

TOWN OF SCHUYLER ZONING BOARD OF APPEALS
PUBLIC HEARING: TIFFANY MC NAMARA
MAY 29, 2018 – 6:30 PM

Chairman Ronald J. Beach, Jr. called the meeting to order at 6:35 PM at the Schuyler Town Office, 2090 State Route 5, Utica, NY. Also present were ZBA Members Christine Proulx, Jo Ann Mammone, Robert Wasyleski, and Alternate Member David Pasick; Codes Officer Philip Green; Bette Szesny, who served as Recording Secretary; Town residents Ricky Proulx, Sharon & Joe Rolchigo; Sean O'Brien & Hans Hendrick (Green Wave Salvage & Recycling); Bill Graham (Upstate NY Comm. Real Estate); and the applicant, Tiffany McNamara. Ms. McNamara's husband arrived later on during the public hearing.

Chairman Beach asked Ms. McNamara to step up to the podium and state her case. Ms. McNamara stated she is requesting permission to open and operate a used car sales and auto repair business at 3900 State Route 5, Frankfort, NY 13340, which is located in a C-H (Commercial-Highway) Zone of the Town of Schuyler at Tax Map #112.4-313. She presented a map outlining the project's specifications, and stated 15 cars would be displayed on the lot. The application also calls for construction of a 3-stall repair garage with an attached small business office. The property dimensions are 52' (width) x 520' length, totaling about one (1) acre. Ms. McNamara stated the existing building on this property is repairable at an estimated cost of \$30,000 or could be torn down, if found to be beyond repair.

In accordance with Section 8.03-D of the Town's Zoning Ordinance, 2 acres of property are required for this project.

Codes Officer Philip Green stated the addition of a garage/office building on this property will not allow for the required amount of setback. Ms. McMara stated the setback from the center of the road to the railroad tracks is 52' which was confirmed to be inadequate in accordance to Town Zoning standards. Chairman Beach stated there are likely setback requirements set by the railroad, as well, which would not allow this plan to move forward. More importantly, the property is lacking an entire acre to meet with the Town's zoning requirements, even if the existing building were to be removed.

Chairman Beach elicited public comment; there was none.

Chairman Beach stated he believes this is not a viable project and asked for the Board members' input.

Ms. Proulx and Ms. Mammone both stated they agree with Chairman Beach. However, at that point Ms. McNamara's husband entered the board room and asked to be heard. He proposed deleting the plans for construction of the 3-stall garage, and instead blacktopping an area on the side of the building where 30 cars would be displayed. He also asked if the property is "grandfathered in." Mr. Green stated the grandfather clause does not include any new proposed projects that require ZBA approval; as well, this new plan is not in keeping with the proposed action that was submitted in the application.

Mr. Green then addressed the board, stating the main issue at hand here before any other issues are taken into consideration, is whether the board agrees to approving this application with a variance for an acre when 2 acres are required for this proposed action.

Chairman Beach then asked for a motion from the Board. Motion by Christine Proulx, seconded by Chairman Ronald J. Beach, Jr., to deny the application submitted by Tiffany McNamara for a used car sales and auto repair operation at 3900 State Route 5, Frankfort, NY 13340, which is located in the Commercial-Highway (C-H) District of the Town of Schuyler at Tax Map #112.4-313. All members present voted affirmatively when polled by voice vote to deny this application; motion carried.

Chairman Beach adjourned the public hearing at 6:43 PM.

–Bette I. Szesny, Recording Secretary