

**PLANNING BOARD OF THE TOWN OF WHITESTOWN,
NEW YORK, HELD AT THE WHITESTOWN TOWN HALL
ON WEDNESDAY, JANUARY 22, 2020 AT 7:00 P.M.**

PLANNING BOARD MEMBERS PRESENT:

Steven Cox, Chairman
Martin Herthum
Richard Mahoney
Roger Potenski
Frank Sardina

EXCUSED:

Brian Whittaker, Planning Board Engineer Representative

OTHER TOWN OFFICIALS PRESENT:

Tyler Tormey, Whitestown Code Officer

The Chairman called the meeting to order at 7:00 P.M.

TWO-LOT MINOR RESIDENTIAL SUBDIVISION

SOJDA SUBDIVISION

8264 Westmoreland Road

Tax Map No.: 304.000-1-61.1

Property Owner – Victoria Riordan/Sojda Estate

Surveyor – Tanuzi & Romans Land Surveying

The Applicant has provided a completed application, Short Environmental Assessment Form and preliminary subdivision plan. Mr. Patrick Reynolds, surveyor with Tanuzi & Romans Land Surveying, gave an overview of this proposal which is to create one single residential lot, 2.593± acres from a 78 ± acres parcel on Westmoreland Road north of the intersection of State Route 840/Judd Road and Westmoreland Road with both parcels conforming to the zoning requirements of R-200.

Mr. Reynolds stated that the applicant would like to create one 2.593± acres parcel which contains the existing house, barn and garage from the larger parcel. There was a brief discussion on the items that are shown on the revised subdivision map in regards to Brian Whittaker's review.

RESOLUTION – ACCEPT APPLICATION FOR REVIEW– INITIATE SEQR/ LEAD AGENCY

Motion by: Rick Mahoney
Seconded by: Frank Sardina

WHEREAS, the Whitestown Planning Board hereby formally accepts the above application and supporting documents of the proposed two-lot residential subdivision located north of the intersection of State Route 840/Judd Road and Westmoreland Road zoned R-200, Residential.

IT IS RESOLVED; that the Whitestown Planning Board hereby initiates SEQR Unlisted Action process for this proposed two-lot residential subdivision and has initially identified the following parties as either Involved or Interested Agencies: Oneida County Department of Planning, Oneida County Department of Public Works, New York State Department of Transportation and Whitesboro Fire Department,

IT IS FURTHER RESOLVED, that the Whitestown Planning Board hereby declares its intent to assume the role of Lead Agency for this Unlisted Action unless otherwise challenged.

Upon the question of the recommendation of the foregoing resolution, the following voted aye:

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| Steven Cox | Chairman |
| Martin Herthum | Member |
| Richard Mahoney | Member |
| Roger Potenski | Member |
| Frank Sardina | Member |

The Motion was carried.

**RESOLUTION: WAIVE PUBLIC HEARING
SOJDA SUBDIVISION**

Motion by: Roger Potenski
Seconded by: Marty Herthum

IT IS RESOLVED, that the Whitestown Planning Board hereby waives a public hearing for the proposed two-lot residential subdivision located north of the intersection of State Route 840/Judd Road and Westmoreland Road zoned R-200, Residential.

Upon the question of the recommendation of the foregoing resolution, the following voted aye:

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| Steven Cox | Chairman |
| Martin Herthum | Member |
| Richard Mahoney | Member |
| Roger Potenski | Member |
| Frank Sardina | Member |

The Motion was carried.

SITE PLAN REVIEW/ HOME OCCUPATION

T. Avery Trucking

8118 Woods Highway

Tax Map No.: 316.000-1-34.7

Owner – Thomas Avery

Attorney – Gustave J. DeTraglia Jr., Esq.

Mr. Avery and Mr. DeTraglia appeared before the planning board with additional information, six aerial photos of the property. Mr. Avery currently has four employees driving tractor-trailers. Chairman Cox asked if there is still an employee who leaves in the morning with a tractor-trailer. Mr. Avery replied that he now has this tractor-trailer truck parked at RB Humphreys Trucking on State Route 233 from which the driver leaves every morning so as not to have a tractor-trailer truck on Woods Highway in the morning. Mr. Avery stated that the other three tractor-trailer drivers are not set on a schedule but do not leave before seven in the morning on any given day.

Mr. DeTraglia stated that they are here for a Major Home Occupation as defined in 200-31 (C) (2) A major home occupation shall include any home occupation which:

- (a) Has more than one employee, paid or unpaid, who is not a resident member of the family which resides on the premises;
- (b) Uses an identification sign;
- (c) Displays or stores goods, materials or equipment outdoors;
- (d) Generates additional traffic or the need for off-street parking beyond the customary needs of the occupants of a dwelling unit;
- (e) Uses equipment that would not customarily be used by the occupants of a dwelling unit; or
- (f) Is advertised by address; or
- (g) Requires a commercial vehicle or trailer exceeding twenty (20) feet in length and/or 18,000 pounds be parked regularly at the residence as part of the business.

Code Officer Tormey read the 200-31 Home Occupation (B) General Regulations:

- (1) No home occupation shall be permitted which is noxious, offensive or hazardous by reason of hours of operation, vehicular traffic, operation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation or other objectionable emissions.
- (2) In no manner shall the exterior appearance of a building be altered, nor shall a home occupation be conducted in a manner that would cause the premises to lose its residential character, including but not limited to the use of colors, materials, construction or lighting, nor shall a home occupation be conducted in an accessory structure that is either attached to or detached from a dwelling unit.

- (3) In accordance with this chapter and Title 19 NYCRR (Building Code of New York State), the floor area of a home occupation shall not exceed 25% of the gross floor area, exclusive of attached garages, of the dwelling in which such home occupation is located or 500 square feet, whichever is less.

Roger Potenski observed that the two main issues for this "Major Home Occupation" is the time of operation along with the noise of the tractor-trailer trucks.

**RESOLUTION: PUBLIC HEARING
SITE PLAN REVIEW/HOME OCCUPATION
T. Avery Trucking**

Motion by: Marty Herthum
Seconded by: Roger Potenski

IT IS RESOLVED, that the Whitestown Planning Board hereby schedules a public hearing and issue a legal notice to consider an application for site plan approval of a proposed Home Occupation/T. Avery Trucking, zoned R-100 Residential, located at 8118 Woods Highway southeast of the intersection of Clark Mills Road and Woods Highway, Whitesboro, NY to be held at 7:15 pm on Wednesday February 26, 2020 at the Whitestown Town Hall on Clark Mills Road.

Upon the question of the recommendation of the foregoing resolution, the following voted aye:

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| Steven Cox | Chairman |
| Martin Herthum | Member |
| Richard Mahoney | Member |
| Roger Potenski | Member |
| Frank Sardina | Member |

The Motion was carried.

**SITE PLAN REVIEW
MSK7 Reality Corp. / Village Motors II
44 Mohawk Street
Tax Map No.: 305.000-1-2.5
Owner – Mathew Shannon
Engineer – Roberts Engineering / E.H. Frantz Environmental**

Three agencies responded to the State Environmental Quality Review (SEQR) for this proposed Junk Storage Facility. The Oneida County Department of Planning responded with a "No Recommendation as to Final Action".

The New York State Department of Transportation (NYSDOT) responded with " If development of the subject parcel involves the need for additional or modified access to the state highway, then a NYSDOT Highway Work Permit will be required". "Any proposed signage, parking, and advertising will need to be located on private property and not on NYSDOT right-of-way".

The New York State Department of Environmental Conservation (NYSDEC) responded with several checklist items to be considered when evaluating the need for additional permits. Also stating the developer must indicate whether any part of the project is located within a floodplain or regulated floodway.

Chairman Cox inquired as to how does the applicant distinguish between old non-impervious surfaces and new non-impervious surfaces when referencing Brian Whittaker's review letter, "The comparison of existing vs. proposed impervious surfaces cannot be verified as it is not clearly delineated on the drawings. Suggest including both existing and proposed site plans that show this".

Ed Frantz explained that everything from the building out is type two (2) material along with the road which is going on disturbed material. Mr. Frantz indicated that when talking with NYSDEC and explaining that they will be putting down a geotextile fabric with number two (2) stone so water can infiltrate through, NYSDEC said this was not considered new impervious surface.

Mr. Potenski inquired if there is a two-hundred foot (200') separation for junk storage from any stream, lake, pond, wetland or other body of water referring to the town code 125-6 (A), Junkyard regulations. Mr. Roberts acknowledged that yes they are within the two-hundred feet (200') threshold. Chairman Cox advised the applicant to apply for an area variance from the Whitestown Zoning Board of Appeals for the two-hundred feet regulation.

Mr. Potenski also inquired concerning the town code 125-6 (B); Fencing, There must be erected and maintained a ten-foot high fence enclosing the entire junkyard and a locking gate adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt with by the operator of the junkyard. Fencing requirements may be waived where topography or other natural conditions effectively prohibit the entrance of children and others. Mr. Roberts replied that where feasible they will erect a ten-foot fence except for the back side where the berm and ditch are located they had planned on planting vegetation.

RESOLUTION: PUBLIC HEARING
Junk Yard/ Village Motors II
44 Mohawk Street

Motion by: Frank Sardina
Seconded by: Rick Mahoney

IT IS RESOLVED, that the Whitestown Planning Board hereby schedules a public hearing and issue a legal notice to consider an application for site plan approval of a proposed Junk Yard, Village Motors II, zoned E-L-M / Environmentally Limited Manufacturing, located at 44 Mohawk Street northwest of the intersection of Mohawk Street and Main Street, Whitesboro, NY to be held at 7:15 pm on Wednesday March 25, 2020 at the Whitestown Town Hall on Clark Mills Road.

Upon the question of the recommendation of the foregoing resolution, the following voted aye:

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| Steven Cox | Chairman |
| Martin Herthum | Member |
| Richard Mahoney | Member |
| Roger Potenski | Member |
| Frank Sardina | Member |

The Motion was carried.

RESOLUTION – ACCEPT THE 2020 MEETING SCHEDULE & ISSUE A LEGAL NOTICE

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| Motion by: | Frank Sardina |
| Seconded by: | Roger Potenski |

IT IS RESOLVED, that the Whitestown Planning Board hereby formally accepts the attached calendar of the planning board meeting schedule for the year 2020 with the issuance of a legal notice.

Upon the question of the recommendation of the foregoing resolution, the following voted aye:

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| Steven Cox | Chairman |
| Marty Herthum | Member |
| Richard Mahoney | Member |
| Roger Potenski | Member |
| Frank Sardina | Member |

The Motion was carried.

Upon the motion of Richard Mahoney, seconded by Marty Herthum, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,



Cynthia R. Sojda
Secretary

LEGAL NOTICE

TOWN OF WHITESTOWN PLANNING BOARD MEETINGS

PLEASE TAKE NOTICE that the Whitestown Planning Board, Oneida County, New York has established the following meeting dates for the year 2020:

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|-----------|---|--------------|
| Wednesday | - | January 22 |
| Wednesday | - | February 26 |
| Wednesday | - | March 25 |
| Wednesday | - | April 22 |
| Wednesday | - | May 27 |
| Wednesday | - | June 24 |
| Wednesday | - | July 22 |
| Wednesday | - | August 26 |
| Wednesday | - | September 23 |
| Wednesday | - | October 28 |
| Monday | - | November 23 |
| Monday | - | December 21 |

The Whitestown Planning Board meetings are held at the Whitestown Town Hall, 8539 Clark Mills Road, Whitesboro, NY at 7:00 pm every fourth Wednesday of the month, with the exception this year being November and December meetings, which is the fourth and third Monday of the month.

Cynthia Sojda
Planning Board Secretary