

**TOWN OF MARCY
COUNTY OF ONEIDA
STATE OF NEW YORK
PLANNING BOARD**

OCTOBER 19, 2009

The Town of Marcy Planning Board held four (4) Public Hearings on Monday, October 19, 2009 at 7:00PM at the Marcy Municipal Building, 8801 Paul Becker Road, Marcy, New York.

THOSE PRESENT: Planning Board Chairman Robert Lambe
Planning Board Member Michael Pawloski
Planning Board Member Frank J. Pinnisi
Planning Board Member Stephen Zywiak
Planning Board Representative Engineer Alan M. Swierczek
Planning Board Secretary Lori A. Wrobel

ABSENT: Planning Board Member Carl A. Annese

Planning Board Chairman Robert Lambe called the Meeting to order with the Pledge of Allegiance at 7:00PM.

It was noted that Planning Board Member Carl A. Annese had noted that he would not be able to attend the Meeting this evening.

Planning Board Secretary Lori A. Wrobel read the Legal Notice that was published in the Observer Dispatch on Wednesday, October 13, 2009.

STEVE ROBY for PROPERTY OWNED BY GEORGE and VIVIAN SMOLINSKY, 10410 Turnpike Road

Minor Two (2) Lot Subdivision

Tax Map Number 279.000-2-69.1

Zoned R-20/Residential 20,000

Application Number 2009-18

Mr. Roby attended the August 24, 2009 Planning Board Meeting. Mr. Roby has applied for a Minor Two (2) Lot Subdivision of property owned by his in-law's.

Trenton Road is a County Road, therefore a 239 Review was required.

The Oneida County Department of Planning has "No recommendation as to final action", with the following comments:

1. The applicant will need to complete an Agricultural Data Statement since the proposal is within 500' of property located within New York State Agricultural District #7 for Oneida County (Tax Parcel ID#279.000-1-17.4) owned by Eugene and Elaine Lyszczarz, Town of Deerfield.

2. Any access onto Trenton Road or any work performed within the highway right-of-way will require a permit from the Oneida County Department of Public Works.”

NOTE: Mr. Roby has filed the Agricultural Data Statement with the Oneida County Department of Planning.

The Oneida County Department of Public Works “has received the above mentioned subdivision plat for review. In accordance with Section 239-f of NYS General Municipal Law, we offer the following comments:

- A Model Access Management Ordinance prepared by the New York State Department of Transportation (NYSDOT) recommends a minimum driveway spacing standard of 220 feet along a collector road for development with 0 – 150 Peak Hour Trips (PHT). This department recommends that any future driveway meets or exceeds the minimum driveway spacing standard between any adjacent proposed or existing driveway if possible and sight distance is maximized at the final location.
- We recommend turnarounds for any existing or future residential driveways accessing the County highway.
- The NYSDOT Policy and Standards for the Design of Entrances to State Highways recommends a standard residential driveway width of 12 feet.
- Section 136 of the NYS Highway Law requires a permit to be obtained for any access, construction, or reconstruction within the right-of-way of a County highway. Any above recommendation given by this department will be a required action for any permit approval.

The permits are obtained through our Division of Highways and Bridges. Items of concern include:

1. Verify that adequate sight distance is provided at future access locations.
2. Development shall not adversely affect the highway drainage or drainage of adjacent property.

Questions regarding this review should be directed to James Bartkowiak of our office.”

Planning Board Chairman Robert Lambe asked if there were any comments or questions from the Public.

Mr. Roby questioned the comments concerning a driveway. Planning Board Chairman Robert Lambe noted that the Planning Board will review the plans during the Regular Meeting and discuss the driveway(s) in detail.

Planning Board Chairman Robert Lambe asked if there were any comments or questions from the Board.

The required \$50.00 fee has been received.

Hearing no further comments, Planning Board Member Frank J. Pinnisi made a motion to close the Public Hearing; seconded by Planning Board Member Stephen Zywiak.

All Members Present Voting: Aye

STEVE ZIELINSKI and MIKE PALADINO, 6592 Mallory Road

Minor Two (2) Lot Subdivision

Tax Map Number 246.000-3-35.1

Zoned AG/Agricultural

Application Number 2009-20

Mr. Zielsinki attended the September 14, 2009 Planning Board Meeting. Mr. Zielinski has applied for a Minor Two (2) Lot Subdivision.

Mallory Road is a County Road, therefore a 239 Review was required.

Oneida County Department of Planning has “No recommendation as to final action”.

Oneida County Department of Public Works “has received the above mentioned subdivision plat for review. In accordance with Section 239-f of NYS General Municipal Law, we offer the following comments:

- County highway access policy requires that all possible driveway accesses be considered to internal subdivision and/or town roads before allowing driveway access to a county roadway. The purpose of which is to minimize safety conflicts when at all possible. Therefore, this department recommends that access to parcel A be first considered from Woods Road.
- A Model Access Management Ordinance prepared by the New York State Department of Transportation (NYSDOT) recommends a minimum driveway spacing standard of 200 feet along a collector road for development with 0 – 150 Peak Hour Trips (PHT). This department recommends that any future driveway along Mallory Road meets or exceeds the minimum driveway spacing standard between any adjacent proposed or existing driveway if possible.
- This department recommends that any future access to Parcel A from Mallory Road be located toward the northerly end of the frontage to maximize sight distance at the final location.
- This department recommends turnarounds for any existing or future residential driveways accessing the County highway.
- The NYSDOT Policy and Standards for the Design of Entrances to State Highways recommends a standard residential driveway width of 12 feet.
- Section 136 of the NYS Highway Law requires a permit to be obtained for any access, construction or reconstruction within the right-of-way of a County highway. Any above recommendation given by this department will be a required action for any permit approval. The permits are obtained through our Division of Highways and Bridges. Items of concern include:
 1. Verify that adequate sight distance is provided at future access locations.
 2. Development shall not adversely affect the highway drainage or drainage of adjacent property.

Questions regarding this review should be directed to James Bartkowiak at 793-6220.”

Planning Board Chairman Robert Lambe asked if there were any comments or questions from the Public.

Planning Board Chairman Robert Lambe asked if there were any comments or questions from the Board.

The required \$50.00 fee has not been received as of this date.

Hearing no comments, Planning Board Member Michael Pawloski made a motion to close the Public Hearing; seconded by Planning Board Member Frank J. Pinnisi.

All Members Present Voting: Aye

DAVID TUCCI, 9755 River Road

Site Plan Review

Tax Map Number 306.000-2-17

Zoned PD/Planned Development

Application Number 2009-15

Mr. Tucci attended the August 10, 2009 and August 24, 2009 Planning Board Meetings. Mr. Tucci has applied for a Site Plan Review to construct a 120' x 68' addition to Tucci Hot Rods to be used as Nice Car Storage Hotel.

There was a delay with processing this application due to concerns noted by the Oneida County Department of Planning and involving a resolution by the Town Board concerning this property. The resolution was amended and forwarded to Oneida County Department of Planning to satisfy the concerns.

Although this portion of River Road is owned and maintained by the Town of Marcy, it is located within 500' of a State Road, therefore a 239 Review was required.

The Oneida County Department of Planning has "No recommendation as to final action".

The New York State Department of Transportation has the following comment:

"This letter is in response to your request for a 239/Site Plan Review of the proposed project that will be located at 9755 River Road. The project will involve constructing an addition to an existing business for the purposes of car storage.

Per this request, the New York State Department of Transportation would concur with a "No recommendation as to Final Action" response under the Section 239 Review process.

Thank you for the opportunity to comment."

The New York State Department of Environmental Conservation "has received the above referenced submittal dated August 24, 2009. The DEC has no objections to the Town of Marcy being Lead Agency for this project. To expedite any forthcoming technical review or permit application, the DEC offers the following checklist of items to be considered:

General:

- All metes & bounds, easements and right-of-ways shown on plans
- Topographic features shown on plans (e.g. site contours, floodplains, water bodies, rock outcropping, etc.)

Archeological:

- The Office of Parks, Recreation and Historical Preservation Cultural Resources (OPRHP) maps should be reviewed for any project that will be classified as Major under Uniform Procedures Regulations 6 NYCRR Part 621. Before any project within a mapped archeological or historic site may be called complete, consultation with OPRHP must take place.

Floodplain Development:

- It appears your project may be in a flood hazard area. Please contact your municipal Flood Plan Administrator.

Stormwater SPDES General Permit for Construction Activity (GP-08-01):

- Submit Notice of Intent to Discharge (GP-08-01)
- Stormwater Pollution Prevention Plan Required
- If you anticipate disturbing one or more acres, but less than 5 acres, you are required to file for coverage under New York State's General Stormwater Permit – GP-08-01
- If you anticipate disturbing 5 or more acres of soil, you will need written authorization from the Regional Water Engineer

If you wish further assistance in this matter, please call Rosa Howard at 793-2740.”

The Mohawk Valley Water Authority “has no comments on the above noted review as the construction requires no new services, nor is located near any existing water services or mains. It also appears no water will go to the new storage addition. If in the future water does, an evaluation is needed to ensure the existing water service meter and line is sized to accept the additional demand. Should you have any questions regarding the above, please contact David R. Jones at 792-0326.”

As of this date, a response has not been received from SUNY.

As of this date, a response has not been received from the Maynard Fire Department.

Planning Board Chairman Robert Lambe asked if there were any comments or questions from the Public.

Cynthia Nelson stated that she is here representing her mother Mae Engler and that she would like to first give some background information as to why she is objecting to the granting of any further building permit being issued to Mr. Tucci for the property adjacent to her.

Ms. Nelson stated that when Mr. Tucci was first granted the building permit for the original building in 1996, it was for his personal use for a hobby. Ms. Nelson stated that the surrounding neighbors were never legally notified of this permit application.

Ms. Nelson stated that on September 16, 2002, Mr. Tucci appeared in front of the Planning Board to obtain a Variance to construct an addition to his present building that miraculously went from his personal use building to a full blown commercial business. Ms. Nelson stated that Mr. Tucci had stated at that time that his new building would be for storage and a spray paint booth. Ms. Nelson stated that at that time, Mr. Tucci was denied the Variance and told that maybe when the property was rezoned, he could make another request. Mr. Tucci was also informed at that time that a Site Plan Review would be required as well as a 239 Review since this property is located within 500' of a State Road.

Ms. Nelson stated that Mr. Tucci is now requesting a storage building and wonders what is stopping him to changing the building to a paint shop with many booths after it is constructed.

Ms. Nelson stated that Mr. Tucci's current building lies within the fringe area of the 100 year Floodplain, as it is only 30' from his boundary lines. Ms. Nelson feels that by adding an additional building that is one and a half times that would compromise this area. Ms. Nelson stated that given Mr. Tucci's track record of doing his own thing, a paint booth with toxic fumes and water runoff would endanger the health and well being of all those around his business along with the ecological surrounding area.

Planning Board Chairman Robert Lambe thanked Ms. Nelson for her concerns and noted that when Ms. Nelson speaks of September 16, 2002, she is referring to a Review Panel Meeting, not a Planning Board Meeting.

Ms. Nelson stated that Mr. Tucci is currently working and bulldozing in the 100 year Floodplain area.

Mae Engler questioned how much more she will have to endure.

Planning Board Chairman Robert Lambe asked if there were any comments or questions from the Board.

Hearing no further comments, Planning Board Member Stephen Zywiak made a motion to close the Public Hearing; seconded by Planning Board Member Frank J. Pinnisi.
All Members Present Voting: Aye

The required \$2,416 fee has been received.

ANTHONY LAPOLLA, 9809 River Road

Site Plan Review

Tax Map Number 306.007-1-42.1

Zoned PD/Planned Development

Application Number 2009-16

Mr. LaPolla attended the August 10, 2009 Planning Board Meeting. Mr. LaPolla has applied for a Site Plan Review to use an existing 30' x 60' building as a detailing shop. The building is located on a 1.76 acre piece of property.

There was a delay with processing this application due to concerns noted by the Oneida County Department of Planning and involving a resolution by the Town Board concerning this property. The resolution was amended and forwarded to Oneida County Department of Planning to satisfy the concerns.

Although this portion of River Road is owned and maintained by the Town of Marcy, it is located within 500' of State property, therefore a 239 Review was required.

The Oneida County Department of Planning has "No recommendation as to final action".

The New York State Department of Transportation has the following comment:

"This letter is in response to your request for a 239/Site Plan Review of the proposed project that will be located at 9809 River Road. The project will involve using an existing accessory building as a vehicle detailing business.

Per this request, the New York State Department of Transportation would concur with a “No recommendation as to final action” response under the Section 239 Review process.
Thank you for the opportunity to comment.”

The New York State Department of Environmental Conservation “has received a copy of your letter dated August 18, 2009, requesting comments on Mr. LaPolla’s application to use an existing 30’ x 60’ accessory building as a detailing shop.

We are unable to locate the property in question in our databases without the correct tax map number. Therefore, the Department has no comment on this proposed action.”

NOTE: Correspondence was forwarded to the NYSDEC informing them of the tax map number for Anthony LaPolla.

Planning Board Chairman Robert Lambe asked if there were any comments or questions from the Public.

Planning Board Chairman Robert Lambe asked if there were any comments or questions from the Board.

Hearing no comments, Planning Board Member Frank J. Pinnisi made a motion to close the Public Hearing; seconded by Planning Board Member Stephen Zywiak.

All Members Present Voting: Aye

The required \$400.00 fee has been received.

Planning Board Chairman Robert Lambe called the Regular Meeting to order at 7:16PM.

Planning Board Member Frank J. Pinnisi made a motion to dispense with the reading of the September 28, 2009 Planning Board Minutes; seconded by Planning Board Member Stephen Zywiak.

All Members Present Voting: Aye

Planning Board Chairman Robert Lambe asked if there were any corrections.

Planning Board Member Frank J. Pinnisi made a motion to approve the September 28, 2009 Planning Board Minutes as written; seconded by Planning Board Member Michael Pawloski.

All Members Present Voting:

Planning Board Chairman Robert Lambe	Abstain
Planning Board Member Carl A. Annese	Absent
Planning Board Member Michael Pawloski	Aye
Planning Board Member Frank J. Pinnisi	Aye
Planning Board Member Stephen Zywiak	Aye

STEVE ROBY for PROPERTY OWNED BY GEORGE and VIVIAN SMOLINSKY, 10410 Turnpike Road

Minor Two (2) Lot Subdivision

Tax Map Number 279.000-2-69.1

Zoned R-20/Residential 20,000

Application Number 2009-18

Planning Board Members have reviewed the application for a Minor Two (2) Lot Subdivision. A 239 Review has been completed in accordance with General Municipal Law. A Legal Notice was published in the Observer Dispatch as required by General Municipal Law. A copy of the Public Hearing Notice was mailed on October 8, 2009 to all property owners within 500' of the proposed project. Mailing labels for the Public Hearing notices were prepared and verified by Clerk to the Assessor Thomas Foley.

Planning Board Chairman Robert Lambe explained to Mr. Roby that the Oneida County DPW would like to see 220' between any driveway. Mr. Roby stated that the driveway for the other parcel was denied which is why it is located on Turnpike Road.

Planning Board Chairman Robert Lambe stated that the approval of the subdivision would be contingent upon any driveway having an on-site turn around. This would apply to both parcels.

SEQR was completed on August 24, 2009.

Planning Board Member Frank J. Pinnisi made a motion to approve the application for a Minor Two (2) Lot Subdivision on Turnpike Road, with the condition that any driveway have an on-site turn around; seconded by Planning Board Member Stephen Zywiak.

All Members Present Voting: Aye

Mr. Roby will need to have a note added to his surveyed plan stating that "any driveway must have an on-site turn-around".

Once the revised plans are received, the plans will be stamped and signed by Planning Board Chairman Robert Lambe and Planning Board Secretary Lori A. Wrobel.

The approved Subdivision plans will need to be filed with the Oneida County Clerk's Office within sixty (60) days of the date of approval otherwise they will become null and void.

STEVE ZIELINSKI and MIKE PALADINO, 6592 Mallory Road

Minor Two (2) Lot Subdivision

Tax Map Number 246.000-3-35.1

Zoned AG/Agricultural

Application Number 2009-20

Planning Board Members have reviewed the application for a Minor Two (2) Lot Subdivision. A 239 Review has been completed in accordance with General Municipal Law.

A Legal Notice was published in the Observer Dispatch as required by General Municipal Law. A copy of the Public Hearing Notice was mailed on October 8, 2009 to all property owners within 500' of the proposed project. Mailing labels for the Public Hearing notices were prepared and verified by Clerk to the Assessor Thomas Foley.

Mr. Zielinski noted that the driveway on this parcel is already existing as is the home.

It was also noted that Mr. Zielinski owns the one hundred (100) acres surrounding this property.

SEQR was completed on September 14, 2009.

The required \$50.00 fee was submitted.

Planning Board Member Frank J. Pinnisi made a motion to approve the application for a Minor Two (2) Lot Subdivision as submitted; seconded by Planning Board Member Stephen Zywiak.

All Members Present Voting: Aye

The plans will be stamped and signed by Planning Board Chairman Robert Lambe and Planning Board Secretary Lori A. Wrobel.

The approved Subdivision plans will need to be filed with the Oneida County Clerk's Office within sixty (60) days of the date of approval otherwise they will become null and void.

DAVID TUCCI, 9755 River Road

Site Plan Review

Tax Map Number 306.000-2-17

Zoned PD/Planned Development

Application Number 2009-15

Planning Board Members have reviewed the application for a Site Plan Review to construct a 120' x 68' addition to Tucci Hot Rods which will be used as Nice Car Storage Hotel. A 239 Review has been completed in accordance with General Municipal Law. A Legal Notice was published in the Observer Dispatch as required by General Municipal Law. A copy of the Public Hearing Notice was mailed on October 8, 2009 to all property owners within 500' of the proposed project. Mailing labels for the Public Hearing notices were prepared and verified by Clerk to the Assessor Thomas Foley.

Planning Board Members reviewed the plans. It was noted that the height of the addition would be 27'.

Planning Board Representative Engineer Alan M. Swierczek distributed copies of his comments.

Planning Board Representative Engineer Alan M. Swierczek stated that Mr. Tucci submitted a revised set of drawings to him prior to the meeting along with a response from his Engineer Robert Ellison, P.E. of Zangrilli Engineering.

“On behalf of the Marcy Planning Board, Planning Board Representative Engineer Alan M. Swierczek has assisted the Town of Marcy Codes Enforcement Officer in conducting a technical site plan review of preliminary plans and reports for the proposed 8,160 square foot building addition/expansion of Tucci Hot Rods on their 4.315 acre parcel at 9755 River Road, prepared by Zangrilli Engineering dated August 2009. This technical review has been for conformance with the Town’s Zoning Ordinance as well as general engineering practice. Review comments are as follows:

Site Plan Review, Section 20, Site Plan Review:

- (5) Grading and Drainage: The project’s Engineering Report concludes a storage volume of 3000 cf, being a swale 200’ long x 15’ wide x 1’ deep, be provided to manage stormwater runoff. With regard to this swale:
- It appears the swale will have a bottom elevation of 524.0, a depth of 1 ft, and therefore a 100 year water surface elevation of 525.0. The FFE of the building is 525.5. It is recommended building floor elevations be set at least 2’ above the 100 year water surface elevation. It therefore appears necessary that the swale be lowered.
 - If the drainage swale is intended to supplement the storage associated with the 100 year storm, its 100 year water surface elevation should be set at the same elevation as Gridley Creek’s 100 year water surface elevation. A 1997 analysis by Gomez and Sullivan for this site concluded it was lower than 525.0, being within the stream’s channel.
 - The role of the stone check dam at the outlet of the swale is not clear. Is it permanent or a temporary sediment control practice? If it is permanent and intended to control outflow from the storage swale, a top elevation should be provided on the plans.
 - The Engineering Report does not address the water quality aspect of stormwater management which is different from management of water quantity issues. It is recommended runoff from roofs and pavements be collected in a grassed swale and detained.

Environmental Review:

I am not aware of any conditions which would warrant concerns regarding any negative environmental impacts from this project.”

It was noted that Mr. Tucci is providing a swale to provide for storage for additional runoff and that the detention basin has been lowered.

It was noted that in 1997 Gomez and Sullivan completed a sensitivity analysis, data was provided and it was concluded that the 100 year flood elevation is within the channel.

Planning Board Representative Engineer Alan M. Swierczek noted that the FEMA mapping is not consistent with the Gomez and Sullivan analysis and that since the FEMA map is not dated, he would use the Gomez and Sullivan report.

Planning Board Chairman Robert Lambe read a statement from the Gomez and Sullivan Report which is on file.

Planning Board Representative Engineer Alan M. Swierczek confirmed that this proposal is not going to effect the 100 year Flood Plan.

Planning Board Representative Engineer Alan M. Swierczek has recommended that the swale be redesigned.

A response from Robert R. Ellison, P.E. was received on behalf of Mr. Tucci.

“I have received review comments from the New York State Department of Environmental Conservation and the Town’s Engineer, Alan M. Swierczek, P.E. I have made some revisions to the drawings based on these comments. I have not revised the Engineering Report.

The Town Engineer provided a copy of a report for a 100 Year Storm Hydraulic Analysis that was prepared by Gomez and Sullivan Engineers in 1997 for the original development of the site. Based on this report, I have adjusted the location of the “100 Year Flood Boundary” as shown on the Site Plan. The 100 year flood boundary falls within the channel of Gridley Creek. This report also indicates that the River Road bridge has adequate hydraulic capacity for the 100 year flood. The swale has been widened and deepened with a bottom elevation of 423.00. This is just above the 100 year flood elevation of 422.99’ at the outlet location. The widened swale will provide storage at a 6” depth, with a storage volume of 2440 cubic feet (the design storage volume is 2352 cubic feet). If the Town’s experience is that the bridge does actually constrict the flow of water in a flood condition, the check dam could be lowered or removed in the future.

The following comments are in response to the review comments made by the Town Engineer in his October 17, 2009 letter.

- The 100 year flood elevation is elevation 422.99’. This is 2’ – 6’ below the proposed finish floor elevation of the addition. The top of water elevation in the storage swale is 423.50’. This is 2’ – 0” below the proposed finish floor elevation of the addition.
- The drainage swale is no longer intended to supplement Gridley Creek. It is providing detention for the site.
- The stone check dam is providing the outlet for the swale. A top elevation of 423.50’ has been indicated on the plans.
- The soil disturbance to the site is less than one acre (approximately 0.6 acres). Per the NYSDEC regulations, no SWPPP or post-construction or post-construction water quality controls are required, and is provided as part of the Site Plan. Additionally, all of the new impervious areas (the building and roof and new gravel driveway) will discharge to the detention swale. The grass lined swale, along with the check dam, should allow any pollutants to settle out and remain on-site.

The following comments are in response to the review comments made by the NYSDEC in their September 2, 2009 letter.

General:

- All on the noted items are shown on the Site Plan.

Archeological and Cultural Impacts:

- The majority of the proposed work will be performed in a stone parking area that exists on the site. The remainder of the proposed work is in a lawn area. These areas have already been previously disturbed and stabilized. We do not feel that this work warrants any further review.

Floodplain Development:

- Based on the information stated above, the 100 year flood is contained within the creek banks and the finished floor of the building is 2’ – 6’ above the 100 year flood elevation.

Stormwater SPDES General Permit for Construction Activity (GP-08-01):

- The disturbance is less than one acre. A NOI is not required.
- The disturbance is less than one acre. A SWPPP is not required.
- The disturbance is less than one acre. Coverage under the Stormwater General Permit GP-08-01 is not required.
- Since the total disturbance is less than one acre, authorization to disturb more than 5 acres will not be required.

Should you have any questions or comments concerning this matter, please contact Robert R. Ellison, P.E.”

It was noted that Zangrilli Engineering has responded to the swale being redesigned and Mr. Tucci has also addressed that point in the revised plans.

Planning Board Chairman Robert Lambe questioned how Mr. Tucci would get to the back of the property. Mr. Tucci stated that he will leave that undeveloped and will not need to access the back of the property. Planning Board Chairman Robert Lambe noted that Mr. Tucci is not showing any development to the back of the property and therefore none would be allowed.

Planning Board Representative Engineer Alan M. Swierczek stated that if there is further development, the swale would need to be moved. Planning Board Chairman Robert Lambe noted that then there would be a sediment problem.

Planning Board Representative Engineer Alan M. Swierczek discussed the Engineering Report and noted that water quality was not discussed. Mr. Tucci’s Engineer responded that this would not be under the NYSDEC jurisdiction. Planning Board Representative Engineer Alan M. Swierczek stated that he disagrees and noted the Town of Marcy’s MS4 obligations. Mr. Swierczek noted that Mr. Tucci cannot write of water quality or quantity.

Planning Board Representative Engineer Alan M. Swierczek stated that Mr. Tucci has made a good faith effort but it is not there in text.

Planning Board Chairman Robert Lambe asked for information concerning runoff from the roof. Mr. Tucci stated that the roof is a single sided sloped roof pitched to the back of the property and picked up by the swale and then into the creek.

Planning Board Representative Engineer Alan M. Swierczek stated that Mr. Tucci has complied with the Town of Marcy technical requirements.

Planning Board Member Stephen Zywiak stated that Mr. Swierczek’s letter talks about 500’ elevation and that this is a typo and should be 400’, 424’, 425.5’, etc. Planning Board Representative Engineer Alan M. Swierczek agreed.

It was noted that all of the comments made by the New York State Department of Environmental Conservation have been addressed by Mr. Tucci’s Engineer.

Planning Board Chairman Robert Lambe asked what the addition would be used for. Mr. Tucci stated that the addition will be used to store vehicles. There will be no spray booth, strictly storage of cars.

It was noted that the use is allowed by the Town rezoning this property to Planned Development.

Planning Board Chairman Robert Lambe stated that he would like to see additional plantings along the residential side of the property along the creek.

Planning Board Member Frank J. Pinnisi stated that he had stopped by to see the property and noted that most of the existing plantings are deciduous, nothing that would last through the winter. Mr. Tucci stated that there is no business and no activity in the winter at this location.

Planning Board Chairman Robert Lambe noted that there may not be activity during the winter months but the building will still be there.

Planning Board Members discussed evergreens or cedars being planted along the residential side of the property. Planning Board Member Stephen Zywiak noted that the deer will destroy cedars. Planning Board Chairman Robert Lambe stated that he would like to see something low maintenance planted.

Mae Engler asked about the paint booths in the building. Planning Board Chairman Robert Lambe asked Mr. Tucci if he has any spray booths or if he is planning on having any spray booths. Mr. Tucci stated that he does not have a spray booth and has no plans for getting a spray booth. Ms. Engler stated that she is very concerned with the odors that will come from the spray booth.

Mr. Tucci stated that he is not proposing a spray booth nor does he have any intention of installing a spray booth. Mr. Tucci stated that all vehicles are sent out to be painted, there is no painting in his building.

Ms. Engler stated that she is very concerned with the spray booth and toxic odors. Planning Board Chairman Robert Lambe clarified that there will NOT be any spray booth.

Ms. Engler stated that she is concerned that Mr. Tucci will eventually put a spray booth in the building. It was noted that the Codes Enforcement Officer would need to approve the installation of a spray booth and ensure that it meets all applicable codes and regulations.

Planning Board Chairman Robert Lambe asked if there will be any expansion of the metal fabrication. Mr. Tucci stated no.

Ms. Nelson asked if there is any plastic fabrication. Mr. Tucci stated that there is fiberglass fabrication.

Ms. Nelson questioned where the drainage from washing cars would go. Mr. Tucci stated that they usually just wax cars but if he had to wash one, he would wash it in the driveway.

Planning Board Representative Engineer Alan M. Swierczek stated that the run off from the parking lot pre-dates the MS4 obligations. Mr. Swierczek also noted that if Mr. Tucci washes the cars on the lawn, the water would pass along the grass and all concerns would be taken care of.

Planning Board Member Frank J. Pinnisi asked if Mr. Tucci does a great amount of washing. Mr. Tucci stated no.

Ms. Nelson asked what would happen if Mr. Tucci had a pipe that runs through the property and drains into the creek. Ms. Nelson stated that tonight there is a black drainage pipe draining into the creek from this property.

Mr. Tucci stated that he does have an existing pipe there now but once the addition is constructed, the pipe will be removed. Planning Board Representative Engineer Alan M. Swierczek stated that it would be preferable to wash vehicles outside.

Mr. Tucci stated that the additional parking area will not be paved, he will have stone.

Planning Board Chairman Robert Lambe stated that he is concerned with the buffer area and ensuring that the project complies with the MS4 obligations.

Planning Board Member Stephen Zywiak asked if he was correct in that Mr. Tucci is stating there will be no car washing for this proposal. Mr. Tucci stated that is correct.

Planning Board Chairman Robert Lambe asked where the snow would be plowed to in the winter. Mr. Tucci stated that the snow would be plowed right to the back of the property.

Planning Board Representative Engineer Alan M. Swierczek stated that Mr. Tucci could put a little depression area along the pavement to catch water. Mr. Tucci stated that exists now.

Planning Board Member Stephen Zywiak discussed the length of the barrier for the buffer area. Planning Board Members agreed that the buffer area should be at least the length of the addition.

Planning Board Chairman Robert Lambe stated that the buffer could be anywhere from the existing tree to just past the new addition.

Planning Board Member Stephen Zywiak noted that the scale for Mr. Tucci's plans if 1" = 30' and if he is going to plant some type of spruce, they would need to be planted 15' apart so he would need to actually plant twenty (20) trees.

Ms. Engler stated that she just had fifteen (15) trees removed from her property and that she is forced to leave six (6) trees up so she doesn't have to look at Mr. Tucci's junk.

Planning Board Chairman Robert Lambe noted that the more root in there, the better it will be for the creek in that it would stabilize the bank.

Ms. Nelson asked what Mr. Tucci plans on doing with the three (3) large mobile storage trailers. Mr. Tucci stated that he will be getting rid of one (1) trailer and he will keep two (2) of them. It was noted that the trailers are moveable.

Planning Board Chairman Robert Lambe asked Mr. Tucci to designate an area for the two (2) storage trailers. Mr. Tucci stated that he would need to have the trailers on the stone area since they cannot be kept on the lawn. Planning Board Chairman Robert Lambe stated that the trailers should stay on the paved area.

Planning Board Member Michael Pawloski questioned the archeological comment received from the NYS Department of Environmental Conservation. Planning Board Chairman Robert Lambe noted that this issue was addressed by Mr. Tucci's Engineer.

Ms. Nelson stated that she does not think that Mr. Tucci is going to do what he says.

Ms. Engler stated that her property is adjacent to Mr. Tucci and that she was never legally notified of the first building he constructed. Planning Board Chairman Robert Lambe explained that the Planning Board is obligated to put a Legal Notice in the newspaper and that public hearing notices are mailed to neighbors as a courtesy. Planning Board Chairman Robert Lambe stated that he understand Ms. Engler's frustration and that this has been a confusing application all the way through.

Planning Board Member Frank J. Pinnisi made a motion that upon review of the information submitted by the applicant, the Oneida County Department of Planning, the New York State Department of Transportation, the New York State Department of Environmental Conservation, and the Mohawk Valley Water Authority the Board finds that the proposed action will not have a significant adverse impact upon the environment in light of its modest nature and conformance to town development regulations; seconded by Planning Board Member Stephen Zywiak.

All Members Present Voting: Aye

Planning Board Member Frank J. Pinnisi made a motion to approve the application for a Site Plan Review to construct a 120' x 68' addition to the existing Tucci Hot Rods at 9755 River Road with the condition that a buffer of twenty (20) evergreen trees be planted along the residential side of the property, the evergreens shall be a minimum of 15' apart; seconded by Planning Board Member Stephen Zywiak.

All Members Present Voting: Aye

Mr. Tucci may contact Codes Enforcement Officer Timothy Russell for the required permit(s).

ANTHONY LAPOLLA, 9809 River Road

Site Plan Review

Tax Map Number 306.007-1-42.1

Zoned PD/Planned Development

Application Number 2009-16

Planning Board Members have reviewed the application for a Site Plan Review to use an existing 30' x 60' building as a detailing shop at 9808 River Road. A 239 Review has been completed in accordance with General Municipal Law. A Legal Notice was published in the Observer Dispatch as required by General Municipal Law. A copy of the Public Hearing Notice was mailed on October 8, 2009 to all property owners within 500' of the proposed project. Mailing labels for the Public Hearing notices were prepared and verified by Clerk to the Assessor Thomas Foley.

It was noted that Mr. LaPolla will not require any permits from the NYS Department of Environmental Conservation.

Planning Board Member Frank J. Pinnisi asked what is located in the upstairs of the building. Mr. LaPolla stated that there is nothing upstairs, just a tiny loft and storage area.

Planning Board Member Frank J. Pinnisi made a motion that upon review of the information submitted by the applicant, the Oneida County Department of Planning, the New York State Department of Transportation, and the New York State Department of Environmental Conservation, the Board finds that the proposed action will not have a significant adverse impact upon the environment in light of its modest nature and conformance to town development regulations; seconded by Planning Board Member Michael Pawloski.

All Members Present Voting: Aye

Planning Board Member Stephen Zywiak made a motion to approve the application for a Site Plan Review to use an existing 30' x 60' building as a detailing shop at 9808 River Road; seconded by Planning Board Member Frank J. Pinnisi.

All Members Voting: Aye

Mr. LaPolla was informed that if he plans on installing water in the building, he must contact the Mohawk Valley Water Authority.

Mr. LaPolla may contact Codes Enforcement Officer Timothy Russell for the required permit(s).

NELSON ADAMS, 7142 Ives Road

Area Variance

Plan Review of an Oversized Accessory Building

Tax Map Number 246.000-2-31.9

Zoned AG/Agricultural

Application Number 2009-00

Appeal Number 2009-67-11

Mr. Adams attend the September 8, 2009 and October 5, 2009 Zoning Board of Appeals Meetings. Mr. Nelson applied for an Area Variance to construct a 36' x 40' accessory building. The proposed accessory building meets all of the required setbacks.

The Planning Board will need to review and approve the size and the location of the proposed accessory building.

Planning Board Members reviewed the plans and paperwork.

Ives Road is a Town Road, therefore a 239 Review was not required. A Public Hearing was held by the Zoning Board of Appeals on October 5, 2009 with no comments or concerns from the Public or the Board. The Public Hearing was advertised as an Area Variance and Plan Review application.

It was noted that the Zoning Board of Appeals approved the application for an Area Variance to construct a 36' x 40' accessory building with the conditions that the building be constructed within two (2) years and that it be used strictly for personal storage.

Planning Board Member Michael Pawloski made a motion to approve the application for a Site Plan Review to construct a 36' x 40' accessory building at 7142 Ives Road with the conditions that the building be constructed within two (2) years and be used strictly for personal storage; seconded by Planning Board Member Stephen Zywiak.

All Members Present Voting: Aye

Mr. Adams may contact Codes Enforcement Officer Timothy Russell for the required permit.

VAUGHN LEWIS, 9565 River Road

Area Variance

Site Plan Review

Tax Map Number 293.003-3-39

Zoned CG/General Commercial

Application Number 2009-00

Application Number 2009-73-13

Mr. Lewis attend the September 8, 2009 and October 5, 2009 Zoning Board of Appeals Meetings. Mr. Lewis applied for an Area Variance to construct a 32' x 50' accessory building. The proposed accessory building meets all of the required setbacks.

The Planning Board will need to review and approve the size and the location of the proposed accessory building.

Planning Board Members reviewed the plans and paperwork.

This portion of River Road is owned and maintained by the Town of Marcy, therefore a 239 Review was not required.

A Public Hearing was held by the Zoning Board of Appeals on October 5, 2009 with no comments or concerns from the Public or the Board. The Public Hearing was advertised as an Area Variance and Plan Review application.

Mr. Lewis stated that the proposed building will be used for storage. There is an existing building that is also used for storage.

Planning Board Member Frank J. Pinnisi asked if there were any plans to repair the existing building that has siding falling off of it. Mr. Lewis stated that the new building would have vinyl siding and an architectural roof. There are no immediate plans to repair the building that has siding falling off of it.

Mr. Lewis stated that he would like to make repairs to the existing building some day.

Mr. Lewis noted that there is a 25' right-of-way on the property.

Planning Board Chairman Robert Lambe stated that he would recommend moving the building west 20' so there is no problem with getting vehicles in and out. Mr. Lewis agreed.

Planning Board Member Michael Pawloski made a motion to approve the application for a Site Plan Review to construct a 32' x 50' accessory building at 9565 River Road, with the condition that the building be moved 20' west; seconded by Planning Board Member Frank J. Pinnisi.

All Members Present Voting: Aye

Mr. Lewis may contact Codes Enforcement Officer Timothy Russell for the required permit.

ANDY KOWALCYK for PROPERTY OWNED BY JACK and KATHY KUNKEL, Woods Road

Property Line Change

Tax Map Number 264.000-3-9.1 and 9.3

Zoned AG/Agricultural

Application Number 2009-17

Mr. Kowalczyk attended the August 10, 2009 Planning Board Meeting. Mr. Kowalczyk represents Mr. and Mrs. Kunkel who have previously subdivided their property in order to give their daughter a lot to construct a home. Mr. and Mrs. Kunkel would now like to sell their home to their son and change the property lines in order to "split" the property.

Planning Board Members reviewed a copy of the plan on August 10, 2009 and noted that the existing buildings shown on the plan do not meet the required setbacks.

Attorney Kowalczyk has revised the surveyed plan to meet the required side yard and rear yard setback (for the existing accessory building). The existing stable with a less than 50' side yard setback has been reviewed by Town Attorney William Schmitt. After researching the Zoning Ordinance, Town Attorney William Schmitt has determined that an Area Variance will not be required for the location of the existing stable.

Planning Board Members reviewed the plans and paperwork.

Planning Board Member Frank J. Pinnisi made a motion that the Board finds the proposed application is a Type II action not subject to Environmental Conservation Law Article 8 (SEQR) under Part 617.5(c)(12), granting of individual setback and lot lines; seconded by Planning Board Member Stephen Zywiak.

All Members Present Voting: Aye

Planning Board Member Frank J. Pinnisi made a motion to approve the application for a Property Line Change as submitted; seconded by Planning Board Member Stephen Zywiak.

All Members Present Voting: Aye

The approved plans were stamped and signed by Planning Board Chairman Robert Lambe and Planning Board Secretary Lori A. Wrobel.

The approved plans will need to be filed with the Oneida County Clerk's Office within sixty (60) days of the date of approval otherwise they will become null and void.

There is no fee for a Property Line Change. A 239 Review and Public Hearing are not required for a Property Line Change.

OTHER BUSINESS

Planning Board Chairman Robert Lambe will attend the October 29, 2009 Town Board Meeting.

Planning Board Member Stephen Zwyiak will attend the November 19, 2009 Town Board Meeting.

Planning Board Member Carl A. Annese will attend the December 17, 2009 Town Board Meeting.

The next Planning Board Meeting will be held on Monday, November 9, 2009.

Tentative Agenda: Michael and Michele Reid, Public Hearing
Bruce Snyder for Federal Express, Minor Two (2) Lot Subdivision

The following Planning Board Meeting will be held on Monday, December 14, 2009.

Tentative Agenda: Bruce Snyder for Federal Express, Public Hearing
Carl Annacker for the Utica Maennerchor, Site Plan Review
Alva Cerri, Property Line Change

The Planning Board will not be meeting with the Zoning Board of Appeals on Monday, November 2, 2009 to view the material purchased from the American Planning Association.

A draft of a resolution has been forwarded to the Town Board requesting that the time count toward the mandatory training required for each Planning Board and Zoning Board of Appeals Member.

Planning Board Chairman Robert Lambe stated that the Master Plan will also qualify toward the mandatory training.

Planning Board Member Frank J. Pinnisi made a motion to appoint Planning Board Member Carl A. Annese as Acting Planning Board Chairman with authorization to conduct meetings and sign plans in the event the Planning Board Chairman is absent; seconded by Planning Board Member Stephen Zywiak.

All Members Present Voting: Aye

Having no further business, Planning Board Member Michael Pawloski made a motion to adjourn the meeting at 8:50PM.; seconded by Planning Board Member Frank J. Pinnisi.

All Members Present Voting: Aye

Respectfully submitted,

Lori A. Wrobel
Planning Board Secretary
November 6, 2009