

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
January 15, 2025
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, Art Cacciola, John Current, Vicki Davis, Sam Davison, Jim Marzen, Pam Moore

Excused: Georgeanne Eckley, Bryan Goodrich, Grady Updyke

B. Ex Officio Members: None

C. Local Officials: Charles Davis, Town of Richford Supervisor

D. 239m Review Applicants: Vanessa Marshall, Town of Owego Resident

E. Guests: None

F. Staff: Elaine Jardine, Colleen Chrzanowski

III. APPROVAL OF AGENDA

- Approval of agenda as presented:

J. Current/P. Moore/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of September 18, 2024 minutes noted corrections:

P. Moore/J. Current/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

- None

VI. NEW BUSINESS

A. 239 Reviews

**1. County Case 2025-001: Village of Owego, Repeal Chapter 25 Zoning, Article VII
Special Use Permits, §195-32 Areas subject to flooding, Board of Trustees**

The Village of Owego Board of Trustees wishes to repeal the following section of their Zoning Chapter:

Chapter 25
Zoning
Article VII

Special Use Permits

§ 195-32. Areas subject to flooding.

All applicants for building and use permits in areas ascertained by the Superintendent of Public Works as subject to flood conditions shall obtain from the Zoning Board of Appeals a special use permit, provided that the following standards and controls are complied with:

- A. Elevation of the lowest floor to be used for any dwelling purpose in any residential structure shall be equal to or higher than the elevation of the high water level as determined by the Superintendent of Public Works in accordance with previous flood records.
- B. Wherever desirable or necessary, the first floor level of any structure not used for residential purposes shall be equal to or higher than the elevation of the high water level as determined by the Superintendent of Public Works in accordance with previous flood records.
- C. No storage in tanks of liquid fuel or any other combustible material shall be permitted.
- D. Any other controls or restrictions which are deemed necessary to minimize or eliminate damage to buildings and structures from floodwaters shall be required by the Board of Appeals.

This section in the Village of Owego’s zoning code, which was adopted before floodplain regulations existed, is old and obsolete. The Village of Owego’s Flood Damage Prevention Law of 2012 contains contemporary construction standards for residential and non-residential structures and uses which any proposed development project located within FEMA’s 1% Annual Chance Special Flood Hazard Area must comply with. The Village’s Local Floodplain Administrator administers and enforces this law. This floodplain review function is not germane to the Village of Owego’s Zoning Board of Appeals knowledge or expertise. The County Planning Director confirmed with the NYS DEC Western Flood Hub that this extra 2 and duplicative Zoning Board of Appeals special use permit process in Areas subject to flooding is NOT required by NYS DEC, FEMA or NFIP.

Additionally, this extra review unnecessarily imposes a large local approvals burden on the Village’s DPW staff and volunteer boards, as over 80% of buildings and uses in the Village of Owego are located within the 100-year floodplain or FEMA 1% Annual Chance Special Flood Hazard Area.

The Superintendent of Public Works never kept high water records mentioned in Section A. Section B and C is covered in the 2012 Flood Damage Prevention Law Construction Standards in the Village of Owego. The Village of Owego Board of Trustees decided it was too burdensome for the DPW. E. Jardine researched with DEC that a separate peer board review is not required by NFIP, NYS DEC or FEMA.

After thorough consideration of the above, Staff advises the County Planning Board recommend Approval of the Zoning Code Repeal local law.

D. Chrzanowski – Confirmed that floodplain administration is covering everything these days.

Motion to recommend Approval of the Village of Owego Zoning Amendment:

J. Current/P. Moore/Carried

Yes	8
No	0
Abstentions	0

2. County Case 2025-002: Town of Owego, Special Use Permit, Vanessa Marshall

The applicant is requesting a livestock special use permit to allow three horses on their seven-acre rural property on E Campville Road on the border of the Town of Owego and Town of Union.

Pursuant to 6NYCRR Part 617 SEQR, the Town of Owego Planning and Zoning Administrator has categorized this livestock special use permit as a Type II Exempt Action under SEQR. Therefore, no further SEQR evaluation is needed.

Pursuant to NYS Agricultural Districts Law Article 25 AA, §305-b, the Town of Owego Planning and Zoning Administrator has researched that an adjacent parcel is enrolled in the NYS Agricultural Districts Program. Therefore, the Town Clerk has completed Parts 1 and 2 of the provided Ag Data Statement Form and sent the farmland owners, via certified mail, said Form and the project materials.

This property is large in size and is in a rural area with no adjacent residential neighbors. It is an ideal property to keep the three horses. Applicant’s plot plan shows a large fence around the property and a 36’ x 36’ horse barn. Applicant states the waste management plan is to keep horse waste in a large Casella covered container which Casella will remove weekly. The waste container will be located on the East side of the barn which is over 100’ from neighboring properties. Applicant’s plot plan shows compliance with these setback regulations as well as other pertinent zoning regulations.

It is the applicant’s responsibility to obtain all required federal, state or local permits, licenses and registrations.

It is the Town of Owego’s responsibility to ensure this project complies with all applicable Town planning and zoning regulations, including those that might not be cited in this document.

Q. S. Davison – Is this required only in the Town of Owego? In the Town of Berkshire, a 239 is not required to have horses on your property. **A. E. Jardine** – This property in the Town of Owego is zoned as Residential B and, therefore, requires Special Use Permit for keeping of livestock. **V. Marshall** clarified that the livestock permit is required because her property is located in a Residential B zoning district. **E. Jardine** – Yes, the livestock special use permit would not be required if the property was located in a Town of Owego Agricultural zoning district.

Q. J. Budney – So this is required no matter the number of animals? **A. E. Jardine** – Yes, for any livestock kept in a Town of Owego Residential B zoning district. This particular property is close to Crestview Heights, which is why the Town of Owego zoning is Residential B.

Q. P. Moore – The manure needs to be treated as garbage and hauled away? **A. E. Jardine** – Yes, a nuisance management is required by these Town regulations. **A. V. Marshall** – Clarified that while a nuisance management is required, she chose the methodology to dispose of the horse waste in a Casella container and have them remove it weekly.

Motion to recommend Approval of the Livestock Special Use Permit:

J. Current/J. Marzen/Carried	
Yes	8
No	0
Abstentions	0

VII. REPORTS

A. Local Bits and Pieces

- 1. Town of Barton (G. Updyke)**

- Not in attendance.
- 2. Town of Berkshire (S. Davison)**
- S. Davison asked if there was an update of the storage units being built on Route 38. E. Jardine reported since the Tioga County Planning Board waived its recommendation in November, she has no information. S. Davison stated there was some concern over drainage. E. Jardine stated that if they disturb over an acre of land, they required to create and submit a Stormwater Pollution Prevention Plan approved NYS DEC for their approval.
 - S. Davison asked if there have been any rulings in Tioga County pertaining to blighted land or buildings? E. Jardine stated this would be at the local level and she is unaware of any municipality in Tioga County that has a blighted property law. E. Jardine believes the City of Oneonta has a blighted property law.
 - S. Davison reported to the Town of Richford about the Railroad Crossing on Route 38 being dangerous due to needed maintenance. He has reported this to RJ Gorman multiple times. C. Davis, Town of Richford Supervisor, stated that they had an email from the DOT asking for Town of Richford support of needed repair. This was provided to the DOT so the DOT can work with RJ Gorman to get this repaired. E. Jardine also reported that the Railroad right-of-way land is owned by the IDA and leased to RJ Gorman.
- 3. Town of Candor (A. Cacciola)**
- A. Cacciola reported that the Town of Candor Board did renew a new permit to Adrenaline Kartway go-cart track and committed to more strictly enforcing the Town's racetrack regulations under the new permit for hours of operation and maximum decibel per the for the upcoming season.
 - A. Cacciola reported that a trailer has been set up on Route 96B that is selling plants to grow Marijuana. This business does not have a permit. It is close to a church and a school is approximately within a mile. The Town of Candor Supervisor and Code Enforcement Officer do not feel this matter needs to be investigated or shut down, even though this is an illicit microbusiness according to the NYS Adult Use Cannabis regulations.
- 4. Town of Newark Valley (J. Marzen)**
- No report.
- 5. Town of Nichols (P. Moore)**
- P. Moore reported on the issue of tractor trailers using directions to Crown Cork and Seal which puts them on narrow roads with hairpin turns. This has resulted in the tractor trailers getting stuck and having to be towed. This was an issue with Best Buy but seems to have been resolved. C. Chrzanowski stated that this issue can be reported to Google by going to Google Maps and enter directions that use these roads. Click on Details and then click Send Feedback. Next to the wrong step, Click on the Flag. Select the type of problem and then click Submit. V. Davis stated that this issue can be reported to GPS.gov to report and fix Route & Map problems. A. Cacciola asked if signage could be place on I86. E. Jardine stated this was attempted but the DOT will not approve. Board also suggested contacting Garmin.

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

- 7. **Village of Owego** (G. Eckley)
 - Not in attendance.

- 8. **Town of Richford** (V. Davis)
 - V. Davis reported that the Town of Richford tore down the old Town Hall. They are fully moved into their new location.

- 9. **Town of Spencer** (J. Budney)
 - J. Budney reported the community still has concerns about dam projects on Dean Creek. Complete Engineering plans have not been approved yet.
 - J. Budney reported that he has been appointed to the Spencer Town Board. E. Jardine stated she will review the Town of Spencer’s Site Plan Review law to see which local Board has jurisdiction pertaining to cases that come the County Planning Board, as Joe would have to abstain from voting on 239 referral cases from the Town of Spencer if the Town Board has site plan approval jurisdiction in their local law.

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

- 11. **Village of Waverly** (vacant)
 - No report.

- 12. **Alternates** (B. Goodrich)
 - Not in attendance.

B. Staff Report:

- E. Jardine reported that C. Roberts declined to serve another term as a TCPB County Alternate. Jim Tornatore wants to serve again and she will work with him to take this through the County Legislature process.

VIII. OLD BUSINESS

None.

IX. ADJOURNMENT

- A. Next Meeting February 19, 2025, @ 7:00 PM at HHS Building Room #2139.
- B. Motion made to adjourn at 7:35 PM. J. Current/D. Chrzanowski/Carried.

Respectfully submitted,

Colleen Chrzanowski
Tioga County Planning Board Recording Secretary