

January 6, 2022
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, David Kresge and Janet Brown

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

Chairman Phelps called the meeting to order. The minutes from the Regular Zoning Board Meeting held December 2, 2021 were considered. Janet Brown made a motion to accept the minutes as written. David Kresge seconded the motion. Chairman Phelps, Mr. Legg, Mr. Myers, Mrs. Brown and Mr. Kresge voted in favor of the motion.

Appeal No. 2104

The Board considered Appeal No. 2104, a request for an Area Variance to construct a 100 foot monopole within 500 feet of a helipad located on Lockheed Martin's property in the Town of Owego, submitted by Centerline Communications on behalf of AT&T.

Appearance: Brenda Blask-Lewis, Centerline Communications

Exhibits: Application for an Area Variance dated December 6, 2021

Chairman Phelps asked Ms. Blask-Lewis for a brief overview of the request. Ms. Blask-Lewis stated AT&T is proposing a 100 foot monopole on Lockheed Martin's property to improve communication coverage to Lockheed Martin's facility, as well surrounding areas on State Route 17C, Day Hollow Road and Bodle Hill.

Chairman Phelps asked if the monopole would be solely for AT&T, or if there were plans to have other carriers use as well. Ms. Blask-Lewis stated it would be for AT&T use only. Chairman Phelps asked with the ingress and egress would be for access to the tower. Ms. Blask-Lewis stated Day Hollow Road.

Mr. Myers asked how the monopole would be powered. Ms. Blask-Lewis stated the utilities would come from Day Hollow Road. Mr. Myers asked if there was frontage from Day Hollow. Ms. Blask-Lewis stated yes.

Chairman Phelps asked if the monopole would have a light at the top. Ms. Blask-Lewis stated there would be at the request of Lockheed Martin, but it was not needed for the FAA or FCC.

Mr. Myers asked if there would be fencing around the monopole. Ms. Blask-Lewis stated AT&T would leave a 100ft x 100ft section of land, and the monopole would have a 70ft x 70ft fence around the perimeter.

Mr. Legg asked the proximity to an already existing power plant. Ms. Blask-Lewis stated she did not have the definite number, but it was quite a ways from it. Mr. Legg asked if the monopole would be 4G or 5G. Ms. Blask-Lewis stated all equipment is regulated by the FCC, and if there were any interference with communications, it would need to be corrected by AT&T.

Mr. Myers asked for a timeline for construction. Ms. Blask-Lewis stated usually two (2) to three (3) months but could get a more definite timeline. Mr. Myers asked where the construction vehicles would be entering while the pole is being built. Ms. Blask-Lewis stated construction vehicles would be using Lockheed Martin's parking lot for access.

Mr. Myers made a motion to approve the Area Variance for Appeal No. 2104 with the condition a letter is received showing a lease agreement between Lockheed Martin and AT&T. Mr. Legg seconded the motion. Chairman Phelps, Mr. Kresge, Mrs. Brown, Mr. Myers and Mr. Legg all voted in favor of the motion.

Reference:

Appeal No. 2104 dated January 6, 2022

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

To: Centerline Communications
763 Eatonville Road
Herkimer, NY 13350

At a meeting of the Zoning Board of Appeals held of the 6th day of January 2022, 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 of the 6th day of January 2022, on notice according to the law, at which Brenda Blask-Lewis appeared on behalf of AT&T and gave testimony to questions put forth to her by this Board; and

WHEREAS, Ms. Blask-Lewis explained the monopole would be to improve communication to the Lockheed Martin facility and surrounding areas; and

WHEREAS, Ms. Blask-Lewis agrees to show proof of the lease agreement between Lockheed Martin and AT&T; 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 requested an Area Variance to install a 100ft tall monopole
2. Property is located near 1801 State Route 17C
3. Property is situating in a Residential B "RB" zoning district;

And be 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. 2105

Next the Board heard Appeal No. 2105, a request for a Special Use Permit for a Home Occupation, submitted by Jane Shelp, 39 Broughton Drive in the Town of Owego.

Appearance: Jane Shelp, Applicant

Exhibits: Applicant for a Special Use Permit dated December 20, 2021

Chairman Phelps asked Ms. Shelp for a brief overview of the request. Ms. Shelp explained that she currently owns a dog grooming business in Endicott, New York, but would like to be able to work from home. Ms. Shelp states she would like to remove the carport that is currently attached to her home, and in its place, have a shed where her grooming business would be.

Chairman Phelps if any public comments were received. Ricky Barton, 40 Broughton Drive, left a message with Planning and Zoning that his only concern would be parking. He stated if customer vehicles park on the street, it would make it difficult for him to have access to his driveway. Ms. Shelp stated the customers would only be there for dropping off and picking up their dogs, and they would be using her driveway.

Chairman Phelps asked about the utilities to the shed. Ms. Shelp stated all utility hook ups would be done by professionals. Ms. Lindstrom stated that a building permit would be needed before any plumbing and electrical work is done.

Chairman Phelps asked if there would be kennels to hold the dogs in while waiting for the owner to arrive. Ms. Shelp stated she uses crates that would be inside the shed. Chairman Phelps asked what the hours of operation would be. Ms. Shelp stated 8:00AM to 3:00PM.

Mr. Legg asked if there would be any signage. Ms. Shelp stated she would like to use a small one on the front of the shed.

Mrs. Brown made a motion to approve the Special Use Permit for Appeal No. 2105 with the condition a Building Permit is issued and professionals complete the work for plumbing and electrical. Mr. Kresge seconded the motion. Chairman Phelps, Mr. Legg, Mr. Myers, Mrs. Brown and Mr. Kresge all voted in favor of the motion.

Reference:
Appeal No. 2105 dated January 6, 2022

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

To: Jane Shelp
39 Broughton Drive
Apalachin, NY 13732

At a meeting of the Zoning Board of Appeals held on the 6th day of January 2022, 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 January 2022, on notice according to law, at which Jane Shelp appeared and gave testimony to the questions put forth to her by this Board; and

WHEREAS, Ms. Shelp explained she would like to move her dog grooming business to her home; and

WHEREAS, Ms. Shelp agrees to have customer vehicles use her driveway for parking; and

WHEREAS, Ms. Shelp agrees to apply for a Building Permit to have any plumbing and electrical work completed by professionals;

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 for a home occupation
2. Property is located at 39 Broughton Drive
3. Property is situating in a Residential B "RB" zoning district;

And be it further

RESOLVED, the application for the Special Use Permit is here by GRANTED.

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

Appeal No. 2106

Next the Board opened Appeal No. 2106 a request for a Special Use Permit for the construction of a community solar farm at the vacant parcel adjacent to 4280 State Route 434, submitted by Farmer Brown Solar, LLC.

Appearance: None

Exhibits: Application for a Special Use Permit dated December 23, 2021

Chairman Phelps introduced the resolution to declare Lead Agency under SEQR.

RESOLUTION
TOWN OF OWEGO ZONING BOARD OF APPEALS
A RESOLUTION DECLARING INTENT TO SERVE AS LEAD AGENCY

FOR THE FARMER BROWN SOLAR, LLC SOLAR FARM PROJECT AT THE VACANT PARCEL
ADJACENT TO 4280 STATE ROUTE 434 APALACHIN, NY
January 6, 2022

In accordance with the New York State Environmental Quality Review Act (SEQR) the Town of Owego Zoning Board of Appeals declares its intent to act as Lead Agency for the purposes of completed a Coordinated Environmental Review for the "Farmer Brown Solar Farm" proposed at a vacant parcel adjacent to 4280 State Route 434, Apalachin, NY, Special Use Permit #2106.

Mr. Myers made a motion to act as Lead Agency. Mr. Legg seconded the motion.

Chairman Phelps adjourned the meeting.

Respectfully submitted,

A handwritten signature in black ink that reads "Teddi Card". The signature is written in a cursive, flowing style.

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