

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

MARCH 22, 2010

The Town of Marcy Planning Board held a Regular Meeting on Monday, March 22, 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 Member Michael Pawloski made a motion to dispense with the reading of the February 16, 2010 Planning Board Minutes; seconded by Planning Board Member Stephen Zywiak.
All Members Voting: Aye

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

Planning Board Member Michael Pawloski made a motion to approve the February 16, 2010 Planning Board Minutes as written; seconded by Planning Board Member Stephen Zywiak.
All Members Voting:

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

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 February 16, 2010 Review Panel 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 will need to apply for a Minor Two (2) Lot Subdivision from the Planning Board.

Planning Board Members reviewed the plans and paperwork.

Ms. Gaetano stated that the land that will be subdivided is raw land that is not part of Phase 1. The area will be placed in the LLC, not for any project purpose.

It was noted that Phase 1 will remain with Charles Gaetano as an LLC.

Planning Board Member Frank J. Pinnisi asked if it would cause any hardships with the Planned Development approval if property is separated from the original approved Planned Development.

Planning Board Member Carl A. Annese noted that a change of ownership from LeoGrande to Wal-Mart did not make a difference.

Planning Board Members reviewed the Site Plan that was approved for the Planned Development. There are no changes proposed to the Site Plan.

Ms. Gaetano stated that she would just like to split the ownership into two (2) parcels.

It was noted that Phase 1 shows a definition line.

Planning Board Chairman Robert Lambe stated that he does not believe this is an issue, but the question of whether or not the Planning Board is allowed to subdivide property in a Planned Development does need to be answered.

Planning Board Member Stephen Zywiak asked what the dimensions to the south of Phase 1 are and questioned if there would be enough room for a road.

Planning Board Members discussed the location of utilities.

It was asked if Phase 2 was integrated with Phase 1, how would they be integrated.

Ms. Gaetano stated that she and her father are partners for Phase 1 and that everything is staying the way it is because of her father's age.

Planning Board Member Frank J. Pinnisi asked why Ms. Gaetano doesn't put Phase 1 in her name as well. Ms. Gaetano stated that the buildings and work done on Phase 1 belong to her father.

Planning Board Member Carl A. Annese noted that the Planned Development itself is limited to where the building is. Ms. Gaetano stated that her property is vacant.

Planning Board Members discussed and agreed that the Planned Development is the entire parcel.

Planning Board Member Carl A. Annese noted that no matter what, if a developer proposed anything for this particular parcel, it will require Site Plan approval.

Planning Board Chairman Robert Lambe stated that he is more concerned if someone else owns the property and did not get along.

Planning Board Member Carl A. Annese asked if it could be worded that if any individual owners of the property changed, they would need to come in to the Planning Board. Planning Board Chairman Robert Lambe stated that the issue would be sharing the utilities, easements, etc.

It was agreed that the application could be accepted and the issues brought up could be discussed with Town Attorney William Schmitt during the review period.

This property is located within 500' of a County Road, therefore a 239 Review will be required.

Planning Board Member Frank J. Pinnisi made a motion to accept the application for a Minor Two (2) Lot Subdivision and forward information to the Oneida County Department of Planning, the Oneida County Department of Public Works and the NYS Department of Transportation for a 239 Review, subject to review by Town Attorney William Schmitt; seconded by Planning Board Member Carl A. Annese.

All Members Voting: Aye

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 Voting: Aye

A \$50.00 fee will be required.

Ms. Gaetano will be notified by mail of her Public Hearing Date.

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.

Mr. Nims was not asked to attend the Meeting this evening.

Planning Board Members discussed possible conditions of approval for this proposal. The possible conditions are as follows:

1. Approval conditioned upon the proposed ROW as shown becoming a public road. (need to work out wording with Town Attorney)
2. Any development of these lots are subject to site plan approval by Town of Marcy Planning Board and availability of public road access,
3. Any deed or instrument purporting to convey title to these parcels shall expressly reference restrictions (1) and (2) or this approval shall be deemed null and void and no further legal force and effect.

Planning Board Members reviewed the plans.

It was noted that there are no additional conditions identified at this point.

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? Examples available...
7. Require a site plan review for any structure greater than 20’ tall that is not a building in every zone?
8. Add new residential zones for developed areas with smaller lots?
9. Discuss any further revision to non-conforming use section?
10. Create a multi-use overlay zone to allow recommended development types in Stittville and River Road West areas?
11. Create a new TD zone for SUNY Parcel F and Edge Edic Road parcel?
12. Review/fix any inadvertent map changes made during past zoning amendments.

Special Use Permits were also discussed. Planning Board Member Carl A. Annese volunteered to do further research and a draft of Special Use Permits.

Planning Board Member Frank J. Pinnisi will attend the March 25, 2010 Town Board Meeting.

The next Planning Board Meeting will be held on Monday, March 22, 2010.

Tentative Agenda: Don Nims for Mohawk Valley EDGE, Public Hearing
Zoning Revisions
Town-wide Storm Water Management Study
Bravo Planned Development Application

Planning Board Chairman Robert Lambe discussed the Town Wide Storm Water Management Study. Various issues have come up, a study has been completed and a set of four (4) maps have been assembled.

Having no further business, Planning Board Member Stephen Zywiak made a motion to adjourn the meeting at 8:57PM.; seconded by Planning Board Member Carl A. Annese.

All Members Voting: Aye

Respectfully submitted,

Lori A. Wrobel
Planning Board Secretary
March 30, 2010