

July 8, 2021  
7:00 PM  
Owego Town Hall  
2354 State Route 434  
Apalachin, NY

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

Present: Acting Chairman Dan Myers, Jack Legg, David Kresge, and alternate Martin Murphy

Excused: Janet Brown and Chairman Gary Phelps

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

Acting Chairman Dan Myers called the meeting to order at 7:00 PM. The minutes from the Regular Board Meeting June 3, 2021 were considered. Mr. Legg made a motion to accept the minutes as written. Mr. Kresge seconded the motion. Acting Chairman Myers and Mr. Murphy voted in favor of the motion.

### Appeal No. 2093

The Board considered Appeal No. 2093 submitted by Niko's Automotive. They are requesting a Special Use Permit to construct a 30' x 30' square foot two service bay garage in a General Business "GB" District at 567 Main Street in the Town of Owego.

*Appearance: Kory Rosati and Lee Ward of Niko's Automotive*

*Exhibits: Application for a Special Use Permit dated May 20, 2021*

Acting Chairman Myers read the letter from Tioga County Planning Board dated June 17, 2021, recommending approval for the Special Use Permit request contingent on applicant obtaining all state, county and local permits, licenses and registrations; and applicant will return for other local approvals required at a later date. He also noted the Well Head Permit was approved by the Town Board on May 18, 2021, and referenced Director of Utilities, Tyson Stiles, comments that "...no more than (3) 55 gallon drums of new oil or antifreeze and require them to be stored in containment system; no more than (1) 55 gallon of waste oil and (1) 55 gallon of waste antifreeze be on site and in a containment system. Junk tires and parts should be removed in a timely matter and not kept on site...". Acting Chairman Myers reference the letter of approval from the Town of Owego Planning Board as well.

Acting Chairman Myers opened the public hearing. Ms. Lindstrom noted that the town did not receive any comments from the public.

Acting Chairman Myers asked if the Board members had questions. Mr. Murphy questioned the plan in place for removal of tires. Mr. Rosati stated they will be asking for recommendations from other local dealerships, but there would never be more than 15 to 20 tires biweekly. Mr. Ward also commented that they are looking into companies that specialize in hazardous materials (oil, antifreeze, etc.)

Mr Legg asked what the current hours of operations are. Mr. Rosati and Mr. Ward stated Monday thru Friday 9AM to 7PM, and Saturday 10AM to 2PM.

Mr. Murphy asked the number of employees. Mr. Rosati said currently four employees, including themselves, but after the extension is built, they are hopeful to hire two more.

Mr. Legg asked if they would offer emergency repair. Mr. Rosati stated that they would offer emergency repair, only if they had the capability to do so. For instance, to fix a flat tire, they would be able, but a full engine repair, they would have to refer outside of their business.

Acting Chairman Myers closed the Public Hearing.

Mr. Legg made a motion to approve the Special Use Permit for Appeal No. 2093. Mr. Kresge seconded the motion. Acting Chairman Myers and Mr. Murphy voted in favor of the motion.

Reference:  
Appeal No. 2093 dated July 8, 2021

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

To: Niko's Automotive  
567 Main Street  
Owego, NY 13827

At a meeting of the Zoning Board of Appeals held on the 8<sup>th</sup> day of July 2021, the above reference 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 8<sup>th</sup> day of July 2021, on notice according to law, at which Kory Rosati and Lee Ward appeared and gave testimony to questions put to them by this Board; and

WHEREAS, the Town of Owego Planning Board reviewed Niko's Automotive's request for a Special Use Permit and recommended approval subject to applicant obtaining all required state, county and local permits, licenses and registrations and applicant return for other local approvals required at a later date; and

WHEREAS, the Town of Owego Board reviewed Niko Automotive's request for a Well Head Permit and recommended approval contingent on the business allowing no more than (3) 55 gallons of oil and antifreeze on site, (1) 55 gallon of waste oil and (1) 55 gallon of waste antifreeze, all in containment systems, as well as prompt removal of tires and old parts; and

WHEREAS, the Tioga County Planning Board reviewed Niko Automotive's request for a Special Use Permit and recommended approval subject to applicant obtaining all required state, county and local permits, licenses and registrations and applicant return for other local approvals required at a later date

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 is requesting a Special Use Permit to construct a 30' x 30' square foot two service bay garage in a General Business "GB" zoning district;
2. Property is located at 567 Main Street in the Town of Owego;
3. Property is situate in an General Business "GB" zoning district;

And be it further

RESOVLED, the application for a Special Use Permit is hereby GRANTED.

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

With there being no further business, the meeting was adjourned.

Respectfully submitted,

Teddi Card, Planning and Zoning Secretary  
On behalf of the Zoning Board of Appeals