

**TOWN OF SCHUYLER ZONING BOARD OF APPEALS  
APPLICATION SUBMITTED BY JOHNSON'S AUTO BODY**

**SPECIAL USE PERMIT**

**OCTOBER 1, 2020 – 6:00 PM**

Chairman Ronald J. Beach, Jr. called the Special Meeting before the ZBA to order at 6:00 PM at the Schuyler Town Office, 2090 State Route 5, Utica, NY 13502.

Other ZBA members present were: Vice Chair JoAnn Mammone, Robert Wasyleski and David M. Pasick. Absent (excused) was Jeffrey Dingman.

Also present was Codes Officer Philip Green.

Others present were the applicant, Craig George; Town residents Angela DeMichele, Dr. Michael Lavelle, Harold Moss; and local residents Frank A. Spatto, Frank P. Spatto and Adam Spatto.

Bette Szesny served as Recording Secretary.

Chairman Beach led the assembled members in the Pledge of Allegiance to the American flag.

**APPLICATION BY JOHNSONS AUTO BODY**

**SPECIAL USE PERMIT**

Chairman Beach stated the first order of business is to address the application by Johnson's Auto Body submitted by Craig George to operate an auto body shop and garage at 2128 State Route 5, Schuyler. He then asked Mr. George to step up to the podium to discuss the nature of this business.

Mr. George stated this business involves light mechanical work, body work and all kinds of filtration. He said all has been checked out by his insurance company, and it has been established there exists no contamination, or anything else that would be detrimental to the environment.

In response to Chairman Beach's question, Mr. George stated tow trucks are located at the business, and he agreed he would not be running a "junk yard" at the business location.

Ms. Mammone stated she is familiar with Johnson's Auto Body, which she stated has been an established business for many years, and all she has ever seen are tow trucks at the previous Elizabeth Street location in Utica.

Mr. Beach asked Mr. George if he has completely moved out of his Utica location. Mr. George stated he sold the building to the Association for the Blind. He stated at one time, he was also leasing a building on Lansing Street in Utica; and he is now 62 years old, so has decided to slow down his workload.

Chairman Beach asked for input from Codes Officer Green. Mr. Green asked Mr. George if the nature of his business includes towing wrecked cars, and whether he repairs wrecked cars, or if he just tows the cars to the business location for repair. Mr. George stated he tows cars for AAA, and he does tow in wrecked cars. Mr. Green then asked how long the wrecked cars will remain at the business location. Mr. George stated they will remain there until the insurance company has deemed them a total loss, and then they will be disposed of by AAA or his business. Mr. Green emphasized that he does not want this business location to become a "junk yard."

Mr. George assured Mr. Green this would definitely not be the case, and he also agreed that the cars would remain on the property no longer than 30 days.

Mr. Pasick then asked whether NYS inspections will be performed at this business location; Mr. George stated they will not.

Ms. Mammone asked Mr. George if he is the original owner of this business.; Mr. George stated he is not the original owner; the original owner was Alan Johnson who passed away in 2004, and he bought the business in 2006.

Mr. Wasyleski stated his father-in-law who passed away several years ago lived on Lansing Street, and he recalls some property maintenance issues when the former owner occupied the building; but as long as Mr. George agrees to keep a neat appearance at his new business location, he is fine with approving this application.

Chairman Beach asked if Mr. Pasick had any comments; Mr. Pasick stated his only concern was regarding whether any construction would be undertaken at the location, which has been addressed to his satisfaction in that there will be none.

Mr. Beach then asked Ms. Mammone if she had any further concerns. Ms. Mammone stated she does not; in fact, she is very familiar with this business and their excellent reputation in the area.

Mr. George stated this business has been in operation for 47 or 48 years, and they have never created any negative issues of concern.

Motion by JoAnn Mammone, seconded by David Pasick to grant Mr. George permission to operate his business (Johnson's Auto Body) at 2128 State Route in the Town of Schuyler; all in favor. Motion carried by unanimous voice vote.

Mr. Green stated this represents a special use permit (an allowed use with permission of the ZBA).

#### **EXECUTIVE SESSION**

Chairman Beach then asked for a motion to enter into executive session for the purpose of conducting interviews for the position of Alternate ZBA Member. Applicants for this position were as follows: Angela DeMichele and Dr. Michael Lavelle.

Motion by Mr. Pasick, second by Mr. Wasyleski to enter into Executive session. All in favor; motion carried by unanimous voice vote.

#### **RETURN TO OPEN SESSION**

Motion by JoAnn Mammone, seconded David Pasick, to return to open session; motion carried by unanimous voice vote.

#### **RECOMMENDATION TO APPOINT ALTERNATE ZBA MEMBER**

Chairman Beach announced after much discussion and review of both applicants' experiences, etc., it has been decided to ask Angela DeMichele to join the ZBA as Alternate Member. Mr. Beach stated he will make a recommendation to the Town Board at their next regular meeting to appoint Angela DeMichele to serve as Alternate ZBA member.

Mr. Beach informed Ms. DeMichele as Alternate Member, she will be attending all ZBA Meetings; and if a full board is not present, she will be seated.

**AUGUST 18, 2020 MEETING MINUTES**

Motion by Robert Wasyleski, seconded by Mr. Pasick to approve the minutes of the August 18, 2020 meeting; all in favor. Motion carried by unanimous voice vote.

**ADJOURNMENT**

Motion to adjourn the Special Meeting was entertained by JoAnn Mammone and seconded by David Pasick. Motion was carried by unanimous voice vote.

*– Bette Szesny, Recording Secretary*