

April 6, 2023
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, David Kresge, Jack Legg

Others Present: Planning & Zoning Administrator Joann Lindstrom

Excused: Janet Brown, Town of Owego Attorney Irene Graven

Chairman Phelps called the meeting to order at 7:00pm. A correction from the minutes from the Regular Zoning Board Meeting held January 5, 2023 were considered, a typo in the decision on appeal 2124 read "area variance" and should have read "special use permit." Mr. Myers made a motion to accept the correction, Mr. Kresge seconded the motion, all in favor. The minutes from the Regular Zoning Board of Appeals Meeting held February 2, 2023 were considered. Chairman Phelps tabled due to a lack of quorum, as both Mr. Myers and himself were absent for said meeting.

Appeal No. 2128

The Board visited Appeal No. 2128, a request for an area variance on 75 foot setback requirement to operate a junkyard at 1321 West Creek Road. The public hearing was opened. Mr. Legg made a motion to adjourn the public hearing and table the area variance. Mr. Myers seconded the motion. All in favor.

Appeal No. 2129

The Board visited Appeal No. 2129, a request for a Special Use Permit to operate a junkyard at 1321 West Creek Road. The public hearing was opened. Mr. Myers made a motion to adjourn the public hearing and table the special use permit. Mr. Kresge seconded. All in favor.

Appeal No. 2130

The Board visited Appeal No. 2130, a request for a Special Use Permit to operate a full service dog business at 6485 State Route 434, submitted by Helena McDowell, owner of Bella's Boutique.

Appearances: Helena McDowell of Bella's Boutique and Reed Perkins, Property Owner

Exhibits: Application for a Special Use Permit dated March 2, 2023

Ms. McDowell wants to add a dog daycare to an already existing grooming, training and boarding business. Ms. McDowell grooms and trains dogs at her Lake Street location and boards the dogs at her home address. Ms. McDowell would like to grow her business at the proposed location. Ms. McDowell would never have more than fifteen dogs on site at a time. The hours of operation for the daycare are from seven a.m. to seven p.m., Monday through Friday. The dog grooming and training hours would be from nine in the morning until six in the evening.

Chairman Phelps asked about vaccine requirements. Ms. McDowell stated the vaccine requirements for the daycare are leptospirosis, parvovirus, distemper, kennel cough, rabies with Lyme being optional. The dog also needs a negative stool sample within the last thirty days. The vaccine requirements for grooming is rabies only with recommendation of more.

Chairman Phelps inquired about the intended use of the accessory buildings on site. Ms. McDowell stated the building out back is for storage or a rainy day dog activity. Chairman Phelps asked about kennels inside the building. Ms. McDowell stated each dog will be crated that will not have a person with them so that the dogs are not left to roam unattended.

Chairman Phelps read into the minutes: permission from the property owner, Mr. Perkins; the comment from Town of Owego regarding the use of a special hair trap in the drain; the approval from Town of Owego Dog Control.

Chairman Phelps recommended that the dog waste is cleaned up regularly. Ms. McDowell stated that she will have one gallon trash receptacles that hang on the fence that are used throughout the day. Part of the closing process involves a walk-through of the property to make sure that no waste was missed throughout the day.

Chairman Phelps asked about the adequacy of the thirty feet by fifty feet fence that has already been installed. Ms. McDowell stated it is the first of two fences. The next fence will encompass that fence as well as a small building at the back of the property.

Chairman Phelps opened the public hearing and asked if there were any comments from neighbors. Ms. Lindstrom stated there were none. Chairman Phelps then closed the public hearing and opened it up to the Board for questions and comments.

Chairman Phelps read the correspondence about the Town Attorney, Irene Graven, recommending a maximum of four dogs. Ms. Lindstrom stated that initially that was the case when the applicant was looking to board the dogs at this location, as a dog kennel is not allowed at this location based on its zoning district.

Chairman Phelps read the Town of Owego Planning Board recommendation and the New York State Department of Transportation letter into the minutes.

Mr. Kresge asked about any signage at the site. Ms. McDowell stated that she would use the existing signage and just cover that up with banners.

Mr. Myers asked if the fence that Ms. McDowell was a temporary fence. Ms. McDowell stated that it is a portable fence and she plans to keep it that way since she does not own the property. The landowner, Mr. Perkins, stated that if it needed to be permanent it could be. Mr. Myers asked if the proposed new fence will also be temporary. Ms. McDowell stated that it would be. Mr. Perkins stated that they could be staked. Chairman Phelps recommends that they be staked to avoid dogs potentially digging and getting loose.

Chairman Phelps read into the minutes the Tioga County Planning Board recommended approval with the following conditions noted:

1. That the applicant obtains all required federal, state or local permits, licenses and registrations.
2. That the applicant complies with requirements and comments from the NYS DOT Region 9 Site Plan Review Committee.
3. That the applicant and the Town of Owego decide on a mutually agreeable number of dogs to have in the facility at any given time.

Chairman Phelps read into minutes from the Town of Owego Director of Utilities that no animal waste can be discharged to public sewer and the Town of Owego Town Board Wellhead Protection Permit Number 2-2023 granted.

Mr. Legg asked about any onsite lighting for the parking area. Ms. McDowell is not opposed to adding outdoor lighting. Chairman Phelps stated that when the seasons change and it's darker later in the year, it will be necessary for the safety of everyone at the site.

Mr. Meyers made a motion to approve Appeal Number 2130 with the conditions that were entered into the record and no more than a maximum number of fifteen dogs at any given time, staking of the fences and adding outdoor lighting. Mr. Kresge seconded the motion and the motion was carried unanimously.

With there being no further business, the meeting was adjourned at 7:25pm.

Reference:

Appeal No. 2130 dated March 2, 2023

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

To: Helena McDowell
377 Howe Road
Berkshire, NY 13736

At a meeting of the Zoning Board of Appeals held the 6th day of April 2023, 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 follow, viz:

WHEREAS, a public hearing was held on the 6th day of April 2023, on notice according to the law, at which Helena McDowell of Bella's Boutique appeared and gave testimony to questions put forth to her by this Board; and

WHEREAS, the applicant desires to operate a full service dog business to include grooming, training and daycare at 6485 State Route 434; and

WHEREAS, the Town of Owego Town Board has approved Well Head Protection Permit Number 2-2023 application, dated March 2, 2023; and

WHEREAS, the Tioga County Planning Board has recommended approval in their letter dated March 16, 2023 with the following conditions:

1. That the applicant obtains all required federal, state or local permits, licenses and registrations;
2. That the applicant complies with requirements and comments from the NYS DOT Region 9 Site Plan Review Committee;
3. That the applicant and the Town of Owego decide on a mutually agreeable number of dogs to have in the facility at any given time; and

WHEREAS, the NYS Department of Transportation has advised

1. That nothing may be placed within the State rights-of-way along either NYS Route 434 or NYS Route 17, including fencing, signage or parking;
2. That no clearing of vegetation will be allowed within the State right-of-way; and

WHEREAS, the Town of Owego Planning Board has recommended approval dated March 28, 2023; and

WHEREAS, Ms. McDowell agreed to have no more than fifteen dogs at any given time;
and

WHEREAS, Ms. McDowell agreed to stake both of the fences; and

WHEREAS, Ms. McDowell agreed to add outdoor lighting; and

WHEREAS, no comments from the public were received; and

NOW, THEREFORE, 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 full service dog business
2. Property is located at 6485 State Route 434
3. Property is situated in a Highway Interchange (HIC) zoning district;

And be it further

RESOLVED, the application for the 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.

Respectfully Submitted,

Brenda Burrell, Secretary
Zoning Board of Appeals
Town of Owego