

The Regular Meeting of the Town of Owego Planning Board was held at 6:57 PM on Tuesday March 26, 2024 at the Owego Town Hall, 2354 State Route 434, Apalachin, New York.

Present: Chairman Robert Rieg, Lynne Esquivel, Jim Tofte, Craig Wademan, Lisa Baileys, Cheri Grenier and Eric LaClair

Others Present: Irene Graven & Dean Morgan

Chairman Rieg called the meeting to order at 6:57pm. The minutes from the February 27, 2024 meeting were considered. Mr. LaClair made a motion to accept the minutes as written. Ms. Esquivel seconded the motion. Ms. Baileys and Mr. Wademan abstained.

Amended Appeal 2131

Chairman Rieg introduced Appeal No 2131, a request for a Special Use Permit by Brandywine Pavers, LLC/Bothar Construction yard to expand construction yard. Jay T. O'Brien was present from Bothar construction.

Mr. Morgan gave an overview of the Appeal stating it was an amended Appeal to a prior Appeal that the Planning Board approved for a contractor yard. Mr. Morgan recommends placing a condition upon the Board approval of the request, of SWWPP.

Chairman Rieg inquired about the name Brandywine Pavers, LLC and Bothar construction asking if they were the same company. Mr. O'Brien stated that they are different companies with the same people. Chairman Rieg invited Mr. O'Brien to discuss the project stating that the Planning Board does not approve the appeal but makes a recommendation to the Zoning Board of Appeals.

Chairman Rieg opened the meeting up for questions or comments from the board members.

Mr. O'Brien stated that they are looking to expand their current construction yard. Mr. O'Brien made reference to the upcoming work on the highway. They want to open up their yard to a construction company to process the material as they require more room to do so. The process would involve the aggregate coming from the highway, get processed and put back out on the highway. The construction yard would be used to store the aggregate, process and recycle the aggregate as well. Mr. O'Brien explained it's quite a lot of aggregate so they need a bigger footprint to process it. He stated that the plan after the Zoning Board approval was to install the SWPPP, specifications required to move forward to move the millings in to be recycled to asphalt. Mr. O'Brien stated that the aggregate is in high demand and anything left over will be moved out quickly due to other projects.

Mr. Tofte asked if this was GCS Lancaster and if yes, what is their role in the project Mr. Tofte also inquired if this was micro milling. Mr. O'Brien stated yes that they are subcontractors on this project subcontracted to do the milling. Mr. O'Brien stated he was unsure but believed it was micro milling. Mr. O'Brien also stated that the milling would be processed down into a smaller aggregate. Mr. Tofte asked when they did a previous project on Route 434 did they perform any processing, sorting or screening on this site? Mr. O'Brien stated that previous was micro milling and they did not perform any processing, sorting or screening as the milling was already down to size. Mr. Tofte confirmed this project would be a different activity than the before project due to processing. Mr. O'Brien responded yes. Mr. Tofte asked if this would be more than just a storage yard, being a construction yard. Mr. O'Brien that he was unsure of the process but stated they will be bringing the millings in, reprocessing them and bring them back out to the job site. Mr. Tofte asked what type of noise would be generated. Mr. O'Brien stated that the noise would be limited to work hours (7am-5pm) and it is about 1-2 months of work this season. A brief discussion regarding a sweeper/cleanup would be used if necessary.

Ms. Baileys inquired if they would be processing materials every day. Mr. O'Brien responded yes.

Ms. Esquivel inquired if there are chemicals involved with the processing. Mr. O'Brien was unfamiliar with the process.

Mr. Tofte asked if they were taking the pavement and grinding down to use as subbase. Mr. O'Brien stated as he unsure of this but the reason for the change in footprint is to store the material in one place and put the finished product in another place.

Mr. Wademan inquired about employee parking with the stockpiling that will take place. Mr. O'Brien explained there is sufficient parking for the employees.

Mr. Tofte reiterated his concern for the noise to the neighborhood. Chairman Rieg stated the neighboring parcel, in the Southeast corner, is zoned RB and that it was not active. He stated it should be a minimal impact to the neighborhood. Mr. O'Brien asked if there had been any complaints. Mr. Tofte said no but stating concern because of the difference of processing vs a construction yard. Mr. Tofte stated that another tenant will be utilizing the yard. Mr. O'Brien stated once the barrier is put up on the highway that equipment will be moved to the highway.

Mr. Tofte asked if Bothar would still be the contact for the site as well as the holder of the SWPPP. Mr. O'Brien replied yes.

Ms. Grenier stated she is concerned the increase in traffic with Exit 66 closure. She stated per Bothar letter, there will be 5 to 6 trucks per hour on Route 434. Mr. O'Brien stated he believes that NYS will be putting "Truck Entrance" signs in the area and may have a flagger.

Ms. Grenier stated with previous approval there should have been a barrier for Bud's place. Mr. O'Brien stated that they did put up a fence and will be putting up trees in the spring. Mr. LaClair inquired on how old the trees would be. Mr. O'Brien was unsure but stated they would not be seedlings.

Mr. Tofte made a motion to approve Amended Special Use Permit No. 2131 with the following conditions:

1. Noise level to not exceed the 70 decibels allowance at the property line. Mr. O'Brien agreed to get that information before the Zoning Board of Appeals meeting to be held April 4, 2024.
2. SWPPP

Seconded by Mr. Wademan and it was unanimously carried.

Appeal No. 2145

Chairman Rieg introduced Special Permit No. 2145, a Special Use permit by Chirag Patel, DBA Southern Tier Hotel, LLC.

Mr. Morgan gave an overview of the Appeal. Demolition permit will be issued and demolition will start on the Aldi side and work towards the East. Mr. Patel interjected and stated the hotel would be closed for about 3 days or the amount of days to separate the building and build wall. Parking was addressed and is adequate for the number of rooms in the hotel. Recommendation for the Zoning Board is needed to erect a wall and redo the interior.

Chairman Rieg asked about the coordination of the projects on the same parcel if they are the same entity. A small discussion was made regarding how the different projects are being coordinated.

Mr. Wademan asked about the new property line and the separation distance between the wall and the Aldi property. Mr. Patel stated it is about 14-15 feet distance between the wall and Aldi property line. Mr. Patel also stated that is where the parking will be and that Aldi is about 50 feet from the Quality Inn.

Mr. Tofte asked if there were any side setback issues. Mr. Patel stated wall will be 15 feet from property line. Mr. Morgan interjected and said GB side yard is 15 feet.

Mr. Tofte inquired about parking. Mr. Morgan stated that was addressed with Aldi appeal. Mr. Patel stated that Aldi will have 88 parking spots and the rest will be shared parking. Mr. Patel stated the hotel will have about 130 parking spots and the hotel will have around 74 rooms. Chairman Rieg stated he read a previous letter that said they will be sharing parking spaces.

Chairman Rieg stated previous DOT recommendation letter mentioned a sidewalk among other things. He did not feel this pertained. Mr. Morgan stated none of that is changing just the physical building.

Mr. Tofte inquired if there would be a change to brand or signage. Mr. Patel answered no. Mr. Patel stated the sign will be moved to the new entrance.

Mr. Tofte inquired about accessibility and a level entrance. Mr. Patel stated the entrance is already level.

Chairman Rieg inquired on a timeline for this particular portion of the project. Mr. Patel stated 1 month at maximum/end of April.

Chairman Rieg made comment about not seeing an increase in traffic. Mr. Patel stated most work would be interior.

Ms. Esquivel made a motion to recommend approval to the Zoning Board of Appeals for Special Use Permit Appeal No. 2145

Seconded by Chairman Rieg, all in favor.

Site Plan No. 1-2024

Mr. Morgan gave an overview of the project stating Site Plan approval request from Upstate Shredding for the EPA project. Mr. Morgan stated this had been a 3 step process with Town Board for a wellhead protection permit as well as Special Use Permit for the site plan approval and height plan approval in one permit. The second step already approved by Zoning Board is the stack height to not exceed 125 feet. The third step would be approval Planning Board approval for the site plan. Mr. Morgan stated two recommendations for this project

1. Height of EPA stack not exceed 125 feet and that the applicant is aware if the final design does exceed that height, they will need to start the process again.
 - a. Mr. Tofte inquired on who would review this height requirement. Mr. Morgan stated it will be reviewed when the request for the building permit comes in.
2. Village of Owego Industrial Wastewater discharge permit, which is still pending. A brief discussion was had on how the Village of Owego waste water discharge system works.

Chairman Rieg stated that Team Tioga made a recommendation of No Action for this site plan.

Mr. Morgan stated that application needs to be corrected. Article should be:

Article 10x, Section 125-23 A6
Article 12XII, Section 125-53 A1

Mr. Morgan stated Mr. Paniccia will provide the corrected application.

Mr. Tofte inquired if a SEQRR was required. Mr. Morgan stated that it is a Type II SEQRR and no further review is required

Chairman Rieg invited Anthony Paniccia of Delta Engineering to discuss the project.

Mr. Paniccia stated he is representing Upstate Shredding for the Site Plan Approval to construct an EPA mandated air control system at the shredder yard. Mr. Paniccia explained that in 2021 there was regulatory change in the NYS air regulations on shredders and in 2021-2022 EPA implemented a country-wide enforcement of this regulation. Upon receiving notification of this regulation, Mr. Paniccia stated Upstate Shredding commenced corporate negotiations with the US EPA and in June 2023 executed an order with the EPA. Mr. Paniccia stated Ms. Graven has a copy of this order. There has been monthly communication with the Town, the EPA and the DEC. Wellhead protection and height of the stack have been addressed. Mr. Paniccia stated Upstate Shredding asked for a stack height of 125 feet but the stack should be about 110 feet as they have run several analyses. Mr. Paniccia stated per a previous condition, Upstate Shredding will provide the exact height of the stack upon completion. The enclosure and capture system will capture 95-98% of the emissions per EPA Article 204. Mr. Paniccia gave a brief overview of how the system will operate. Mr. Paniccia stated there will be monitoring devices implemented to follow regulation. Mr. Paniccia stated the intent would be to obtain all of the approvals by April and start design in April to August/September as construction has to be completed by December 2025. Mr. Paniccia stated there will be no increase in traffic, material handling or any new employees. Upstate shredding is seeking approval from the Planning Board for this application.

Chairman Rieg inquired about the implementation timeline. Mr. Paniccia gave a brief discussion on how they are in a preliminary phase and this is a large project and will take approximately 14 months as they are still working with vendors to make sure they meet the EPA regulations.

Chairman Rieg inquired about closing off the area during construction. Mr. Paniccia stated they are working with the EPA to shut down operations during installation. Mr. Paniccia stated the operating schedule may change as the process is too dangerous to remain in operation during installation. A brief discussion was had regarding safety during implementation.

Ms. Baileys inquired on days of operation during the implementation, will the hours of operation increase. Mr. Paniccia responded hours should remain 7:00am to 7:00pm.

Mr. Tofte inquired on any change to Emergency services access around the equipment. Mr. Paniccia responded no. The design is being made for the stack to be installed over the shredder only. A brief discussion was had regarding safety and that a pilot plan was in place for this new regulation.

Chairman Rieg made a motion to approve the Site Plan as is with the following conditions:

1. Correction to Site Plan permit with the correct Articles listed.
2. Height not to exceed 125 feet
3. Obtaining Village of Owego Wastewater permit

Mr. Tofte seconded the motion. The motion was carried with 6 yes voted and one abstention (Mr. Wademan recused himself).

Rezoning request No. 1-2024

Ms. Graven gave an overview of the request. The request is a zoning change from Agricultural (AG) to Neighborhood Transition (NT) with a limited use business which has to be less than 4,000 square feet. There

will not be a SEQQR review required. The intent is to have a small neighborhood business which sells agricultural products.

Chairman Rieg asked if the zoning request was just for this one parcel. Ms. Graven replied correct.

Mr. Tofte asked for clarification of the color coding on the site map. A brief discussion was had to clarify.

Mr. Tofte asked if there was any other NT uses in the around the parcel. Mr. Reeves (applicant) responded no, all is agricultural.

Chairman Rieg inquired if there were any other NT zones in the Town. Mr. Morgan mentioned where other NT zones were in the Town.

Mr. Tofte asked if they were governed by AG Markets and if there were privileges affiliated so that rezoning would not be needed. Mr. Jacob Reeves introduced himself and his wife Danielle. Mr. Reeves gave a brief overview explaining how the business started off selling eggs and meat roadside and how it has evolved. Mr. Reeves discussed that he obtained a 20c License from AG and Markets and the process that followed. Mr. Reeves stated AG & Markets inspected last year and did not approve of having a store at one end of the building and an animal barn on the other and requested they separate them. Mr. Reeves obtained a Building permit to comply and spoke with Joann Lindstrom (Former Planning & Zoning Administrator) that Mr. Reeves was not in compliance with Town Zoning for a retail store. When permission was granted for the store it was just for Mr. Reeves to sell his own products. Mr. Reeves explained how selling of others products evolved. Mr. Reeves stated he worked with the Town to find a solution to be in compliance. Mr. Reeves stated this was how the request to rezone from AG to NT came about.

A brief discussion was held regarding other non-residential uses in the area as well as any other alternatives.

Mr. Reeves discussed the overwhelming community support he has received for his store and this request.

Mr. Reeves stated he received a call from Tioga County after their monthly meeting as he could not attend. He stated they were concerned with Spot Zoning.

Ms. Graven interjected and said the Planning Board objective is to approve or disapprove of this request to the Town Board; if the Town Board approves, the request will come back to Planning Board for Site Review.

A brief discussion was had regarding the Health Department and AG & Markets involvement.

Mr. Reeves stated he received a call from the County suggesting other alternatives than to rezone.

Mr. Morgan stated the County did not make a recommendation either way.

Mr. Wademan asked if the County made a stipulation as to why they did not make a recommendation. A brief discussion was had regarding the County decision.

Mr. Wademan inquired about spot zoning regarding this request. Ms. Graven stated there is a trend regarding spot zoning, which if spot zoning created a positive impact and the community benefits that it is not considered spot zoning. A brief discussion was made regarding spot zoning and neighbor support.

Chairman Rieg made a motion to recommend rezoning request to the Town Board for Rezoning request No. 1-2024.

Mr. Tofte asked if there were any other plan to sell anything other than agricultural products, e.g. Alcohol, Tobacco or Lotto. Mr. Reeves stated no, nothing other than what they sell now.

Mr. Tofte asked about a comprehension plan for the Day Hollow corridor. A brief discussion on this subject was addressed.

A brief discussion was had regarding Agricultural products.

Mr. Tofte seconded the motion. All in favor.

Mr. Morgan discussed Article 125-9 in regards to Bothar construction.

Motion made by Mr. Wademan to adjourn the meeting. Motion seconded by Mr. Tofte.

Meeting adjourned at 7:56pm

Respectfully submitted,

Tina Tamaro

Secretary