

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
October 19, 2022
Tioga County Health & Human Services Building, Room #2139**

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, Rawley Filbin, John Current, Georgeanne Eckley, Matt Tomazin, Bryan Goodrich, Art Cacciola, Pam Moore
Excused: Chelsea Robertson, Grady Updyke
Absent: Tim Pollard
- B. Ex Officio Members:
- C. Local Officials: none
- D. 239m Review: Floyd and Lesa Mosher, Harry Singh, Brian Doak
- E. Guests: None
- F. Staff: Elaine Jardine, Karen Warfle

III. APPROVAL OF AGENDA

- Approval of agenda as amended with striking County Case 2022-030.
P. Moore/J. Current/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of September 21, 2022 minutes.
G. Eckley/D. Chrzanowski/Carried
None Opposed
No Abstention

V. PRIVILEGE OF THE FLOOR

- None

VI. CORRESPONDENCE

- On file at the EDP Office

VII. NEW BUSINESS

A. 239 Reviews

1. County Case 2022-027: Town of Owego, Area Variance, Harry's Expressway

The applicant wishes to establish and operate a gasoline station on his property on State Route 96 that already has a convenience store and liquor store on the property. This site was formerly Lawler's.

The Town of Owego’s zoning code states that gasoline stations cannot be closer than 1,500 feet from each other, measured from the closest property lines. This proposed station would be only 940 feet from the existing Mirabito gasoline station located almost at the corner of State Routes 96 and 38. Therefore, the Town of Owego Zoning Board of Appeals needs to grant an area variance in order for this project to move forward.

Going through the considerations for an area variance, the only answer in the negative is the adverse impact on the physical or environmental conditions. This proposed gas station will increase ingress and egress at this location. This particular segment of two-lane highway is already heavily travelled, with Average Annual Daily Traffic count over 13,000 vehicles, according to the NYS DOT Traffic Viewer. Adding more traffic activity to the highway would decrease traffic safety in this area.

Adding another gasoline station that is so close to not only one, but two gasoline stations (Mirabito and Kwik Fill), does not promote the general health, safety and welfare of the public as the increased ingress and egress action resulting would simply create more traffic problems in an already congested traffic area.

Staff advises the County Planning Board to recommend disapproval of the area variance.

Q. P. Moore – How close is this location to the Kwik Fill? **A. E. Jardine** – About 1,200 feet from the Kwik Fill in the Village of Owego and 940 feet from the Mirabito in the Town of Owego.

Q. D. Chrzanowski – Has DOT been contacted about this yet? **A. E. Jardine** – No, it is on their agenda for tomorrow’s meeting. **B. Doak** commented that this stretch of highway has good sight distance and wide shoulders and can accommodate this new gas station. **D. Chrzanowski** commented that there is more traffic on Glenmary Drive now to avoid this congested area of State Route 96.

Discussion ensued regarding traffic impacts versus the positive change of a new gas station.

B. Goodrich commented that most of the congestion in this area is due to through traffic and having an extra option for gasoline could alleviate congestion at the current two gas stations. Discussion ensued about convenience stores at the two gas stations vs. groceries, which Harry’s Express currently has groceries, the other two gas stations do not.

Q. M. Tomazin – Is there a reason in the community to have more gasoline pumps? **A. B. Doak** – To provide competition. **H. Singh** continued that they have more space on this site for pumps than any other station in the area. Safety is our top priority issue. It will offer competition and diversify traffic.

Q. D. Chrzanowski – Does this property go all the way back to the creek? **A. H. Singh** – Correct.

Q. A. Cacciola – How long has it been since the Town of Owego updated their Comprehensive Plan? **A. E. Jardine** - 1997.

Q. G. Eckley – How does the Town of Owego feel about this area variance? **A. E. Jardine** – I don’t know, but I do know that Joann Lindstrom researched the reason for this regulation in past Planning Board minutes and found they were concerned about traffic, the general safety of gasoline stations, and that they were getting many requests for gas stations at that time back in the late 1970’s.

Motion to recommend approval of the area variance:

R. Filbin/M. Tomazin/Carried	
Yes	7
No	1 (Art Cacciola)
Abstention	0

2. County Case 2022-028: Town of Owego, Rezoning, Floyd and Lesa Mosher

The applicant wishes to rezone about 1/3 of their said 61.58-acre property from its current Agricultural, Neighborhood Transition, and Residential A to all Agricultural. This request will make the property easier to market for resale as agricultural in nature, as it has been for a very long time.

Staff advises the County Planning Board to recommend approval of the rezoning.

Q. B. Goodrich – Can you rezone just up to DeGroat Road? **A. E. Jardine** – No, because there are horses on that portion of the property between State Route 434 and DeGroat Road.

Motion to recommend approval of the rezoning request:

D. Chrzanowski/P. Moore/Carried	
Yes	8
No	0
Abstention	0

3. County Case 2022-028: Town of Tioga, Site Plan Review, Hea Hea, LLC

The applicant is requesting site plan approval to establish and operate an outpatient eating disorder clinic at the site of the former Glenmary Inn. There will be six to seven employees and a maximum of 15 patients at any given time. There are 15 parking spots available. Hours of operation are Monday through Friday 8:00 AM to 6:00 PM and Saturday 8:00 AM to 2:00 PM. The doctor will be living on site.

This adaptive reuse is an ideal situation for this prominent building, which was originally used for healthcare purposes. It is a benefit to the Town to have a productive use in this facility again that will maintain the structure and keep it in a state of good repair.

Staff advised the County Planning Board to recommend approval of the site plan review.

Motion to recommend approval of the site plan review:

A. Cacciola/G. Eckley/Carried	
Yes	7
No	0
Abstention	1 (D. Chrzanowski)

VIII. REPORTS

A. Local Bits and Pieces

1. **Town of Candor** (A. Cacciola)
 - No report.

2. **Town of Tioga** (D. Chrzanowski)
 - No report.

3. **Town of Berkshire** (T. Pollard)
 - Not in attendance.

4. **Town of Newark Valley** (M. Tomazin)

- No report.
- 5. **Town of Barton** (G. Updyke)
 - Not in attendance.
- 6. **Town of Owego** (J. Current)
 - No report.
- 7. **Town of Nichols** (P. Moore)
 - No report.
- 8. **Village of Waverly** (R. Filbin)
 - No report.
- 9. **Village of Owego** (G. Eckley)
 - No report.
- 10. **Alternates** (B. Goodrich, C. Robertson)
 - No report.

B. Staff Report:

- Nothing other than what was provided in the meeting packet.

IX. OLD BUSINESS

- A. Cacciola inquired about when we can meet at the County Office Building, 56 Main Street again. E. Jardine advised him to write the County Legislature Chair as she has no influence over this issue.

X. ADJOURNMENT

- A. Next Meeting November 16, 2022, @ 7:00 PM at HHS Building Room #2139.
- B. Motion made to adjourn at 7:50 PM. D. Chrzanowski/B. Goodrich/Carried.

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