

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

AUGUST 9, 2010

The Town of Marcy Planning Board held two (2) Public Hearings on Monday, August 9, 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 Michael Pawloski
Planning Board Member Frank J. Pinnisi
Planning Board Member Stephen Zywiak
Planning Board Secretary Lori A. Wrobel

ABSENT: Planning Board Member Carl A. Annese

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

Planning Board Member Carl A Annese had had called to say 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, August 4, 2010.

FRANK DEBIAS, 9315 Fish Lane Road

Site Plan Review

Tax Map Number 246.000-2-9.1

Zoned AG/Agricultural

Application Number 2010-00

Mr. DeBias attended the July 12, 2010 Planning Board Meeting. Mr. DeBias no longer has cows on his farm. Mr. DeBias would like to have chickens as well as open an agricultural store at his farm.

Mr. DeBias would like to use a 12' x 40' area for his store. The store would have eggs and stewing chickens for sale. A slaughter area for the chickens will be located in the back of the milk room.

Although Fish Lane Road is a Town Road, this property is located in an Oneida County Agricultural District, therefore a 239 Review was required.

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

The Oneida County Department of Health “is in receipt of the correspondence and materials regarding the above referenced Site Plan Review.

The OCHD has no specific comments regarding the materials submitted. However, additional information will be necessary to determine to what extent the OCHD is responsible for review and approval of plans related to water supply and sewage treatment.

If the water supply is provided by the Mohawk Valley Water Authority, approval by MVWA will be necessary. The OCHD would not regulate the water supply if MVWA water is provided. If the water supply is provided by an on-site well, and restrooms are available, or the facility serves an average of 25 people per day (when in operation), the OCHD must approve the design of the well and water treatment system.

If the facility is served by an onsite sewage treatment system, and the septic system design is considered an “alternative” design system, the OCHD must approve the design before construction. The OCHD has limited authority regarding slaughterhouse waste (e.g. blood, dead animals, putrescible wastes) as these would be considered offensive materials as defined by the Oneida County Sanitary Code. No public health nuisance conditions may be created and offensive materials must be disposed of appropriately.

Please contact this department if you have any questions.”

The Mohawk Valley Water Authority has the following comments:

The following is our review on the above noted submission:

1. The Mohawk Valley Water Authority only allows one domestic water service per tax parcel. A second service will not be permitted unless the parcel is subdivided .
2. If the water is for bathroom use only, backflow will not be required. If it is utilized for processing the chickens it will be required.
3. If an increase in water demand is expected, a review of the existing water service and meter will be required to ensure they can meet the new demands.

Should you have any questions and/or comments regarding the above, please contact me.”

The NYS Department of Environmental Conservation has not responded to the 239 Review.

The New York State Department of Agriculture and Markets has not responded to the 239 Review.

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

Frank DeBias stated that he has found someone located in another Town to slaughter chickens for him and bring them back to his store when they are ready for the oven.

Mr. DeBias stated that all the chickens will be kept inside. Mr. DeBias stated that he will have enough chickens to make a living.

Sylvia Farr stated that he lives next to Mr. DeBias and stated that she would like further information concerning this proposal since the Notice was vague.

Mrs. Farr stated that she would like to know more about the size of the operation.

Mr. DeBias asked Mrs. Farr if her husband could live on working one (1) hour per week.

Mr. DeBias stated that he operated a dairy business that eventually closed.

Mr. DeBias stated the he couldn't care less if Mrs. Farr had one thousand (1000) horses.

Mrs. Farr asked if there would be any site improvements, such as cutting the weeds. Mr. DeBias told Mrs. Farr not to worry about his weeds and that they would be taken care of.

Planning Board Chairman Robert Lambe asked Mr. DeBias to estimate how many chickens he will have. Mr. DeBias stated that he is working with a Doctor from Cornell University who is advising him.

Planning Board Chairman Robert Lambe explained that the Planning Board will need to know approximately how many chickens Mr. DeBias will have. The Planning Board would like to ensure that the existing building is big enough.

Planning Board Member Frank J. Pinnisi asked Mr. DeBias how many chickens the existing barn could hold. Mr. DeBias stated that the existing barn could probably hold eight hundred (800) to nine hundred (900) chicken but he is still not sure how many he will have.

Planning Board Chairman Robert Lambe asked how many chickens Mr. DeBias would start with. Mr. DeBias stated that he would probably start with about six hundred (600) chickens.

Mrs. Farr stated that the notice said Mr. DeBias would have an agricultural store and questioned what would be sold. Mr. DeBias stated that he will sell eggs and raw chickens. Planning Board Chairman Robert Lambe explained that Mr. DeBias is allowed to sell agricultural products.

Planning Board Member Frank J. Pinnisi asked Mr. DeBias if he planned on selling anything other than eggs and chickens, such as vegetables or cheese. Mr. DeBias stated that he would just like to sell eggs and chickens.

Iva Glaviano stated that she lives near Mr. DeBias and noted that when Mr. DeBias had cows, he would spread the manure. Ms. Glaviano wondered what Mr. DeBias will do with the chicken droppings.

Mr. DeBias stated that he has enough property to spread the droppings of 10,000 chickens.

Mr. DeBias stated that he owns the property across the street as well. Mr. DeBias stated that he would not spread the chicken droppings across from Ms. Glaviano's house and assured Ms. Glaviano that she would not smell the chicken droppings either.

Planning Board Chairman Robert Lambe asked if the Doctor from Cornell University would assist Mr. DeBias with figuring out how to spread. Mr. DeBias stated that he does not want to be restricted to where he can spread.

Ms. Glaviano stated that she is very concerned with the smell of the chickens. Mr. DeBias stated that he owns farmland and that he pays his taxes.

Mr. DeBias stated that if Mrs. Farr has state of the art horses that produce state of the art manure that does not smell, he would like to know where to get them.

Planning Board Chairman Robert Lambe explained that the comments concerning the odor is valid and noted and that the Planning Board will discuss it further.

Ms. Glaviano stated that there are more and more residences being constructed in the area.

Planning Board Chairman Robert Lambe stated that the property is zoned Agricultural, so the Planning Board will have to figure out how to balance that with all the concerns noted.

Mrs. Farr stated that she is not arguing about the smell, she is more concerned with the egg production and slaughter. Mrs. Farr explained that the eggs and chicken tends to draw rats and wondered if Mr. DeBias had a plan for controlling same.

Mr. DeBias stated that if he gets rats, they will stay on his farm and that this should not be a concern of Mrs. Farr.

Mr. DeBias stated that of course, he will attract mice and rats but he plans on being careful.

Planning Board Chairman Robert Lambe asked if there were any guidelines on how to manage the storage of feed, in order to control the rodents. Mr. DeBias stated that he has to control the rodents otherwise they will eat all his feed.

Mrs. Farr asked if the chickens would all be in one area and questioned if they had nests. Mr. DeBias stated that the chickens will be in 8' x 3' community nests.

Mr. DeBias stated that the chickens are very labor intensive.

Mrs. Farr asked if eggs would be gathered once a day. Mr. DeBias stated that the eggs would be gathered gradually until about 2:00pm and then the chickens would be allowed to rest. Mr. DeBias stated that the chickens lay most eggs up until noon to 1:00pm. Mr. DeBias stated that the chickens do not lay after 5:00pm since they need rest.

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

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

MATTHEW SCIALDONE, 9130 Shelley Drive

Plan Review of a Home Occupation

Tax Map Number 277.002-3-28

Zoned R-20/Residential 20,000

Application Number 2010-00

Mr. Scialdone attend the July 26, 2010 Planning Board Meeting. Mr. Scialdone has filed for an LLC for a Personal Trainer business. The address used for the LLC was the home address on Shelley Drive.

Mr. Scialdone receives phone calls at home and sets up an appointment to meet his clients at a gym or at their home. In addition to this personal training business, Mr. Scialdone will maintain his full-time job in Syracuse.

This business would primarily be by appointment only. Only the phone number is advertised, not the home address. Mr. Scialdone has no gym or equipment in his home and this business will consist of the use of the telephone only from the residence.

Shelly Drive is a Town Road, therefore a 239 Review was not required.

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

Sigmund Majka, President of the Homeowner's Association for the Walking Meadows Subdivision stated that he is here to represent same and that Mr. Scialdone will need to apply for the Home Occupation through the Homeowner's Association and receive approval before proceeding with the Planning Board. Mr. Majka stated that there is a process since all homes in the subdivision are part of the Homeowner's Association.

Mr. Scialdone stated that he did not realize he had to apply to the Walking Meadows Homeowner's Association. Mr. Scialdone asked what he would need to send. Mr. Majka asked Mr. Scialdone to provide a letter detailing his proposal to the Homeowner's Association.

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

Hearing no further 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

Planning Board Chairman Robert Lambe called the Regular Meeting to order at 7:25PM.

MATTHEW SCIALDONE, 9130 Shelley Drive

Plan Review of a Home Occupation

Tax Map Number 277.002-3-28

Zoned R-20/Residential 20,000

Application Number 2010-00

A 239 Review was not required for this application. A Legal Notice was published in the Observer Dispatch as required by General Municipal Law. A copy of the Public Hearing Notice was mailed to all property owners within 500' of the proposed project. Notices were mailed on August 5, 2010. Clerk to the Assessor verified that the names of all property owners within 500' of the project were provided.

SEQR was completed on July 26, 2010.

Since Mr. Scialdone lives in the Walking Meadows Subdivision and has a deed restriction stating that Home Occupations are not allowed, if he wishes to proceed, he will need to receive approval from the Homeowner's Association prior to proceeding with his application to the Planning Board.

Mr. Majka stated that the Walking Meadows Homeowner's Association will review the request and vote on same.

Mr. Majka cautioned Mr. Scialdone that if his request increases the traffic, his application will not be approved.

Planning Board Member Frank J. Pinnisi made a motion to table any action on this application for a Home Occupation until Mr. Scialdone has received approval from the Walking Meadows Homeowner's Association; seconded by Planning Board Member Stephen Zywiak.

All Members Present Voting: Aye

The Walking Meadows Homeowner's Association will notify the Town of Marcy Planning Board of their decision.

FRANK DEBIAS, 9315 Fish Lane Road

Site Plan Review

Tax Map Number 246.000-2-9.1

Zoned AG/Agricultural

Application Number 2010-00

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 to all property owners within 500' of the proposed project. Notices were mailed on August 5, 2010. Clerk to the Assessor verified that the names of all property owners within 500' of the project were provided.

It was noted that Mr. DeBias does have public water, and therefore will need to speak with representatives of the Mohawk Valley Water Authority. Mr. DeBias stated that he has already talked with the Mohawk Valley Water Authority.

Mr. DeBias stated that he has a septic system. Planning Board Chairman Robert Lambe questioned what would happen to the wash water. Mr. DeBias stated that he will not have any. Planning Board Chairman Robert Lambe asked if Mr. DeBias would not be cleaning his barn? Mr. DeBias stated that he might clean the barn after a year.

Mr. DeBias stated that he has to follow guidelines of the New York State Department of Environmental Conservation.

It was noted that the "milk plant" is the building out front where the chickens will be housed.

Planning Board Chairman Robert Lambe asked if the floor drains into tanks. Mr. DeBias stated yes.

Planning Board Chairman Robert Lambe asked if there was a bathroom in the store. Mr. DeBias stated no. It was noted that a public restroom may be required by State Building Code.

Planning Board Chairman Robert Lambe asked if someone would pick up the chickens to slaughter them and then bring them back. Mr. DeBias stated that he will have someone pick up the chickens to be slaughtered and noted that when the chickens stop laying, he will send them to New York City.

Mr. DeBias stated that he will not sell slaughtered chickens, he will take order for them and get them from his friend.

Planning Board Chairman Robert Lambe asked what the store hours would be. Mr. DeBias stated that the hours depend, possibly 9:00am until noon or noon to 5:00pm, it depends on what people need. Mr. DeBias stated that he would only have daytime hours, nothing at night.

Planning Board Chairman Robert Lambe asked if Mr. DeBias owns property by the railroad. Mr. DeBias stated no, and that he has property behind the Farr's horse barn.

Mr. DeBias showed his property on the tax map.

Planning Board Chairman Robert Lambe explained to Mr. DeBias that he must remain a minimum of 500' away from any residence.

Mr. DeBias was informed that the parking spaces will need to be all-weather and that they could not be just dirt. Mr. DeBias stated that the parking will be close to the building.

Mr. DeBias stated that he may just have a small sign by the road that says Fresh Eggs. Mr. DeBias would be allowed a twelve (12) square foot sign, in accordance with Section 31.1.a or the Zoning Ordinance.

Mr. DeBias stated that he will use a 12' x 12' area for his store.

Planning Board Members discussed conditions for approval which would include the Codes Enforcement Officer confirming the building plans and whether or not a public restroom would need to be provided; water service complying with Mohawk Valley Water Authority standards; manure cannot be spread within 500' from any property line; two (2) parking spaces plus one (1) handicapped parking space be provided; and a sign permit is received from the Codes Enforcement Officer is obtained.

Planning Board Member Frank J. Pinnisi made a motion that upon review of the information submitted by the Oneida County Department of Health 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 the minimal amount of traffic, utility usage, and development involved, the conformance to the general nature of the neighborhood, and conformance to town development regulations; seconded by Planning Board Member Stephen Zywiak.

All Members Present Voting: Aye

Planning Board Member Michael J. Pawloski made a motion to approve the application to have an Agricultural Store at 9315 Fish Lane Road, with the conditions that (1) the Codes Enforcement Officer confirming the building plans and whether or not a public restroom would need to be provided; (2) water service complying with Mohawk Valley Water Authority standards; (3) manure cannot be spread within 500' from any property line; (4) two (2) parking spaces plus one (1) handicapped parking space be provided; (5) all parking spaces must be dustless; and (6) a sign permit is received from the Codes Enforcement Officer is obtained; seconded by Planning Board Member Stephen Zywiak.

All Members Present Voting: Aye

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

GREG JOHNSON, 5501 Flanagan Road

Plan Review of a Home Occupation

Tax Map Number 306.007-1-51

Zoned R-20/Residential 20,000

Application Number 2010-00-00

A 239 Review was not required for this application. A Legal Notice was published in the Observer Dispatch as required by General Municipal Law. A copy of the Public Hearing Notice was mailed to all property owners within 500' of the proposed project. Notices were mailed on June 23, 2010. Clerk to the Assessor verified that the names of all property owners within 500' of the project were provided.

Mr. Johnson was asked to provide an MSDS (Material Safety Data Sheet). The MSDS was provided and a copy was forwarded to the Maynard Volunteer Fire Department for review and comment.

Planning Board Chairman Robert Lambe stated that he contacted the Maynard Volunteer Fire and they informed him that they never received anything to review. Planning Board Secretary Lori A. Wrobel pulled a copy of the letter addressed to the Maynard Volunteer Fire Department that was mailed to P.O. Box 377, Marcy, New York 13403. It was further noted that several applications were mailed to the Fire Department for review and comments and not one response was received.

Planning Board Members discussed the Home Occupation regulations.

This application will be discussed further at the next Planning Board Meeting.

CAMILLE KRESA for PROPERTY OWNED BY FRANK REILE, 9651 River Road

Area Variance

Site Plan Review

Tax Map Number 293.003-3-23

Zoned CG/General Commercial

Application Number 2010-00

Ms. Kresa attended the July 26, 2010 Review Panel Meeting. Ms. Kresa recently opened a business in a portion of an existing building owned by Frank Reile.

Ms. Kresa has a Certificate of Occupancy to occupy the business in the existing building. Ms. Kresa was issued an Order to Remedy from Codes Enforcement Officer Timothy Russell.

Ms. Kresa advertises by placing her items out in the parking area. Since items are displayed outside, Ms. Kresa will need to apply for a Site Plan Review.

Ms. Kresa was not present for the Meeting.

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 April 26, 2010, June 28, 2010 and July 12, 2010 Planning Board Meetings. 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 Public Hearing was held on July 12, 2010 with no objections or comments received. 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 to all property owners within 500' of the proposed project. Notices were mailed on June 23, 2010. Clerk to the Assessor verified that the names of all property owners within 500' of the project were provided.

On July 12, 2010 preliminary approval was granted for the application for a Site Plan Review of an eight (8) unit apartment building on Lot #7 and a ten (10) unit apartment building on Lot #12 with the conditions that (1) the developer agrees to plant two (2) lawn trees on Lot #7 and two (2) lawn trees on Lot #12; and (2) approval is subject to the second access point being accepted by the Town Board prior to any Certificate of Occupancy being issued.

Plans and paperwork were forwarded for a Final Site Plan Review.

Mr. Celia was not present for the Meeting.

BILL WILLIS for PROPERTY OWNED BY VAUGHN LEWIS, 9565 River Road

Site Plan Review

Tax Map Number 293.003-3-29

Zoned CG/General Commercial

Application Number 2010-00

Mr. Lewis attended the July 12, 2010 Review Panel Meeting. Mr. Lewis would like to rent space from Mr. Lewis in an existing building on River Road. Mr. Willis would occupy 27' across the newly constructed accessory building.

There is currently a U-Haul business and auto dealer located on this property. Mr. Willis is proposing to have a small trucking company and would sign and letter trucks, equipment, etc.

A Site Plan Review by the Planning Board will be required. A detailed plan to scale showing the existing businesses, where his business will be located, ingress/egress, parking, etc. will need to be provided.

Mr. Willis was not present for the Meeting.

OTHER BUSINESS

Planning Board Member Frank J. Pinnisi made a motion to dispense with the reading of the July 26, 2010 Planning Board Minutes; seconded by Planning Board Member Michael J. Pawloski.

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 July 26, 2010 Planning Board Minutes as written; seconded by Planning Board Member Michael J. Pawloski.

All Members Present Voting: Aye

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, August 23, 2010.

Tentative Agenda: Anthony LaPolla, Public Hearing

Having no further business, Planning Board Stephen Zywiak made a motion to adjourn the meeting at 8:25M.; seconded by Planning Board Member Frank J. Pinnisi.

All Members Present Voting: Aye

Respectfully submitted,

Lori A. Wrobel
Planning Board Secretary
August 20, 2010