

**TIOGA COUNTY PLANNING
BOARD MEETING MINUTES**

April 17, 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, Joe Budney, John Currant, Vicki Davis, Georgeanne Eckley, Bryan Goodrich, Chelsea Robertson, Grady Updyke

Pam Moore arrived at 7:05 PM

Excused: Art Cacciola, Jim Marzen

B. Ex Officio Members: None

C. Local Officials: Sam Davidson, Town of Berkshire Planning Board

D. 239m Review Applicants: Zack Kamm, Dynamic Engineering on behalf of Tractor Supply

E. Guests: None

F. Staff: Elaine Jardine, Karen Warfle

III. APPROVAL OF AGENDA

- Approval of agenda as presented:

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

IV. APPROVAL OF MINUTES

- Approval of March 20, 2024 minutes:

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

V. PRIVILEGE OF THE FLOOR

- D. Chrzanowski and E. Jardine both thanked C. Robertson for her assistance with the March cases and meeting and her subsequent follow-up with one of the applicants and the Town of Owego.

VI. NEW BUSINESS

A. 239 Reviews

1. County Case 2024-010: Town of Owego, Special Use Permit, Nickels-Schaffer (Non-Action)

D. Chrzanowski stated the request was for one camper requiring a special use permit from the Town of Owego and noted the camper was just replacing an existing camper, resulting in a non-action.

2. County Case 2024-011: Town of Owego, Special Use Permit and Area Variances, Tractor Supply

The applicant is requesting a special use permit and area variances for number of parking spaces and loading areas to construct and operate a 21,930 square foot, single-story retail Tractor Supply store on the currently undeveloped 8-acre site (merging the two tax parcels), along with accompanying site improvements such as parking, loading, outdoor display area, landscaping, lighting, and stormwater infrastructure.

The applicant states that hours of operation for this Tractor Supply store will be Mondays – Saturdays 8:00 AM to 8:00 PM and Sundays 9:00 AM – 7:00 PM. The number of employees is yet to be determined. Applicant states that customer vehicles in that parking lot at any given time are typically around 20, with a maximum of 50 at any given time at Christmas time. There will be only 1 to 2 deliveries per week.

The applicant intends to expand and connect to Veolia’s private community water system that now stops on the Tioga County IDA property to the east and is now in discussions with Veolia and the Town of Owego to do so. Additionally, the applicant intends to install a private septic system and is working with the Tioga Department of Public Health for permitting. The proposed permanent stormwater construction practice is comprised of an above-ground infiltration facility that has been designed to mitigate the increased stormwater runoff resulting from the new impervious surfaces as well as improve water quality. Construction will take approximately 10 months at most.

The proposed project is sited in a suitable location that is zoned correctly with the intention of adding retail facilities to those existing in this neighborhood. The Area Variances requested, while a bit more than substantial, are beneficial as they both reduce the amount of impervious surface on the site, thereby reducing stormwater impacts.

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

1. That the applicant obtains all required state, county and local permits, licenses and registrations.
2. That the applicant complies with NYS DOT Region 9 Site Plan Review Committee’s comments and requirements.
3. That the extension and connection to the Veolia private community water system is agreed upon between Veolia and the Town of Owego and said extension is feasible and successful.
4. That the Tioga County Public Health Department approves the engineered septic system design.

C. E. Jardine – The NYS DOT Site Plan Review Committee met and noted the project will require a work highway permit; all existing driveway openings shall be designed to NYS DOT standards; the applicant will be permitted to submit a drainage study, which can be done with the SWPPP (Storm Water Pollution Prevention Plan), and the proposed development is likely to increase foot traffic from nearby residences and places of employment, therefore the applicant will be required to construct a pedestrian connection between the building and the shoulder along NYS Route 434; and try to consider complete streets. E. Jardine noted this is not an area that is appropriate for complete streets.

Q. P. Moore – There are 76 regular-sized parking spaces and 3 oversized parking spaces, so there's actually a total of 79 spaces? **A. Z. Kamm** – Yes. There's standard parking throughout, there are 2 ADA stalls, there are veteran stalls, and 3 oversized stalls that, in the final design, will be flipped to the other side by the outdoor storage for customers to use to pick up goods.

C. D. Chrzanowski – That's a better location for the oversized spaces. D. Chrzanowski suggested alternative parking considerations around the loading area in the front. **Z. Kamm** will take the suggestions into consideration.

Q. B. Goodrich – The hatched area on the left side of the drawing, is that the right-of-way for the gas pipeline? **A. Z. Kamm** – Yes, that's the 50-foot gas easement. **Q. B. Goodrich** – Why is the driveway approach outside of that 50-foot easement? There isn't a setback required from the easement itself or right-of-way? **A. Z. Kamm** – There's nothing allowed in the easement, there's a high-powered gas line. **Q. B. Goodrich** – Right. But you're still way off that. Is there a reason for that? **A. Z. Kamm** – There is. The site slopes from the south to the north; and staying out of the easement we're proposing no disturbance whatsoever with that; so, we have a retaining wall down the western side of the driveway. In order to tie the grading back in and allow room for the septic field, we moved the driveway over a little bit to maintain distance from the septic to the stormwater. **Q. B. Goodrich** – So you're putting your septic system close to the gas right-of-way is what you're showing there? **A. Z. Kamm** – It's about 50 to over 100 feet from the gas line.

Q. D. Chrzanowski – If this had sewer, technically you could use that property, right? **A. Z. Kamm** – Right. **C. D. Chrzanowski** - There's no other place to put the sewer.

Q. D. Chrzanowski – You can go around the building, correct? **A. E. Jardine** – Yes, all the way around. **A. Z. Kamm** – Yes, there's full access and delivery loading in the rear. They only get 1 to 2 deliveries per week. **C. C. Robertson** - That would be a good location for customer loading, too.

Q. B. Goodrich – With the parking variance and Tractor Supply being a large chain store, how does this vary from the standard footprint? **A. Z. Kamm** – The footprint itself is one of their standard sizes. At maximum, they expect no more than 20-30 cars at a time, so 79 spaces are more than adequate. Around the holidays, they might get up to 50 cars on the weekend, but 79 is still good and to reiterate on the loading, one loading space is more than enough as they get about one delivery a week.

Q. C. Robertson – The pink area on the plan is what? **A. Z. Kamm** – It's the trailer display area.

Motion to recommend Approval of the Special Use Permit and Area Variances with the conditions noted:

P. Moore/D. Chrzanowski/Carried
Yes 9
No 0
Abstentions 0

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)
 - No report.

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

7. **Village of Owego** (G. Eckley)
 - No report.

8. **Town of Richford** (Vicki Davis)
 - We received another unsolicited grant from the Tirad Foundation in Ithaca for \$10,000 to benefit our park and summer youth program.

9. **Town of Spencer** (Joe Budney)
 - We are discussing the DEC and the dam project they want to do at the headwaters at Dean Creek. DEC wants to bring it up to state standards. Spencer would have to provide some of the money for that. Tioga County Soil & Water (TCS&W) feels what DEC is proposing is not necessary and the basin is adequate. It's functioning as designed. Spencer is not in favor of reworking these dams as they'd be multi-million dollar projects. Research of old photos of the original dam reveals a lot of concrete, it's not just an earthen dam structure. DEC has been talking with 6 or 7 architectural firms about what is needed. There are more discussions to follow.
C. Robertson – Is it just DEC, or is FEMA involved? J. Budney - I've not heard they're involved yet. C. Robertson – FEMA is in our area, and we have an estimated \$56M worth of repairs we're going to have to make. I suggest you should put it back on the state as they've set aside a lot of money for this work. It's worth asking what money

is available for “flood control structures.” TCS&W can reach out to C. Robertson’s office for additional information. E. Jardine – S&W can help you with that; they know all the technical language. E. Jardine stated the only FEMA-regulated dam in Tioga County is in Nichols, so the one in Spencer must be State-regulated. D. Chrzanowski – DEC has been around our area also.

10. Town of Tioga (D. Chrzanowski)

- We have a new bridge near Diamond Valley bonded and approved and should go out to bid for construction next year.

11. Village of Waverly (vacant)

- No report.

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

- C. Robertson reiterated that she spoke to last month’s rezoning applicant from the Town of Owego after the meeting. The applicant is willing to do whatever is asked of him. She summarized the meeting, and included some of her own comments and stated clearly that they were her own comments/suggestions and copied E. Jardine in the email to the Town of Owego.

B. Staff Report:

- No report.

VIII. OLD BUSINESS –

J. Current- Of the solar sites approved, do we know how many are actually producing and how much electricity is being produced?

Elaine – Sometime around 2022 the TCIDA surveyed solar developers in our County regarding actual energy production and reports showed only about 3% actual production vs. anticipated production.

D. Chrzanowski stated that NYS has a website, click on solar project location, and it will report the actual energy production of the facility.

J. Current – do we keep track of that? E. Jardine – the County does not.

B. Goodrich – Could those projects lose their PILOT agreements if not producing what was expected?

D. Chrzanowski –The Town of Tioga has 3 operating solar projects which all have PILOTs, and they are all current on payments.

P. Moore – nothing going on with the proposed solar facility on Montrose turnpike

E. Jardine – If I recall correctly, the developer SunEast Valley had to renegotiate the proposed PILOT with the TCIDA. Update – E. Jardine checked with TCIDA and the SunEast Valley PILOT has been approved but not yet closed as the developer is still pursuing financing. They expect to close late summer 2024.

B. Goodrich – Most solar developers won’t build it w/o a PILOT.

C. Robertson – Many solar developers locating in Steuben County are moving forward w/o PILOT, around 50%.

- S. Davidson – The Town of Berkshire is struggling with enforcing our property maintenance law, people not paying their fees for cleaning places up or appliance removal. How do we make that happen? A strong lawyer advocate?
- E. Jardine – Highway dept does it and the Town adds that cost to the tax levy for that property.
- S. Davidson – don't have to have an approval from town board or anyone?
- E. Jardine – no.
- C. Robertson – as long as it falls under NYS property maintenance code.
- D. Chrzanowski – your local board has to adopt NYS property maintenance code, then you can cite the code when you find a problem
- S. Davidson – we've done that, we've adopted nys code
- D. Chrzanowski – then the CEO must ticket the individual, then give it to the court to run the course
- S. Davidson – then they don't pay fees, don't show up to court, so we want to put it on property tax levy.
- D. Chrzanowski – will need judge rule/court order to go clean up the property, must go through the system, execute the laws. Court can order CEO to take the stuff away.
- S. Davidson – how do we change the local law?
- C. Robertson – to change local law, write it, notice public 30 days, hold public hearing to amend the town law, town board votes to change the law, not a public referendum.
- J. Budney – In the Town of Spencer, CEO can take tickets to court, but if defendant brings a lawyer, then the Town Attorney takes over.
- Sam/Elaine discussed procedure for Sam to be appointed to the TCPB representing the Town of Berkshire. (He won't be here next month.)

IX. ADJOURNMENT

- A. Next Meeting May 15, 2024, @ 7:00 PM at HHS Building Room #2139.
- B. Motion made to adjourn at 8:01 PM. B. Goodrich/J. Current/Carried.

Respectfully submitted,

Karen Warfle, OSII
Tioga County Economic Development and Planning