

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

APRIL 26, 2010

The Town of Marcy Planning Board held a Regular Meeting on Monday, April 26, 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 Stephen Zywiak
Planning Board Secretary Lori A. Wrobel

ABSENT: Planning Board Member Frank J. Pinnisi

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

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).

A Site Plan Review from the Planning Board will be required. This will be handled as two (2) separate Site Plan Review.

A Site Plan Review for an eight (8) unit apartment building on existing Lot #7; and a Site Plan Review for a ten (10) unit apartment building on existing Lot #12.

Planning Board Members reviewed the plans and paperwork.

It was noted that this proposal would exceed the maximum of nineteen (19) units with one entrance/exit point.

Mr. Celia stated that he has the second entrance/exit completed, but it has not had the top course. Planning Board Chairman Robert Lambe stated that Mr. Celia could work with the Town Board and secure a bond rather than put down the top course.

Mr. Celia stated that he is willing to top the pavement if necessary and will check on paving prices before discussing a bond with the Town Board.

Planning Board Chairman Robert Lambe suggested that Mr. Celia have his attorney speak with Town Attorney William Schmitt concerning any bonding.

Cavanaugh Road is a County Road, therefore a 239 Review will be required.

Planning Board Member Carl A. Annese made a motion to accept the application for two (2) Site Plan Reviews to construct an eight (8) unit apartment building on Lot #7 and a ten (10) unit apartment building on Lot #12, and to forward plans and paperwork to the Oneida County Department of Planning, Oneida County Department of Public Works, Oneida County Department of Health, New York State Department of Environmental Conservation, Mohawk Valley Water Board, Maynard Volunteer Fire Department, Planning Board Representative Engineer Alan M. Swierczek, and Superintendent of Highways Vito Sciortino for a 239 Review; seconded by Planning Board Member Stephen Zywiak.

All Members Present Voting: Aye

Planning Board Member Michael Pawloski 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: the Oneida County Department of Planning, Oneida County Department of Public Works, Oneida County Department of Health, New York State Department of Environmental Conservation, Mohawk Valley Water Board, Maynard Volunteer Fire Department, Planning Board Representative Engineer Alan M. Swierczek, and Superintendent of Highways Vito Sciortino. 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 June 14, 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 Stephen Zywiak.

All Members Present Voting: Aye

The required \$2,700 fee for the Preliminary Review was received. (\$100 per unit plus \$300 per acre).

The Planning Board will discuss this proposal further on May 10, 2010.

Approval may be conditioned by an Agreement between the applicant and the Town Board on dedication of a second access road to the development.

A Public Hearing could be scheduled for Monday, June 14, 2010.

Mr. Celia will be notified by mail of the Public Hearing date.

CALVIN ANACKER for the UTICA MAENNERCHOR, 5535 Flanagan Road

Mailing Address: P.O. Box 441, Marcy, New York 13403

Area Variances

Site Plan Review

Tax Map Number 306.000-2-19

Zoned R-20 and OD/Residential 20,000 and Overlay District

Application Number 2010-00-00

Appeal Number 2009-43-06

Mr. Anacker attended the June 8, 2009, July 6, 2009 and August 3, 2009 Zoning Board of Appeals Meetings. The Utica Maennerchor would like to construct a 60' x 160' open pole barn on a concrete slab. The trusses would be 11' in height. The maximum allowed height for this district is 20'.

The proposed accessory building is 9600 square feet. The Zoning Ordinance allows 1200 square feet.

Area Variances to construct a 60' x 160' accessory building and to have more than two (2) accessory buildings on one (1) lot were approved by the Zoning Board of Appeals on August 3, 2009 with the condition that the construction be completed no later than August 3, 2012.

An accessory building is an allowed use in an Overlay District with Site Plan Review.

Planning Board Members reviewed the plans and paperwork.

Mr. Anacker stated that Codes Enforcement Officer Timothy Russell has reviewed his plans. Mr. Anacker has provided the elevations to the Codes Enforcement Officer.

It was noted that if the accessory building was enclosed, censors for water would be required.

The proposed accessory building would be constructed at the existing elevation, there is no fill proposed and the building will not be enclosed.

Planning Board Member Stephen Zywiak made a motion to accept the application for a Site Plan Review to construct a 9600 square foot accessory building and to forward plans and paperwork to the New York State Department of Environmental Conservation and the Army Corp of Engineers for a 239 Review; seconded by Planning Board Member Michael Pawloski.

All Members Voting: Aye

Planning Board Member Michael Pawloski made a motion that the Board finds the proposed application is an unlisted action under Environmental Conservation Law Article 8 (SEQR) under Part 617.4 () () potentially involving the following other agencies: the New York State Department of Environmental Conservation and the Army Corp of Engineers. 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 June 14, 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 Stephen Zywiak.

All Members Present Voting: Aye

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

DAVE EDIC and CHRISTINE FILIPKOWSKI, Edic Road

Minor Three (3) Lot Subdivision

Tax Map Number 293.000-1-46.1

Zoned R-20/Residential 20,000

Application Number 2010-00

Mr. Edic attended the April 12, 2010 Review Panel Meeting. Mr. Edic and Ms. Filipkowski are proposing to subdivide a 16.5 acre parcel on Edic Road into three (3) lots. Two (2) of the proposed lots would be 150' x 230' and the remainder of the property would be the parent parcel.

A single family home would be constructed on each of the 150' x 230' lots. The single family homes will be constructed this year.

Planning Board Members reviewed the plans and paperwork.

Planning Board Member Carl A. Annese asked if Mr. Edic and Ms. Filipkowski are aware that there will be no sewer available. Mr. Edic and Ms. Filipkowski stated yes, they are aware that sewers will not be available to them.

Edic Road is a County Road, therefore a 239 Review will be required.

Planning Board Member Michael Pawloski made a motion to accept the application for a Minor Three (3) Lot Subdivision and to forward plans and paperwork to the Oneida County Department of Planning, the Oneida County Department of Public Works, the NYS Department of Transportation and the Mohawk Valley Water Board for a 239 Review; seconded by Planning Board Member Stephen Zywiak.
All Members Present Voting: Aye

Planning Board Member Stephen Zywiak made a motion that the Board finds the proposed application is an unlisted action under Environmental Conservation Law Article 8 (SEQR) under Part 617.4 () () potentially involving the following other agencies: the Oneida County Department of Planning, the Oneida County Department of Public Works, the NYS Department of Transportation and the Mohawk Valley Water Board. 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 June 14, 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 Michael Pawloski.

All Members Present Voting: Aye

The required \$75.00 fee was received.

Mr. Edic and Ms. Filipkowski will be notified by mail of their Public Hearing date.

MATT DENNO of GOMEZ and SULLIVAN, Storm Water Management Study

Mr. Denno of Gomez and Sullivan was present to discuss the Storm Water Management Study.

Copies of the discussion outline were distributed to each Planning Board Member as well as to Joseph Bravo and Sigmund Majka who are proposing a Planned Development on Hayes Road.

A review of the property and how it related to this study is included in the discussion outline.

Mr. Denno noted that the Town has been divided into two (2) zones and the properties have been identified that could be used for detention.

Planning Board Chairman Robert Lambe noted that the draft of the Improvement Plan could become the Planning Board's recommendation.

A Storm Water Master Plan will be drafted.

Planning Board Chairman Robert Lambe stated that Planning Board Representative Engineer Alan M. Swierczek and Matt Denno have been working on the Storm Water Study. A flow chart was provided and explained.

It was noted that the NYS Department of Environmental Conservation also has Storm Water Regulations.

Planning Board Member Carl A. Annese stated that something is seriously wrong and questioned why an Engineering Firm (Gomez and Sullivan) knows about the Bravo/Majka Planned Development application before the Planning Board has even seen a sketch.

Planning Board Member Carl A. Annese questioned why a narrative was written to the Town Board before the Planning Board was made aware of the Planned Development.

Planning Board Chairman Robert Lambe explained that there is an error on the memo and that the memo should be addressed to the Planning Board instead of the Town Board. Further, the memo was only reviewed by himself and not anyone from Gomez and Sullivan. Mr. Denno, Mr. Majka and Mr. Bravo are reviewing a draft of the memo that has not been distributed.

Planning Board Members discussed the details of the study.

Planning Board Chairman Robert Lambe questioned if, as an approach, is this a useful tool to the Planning Board and should it be made available to the public to use. Planning Board Member Stephen Zywiak stated that he would like to review it carefully. Planning Board Member Carl A. Annese stated that the public could use this as a guideline but that it should not be used by the Planning Board to make decisions. Planning Board Member Stephen Zywiak agreed.

Planning Board Chairman Robert Lambe stated that he would like applicants to walk through this as part of the application process. Planning Board Member Stephen Zywiak noted that the flow chart triggers vague thoughts. Planning Board Member Michael Pawloski stated that anywhere the answer is no, it should trigger a further study.

Mr. Denno noted that he will take the comments received from the Planning Board and come back with a recommendation.

Mr. Denno noted that all problem areas have been identified.

Mr. Denno stated that the Kennedy Road and railroad area has been resolved but not yet tested.

Mr. Denno noted that three culverts in the report are noted as problems and that there are three potential upstream detention basins that could help with the two culverts, one of which is just west of Hayes Road, and one north of Victoria Lane. Mr. Denno has talked with the landowners who are willing to assist the Town with a solution, unfortunately, none of them will help with the area designated as #7.

Planning Board Chairman Robert Lambe noted that part of the Bravo/Majka Planned Development proposal drains into the culvert.

It was noted that the Storm Water Study for the Bravo/Majka proposal is not complete yet, and that it is being presented as a conceptual plan. Planning Board Chairman Robert Lambe stated that the Planning Board is talking about it now, conceptually, to see if this property could serve as a solution, or at least not make it worse. Mr. Denno stated that he could do an analysis of what this proposal could do to the overall impact.

Planning Board Chairman Robert Lambe stated that the Board will not be able to reach a conclusion. Mr. Denno was thanked for his review.

It was asked if draft sections of the Town Wide Study could be distributed. Planning Board Chairman Robert Lambe stated that he will talk with Mr. Denno more this week as well as contact Planning Board Representative Engineer Alan M. Swierczek concerning his technical comments.

JOSEPH BRAVO and SIGMUND MAJKA, Hayes Road

Planned Development

Tax Map Number 277.004-1-33

Zoned R-20/Residential 20,000

Application Number 2010-00

Mr. Bravo and Mr. Majka attended the February 16, 2010 Review Panel Meeting. Mr. Bravo and Mr. Majka would like to propose a Planned Development on property that has recently been subdivided on Hayes Road. The property is 22.3 acres.

Mr. Bravo is proposing thirty-six (36) lots. The smallest lot would be .34 acres, and some of the corner lots would be half an acre. The lots would be sold as building lot for single family homes.

Mr. Bravo and Mr. Majka have applied for a Planned Development to the Town Board. The Town Board has referred this application to the Planning Board for a review and recommendation.

The Planning Board has sixty-two (62) days to submit their recommendation to the Town Board (from March 25, 2010).

Planning Board Members reviewed the plans and paperwork.

Planning Board Members reviewed a narrative concerning this project that was prepared by Planning Board Chairman Robert Lambe.

It was noted that this proposal is consistent with the Master Plan.

Planning Board Members reviewed the details.

Mr. Majka stated that they are proposing stabilizers and ditches. The developer is attempting to get all of the water into the culvert. It was noted that there are three (3) sites that this project could drain into.

Mr. Majka stated that he has met with Superintendent of Highways Vito Sciortino.

The proposed lots are 15,000 square feet to 20,000 square feet.

Mr. Bravo stated that he is looking for relief on the lot sizes.

Planning Board Chairman Robert Lambe noted that this proposal is consistent with what the Master Plan has envisioned for this area.

Mr. Bravo stated that the homes would be mid price range rather than high end. Mr. Bravo further explained that \$225,00 - \$275,000 is a moderate price for a single family home by today's standards. Mr. Bravo further noted that to construct a home is approximately \$200 per square foot.

Planning Board Chairman Robert Lambe asked if there would be any restrictions on the size of homes in this project. Mr. Bravo stated that the homes could be anywhere from 1,200 square feet to 3,500 square feet.

Planning Board Chairman Robert Lambe stated that the goal of the Planned Development is to be flexible or phased. Mr. Majka stated that this project is too small to phase.

Planning Board Chairman Robert Lambe stated that the Planning Board could apply the Cluster Development provision.

It was noted that this proposal is for thirty-six (36) lots with only one (1) roadway. Mr. Bravo stated that he has a second access point but the Town will not allow it because it is too close.

Planning Board Member Carl A. Annese questioned how Buckland Estates is allowed over nineteen (19) homes with only one (1) true entrance/exit. Planning Board Chairman Robert Lambe stated that Buckland Estates has the Cavanaugh Road entrance/exit for the second access point. Planning Board Member Carl A. Annese questioned if by Cavanaugh Road, he is speaking of the access point with a jersey barrier in front of it. Planning Board Chairman Robert Lambe stated yes, where the jersey barrier is located and noted that the second access point exists and does not have to be a dedicated road.

Mr. Bravo stated that it is not feasible for him to construct a second access point.

Planning Board Chairman Robert Lambe stated that Mr. Bravo could construct his development in phases and not build over nineteen (19) units until a second access is provided. Further, regardless of how the development is done, a second access is required.

Mr. Majka stated that concerning Buckland Estates, the Cavanaugh Road access cannot be used as a road do to sight issues, therefore the second access for that development is not useable. Planning Board Chairman Robert Lambe stated that Mr. Bravo and Mr. Majka would need to provide something that could be used for emergency vehicles. Planning Board Member Carl A. Annese asked if Mr. Bravo could provide a wider entrance that loops around.

Planning Board Members discussed a boulevard type entrance with a second entrance and exit. Planning Board Member Carl A. Annese stated that he feels wider roads would be better than two (2) roads. Planning Board Member Stephen Zywiak stated that nineteen (19) units is the threshold. Planning Board Member Michael Pawloski stated that if the developer provided another 20', it would cost him two (2) lots.

It was noted that a second access would need to be a minimum of 400' from Hayes Road.

Planning Board Chairman Robert Lambe stated that the only other option to a second access point would be to ask the Town Board to change the Zoning Ordinance.

Mr. Bravo's developer stated that the second entrance and exit is boiler plate language that every Town and Village has.

Storm Water issues were discussed and it was noted that at this point it is not certain that the area is big enough, if it is not, the developer may lose one (1) lot. It was further noted that the Storm Water Study will not be complete until after this particular Planned Development process is complete.

A stub road was discussed.

Planning Board Chairman Robert Lambe asked if anyone has an issue with the left/right jog at the entrance. It was noted that if it was brought up, the jog would be eliminated. No issues were mentioned.

Planning Board Chairman Robert Lambe asked if there were any issues with the triangular configuration of the lot. No issues were mentioned.

Planning Board Members discussed the open space and questioned how it would work.

Planning Board Chairman Robert Lambe noted that the proposed basin is too small to be naturalistic and that it will be a rectangular hole.

Mr. Majka stated that he has left 80' for open space. Planning Board Member Stephen Zywiak stated that Mr. Majka could make a bigger buffer elsewhere, take it back a bit and shift is uphill. The area could be widened, moved north, and made part of the lots and noted as a "no build zone", with no fences, no gardens, no sheds, etc.

Planning Board Members agreed that they would like the existing hedgerow and tress to stay in place.

Planning Board Chairman Robert Lambe asked if the Town Board asks the Planning Board for an opinion regarding the road, what would it be. Planning Board Member Carl A. Annese stated that he would like to see this as a gray area with wiggle room.

Mr. Bravo stated that the problem in Marcy is that everyone sells off frontage and all that is left for development is back land.

Planning Board Chairman Robert Lambe stated that the Planning Board would need to be able to say why only one (1) entrance and exit would be good.

Planning Board Chairman Robert Lambe stated that he is not in favor of proposing any changes to the Subdivision Regulations and that the second entrance and exit is a requirement under the Planned Development language in the Zoning Ordinance as well as the Subdivision Regulations.

Planning Board Member Michael Pawloski stated that possibly the Planned Development language could be changed but that he is not comfortable with not having a second entrance and exit.

Planning Board Members discussed Planned Development vs. Cluster Development.

Mr. Bravo stated that he could phase his development. Planning Board Chairman Robert Lambe stated that phasing would not be allowed since this parcel is under forty (40) acres.

Mr. Bravo's engineer stated that forty (40) acres is not the norm and that all Towns require a second entrance and exit.

Mr. Majka asked if they would be allowed to put in nineteen (19) homes and than a sub-base. Planning Board Chairman Robert Lambe stated that building permits would not be issued until at least the gravel is down.

Mr. Bravo stated that nobody else is coming here saying they want to do anything and that the only current developments in the Town of Marcy are Walking Meadows and Buckland Estates.

Mr. Majka stated that times are changing and that everyone wants to build by someone which is why Walking Meadows is filling up so quickly.

Mr. Bravo asked if he would be allowed to phase if he had a second entrance and exit.

Planning Board Member Carl A. Annese stated that this proposal falls nicely for drainage purposes.

Mr. Majka noted that there would be deed restrictions for non-buildable area which would be along the storm water.

Planning Board Chairman Robert Lambe stated that he will prepare a draft recommendation to the Town Board which will be discussed at the May 10, 2010 Planning Board Meeting.

OTHER BUSINESS

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.

The next Planning Board Meeting will be held on Monday, May 10, 2010.

Tentative Agenda: Sam and Dominick Celia, Site Plan Review Discussion
 Joseph Bravo and Sigmund Majka, Planned Development Recommendation

Planning Board Chairman Robert Lambe noted that the second Planning Board Meeting was advertised as Tuesday, May 25, 2010 and that it is not Memorial Day weekend. Planning Board Chairman Robert Lambe asked if the Planning Board would like to move the meeting to Monday, May 24, 2010. Planning Board Members had no issues with meeting on Tuesday, May 25, 2010 and Planning Board Member Michael Pawloski noted that the Tuesday actually works out better for him.

Having no further business, Planning Board Member Carl A. Annese made a motion to adjourn the meeting at 9:40M.; seconded by Planning Board Member Michael Pawloski.

All Members Voting: Aye

Respectfully submitted,

Lori A. Wrobel
Planning Board Secretary
May 6, 2010