

Town of Conklin Zoning Board of Appeals – April 3, 2018

MEMBERS PRESENT: William Northwood, Chairman; Harold Cole, Art Boyle, Elizabeth Einstein
Norm Pritchard,

ABSENT: none

ATTORNEY: Keegan Coughlin

ALSO PRESENT: Nick Vascello, Code Officer
Mary Plonski, Secretary
Willie Platt, Town Board Liaison

VISITORS: Alan Pope, attorney for JVA De-Icing Inc.
Joe Tuzze Sr.
Joe Tuzze Jr.

7:00 P.M. Chairman Northwood called the meeting to order and advised everyone that this was an Informal meeting since they had just received the application and did not have the 239 Comments back from the county.

Agenda Item #1 JVA De-Icing Inc.
Tax Map No: 162.18-1-53 Request for 2 Area Variances regarding the number of tractor trailers allowed in Industrial Development zone and Limited Industrial.

Chairman Northwood explained that they will have a meeting next month to determine the needs of these gentlemen and their business. Tonight was to help understand what those needs are. He suggested that the board ask any questions that they feel will help them understand the case that will come before the board next month.

Alan Pope began by saying his applicants JVA De-Icing Inc. operate a distribution facility located within an Industrial Development Zone. He referred everyone to the Zoning map handed out in the packet. The ingress and egress currently is located on Hardie Rd. As many are aware there have been a few complaints from residents on Hardie Rd. In order to alleviate the complaints, the Tuzzes have been trying to contact the parcel owner (Thomary Inc.) next to them whose property is land locked to work out a deal for an easement for a private roadway across that parcel. The Tuzze's had tried for many months to contact them to no avail. Mr. Pope received a call from Brady Begeal (Town attorney) telling him of a provision in the Highway law that allowed for private individuals to have property eminent domain. A private person can bring an application to the Town Court with a jury and obtain rights for a property to put a driveway through someone else property for a private entrance. We prepared that petition and filed it here in town court and served it to the owner of this land locked piece. The owner contacted the Tuzzes and came here for a meeting. They made an agreement And the petition was withdrawn from town court. With this easement and an agreement with property owner VanDeusen we are able to build a private road across the parcels and onto Progress Parkway.

He explained that in February they submitted an application to the Planning Board to modify their existing Site Plan. With our first informal meeting with the Planning Board they pointed out that because now we are proposing using a road that goes from Industrial Development thru Limited Industrial zone it would require a variance. The reason being if we were dealing only with our own parcel we would be allowed 50 tractor trailers per the Town code going in and out of the facility. Because the ingress and egress goes across a different zoning district it changes the number of ingress and egress allowed. The variance we are seeking is rather than the 50 that the facility by code could have, we really need 60 tractor trailers at a minimum in and out of the facility. If we look at from the other zoning district we really need 30. So with the complaints that we have

had along Hardie Rd. part of the variance is to say we need to have 60 tractor trailers in and out of our facility but we will self-impose a condition on our self that we will not have any more than 20 tractor trailers going in and out of Hardie Rd. For example, if we had 60 tractor trailers and we decided to use only Progress Pkwy then we would have no tractor trailers on Hardie Rd. for that day. Or if we had 60 and we wanted to run 40 tractor trailers thru Progress Pkwy that would leave us 20 on Hardie Rd. If we had only 30 that we wanted to come in and out of Progress Pkwy or we could have 30 on Hardie Rd. But we are self-imposing that because of the complaints by the residents, we will have no more than 20 on Hardie Rd. As you are aware by code there is no limit to the number of tri-axles or smaller trucks that our facility can have going in or out. The use of one tractor trailer is equal to 2 tri-axles. If we can get our variance that will mitigate or limit our number of tri-axles that will be going in and out to service the distribution facility. The other thing to keep in mind with the variance is we basically distribute salt for the winter months, so it is not 365 days that we would need the 60 tractor trailers on a daily basis.

In our site plan we have asked for a severe weather exception. Most of the customers are municipalities and when storms hit there is a big demand on the services we provide. We are asking if there was a 24-48 hr. storm we are asking that with notification to code (Nick) we would have more tractor trailers (not necessarily Tuzzes) than the 60 during that period. I realize that doesn't really have anything to do with the variances we are asking for. I am just making you aware of everything in the modified site plan.

Hal Cole asked for clarification on the zoning map. He suggested that Hardie Rd. wouldn't need a variance. The parcel the facility is on is Industrial Development would need a variance from 50 to 60. The Progress Pkwy parcel is Limited industrial and would need a variance from 30 to 60 to accommodate what is being as for.

Hal asked who owns all the trucks that come into the facility. Mr. Tuzze said he owns the majority of the trucks. Hal also asked what the schedule looks like. How do you know how many are going to come today? Is there a certain amount of planned activity? Mr. Tuzze Jr. replied that they are planned 3 weeks out. Hal asked if the road was wide enough for trucks to pass. He wondered why they don't have an area to que the trucks so they wouldn't be on the main road. Mr. Tuzze explained that there was problems with trucks coming early (before 7) so they put a gate up. Some of the trucks would come early and not be able to get in so they would stage on the road.

Hal Cole commented that this is only being reviewed for an area variance. A full site plan review will go before the Planning Board.

Art Boyle asked if the address of 132 Shaw Rd. was correct. Mr. Tuzze Jr. explained that when the parcel was first purchased it was land locked and that is the address. The driveway parcel was purchased after that leads out onto Hardie Rd.

Art asked for clarification on how many trucks would be allowed on Hardie Rd verses Progress Pkwy. Mr. Pope explained that with the self-imposed 20 on Hardie Rd., there would never be more than the 20 with the majority being on Progress Pkwy.

Liz asked how many tractor trailers use Hardie Rd. every day at the present time. Mr. Tuzze said there are tri-axles that are also in and out so he doesn't have an exact number. She asked if the 20 would be a reduction. The answer was yes.

Willis Platt commented that the sides of the road coming off Conklin Rd onto Shaw Rd. and from Shaw Rd to Hardie are all broken up. He wondered if there was anything that they were going to do to repair the pavement of those roads. Alan Pope explained that those were County roads not Town roads. He said they have had conversations with the county. He felt that the new road would take care of that issue. Willis commented that there would be the same issues with Powers Rd. Hal commented that the 239 would address those concerns for the Planning Board.

Willis asked if the tractor trailers would use Powers Rd. to Conklin Rd. or would they use Powers Rd. to Corporate Park and over. Mr. Tuzze said they would use the Corporate Parkway.

Art commented that along with regular tri-axles they are also using tag trailers and asked Nick (Code Officer) if this was considered a tractor trailer. Nick explained that it was an area that needed to be discussed and a clarification made.

Chairman Northwood asked if the more tractor trailers that are approved, the less tri-axles would be required. He also asked about the possibility of a railroad site coming in and if that would help grow their business. Mr. Tuzze explained that they lost that opportunity because of the issues with the truck traffic. It may be something they revisit later.

Chairman Northwood also asked if when the towns are stock piling do they ever push back that JVA De-Icing store the salt for them. Mr. Tuzze replied yes that when it is a close location and they know they can get it quickly. He asked if in the summer months when they were restocking could they not use Hardie Rd at all. Mr. Tuzze said that was possible but that he wouldn't want to say never. There could be an accident or something on Corporate Park and they would need to use Hardie Rd. if they get to Progress Pkwy.

Mr. Tuzze explained that using Corporate Pkwy would be better for them since there are a number of days when their trucks sit on the railroad tracks waiting for the trains. That delays the schedule.

Keegan asked if they were proposing any numbers for the emergency conditions. He said it was hard to say a number. It could be ice and that can be worse than a few inches of snow.

Chairman Northwood asked if their trucks ran just one load a day or if there were multiple trips. Mr. Tuzze explained that it depends on where they are delivering to. If it is the NYSDOT in Kirkwood or the Town of Kirkwood then they may deliver 7 or 8 loads in a day.

Chairman Northwood commented that this application would be heard at our next meeting. He thanked the Tuzze's for coming and helping them have a better understanding.

William Northwood motioned to adjourn the meeting. All present board members approved.

Next Zoning Board Meeting will be held on Tuesday, May 1, 2018.

Chairman Northwood closed the meeting at 8:10 p.m.

Respectfully Submitted,

Mary Plonski – Zoning Board Secretary