

The Regular Meeting of the Town of Owego Planning Board was held at 7:00 PM on Tuesday March 28, 2023 at the Owego Town Hall, 2354 State Route 434, Apalachin, New York.

Present: Chairman Rieg, David Marsh, Jim Tofte, Lynne Esquivel, Craig Wademan, Lisa Baileys and Cheri Grenier

Chairman Rieg called the meeting to order at 6:57 PM. The minutes from the February 28, 2023 meeting were considered. Mr. Wademan made a motion to accept the minutes as written. Mr. Tofte seconded the motion. All in favor.

Site Plan No. 3-2022

Chairman Rieg introduced Site Plan Number 3-2022, a request to construct a 20,800 square foot building at 1 Recycle Drive. The engineer, Anthony Paniccia, was in attendance.

Mr. Paniccia explained the plan to construct the new building would include a more efficient recycling facility which would cut down on the number of trucks. Mr. Paniccia explained that the new process would make the non-ferrous final products be 99% pure, yielding a smaller final product to be sold. Mr. Paniccia stated that the hours of operation would not change and will remain from six in the morning until six in the evening. He also stated that the number of employees would increase by five to seven more people. The construction period will commence in May and endure for six months.

Mr. Paniccia stated the following approvals: on March 3, 2023 he received a notice from SHPO with no comments or concerns; on March 7, 2023 Owego Town Board approved the Well Head Protection Permit and on March 15, 2023 Tioga County Planning Board approved the Site Plan.

Mr. Tofte questioned the additional parking based on the new building size. After much discussion it was decided that Upstate Shredding had ample parking with the existing onsite parking combined with the proposed additional onsite parking, in addition to the excessive available parking at an adjacent property known as the Harvard Manufacturing building, also owned by Upstate Shredding. Mr. Paniccia stated that they will restripe the parking spots.

Chairman Rieg asked if there was any feedback from the public. Ms. Lindstrom stated that there was none.

Chairman Rieg questioned whether there would be any new fluids, noise or lighting being added to the site. Mr. Paniccia replied that there will not be any new fluids and the noise from the new chopper will be inside the building. He did not address any additional lighting.

Mr. Marsh wanted to know if the existing recycling operation would cease when the new one was operational. Mr. Paniccia stated that it would operate both shredders as they are different processes.

Chairman Rieg asked about the ten thousand gallon tank that was on the original application. Mr. Paniccia stated that that was removed from the site and is a separate matter being worked on between the attorneys and code enforcement.

Mr. Tofte asked about a man door being added to the plans by the one overhead door that doesn't have a man door right by it. Mr. Paniccia stated that the plans were code compliant, but he would add another one if required by the town.

Chairman Rieg agreed with Part Two of the SEQR form. Ms. Lindstrom noted that it is an unlisted action. Mr. Tofte made a motion to approve, Ms. Esquivel seconded. Motion was carried unanimously with the exception of Mr. Wademan who recused himself due to conflict of interest.

Mr. Tofte made a motion to approve Site Plan No. 3-2022 noting that there are an additional two to three hundred parking spaces at the Harvard building in an adjacent lot that Upstate Shredding owns. Chairman Rieg seconded the motion and it was unanimously carried, again with the exception of Mr. Wademan who had recused himself.

Appeal No. 2129

Chariman Rieg introduced Appeal Number 2129, a Special Use Permit request to operate a junkyard at 1321 West Creek Road. The applicant, Joshua Bowen-Judson was present.

Mr. Bowen-Judson stated that it is against the law to have more than one unlicensed vehicle on his property. He stated his kids have a hobby of running demolition derbies, so the legal way to have the cars on his property is to apply for a junkyard permit.

Chairman Rieg asked if there were any comments from the public. Ms. Lindstrom stated there was not.

Chairman Rieg read into the minutes the Tioga County Planning Board approval with the stipulation of fencing the entire area. Chairman Rieg asked Mr. Bowen-Judson if that was completed yet. Mr. Bowen-Judson stated that it was complete with the exception of the gate.

Chairman Rieg noted there was no comment from the Town Highway Superintendent.

Chairman Rieg stated that there was a comment from the Department of Motor Vehicles, requiring Mr. Bowen-Judson to register as a vehicle dismantler and meet all requirements for said registration.

Chairman Rieg stated that there looks to be a lot involved in the dismantler licensing. Mr. Bowen-Judson stated he has no interest in applying for such licensing.

Chairman Rieg asked if Mr. Bowen-Judson drains the fluids on the property. Mr. Bowen-Judson stated he drains no fluids on site.

Chairman Rieg stated that the cars were on Mr. Dunning's property and when looking at the overhead maps he couldn't see them. Mr. Bowen-Judson stated that Mrs. Dunning's son gave him permission to use her property. Mrs. Dunning later asked Mr. Bowen-Judson to remove the cars.

Mr. Wademan asked Mr. Bowen-Judson to walk him through the process from obtaining a car to disposing of it. Mr. Bowen-Judson stated that when someone doesn't want a car anymore, he purchases it from them with a bill of sale, takes it back to his house, takes the interior and glass out, chains or welds the doors shut, replaces the gas tank with a fuel cell and then takes it to a demolition derby. Mr. Wademan asked where the fuel from the gas tank goes. Mr. Bowen-Judson stated that ninety percent of the cars he obtains have no gas in them, and the cars that do they climb underneath, unhook the gas tank properly and siphons the fuel out with an electric motor directly into a tank that they later put back into the fuel cell. Mr. Bowen-Judson stated that there is protective padding underneath in case of any spills.

Mr. Tofte asked if this appeal was a recommendation to the Zoning Board of Appeals. Chairman Rieg and Ms. Lindstrom stated that it was.

Ms. Baileys asked for verification of the amount of twenty cars per year. Mr. Bowen-Judson acknowledged that is correct.

Chairman Rieg stated his concerns with the Department of Motor Vehicles not sharing Mr. Bowen-Judson's same idea that he will not need a dismantler's license.

Ms. Baileys asked the applicant if he sells the derby cars. Mr. Bowen-Judson stated that he does not. Ms. Baileys then stated he is not a revenue business.

Chairman Rieg asked if the Zoning Board of Appeals was the lead agency for SEQR purposes on this matter. Ms. Lindstrom stated yes, and that it is unlisted.

Chairman Rieg made a recommendation to the Zoning Board of Appeals to grant approval with the following conditions:

1. That the property is fenced in its entirety.
2. That there are no more than twenty cars.
3. That the applicant complies with all applicable state licensing requirements.

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

Appeal No. 2130

Chairman Rieg introduced Appeal Number 2130, a Special Use Permit to operate a full service dog business at 6485 State Route 434. The applicant, Helena McDowell was present.

Ms. McDowell wants to add a dog daycare to an already existing grooming, training and boarding business. Ms. McDowell boards the dogs at her home address.

Mr. Tofte voiced his concerns with the noise that the dogs could potentially bring to the area. Ms. McDowell stated that the noise from the highway would be greater than the noise from the dogs.

Chairman Rieg asked about any odors that may arise from the dogs. Ms. McDowell stated that part of the closing process involves a walk-through of the property to make sure that no waste was missed throughout the day, the fence is still intact and no dogs have dug any holes. The yard is then sprayed down with water to help dissipate the urine.

Chairman Rieg asked if the land owner, Mr. Perkins, was aware of the intentions for the property. Ms. McDowell stated that he is aware and it is in her lease to operate a dog daycare, boarding and grooming business. Ms. McDowell signed the lease on February 1, 2023. Chairman Rieg requested a copy of the lease be in her file.

Ms. Baileys noted that there is a new fenced in area at the property. Ms. McDowell stated that she has renovated three quarters of the interior of the building and has erected a thirty feet by fifty feet play yard, which is the first of two fences. The next fence will encompass that fence as well as a small building at the back of the property, making sure that the skirting is blocked off from the dogs so that they cannot dig through that and get loose.

Chairman Rieg asked if this is an expansion of a current business or a relocation. Ms. McDowell stated that it is an expansion – she has a property on Lake Street in Owego where she can groom two dogs at a time and have two more on site. She also boards dogs at her home in Berkshire. Ms. McDowell would like to collapse the other two locations and have everything at one location. Chairman Rieg asked if this site would be sufficient size for that. Ms. McDowell stated that it would not, though she would be able to quadruple her size from the Lake Street location. Ms. McDowell anticipates being able to have fifteen dogs throughout the day at the new location, though not all at the same time. Ms. McDowell will not board any dogs overnight.

Ms. McDowell stated her hours of operation would be from seven in the morning until 7 in the evening. The dog grooming hours would be from nine in the morning until six in the evening.

Mr. Wademan had some concerns with the parking if Ms. McDowell had too many people that at the same time at peak hours, such as drop off in the morning or pick up in the evening. Ms. McDowell has no drop in hours and can control the amount of traffic by the schedule that she keeps by booking appointments one week in advance.

Mr. Tofte asked the expectancy of the noise level from the dogs. Ms. McDowell stated that she cannot say they will not bark. All the dogs at her site have to pass a temperament test. She stated no dog will be left outside to bark and no dogs will be there without a person there.

Ms. Esquivel asked about the signage on the plot plan. Ms. McDowell stated that she would use the existing signage and just cover that up with banners. There will be no lighting on the sign.

Mr. Wademan asked where the trash would be located on the site. Ms. McDowell explained that she will have one gallon trash receptacles that hang on the fence. Mr. Wademan asked where the larger cans will be kept. Ms. McDowell stated she was working on that and was possibly thinking of the backside of the small building at the back of the site.

Mr. Wademan asked about any current onsite lighting for the parking area. Ms. McDowell does not plan on adding outdoor lighting. Ms. Baileys added that she thought there was a pole light that shines down.

Mr. Tofte noted that any handicap space needs to be at least eight feet wide. Mr. Wademan recommended adding a handicap parking spot near the end of the handicap ramp.

Ms. Esquivel made a motion to recommend approval of Special Use Permit 2130 to the Zoning Board of Appeals. Mr. Marsh seconded the motion. All were in favor of the motion.

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

Respectfully submitted,

Brenda Burrell, Secretary
Planning Board
Town of Owego