

**City of Oneida  
Planning Commission Zoning Board of Appeals  
Meeting Minutes  
November 7, 2022**

The regular meeting of the Planning Commission Zoning Board of Appeals was held on Monday, November 7, 2022, 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 6:04 pm by Chairman Fred Meyers.

**PRESENT:** Fred Meyers  
Pat Thorpe  
Barbara Henderson  
Todd Schaal  
Randy Bonville

**ALSO PRESENT:** Jay Ackerman, Code Enforcement Officer  
Brian Burkle, Fire Marshall  
Christopher Henry, Director of Planning

**Absent:** Kipp Hicks

**Vacancies:** 1

**RESOLVED**, that the Tuesday, October 11, 2022, PCZBA meeting minutes are hereby approved.

**Moved by Pat Thorpe  
Seconded by Randy Bonville**

**Aves: 5**

**Nays: 0**

**Motion Carried**

**Item #1- Site Plan Review and Conditional Use Permit** for the construction of a residential facility that will locate 51 Senior Apartments at Fairview Ave, zoned Community Services, Tax Map Number 38.-.1-8.2, by Two Plus Four Construction, file #2022-028.

**Applicant was in attendance.**

Lisa Wennberg provided an update on the project, identifying areas of the plan that changed due to comments from involved and interested agencies, and the city.

A discussion was held about extending the sidewalk from Phase 2 to Phase 1. Ms. Wennberg stated the project sponsor would consider approaching the owners of Phase 1 to propose the extension.

Ms. Wennberg addressed the County comment related to sight lines for the Meadow Drive extension into Fairview. A discussion ensued, and the applicant addressed safety concerns for ingress and egress and the visibility distance. Ms. Wennberg stated, cutting back trees was not feasible as it would occur on privately owned property. An alternative solution proposed was moving the 35-mph speed limit sign further West on Fairview, beyond the proposed intersection. This would move the current sign roughly ½ mile and ensure that the proposed intersection would be well below the visibility requirements.

**SEQRA-** The PCZBA declared Lead Agency on Tuesday, October 11, 2022, and classified the project as an Unlisted Action.

**Resolved that the Joint Zoning Board of Appeals/Planning Commission** reviewed and accepted the drafted Parts 2 and 3 of the FEAF and that it was determined that there were no adverse environmental impacts and issued a Negative Declaration.

**Moved by Randy Bonville**  
**Seconded by Pat Thorpe**

**Aves: 5**  
**Nays: 0**

#### **MOTION CARRIED**

**Planning Comments:** Chris Henry stated that extensive conditions were applied to this approval, as the applicant has a deadline of December 6, 2022, for funding from NYS HCR.

**239 Review-** The County responded, returning the 239 Review for local determination with the following Comments:

“Based on the review of the site plan, the County is concerned with the mobility of apartment residents and the location of the Meadow Drive extension.

On the site plan for the Seneca Fields Phase 2 Senior Housing apartments, sidewalks encompass the perimeter of the site. However, the sidewalks do not connect to the Seneca Fields Phase 1 apartments. Specifically, the Phase 1 apartments more readily connect to the YMCA and the surrounding healthcare facilities on the Seneca Street Extension. The County thinks that connecting the Phase 2 sidewalk to Phase 1 is important because it encourages residents to walk instead of drive to nearby facilities and promotes the safety of apartment residents when doing so.

The Traffic Operations Review Study assesses the safety of the ingress and egress of the Meadow Drive extension. The study indicates that the sight distance looking right (West) is approximately 480 feet and that the recommended sight distance is 555 feet. Although the consultants indicate solutions such as trimming trees to increase visibility and an intersection ahead sign, the County suggests studying alternative scenarios. The applicant may want to assess the feasibility of potentially altering a portion of the road, and consequentially moving the ingress and egress farther to the east on the property. Moving the road farther to the east would potentially allow for improved sight distance.

Although minor, the site plan states that there are 89 parking spaces. However, there are 91 based on the number of parking spaces drawn.”

**Moved by Todd Schaal** to open the Public Hearing at 6:17 p.m.  
**Seconded by Barbara Henderson**

No comments.

**Moved by Todd Schaal** to close the Public Hearing at 6:18 p.m.  
**Seconded by Pat Thorpe**

**Ayes: 5**  
**Nays: 0**

**MOTION CARRIED**

**RESOLVED**, that the Conditional Use Permit for the construction of a residential facility that will locate 51 Senior Apartments at Fairview Ave, Tax Map Number 38.-1-8.2, by Two Plus Four Construction, file #2022-028 be approved pursuant to Section 190-44, Article B, 2b of the Zoning Ordinance of the City of Oneida.

**Moved by Pat Thorpe**  
**Seconded by Randy Bonville**

**Ayes: 5**  
**Nays: 0**

**MOTION CARRIED**

**RESOLVED**, that the Site Plan for the construction of a residential facility that will locate 51 Senior Apartments at Fairview Ave, Tax Map Number 38.-1-8.2, by Two Plus Four Construction, file #2022-028 be approved pursuant to Section 190-44, Article B, 2b of the Zoning Ordinance of the City of Oneida with the following conditions:

- 1) The applicant will obtain all other permits and approvals as required, including building and sign permits.
- 2) The application for a building permit must be accompanied by all completed water permit applications (to include all plans, specifications, and submittals) required by the City of Oneida and the NYS Department of Health, further, all water service applications must be found to be complete and correct before a building permit is issued.
- 3) Installation of a backflow preventer.
- 4) Applicant must submit a Stormwater Pollution Prevention Plan to NYSDEC to get a SPDES Stormwater Permit, a copy must be submitted to City Engineering for approval and then filed with the Planning Department prior to a building permit being approved.
- 5) A final landscaping plan must be submitted and approved by the Director of Planning and Development prior to a building permit being issued.

- 6) Meadow Ave must be dedicated to the City of Oneida and built to city specifications. Plans must be submitted and approved by the City Engineer prior to construction.
- 7) All exterior lights must be downward facing so as to not cause glare on neighboring properties.
- 8) A key box must be installed on the building.
- 9) All dumpsters, and refuse receptacles are to be covered and screened.
- 10) Construction is to be completed by Tuesday, November 7, 2023, one year from this approval.

**Moved by Pat Thorpe**  
**Seconded by Randy Bonville**

**Ayes: 5**  
**Nays: 0**

**MOTION CARRIED**

**Item #2- Area Variance** for 18.5 square feet of signage related to an Interactive Teller Machine (ITM) located at 1067 Oneida Plaza Drive, zoned Commercial, by Sidney Federal Credit Union. Tax Map Number 37.-1-32.1, file #2022-029.

**The applicant was in attendance.**

Anthony DePerno from Victory signs explained what was being requested, to apply a business sign on both sides of the structure due to the double frontage of the building. He explained that it is helpful because it isn't a typical structure, not many people know what an ITM is.

**SEQRA- Resolved that the Joint Zoning Board of Appeals/Planning Commission** upheld the SEQR findings from July 1, 2022, where it was determined that there were no adverse environmental impacts and issued a Negative Declaration.

**Moved by Todd Schaal**  
**Seconded by Pat Thorpe**

**Ayes: 5**  
**Nays: 0**

**Motion Carried**

**Moved by Todd Schaal** to open the Public Hearing at 6:30 p.m.  
**Seconded by Pat Thorpe**

**Ayes: 5**  
**Nays: 0**

**Motion Carried**

No comments

**Moved by Todd Schaal** to close the Public Hearing at 6:31 p.m.

**Seconded by Pat Thorpe**

**Ayes: 5**

**Nays: 0**

**MOTION CARRIED**

Chris went through the five criteria for an area variance to allow 18.5 sq. ft. of additional signage in a Commercial zone.

- 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 Pat Thorpe** 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 adding a sign to the back to identify.

**Seconded by Randy Bonville**

**Ayes: 5**

**Nays: 0**

- 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 cannot achieve the benefit by some other method feasible because there is no other way to identify it as it is on the backside of the building.

**Seconded by Pat Thorpe**

**Ayes: 5**

**Nays: 0**

- 3) Whether the requested area variance is substantial.

**Moved by Pat Thorpe** that the requested area variance is not substantial because it is only 18.5 sq. ft.

**Seconded by Todd Schaal**

**Ayes: 5**

**Nays: 0**

- 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 Pat Thorpe** that the proposed variance will not have an adverse impact on the physical or environmental conditions of the neighborhood or district because it will identify the structure on the Walmart side as well as the other side.

**Seconded by Randy Bonville**

**Ayes: 5**

**Nays: 0**

- 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 alleged difficulty was self-created, it is relevant to the decision of the Board of Appeals but does not necessarily preclude the granting of the area variance.

**Seconded by Pat Thorpe**

**Ayes: 5**

**Nays: 0**

**RESOLVED**, that the area variance for 18.5 square feet of signage related to an Interactive Teller Machine (ITM) located at 1067 Oneida Plaza Drive, zoned Commercial, by Sidney Federal Credit Union. Tax Map Number 37.-1-32.1, file #2022-029 be approved pursuant to Section 190-44, Article B, 2b of the Zoning Ordinance of the City of Oneida.

**Moved by Randy Bonville**

**Seconded by Pat Thorpe**

**Ayes: 5**

**Nays: 0**

**MOTION CARRIED**

**Item #3- Establish SEQRA Lead Agency for a Site Plan Review and Conditional Use Permit** to establish a large-scale solar facility located at Upper Lenox, Tax Map Number 45.-2-2.111, zoned A, by LSE Norma LLX, file #2022-035.

**The applicant was in attendance.**

Mr. Dan Watson and Mr. Nicholas Vamvas presented the updates to the project and submitted comments in response to City and County comments. They provided an overview of the project and made slight adjustments to ensure they did not impact the wetlands or the culvert on Upper Lenox.

A discussion ensued regarding ownership, and LSE Norma LLX will be the owner of the property by mid-December.

An overview of the Line of Sight (LOS) analysis was presented. A discussion ensued about the direction of the site lines and that from S. Court Street the distance from the street to the Solar Panels is 800' and it should not impact the project.

The applicant responded to the vegetation comments made by the County, and that the vegetation plan be a condition of the approval and that they will comply. The applicant also responded to the County's comment about the proximity to the GML 239-NN, where they are presenting to the Village of Wampsville on November 22<sup>nd</sup>, and they will comply with the City and Villages' development goals.

The applicant addressed the comment from the City where they cannot cover 50% or more of prime ag soils and soils of statewide importance. Mr. Watson stated that there is a table in the Protected Farmland Soils Report, and the calculation of coverage is 35%. Barbara Henderson asked to clarify if this was 35% of the entire parcel or the prime soils. Mr. Watson stated 35% of prime farm soils.

The applicant assured the board that no batteries are being stored on site. The applicant went on to address the noise analysis, and per their study, the noise generated would be below the City threshold.

The board requested additional details of the concrete pad and verification that the impervious surface is accurately depicted in their documentation.

The applicant stated that they will adjust the maintenance plan to reflect the property maintenance plan and comply with any snow removal conditions put upon the approval of their Conditional Use Permit, or Site Plan Review.

The applicant stated that they will comply with the decommissioning requirements put on as a condition of the approval where it can be reviewed every 3-5 years with an independent engineer to assist with the cost estimate.

Chris Henry made an additional comment on the development standard. A conversation ensued where the rear yard is technically S. Court Street from the City perspective, and the fence is showing less than 50, and a roughly 19' rear yard area variance would be required. The applicant responded that they would consider applying for the variance or adjusting the plan accordingly. Chris conveyed the process for the area variance and clarified that property ownership does not preclude the area variance procedure, even if it is adjacent to a property that is owned by the applicant. A boundary line was determined not to be a viable alternative, as the municipal boundary is the property line and annexation is the only way to adjust the line.

**239 Review-** The County responded, returning the 239 Review for local determination with the following Comments:

"Based on the applicant's visual impact analysis, site plan, and the County viewing the site, it is unclear whether the solar panels and fencing will be visible on the road and by residents living on South Court St. Specifically at the southwestern portion of the site, the applicant indicates that the cornfields will assist in screening the site. However, given a significant amount of the cornfields will be replaced by solar panels, it is unclear whether corn in the future will be growing on the remaining land in Wampsville. Likewise, screening based on the cornfields will only occur during specific times of the year. Therefore, a photo rendering/simulation on South Court Street may be useful to understand any visual

impacts, especially when corn is absent. Without a photo rendering/simulation, it is difficult to understand whether the site's western side needs trees planted to screen the solar panels. The applicant does not provide a native vegetation plan or include their responsibility to seed 20% of the total surface area with native perennial vegetation on prime farmland or farmland of statewide importance (Section 143-24 Subsection 13(b )&( d) of Appendix A.1 ). The County finds these requirements necessary since solar panels will replace a significant amount of prime soil.

Lastly, since the site borders the Village of Wampsville, the County wanted to make the City aware of General Municipal Law 239 NN. According to the law, it is encouraged that Oneida and Wampsville coordinate with each other to ensure that the project is in line with Wampsville's land use development, community, and goals.”

**RESOLVED**, that the Joint Zoning Board of Appeals/Planning Commission be declared Lead Agency and classifies the action as Unlisted.

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

**Ayes: 5**  
**Nays: 0**

**MOTION CARRIED**

**Item #4- Area Variance** for 4’-8” of height to build an accessory structure located at 1592 Schoolheimer Road, Tax Map Number 21.-2-18.1, zoned Ag, by Ryan Sheedy- file #2022-038.

**The applicant was in attendance.**

Discussion about the dimensions of the structure and that he was using it for personal storage. Chris Henry the dimensions on the plans submitted would be different when built to follow the 4’-8” height variance. An explanation ensued where any alterations according to Code would require a letter from the Engineer stating that the change would not affect the integrity of the building.

**SEQRA- Resolved**, that the Joint Zoning Board of Appeals/Planning Commission be declared Lead Agency and classifies the action as Type II requiring no further review.

**Moved by Randy Bonville**  
**Seconded by Pat Thorpe**

**Ayes: 5**  
**Nays: 0**

**Moved by Randy Bonville** to open the Public Hearing at 6:56 p.m.  
**Seconded by Todd Schaal**

**Ayes: 5**  
**Nays: 0**



**Motion Carried**

No comments

**Moved by Todd Schaal** to close the Public Hearing at 6:57 p.m.

**Seconded by Pat Thorpe**

**Ayes: 5**

**Nays: 0**

**MOTION CARRIED**

Chris went through the five criteria for a 4'-8" height variance.

- 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 Todd Schaal** that an undesirable change will not be produced in the character of the neighborhood nor a detriment to nearby properties will be created by the granting of the area variance because it is in the outer district in line with other buildings of that type.

**Seconded by Pat Thorpe**

**Ayes: 5**

**Nays: 0**

- 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 Pat Thorpe** that the applicant cannot achieve the benefit by some other method feasible because of the height and the type of items being stored.

**Seconded by Barbara Henderson**

**Ayes: 5**

**Nays: 0**

- 3) Whether the requested area variance is substantial.

**Moved by Pat Thorpe** that the requested area variance is not substantial because 4'-8" and won't be noticed.

**Seconded by Randy Bonville**

**Ayes: 5**

**Nays: 0**

- 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 impact on the physical or environmental conditions of the neighborhood or district because it is in rural agricultural lands.

**Seconded by Randy Bonville**

**Ayes: 5**  
**Nays: 0**

- 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 alleged difficulty was self-created, it is relevant to the decision of the Board of Appeals but does not necessarily preclude the granting of the area variance.

**Seconded by Pat Thorpe**

**Ayes: 5**  
**Nays: 0**

**RESOLVED**, that the area variance\_for 4'-8" of height to build an accessory structure located at 1592 Schoolheimer Road, Tax Map Number 21.-2-18.1, zoned Ag, by Ryan Sheedy- file #2022-038 be approved pursuant to Section 190-44, Article B, 2b of the Zoning Ordinance of the City of Oneida.

**Moved by Randy Bonville**  
**Seconded by Pat Thorpe**

**Ayes: 5**  
**Nays: 0**

**MOTION CARRIED**

**Resolved**, that an amendment to the prior approval be made to include the following conditions:

- 1) The applicant will obtain all other permits and approvals as required, including a building permit.

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

**Ayes: 5**  
**Nays: 0**

**MOTION CARRIED**

**Item #5- Site Plan Review** for the establishment of a Personal Care use at 103 Madison Street (105 Main Street), Tax Map Number 30.72-1-30, by Alyssa Mason and Morgan Buss, file #2022-039.

**The applicant was in attendance.**

The applicant presented the proposed project for the storefront located at 105 Main Street. There was a discussion about potential future services. The applicant stated that they are working on cosmetology certifications, and there may be additional employees brought on.

**SEQRA- Resolved**, that the Joint Zoning Board of Appeals/Planning Commission be declared Lead Agency and classifies the action as Type II requiring no further review.

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

**Ayes: 5**  
**Nays: 0**

**239 Review-** Was returned by the County, and was returned for local determination.

**RESOLVED**, that the Site Plan for the establishment of a Personal Care use at 103 Madison Street (105 Main Street), Tax Map Number 30.72-1-30, by Alyssa Mason and Morgan Buss, file #2022-039 be approved pursuant to Section 190-44, Article B, 2b of the Zoning Ordinance of the City of Oneida with the following conditions:

- 1) The applicant will obtain all required permits and approvals, including building and sign permits.
- 2) The key box must be installed, if not already.
- 3) No outside storage of any biohazard materials and all biohazard materials will be disposed of through legally acceptable means.
- 4) A backflow preventer is installed.

**Moved by Pat Thorpe**  
**Seconded by Randy Bonville**

**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 Todd Schaal**  
**Seconded by Barbara Henderson**

**Ayes: 5**

**Nays: 0**

**MOTION CARRIED**

Meeting adjourned at 7:10 p.m.