

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

MAY 25, 2010

The Town of Marcy Planning Board held one (1) Public Hearing on Tuesday, May 25, 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 Secretary Lori A. Wrobel read the Legal Notice that was published in the Observer Dispatch.

MICHAEL SERVATIUS, 7555 NYS Route 291

Site Plan Review

Tax Map Number 227.000-3-9

Zoned R-20/Residential 20,000

Application Number 2010-00

Mr. Servatius attended the April 12, 2010 Planning Board Meeting. Mr. Servatious would like to construct a 24' x 24' accessory building (garage) in his front yard which would be setback 92' from the center line of the road.

A Site Plan Review from the Planning Board will be required in order to construct an accessory building in front of the existing home.

NYS Route 291 is a State Road, therefore a 239 Review was required.

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

The NYS Department of Environmental Conservation "has received the above referenced submittal. The DEC has no objections to the Town of Marcy being Lead Agency for this project. To expedite any forthcoming technical review or permit application, the DEC offers the following checklist of items to be considered:

Archeological and Cultural Impacts:

The Office of Parks, Recreation and Historical Preservation Cultural Resources (OPRHP) maps should be reviewed for any project that will be classified as Major under Uniform Procedures Regulations 6 NYCRR Part 621. Before any project within a mapped archeological or historic site may be called complete, consultation with OPRHP must take place.

SPDES General Permit for Construction Activity (GP-08-01):

If you anticipate disturbing one or more acres, but less than five acres, you are required to file for coverage under New York State's General Stormwater permit – GP-08-01.

If you wish further assistance in this matter, please call 793-2740.”

NYS Department of Transportation:

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

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

Planning Board Member Frank J. Pinnisi made a motion to close the Public Hearing; seconded by Planning Board Member Stephen Zywiak.

All Members Voting: Aye

Planning Board Chairman Robert Lambe called the Regular Meeting to order at 7:04PM.

MICHAEL SERVATIUS, 7555 NYS Route 291

Site Plan Review

Tax Map Number 227.000-3-9

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. Fourteen (14) neighbors were notified of the Public Hearing by mail. Notices were mailed on May 20, 2010. Clerk to the Assessor Tom Foley verified that the names of all property owners within 500' of the project were provided. No objections were received concerning this proposal.

Planning Board Chairman Robert Lambe stated that he researched the comments received from the NYS Department of Environmental Conservation and that there are no issues with #1. Mr. Servatius will need to comply with Town Law during the building permit process.

Planning Board Member Carl A. Annese stated that he is still trying to figure out the definition of a front yard. Planning Board Chairman Robert Lambe referenced page 25 of the Zoning Ordinance, definition of front yard.

Planning Board Members discussed the definition of Yard, Front. Planning Board Chairman Robert Lambe stated that the proposed accessory building is not in the setback area, it is behind the setback area.

Planning Board Member Frank J. Pinnisi made a motion to approve the application to construct a 24' x 24' accessory building (garage) 92' from the center line of the road, with the conditions that (1) Mr. Servatius comply with the Town of Marcy Stormwater Regulations; and (2) If a Building Permit is not obtained within twelve (12) months of this date, the project will be considered null and void; seconded by Planning Board Member Carl A. Annese.

All Members Voting: Aye

Mr. Servatius 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

Mr. Johnson attended the May 10, 2010 Review Panel Meeting. Mr. Johnson is requesting approval of a Home Occupation which is an on-line business. Mr. Johnson explained that his on-line business is syntheticoilevolution.com and that he does have some stock in his garage. Mr. Johnson occasionally ships his product.

Mr. Johnson stated that once in a great while, he will have a customer visit his home.

A Plan Review of a Home Occupation will be required by the Planning Board.

Planning Board Members reviewed the plans and paperwork.

Mr. Johnson stated that he uses a computer in his bedroom for this business.

Mr. Johnson explained that he is an on-line amazon dealer/distributor.

Planning Board Member Carl A. Annese questioned if the synthetic oil is toxic. Mr. Johnson stated no.

Mr. Johnson stated the most stock he would have would be ten (10) cases and that there are twelve quarts in each case. Planning Board Chairman Robert Lambe asked if all the oil is stored in the garage. Mr. Johnson stated yes.

Planning Board Member Carl A. Annese asked if the oil is flammable. Mr. Johnson stated no.

Planning Board Member Carl A. Annese asked how the oil is delivered to Mr. Johnson. Mr. Johnson stated that the oil is delivered by UPS, maybe twice a month. Planning Board Member Carl A. Annese asked if there was no common carrier. Mr. Johnson stated no.

There will be no exterior alterations and nothing will be stored outside. There will be no signs for this Home Occupation allowed.

Mr. Johnson stated that he does advertise his location on-line and that he does have an occasional customer. This month Mr. Johnson has had one (1) customer.

Mr. Johnson stated that if a customer does come to his home, they back up to the garage and then pull out.

Mr. Johnson stated that the oil is not toxic and that it is not explosive.

Planning Board Member Carl A. Annese asked if Mr. Johnson could provide a data sheet. Mr. Johnson stated that the Planning Board could get one on-line. Planning Board Chairman Robert Lambe asked that Mr. Johnson provide the data sheet.

Planning Board Chairman Robert Lambe asked if Mr. Johnson would have any activity earlier than 7:00AM or later than 9:00PM. Mr. Johnson stated no.

Mr. Johnson stated that his main focus is setting up dealers and preferred customers.

Flanagan Road is a Town Road, therefore a 239 Review will not be required.

Planning Board Member Frank J. Pinnisi made a motion to accept the application for a Plan Review of a Home Occupation and to schedule a Public Hearing for Monday, June 28, 2010; 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 a Type II action not subject to Environmental Conservation Law Article 8 (SEQR) under Part 617.5 (c)(10), construction, expansion, or placement of a minor accessory/appurtenant residential structure not changing land use or density; seconded by Planning Board Member Stephen Zywiak.

All Members Voting: Aye

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

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 and the April 26, 2010 Planning Board 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.

A Joint Public Hearing has been scheduled with the Town Board for Thursday, June 10, 2010 at 6:30PM.

It was noted that a recommendation will be prepared and issued by the Planning Board after the Joint Public Hearing with the Town Board.

Planning Board Chairman Robert Lambe stated that he has talked with Superintendent of Highways Vito Sciortino who feels that the proposal is acceptable.

Planning Board Chairman Robert Lambe has also brought a set of plans to the Maynard Volunteer Fire Department for review and comments.

Planning Board Chairman Robert Lambe prepared and distributed a list of all dead end Town Roads and how many homes are on each. Roads discussed were Buckland, Kenwood, Park and Columbus which all have more than twenty (20) homes.

Planning Board Chairman Robert Lambe explained that he had provided two (2) memos to the Town Board concerning Buckland Estates (during the review of same). Planning Board Chairman Robert Lambe noted that the Town Board has two (2) issues at the time, one being that they did not want a median and the other was a Highway issue, not wanting anything raised in the middle. Planning Board Chairman Robert Lambe noted that the Maynard Volunteer Fire Department also had issues with Buckland Estates during the review process.

Planning Board Chairman Robert Lambe stated that there will need to be some type of storm water study and that this should be a condition of moving forward.

Planning Board Chairman Robert Lambe stated that the Planning Board will need to comment on the design guidelines.

Planning Board Chairman Robert Lambe stated that this is the first residential PD application that the Planning Board has seen and that the Planning Board will need design guidelines. Planning Board Chairman Robert Lambe questioned if someone purchased a lot and required an Area Variance, how would the Zoning Board of Appeals give it.

Planning Board Member Carl A. Annese stated that if conditions are adopted, the wording could be put into the deeds. Planning Board Chairman Robert Lambe explained that some of the lots will not meet the Residential 20,000 requirements.

Planning Board Chairman Robert Lambe asked if the developer could make everything conform to the Residential 20,000 requirements so that the road would be the only issue.

The Engineer for this project stated that he could shift the road and that by doing so, all the lots would conform to the Residential 20,000 requirements.

Planning Board Members discussed the open space, specifically the strips of open space that were proposed.

Planning Board Chairman Robert Lambe stated that an easement does not always work with the swales and that he is concerned that some property owners may fill in the swale area.

Planning Board Member Carl A. Annese mentioned the developments the Town has now and the straight aways like Cavanaugh Road where you have to travel quite a distance before you get to another access. Planning Board Chairman Robert Lambe stated that you could get around.

Planning Board Member Carl A. Annese stated that the Planning Board has to look at the health safety and welfare and that in this case the welfare far outweighs the health and safety.

Planning Board Chairman Robert Lambe stated that there are some issues that are undesirable but the Planning Board needs to rationalize what we do from here forward.

Planning Board Chairman Robert Lambe mentioned phasing. Mr. Majka stated that you would not get a developer in this world that would build thirty-four (34) lots at once.

Planning Board Chairman Robert Lambe asked what Mr. Majka and Mr. Bravo are willing to commit to for phasing. Planning Board Member Stephen Zywiak noted that the developers will need to provide some type of turn around.

Planning Board Member Stephen Zywiak stated that it would be a good idea to develop the low side first, possibly half at first. Mr. Bravo stated that he will develop what he can afford.

Planning Board Chairman Robert Lambe explained that a phasing proposal is not unreasonable.

Planning Board Chairman Robert Lambe noted that the Zoning Ordinance will need to be amended or the phasing would not be allowed since this property is under forty (40) acres. Planning Board Member Michael Pawloski questioned why forty (40) acres is in there. Planning Board Chairman Robert Lambe stated that the Planning Board could request that the Zoning Ordinance be changed to “x” number of lots or twenty (20) acres. Planning Board Member Frank J. Pinnisi stated that this should be up to the discretion of the Planning Board.

Planning Board Members discussed various options for phasing. Planning Board Chairman Robert Lambe stated that the first phase should be proposed to the Town Board and defined.

Mr. Bravo stated that he would like to start his project tomorrow.

Planning Board Chairman Robert Lambe questioned how long it would take to finish the first section of road. Mr. Bravo stated that it could be done in a year. Planning Board Chairman Robert Lambe stated that the Ordinance allows two (2) years now and asked if that was acceptable. Mr. Bravo stated yes.

Planning Board Chairman Robert Lambe asked how long the developer would need to complete Phase 2. Mr. Bravo stated that would depend on if Phase 1 was completed.

Planning Board Member Frank J. Pinnisi stated that if an extension is requested, it should go to the Town Board first and then referred to the Planning Board. Planning Board Chairman Robert Lambe noted that within five (5) years, the developer would need to proceed with Phase 2. Mr. Bravo stated that he would have to sell eight (8) or nine (9) lots in order to go any further.

Mr. Bravo stated that a home would cost between \$125 - \$130 per square foot or \$175 per square foot including the lot.

Planning Board Chairman Robert Lambe stated that he would like to deal with the five (5) year issue and as long as the developer is making progress, there should not be any issues.

Planning Board Member Carl A. Annese suggested a progress review. Planning Board Chairman Robert Lambe stated that he likes that idea.

Mr. Bravo stated that there are not any developments to choose from in the Town of Marcy.

Planning Board Chairman Robert Lambe noted that Planned Development is not written for residential development and that perhaps they should be branched out, one for Planned Development and one for Residential Planned Development.

Planning Board Members discussed the time tables, storm water issues and noted that the open space will need to be addressed.

OTHER BUSINESS

Planning Board Member Frank J. Pinnisi made a motion to dispense with the reading of the April 12, 2010 and May 10, 2010 Planning Board Minutes; seconded by Planning Board Member Carl A. Annese.
All Members 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 April 12, 2010 and May 10, 2010 Planning Board Minutes as written; seconded by Planning Board Member Carl A. Annese.
All Members Voting: Aye

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, June 14, 2010.

Tentative Agenda: Joseph Bravo and Sigmund Majka, Planned Development Recommendation
Calvin Annacker for the Utica Maennerchor, Public Hearing
Dave Edic and Christine Filipkowski, Public Hearing
Michael Candella, Site Plan Review

Having no further business, Planning Board Member Michael Pawloski made a motion to adjourn the meeting at 9:10M.; seconded by Planning Board Member Frank J. Pinnisi.
All Members Voting: Aye

Respectfully submitted,

Lori A. Wrobel
Planning Board Secretary
June 5, 2010