

February 2, 2023
7:00PM
Owego Town Hall
2354 State Route 434
Apalachin, NY 13732

MEETING OF THE TOWN OF OWEGO ZONING BOARD OF APPEALS

Present: Acting Chairman Dan Myers, David Kresge, Jack Legg, Janet Brown

Others Present: Planning & Zoning Administrator Joann Lindstrom, Town of Owego Attorney Irene Graven

Excused: Chairman Gary Phelps

Acting Chairman Myers called the meeting to order at 7:01pm. The minutes from the Regular Zoning Board Meeting held January 5, 2023 were considered. Mrs. Brown made a motion to accept the minutes as written, Mr. Kresge seconded the motion. Mrs. Brown, Mr. Kresge and Mr. Legg voted in favor of the motion. Acting Chairman Myers abstained due to his absence at the previous meeting.

Appeal No. 2127

The Board visited Appeal No. 2127, a request for a Floodplain Development permit to add a lean-to to an existing structure at 374 Marshland Rd, submitted by John Lobevero.

Appearance: Brian Doak of Doak Engineering Design, PC

Exhibits: Application for a Floodplain Development Permit dated December 1, 2022, application for a Special Use Permit dated December 23, 2022 and Site Plans dated January 25, 2023

Mr. Doak introduced the project, stating that Mr. Lobevero will be using the proposed carport to keep larger equipment for his business, John's Tree Service & Landscaping Inc., out of the elements. Mr. Doak stated that only 4 or 5 4" by 4" posts will be in the floodplain.

Acting Chairman Myers opened the public hearing. With no one present wishing to speak about this appeal, Myers closed the public hearing.

For the record, Acting Chairman Myers made reference to a letter written by Mr. Doak with a revised date, which stated that in his professional opinion the construction of the lean-to would not cause floodwaters to rise.

Ms. Lindstrom added that this property is zoned agricultural and that she had a conversation with Mr. Lobevero stating that this could only be used for equipment storage and no business can be done here.

Acting Chairman Myers asked if anyone had contacted the town regarding this appeal, Ms. Lindstrom stated no.

Mrs. Brown asked about the equipment repair shop notation on the site plans. Mr. Doak clarified that they were from the old site plans, which was a misunderstanding on Mr. Doak's part. The intentions of the lean-to are for storage of equipment.

Acting Chairman Myers asked if there will be a slab added under the addition. Mr. Doak stated it would just be existing ground.

Mr. Legg asked how far the supports will be in the ground. Mr. Doak responded 4 feet.

Acting Chairman Myers asked about the addition of exterior lights. Mr. Doak stated just a floodlight.

Mrs. Brown asked about electricity in the existing structure. Mr. Doak stated that it does have electricity.

Mr. Legg asked about any oil and gas storage, other than what will be in the tanks of the equipment being stored. Mr. Doak replied there will be a couple of gas cans for chain saws.

Acting Chairman Myers asked of indoor lighting. Mr. Doak stated that he eliminated the shop lights from the plans because he doesn't anticipate that they will be useful.

Mr. Legg made a motion to approve appeal. Mrs. Brown seconded. All in favor, motion passed.

Reference:

Appeal No. 2127 dated December 23, 2022

ACTION OF THE ZONING BOARD OF APPEALS of the Town of Owego, Owego Town Hall, 2354 State Route 434, Apalachin, New York:

To: John Lobevero
1337 Hillside Dr.
Vestal, NY 13850

At a meeting of the Zoning Board of Appeals held the 2nd day of February 2023, the above referenced Appeal was considered and the Board by resolution GRANTED your request for a Special Use Permit pursuant to Chapter 125 of the Code of the Town of Owego.

The resolution adopted by the Board of Appeals follow, viz:

WHEREAS, a public hearing was held on the 2nd day of February 2023, on notice according to the law, at which Brian Doak of Doak Engineering Design, PC appeared on behalf of John Lobevero and gave testimony to questions put forth to him by this Board; and

WHEREAS, no public comments were received;

NOW, THEREFORE, be it

RESOLVED, that the Board makes the following findings based on the entire record:

1. Applicant requested a Special Use Permit to construct a lean-to in the floodway
2. Property is located at 374 Marshland Road
3. Property is situated in an Agricultural (AG) zoning district;

And be it further

RESOLVED, the application for the Special Use Permit is hereby GRANTED.

Any and all other provisions of this Chapter not waived or modified by this decision are to be observed.

Respectfully Submitted,

Brenda Burrell, Secretary
Zoning Board of Appeals
Town of Owego