

March 4, 2021
7:00 PM
Owego Town Hall
2354 State Route 434
Apalachin, NY

MEETING OF THE TOWN OF OWEGO ZONING BOARD OF APPEALS

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, Town Councilman Dean Morgan, ZBA Alternate Martin Murphy, Transcriptionist Elizabeth I. Brucie.

Chairman Phelps called the meeting to order in accordance with the NYS Governor's Executive Order 202.1, extended to March 24, 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 February 4, 2021, were considered. Mrs. Brown made a motion to accept the minutes as written. Mr. Myers seconded the motion. Chairman Phelps, Mrs. Brown, Mr. Legg, Mr. Kresge 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. He is requesting a Special Use Permit to construct an approximately 20 megawatt public utility solar farm on Montrose Turnpike in the Town of Owego. Mel Farmer of Stantec Consulting Services gave a description of the applicant's request which involves 303 acres of land, on which 35 acres will actually have solar panels installed within a fenced area of approximately 168 acres.

Chairman Phelps reopened the public hearing which was originally opened on December 3, 2020 and was subsequently adjourned, then reopened on February 4, 2021 and subsequently adjourned.

Appearance (all via Zoom): Mel Farmer, Stantec Consulting Services;

Mike Beckner, Vice President, SunEast Valley Solar LLC;

Greg Elko, Director of Development, SunEast Valley Solar LLC;

Exhibits: Application for a Special Use Permit dated 9/22/2020 with narrative;

Site Plan dated 9/21/2020;

Stormwater Pollution Prevention Plan (SWPPP);

Full Environmental Assessment Form Part 1 (SEQR);

Agricultural Data Statement dated 9/23/2020;

Letter dated 9/25/2020 from Stantec Senior Scientist Andy Smith (Wetland Delineation);
Town of Owego Zoning Board of Appeals (ZBA) Notice of Intent to Act as SEQR Lead Agency dated 9/28/2020 sent to Tioga County Planning Board, NYS Agriculture and Markets Div. of Land and Water Resources, NYS Energy Research and Development Authority (NYSERDA), NYS Dept. of Environmental Conservation Div. of Environmental Permits Region 7, and NYS Division for Historic Preservation (SHPO);
Resolution by the ZBA dated 10/1/2020;
SunEast Valley Solar LLC Decommissioning Plan dated 10/1/2020;
Letter dated 10/14/2020 from NYS Agriculture and Markets;
Letter dated 10/22/2020 from NYS Parks, Recreation, and Historic Preservation;
Submittal dated 11/4/2020 from adjoining property owner Green Gang Hunting Club ("GGHC");
PowerPoint submittal from SunEast Valley Solar LLC;
Letter of recommendation dated 11/19/2020 from Tioga County Planning Board;
Letter of recommendation dated 11/30/2020 from Town of Owego Planning Board;
Letter dated 12/2/2020 from Young/Sommer LLC;
Letter dated 12/2/2020 from Haven of Peace, Inc.;
NYS Dept. of Agriculture and Markets "Guidelines for Solar Energy Projects" executed agreement with SunEast Valley Solar LLC signed 11/20/2019;
Comments from the Owego South Side Fire Department dated 12/2/2020;

The following items having been added since the December 3, 2020, meeting:

Updated Full Environmental Assessment Form (SEQR) Part 1 dated 1/13/2021;
Revised Site Plan sheets CS100, CS401, CS402, CS403, CS404, CS405, CS406, CS407, CS408;
Letter dated 12/21/2020 from Stantec regarding meeting with South Side Fire Department on 12/15/2020;
Letter dated 12/10/2020 from Michelle Ayres/Brian Guinane with FOIL request;
Letter dated 12/15/2020 to Ayres/Guinane from Planning & Zoning (P&Z) Administrator;
Academic Letter about potential impact of solar from SunEast Valley Solar LLC;
Email to P&Z Administrator dated 1/28/2021 from Dale Burrell;
Email response to Dale Burrell dated 1/29/2021;
Email to P&Z Administrator dated 2/2/2021 from Bernadette Toombs with FOIL request, and P&Z response;
Email to P&Z Administrator dated 2/2/2021 from Lisa Schumacher

*and Son, Derek Hicks, and P&Z response;
Email to P&Z Administrator dated 2/4/2021 from Jeff Matolka, and
P&Z response;*

*Letter addressed to Town of Owego hand-delivered by John Rowland
2/4/2021;*

*Memo from Mel Farmer, Stantec, answering questions recently brought
up since the December 3 meeting;*

The following items having been added since the February 4, 2021 meeting:

*Memo: Bill Betts, 974 Strong Road, called P&Z 2/9/21 to request a site
plan (which was sent to him the next day by P&Z Administrator);*

*Email to P&Z Administrator dated 2/16/21 from Pat Hansen in
support of the solar project;*

*Email to P&Z Administrator dated 2/16/21 from Gerri Wiley encouraging
support of the solar project;*

Email to P&Z Administrator dated 2/17/21 from Ann Mallozzi;

Email to P&Z Administrator dated 2/19/21 from Ann Mallozzi;

Email to P&Z Administrator dated 2/19/21 from RAFT;

Email to P&Z Administrator dated 2/25/21 from Gary & Dora Meza;

Submittal from Green Gang Hunting Club in support of project;

*Email to P&Z Administrator dated 2/25/21 from Travis and Miranda
Fisher encouraging approval of solar project;*

*Email to P&Z Administrator dated 2/28/21 from Joan Davis in support of
the solar project;*

*Letter received 3/2/21 from Mel Farmer Stantec Consulting regarding
SunEast Valley Solar;*

*Email to P&Z Administrator dated 3/2/21 from Wes Ernsberger in support
of solar project;*

*Email to P&Z Administrator dated 3/2/21 from Robert Dannecker in
support of solar project;*

*Email to P&Z Administrator dated 3/2/21 from Darren Dodge asking for a
"no" vote on the solar proposal;*

*Letter to the ZBA dated 3/3/21 from Senator Frederick Akshar expressing
opposition to the solar project;*

*Letter to the ZBA dated 3/3/21 from Scott M. Pauly in opposition to the
solar project;*

*Email to P&Z Administrator dated 3/4/21 from Richard Waite, ASLA, LEED
AP, BD+C, etc., with advice on solar project screening.*

Ms. Lindstrom advised the public of ZOOM procedures and etiquette. Charles Root, Tioga County IT, hosted the public hearing. Beth Brucie, Precision Reporters, LLC, took verbatim notes of the meeting which shall be transcribed.

Chairman Phelps inquired if there were questions from the public. Scott Pauly, 1984 Montrose Turnpike, asked the applicant to describe the kind of traffic they should expect during construction. Mr. Farmer stated it would take 6 to 8 months to install the panels – they could expect to see and hear the typical noise of trucks, grading equipment, tractor trailers delivering

the panels and their equipment. Mr. Pauly stated that all of the people on Senator Akshar's list (in the latter's 3/3/21 letter to the ZBA) who are opposed to this project will be directly impacted by the construction, and those who are in favor are not neighbors to the project location. He complained that a line-of-sight survey has not been done. He reported there have been accidents on Montrose Turnpike in the very near vicinity to this project, adding that the road has twists and turns. He also stated that two town employees stand to benefit from the project. Mr. Farmer responded that the applicant will have a traffic plan approved by the town when they apply for a building permit.

Senator Fred Akshar expressed that the people who will be most directly impacted by the project are strongly opposed to it, also naming Mapleridge Farm.

Joan Davis, 33 King Point North, spoke in favor of renewable energy to effect climate control and asked that people look at the benefit for the community at large, also expressing the rights of farmers to do what they must in order to retire satisfactorily.

Nancy Della Pia, 11 Larchmont Road, is in favor of the project, calling it a fabulous opportunity to help our country become energy-independent.

Liz Brolin (sp?) lives on Montrose Turnpike and is in favor of renewable energy sources.

Allyson Phillips with the law firm Young/Somer LLC represents SunEast Valley Solar LLC and stated that this project meets the criteria for a Special Use Permit and has received a recommendation of approval from the Town Planning Board.

Mr. Pauly asked the square footage of the solar panels. Mr. Farmer answered 35 acres. Mr. Pauly reminded the attendees that the County Planning Board voted unanimously against the project. Attorney Graven clarified that the Town Planning Board recommended approval, the County Planning Board did not express an impact the project would have on the County.

Dorollo, a member of the Board for Mapleridge Farm, also an attorney, wanted to confirm that the zoning code had not changed since the applicant proposed this project. Mr. Myers and Chairman Phelps assured him that it has not changed, nor can the Zoning Board of Appeals make changes to the code. Dorollo asked if building an energy plant is not a permitted use. Attorney Graven referred him to the Town Code with Mr. Myers pointing out Chapter 125, Section 125-51 which addresses Public utility substation permissions and standards.

A resident from 6286 Montrose Turnpike stated that there are 3 power plants which are no longer functioning – energy is needed - has enough solar energy at his house to make a pot of coffee. He asked how snow is removed from the panels, alluding to the 40-plus inch snowfall in November 2020. Mr. Farmer said snow will typically melt off, but a crew would be needed to clean them off in such an event.

Rick Arnold, 2979 Montrose Turnpike, asked how the 5-foot-tall trees would do if the soil was not good. Mr. Farmer replied they are talking 10 to 15-foot maples, and any trees that die will be replaced. Rick wanted to know about taxation. Mr. Beckner stated that he doesn't yet know;

they typically pay about \$5,000 per megawatt which would come out to about \$100,000 per year to be divvied up between the County, School and Town taxes. Nancy (?) asked if the applicant intends to apply for a PILOT, to which Mr. Beckner answered yes.

The Chairman asked if the Board members had questions. Mr. Myers addressed a question to Mr. Farmer about increasing the size of the trees to be used as visual barriers for the adjoining property owners, expressing concern about deciduous trees affording little barrier in winter. Mr. Farmer spoke of trees 5 to 6 foot in height which typically grow 1 to 2 feet per year, and maple trees 10 to 15 feet in height. Mr. Myers asked if perhaps a 3rd party specialist could be consulted, and added that the transformer/inverter was relatively close, and could it be relocated or provided with a barrier. Mr. Farmer replied that some spruce trees could be swapped for maples. Mr. Beckner explained that the inverters are lower than the panels – they have made modifications to the landscape plans and are happy to look at different trees.

Chairman Phelps wanted to know if the tilting mechanisms for the panels are gear-driven or liquid hydraulics, giving voice to Mrs. Brown's concern that there might be any possibility of fluids leaking onto the ground and causing ground or groundwater pollution. Mr. Beckner stated that they are tilted by a small electric motor which moves about 1 inch per hour, tracking with the sun. There are no fluids.

Mr. Legg addressed panel maintenance: how often are they inspected? How are they kept clean when the fields are hayed? What kind of foundation are the panels on? Chairman Phelps also asked if the panels can handle the weight of 44 inches of snow followed by rain and freezing temperatures. Mr. Beckner explained that the panels are continuously monitored remotely by computer. They can be washed off with water if necessary, and he sees no issues as far as weight, nor structural issues. The panels tilt a maximum of 60 degrees – they sit on concrete pads. Mr. Beckner further explained that there are inverters in 6 locations, they are centralized based on panel watts and can't really be moved – inverters are not over 4 feet tall.

Mrs. Brown stated that there is a panel on the site plan that is 5 feet away from wetland. Mr. Farmer assured her that there is no danger.

Mr. Legg asked why the applicant chose this site for the solar array. Mr. Beckner stated that the large trees were a positive quality, and the land is unused agricultural land, they anticipated little opposition to the project, and there is an existing substation just up the road.

Mr. Myers stated concerns about local property values and asked if they had something other than anecdotal information. Mr. Beckner stated that they have 19 projects in process throughout the state and their studies indicate impacts are negligible.

John Schumacher, 880 Allen Glen Road, described himself as part of a group of families probably the most highly impacted by this solar proposal – he has been listening to all of the meetings and the group is in favor of the proposal, for the sake of John Rowland, and in favor of progress, for the sake of the community doing their part to improve our environment, and he finds the County's recommendation based completely on falsehoods.

Senator Fred Akshar asked the full value of the project. Mr. Beckner answered that the assessed value is measured by cash flow which for 20 megawatts is between \$1.8-2 million. The senator asked if the applicant would move forward with the project without a PILOT agreement – Mr. Beckner responded affirmatively adding that the Governor has not yet approved the project, with the senator wanting to know if it is part of the state budget proposal. Mr. Beckner felt that all this has no bearing on the proposal at hand. The senator disagreed stating that it certainly does have bearing, and the fact that the applicant doesn't think so is why people don't like him and his company.

There followed much discussion (which this writer found difficult to audibly understand) about concern for the wind gusts and snow this area typically receives even though Mr. Beckner stated this area is recorded as the lowest snow area in all their projects – the 2020 snowfall was an unusual event.

Mr. Legg made a motion to close the public hearing. Mr. Myers seconded the motion. Chairman Phelps, Mrs. Brown, Mr. Kresge, Mr. Legg and Mr. Myers all voted in favor of the motion.

Chairman Phelps read the Planning & Zoning Administrator, Joann Lindstrom's, advisement that New York State's Environmental Quality Review Act (SEQRA) required this board to review all potentially negative environmental impacts this project could create. First, the town classified the project as a Type 1 action since it would disturb more than 10 acres. This requires the highest level of review under SEQR. As such, this board sent notice to NYS Agriculture and Markets, the NYS Department of Environmental Conservation (DEC), and the NYS Energy and Research Development Authority (NYSERDA). None of these agencies notified the town that the project would have a negative environmental impact. In addition, using the Environmental Resource Mapper provided by the DEC, the town did not identify any environmentally sensitive areas that this project would affect. The board, therefore, will be issuing a Negative Declaration under SEQR, meaning that the town has done its due diligence and has determined that there would be no negative environmental impact if the permit is approved. Mr. Legg made a motion to approve issuance of the Negative Declaration. Mr. Myers seconded the motion. Chairman Phelps, Mrs. Brown, Mr. Kresge, Mr. Myers and Mr. Legg voted in favor of the motion.

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

WHEREAS, SunEast Valley Solar LLC has submitted a request for a Special Use Permit to construct a 20 MW solar facility at 2593 Montrose Turnpike, Owego; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act (SEQR), the Town of Owego Zoning Board of Appeals announced its intent to act as Lead Agency on October 1, 2020; and

WHEREAS, the Zoning Board of Appeals, in its capacity as Lead Agency, has caused Part 1 of the Full Environmental Assessment Form (EAF) to be reviewed; and

WHEREAS, SunEast Valley Solar LLC erroneously stated in the first draft of Part 1 of the Full EAF that Montrose Turnpike is a Scenic Roadway; and

WHEREAS, the Town of Owego requested a correction to this statement since Montrose Turnpike has not been designated as a local, state, or federal Scenic Roadway; and

WHEREAS, the Town of Owego Zoning Board of Appeals has caused Part 2 of the Full EAF to be prepared and has discerned no potential negative environmental impacts;

NOW THEREFORE be it

RESOLVED, that the Town of Owego Zoning Board of Appeals, acting as Lead Agency in the review of Appeal No 2082, issues a NEGATIVE DECLARATION under SEQR.

Chairman Phelps announced the conclusion of the night's business on Appeal No. 2082. Mr. Myers made a motion to table action until the next regularly-scheduled meeting on April 1, 2021. Mr. Kresge seconded the motion. Chairman Phelps, Mrs. Brown, Mr. Kresge, Mr. Legg and Mr. Myers voted in favor of the motion.

Appeal No. 2085

Next the Board heard Appeal No. 2085, a request for a Special Use Permit by Erik Watson of Watson Engineering, PC. Chairman Phelps opened the public meeting and invited the applicant to explain his request.

Appearance: Erik Watson, Watson Engineering, PC;

*Exhibits: Application for Special Use Permit dated February 4, 2021 with narrative;
Site Plan;
Short Environmental Assessment Form Parts 1, 2 and 3;
Letter dated 2/17/21 from NYS Department of Transportation Region 9;
Letter dated 2/18/21 from Tioga County Planning Board;
Letter dated 3/1/21 from Town of Owego Planning Board.*

Mr. Watson stated that he owns 3 acres of land on State Route 434, and last year he had been granted Site Plan Approval for a storage building and an office building. He has submitted a Stormwater Pollution Prevention Plan designed in April 2019 and is in compliance with NYS Department of Transportation requirements. Mr. Watson stated that he built the storage building and had people ask him if it was for rent. After speaking to different parties he decided to build 4 more storage buildings for the purpose of renting them. His plan is to build as they are called for, thus he expects this to take a few years, thus not disturbing more than an acre at a time.

The Chairman advised that the NYS Department of Transportation had the following comments: Post-development stormwater discharge to the State right-of-way may not exceed the pre-development condition, and nothing may be placed within the State right-of-way, including signage.

The Tioga County Planning Board recommended approval of the project with the conditions that the applicant obtain all required state, county and local permits, licenses and registrations, and that the applicant comply with NYS DOT Region 9 Site Plan Review Committee's comments and requirements.

The Town of Owego Planning Board has recommended approval of Appeal No. 2085 with 3 contingencies: 1) that the applicant will contact the Apalachin Fire Department to discuss issues of emergency preparedness, access to the locked barns, maneuverability on the premises and other fire department concerns; 2) that the applicant will formulate a timetable for construction phases; and 3) that the applicant will include a plan for stormwater management in Phase 1 which shall include a pond, which can be expanded as the additional phases progress.

There was no one present to comment so the Chairman closed the public meeting.

The Chairman asked if there would be lighting on the premises. Mr. Watson stated there will be down-pitched lighting on the sides of the buildings unobtrusive to the neighbors or traffic on State Route 434.

Mr. Legg asked if there would be signage. Mr. Watson replied yes, and it will be according to Town Code.

Mr. Myers wanted to know the extent of the two-way driveway. Mr. Watson stated it will eventually go around the entire parcel, but he will increase it, as needed, while putting up buildings. He plans to asphalt-pave in Phase 2. Mr. Myers asked what types of things people want to store in these buildings. Mr. Watson mentioned non-combustibles, signs, Cornell has use for one.

Mrs. Brown asked about camera security. Mr. Watson explained that he will leave locking and camera security on the storage units up to the renter.

Mr. Myers noted 2 wells on the plans. Mr. Watson explained that one well will be dedicated to his business building and a second well will serve renters who may want a wash sink in their unit.

Chairman Phelps noted that the State Environmental Quality Review, short form Environmental Assessment Form has been completed, and the project qualifies as an unlisted action.

Mr. Myers made a motion to approve Appeal No. 2085. Mr. Kresge seconded the motion. Chairman Phelps, Mrs. Brown, Mr. Kresge, Mr. Legg and Mr. Myers voted in favor of the motion.

At a meeting of the Zoning Board of Appeals held via Zoom videoconferencing on the 4th day of March 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 4th day of March 2021, on notice according to law, at which Erik Watson appeared and gave testimony to questions put to him by this Board; and

WHEREAS, Mr. Watson explained that he owns a 3-acre parcel on State Route 434 on which he has put up a storage barn which is one of a few structures which were approved in Site Plan Approval #1-2019; and

WHEREAS, Mr. Watson stated that the barn has drawn attention, and people have asked if it is for rent and he has subsequently rented it out; and

WHEREAS, after considering other such requests, the applicant has proposed to build 4 additional 30' by 50' storage barns to be rented out, as they are requested, in phases of construction, besides an office building which was also approved in the Site Plan; and

WHEREAS, the Town of Owego Planning Board has recommended approval of Appeal No. 2085 with three contingencies: 1) that the applicant will contact the Apalachin Fire Department to discuss issues of emergency preparedness, access to the locked barns, maneuverability on the premises and other fire department concerns; 2) that the applicant will formulate a timetable for construction phases; 3) that the applicant will include a plan for stormwater management in Phase 1 which shall include a pond which can be expanded as the additional phases progress; and

WHEREAS, the NYS Department of Transportation (DOT) Region 9 Site Plan Review Board has advised that post-development stormwater discharge to the State Right-of-way may not exceed the pre-development condition, and that nothing may be placed within the State Right-of-way, including signage; and

WHEREAS, the Tioga County Planning Board has recommended approval with conditions that the applicant obtain all required state, county and local permits, licenses and registrations, and that the applicant comply with NYS DOT comments and requirements; and

WHEREAS, Mr. Watson stated that there will be lighting on the front and back of the barns, also on the office, which will point down from overhead so that it will not be obtrusive to the nearby residences or to traffic on State Route 434; and

WHEREAS, the security of the barns will be left up to the renters, no combustibles shall be stored, no work shall be performed inside the barns; and

WHEREAS, there are two wells located on the property, one to serve the future office building and one on the southern side of the parcel; and

WHEREAS, the applicant has submitted Part 1 of the Short Environmental Assessment Form to the Zoning Board of Appeals (ZBA), and the Chairman of the ZBA has been authorized to sign for Parts 2 and 3 which were prepared by the Planning & Zoning

Administrator who determined that the proposed action will not result in any significant adverse environmental impacts;

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 total of five 30' by 50' storage buildings for public rental;
2. Property is located at 4500 State Route 434 in the Town of Owego;
3. Property is situate in a General Business "GB" 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. 2086

In finality, the Board heard Appeal No. 2086 submitted by Casey Kuhlman of Tioga Gardens Properties. He is requesting an Area Variance of 15 feet to the front setback for one of two greenhouses they have purchased to replace greenhouses which were lost in an extremely heavy snowstorm in November 2020 which was followed by further exacerbating weather events.

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

Mr. Kuhlman stated that they have purchased two replacement greenhouses and wish to relocate them on their property to better serve their customers and their usage. One greenhouse will be installed well within the required setbacks, but they want to place a second greenhouse in front, toward the road, of the first. It would be 40 feet from the road, State Route 17C, but in actuality it will encroach 15 feet into the front setback. Mr. Kuhlman does not feel that the variance is substantial, nor that it will have any adverse effect on the physical or environmental conditions in the neighborhood.

Mr. Legg asked why he refers to the greenhouse as a temporary structure. Mr. Kuhlman explained that the State classifies it as such for their purposes.

Citing the entire record, Mr. Kresge made a motion to approve Appeal No. 2086. Mrs. Brown seconded the motion. Chairman Phelps, Mrs. Brown, Mr. Kresge, Mr. Legg and Mr. Myers voted in favor of the motion.

To: Casey Kuhlman
Tioga Gardens Properties
2217 State Route 17C
Owego, NY 13827

At a meeting of the Zoning Board of Appeals held via Zoom videoconferencing on the 4th day of March 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 4th day of March 2021, on notice according to law, at which Casey Kuhlman appeared and gave testimony to questions put to him by this Board; and

WHEREAS, Mr. Kuhlman explained that three greenhouses were lost in a heavy snowstorm in November 2020; and

WHEREAS, the applicant has purchased two replacement greenhouses and wishes to install them in a better location for the business which is on the south-east side of the property; and

WHEREAS, one greenhouse will be located well within the required setbacks, and a second greenhouse will need an area variance of 15 feet to the front yard setback of 40 feet; and

WHEREAS, Mr. Kuhlman submitted that other undeveloped areas on the property have dedicated uses such as wedding venue, parking, landscape materials storage and nursery/crop production; and

WHEREAS, the applicant has explained in his application that this is the most feasible option for establishing the greenhouses, which are considered temporary structures, and allows approximately 40 feet of lawn between the greenhouse and State Route 17C; and

WHEREAS, Mr. Kuhlman does not feel that the variance is substantial, nor will it have any adverse effect on the physical or environmental conditions in the neighborhood;

WHEREAS, no one appeared in opposition thereto;

NOW, THEREFORE, be it

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

1. Applicant is requesting an Area Variance of 15 feet to the front yard setback for a greenhouse;
2. Property is located at 2217 State Route 17C in the Town of Owego;
3. Property is situate in a General Business "GB" 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.

Mr. Myers made a motion to adjourn the meeting. Mr. Legg seconded the motion. Chairman Phelps, Mrs. Brown, Mr. Legg, Mr. Myers and Mr. Murphy voted in favor of the motion.

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

Respectfully submitted,

Linda Bailey, Secretary
Zoning Board of Appeals