

A Special Meeting of the Town of Owego Planning Board was held 7:00 PM on Wednesday, May 28, 2025 at the Owego Town Hall, 2354 State Route 434, Apalachin, New York.

Present: Chairman Robert Rieg, Lynne Esquivel, Craig Wademan, Lisa Baileys, Cheri Grenier and Eric LaClair

Excused: Jim Tofte

Others Present: Irene Graven, Town Attorney & Bill Carrigg, Planning & Zoning Administrator

Chairman Rieg called the meeting to order at 7:00 pm. The minutes from the March 25, 2025 meeting were considered. Ms. Baileys made a motion to accept the minutes as written. Mr. Wademan seconded the motion. All in favor.

### Appeal 2160

Chairman Rieg introduced Appeal No. 2160, a request for a Special Use Permit by Pit Stop Popcorn. The applicant, Steven Sherwood, was present.

Mr. Carrigg introduced Appeal No. 2160 stating Steven Sherwood, owner of Speedy's Concessions, LLC dba Pit Stop Popcorn, is looking to purchase the property at 6485 State Route 434 Apalachin, Tax Map No. 142.10-1-6.3, which is currently owned by Perkins Realty Investments. An electronically signed permission letter from Mr. Perkins has been submitted with this application giving Steven permission to proceed in obtaining approval prior to ownership. This Appeal is being requested under Chapter 125 Article IX 125-20B, which refers also to Chapter 125 Article VIII 125-18 A2 of the Town of Owego Zoning Code. Mr. Carrigg explained that Mr. Sherwood is looking to utilize the building at 6485 State Route 434 Apalachin for making his different varieties of popcorn. Mr. Sherwood's sales are mostly for fundraisers and is anticipating very little traffic, however, he will be offering popcorn for sale at the location. Mr. Carrigg continued to explain that parking for retail is pre-existing from previous appeals and meets the code of the Town of Owego. Mr. Sherwood obtained his Town of Owego wellhead protection permit from the Town of Owego Board on May 6, 2025.

Chairman Rieg invited Mr. Sherwood to explain his request.

Mr. Sherwood explained that his plan is to use the double wide that is on the property for popcorn production and retail space. Mr. Sherwood stated the back building would be used for storage and the area around it would be where a food truck and trailer would be parked.

Chairman Rieg asked where the business was located now. Mr. Sherwood stated the business is currently located next to Barton's market in the old ice cream building.

Mr. Wademan inquired on hours of operation. Mr. Sherwood explained he would be there making popcorn from probably 8:00AM to 4:00PM or 5:00PM and the retail store would be 12:00PM to 6:00PM, no more than five days a week.

Mr. LaClair asked Mr. Sherwood to elaborate on his opportunity for growth with mobile events and would he be popping the popcorn ahead of time. Mr. Sherwood stated he currently does popcorn production ahead of time using his stationary trailer unit and explained using a building would free up his stationary trailer to be able to travel.

A brief discussion was had regarding the use of oil in the popcorn production process and that it is in a five gallon pail and transferred to a larger container and there is no excess.

Mr. Wademan inquired if there would be other employees. Mr. Sherwood stated he would like to have some part time employees.

Chairman Rieg asked if the building would be open for business while Mr. Sherwood is working at mobile events. Mr. Sherwood probably not as most of the mobile events are local.

Ms. Baileys asked if the mobile events were on weekdays or weekends. Mr. Sherwood stated half of the mobile events are weekdays and half are weekends. Mr. Sherwood stated most of the weekday events are for work places, e.g. employee appreciation.

Chairman Rieg asked how long Mr. Sherwood has been in business. Mr. Sherwood stated since 2021.

Mr. LaClair inquired about delivery trucks not having enough space to turn around in the parking lot. Mr. Sherwood stated the deliveries are mostly box truck, e.g. UPS, WB Mason, and that there will be no deliveries from tractor trailers.

Mr. Wademan inquired about site lighting. Mr. Sherwood stated he plans on putting in a floodlight at the end of the building where the ramp starts.

Ms. Baileys asked if there would be a sign on the building. Mr. Sherwood stated that there is an existing sign already there which he plans on using and would possibly add another. Mr. Sherwood stated he would probably not use a stand up type flag sign.

A brief discussion was had regarding the popcorn is popped in oil, concession stand like, popped fresh every day and is put into  $\frac{3}{4}$  gallon cellophane bags and there are a variety of flavors.

Mr. Wademan made a motion to recommend approval of Appeal No. 2160 to the Zoning Board of Appeals with the following conditions:

1. That the signs be in compliance with the Town of Owego requirements;
2. That the site lighting be in compliance with the Town of Owego requirements.

Seconded by Mr. LaClair. The motion was unanimously carried.

### Site Plan 1-2025

Chairman Rieg introduced Site Plan 1-2025, a request from Fory's Savage LLC to put a house on property located at 21 Forest Hill Road, Apalachin. The applicants, James and Teresa Savage, were present.

Chairman Rieg states letter received from Tioga County Planning Board stated approval with condition to comply with NYSDOT requirements. Chairman Rieg stated letter received from NYSDOT which stated the following comments.

1. The driveway from this property to NYS Route 434 was installed without an approved Highway Work Permit, and the applicant will be required to resolve this matter with NYSDOT. Please direct the applicant to contact the NYSDOT Region 9 Permit Office at 607-721-8082 regarding this issue.
2. All driveway openings shall be designed and constructed or reconstructed in accordance with the NYSDOT Police and Standards for Design and Entrances to State Highways, which can be found at [www.dot.ny.gov/permits](http://www.dot.ny.gov/permits).
3. Nothing may be placed within the State right-of-way, including structures, signage, shed or parking.

Chairman Rieg asked if the applicants were aware of the NYSDOT letter and driveway requirements. Mr. Savage stated yes and that they started Part 1 of the driveway permit in 2022 but it was never completed. Mrs. Savage stated they went to Binghamton today, May 28, 2025, and obtained the driveway permit. Mr. Carrigg stated that his office received the permit today.

Mr. Carrigg introduced Site Plan 1-2025, stating the applicant, James Savage, is requesting approval to place a house with an office in the General Business District at 21 Forest Hill Road, Apalachin, Tax Map No. 130.00-2-92. The property is currently being utilized for this business, Shed Quarters, which went through the board process under Site Plan 1-2022 and was approved on July 26, 2022. The Planning Board Site Plan Approval is being sought under

Chapter 125 Article VIII 125-18 A (16). If approved, the applicant will be placing a 1500sq. ft. house on the property with a home office located in the northeast corner of the building. The applicant has provided a site plan that meets the required setbacks for General Business Zoning. The applicant would provide a separate entrance for the office and associated parking. The applicant is proposing 7 parking spaces that are 10ft wide and 20ft in depth, which is over the required amount under Chapter 125 Article XII 125-40 (5). There will be no parking spaces closer than 15ft to any property line satisfying Article XII Chapter 125-41 B (5) of the Town of Owego Zoning Code. The applicant does not expect an increase in traffic to the location. Land disturbance is anticipated to remain under one acre, therefore, a Stormwater Pollution Prevention Plan (SWPPP), is not necessary.

Mr. Carrigg continued to state that on the southeast corner of the property, a grassy opening is adjacent to Residential Zoning. The measurement for the opening is 175sq. ft. and under Chapter 125 Article XII 125-52 A (1), a 25sq. ft. strip requires shading to be provided to shade the Residential Zoning District from the General Business District. The applicant is proposing placing 15 shade trees that are 10ft in height and no closer than 5ft from the property line. The applicant will also add 22 deciduous shrubs or evergreens, staggering all that are planted to meet the regulations from Chapter 125 Article XII 125 A(3). A short environmental assessment form was submitted by the applicant and this request would be a Type II action under SEQR, with no further action required.

Mr. Carrigg stated if this appeal is approved, the applicant will be selling the shed he currently utilizes as office and will move the office to the aforementioned location.

A brief discussion was had regarding that when the applicants went through the board process, Site Plan 1-2022, that they made mention that they this request may be acted on in the future.

Chairman Rieg inquired if the gravel driveway that goes through the property from Forest Hill to State Route 434 was existing and that the added turn-a-round to the proposed home, per the engineers plan, would be the only addition. The applicants responded correct.

A brief discussion was had regarding the property having septic and a well and that the applicants will need to obtain a building permit for construction of the home.

Ms. Esquivel inquired if the home was manufactured. Mr. Savage replied yes.

Chairman Rieg asked if there would be additional lighting added. Mr. Savage stated just on the house explaining that normal business hours are during the day and on-line, therefore, additional lighting would not be needed.

Chairman Rieg inquired if the applicant handled the snow removal on the property. Mr. Savage replied yes.

Mr. LaClair inquired if there were Town requirements for the planting of the trees and shrubs that they take root and grow. Mr. Carrigg responded yes. Mr. Savage stated that he agreed with the shading requirement and Mrs. Savage stated that they will be planting the trees and shrubs themselves.

Ms. Esquivel inquired how quickly the house would the house be in. Mr. & Mrs. Savage responded August.

Mr. Wademan inquired if the sheds would be closer to State Route 434 and that parking and parking spaces are expanding for the business. Mr. Savage stated they would not be changing the State Route 434 side, they would be doubling the sheds in the back and yes, the expansion of parking and driveway would be for the business.

A brief discussion was had regarding if a gate were to be put in it would need to adhere to the NYSDOT regulations of the right-of-way. Mr. Savage stated the current sign is compliant with the 50ft NYSDOT right-of-way and all of the sheds would be behind the sign.

Ms. Baileys asked if double stacking the sheds would create an issue with new sheds being delivered and old sheds being removed. Mr. Savage responded stating that there would be more room after double stacking the sheds.

Chairman Rieg asked if there had been any issues with anyone ever trying to live in the sheds. Mrs. Savage stated no.

Mr. Wademan asked if additional site lighting would be added if more sheds would be on the site. Mr. Savage stated lighting would be added just for the house as the business is not open after dark.

Ms. Esquivel made a motion to approve Site Plan 1-2025.

Chairman Rieg seconded the motion. The motion was unanimously carried.

The next regular meeting is scheduled for Tuesday, June 24, 2025 at 7:00PM.

There being no further business, the meeting was adjourned at 7:26PM.

Respectfully submitted,

Tina Tammaro

Secretary