

**City of Oneida
Planning Commission Zoning Board of Appeals
Meeting Minutes
November 14, 2023**

The regular meeting of the Planning Commission Zoning Board of Appeals was held on Tuesday, November 14, 2023, at 6:00 p.m. in the Basement Activities Room, City Hall, 109 N. Main St. Oneida, NY.

The meeting was called to order at 6:00 pm by the Deputy Chairperson Randy Bonville.

PRESENT: Fred Meyers (Late, arrived at 6:04)
Todd Schaal
Perry Tooker
Barbara Henderson
Randy Bonville

ALSO PRESENT: Christopher Henry, Director of Planning
Brian Burkle, Fire Marshall (Late, arrived at 6:01)

Absent: Kipp Hicks
Pat Thorpe

RESOLVED, that the Tuesday, October 10, 2023, PCZBA meeting minutes are hereby approved.

**Moved by Randy Bonville
Seconded by Perry Tooker**

**Aves: 4
Nays: 0**

Motion Carried

Item #1 – Area Variance for 4 additional accessory structures for a total of 6 located at 1959 Middle Road, Tax Map Number 47.14-1-51, zoned A, by Brian Callegari, file# 2023-035.

The applicant was in attendance.

There was a discussion with the applicant where he explained that he didn't realize until applying for his height variance that he was not compliant with the Code. Mr. Callegari described the large sizes of the properties in the neighborhood. He went further to explain that large properties require a lot of equipment to maintain the property. He went further to explain that he relied on contractors for their knowledge of the Code. He also explained that he sat down with Rick Weinkoff (former Code

Enforcement Officer), thinking that he was doing the appropriate thing. Mr. Callegari went on to explain the use of each accessory structure on the property and how well they are maintained.

239 Review- Not required.

Fred Meyers arrives, Randy Bonville returns the duties of the Chairman to Mr. Meyers.

RESOLVED, that the Planning Commission be declared Lead Agency and classifies the action as a Type II action requiring no further review pursuant to § 617.5.

Moved by Todd Schaal
Seconded by Perry Tooker

Ayes: 5
Nays: 0

MOTION CARRIED

Motion to Open the Public Hearing at 6:05

Moved by Perry Tooker
Seconded by Randy Bonville

Ayes: 5
Nays: 0

Motion Carried

No comments were made.

Motion to Close the Public Hearing at 6:06

Moved by Randy Bonville
Seconded by Todd Schaal

Ayes: 5
Nays: 0

Motion Carried

Chris went through the five criteria for an area variance for 4 additional accessory structures for a total of 6 located at 1959 Middle Road, Tax Map Number 47.14-1-51, zoned A

- 1.) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of an area variance.

Moved by Randy Bonville that an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance because the neighbors don't know he's building the buildings, and aren't even aware, and can't even see.

Seconded by Barbara Henderson

Ayes: 5

Nays: 0

Motion Carried

- 2.) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.

Moved by Todd Schaal that the applicant can achieve the benefit by some other method feasible for the applicant to pursue because the structures have been up for many years.

Seconded by Barbara Henderson

Ayes: 5

Nays: 0

Motion Carried

- 3.) Whether the requested area variance is substantial.

Moved by Perry Tooker that the requested area variance is not substantial because the sheds are smaller in size, and built adequately to maintain this property.

Seconded by Todd Schaal

Ayes: 5

Nays: 0

Motion Carried

- 4.) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Moved by Barbara Henderson that the proposed variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district because several structures similar in the area and appear to be well maintained.

Seconded by Randy Bonville

Ayes: 5

Nays: 0

Motion Carried

- 5.) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance.

Moved by Barbara Henderson that the difficulty was self-created, but it is relevant, and it does not necessarily preclude the granting of the area variance.

Seconded by Todd Schaal

Ayes: 5

Nays: 0

Motion Carried

RESOLVED, that area variance be approved pursuant to §190-44(B)(2)(b) for 4 additional accessory structures for a total of 6 located at 1959 Middle Road, Tax Map Number 47.14-1-51, zoned A, by Brian Callegari.

Moved by Randy Bonville

Seconded by Todd Schaal

Ayes: 5

Nays: 0

Motion Carried

A RESOLUTION APPROVING AN AREA VARIANCES FOR 4 ADDITIONAL ACCESSORY STRUCTURES FOR A TOTAL OF 6 LOCATED AT 1959 MIDDLE ROAD, TAX MAP NUMBER 47.14-1-51, ZONED A, BY BRIAN CALLEGARI, FILE# 2023-035.

WHEREAS, the City of Oneida Joint Zoning Board of Appeals/Planning Commission (hereinafter referred to as "the Board") has reviewed the application submitted by Brian Callegari for four additional accessory structures located at 1959 Middle Road, Tax Map Number 47.14-1-51, zoned A; and

WHEREAS, the State Environmental Quality Review (SEQR) process was completed on November 14, 2023, and the Planning Board declared lead agency, classifying the action as a Type II action requiring no further review pursuant to § 617.5.; and

WHEREAS, a public hearing was held on November 14, 2023, allowing the public to express their opinions and concerns regarding the proposed area variances; and

WHEREAS, the Board determined that no GML 239 Referral was required; and

WHEREAS, in accordance with the resolutions passed by the Board addressing the applicant's satisfaction of the area variance criteria, the Board does hereby conclude that variance relief **will not** produce any undesirable change in the character of the neighborhood and **will not** be a detriment to nearby properties. Variance relief **will not** have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. Neighbors **did not** express any opposition to the variance. The variance sought **is/is not** determined to be substantial. There **is no** apparent method to achieve the benefit Applicant wishes to obtain, other than a variance and the benefit to Applicant **does** outweigh any detriment to the neighborhood or community because of granting the variance relief as documented in the Area Variance Checklist in Attachment A.; and

WHEREAS, the Board does further determine that there be imposed certain conditions upon the approval of the area variances.

NOW, THEREFORE, BE IT RESOLVED by the City of Oneida Joint Zoning Board of Appeals/Planning Commission as follows:

That the application submitted by Brian Callegari for an area variance for 4 additional accessory structures to allow 5 accessory structures to remain and allow the construction of an additional accessory structure located at 1959 Middle Road, Tax Map Number 47.14-1-51, zoned A, is hereby approved, subject to the conditions outlined below:

CONDITIONS:

1. That the Director of Planning and Development is hereby authorized to take all necessary administrative actions to implement this approval.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

PASSED AND ADOPTED by the City of Oneida's Joint Zoning Board of Appeals/Planning Commission on this 14th day of November, 2023.

Fredrick Meyers

Chairperson, Joint Zoning Board of Appeals/Planning Commission

ATTEST:

Christopher Henry

Director of Planning and Development and, Secretary of the Joint Zoning Board of Appeals/Planning Commission

Moved by: Randy Bonville

Seconded by: Perry Tooker

Ayes: 5

Nays: 0

Motion Carried

Item #2 – Area Variance for an additional 6’ of height for a maximum height of 24’ for an accessory structure located at 1959 Middle Road, Tax Map Number 47.14-1-51, zoned A, by Brian Callegari, file# 2023-036.

The applicant was in attendance.

The Chairman asked the applicant if the structure was existing. Mr. Callegari said no. There was a discussion about the height. Todd Schaal mentioned that it appeared that Mr. Callegari accounted for the full height of the building.

There was a brief discussion about the pitch and how it is 7.5 x 12, the truss height being 11’4” but Mr. Callegari is assuming 12’. Mr. Callegari went to describe the construction type being a pole barn type that will be unheated, but it will have electricity. The applicant further explained to the board that he has become an amateur farmer in his retirement. The use of the structure will be used to store tools, for apple cider making, bee keeping, and woodworking equipment.

Mr. Callegari explained that the house sits on the highest point of the property. He explained that the grade drops 12’ and the building will not stand taller than his house. He further explained that the footprint will be similar to a neighbors property that received a height variance. He further explained the 15’ setback from the property line and the 230’ setback from Middle Road.

There was a discussion about the adequacy of the setback. There was a concern about water going from the roof to the neighbors property. Mr. Callegari felt that it is adequate. There was a brief discussion about the truss and how it is similar to buildings nearby.

239 Review- Not required.

RESOLVED, that the Planning Commission be declared Lead Agency and classifies the action as a Type II action requiring no further review pursuant to § 617.5.

Moved by Todd Schaal
Seconded by Perry Tooker

Ayes: 5
Nays: 0

MOTION CARRIED

Motion to Open the Public Hearing at 6:19

Moved by Randy Bonville
Seconded by Perry Tooker

Ayes: 5
Nays: 0

Motion Carried

No comments were made.

Motion to Close the Public Hearing at 6:20

Moved by Randy Bonville
Seconded by Perry Tooker

Ayes: 5
Nays: 0

Motion Carried

Chris went through the five criteria for an additional 6' of height for a maximum height of 24' for an accessory structure located at 1959 Middle Road, Tax Map Number 47.14-1-51, zoned A.

- 1.) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of an area variance.

Moved by Randy Bonville that an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance because of how far back it will sit, and the house is bigger than it, no one will ever see it.

Seconded by Todd Schaal

Ayes: 5
Nays: 0

Motion Carried

- 2.) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.

Moved by Todd Schaal that the applicant can achieve the benefit by some other method feasible for the applicant to pursue because they need it for farm equipment, and it needs a reasonable pitch, trusses, and side wall height.

Seconded by Randy Bonville

Ayes: 5

Nays: 0

Motion Carried

- 3.) Whether the requested area variance is substantial.

Moved by Perry Tooker that the requested area variance is not substantial because several other structures nearby are similar in nature in the neighborhood.

Seconded by Todd Schaal

Ayes: 5

Nays: 0

Motion Carried

- 4.) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Moved by Todd Schaal that the proposed variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district because it is in an agricultural area, an agricultural building, and it looks it.

Seconded by Randy Bonville

Ayes: 5

Nays: 0

Motion Carried

- 5.) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance.

Moved by Barbara Henderson that the difficulty was self-created, but it is relevant, and it does not necessarily preclude the granting of the area variance due to the fact it is in keeping with other structures in the neighborhood.

Seconded by Todd Schaal

Ayes: 5

Nays: 0

Motion Carried

RESOLVED, that area variance be approved pursuant to §190-44(B)(2)(b) for an additional 6' of height for a maximum height of 24' for an accessory structure located at 1959 Middle Road, Tax Map Number 47.14-1-51, zoned A, by Brian Callegari.

Moved by Randy Bonville
Seconded by Perry Tooker

Ayes: 5

Nays: 0

Motion Carried

A RESOLUTION APPROVING AN AREA VARIANCES FOR AN ADDITIONAL 6' OF HEIGHT FOR A MAXIMUM HEIGHT OF 24', LOCATED AT 1959 MIDDLE ROAD, TAX MAP NUMBER 47.14-1-51, ZONED A, BY BRIAN CALLEGARI, FILE# 2023-036.

WHEREAS, the City of Oneida Joint Zoning Board of Appeals/Planning Commission (hereinafter referred to as "the Board") has reviewed the application submitted by Brian Callegari for an additional 6' of height for a maximum height of 24', located at 1959 Middle Road, Tax Map Number 47.14-1-51, zoned A; and

WHEREAS, the State Environmental Quality Review (SEQR) process was completed on November 14, 2023, and the Planning Board declared lead agency, classifying the action as a Type II action requiring no further review pursuant to § 617.5.; and

WHEREAS, a public hearing was held on November 14, 2023, allowing the public to express their opinions and concerns regarding the proposed area variances; and

WHEREAS, the Board determined that no GML 239 Referral was required; and

WHEREAS, in accordance with the resolutions passed by the Board addressing the applicant's satisfaction of the area variance criteria, the Board does hereby conclude that variance relief **will not** produce any undesirable change in the character of the neighborhood and **will not** be a detriment to nearby properties. Variance relief **will not** have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. Neighbors **did not** express any opposition to the variance.

The variance sought **is not** determined to be substantial. There **is no** apparent method to achieve the benefit Applicant wishes to obtain, other than a variance and the benefit to Applicant **does** outweigh any detriment to the neighborhood or community because of granting the variance relief as documented in the Area Variance Checklist in Attachment A.; and

WHEREAS, the Board does further determine that there be imposed certain conditions upon the approval of the area variances.

NOW, THEREFORE, BE IT RESOLVED by the City of Oneida Joint Zoning Board of Appeals/Planning Commission as follows:

That the application submitted by Brian Callegari for an area variance for an additional 6' of height for a maximum height of 24', allowing the construction of an accessory structure located at 1959 Middle Road, Tax Map Number 47.14-1-51, zoned A, is hereby approved, subject to the conditions outlined below:

CONDITIONS:

1. The Applicant will obtain all required permits and approvals, to include a building permit as deemed necessary by the Department of Code Enforcement.
2. That the Director of Planning and Development is hereby authorized to take all necessary administrative actions to implement this approval.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

PASSED AND ADOPTED by the City of Oneida's Joint Zoning Board of Appeals/Planning Commission on this 14th day of November, 2023.

Fredrick Meyers

Chairperson, Joint Zoning Board of Appeals/Planning Commission

ATTEST:

Christopher Henry

Director of Planning and Development and, Secretary of the Joint Zoning Board of Appeals/Planning Commission

Moved by: Randy Bonville

Seconded by: Todd Schaal

Ayes: 5

Nays: 0

Motion Carried

Item #3 – Area Variance for 2 additional accessory structures for a total of 4 located at 398 N. Main Street, Tax Map Number 30.46-1-10, zoned R-3, by the American Legion Post 169, file #2023-037.

The applicant was in attendance.

The applicant, Tom McNichol, explained the project. The Legion has outgrown the medical shed, and they are looking to replace to help take care of vets. There was a brief discussion about the location and size of the proposed structure.

Todd Schaal noted though he isn't a Code Enforcement Officer, the monolithic slab may not be appropriate as he thought the limit was 400 square feet. Tom McNichol responded that the city used their backyard as a dumping ground long ago, so they are unable to dig down and that he contacted the Codes Department.

239 Review- Not required.

RESOLVED, that the Planning Commission be declared Lead Agency and classifies the action as a Type II action requiring no further review pursuant to § 617.5.

Moved by Randy Bonville

Seconded by Todd Schaal

Ayes: 5

Nays: 0

MOTION CARRIED

Motion to Open the Public Hearing at 6:30

Moved by Randy Bonville

Seconded by Barbara Henderson

Ayes: 5
Nays: 0

Motion Carried

No comments were made.

Motion to Close the Public Hearing at 6:31

Moved by Randy Bonville
Seconded by Barbara Henderson

Ayes: 5
Nays: 0

Motion Carried

Chris went through the five criteria for a total of 4 located at 398 N. Main Street, Tax Map Number 30.46-1-10, zoned R-3, by the American Legion Post 169.

- 1.) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of an area variance.

Moved by Randy Bonville that an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance because the place will be made neater by moving the stuff behind the main building.

Seconded by Barbara Henderson

Ayes: 5
Nays: 0

Motion Carried

- 2.) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.

Moved by Perry Tooker that the applicant can achieve the benefit by some other method feasible for the applicant to pursue because they are at capacity for accessory structures, and already have some previously built.

Seconded by Randy Bonville

Ayes: 5
Nays: 0

Motion Carried

3.) Whether the requested area variance is substantial.

Moved by Barbara Henderson that the requested area variance is not substantial because adding one previously built also subtracting one, resulting in a net zero.

Seconded by Randy Bonville

Ayes: 5

Nays: 0

Motion Carried

4.) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Moved by Todd Schaal that the proposed variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district because they are rearranging and putting it behind the building.

Seconded by Randy Bonville

Ayes: 5

Nays: 0

Motion Carried

5.) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance.

Moved by Barbara Henderson that the difficulty was self-created, but it is relevant, and it does not necessarily preclude the granting of the area variance for this project.

Seconded by Todd Schaal

Ayes: 5

Nays: 0

Motion Carried

RESOLVED, that area variance be approved pursuant to §190-44(B)(2)(b) for 2 additional accessory structures for a total of 4 located at 398 N. Main Street, Tax Map Number 30.46-1-10, zoned R-3, by the American Legion Post 169.

Moved by Randy Bonville

Seconded by Barbara Henderson

Ayes: 5

Nays: 0

Motion Carried

A RESOLUTION APPROVING AN AREA VARIANCES FOR 2 ADDITIONAL ACCESSORY STRUCTURES FOR A TOTAL OF 4 LOCATED AT 398 N. MAIN STREET, TAX MAP NUMBER 30.46-1-10, ZONED R-3, BY THE AMERICAN LEGION POST 169, FILE #2023-037.

WHEREAS, the City of Oneida Joint Zoning Board of Appeals/Planning Commission (hereinafter referred to as "the Board") has reviewed the application submitted by the American Legion Post 169 for two additional accessory structures located at 398 N. Main Street, Tax Map Number 30.46-1-10, zoned R-3; and

WHEREAS, the State Environmental Quality Review (SEQR) process was completed on November 14, 2023, and the Planning Board declared lead agency, classifying the action as a Type II action requiring no further review pursuant to § 617.5.; and

WHEREAS, a public hearing was held on November 14, 2023, allowing the public to express their opinions and concerns regarding the proposed area variances; and

WHEREAS, the Board determined that no GML 239 Referral was required; and

WHEREAS, in accordance with the resolutions passed by the Board addressing the applicant's satisfaction of the area variance criteria, the Board does hereby conclude that variance relief **will not** produce any undesirable change in the character of the neighborhood and **will not** be a detriment to nearby properties. Variance relief **will not** have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. Neighbors **did not** express any opposition to the variance. The variance sought **is/is not** determined to be substantial. There **is no** apparent method to achieve the benefit Applicant wishes to obtain, other than a variance and the benefit to Applicant **does** outweigh any detriment to the neighborhood or community because of granting the variance relief as documented in the Area Variance Checklist in Attachment A.; and

WHEREAS, the Board does further determine that there be imposed certain conditions upon the approval of the area variances.

NOW, THEREFORE, BE IT RESOLVED by the City of Oneida Joint Zoning Board of Appeals/Planning Commission as follows:

That the application submitted by the American Legion Post 169 for an area variance for two additional accessory structures to allow 4 accessory structures located at 398 N. Main Street, Tax Map Number 30.46-1-10, zoned R-3, is hereby approved, subject to the conditions outlined below:

CONDITIONS:

1. The Applicant will obtain all required permits and approvals, to include a building permit as deemed necessary by the Department of Code Enforcement.
2. That the Director of Planning and Development is hereby authorized to take all necessary administrative actions to implement this approval.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

PASSED AND ADOPTED by the City of Oneida's Joint Zoning Board of Appeals/Planning Commission on this 14th day of November, 2023.

Fredrick Meyers

Chairperson, Joint Zoning Board of Appeals/Planning Commission

ATTEST:

Christopher Henry

Director of Planning and Development and, Secretary of the Joint Zoning Board of Appeals/Planning Commission

Moved by: Randy Bonville

Seconded by: Perry Tooker

Ayes: 5

Nays: 0

Motion Carried

Item #4 – Site Plan Modification to accommodate a new accessory structure located at 398 N. Main Street, Tax Map Number 30.46-1-10, zoned R-3, by American Legion Post 169, file #2023-038.

The applicant was in attendance.

There was nothing further to add.

Planning – The American Legion was last before the PCZBA on August 7, 2018, where a Site Plan Modification application was approved to construct a multi-use platform/pavilion.

239 Review- Not required.

RESOLVED, that the Planning Commission amends the Short Environmental Assessment from August 7, 2018, to include 2.79 total site acreage, reaffirms the findings and the negative declaration from August 7, 2018.

**Moved by Randy Bonville
Seconded by Todd Schaal**

**Ayes: 5
Nays: 0**

MOTION CARRIED

RESOLUTION APPROVING A SITE PLAN MODIFICATION TO ACCOMMODATE A NEW ACCESSORY STRUCTURE LOCATED AT 398 N. MAIN STREET, TAX MAP NUMBER 30.46-1-10, ZONED R-3, BY THE AMERICAN LEGION POST 169, FILE #2023-038.

WHEREAS, the City of Oneida's Joint Zoning Board of Appeals/Planning Commission (Planning Board) convened a meeting on November 14, 2023, to consider the Site Plan Modification application submitted by the American Legion Post 169 for a garage for storage located at 398 N. Main Street, Tax Map Number 30.46-1-10, zoned R-3; and

WHEREAS, it was determined that a GML-239 Review was not required; and

WHEREAS, the Planning Board has reviewed the Site Plan Modification application, taking into consideration the negative declaration issued on August 7, 2018; and

WHEREAS, The Planning Board amended the Short Environmental Assessment Form (SEAF) Part 1 document to include previously omitted responses at the regular meeting held on November 14, 2023; and

WHEREAS, The Planning Board after the amendment of the SEAF Part 1, reaffirms the findings and Negative Declaration that was issued on August 7, 2018 at the November 14, 2023 regularly held meeting; and

WHEREAS, The Planning Board has determined that the project complies with the City's zoning regulations, ordinances, and land use plans; and

NOW, THEREFORE, BE IT RESOLVED by the City of Oneida's Joint Zoning Board of Appeals/Planning Commission (Planning Board) that:

The Site Plan Modification application for a new accessory structure intended to be used as a garage and storage at the existing American Legion Post 169, Tax Map Number 30.46-1-10, zoned R-3, by the American Legion Post 169, is hereby approved, subject to the following conditions:

1. The applicant must obtain all building permits;
2. The Planning Board directs the Director of Planning to provide a copy of this resolution to the applicant, and any other relevant parties;
3. This resolution shall take effect immediately.

PASSED AND ADOPTED this 14th day of November, 2023.

Fredrick Meyers

Chairperson, Planning Board

ATTEST:

Christopher Henry

Director of Planning and Development and Secretary to the Planning Board

Moved by: Randy Bonville

Seconded by: Barbara Henderson

Ayes: 5

Nays: 0

Motion Carried

Item #5 – Conditional Use Permit and Site Plan Modification to establish a Jersey Mike’s restaurant use located at 122 Genesee Street, Tax Map Number 38.57-1-8, zoned C, by Fran Taylor, file#2023-040.

A representative of the applicant Director of Operations, Sierra DePerno was in attendance.

Sierra DePerno explained the project. Described the charitable work that Jersey Mike's is involved in, like the Day of Giving and other charitable work. She explained that Jersey Mike's looks to add 20 jobs to the area. She went further to describe the amount of charitable work performed by the company.

239 Review- Was returned for local determination.

RESOLVED, that the Planning Commission be declared Lead Agency and classifies the action as a Type II action requiring no further review pursuant to § 617.5.

Moved by Barbara Henderson
Seconded by Perry Tooker

Ayes: 5
Nays: 0

MOTION CARRIED

Motion to Open the Public Hearing at 6:45

Moved by Randy Bonville
Seconded by Perry Tooker

Ayes: 5
Nays: 0

Motion Carried

No comments were made.

Motion to Close the Public Hearing at 6:46

Moved by Randy Bonville
Seconded by Todd Schaal

Ayes: 5
Nays: 0

Motion Carried

RESOLUTION CONDITIONAL USE PERMIT FOR 122 GENESEE STREET ONEIDA

WHEREAS, the applicant, Fran Taylor (hereinafter referred to as "the Applicant"), has submitted a site plan review and conditional use permit application for The Oneida (hereinafter referred to as "the Project"), located at 122 Genesee Street, Oneida, NY, which has completed the New York State SEQR (State Environmental Quality Review) at the regularly scheduled City of Oneida (hereinafter referred to as "the City") Joint Zoning Board of Appeals/Planning Commission (hereinafter referred to as "the Planning Board"); and

WHEREAS, the State Environmental Quality Review (SEQR) process was completed on November 14, 2023, and the Planning Board declared lead agency, classifying the action as a Type II action requiring no further review pursuant to § 617.5.; and

WHEREAS, the Planning Board has reviewed the application, conducted public hearings completed on November 14, 2023, and considered the potential impacts and benefits of the proposed development; and

WHEREAS, the GML 239 Referral was received, and was returned for local determination; and

WHEREAS, the Planning Board finds that the proposed development by Fran Taylor, at 122 Genesee Street, Oneida, NY, is in compliance with the applicable zoning regulations and is consistent with the goals and objectives of the City Comprehensive Plan; and

WHEREAS, the Planning Board has determined that the proposed development can be approved with certain conditions to ensure compliance with the zoning regulations and to mitigate potential impacts; and

WHEREAS, the Planning Board finds that the proposed project is in compliance with the applicable zoning regulations consistent with the considerations outlined in §190-28 subject to the conditions set forth herein;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ONEIDA'S JOINT ZONING BOARD OF APPEALS/PLANNING COMMISSION, AS FOLLOWS:

Section 1: Conditional Use Permit Approval

Having considered the standards set forth in §190-28(C) of the City of Oneida Zoning Regulations, the Planning Board hereby approves the Conditional Use Permit to establish a restaurant, located at 122 Genesee Street, Tax Map Number 38.57-1-8, zoned C, by Fran Taylor.

Section 2: Conditions of the Approval

1. The Applicant shall file the approval with Madison County within 62 days of this approval, as required by applicable regulations.
2. Proof of filing the Conditional Use Permit with the County shall be submitted to the Director of Planning and Development within 30 days of the filing.

BE IT FURTHER RESOLVED that the Planning Board authorizes the City Department of Planning and Development staff to work with the Applicant to ensure compliance with the approved conditions and to review and approve any minor modifications to the site plan that may arise during the implementation of the project.

BE IT FURTHER RESOLVED that the Director of Planning and Development is hereby directed to provide a copy of this resolution to the Applicant, and any other relevant agencies or departments involved in the review and approval process.

PASSED AND ADOPTED this 14th day of November, 2023.

Fredrick Meyers

Chairperson, Planning Board

ATTEST:

Christopher Henry

Director of Planning and Development and Secretary to the Planning Board

Moved by: Randy Bonville

Seconded by: Todd Schaal

Ayes: 5

Nays: 0

Motion Carried

RESOLUTION APPROVING A SITE PLAN TO ESTABLISH A RESTAURANT (JERSEY MIKE'S), LOCATED AT 122 GENESEE ST, TAX MAP NUMBER 38.57-1-8, ZONED C, BY FRAN TAYLOR, FILE# 2023-040

WHEREAS, the applicant, Fran Taylor (hereinafter referred to as "the Applicant"), has submitted a site plan review and conditional use permit application for The Oneida (hereinafter referred to as "the Project"), located at 122 Genesee Street, Oneida, NY, which has completed the New York State SEQR (State Environmental Quality Review) at the regularly scheduled City of Oneida (hereinafter referred to as "the City") Joint Zoning Board of Appeals/Planning Commission (hereinafter referred to as "the Planning Board"); and

WHEREAS, the Planning Board has carefully considered the New York State SEQR review, classified the proposed Action as a Type II Action requiring no further review; and

WHEREAS, the Planning Board has reviewed the application, conducted public hearings completed on November 14, 2023, and considered the potential impacts and benefits of the proposed development; and

WHEREAS, the GML 239 Referral was received, and was returned for local determination; and

WHEREAS, the Planning Board finds that the proposed development by Fran Taylor, at 122 Genesee Street, Oneida, NY, is in compliance with the applicable zoning regulations and is consistent with the goals and objectives of the City Comprehensive Plan; and

WHEREAS, the Planning Board has determined that the proposed development can be approved with certain conditions to ensure compliance with the site plan review regulations pursuant to §143 and to mitigate potential impacts; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ONEIDA'S JOINT ZONING BOARD OF APPEALS/PLANNING COMMISSION, AS FOLLOWS:

Section 1: Approval of Site Plan

Having considered the standards set forth in §143 of the City of Oneida Site Plan Review Regulations, the Planning Board hereby approves the following site plan document prepared by Fran Taylor to establish a restaurant, located at 122 Genesee Street, Tax Map Number 38.57-1-8, zoned C, by Fran Taylor.

Section 2: Conditions of Approval

1. The applicant shall obtain all required permits and approvals, including building and sign permits, from the Department of Code Enforcement before commencing any construction or signage installation.
2. Any dumpsters, trash, recycling, or other refuse receptacles associated with the development shall be appropriately screened and covered.
3. All Department of Health approvals are obtained.
4. Construction shall be completed within 1 year from the date of this approval.
5. Knox box installed.
6. Check with the Water Department about backflow preventer.

BE IT FURTHER RESOLVED that the Planning Board authorizes the City Department of Planning and Development staff to work with the Applicant to ensure compliance with the approved conditions and to review and approve any minor modifications to the site plan that may arise during the implementation of the project.

BE IT FURTHER RESOLVED that the Director of Planning and Development is hereby directed to provide a copy of this resolution to the Applicant, and any other relevant agencies or departments involved in the review and approval process.

PASSED AND ADOPTED this 14th day of November, 2023.

Fredrick Meyers

Chairperson, Planning Board

ATTEST:

Christopher Henry

Director of Planning and Development and Secretary to the Planning Board

Moved by: Todd Schaal

Seconded by: Perry Tooker

Ayes: 5

Nays: 0

Motion Carried

Item #6 – Area Variance for a 7'-10.8" side yard variance to a setback to a setback of 2'-1.2" from the southern property line for a lot line adjustment located at 325 Main Street, Tax Map Number 38.24-2-44, zoned R-3, by Patrick Powers, file#2023-041.

The applicant was in attendance.

There was a discussion about the property lines that are being adjusted. Mr. Powers explained that he is looking to make it so the three-stall garage is completely on the property located at 325 Main Street. Perry Tooker, and a few other board members, asked for clarity on the plat, to verify what line is moving.

Mr. Powers explained that 329 had two stalls part of the same garage, but it fell into disrepair and was taken down. The Board asked if 329 Main Street has an easement for access to the back. The applicant said it has an 8' easement through 325 Main Street.

239 Review- Not required.

RESOLVED, that the Planning Commission be declared Lead Agency and classifies the action as a Type II action requiring no further review pursuant to § 617.5.

Moved by Randy Bonville
Seconded by Barbara Henderson

Ayes: 5
Nays: 0

MOTION CARRIED

Motion to Open the Public Hearing at 6:58

Moved by Randy Bonville
Seconded by Pat Thorpe

Ayes: 5
Nays: 0

Motion Carried

No comments were made.

Motion to Close the Public Hearing at 6:59

Moved by Randy Bonville
Seconded by Todd Schaal

Ayes: 5
Nays: 0

Motion Carried

Chris went through the five criteria for a 7'-10.8" side yard variance to a setback to a setback of 2'-1.2" from the southern property line for a lot line adjustment located at 325 Main Street, Tax Map Number 38.24-2-44, zoned R-3, by Patrick Powers.

- 1.) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of an area variance.

Moved by Randy Bonville that an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance because they are just moving the property line for the garage, so it is on one property.

Seconded by Perry Tooker

Ayes: 5
Nays: 0

Motion Carried

- 2.) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.

Moved by Todd Schaal that the applicant can achieve the benefit by some other method feasible for the applicant to pursue because the buildings are already there, and just squaring up the property lines.

Seconded by Barbara Henderson

Ayes: 5
Nays: 0

Motion Carried

- 3.) Whether the requested area variance is substantial.

Moved by Perry Tooker that the requested area variance is not substantial because of the nature of the neighborhood with similar structures with similar building offsets.

Seconded by Randy Bonville

Ayes: 5
Nays: 0

Motion Carried

- 4.) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Moved by Randy Bonville that the proposed variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district because the applicant is just moving the line, will not cause any adverse effects.

Seconded by Perry Tooker

Ayes: 5

Nays: 0

Motion Carried

- 5.) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance.

Moved by Todd Schaal that the difficulty was not self-created, and just moving the line so it is just one property.

Seconded by Barbara Henderson

Ayes: 5

Nays: 0

Motion Carried

RESOLVED, that area variance be approved pursuant to §190-44(B)(2)(b) granting the Area Variance for a 7'-10.8" side yard variance to a setback to a setback of 2'-1.2" from the southern property line for a lot line adjustment located at 325 Main Street, Tax Map Number 38.24-2-44, zoned R-3, by Patrick Powers.

Moved by Randy Bonville

Seconded by Barbara Henderson

Ayes: 5

Nays: 0

A RESOLUTION APPROVING AN AREA VARIANCES FOR A 7'-10.8" SIDE YARD VARIANCE TO A SETBACK TO A SETBACK OF 2'-1.2" FROM THE SOUTHERN PROPERTY LINE FOR A LOT LINE ADJUSTMENT LOCATED AT 325 MAIN STREET, TAX MAP NUMBER 38.24-2-44, ZONED R-3, BY PATRICK POWERS, FILE#2023-041.

WHEREAS, the City of Oneida Joint Zoning Board of Appeals/Planning Commission (hereinafter referred to as "the Board") has reviewed the application submitted Patrick Powers for a 7'-10.8" side yard variance to a setback to a setback of 2'-1.2" from the southern property line for a lot line adjustment located at 325 Main Street, Tax Map Number 38.24-2-44, zoned R-3; and

WHEREAS, the State Environmental Quality Review (SEQR) process was completed on November 14, 2023, and the Planning Board declared lead agency, classifying the action as a Type II action requiring no further review pursuant to § 617.5.; and

WHEREAS, a public hearing was held on November 14, 2023, allowing the public to express their opinions and concerns regarding the proposed area variances; and

WHEREAS, the Board determined that no GML 239 Referral was required; and

WHEREAS, in accordance with the resolutions passed by the Board addressing the applicant's satisfaction of the area variance criteria, the Board does hereby conclude that variance relief **will not** produce any undesirable change in the character of the neighborhood and **will not** be a detriment to nearby properties. Variance relief **will not** have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. Neighbors **did not** express any opposition to the variance. The variance sought **is not** determined to be substantial. There **is no** apparent method to achieve the benefit Applicant wishes to obtain, other than a variance and the benefit to Applicant **does** outweigh any detriment to the neighborhood or community because of granting the variance relief as documented in the Area Variance Checklist in Attachment A.; and

WHEREAS, the Board does further determine that there be imposed certain conditions upon the approval of the area variances.

NOW, THEREFORE, BE IT RESOLVED by the City of Oneida Joint Zoning Board of Appeals/Planning Commission as follows:

That the application submitted by Patrick Powers for an area variance for a 7'-10.8" side yard variance to a setback to a setback of 2'-1.2" from the southern property line for a lot line adjustment located at 325 Main Street, Tax Map Number 38.24-2-44, zoned R-3, is hereby approved, subject to the conditions outlined below:

CONDITIONS:

1. The Applicant will obtain all required permits and approvals, to include a building permit as deemed necessary by the Department of Code Enforcement.
2. That the Director of Planning and Development is hereby authorized to take all necessary administrative actions to implement this approval.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

PASSED AND ADOPTED by the City of Oneida's Joint Zoning Board of Appeals/Planning Commission on this 14th day of November, 2023.

Fredrick Meyers

Chairperson, Joint Zoning Board of Appeals/Planning Commission

ATTEST:

Christopher Henry

Director of Planning and Development and, Secretary of the Joint Zoning Board of Appeals/Planning Commission

Moved by: Randy Bonville

Seconded by: Barbara Henderson

Ayes: 5

Nays: 0

Motion Carried

Item #7 – Area Variance for 381 sq.ft. to a minimum lot size of 5,619 sq.ft. for a two-family residence located at 329 Main Street, Tax Map Number 38.24-2-45, zoned R-3, by Patrick Powers, file#2023-042.

Discussion with the applicant.

There was nothing further to discuss.

239 Review- Not required.

RESOLVED, that the Planning Commission be declared Lead Agency and classifies the action as a Type II action requiring no further review pursuant to § 617.5.

Moved by Randy Bonville

Seconded by Perry Tooker

Ayes: 5

Nays: 0

MOTION CARRIED

Motion to Open the Public Hearing at 7:05

Moved by Randy Bonville

Seconded by Barbara Henderson

Ayes: 5

Nays: 0

Motion Carried

No comments were made.

Motion to Close the Public Hearing at 7:06

Moved by Randy Bonville
Seconded by Barbara Henderson

Ayes: 5
Nays: 0

Motion Carried

Chris went through the five criteria for a total of 4 located at 398 N. Main Street, Tax Map Number 30.46-1-10, zoned R-3, by the American Legion Post 169.

- 1.) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of an area variance.

Moved by Barbara Henderson that an undesirable change will not be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance because essentially moving a line a few feet to create workable avenues for the garages.

Seconded by Randy Bonville

Ayes: 5
Nays: 0

Motion Carried

- 2.) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.

Moved by Randy Bonville that the applicant can achieve the benefit by some other method feasible for the applicant to pursue because under the law this what must be done to move the line where it needs to be.

Seconded by Barbara Henderson

Ayes: 5
Nays: 0

Motion Carried

- 3.) Whether the requested area variance is substantial.

Moved by Todd Schaal that the requested area variance is not substantial because it is just moving square footage to accommodate the garage.

Seconded by Perry Tooker

Ayes: 5

Nays: 0

Motion Carried

- 4.) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Moved by Randy Bonville that the proposed variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or district because the applicant is just moving the line over.

Seconded by Perry Tooker

Ayes: 5

Nays: 0

Motion Carried

- 5.) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance.

Moved by Todd Schaal that the difficulty was not self-created, the applicant is trying to fix it by bringing it to one solid parcel.

Seconded by Randy Bonville

Ayes: 5

Nays: 0

Motion Carried

RESOLVED, that area variance be approved pursuant to §190-44(B)(2)(b) for granting the Area Variance for 381 sq.ft. to a minimum lot size of 5,619 sq.ft. for a two-family residence located at 329 Main Street, Tax Map Number 38.24-2-45, zoned R-3, by Patrick Powers.

Moved by Randy Bonville

Seconded by Barbara Henderson

Ayes: 5

Nays: 0

Motion Carried

A RESOLUTION APPROVING AN AREA VARIANCE FOR 381 SQ.FT. TO A MINIMUM LOT SIZE OF 5,619 SQ.FT. FOR A TWO-FAMILY RESIDENCE LOCATED AT 329 MAIN STREET, TAX MAP NUMBER 38.24-2-45, ZONED R-3, BY PATRICK POWERS, FILE#2023-042.

WHEREAS, the City of Oneida Joint Zoning Board of Appeals/Planning Commission (hereinafter referred to as "the Board") has reviewed the application submitted by Patrick Powers for 381 sq.ft. to a minimum lot size of 5,619 sq.ft. for a two-family residence located at 329 Main Street, Tax Map Number 38.24-2-45, zoned R-3.; and

WHEREAS, the State Environmental Quality Review (SEQR) process was completed on November 14, 2023, and the Planning Board declared lead agency, classifying the action as a Type II action requiring no further review pursuant to § 617.5.; and

WHEREAS, a public hearing was held on November 14, 2023, allowing the public to express their opinions and concerns regarding the proposed area variances; and

WHEREAS, the Board determined that no GML 239 Referral was required; and

WHEREAS, in accordance with the resolutions passed by the Board addressing the applicant's satisfaction of the area variance criteria, the Board does hereby conclude that variance relief **will/will not** produce any undesirable change in the character of the neighborhood and **will/will not** be a detriment to nearby properties. Variance relief **will/will not** have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. Neighbors **did/did not** express any opposition to the variance. The variance sought **is/is not** determined to be substantial. There **is/is no** apparent method to achieve the benefit Applicant wishes to obtain, other than a variance and the benefit to Applicant **does/does not** outweigh any detriment to the neighborhood or community because of granting the variance relief as documented in the Area Variance Checklist in Attachment A.; and

WHEREAS, the Board does further determine that there be imposed certain conditions upon the approval of the area variances.

NOW, THEREFORE, BE IT RESOLVED by the City of Oneida Joint Zoning Board of Appeals/Planning Commission as follows:

That the application submitted by Patrick Powers for 381 sq.ft. to a minimum lot size of 5,619 sq.ft. for a two-family residence located at 329 Main Street, Tax Map Number 38.24-2-45, zoned R-3, by Patrick Powers, file#2023-042, is hereby approved, subject to the conditions outlined below:

CONDITIONS:

1. That the Director of Planning and Development is hereby authorized to take all necessary administrative actions to implement this approval.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

PASSED AND ADOPTED by the City of Oneida's Joint Zoning Board of Appeals/Planning Commission on this 14th day of November, 2023.

Fredrick Meyers

Chairperson, Joint Zoning Board of Appeals/Planning Commission

ATTEST:

Christopher Henry

Director of Planning and Development and, Secretary of the Joint Zoning Board of Appeals/Planning Commission

Moved by: Randy Bonville

Seconded by: Barbara Henderson

Ayes: 5

Nays: 0

Motion Carried

RESOLVED, that there being no further business to be brought before the PCZBA, the meeting is hereby adjourned.

Moved by Randy Bonville

Seconded by Pat Thorpe

Ayes: 6

Nays: 0

MOTION CARRIED

The meeting adjourned at 7: 11 p.m.

Approved