

May 5, 2022
7:00 PM
Owego Town Hall
2354 State Route 434
Apalachin, NY 13732

MEETING OF THE TOWN OF OWEGO ZONING BOARD OF APPEALS

Present: Chairman Gary Phelps, Jack Legg, David Kresge, and alternate Martin Murphy

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

Excused: Dan Myers and Janet Brown

Chairman Phelps called the meeting to order. The minutes from the Regular Zoning Board Meeting held April 7, 2022 were considered. Martin Murphy made a motion to accept the minutes as written. David Kresge seconded the motion. Chairman Phelps, Mr. Legg, Mr. Murphy and Mr. Kresge voted in favor of the motion.

Appeal No. 2110

The Board considered Appeal No. 2110, a request for a Special Use Permit to operate a landscaping and garden center with a retail florist at 6792 State Route 434 in the Town of Owego, submitted by Christopher Mix of Morning Light Landscapes.

Appearance: Christopher Mix, Owner of Morning Light Landscapes

Exhibits: Application for a Special Use Permit dated April 4, 2022

Chairman Phelps asked Mr. Mix for a brief overview of the proposal. Mr. Mix stated he intends to operate his garden center and landscaping business along with a retail florist at the location. Chairman Phelps asked if Mr. Mix had a revised site plan for the Board to review, per the request of the Town of Owego Planning Board. Mr. Mix provided a copy to the Board of the revised site plan. Mr. Mix stated he met with New York State Department of Transportation (NYSDOT) and they are in agreement the existing entrance and exits to the property are satisfactory because of the distance from the intersection and street light. Mr. Mix also stated NYSDOT would grant and Special Use Permit for him to allow parking in the lot along State Route 434, as this is in the NYS right of way. Chairman Phelps stated a letter from NYSDOT would need to be provided before operation was allowed. Chairman Phelps asked how the larger equipment will have access to the space. Mr. Mix stated he sectioned off a designated area. Chairman Phelps asked

if the road behind the property is going to be used as an access. Mr. Mix stated no, that is not on the property he is leasing. Chairman Phelps asked if setbacks would need to be abided by with the proposed mulch bins. Ms. Lindstrom answered no as they are not permanent structures. Chairman Phelps asked if there would be any sign placement. Mr. Mix stated no, just what is already on the building. Ms. Lindstrom stated no permit would be needed.

Mr. Legg asked if the business would open in stages. Mr. Mix stated right now the business is extremely busy, therefore it would take time.

Chairman Phelps asked if the parking lot would be striped. Mr. Mix stated yes. Chairman Phelps asked how many handicap accessible spaces would be needed. Mr. Lindstrom stated one, included in the fifteen (15) total spaces needed. Chairman Phelps asked if the business would be seasonal. Mr. Mix stated no, it would be year round with the retail florist.

Mr. Legg asked if there is a designated delivery area for the florist. Mr. Mix stated there is a back door to the building that can be utilized.

Chairman Phelps questioned if there would be entrance and exit signs. Mr. Mix stated he planned to paint arrows at the entrance and exits. Chairman Phelps stated Mr. Mix would need entrance and exits signs to prevent a possible accident from occurring with being so close to a busy intersection.

At this time Chairman Phelps opened the public hearing. With no one present wishing to speak, the public hearing was closed. Chairman Phelps noted the letters that were received from NYSDOT with requirements and the Tioga County Planning Board with recommendations. Chairman Phelps also noted that the Apalachin Fire Department had no comments and the plan had met with their approval. Ms. Lindstrom notified Chairman Phelps that after many of attempts of trying to reach Gary Hammond, Commissioner of Tioga County Department of Works, and no comment was received. No comments were received by adjoining property owners.

Chairman Phelps questioned if there would be storage of oils, waste oil, or fuel on site. Mr. Mix stated all the equipment is serviced off site and no storage, other than gas cans for the job sites, would be on site.

Mr. Murphy asked if any chemicals or fertilizer would be on site. Mr. Mix stated everything is organic, they do not use any chemicals or fertilizer. Ms. Lindstrom stated that Mr. Mix had already received approval for a wellhead protection permit.

Mr. Legg asked if there would be evening/night lighting. Mr. Mix stated he planned to utilize an existing pole that NYSEG had previously installed with a light to shine directly down upon the

business. Mr. Mix stated he plans to have string lights around the green house which will be set on a timer.

Chairman Phelps asked if there would be any lighting on the building. Mr. Mix stated there would not, only using what is existing. Chairman Phelps noted the letter from the owner of the building, Jonathan Marks, with his approval of the proposed project. Chairman Phelps asked for clarification of the business hours and number of employees. Mr. Mix stated the business would be open Monday through Friday 8:00AM to 5:30PM and Saturday 10AM to 3PM, closed on Sundays, with currently seven (7) full time employees, with hopes to hire on ten (10) more, either full time or seasonal. Chairman Phelps noted that the project had been classified as a Type II action under SEQR (State Environmental Quality Review Act).

Mr. Legg made a motion to approve the Special Use Permit with the recommendations from NYSDOT and the Tioga County Planning Board, along with a copy of the revised site plan and a letter from NYSDOT stating that parking would be allowed along State Route 434. Mr. Murphy seconded the motion. Chairman Phelps, Mr. Kresge, Mr. Legg and Mr. Murphy all voted in favor of the motion.

Reference:

Appeal No. 2110 dated May 5, 2022

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

To: Christopher Mix
25 Potts Road
Owego, NY 13827

At a meeting of the Zoning Board of Appeals held the 5th day of May 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 5th day of May 2022, on notice according to the law, at which Christopher Mix appeared on behalf of Morning Light Landscapes and gave testimony to questions put forth to him by this Board; and

WHEREAS, Mr. Mix explained he would operate a year round landscaping business and garden center with a retail florist; and

WHEREAS, Mr. Mix agreed to comply with the NYSDOT and Tioga County Planning Board recommendations; and

WHEREAS Mr. Mix agreed to submit a copy of the revised site plan to the Town of Owego Planning & Zoning Office; and

WHEREAS, Mr. Mix agreed to get a letter from NYSDOT in reference to parking;
and

WHEREAS, no public comments were received;

NOW, THEREOFRE, be it

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

1. Applicant requested a Special Use Permit to operate a year round landscaping business and garden center with a retail florist
2. Property is located at 6792 State Route 434
3. Property is situating in an Industrial "IN" zoning district;

And be it further

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

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

Chairman Phelps then reviewed the Floodplain Development Permit for Appeal No. 2110. Ms. Lindstrom stated the only requirement would be to anchor the greenhouse. Mr. Mix agreed. Chairman Phelps asked how the greenhouse would be vented in the event of a flood. Mr. Mix stated the greenhouse is made of plastic, therefore the sides can be cut away to allow water to flow through.

Mr. Murphy made a motion to grant the Floodplain Development Permit for Appeal No. 2110. Mr. Kresge seconded. Chairman Phelps, Mr. Legg, Mr. Murphy and Mr. Kresge all voted in favor of the motion.

Reference:

Floodplain Development Permit for Appeal No. 2110 dated May 5, 2022

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

To: Christopher Mix
25 Potts Road
Owego, NY 13827

At a meeting of the Zoning Board of Appeals held on the 5th day of May 2022, the above referenced Floodplain Development Permit for Appeal No. 2110 was considered and the Board by resolution GRANTED your request 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 5th day of May 2022, on notice according to the law, at which Christopher Mix appeared on behalf of Morning Light Landscapes and gave testimony to questions put forth to him by this Board; and

WHEREAS, Mr. Mix agreed to anchor the greenhouses; 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 a Floodplain Development Permit
2. Property is located at 6792 State Route 434
3. Property is situating in an Industrial "IN" zoning district;

And be it further

RESOLVED, the application for the Floodplain Development 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. 2112

Next the Board heard Appeal No. 2112, a request for an Area Variance of four feet to construct a shed 6 feet from the rear property line, submitted by Patrick Gallagher, 18 Deborah Drive.

Appearance: Patrick Gallagher, Applicant

Exhibits: Application for an Area Variance dated April 22, 2022

Chairman Phelps asked Mr. Gallagher for a brief overview of the request. Mr. Gallagher explained he wants to construct a shed in his rear yard to store recreational sporting equipment. Mr. Gallagher stated because of the grading on the land, the only useable space is not within the required setbacks. Mr. Gallagher also noted his rear yard faces his neighbor's side yard.

Mr. Murphy asked if Mr. Gallagher had spoken to any of his neighbors. Mr. Gallagher stated he had, and they did receive notification of the meeting, and the neighbors were in agreeance with Mr. Gallagher's proposal.

Chairman Phelps then opened the public hearing, with no one wishing to speak and no comments received in the office, the public hearing was closed.

Mr. Murphy made a motion to approve the Area Variance for Appeal No. 2112. Mr. Kresge seconded the motion. Chairman Phelps, Mr. Legg, Mr. Murphy and Mr. Kresge all voted in favor of the motion.

Reference:
Appeal No. 2112 dated May 5, 2022

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

To: Patrick Gallagher
18 Deborah Drive
Apalachin, NY 13732

At a meeting of the Zoning Board of Appeals held of the 5th day of May 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 on the 5th day of May 2022, on notice according to law, at which Patrick Gallagher appeared and gave testimony to the questions put forth to him by this Board; and

WHEREAS, Mr. Gallagher explained he would like to construct a shed to store recreational sporting 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 four feet to construct a shed
2. Property is located at 18 Deborah Drive
3. Property is situating in a Residential B "RB" zoning district;

And be it further

RESOLVED, the application for the Area Variance is here by GRANTED.

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

Chairman Phelps adjourned the meeting.

Respectfully submitted,

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