

May 6, 2021  
7:00 PM  
Owego Town Hall  
2354 State Route 434  
Apalachin, NY

## MEETING OF THE TOWN OF OWEGO ZONING BOARD OF APPEALS

By roll call of Chairman Phelps all were present: Chairman Gary Phelps, Janet Brown, Jack Legg, David Kresge and Dan Myers.

Absent: None

Others Present: Planning & Zoning Administrator Joann Lindstrom, Town of Owego Attorney Irene Graven, Transcriptionist Elizabeth I. Brucie.

Chairman Phelps called the meeting to order in accordance with the NYS Governor's Executive Order 202.1, extended to May 16, 2021, which allows a municipal board to convene a meeting via videoconferencing with stipulations. A quorum was present. The minutes from the Regular Board Meeting held March 4, 2021, were considered. Mr. Kresge made a motion to accept the minutes as written. Mrs. Brown seconded the motion. Chairman Phelps, Mr. Legg, and Mr. Myers voted in favor of the motion.

### Appeal No. 2082

The Board considered Appeal No. 2082 submitted by Michael Beckner, Vice President of SunEast Valley Solar LLC, on behalf of property owners Joan and John Rowland, Creative Enterprises Owego LLC, Lesley McClelland, and Jessica Belles and James Morris. Mr. Beckner is requesting a Special Use Permit to construct an approximately 20 megawatt public utility solar farm on Montrose Turnpike in the Town of Owego.

Chairman Phelps asked Ms. Lindstrom if any further comments have been received on this appeal. Ms. Lindstrom stated that none have been received.

Chairman Phelps then asked Attorney Graven to make a comment on the resolution.

Attorney Graven reminded the board that this resolution, as with other resolutions presented to the zoning board of appeals, has been written in the affirmative, meaning the positive, and whoever makes the motion will be reading the resolution in its entirety and it will be seconded, and then there will be discussion on the resolution, there will be no more public discussion and then there will be a roll call vote so it will be an up or down vote when Chairman Phelps asks for the roll call vote.

Mr. Myers made a motion to vote on the application for the special use permit as set forth in the following resolution.

Reference:

Appeal No. 2082

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

TO: SunEast Valley Solar LLC  
Michael Beckner  
110 Phoenixville Pike, Suite 100  
Malvern, PA 19355-1018

At a meeting of the Zoning Board of Appeals held via Zoom virtual meeting software, as authorized by the Governor's Executive Orders then in effect, on the 6<sup>th</sup> day of May 2021, the above referenced appeal was considered and the Board by resolution GRANTED your request for a Special Use Permit pursuant to Section 125-71.B and Section 125-51 of the Code of the Town of Owego.

The resolution adopted by the Board of Appeals follows, viz.:

WHEREAS, on or about September 22, 2020, SunEast Valley Solar LLC ("Applicant"), filed an application for a special use permit pursuant to the Town of Owego Zoning Ordinance (the "Zoning Ordinance") to construct an approximately 20 megawatt, utility-scale solar array (the "Project") on property located on Montrose Turnpike in the Town of Owego and designated as Tax Map Numbers 140.00-1-19, 140.00-29.111, 140.00-35.1, and 140.00-36.111 (the "Project Area"); and

WHEREAS, on October 1, 2020, the ZBA classified Applicant's application and the Project associated therewith as a Type I action for purposes of the State Environmental Quality Review Act ("SEQRA"), and assumed Lead Agency for the SEQRA review process; and

WHEREAS, on or about November 6, 2020, the ZBA submitted all of Applicant's application materials to the Tioga County Planning Board for its review and recommendation pursuant to Section 239-m of the General Municipal Law; and

WHEREAS, on or about November 13, 2020, the ZBA, pursuant to Section 125-72.C of the Zoning Ordinance, timely referred said application to the Town of Owego Planning Board for its review and recommendation thereon; and

WHEREAS, at its November 18, 2020 regular meeting, the Tioga County Planning Board reviewed Applicant's application and recommended disapproval of the special use permit, opining that approval of the Project would cause a "significant loss of productive farmland", and is "not compatible with its environmental setting," the latter comment being based on an erroneous citation to the Zoning Ordinance's special use permit review procedures that apply only to the Town of Owego Planning Board, not the ZBA; and

WHEREAS, at its November 24, 2020 meeting, the Town of Owego Planning Board considered the proposal and recommended approval with the following contingencies: (1) that landscaping plants be placed in key locations to obscure view of the solar panels from Mapleridge Ranch, in particular, (2) that, as found in the Town of Owego Comprehensive Plan, whether Montrose Turnpike is correctly indicated as a "scenic road", (3) that careful consideration be given to the impact of a solar public utility on wildlife in the area, and (4) that the applicant provide documentation of the mitigation plan they have with New York State Energy Research and Development Authority (NYSERDA); and

WHEREAS, a duly noticed public hearing was held on December 3, 2020 via Zoom virtual meeting software, as authorized by the Governor's Executive Orders then in effect, which hearing was subsequently adjourned; and

WHEREAS, the public hearing was reconvened on February 4, 2021, via Zoom virtual meeting software, as authorized by the Governor's Executive Orders then in effect, which hearing was subsequently adjourned; and

WHEREAS, the public hearing was again reconvened on March 4, 2021, via Zoom virtual meeting software, as authorized by the Governor's Executive Orders then in effect, which hearing was subsequently closed after all persons wishing to be heard in favor of and in opposition to Applicant's application were so heard; and

WHEREAS, the ZBA carefully considered the possible environmental impacts of the proposed Project and, in particular, found credible the March 3, 2021 narrative provided by Stantec Consulting Services, Inc., which provided detailed explanations of the Project's anticipated environmental impacts, or lack thereof, for each type of environmental impact contemplated by the Full Environmental Assessment Form; and

WHEREAS, in light of said narrative and other relevant documentation of the Project's small overall environmental impact, the ZBA determined that approval of Applicant's special use permit application will not have a significant adverse impact on the environment and issued a negative declaration for the purposes of SEQRA; and

WHEREAS, the ZBA has duly reviewed and considered all documents submitted by the Applicant, as well as reports and recommendations on Applicant's application including, but not limited to those submitted by the Town of Owego Planning Board and the Tioga County Planning Board, and has carefully considered all of the information presented and received at the public hearing on behalf of the Applicant and the public with respect to Applicant's application.

NOW, THEREFORE, BE IT RESOLVED that, based upon the entire administrative record before the Board with regard to Appeal No.2082, the Zoning Board of Appeals of the Town of Owego hereby finds that, for the following reasons, the use for which the special use permit is sought will not, in the circumstances of the particular case and under any condition that the Board considers necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare:

**1. The special use permit criteria required by Section 125-71.B of the Zoning Ordinance.**

125-71.B(3)(a): "Each special permit use must comply with the regulations of this chapter for the district within which it is to be located"

The Applicant's Site Plan documents and associated submissions show that the use for which the special permit is sought complies with the relevant regulations and technical requirements for the Agricultural (AG) District as provided by the Town of Owego Zoning Ordinance, including but not limited to the bulk, dimensional and setback requirements.

125-71.B(3)(b): “ Each special permit use shall be of such character, intensity, size and location that it will be in harmony with orderly development of the district in which it is to be located.”

The Project is of such character, intensity, size and location that it will be in harmony with orderly development of the Agricultural (AG) District, in which the Project will be located. The proposed solar panel array is an allowed use in the AG District upon the grant of a special use permit by this Board. No variance of any kind is required for this use and, in fact, other solar facilities have already been permitted and built in the AG District. In addition, the project is located in close proximity to a NYSEG substation, providing further evidence that the location of the project is in harmony with the orderly development of the district. It is important to note that the AG District is not limited to only agricultural and residential uses. The District allows numerous other uses, including for example public utility structures, telecommunications structures and extraction of natural products. Thus, the language of the Zoning Ordinance supports the finding that the Project is in harmony with the development of the AG District. Furthermore, the record establishes that the Project amounts to a useful repurposing of land within the AG District, inasmuch as the Project Area has not been actively farmed in more than 20 years, and has deteriorated during that time period. Additionally, the Project will not result in a permanent conversion of farmland. The Applicant has provided a decommissioning plan that will ensure project components are removed in a manner that will allow for future agricultural use at the end of the Project’s useful life.

125-71.B(3)(c): “ Each special permit use may be located only in the district or districts permitted for such special permit use.”

The use for which the special permit is sought is located in a District permitted for such special use. Specifically, Section 125-51 of the Zoning Ordinance states that “[p]ublic utility substations and other utility structures of a similar nature may be permitted in any district in the town” upon the grant of special use permit from this Board.

125-71.B(3)(d): “The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair their value”

The proposal does not include the construction of any buildings or walls. To the extent that fences are included in the proposal, there is no substantive evidence in the administrative record that the location, nature and height of such fences will discourage the appropriate development and use of adjacent land and buildings or impair their value. Even considering the location, nature and height of the solar panel structures, the Applicant’s submissions make clear that the visual impact of the project will be mitigated via the installation of the privacy fencing and plantings and the preservation and enhancement of the natural screening along Montrose Turnpike. Applicant also submitted credible documentary evidence indicating that land values will not be substantially impaired by the Project.

**2. The special use permit criteria required by Section 125-51 of the Zoning Ordinance.**

125-51.A: “The facility shall be surrounded by a fence set back from the property lines in conformance with the district regulations for front, side or rear yards.”

The Project's Site Plan documents establish that the Project will be surrounded by adequate fencing that is in conformance with the relevant setback requirements prescribed by the Zoning Ordinance.

125-51.B: "Suitable landscaping shall be provided in conformity to the area"

The Project's Site Plan documents establish that the Applicant will provide suitable landscaping for the project in conformity to the Project Area.

125-51.C: "The landscaping at the corners of street intersections shall be arranged so as not to obstruct clear vision"

The proposed landscaping will not obstruct clear vision at the corners of street intersections.

125-51.D: "In residential areas, sound from the transformers shall be kept to a tolerable level in accordance with accepted standards as determined by local health authorities in conformity with the standards of the New York State Department of Health and/or the Public Service Commission."

The Project does not include transformers.

**3. The Tioga County Planning Board's recommended disapproval of the requested special use permit.**

This Board respectfully disagrees with the County Planning Board's recommended disapproval of the requested special use permit. As previously stated above, much of the Project Area is overgrown and unsuitable for farming. To the extent that some of the Project Area is suitable for farming, the record confirms that the land has not been so used in over 20 years. Furthermore, the project will not result in a "significant loss of productive farmland" relative to the total acreage of such farmland in Tioga County as a whole.

The ZBA finds that the Tioga County Planning Board's position was credibly refuted by a letter dated November 23, 2020 from Allyson Phillips, Esq., representing SunEast Solar Valley LLC, which letter establishes, among other things, that any loss of farmland caused by the project would not be significant; that the Tioga County Planning Board's evaluation of the Project fails to define any intercommunity or county-wide impact the proposal might have; and that the Board's recommendation runs contrary to the County's own 2015 Agricultural and Farmland Protection Plan.

AND BE IT FURTHER RESOLVED, that in light of the foregoing findings, Appeal No. 2082 is hereby GRANTED and the Applicant's requested special use permit is hereby APPROVED, subject to the following conditions:

1. SunEast Valley Solar LLC shall preserve existing natural screening. All trees proposed to be planted as supplemental additional screening set forth on page CS 100 Overall Site Plan (pg 8 of 27) of the project plans shall be either deciduous trees 2.5" caliper at 4' height or coniferous trees 2.5" caliper at full height. All such trees shall be maintained for the life of the facility.

2. SunEast Valley Solar LLC shall meet and continuously maintain its obligations of emergency access and maneuverability throughout the Project Area as agreed with the South Side Fire Department.
3. SunEast Valley Solar LLC shall strictly adhere to the Stormwater Pollution Prevention Plan it has prepared during the construction phase as well as during the Project's operational phase and future decommissioning phase.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Mr. Legg seconded the motion. Chairman Phelps opened the discussion. Hearing no comments from the board, Chairman Phelps asked for a roll call vote. Mrs. Brown, Mr. Kresge, Mr. Legg, and Mr. Myers and Chairman Phelps all voted in favor of the resolution. The motion was carried by unanimous vote.

#### Appeal No. 2087

Next, the Board heard Appeal No. 2087, submitted by David Kline, 948 Blodgett Road. He is requesting a Special Use Permit to operate a dog kennel at his home.

*Appearance: David Kline;*

*Exhibits: Application for a Special Use Permit;  
plot plan showing existing house, old barn, new barn, and kennel*

Mr. Kline stated that the dog kennel is an existing facility that is located behind his cattle barn. Chairman Phelps asked Mr. Kline to confirm that he would be taking care of no more than 12 animals as he stated in his application. Mr. Kline confirmed that 12 animals would be the maximum. Chairman Phelps asked if he would be boarding any other animals. Mr. Kline confirmed that he will only board dogs. Chairman Phelps asked what length of time the animals would be on site. Mr. Kline stated that length of time would vary from dog to dog. Chairman Phelps asked if this would be a boarding business where the Klines would take other people's dogs while they are on vacation for instance. Mr. Kline stated no, that they would only be boarding their own dogs.

Joann Lindstrom stated that the town had received two phone calls from neighbors, both of whom wished to remain anonymous. One neighbor was concerned about noise and the other neighbor wanted to be sure the dogs would be rabies vaccinated. Chairman Phelps asked Mr. Kline to address these two concerns. Mr. Kline stated that they would be using collars on the dogs to train them to minimize barking and all dogs would be rabies vaccinated. Mr. Kline added that their veterinarian is Dr. John Ober of Candor.

With no other public comments, the Chairman closed the public hearing and asked the board members if they had comments or questions.

Mr. Legg asked Mr. Kline what breed of dogs they would be housing. Mr. Kline stated that they have Fox Terriers and Burmese Mountain Dogs. Mrs. Brown asked Mr. Kline to confirm that they will only be boarding their own dogs, not dogs from outside of their family. Mr. Kline stated that was correct. Mr. Myers asked Mr. Kline where his dogs were being housed today. Mr.

Kline stated that they were being boarded in the kennel on his property. Mr. Myers further asked if Mr. Kline had received any complaints from the neighbors regarding noise. Mr. Kline stated that, to his knowledge, his family has not received any complaints regarding noise. Mr. Myers asked Ms. Lindstrom if the town has received noise complaints regarding the Kline's kennel, she stated it had not. Mr. Kline added that last year they were not told by the town that they needed a kennel permit, but this year the town contacted him to require one.

Citing the entire record, Mr. Kresge made a motion to approve Appeal No. 2087. Mr. Myers seconded the motion. Mrs. Brown, Mr. Legg and Chairman Phelps voted in favor of the motion.

To: David and Mary Beth Kline  
948 Blodgett Road  
Owego, NY 13827

At a meeting of the Zoning Board of Appeals held via Zoom videoconferencing on the 6th day of May 2021, 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 follows, viz:

WHEREAS, a public hearing was held on the 6th day of May 2021, on notice according to law, at which David Kline appeared via telephone and gave testimony to questions put to him by this Board; and

WHEREAS, Mr. Kline explained that he lives at 948 Blodgett Road and has constructed a dog kennel behind his cattle barn where he boards dogs; and

WHEREAS, Mr. Kline stated that he intends to board a maximum of 12 of his own dogs, all of which are vaccinated against rabies; and

WHEREAS, Mr. Kline stated that currently his dogs have been boarded at his home kennel and he has not received any complaints regarding noise from his neighbors; and

WHEREAS, Mr. Kline further stated that he intends to use special collars on his dogs to inhibit potential noise in the future; and

NOW, THEREFORE, be it

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

1. Applicant is requesting a Special Use Permit to operate a kennel;
2. Property is located at 948 Blodgett Road in the Town of Owego;
3. Property is situate in an Agricultural "AG" zoning district;

And be it further

RESOLVED, that the application for a 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.

Appeal No. 2088

Next, the Board heard Appeal No. 2088 submitted by Stephen Sochor of 1163 East Campville Road. He is requesting an area variance to construct an accessory building in front of his principle building.

*Appearance: Stephen Sochor;*

*Exhibits: Application for an Area Variance  
plot plan*

Mr. Sochor stated that he is seeking to construct a pole barn in which to store vehicles and equipment for the maintenance of his personal property. Mr. Sochor further stated that the pole barn would be sited in front of his house and could not be seen from the road. Chairman Phelps asked if the pole barn would be located before Mr. Sochor's pond on the left hand side. Mr. Sochor stated that was correct.

Chairman Phelps referenced an email received from Mr. David Woods of 1209 East Campville Road. Mr. Woods stated that he was in favor of this appeal and had no objections.

No one else was present to comment, so the Chairman closed the public hearing.

Citing the entire record, Mr. Myers made a motion to approve Appeal No. 2088. Mr. Legg seconded the motion. Mrs. Brown, Mr. Kresge, and Chairman Phelps voted in favor of the motion.

To: Stephen Sochor  
1163 East Campville Road  
Endicott, NY 13760

At a meeting of the Zoning Board of Appeals held via Zoom videoconferencing on the 6th day of May 2021, 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 follows, viz:

WHEREAS, a public hearing was held on the 6th day of May 2021, on notice according to law, at which Stephone Sochor appeared via Zoom video conferencing and gave testimony to questions put to him by this Board; and

WHEREAS, Mr. Sochor explained that he lives at 1163 East Campville Road and would like to construct a pole barn in front of his principle structure in which to store his personal vehicles and equipment; and

WHEREAS, Mr. Sochor stated that the pole barn would not be visible from the road; and

WHEREAS, Mr. David Woods of 1209 East Campville Road, a neighbor in close proximity to Mr. Sochor, contacted the town to express no objections to this appeal; and

NOW, THEREFORE, be it

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

1. Applicant is requesting an Area Variance to construct a pole barn in front of his principle structure;
2. Property is located at 1163 East Campville Road in the Town of Owego;
3. Property is situate in a Residential B "RB" zoning district;

And be it further

RESOLVED, that the application for a 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.

#### Appeal No. 2089

The Board heard Appeal No. 2089 submitted by Vicki Darling of 6276 State Route 434. She is requesting an Area Variance of 10 feet to the front setback in order to place a hot tub and a privacy fence behind her residence.

*Appearance: Vicki Darling;*

*Exhibits: Application for an Area Variance;*

*Photographs of Main Street in Apalachin and applicant's parcel  
Plot plan*

Ms. Darling first stated that because her home is situated between State Route 434 and Main Street in Apalachin, her application reads that she is requesting an area variance for her front yard when she is specifically requesting a variance of 10 feet for a hot tub and privacy fence behind her residence on the Main Street side of her property. Ms. Lindstrom stated that when a structure is sited between two streets in this way, the rear yard is also considered a front yard for the purposes of setback requirements. Ms. Darling stated that due to the location of her home, she does not have a lot of privacy.

Ms. Darling stated that she is seeking to build a privacy fence around a hot tub that she recently purchased. Ms. Darling stated that she had a concrete pad installed for the hot tub last year, and would now like to erect a fence around the concrete. Ms. Darling stated that the fence was already under construction when the Code Enforcement Officer notified her to cease construction until she received an approved variance. Ms. Darling further stated that it was her understanding

that where she intends to place the fence may be within the town's right-of-way. Ms. Darling further stated that there are trees and other man-made structures along the street that also are within this right-of-way.

Chairman Phelps asked if the hot tub could be located on the west side of the parcel. Ms. Darling stated that she does not want the hot tub located there due to lack of space and that the access to the existing electric panel was easier from the rear lot.

Ms. Darling further stated that she does not feel that the fence would block traffic or cause any problems.

Ms. Lindstrom stated that the town sent a comment letter to Mark Clark, Town of Owego Highway Superintendent but did not receive a response. She also stated that no other comments had been received from the public.

With no one present to comment the Chairman closed the public meeting. Chairman Phelps then asked the board for comments. Mr. Myers sought to confirm with Ms. Lindstrom that the request for comment from the town highway superintendent was specific to potential infringement on the town's right-of-way. Ms. Lindstrom stated that was correct. Mr. Myers then asked Ms. Darling about potential storm events, asking if she was concerned that her fence may be damaged by a town plow. Ms. Darling stated that she was not at all concerned, that the fence would be set back far enough to avoid damage by a plow with room for snow to be piled in the yard as well. Mr. Myers inquired about potential effect from a 4' snow fall. Again, Ms. Darling stated that there was plenty of room for the snow to be stored.

Mr. Legg asked if the fence would simply surround the hot tub, similar to where it is now, or if it would be larger. Ms. Darling stated that the fence will surround the concrete pad that the hot tub would be sitting on. Mr. Legg further asked if there would be a roof on the fence. Ms. Darling stated there would not be a roof.

Chairman Phelps asked if the hot tub was an inflatable type. Ms. Darling stated that it was not.

Mr. Myers requested confirmation that the fence would be attached to the concrete with brackets as stated in the application. Ms. Darling stated that was correct. Mr. Myers then asked if the fence could be moved if there were any issues. Ms. Darling stated that yes, it could be moved.

Citing the entire record, Mrs. Brown made a motion to approve Appeal No. 2089. Mr. Myers seconded the motion. Mr. Kresge and Mr. Legg voted in favor of the motion, Chairman Phelps voted against the motion.

To: Vicki Darling  
6276 State Route 434  
Apalachin, NY 13732

At a meeting of the Zoning Board of Appeals held via Zoom videoconferencing on the 6th day of May 2021, 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 follows, viz:

WHEREAS, a public hearing was held on the 6th day of May 2021, on notice according to law, at which Vicki Darling appeared via Zoom video conferencing and gave testimony to questions put to her by this Board; and

WHEREAS, Ms. Darling explained that she lives at 6276 State Route 434 and would like to construct a privacy fence around a hot tub behind her house, which is between State Route 434 and Main Street in Apalachin; and

WHEREAS, Ms. Darling stated that the hot tub is best suited for the rear of her property as it has easiest access to the electric panel; and

WHEREAS, Ms. Darling stated that the fence would not be damaged by town plows and her yard had room for snow piles; and

WHEREAS, Ms. Darling stated that the fence would not have a roof and due to its attachment via brackets it was essentially mobile; and

NOW, THEREFORE, be it

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

1. Applicant is requesting an Area Variance to construct a privacy fence to surround a hot tub on the Main Street side of her home;
2. Property is located at 6276 State Route 434 in the Town of Owego;
3. Property is situate in a Highway Interchange "HIC" zoning district;

And be it further

RESOLVED, that the application for a 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.

#### Appeal No. 2090

Next, the Board heard Appeal No. 2090 submitted by Terry Stockdale of 5 London Lane. He is requesting an area variance of 3 feet to the side yard setback to construct a carport.

*Appearance: Terry Stockdale;*

*Exhibits: Application for an Area Variance;  
Plot plan*

Mr. Stockdale stated that he is seeking to construct a carport in which to store his classic car. He had been storing his car under a membrane cover until the December 2020 snowfall, which damaged his car.

The Chairman asked if any comments had been received regarding this appeal. Ms. Lindstrom stated that no comments had been received.

Chairman Phelps asked if the roof would be metal or shingles. Mr. Stockdale stated that he did not have a detailed plan on the roofing at this time. Chairman Phelps asked if the carport would be sized for only one car. Mr. Stockdale stated that it will be designed for one car; he may storage just his boat there in the future.

No one else was present to comment, so the Chairman closed the public hearing.

Citing the entire record, Mr. Legg made a motion to approve Appeal No. 2090. Mr. Kresge seconded the motion. Mrs. Brown, Mr. Myers, and Chairman Phelps voted in favor of the motion.

To: Terry Stockdale  
5 London Lane  
Endicott, NY 13760

At a meeting of the Zoning Board of Appeals held via Zoom videoconferencing on the 6th day of May 2021, 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 follows, viz:

WHEREAS, a public hearing was held on the 6th day of May 2021, on notice according to law, at which Terry Stockdale appeared via Zoom video conferencing and gave testimony to questions put to him by this Board; and

WHEREAS, Mr. Stockdale explained that he lives at 5 London Lane and would like to construct a carport to house his classic car; and

WHEREAS, Mr. Stockdale stated that his car was damaged during the significant snow event of the previous December;

WHEREAS, Mr. Stockdale stated that that the carport will be sized to store one car;

WHEREAS, there were no public objections to this appeal; and

NOW, THEREFORE, be it

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

1. Applicant is requesting an Area Variance to construct a carport to house his classic car;
2. Property is located at 5 London Lane in the Town of Owego;
3. Property is situate in a Residential B "RB" zoning district;

And be it further

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

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

***PLEASE BE ADVISED that this videoconference meeting has been recorded and a transcript will be available at a later date.***

Respectfully submitted,

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Joann Lindstrom, Planning & Zoning  
Administrator on behalf of the Town  
of Owego Zoning Board of Appeals