

**TOWN OF SCHUYLER ZONING BOARD OF APPEALS**  
**SPECIAL MEETING**  
**GREEN WAVE SALVAGE & RECYCLING LLC**  
**JANUARY 9, 2019 - 5:30 PM**

Chairman Ronald J. Beach, Jr. called the meeting to order at 5:31 PM at the Schuyler Town Office, 2090 State Route 5, Utica, NY. Other ZBA members present were: were Christine Proulx, Jo Ann Mammone and Robert Wasyleski. Absent were Vice Chairman Joseph Aiello, IV, and Alternate Member David Pasick.

Other Town officials present were Town Supervisor Anthony J. Lucenti; Codes Officer Philip Green; Administrative Assistant Jeffrey Dingman, Town Councilmen Joseph Juliano, Eric Kane and Rodney Dodge; Bette Szesny, who served as Recording Secretary; several Town residents; and Green Wave Recycling Salvage owners Hans Hendrick & Shawn O'Brien.

Chairman Beach stated this meeting before the ZBA was called in order to address some concerns regarding the status of the company's security bond, as well as the owners' failure to comply with the terms set forth in the approval of their application at the conclusion of the May 29, 2018 Public Hearing.

Mr. Beach granted the applicants permission to step up to the podium to discuss the Town's concerns. He stated the ZBA is aware that the owners have been advertising their business on local media, billing the site as a public drop-off for scrap metal items, whereas the applicants had stated at their May 29, 2018 public hearing the business activity would involve bringing in one large piece of equipment at a time, dismantling it, and then removing all of it from the premises before bringing in another one; as well, they had stated that all dismantling would take place on a concrete pad at the back of the property, behind a large fence that would obliterate any public view of the scrap metal items and dismantling activities.

In response, the applicants stated the approval of their application did not specifically state they would not accept numerous other scrap metal items, referring to their Application to the Zoning Board of Appeals submitted for their May 29, 2018 public hearing which states their proposed action would be to "focus on heavy equipment machinery...and will include other metallic and non-metallic recycling." They also stated the concrete pad has been installed, as was specified in the approval of their application.

In response, ZBA members then pointed out to the applicants that this application also states "...dismantling equipment will operate primarily at the rear of the property, shielded by a building and trees ...a new fence will replace the existing one at the front of the property, and will provide a neat and clean look;" whereas there have been substantiated instances involving truck loads of scrap metal, including scrap motor vehicles, dropped off and left unattended on areas of the property clearly visible to public view.

In response to the Board's additional concerns, the applicants stated they are in compliance with DEC regulations with regard to spillage of hazardous waste leakage from the scrap metal items dumped at the facility (such as antifreeze and oil from old cars and machinery).

Codes Officer Green stated his primary concern is the issue with the company's security bond, and he asked the applicants to present a copy for his and the Board's review. A copy was furnished, and upon the codes officer's and the Board's review, it was the opinion of all that this bond is not sufficient to satisfy the concerns or protect the interest of Town. The applicants stated they have been unsuccessful in their efforts to obtain guidance from the Town attorney's office on this matter. The Codes Officer will therefore assist the applicants in obtaining an acceptable Security Bond that will protect the Town's interests.

In conclusion, and upon the unanimous consensus of the ZBA membership, Chairman Beach directed the applicants to obtain a trustworthy Security Bond which they will need to present to the Town Codes Officer within a 30 day time frame in order to sustain the permission of the Town of Schuyler to continue their business operation at the 2947 State Route 5 location in the Town of Schuyler.

There was no further business to come before the ZBA; therefore, Chairman Beach adjourned the meeting at 5:56 PM.

- Bette Szesny, Recording Secretary

**TOWN OF SCHUYLER ZONING BOARD OF APPEALS**

**FEBRUARY 20, 2019 – 6:00 PM  
APPLICATION BY MONICA ROSADO  
BOTTLE & CAN REDEMPTION CENTER**

Chairman Ronald J. Beach, Jr. called the Public Hearing to order at 6:00 PM at the Schuyler Town Office, 2090 State Route 5, Utica, NY 13502. Other ZBA members present were Christine Proulx, JoAnn Mammone, Robert H. Wasyleski and Alternate Member David M. Pasick. Absent was Vice Chairman Joseph Aiello, IV. Other Town officials present were Codes Officer Philip Green, Supervisor Anthony J. Lucenti, and Clerk Jeffrey Dingman. Secretary Bette Szesny recorded the minutes via FaceTime.

Also present was Town resident Ricky Proulx and the applicant, Monica Rosado.

**APPLICANT STATES CASE:**

Chairman Beach requested the applicant to step up to the podium to describe her plans to open a bottle & can redemption center at 331 Newport Road in the Town of Schuyler.

Ms. Rosado stated she wishes to open a bottle & can redemption center at the above referenced location. She stated an automatic sorter a digital read-out display would be installed inside the building, providing customers with an immediate and accurate read-out for the monetary amounts of their refunds; as well, customers could drop off their bagged recyclable bottles & cans, then return later to pick up their cash refunds. She said the items would be automatically sorted in the machine according to type (bottles vs cans, color vs clear bottles, etc.). Tractor trailers would be picking up the full loads of recycled items approximately every two weeks, or sooner if need be. She said this business activity is regulated by the DEC. She also stated there would also possibly be a dumpster placed outside for cardboard containers.

Ms. Rosado stated she previously operated a bottle and can business in Poland, which did not work out; more recently, she was entertaining the possibility of opening a redemption center in Rome, but due to codes regulations at the particular location, this effort had to be abandoned. However, she believes the Newport Road location in Schuyler will provide a convenient means for area residents to recycle their bottles and cans.

Mr. Green questioned where the Poland redemption center was located in that municipality.

Chairman Beach noted this proposed venue in Schuyler is located in the R-1 District which is currently not zoned for business operations; however, this building has housed several business operation over the past many years, and it is currently the business location for Abby Gutters, which consumes a portion of the building. He reminded Ms. Rosado that strict compliance in keeping the outside of the business neat in appearance is of utmost importance to the ZBA and to the Town.

Ms. Proulx asked about sorting methods as well as other aspects of this type of business; Ms. Rosado stated this is all controlled by DEC regulations. Ms. Proulx also stated her concern regarding a possibility there would be an overflowing of the bags of bottles and cans. Ms. Rosado stated this will not become an issue. She said there will be a separate area inside where the bags will be stored awaiting pickup by the trucks.

Mr. Wasyleski asked whether the applicant will be buying or renting the building. Ms. Rosado stated she will be leasing the vacant section of this building.

In response to Ms. Mammone's inquiry regarding the length of the lease, Ms. Rosado stated no agreement has yet been negotiated.

Mr. Pasick asked about the sorting machine, with regard to its size and configuration, and how it would fit into the building. Ms. Rosado provided a description of the machine and its position and location inside the building, as well as the number of cans it would accept. She said she currently owns this machine, but it is currently in Rome at the venue where she had originally intended to relocate her business. Mr. Beach stated the redemption center on Bleecker Street in Utica has the same type of machine.

Ms. Rosado stated she has developed a business plan with the assistance of the Small Business Association's training program.

Ms. Mammone asked if Ms. Rosado planned to have any employees. Ms. Rosado stated she had been contemplating engaging the services of her two daughters; however, at present they have accepted other employment opportunities. She stated she is therefore unsure whether employees will be part of her business plan.

There being no additional questions or concerns among the Board members, Chairman Beach asked for a motion of the Board.

Codes Officer Green then suggested the ZBA place restrictions on approval of this application stipulating there will be no dumping on the outside premises

Motion by Christine Proulx, seconded by JoAnn Mammone to approve the application by Monica Rosado to operate a bottle/can redemption center at 331 Newport Road, Utica, NY 13502, which is located in the R-1 Zone of the Town of Schuyler, with the stipulation that there will be no dumping or storing of any bottles/cans or any other materials on the outside of the premises.

Motion carried, 5 to 0, in favor of approving the above referenced application with the aforementioned restrictions set forth by the Town of Schuyler Zoning Board of Appeals to allow no dumping or storage of bottles/cans or any other materials on the outside of the premises.

Board members wished the applicant well in her new venture. Ms. Rosado thanked the Board and left the meeting.

– **Bette Szesny, Secretary**

**REGULAR MEETING  
ELECTION OF OFFICERS**

Chairman Beach stated the next item on the agenda is the Election of Officers for the 2019 Calendar Year.

Motion by JoAnn Mammone, seconded by Christine Proulx to nominate Ronald J. Beach to continue as Chair of the ZBA; all in favor. Motion carried.

Motion by Christine Proulx, seconded by Chairman Ronald Beach, to nominate JoAnn Mammone to serve as Vice Chair of the ZBA; all in favor. Motion carried.

**UPDATE: GREEN WAVE SALVAGE**

Codes officer Green stated the Town is very close to reaching an agreement with Green Waste Salvage officials on the provisions of a Security (Performance) Bond to protect the Town's interests.

Supervisor Lucenti then took the floor to provide an in-depth update on the status of the security (performance) bond for Green Wave Salvage. He stated Mr. Green has spent an immense amount of time on this situation. As well, he has been working with the Town's attorney, and today he received her E-mail requesting that the ZBA authorize her to extend the deadline (Friday) that will allow her with adequate time for her to work out an agreement with the company that will adequately protect the Town's interests. She said by the next meeting, she will have an agreement ready for the ZBA to vote on and accept.

Chairman Beach stated when the Board first started working on this effort, he had no idea how involved it would become. He initially had thought this situation would be a simple, cut-and-dried scenario, and he now wishes he had done more research. He said he spoke to his long-time insurance agent who did a lot of research for him but in the end, she also had no idea about how to proceed. He therefore believes the Town needs to develop a strategy that would prevent this same situation from recurring in the future.

Mr. Green stated the problem is that there is no contract; therefore, there is no bond.

Supervisor Lucenti stated this appears to be a very gray area, and it is therefore a highly specialized area. He said Mr. Green has now questioned the bond issue with regard to solar farms, and they conclude the Town needs to investigate this issue, as well.

Mr. Green stated the Town attorney needs to come up with a good plan that will cover the town's interests in all these regards. He said in the event the company pulls out, the Town needS a good nest egg to protect our interests.

Mr. Beach stated it appears the company is doing well at their location at this time.

Supervisor Lucenti stated the owners indicate they have made a significant investment in their business; however, he informed them it is our responsibility protect the Town's interests. He said it seems a resolution to the bond issue is forthcoming in the near future.

Mr. Green stated if the company is not compliant with the terms of their agreement, their application to continue with the operation of their business will be revoked.

Motion by David Pasick, seconded by Chris Proulx to designate authority to the Town Attorney to develop a Security (Performance) Bond with Green Wave Recycling, and to extend the deadline to provide adequate time for its development; all in favor. Motion carried.

#### **UPDATE: DOLLAR GENERAL**

Supervisor Lucenti reported there have been many hold-up's preventing the project to move forward; however, for the most part, these have been or are close to being resolved; the closing on the property will be forthcoming next week; the building contract has been awarded; and construction will commence in the near future.

#### **UPDATE: BUDDHA TEMPLE APPLICATION**

Codes Officer Phil Green reported he has not yet received a request for the final inspection.

Chairman Beach stated he has noticed their work on the property has been (and still is) ongoing. He said the secretary reported having received a call from one of the members who stated they are very close to finishing up with all the work; however, it appears they still have much work to do to fulfill the terms of their application, and they were advised they cannot reapply to the ZBA until they have completed all the work stipulated by the ZBA and the Codes Officer set forth at the conclusion of their last public hearing.

#### **EXECUTIVE SESSION**

Chairman Beach asked for a motion of the Board to convene into Executive Session for the purpose of discussing a personnel issue.

Motion by Jo An Mammone, seconded by Christine Proulx to convene into Executive Session for the purpose of discussing a personnel issue; all in favor. Time was 6:21 PM.

The ZBA returned to Open Session at 6:36 PM.

Motion to adjourn was moved by JoAnn Mammone and seconded by Christine Proulx. Motion carried.

The meeting was adjourned at 6:39 PM.

– Bette Szesny, Recording Secretary