

**TIOGA COUNTY PLANNING
BOARD MEETING MINUTES
February 21, 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: Art Cacciola, Joseph Budney, Doug Chrzanowski, Pam Moore, James Marzen, Chelsea Robertson, Vicki Davis, Grady Updyke

Excused: John Current, Georgeanne Eckley, Bryan Goodrich

B. Ex Officio Members: None

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

D. 239m Review Applicants: Kurt Charland, Colliers Engineering and Design (Civil Engineers for Aldi); Lew Kibling, Director of Real Estate for Aldi

E. Guests: None

F. Staff: Elaine Jardine, Karen Warfle

III. APPROVAL OF AGENDA

- Approval of agenda as presented:

C. Robertson/J. Budney/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of January 17, 2024 minutes as corrected:

P. Moore/A. Cacciola/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

- None

VI. NEW BUSINESS

A. 239 Reviews

1. County Case 2024-003, Town of Nichols, Comprehensive Plan Adoption, Town Board

The development of this comprehensive plan has been a work in progress since the year 2006. Various groups of planning board members and town board members

have worked to make it acceptable to the Town Board at various points in time since 2006.

Currently, the Nichols Town Board states that they have recently reviewed the Comprehensive Plan, which shows the goals, framework, and basic tenets of the Plan remain current and relevant. An update to the Plan will flesh out new opportunities to meet those existing goals, update statistics, add the AG Protection Plan and other important resource documents and policies, as well as clearing up and changing the format of the current document. The current Town Board is motivated to adopt and immediately begin updating the Comprehensive Plan upon approval.

If the Town Board is comfortable with the Comprehensive Plan document in its current state, especially the goals, then the County Planning Board should support their recent assessment and desire to adopt it.

Staff advises the County Planning Board recommend approval of the Comprehensive Plan with the following conditions:

1. That the Town Board conducts a SEQR evaluation for this Type 1 Action with a Full Environmental Assessment Form
2. That the Town Board holds a public hearing to solicit public input before adoption.

Q. C. Robertson: What are the highlighted items in the plan? **A. B. Fay-Pelotte:** The document is in an old format and the former highlighting cannot be removed. Efforts to convert it to a current format have not been successful. We will need to re-type the whole thing.

The County Planning Board members offered various suggestions for conversion of the text and tables.

Q. C. Robertson: All the public input (via survey) was in 2004? **A. E. Jardine:** Correct, it was done with Cornell Design Connect.

Q. C. Robertson: Has there been public input – surveys, community visioning since 2004? **A. B. Fay-Pelotte:** There was a long-term community recovery strategy that was done in 2013, so there was public input from that.

Q. C. Robertson: What's the motivation to adopt this? **A. B. Fay-Pelotte:** There are grants available to have someone like Cornell assist us in updating the Comprehensive Plan. Julie Sweet told us it was helpful to have the Comprehensive Plan in order to get those grants.

Q. E. Jardine: What kind of grant? For a new comprehensive plan? **A. B. Fay-Pelotte:** It would be for a consultant to come in and actually update all this for us.

C. C. Robertson: It's a DOS grant, that's why they're talking to Julie Sweet about it. It's the Smart Growth Planning Grant. An adopted plan is not needed, just the draft to demonstrate the work you have put into it but too much time has passed, and you need to start fresh. I would be concerned adopting something that's supposed to be

community-driven and is based on residents’ perceptions from 2004, or even 2013. I suggest you go back to Design Connect and ask them to re-do the survey. You have to apply for that in August/September. There have been many changes including the broadband, the casino, solar projects. **C. B. Fay-Pelotte:** The people who would be interested in it are the same people who were on the first one.

C. C. Robertson: I hate to have you come back but this does not have to happen tonight, we can spend the next month learning more; and the grant does not open until May.

Q. P. Moore: The long-term community recovery process, wasn’t that flood-specific?

A. E. Jardine: It was more of an economic development recovery plan. But that was in 2013. I suggest the board recommend disapproval because of the state of the document and the fact that it is so old. I will talk to Julie Sweet and get clarification as to what is actually needed for the specific grant you are seeking. It is one of my duties to help write these applications.

C. C. Robertson: I have written a successful grant like this and will assist as well. I suspect the conversation with Julie Sweet was about a different grant program.

C. E. Jardine: I would suspect that, too. **C. B. Fay-Pelotte:** The other Town Board member talking to Julie Sweet was thinking about the waterfront grant.

Motion to recommend Disapproval of the Town of Nichols Comprehensive Plan:

C. Robertson/J. Budney/Carried

Yes	8
No	0
Abstentions	0

2. County Case 2024-004: Town of Owego, Floodplain Special Use Permit, Site Plan Review, and Parking Area Variances, Aldi of Owego

The applicant is requesting a floodplain development special use permit and site plan review plus area variances for number of parking spaces and size of parking stalls to construct and operate a 19,631 square foot, single story commercial Aldi grocery store on the 2.18-acre property. The applicant first plans to demolish the current conference center, pool, corridor and check-in area of the Choice Hotel (formerly Owego Treadway Inn conference center). Construction of the grocery store will take roughly 5 – 7 months from the start of demolition.

The applicant states that typical hours of operation for Aldi grocery stores are 9:00 AM to 8:00 PM seven days a week. The applicant expects this store to have 20 employees. Applicant also states that Aldi typically generates 50 - 60 vehicle trips per hour at peak hours, with trucks making one to two trips per day on off-peak hours.

The property is located within a special flood hazard area, with the Base Flood Elevation (BFE) at 816 feet amsl. Applicant has submitted a hydrologic and hydraulic analysis report which concludes that the development will not result in any change in the floodplain elevation and that the proposed improvements have been designed to avoid impact to the floodway. The finished floor of the proposed Aldi grocery store will be constructed 1 foot above the BFE, and

all entrances, openings, and utilities will be floodproofed to the minimum 2' above BFE.

Geotechnical evaluation concluded that localized fill material needs to be further defined and some removal and replacement will likely be necessary.

The project will meet NYS DEC Stormwater regulations with a permanent practice of connecting proposed stormwater conduit to existing stormwater conduit on site that flows to the Susquehanna River. Additionally, hydrodynamic separators will be used to filter sediment from the stormwater before it flows into the river.

This project is a suitable use to replace the existing vacant commercial structure. The applicant has ensured protection of the facility against flooding and the Area Variances requested are not substantial.

Staff advises the County Planning Board to recommend Approval of the Floodplain Development Special Use Permit and both Parking Area Variances with the following conditions:

1. That the applicant obtains all required state, county and local permits, licenses and registrations.
2. That applicant complies with NYS DOT Region 9 Site Plan Review Committee's comments and requirements.

Q. D. Chrzanowski – So the shared parking with the Choice Hotel, is the parking going to be designed so customers have access anywhere to park, like in a strip plaza situation? **A. K. Charland** – Yes.

C. E. Jardine: I received the NYS DOT Region 9 memo today, which notes the applicant will be required to install sidewalks along the site's frontage between the facility's driveway and Hickories Park Road as well as the pedestrian connection between the building and the sidewalk. It will require a building highway work permit. They also require a drainage study. JoAnn submitted that to the DOT as part of the stormwater permit/SWIPP. The memo also states no items, including signage, may be placed in the State right-of-way.

Q. A. Cacciola: It's going to be three feet above – one foot plus two feet? **A. K. Charland:** No, the finished floor of the building itself will be one foot above the base flood, and additionally flood-proofed to the two-foot level. **Q. A. Cacciola:** The water on that property will flood someplace else, or is it going to stay on that property? **A. K. Charland:** Stormwater will act in the same way it does today. We're connecting into existing stormwater conduit infrastructure. **Q. A. Cacciola:** So, it drains in the same place? **A. K. Charland:** Correct. **Q. A. Cacciola:** But now if you're higher, places where the water used to flow are now going to flood someplace else. **A. K. Charland:** No, it's all going to be captured within that exact system. If what you mean is that we are displacing additional water, the hydrologic and hydraulic study shows that is not the case. Now, if were in the Flood WAY trying to fill, that's a different situation.

Q. D. Chrzanowski: What was DOT’s concern about the intersection? **A. E. Jardine:** That they provide pedestrian walkways. **C. K. Charland:** We’ll need to have discussion with DOT. There is no place to put a sidewalk in without putting it on the DOT right-of-way; and Aldi doesn’t control the land on either side of its own property.

Q. D. Chrzanowski: The parking is kind of convoluted. Is it going to match the next parking lot; what is the traffic pattern? **A. K. Charland:** The parking is what exists there already, and this is the truck traffic pattern to the truck docks (demonstrated on photo/drawing). Entrance to the building will be on the corner of the building and is at grade – no steps or ramp needed. (Mr. Charland also pointed out the Aldi parking spaces and the additional shared parking spaces.)

C. L. Kibling: We’ve been working on this with all three hotels for two years and have an agreement with them regarding the parking. **C. K. Charland:** There’s more than adequate parking to meet their needs for their hotel guests.

Q. D. Chrzanowski: What is the size of the current parking stalls? **A. K. Charland:** They’re about 9x18, but vary somewhat.

Q. D. Chrzanowski: The Best Western parking lot tends to be a weekend parking lot for line trucks. Will the agreement exclude long-term parking that currently takes up at least 10 spaces? **A. L. Kibling:** We’ll have signs up on our parcel that state we can remove vehicles. We have an agreement that will address that somewhat.

Q. P. Moore: There’s no concern having the buildings so close to the floodway? **A. K. Charland:** This will be 3 ½ feet higher than the current building that is there and is at the same elevation as the previously considered site at Scoville-Meno.

Q. D. Chrzanowski: I am assuming this is a block building? **A. L. Kibling:** Yes, steel/block.

Motion to recommend Approval of the Floodplain Special Use Permit, Site Plan Review, and Parking Area Variances, with the conditions noted:

A. Cacciola/C. Robertson/Carried

Yes 8

No 0

No Abstentions

B. Election of 2024 Officers

E. Jardine listed the current officers as: D. Chrzanowski, Chair; C. Robertson, Vice-Chair; P. Moore, Secretary. D. Chrzanowski agreed to continue to serve as Chair and mentioned his role with the Town of Tioga has changes. E. Jardine did ask the County attorney regarding any conflict regarding a person serving as both a Town Supervisor and on the County Planning Board. The County Attorney advised there is no law prohibiting serving in both positions simultaneously, but that such person would need to recuse himself/herself from any case involving that town that comes before the County Planning Board. C. Robertson stated she has a few night meeting conflicts and anticipates missing at least three meetings this year. A. Cacciola would consider serving as Vice-Chair. Discussion of the duties of the Secretary were discussed and there being no other interested candidates, P. Moore agreed to continue to serve as Secretary. E. Jardine then summarized the proposed slate of 2024 Officers as: Chair – Doug Chrzanowski, Vice-Chair – Art Cacciola, Secretary – Pam Moore.

Motion to Elect the 2024 Slate of Officers as Proposed:

C. Robertson/J. Budney/Carried

Yes 8

No 0

No Abstentions

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 racetrack mentioned at the last meeting has moved its proposed location to Dewey Road, which is a local road, so they do not have to come before the County Planning Board for a recommendation. The owners are working to comply with local laws. It will be a go-cart racetrack for adult and youth racing on Saturdays. It will be the same size as the microd track located in the Town of Tioga. Racing is for members and is competitive, not for the general public for leisure/entertainment. The Code Enforcement Officer was reminded to post a notice about the public hearing. We are also still working on the Comprehensive Plan.

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

5. **Town of Nichols** (P. Moore)
 - The Nichols Town Planning Board has trouble getting members to attend meetings so they will be going from a 5-person board to a 3-person board. There was discussion as to the minimum number of board members allowed for a Town Planning Board.
P. Moore: Did you find out anything about cell tower changes in town? D.
Chrzanowski: I don't think they're cell towers. I think they're FAA towers. P. Moore: The one on the west side of town – looks like they made it a lot taller. D.
Chrzanowski: They're flight beacons. It is just a light, nothing is emitted.

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)

- Shangri-La II has been renamed Tioga Motor Sports and is being redeveloped by a new owner. The investor/owner is not local and not a racer but has been cleaning up the property, replacing bathroom fixtures, etc., to bring back drag racing and oval racing. He has ambulances, fire-fighting equipment and everything will be re-certified.

11. Village of Waverly (vacant)

- No report.

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

- C. Robertson reported that she is working with Southern Tier Network on writing a broadband grant for Newark Valley (last mile), based on the pilot in Nichols.

B. Staff Report:

E. Jardine reported that after consulting with the media consultant and board members, a reel and a full board photo will not be done at this time.

P. Moore: Is there something new going on with Buck Road/Industrial Park? E. Jardine – The IDA purchased it for development in 2006. D. Chrzanowski: I issued an inspection report. There is no asbestos, and the demolished barn will be going to the Chemung landfill. E. Jardine: Some of the wood is being salvaged.

VIII. OLD BUSINESS

- The proposed solar project on Ballou Road did pass via supermajority vote, overriding the County Planning Board recommendation. Discussion regarding the vote, meeting date change and resident attendance, and the appeal process.
- D. Chrzanowski stated the Ag Plan Preservation Priority needs updating. P. Moore stated it will be done in the next few years. E. Jardine stated they need the Department of Ag & Markets to fund it and the County must match the funds.

IX. ADJOURNMENT

- Next Meeting March 20, 2024, @ 7:00 PM at HHS Building Room #2139.
- Motion made to adjourn at 8:10 PM. C. Robertson/P. Moore/Carried.

Respectfully submitted,

Karen Warfle, OSII

Tioga County Economic Development and Planning