

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

APRIL 12, 2010

The Town of Marcy Planning Board held one (1) Public Hearing on Monday, April 12, 2010 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 Carl A. Annese
Planning Board Member Michael Pawloski
Planning Board Member Frank J. Pinnisi
Planning Board Member Stephen Zywiak
Planning Board Secretary Lori A. Wrobel

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

Planning Board Secretary Lori A. Wrobel read the Legal Notice that was published in the Observer Dispatch on Wednesday, April 7, 2010.

DON NIMS for MOHAWK VALLEY EDGE, Edic Road

Minor Two (2) Lot Subdivision

Tax Map Number 000.000-0-0

Zoned R-20/Residential 20,000

Application Number 2010-00

Mr. Nims attended the September 14, 2009 and February 16, 2010 Planning Board Meetings. Mr. Nims is representing Mohawk Valley EDGE for the Marcy NanoTech Development. The project includes construction of the Edic Road bypass around the existing homes on Edic Road. It also includes sanitary sewer and water main extensions to the NanoTech Development as well as street lighting. A trail that parallels the bypass from River Road to Campus Drive and possibly further north to provide a connection to the NanoTech Development.

Mr. Nims is proposing to subdivide property into two (2) lots.

This property is located within 500' from property owned by New York State and by Oneida County, therefore a 239 Review was required.

The Oneida County Department of Planning has "Recommended approval of this application".

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:

- The proposed subdivision is part of the planning stage for the Marcy Nanocenter Bypass Project. Mohawk Valley EDGE and SUNYIT have been coordinating the project with this department. Our issues and/or concerns are being addressed directly in the project review. Therefore this department has no comments or objections to the proposed subdivision.

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

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

“This letter is in response to your request for a 239 Review for a Minor Two (2) Lot Subdivision which includes frontage along River Road and Edic Road.

On February 1, 2008, the New York State Department of Transportation submitted comments to your Town regarding this property. We have enclosed a copy of the letter.

Upon review of the latest information provided, the NYSDOT does not have any additional comments regarding this proposed action.”

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

Mr. Grace stated that he and his sister received a notice in the mail and that they own the adjoining parcel. Mr. Grace and his sister had questions that were answered by Steve DiMeo of Mohawk Valley EDGE prior to the Meeting.

Ray Edic and Joe Edic stated that they had wanted to see what was going on and wondering what was being planned. Mr. Edic stated that they have been informed of the proposal and have received a copy of the map.

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 Carl A. Annese.

All Members Voting: Aye

Planning Board Chairman Robert Lambe called the Regular Meeting to order at 7:05PM.

Planning Board Member Michael Pawloski made a motion to dispense with the reading of the March 22, 2010 Planning Board Minutes; seconded by Planning Board Member Frank J. Pinnisi.

All Members 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 March 22, 2010 Planning Board Minutes as written; seconded by Planning Board Member Carl A. Annese.

All Members Voting: Aye

DON NIMS for MOHAWK VALLEY EDGE, Edic Road

Minor Two (2) Lot Subdivision

Tax Map Number 000.000-0-0

Zoned R-20/Residential 20,000

Application Number 2010-00

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 April 9, 2010 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 determined for SEQR that this proposal is consistent with the mitigation measures required by the GEIS under the SEQR action on the Nanocenter Rezoning application."

Planning Board Members discussed possible conditions for approval.

Planning Board Member Frank J. Pinnisi made a motion to approve the application for a Minor Two (2) Lot Subdivision with the following conditions:

1. Any development of parcels 1 and 2 are subject to site plan approval by Town of Marcy Planning Board and availability of public road access in conformance with the technical/engineering Street and Road Standards promulgated by the Town of Marcy in effect at that time;
2. Prior to the issuance of a building permit in connection with any development on parcels 1 and 2, the required roadway construction shall be performed by the applicant at their sole expenses, or suitable financial instrument provided in lieu thereof, acceptable to the Marcy Town Board;
3. The parcel shown as "Edic Road Bypass Corridor" is approved for use as public road right-of-way only, with conveyance to the highway agency of jurisdiction for such purpose. Until such time as this parcel is accepted by the highway agency, it shall remain part of parcel 1;
4. Any deed or instrument purporting to convey title to parcels 1 and 2 shall expressly reference restrictions (1) and (2) or this approval shall be deemed null and void and no further legal force and effect;
5. Any easements for utilities and walkways shall be filed with the Town of Marcy;

Seconded by Planning Board Member Carl A. Annese.

All Members Voting: Aye

Mr. DiMeo will have his plans revised to show the conditions of approval.

Once the revised plans are received, they 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.

MICHAEL SERVATIOUS, 7555 NYS Route 291

Site Plan Review

Tax Map Number 227.000-3-9

Zoned R-20/Residential 20,000

Application Number 2010-00

Mr. Servatious attended the March 22, 2010 Review Panel Meeting. Mr. Servatious would like to construct a 24' x 24' accessory building (garage) in his front yard which would be setback 92' from the center line of the road.

Mr. Servatious has a lot which is wide opened with a line of trees to the side of the property.

A Site Plan Review from the Planning Board will be required in order to construct an accessory building in front of the existing home.

Planning Board Members reviewed the plans and paperwork.

Planning Board Chairman Robert Lambe noted that the proposed accessory building is not in the front yard but it is in front of the main structure, therefore a Site Plan Review will be required.

It was further explained that the proposed accessory building would be closer to the road than the existing home.

The front yard would be considered the first 50' of the property. The proposed accessory building would be 97' from the edge of the road.

Planning Board Members reviewed the definition of a front yard (Zoning Ordinance, page 51 (a), 5).

Planning Board Chairman Robert Lambe explained that as long as the setbacks are met, an Area Variance would not be required.

Mr. Servatius stated that the garage door will face NYS Route 291.

NYS Route 291 is a State Road, therefore a 239 Review will be required.

Planning Board Member Stephen Zywiak made a motion to accept the application for a Site Plan Review to construct a 24' x 24' accessory building in front of the existing home, and forward plans and paperwork to the Oneida County Department of Planning, the NYS Department of Environmental Conservation and the NYS Department of Transportation for a 239 Review; seconded by Planning Board Member Michael Pawloski.

All Members Voting: Aye

Planning Board Member Frank J. Pinnisi made a motion that the Board finds the proposed application is an unlisted action under Environmental Conservation Law Article 8 (SEQR) potentially involving the following other agencies: Oneida County Department of Planning, the NYS Department of Environmental Conservation and the New York State Department of Transportation. Further, the Board accepts the lead agency role and will proceed as such unless otherwise notified by another agency by the Board Meeting scheduled for May 10, 2010. The short form EAF submitted by the project sponsor, along with other information brought to its attention by interested parties by the same Board meeting will be used to determine the significance of the action; seconded by Planning Board Member Carl A. Annese.
All Members Voting: Aye

Mr. Servatious will be notified by mail of his Public Hearing date.

SAM and DOMINICK CELIA for TRACKSIDE CROSSING, Cavanaugh Road

Mailing Address: 1507 Brookside Ave, Utica 13501

Site Plan Review

Tax Map Number 292.000-4-9.14

Zoned RM/Multiple Residential

Application Number 2010-00

Mr. Celia attended the March 22, 2010 Review Panel Meeting. Mr. Celia has constructed apartment buildings on Cavanaugh Road. Mr. Celia would now like to construct two (2) additional apartment buildings (eighteen (18) units).

The construction of the additional units would put him over the nineteen (19) units that he is allowed with only one (1) dedicated entrance and exit.

Mr. Celia was not present for the Meeting.

MARY GAETANO for CHARLES A. GAETANO, 8661 Chaminade Road

Minor Two (2) Lot Subdivision

Tax Map Number 261.000-3-30

Zoned AG/Agricultural

Application Number 2010-00

Ms. Gaetano attended the March 22, 2010 Planning Board Meeting. Ms. Gaetano and her father Charles A. Gaetano recently placed a bulk of undeveloped land into an LLC. By filing the LLC, Ms. Gaetano has created two (2) lots.

Ms. Gaetano has applied for a Minor Two (2) Lot Subdivisions.

Concerns were noted by Planning Board Members with this application since it is part of a Planned Development.

Planning Board Chairman Robert Lambe has discussed the proposed subdivision with Town Attorney William Schmitt. Since it is unclear exactly what standards would be used to guide the subdivision review, an amendment of the initial Planned Development Zoning approval by the Town Board is advised. Town Attorney William Schmitt also believes that the Planning Board can request such a change like any other zoning amendment and doing so might simplify the process for the Town Board.

Planning Board Member Frank J. Pinnisi made a motion to request that the Town Board amend the Planned Development Zoning approval for this property to include a subdivision into two (2) parcels as proposed by the applicant. The configuration of development will not change, only the parcel boundaries, the configuration of which seem to be logical. Any future changes in development of either parcel will require re-application under the PD Zoning or other petition for zoning change; seconded by Planning Board Member Michael Pawloski.

All Members Voting: Aye

OTHER BUSINESS

Planning Board Members discussed potential revisions to the Zoning Ordinance.

1. Remove "Enclosed Accessory Building" as a Principle permitted use in all residential zones.
2. Amend Section 27.E with the following accessory building size tables:

Lots being used for residential purposes:

Agricultural	Gen'l Comm	Neigh.Comm	Industrial	Resid. 16	Resid. 20	Mul. Resid.
1,600	By review *	1,200	By review *	800	1,200	800

Lots being used for non-residential purposes:

Agricultural	Gen'l Commercial	Neighborhood Comm.	Industrial
No size limit for Principle Permitted Use	No size limit for Principle Permitted Use	1,200	No size limit for Principle Permitted Use

3. Add the following text in Section 51 (or as revised by Town attorney)
 - Any construction action proposed on a non-conforming lot that would not require an area variance if the same action were conducted on a conforming lot shall not require an area variance, providing it conforms to all the required setbacks, building heights, and other zoning restrictions. (character of neighborhood / environmental impact such as runoff)

- Any construction action proposed on a lot that is conforming, but has either a primary structure or an accessory building that has a non-conforming setback that pre-existing the Zoning Ordinance or has an approved area variance, such action shall not require an area variance providing it conforms to all the required setbacks, building heights, and other zoning restrictions. (character of neighborhood / environmental impact such as runoff)
- 4. Revise Section 27.J.3 to read “Unless stated otherwise in the Ordinance, no fence shall exceed 6 feet in height in any zone.”
- 5. Add cemetery as a Site Plan Review Use in AG and R-20 zones.
- 6. Revise Section 44 from “Solar Energy Systems” to “Alternative Energy Systems” and add short-term fix for wind power (for primary use on-site). OR Add new section on wind power?
Section 44A and associated definitions in progress.
- 7. Require a site plan review for any structure greater than 20’ tall that is not a building in every zone?
Draft of new Section 26.c provided for each Member.
- 8. Add new residential zones for developed areas with smaller lots?
Analysis was attached, questioned if this should be deferred.
- 9. Discuss any further revision to non-conforming use section?
None.
- 10. Create a multi-use overlay zone to allow recommended development types in Stittville and River Road West areas?
Draft of new section 15 provided for each Member. Also need to address single use clauses in Section 7 and 26.B.1.
- 11. Create a new TD zone for SUNY Parcel F and Edge Edic Road parcel?
In progress.
- 12. Review/fix any inadvertent map changes made during past zoning amendments.
In progress.

Special Use Permits were again discussed. Planning Board Member Carl A. Annese had volunteered to draft.

It was agreed that #8 and #9 should be removed from the list.

Planning Board Members will have further discussions regarding a proposed Technology Development.

Planning Board Chairman Robert Lambe will attend the April 22, 2010 Town Board Meeting

Planning Board Member Stephan Zywiak will attend the May 20, 2010 Town Board Meeting.

Planning Board Member Frank J. Pinnisi will attend the June 24, 2010 Town Board Meeting.

Planning Board Member Carl A. Annese will attend the July 22, 2010 Town Board Meeting.

Planning Board Member Michael Pawloski will attend the August 26, 2010 Town Board Meeting.

Planning Board Member Michael Pawloski will attend the September 23, 2010 Town Board Meeting.

Planning Board Chairman Robert Lambe will attend the October 28, 2010 Town Board Meeting.

Planning Board Member Stephen Zywiak will attend the November 18, 2010 Town Board Meeting.

Planning Board Member Carl A. Annese will attend the December 23, 2010 Town Board Meeting.

The next Planning Board Meeting will be held on Monday, April 26, 2010.

Tentative Agenda: Town-wide Storm Water Management Study
 Joseph Bravo, Planned Development Application
 Sam and Dominick Celia, Site Plan Review
 Carl Annacker, Site Plan Review

Planning Board Chairman Robert Lambe noted that the Town had hired Gomez and Sullivan to completed a Town-Wide Storm Water Management Study. A representative will attend the April 26, 2010 Planning Board Meeting in order to discuss same.

Having no further business, Planning Board Member Frank J. Pinnisi made a motion to adjourn the meeting at 8:515M.; seconded by Planning Board Member Stephen Zywiak.

All Members Voting: Aye

Respectfully submitted,

Lori A. Wrobel
Planning Board Secretary
April 23, 2010