

TOWN OF SCHUYLER ZONING BOARD OF APPEALS

PUBLIC HEARING: UTICA DG (DOLLAR GENERAL)

JULY 24, 2018 – 6:30 PM

Chairman Ronald J. Beach, Jr. called the meeting to order at 6:30 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; Town Supervisor Anthony J. Lucenti; Codes Officer Philip Green; Bette Szesny, who served as Recording Secretary; Town resident Ricky Proulx; and representing the applicant, Jude Colwell, P.E., Colwell-Noegele Associates, Inc. (Pennsylvania). Absent was Vice Chairman Joseph Aiello.

This application represents the company's intent to construct a Dollar General store on 2.69 acres of property (dimensions 479' x 411'), which is located in the Commercial Highway (C-H) Zone of the Town of Schuyler at 2102 State Route 5, Tax Map #104.7. This is an allowed use of the property, contingent on permission granted by the Zoning Board Appeals.

As well, area variances were deemed to be required in order to allow for certain modifications in the setbacks, due to the odd shape of the property's boundaries in proximity to the adjoining property boundaries.

Mr. Colwell distributed a full-sized 24"x36" map of the plot plan to all the Board members, and proceeded to describe the project in great detail, stating this application demonstrates the subdivision of the property; a section of the property will be retained by the current owner, so as to enable access/easement to the cell tower which is already located on said property.

In accordance with the Town's Zoning Ordinance, a minimum of 9,100 sq. ft. is required for this project.

The company has made provisions for 27 parking spaces that shall encompass 250 ft. of the property.

Variances are required as follows:

- Width of 50' required / 42' wide available for the front isle. Shape of the property prohibits any possibility for increasing width.
- 25% of available lot size coverage to accommodate delivery trucks for turning movements is required / 34% proposed, due to the building footprint and the required wider size of isle to accommodate delivery trucks.
- 25' (from adjacent property) for commercial parking & unloading is required; 10' proposed. Additional space is unavailable due to existing adjacent residential property.

- Minimum setback requirements from adjacent property line (cell tower building):
 - Minimum setback from proposed property line: 4 ft.;
 - Minimum side setback is 20' for 1 yard; or 35 for both;
 - Rear yard setback: 50 ft. / currently, 42 ft. to nearest portion of the cell tower.
- Lot coverage is 25%, proposed: 60%, to include gravel road and any other improved surfaces.
- Minimum lot size near road, proposed: 30 ft. (to allow access to cell tower operators).
- Loading Areas: 2 loading areas required; proposed: 1 loading area;
 - Only 1 delivery from company per week; other (vendor) delivery trucks (i.e. Pepsi, Frito Lay, etc.)
 - Deliveries will not interfere, as isles are oversized and will accommodate all other delivery companies.

Additional Comments:

- Parking: No need for parking variances: consensus from surveys reflect 10 minutes typical per customer typical / plenty of available parking.
- Number of Employees: 4 anticipated.

Chairman Beach asked whether the Town's request for a sidewalk would be included. Mr. Colwell stated the company has agreed to install a sidewalk if the Town requires it.

It was noted there will be a singular access to the store.

Board members agreed the layout conforms well to the shape of property.

In response to Ms. Proulx's inquiry, Mr. Colwell stated the time frame for construction will be fast tracked. Mr. Green stated the hours for construction work are ample, from 7:00 AM to 11:00 PM. Mr. Colwell added there will be little site work required.

Chairman Beach asked for additional input from the Board.

Mr. Pasick read aloud a recent news article regarding public objection to an application submitted by Dollar General to the Town of Old Forge. According to the article, Dollar General and other discount stores are growing at a very fast rate throughout the entire country. The results of a recent study indicates discount stores have been proven to be detrimental to the socio-economic growth of communities and its residents throughout the country. The study claims these stores serve lower income families creating a permanent underclass in American middle class income families, with a resultant decrease in higher income populations. The article suggests municipalities need to enact legislation that would gear variances in a way that would protect and promote the socio-economic welfare of their communities.

Mr. Pasick stated his comments are directed to his fellow board members, not to the applicant.

Ms. Mammone stated this store will serve residents living nearby, many of whom are elderly and low-income, eliminating the need to travel into the city to shop for their needs.

Mrs. Proulx stated Dollar General stores are aesthetically pleasing in appearance, and they offer a clean shopping environment as well as affordable merchandise.

Mr. Wasyleski stated this store will be good for the area, and it will serve the public's needs. He added the existence of a Dollar General in the proposed location will not be in competition to other Schuyler businesses.

Mr. Green agreed, noting there are no "mom and pop" stores in Schuyler that will be in competition with Dollar General.

Mr. Colwell stated Dollar General's practice is to site their stores in underserved areas, such as Schuyler. He wished the Town well for a successful project.

It was noted only one Town resident was in attendance at this Public Hearing.

Chairman Beach asked for a motion of the Board.

Motion by Christine Proulx, seconded by Ronald J. Beach, Jr., to approve the application by Utica Dollar General as presented, with the following conditions and variances, as specified in the ZBA Resolution, and in the text of these minutes:

- Construction of a sidewalk to run parallel to Route 5;
- Provide one (1) loading space, as indicated herein;
- Rear setbacks, as indicated herein;
- Lot coverage, as indicated herein.

Members were polled by voice vote and responded as follows:

Christine V. Proulx:	Aye
JoAnn Mammone:	Aye
Robert H. Wasyleski:	Aye
David M. Pasick:	Nay
Ronald J. Beach, Jr.:	Aye
Joseph Aiello:	Absent

Chairman Beach closed the Public Hearing at 6:52 PM.

REGULAR MEETING

Approval: May 29, 2018 Public Hearing Minutes

- Tiffany McNamara: Area Variance (Used Auto Sales/Repair Shop)
- Christopher Warn: Area Variance (Used Auto Sales/Repair Shop)
- Green Wave Recycling & Salvage: Use Permit (Recycling & Salvage: Large Machinery)

Chairman Beach asked if everyone has reviewed the minutes.

Mr. Pasick advised the secretary of an error in the Green Wave Recycling & Salvage application. He stated the name is "Green Wave" not "Green Waste." The change will be made in the final draft.

Mr. Wasyleski commented there has been no activity at the site yet; Mr. Green stated the sale of the property may not yet be finalized.

Motion by David Pasick, seconded by Chairman Beach to approve the minutes as presented with the above correction; all in favor. Motion carried.

Chairman Beach adjourned the meeting at 7:04 PM.

– *Bette Szesny, Recording Secretary*