

TIOGA COUNTY PLANNING BOARD

MEETING MINUTES

June 18, 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, Vicki Davis, Sam Davison, Georgeanne Eckley, Jim Marzen, Pam Moore, James Tornatore, Kasey Traub,

Excused: John Current, Grady Updyke

Absent: Bryan Goodrich

B. Ex Officio Members: None

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

D. 239m Review Applicants: Joshua Cassidy, Puff Plaza, LLC

E. Guests: Matt Freeze, Morning Times

F. Staff: Elaine Jardine, Colleen Chrzanowski

III. APPROVAL OF AGENDA

- Approval of agenda as presented:

J. Marzen/G. Eckley/Carried

None Opposed

No Abstentions

IV. APPROVAL OF MINUTES

- Approval of May 21, 2025 minutes noted corrections:

J. Budney/J. Tornatore/Carried

None Opposed

No Abstentions

V. PRIVILEGE OF THE FLOOR

- None

VI. NEW BUSINESS

A. 239 Reviews

1. County Case 2025-016: Village of Waverly, PUD Site Plan Review and (PUD) Special Permit, Joshua Cassidy, Puff Plaza, LLC

The applicant is requesting a PUD site plan review and special use permit to locate and operate a new NYS Office of Cannabis Management (OCM) Licensed adult-use cannabis microbusiness in the existing building on the property. This microbusiness will involve both the cultivation of marijuana plants and retail sales of the plants.

Cultivation will occupy 1,000 square feet of the building, retail sales will occupy 800 square feet and the last 200 square feet will be office space and bathrooms. The applicant will be leasing the property from VM 561 Broad Street, LLC, who last year proposed and operated a dollar store in the existing structure for a while. A drive-thru for retail business is planned at the front of the building as seen on the applicant's site plan.

The applicant states that no structural changes to the existing building footprint or new construction are planned, only interior renovations and only refinements to the exterior such as lighting and the parking lot as well as adding the drive-thru lane. The applicant states that the hours of operation will be 9:00 AM to 9:00 PM seven days a week. The business plan states that 10 employees will be hired during this initial launch phase, with up to 10 more employees hired during the future growth phase. The applicant expects approximately 100 customers per day. The parking lot will have capacity for 15 parking spaces. New LED lights will be placed under the eaves at the front of the building and the applicant plans for one wall sign on the front of the building that will comply with the Village of Waverly's sign regulations. This project will utilize existing Village of Waverly municipal water and sewer.

The applicant will utilize 24/7 interior and exterior security surveillance as well as institute a secure and controlled customer entry point for ID verification as customers must be age 21+. The applicant has submitted a security plan to NYS OCM per requirements. Applicant states that no on-site consumption of adult-use cannabis is allowed.

A vast majority of the existing building and property lie within FEMA's 1% annual chance Special Flood Hazard Area; therefore, the applicant must approach the Village of Waverly Building Code Enforcement Officer for a floodplain development permit.

Pursuant to 6NYCRR Part 617 SEQ, the Village of Waverly Clerk has categorized this site plan review as an Unlisted Action under SEQ. 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 new business intends to occupy this existing building, which is within an existing commercial corridor. This NYS-licensed adult-use cannabis microbusiness is in harmony and compatible with the surrounding commercial area. The business will hire a good number of local employees and revitalize the property. The site plan has a logical layout and conforms with the stated applicable site plan approval objectives.

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 that this project complies with all local codes and regulations, even those that might not be cited in this document.

Conditions:

1. That the applicant complies with NYS DOT Region 9 Site Plan Review Committee's comments and requirements. (Update – NYS DOT Region 9 Site Plan Review Committee had no comments)
2. That the applicant obtains a floodplain development permit from the Village of Waverly Code Enforcement Officer and the Code Enforcement Officer determines that the value of proposed improvements does not exceed 50% of current building's fair market value or latest appraisal. If the cost of improvements exceeds 50% of the current building's fair market value or most recent appraisal, this triggers substantial improvement regulations which means the building must either be elevated to two feet above base flood elevation or sealed watertight (dry floodproofing) to two feet above base

flood elevation.

Staff advises the County Planning Board to recommend *approval of the PUD Special Use Permit and Site Plan Review and with the conditions noted.*

Q. E. Jardine – Has the floodplain aspect been talked about with the Village of Waverly Code Enforcement Officer? **A. J. Cassidy** – It has not. I was not aware of this need.

Q. J. Cassidy – Does the property owner's flood insurance cover this? **A. E. Jardine** – No it does not. If the value of the improvements by either the occupant or the property owner exceeds 50% of the appraised value, it triggers substantial improvement regulations. If improvements are made that exceed 50% of the fair market value or recently appraised value and the Village of Waverly's Flood Damage Prevention Law is not complied with, it is an NFIP violation. If a violation is not corrected it may raise the premiums for all Village of Waverly businesses and homeowners that have flood insurance. A current appraisal will need to be obtained to know what the 50% value is.

Q. J. Cassidy – The building has previously had improvements however, the electric needs to be upgraded. Does that improvement apply to the 50% improvement value? **A. E. Jardine** – You will need to ask the Village of Waverly Code Enforcement Officer. Previous improvements would not count, only your improvements.

Q. J. Cassidy – If the owner of the building makes these improvements, does this count towards my 50% improvements? **A. E. Jardine** – Yes, they do. It is from this point forward.

Q. J. Cassidy – Who puts a value to the renovations made? **A. E. Jardine** – You will have to provide this cost estimate to the Village of Waverly Code Enforcement Office.

Q. J. Cassidy – I am considering purchasing this property. Would the 50% improvements be based on the Fair Market Value or the sale price? **A. E. Jardine** – You will have to ask the Village of Waverly Code Enforcement Officer about if sale price can be used or not in the substantial improvement calculation.

Q. J. Cassidy – If I own the property, do I have to have flood insurance? **A. E. Jardine** – Yes you do. **A. D. Chrzanowski** – Due to being in the floodplain, you will need to work with the Village of Waverly floodplain requirements to raise HVAC and electric to the first-floor level. There is a tremendous amount of support and expertise in the Binghamton area that can help with this. There are site people who will come to the property and help identify the needs for compliance to the floodplain requirements.

Q. J. Marzen – Is demolition included in the 50% improvements? **A. J. Cassidy** – There is no demolition needed.

Q. J. Tornatore – Is there existing three-phase electric? **A. J. Cassidy** – Yes, there is however it needs to be updated. The lights that are required for this business are approximately \$150,000.

Q. P. Moore – Is there a difference between improvements and repairs? **A. E. Jardine** – The property owner and business owner will need to discuss all this together with the Village of Waverly Code Enforcement Officer.

Q. S. Davison – How is the heating system powered? **A. J. Cassidy** – I am unsure. **A. E. Jardine** – It is most likely natural gas via Valley Energy, the natural gas provider in the area.

Motion to recommend Approval of the PUD Special Use Permit and Site Plan Review with the conditions noted:

P. Moore/K. Traub/Carried

Yes 10

No 0

Abstentions 0

VII. REPORTS

A. Local Bits and Pieces

1. Town of Barton (G. Updyke)

- Not in attendance.

2. **Town of Berkshire** (S. Davison)
 - None
3. **Town of Candor** (A. Cacciola)
 - A. Cacciola reported that there is a new coffee shop opening in Candor.
 - A. Cacciola reported that Candor will have their Fourth of July Celebration on July 4, 2025.
4. **Town of Newark Valley** (J. Marzen)
 - J. Tornatore reported that the Newark Valley Summer Fest is July 26, 2025.
5. **Town of Nichols** (P. Moore)
 - P. Moore reported that Sundaes at the Farm will be Saturday, July 19, 2025 in Owego from Noon to 3 p.m. at an Amish farm on Sulphur Springs Road in the Town of Owego. This is a free event with free ice cream sundaes.
6. **Town of Owego** (J. Current)
 - Not in attendance.
7. **Village of Owego** (G. Eckley)
 - The Strawberry Festival is this weekend.
8. **Town of Richford** (V. Davis)
 - V. Davis reported that the Town of Richford's Concert Series starts June 26, 2025, at Rawley Park. There will be three to four concerts this summer. These concerts are all paid for by bottle and can donations.
9. **Town of Spencer** (J. Budney)
 - No report.
10. **Town of Tioga** (D. Chrzanowski)
 - No report for the Town of Tioga however he wanted to report on a new NYS energy code requirement that will be starting on January 1, 2026. HVAC for a home that is stick built after January 1, 2026, will need to be powered by electric or renewable resources only. Fossil fuels cannot be used. Wood burning is allowed because of wood fuel is renewable. He is unaware of any commercial building requirements yet.
11. **Village of Waverly** (K. Traub)
 - K. Traub reported that the Village of Waverly has started the Business Registration Law which requires all businesses to obtain a certificate of operation from the Village. There is no fee associated with the certificate. Businesses that are illegal or businesses without property insurance will not be able to obtain a certificate and violations will be brought to the Village Hearing Board first then to the Courts. Violations are \$250 to \$500 a day.
12. **Alternates** (B. Goodrich)

- Not in attendance.

B. Staff Report:

- E. Jardine reported that there are two trainings coming up. The first is on June 25, 2025, from 6 p.m. to 7:30 p.m. on Solar Best Practices and Policies at the Town of Owego Shared Services Building. The second is on June 26, 2025, from 6 p.m. to 7:30 p.m. on NYS DEC's New Wetland Regulations and Floodplain Management Training at the CCE Broome County auditorium. Email or call Linda Sampson to register.

VIII. OLD BUSINESS

None.

IX. ADJOURNMENT

- A.** Next Meeting July 16, 2025, @ 7:00 PM at HHS Building Room #2139.
- B.** Motion made to adjourn at 7:46 PM. G. Eckley/J. Marzen/Carried.

Respectfully submitted,

Colleen Chrzanowski
Tioga County Planning Board Recording Secretary