

July 6, 2023
7:00PM
Owego Town Hall
2354 State Route 434
Apalachin, NY 13732

MEETING OF THE TOWN OF OWEGO ZONING BOARD OF APPEALS

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

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

Chairman Phelps called the meeting to order at 7:00pm. The minutes from the regular Zoning Board of Appeals Meeting held June 1, 2023 were considered. Mr. Myers made a motion to approve the minutes as written, seconded by Mr. Legg. All in favor.

Appeal No. 2133

The Board visited Appeal No. 2133, a request for a Special Use Permit for non-residential development in the floodplain to construct electric vehicle chargers at 1030 State Route 17C, submitted by Tioga Hotel LLC.

Appearances: Michael Treiman, ChargeSmart EV

Exhibits: Application for a Special Use Permit and a Floodplain Development Permit dated May 22, 2023

Mr. Treiman introduced the project, explaining that ChargeSmart EV had furnished engineered plans showing the chargers, four high-speed and two regular, would be elevated two feet above Base Flood Elevation. The chargers have the capacity to charge up to 10 cars simultaneously.

Mr. Myers asked the applicant to describe, in the event of a flood, how the electrical systems would shut off. Mr. Treiman responded that there are four fail-safes if a car is attached to a charger during a flooding event: 1) a GFI breaker at the hotel; 2) a GFI breaker within the EV charging unit; 3) a safeguard within the port head that has a surge protector built into it; 4) the vehicle itself has a disconnect that sends an electrical signal to the station and to the vehicle's electrical control unit. These measures are not only triggered during a flooding event, but also when there are problems with the electrical current.

Chairman Phelps asked what safety measures were in place to prevent a fire, as many lithium ion batteries can ignite. Mr. Treiman stated that the EV chargers would not be without risk of fire but if a vehicle were to catch on fire, the charger would automatically shut off. Mr. Treiman added that there will be no fire suppression systems on site.

Mr. Legg asked about the height of the chargers and the ability of users to see the display. Mr. Treiman stated that users will be able to view the LED screen and use the charging cables without issue.

Mrs. Brown asked about lighting. Mr. Treiman stated that the hotel's existing lighting will be sufficient and no new lighting will be installed.

Mrs. Brown asked who will be responsible for repair and maintenance of the chargers. Mr. Treiman stated that repairs are the responsibility of the hotel if they are damaged but ChargeSmart EV will be the first point of contact for repair.

Mr. Legg asked about the construction timeline. Mr. Treiman stated that it will be approximately 9 to 12 months due to the time it will take to secure a transformer.

Mr. Kresge made a motion to approve Appeal 2133, Mr. Myers seconded. All in favor.

Reference:

Appeal No. 2133 dated May 22, 2023

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

To: Tioga Hotel LLC
1030 State Route 17C
Owego, New York 13827

At a meeting of the Zoning Board of Appeals held the 6th day of July 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 6th day of July 2023, on notice according to the law, at which Michael Treiman of ChargeSmart EV appeared and gave testimony to questions put forth to him by this Board; and

WHEREAS, ChargeSmart EV desires to install six electric vehicle chargers in the Hampton Inn parking lot at 1030 State Route 17C in Owego, NY; and

WHEREAS, the Town of Owego Planning Board recommended approval.

NOW, THEREFORE, be it

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

1. Applicant requested a Special Use Permit for non-residential development in the floodplain to install 6 electric vehicle chargers at the Hampton Inn parking lot;
2. Property is located at 1030 State Route 17C;

3. Property is situated in a General Business (GB) zoning district;

And be it further

RESOLVED, the application for the Area Variance is hereby GRANTED.

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

Appeal No. 2134

The Board visited Appeal No. 2134, a request for a variance of the town's parking requirements submitted by Saquif Rahman.

Appearance: Saquif Rahman

Exhibits: Application for an Area Variance

Chairman Phelps stated that he had been to the site on the day of the meeting and asked the applicant to summarize his project. Mr. Rahman stated he plans to operate a convenience store and a guitar shop, selling snacks and cigarettes and eventually beer. He does not yet have a liquor license.

For the record, Mrs. Brown wanted to correct a memo written by Ms. Lindstrom that Angelo's Pizza was not located in Mr. Rahman's building, it was a barber shop.

Chairman Phelps asked the applicant how patrons would get to the south side of the building ("the guitar side") if that door was to stay locked. Mr. Rahman stated that he intends to keep all three doors unlocked and available for public use during open hours.

Chairman Phelps asked about lighting. Mr. Rahman said he will be adding small floodlights in the parking lot by each space.

Mrs. Brown asked where the parking spaces would be, as the parking layout shared in the packet was confusing. Chairman Phelps asked if the parking spaces would be designated, Mr. Rahman stated yes. Mr. Rahman said he will add gravel to the rear lot to increase parking if his business is doing well in the future.

Chairman Phelps then read into the record a comment received from David Cantrowitz, who owns the building where Gigi's Restaurant is located at 568 Main Street. Mr. Cantrowitz called the Planning & Zoning office to state that he would provide additional parking for Mr. Rahman's business if the owner of Gigi's Restaurant was agreeable.

Mrs. Brown asked Mr. Rahman about hours of operation, to which he replied Monday through Friday 10:00am-8:00pm, with possible Saturday hours in the future.

Mrs. Brown asked Mr. Rahman if he intended to be a "sticker store" (a business that sells stickers and the buyer receives free marijuana with purchase). Mr. Rahman stated no.

Mrs. Brown stated that Gigi's is very busy, and asked Mr. Rahman if he foresaw more than 5 or 6 customers at his store. He said no.

Mr. Legg asked if there will be employees other than the applicant. Mr. Rahman stated no.

Mr. Legg made a motion to approve Appeal No 2134, Mr. Myers seconded. All in favor.

Reference:

Appeal No. 2134 dated June 21, 2023

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

To: Saquif Rahman
59 Homer Street
Binghamton, NY 13903

At a meeting of the Zoning Board of Appeals held the 6th day of July 2023, the above referenced appeal was considered and the Board by resolution GRANTED your request for an area variance 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 6th day of July 2023, on notice according to the law, at which Saquif Rahman appeared and gave testimony to questions put forth to him by this Board; and

WHEREAS, the applicant desires to operate a convenience store and guitar store in his building at 163-167 Pennsylvania Avenue which, at 1,214 square feet of gross floor area 11 parking spaces would be required; and

WHEREAS, the Town of Owego Planning Board gave Site Plan approval.

NOW, THEREFORE, be it

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

4. Applicant requested an Area Variance of 6 parking spaces to have a total of 5 parking spaces at his store;
5. Property is located at 163-167 Pennsylvania Avenue;
6. Property is situated in a General Business (GB) zoning district;

And be it further

RESOLVED, the application for the Area Variance is hereby GRANTED.

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

With there being no further business, the meeting was adjourned at 7:30pm.

Respectfully Submitted,

Joann Lindstrom
Planning & Zoning Administrator