

TOWN OF SCHUYLER PLANNING BOARD

MEETING MINUTES –MAY 5, 2010

Chairman Paul Thomas called the meeting to order at 7:00 PM in the Conference Room of the Schuyler Town Offices, 2090 State Route 5, Utica, NY. Other Planning Board members present were Vice Chair Donna Salamone, James Digristina, Eleanor Dodge, David Fusillo, Michael Ritter and Victor Costanza.

Also present were Town Supervisor Kenneth M. Dodge, Scott Doyle, Bryan Doyle and Bette Szesny, who served as the Recording Secretary.

MINUTES

Motion by David Fusillo, seconded by James Digristina to approve the minutes of the April 7, 2010 meeting, as presented; all in favor. Motion carried.

PROPOSAL BY SCOTT DOYLE RE: REQUEST FOR ZONING CHANGE R-A (Residential-Agricultural) to C-H (Commercial Highway)

Mr. Scott Doyle, accompanied by Mr. Bryan Doyle, addressed the Board with regard to a request for a zoning change for a 3-acre tract of land he owns located at 2416 Route 5, Schuyler.

Mr. Doyle had previously applied for a Special Use Permit for a Used Car Sales & Repair establishment at the above property in 2007 and the application was denied by the ZBA following a public hearing on 1/25/07. The decision was rendered on advice of the County Planning Board, whose recommendation was based on Town Law Section 267.b.2: "According to Town Law, no such use variance shall be granted by a board of appeals without showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship." which the applicant was unable to demonstrate.

Mr. Doyle then met before the Planning Board on 2/7/07 to request a zoning change for his property from R-A to C-H, since used car sales & repair shops are a permitted use in C-H Zones. However, it was the decision of the Planning Board at that time that such a zoning change would represent "spot zoning" which is not permitted under Town Law.

Mr. Doyle is now making his 2nd attempt to obtain a zoning change for his property from R-A to C-H. He presented a petition of signatures he has obtained from three adjacent property owners residing within 500 feet of his property, who support his proposal.

The Board reviewed Mr. Doyle's plans and the Town's Zoning Map. Mr. Doyle pointed out that several commercial properties exist in the immediate area of his proposed zoning change, and the entire tract of Route 5 is indeed a mix of agricultural and commercial entities.

Mr. Ritter explained that according to the Town's updated Zoning Ordinance, the "500 foot adjacent property owner" requirement for signatures does not apply to requests for proposed zoning changes.

He advised Mr. Doyle to obtain an updated copy of the applicable sections of the Town's Zoning Ordinance from the Town Clerk which will outline all relative information pertaining to his situation.

Mr. Digristina said the Board would still need to know the sentiment of the majority of property owners before any consideration is given to this proposal. It was determined that Mr. Doyle's petition of signatures does not include an adequate number of adjacent property owners to provide an accurate impression of the neighborhood's sentiment. It was also pointed out that a valid petition must be witnessed. Mr. Doyle will therefore obtain the additional signatures of neighboring property owners, and Mr. Bryan Doyle will assist with witnessing the signatures. Once this is accomplished, Mr. Doyle will appear before the Planning Board once again to request the above mentioned zoning change.

In conclusion, Mr. Digristina explained that the Planning Board can only recommend a zoning change; the final decision will be made by the Town Board, following a Town Board Public Hearing on the proposal when public comment will be elicited.

OUTDOOR WOOD FURNACE ORDINANCE

The Board reviewed the revised draft of the Outdoor Wood Furnace Ordinance along with the feedback received from the Herkimer-Oneida Counties Planning Board, revealing no significant countywide or intermunicipal impacts have been identified.

Motion by Victor Costanza, seconded by Michael Ritter to refer the Outdoor Wood Furnace Ordinance to the Town Board for consideration at their upcoming May 12, 2010 Town Board meeting; all in favor. Motion carried.

WIND ENERGY FACILITIES ORDINANCE

Recommendations received from the Herkimer-Oneida County Planning Program have been distributed for review. Mrs. Dodge noted that the upcoming Town of Schuyler's Regional Planning/Zoning Training event on June 2, 2010 will include presentations on wind generated power, provided by Lowville town officials regarding the Maple Ridge Wind Farm located in their community when the Board will gain further insight and information on this topic. It also was noted that the Town's moratorium on wind facilities is still in effect. Therefore, it was decided to table further work on this ordinance until the next regular Planning Board meeting.

ANNUAL REGIONAL PLANNING / ZONING TRAINING EVENT

The event will be held on Wednesday, June 2, 2010, from 6:00 to 10:00 PM; therefore there will be no regular meeting held in June. All Planning Board members have submitted their registration forms.

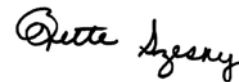
NEXT MEETING DATE

It was noted that the date of the regular July Planning Board meeting falls on the week of the 4th, a popular vacation time. Therefore, it was decided to cancel the July Planning Board meeting. The next regular meeting will be held on August 4th.

ADJOURNMENT

Since there was no further business to come before the Planning Board, Chairman Thomas adjourned the meeting at 7:35 PM, upon a motion by James Digristina, seconded by Victor Costanza.

Next Meeting Date: Wednesday, August 4, 2010, at 7:00 PM.



— Bette Szesny, Recording Secretary