

**TIOGA COUNTY PLANNING
BOARD MEETING MINUTES**

March 20, 2024

Tioga County Health & Human Services Building, Room #2139

I. CALL TO ORDER AND INTRODUCTIONS

- Chair D. Chrzanowski called the meeting to order at 7:01 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Doug Chrzanowski, John Currant, Vicki Davis, Bryan Goodrich, James Marzen, Chelsea Robertson, Grady Updyke

Pam Moore arrived at 7:07 PM

Excused: Joseph Budney, Art Cacciola, Georgeanne Eckley

B. Ex Officio Members: None

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

D. 239m Review Applicants: Anthony Paniccia, Delta - for Upstate Shredding; Steve Carpineta, Upstate Shredding; Kelly Whittemore, Honeysuckle Labs; JT O'Brien, Bothar Construction; Chris Patel, Southern Tier Hotel

E. Guests: Daniel Kosztyo (Honeysuckle Labs property owner)

F. Staff: Karen Warfle

III. APPROVAL OF AGENDA

- Approval of agenda as presented:

J. Current/B. Goodrich/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of February 21, 2024 minutes as corrected:

J. Current/J. Marzen/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

- None

VI. NEW BUSINESS

For the March 20, 2024 meeting, Tioga County Alternate Board Member, Chelsea Robertson, served in the absence of Tioga County Planning Director, Elaine Jardine. Therefore, Ms. Robertson abstained from voting on all cases presented during this meeting.

A. 239 Reviews

1. County Case 2024-005: Town of Owego, Special Use Permit, Honeysuckle Labs

The applicant is requesting a special use permit to own and operate a dog kennel facility at her residence on Waits Road. This is an allowable use after granting of a special use permit by the Town of Owego Zoning Board of Appeals in an Agricultural Zoning District. Applicant states she breeds no more than 10 dogs at a time and rarely boards dogs for other people.

The Sheriff’s Office has checked and assessed this kennel operation upon a neighbor complaint and found the applicant was operating the breeding facility properly. The applicant is now quickly obtaining all required permits, including a building permit, after the approval of this special use permit.

Staff advises the County Planning Board recommends Approval of the Special Use Permit with the following condition:

- 1. That the applicant obtain all required state, county and local permits, licenses and registrations.

C. B. Goodrich - The location, 1479 Waits Road, on Tax Map Number 140.00-1 should be 58.1. It looks like .2 is their house and this is right on the side.

C. D. Chrzanowski – They already have all their approvals.

C. C. Robertson – They’re just coming into compliance with the local law for a special use permit process.

Motion to recommend Approval of Special Use Permit with the condition noted:

| | |
|---------------------------------------|-------------------------------------|
| J. Current/B. Goodrich/Carried | |
| Yes | 6 (P. Moore not yet present) |
| No | 0 |
| Abstentions | 1 (C. Robertson) |

2. County Case 2024-006: Town of Owego, Amended Special Use Permit, Bothar Construction, LLC

The applicant is requesting an amendment to a previous special use permit to establish a construction staging yard at this location. The initial staging area was approved a year ago and was in use last summer. A new contract has been awarded from DOT and an expansion of this same staging area is necessary. The staging area is growing from the original 1 acre to 3 acres total and a SWPPP has been completed and submitted to the Town. They will be staging various stockpiles of granular materials and equipment. Hours of operation will typically be 7:00 AM to 5:00 PM. Very few workers will be on site, only two to three. Applicant states truck trips will primarily occur in the morning and late afternoon, at peak times as much as 5 trucks an hour.

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 amended Special Use

Permit with the following conditions:

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 – This has gotten big enough that you’ve had to put the drainage ponds/catch basins in, right? **A. J.T. O’Brien** – Yes, once the approval goes through, we’ll be working on the SWPPP.

Q. D. Chrzanowski – According to the news, this is a 4-year project now? **A. J.T. O’Brien** – I only know of a 2-year project.

Q. C. Robertson – Was the SWPPP also submitted to the DEC? **A. J.T. O’Brien** – Yes.

Q. C. Robertson – Do you have that back from DEC yet? **A. J.T. O’Brien** – No.

Q. B. Goodrich – Regarding the stockpiling of the millings, for your road paving process, are you recycling these millings? **A. J.T. O’Brien** – They’ll be coming off the highway, will be processed, brought back out and be re-established on the highway. **Q. B. Goodrich** - My big concern is that it is a Special Use Permit and says if it hasn’t been used in three months, the special use goes away. What is Bothar’s plan in two years when this project is done? Will all the millings be gone, or will there be leftovers like there are now? **A. J.T. O’Brien** – It’s hard to say. Millings are in big demand and could disappear quickly; or if another job comes up they could be re-stockpiled there. Those millings are really fine and can be re-used as subbase.

C. B. Goodrich – That was my concern, once the 2-year project is done and the site abandoned, would there be a 60’ pile of material left there?

C. C. Robertson – It’s such seasonal work, how can they abide by the three-month limitation in the special use permit? And what constitutes a non-use at the time? A stockpile of millings present, or would it be considered abandoned at that time? That’s up to Town of Owego Code Enforcement.

Motion to recommend Approval of the Amended Special Use Permit, with the condition noted:

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|--|-------------------------|
| J. Current/D. Chrzanowski/Carried | |
| Yes | 7 |
| No | 0 |
| Abstentions | 1 (C. Robertson) |

3. County Case 2024-007: Town of Owego, Site Plan Review, Upstate Shredding

EPA guidelines require that Upstate Shredding enclose the shredder, which includes a stack not to exceed 125 feet high. Please see attached drawings.

A surrounding parcel is enrolled in the NYS Agricultural Districts Program, so the Town is going through the Ag Data Statement process.

If EPA requires this, Upstate Shredding must comply.

Staff advises the County Planning Board recommend Approval of the Special Use Permit request with the following condition:

1. That the applicant obtains all required federal, state, county and local permits, licenses and registrations.

Q. D. Chrzanowski – You decided it will be a 100’ tower? **A. A. Paniccia** – It’ still not determined, what you are looking at are preliminary drawings. We have to get through all the planning and special use permits. Then we have to inform the EPA in April that we’ve gotten through that, then they’ll allow us to move forward with the design. During the design process, we know it’s not going to exceed the 125’. We think it will be 100-110,’ but I can’t confirm that with you today. **Q. D. Chrzanowski** – You’re comfortable with the max number? **A. A. Paniccia** – Yes, absolutely. The only update I have for you is that we agreed with the EPA that it has to be done by December 2025. **Q. D. Chrzanowski** – In relative terms, it’s a tight schedule, right? **A. A. Paniccia** – With the amount of equipment we’re putting in here and the cost of the equipment, yes.

Motion to recommend Approval of the Site Plan Review, with the condition noted:

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|-------------------------------------|-------------------------|
| J. Current/J. Marzen/Carried | |
| Yes | 7 |
| No | 0 |
| Abstentions | 1 (C. Robertson) |

4. County Case 2024-008: Town of Owego, Special Use Permit, Southern Tier Hotel

The applicant is seeking a Special Use Permit in order to construct a demise wall to retain the two-story hotel structure located at 1100 State Route 17C. The Town of Owego approved the demolishing of the existing conference center that is currently attached to the existing hotel. In place of that conference center an ALDIs will be built. A demise wall will be constructed where the attached conference center once stood after demolition. To do this, a special use permit must be obtained, and a floodplain development permit must also be obtained.

Staff advises the County Planning Board recommend Approval of the Special Use Permit .

Q. P. Moore – Has the permit been granted? **A. D. Chrzanowski** – Yes, on the Aldi’s side. This is the hotel side. **A. C. Robertson** – Yes, because technically this is another action, it needs to be done again. **C. D. Chrzanowski** – We were surprised it didn’t come through with the Aldi’s demo plan.

Motion to recommend Approval of the Special Use Permit, with the condition noted:

B. Goodrich/P. Moore/Carried

Yes 7
No 0
Abstentions 1 (C. Robertson)

5. County Case 2024-009: Town of Owego, Rezoning, Little Creek Farm

C. C. Robertson at 7:23 PM – The applicant requested to be present via phone, but he won’t be available until 8:00 PM. **C. D. Chrzanowski** – We will proceed with the meeting.

The applicant wishes to rezone their entire 25.87-acre property, located on Day Hollow Road from Agricultural to Neighborhood Transition. The reason for the request is that the current use occurring at 2027 Day Hollow Road is out of compliance with the Agricultural Zoning as it is a commercial retail store. It is understood that the store began as a farm stand, was moved into a barn and overtime expanded into a retail establishment. The operation does have many locally produced items but also has quite a bit of non-local items.

The request is to only change the zoning in ownership of the Reeves. Surrounding properties wish to maintain their Agricultural Zoning.

The Neighborhood Transition Zoning currently only appears in a small area between DeGrote and Route 434 and covers four single family residents. The intent of the NT district is to “provide opportunities for limited low-density mixed-use development. A broad array of uses are expected in a pattern which integrates shops, restaurants, services, workplaces, and civic, education, and religious facilities.”

NT permitted uses include: Bed&Breakfast, Antique Store, Single-family dwelling, townhouse, solar energy systems, and uses permitted through a Special Use Permit include: Parking lot as a principal use, park, farmers market (seasonal), transit shelter, private club, retail, service, Inn, daycare, Drive in/through services, school, stalls or merchandise stands for outdoor sale of goods, home occupation.

The Future Land Use Plan for the Town of Owego has this property labeled as Agricultural and small portions as Land Conservation. This plan may be old (I couldn’t identify a date) but is the only plan that currently exists.

Surrounding parcels are enrolled in the NYS Agricultural Districts Program, so the Town is going through the Ag Data Statement process.

Rezoning of a single property in single ownership, without any continuous zones to annex to is spot zoning.

Cornell Law school defines spot zoning as: Spot zoning refers to when a piece of property or groups of property have special zoning laws applied to them that differ from

the zoning laws surrounding them.

Further, change of the entire 26-acre parcel to NT zoning would open up the property to potentially legally grow business of all the above permitted and permitted by special use permit uses on the property.

These uses and this change may in fact be welcomed on the site and appropriate for the area in the future growth of the Town. But this should be a cautious and deliberate decision by the Town Board that includes extensive public input. A decision to change zoning should be based on a current comprehensive plan and should be a part of Town Wide re-zone consideration.

Staff advises the County Planning Board recommend Disapproval of the Rezoning request.

C. P. Moore – There is a bunch of active ag land there, including this parcel labeled vacant. Their 25.87-acre parcel is medium and high level for preservation in the County’s Ag & Farmland Protection Plan.

C. D. Chrzanowski – I agree, and you can’t spot zone it, but the Town of Owego needs to determine how to zone it.

C. C. Robertson – It is definitely more than farm produce; it is more of a retail store.

C. P. Moore – Doing spot zoning here will change the agricultural viability of the land around it. The reason it’s high-level preservation is not just soils, it’s the active agriculture that’s there. And the Ag Plan is much more current than the Town of Owego’s Comprehensive Plan.

C. B. Goodrich – If we had the owner on the phone, I’d be curious to ask him if he would be willing to split his parcel. I wouldn’t be inclined to rezone the everything, but maybe just his house and parking to support the farm-to-market store that’s actually located in the country. I know it’s spot zoning, but that sprinkling of things throughout is the kind of mix you want – the walkability, the serviceability, things that are in the community.

C. J. Current – This is the type of business that should grow in our kind of community. Common sense has to prevail. Our community doesn’t fit the mold of NYC or Albany.

C. D. Chrzanowski – I understand. The only thing we can discuss is the spot zoning – it is illegal. The Town needs to fix this problem. C. Robertson agreed.

C. C. Robertson – The other thing to consider is the other nearby farm stand. The impact of this could create the same situation with that farm stand or others located on Day Hollow Road.

Q. J. Current – Who says it’s a farm stand vs. a retail operation? **A. D. Chrzanowski** –

The Town. **C. J. Current** – Then send it back to the Town. In my opinion, this type of business is exactly what we need. **C. D. Chrzanowski** – Absolutely.

Board discussion ensued regarding the history of the opening and progression of growth of this and similar businesses was discussed, as well as the definition of farm stand; involvement of code enforcement; the need for updated Town zoning laws and an updated Town comprehensive plan.

C. Robertson summarized the application again and stated she will call the Town of Owego staff and the applicant regarding the discussion and this Board’s recommendation, once voted upon.

Motion to recommend Disapproval of the Rezoning Request:

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|--|-------------------------|
| P. Moore/D. Chrzanowski/No Action | |
| Yes | 5 |
| No | 2 |
| Abstentions | 1 (C. Robertson) |

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)
 - No report.

4. **Town of Newark Valley** (J. Marzen)
 - No report.

5. **Town of Nichols** (P. Moore)
 - As a follow-up to the Town of Nichols going from a 5-person planning board to a 3-person planning board. Apparently this is not that unusual and is happening in other areas of the State as something new that is being tried. C. D. Chrzanowski – We are not having any trouble filling positions.

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:

- No report.

VIII. OLD BUSINESS - None

IX. ADJOURNMENT

- A. Next Meeting April 17, 2024, @ 7:00 PM at HHS Building Room #2139.
- B. Motion made to adjourn at 7:56 PM. B. Goodrich/P. Moore/Carried.

Respectfully submitted,

Karen Warfle, OSII
Tioga County Economic Development and Planning