.

Applicant has conducted a detailed Level 1 and Level 2 noise impact analysis and has determined that the addition of the crusher will increase ambient noise by 2 decibels, which is an acceptable increase.

The reclamation plan includes the creation of a final pond about 13 acres in size and 20 feet deep. Slopes above and below the water table will be graded 2:1 (H:V). Above water table disturbances will be re-vegetated based on recommendations from either CCE or SWCD.

While the applicant has shown that the crusher will add only 2 decibels to ambient noise level, the manufacturer’s data indicates its operating noise level measures 77.2 decibels from 100 feet. This creates a potential to exceed the Town of Owego’s noise regulations of 70 decibels at the property line. If necessary, there should be some measure of mitigation that ensures the proposed use will be carried out in a manner compatible with its environmental setting, including the consideration of noise impacts on surrounding residential neighbors.

Staff recommends approval of the Special Permit and Special Use Permit with the specific condition that the applicant and Town of Owego Planning Board determine a mutually agreeable plan for hours of operation and days of operation to run the crusher, in order to minimize impacts to surrounding residences.

Discussion ensued regarding the creation of the large pond reducing stormwater infiltration capacity in the ground, therefore increasing flooding problems in the area. Additionally, if a flooding event occurs before the seeding of the berms surrounding the large pond takes root, all that sub-surface and top soil will cause much more sedimentation pollution.

The County Planning Board then made their own motion for disapproval of the special permit and special use permit based on the findings cited in the paragraph above:

P. Moore/T. Pollard/Carried	
Yes	7
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. Moore

- Inquired about allowed uses of municipal buy out properties. D. Chrzanowski said that FEMA is involved in and has to approve all changes of use above leaving it a green site and mowing once a year.

3. Town of Berkshire – T. Pollard

- No report.

4. Town of Tioga – D. Chrzanowski

- Working on comp plan. Decided to have public-noticed work session to solicit input that way instead of conducting a mailed survey.

5. Village of Waverly – W. Dimmick III

- Nothing to report

6. Village of Owego – G. Eckley

- Not in attendance.

7. Town of Newark Valley – S. Titus

- Planning Board is working on light ordinance and comp plan.

8. Village of Newark Valley – J. Tornatore

- No report.

9. Town of Owego – J. Current

- No report.

10. Town of Barton – D. Mumbulo

- No report.

11. Town of Richford - vacant

12. Spencer – vacant

B. Staff Report

- E. Jardine reported that even though the resolutions were not included in the mailed packet, all three TCPB members (Jason Bellis, John Current, Pam Moore) with terms expiring at the end of 2015 were appointed for another three-year term.

IX. OLD BUSINESS

None

X. ADJOURNMENT

- A. Next Meeting December 16th, 2015 @ 7:00 PM in the Legislature Conference Room.
- B. Motion made to adjourn at 7:59 PM. W. Dimmick, III/J. Current/Carried.

Respectfully submitted,
Elaine Jardine, Tioga County Planning Director
Economic Development and Planning