

The Regular Meeting of the Town of Owego Planning Board was held at 7:00 PM on Tuesday December 26, 2023 at the Owego Town Hall, 2354 State Route 434, Apalachin, New York.

Present: Chairman Robert Rieg, James Tofte, Lisa Baileys and Cheri Grenier

Excused: David Marsh, Craig Wademan

Absent: Lynne Esquivel

Others Present: Irene Graven, Joann Lindstrom, Dean Morgan

Chairman Rieg called the meeting to order at 7:00 PM. The minutes from the October 24, 2023 meeting were considered. Ms. Baileys made a motion to accept the minutes as written. Ms. Grenier seconded the motion and was carried unanimously

### Rezone No. 1-2023

Chairman Rieg opened rezone request Number 1-2023, submitted by Teresa Dole, requesting a rezoning from Residential B to Agricultural for her property located at 1536 East Campville Road.

Chairman Rieg introduced an email from a neighbor in opposition to the rezoning request. He then stated that there is no spot-zoning allowed in the town, and then asked the applicant, Teresa Dole to give the board a better understanding of her intent to have this parcel rezoned. She stated that she has the property listed for sale currently with a contingent offer. Ms. Dole also stated that she would like to make the area above the attached garage into a separate residence, but is unable to do that under the current zoning of the property.

Chairman Rieg stated that the Agricultural zoning that Ms. Dole is requesting allows for a wide variety of uses, therefore people are likely to be more skeptical of that zoning change. Chairman Rieg then opened the discussion up to the board.

Ms. Grenier asked if the elevation was steep on this parcel. Ms. Dole replied that it is. Ms. Baileys then asked if the property was not suited for livestock, what would be the purpose of the rezoning. Ms. Dole stated that she could turn it into a two-family residence to help with the costs associated with the property.

Chairman Rieg then asked the applicant how long she has owned the property. Ms. Dole stated that she bought the property in 2021.

Ms. Grenier asked if there was another rezoning option other than Agricultural. Ms. Dole replied that a Special Use Permit will not help her. Mr. Tofte then asked Ms. Lindstrom if a use variance would be an option in this case. Ms. Lindstrom stated that it would not meet the criteria.

Mr. Tofte then stated that if there wasn't such a pointed objection to the rezoning by an adjacent neighbor along with the lack of a definite plan, he would feel more inclined to recommend approval.

Mr. Paniccia asked to speak on Ms. Dole's behalf. Chairman Rieg allowed. Mr. Paniccia stated that he was at the Tioga County Planning Board meeting, where they recommended approval. He also stated that he did not feel this would be spot zoning nor that one neighbor should be able to decide what you do with your property. Chairman Rieg then thanked Mr. Paniccia for his input.

Mr. Tofte made a motion to recommend disapproval to the Town of Owego Zoning Board of Appeals, largely due to the pointed objection by an adjacent neighbor. Ms. Baileys seconded the motion and it was carried by a 3-1 vote.

### Appeal No. 2138

Anthony Paniccia of Delta Engineers introduced Appeal Number 2138, a request to construct an EPA-mandated emissions stack at 1 Recycle Drive. Mr. Paniccia stated that there were no EPA mandates two years ago. The plan is to have the emissions stack designed and installed by December 31, 2025. Mr. Paniccia explained briefly that this project is proposed to collect the dust, mix in water, and eliminate ninety-eight percent of volatile organic compounds. The design has not yet been finalized due to multiple engineering firms working on different designs, all with overall similar heights from ninety-five to one-hundred and five feet.

Mr. Tofte asked what the current highest existing elevation at the site is. Mr. Paniccia estimated sixty-five to seventy-five feet.

Ms. Baileys asked if this system is active anywhere. Mr. Paniccia stated that the system design has been in use for ten to fifteen years, but not in this application.

Chairman Rieg asked if anything will be replaced. Mr. Paniccia stated that nothing will be replaced.

Ms. Baileys asked about the noise level. Mr. Paniccia speculated that the noise would be significantly less, due to the enclosing of the shredder.

Chairman Rieg asked how current waste is handled. Mr. Paniccia briefly explained the shredder process, with the residue ending up at the Broome County landfill. Ms. Baileys asked if they are fines being sent to the landfill. Mr. Paniccia confirmed they are.

Mr. Tofte made a motion to recommend approval of Appeal Number 2138 with the condition that the approval be amended to include final height of the emissions stack.

Ms. Baileys seconded the motion. All in favor.

Councilmember Morgan then read a proclamation honoring Mr. Marsh for his years of service to the Town of Owego.

The next regular meeting is scheduled for Tuesday, January 23, 2024 at 7:00 PM.

There being no further business, the meeting was adjourned at 7:42 PM.

Respectfully submitted,

Brenda Burrell, Secretary  
Town of Owego Planning Board