

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
June 19, 2013
Tioga County Office Building
LEGISLATIVE Conference Room – Main Floor
56 Main Street, Owego, NY
7:00 PM**

I. CALL TO ORDER AND INTRODUCTIONS

- Chairman Doug C. called the meeting to order at 7:04 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: William Dimmick III, Patty Porter, Tim Pollard, John Current, Doug Chrzanowski, Georgeanne Eckley, Nathan Clark, Arrah Richards, Gary Henry, Jason Bellis, Hans Peeters

Excused:

Absent: Pam Moore

B. Ex Officio Members:

C. Local Officials:

D. 239m Review Applicants: None

E. Guests:

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda.

A. Richards/W. Dimmick, III/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of May 15, 2013 minutes as amended.

A. Richards/T. Pollard/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

None

VI. CORRESPONDENCE

Folder passed around

VII. NEW BUSINESS

A. 239 Reviews

1. County Case 2013-010: Village of Waverly, Tom & Jerry's Trading Post, Special Permit and Site Plan Review

The applicant is requesting site plan review and a special permit to establish and operate a second-hand retail store in the already existing commercial building. The current building is 1,578 square feet on the 3/10 of an acre lot. Hours of operation will be Tuesday - Saturday, 8 AM – 6PM with 1 to 3 employees. The applicant plans to have a 3’ x 12’ wall sign affixed to front of building.

The neighborhood contains a mix of residential and commercial uses nearby.

According to the Village of Waverly Zoning Code, three aspects of this site plan are not in compliance with the regulations – the lot is smaller than the required minimum lot size of 21,780 square feet, the east side setback is on the lot line instead of at 20 feet, and the front set back uses the parking space as part of the setback, which is not allowed. This use, however, is an existing non-conforming use and furthermore, the PUD regulations give the Planning Board discretion in accepting non-conformances. One other issue is that the parking spaces run the full frontage length of the lot as proposed. To allow access to the rear of the building, staff recommends to not stripe the 2 western-most parking spaces so emergency personnel/vehicles can access from that side since there is no access on the eastern side. This is a condition.

Staff recommends approval of the special permit and site plan review.

- Q. P. Porter** – Does anyone live in the attached house and where will they park? **A. E. Jardine** – Don’t know if people live there, and not sure where they park.
Q. A. Richards– So renters will not be able to park over there? **A. E. Jardine** – No, because it won’t be marked, but they could park anywhere else along the front.

Motion to recommend approval of the special permit and site plan review as presented.

G. Henry/W. Dimmick III/ Carried	
Yes	11
No	0
Abstention	0

VIII. REPORTS

- A. Local Bits and Pieces
1. Town of Candor – G. Henry
 - Nothing to report.
 2. Town of Nichols – P. Porter
 - Planning Board almost done with draft of comprehensive plan. Plan to present to Town Board in September or October, with the hope of adoption by end of 2013.
 3. Town of Berkshire – T. Pollard
 - Planning Board has three openings.
 4. Town of Tioga – D. Chrzanowski

- No report.
- 5. Village of Waverly – W. Dimmick III
 - No report.
- 6. Village of Owego – G. Eckley
 - Dr. Cook’s property on 5th Avenue has a sold sign so Village must have approved proposal and Ms. Sullivan is moving forward with her plan for the property.
- 7. Town of Newark Valley – H. Peeters
 - Down 1 Planning Board member.
- 8. Town of Richford - vacant
- 9. Town of Owego – J. Current
 - No report.
- 10. Town of Barton – A. Richards
 - No report.
- 11. Spencer – N. Clark
 - No report.

B. Staff Report – *May 2013 sent in mailing.*

- E. Jardine explained to TCPB Members about controversy surrounding the Town of Spencer’s Board wish to add building setbacks to their Uniform Fire Prevention and Building Code. NYS DOS Local Government attorney opined that this was zoning and could not be done if the regulation was not called zoning and there was no Zoning Board of Appeals. An appeals procedure to land use regulations other than zoning can only be created when a state statute in Town Law allows/enables this, such as in junkyards. Town Attorney and Board are now re-evaluating.
- E. Jardine announced to TCPB members that Lee Ann Tinney had been hired as the new EDP Director. Her first official day is Monday, July 8th.

IX. OLD BUSINESS

- A. None

X. ADJOURNMENT

- A. Next Meeting July 17th, 2013 @ 7:00 PM in the Legislature Conference Room.
- B. Motion made to adjourn at 7:48 PM. P. Porter/W. Dimmick III/Carried.

Respectfully submitted,
 Elaine D. Jardine
 County Planning Director