

Public Hearing – Horatio St. Project

Be IT RESOLVED that the Town Board of the Town of Deerfield does hereby set October 14th 2024, at 6pm to conduct a public hearing concerning a proposed planned development District on the West Side of New York State Rt 12 and south of Mulaney Rd.

This resolution was offered by Councilperson Kolek at the regular meeting Of the Town Board of Deerfield, 6329 Walker Rd, Deerfield NY 13502, held at 6:30 pm Eastern Standard Time of September 9, 2024.

Seconded by Councilperson Jones

OFFICE/NAME

VOTED RECORDED (CIRCLE ONE)

Supervisor Gregory Sacco

☒ yes ☐ no ☐ abstain ☐ absent

Councilperson Phil Sacco

☒ yes ☐ no ☐ abstain ☐ absent

Councilperson Daphne Jones

☒ yes ☐ no ☐ abstain ☐ absent

Councilperson Scott Mahardy

☒ yes ☐ no ☐ abstain ☐ absent

Councilperson David Kolek

☒ yes ☐ no ☐ abstain ☐ absent

Approved:

IN TESTOMONY HEROF, I have hereunto set my hand and affixed the seal of the Town of Deerfield this 14th day of October 2024.

(SEAL)


Karen M Day

Deerfield Town Clerk

Dated: September 9, 2024

Adopted: September 9, 2024

RESOLUTION: SCHEDULE A PUBLIC HEARING CONCERNING
A PROPOSED PLANNED DEVELOPMENT DISTRICT
ON THE WEST SIDE OF NEW YORK STATE ROUTE 12
AND SOUTH OF MULANEY ROAD

WHEREAS, on December 6, 2023 at a regular meeting of the Town of Deerfield Planning Board, representatives of ARCN Development, LLC presented conceptual plans for a proposed development of property located on the West Side of State Route 12 south of Mulaney Road with frontage along Horatio Street (hereinafter referred to as "Property") , which plans included a hotel, fast food restaurant, convenience store and residential uses; and

WHEREAS, on February 12, 2024, the regular meeting of the Town Board, representatives of ARCN Development, LLC and W.M. Price Design, LLC presented the above-referenced multi-use development project be situated on the Property; and

WHEREAS, Article XIII entitled "Planned Development District Regulations" of the Zoning Ordinance of the Town of Deerfield provides a means of developing those land areas within the Town considered appropriate for new residential or business use or satisfactory combination of such uses in an economic and compatible manner; and

WHEREAS, after discussion, on March 13, 2024, at a regular meeting of the Town of Deerfield Planning Board, a motion was made to have the Planning Board apply for a zoning reclassification of the Property from its present zoning classification of Planned Development Commercial (PD-C) and Highway Commercial (C-2) to Planned Development Extraordinary (PD-E) so as to allow for a mixture of permitted uses consistent with the conceptual plans presented to both the Town and Planning Boards; and

WHEREAS, the meetings with the Planning Board and the Town Board by the potential developers of the Property comply with Section 13.03. of the Town's Zoning Regulations, which requires a pre-submission conference prior to the consideration a zone reclassification to PD-E; and

WHEREAS, the Planning Board has undertaken a review of the conceptual plans, and the development potential of the property described above, and has presented to the Town Board from time-to-time various recommendations as to regulations to be included by the Town Board in establishing a PD-E zone for the Property, identifying and evaluating all factors relevant to a proposed zone change in accordance with Sections 13.04 and 26.03 of the Town's Zoning Law; and

WHEREAS, the Planning Board has submitted its written report and recommendations dated June 5, 2024 as amended, recommending a zone reclassification for the Property which addresses issues (numbering "1" through "23") such as the parcels to be reclassified as part of any project, access to such parcels, permissible uses, minimum lot areas, widths and coverages, storm water management plans, visual impacts, height restrictions, parking regulations, accessory buildings, and time tables for any permitted phased development, among other enumerated issues; and

WHEREAS, the report and recommendations made by the Planning Board shall be incorporated by reference within this Resolution; and

WHEREAS as applicant, the Planning Board has submitted an Environmental Assessment Form in support of its recommendation for a zone change assuming the Town Board will act as lead agent for the proposed zone change of the Property in accordance with the State Environmental Review Act; and

WHEREAS, absent an objection, the Town Board, consistent with the State Environmental Quality Review Act, will declare itself as the agent for the proposed zone change;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby determines that the application submitted by its Planning Board recommending a zoning reclassification of the Property be deemed complete; and be it further

RESOLVED, that in connection with the application for the amendment reclassification the Town Board shall act as presumptive lead agent for the purposes of SEQRA, and in connection therewith, directs that all documentation upon which the Planning Board's recommendation is based be forwarded to all interested agencies including but not limited to the Oneida County Department of Planning, the

New York State Department of Environmental Conservation, the New York State Department of Transportation, the Town of Marcy, and State University of New York, together with a request that they provide any comments concerning the proposed amendment to the Town Board within the next 30 days; and be it further

RESOLVED, the Town Board will conduct a public hearing prior to its regular meeting to be held on October 14, 2024 at 6:00 p.m. concerning the proposed zone reclassification to receive public comment; and be it further

RESOLVED, the Town Clerk be and she is hereby directed to publish and post notice of the public hearing as provided by New York State Law and the Town's Zoning Ordinance; and be it further

RESOLVED, the Town Clerk be and she is hereby directed to provide those parties identified as interested or involved agencies and to Oneida County Planning, in accordance with the applicable provisions of the General Municipal Law, notice of the public hearing and copies of all documents submitted or reviewed in connection with the proposed zone reclassification.

**NOTICE OF PUBLIC HEARING
ON HORATIO STREET ZONE CHANGE
TOWN OF DEERFIELD**

NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Town Board for the Town of Deerfield at Deerfield Town Hall, at 6329 Walker Road, Deerfield, New York, on Monday, October 15, 2024 at 6:00 p.m., for the purposes of considering, pursuant to Articles XIII and XXVI of the Deerfield Zoning Law, a recommendation by the Town's Planning Board to change the zone on property located on the west side of Route 12 North, south of Mulaney Road, with frontage on Horatio Street, from its present zoning classification of Planned Development Commercial (PD-C) and Highway Commercial (C-2) to Planned Development Extraordinary (PD-E) so as to allow for a mixture of permitted uses.

PLEASE TAKE NOTICE that copies of all documents reviewed and/or prepared by the Town's Planning Board in connection with its recommendation are on file in the Office of the Town Clerk for the Town of Deerfield where the same are available for public inspection during regular office hours.

PLEASE TAKE FURTHER NOTICE that the environmental significance of the proposed zoning reclassification and the regulations to be applied therein will be reviewed by the Town Board for the Town of Deerfield as part of said public hearing.

PLEASE TAKE FURTHER NOTICE that all persons will be given an opportunity to be heard on said proposed zone reclassification at the place and time aforesaid.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF DEERFIELD

Dated: Deerfield, New York
September 9, 2024

TOWN OF DEERFIELD

By: _____
Karen Day, Town Clerk

Town of Deerfield
Planning Board
June 5, 2024

Preliminary recommendations to the Town Board regarding the zoning reclassification of the existing Planned Development Commercial (PD-C) and Highway Commercial (C-2) district located West of New York State Route 12 and South of Mullaney Road in the Town of Deerfield. The reclassification would identify this area as Planned Development Extraordinary (PD-E).

1. Permitted Uses: Subject to Planning Board recommendations and Article 16 Site Plan review.
Professional and Medical Offices, Retail Sales Est., Convenience Stores with or without gasoline pump islands, Personal Service Est., Banks and Credit Unions with lobby and or Drive-Thru Service, Pet Stores and Grooming Services, Hotels/ Motels, Sit Down Restaurants, Fast Food Restaurants with seating and or Drive-Thru Service, Child Day Care Center, Dance Studios, Indoor Movie Theaters, Religious Institutions, Nursing Homes, Passenger Bus Stops, Multiple Family Dwellings and Townhouses/ Condominiums, Parks, Green Spaces and undeveloped Open Spaces.
2. Establish minimum Lot areas, Lot Width, Maximum Lot Coverage, Maximum Build Height in stories and feet and minimum setbacks.
3. Require Visual Impact Studies for buildings over two stories or thirty feet in height.
4. Establish a timeline for phased development of the zoning district to include infrastructure and commercial and residential buildings.
5. Address all Storm Water Management concerns of all municipalities and agencies involved.

6. Who will maintain the stormwater retention area? Create an easement of no less than fifteen feet around the entire stormwater retention area.
7. Require a percentage of land be kept as greenspace or open space. Who will be responsible for the maintenance of the green space. Establish a maintained setback along areas of undeveloped open space.
8. Is Article 19 (Off Street Parking) of the Town of Deerfield Zoning Ordinance appropriate to apply to this zoning district?
9. Is Article 20 (Signs) of the Town of Deerfield Zoning Ordinance appropriate to apply to this zoning district?
10. Reclassify Planned Development Commercial (PD-C) and Highway Commercial (C-2) located West of New York State Route 12 and South of Mulaney Road to entirely Planned Development Extraordinary (PD-E).
11. Three points of road access, one being into the SUNY campus, would greatly improve traffic flow patterns and allow for easier response by emergency vehicles. Work to create a second access road or driveway on the northern most portion of the zoning district.
12. What infrastructure will the Town of Deerfield be responsible to maintain at the end of buildout of this zoning district?
13. In addition to Article 16 of the Town of Deerfield Zoning Ordinance empower the Town of Deerfield Planning Board to make recommendations regarding aesthetic and architectural features. To include but not limited to landscaping, lighting fixtures and lampposts, siding and roofing materials, decorative concrete walkways, bike paths, walking paths and open spaces. The purpose is to create a functional and aesthetically pleasing multi-use development of residential and business uses that will benefit and serve the local communities and also attract people traveling along New York State Route 12.

14. Incorporate the existing natural and man made environment into the proposed development.
15. Demonstrate a creative use of the land and related physical development which allows an orderly transition of land from one use to another.
16. Ensure that nonresidential uses support the community in terms of workforce, design and character.
17. When practical, buildings should not be placed at the top of the slope or crest of a hill where they will be seen silhouetted against the skyline and will be visible at a distance.
18. Building materials, colors and textures designed to blend with the natural environment are preferred.
19. Outdoor lighting, when practical , shall be kept to a minimum intensity needed for ground and entryway lighting. All outdoor lighting fixtures should be shielded in such a manner that the edge of the lamp shield is below the light source. Direct glare from the light source shall be confined within the boundaries of the property and is prevented from escaping toward the sky. High-intensity discharge lighting is prohibited.
20. The planning board recommends applying the setbacks that are currently used in the C-2, Highway Commercial District Schedule A, to the Planned Development-Extraordinary District. The exception shall be that all lots must have a minimum width of one hundred fifty feet.

Minimum lot area: One acre

Minimum lot width: One hundred fifty feet

Maximum building height: Fifty feet

Minimum front yard: Fifty feet

Minimum side yard one/both: Twenty five feet/Fifty feet

Minimum rear yard: Fifty feet

21. Where the lot line of a nonresidential use abuts a residential lot, the abutting side yard shall be increased by ten feet and be comprised of a vegetative buffer. An abutting rear yard shall be increased by twenty feet and be partially comprised of a vegetative buffer.
22. A height restriction of fifty feet is also recommended for all buildings in the Planned Development-Extraordinary District. Any building applications exceeding this regulation may apply for the appropriate review process to waive this restriction.
23. Accessory uses shall follow the C-2, Highway Commercial District Schedule B, regarding the type of accessory structures that are allowed and the applicable set back and height requirements.

Accessory Structures:

Accessory Buildings:

Maximum Square Footage area: Six hundred fifty square feet.

Maximum Height: Eighteen feet

Minimum Front yard: Not allowed

Minimum Side Yard: Twenty five feet

Minimum Rear Yard: Twenty five feet

Fences:

Maximum Height: Fences in front yards shall only be ornamental ie: post, split rail, picket, wrought iron ect. And shall not exceed three and one half feet. Rear and side yard fences may be of any type and shall not exceed six feet in height.

Minimum Front Yard: None

Minimum Side Yard: Ten feet

Minimum Rear Yard: Ten feet

Dumpsters:

Maximum Square Footage Area: One hundred fifty square feet is the maximum allowable area of the dumpster pad. Larger pads may be approved at the time of Site Plan Review.

Maximum Height: Six Feet, additionally all dumpsters must be screened by a six foot high solid fence.

Minimum Front Yard: Not allowed

Minimum Side Yard: Twenty five feet

Minimum Rear Yard: Twenty five feet

Decks:

Maximum Area: To be determined at the time of Site Plan Review.

Maximum Height: Refer to Section 15.06A in the Town of Deerfield Zoning Ordinance.

Minimum Side Yard: Twenty five feet

Minimum Rear Yard: Twenty five feet

AFFIDAVIT OF PUBLICATION

Daily Sentinel
111 Langley Rd
(315) 337-4000

State of Pennsylvania, County of Lancaster, ss:

Nichole Seitz, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC and duly authorized agent of Daily Sentinel, a Daily newspaper published in Oneida County, New York. A notice regarding Notice of Public Hrg was published in said newspaper as set forth below, or in the annexed exhibit. This newspaper has been designated by the Clerks of Oneida County, Herkimer County and Madison County, as a newspaper of record in their respective counties, and as such, is eligible to publish such notices.

PUBLICATION DATES:

Sep. 19, 2024

NOTICE ID: BspnU5IBhwHd3ngzJBKC

NOTICE NAME: Notice of Public Hrg

Publication Fee: \$43.02

(Signed) _____

Nichole Seitz

VERIFICATION

State of Pennsylvania
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

Subscribed in my presence and sworn to before me on this: 09/19/2024

Nicole Burkholder

Notary Public

Notarized remotely online using communication technology via Proof.

NOTICE OF PUBLIC HEARING ON HORATIO STREET ZONE CHANGE TOWN OF DEERFIELD

NOTICE IS HEREBY GIVEN, that a public hearing will be held before the Town Board

for the Town of Deerfield at Deerfield Town Hall, at 6329 Walker Road, Deerfield, New York, on Monday, October 14, 2024 at 6:00 p.m., for the purposes of considering, pursuant to Articles XIII and XXVI of the Deerfield Zoning Law, a recommendation by the Town's Planning Board to change the zone on property located on the west side of Route 12 North, south of Mulaney Road, with frontage on Horatio Street, from its present zoning classification of Planned Development Commercial (PD-C) and Highway Commercial (C-2) to Planned Development Extraordinary (PD-E) so as to allow for a mixture of permitted uses.

PLEASE TAKE NOTICE that copies of all documents reviewed and/or prepared by the Town's Planning Board in connection with its recommendation are on file in the Office of the Town Clerk for the Town of Deerfield where the same are available for public inspection during regular office hours.

PLEASE TAKE FURTHER NOTICE that the environmental significance of the proposed zoning reclassification and the regulations to be applied therein will be reviewed by the Town Board for the Town of Deerfield as part of said public hearing.

PLEASE TAKE FURTHER NOTICE that all persons will be given an opportunity to be heard on said proposed zone reclassification at the place and time aforesaid.

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF DEERFIELD**

Dated: Deerfield, New York
September 18, 2024

TOWN OF DEERFIELD

By:

Karen Day, Town Clerk

