

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

AUGUST 23, 2010

The Town of Marcy Planning Board held a Regular Meeting on Monday, August 23, 2010 at 7:00PM at the Marcy Municipal Building, 8801 Paul Becker Road, Marcy, New York.

THOSE PRESENT: Planning Board Chairman Robert Lambe (7:07PM)
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 had called to inform the Planning Board that he would be late.

Acting Planning Board Chairman Carl A. Annese called the Meeting to order with the Pledge of Allegiance at 7:00PM.

ANTHONY LAPOLLA, 9798 River Road

Area Variance

Site Plan Review

Tax Map Number 306.000-2-34

Zoned CG/General Commercial

Appeal Number 2010-35-07

Application Number 2010-00

Mr. LaPolla attended the June 7, 2010 and August 2, 2010 Zoning Board of Appeals Meetings. Mr. LaPolla recently closed on property across the road from his Car Wash that was owned by Dale Sexton. Mr. LaPolla has an individual that has a financial business that has signed a lease.

Mr. LaPolla would like to enclose the front of the building which is currently a porch.

The existing building is 58' from the front yard property line rather than the required 75'. All other existing setbacks meet the Zoning Ordinance requirements.

On August 2, 2010 the Zoning Board of Appeals granted an Area Variance for the 58' front yard setback.

Planning Board Members review the plans and paperwork.

Although River Road is a Town Road, this property 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 Review and Site Plan Review for an Area Variance to allow the enclosure of a front porch on an existing building located at 9798 River Road, Marcy. Upon review of the information provided, the New York State Department of Transportation does not have issue with the action as proposed.

Thank you for the opportunity to comment."

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. Twenty-eight (28) neighbors were notified of the Public Hearing by mail. Notices were mailed on July 28, 2010. Clerk to the Assessor verified that the names of all property owners within 500' of the project were provided.

Mr. LaPolla stated that he will be using the existing roof.

Planning Board Member Carl A. Annese questioned why Mr. LaPolla needed an Area Variance.

Mr. LaPolla stated that if the tenant needs more space, by constructing the addition, he would be able to do so. Mr. LaPolla stated that his tenant may need the additional space to use as a conference room.

Mr. LaPolla stated that the tenant has signed a three (3) year lease.

Planning Board Members reviewed the floor plans.

Mr. LaPolla stated that he is trying to get the tenant in without too much expense.

It was noted that Codes Enforcement Officer Timothy Russell will ensure that all building codes are met.

Mr. LaPolla stated that the exterior will remain the same. The addition would have a door on each end.

Planning Board Member Frank J. Pinnisi noted that only seven (7) parking spaces are shown on the plan. Mr. LaPolla stated that he has room for a few more parking spaces.

Planning Board Chairman Robert Lambe asked if the entire building would be used as office space. Mr. LaPolla stated yes.

The addition to the building would be 630 square feet.

Planning Board Chairman Robert Lambe stated that six (6) parking spaces plus one (1) handicapped space will be required. The handicapped space must be paved.

Mr. LaPolla noted that the property is overgrown right now and he will scrape it down soon to see what he has for a base.

Planning Board Chairman Robert Lambe stated that the plan shows a 3' x 5' sign and asked if Mr. LaPolla had plans for any other signs. Mr. LaPolla stated that he does not have any plans for any other signs.

Planning Board Members discussed sign requirements. Mr. LaPolla was informed that he cannot place a sign in the right-of-way. Also, the sign must be 10' plus the height of the sign from the property line.

Planning Board Chairman Robert Lambe asked if there was any reason Mr. LaPolla does not put lawn in the front of the property and a sign and parking on the side of the property.

Planning Board Member Stephen Zywiak suggested that Mr. LaPolla close the Barnes Ave (diagonal) entrance and put a sign there, since it is the most visible location.

It was noted that as long as Mr. LaPolla complies with the requirements, he could apply for a sign permit from Codes Enforcement Officer Timothy Russell.

Planning Board Members discussed the driveway. Mr. LaPolla stated that once he gives anything up, it is gone forever.

Planning Board Chairman Robert Lambe explained that the corner should not have a driveway coming from it at a diagonal.

Planning Board Member Carl A. Annese stated that he thinks Mr. LaPolla should only use the Barnes Ave side.

Planning Board Member Frank J. Pinnisi stated that he would not give up the River Road entrance/exit.

Mr. LaPolla stated that he will grass that area or add plantings as long as he can still have two (2) entrances and two (2) exits.

Mr. LaPolla agreed to eliminate the corner entrance/exit.

Planning Board Chairman Robert Lambe explained that the handicapped area must be paved and that the Zoning Ordinance requires a dust free surface for the entire parking area. The handicapped areas must be flush with no step.

Also, the handicapped parking space must be the closets to the building and be a 9' x 9' striped area. Codes Enforcement Officer Timothy Russell can give Mr. LaPolla the requirements.

Planning Board Chairman Robert Lambe made a motion to approve the application for a Site Plan Review to enclose the existing front porch at 9798 River Road, 58' from the front yard property line, with the conditions that (1) handicapped parking space must comply with codes; (2) the corner driveway be eliminated; seconded by Planning Board Member Frank J. Pinnisi.

All Members Voting: Aye

Mr. LaPolla 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 Member Carl A. Annese stated that according to the information received from the applicant and discussions concerning same, he feels this is a business, not a Home Occupation.

Planning Board Members discussed the material that is stored on site and noted that Mr. Johnson had said that he does not have to have any inventory stored at his home.

Planning Board Member Frank J. Pinnisi made a motion to approve the application to have a Home Occupation at 5501 Flanagan Road, with the conditions that (1) no materials or inventory are stored on site; and (2) no customers enter the home; seconded by Planning Board Member Stephen Zywiak.

All Members Voting: Aye

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

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.

DAVID PEET, 6001 Morris Road

Major Four (4) Lot Subdivision

Tax Map Number 293.000-1-2.1 and 2.4

Zoned R-20/Residential 20,000

Application Number 2010-00

Mr. Peet has not attended a Review Panel Meeting. Mr. Peet is planning to purchase property on Morris Road. Mr. Peet noted that the property is a few hundred feet from Hazard Road (across from property owned by David Kozyra).

The property is located at 6001 Morris Road, and has an existing home. Mr. Peet would like to purchase the home and adjacent property and then subdivide same into four (4) lots. The existing home would be left with 110' x 220'.

Mr. Peet would like to construct an access road with Lot #3.

Mr. Peet stated that the Mohawk Valley Water Authority has a hydrant which dead ends. Mr. Peet has met with representatives from the Water Board who has an existing right-of-way on the property. Mr. Peet was informed that the hydrant will not need to be moved.

Sewer and water are both available to this property.

Mr. Peet would like to purchase twelve (12) acres total. Mr. Peet will leave the existing home and stated that there is good sight distance.

Planning Board Member Carl A. Annese asked what the time frame would be before Mr. Peet develops the rear of the property. Mr. Peet stated that he is not sure.

Planning Board Chairman Robert Lambe explained that the Town will require a 30' right-of-way as part of the subdivision and asked if Mr. Peet would have any objections to same. Mr. Peet stated that the 30' right-of-way would make the existing home non-conforming.

Mr. Peet stated that the Town of Marcy already has a sewer easement and that he would not have a problem as long as the 30' right-of-way does not effect his lot sizes or create any non-conforming issues.

Planning Board Chairman Robert Lambe will check with Town Attorney William Schmitt regarding the 30' right-of-way and any non-conforming issues that may be created from same.

Planning Board Chairman Robert Lambe asked Mr. Peet for a conceptual sketch of what he is planning for the remainder of the property. Mr. Peet stated that he has no idea what he will do with the rear property and that providing a conceptual sketch would be a lot of work. Planning Board Members reviewed the plans and provided various options.

Mr. Peet stated that he will remove the existing shed.

Planning Board Members noted that the plan will need to show the utility easement(s) as well as the building envelopes.

Although Morris Road is a Town Road, this property is located within 500' of an Oneida County Agricultural District, therefore a 239 Review will be required.

Planning Board Member Stephen Zywiak made a motion to accept the application for a Minor Four (4) Lot Subdivision and to forward plans and paperwork to the Oneida County Department of Planning and the Mohawk Valley Water Authority for a 239 Review; seconded by Planning Board Member Frank J. Pinnisi. All Members Voting: Aye

Planning Board Chairman Robert Lambe made a motion that the Board finds the proposed application is an unlisted action under Environmental Conservation Law Article 8 (SEQR) not involving any other agencies. The Board accepts the lead agency role and will use the short form EAF and other information brought to its attention by interested parties within thirty (30) days to determine the significance of the action; seconded by Planning Board Member Michael J. Pawloski. All Members Voting: Aye

The required \$100.00 fee was paid.

Mr. Peet will be reminded by mail of his Public Hearing.

OTHER BUSINESS

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, September 13, 2010.

Tentative Agenda:

Having no further business, Planning Board Frank J. Pinnisi made a motion to adjourn the meeting at 8:14M.; seconded by Planning Board Member Stephen Zywiak. All Members Voting: Aye

Respectfully submitted,

Lori A. Wrobel
Planning Board Secretary
September 4, 2010