

The Regular Meeting of the Town of Owego Planning Board was held at 7:00 PM on Tuesday December 27, 2022 at the Owego Town Hall, 2354 State Route 434, Apalachin, New York.

Present: Chairman Rieg, Craig Wademan, Jim Tofte, Lisa Baileys and David Marsh

Excused: Lynne Esquivel

Absent: Leah Hammond

Chairman Rieg called the meeting to order at 7:03 PM. The minutes from the November 22, 2022 meeting were considered. Ms. Baileys made a motion to accept the minutes as written. Mr. Wademan seconded the motion. All in favor.

Appeal 2122

The Board reconsidered Special Use Permit Appeal No 2122, submitted by Harry Singh for the addition of gas pumps at Harry's Expressway at 1423 State Route 96, Owego. Project Engineer, Brian Doak, was in attendance representing Mr. Singh.

Mr. Doak referred the board to his December 12, 2022 letter, which summarized his responses to the board's suggested changes to the site plan from the November 22, 2022 meeting.

Mr. Tofte stated that a No Parking sign should be placed in the ADA access aisle, and that the ADA spaces were not in compliance with the town's parking space requirement of 10' x 20'. Mr. Doak stated he was not aware of the town's parking space requirement but he would enlarge the size of the ADA spaces to be in compliance.

Mr. Doak then showed the board that he has reserved areas on the site plan for "future parking" in order to meet the town's parking requirements but emphasized that most of the spaces would not be developed in the short-term, including the three spaces shown on the plan adjacent to Route 96.

With regard to the traffic flow on site, Mr. Doak asserted that his site plan adequately demonstrated that the area between the pumps and the liquor store parking (35.5 feet), is sufficient to provide access and egress, not only for pedestrians but also for vehicles. He referred to the Speedway on 5th Avenue in Owego, which has 25' between the pumps and the store parking and the Mirabito gas station further north on Route 96 in Owego, which has a distance ranging from 10' and 50' between store parking and the pumps.

Mr. Tofte reminded Mr. Doak and the board that one of their concerns from the November 22nd meeting regarding traffic was congestion during fuel deliveries.

Mr. Doak relayed to the board that Mr. Singh is aware of the 10-12 week construction period, and is prepared to do whatever it takes to install the gas pumps.

The project contractor, American Petroleum, did not have any concerns about safety when the holes are dug for the underground storage tanks, they have been in business for over 20 years, and they do not view this project any differently than any other gas station install.

Mr. Tofte asked about moving the fill port. Mr. Doak stated that the contractor suggested moving the fill port to the grassy area between the pumps and Tioga State Bank.

Mr. Wademan reminded the group that when fuel is delivered, all cars on the site will be stuck in place. He added that he didn't think the fill port should be located on a grassy area due to the potential for spills, etc. Mr. Doak reiterated that the suggestion was from the contractor, but reminded the board that deliveries will be in the morning when the liquor store is not yet open.

Mr. Tofte asked Mr. Doak if the applicant will be requesting a variance of the parking requirements. Mr. Doak stated no. Ms. Lindstrom agreed, stating that applicants typically show "future parking" to meet the town's onerous parking requirements.

Mr. Wademan then stated that he does not take issue with the site design as long as the owners feel that it meets their needs.

Mr. Marsh asked about the right of way between Tioga State Bank and Harry's, as the applicant was asked to be in contact with the bank at the November 22nd meeting. Mr. Doak replied that he has not been informed if such contact has occurred, but pointed out that the access road is not part of the site plan and its use has no bearing on the project.

Chairman Rieg emphasized that his concerns about this project relate to traffic flow, and meeting these requirements is the planning board's duty under site plan review. Chairman Rieg asked Mr. Doak to denote traffic flow on the final site plan before it goes to the ZBA.

Chairman Rieg added that he had recently visited all of the town's seven or eight filling stations and each one had at least one separate entrance and exit. Chairman Rieg encouraged Mr. Doak to consider restricting the existing entrance as the sole entrance, and to direct exiting traffic around the convenience store building via the gravel drive, as a separate exit. Presented properly to the NYS DOT, Chairman Rieg continued, they may be willing to approve two driveways or grant a variance.

To this point, Mr. Tofte stated that in his professional opinion he does not think there is enough space on the site to create a separate entrance and exit. Chairman Rieg then restated his point, expressing concern that when two cars leave, one turning left and another turning right, a bottleneck will be created on Route 96 during the busiest times of day.

Mr. Doak said that he appreciated the suggestions but the driveway is in compliance with NYS DOT standards and is very specifically allowed for ingress and egress. In addition, he stated, it is wide enough and the driveway will be striped to delineate ingress and egress.

Mr. Tofte made a motion to recommend approval to the ZBA, provided that Planning & Zoning ensure that the changes suggested at this meeting (enlarging ADA spaces and showing traffic flow on the plans) are communicated to the ZBA prior to their vote. Mr. Marsh seconded the motion. Mr. Tofte, Mr. Marsh, Mr. Wademan and Ms. Baileys voted in favor, and Chairman Rieg voted against.

Appeal 2124

Chairman Rieg then introduced Appeal No 2124, a request for a Special Use Permit for a grade improvement to add fill to Riverside Cemetery on Marshland Road in Apalachin. Mr. Mantei, the cemetery caretaker, was not in attendance but the board proceeded to review the request.

The board noted that fill from the town's highway department typically comes from ditches and is clean fill. All agreed that the town would need to have a representative present when fill is dumped and placed.

Chairman Rieg made a motion to recommend approval with the condition that the Cemetery Board accept the help of the town to monitor the amount of fill and delineate the boundary of the floodway. Mr. Tofte seconded the motion, all in favor.

Appeal 2106

Chairman Rieg introduced Appeal No 2106, a request for a Special Use Permit for floodplain development at the Farmer Brown Solar site at State Route 434 and Forest Hill Road, Apalachin. Tim Gourley, Project Engineer, was present on behalf of the applicant. Mr. Gourley explained that the existing driveway off of Route 434 will need to be rebuilt to accommodate equipment while the solar farm is being built. Their plan is to lay down large stones to create a stabilized construction entrance in compliance with Erosion & Sediment Control standards beginning at Route 434 to the top of the hill. Mr. Tofte asked if the finished grade will be higher, Mr. Gourley stated yes, by three or four inches with a total additional fill coverage of approximately 6" over 20 feet by 50 feet. Mr. Gourley added that as they make the utility connections, they may need to set a pole in this area as well. He stated that they will remove the larger rock after construction but a gravel driveway will remain as an access point for panel maintenance. Chairman Rieg asked about DOT approval, Mr. Gourley stated that the applicant was already required by the DOT to get an HOP permit so they will be in compliance. Once Barton Solar has selected a contractor, they will be able to apply for the HOP permit.

Mr. Tofte made a motion to recommend approval of Appeal No 2106 for a stabilized construction entrance at the Farmer Brown Solar Farm subject to approval by the NYS DOT. Mr. Wademan seconded the motion, all in favor.

Appeal 2126

Chairman Reig introduced Appeal No 2126, a request for a Special Use Permit to demolish the existing Dunkin' Donuts store at 7858 State Route 434 Apalachin and rebuild in compliance with floodplain regulations. The applicant, Mahesh Kaneria, was in attendance; Marc Maser of Maser Engineering was present via Zoom.

Mr. Maser explained that Dunkin' franchisees are required to bring their stores up to date with Dunkin' Donut's new branding every ten years or so. As this store is located in the floodplain and is not currently in compliance with floodplain regulations, Mr. Maser has designed the new store with roughly the same footprint but two feet above base flood elevation (BFE). Mr. Maser referred to the NYS DOT's letter approving a separate entrance and exit. No new drive thru lanes

or windows are proposed. Based on the survey, approximately 18” of fill will be required to elevate the new building. Because this may impact stormwater flow on adjacent properties, Mr. Maser has proposed a couple of stone trenches to collect runoff and divert water to the southern end of the property. Utilities will remain the same.

Ms. Lindstrom interjected by stating that she had met with Mr. Maser and Ron Schmidt, the town’s former Code Enforcement Officer who is on contract with the town as its Certified Floodplain Manager (CFM), and Schmidt has approved the plans to be in compliance with the town’s floodplain regulations.

Mr. Wademan expressed concern about the proximity of the drive thru and the adjacent angled parking spaces. Mr. Maser shared this concern and detailed the options he considered, including requesting a variance of the size of the parking spaces, but due to the size of many trucks on the roads today, this change would merely be on paper and a reduction in the size of parking spaces would only make the site less safe. Mr. Maser said he could widen the aisle. A discussion ensued regarding design options that would open up this space.

Chairman Rieg asked about the timeline. Mr. Maser stated that they will secure bids in late winter and start construction in the spring, with a total construction period of 6 months.

Mr. Tofte asked about runoff. Mr. Maser said there is solid and perforated pipe around the perimeter that will catch stormwater and divert it to the western/rear corner of the property. Mr. Tofte asked about creating infiltration in the rear and if Mr. Maser has done any percolation tests. Mr. Maser replied that he had not.

Mr. Tofte asked for a description of the 25’ easement along the rear property boundary. After some discussion, the board assumes that the easement is for town utilities, but no one present was certain. Mr. Kaneria confirmed that the septic flows to a tank in the southwest corner of the property within the area of the easement, and is pumped to the Main St sewage treatment plant. Mr. Tofte thought a filtration area could be created in the rear, with permission from the town (if it is a town easement). Mr. Maser said he would look into it.

Mr. Wademan asked about heavy line shown on the drive thru lane. Mr. Maser stated that it is a stripe to delineate between the concrete drive thru lane and the asphalt parking lot.

Mr. Tofte asked if Mr. Maser could shift the drive thru signage to the left to encourage a cars to be in the drive thru lane or the passing lane. Mr. Maser agreed to do so.

Mr. Tofte asked if the layout was designed as close to the Route 434 ROW as it could be. Mr. Maser said it was not due to the location of the utility pole.

Mr. Tofte made a motion to recommend approval of the project to the ZBA, seconded by Chairman Rieg, with the following conditions:

1. Expand the aisle width of the front parking area from 22 feet to 24 feet;
2. Move the Dunkin’ branded drive thru striping further to the east to better delineate the drive thru lane upon entering the property;

3. Investigate the rear easement as a site for a potential infiltration basin.

All were in favor of the motion.

There being no further business, the meeting was adjourned at 8:27pm.

Respectfully submitted,

Joann Lindstrom
Planning & Zoning Administrator