

**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 7:00 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:**

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

**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, Forys 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 26<sup>th</sup> on and the second is on September 11<sup>th</sup>.

**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