

TOWN OF SCHUYLER ZONING BOARD OF APPEALS

SPECIAL MEETING – FEBRUARY 8, 2016, 6:30 PM

RE: APPLICATION FOR SPECIAL USE PERMIT

ISSUED TO STEVEN MANCUSO, V.P., CONSOLIDATED WASTE SYSTEMS

Chairman Ronald J. Beach, Jr. called the meeting to order at 6:35 PM in the Conference Room at the Schuyler Town Office, 2090 State Route 5, Utica, NY 13502. Other ZBA Members present were: Vice Chairman Joseph V. Aiello, IV; Judy Parry, JoAnn Mammone and Christine Proulx. Also present were Codes Officer Philip Green, Town Councilman/Deputy Supervisor Anthony J. Lucenti, Town resident Ricky Proulx, and Bette Szesny, who served as Recording Secretary.

REPORT BY CODES OFFICER RE: PREVIOUSLY APPROVED SPECIAL USE APPLICATION

Mr. Green stated he requested this Special Meeting to discuss the previously approved application for a Special Use Permit by Steven Mancuso, Vice President of Consolidated Waste Systems, Inc. to operate a waste hauling business at the former Estate Homes business site at 2458 State Route 5. This property is located in a C-H (Commercial Highway) District in the Town of Schuyler.

Mr. Green reported he has received several complaints from residents indicating the presence of Consolidated Waste Systems vehicles parked at the site, violating the first stipulation outlined in the application's approval, which specifically states: "6 inch privacy fencing shall be installed around the entire parameters of the property, and it shall be in place on or before the business is allowed to operate at the Schuyler location."

Mr. Green stated the presence of the company's vehicles indicates the business is operational, and Mr. Mancuso is therefore in violation of his approved application.

Mr. Green also stated he was informed the owner of the property, Billy Leary, had given Mr. Mancuso permission to operate, even though the sale of the property has not been finalized.

Mr. Green said he spoke to the Town Attorney regarding these issues, who recommended suspension of the variance.

Mr. Green stated the Town Attorney also recommended that Mr. Green issue an appearance ticket to Mr. Leary, which was carried out; Mr. Leary's case was then heard in Town Court earlier this evening, and it was the judge's decision that although the waste hauling business' trucks have now been removed from the property, the case shall remain open for 30 days during which time the business site will be monitored to determine any ongoing violations, which would then be handled by the court.

Mr. Green stated he has requested this meeting tonight to request that the ZBA suspend the Special Use Permit that was issued to Mr. Mancuso/Consolidated Waste Systems by the ZBA on October 27, 2015.

BOARD DISCUSSION / ACTION

Following further discussion by the ZBA, it was established that the presence of the waste hauling business vehicles on the property establishes the fact that the business is / has been in operation, without first meeting the stipulations outlined in the ZBA's approval of the application, specifically, the requirement that fencing to be installed around the entire parameters of the property.

Chairman Beach asked for a motion by the Board.

Motion by JoAnn Mammone, seconded by Christine Proulx to suspend the Special Use Permit issued to Steven Mancuso, Consolidated Waste Systems, to operate a waste hauling business at State Route 2458 State Route 5 (which is located in a C-H District of the Town of Schuyler), and to require the applicant to reappear before the Zoning Board of Appeals for reinstatement.

Members were polled by voice vote as follows:

Judy Parry: Aye; Christine Proulx: Aye; JoAnn Mammone: Aye; Chairman Ronald J. Beach, Jr.: Aye; Vice Chairman Joseph Aiello IV: Abstain, due to not being present at the Public Hearing when the application was approved.

OTHER BUSINESS

The ZBA agreed to set the date for a Public Hearing on March 1, 2016, at 6:30 PM to consider an application by Vincent Carino for a special Use Permit to operate a temporary used car sales and display business in East Schuyler at the former Manotti's Restaurant.

ADJOURNMENT

Since there was no further business to come before the ZBA, Chairman Beach adjourned the meeting at 6:58 PM on a motion by Judy Parry, which was seconded by JoAnn Mammone, and all in favor.

– Bette Szesny, Recording Secretary