

June 5, 2025
7:00PM
Owego Town Hall
2354 State Route 434
Apalachin, NY 13732

MEETING OF THE TOWN OF OWEGO ZONING BOARD OF APPEALS

Present: Chairman Gary Phelps, Jack Legg, Janet Brown, Dave Kresge and Dan Myers

Others Present: Bill Carrigg, Irene Graven

Chairman Phelps called the meeting to order at 7:00 pm. The minutes from the regular Zoning Board of Appeals meeting held April 3, 2025 were considered. Mr. Legg made a motion to approve the minutes as written, seconded by Mr. Kresge. 4 yes with Mr. Myers abstaining.

Appeal No. 2160

The Board visited Appeal No. 2160, a request by Steven Sherwood for a Special Use Permit to operate a food production facility and retail establishment at 6485 State Route 434, Apalachin.

Appearances: Steven Sherwood, Applicant

Exhibits: Application for a Special Use Permit dated April 18, 2025

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, NY, Tax Map No. 142.10-1-6.3, 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 us to Chapter 125 Article VIII 125-18 A2 of the Town of Owego Zoning Code. Mr. Carrigg continued to explain that Mr. Sherwood is looking to utilize the existing building on the above listed property for making his different varieties of popcorn. Mr. Sherwood's sales are primarily for fundraising and is anticipating very little traffic, however, he will be offering popcorn for sale at the location. The parking for retail is preexisting from previous appeals and meets the code of the Town of Owego. Mr. Sherwood obtained his Town of Owego wellhead permit from the Town of Owego Board on May 6, 2025. Mr. Carrigg stated this is a Type II action under SEQR, no further action required.

Chairman Phelps asked if any comments were received from neighbors. Mr. Carrigg replied no.

Chairman Phelps the opened the public hearing. No one wished to speak and the public hearing was closed.

Chairman Phelps opened the meeting for questions from the board.

Chairman Phelps read the following:

Recommendation of Approval letter with conditions from the Town of Owego Planning Board.

Mr. Legg asked what the hours of operation would be. Mr. Sherwood replied for the retail side, probably 11:00AM to 5:00PM or 6:00PM.

Mr. Myers inquired if oil was used to pop the popcorn and how is it disposed of. Mr. Sherwood stated yes, oil is used but there is no excess, all is used with nothing leftover.

Mrs. Brown asked if the popcorn for fundraisers is delivered or does it have to be picked up. Mr. Sherwood stated generally the popcorn is delivered but stated for smaller fundraisers he may offer a pick up option.

Mrs. Brown asked if 4 to 8 cars would be expected in the parking lot. Mr. Sherwood replied no.

Mr. Myers asked if ventilation would need to be installed. Mr. Sherwood replied yes.

Mr. Myers made a motion to approve Appeal 2160.

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

Reference:

Appeal No. 2160 dated April 18, 2025

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

To: Steven Sherwood, PO Box 389 Apalachin, NY 13732

At a meeting of the Zoning Board of Appeals held the 5th day of June 2025, 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 June 2025, on notice according to the law, at which Steven Sherwood appeared and gave testimony to questions put forth to him by this Board; and

WHEREAS, Mr. Sherwood desires to operate a food production facility with retail establishment at 6485 State Route 434, Apalachin, NY; 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 food production facility with retail establishment;
2. Property is located at 6485 State Route 434 Apalachin, NY;
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.

At the end of the meeting Mr. Carrigg discussed an administrative modification to Appeal No. 2152, Taco Bell. Mr. Carrigg stated that on August 5, 2024, the Town of Owego Zoning Board of Appeals approved Taco Bell's request to transform the old Binghamton Savings Bank located at 1054 State Route 17C Owego, Tax Map No. 129.11-1-13.11, into a restaurant. Upon commencing construction at the above listed location, it was discovered that the previously approved parking lot light location was within a few feet of the new proposed parking lot light location. Upon further investigation it was determined that the existing light poles were already equipped with LED lighting. Taco Bell is requesting permission from the Town of Owego Zoning Board of Appeals to utilize the pre-existing lighting on site and has provided a copy of both lighting plans for your review.

With there being no further business, the meeting was adjourned at 7:19pm.

Respectfully Submitted,

Tina Tammaro, Secretary
Zoning Board of Appeals