

MEETING OF THE TOWN OF OWEGO ZONING BOARD OF APPEALS

Present: Chairman Gary Phelps, Jack Legg, Dan Myers, Janet Brown and Paula Wilcox (alternate)

Excused: David Kresge

Others Present: Bill Carrigg, Irene Graven

Chairman Phelps called the meeting to order at 6:59pm. The minutes from the regular Zoning Board of Appeals meeting held August 1, 2024 were considered. Mr. Legg made a motion to approve the minutes as written, seconded by Ms. Wilcox. All in favor.

Mr. Carrigg advised the board that Appeal No. 2151 was withdrawn by the applicant, Ryan Kline, at the Planning Board meeting held on August 27, 2024

Appeal No. 2152

The Board visited Appeal No. 2152, a request by Hospitality Syracuse, Inc. for a Special Use Permit to operate a Taco Bell with drive-thru at 1054 State Route 17C, Owego.

Appearances: John Bessette of Napierala Consulting & Mike McCracken of Hospitality Syracuse, Inc.

Exhibits: Application for an a Special Use Permit dated August 5, 2024

Mr. Carrigg introduced Appeal No. 2152 stating the request is to transform the old bank building into a Taco Bell at 1054 State Route 17C, Owego. Mr. Carrigg stated this is a Type II SEQR, no further action is required. Mr. Carrigg stated that the Town of Owego Planning Board had recommendations for the appeal. Mr. Carrigg stated that letters were sent to neighbors with no comments received.

Mr. Carrigg invited Mr. Bessette to present the project to the board.

Mr. Bessette stated the proposal is to remodel the existing bank building at 1054 State Route 17C, Owego, into a Taco Bell restaurant with drive-thru. Mr. Bessette explained it would be a rehabilitation of the site with some small additions, a small enclosed concrete dumpster pad, a concrete covered patio and site lighting. Mr. Bessette stated that there would be some re-milling and resurfacing of the site as well as repairing some concrete sidewalks that have been damaged and remodeling the building.

Mr. Carrigg stated NYS DOT comment was to make the westerly entrance a right turn only and stated that Mr. McCracken agreed upon that and already redesigned the plans to accommodate that request.

Chairman Phelps inquired if there would be signs posted to show right turn only. Mr. Carrigg responded yes and that there will be arrows on the pavement as well.

Chairman Phelps closed the public portion of the meeting and opened the meeting up for comments or questions from the board.

Ms. Wilcox inquired if deliveries would be off peak hours. Mr. Bessette replied yes and that deliveries would be made through the western access and leave at the traffic light.

Mr. Carrigg stated that when Taco Bell presented to the Planning Board, it was stated that intention for deliveries would be between 4am-6am, and the restaurant is not open at that time.

Chairman Phelps asked if the “green” area on the site map would be the lawn. Mr. Bessette stated he believed that was the intention.

Chairman Phelps inquired about pole lighting. Mr. Bessette stated the existing poles would be removed and the proposal was to install 3 poles, 1 along the driveway, 1 in the front of the site and 1 in the back.

Chairman Phelps inquired if there would be delineation of arrows on the pavement at the traffic light which showed on the original site plan and it would be one way traffic. Mr. Bessette stated it would be two way traffic and some of the sidewalk would have to be removed in order to make it a properly sized drive lane.

Chairman Phelps read the following:

Letter from Rudra Management, owner of the property, authorizing Hospitality Syracuse Inc. to apply for the Special Use Permit.

Recommendation of Approval letter from the Town of Owego Planning Board with condition of supplying the Town of Owego Zoning Board of Appeal a site plan to include: site lighting, signage, landscaping, information and intent on the dumpster enclosure size and materials involved, define specific use of the outdoor area and a statement that deliveries will be made outside of business hours.

Short SEQR completed.

Letter from Tioga County Economic Planning with the below listed recommendations:

1. That the applicant complies with NYS DOT Region 9 Site Plan Review Committee’s comments and requirements.
2. That western access from State Route 17C be redesigned to restrict exiting to right turn only.

A brief discussion was had that an administrative floodplain development permit would be issued prior to the building permit.

Mrs. Brown inquired if the “jut out” area near the order board on the site map was the drive-thru window. Mr. Bessette replied yes.

Mrs. Brown inquired if the outdoor patio covering was permanent and what was it made of. Mr. Bessette replied yes, it is permanent. Mr. McCracken stated that the roofing for the outdoor patio would be made out of a lightweight metal.

Mrs. Brown asked where the proposed do not enter stop sign would be. Mr. Bessette stated the stop sign is facing towards the pick-up window as there is a crosswalk there before entering the traffic flow.

A brief discussion was had regarding that there is access from the drive-thru to the parking lot on the right.

Mr. Legg inquired on the timeframe for the project. Mr. Bessette replied typically 90-120 days from shovels in the ground to opening.

Chairman Phelps asked if the Taco Bell logo on the signage will have any illumination behind it and are they illuminated 24 hours a day. Mr. Bessette replied they should be internally illuminated and believes that the brightest of the lights shut off around an hour after closing.

Mrs. Brown asked if the building would actually look like the prototype submitted. Mr. Bessette replied that it is a typical model and Mr. McCracken said it would be similar but the patio would be on the front of the building.

Mr. Legg asked if there would be rails around the patio. Mr. Bessette replied yes.

Mr. Myers made a motion to accept Appeal 2152.

Seconded by Mr. Legg. All in favor. Carried.

Reference:

Appeal No. 2152 dated August 5, 2024

ACTION OF THE ZONING BOARD OF APPEALS of the Town of Owego, Owego Town Hall, 2354 State Route 434, Apalachin, New York:

To: Hospitality Syracuse, Inc., 290 Elwood Davis Road Suite 320 Liverpool, NY 13088

At a meeting of the Zoning Board of Appeals held the 5th day of September 2024, the above referenced appeal was considered and the Board by resolution GRANTED your request for a Special Use Permit pursuant to Chapter 125 of the Code of the Town of Owego.

The resolution adopted by the Board of Appeals follow, viz:

WHEREAS, a public hearing was held on the 5th day of September 2024, on notice according to the law, at which John Bessette and Mike McCracken appeared and gave testimony to questions put forth to them by this Board; and

WHEREAS, Hospitality Syracuse, Inc. desires to operate a Taco Bell restaurant with drive-thru at 1054 State Route 17C, Owego; and

WHEREAS, the NYS Department of Transportation has advised:

1. Applicant to provide a site plan showing the proposed building, parking lot, drive-thru orientation, queue storage space, pedestrian facilities, and signage locations;
2. Any work to be conducted within the State right-of-way, such as for improvement of the site's driveway, the applicant will require a Highway Work Permit from NYSDOT;
3. No additional driveways to NYS Route 17C will be permitted;
4. The proposed development is likely to increase foot traffic from nearby businesses, residences, and places of employment. Therefore, NYS DOT recommends that the Town require the applicant to construct a pedestrian connection between the building and the shoulder along NYS Route 17C;
5. The site's building orientation, parking lot features, and walkway configuration should be designed to consider all users of the transportation system, including those walking, biking or arriving at the site by vehicle and recommends the applicant consider Complete Streets principles in the site design.;
6. Nothing may be placed within the State right-of-way, including signage or parking and vehicles may not queue for the drive-thru window within the State right of way; and

WHEREAS, Tioga County Planning recommended approval in their letter dated August 22, 2024 with the following conditions:

1. That applicant complies with NYS DOT Region 9 Site Plan Review Committee's comments and requirements;
2. That western access from State Route 17C be redesigned to restrict exiting to right turn only; and

NOW, THEREFORE, be it

RESOLVED, that the Board makes the following findings based on the entire record:

1. Applicant requested a Special Use Permit to operate a Taco Bell restaurant with drive-thru;
2. Property is located at 1054 State Route 17C Owego;
3. Property is situated in an Highway Interchange(HIC) zoning district;

And be it further

RESOLVED, the application for a Special Use Permit is hereby GRANTED.

Any and all other provisions of this Chapter not waived or modified by this decision are to be observed.

Appeal No. 2153

The Board visited Appeal No. 2153, a request by Michael Thompson for a Special Use Permit to expand an existing mechanic shop at 1327 State Route 96, Owego.

Appearances: Michael Thompson, applicant and owner of TNT Performance

Exhibits: Application for an a Special Use Permit dated August 8, 2024

Mr. Carrigg introduced Appeal No. 2153 stating Mr. Thompson, owner of TNT Performance located at 1327 State Route 96, Owego, is requesting a Special Use Permit to construct an expansion of 40ft. by 52ft. to the existing building. Mr. Carrigg stated this is an unlisted type II SEQR and the Tioga County Planning Board & Town of Owego Planning Board recommended approval.

Mr. Carrigg invited Mr. Thompson to present the project to the board

Mr. Thompson stated he would like to expand his mechanic shop.

Ms. Wilcox asked if there would be running water and septic. Mr. Thompson replied that they are already existing.

Chairman Phelps closed the public portion of the meeting and opened the meeting up for comments or questions from the board.

Chairman Phelps inquired on the type of construction as well as process to dispose of fluids & oils. Mr. Thompson stated construction will be a pole barn and he drains into waste oil buckets and places in barrels and uses a service to have it removed.

Chairman Phelps inquired about hoists being installed. Mr. Thompson replied yes, regular lifts.

Chairman Phelps inquired about site lighting and additional landscaping. Mr. Thompson stated the site would remain the same except for the expansion of the building.

A brief discussion was had regarding the addition to the parking lot would be to the north, away from the road, would not impact the setback requirements and NYS DOT did not have any comment as it would not be in their right of way.

Mr. Legg inquired about lighting. Mr. Thompson stated he currently has a light on the building that faces the road and he probably will add a light to the new building that projects about 40ft.

Mr. Myers inquired about drainage in the building. Mr. Thompson replied that there are no drains just a solid concrete floor.

Chairman Phelps read the following:

Recommendation of Approval letter from Town of Owego Planning Board

Recommendation of Approval letter from Tioga County Economic Development and Planning.

Comment letter from Sean Murphy, NYS DOT

Mr. Carrigg stated part 2 and 3 of the SEQR were completed and shown little to no impact and read the following statement from part 3 of the SEQR, it has been determined, based on the information and analysis above, and any supporting documentation that the proposed action will not result in any significant and adverse environmental impacts.

Chairman Phelps inquired about any issues with flooding. Mr. Thompson replied no.

Ms. Wilcox made a motion to approve and accept the environmental assessment form/SEQR. Mr. Myers seconded. All in favor. Carried.

A brief discussion was had regarding no action required for parking spaces, that there are no other employees besides Mr. Thompson and that Mr. Thompson services 4-5 cars a day.

Mr. Legg made a motion to accept Appeal 2153.

Seconded by Ms. Wilcox. All in favor. Carried.

Reference:

Appeal No. 2153 dated August 8, 2024

ACTION OF THE ZONING BOARD OF APPEALS of the Town of Owego, Owego Town Hall, 2354 State Route 434, Apalachin, New York:

To: Michael Thompson, 1327 State Route 96 Owego, NY

At a meeting of the Zoning Board of Appeals held the 5th day of September 2024, the above referenced appeal was considered and the Board by resolution GRANTED your request for a Special Use Permit pursuant to Chapter 125 of the Code of the Town of Owego.

The resolution adopted by the Board of Appeals follow, viz:

WHEREAS, a public hearing was held on the 5th day of September 2024, on notice according to the law, at which Michael Thompson appeared and gave testimony to questions put forth to him by this Board; and

WHEREAS, Michael Thompson desires to construct an expansion to an existing mechanic shop at 1327 State Route 96, Owego; therefore be it

WHEREAS, the NYS Department of Transportation has advised:

1. If any work is to be conducted within the State right-of-way, such as for improvement of the site's driveway, the applicant will require a Highway Work Permit from NYSDOT;
2. Nothing may be placed within the State right-of-way, including signage or parking and;

WHEREAS, Tioga County Planning recommended approval in their letter dated August 22, 2024 with the following conditions:

1. That the applicant complies with NYS DOT Region 9 Site Plan Review Committee's comments and requirements and;

NOW, THEREFORE be it

RESOLVED, that the Board makes the following findings based on the entire record:

1. Applicant requested a Special Use Permit to construct an expansion to an existing mechanic shop;
2. Property is located at 1327 State Route 96 Owego;
3. Property is situated in an General Business(GB) zoning district;

And be it further

RESOLVED, the application for a Special Use Permit is hereby GRANTED.

Any and all other provisions of this Chapter not waived or modified by this decision are to be observed.

With there being no further business, the meeting was adjourned at 7:28pm.

Respectfully Submitted,

Tina Tammaro, Secretary
Zoning Board of Appeals