

TOWN OF SCHUYLER ZONING BOARD OF APPEALS
APRIL 28, 2015 – 7:00 PM
PUBLIC HEARING

APPLICATION FOR A USE VARIANCE BY SANDEE SHULTZ
TO OPERATE A LIGHT MANUFACTURING COMPANY IN A C-H DISTRICT AT 2220 STATE ROUTE 5
(FORMER RAMSCO BUSINESS LOCATION)

Chairman Beach called the Public Hearing to order at 7:00 PM. Other ZBA Members present were: Vice Chairman Joseph Aiello IV; Judy Parry; Christine Proulx; and JoAnn Mammone. Also present were: Codes Officer Philip Green; Bette Szesny, who served as Recording Secretary; Town resident Ricky Proulx; Karen Mirzwa; and the applicant, Sandy Shultz.

Mr. Beach stated the purpose of this public hearing is to consider an application for a Use Variance by Sandee Shultz to operate light manufacturing facility in a C-H District at 2220 State Route 5, in accordance with Section 9 of the Town's zoning ordinance.

Ms. Shultz appeared before the ZBA to describe her proposal as follows:

She stated her business, "Northern Lights Docks" manufactures handicap ramps. She currently operates her business in a Utica, NY location which is not very accessible to her employees, who are handicapped. She is therefore seeking to relocate, and her search has focused on the above location in Schuyler because of its accessibility to handicapped. She said all her handicap ramps are custom made, and 96% of her suppliers are located in NYS, describing in great detail the suppliers and the high end quality of their products. She said she currently has two manufacturing employees and two in sales, but her future plans are to expand to 10.

Mr. Beach asked whether she intends to purchase the building. Ms. Shultz stated she does, but needs a permit from the town before proceeding with the purchase as it is a large investment.

Mr. Aiello asked if she will be buying the parts and then assembling of the ramps at the facility. Ms. Shultz stated this is the process. Mr. Aiello asked about the hours of operation. Ms. Shultz stated they are currently 8:00 AM to 4:30 PM, and 6:30 AM to 4:00 PM, 4 days a week. During the low time they shut down which is usually for 3 weeks, but now is their busy time. Finished product is shipped to a number of other states. She has just hired two new employees who are fantastic workers, despite having autism. A small showroom will be located in the front of the building for sales. She plans signs on the front of the building as well as on the front of the property. Discussion was then entertained regarding state and local laws regarding setbacks for signage.

Mr. Green asked about outside storage. Ms. Shultz stated this will be necessary.

Mr. Aiello asked about fencing. Ms. Shultz stated there will be fencing for security. Property borders were then discussed. Mr. Aiello also asked about planned changes to the aesthetics of the building. Ms. Shultz stated she plans to paint the building to improve its appearance. She stated the structure of the building is good. Mr. Aiello asked about by-products created with cutting the materials; Ms. Shultz stated there are none. Ms. Shultz provided brochures to Board members describing the ramps. She said orders placed can be filled in 2-1/2 hrs., if needed.

Ms. Shultz stated she is the first woman owner of a manufacturing business in NYS and she has received notification from the governor that he will be present at her ribbon-cutting ceremony. She stated she is a disabled woman veteran. Mrs. Szesny stated she would like to be present to take photos for the newsletter.

Ms. Shultz stated future plans are to expand the business to include rentals for special occasions attended by handicapped persons and families who may need handicap ramps on a temporary basis.

Mr. Aiello stated the Board cannot issue a variance/permit until the applicant is the owner of the building. Mr. Green stated the permit can be issued pending the applicant's purchase of the property.

Mr. Beach offered the motion to grant Ms. Shultz a use variance to operate a light manufacturing facility at the 2220 State Route 5 location, pending her purchase of the property. The motion was seconded by Christine Proulx. All members present voted affirmatively by voice vote. Motion carried.

The secretary will generate a letter to Ms. Shultz confirming the approval of her use variance pending her purchase of the 2220 State Route 5 property, followed by final confirmation when said purchase has been executed.

Bette Szesny, Recording Secretary

TOWN OF SCHUYLER ZONING BOARD OF APPEALS
APRIL 28, 2015 – 6:30 PM
PUBLIC HEARING

APPLICATION FOR A USE VARIANCE/SPECIAL USE PERMIT
BY MICHAEL DE ZOTELL
TO OPERATE A RUSTIC WEDDING VENUE AT 455-475 SHORT LOTS ROAD

Chairman Beach called the Public Hearing to order at 6:30 PM. Other ZBA Members present were: Vice Chairman Joseph Aiello IV; Judy Parry; Christine Proulx; and JoAnn Mammone. Also present were: Codes Officer Philip Green; Bette Szesny, who served as Recording Secretary; Town residents Mark and Sue Jones; Marian Yaneshak; Cathy Ricci; Whitney DeZotell; and Ricky Proulx; and the applicant, Michael DeZotell.

Mr. Beach stated the purpose of this public hearing is to consider an application for a Use Variance/Special Use Permit by Michael DeZotell to construct and operate a rustic wedding banquet venue at 455-475 Short Lots Road. Mr. Beach referenced Article 7.03-K of the Town's Zoning Ordinance and the recommendation from the Herkimer-Oneida County Planning Board.

Mr. DeZotell and his wife stepped up to the podium. He stated they are looking to turn an existing barn structure into a rustic wedding venue. He referenced the new popularity of these facilities, citing several in the area. He said he and his wife were married on the property and several guests suggested he should look into developing the property into this type of business. He then did some "test ads" and research, which brought him to make the decision to move ahead with this project, with asking for variances as well as some other required approvals.

Mr. Beach asked whether the building had already been constructed. Mr. DeZotell stated he will be using a pre-existing building and he plans to strip out the hayloft and make it into a single story structure with a floor, and there will be safety devices as well as other amenities. Mr. Beach asked if it will have a kitchen. Mr. DeZotell stated there is a secondary barn on the property approximately 100 ft. away that he would like to use for that. Mr. Beach asked if he plans to serve alcohol. Mr. DeZotell said yes, but he will only be serving private parties, not to the public.

Mrs. Proulx asked what is the maximum occupancy. Mr. DeZotell said he does not know, and asked if the town has some guidelines ... he said the barn is a 3000 sq. ft. building and with bathrooms and such, the usable space will be about 2,700 sq. ft., according to his plans. In response to Mrs. Proulx's question about the number of exits, Mr. DeZotell stated the barn has three.

Mr. Green stated he has not seen any plans yet.

Mr. Aiello asked if the façade of the building will be changed. Mr. DeZotell stated the barn will remain as it is, but he will add a deck in the back and around the side, to give it an outdoor prospective for the customers, other than that, the land will remain unchanged except for inclusion of a parking lot. Mr. Aiello asked what are the intentions for parking, stating that parking on the road in that area could cause a hazard. Mr. DeZotell stated he has been consulting with his engineer who will be designing a 75 to 100 car crushed stone parking lot, for an occupancy of approximately 200 to allow for more than ample parking.

Mr. Green stated there is a schedule for that, which goes by the square footage of the building.

Mr. Aiello stated it appears the aesthetics will remain the same, considering the barn structure and the stone gravel driveway which will blend in nicely, rather than creating a commercial-like appearance. Mr. DeZotell stated he also plans to add a "split level" style of fencing around the parking lot, which will also blend in nicely with the rural aesthetics. Mr. Aiello then asked if there were any sketches or drawings depicting what the finished project will look like. Mr. DeZotell stated he does not; he is in the process of obtaining this information from his engineering firms. Mr. Aiello stressed it is necessary for this type of venue to blend in with the rural atmosphere with no flashing signs, bright lights, etc. Mr. DeZotell stated his prospective customers are seeking a rural setting and he does not plan to alter the current aesthetics. He stated he will be staining the barn a gray color which will blend in nicely with the rural setting.

Mr. DeZotell stated Mrs. Yaneshak, Mark & Sue Jones and Cathy Ricci who are here tonight are in support of his project. In answer to Mr. Aiello's question, Mr. DeZotell stated he does not own the property; it is owned by the Yaneshaks, who are relatives by marriage. Mr. Aiello stated it is his understanding that the applicant must own the property in order for the application to be approved. Mr. Beach agreed, also stating that his concern is the serving of alcohol, as the Town's zoning ordinance prohibits drinking establishments in R-A districts. He stated these are two issues that need to be resolved before a decision can be made by the ZBA.

Mr. Aiello stated he would also want to see at least a rough diagram and/or written explanation of the finished project before making a decision. He asked if there is going to be any signage in the front of the property and whether outdoor lighting is planned. Mr. DeZotell said he plans to have a sign out front similar to that of the Town Office Building; only lighting for the parking lot is planned. Mr. Green reminded that a plot plan will need to be submitted before a building permit can be issued.

Mr. Beach stated he believes the Board needs an opinion from the Town's attorney before a determination on this application can be made.

Mrs. Ricci then spoke, stating she lives on the farm to the west of the applicant and attended their wedding as well as a number of other events held at the venue last year, and the applicant went out of his way to work together with the neighbors to ensure no one's rights or privacy is imposed upon. She said the barn is beautiful inside and everyone has a good time at events held there. She said he has informed her of all the upcoming events and there is never any loud music or disturbances that would impact the neighbors' rights to a quiet lifestyle. Noting events were held last year, Mr. Aiello asked whether events were planned for this year, as well. Mr. DeZotell stated he has several events booked, but depending upon the outcome of this hearing, he/they may need to make other arrangements. He stated he had spoken to Phil Green last year, who advised going through the application process with a public hearing before the ZBA before embarking on his project, but somehow he nevertheless proceeded; however, he did eventually speak with the Town Clerk and ZBA secretary to make application for the permit.

Mr. Beach asked if there were any additional comments. Mr. Jones then spoke, stating that he is Mr. DeZotell's father-in-law. He said the business will provide his daughter with an income; the property is absolutely beautiful and will enhance Schuyler. He said they rented a tent for his daughter's wedding which was expensive, leading to the idea of converting the old barn into a wedding venue. He said he is

therefore asking the board to consider the application, as the venue will be a plus to Schuyler as well as creating many wonderful memories for a lot of people.

Mr. DeZotell asked about the Board's concerns regarding the serving of alcohol at his venue. Mr. Beach stated this is the reason he is in favor of contacting the Town's attorney for his opinion on this issue.

Mr. Aiello then read text from Article 7.03-K of the Town's zoning ordinance which states: "Restaurants with a maximum seating capacity or patron occupancy of one hundred (100) persons; establishments with open front windows, drive-in or drive-through services, establishments serving alcoholic beverages and establishments with dancing or live entertainment are not permitted." Mr. Aiello suggested consulting with the attorney, possibly holding another board meeting in the near future with the attorney and applicant both present, to discuss this situation in further detail, with the ultimate goal of obtaining the attorney's opinion. Mr. Aiello stated he is concerned about the Town's liability.

Mr. Beach asked for a motion to table the Public Hearing. Motion by Mr. Aiello, seconded by Mrs. Parry, to table this Public Hearing until a meeting date can be set with the Town attorney to obtain his opinion; all in favor. The motion was passed unanimously by voice vote.

Mr. Beach adjourned the public hearing at 7:43 PM.

Bette Szesny, Recording Secretary

TOWN OF SCHUYLER ZONING BOARD OF APPEALS
SPECIAL MEETING
MAY 21, 2015 – 7:00 PM

Chairman Ronald J. Beach, Jr. called the meeting to order at 7:00 PM in the Conference Room at the Schuyler Town Office, 2090 State Route 5, Utica, NY 13502. Other ZBA Members present were: Vice Chairman Joseph V. Aiello, IV; Judy Parry, Christine Proulx and JoAnn Mammone. Also present were Town Attorney John Kenealy, Esq. and Bette Szesny, who served as Recording Secretary.

At 7:05 PM, a motion was entertained by Chairman Beach, which was seconded by Mrs. Proulx to enter into Executive Session at 7:05 PM for the purpose of discussing legal issues concerning an application before the ZBA; all in favor. Motion carried.

At 7:50 PM, a motion was entertained by Mr. Aiello which was seconded by Mr. Beach to come out of Executive Session; all in favor. Motion carried.

It has been established that the application submitted by Mr. DeZotell to operate a banquet hall (“Rustic Wedding Venue”) at 455-475 Short Lots Road, Frankfort, NY 13340, Tax Map #104.11-1-30, which is located in a R-A Zone in the Town of Schuyler, does not meet the criteria established under the Town of Schuyler’s Zoning Ordinance for a Use Variance. Therefore, a motion was made by Mr. Aiello which was seconded by Mr. Beach to disapprove the application. Members were polled by voice vote, as follows: Mr. Aiello: aye; Mrs. Parry: abstain; Mrs. Proulx: aye; Ms. Mammone: aye; Mr. Beach: aye. Motion carried.

There was no further business to become before the ZBA; therefore, Chairman Beach adjourned the meeting at 7:55 PM.

– Bette I. Szesny, Recording Secretary

TOWN OF SCHUYLER ZONING BOARD OF APPEALS
SPECIAL MEETING
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There was no further business to become before the ZBA; therefore, Chairman Beach adjourned the meeting at 7:55 PM.

– Bette I. Szesny, Recording Secretary

TOWN OF SCHUYLER ZONING BOARD OF APPEALS

APRIL 28, 2015 – 6:30 PM

GENERAL MEETING

Chairman Ronald J. Beach, Jr. called the meeting before the ZBA to order at 6:15 PM at the Schuyler Town Office, 2090 State Route 5, Utica, NY. Other ZBA Members present were: Vice Chairman Joseph Aiello IV; Judy Parry; Christine Proulx; and JoAnn Mammone. Also present were: Codes Officer Philip Green; Bette Szesny, who served as Recording Secretary; and Town resident Ricky Proulx.

Chairman Beach said the first order of business is to approve the minutes of the August 26, 2014 meeting.

Minutes of the August 26, 2014 meeting were approved by unanimous voice vote of all above named ZBA Members present.

SPECIAL MEETING

RENEWAL OF APPLICATION TO PERFORM MOTOR VEHICLE REPAIRS & SERVICE

Submitted by: DDPR ENTERPRISES, INC.

Mr. Beach called the Special Meeting before the ZBA to order at 6:17 PM. Also present were above named ZBA Members, Codes Officer and the Town resident. Also present were applicants Mike Perkins and Robert Bushey, representing the applicants of DDPR Enterprises, Inc., who are also affiliated with G&I Homes.

Mr. Beach stated the purpose of the meeting is to reinstate the expired application by G&I Homes to operate a motor vehicle repair/service garage at the business located at 2605 State Route 5, Frankfort, NY 13340 (Town of Schuyler).

Mr. Green stated it is an allowed use under Article 8.03-B of the Town's zoning ordinance, with approval of the ZBA.

In response to Mr. Aiello's question as to whether the applicants will restrict repair service to their own business vehicles, the applicants stated they will also be performing services for hire. However, they will not be advertising their services publicly. They stated they need a letter from the ZBA in order to get their State inspection license which expired many years ago.

Roll Call: Mr. Aiello: Aye; Mrs. Perry: Aye; Mrs. Proulx: Aye; Ms. Mammone: Aye; Mr. Bush: Abstain due to conflict of interest.

Permission to operate a motor vehicle repair/service garage at above location was thereby granted to the applicant by majority voice vote.

The secretary was directed to generate correspondence to the applicants confirming the above approval.

Bette Szesny, Secretary

(DRAFT) TOWN OF SCHUYLER ZONING BOARD OF APPEALS
JULY 16, 2015 — PUBLIC HEARING
APPLICATION BY SUSAN JONES, TRUSTEE -- MICHAEL & MARION YANESHAK IRREVOCABLE TRUST
OPERATION OF A BANQUET HALL IN R-A DISTRICT

Chairman Ronald J. Beach, Jr. called the meeting to order at 7:00 PM at the Schuyler Town Office, 2090 Sate Route 5, Utica, NY. Also present were Vice Chairman Joseph Aiello, IV and ZBA Members Judy Parry, Christine Proulx and Jo Ann Mammone; Bette Szesny, who served as Recording Secretary; Codes Officer Philip Green; town residents Michael and Sue Jones, Marian Yaneshak, Cathy Ricci, Michael and Whitney DeZotell, and William ("Bear") Parry, and Kyle Beach; and Attorney Daniel Cohen; and Paul Yaneshak.

Mr. Beach stated the purpose of the public hearing is to consider an application by the above named applicant to operate a banquet hall in a R-A District at 455-477 Short Lots Rd.

Mr. Beach stated the Town Board has recently passed into law an amendment (addition) to Article 7.03 – Special Uses – as follows:

W. Banquet Halls, assembly halls, dance halls or similar places of assembly

Section 3: Miscellaneous Provisions

A. Severability: If any cause, sentence, paragraph, sections or article of this law shall be adjusted by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

B. Effective Date: This local law shall become effective upon the date it is filed in the office of the NYS Secretary of State.

Mr. Beach said this now allows for "banquet halls in R-A districts of the Town of Schuyler. All applications will be subject to ZBA approval by Special Use Permit, and may therefore be subject to restrictions. He said this particular application was previously presented by Michael De Zotell prior to the Town Board's adoption of the above amendment to the Zoning Ordinance

It was noted the application must be submitted by the owner of the property. The name on the application has been modified to reflect the ownership / trustee of the property and has been signed by Mrs. Jones; all other information remains the same.

Mrs. Jones then stepped up to the pedestal to state her case. She said Michael DeZotell will be running the business, and she will have no legal, financial or any other interest in the operation of this business. She stated she hopes the business will be given permission to operate, as it will provide an income for her daughter and husband.

Cathy Ricci, a neighbor to the Yaneshak's, stood from her seat in the audience and stated she is in favor of the project as she has a good relationship with the applicants and they have not presented any negative issues with regard to holding weddings at the proposed application site.

Mr. DeZotell then stepped up to the pedestal to state his case. He said he is working with his engineer to complete his construction plans. He said he will obtain a building permit when the plans are ready for the codes officer's review. He also stated he will only run his business on weekends, which he identified as Friday, Saturday and Sunday, and will not operate past 11 PM on weekends or 9 PM on weekdays, should weekday banquets ever be held. He said he plans to concentrate his business on weddings only, and at least for the time being, he does not plan to include birthday celebrations, retirement parties or any other events. He also stated he has decided not to pursue adding a kitchen for the purpose of preparing/serving food, due to strict regulations mandated by the Health Dept. He stated he has received documentation from the Health Dept. that all food must be catered by an independent catering company, who will provide all the necessities, and they will be held to strict Health Dept. standards which will require them to obtain a day permit to serve food. He said the parking lot would be lighted only when events are held which will not exceed the 9 PM closing time for any weekday events that may be held in the future, or the 11 PM closing time for weekend events. Patrons will be asked to leave the premises promptly at 11 PM and the organizers will be allowed to return to "clean up" the following morning, if needed. He said all parking will be done on the premises with no parking on the road at any time. As for signage, the sign he plans to place to the entrance of the driveway will be dimly lit, with just enough light to provide detail as to the entrance for the venue. All other health dept., sanitary inspection and fire hazard inspections (i.e: sprinkler systems) will need to be approved by the Town codes officer, sanitary inspector, and other involved entities. Any action by the ZBA will essentially provide the applicant with the authority to proceed with his plans, under the auspices of the reformed zoning regulations enacted by the Town Board as described above. The Codes Officer will provide the applicant with a "CO" (certificate of occupancy) upon his inspection of the above tasks. This will also require a stamped engineer's certificate outlining the necessary plans and completion of these plans will need to be verified by the Codes Officer prior to the ability of the business to legally operate. He stressed a building permit would need to be issued prior to a certificate of occupancy and would not in itself allow the applicant to operate his business until such time the C-O is issued.

The above information was provided by the applicant in response to inquiries by all board members who raised many noteworthy questions relating to the proposed project.

After all were heard, Mr. Beach asked for a motion to approve/disapprove the application. Motion was made by Joseph Aiello and seconded by Judy Parry to approve the application by Susan Jones (i.e.: Trustee for above listed entity) as presented, with the stipulations that the business not operate after the hours of 11 PM on weekends and 9:30 PM on weekdays and the lights must be turned off at the above referenced closing times; all in favor. Mr. Green will follow up on Mr. DeZotell's progress and engineering studies and will oversee the project to its conclusion.

In conclusion, Mr. Beach informed Mr. DeZotell that he is indeed fortunate to have cited his project in Schuylers. He said he recently shared the details of this case with a ZBA Member from another municipality who stated if this application had been filed with their township, it would not have been considered until the applicant removed all building improvements related to the proposed project that had been performed prior to filing the application, and their board would require the applicant to start at 'ground zero' in order to move ahead with the project with approval by their ZBA.

Mr. Beach closed the public hearing at 8:35 PM.

– Bette Szesny, Recording Secretary

TOWN OF SCHUYLER ZONING BOARD OF APPEALS

JULY 16, 2015

GENERAL MEETING

Chairman Ronald J Bush, Jr. called the meeting to order at 7:00 PM at the Schuyler Town Office, 2090 Sate Route 5, Utica, NY. Also present were Vice Chairman Joseph Aiello, IV and ZBA Members Judy Parry, Christine Proulx and Jo Ann Mammone; Bette Szesny, who served as Recording Secretary; town residents Michael and Sue Jones, Marian Yaneshak, Cathy Ricci, Michael and Whitney DeZotell, Kyle Beach, A .Eugene Snyder, and William ("Bear") Parry. Also present were Attorney Daniel Cohen and Paul Yaneshak.

Chairman Beach read the meeting of April 28, 2015 as follows:

- General Meeting:
 - Approved by unanimous voice vote

- Special Meeting : Renewal of Application to Perform Motor Vehicle Repairs & Service at business garage located at 2605 State Rte. 5 submitted by DPPR (an affiliate of G& H Homes):
 - Chairman Beach: Abstain (conflict of interest)
 - All others in favor with the correction in spelling of the following names: Ronald J. Beach, Jr. and Judy Parry.

- Application for a Use Variance submitted by Sandee Shultz to operate a light manufacturing facility in C-H District at 2220 State Route 5 (former Ramsco business location): Approved by unanimous voice vote.
 - Approved by unanimous voice vote

- Application by Michael DeZotell to operate a banquet hall (i.e.: "Rustic Wedding Venue") at in a R-A District at 455-475 Short Lots Rd.:
 - Approved by unanimous voice vote.

Mr. Beach adjourned the general meeting at 7:22 PM.

– Bette Szesny, Recording Secretary

TOWN OF SCHUYLER
ZONING BOARD OF APPEALS
PUBLIC HEARING – OCTOBER 27, 2015, 6:30 PM
DRAFT MINUTES

CALL TO ORDER

Chairman Ronald J. Beach, Jr. called the meeting to order at 6:33 PM at the Schuyler Town Office Building, 2090 State Route 5, Utica, NY. ZBA members present were Judy Parry, Christine V. Proulx and JoAnn Mammone; absent was Vice Chairman Joseph Aiello, IV. Other Town officials present were Codes Officer Philip Green and Bette Szesny, who served as Recording Secretary.

Members of the public in attendance included the following: James Lange, Theodore S. Lange, Harry Robbins, Joanne & Joseph Nuccio, Joseph G. Stanley II, David Haman, Ricky Proulx and Billy Leary, as well as the applicant, Steve Mancuso. Other members of the public in attendance who did not sign the registry in a legible manner and/or speak during public comment were not otherwise identified and therefore could not be recorded in the minutes.

APPROVAL MINUTES – JULY 16, 2015 GENERAL MEETING & PUBLIC HEARING – SPECIAL USE PERMIT TO OPERATE A BANQUET HALL IN A R-A DISTRICT

Judy Parry referred to the minutes of the July 16th Public Hearing, which stated approval of the application for a Special Use Permit to operate a Banquet Hall in a R-A (Residential-Agricultural Zone) required obtaining a Building Permit. She asked Mr. Green if this was obtained.

Mr. Green stated the plans were submitted, but no checks have been received; therefore the permit has not yet been issued. Mr. Green stated he will be having a meeting Thursday or Friday with the operator of the Banquet Hall to discuss this situation.

Mrs. Parry stated she drove by the establishment last weekend and noticed the deck has been totally completed.

Motion by Judy Parry, seconded by Christine Proulx to approve the minutes; all in favor.

PUBLIC HEARING – APPLICATION BY STEVEN MANCUSO, CONTROLLED WASTE SYSTEMS, INC. TO OPERATE A WASTE HAULING BUSINESS IN A C-H (COMMERCIAL HIGHWAY) ZONE AT 2485 STATE ROUTE 5, SCHUYLER

Chairman Beach asked the Applicant to step up to the podium and state his case.

APPLICANT STATES HIS CASE:

Mr. Mancuso identified himself as vice president of his company, and stated his proposal entails relocating his waste hauling business to the above location in Schuyler, which will provide identical services to that of Fehrer (a waste hauling business which is located directly across from the Town Hall). He stated he plans to purchase the now vacant property owned by Billy Leary (Estate Homes), and the hauling activities will

entail trash pickup for his customers with drop-off at the Oneida-Herkimer Solid Waste Authority; therefore, the trucks will return to the business location empty.

He said he will continue to wash the empty trucks at the Solid Waste Authority's washing facility before returning them to the business location.

Mr. Mancuso stated his plans are to use the building located in the front of the property for his office space, and the large building in the back of the property to house the trucks.

He stated the business has been in operation for 9 years, and he has had many problems with municipalities' denial of his applications and/or disallowing him to operate his business in his proposed location, in some cases after he had already purchased the property, with an array of various reasons given for their denial, and this has resulted in financial losses to his business as well as much personal frustration. He said his current business location in another municipality has not proven to work out very well, for many different reasons. However, upon discovering that other identical waste hauling businesses are located in the C-H District of Schuyler within a mile of his proposed location, he has concluded this venue would be a good match for his business. He said his business operates on a 4-day work week and there is no business activity on weekends. He said he plans to perform all work on his vehicles inside the garage, with the exception of a breakdown that may happen to occur when any said vehicle is parked outside; then it will be necessary to perform any needed repairs outside the garage in order to regain use of the vehicle. He stated he currently has 1000 customers throughout Herkimer & Oneida Counties, including the Utica City School System, and he can provide financial & sales tax revenue information if needed.

BOARD ADDRESSES APPLICANT:

Mr. Beach asked how many trucks he owns; Mr. Mancuso stated he has 2 roll off trucks, 2 residential trucks and a residential delivery truck to deliver & pick up residential containers, as well as some pickup trucks & personal vehicles that will be located on the property. The extra roll off and residential trucks provide for backup in the event another truck is needed.

Mrs. Proulx asked how many days a week his business is operation. Mr. Mancuso said he only operates during the weekdays, and is closed on weekends.

Ms. Mammone then asked the hours of operation, and whether he would be operating 24/7 during his days of operation. Mr. Mancuso stated one truck goes out at midnight and returns at 4 PM daily on weekdays, in order to accommodate the Utica School District's needs for waste disposal. His mechanics regular work hours are from 7:00 AM to 3:00 PM daily, weekdays only, and he operates 4 days a week.

Mrs. Parry asked how long the diesels idle, noting it is unlawful to idle past 15 minutes. Mr. Mancuso responded his vehicles idle no longer than 5 minutes, which is more economical due to the cost of diesel fuel. He stated his vehicles will be kept inside the garage in the winter to keep them warmer.

Mrs. Proulx asked how many employees Mr. Mancuso would plan to locate at the Schuyler facility. Mr. Mancuso stated he has a total of 7, which includes 3 drivers, 2 pickers and 2 office staff.

Mrs. Proulx asked whether a gated fence is planned. She stated 6' fencing is a requirement and asked the applicant to confirm (if the application is approved) that he plans to install 6' fencing, and to provide a date when he plans to install it. Mr Mancuso stated if the application is approved, he plans on just moving all the equipment there and utilizing the outside area for the equipment (trucks & containers). Then after the closing he plans to install the fence.

Mr. Beach stated he would be very concerned about not having the fence in place at the time he takes occupancy of the property. Mr. Mancuso stated he had planned to house his equipment inside the garage until required fencing is installed, as otherwise he would be concerned about security issues.

Mrs. Parry asked whether the existing structure is sufficient enough to hold all the equipment; Mr. Mancuso stated he is confident that it is adequate.

Mr. Green asked when the office staff would be moved to the Schuyler location. Mr. Mancuso stated it would likely be in the Spring (2016).

Mr. Green noted the sales tax issue, expressing his concern that the sales tax revenue would likely be sent to Oneida County if the billing aspect is performed in Oneida County (City of Utica, at the company's current business location); Mr. Mancuso stated his customers are from Herkimer Co. as well as Oneida Co., and it is his belief the customer's address would reflect the sales tax venue. Mr. Mancuso referred to a NYS Sales Tax publication that he said proves his theory.

Mr. Green stated his position that it would be more advantageous to the Town if the entire operation were run from Schuyler from the beginning. Mr. Mancuso stated it would be difficult to move office personnel to the Schuyler facility immediately, due to setup of the fax machines and other equipment.

Referring to the survey map, **Mrs. Parry** asked when the "trees" would be planted. Mr. Mancuso stated the "trees" (as illustrated on the map) are on the outside of the property line, and are only facsimiles intended to define the borders around the property.

Mrs. Parry asked Mr. Mancuso to confirm whether he does indeed to place fencing all around the perimeters of the property, and his response was yes. Mrs. Parry asked Mr. Mancuso to verify that in the event fencing is currently not in place, he will install it; his response was again yes.

Mrs. Proulix stated 6' fencing is a requirement per the Town's Zoning Ordinance, and asked the applicant to confirm that he plans to install 6' fencing, and to provide a date when he plans to install it.

Mrs. Parry then asked the Mr. Green to confirm whether the fencing has to be installed around the entire property.

Ms. Mammone interjected that the applicant would most likely want to have the entire property enclosed in fencing.

Mr. Mancuso asked Mr. Billy Leary (current owner of the property) to confirm the current status of the existing fencing on the property as he was uncertain about the back portion. Mr. Leary stated he was not certain.

Mr. Green stated 6' fencing around the entire property is mandated.

In response to comments offered by attending members of the public, **Mr. Mancuso** stated he has never had any codes violations, although there have been many accusations which he then clarified.

Mrs. Parry asked about the 12-midnight to 5 AM schedule. Mr. Mancuso stated this is to accommodate the Utica City School District and creates very little commotion. He said most of the times, trucks are stored in the garage, but in the event a truck parked outside does not start, mechanical work would need to be performed. He said he should not be expected to be forced to keep all of his vehicles inside the garage all the time, as there are instances (for convenience's sake) when they are parked outside temporarily.

Mrs. Parry asked whether a 'berm' should be installed on the property. Mr. Green said he would need to check this out and will make a decision.

PUBLIC COMMENT: Mr. Beach then opened the meeting to Public Comment.

Mr. Joseph Stanley stated there is a creek running alongside the proposed project area. Mrs. Parry asked the applicant for confirmation that the refuse collection trucks would be washed at Solid Waste, and suggested that this restriction be included in the approval.

Mr. Jim Lange directed his question to Mr. Billy Leary, asking who currently owns the property; Mr. Leary stated it was owned by his mother.

Mr. Joe Stanley and Mr. & Mrs. Nuccio joined in the conversation along with with several other members of the public in attendance who live close-by to the proposed waste hauling facility, stating they do not want the application to be approved, as they do not want to live side of or near a refuse removal company, citing environmental as well as aesthetic concerns. Many members of the public in attendance soon became engrossed in conversations with each other relating to their concerns about the impact on the neighborhood and diminished property value, among other worries created by a waste hauling business locating in close proximity to their homes and properties. It therefore became necessary on several occasions for Mr. Beach, Mr. Green and eventually, all of the ZBA members to make efforts to bring the meeting to order.

Conversations between members of the public in attendance and the ZBA members ensued, with public comment directed at the ZBA membership expressing their objections to the application. Concerns with regard to excessive noise connected to operation and/or maintenance of the trucks during the night time hours disturbing neighbors' sleep in addition to environmental, health and aesthetic concerns, were expressed by many residents in attendance. With regard to the noise issue, Mr. Green stated there is no longer a "noise ordinance" in the Town.

Mr. David Haman asked whether the Town Board could over-ride the ZBA's decision; he was informed the ZBA has the final say; the Town Board has no power over the ZBA's final decision.

Mr. Beach, Mr. Green and Mrs. Parry informed the public in attendance that the application meets with the guidelines for approval, as is documented in the Town's Zoning Ordinance, but that certain restrictions can -- and in this instance, must -- be imposed in order to assure the safety, health and welfare of the neighborhood and the community will be protected.

Chairman Beach closed the Public Comment session, and asked the pleasure of the board regarding this application.

ZBA ADDRESSES APPLICATION:

Mrs. Parry stated the property should have 6' of privacy fencing all around; Mrs. Proulx agreed.

Due to concerns expressed about the possibility of oil tanks buried in the ground, **Mr. Beach** asked Mr. Green whether a DEC inspection could be arranged; Mr. Green stated that is not the Town's responsibility.

Mrs. Parry stated the Town's Zoning Ordinance contains requirements for drainage patterns, and questioned whether this would apply to Mr. Mancuso's application, in order to avoid drainage into the creek that may create a negative impact on the environment.

Mr. Beach said this would involve a berm to be placed around the property, and asked the applicant whether there are any working septic systems on the premises; Mr. Mancuso responded affirmatively.

Mr. Beach stated this is a legitimate concern due to the creek running through the property, and it is imperative not to permit any runoff (when washing trucks, etc.) to get into the creek.

Ms. Mammone said the ZBA can impose stipulations on the application's approval, and offered that no trucks be washed at the business site.

Members of the public continued to offer comments, expressing concerns regarding the applicant's adherence to stipulations/restrictions imposed on the approval of this application.

Mr. Green stated any violations will be dealt with by terminating all business activities and operations at the facility until remediation is accomplished. He stated periodic inspections might be in order to ensure compliance.

Mrs. Proulix asked the applicant about lighting. Mr. Mancuso stated outside lighting will need to be installed for security purposes. Mr. Green interjected that all lighting on the property must be installed to reflect the light from the outside in, so as not to create a problem for neighbors.

In response to another question from the attending public regarding the possibility of additional activity at the location as the business grows, **Mr. Beach** stated the Town has no control over this situation; it is not within the Town's rights to limit the number of customers a business can take on.

In response to a question posed by **Mr. Beach**, Mr. Mancuso confirmed his business operates on a 4-day-per-week basis, with no business activities on weekends.

Once again, it became necessary to bring the meeting to order, due to continuing comments and suggestions/opinions directed at the board and discussions with each other from some members of the public in attendance long after the public comment period had been closed, impacting the ZBA's ability to carry on with the meeting.

Mr. Beach then asked the applicant to return to the podium.

Following further discussion among the Board and the Codes officer, a motion was offered by **Mrs. Parry** to approve the application with the following instructions:

1. 6' privacy fencing shall be installed around the entire parameters of the property and it shall be in place on or before the business is allowed to operate at the Schuyler location.
2. All vehicles must be washed at Oneida-Herkimer Solid Waste Authority's washing station
3. Requirements to install a berm will be placed on hold pending periodic inspections by the Codes Officer; if, at any time, it is discovered that a berm is needed (due to water drainage problems that may pose a danger to wildlife and/or the environment), this will become a requirement in order for the applicant to maintain operation of his business at the Schuyler location. The applicant will be given a set period of time to install the berm, and the process will be overseen by the Codes Officer.
4. The business will be in full operation at the Schuyler location by April 1, 2016. This shall include all office staff and office operations, as well as all waste hauling business activities and maintenance on the business' vehicles.
5. All lighting shall be installed so as to reflect from the outside in, so as not to create an annoyance to the neighbors. (Mr. Green stated this is already included in Codes Enforcement policy).

6. There shall be no excessive noise created as a result of any of the applicant's business activities between the hours of 5:00 PM and 7:00 AM.

Motion by **Judy Parry**, seconded by **Christine Proulx** to approve the application for the Special Use Permit submitted by Steven Mancuso, Controlled Waste Systems, Inc., to operate a waste hauling facility at 2458 State Route 5, Schuylers, which is located in a C-H (Commercial-Highway) Zone, with the above listed restrictions. A roll call vote followed:

| | |
|-----------------------|--------|
| JoAnn Mammone | Aye: |
| Judy Parry | Aye |
| Christine Proulx: | Aye |
| Ronald J. Beach, Jr.: | Aye |
| Joseph Aiello IV | Absent |

Motion carried by unanimous voice vote of all members present.

Chairman Ronald J. Beach, Jr. closed the public hearing at 8:11 PM on a motion by Judy Parry, seconded by Chairman Beach. All in favor; motion carried.

– Bette I. Szesny, Recording Secretary

TOWN OF SCHUYLER ZONING BOARD OF APPEALS
PUBLIC HEARING – DECEMBER 10, 2015, 6:30 PM
APPLICATION BY ROSE BURROUGHS
SPECIAL USE PERMIT TO OPEN & OPERATE A STORE IN R-A DISTRICT

Chairman Ronald J. Beach, Jr. called the meeting to order at 6:30 PM in the Conference Room at the Schuyler Town Office, 2090 State Route 5, Utica, NY 13502. Other ZBA Members present were: Vice Chairman Joseph V. Aiello, IV; Judy Parry and Christine Proulx. Absent was JoAnn Mammone. Also present were Codes Officer Philip Green, Town residents Ricky Proulx, Donna Salamone, Joe Pashley, the applicant, Rose Burroughs, and Bette Szesny, who served as Recording Secretary.

Written letters of support of the project were received by Luella Forsythe and John Kravec, Jr.

Mr. Beach asked Ms. Burroughs to step up to the podium and describe her proposed project.

Ms. Burroughs stated her plans include renovating an old vacant trailer she owns which is located at 262 Millers Grove Road. She said if the application is approved, this will be the future home of “Rosie's Heavenly Harvest.” She stated her plans are to renovate the trailer located on property, which is approximately 1,400 square feet, one level. There will be an area off to one side for parking. She said the dimensions of the property are 2-1/2 acres.

Ms. Burroughs stated she started a hobby farm in 2010 on her property at 272 Millers Grove Road, raising goats, ducks and chickens. She also planted gardens on the land, and the vegetable produce has been used to create salsas, butters, vinegars and syrups. She has taken soap making classes, and plans to use goat milk from her goats to make the soaps. She said would also like to increase the volume of her chickens to sell fresh eggs. Since beginning the hobby farm, she said she has connected with many local crafters, hobby farmers and artisans who have the same interests hers: to create – to make hand-made crafts and to use natural resources. As her business is continuing to grow, it is quite difficult to produce the volume of product she needs, and is therefore looking to install an industrial kitchen that will enable her to produce products in larger quantities. Through conversations with her fellow crafters, she has concluded the idea of buying or renting a building is costly and not profitable. With her proposed location, she would like to offer a spot for these many artisans and charge them a small fee for space usage, making it affordable for them to continue with her small business – many of her products would be displayed for sale to the public. She would also like to use the building as a way to teach the community the benefits of farming, gardening, etc. She said she would be offering soap making classes and canning classes, as well as gardening demonstrations. She said she is also contemplating the idea of holding children’s birthday parties at the proposed business site, which would provide a learning experience for the children through their participation in crafting activities and a great learning experience on how products are manufactured from vegetables and animal products.

Ms. Burroughs stated she does not expect a lot of traffic as most of her business is on line. She stated the main purpose is the convenience for her to make her products as well as for people to pick up ordered products, and to offer a variety of home-made unique items under one small area.

Ms. Burroughs concluded her presentation by stating she has had many opportunities to site her business in other locations, but since moving to Schuyler in 2005, she has fallen in love with the area

and cannot imagine this anywhere else at this time. She said she is acquainted with the previous proprietors of this property, Bob and Cathy Pashley, who would be happy to know that she is using it for this purpose. She said she hopes the Town will consider this as a welcomed addition to this area.

Mr. Beach asked whether the driveway by the garage had been blacktopped; Ms. Burroughs stated it is not blacktopped, but fill has been put in, but the parking area has not been excavated yet. Mr. Beach asked if signage is planned. Ms. Burroughs stated she may add a small sign on the property at some time in the future, adding that it would be nice to have some signage on Route 5, but she believes this will not be possible. Mr. Beach asked if the applicant owns the property; Ms. Burroughs answered affirmatively.

Mrs. Proulx asked if there has been any work performed on the trailer; Ms. Burroughs stated nothing has been done yet, as she has been waiting for approval of her application. Mrs. Proulx asked whether studding and rewiring will be required; Ms. Burroughs stated the interior of the entire trailer will need to be refurbished, which will also include installation of new wiring and plumbing.

Mr. Green provided Ms. Burroughs with his contact information for obtaining a building permit.

Mr. Aiello asked how many people would be attending the classes, and the size of the parking lot. Ms. Burroughs stated classes would be limited to 10 persons and there would be room for at least 10 vehicles in her proposed parking area. She said there would be no need for roadside parking. Mr. Aiello asked about lighting, pointing out that the proposed location is in a R-A area; Ms. Burroughs stated lighting will be subdued and in harmony with the rural atmosphere. Mr. Aiello asked what type of cooking will be done at the facility; Ms. Burroughs stated it will be basically limited to boiling on the stove.

Mr. Beach asked if there was any additional public comment. Ms. Salamone stated she is in favor of the project. Mr. Beach asked whether the Board believed parking should be limited; Ms. Parry stated she does not believe this would be necessary; all other board members agreed.

Motion by Joe Aiello, seconded by Ronald Beach to approve the application by Rose Burroughs as presented, with the restriction that no customer parking be permitted on the roadside; all in favor, as elicited by voice vote as follows: Ms. Proulx: Aye; Ms. Parry: Aye; Mr. Aiello: Aye; Mr. Bush: Aye.

Mr. Bush closed the Public Hearing at 6:24 PM.

GENERAL MEETING

MINUTES – 10/27/2015 PUBLIC HEARING: SPECIAL USE PERMIT

Minutes for the Application by Steven Mancuso, Controlled Waste Systems, Inc., to operate a waste hauling business in C-H District were reviewed. Mr. Beach asked if there were any comments. There were none.

Motion to approve the minutes as presented was made by Christine Proulx, and seconded by Judy Parry; all in favor. Motion carried.

ADJOURNMENT

There was no further business to become before the ZBA; therefore, Chairman Beach adjourned the meeting at 6:23 PM on a motion by Christine Proulx, which was seconded by Judy Parry.

– Bette I. Szesny, Recording Secretary