

TOWN OF KIRKWOOD
ZONING BOARD OF APPEALS
January 15, 2018

A meeting was held on January 15 at 7:00 p.m. at the Joseph A. Griffin Town Hall, 70 Crescent Drive, Kirkwood, NY on the application of Justin Cicio on behalf of Ontrack Motors, LLC for an interpretation of the Zoning Ordinance for construction of metal building for personal storage, equipment and storage of cars waiting to be sold regarding property located 24 Track Drive, Kirkwood, known as Tax Map #162.05-2-14 and located in an Industrial Development (ID) District.

Present: Duane Travis, Chairman
Mike Maciak, Member
Ed Egan, Member
Cyndi French, Member
Bruce Nemcek, Member
Jason Griffin, Associate Member
Nathan VanWhy, Attorney
Gordie Kniffen, Town Supervisor

Absent: None

Chairman Travis called the meeting to order at 7:00 pm.

APPROVAL OF MINUTES:

Motion by Mike Maciak and second by Cyndi French to approve the minutes of the June 19, 2017 meeting as submitted. All voted in favor. Motion carried.

Mike Maciak excused himself from the meeting because Justin Cicio is a neighbor of his. Nathan VanWhy also excused himself because of a conflict of interest. Both sat in the audience.

INTERPRETATION OF ZONING ORDINANCE

Chairman Travis read the notice of public hearing. Chairman Travis commented that we have the affidavit of posting by the town clerk, notice to property owners within 500 feet of the project, affidavit of publication in The Binghamton Press & Sun Bulletin and County Courier, and affidavit of service by mail. We do not have any comments from Broome County Planning Departments, the 239 m and a short EAF are not required for an interpretation.

Chairman Travis opened the public hearing to public participation at 7:03 pm.

Hearing no comments, Chairman Travis closed the public hearing at 7:03 pm.

Chairman Travis asked Justin Cicio to come forward to explain his plans for the building. Owner of Ontrack Motors, LLC Justin Cicio said he had a place Conklin but it has been flooded twice. My business is online, I take pictures of vehicles for sale and hold auctions wholesale. Chairman Travis asked what will be in the building. Mr. Cicio said I will store my personal vehicles. I travel and live in Florida for part of the year so I want to store my vehicles so they are safe. I buy vehicles from auction and I outsource everything. The building is basically a holding place. Cyndi French asked if another dealership buys them. Mr. Cicio said yes.

Bruce Nemcek asked if a local person could come to this warehouse to view and buy cars. Mr. Cicio said I am

not saying that they couldn't but I don't advertise to the public, I don't put numbers on the cars and I am not there that often.

Bruce Nemcek asked will there be a sign on the building. Mr. Cicio said probably, I have to put up a sign for my license and DMV. Ed Egan asked how big the building is. Mr. Cicio said it is 30 x 60. I would store my cars, boat and my motorcycle inside. Ed Egan asked is the building metal. Mr. Cicio responded yes. Ed Egan asked how many bays are in it. Mr. Cicio said four (4) bays. Cyndi French asked will any chemicals be stored. Mr. Cicio said no.

Chairman Travis read the Town local law for Industrial Development District to the members. Ed Egan asked if Mr. Cicio will blacktop for the cars outside. Mr. Cicio said probably yes, I don't want mud all over. Bruce Nemcek asked if Mr. Cicio owns the building. Mr. Cicio said no not now. Jason Griffin said it sounds like storage or warehouse. Gordie Kniffen stood to speak and asked where this location is. Mr. Cicio said 24 Track Drive. Gordie Kniffen asked if the building would have cars inside and outside the building. Mr. Cicio said yes both inside and outside. Chairman Travis spoke and said we are here tonight because current code does not feel this fits into our Industrial Development District. Gordie Kniffen said I am not against it but we have had a lot of approved car dealers on Court Street and there we conditions and that many of them did not meet. Then Code Department would have to go back and fight with this people. We have had a bad history of this. I just hope you're not one of them.

Bruce Nemcek asked if the amount of cars allowed outside would be based on how big the area is outside. Chairman Travis yes but this would be determined by the Planning Board if we approve tonight. Cyndi French asked what kind of vehicles you sell. Mr. Cicio responded I sell pickup trucks and diesel trucks.

Mr. Cicio asked what the concern of a dealership being located there is. Chairman Travis explained the concern would be selling. Currently it is zoned as Industrial Development and the local law does not allow for auto sales. Typically an auto auction would be running cars thru and selling. Cyndi French said we could do a condition of warehouse only, no sales on the property if we approve.

Ed Egan asked Mr. Cicio do you have auctions. Mr. Cicio said no I buy from auctions. Ed Egan asked if there will be any parts or torn up trucks in this building. Mr. Cicio said no, I have another building for parts and repairs. Cyndi French asked how many cars can fit inside the building. Mr. Cicio said about eight (8). Ed Egan asked how many vehicles you can park outside. Mr. Cicio said I don't know that number. I am a one man band. I am not trying to buy one hundred (100) cars. Ed Egan asked how big the property is. Mr. Cicio said 1.35 acres. Ed Egan asked is it all available. Mr. Cicio said no, I can't use the bank. Bruce Nemcek asked if there was anything on the property now. Mr. Cicio said yes a storage space. Bruce Nemcek asked if the storage space will be demolished. Mr. Cicio said I will probably sell it or move it to my other property. Ed Egan asked will you have an office space. Mr. Cicio said yes inside the building.

Mike Maciak stated you can't get tractor trailers on property, you can't make the swing. Mr. Cicio said I don't know how the survey is on that property but I don't do anything with tractor trailers. I drive the cars back myself. I just need to store them while I am advertising. Ed Egan asked Mr. Cicio again if he knew how many cars could be parked outside of the building. Mr. Cicio said again I don't know, I have had twenty five (25) but I can also use my other property.

Chairman Travis reminded the board that they were here tonight only for an interpretation. Chairman Travis

reread the Town local law for Industrial Development District to the members again. Cyndi French said I think it fits under warehouse. Ed Egan asked if any salesman would be stopping. Mr. Cicio said no, I am hardly ever there. Bruce Nemcek asked if there was any kind of fencing. Mr. Cicio said I have never had any problems with that but if I have to I will. This is just for me not the public. Chairman Travis said my input is I don't want to set a prescient here. Bottom Line if we approve this we are allowing anyone to come here and warehouse vehicles in an Industrial Development District. Mr. Cicio said so your concern is there would be a lot of junk in there. Bruce Nemcek said or it would become a car lot. Cyndi French said we just don't want to set a prescient to sell cars there. It's more like an online business, cars are just being stored there. Gordie Kniffen spoke and told the board if you approve this tonight. I think you should give a list to the Planning Board of what you would like to see.

Chairman Travis asked the board if anyone had any further questions. Hearing none, Chairman Travis asked for a motion to either approve or disapprove the interpretation as submitted.

Motion by Ed Egan and second by Jason Griffin to grant the interpretation with the following condition:

- 1) No direct Sales to the public, online sales only.

Roll Call Vote:	Mike Maciak	Yes
	Ed Egan	Yes
	Cyndi French	Yes
	Bruce Nemcek	Yes
	Duane Travis	No

Motion carried.

Chairman Travis stated we will discuss and send recommendations to the Planning Board before leaving tonight.

ELECTION OF OFFICERS FOR 2018:

Chairman Travis asked the board to elect a ZBA Board Co-Chairman and Secretary for 2018.

Motion by Ed Egan and second by Cyndi French to nominate Mike Maciak as Co-Chairman.

Motion carried.

Motion by Cyndi French and second by Jason Griffin to nominate Ed Egan as Secretary.

Motion Carried.

OTHER BUSINESS:

Chairman Travis stated that the board will make two (2) recommendations to the Planning Board about this project.

- 1) The Planning Board should recommend a fence be put up so neighbors cannot see what is there. Industrial Development District says outdoor storage should be screened.

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2) The Planning Board should make sure they set and approve the number of vehicles that will be stored outside.

Hearing no other business or comments, Chairman Travis asked for a motion to adjourn.

Motion by Cyndi French and second by Ed Egan to adjourn the meeting. The meeting was adjourned at 8:00 pm.

Respectfully Submitted,

Lori A Garvey, Secretary
Zoning Board of Appeals

cc: Zoning Board Members
Gayle Diffendorf
Linda Yonchuck
Code Department
Dan Griffiths
Oliver Blaise III
Nathan Van Why