

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
February 20, 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 Gary Henry called the meeting to order at 7:00 PM.

II. ATTENDANCE

A. Planning Board Members:

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

Excused: Georgeanne Eckley, Pam Moore

Absent:

B. Ex Officio Members:

C. Local Officials: Kevin Millar, Village of Owego Mayor

B. 239m Review Applicants: Brian Bouchard of CHA Consulting for CAI Capital Group and Peter Martin of Hunt Engineers for Guthrie Healthcare

C. Guests: Colin Hogan with Sayre Morning Times

D. 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 December 19, 2012 minutes, moving T. Pollard from Absent to Excused.

J. Bellis/Doug C./Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

- E. Jardine thanked Erik Miller for filling in to serve the TCPB during her absence.

VI. CORRESPONDENCE

- Folder passed around

VII. NEW BUSINESS

A. 239 Reviews

- 1. County Case 2013-001: Village of Waverly, CAI Capital Group, Site Plan Review/Special Permit**

This applicant has revised their plans to replace the formerly proposed Holiday Inn Express with a 12,000 square-foot retail strip center, but still with a separate outparcel 4,050 square-foot drive thru fast food restaurant. The retail strip center includes six 2,000 square foot slots that will be occupied by businesses and services such as a bank and other fast food restaurants. As before, this development is proposed to be on a merged 2.16 acre property, located at the west end of the Village of Waverly bordered by Broad Street to the south, NYS Route 17C (Chemung Street) to the north, US Route 220 (Elmira Street) to the west, and Pine Street to the East.

The applicant has provided daily generated traffic trips at 1,712 for retail and 2,009 for fast food restaurants. The applicant has completed a Stormwater Pollution Prevention Plan and submitted it to NYS DEC. The applicant has also provided a completed Part 1 of a Short Environmental Assessment Form.

Waverly's Commercial District allows for uses of this type. The proposed development serves both a Countywide- and local need as it will revitalize a section of the Village and located in a suitable area that is within short proximity to two highways, which will provide tremendous visibility and access for travelers. The site, albeit abutting residential properties, is designed to pose minimal impacts on these residences, and has positive access attributes that will not interfere with the Villages' overall transportation patterns. With the improvements to landscaping, attention to lighting, traffic circulation, pedestrian amenities, and health and safety provisions of the Site Plan Review, the project is harmonious and should be an integral part of the surrounding neighborhood and mixed uses

Staff recommends approval of the site plan review/special permit with the condition that NYS DOT property and right of way issues be resolved.

Brian Bouchard from CHA showed TCPB members a large, color project site plan and explained that the DOT property and right-of way, as well as utility easement issues at the western portion of the project site forced the applicant to downsize the entire development project including reducing the footprint of the fast food drive-thru restaurant and changing the motel to a scaled-down, one-story retail strip. He added that while the developer goes through the process to purchase the DOT property, which could take years, he is applying for an occupancy permit so the project can proceed, allowing construction of the paved parking area for the fast food drive-thru restaurant.

The developer, however, is still interested in locating a motel in Waverly and searching for other appropriate sites in the area.

Q. J. Bellis – Is there a height restriction for lighting in the Village of Waverly Zoning Code? **A. B. Bouchard** – Yes, and they meet the height restrictions. **P. Porter** – will those nearby residences be shielded from the parking lot lighting? **B. Bouchard** – Yes, they will be full cut-off lights with shields to protect the residences.

Q. Doug C. – Are the setback requirements supposed to be measured from the right of way or from the property lines? If it is to the property line, then the setback of the retail strip building to the adjacent DOT property does not meet the zoning’s setback regulations. **A. B. Bouchard** – I see your point. We will address at the local level and apply for an area variance with the Village of Waverly Zoning Board of Appeals if necessary. TCPB members agreed to this by consensus.

Motion to recommend approval of the site plan review/special permit.

W. Dimmick III/P. Porter/ Carried

Yes 7

No 0

Abstention 2 (G. Henry, N. Clark)

2. County Case 2013-002: Town of Owego, Guthrie Healthcare Systems, Inc., Special Use Permit

The applicant is proposing to construct and operate a 6,375 square foot medical office to provide outpatient clinical services on this 3.1 acre parcel. Access will be from Glann Road. There will be 48 parking spaces. The facility will be serviced by Town of Owego municipal water and sewer. The applicant has prepared a Stormwater Pollution Prevention Plan and has submitted it to NYS DEC. The applicant has also provided a completed Part 1 of a Short Environmental Assessment Form.

Applicant states that there will 3 medical providers as well as 5 support staff employed at this location. The anticipated patient load is 12 to 15 patients per hour, generating an average of 25 vehicle trips per hour. Hours of operation are planned for 8A – 5P weekdays and 9A – Noon Saturday, ultimately increasing those hours to 8A – 8P Monday through Saturday. Construction is expected in fall 2013 or spring 2014.

The neighborhood contains many commercial uses, as well as residential uses nearby.

This proposal demonstrates a logical site design and the medical office use is in a suitable location and an appropriate scale for the corner area. It is harmonious with the neighborhood and provides good transition from residential to business uses. The proposal will transform the land from a long-standing, virtually defunct property to an aesthetically pleasing facility, as well as a productive use and economic generator.

Staff recommends approval of special use permit with the conditions noted – NYS DOT Site Plan Review approval and providing specific sign information.

Q. J. Bellis – Why shouldn’t the applicant be required to meet the Town’s parking regulations? **A. E. Jardine** – This is a universal problem with zoning ordinances that were developed in the 1960’s and 1970’s. The number of parking spaces required is excessive. Parking standards have changed towards reducing paved surface areas and therefore reducing the size of parking lots. That is why we demonstrate flexibility

with parking, especially in this situation when the proposal is so close to providing the amount of spaces provided, and have plenty of room on-site to add more if necessary.

P. Martin informed the Board that BMTS conducted a traffic study, with the results showing an increase of just 3 – 4 % to current traffic counts as a result of this proposal.

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

T. Pollard/Doug C./Carried

Yes 7

No 0

Abstention 2 (G. Henry, N. Clark)

B. Election of 2013 Officers

A slate was nominated as follows:

Chair – Doug Chrzanowski, Vice Chair – William Dimmick III, Secretary – Pam Moore.

Motion to present slate of officers.

J. Bellis/J. Current/Carried

Motion to close nominations.

G. Henry/T. Pollard/Carried

Motion to approve 2013 Slate of Officers as presented.

P. Porter/J. Current/Carried

VIII. REPORTS

A. Local Bits and Pieces

1. Town of Candor – G. Henry

- No report.

2. Town of Nichols – P. Moore/P. Porter

- Town Planning Board is continuing work on the comprehensive plan.

3. Town of Berkshire – T. Pollard

- The entire fire station has been demolished and a construction fence is now enclosing the future construction area.
- Jim Lacey, a member of the Town's Planning Board since its beginning, has retired and moved to North Carolina.

4. Town of Tioga – D. Chrzanowski

- No report.

5. Village of Waverly – W. Dimmick III

- No report.

6. Village of Owego – G. Eckley

- Not in attendance
- 7. Town of Newark Valley – vacant
- 8. Town of Owego – J. Current
 - No report.
- 9. Town of Barton – A. Richards
 - No report.
- 10. Spencer – N. Clark
 - No report.

B. **Staff Report** – *September 2012 sent in mailing.* E. Jardine explained that draft resolution B-03 to accept NYS Department of Agriculture & Markets to update the Tioga County Agricultural and Farmland Protection Plan was pulled at the Committee level to request more information on accomplishments from the 1998 Plan.

IX. OLD BUSINESS

A. Complete and submit your annual Ethics Recertification and Financial Affidavit Disclosure forms to the County Legal Department.

X. ADJOURNMENT

- A. Next Meeting March 20th, 2013 @ 7:00 PM in the Legislature Conference Room.
- B. Motion was made to adjourn at 7:45 PM. P. Porter/Doug C./Carried.

Respectfully submitted,
Elaine D. Jardine
County Planning Director