

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

OCTOBER 18, 2010

The Town of Marcy Planning Board held one (1) Public Hearing on Monday, October 18, 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 Hearing to order at 7:00PM with the Pledge of Allegiance.

Planning Board Secretary Lori A. Wrobel read the Legal Notice that was published in the Observer Dispatch on Wednesday, October 13, 2010.

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 attended the August 23, 2010 Planning Board 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 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.

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

The Oneida County Department of Planning has “No recommendation as to final action, with the following comments:

1. The applicant will need to complete an Agricultural Data Statement since the proposed operation will be located within 500’ from property (Tax Parcel ID #293.000-1-1 owned by William and Judith Sypek and Tax Map Parcel ID# 293.000-1-1 owned by David and Dorothy Tauss) that is located within New York State Agricultural District #7 for Oneida County. The Agricultural Data Statement should be returned to this Department.
2. The subdivision plat notes that the Tax Parcel ID # to the northwest is ID #278.000-2-45 and owned by M. Phillips. However, our information shows this parcel to be ID #278.000-1-45 and owned by William and Judith Sypek as indicated above. The Planning Board may want the applicant to provide a revised plat showing this change.”

The Mohawk Valley Water Authority has the following review of the above referenced submission:

1. Reference Mr. bednarczyk’s letter dated July 28, 2010 regarding access to the site and easements.
2. No other utilities are to be placed in Mohawk Valley Water Authority’s easement including ditches and sewer lines.
3. What is the 30’ right-of-way the Town is asking for? Where is it located? Ensure this is not in the Mohawk Valley Water Authority easement.
4. Connections for the Chip Fab site will take place possibly in the Mohawk Valley Water Authority easement and therefore is very critical the area stays clear of all other utilities.
5. Lots 1 – 3 do qualify for water as they all front a distribution main on Morris Road. If intent is for Lot 4 to become a development then water main extension from Morris Road would be required the full frontage of all Lots served at the property owner’s/developer’s expense and according to Mohawk Valley Water Authority and NYS Department of Health requirements.”

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

Mr. Peet stated that Lot #3 will be even with the other lots.

Planning Board Chairman Robert Lambe explained that Mr. Peet owns two (2) parcels and is proposing a four (4) lot subdivision as well as a road right-of-way.

Holly Hovey questioned where the proposed road would be. Planning Board Chairman Robert Lambe reviewed the plans with Ms. Hovey and showed the location of the road.

Ms. Hovey asked if Mr. Peet would go up in the back and questioned how close the proposed road would be to the existing homes.

Planning Board Chairman Robert Lambe explained that this property is zoned Residential 20,000 and that Mr. Peet would need to meet those requirements. It was further explained that Mr. Peet is only asking for four (4) lots at this time and that any future development would need a new application, a new public hearing, etc.

It was noted that the plans may change a bit now that Lot #3 will be even with the other lots.

Ms. Hovey stated that the cars traveling Morris Road do not pay attention to the 45MPH limit.

Ms. Hovey asked that her letter to the Planning Board be read for the record.

Stephen Butler asked where the four (4) lots would be located. Planning Board Chairman Robert Lambe showed the location of the proposed lots on the plan.

“My name is Holly Hovey, I reside at 6019 Morris Road, Marcy, New York 13403. Recently the property to my right at 6001 Morris Road was sold with twelve adjoining acres, the purchaser was Dave Peet. Dave Peet is a land developer. I was told that Mr. Peet would like to build a road and four to five houses on the property to my right. The issue I have is that my living room and two bedrooms face the road where the houses that Mr. Peet is planning on building. In regards to privacy if a road was build I would have constant traffic literally in front of my bedrooms and living room. On the other hand, if Mr. Peet decides to only build two homes on the property I would prefer he sets the homes back passed my living room and bedroom eye site.

Unfortunately, not only would I feel invaded by people looking into my bedrooms and living room, but also the new residents would be forced to have me looking directly into their bedrooms or other areas of their house. If a negotiation could be worked out where the homes would set further back than mine so that my and the new owners privacy is not invaded, I would be more than willing to discuss those options.

I would appreciate the Town Board to take into consideration my privacy and how it would be very uncomfortable to be looking directly at a road with constant traffic, or a house where I would directly be looking into their private space as visa-versa. Like I said I am willing and open to negotiation that will accommodate myself and Mr. Peet. Than you for your time and consideration.” Signed Holly Hovey

“I previously wrote a letter in regards to my personal concerns regarding the possibility of Mr. Peets development plans for 6001 Morris Road and the twelve adjoining acres. I along with several of my neighbors have other concerns for the development of that property.

Here is a list of our concerns:

A. Children

1. Many of the neighbors have children under the age seventeen.
2. We are worried that the possible new road would increase traffic flow resulting in the possibility of injuries to the children.
3. All of the children walk and ride their bikes and already have a difficult time seeing and judging the traffic at the crest of the hill.
4. Many of the cars coming up the hill already do not follow the 45MPH speed limit and frequently speed up the hill.

B. Heavy Equipment

1. With a new road and homes being built there would be constant raised noise level in the area.
2. The raised noise levels would interfere with present residences hours of sleep availability due to neighbors different hours of employment.
3. Noise levels would also interfere with neighbors being able to spend quality family time needed.

C. Traffic Level and Noise

1. The increase of four to five homes would definitely decrease the peacefulness of what is now considered a somewhat private neighborhood.
2. By adding a new road to our neighborhood the increase in traffic would most likely be raised by ten cars, figuring two per household, basically in our front or back yards.
3. Most neighbors agree that the reason they moved to this area was to avoid constant construction traffic, or people commotion.

D. Crest of Hill

1. Having a road between the two fire hydrants would interfere with people coming up Morris Road, reaching the crest of the fill and not seeing the new residents.
2. The residents leaving the new road would and don't have a line of sight for cars coming up the crest of the hill, especially if they plan on taking a left onto Morris Road.
3. Frequently cars are going above the 45MPH and I don't believe the reaction time of those people traveling up Morris Road, if taking a left off the new road would be able to react in time.

E. Privacy

1. Speaking with the neighbors we all agree that we do get along and are friendly.
2. Our concern is that we all are friendly but to prefer to have that "space" between our homes and don't want to be "on top of each other".
3. If this development goes up it would defeat the purpose of us having our present space and privacy.

F. Taxes

1. Many of my neighbors like myself are middle class, two parent working families, with the majority of us having school age children.
2. Right now our present property taxes are reasonable, but it takes a lot of working hard, saving, and budgeting to pay them.
3. Since most of us have children a portion of our paychecks goes towards putting away money for our children's college fund. The new housing development would increase our property tax and therefore make it more difficult for us to achieve the goal of saving for our children's future. Unfortunately, moving may be inevitable if an increase in tax happens.

In closing I hope you take my and my neighbors considerations into account. We all love the area as it is now, but understand that change is inevitable, but hopefully it may be something that everyone can agree on. Bottom line is that we all moved up here for the peace, tranquility, and beauty of that which is Marcy, please don't take that away from us." Signed Holly Hovey and Concerned Neighbors

Dave Camerota stated that he is a neighbor that is also concerned with any development in his backyard. Mr. Camerota questioned why the Planning Board would consider this request for a road as proposed. Planning Board Chairman Robert Lambe stated that is a good point and explained that the Planning Board is not approving the road at this point, just the proposed right-of-way.

Mr. Camerota stated that he has teenage daughters that will be driving soon. Mr Camerota continued that he has lived here since 2002 and that speed limit was changed from 55MPH to 45MPH which he appreciates.

Mr. Camerota stated that he is opposed to the construction of a road in this area, there is no need for it, and it is a bad spot.

Ms. Hovey stated that she has her son walk on the opposite side of the road because of her safety concerns.

Mr. Butler stated that he had talked to the Post Office about getting his mailbox moved to the opposite side of the road because the crest is a very dangerous spot.

Mr. Camerota stated that there is not enough patrolling by the police in this area.

Ms. Hovey asked if any type of buffer was being proposed since she would be effected the most.

Planning Board Chairman Robert Lambe noted that Ms. Hovey has listed a number of concerns and noted that anyone could purchase property and construct a home in that area and that they would be bound by the same rules and requirements for lot sizes, size of home, setbacks, etc.

Planning Board Chairman Robert Lambe explained that there will be continued residential development because of the availability of water, sewer, land, etc. that allow for development.

Planning Board Chairman Robert Lambe stated that the Mohawk Valley Water Authority would not allow trees or anything else in their 30' easement area.

Planning Board Chairman Robert Lambe also explained that any home constructed would need to meet the setback requirements, which would be 50' front yard, 50' rear yard.

It was noted that over time, there could be a number of homes to the rear of the property.

The Mohawk Valley Water Authority easement was discussed and it was noted that the Water Authority cannot tell anyone that they cannot cross it, or we would not have any roads.

Planning Board Chairman Robert Lambe stated that three (3) lots are proposed for the frontage right now and that there remains a large lot in the back that will be developed at a later date.

Mr. Peet will need to deal with the Mohawk Valley Water Authority concerning easement issues.

Gary Alden questioned what type of homes Mr. Peet is proposing. Mr. Peet stated that he will construct two (2) story colonial homes over 1900 square feet each. The homes will be constructed as spec homes and there will be no modular homes.

Mr. Peet stated that he would like to start construction right away.

Michael Horning stated that he just wrote something he would like to read to the Planning Board.

"Good evening, my name is Michael Horning and I live at 6019 Morris Road. I lived there for six years now and the yard where there might be a possible road will be gone. I play on the yard and so do my friends when they come over. I go jogging and biking a lot and so do a lot of other kids that live around the area. With a road will be difficult to get by if very busy. I most likely will not be able to go jogging or walking up the hill anymore if a road is placed in the yard because of the traffic increase. I personally don't want a road to be there because Marcy is sort of country like and if a road and houses are built so close it will be like a small City. If Marcy wanted to be a City it would have been a City as soon as it was developed. But it was made like this for a reason and that is for people to have space and to be peace and quiet."

Signed Michael Horning

Ms. Hovey asked if all the comments made will be taken into consideration by the Planning Board. Planning Board Chairman Robert Lambe stated that all comments are taken into consideration.

Planning Board Member Michael Pawloski asked if the Planning Board has ever done anything to have the developer improve sight distance issues. Planning Board Chairman Robert Lambe stated that this could be discussed.

Ms. Hovey stated that she is concerned that while the new homes are being constructed, it would interfere with her getting to work on time. Planning Board Chairman Robert Lambe explained that the developers/builders are not allowed to obstruct or close a road.

Mr. Butler stated that the utilities are on the same side of the road.

Planning Board Chairman Robert Lambe stated that the developers/builders should not have any construction equipment on the road.

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

Planning Board Member Stephen Zywiak questioned what the frontage for Lot #4 is. Planning Board Chairman Robert Lambe stated that proposed Lot #4 is more than 60' but less than 90'.

Hearing no further comments, Planning Board Member Stephen Zywiak made a motion to close the Public Hearing; seconded by Planning Board Member Michael Pawloski.

All Members Present Voting: Aye

Planning Board Chairman Robert Lambe called the Regular Meeting to order at 7:40PM.

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

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 October 14, 2010.

Planning Board Chairman Robert Lambe noted that Mr. Peet will need to revise his plans to show the correct adjoining tax map numbers and property owners.

Planning Board Chairman Robert Lambe asked how the Planning Board feels about the proposed road and sight distance. Planning Board Members agreed that they would like Planning Board Representative Engineer Alan M. Swierczek review the proposed road and provide his comments concerning safety, sight distance, etc.

Planning Board Member Stephen Zywiak stated that the biggest concern is if this is the best location for a proposed road. It was also noted that the speed limit would probably not be reduced.

Planning Board Chairman Robert Lambe asked Mr. Peet if he was aware that proposed Lot #4 does not comply with the Schedule A requirements. Mr. Peet stated that he does not care since he is not asking for approval of the actual road at this time. Planning Board Chairman Robert Lambe explained that the Planning Board cannot approve the plan as submitted since Lot #4 is a non-conforming lot (not enough frontage).

Planning Board Chairman Robert Lambe suggested that Mr. Peet adjust Lot #3 to give additional frontage to Lot #4. It was noted that 100' of frontage is required.

Planning Board Chairman Robert Lambe noted that there is an existing shed shown on the plan. Mr. Peet stated that the existing shed would be removed.

Planning Board Member Stephen Zywiak noted that the 100' frontage would include a 30' easement. Planning Board Chairman Robert Lambe read the definition of Lot Frontage.

Planning Board Chairman Robert Lambe asked if Mr. Peet has any plans for future development at this time. Mr. Peet stated that he is not sure at this point what he will be doing.

Mr. Peet stated that he will give the owners of the parcels a right-of-way to use the road in order to avoid constructing driveways on Morris Road.

Planning Board Chairman Robert Lambe asked Mr. Peet if he has heard anything from the Mohawk Valley Water Authority. Mr. Peet stated that he has not and that he does not know what extents means.

Planning Board Chairman Robert Lambe asked that the Mohawk Valley Water Authority be notified that the Town of Marcy is asking for a right-of-way along Morris Road which would cross their easement.

Ms. Hovey stated that she planted an apple tree on the Mohawk Valley Water Authority easement and questioned what would happen to it. Planning Board Chairman Robert Lambe suggested that Ms. Hovey move the tree. Ms. Hovey stated that the Mohawk Valley Water Authority informed her that Mr. Peet owns the property where the tree was planted. Mr. Peet said that he does not have a problem with the tree.

Planning Board Member Frank J. Pinnisi made a motion that upon review of the information submitted by the applicant, the Oneida County Department of Planning 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 its modest nature and conformance to town development regulations; seconded by Planning Board Member Michael Pawloski.

All Members Present Voting: Aye

Planning Board Chairman Robert Lambe explained that the Planning Board will need a revised plan prior to approval.

Mr. Peet noted that he made all the lots even in the back.

Planning Board Chairman Robert Lambe informed Mr. Peet that the plans will need a note stating that the two (2) parcels will be joined.

The revised plans will also need to note that the development includes a driveway for now that will become a future road; the non-conforming lot will need to show it has 100' of frontage so it complies with the requirements; the property owner listed on the plan will need to be corrected; an Agricultural Data Sheet will need to be completed and filed with the Oneida County Department of Planning; and the Town Planning Board Representative Engineer will be asked to review the proposed location of the road and comment on same.

Mr. Peet can present his revised plan at the November 15, 2010 Planning Board Meeting.

Mr. Peet asked if the Planning Board would consider conditional approval. Planning Board Members agreed that they prefer to hear from Planning Board Representative Engineer Alan M. Swierczek concerning the proposed road prior to considering any type of approval.

Planning Board Chairman Robert Lambe explained to Mr. Peet that the Planning Board received many comments concerning the placement of the road and that the Planning Board would like an opportunity to receive comments from Planning Board Representative Engineer Alan M. Swierczek.

Mr. Peet stated that he would like to request a Special Meeting on November 1, 2010. Planning Board Members agreed that they would be able to attend a meeting on November 1, 2010.

Planning Board Chairman Robert Lambe summarized what will happen next for the neighbors that were present and informed them that they are more than welcome to attend the Special Meeting on November 1, 2010.

Ms. Hovey stated that he has concerns with the crest of the hill.

ROBERT WILLIAMS for PROPERTY OWNED BY ELEANOR WILLIAMS, 9832 Luke Road

Property Line Change

Tax Map Number 263.000-1-57.1 and 57.2

Zoned AG/Agricultural

Application Number 2010-00

Mr. and Mrs. Williams attended the July 12, 2010 Review Panel Meeting and the July 26, 2010 Planning Board Meeting. Ms. Williams' son lives next door to her and she would like to give him additional property in order to make his lot larger. The property will be combined into one (1) deed.

A 239 Review and Public Hearing are not required for a Property Line Change.

Ms. Williams was asked to revise her plans to show the entire parcel, a location map and a note stated that the two (2) parcels will be joined.

The application for a Property Line Change was approved by the Planning Board on July 26, 2010 with the condition that the plans be revised to show all requirements.

SEQR was completed on July 26, 2010.

Ms. Williams has submitted her revised plans for review and signatures.

Planning Board Members reviewed the plans and agreed that all the necessary revisions have been provided.

Planning Board Chairman Robert Lambe and Planning Board Secretary Lori A. Wrobel stamped and signed the approved plans.

The approved plans will need to be filed with the Oneida County Clerk within sixty (60) days of the date of approval, otherwise they will become null and void.

Ms. Williams will pick up the approved plans from the Town Clerk.

OTHER BUSINESS

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, November 15, 2010.

Tentative Agenda: Kurt Gruenewald for Benton Wood Heights, Planned Development

Having no further business, Planning Board Michael Pawloski made a motion to adjourn the meeting at 8:44M.; seconded by Planning Board Member Frank J. Pinnisi.

All Members Present Voting: Aye

Respectfully submitted,

Lori A. Wrobel
Planning Board Secretary
October 30, 2010