

**TIOGA COUNTY PLANNING
BOARD MEETING MINUTES**

July 19, 2023

Tioga County Health & Human Services Building, Room #2139

I. CALL TO ORDER AND INTRODUCTIONS

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

II. ATTENDANCE

A. Planning Board Members:

Present: Art Cacciola, Doug Chrzanowski, John Current, Bryan Goodrich, Pam Moore, Grady Updyke

Excused: Chelsea Robertson, Matt Tomazin

B. Ex Officio Members: None

C. Local Officials: Brenda Fay-Pelotte, Town of Nichols Councilwoman

D. 239m Review Applicants: Brenda Fay-Pelotte, Town of Nichols Councilwoman

E. Guests: None

F. Staff: Elaine Jardine, Karen Warfle

III. APPROVAL OF AGENDA

- Approval of agenda as presented.

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

IV. APPROVAL OF MINUTES

- Approval of June 21, 2023 minutes as distributed.

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

V. PRIVILEGE OF THE FLOOR

- None

VI. NEW BUSINESS

A. 239 Reviews

1. County Case 2023-017: Town of Nichols, Lot Frontage Local Law, Town Board

The Nichols Town Board wishes to amend Chapter 194-12 of their zoning code to specify a minimum lot frontage of 25 feet for all parcels in all zoning districts. They want to do this to eliminate the formation of flag lots.

This new language specifying the minimum width of lot frontage will ensure that all lots will provide adequate access to all parcels.

Condition:

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

Staff advises the County Planning Board recommend Approval of the Zoning Amendment with the condition noted above.

Q. D. Chrzanowski – What was the minimum lot frontage in the road to start with? **A. B. Fay-Pelotte** – There are none. Some properties have easements.

C. D. Chrzanowski – In some towns, properties require 150 feet of frontage to build a house, but then some have two lanes that go to two big properties in the back. Property owners separate the mass property off, and then 10-15 years later, new owners take over, want to sell some property with the 25' right of way and a 500' road to get to it. Can they build on it? A scenario like this needs to be considered and discussed.

Q. P. Moore – In a case like that, how wide does the driveway need to be? **A. D. Chrzanowski** – Twelve feet, plus the ditch, so we always say twenty feet.

Q. P. Moore – So that gives enough room for a fire truck or whatever? **A. D. Chrzanowski** – There are some constraints. Fire code is different than road code. The new fire code states that once the length of the driveway goes beyond (approximately) 500-650 feet, you must have a pass-by put into the driveway. **C. A. Cacciola** – That's correct. **C. D. Chrzanowski** – In rural areas, that's particularly critical because of the use of pumpers and water supplies. The constraints have to address long rights-of-way to make sure they meet fire code. **C. A. Cacciola** – A fire tanker has to have room to go up, supply water to a fire, come back down and get past the engine that is pumping. It's a national code. If they want to develop at the top of a property, they could make the 25-foot easement a road up to the lot. **C. D. Chrzanowski** – That would work because a town road is typically that width.

C. B. Goodrich – My concern is enforcement, especially those that just pass property through a deed, with no survey. At what point is it a subdivision or just splitting the property by a deed, e.g., among family members?

Q. P. Moore – What about parcels that are already land-locked? **A. B. Fay-Pelotte** – They have easements in place. **A. E. Jardine** – It's all grandfathered.

G. Eckley arrived to the meeting at 7:09 PM

C. B. Goodrich – When there's a split of a property, not a sub-division, you can educate: the landowners, the lawyers drafting the deeds, and the surveyors, about the new 25' stipulation. **Q. B. Fay-Pelotte** – So we should make sure we advertise that out well? **A. E. Jardine/B. Goodrich** – Yes. **C. B. Fay-Pelotte** – That will be a challenge because a lot of times we don't hear about the property sale until after it's already done. **C. D. Chrzanowski** – Surveyors are usually the key people.

Q. G. Eckley – What about building permits? Don't people have to apply to do the work? **A. D. Chrzanowski** – That's different. The building permit side of it can be regulated. But theoretically, how a person divides their property can't be regulated.

C. P. Moore – A lot of larger properties are not surveyed when dividing up, it's very expensive. **C. D. Chrzanowski** – Rather what is being done quite regularly now is just a written piece of information.

Q. B. Goodrich – When property, with no road frontage, is given to a family member and you discover this after the fact, how do you approach that? Just something to consider.

C. D. Chrzanowski – It used to be 50' was a pretty common number, but 25' works.

Q. B. Fay-Pelotte – We originally had 50' in the proposed law. Do you recommend 50' rather than 25'?

A. D. Chrzanowski – A county or town road is 25' from the center line. Twenty-five feet will make it.

A. E. Jardine – Twenty-five feet is plenty. **C. B. Fay-Pelotte** – Good, we didn't want to make it too difficult for the property owners.

Motion to recommend approval of the Zoning Amendment, with the condition noted above:

G. Eckley/B. Goodrich/Carried	
Yes	7
No	0
Abstentions	0

VII. REPORTS

A. Local Bits and Pieces

- 1. Town of Candor** (A. Cacciola)
 - The Town Planning Board continues to work on the comprehensive plan survey/questionnaire. E. Jardine sent the Village of Waverly survey as an example to Robin Beebe.

- 2. Town of Tioga** (D. Chrzanowski)
 - Diamond Valley Road bridge replacement was approved by the NYS Bridge NY Program. Replacement will probably be done in 2024 or 2025.

- 3. Town of Berkshire**
 - No report.

- 4. Town of Newark Valley** (M. Tomazin)
 - Not in attendance.

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

- 6. Town of Owego** (J. Current)
 - No report.

- 7. Town of Nichols** (P. Moore)
 - I was contacted by a farmer in town who is putting in a grain bin. Does he need a permit? **D. Chrzanowski** – Yes, if he is utilizing USDA funding, they need the permit number for the paperwork. Town of Tioga does not: charge for the permit, assess the farmer for it, nor control it. The CEO makes sure the grain bin is there. **P. Moore** – The farmer was told by the CEO that a Special Use Permit was required, so he paid for one. **D. Chrzanowski/E. Jardine** – There is no Special Use Permit required for the farm. He should be refunded. Discussion ensued regarding various codes and licenses and how or even whether they applied in this situation.

- 8. Village of Waverly**
 - No report.

- 9. Village of Owego** (G. Eckley)

- No report.

10. Alternates (B. Goodrich, C. Robertson)

- No report.

B. Staff Report:

E. Jardine reported that in August, the Tioga County Legislature will have a resolution to appoint a Planning Board representative from the Town of Spencer. The representative should be at the August Planning Board Meeting if they are appointed.

VIII. OLD BUSINESS

- None

IX. ADJOURNMENT

- A. Next Meeting August 16, 2023, @ 7:00 PM at HHS Building Room #2139.
- B. Motion made to adjourn at 7:27 PM. J. Current/P. Moore/Carried.

Respectfully submitted,

Karen Warfle, OSII
Tioga County Economic Development and Planning