

**City of Oneida  
Planning Commission Zoning Board of Appeals  
Meeting Minutes  
May 13, 2025**

The regular meeting of the Planning Commission Zoning Board of Appeals was held on Tuesday, May 13, 2025, at 6:00 p.m. in the Common Council Chambers at, City Hall, 109 N. Main St. Oneida, NY.

The meeting was called to order at 6:00 pm by Chairman Perry Tooker.

**PRESENT:** Perry Tooker  
Todd Schaal  
Barbara Henderson  
Dave Scholl  
Kipp Hicks  
Pat Thorpe

**ABSENT:**

**ALSO PRESENT:**

- Rebecca Lennon, PCZBA Secretary/City Assessor
- Andrew Bennett, Fire Marshal

**RESOLVED**, that the Tuesday, March 11, 2025, PCZBA meeting minutes are hereby approved with amendments.

**Moved by** Kipp Hicks

**Seconded by** Todd Schaal

**Aves:** 6

**Nays:** 0

**Item #1 – Area Variance, Conditional Use Permit, and Site Plan Review for a Wind Energy Conversion System (WECS) at 0 Brewer Road, PIN# 46-2-42.3, zoned Ag by New Leaf Energy, File #2023-008, 009.**

**The applicant was not in attendance.**

Chairman Tooker acknowledged the receipt of a formal letter from Brandon Smith, P.E., of New Leaf Energy, dated April 10, 2025, requesting the withdrawal of the application without prejudice. No further action was required. The letter was placed on file as part of the official project record.

**Public Hearing: Re-Open @ 6:05 pm**

**Moved by: Kipp Hicks**

**Seconded by: Perry Tooker**

**Aye: 6**

**Nay: 0**

**Motion Carried**

**Public Comment**

Tom Griffith thanked the Board.

**Public Hearing: Closed at 6:06 pm**

**Moved by: Perry Tooker**

**Seconded by: Kipp Hicks**

**Aye: 6**

**Nay: 0**

**Motion Carried**

**Item #2 – Area Variance for 11’ from the northern property boundary for the construction of a pool at 344 Seneca Street, PIN# 38.31-1-76, zoned R-2 by Larry Coulthart, File #2025-004.**

**The applicant was in attendance.**

Mr. Coulthart spoke about the hardship of the property being a corner lot requiring dual front yard setbacks. The variance was requested to avoid placing the pool within the driveway area. The applicant submitted neighbor consents; one neighboring property owner did not respond. There was a discussion on fence placement and code compliance.

**239 Review:** Not required

The PCZBA classified the proposed SEQRA Action as a Type II Action requiring no further action.

**Public Hearing: Open @ 6:16 pm**

**Moved by:** Kipp Hicks

**Seconded by:** Perry Tooker

**Aye:** 6

**Nay:** 0

**Public Comments**

No comments.

**Public Hearing: Closed at 6:18 pm**

**Moved by:** Perry Tooker

**Seconded by:** Kipp Hicks

**Aye:** 6

**Nay:** 0

The Chairman went through the five criteria for 11' from the northern property boundary for the construction of a pool at 344 Seneca Street, PIN# 38.31-1-76, zoned R-2,

- 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 or a detriment to nearby properties will not be created by the granting of the area variance because it is a residential neighborhood, and there are other pools and fences.

**Seconded by Kipp Hicks**

**Ayes:** 6

**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 Kipp Hicks** that the applicant can not achieve the benefit by some other method feasible for the applicant to pursue because it is a small lot.

**Seconded by Todd Schaal**

**Ayes:** 6

**Nays:** 0

**Motion Carried**

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

**Moved by Kipp Hicks** that the requested area variance is not substantial because it is a small lot in the inside district.

**Seconded by Barabara Henderson**

**Ayes:** 6

**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.

**Seconded by Pat Thorpe**

**Ayes: 6**

**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 Kipp Hicks**

**Ayes: 6**

**Nays: 0**

**Motion Carried**

**A RESOLUTION APPROVING AN AREA VARIANCE FOR 11' FROM THE NORTHERN PROPERTY BOUNDARY FOR THE CONSTRUCTION OF A POOL LOCATED AT 344 SENECA STREET, TAX MAP NUMBER 38.31-1-76, ZONED R-2, BY LARRY COULTHART, FILE# 2025-004.**

**WHEREAS**, the City of Oneida Joint Zoning Board of Appeals/Planning Commission (hereinafter referred to as "the Board") has reviewed the application submitted by Larry Coulthart for the property located at 344 Seneca Street, Tax Map Number 38.31-1-76, zoned R-2; and

**WHEREAS**, the subject property is a corner lot and must comply with two front yard setbacks, requiring a 25' setback from Earl Ave per zoning requirements; and

**WHEREAS**, the applicant has requested an 11' area variance from the northern property boundary to construct a pool; and

**WHEREAS**, the application includes the installation of a 6' fence to enclose the backyard and the pool, which complies with City Code §159-4 regarding fences for outdoor pools; and

**WHEREAS**, the State Environmental Quality Review (SEQR) process was completed, and the Board classified the action as a Type II action requiring no further review pursuant to §617.5; and

**WHEREAS**, a public hearing was held on May 13, 2025, allowing the public to express their opinions and concerns regarding the proposed area variance; 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 an 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 or 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** feasible method to achieve the benefit the applicant wishes to obtain, other than a variance. The benefit to the 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 the following conditions be imposed upon approval of the area variance:

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

That the application submitted by Larry Coulthart requesting an Area Variance of 11' from the northern property boundary to allow for the placement of a pool, located at 344 Seneca Street, Tax Map Number 38.31-1-76, Zoned R-2 is hereby approved with the following conditions:

1. That the applicant obtain all necessary building permits prior to construction.

**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 13<sup>th</sup> Day of May, 2025.

**O. Perry Tooker IV**

Chairperson, Joint Zoning Board of Appeals/Planning Commission

**Moved by: Dave Scholl**

**Seconded by: Pat Thorpe**

**Ayes: 6**

**Nays: 0**

**Motion Carried**

**Item #3 – Site Plan Modification for Large-Scale Solar Facility at Upper Lenox Avenue, Tax Map Number 45.-2-2.111, zoned A, by LSE Norma, LLC, File #2025-005.**

**Applicant was in attendance.**

The applicant appeared before the Board requesting an extension of the project’s construction deadline due to transfer of ownership and delays in National Grid’s interconnection process. Noted that there will be no modifications to the site plan at all, just an extension of the timeline.

**PCZBA SITE PLAN MODIFICATION RESOLUTION TO AMEND COMPLETION DATE – UPPER LENOX AVE LARGE SCALE SOLAR FACILITY**

**WHEREAS**, the Joint Zoning Board of Appeals/Planning Commission (hereinafter referred to as "the Planning Board") previously granted Site Plan Approval on November 7, 2022, for a Large-Scale Solar Energy System proposed by LSE Norma, LLC for the property located at Upper Lenox Ave, Tax Map Number 45.-2-2.111, Zoned A (Agricultural); and

**WHEREAS**, the Planning Board, as Lead Agency under the New York State Environmental Quality Review Act (SEQR), conducted a coordinated review and issued a Negative Declaration on June 13, 2023, having determined that the project would not result in significant adverse environmental impacts; and

**WHEREAS**, the Planning Board finds that the previously issued Negative Declaration remains valid and in full force and effect, and no further environmental review is required under SEQR; and

**WHEREAS**, the Applicant submitted an amended application to reduce the size of the Large-Scale Solar Energy System on July 29, 2024 (the “Amended Application”); and

**WHEREAS**, the Amended Application is the same in all respects and the System has simply been reduced from a 35 acre limit of development with the solar array occupying 25 acres to a 21 acre limit of development with the solar array occupying 14 acres, including a 10 acre reduction in tree clearing; and

**WHEREAS**, the GML 239 Referral was received on April 21, 2023, and it was returned for local determination and the GML 239 Referral on the Amended Application was received on August 9, 2024, and it was returned for local determination; and

**WHEREAS**, the Planning Board has reviewed the request and determined that the proposed amendment does not materially change the use, intensity, layout, or environmental impacts of the originally approved project; and

**WHEREAS**, the Planning Board finds the request to modify the completion date to be reasonable and consistent with the project’s scope and timeline, and compliant with applicable zoning and site plan standards;

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

That the application submitted by LSE Norma, LLC requesting a Site Plan Modification to amend the completion date for the previously approved Large-Scale Solar Energy System located at Upper Lenox Ave, Tax Map Number 45.-2-2.111, Zoned A, is hereby approved, subject to the following conditions:

**CONDITIONS:**

1. The completion deadline for construction of the Large-Scale Solar Energy System is hereby extended to **May 13, 2026**.
2. All previously approved site plan conditions, including those related to decommissioning, stormwater management, landscaping, screening, and security, remain in full force and effect.
3. The Applicant shall obtain any updated or renewed permits necessary due to the amended timeline, including but not limited to building permits, if applicable.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately and shall be binding upon the Applicant, its successors, and assigns.

PASSED AND ADOPTED by the City of Oneida Joint Zoning Board of Appeals/Planning Commission on this 13<sup>th</sup> day of May, 2025.

O. Perry Tooker IV  
Chairperson, City of Oneida Joint Zoning Board of Appeals/Planning Commission

**Moved by: Todd Schaal**  
**Seconded by: Dave Scholl**

**Ayes: 6**  
**Nays: 0**

**MOTION CARRIED**

**Item #4 – Conditional Use Permit and Site Plan Review for a Neighborhood Retail Services Use at 303 Main Street, PIN# 38.24-2-36, zoned R-3 by Christine Zakris-Carpenter, File #2025-006.**

**Applicant was in attendance.** Troy Dunigan represented the seller.

The applicant presented plans for a second-hand clothing store operated by a nonprofit organization. The Board reviewed parking, site layout, and hours of operation. There is a discussion regarding a three bedroom apartment upstairs

**239 Review:** The applicant would like to establish a retail business with no more than 10 shoppers present at one time. Although no information was provided regarding the parking lot, it may be beneficial to provide a site plan including the number of parking spaces and points of ingress and egress. Lastly, the applicant did not indicate hours of operation. No county-wide impact will occur, and we are sending the application back for local review.

**Resolved,** The PCZBA classified the proposed SEQRA Action as a Type II Action requiring no further action.

**Moved by:** Todd Scholl

**Seconded by:** Pat Thorpe

**Aye:** 6

**Nay:** 0

**Public Hearing: Open @ 6:46 pm**

**Moved by:** Todd Schaal

**Seconded by:** Barbara Henderson

**Aye:** 6

**Nay:** 0

**Public Hearing Comments**

No comments.

**Public Hearing: Closed at 6:47 pm**

**Moved by:** Todd Schaal

**Seconded by:** Pat Thorpe

**Aye:** 6

**Nay:** 0

**Resolution Granting Conditional Use Permit for Neighborhood Retail Services Use 303 Main Street, Tax Map No. 38.24-2-36 File #: 2025-006**

**WHEREAS**, Christine Zakris-Carpenter (hereinafter referred to as “the Applicant”) has applied to the City of Oneida Planning Commission/Zoning Board of Appeals for a Conditional Use Permit to establish a Neighborhood Retail Services use at 303 Main Street, Oneida, NY, within the R-3 Zoning District; and

**WHEREAS**, pursuant to §190-5 of the City Zoning Code, Neighborhood Retail Services is permitted as a conditional use in the R-3 District subject to the issuance of a Conditional Use Permit; and

**WHEREAS**, the Planning Board has reviewed the application, conducted public hearings completed on May 13, 2025, and considered the potential impacts and benefits of the proposed development; and

**WHEREAS**, the application was referred to Madison County Planning for a General Municipal Law §239-m review, and the referral was duly reviewed.

**WHEREAS**, the Planning Board has reviewed the definition of Neighborhood Retail Services and finds that the proposed business, with a building footprint of less than 2,500 square feet, providing retail goods and services to the immediate neighborhood, with operations limited to 6:00 a.m. to 10:00 p.m., is consistent with the intent of this use classification; 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 of the Oneida City Code and subject to the conditions set forth herein;

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

having considered the standards set forth in §190-28(C) of the City of Oneida Zoning Regulations, the Planning Board hereby approves the issuance of a Neighborhood Retail Services use at 303 Main Street, Tax Map Number 38.24-2-36, zoned R-3, by Christine Zakris-Carpenter; be it further

**RESOLVED**, that the Planning Board does grant such Conditional Use Permit subject to the following conditions:

1. The proposed use shall at all times conform to the definition of Neighborhood Retail Services as established in §190-5 of the City Zoning Code.
2. Retail operating hours and deliveries shall be limited to 6:00 a.m. to 10:00 p.m.
3. The business footprint shall not exceed 2,500 square feet of gross floor area.
4. The applicant shall obtain all necessary permits and approvals, including site plan approval, building permits, and signage permits, from the Department of Code Enforcement prior to the commencement of operations.

5. The Conditional Use Permit approval, shall be filed with the Madison County Clerk’s Office within 62 days of this approval. Proof of filing must be provided to the City of Oneida Assessor’s Office within 30 days of such filing.

PASSED AND ADOPTED this 13th day of May, 2025.

O. Perry Tooker, IV  
Chairperson, Planning Board

**Moved by:** Pat Thorpe

**Seconded by:** Dave Scholl

**Ayes:** 6

**Nays:** 0

**Motion Carried**

**Resolution Approving Site Plan for Neighborhood Retail Services Use 303 Main Street, Tax Map No. 38.24-2-36 File #: 2025-006**

**WHEREAS**, the applicant, Christine Zakris-Carpenter (hereinafter referred to as “the Applicant”), has submitted a Site Plan Review application to the City of Oneida Planning Commission/Zoning Board of Appeals (hereinafter referred to as “the Planning Board”) for a proposed Neighborhood Retail Services use located at 303 Main Street, Oneida, NY; and

**WHEREAS**, the Planning Board has reviewed the application materials, plans, and supporting documentation, including consideration of the applicable development and zoning regulations and consistency with the City of Oneida Comprehensive Plan; and

**WHEREAS**, the application was referred to Madison County Planning pursuant to General Municipal Law §239-m and was duly reviewed; and

**WHEREAS**, the Planning Board has determined that the proposed action constitutes a **Type II Action** under the New York State Environmental Quality Review Act (SEQR) requiring no further environmental review; and

**WHEREAS**, the Planning Board finds that the proposed development by the Applicant, is in compliance with the applicable development and zoning regulations and is consistent with the goals and objectives of the City's 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 of the Oneida City Code and to mitigate potential impacts; and

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, that having considered the standards set forth in §143 of the City of Oneida Site Plan Review Regulations, the Planning Board hereby grants site plan approval in accordance with the following site plan documents located at 303 Main Street, Tax Map Number 38.24-2-36, zoned DC, by Christine Zakris-Carpenter; be it further

**RESOLVED**, that the Planning Board does grant such site plan approval subject to the following conditions:

1. The applicant shall obtain all necessary permits, including a building permit, sign permit, and any applicable approvals from the Department of Code Enforcement prior to commencement of any construction, signage installation, or change of occupancy.
2. Parking shall provide a total of 7 parking spaces.
3. Retail operating hours and deliveries shall be limited to 10:00 a.m. to 6:00 p.m. as required by the definition of Neighborhood Retail Services.
4. Any refuse, recycling, or dumpster areas associated with the use shall be appropriately screened.
5. All construction and site improvements must be completed within 1 year from the date of this approval unless extended by the Planning Board.

**BE IT FURTHER RESOLVED** that the Planning Board authorizes City 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.

PASSED AND ADOPTED this 13th day of May, 2025.

O. Perry Tooker, IV

Chairperson, Planning Board

**Moved by:** Todd Schaal

**Seconded by:** Kipp Hicks

**Ayes:** 6

**Nays:** 0

**Motion Carried**

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

**Moved by** Kipp Hicks

**Seconded by** Todd Schaal

**Ayes:** 6

**Nays:** 0

**MOTION CARRIED**

**Adjourn at 7:18 pm**