

Testimony of a Public Hearing of the Town of Union Planning Board held at the Town Office Building, 3111 East Main Street, Endwell, NY, Tuesday, April 10, 2018, at 7:58 pm.

PRESENT:

Members present: L. Miller  
L. Cicciarelli  
S. McLain  
T. Crowley  
S. Daglio  
M. Jaros

Others present: Marina Lane  
Bill Stewart  
Andrew DeNardis

MS. MILLER: We will open the Public Hearing for Outdoor Storage Use and I will read the public hearing notice.

The Town of Union Planning Board will conduct a public hearing relative to an application by Upstate Recovery LLC for a Special Use Permit for Outdoor Storage in an Industrial zoning district. The project, located at 3220 Lawndale Street (property tax map number 142.17-7-2), is for an enclosed heavy equipment storage yard and does not include any construction. The area of enclosed outdoor storage is approximately 0.18-acres, immediately adjacent to the rear and both sides of the existing warehouse building.

The public hearing will take place on Tuesday, April 10, 2018, at 7:00 PM in the Town Board Meeting Room on the second floor of the Town of Union Office Building located at 3111 East Main Street, Endwell, New York. The application is available for review in the Town of Union Planning Department (at the address listed above) during normal business hours (8 AM to 4PM). Paul A. Nelson, Secretary.

Individuals with special needs requiring accommodations may contact the Planning Department at (607) 786-2985 at least 24 hours prior to the scheduled public hearing. Paul A. Nelson, Secretary.

MS. MILLER: Does anybody have any questions or comments?

MR. CROWLEY: Since the forklifts that you store use propane, are you going to have any fuel there?

MR. STEWART: No.

MR. CROWLEY: Okay. Marina, because of the water line that was down there before, should there be anything in this about storing any oils or gas or anything above so many feet?

MS. LANE: Because of the flood?

MR. CROWLEY: Because it flooded in 2011. And the area still hasn't been fixed. I am just wondering if it could flood again? I don't know.

MR. STEWART: I thought it was fixed.

MR. CROWLEY: I don't know.

MS. LANE: What do you mean?

MS. STEWART: They told me that it flooded because of a valve.

MR. CICCARELLI: You're saying the sanitary line. So probably a valve popped. Because you were saying that you really didn't get affected by the water.

MS. LANE: That was in 2011.

MR. STEWART: No, there was a flood prior to that last big one and I didn't get anything.

MR. CROWLEY: In 2006 they weren't hit by it but in 2011 they were.

MR. STEWART: Okay, well, in 2006 my neighbors all got flooded. I didn't.

MR. CROWLEY: I went through the flood in 2006 and 2011 and I know Progressive didn't have water in there in 2006, but they had three feet in 2011.

MR. STEWART: Right, that's when I got hit. But they didn't get hit in 2006. But they told me that the only reason we flooded was not due to the flood.

MS. LANE: Not because of the normal flood but because of the sewer line, because it backed up.

MR. STEWART: And they told us that they fixed that, because it was a valve being stuck.

MS. LANE: I don't know what you meant by saying it isn't fixed.

MR. CROWLEY: What I meant is that it could possibly happen again. That's why I'm saying I don't know if it's been fixed or not. I'm saying on some of these projects that we have in areas where they have flooded or possibly could flood, we put a stipulation saying that any oils and stuff must be three feet off the ground.

MS. LANE: The only one that we did that for is John Esposito because he is in the 500-year floodplain and in the preliminary 100-year floodplain.

MR. CROWLEY: Which one is Esposito?

MS. LANE: That's the one on 221-223 Ardmore.

MR. CROWLEY: We did that on Route 26 too.

MS. LANE: In the floodplain.

MR. CROWLEY: Okay.

MR. CICCARELLI: But I believe what happened here, I don't necessarily know if you were actually flooded by floodwater, you were more affected by the sanitary. So that's what you are saying was fixed, the backflow preventer on the sanitary.

MR. CROWLEY: I'm just bringing it up because in the past we have voted on projects like that just as a precautionary measure. Because the water comes up and gets into oil and it just spreads so fast.

MR. DAGLIO: Would you be storing any oils there?

MR. STEWART: No, because I can't ship it.

MR. CICCARELLI: It's hazmat.

MR. STEWART: It's hazmat and I can't ship it through the mail, and I can't sell it on E-Bay.

MR. DAGLIO: But you don't have any oil for the general upkeep of the machinery of that nature?

MR. STEWART: It's all brand new stuff, so even the motors, none of them are even prepped.

MR. CICCARELLI: So when you move a propane forklift, are you importing the tank at the time that you move it or are you storing the tank on the equipment?

MR. STEWART: I have a tank, but I don't really sell them with tanks because the tanks are like \$200, so you don't sell them with the tanks. But even if I sold it with the tank, they are in those heavy duty containers and it's gas.

MR. CROWLEY: Usually when somebody buys a forklift truck, they get it from the local gas supplier and they rent them. I rent ten of them.

MR. STEWART: You rent all of yours and they come and fill them. People don't really buy their own.

MR. CICCARELLI: I'm just saying because you randomly move that equipment, you don't have any storage on site with LP gas; you bring it there when you move the equipment?

MR. STEWART: Yes, we have one tank and then when it empties, Han Welding, we have a lease with them, and they just slide the tank out for us. We don't store or have any chemicals like that because I can't ship it so I don't bother selling it.

MS. LANE: And once again, the only time we have made that requirement is always if the project is in the floodplain. Like John Esposito, he was in the 500-year floodplain so he did not require a special permit, but because he is in the 500-year floodplain, and that place flooded over there in West Corners. We also did a similar thing with the cell tower. We really could not force them to raise the equipment platform, but we strongly advised that they look at the historical flood data and raise the platform two feet. And that is what we did for John Esposito. He didn't need a special permit for floodplain development, but looking at the history there, we made that a requirement. However, Bill's history is a different story; it's not floodwater. I didn't even bother to print flood maps because the floodplain is so far away. It's further to the northeast.

MR. STEWART: Yes, but I don't mind you putting that in there.

MR. CROWLEY: No, I'm just raising the question. From experience, that's what we've talked about in the past.

MS. LANE: But what would you say? We usually have to base it on something and we don't have any flood data there.

MR. CROWLEY: Well I was under the impression it flooded, not that the sewer backed up.

MS. LANE: Right.

MR. STEWART: They fixed that though. Now I'm freaked out.

MS. LANE: I'm sure they did.

MR. STEWART: We were under the impression they did, but if they didn't ....

MS. LANE: I don't think that Tom meant to say that they didn't fix that valve.

MS. CICCARELLI: No the backflow preventer has been repaired.

MR STEWART: Essentially, it has been fixed?

MR. CICCARELLI: Yes, that's been repaired.

MR. CROWLEY: Until it breaks again (laughter).

MR. STEWART: That was beyond flooding for us because we had to have somebody come in. Because even the cars that got flooded, the auction wouldn't even pick them up. We had to have them completely wrapped for biohazards; because in three days they had funky mold growing all over them and nobody would touch it. It was so bad that we had to have somebody come in and spray the whole inside of the building with a special chemical. If that is going to happen again, I am going to have to get extra insurance. That was so bad.

MR. JAROS: Now do you plan on having live auctions on site?

MR. STEWART: No, it is just storage, and I only sell on E-Bay. It is not open to the public; it is not as if I have a storefront there. Everything is in boxes. I will go down and I will get three or four or five boxes, take them back to my home, and then list the stuff and then I bring it back down and put it on the shelf and get more, and flip it back and forth.

MR. JAROS: So when it comes to the lift trucks and the automobiles though, that is something that is stored on site. Didn't you say the repo?

MS. LANE: He used to do that.

MR. JAROS: So you do not do the cars anymore.

MR. STEWART: No.

MS. MILLER: Just forklifts.

MR. JAROS: Just the forklifts.

MR. STEWART: And honestly, I am not going to do the forklifts anymore because they are so heavy. It cost me more money on those forklifts even though

I bought them at a great price; I lost so much money in pavement. I am way upside down; I didn't realize how bad it was so it won't happen again. There will not be any heavy equipment there.

MR. JAROS: I guess my only thought is the storage out front. Is that going to be allowed?

MS. LANE: No, that's not allowed.

MS. MILLER: That is why he needed a special permit.

MR. JAROS: Right.

MS. LANE: And the property already has a fenced-in area.

MR. JAROS: Yes, I noticed the wood fence around it.

MS. LANE: So what he is coming here for is a special permit for outdoor storage. However, one of those requirements is that it has to be enclosed and not full visibility.

MS. MILLER: Any other questions?

MR. STEWART: How many forklifts do you have?

MR. CROWLEY: Five. I got them at three different buildings.

MR. STEWART: Are they new or used?

MR. CROWLEY: All used. I buy them at the auction. A five thousand pound forklift you buy for \$5,000.

MR. STEWART: Yes, a buck a pound, you got it.

MS. LANE: So that goes on the record as part of the public hearing now (laughter).

MS. MILLER: So now, we will move onto the special permit.

Public Hearing concluded: 8:08 pm.

I, CAROL M. KRAWCZYK, do hereby certify that the foregoing transcript of a Public Hearing of the Town of Union Planning Board is a true, accurate, and complete transcript of my stenographic notes/tape taken at the above time and place.

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CAROL M. KRAWCZYK