

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
September 21, 2016
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 7:03 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Doug Chrzanowski, Grady Updyke, Tim Pollard, Chris Curry, Sarah Titus, James Tornatore, William Dimmick III, Georgeanne Eckley, Pam Moore

Excused: John Current

Absent: Jason Bellis

B. Ex Officio Members:

C. Local Officials: John Whitcomb – Spencer Joint Planning Board Chair

D. 239m Review Walter Rosvold, Russell and Cynthia Cornwell and Steve McElwain for R&C Auto Repair; Pearl Simonis, Joe Mint, Taunya Knolles Rosenbloom and Tracy Lewis for Mint Auto Sales; Anthony Paniccia and Paige Patterson of Delta Engineers for Upstate Shredding; Ernesto Tirado and Paul Lehr for Micro Fines Recycling Owego, LLC; Bruce Nelson of Nelson Development Group; Matthew Mullen

E. Guests:

F. Staff: Elaine Jardine, Brittany Woodburn

III. APPROVAL OF AGENDA

- Approval of agenda.

J. Tornatore/T. Pollard/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of August 17, 2016 minutes.

S. Titus/W. Dimmick, III/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

- None heard.

VI. CORRESPONDENCE

- Folder deferred until next month due to busy agenda.

VII. NEW BUSINESS

A. 239 Reviews

1. County Case 2016-024: Town of Spencer, Site Plan Review, Rosvold Storage

The applicant is again requesting Site Plan approval to establish and operate a storage unit facility on this currently vacant property. There will be three 3,000 square foot, rectangular steel storage buildings. The height of each building is nine feet, 3 inches. There will be 25 storage units total. The applicant has a similar storage facility on State Route 38 in Owego (see attached photo).

The drivable areas will be graveled. The site plan also shows that two existing poles will be used for lighting.

The neighborhood is mainly agricultural and green open space in nature, plus an auto repair shop directly across the road. This property is in FEMA's Special Hazard Area 1% annual change flood zone.

Staff recommends approval of the site plan review with the conditions of review and approval of NYS DOT Region 9 Site Plan Review Committee, and that construction is compliant with the Town of Spencer's Flood Damage Prevention Regulations of 2012.

Motion to recommend approval of the Site Plan Review with the conditions noted:

T. Pollard/S. Titus/Carried

Yes	9
No	0
Abstention	0

2. County Case 2016-025: Village of Spencer, Site Plan Review, Mint Auto Sales, Inc.

The applicant is again requesting Site Plan approval to establish and operate a used automobile sales facility on this currently vacant property. This is the same project as the one previously reviewed by the TCPB, but the Town/Village of Spencer Joint Planning Board determined that the previous referral occurred prematurely and felt it necessary to submit the 239 referral again, with more materials.

Since the previous referral, the NYS DOT Region 9 Site Plan Review Committee has provided comment saying that an engineered drainage study may be required before issuance of a highway work permit. The applicant shows a drainage area on the southern portion of the property, but this has not been engineered. The Town/Village of Spencer Code Enforcement Officer has also determined that the conventional septic system is not adequate for the waste water generated from washing cars. This will require an upgraded septic system and a NYS SPDES permit.

Staff recommends approval of site plan review with the requirements that construction is compliant with the Village of Owego's Flood Damage Prevention regulations and that an upgraded septic system is designed and installed that complies with NYSDEC SPDES requirements and applicant obtains a SPDES permit.

J. Whitcomb then commented that there was a requirement that the well has to be located at least 200 feet from the property line when next to an agricultural district property. **J. Mint** replied that this well location will be compliant.

Motion to recommend approval of the site plan review with the conditions noted:

T. Pollard/S. Titus/Carried

Yes 9

No 0

Abstention 0

3. County Case 2016-026: Village of Owego, Area Variances, Special Use Permit, Site Plan Review, Nelson Development Group

The applicant is requesting area variances, site plan review approval, and a special use permit to construct an infill Gateway building where the Cracker Barrel used to be on Front Street in the Village of Owego. The building was completely destroyed by fire in 2000 and subsequently demolished. This new infill building will be a total of 13,600 square feet, with three floors, each at 4,400 square feet. The height of the building measures 50 feet from mean grade at ground level to the top of the highest point. The building is designed in all aspects to blend in exactly with the surrounding buildings on RiverRow. NY SHPO has already issued the project a No Adverse Impact determination.

The first occupied floor will contain four small retail incubator spaces in the front of the building, public bathrooms in the middle, and two offices spaces at the rear. There will also be a Riverwalk Overlook outside of the rear of the building. The two other stories will contain four apartments each – two 1-bedroom and two 2-bedroom apartments on each of the two floors. The two-bedroom apartments will have small overlook decks in the rear. The rooftop will contain a roof access with a small sitting area.

The basement will contain nothing but unfinished floor space, as well as access to the Riverwalk Overlook and the River Walk itself. It will be constructed to be flood proof.

Each of the four storefronts will have a small oval sign on top of the door in the lintel section of the building with a goose neck, downward-directed, external light fixture. The middle oval sign will be of the same design, but display Gateway and the address.

This Gateway project will hook into all existing utilities including municipal water and sewer, NYSEG electricity and natural gas, as well as broadband telecommunications.

This project proposal requires two area variances – one small variance for the front yard setback from 15 feet required to 5 feet requested, and a 100% variance for not providing an off-street loading space.

E. Jardine stated that NYS DOT Region’s Site Plan Review Committee reviewed and provided comments that construction materials should not significantly impede traffic flow on State Route 17C.

For the area variance considerations, E. Jardine stated that the small variance requested for the front yard was necessary to ensure the fronts of the buildings were in alignment, and the new businesses can use the on-street loading zone provided in the marked parking spaces. The economic and

community benefits of the infill building project outweigh the minimal impacts of requested area variances.

Staff recommends approval of the area variances, special use permit, and site plan review with the condition that construction is compliant with the Village of Owego's Flood Damage Prevention Regulations of 2012.

Q. D. Chrzanowski - When will the public bathrooms be open? **A. B. Nelson** – During the operating hours of the businesses and offices. Otherwise they will be locked.

Q. P. Moore – What is the triangle in the back? **A. B. Nelson** – It is the steel supports for the first-floor level deck. The structural support is designed this way to minimize damage from snow and ice.

Q. P. Moore – How will the incubator spaces work – will there be small business assistance? **A. B. Nelson** – No, it will just be market driven. It is an opportunity for someone between just an idea or starting and an official storefront to test their products.

Q. D. Chrzanowski – What will be on the roof? **A. B. Nelson** – A roof access for residential tenants only.

Motion to recommend approval of the area variances and special use permit with the condition noted:

J. Tornatore/T. Pollard/Carried

Yes 8

No 0

Abstention 1 (G. Eckley)

Motion to recommend approval of the site plan review with the condition noted:

T. Pollard/S. Titus/Carried

Yes 8

No 0

Abstention 1 (G. Eckley)

4. County Case 2016-027: Village of Waverly PUD SUP/SPR, Sopranos

Applicant wishes to add storage for dry goods at their market by extending their current storage area that is attached to the market, and adding a small storage shed to the rear of their property. After consultation with the TCPB Chair, it was decided to send this referral case back to the Village of Waverly without recommendation due to lack of intermunicipal or countywide impacts.

5. County Case 2016-028: Town of Owego, Site Plan Review, Micro Fines Recycling Owego, LLC

The applicant is proposing to construct a partially enclosed new processing facility for Upstate Shredding located on their existing shredding campus off State Route 38 in Owego. This new facility will process inert material less than ¾ of an inch in size from the downstream plant (shredder) to further recover metals and reduce material going to the landfill. The entire equipment footprint area is about 35,000 square feet (0.923 acres), consisting of the three distinct areas - the front enclosed portion which is 14,640 square feet and 34 feet high, the middle portion which consists of material storage bunkers and is uncovered, and the third covered storage area where fluff coming from the main shredder is input measuring 4,000 square feet.

Interior and external lighting will be LED technology. Upstate Shredding plans to employ seven workers to operate this new equipment over two shifts, 7:00 AM – 5:30 PM and 6:00 PM to 3:00 AM. This project will generate five truck trips per week to haul the recyclable material, but overall should actually reduce truck traffic, since inbound material comes directly from the main shredder and this new equipment will reduce outbound waste. There are industrial uses and open space in the vicinity.

This added separating equipment for Upstate Shredding will have minimal impacts on the area, since it is already an industrial shredding and recycling facility, and will overall have environmental benefit as it reduces the amount of industrial waste stream entering a landfill. Staff recommends approval of the site plan review with the conditions that parking and loading area specifics are mutually agreed upon between the applicant and the Town of Planning Board and that this proposal is submitted to the NYS DOT Region 9 Site Plan Review Committee for comment.

Q. D. Chrzanowski – Will there be a dust collection system? **A. E. Tirado** – Yes, there will be side plumes and air filters that will make the environment 99% dust free.

Q. D. Chrzanowski – What about noise – will there be any kind of grinding or reduction in size? **A. P. Lehr** – No.

Q. D. Chrzanowski – Are there any DEC requirements for outbound fluff waste in order to keep it from blowing everywhere? **A. P. Lehr** – No, because it will be moisture-concentrated which will not allow it to.

Motion to recommend approval of the site plan review with the conditions noted:

J. Tornatore/P. Moore/Carried

Yes 9

No 0

Abstention 0

6. County Case 2016-029: Town of Owego, Special Use Permit, R&C Auto Repair

The applicant is requesting a special use permit to relocate and operate their existing auto repair business from Glenmary Road to this property. The applicant has an option to purchase the property from Steve Kuhlman, contingent upon obtaining local approvals. The applicant and his wife operate the business and currently have no employees. The applicant expects to increase their volume of business due to the increased service space at this location as the new building is proposed to be 3,880 square feet with four service bays. This expansion will facilitate a doubling of their business from the current 8 – 10 customer cars daily to 16 – 22 cars expected daily. They hope to hire two new employees in the first six months of business at the new location.

The property is within FEMA's Special Flood Hazard Area 1% annual chance of flooding. The building location on the lot has been elevated to accommodate this and the base floor elevation meets the two-feet above flood level new construction requirement. The surrounding neighborhood contains commercial and open space uses, as well as the Northern & Suffolk railroad tracks.

The site plan shows only 5 marked spaces, versus the 27 spaces required by Town of Owego Code. While the applicant does show one ground sign on the site plan, no specifics are provided.

The proposed use is in character with the small commercial neighborhood, especially since there was previously a used auto sales facility on the site for decades, which operated without problems.

Staff recommends approval of the special use permit with the conditions that the applicant and the Town of Owego ZBA mutually agree on number of parking spaces and signage plans, and that construction is in compliance with Town of Owego's Flood Damage Prevention Regulations of 2012.

Q. D. Chrzanowski – Is an upgraded septic system needed? **A. S. McElwain** – No, not needed because there will be no car washing or detailing. Also, there will be no floor drains. All waste will be collected and disposed of properly off site.

Q. P. Moore – At what elevation will be building be constructed? **A. S. McElwain** – Three feet above base flood elevation. There will be a net-zero elevation change as the mound of material already on site will be used to fill/elevate the construction spot.

Motion to recommend approval of the special use permit with the conditions noted:

W. Dimmick, III/T. Pollard/Carried

Yes 9

No 0

Abstention 0

7. County Case 2016-030: Town of Owego, Special Use Permit, Upstate Shredding

The applicant has purchased the old 84 Lumber site (3.51 acres) and proposes to renovate the approximately 15,000 square-foot building to reclaim mixed metals by separating them into individual metal streams (aluminum, copper, zinc, etc.) via magnets. There will be no processing on site so there will be no by-product or fluff created. The exterior of the existing main building will be renovated to look like an office building. The open sided storage building located to the left of the main building will be removed, and the gravel surface area in the rear of the building will be improved to paved asphalt. The facility will utilize existing on-site utilities, as well as the existing sign.

Hours of operation will be from 6:00AM to 9:00PM. There is expected to be 24 jobs created, working over two shifts. Truck traffic generation is estimated at 5 – 10 trips per day maximum. The neighborhood consists of commercial uses and open space.

This adaptive reuse of the old 84 Lumber property is suitable and will make it productive again. The spacious property, driveway and existing street network of State Route 434 provide more than adequate traffic/vehicular flow and safety, especially given low anticipated volume of truck traffic. The process will also be entirely enclosed so the neighboring businesses should not be impacted and the renovated building exterior will be in character with the commercial neighborhood.

Staff recommends approval of the special use permit with the condition that the proposal is submitted to the NYS DOT Region 9 Site Plan Review Committee for comment.

Q. E. Jardine – Are there any signage plans? **A. A. Paniccia** – Will use the existing sign.

Q. D. Chrzanowski – Is this all non-ferrous materials? **A. A. Paniccia** – Yes. **D. Chrzanowski** – Are the inbound trucks coming from the shredder? **A. A. Paniccia** – Yes.

Q. T. Pollard – Is a SWPPP required? **A. A. Paniccia** – No because the gravel surface is already existing and DEC considers this already impervious. The asphalt will just be paved on top of it. **E. Jardine** stated that she will check on this with Wendy Walsh, CPESC.

Motion to recommend approval of the special use permit with the condition noted:

S. Titus/J. Tornatore/Carried

Yes 9

No 0

Abstention 0

VIII. REPORTS

- A. Local Bits and Pieces – deferred this month due to busy agenda.
- B. Staff Report
 - Sent in meeting packet.

IX. OLD BUSINESS

None.

X. ADJOURNMENT

- A. Next Meeting October 19th, 2016 @ 7:00 PM in the Legislature Conference Room.
- B. Motion made to adjourn at 8:25 PM. C. Curry/D. Chrzanowski/Carried.

Respectfully submitted,

Elaine Jardine, Tioga County Planning Director
Economic Development and Planning