

**TOWN OF MARCY
COUNTY OF ONEIDA
STATE OF NEW YORK
REVIEW PANEL
FEBRUARY 3, 2020**

The Town of Marcy Review Panel held a Regular Meeting on Monday, February 3, 2020 at 6:00PM at the Marcy Municipal Building, 8801 Paul Becker Road, Marcy, New York.

THOSE PRESENT: Planning Board Chairman Robert Lambe
Zoning Board of Appeals Chairman Carl A. Annese
Codes Enforcement Officer Daniel Berkhoudt

Planning Board Chairman Robert Lambe called the Meeting to order at 6:00PM with the Pledge of Allegiance.

ALBERT TAHAN for the MARCY TOWN CENTER, 9225 River Road

Building Permit

Tax Map Number 292.004-1-17.1

Zoned MU-G/Mixed Use General

Mr. Tahan is proposing to open an Ashley Homestore in his shopping plaza on the corner of Cavanaugh Road and River Road. The signage has been received by Codes Enforcement Officer Daniel Berkhoudt.

Mr. Tahan is allowed up to one hundred and eighty nine (189) square foot of signage. Signs A and B total one hundred and seventy five (175) square foot. The marquee is not counted in the square footage.

Mr. Tahan stated that he will re-light the marquee (internally lit). The panel on the marquee will also be replaced. Both sides of the sign will be lit "Marcy Town Center".

Codes Enforcement Officer Daniel Berkhoudt has no issues with this proposal.

Mr. Tahan stated that he is a few months away from opening.

Codes Enforcement Officer Daniel Berkhoudt will complete a walk through of the home store with the Maynard Fire Department next week.

It was noted that a knock box will be installed and located in the back of the building.

Codes Enforcement Officer Daniel Berkhoudt noted that the permit is ready for Mr. Tahan and he could pick up during normal business hours from the Codes Department.

MICHAEL NIMEY, 6128 Cavanaugh Road

Special Use Permit

Tax Map Number 278.000-1-50.3

Zoned R-20/Residential 20,000

Mr. Nimey stated that he would like to convert his existing garage into a gun shop. Mr. Nimey stated that he is requesting a Home Occupation in order to have the gun shop in his garage.

Mr. Nimey stated that he would like to do gunsmithing as well as buy and sell guns. Mr. Nimey stated that he would like to have customers come into his gun store and he would also sell on-line.

Zoning Board of Appeals Chairman Carl A. Annese noted that Mr. Nimey does not comply with all of the requirements for a Home Occupation. Mr. Nimey was referred to page 47 of the Unified Development Code.

Planning Board Chairman Robert Lambe explained that retail sales are prohibited for a Home Occupation.

Zoning Board of Appeals Chairman Carl A. Annese asked if Mr. Nimey would sell ammunition. Mr. Nimey stated yes, he would like to sell ammunition. Zoning Board of Appeals Chairman Carl A. Annese stated that Mr. Nimey would not be allowed to sell ammunition from his home.

Planning Board Chairman Robert Lambe explained that the UDC would only allow Mr. Nimey to do the machine shop work from his home.

Mr. Nimey stated that he has applied for a license and read a section of the application that pertains to whether or not this would be allowed/permitted by the Town.

Planning Board Chairman Robert Lambe noted referred Mr. Nimey to page 49 of the Unified Development Code.

Review Panel Members explained that Mr. Nimey would not be able to sell anything from this location, no identification signs would be allowed and Mr. Nimey would have to prove that there would be no hazard caused to his neighbors.

Zoning Board of Appeals Chairman Carl A. Annese asked where Mr. Nimey would keep his guns. Mr. Nimey stated that he would have a gun safe.

Mr. Nimey should prepare a written statement concerning this proposal, explain how his sales and deliveries would be handled and how this business would work in the neighborhood.

Mr. Nimey asked who he can call with questions. Planning Board Chairman Robert Lambe explained that the requirements are self explanatory.

Cavanaugh Road is a County Road, therefore a 239 Review will be required.

Mr. Nimey will attend the March 2, 2020 Zoning Board of Appeals Meeting.

MICHAEL BENSON for 1-800-GOT-JUNK for PROPERTY OWNED BY LEO SHILO, 9593 River Road

Mailing Address: 709 Columbia Turnpike, East Greenbush, New York 12061

Minor Site Plan Review

Tax Map Number 293.003-3-37

Zoned MU-G/Mixed Use General

Mr. Benson stated that he is interested in an existing garage located on River Road and owned by Leo Shilo. This location has a garage and a small office. Mr. Benson is interested in leasing the office space and using the garage to park his equipment for 1-800-GOT-JUNK.

Mr. Benson would leave two (2) to three (3) trucks on-site. The trucks could be filled overnight and would then be taken to the transfer station.

Mr. Benson stated that he could park the trucks inside of the garage if he had to.

Review Panel Members agreed that this would be a change of use.

Review Panel Members discussed page 156 of the Unified Development Code.

Planning Board Chairman Robert Lambe informed Mr. Benson that he will need to provide a detailed site plan showing how the parking will work for all three (3) businesses located on that site.

Mr. Benson stated that he does not have customers visit the office.

Codes Enforcement Officer Daniel Berkhoudt stated that he has looked at this proposal as a personal services use, kind of like a Stanley Carpet Cleaning service.

It was noted that a Site Plan Review will be required.

River Road is a County Road, therefore a 239 Review will be required.

Mr. Benson will attend the February 24, 2020 Planning Board Meeting in order to apply for the Site Plan Review.

The Planning Board will confirm that the plan is sufficient on February 24, 2020. If the plans are sufficient, the Review Panel could schedule a Minor Site Plan Review.

JEREMY INMAN, 9669 River Road

Area Variance

Site Plan Review

Tax Map Number 306.000-2-21

Zoned MU-G/Mixed Use General

Mr. Inman would like to lease space to Adirondack Compressed Gas, Inc. and have a 6,000 gallon tank place on his property located on the corner of Maynard Drive and River Road.

Planning Board Chairman Robert Lambe asked how this business would relate to the existing business.

The representative from Adirondack Compressed Gas, Inc. stated that they supply medical industrial gases to the Mohawk Valley Health System and that the business will be growing with the construction of the new hospital. This business also supplies to all of the nursing homes in the area.

The representative from Adirondack Compressed Gas, Inc. stated that the gases are non-flammable, and that this would be pure oxygen. He then stated that the gases are combustible but not flammable. A portion of the building would also be leased to store other gases. This would be a fill location with an office to be located in the building. Nitrogen, helium, argon, CO2, etc. would be stored on site. Codes Enforcement Officer Daniel Berkhoudt will need a complete list of all gases that would be stored at this location.

Codes Enforcement Officer Daniel Berkhoudt explained that a stamped set of engineered plans will be required.

The proposed tank would be 12' – 14' wide by 25' – 30' in height.
Review Panel Members noted that the tank would need to meet all of the required setbacks.

Trucks would be coming on-site once a month. This business mostly uses vans.

It was noted that a 6' fence is also being proposed. The proposed fence would require an Area Variance.

Codes Enforcement Officer Daniel Berkhoudt will complete a property maintenance inspection of this location prior to the next Review Panel Meeting.

Mr. Inman was asked to attend the March 2, 2020 Review Panel Meeting in order to have his stamped engineered plans reviewed.

JOSEPH COMMISSO for JOE BRAVO for ROUTE 49 HOLDINGS LLC, River Road

Area Variance

Site Plan Review

Tax Map Number 292.001-1-41.1

Zoned RM/Multiple Residential

Mr. Commisso is attending the meeting on behalf of Joe Bravo who would like to construct a six (6) and a four (4) unit apartment building on his property on River Road. Review Panel Members noted that Mr. Bravo would require a 30' front yard setback, a 15' side yard setback and a 50' rear yard setback. Mr. Bravo is proposing less than a 50' rear yard setback.

Zoning Board of Appeals Chairman Carl A. ANnese asked if the plan would work if he flipped the units.

Review Panel Members discussed the yards and how they are being defined.

Planning Board Chairman Robert Lambe suggested that the Zoning Board of Appeals interpret the yards for Mr. Bravo.

The application as shown would require an Area Variance for the rear yard from the Zoning Board of Appeals.

Mr. Bravo will also be required to present the Stormwater information since he will be disturbing more than one (1) acre.

Mr. Bravo will need to present an actual site plan showing the dimensions, utilities and stormwater.

If Mr. Bravo cannot meet the rear yard setback, he will be required to apply for an Area Variance.

Planning Board Chairman Robert Lambe noted that the Planning Board will also need to see the grading.

Mr. Bravo will be informed of the discussion and will be asked to contact the Planning Board Secretary once he has more direction.

Having no further business, Zoning Board of Appeals Chairman Carl A. Annese made a motion to adjourn the meeting at 7:12PM; seconded by Planning Board Chairman Robert Lambe.

All Members Voting: Aye

Respectfully submitted,

Lori A. Wrobel
Review Panel Secretary
February 14, 2020