



**MEETING AGENDA**  
**TIOGA COUNTY PLANNING BOARD**  
**August 16, 2023 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. July 19, 2023
  
- V. PRIVILEGE OF THE FLOOR
  
- VI. NEW BUSINESS
  - A. 239 Reviews
    - 1. County Case 2023-018: Town of Nichols, Site Plan Review, Tioga Downs
    - 2. County Case 2023-019: Town of Newark Valley, Solar Energy Special Use Permit and Site Plan Review, TJA NY Newark Valley Solar Farm, LLC
    - 3. County Case 2023-020: Town of Owego, Site Plan Review, Tioga Learning Properties, LLC
  
- VII. REPORTS
  - A. Local Bits and Pieces
  - B. Staff Report
  
- VIII. OLD BUSINESS
  - None
  
- IX. ADJOURNMENT
  - A. Next Regular Meeting September 20, 2023 at the HHS Building
  - B. Adjourn

**TIOGA COUNTY PLANNING  
BOARD MEETING MINUTES  
July 19, 2023**

**Tioga County Health & Human Services Building, Room #2139**

**I. CALL TO ORDER AND INTRODUCTIONS**

- Chairman D. Chrzanowski called the meeting to order at 7:00 PM.

**II. ATTENDANCE**

- A. Planning Board Members:  
**Present:** Art Cacciola, Doug Chrzanowski, John Current, Bryan Goodrich, Pam Moore, Grady Updyke  
**Excused:** Chelsea Robertson, Matt Tomazin
- B. Ex Officio Members: None
- C. Local Officials: Brenda Fay-Pelotte, Town of Nichols Councilwoman
- D. 239m Review Applicants: Brenda Fay-Pelotte, Town of Nichols Councilwoman
- E. Guests: None
- F. Staff: Elaine Jardine, Karen Warfle

**III. APPROVAL OF AGENDA**

- Approval of agenda as presented.  

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

**IV. APPROVAL OF MINUTES**

- Approval of June 21, 2023 minutes as distributed.  

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

**V. PRIVILEGE OF THE FLOOR**

- None

**VI. NEW BUSINESS**

- A. 239 Reviews
  - 1. **County Case 2023-017: Town of Nichols, Lot Frontage Local Law, Town Board**

The Nichols Town Board wishes to amend Chapter 194-12 of their zoning code to specify a minimum lot frontage of 25 feet for all parcels in all zoning districts. They want to do this to eliminate the formation of flag lots.

This new language specifying the minimum width of lot frontage will ensure that all lots will provide adequate access to all parcels.

Condition:

1. That the applicant obtains all required federal, state or local permits, licenses and registrations.

Staff advises the County Planning Board recommend Approval of the Zoning Amendment with the condition noted above.

**Q. D. Chrzanowski** – What was the minimum lot frontage in the road to start with? **A. B. Fay-Pelotte** – There are none. Some properties have easements.

**C. D. Chrzanowski** – In some towns, properties require 150 feet of frontage to build a house, but then some have two lanes that go to two big properties in the back. Property owners separate the mass property off, and then 10-15 years later, new owners take over, want to sell some property with the 25' right of way and a 500' road to get to it. Can they build on it? A scenario like this needs to be considered and discussed.

**Q. P. Moore** – In a case like that, how wide does the driveway need to be? **A. D. Chrzanowski** – Twelve feet, plus the ditch, so we always say twenty feet.

**Q. P. Moore** – So that gives enough room for a fire truck or whatever? **A. D. Chrzanowski** – There are some constraints. Fire code is different than road code. The new fire code states that once the length of the driveway goes beyond (approximately) 500-650 feet, you must have a pass-by put into the driveway. **C. A. Cacciola** – That's correct. **C. D. Chrzanowski** – In rural areas, that's particularly critical because of the use of pumpers and water supplies. The constraints have to address long rights-of-way to make sure they meet fire code. **C. A. Cacciola** – A fire tanker has to have room to go up, supply water to a fire, come back down and get past the engine that is pumping. It's a national code. If they want to develop at the top of a property, they could make the 25-foot easement a road up to the lot. **C. D. Chrzanowski** – That would work because a town road is typically that width.

**C. B. Goodrich** – My concern is enforcement, especially those that just pass property through a deed, with no survey. At what point is it a subdivision or just splitting the property by a deed, e.g., among family members?

**Q. P. Moore** – What about parcels that are already land-locked? **A. B. Fay-Pelotte** – They have easements in place. **A. E. Jardine** – It's all grandfathered.

G. Eckley arrived to the meeting at 7:09 PM

**C. B. Goodrich** – When there's a split of a property, not a sub-division, you can educate: the landowners, the lawyers drafting the deeds, and the surveyors, about the new 25' stipulation. **Q. B. Fay-Pelotte** – So we should make sure we advertise that out well? **A. E. Jardine/B. Goodrich** – Yes. **C. B. Fay-Pelotte** – That will be a challenge because a lot of times we don't hear about the property sale until after it's already done. **C. D. Chrzanowski** – Surveyors are usually the key people.

**Q. G. Eckley** – What about building permits? Don't people have to apply to do the work? **A. D. Chrzanowski** – That's different. The building permit side of it can be regulated. But theoretically, how a person divides their property can't be regulated.

**C. P. Moore** – A lot of larger properties are not surveyed when dividing up, it's very expensive. **C. D. Chrzanowski** – Rather what is being done quite regularly now is just a written piece of information.

**Q. B. Goodrich** – When property, with no road frontage, is given to a family member and you discover this after the fact, how do you approach that? Just something to consider.

**C. D. Chrzanowski** – It used to be 50' was a pretty common number, but 25' works.

**Q. B. Fay-Pelotte** – We originally had 50' in the proposed law. Do you recommend 50' rather than 25'?

**A. D. Chrzanowski** – A county or town road is 25' from the center line. Twenty-five feet will make it.

**A. E. Jardine** – Twenty-five feet is plenty. **C. B. Fay-Pelotte** – Good, we didn't want to make it too difficult for the property owners.

**Motion to recommend approval of the Zoning Amendment, with the condition noted above:**

<b>G. Eckley/B. Goodrich/Carried</b>	
<b>Yes</b>	<b>7</b>
<b>No</b>	<b>0</b>
<b>Abstentions</b>	<b>0</b>

**VII. REPORTS**

**A. Local Bits and Pieces**

- 1. Town of Candor** (A. Cacciola)
  - The Town Planning Board continues to work on the comprehensive plan survey/questionnaire. E. Jardine sent the Village of Waverly survey as an example to Robin Beebe.
  
- 2. Town of Tioga** (D. Chrzanowski)
  - Diamond Valley Road bridge replacement was approved by the NYS Bridge NY Program. Replacement will probably be done in 2024 or 2025.
  
- 3. Town of Berkshire**
  - No report.
  
- 4. Town of Newark Valley** (M. Tomazin)
  - Not in attendance.
  
- 5. Town of Barton** (G. Updyke)
  - No report.
  
- 6. Town of Owego** (J. Current)
  - No report.
  
- 7. Town of Nichols** (P. Moore)
  - I was contacted by a farmer in town who is putting in a grain bin. Does he need a permit? **D. Chrzanowski** – Yes, if he is utilizing USDA funding, they need the permit number for the paperwork. Town of Tioga does not: charge for the permit, assess the farmer for it, nor control it. The CEO makes sure the grain bin is there. **P. Moore** – The farmer was told by the CEO that a Special Use Permit was required, so he paid for one. **D. Chrzanowski/E. Jardine** – There is no Special Use Permit required for the farm. He should be refunded. Discussion ensued regarding various codes and licenses and how or even whether they applied in this situation.
  
- 8. Village of Waverly**
  - No report.
  
- 9. Village of Owego** (G. Eckley)

- No report.

**10. Alternates** (B. Goodrich, C. Robertson)

- No report.

**B. Staff Report:**

E. Jardine reported that in August, the Tioga County Legislature will have a resolution to appoint a Planning Board representative from the Town of Spencer. The representative should be at the August Planning Board Meeting if they are appointed.

**VIII. OLD BUSINESS**

- None

**IX. ADJOURNMENT**

- A. Next Meeting August 16, 2023, @ 7:00 PM at HHS Building Room #2139.
- B. Motion made to adjourn at 7:27 PM. J. Current/P. Moore/Carried.

Respectfully submitted,

Karen Warfle, OSII  
Tioga County Economic Development and Planning

**Economic Development and Planning  
Legislative Committee Report  
August 8, 2023  
Prepared By: Elaine Jardine**

**Meetings**

- Tioga County Planning Board meeting
- Village of Owego Climate Smart Communities Taskforce meeting
- Waverly Transportation Session planning meeting
- Connect All Update for Counties
- HMP Update Steering Committee Meeting
- Owego Square Open House
- V&S Grand Opening
- Waverly Mural Ribbon Cutting
- Strategic Plan Status Meeting

**Active Projects**

- The Waverly school students mural has been erected as a ground sign at the intersection of U.S. Route 220 and Chemung Street. CPD attended the ribbon cutting.
- Town of Richford – Assisting the Town Planning Board with developing a solar energy law. The Town is taking a second turn on this and rewriting the entire proposed law.
- Assisting Ec Dev with environmental compliance and local approvals for five new Village of Owego DRI projects. Additionally, became the grant Project Manager for 231 Main, LLC project.
- Assisting with local approvals for a proposed housing project in the Village of Waverly.
- Assisting Ec Dev with environmental compliance for many TCPDC demolition projects.

**Grants**

**Active**

- ESD Planning and Feasibility Study Program – Village of Waverly downtown economic market analysis (\$50,000) – The Village has received their payment and this grant is closed out.
- FEMA HMGP DR 4567 – Tioga County IDA stream crossing in Town of Richford preliminary engineering services – FEMA awarded this grant. Work will begin after the subrecipient contract is executed between NYS DHSES and the IDA.
- FEMA HMGP DR 4480 – Grant to update the County's Hazard Mitigation Plan has been awarded to NYS by FEMA.
- Appalachian Regional Commission FY2022 for Strategic Plan – ARC awarded the grant.
- Appalachian Regional Commission FY2022 – Assisted TCIDA Executive Director with grant application to fund 50% of consultant cost to develop preliminary engineering to make the Lounsberry Industrial Park site shovel ready. ARC has now approved this application.

**Pending**

**Potential**

**Plans/Studies**

- Strategic Operations Plan – The Steering Committee held a kick-off meeting with the consultant, TransPro. TransPro conducted a discovery with six Legislators. They are now preparing for the Department Head workshop scheduled for August 3.
- Hazard Mitigation Plan Update – Held a Core Group meeting to go review mitigation actions, critical facilities and capacities of the County. The Consultant (Barton & Loguidice) has now scheduled meetings individually with the municipalities to gather all their information. They took place the last week of July.

## **Reviews (239)**

- County Case 2023-017: Town Nichols, Local Law, Town Board – Town Board proposed to amend their zoning law to set a minimum lot frontage of 25 feet to avoid flag lots and hindered access. The County Planning Board could voted unanimously to recommend approval of the law amendment.
- **Resolutions –**  
H04 – Appoint Member (J. Budney) to the Tioga County Planning Board

REFERRED TO:

ED&P COMMITTEE

RESOLUTION NO. -23

APPOINT MEMBER TO THE TIOGA  
COUNTY PLANNING BOARD

WHEREAS: The Town of Spencer position on the Tioga County Planning Board has been vacant for several months; and

WHEREAS: The Spencer Town Board has found Joe Budney willing and able to serve in this position; therefore be it

RESOLVED: That the Tioga County Legislature hereby appoints Abraham David to the Tioga County Planning Board representing the Town of Berkshire for a term of 8/15/23 – 12/31/25.