

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
August 20, 2014
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, Tim Pollard, John Current, Doug Chrzanowski, Pam Moore, Patty Porter, Georgeanne Eckley, Jason Bellis, Dave Mumbulo, Gary Henry Jr.

Excused: Elaine Jardine

Absent: Nathan Clark, Johannes Peeters

B. Ex Officio Members:

C. Local Officials:

D. 239m Review Applicants: Vladimir Bushmich (Walter's Auto Repair), Robert Brenner (Nixon Peabody Lawyer)

E. Guests: none

F. Staff: Caroline Quidort, Nathan Layman

III. APPROVAL OF AGENDA

- Approval of agenda

G. Henry/W. Dimmick/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of June 18, 2014 minutes with an addition to page 7 stating that Taylor Road is not a state road and therefore does not need NYS DOT Region 9 Site Plan Review.

J. Bellis/D. Mumbulo/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

None heard.

VI. CORRESPONDENCE

Folder passed around.

VII. NEW BUSINESS

A. 239 Reviews

1. County Case 2014-015: Town of Spencer, Site Plan Review, Trucks 2 Bikes.

The applicant wishes to convert approximately 308 square feet of a private residential garage into a retail shop for aftermarket accessories for motorized vehicles and for the installation of ATV and motorcycle tires. The hours of operation are proposed for Monday – Saturday 9 AM – 7PM. This case is subject to 239 review because this parcel is within 500 feet of a State/County road.

The Town of Spencer does not have zoning regulations. The proposed use will have no inter-municipal or county-wide impact due to the fact that this operation is a minor use within a private lot.

C. Quidort reported that after speaking with Spencer’s planning board clerk it was discovered that when the Town of Spencer held its town hearing no one showed up in opposition.

D. Bellis reports that the applicants shop is already in operation and has been for a month or more.

Staff recommends the County Planning Board Recommend the case be remanded for local action.

No Questions were asked at this time.

Motion to approve staff recommendations that the case be remanded for local action.

G. Henry/J. Current/ Carried	
Yes	10
No	0
Abstention	0

2. County Case 2014-016: Town of Spencer, Site Plan Review, Walter’s Auto Repair

The applicant wishes to rebuild and re-open an automotive repair shop. The previous automotive repair shop was destroyed by a fire in November 2013. The proposed structure will be approximately 1200 square feet and contain two bays. The hours of operation are proposed for Monday – Saturday 8 AM – 6PM. The existing parking area and existing business sign will be utilized.

The neighborhood is mostly residential and agricultural. This case is subject to 239 review because this parcel is within 500 feet of a State/County road and is within 500 feet of a farm operation in an agricultural district.

The Town of Spencer does not have zoning regulations. The lot is surrounded by agricultural land on two sides and is buffered from the adjacent residential lots. The rebuilding and re-opening of this automotive repair shop poses little impact to the Town of Spencer. An automotive shop existed previously at this location.

V. Bushmich reports that he has had the business for 14 years and in November of 2013 a car hit a pole causing a damaged wire to catch fire to his repair shop. He has owned and operated his business for 14 years and has had no other issues. He is looking to start his business back up again so that he may get back to work.

C. Quidort reports that this is a rebuild of an existing business that burnt down with no fault of the applicant. The proposed site does not conflict with the town of Spencer's comprehensive plan and the site has adequate circulation. The parcel is accessed through route 34 and none of the attributes will pose negative impacts on the site or surrounding area. In addition the proposed structure is not in the 100 year flood plain. The applicant must comply with all NYS rules and regulations when handling and disposing of all hazardous materials. The indoor hazardous material will be kept inside within a metal safety cabinet. The heating fuel will be propane and will be kept in an approved metal tank.

C. Quidort reports that when she spoke with the town of Spencer Clerk, the clerk stated that a few neighbors showed up at the planning board meeting with concerns about the propane tank, specifically about it exploding. However their concerns were relieved when they heard that the proper safety valve is located on the tank.

After thorough consideration of the above, Staff advises the County Planning Board recommend Approval of the Site Plan Review with the following conditions:

1. That the applicant obtain all required state, county and local permits, licenses and registrations.

Q: P. Moore- Is the garage the same size and located in the same building foot print as the old garage.

A: V. Bushmich- The garage will actually be a little bit smaller than before.

Motion to recommend the approval of the Site Plan Review with the above conditions.

G. Eckley/P. Moore/ Carried	
Yes	10
No	0
Abstention	0

3. County Case 2014-017: Town of Candor, Site Plan Review, Nixon Peabody on Behalf of Verizon Wireless

The applicant is proposing to construct and operate a wireless telephone communications facility. The facility would consist of a 20' high addition to the existing monopole on the site, the construction of a 360 square foot equipment shelter, and other site improvements within the existing 70'x70' fenced compound. The case is subject to 239 review because the parcel is within 500 feet of a State/County road and is within 500 feet of farm operations in an Agricultural District.

An existing 150' high monopole currently exists on the site. The existing at-grade equipment is enclosed in a 70'x70' fenced area. The proposed equipment shelter and site improvements

will be contained within the existing fenced area creating minimal impact to adjoining properties. The proposed 20' high extension will be atop the existing monopole. At such heights the 20' extension will have minimal impacts on the Town of Candor.

R. Brenner reports that one of the exhibits located in the application is a report prepared by a Verizon wireless radio frequency engineer that details the need for a site in this specific location and specifically what is deriving this need which is the expansion of Verizon's Wireless 4G LTE network for increased coverage and capacity in this area. A narrow search ring was identified to solve the lack of coverage and capacity in this area, and once discovered Verizon wireless's site acquisition consultants went out and combed the area for existing tall structures to co-locate on. In this instance they were luckily enough to have an existing wireless telecommunications tower and after review based on the installations already existing on the tower they determined that they cannot go below the existing antenna mounts on the tower because they would not be able to propagate their signal over some of the terrain in the area, which is the reason for the tower extension.

R. Brenner brings attention the propagation models showing the existing coverage and the improved coverage in the area surrounding the Catatunk site, explaining that this is the only way to bring coverage to this area.

R. Brenner reports that the higher you build the tower does not necessarily mean better coverage and continues to state that 170' mark is the targeted height because it has been identified as the appropriate height for the best results for the propagation model.

After thorough consideration of the above, staff advises the County Planning Board recommend Approval of the Site Plan Review.

Q: P. Porter- What is the visual effect that increasing the tower 20 ft. will have on the surrounding area?

A: G. Henry- Right now if you are going towards Candor from Owego then you would not even see it. However going from Candor to Owego you will see it.

Q: P. Porter- So it won't be obtrusive? I am sorry I just keep thinking of what Bainbridge did to the tower up there and it is the worst camouflage possible.

A: R. Brenner- If you are curious about what it looks like I do have some photos. R. Brenner shows P. Porter the photos of the existing tower followed by pictures of what it will look like with the extension.

Q: D. Mumbulo- Is the site leased from the same owner of the surrounding land?

A: R. Brenner- The tower is actually owned by a third party tower company of which Verizon wireless is leasing the space on the tower from in addition to leasing space within the existing compound.

Q: D. Mumbulo- I was just thinking what if the tower fell down onto the neighbor's property?

A: R. Brenner- These monopole towers are designed from a structural standpoint to pancake. So they do not actually fall down but rather collapse in sections and flop over. In this case the monopole would collapse to 40 to 50 feet instead of 150 feet.

Q: D. Mumbulo- Are there any structures around the site that a collapse could harm?

A: R. Brenner- Generally structures are called out on the site plan and in this instance I do not see any structures on the plan.

A: C. Quidort- From the satellite photo there does not appear to be any surrounding structures.

A: R. Brenner- Shows D. Mumbulo a large aerial photo to ease his concerns.

Q: P. Moore- Was there a bond paid to cover any potential damage.

A: R. Brenner- If there was a bond paid then it would be a part of the third party's zoning application and arrangement and I do not have that information.

A: C. Quidort- Appendix C covers the telecommunications facility site plan review standards of which number 5 contains language regarding bonding for the purpose of removal of a telecommunications facility and restoration of the land. I don't know if that covers damage but there is some type of bonding required for the structure.

Q: T. Pollard- Gary does Candor have a tower law?

A: G. Henry- Yes it does.

Motion to recommend the approval of the Site Plan Review.

D. Bellis/P. Porter/ Carried

Yes 10

No 0

Abstention 0

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – G. Henry

- Candor is working on rebuilding the town barn and is shooting for an October finish.
- Candor is currently updating the Comprehensive plan; however there is a split decision on whether the board should seek public approval before moving forward.
- Out west there is a 4 day festival called Burning man and they are looking to have one in NY. The first one happened to occur in candor a few weeks ago and apparently the itinerary of events left a little bit to be desired as to appropriateness. The festival was three days long and played music until 4 am into the morning which upset surrounding neighbors. The current noise ordinance was not realized and the large gathering law that is currently in place is for 700 people. Due to this the town is looking into modifying their

current large gathering law by lowering the amount of people needed for the law to be put into effect.

2. Town of Nichols – P. Porter

- The town of Nichols has a new temporary code enforcement officer by the name of James Meade.

3. Town of Berkshire – T. Pollard

- The comprehensive plan summary was finished and there were two main themes that came back. One is the dissatisfaction with the enforcement of the town's local laws, specifically dealing with abandoned house trailers, junked cars, and the cleaning of properties. The other theme is the concern with the truck traffic and speeding on route 38 in the hamlet and through the town. The town is going to see if it can get the state to do a traffic study to lower the speeding limit in the hamlet.
- The Towns code enforcement officer resigned

4. Town of Tioga – D. Chrzanowski

- Still working on the Comprehensive plan,

5. Village of Waverly – W. Dimmick III

- No report.

6. Village of Owego – G. Eckley

- No report.

7. Town of Newark Valley – H. Peeters

- Not in attendance.

8. Town of Richford - vacant

9. Town of Owego – J. Current

- No report.

10. Town of Barton – D. Mumbulo

- No report.

11. Spencer – N. Clark

- Not in attendance.

B. Staff Report -

- No report

IX. OLD BUSINESS

- A. Gary Henry will reach out to N. Clark to find out if he has interest in representing Spencer on the Planning Board and report back next month before a final decision will be made on whether or not he needs to be replaced.

X. ADJOURNMENT

- A. Next Meeting September 17, 2014 @ 7:00 PM in the Legislature Conference Room.
- B. Motion made to adjourn at 7:50 PM. P. Moore/P. Porter/Carried.

Respectfully submitted,
Nathan Layman, Administrative Planning Assistant
Economic Development and Planning