

**TIOGA COUNTY PLANNING
BOARD MEETING MINUTES**

May 15, 2024

Tioga County Health & Human Services Building, Room #2139

I. CALL TO ORDER AND INTRODUCTIONS

- Chair D. Chrzanowski called the meeting to order at 7:00 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Doug Chrzanowski, Joe Budney, John Current, Vicki Davis, Georgeanne Eckley, Chelsea Robertson, Grady Updyke, Art Cacciola, Jim Marzen, Pam Moore

Excused: Bryan Goodrich

B. Ex Officio Members: None

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

D. 239m Review Applicants: Brenda Faye-Pelotte, Town of Nichols Deputy Supervisor

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 April 17, 2024 minutes with two corrections:

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

V. PRIVILEGE OF THE FLOOR

- E. Jardine thanked Karen Warfle for her great work done in the past two years with Economic Development and Planning and Ms. Jardine expressed appreciation for Karen’s attendance at the Planning Board meetings to take minutes. E. Jardine and B. Woodburn are working on a replacement to take minutes for the County Planning Board.

VI. NEW BUSINESS

A. 239 Reviews

1. County Case 2024-012: Town of Nichols, Zoning Board of Appeals Reduction Local Law, Town Board

The Nichols Town Board wishes to reduce their Town Zoning Board of Appeals membership from five to three members. This is due to the fact that the Town has experienced many challenges in recruiting candidates. The Town of Nichols is a small town, yet has both a planning board and zoning board of appeals to fill with volunteers. Additionally, often new members have not fully grasped the legal duties of a Zoning Board of Appeals in an adequate period of time, even after they have been trained by their Town Attorney, to perform their duties correctly.

NYS Town Law, Article 16, §267 Zoning Board of Appeals gives Towns the power to do this:

2. Appointment of members. Each town board which adopts a local law or ordinance and any amendments thereto pursuant to the powers granted by this article shall appoint a board of appeals consisting of **three** or five members as shall be determined by such local law or ordinance and shall designate the chairperson thereof.

The Town Board has informed me that the Town will retain all current four ZBA members, but will designate one as an alternate after adopting this Local Law. The possibility of alternates is specified in the Local Law. Please see attached local law for details.

Recruiting and finding willing, volunteer local planning or zoning board of appeals members, especially those who understand the duties, presents difficulties for all municipalities in our county. If this will make zoning business run more efficiently in the Town of Nichols, the County Planning Board should support their efforts.

Staff advises that the County Planning Board recommends Approval of the ZBA Reduction local law.

Q. J. Current – So this law is needed just because of trouble finding people to be on the Board? **A. E. Jardine** – yes and incorrectly overstepping from the legal ZBA duties. **J. Current** – Reducing the number solves overstepping? Can't you just reduce the number for a quorum? **E. Jardine** – No, because quorums and majority votes are based on full body membership according to the NYS Construction Law.

Motion to recommend Approval of the ZBA Reduction Local Law:

P. Moore/D. Chrzanowski/Carried

Yes	9
No	0
Abstentions	1 (D. Chrzanowski)

2. County Case 2024-013: Town of Owego, Site Plan Review, Little Creek Farm

E. Jardine first updated County Planning Board members that the Owego Town Board did approve and adopt the rezoning request from Agricultural (AG) to Neighborhood Transition (NT), so this property is now officially rezoned. While she is not necessarily in agreement that the spot zoning case law precedent the Town Board used to justify this rezoning is correct, we must move on and proceed with the site plan review.

The applicant has set up a country farm store by converting a 3,700 square foot barn to sell farm products processed from cattle, pigs and poultry they raise on the 26-acre farm on site. The applicant also sells bakery items and other general food and beverage merchandise items in the farm store. The farm store also includes a

small restaurant and gift shop with locally made items.

The applicant has obtained from NYS Department of Agriculture & Markets a food processing license (a licensed kitchen), a 20C food license, as well as Nursery Certificate enabling them to retail the bountiful range of farm products they offer for sale.

The applicant states that hours of operation are Monday through Saturday 7:00 AM – 6:00 PM and closed Sunday. They have provided space for up to 12 parking spaces, which is compliant with Neighborhood Transition zoning district requirements.

Since the Owego Town Board has adopted a rezoning of this parcel, this rural crossroads farm is the ideal location for this popular farm store. The applicant takes care to educate customers about the local farming lifestyle. The farm store helps retain these 26 acres as farmland, as the commercial aspect keeps the farming venture economically viable.

However, the multiple, temporary banner-type ground signs at the site entrance do not comply with the sign regulations herein. They are obtrusive upon the farm landscape and incompatible with the rural character of the area. Furthermore, these signs promote general commercial merchandise and not locally grown farm products for sale. Town of Owego officials have the authority to request that the applicant remove these signs and not use them in the future.

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

C. Robertson commented that the temporary flag or banner-type signs do not comply with these sign regulations and furthermore advertise general merchandise, not locally grown farm products. Update – E. Jardine updated the Staff Analysis and Recommendation to address this temporary signage issue under Comments before sending the document to the Town of Owego and the applicant.

Motion to recommend Approval of the Site Plan Review:

J. Current/J. Budney/Carried	
Yes	10
No	0
Abstentions	0

3. County Case 2024-015: Village of Owego, Flood Damage Prevention Law Variance, Village of Owego Board of Trustees

The Village of Owego Board of Trustees is requesting a Flood Damage Prevention Law variance from the Village Zoning Board of Appeals to waive the construction standards requirement of non-residential structures required to have the first-floor level be elevated to Base Flood Elevation plus two feet or be watertight for replacement of the existing bathroom facility in Marvin Park for construction of a new bathroom building.

Marvin Park and the site of the new bathroom facility, to be located in the same place as the current, non-functioning bathroom building, is within FEMA’s 1% annual chance Special Flood Hazard Area. 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.

FEMA’s FIRM map shows Base Flood Elevation is at 813’ above mean sea level (amsl) in this area. The first-floor level of the new bathrooms is proposed to be the same as the existing facility at ground level, which is at 804’ amsl. Five flood vents, which will be installed within 12 inches of ground level, allow free passage of flood water. The building has been designed for the correct hydrostatic and hydrodynamic pressure during a flood event. Mechanicals and utilities will be raised to above BFE + 2 feet, which is 815’ amsl. This design and practice of raising the mechanicals to above BFE + 2 feet while wet floodproofing with flood vents below BFE is accepted by the American Society of Civil Engineers (ASCE) and the National Flood Insurance Program (NFIP) when calculating for the correct hydrostatic and hydrodynamic loads.

While not in compliance with the Village’s Flood Damage Prevention law, 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. Additionally, the Marvin Park bathrooms need to be sited within the park, 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. The Village’s contracted engineer has sufficiently justified need for the variance request with the difficulty with ADA compliance at the high elevation of BFE + 2 feet and the added cost of dry floodproofing the proposed building, demonstrating financial hardship.

Staff advises that the County Planning Board recommends Approval of the Flood Damage Prevention Law Variance, with the condition that required building code variance for the location of the flood vents be granted by the State Board of Review.

- Q. P. Moore** – You say the construction area is less than ½ acre, but the law says the *lot* should ½ acre or less. **A.**
- E. Jardine** – I think we need to give the Village a pass on that requirement, as the construction area size vs. the size of the entire park is so much smaller.
- C. D. Chrzanowski** – As long as the mechanicals are kept high enough, the once in every 50 years flood scenario, the mechanicals would probably need to be replaced by that time anyway.

Motion to recommend Approval of the Flood Damage Prevention Law Variance:

C. Robertson/A. Cacciola/Carried	
Yes	10
No	0
Abstentions	0

VII. REPORTS

A. Local Bits and Pieces

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

- 2. Town of Berkshire** (vacant)
 - No report.

- 3. Town of Candor** (A. Cacciola)
 - The Town Planning Board Chair, Robin Beebe, has resigned.

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)
 - No report.
9. **Town of Spencer** (Joe Budney)
 - No report.
10. **Town of Tioga** (D. Chrzanowski)
 - No report.
11. **Village of Waverly** (vacant)
 - No report.
12. **Alternates** (B. Goodrich, C. Robertson)
 - No report.

B. Staff Report:

- E. Jardine informed County Planning Board members about staff changes in EDP – Brittany Woodburn is now the Department Director, Megan Schnabl is the Deputy Director, Sean Lanning is the Community Development Specialist, and we have an intern from Binghamton University. The County Legislature appointed a new Economic Development Specialist, and she will start in June. Lastly, the County Legislature also appointed Jackson Bailey for the County Administrator position, the County’s current Budget Officer. He will start July 1st.

VIII. OLD BUSINESS –
None.

IX. ADJOURNMENT

- A. Next Meeting June 19, 2024, @ 7:00 PM at HHS Building Room #2139.
- B. Motion made to adjourn at 7:32 PM. J. Current/G. Eckley/Carried.

Respectfully submitted,

APPROVED

Elaine D. Jardine, County Planning Director
Tioga County Economic Development and Planning