

**TIOGA COUNTY PLANNING BOARD  
MEETING MINUTES  
October 18<sup>th</sup>, 2017  
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 7:01 PM.

**II. ATTENDANCE**

A. Planning Board Members:

**Present:** Doug Chrzanowski, John Current, Pam Moore, Georgeanne Eckley , Tim Pollard, William Dimmick III, Chris Curry, Jason Bellis, Sarah Titus

**Excused:** Jim Tornatore, Grady Updyke

**Absent:**

B. Ex Officio Members:

C. Local Officials: Janet Brown, Town of Owego ZBA

D. 239m Review: Sue Wenzel for Test Assured Network, Kurt Charland of Bergmann Associates for Aldi

E. Guests: Fred Brown, Community Press

F. Staff: Elaine Jardine

**III. APPROVAL OF AGENDA**

- Approval of agenda, changing order of 239 review cases.  
P. Moore/J. Current/Carried  
None Opposed  
No Abstentions

**IV. APPROVAL OF MINUTES**

- Approval of September 20, 2017, with one change noted on pg. 2.  
S. Titus/T. Pollard/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 2017-025: Village of Waverly, PUD Special Use Permit and Site Plan Review, Test Assured Network**

The applicant is requesting site plan review and a special permit to locate his water testing business, Test Assured Network, on the first floor of the structure and a rental apartment on the second floor. The applicant owns the building.

Hours of operation are stated as 10:00 AM to 4:00 PM Monday through Friday. The applicant is currently the sole proprietor and employee, but hopes to expand said operating hours and have 5 – 6 employees within five years. This property is within FEMA’s Special Flood Hazard Area, but applicant states he has worked with the bank to not require flood insurance.

The proposal for this low intensity mixed-use water testing business and apartment is *the* definition of the type of use that is suitable in the Cayuta Avenue Planned Unit Development zoning district. It is beneficial that a local business is being established there, along with the rental income which will sustain the productivity of this property. Floodplain issues need to be worked out between the applicant and the Village of Waverly Code Enforcement Officer.

Staff recommends approval of the PUD Special Use Permit / Site Plan Review with the conditions of NYS DOT Region 9 Site Plan Review Committee review and consultation with the Village of Waverly Code Enforcement Officer about potential applicability of Flood Damage Prevention Regulations.

**Q. T. Pollard** - What is the use now? **A. S. Wenzel** – The upstairs is rented and the downstairs has just a desk in it where he wants to put the office. He works with labs in Rochester and Buffalo, but wants to move his part of the business out of our home, as well as set up a small bacterial lab.

**Q. S. Titus** – Are you sure Mr. Connor wants to move forward without flood insurance? **A. S. Wenzel** – The mortgage is paid off so it is not required.

**Q. C. Curry** – All testing will be done at this lab? **A. S. Wenzel** – No, most of the testing is conducted at the laboratories in Rochester and Buffalo. But he wants to do limited testing and prepare all samples here.

**Motion to recommend approval of the PUD Special Use Permit / Site Plan Review with the conditions noted:**

<b>W. Dimmick/T. Pollard/Carried</b>	
<b>Yes</b>	<b>9</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

**2. County Case 2017-022: Town of Owego, Floodplain Development Special Use Permit and Area Variances, Aldi of Owego**

The applicant is requesting a special use permit for development in the floodplain, and area variances to demolish the current Scoville-Meno automobile sales facility, except the Carstar Collision body shop. The applicant will then construct a 19,054 square foot building to establish and operate an Aldi of Owego, a retail chain food market. The total size the three properties is 2.4 acres.

Applicant states that hours of operation will be daily 9:00 AM – 8:00 PM. They expect to have 25 – 30 employees, of which only five are full-time. Vehicle trips expected are 76 on weekdays at peak hour and 88 on weekend days at peak hour. This property is located within FEMA’s Special Flood Hazard Area, so a special use permit for development in the floodplain is also required.

While this will be a more frequently visited commercial establishment, it is in character with commercial strip neighborhood. The area variances requested are minor in nature and will not change or have any negative impact on the surrounding area. State Route 17C should have adequate capacity where the level of service will not degrade and affect traffic safety. NYS DOT Site Plan Review Committee will also review this site plan and the Town of Owego will receive their comments and expertise on traffic impacts.

E. Jardine then proceeded through the area variance considerations for relief from both the front yard setback and the number and size of parking spaces. The conclusion was the area variances requested did not impact the neighborhood or community characteristics, nor do they pose environmental or physical impacts, so the benefit to the applicant outweighs the minimal impacts.

Staff recommends approval of the floodplain permit with the conditions noted.

E. Jardine then updated the TCPB members on the response letter from the DOT Region 9 Site Plan Review Committee. They are requiring a sidewalk along the full frontage of the property, and have concerns about the truck delivery path having to utilize the area of a few parking spaces, and encourage Complete Street design of the property to allow for the safety of all modes of travel to the site.

Kurt Charland of Bergmann Associates then pointed out a couple details. He said Aldi operates such that deliveries occur on off business hours. They also have a proven business model that 80 parking spaces are more than adequate for their peak traffic volumes. There will be two wall signs, one on each side of the building entrance parapet. He then pointed out the private drive for Carstar Collision and privacy fence on each side of the driveway that carries though the rear of the Aldi site for clear separation. He also pointed out the stormwater drainage practices and commented that the stormwater management and drainage will be 100% better on site with these practices in place.

**Q. G. Eckley** – Will the existing guard rail along the front of the property be removed? **A. K. Charland** – Most likely, yes.

**Q. E. Jardine** – Who will use the right driveway? **A. K. Charland** – This is the driveway for the Carstar Collision Body shop. **E. Jardine** – That driveway should be marked somehow for Carstar customers only.

**Q. D. Chrzanowski** – The end of the privacy fence at the road may obstruct the line of sight from bank customers coming out of the drive through. Can you move the end back? **A. K. Charland** – Yes, we can do that. **D. Chrzanowski** – You also may want to consider some kind of security for the entrance to Carstar as that isolated area at night could foster unwanted activity.

**Q. J. Brown** – Can you use trees or other landscaping for privacy next to the building? **A. K. Charland** – Yes that is a good idea.

**Q. D. Chrzanowski** – Why can’t you raise the building four feet? **A. K. Charland** – That will not be compatible with the existing grade and Carstar buildings. **D. Chrzanowski** – Is the loading dock going to be pushed back? **K. Charland** – Yes, it will be recessed and will also have stormwater drain there.

**Q. D. Chrzanowski** – Have you considered hazardous materials abatement? **A. K. Charland** – We are having a Phase 1 Environmental Audit done now. The report is due at the end of this week. We

anticipate asbestos abatement will be needed. **D. Chrzanowski** – What about soil abatement – **K. Charland** – The testing that was done for the Phase 1 report did not show any negative results. But we will know for sure when we get the final report. The Town of Owego will get a copy of this final report as well.

**Q. P. Moore** – Is the purchase of the property contingent upon approvals? **A. K. Charland** – Yes, always.

TCPB members then discussed how to handle the recommendation related to updated information. It was decided by consensus to let the DOT Region 9 comments be left between the applicant, the Town of Owego and DOT. But there should be two additional conditions set per case discussion – A directional sign needs to be added to the Carstar Collision driveway entrance, and the potential line of sight obstruction with the privacy fence need to be reviewed.

**Motion to amend conditions of approval recommendation:**

<b>D. Chrzanowski/J. Bellis/Carried</b>	
<b>Yes</b>	<b>9</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>0</b>

**Motion to recommend approval of the floodplain development special use permit and area variances with conditions noted:**

<b>J. Bellis/S. Titus/Carried</b>	
<b>Yes</b>	<b>8</b>
<b>No</b>	<b>0</b>
<b>Abstention</b>	<b>1 (P. Moore)</b>

**VIII. REPORTS**

A. Local Bits and Pieces

**1. Town of Candor** – J. Bellis

- No report

**2. Town of Nichols** – P. Moore

- No report

**3. Town of Berkshire** – T. Pollard

- The new bakery in the church is now operating

**4. Town of Tioga** – D. Chrzanowski

- Inquired about the Village of Nichols Levee certification and accreditation. E. Jardine stated this was funded by the NY Rising Communities Reconstruction Program

**5. Village of Waverly** – W. Dimmick III

- No report

- 6. Village of Owego – G. Eckley**
  - No report
  
- 7. Town of Newark Valley – S. Titus**
  - No report
  
- 8. Village of Newark Valley – J. Tornatore**
  - Not in attendance
  
- 9. Town of Owego – J. Current**
  - No report
  
- 10. Town of Barton – G. Updyke**
  - Not in attendance
  
- 11. Town of Richford - vacant**
  
- 12. Spencer – vacant**

B. Staff Report: No questions.

**IX. OLD BUSINESS**

None

**X. ADJOURNMENT**

- A. Next Meeting November 15<sup>th</sup>, 2017 @ 7:00 PM in the Legislature Conference Room.
- B. Motion made to adjourn at 8:10 PM. J. Bellis/W. Dimmick/Carried.

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