

**TIOGA COUNTY PLANNING BOARD
MEETING MINUTES
March 19, 2025
Tioga County Health & Human Services Building, Room #2139**

I. CALL TO ORDER AND INTRODUCTIONS

- Chair D. Chrzanowski called the meeting to order at 7:01 PM.

II. ATTENDANCE

A. Planning Board Members:

Present: Doug Chrzanowski, Joe Budney, Art Cacciola, John Current, Vicki Davis, Sam Davison, Brian Goodrich, Jim Marzen, Pam Moore, Jim Tornatore, Grady Updyke

Excused: Georgeanne Eckley

B. Ex Officio Members: None

C. Local Officials: Charles Davis, Town of Richford Supervisor

D. 239m Review Applicants: Rush Luangsuwan, Motorola Solutions; Jennifer Paluch, Motorola Solutions; Greg Lahey, Tectonic Engineering; Jackson Bailey, Tioga County Administrator; Peter DeWind, Tioga County Attorney; Ron Lanouette, Tioga County Assistant Attorney; William Ellis, Tioga County Emergency Services; Preston Bradley, Paint Perfection, LLC; Damian Rossetti, Landy & Rossetti, PLLC, Patrick Elston, Elston Enterprises, LLC

E. Guests: Matt Freeze, Morning Times

F. Staff: Elaine Jardine, Colleen Chrzanowski

III. APPROVAL OF AGENDA

- Approval of agenda as presented:

A. Cacciola/P. Moore/Carried
None Opposed
No Abstentions

IV. APPROVAL OF MINUTES

- Approval of September 18, 2024 minutes noted corrections:

J. Current/B. Goodrich/Carried
None Opposed
No Abstentions

V. PRIVILEGE OF THE FLOOR

- None

VI. NEW BUSINESS

A. 239 Reviews

1. County Case 2025-006: Town of Nichols, Telecommunications Facilities Special Use Permit, Tectonic Engineering on behalf of Motorola Solutions

The applicant is proposing to construct and operate a 195-foot-high telecommunications tower and associated fenced equipment compound for town and county emergency services purposes on this 37-acre agricultural property. The tower will be a self-supporting structure comprised of galvanized steel. The compound will contain an electric equipment shelter plus a propane generator and propane storage tank on concrete pads surrounded by an 8-foot-high fence. No lighting is proposed. Motorola will lease the portion of the land for the telecommunications facility from the property owner. The existing farm road will be used for access but will be widened to 12 feet and the surface improved with new gravel.

While there is already another tower located on this property, that tower did not have the capacity to accommodate the numerous antennae needed for this project.

This GML §239 referral is required as properties enrolled in the NYS Agricultural Districts Program are within 500 feet of this subject property; therefore, the Town of Nichols is also going through the Ag Data Statement process, pursuant to NYS Agricultural Districts Law Article 25AA. While the agricultural field is hayed, the proposed 70'x60' telecommunications tower and associated fenced compound takes up very little space compared to the acreage of the entire property and the property owner/farmer already works around an existing telecommunications facility compound.

Pursuant to 6NYCRR Part 617 SEQR, the Town of Nichols Planning Board, as Lead Agency, has categorized this as a Type 1 action and has provided a complete, signed and dated a Full Environmental Assessment Form Part 1 from the applicant.

This new telecommunications facility will provide a public safety benefit to the Town of Nichols and Tioga County by improving telecommunications service coverage for emergency services. The natural tree coverage surrounding the field will serve as buffer, and the site is so isolated there are no adjacent land uses that will be impacted by this tower, even visually.

It is the applicant's responsibility to obtain all required federal, state or local permits, licenses and registrations. It is the municipality's responsibility to ensure this proposed project complies with all applicable regulations and requirements in this Chapter and other Town of Nichols Code, even those that might not be cited in this document.

Conditions:

1. That the applicant develops an official Decommissioning Agreement with the Town of Nichols that provides adequate financial resources in the form of a bond, including an annual escalation rate, for facility removal and site restoration in the event of abandonment, as required by §168-4 E.
2. That the applicant lights the top of the tower from dusk until dawn to be compliant with FAA Extension, Safety and Security Act of 2016 requirements.

After thorough consideration of the above, Staff advises the County Planning Board recommend Approval of the Telecommunications Facilities Special Use Permit with the conditions noted.

Q. J. Tornatore – Will both the conditions of the Lighting and Decommissioning requirements be feasible to be addressed by the applicant? **A. W. Ellis** – We are currently looking into the cost of installing the lighting.

Q W. Ellis – We are also questioning if the light has to be a strobe light or a flashing red light? **A. E. Jardine** – Brenda Fay-Pelotte, Deputy Supervisor of the Town of Nichols will have that information due to prior tower lighting installations.

Q. W. Ellis – I was not aware of the Decommissioning requirement? **A. R. Lanouette** – There is a

decommissioning aspect in the lease with the property owner. We don't think either of these are big issues as long as costs can be managed.

Q. D. Chrzanowski – Who owns the tower? **A. R. Lanouette** – The land is leased by Tioga County from the property owner and the tower will be the property of Tioga County. Tioga County will also be responsible for maintaining the tower.

Q. D. Chrzanowski – As to the decommissioning plan, is it required by the land owner or the Town of Nichols? **A. E. Jardine** – This is a requirement from the Town of Nichols.

Q. P. Dewind – Has the amount of the bond for decommissioning been identified? **A. D. Chrzanowski & E. Jardine** – The tower company or engineering firm should be able to identify the cost of decommissioning with the consideration of inflation. **A. E. Jardine** – It cannot be salvage material.

Q. R. Lanouette – Once both conditions are addressed, how does this go forward? **A. E. Jardine** – This is a recommendation from the Tioga County Planning Board based on the Town of Nichols laws. This will go back to the Town of Nichols. This is all part of the items needed for a Special Use Permit required by the Town of Nichols.

Q. R. Lanouette – Does the Tioga County Planning Board need copies of what is submitted pertaining to adding the light and the decommissioning plan? **A. E. Jardine** – The County does not need a copy.

Q. G. Lahey – The plans for the tower that will be erected shows it be on a concrete foundation. For the decommissioning plan for the tower, how much of the concrete needs to be removed? **A. E. Jardine** – Since this is an agricultural field, the land needs to be restored to be able to conduct agricultural activity.

Q. P. Moore – I am aware of the erosion damage that occurs on the current road to the neighboring tower. Has an improvement been addressed? **A. G. Lahey** – We do have some swales on the site plan. **A. E. Jardine** – This project does not require SWIP.

Q. B. Goodrich – I see Crown Castle was identified as a possible location for the tower. Why wasn't it viable? **A. J. Preston** – During preliminary conversation with Crown Castle, it was identified that there was not enough space on their tower and there would still have been coverage gaps in the southwest area of Tioga County to fully operate the system. It did not cover all the 86 Interstate corridor or the Tioga Downs facility which has the greatest volume of calls.

Q. P. Moore – Can there be sub-leasing on the tower for commercial coverage such that the radiation would exceed the standard recommended level? **A. R. Lanouette & W. Ellis** – There are not plans for sub-leasing. In the future if sub-leasing is considered, we would have to work with the Town of Nichols to get permitting. At the moment, the tower is for emergency services only and we have no intentions to change the use of the tower.

Q. S. Davison – Has the expansion of technology been addressed for the plans on this tower? **A. J. Preston** – On the tower structure, we have accounted for approximately a 20% expansion capability for Tioga County Emergency Services.

Motion to recommend Approval of the Town of Nichols Special Use Permit with the Conditions Noted:

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

2. County Case 2025-007: Village of Waverly, Site Plan Review, Paint Perfection, LLC.

The applicant is requesting site plan review to occupy the existing 2,144 square foot commercial structure to establish and operate a vehicle spray bedliner and undercoating/rust proofing business. No modifications to the existing buildings or new construction are planned. The applicant will be the only employee. Hours of operation will be Monday – Friday 9:00 AM to 5:00 PM. The applicant states

that there is an exhaust fan in the current structure and that no solvents or volatile organic compounds are contained in either product.

Pursuant to 6NYCRR Part 617 SEQR, the Village of Waverly Deputy Clerk has categorized this site plan review as an Unlisted Action under SEQR. Therefore, the Village has provided a Short Environmental Assessment Form Part 1 completed, signed and dated by the applicant.

It is of benefit to the Waverly community that a small business/owner intends to utilize an existing commercial structure and property. It keeps the property productive and the real property taxes paid. This proposed vehicle service business is in harmony and compatible with the surrounding commercial area.

It is the applicant's responsibility to obtain all required federal, state or local permits, licenses and registrations. It is the municipality's responsibility to ensure this proposed project complies with all applicable Village of Waverly Code regulations and requirements, even those that might not be cited in this document.

The applicant must comply with the NYS Region 9 Site Plan Review Committee's review and requirements. The current site plan's driveway must be brought into conformance with NYS DOT standards. This can be achieved through cost effective approved methods access control such as pinned parking bumpers. This will require a Highway Work Permit. Nothing may be placed in the NYS DOT Right of Way.

The Village of Waverly for parking spaces has not been met. Currently only 5 spaces exist on the site however 18 are required for customers. Since the business only has one employee and there is only one work bay, the customer demand will be limited and the proposed business would not necessitate 18 parking spaces.

Conditions:

1. That the applicant complies with NYS DOT Region 9 Site Plan Review Committee's comments and requirements.
2. That the Village of Waverly Attorney and ZBA determine if an area variance will be required for the number of parking spaces. If required, the area variance will not have to come back to the County Planning Board for recommendation given the business's limited customer demand.

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

Q. P. Moore – Can the business utilize the grass area for parking? **A. E. Jardine** – Yes, he can work with the Village of Waverly to identify this space as parking if required.

Q. J. Tornatore – Is there a septic tank on the property that would prohibit being driven upon? **A. E. Jardine** – I believe this business is on the Village Sewer system but this would be up to the Village of Waverly on how to handle.

Q. P. Moore – Would it be possible to move the access to Pembleton Place from State Route 17C? **A.**

D. Chrzanowski – This would be a possibility and would require barriers on the pavement border facing Route 17C.

Q. P. Bradley – How do I find out if this is possible? **A. E. Jardine** – You could propose this change to the Village of Waverly Planning Board.

Q. B. Goodrich – How long does the setting of the material take? Would automobiles be onsite for curing time? **A. P. Bradley** – The product hardens in 30 seconds and should not have to be onsite for a length of time.

Q. P. Moore – Before applying the product, are solvents going to be used to remove rust and debris? **A. P. Bradley** – The product used states that rust can be removed with a needle scaler. Usually, I tell the customer to have the car cleaned before the product is applied.

Q. J. Marzen – Are you required to have an oil water separator to protect the storm drain? **A. P. Bradley** – I am unsure. Board Members suggested that customers be required to have automobiles cleaned before coming to the business to have product applied to negate the need for an oil water separator.

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

B. Goodrich/S. Davison/Carried	
Yes	11
No	0
Abstentions	0

3. County Case 2025-008: Village of Owego, Rezoning from Residential 3 (R3) to Business (B), Elston Enterprises, LLC

The applicant is petitioning the Village of Owego Board of Trustees to rezoning their 0.16-acre property, which is directly adjacent to CVS and the current Business (B) zoning district from Residential 3 to Commercial. This is because while personal service shops are not allowed in R3 zoning districts, this property has had a non-residential use occupy the ground floor since the 1970’s. Previously the ground floor was occupied for decades by a barber shop, currently a tattoo business occupies the ground floor. The Village Owego has not addressed this noncompliance with zoning regulations until now.

Pursuant to 6NYCRR Part 617 SEQ, the Village of Owego Board of Trustees, as Lead Agency, has categorized this as an Unlisted action and has provided a complete, signed and dated a Short Environmental Assessment Form Part 1 from the applicant.

It is perfectly logical and acceptable for the Village of Owego Board of Trustees to rezone this property from Residential 3 to Business, as this property has had a non-residential use occupy the ground floor of the structure for nearly 40 years, and this is a simple, small expansion of the adjacent Business zoning district.

Conditions:

1. That the applicant complies with NYS DOT Region 9 Site Plan Review Committee’s comments and requirements. (Update – NYS DOT Region 9 had no comments on this case.)

After thorough consideration of the above, Staff advises the County Planning Board to recommend Approval of the Rezoning.

Q. B. Goodrich – Are there still apartments above the businesses? **A. P. Elston** – Yes there are, two on the top floor and one in the rear on the ground floor.

Motion to recommend Approval of the Rezoning from Residential 3 (R3) to Business (B):

J. Tornatore/J. Current/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)
 - Double Aught closed the Candor facility. Employees were offered positions at their other facilities. It is unsure if it will stay on the tax role.

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

5. **Town of Nichols** (P. Moore)
 - No Report

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

7. **Village of Owego** (G. Eckley)
 - Not in attendance.

8. **Town of Richford** (V. Davis)
 - Cindy Herrick who was on the Town Council, was the grant writer and was the Deputy Supervisor died unexpectedly. She left a large hole in the community and her family and will be greatly missed.

9. **Town of Spencer** (J. Budney)
 - The Town of Spencer annual summer picnic may not be able to occur due to difficulty getting carnival rides. B. Goodrich suggested make it a food event by promoting food trucks or a BBQ competition.

10. **Town of Tioga** (D. Chrzanowski)
 - No Report.

11. **Village of Waverly** (vacant)
 - No Report.

12. **Alternates** (B. Goodrich & J. Tornatore)

- J. Tornatore reported that the annual Newark Valley Summer Fest will not be having fireworks due to increased expense, decreased attendance and trouble getting sponsors.

B. Staff Report:

- E. Jardine reminded Board members to get her signed Financial Disclosure and Ethics Attestation forms.

VIII. OLD BUSINESS

None.

IX. ADJOURNMENT

- A. Next Meeting April 16, 2025, @ 7:00 PM at HHS Building Room #2139.
- B. Motion made to adjourn at 8:07 PM. P. Moore/J. Current/Carried.

Respectfully submitted,

Colleen Chrzanowski
Tioga County Planning Board Recording Secretary