

TOWN OF SCHUYLER ZONING BOARD OF APPEALS
SPECIAL MEETING RE: GREEN WAVE RECYCLING, LLC
(NON-COMPLIANCE ISSUES)
January 14, 2020 – 6:00 PM

Chairman Ronald J. Beach, Jr. called the meeting to order at 6:00 PM at the Schuyler Town Office, 2090 State Route 5, Utica, NY. Other ZBA members present were: were Jo Ann Mammone, Christine Proulx, and Robert Wasyleski and Alternate Member David M. Pasick. Absent was Joseph Aiello IV.

Other Town officials present were Supervisor Anthony J. Lucenti, Codes Officer Philip Green, Town Councilmen Joseph Juliano, Planning board Member Dale Dodge, Jennifer Christman, Esq., Town resident Ricky Proulx, and Bette Szesny, who served as Recording Secretary.

Also present was Green Waste Salvage & Recycling company owner, Shawn O'Brien.

Chairman Beach led the assembled persons in the Pledge of Allegiance to the Flag.

Chairman Beach stated this meeting before the ZBA was called to order for the purpose of once again addressing the ongoing issues of concern with regard to non-compliance with the conditions of the company's permit. This includes inadequate fencing, which exposes the unkempt condition of the Green Wave Salvage's business property, as well as some non-compliance issues which the company had agreed to uphold in compliance of the terms of their approved application. Specifically, this involves the application submitted to the ZBA for the applicants' public hearing which stated they would be bringing in one large piece of equipment at a time, dismantling it in the back area of the property on a concrete pad in an area that was to be hidden from public view by adequate fencing. Instead, the entire business property is now cluttered with junk school buses, large tractor trailer box cars and similar objects; as well, the company owners' several attempts to correctly install adequate fencing have failed, resulting in fencing that does not remain standing. This has resulted in the large numbers of unsightly recyclable items to be in clear view of the public.

Mr. Beach asked Mr. O'Brien to step up to the podium to discuss the Town's concerns.

Mr. O'Brien stated the fencing has now been reinstalled and secured in place with adequate posts embedded in blacktop. He apologized for the company's lack of compliance, also stating there were some unanticipated set-backs regarding the company's ability to obtain fencing materials in a timely manner, as well as some issues regarding its installation.

Mr. Beach asked when this work was completed; Mr. O'Brien stated the work was just finished today.

Codes Officer Green presented photos he captured just today, affirming that the fence is now securely established on the frontage of the property. The photos were reviewed by Chairman Beach and members of the Board, and all agreed the photos depicted a standing fence.

Chairman Beach stated there should be no openings in this fencing where passers-by can view the junk school busses, tractor trailer box cars, and/or any other recyclable materials. He added that the conditions of the company's permit specified the property would be adequately fenced so as to obliterate any and all items dropped off for recycling.

A discussion ensued regarding extension of the fence around to the back as far as possible, and the installation of a closed gated entrance, and Mr. O'Brien agreed to comply.

Mr. O'Brien apologized for the company's lack of compliance with the conditions of their permit, adding that the company owners had experienced a number of issues which unfortunately led to their non-compliance.

Supervisor Lucenti stated the Town's aim is to be business friendly, but he is very disturbed by the great numbers of complaints he constantly has been receiving with regard to this issue.

It was decided that Codes Officer Green will revisit the business in 30 days, to assess whether the above directives have been completed. If the work has been satisfactorily performed so as to effectively obliterate the recyclable materials, the owners will not be required to reappear before the ZBA; however, in the event this situation has not been corrected to the satisfaction of the Town Codes Officer, further action will be taken requiring the owners to once again reappear before the ZBA.

Jennifer Christman, Esq. will send a letter to the owners outlining and confirming the above directives which they will be required to meet in order to avoid another appearance before the ZBA. Codes Officer Green will update the Board with regard to his findings following his revisit to the company in 30 days' time.

Mr. O'Brien again apologized for the company's lack of compliance with the conditions of their permit, and stated they will make the necessary efforts to adequately and completely rectify the situation to the Town's satisfaction. This will include the installation of a gated entry to the premises.

ANNUAL ELECTION OF OFFICERS

Motion by Christine Proulx, seconded by JoAnn Mammone to nominate Ronald J. Beach, Jr. to remain as Chair of the ZBA; all in favor. Motion carried.

Motion by Ronald J. Beach, Jr., seconded by Christine Proulx to nominate JoAnn Mammone to remain as Vice Chair of the ZBA; all in favor. Motion carried.

MINUTES APPROVAL

SPECIAL MEETINGS: NOVEMBER 19, 2019 & JANUARY 7, 2020

Motion by JoAnn Mammone, seconded by David Pasick to approve the minutes of the above meetings as presented with one correction (1/7 minutes: Frank Palumbo-CT Male); all in favor. Motion carried.

UPCOMING PUBLIC HEARING

Mr. Beach reminded the Board there will be a ZBA Public Hearing at 6:00 on Tuesday, January 21, 2020 to receive public comment on the proposed Watkins Road Solar Farm.

ADJOURNMENT

There was no further business to come before the ZBA; therefore, a motion was made by Christine Proulx and seconded by David Pasick to adjourn the meeting; all in favor as polled by voice vote. Motion carried.

Chairman Beach adjourned the meeting at 6:28 PM.

– Bette Szesny, Recording Secretary