

September 2, 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, Janet Brown and alternate Martin Murphy.

Excused: Chairman Gary Phelps

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

Acting Chairman Myers called the meeting to order. The minutes from the Regular Board Meeting held August 5, 2021 were considered. Martin Murphy made a motion to accept the minutes as written. Jack Legg seconded the motion. Acting Chairman Myers, Mr. Kresge, Mrs. Brown, Mr. Legg and Mr. Murphy voted in favor of the motion.

Appeal No. 2098

The Board considered Appeal No. 2098, a request for an Area Variance of 30 feet of the 40 foot setback requirement to construct a pole barn submitted by Stephen Jones, 3000 Chestnut Ridge Road in the Town of Owego.

*Appearance: Stephen Jones, Applicant*

*Exhibits: Application for an Area Variance dated August 19, 2021*

Acting Chairman Myers asked Mr. Jones for a brief overview of his proposed project. Mr. Jones stated that due to the storm that occurred in July, multiple trees were lost on his property. He has since then removed the remaining trees, laid crusher run, and wants to build a pole barn for storage, and privacy due to the natural barrier loss.

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

Mr. Legg asked what material was going to be used for the pole barn. Mr. Jones stated he planned to use metal walls, install windows, three garage doors, and an entry door. Mr. Legg asked if the area had already been prepped. Mr. Jones stated he has laid crusher run for where the pole barn will go.

Mr. Murphy clarified the area variance being requested, to be sure there will be no obstruction of view, due to Mr. Jones property is located at the corner of Chestnut Ridge and Montrose Turnpike. Mr. Jones stated there would be no obstruction of view, even when the trees were there, there was no obstruction.

Mr. Legg made a motion to approve the Area Variance for Appeal No. 2098. Mr. Kresge seconded the motion. Acting Chairman Myers, Mrs. Brown, Mr. Murphy, Mr. Legg, and Mr. Kresge all voted in favor of the motion.

Reference:  
Appeal No. 2098 dated September 2, 2021

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

To: Stephen Jones  
3000 Chestnut Ridge Road  
Apalachin, NY 13732

At a meeting of the Zoning Board of Appeals held on the 2<sup>nd</sup> day of September 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 2<sup>nd</sup> day of September 2021, on notice according to law, at which Stephen Jones appeared, and gave testimony to questions put to him by this Board; and

WHEREAS, Mr. Jones explained that he lives at 3000 Chestnut Ridge Road and would like to construct a pole barn in which he intends to store personal vehicles and equipment; 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 of 30 feet to the 40 foot setback for a Pole barn in an Agricultural (AG) zoning district; and

2. Property is located at 3000 Chestnut Ridge Road in the Town of Owego; and
3. Property is situate in an Agricultural "AG" 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.

Appeal No. 2097

Next the Board opened Appeal No. 2097 a request for a Flood Plain Development permit submitted by Alexander Urda on behalf of Roger Steen.

*Appearance: Alexander Urda, of Urda Engineering, PPLC on behalf of the applicant;*

*Exhibits: Application for a Flood Plain Development Permit dated February 4, 2021*

Ms. Lindstrom stated the record needs to reflect the legal notice that was published in accordance with law, needed to be corrected from stating parcel was in a General Business "GB" zoning district, to Highway Interchange "HIC" zoning district.

Alexander Urda, of Urda Engineering, PPLC was representing the client. Mr. Urda explained that Mr. Steen now owns the land located on NYS 434/Main Street Apalachin. Mr. Urda stated that Mr. Steen intends to make grade improvements to bring the land to flood elevation, and turn it back into a grassy parcel. Mr. Urda noted that Mr. Steen has no plans to build on the parcel, he only intends to grade and make the parcel marketable.

Mrs. Brown asked how many acres in total were going to be disturbed. Mr. Urda stated 9.8 acres will be graded.

Mr. Murphy asked if there were materials onsite to do this grade improvement. Mr. Urda stated Mr. Steen would use what was already there, but expects more material to be transported to the site.

Mr. Legg asked if the material that was already on site was from Lindsay Lawn and Tractor. Mr. Urda stated it was.

Mr. Murphy asked who the owner of Apalachin Development was that Mr. Steen bought the parcel from. Mr. Urda stated the Akel family. Mr. Murphy questioned about the finding in July by the Town of Owego Code Enforcement, when Mr. Steen was found to be grading prior to approval. Mr. Urda stated Mr. Steen was not to be doing any improvements, and did not realize he was.

Mr. Kresge made a motion to approve the Flood Plain Development Permit for Appeal No. 2097. Mr. Murphy seconded the motion. Acting Chairman Myers, Mrs. Brown, Mr. Legg, Mr. Kresge and Mr. Murphy all voted in favor of the motion.

Reference:  
Appeal No. 2097 dated September 2, 2021

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

To: Roger Steen  
171 Maple Street  
Little Meadows, PA 18830

At a meeting of the Zoning Board of Appeals held of the 2<sup>nd</sup> day of September 2021, the above referenced Appeal was considered and the Board by resolution GRANTED your request for an a Flood Plain Development 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 2<sup>nd</sup> day of September 2021, on notice according to law, at which Alex Urda, on behalf of the applicant, appeared and gave testimony to questions put to him by this Board; and

WHEREAS, Mr. Urda explained that the applicant only intends to do grade improvement and bring parcel to flood elevation;

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 Flood Plain Development Permit to improve grading in a Highway Interchange (HIC) zoning district;
2. Property is located at NYS 434/Main Street 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 Flood Plain Development is hereby GRANTED.

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

#### Appeal 2084

Next the Board opened Appeal No. 2084 a request for a Special Use Permit submitted by Alex Urda on behalf of Roger Steen.

*Appearance: Alexander Urda, of Urda Engineering, PLLC on behalf of applicant;  
Exhibits: Application for a Special Use Permit dated February 4, 2021*

Ms. Lindstrom stated the record needs to reflect the legal notice that was published in accordance with law, needed to be corrected from stating parcel was in a General Business "GB" zoning district, to Highway Interchange "HIC" zoning district.

Alexander Urda, of Urda Engineering, PLLC was representing the client. Mr. Urda explained that Mr. Steen now owns the located on NYS 434/Main Street Apalachin. Mr. Urda stated that Mr. Steen intends to make grade improvements to bring the land to flood elevations, and turn back into a grassy parcel. Mr. Urda noted Mr. Steen has no plans to build on the parcel, he only intends to grade and make the parcel marketable.

Acting Chairman Myers read into the record the summary for the Special Use Permit. On January 19, 2021, Well Head Protection Permit #1-1998 was approved by the Town of Owego Board with the contingency:

1. Only clean fill be used.

On February 17, 2021, Tioga County Planning Board could not achieve a majority vote which resulted in an inaction.

On February 17, 2021, NYSDOT (New York State Department of Transportation) mailed a letter noting the following contingencies:

1. Nothing is to be placed in state right of way, including fill material and;
2. The applicant may be required to install warning signs for the truck entrance and;
3. Any plans are to be submitted to NYSDOT for review if development is proposed on the site.

On February 25, 2021, Town of Owego Planning Board approved the Special Use Permit with the following contingencies:

1. Grading plan must be amended to alleviate ponding on the property line to avoid run off on neighboring properties and;
2. Surety that there will be no other activities on the parcel other than grading.

July 30, 2021 Town of Owego Code Enforcement observed grading activity at the site. Met Mr. Steen and the operators to discuss lack of proper permits, which was followed up with a letter

stating same, and also personally served to Mr. Steen. No activity had been observed since this interaction.

Acting Chairman Myers asked if any comments were received by the public. None were and therefore the public hearing was closed.

Mr. Legg asked for clarification on what part of the parcel is to be graded. Mr. Urda explained everything will be graded up to 827 feet. Mr. Legg questioned where runoff from rain storms will go. Mr. Urda explained the property is currently humped in the middle, therefore water runs down the sides and finds its way out. Mr. Legg expressed his concern in the event of massive flooding. Mr. Urda stated he uses the FEMA models when he draws up the plans in a floodplain.

Acting Chairman Myers completed the SEQR (State Environmental Quality Review) Parts I & II with Ms. Lindstrom and Mr. Urda answering any questions that arose. Acting Chairman Myers then introduced the resolution to declare a negative declaration under SEQR.

RESOLUTION  
TOWN OF OWEGO ZONING BOARD OF APPEALS  
A RESOLUTION OF NEGATIVE DECLARATION  
FOR THE GRADING IMPROVEMENT PROJECT AT NYS ROUTE 434/MAIN STREET  
September 2, 2021

Mr. Murphy made a motion to accept to the resolution. Mrs. Brown seconded the motion. Acting Chairman Myers, Mr. Kresge, Mr. Legg, Mr. Murphy and Mrs. Brown all voted in favor of the motion.

Mr. Murphy asked when Mr. Steen plans to start. Mr. Urda stated the Storm Water Prevention Plan (SWPP) still needs to be approved, and once that is done, he intends to start.

Mr. Legg asked if any outside sources were planning to bring in fill for the project. Mr. Urda stated as of right now, there is no plans for an outside source.

Mr. Murphy made a motion to approve the Special Use Permit Appeal No. 2084 with the following contingencies;

1. Only clean fill is to be used at the site
2. The drainage situation is addressed in regards to ponding water at neighboring properties
3. No activity other than grading
4. Equipment is to be leak free, and in good working condition

Mr. Kresge seconded the motion. Acting Chairman Myers, Mr. Legg, Mrs. Brown, Mr. Murphy and Mr. Kresge all voted in favor of the motion.

Reference:  
Appeal No. 2084 dated September 2, 2021

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

To: Roger Steen  
171 Maple Street  
Little Meadows, PA 18830

At a meeting of the Zoning Board of Appeals held of the 2<sup>nd</sup> day of September 2021, the above referenced Appeal was considered and the Board by resolution GRANTED your request for an 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 2<sup>nd</sup> day of September 2021, on notice according to law, at which Alex Urda, on behalf of the applicant, appeared and gave testimony to questions put to him by this Board; and

WHEREAS, Mr. Urda explained that the applicant only intends to do grade improvement and bring parcel to flood elevation; and

WHEREAS, The Town of Owego Board approved Well Head Permit #1-1998 with the contingency only clean fill to be used; and

WHEREAS, The Town of Owego Planning Board reviewed Roger Steen's request for a Special Use Permit and recommended approval subject to the grading plan be amended to alleviate ponding near the neighboring properties, and surety that only grading improvement will be occurring at the site; and

WHEREAS, New York State Department of Transportation requested nothing to be placed in the state right of way, including fill, applicant is to send plans for review before project, and warning signs be placed for truck entrances; and

WHEREAS, applicant agrees to have leak free equipment and in good working condition; 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 improve grading in a Highway Interchange (HIC) zoning district;
2. Property is located at NYS 434/Main Street 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.

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

Respectfully submitted,

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