

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