

January 5, 2024
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, Nick Scalzo (alternate)

Excused: David Kresge

Absent: Janet Brown

Others Present: Joann Lindstrom, Irene Graven

Chairman Phelps called the meeting to order at 7:04pm. The minutes from the regular Zoning Board of Appeals Meeting held December 7, 2023 were considered. Mr. Legg made a motion to approve the minutes as written, seconded by Mr. Scalzo. All in favor.

Appeal No. 2138

The Board visited Appeal No. 2138, a request for Special Use Permit for a height exception for to construct an emissions stack at 1 Recycle Drive, submitted by Upstate Shredding.

Appearances: Anthony Paniccia, Delta Engineering

Exhibits: Application for a Special Use Permit dated December 5, 2023

Chairman Phelps invited Mr. Paniccia to describe the project. Mr. Paniccia stated that two years ago the Environmental Protection Agency (EPA) started regulating emissions from shredders in an effort to reduce Volatile Organic Compounds (VOCs). Under an EPA consent order, Upstate Shredding is now required to construct an emissions capture system to reduce the amount of airborne VOCs by the end of 2025.

Mr. Paniccia led the board through a set of plans, explaining each component of the system, stating that dust and VOCs will be burned (via natural gas) at a temperature exceeding 1300 degrees Fahrenheit with the remaining emissions will exit through the exhaust stack. Preliminary designs indicate the stack will be between 95' and 115' in height, so the applicant is requesting the height exception up to 125'.

Chairman Phelps then read several letters into the record 1) a letter from Mr. Rieg of the Owego Town Planning Board to the Zoning Board of Appeals, recommending approval of the request, suggesting that the final height of the stack should be noted in the SUP record; 2) a letter from the Tioga County Planning Board recommending approval; and 3) a letter from the Planning & Zoning Department informing Upstate Shredding of the Town Board's approval of the Wellhead Protection Permit with three conditions.

Chairman Phelps asked if the emissions system will be tested and if an alarm will be part of the design. Mr. Paniccia replied that the EPA will conduct testing for the first 60 days and the New York State Department of Environmental Conservation (DEC) will conduct testing going forward. Since the project is not yet in the design phase, Mr. Paniccia could not speak to the question of an alarm but assured the board that it would be safely designed.

Mr. Legg sought to confirm that ash would be treated via the exhaust stack. Mr. Paniccia affirmed, assuring the board that any remaining ash will need to be treated and disposed of per DEC standards. Mr. Scalzo asked if the effluent would be water based, Mr. Paniccia affirmed.

Mr. Legg made a motion to approve Appeal 2138 with the following conditions: 1) Upstate Shredding obtains an industrial waste permit from the Village of Owego prior to operation; and 2) the final height of the emissions stack is recorded in the Special Use Permit file. Mr. Scalzo seconded. All in favor.

Reference:

Appeal No. 2138 dated

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

To: Upstate Shredding
1 Recycle Drive
Owego, New York 13827

At a meeting of the Zoning Board of Appeals held the 4th day of January 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 4th day of January 2024, on notice according to the law, at which Anthony Paniccia appeared and gave testimony to questions put forth to him by this Board; and

WHEREAS, Upstate Shredding desires to construct an emissions capture system at 1 Recycle Drive, Apalachin, NY; and

WHEREAS, the Owego Town Board approved the applicant's request for a Wellhead Protection Permit on November 14, 2023 with a condition that the applicant obtain an Industrial Waste Permit from the Village of Owego to discharge into its wastewater system; and

WHEREAS, the Owego Town Planning Board recommended approval

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 emissions system;
2. Property is located at 1 Recycle Drive;
3. Property is situated in an Industrial (IN) zoning district;

And be it further

RESOLVED, the application for a Special Use Permit is hereby GRANTED with the following conditions: 1) applicant obtains an industrial waste permit from the Village of Owego; and 2) the final height of the emissions stack is recorded in the Special Use Permit file.

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,

Joann Lindstrom, MPA
Acting Secretary, Zoning Board of Appeals