

November 4, 2021
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, Jack Legg and David Kresge

Excused: Janet Brown

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

Chairman Phelps called the meeting to order. The minutes from the Regular Zoning Board Meeting held October 7, 2021 were considered. Dan Myers made a motion to accept the minutes as written. Jack Legg seconded the motion. Chairman Phelps, Mr. Kresge, Mr. Myers and Mr. Legg voted in favor of the motion.

Appeal No. 2101

The Board considered Appeal No. 2101, a request for an Area Variance to install a 196 square foot sign at the intersection of State Route 38 and Corporate Drive, submitted by Tioga County Industrial Development Agency.

Appearance: Jim Taber, of Jax Signs, on behalf of the Applicant

Exhibits: Application for an Area Variance dated October 21, 2021

Chairman Phelps asked Jim Taber for a brief overview of the request. Mr. Taber stated the current sign at the intersection is not large enough to accommodate all the businesses currently located on Corporate Drive. Tioga County Industrial Development Agency is requesting a larger sign to accommodate all of the businesses located on Corporate Drive and to help passing cars see the sign from a greater distance.

Chairman Phelps asked if the sign would be put in the same place as it currently sits. Mr. Taber stated that is the plan, and will meet the required setbacks. Chairman Phelps asked to clarify that the sign would not be any larger at the base of the structure, but the height will be greater. Mr. Taber stated that was correct. Chairman Phelps asked what colors and lettering will be used

on the sign. Mr. Taber stated the lettering would be standard text, with logos of each business, and it will be illuminated with LED lighting.

Chairman Phelps asked if there were any comments received from the public. There were no comments received. Chairman Phelps opened the public hearing. There was no one wishing to speak, and the public hearing was closed.

Mr. Legg questioned if exiting Corporate Drive vehicles would be able to see under the sign. Mr. Taber stated passenger vehicles would be able to, but the large 18-wheeler trucks would not, as the sign will sit approximately five (5) feet off the ground. Mr. Taber did state the sign would sit far enough back from the intersection so when vehicles approach the stop sign, they will have a visible sight line of State Route 38. Chairman Phelps stated Mr. Taber should check with the Tioga County Industrial Development Agency for any safety concerns with visibility.

Mr. Myers made a motion to approve the Area Variance for Appeal No. 2101 with the condition that the applicant confirm that visibility will not be impaired. Mr. Kresge seconded the motion. Chairman Phelps, Mr. Legg, Mr. Myers, and Mr. Kresge all voted in favor of the motion.

Reference:

Appeal No. 2101 dated November 4, 2021

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

To: Tioga County Industrial Agency Development
56 Main Street
Owego, NY 13827

At a meeting of the Zoning Board of Appeals held on the 4th day of November 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 November 2021, on notice according to law, at which Jim Taber of Jax Signs appeared on behalf of the client, and gave testimony to questions put forth to him by this Board; and

WHEREAS, Mr. Taber explained a new sign will be installed to make the intersection of State Route 38 and Corporate Drive safer and easier to navigate; and

WHEREAS, Mr. Taber agrees to check with Tioga County Industrial Development Agency regarding the visibility safety concerns; and

WHEREAS, Mr. Taber agrees to adhere to all required setbacks; 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 is requesting an Area Variance to install a 196 square foot sign
2. Property is located at the intersection of State Route 38 and Corporate Drive
3. Property is situating in an Industrial "IN" zoning district;

And by 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. 2102

Next the Board opened Appeal No. 2102 a request for a Special Use Permit to operate a home occupation submitted by Harold and Colleen Lutynski, 356 Main Street in the Town of Owego.

Appearance: Harold and Colleen Lutynski, Applicants

Exhibits: Application for a Special Use Permit dated October 15, 2021

Chairman Phelps asked Mr. and Mrs. Lutynski for a brief overview of the request. Mrs. Lutynski stated they currently have a small lavender farm, approximately one (1) acre. They would like to be able to have a small gift shop for purchasing items when patrons visit the farm.

Chairman Phelps questioned if the garage would be the gift shop. Mrs. Lutynski stated they have an eight (8) bay garage and would like to use one (1) bay as the gift shop.

Chairman Phelps asked if any comments were received from the public. There were no comments received. Chairman Phelps opened the public hearing. There was no one wishing to speak, and the public hearing was closed.

Mr. Legg asked if any products are currently sold. Mrs. Lutynski answered they currently sell items at local farmers markets, and the lavender is sold wholesale to area markets.

Chairman Phelps questioned the season for lavender. Mrs. Lutynski answered it is a short four (4) week harvesting season which starts beginning to mid-July, and traffic from patrons coming to harvest the lavender is usually complete by the first week of August.

Mr. Legg questioned if the gift shop will be open year round. Mrs. Lutynski stated it would be, but with limited hours, as it has to work around their schedule due to prior obligations. Mrs. Lutynski stated the gift shop would never be open more than five (5) days a week. Mr. Lutynski echoed this, adding the hours of operation would never be in the evening, keeping the neighbors in mind.

Mr. Legg made a motion to approve the Special Use Permit for Appeal No. 2102. Mr. Myers seconded the motion. Chairman Phelps, Mr. Kresge, Mr. Legg and Mr. Myers all voted in favor of the motion.

Reference:

Appeal No. 2102 dated November 4, 2021

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

To: Harold and Colleen Lutynski
356 Main Street
Apalachin, NY 13732

At a meeting of the Zoning Board of Appeals held on the 4th day of November 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 November 2021, on notice according to law, at which Harold and Colleen Lutynski appeared, and gave testimony to questions put forth to them by this Board, and

WHEREAS, Harold and Colleen Lutynski explained they live at 356 Main Street and would like to operate a small lavender field gift shop; 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 is requesting a Special Use Permit to operate a small lavender field gift shop
2. Property is located at 356 Main Street in the Town of Owego; and
3. Property is situate in a Residential B "RB" zoning district;

Any 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.

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

Respectfully Submitted,

Teddi Card
Secretary
Zoning Board of Appeals