

The Regular Meeting of the Town of Owego Planning Board was held at 7:00 PM on Tuesday, April 26, 2022 at the Owego Town Hall, 2354 State Route 434 Apalachin, New York.

Present: Acting Chairman Craig Wademan, Lisa Baileys, Lynne Esquivel, James Tofte, and David Marsh

Absent: Leah Hammond

Excused: Chairman Robert Rieg

Acting Chairman Wademan called the meeting to order at 7:00 PM. Lisa Baileys made a motion to approve the minutes from the February 22, 2022 meeting as written. Lynne Esquivel seconded the motion, and the motion was carried unanimously.

Acting Chairman Wademan made note that Appeal No. 2108, Appeal No. 2109, and Town Board Permit 1-2022, all be withdrawn, due to the unexpected passing of the applicant, Roger Steen.

Acting Chairman Wademan introduced Appeal No. 2110, a request for a Special Use Permit to operate a landscaping and garden center, and retail florist, submitted by Christopher Mix of Morning Light Landscapes, who was present.

Acting Chairman Wademan noted a letter from the NYSDOT with the conditions noted. Acting Chairman Wademan also noted a letter from the Tioga County Planning Board, recommending approval, but with noted conditions.

Acting Chairman Wademan asked Mr. Mix for a brief overview of the project. Mr. Mix stated he is the owner of Morning Landscapes, and is currently leasing the building from Jonathan Marks. The building would be used as office space, and a future retail floral shop. Mr. Mix stated he would operate his landscaping and garden center business from this location as well.

Acting Chairman Wademan asked for clarification on the hours of operation. Mr. Mix stated the business would be open 6 days a week, Monday through Saturday, with the potential of evening hours. Acting Chairman Wademan asked about additional lighting being the building is located at the busy intersection of State Route 434 and Pennsylvania Avenue. Mr. Mix stated they would not be adding any new lighting, just reusing what was previously installed. Acting Chairman Wademan noted that the project had been classified as a Type II action under SEQR (State Environmental Quality Review Act) for the proposed project.

Mr. Tofte questioned the well head at the site. Ms. Lindstrom stated Mr. Mix has already received his wellhead protection permit from the Town Board. Mr. Tofte questioned the process for larger trucks dropping off materials, such as mulch. Mr. Mix stated he plans to leave space open designated for larger equipment. Mr. Tofte questioned handicap accessible parking, and access aisles for customers. Mr. Mix stated he was informed at the Tioga County Planning Board he would need to comply with ADA regulations.

Acting Chairman Wademan stated Mr. Mix would benefit from a revised site plan from an engineer, due to recent information received from the NYSDOT and the Tioga County Planning Board and the requirements they imposed. Mr. Mix stated he would be in touch with a local engineer.

Mr. Tofte questioned if additional low lighting would be used on the equipment and products for added security. Mr. Mix stated they will be installing security cameras, therefore did not see a need for extra lighting.

During this time, there was much discussion regarding parking requirements and walking pathways for customers.

Mr. Tofte made a motion to recommend approval to the Zoning Board of Appeals, with the following contingencies:

- (1) The applicant provide a site plan with signage, dumpster placement, loading zones, parking, overflow parking, identify designated handicap spaces and access aisles, driveways, and hours of operation;
- (2) The applicant agrees to the recommendations of the Tioga County Planning Board;
- (3) The applicant agrees to the recommendations of NYSDOT

Ms. Esquivel seconded the motion and it was carried unanimously.

Acting Chairman Wademan then introduced Town Board Permit #2-2022, a request for rezoning a portion of property located at 1477 State Route 38 from Agricultural to Industrial, submitted by James and Deborah Wood, both were present.

Acting Chairman Wademan asked if the rezoning request was a stipulation of a potential sale. Mr. Wood answered yes. Acting Chairman Wademan asked if there was access to the parcel from State Route 38, due to it being a partial rezone. Mr. Wood stated yes. Mr. Wood stated V&S Galvanizing is against the property he owns, which is already zoned Industrial, however not contiguous to the partial piece that is to be rezoned. Mr. Wood also stated he was leasing his property to a local farmer, who has decided the field is the least favorable for farming, therefore will not be leasing again.

Mr. Tofte asked if they knew what the plans were for the property if the rezone was granted. Mr. Wood stated he did not know. Mr. Tofte stated the rezone may be easier to achieve, if it was known what the possibilities were for parcel, and highly suggested speaking to neighbors before anything occurred. Acting Chairman Wademan echoed Mr. Tofte's suggestion.

Mrs. Baileys asked who was interested in purchasing the property. Mrs. Wood stated Tioga County IDA was involved, but knows nothing further.

Mr. Tofte stated his concern with the proposal was the partial piece requested to be rezoned acts as a buffer between what is already zoned industrial and the residential homes that are on State Route 38. Mr. Tofte reiterated speaking with the neighbors in those homes to get some insight on what they think.

Acting Chairman Wademan made a motion to recommend the rezoning request to the Owego Town Board. Ms. Esquivel seconded the motion. The vote was as follows:

- Mrs. Baileys-yes
- Mr. Marsh-yes
- Acting Chairman Wademan- no
- Mr. Tofte-no
- Ms. Esquivel-no

At the conclusion of the zoning request review, a motion made and seconded to recommend approval of the request to the Town Board was not carried by an affirmative majority vote of the Planning Board's total membership, which resulted in a non-action.

Acting Chairman Wademan then introduced Town Board Permit 3-2022, a request for rezoning a parcel on State Route 434, submitted by Porto Bagel, Inc. Vince Porto, owner, was present.

Mr. Porto explained the entire parcel, with the exception of 10-15 acres is zoned Highway Interchange "HIC". Those 10-15 acres are currently zoned Agricultural, but have no use, therefore he is requesting the entire parcel be rezoned to HIC.

Mr. Tofte asked if there would be any re-mapping if the request is granted. Mr. Porto stated yes, with the potential for sales and development.

Mr. Tofte made a motion to recommend approval to the Owego Town Board. Mr. Marsh seconded the motion and it carried unanimously.

The next regular scheduled meeting is Wednesday, May 25, 2022 at 7:00 PM.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Teddi Card
Secretary, Planning Board