

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
August 21, 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 7:01 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: William Dimmick III, Patty Porter, Jason Bellis, John Current, Doug Chrzanowski, Georgeanne Eckley, Arrah Richards, Gary Henry, Pam Moore, Hans Peeters

Excused: Tim Pollard

Absent: Nathan Clark

B. Ex Officio Members:

C. Local Officials: None

D. 239m Review Applicants: Linda Spiotta for Apalachin Beverage Center; Mary Murphy-Harrison and Robert Murphy Jr. for Barney & Dickenson

E. Guests: None

F. Staff: Elaine Jardine

III. APPROVAL OF AGENDA

- Approval of agenda.

P. Porter/J. Bellis/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of July 17, 2013 minutes, with correction on motion seconded on page 3.

P. Porter/G. Henry/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

E. Jardine announced that Arrah Richards, who works at the Tioga County Sheriff's Office, received the Employee of the Quarter award for the second quarter 2013.

VI. CORRESPONDENCE

Folder passed around.

VII. NEW BUSINESS

A. **239 Reviews**

1. County Case 2013-011: Town of Owego, Special Use Permit, Apalachin Beverage Center

The applicant is requesting a special use permit to establish and operate a retail beverage and snack facility, also with a drive thru and recycling services, at the site of the previous Chopping Block on Route 434. Non-alcoholic and alcoholic beverages will be offered. The applicant intends to use the existing building for the retail business, while the proposed recycling center will be located in a new 175-square foot addition to the eastern side of the existing building.

Hours of operation will be M-Th 11:00 AM – 8:00 PM, Fri and Sat 10:00 AM – 8:00 PM, and Sun 12:00 – 5:00 PM. Applicant states that their ultimate goal is to have 3 employees.

The neighborhood contains various commercial uses nearby.

This site is in the 100-year special flood hazard area. Applicant has submitted a Flood Certification Application to the Town of Owego because the elevation of the first floor is currently at 823.5 feet, and the FIRM base flood elevation is at 825 feet. Applicant states that all utility services in the building shall be raised 2 feet above the BFE to 827 feet elevation. Additionally, flood venting will be provided to the new addition to eliminate any increase in flood elevation to adjacent properties. These measures will comply with the Town of Owego's Flood Damage Prevention regulations. The applicant also intends to change the covering of the first floor to a material type that will be more resistant to flood damage, one that can be cleaned by pressure washing.

This proposal has slight non-compliances with the Town of Owego's Zoning Ordinance include 3 too few parking spaces and no loading zone designated on the site plan. Applicant stated loading zone will be in the rear of the building by the Recycling drive thru window.

Additionally, NYS DOT Region 9 Site Plan Review Committee states that the eastern access radius is not in compliance with their regulations and needs upgrading.

Staff recommends approval with three conditions:

1. That applicant and Town of Owego Board(s) develop a mutual agreement on the number of parking spaces and loading zone location.
2. That the Town of Owego Code Enforcement Officer issues a Floodplain Development Permit to the applicant.
3. That the applicant complies with the NYS DOT Region 9 Site Plan Review requirement that the eastern driveway radius be modified to comply with DOT Policies and Standards for the Design of Entrances to State Highways.

Q. P. Porter – Are you moving the electrical wires for the outlets up as well? **A. L. Spiotta** – Yes, all services are being raised above BFE.

Q. G. Eckley– What type of recycling will be done at your location? **A. L. Spiotta** – All types of returnable bottles and cans.

Q. A. Richards – I see you have a ramp, but will the turn into the doors be accommodating the handicapped? **A. L. Spoitta** – Yes, the doors will be reversed to open in-ward to accommodate wheel chairs.

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

P. Porter/W. Dimmick III/ Carried

Yes 9

No 0

Abstention 0

Note – Pam Moore arrived at meeting.

2. County Case 2013-012: Town of Owego, Planning Board Special Permit, Barney & Dickenson, Inc.

The applicant proposes modify their current NYS DEC permit for the Blodgett Road Pit to expand the sand and gravel mine to include an additional 5 acres. This proposed site is located adjacent to the south of the existing 32-acre pit. The property is currently used as agricultural land. There are no NYS DEC regulated wetlands within the property.

The Mining Plan Map details the area to be mined. Excavation area of the modification is approximately 5 acres in size. The applicant will not be mining down to the water table, with the mine floor being at approximately 888 feet elevation, or 5 feet above the mean high water table, whichever is lower. Access and egress to the site for all trucks will remain the same as the existing pit, off West Creek Road, County Road 608. However, a new internal access ramp in the southern portion of the existing pit will be required to access the modification area. The permanent access road off West Creek Road is not paved, but applicant controls dust by water tanker spraying during dry periods.

There will be no mining activity within 25 feet of property lines and there will be 100-foot setbacks from Owego Creek.

Noise impacts from the mine are not expected to change due to this modification. Existing topsoil and overburden will be stripped in advance of mining and overburden will be used to construct perimeter berms along the edges of the modification area. These berms will contribute to mitigation of noise and visual impacts. All topsoil will be saved separately within the life of mine area.

This mine modification area will be reclaimed back to agricultural lands when the life of the mine is complete. The life of the mine is expected to be less than one year.

This proposal meets all regulations and staff recommends approval of Planning Board Special Permit.

Q. E. Jardine – What will be the life of the mine? **A. B. Murphy** – Less than one year – between planting seasons for Henry Kwiatkoski.

Q. P. Moore– Have any of the 32 acres been reclaimed? **A. M. Harrison** – No, we just acquired this pit 2 years ago. **B. Murphy** – We are simply taking down the mound that exists there for the property owner so he can farm it easier.

Q. Doug C. – What is the current elevation – from the map it looks like 900'? **A. B. Murphy** – Yes. **Doug C.** – So you are taking off about 12 feet.

Q. P. Moore – Are Kwiatkowski’s farming this now? **A. B. Murphy** – Yes.

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

J. Current/P. Porter/ Carried

Yes 9

No 0

Abstention 1 (Doug C.)

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – G. Henry
 - Will be submitting a revised 239 agreement soon.
2. Town of Nichols – P. Porter
 - No report.
3. Town of Berkshire – T. Pollard
 - Not in attendance.
4. Town of Tioga – D. Chrzanowski
 - No report.
5. Village of Waverly – W. Dimmick III
 - Village held the public hearing LED lighting for churches last Thursday evening (8/15). In paper last Friday.
6. Village of Owego – G. Eckley
 - No report.
7. Town of Newark Valley – H. Peeters
 - Planning Board took summer off.
8. Town of Richford - vacant
9. Town of Owego – J. Current
 - No report.
10. Town of Barton – A. Richards
 - New LED billboard is up along Route 17. Looks good.
11. Spencer – N. Clark

- Not in attendance.

B. **Staff Report** – E. Jardine distributed Community Health Assessment survey to TCPB member to complete and submit.

IX. OLD BUSINESS

A. None

X. ADJOURNMENT

A. Next Meeting September 18st, 2013 @ 7:00 PM in the Legislature Conference Room.

B. Motion made to adjourn at 7:35 PM. G. Eckley/P. Moore/Carried.

Respectfully submitted,
Elaine D. Jardine
County Planning Director