



MEETING AGENDA
TIOGA COUNTY PLANNING BOARD
June 18, 2025 at 7:00 PM
Tioga County Health and Human Services Building, Room #2139
1062 State Route 38, Owego NY 13827

- I. CALL TO ORDER**
 - A. Introductions

- II. ATTENDANCE**
 - A. Members:
 - B. Ex Officio Members:
 - C. Local Officials:
 - D. 239m Review Applicants:
 - E. Guests:

- III. APPROVAL OF AGENDA**

- IV. APPROVAL OF MINUTES**
 - A. May 21, 2025

- V. PRIVILEGE OF THE FLOOR**

- VI. NEW BUSINESS**
 - A. 239 Reviews
 - 1. County Case 2025-016: Village of Waverly, PUD Special Use Permit and Site Plan Review, Puff Plaza,

- VII. REPORTS**
 - A. Local Bits and Pieces
 - B. Staff Report

- VIII. OLD BUSINESS**
 - None

- IX. ADJOURNMENT**
 - A. Next Regular Meeting July 16, 2025 at the Tioga County HHS Building
 - B. Adjourn

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
May 21, 2025
Tioga County Health & Human Services Building, Room #2139**

I. CALL TO ORDER AND INTRODUCTIONS

- Chair D. Chrzanowski called the meeting to order at 6:59 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Doug Chrzanowski, Joe Budney, Art Cacciola, John Current, Vicki Davis, Sam Davison, Georgeanne Eckley, Jim Marzen, Pam Moore, James Tornatore, Kasey Traub, Grady Updyke

Absent: Bryan Goodrich

B. Ex Officio Members: None

C. Local Officials: Charles Davis, Town of Richford Supervisor; Andrew Aronstam, Mayor of Village of Waverly

D. 239m Review Applicants: Brenda Fay-Pelotte, Town of Nichols Deputy Supervisor; Anthony Paniccia, President & CEO of Delta Engineers; Teresa Savage, Forys Savage Shed Quarters; Jim Savage, Forys Savage Shed Quarters

E. Guests: Matt Freeze, Morning Times

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 March 19, 2025 minutes noted corrections:

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

V. PRIVILEGE OF THE FLOOR

- None

VI. NEW BUSINESS

A. 239 Reviews

1. County Case 2025-011: Town of Nichols, Moratorium on Solar Energy Systems Development and Construction, Town of Nichols Town Board

The Nichols Town Board has been advised by their Town Attorney to institute a moratorium on solar energy

systems development and construction while he conducts research on other municipalities’ solar laws and related court cases. The Town Board’s goal is to analyze and determine appropriate regulations for solar relating to land development. Additionally, the Town Planning Board has been considering many aspects of the law to be strengthened and/or including additional requirements. Specific changes they’ve worked on include requirements for landscaping, scheduled property maintenance, soil testing, decommissioning aspects regarding soil quality, and potential zoning district changes to focus solar development on less productive or marginal lands, thereby preserving valuable agricultural and forested land.

NYS law requires that land use moratoriums include a valid public purpose for the moratorium. However, in its current state, this proposed moratorium local law provides only a general reasoning or purpose for the moratorium, to study impacts of amendments. It does not state examples or specific reasons for the moratorium. It is understood that flexibility in this language is desired, however, it is not currently clear what the Town Board desires to achieve with this moratorium. A balance could be achieved between flexible language and clarity on the exact purpose, even if just adding a few examples of proposed changes that the Town Planning Board has already submitted to the Town Attorney for amendment of this law. The public has a right to be provided with some detailed or descriptive information so they understand exactly why the moratorium is needed.

Land use moratoria are considered a Type II Action under SEQR, therefore no SEQR evaluation is required.

Please see attached local law for details.

It is prudent that the Town of Nichols would freeze large-scale solar energy systems development and construction via a moratorium at this time when they have had their solar law in place for several years and have tested it by permitting solar developments during this time. They now have knowledge of specific regulations within the law that need improvement or clarification to make the solar energy systems more beneficial to the town and to better protect the general health, safety and welfare of the community.

Conditions:

- 1. That the Town Attorney augments Section 2. C Purpose with more specific details about why a solar project moratorium is needed as provided by draft amendments from the Town Planning Board.

After thorough consideration of the above, Staff advises the County Planning Board recommend approval of the Solar Energy Systems moratorium with the condition noted.

Q. E. Jardine & J. Tornatore – Questioned why a year was needed when moratoriums are usually around six months. **A. B. Fay-Pelotte** – The Town of Nichols is updating the Town of Nichols entire Comprehensive Plan which is quite old and was created before Solar Energy. Due to this lengthy task, they are estimating a year for these to be completed together.

Motion to recommend Approval of the Moratorium on Solar Energy Systems Development and Construction Moratorium local law with the Condition Noted:

J. Current/G. Eckley/Carried	
Yes	11
No	0
Abstentions	0

2. County Case 2025-012: Town of Nichols, Telecommunications Facilities Local

Amendment, Town of Nichols Town Board

The Nichols Town Board wishes to amend their existing Telecommunications Facilities Law to add three clauses. Two added clauses deal with tower lighting and safety considerations for towers located in the flight path of Guthrie Life Flight helicopters pursuant to the FAA’s Safety and Extension Act of 2016. The last addition exempts telecommunications facilities special use permits for emergency services and other dispatch telecommunications purposes.

Please see the attached draft amendment local law and the full Telecommunications Facilities Local Law with additional clauses indicated by red text.

This action is considered an Unlisted Action according to SEQRA. No Environmental Assessment Form Part I was included with the case materials.

These amendments to the Town of Nichols Telecommunications Facilities Local Law are necessary and were discovered during the review of the special use permit for Motorola/Tioga County conducted earlier this year.

Conditions:

1. That the Nichols Town Board evaluates this local law amendment as required under SEQR as an Unlisted Action, completing all three parts of NYS DEC’s Short or Full Environmental Assessment Form, and provides this Board with a completed, signed and dated Part 1 before the Town Board votes on the local law amendment.

After thorough consideration of the above, Staff advises the County Planning Board recommend Approval of the Telecommunications Facilities local law amendment with the condition noted.

Q. P. Moore – Is the fee for this activity exempted or just the law? **A. E. Jardine** – The Town Board can require a fee. This application did not address the fee only the law. **A. B. Fay-Pelotte** – The fee has been exempted.

Motion to recommend Approval of the Telecommunication Facilities Local Law Amendment with the Condition Noted:

J. Current/J. Marzen/Carried	
Yes	11
No	0
Abstentions	0

3. County Case 2025-013: Town of Owego, Site Plan Review, Forsy Savage Shed Quarters

The applicant previously obtained a recommendation for approval for site plan review from this Board (County Case 2022-019) to establish a shed sales business, Shed Quarters, at this location on the corner of Forest Hill Road and State Route 434 in Apalachin. The applicant now wishes to construct a 1,500 square foot, one-story single-family home which will include a sales office on site, replacing the shed that served as an office. The applicant will reside in this home.

The Town of Owego Planning & Zoning Administrator has determined that this is an Unlisted Action and provided a Short EAF Part 1 signed and dated by the applicant.

This unique situation is permitted in the Town of Owego’s General Business zoning district. The change in the property will not negatively impact the neighborhood as it is now a mix of commercial and residential uses.

Conditions:

- 1. That the applicant complies with NYS DOT Region 9’s comments and requirements.

After thorough consideration of the above, Staff advises the County Planning Board to recommends Approval of the Site Plan Review with the condition noted.

Q. S. Davison – Where do they come from? **A. T. Savage** – They are built in Sayre, PA.

Q. P. Moore – Are there two garages where you are going to build the house? **A. J. Savage** – They are displays for the metal buildings we sell. To the right of that is the current office which is in a shed. The house will be placed there.

Motion to recommend Approval of the Site Plan Review with the Condition Noted:

J. Current/P. Moore/Carried	
Yes	11
No	0
Abstentions	0

4. County Case 2025-014: Town of Owego, Special Use Permit, Pit Stop Popcorn

E. Jardine stated a business is going into an existing commercial building. No countywide or intermunicipal impact resulting in a non-action. Therefore, the County Planning Board waived its recommendation on this case and sent it back to the Town of Owego Planning Board.

5. County Case 2025-015: Village of Owego, Flood Damage Prevention Law Variance, Gen Weitsman & Son, Inc.

Ben Weitsman & Son, Inc. is requesting a variance from the Village’s Flood Damage Prevention Law to allow wet floodproofing instead of dry floodproofing on the newest 45,711 square foot storage building to comply with the National Flood Insurance Program (NFIP) and FEMA requirements. When the building was constructed in 2012, overhead doors were installed making it impossible to seal the building watertight or dry floodproof it. Now, wet floodproofing will be done with the installation of 67 various flood vents situated at 1 foot above ground level around the storage building’s exterior and in the overhead doors. This is the last violation that when resolved, will put the Village of Owego in good standing with NFIP.

According to the Tioga County Flood Insurance Study for the Susquehanna River at this location, the base flood elevation is 813.1 feet above mean sea level (amsl) while the top of the bottom floor is 808.7’ amsl. Additionally, in the attached email Kelli Higgins-Roche, NYS DEC’s NFIP Coordinator, states that dry floodproofing is practical only in floodwater depths of 3 feet. Ms. Higgins further states that this structure would require at least 6 feet of dry floodproofing, which exceeds FEMA’s recommendations.

The Village of Owego DPW has determined that this an Unlisted Action pursuant to 6NYCRR Part 617 SEQR and has submitted a Short EAF Part 1 that is signed and dated by the applicant’s representative.

While not in compliance with the Village’s Flood Damage Prevention law, the applicant’s engineer has the designed the flood venting to be compliant with FEMA’s minimum standards.

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

It is the municipality’s responsibility to ensure this project complies with all applicable Village laws even those that might not be cited in this document.

Conditions:

- 1. That the NYS DOS Building Code Board of Review grants the variance to the applicant, if required.

After thorough consideration of the above, Staff advises the County Planning Board to recommend Approval of the Flood Damage Prevention Law Variance with the condition noted

A. Paniccia wanted to make clear for the record that when the Certificate of Occupancy was issued years earlier, no one knew of this flood variance. In 2021 we found out that this was a violation which affected the Village of Owego’s ability to get a 30% discount on flood insurance. A lot of money and time has been spent trying to resolve this for the Village of Owego. Also, the new design meets DEC and FEMA regulations. New York State DOS states that a variance is not necessary.

Q. P. Moore – Why is there such resistance to wet flood proofing? **A. E. Jardine** – Tioga County’s towns and villages used the boiler plate laws provided by the NYS DEC to create these laws, which do not allow wet-floodproofing. **A. D. Chrzanowski** – The Town of Tioga has not had any issues with the NYS DEC implementing wet flood proofing where there is no alternative.

Q. A. Paniccia – Is the Base Flood Elevation correct on the Elevation Certificate? **A. E. Jardine** – Yes, we have corrected the base flood elevation on the Flood Certificate using Tioga County’s Flood Insurance Study. **Q. A. Paniccia** – What is the resulting BFE and what is the difference between the previously determined BFE? **A. E. Jardine** – It is 813.1 feet amsl and the previous BFE was 813 feet amsl. Can you please email me the corrected EC? **A. E. Jardine** – Yes.

Q. S. Davison – How to flood vents work. **A. A Paniccia** – Flood vents allow water to flow through a building and equalize pressure versus displacing water onto neighboring properties. Electric and HVAC has to be above 2 feet above the floodplain elevation.

Motion to recommend Approval of the Flood Damage Prevention Law Variance with the Condition Noted:

J. Current/A. Cacciola/Carried	
Yes	11
No	0
Abstentions	0

VII. REPORTS

A. Local Bits and Pieces

- 1. **Town of Barton** (G. Updyke)
 - No report.
- 2. **Town of Berkshire** (S. Davison)
 - No report.
- 3. **Town of Candor** (A. Cacciola)

- A. Cacciola reported that Ken Kafka resigned and Megan Pulver is the new member for the Town of Candor Planning Board.

- 4. Town of Newark Valley (J. Marzen)**
 - No report.

- 5. Town of Nichols (P. Moore)**
 - P. Moore expressed concern regarding a possibility of large farming acres being sold to solar farms in neighboring towns (Town of Owego) and how that affects agricultural rule. E. Jardine stated the Town of Owego has a Solar Systems Energy Law. When proposed solar projects are brought forward, she uses the Ag Land Preservation Priority raster layer in GIS to determine the agricultural land priority in the location of the solar project.

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

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

- 8. Town of Richford (V. Davis)**
 - No report.

- 9. Town of Spencer (J. Budney)**
 - J. Budney reported that due to the trouble with obtaining carnival rides, the Town of Spencer is planning a smaller picnic style celebration for some time in August.

- 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 Broome and Tioga County will be co-hosting two Planning Board trainings. Flyers will be sent 3 to 4 weeks ahead of time. First one is June 26th on and the second is on September 11th.

VIII. OLD BUSINESS
None.

IX. ADJOURNMENT

- A.** Next Meeting June 18, 2025, @ 7:00 PM at HHS Building Room #2139.

B. Motion made to adjourn at 7:55 PM. J. Current/G. Eckley/Carried.

Respectfully submitted,

Colleen Chrzanowski
Tioga County Planning Board Recording Secretary

**Economic Development and Planning
Legislative Committee Report
June 3, 2024
Prepared By: Elaine Jardine**

Meetings

- Village of Owego Climate Smart Communities Taskforce meeting
- Tioga County Planning Board meeting
- Southern Tier 8 Regional Sustainability meeting
- Southern Tier 8 ARC FY2026 Pre-Applications meeting
- Tioga County Agricultural Resource Group meeting
- Berkshire Park Master Plan Steering Committee meeting
- Council of Governments meeting – Agricultural Resource Group
- NYS Association of County Planning Directors meeting
- Village of Owego Board of Trustees Meeting – Resilient Retrofits door hangers

Active Projects

- Created door hangers with the Home Headquarters Resilient Retrofits Program information to hang on home doors in the Flats and Turtletown neighborhoods within the Village of Owego upon permission from the Village of Owego Board of Trustees.

Grants

Active

- Appalachian Regional Commission FY2022 – Develop preliminary engineering to expand the Lounsbery Industrial Park area and make it shovel ready. HUNT Engineers has been conducting engineering work on this project.
- NYS Department of Agriculture & Markets Land Trusts Outreach Grant Program – NYS American Farmland Trust has scheduled the two workshops within each of the three of Tioga County's Agricultural Districts for and November 5-6 and mid-January 2026.
- Tioga County Water Quality Coordinating Committee SRBC mini grant to purchase rain barrels for the Villages of Owego and Waverly to distribute to residents and businesses – Rain barrels were all gone by Noon the day the post appeared on social media.
- Town of Berkshire Appalachian Regional Commission (ARC) Ready Local Government Grant – The Berkshire Park Master Plan Committee met to be informed on the George Smith Park Master Plan project and approve the RFP. The RFP was distributed and is due Monday, June 9.
- Tioga County/Village of Owego NY SWIMS Grant – NYS contract and subrecipient agreement were revised to convert the 20% match to grant award. The revised subrecipient agreement with the Village of Owego was signed; still waiting on the NYS contract to be returned.

Pending

- Wrote and submitted on behalf of the Village of Newark Valley a Strategic Planning & Feasibility Studies grant application to NYS Empire State Development to fund a consultant to develop a new downtown strategic economic development or revitalization plan. Still awaiting award announcement from ESD.
- Submitted a federal grant application to the Environmental Protection Agency (EPA) for a countywide assessment of “brownfield” sites in the amount of \$500,000 to fund a consultant to evaluate environmental contamination and plan for reuse of targeted sites throughout Tioga County. EPA did not award our grant application.

Potential

- Tioga County Agricultural and Farmland Protection Plan grant from NYS Department of Agriculture & Markets. Working with three consulting firms to refine grant budget (presented last month) ahead of NOFA, expected to be released Summer 2025.

Plans/Studies

- Strong Road residential site water and sewer systems extensions – County Committee selected Larson Design Group for this project. LDG will begin with interviews with Veolia water, Village of Owego WWTP and Town of Owego officials

Reviews (239)

- County Case 2025-011: Town of Nichols, Solar Moratorium Local Law, Town Board – Town wishes to institute a moratorium on solar development and construction in order to develop a comprehensive, research legal cases and strengthen various aspects of their current solar law regarding decommissioning, soils testing, landscaping and others. Staff advised the County Planning Board to recommend approval of the moratorium and the County Planning Board unanimously recommended approval.
- County Case 2025-012: Town of Nichols, Telecommunication Facilities Local Law Amendment, Town Board – Town Board wants to amend their current Telecommunications Facilities Law to address exempting emergency services from the law and adding safety considerations of lighting the top of towers in the Guthrie Life Flight helicopter path. Staff advised the County Planning Board to recommend approval of the Telecommunications Facilities Law amendment and the County Planning Board unanimously recommended approval.
- County Case 2025-013: Town of Owego, Site Plan Review, Forys Savage Shed Quarters – Applicant plans to construct a single-family home on their property located at the corner of Forest Hill Road and State Route 434 in Apalachin with an office for the shed business within it. This house will be their primary residence. Staff advised the County Planning Board to recommend approval of the site plan review and the County Planning Board unanimously recommended approval.
- County Case 2025-014: Town of Owego, Special Use Permit, Pit Stop Popcorn NA – Applicant plans to open his business in an existing structure on State Route 434 across from Sweeney's Plaza in Apalachin. As the proposal involves no external changes and only one employee with limited customers, this case was sent back to the Town of Owego Planning Board as a non-action, waiving TCPB recommendation due to lack of countywide or intermunicipal impacts.
- County Case 2025-015: Village of Owego, Flood Damage Prevention Law Variance, Ben Weitsman & Son, Inc. – Applicant plans to install 67 flood vents within 1 foot of grade all around this storage building for wet floodproofing instead dry floodproofing to become compliant with NFIP. Staff advised the County Planning Board to recommend approval of the FDPL variance and the County Planning Board unanimously recommended approval.

• Resolutions –

None