

**City of Oneida
Planning Commission Zoning Board of Appeals
Meeting Minutes
February 13, 2024**

The regular meeting of the Planning Commission Zoning Board of Appeals was held on Tuesday, February 13, 2024, at 6:00 p.m. in the Common Council Chambers, City Hall, 109 N. Main St. Oneida, NY.

The meeting was called to order at 6:00 pm by the Chairperson Fred Meyers.

PRESENT: Fred Meyers
Perry Tooker
Barbara Henderson
Randy Bonville
Pat Thorpe

ALSO PRESENT: Christopher Henry, Director of Planning

Absent: Kipp Hicks
Todd Schaal

RESOLVED, that the Tuesday, January 9, 2024, PCZBA meeting minutes are hereby approved.

**Moved by Pat Thorpe
Seconded by Barbara Henderson**

**Aves: 5
Nays: 0**

Motion Carried

Item #1 – Site Plan Review and Conditional Use Permit to establish a Deli as a Restaurant/Convenience Store Use located at 144 Main Street, Tax Map Number 30.71-2-56, zoned DC, by Mustafa Alghaithi, file# 2024-002.

The applicant's representative Mohammed Abdullah was in attendance.

The Mr. Abdullah briefly confirmed the proposed use.

Chris Henry stated that the Fire Department said a Knox box will be required. The Water Superintendent stated that they were all set with a backflow preventer.

239 Review- No county-wide impacts, returned for local review.

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 Randy Bonville

Ayes: 5
Nays: 0

MOTION CARRIED

Motion to Open the Public Hearing at 6:03

Moved by Randy Bonville
Seconded by Barbara Henderson

Ayes: 5
Nays: 0

Motion Carried

The applicant briefly described the deli options, and that there will be a grill items as well. Deliveries will be offered.

Motion to Close the Public Hearing at 6:04

Moved by Pat Thorpe
Seconded by Perry Tooker

Ayes: 5
Nays: 0

Motion Carried

Resolution Conditional Use Permit for 144 Main Street

WHEREAS, the applicant, Mustafa Alghaithi (hereinafter referred to as "the Applicant"), has submitted a site plan review and conditional use permit application for a deli, restaurant, convenience store use (hereinafter referred to as "the Project"), located at 144 Main Street, Oneida, NY, to the 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 February 13, 2024, 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 Mustafa Alghaithi, at 144 Main 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 §190 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: 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 deli, restaurant, convenience store use, located at 144 Main Street, Tax Map Number 30.71-2-56, zoned DC by Mustafa Alghaithi with the following conditions.

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 13th day of February, 2024.

Fredrick Meyers

Chairperson, Planning Board

ATTEST:

Christopher Henry

Director of Planning and Development and Secretary to the Planning Board

Moved by: Pat Thorpe

Seconded by: Randy Bonville

Ayes: 5

Nays: 0

Motion Carried

RESOLUTION APPROVING A SITE PLAN TO ESTABLISH A DELI, RESTAURANT, CONVENIENCE STORE USE, LOCATED AT 144 MAIN STREET, TAX MAP NUMBER 30.71-2-56, ZONED DC BY MUSTAFA ALGHAITHI

WHEREAS, the applicant, Mustafa Alghaithi (hereinafter referred to as "the Applicant"), has submitted a site plan review and conditional use permit application for a deli, restaurant, convenience store use (hereinafter referred to as "the Project"), located at 144 Main Street, Oneida, NY, to the 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 February 13, 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 Mustafa Alghaithi, at 144 Main 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 Mustafa Alghaithi to establish a deli, restaurant, convenience store use, located at 144 Main Street, Tax Map Number 30.71-2-56, zoned DC by Mustafa Alghaithi with the following conditions.

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. The applicant shall obtain all required permits and approvals from the Water Department.
3. Any dumpsters, trash, recycling, or other refuse receptacles associated with the development shall be appropriately screened and covered.
4. All Department of Health approvals are obtained.
5. Ensure that there is a Fire Department approved Key Box, if one is not present one must be obtained.
6. Construction shall be completed within 1 year from the date of this approval.

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 13th day of February, 2024.

Fredrick Meyers

Chairperson, Planning Board

ATTEST:

Christopher Henry

Director of Planning and Development and Secretary to the Planning Board

Moved by: Pat Thorpe

Seconded by: Randy Bonville

Ayes: 5

Nays: 0

Motion Carried

Item #2 — Brewer Road Wind Turbine Update – Status update to be made by Chairman. There will be **NO** public comment period.

The Chairman addressed the audience. Fred Meyers conveyed his understanding about the concerns the public has, and the anxiety regarding how long the process is taking. The Chairman went on to explain that the Board will not make any decisions nor take any actions until all pertinent information has been gathered and received. He went on to explain that the City Attorney was consulted and that there will be no public comments allowed at this meeting. The public will be allowed time for comments the next time the Wind Turbine applicant appears as a scheduled agenda item. The Chairman highlighted a list of items relevant to this project.

- **During the July 11th Meeting some of the comments received were regarding:**
 - Property value impacts this development project
 - Potential Impacts to groundwater
 - The potential effects of blasting, primarily the possible damage to wells
 - Possible sound impacts
 - Aesthetic impacts due to the height
 - Impacts to wildlife
 - Concerns over future project ownership, primarily after installation

- **Since the July 11th, 2023, meeting, numerous comments and documents have been received such as:**
 - Documentation, research reports, and newspaper articles that reaffirmed many the comments made during the July 11th meeting
 - Public petitions have been received, opposing this project
 - A FAQ dated 8/2/23 created by New Leaf Energy
 - A geotechnical report dated 10/2/2023 was received from New Leaf Energy
 - The PCZBA was informed that the Department of Defense Clearinghouse formally introduced the AFRL in Rome with New Leaf Energy to begin their discussions related to the proposed project
 - A memo dated 12/1/23 was received by the PCZBA from the AFRL, providing a status report
 - The PCZBA was informed that the AFRL and New Leaf Energy held a meeting on January 12, 2024, to discuss the project and possible mitigation
 - It was made clear to the PCZBA that no final outcomes were reached
 - The PCZBA is looking for a final determination from the Department of Defense and the AFRL, before taking final action on this project

The Chairman then went on to describe the large number of variances the PCZBA has handled. The Chairman said that the proposed variance is approximately a 25% increase with no one in favor except for the applicant and current land owner who resides in the City of Sherrill. Mr. Meyers went on to explain his role with the City in that he works for the good of the community, not just the homeowner, but also businesses. He explained that is why they have to dot all the "I's" and cross all the "T's". He went on to say that he understands that the process seems slow, which is not meant to be derogatory to anyone in the audience. The PCZBA is not trying to make it slow, they just want to be sure that they have all the information prior to making any decisions.

The Chairman went on stating that the public hearing remains open, and that comments can be submitted in writing. He assured the public that there will be an opportunity to have a verbal discussion the next time the project is scheduled to be on the agenda. Randy Bonville and Mr. Meyers clarified that the next meeting for this project has not been scheduled yet. The Chairman reiterated again that the PCZBA will not be moving forward until they hear back from the Department of Defense, and/or the AFRL in Rome. He reiterated that he understands that the public is anxious.

Barbara Henderson thanked the attendees for their ongoing comments. She said the PCZBA appreciates hearing from people, in order to get a better understanding of what the community wants. As Mr. Meyers had previously mentioned, the PCZBA wants to do the best thing for the entire community and make the best decisions. The Chairman echoed the same feeling expressed by Ms. Henderson. The board appreciates public involvement.

Non-agenda items - City Manager Introduced to the Board and Public

The City Manager, Douglas Selby, was introduced to the crowd.

RESOLVED, that the meeting is hereby adjourned to Executive Session at 6:15 p.m. to discuss proposed, or pending litigation.

Moved by Pat Thorpe
Seconded by Randy Bonville

Ayes: 5
Nays: 0

MOTION CARRIED

RESOLVED, that the Executive Session is hereby adjourned to the regular meeting at 6:32 p.m.

Moved by Fred Meyers
Seconded by Perry Tooker

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 Pat Thorpe
Seconded by Perry Tooker

Ayes: 5
Nays: 0

MOTION CARRIED

The meeting adjourned at 6:35 p.m.