

Regular Meeting  
Planning Board  
March 11, 2015

**APPROVED**

The regular meeting of the Planning Board of the Town of Clay, County of Onondaga held at Town Hall located at 4401 State Route 31, Clay, New York on the 11th of March 2015. The meeting was called to order by Chairman Hess at 7:30 pm and upon roll being called, the following were:

<b>PRESENT:</b>	David Hess	Chairman
	Karen Guinup	Deputy Chairperson
	Hal Henty	Member
	Russ Mitchell	Member
	James Palumbo	Member
	Michelle Borton	Member
	Gloria Wetmore	Planning Board Secretary
	Mark Territo	Commissioner of Planning & Development
	Scott Chatfield	Planning Board Attorney
	Ron DeTota	C & S Engineers

**ABSENT:** Allen Kovac Member

A motion was made by Russ Mitchell seconded by James Palumbo to approve the Minutes of the previous meeting.

**Motion Passed 6-0**

Public Hearings:

\*7:30 P.M. Case #2015-001 – *Bank of America* (5) – Zone change referral – NYS Route 31, between Lowes and the railroad tracks

Matthew Welch of Stonefield Engineering was present for the applicant. Mr. Welch explained the plan, the parcel is zoned RA 100 they are asking for an O-2 zone. The property is a 1 acre triangular shaped parcel located on the southerly side of St. Rt. 31 past the RR tracks. They would develop the northern part with a drive up ATM.

There will be 7 light posts along the drive; there will be Right in Right out only. Dave Hess asked if the applicant will have to get a lighting variance, there are 1.9 ft candle where only 1 ft candle is permitted. Mr. Welch said there will be straight cut off; there will be some spillage onto St. Rt. 31. Hal Henty said there can not be any spillage onto the road; it will be a distraction to the traffic. He added that this would be a terrible place for an ATM.

Russ Mitchell asked if the applicant had considered any other locations, they had an approved kiosk in the shopping plaza on Rt 57. Mr. Mitchell said that it would be a much better location.

The Board asked if they had just closed a branch in that plaza, Mr. Welch explained that they did close that branch due to leasing issues. He said the St. Rt. 31 location would be for ease of access.

Michelle Borton asked if the NYS DOT has been a coach on this project. Did the NYS DOT say no west bound traffic turning in? She is concerned that drivers will cross over lanes to enter the drive to the ATM.

Mr. Welch said they will have signage.

Karen asked why Onondaga County has an interest in this project; Ron said it alerts the DEC for endangered species; it will be incumbent on the town board.

Jim said if there is a site plan review, it will be a challenge, due to the Rt. only ingress and egress. The driveways angles will have to be drastic; the Board has gone over things like this before.

Chairman Hess asked if there were any questions. Don Gooden asked if 7 cars would fit on the drive to the ATM. Mr. Welch said yes also there are typically only 15 cars per hour. Mr. Welch pointed it out on the plan.

Another Resident stated that during the Christmas season it will be very difficult to turn onto St. Rt. 31.

A motion was made by Karen Guinup seconded by James Palumbo to close the public hearing.

**Motion Passed 6-0**

David Hess asked the board if they were ready to make a recommendation.

Karen Guinup Yes, no problem with this use.

David Hess Yes, O-2 will be a good use for an ATM.

James Palumbo Yes- Good use with signage Rt in Rt out only.

Michelle Borton Yes- With single Rt in Rt out only.

Russ Mitchell No- There is a better solution, they should use the Kiosk already approved on Route 57. The Rt in Rt out will be a problem.

Hal Henty No- It is an inappropriate use.

A motion was made by Karen Guinup seconded by James Palumbo to approve the recommendation to the Town Board.

**Motion Passed 4-2**

\*7:35 P.M. Case #2015-003 – *Associated Group Services* (5) – Zone change referral – 3652, 3694, 3702, 3712, & 3720 NYS Route 31

Hal Romans was present for the applicant, 31.6 acres, proposing 4 commercial buildings. The commercial will all be on St Rt 31. There will be 1 full access and 1 Rt in Rt out only. Solar farm will be a ground type no higher than 8 ft., a 30 ft buffer is required but they will add 50 ft more to increase the buffer to 80 ft. there will be minor grading for the solar panels. 75% to 80% of the power is supplied during the day from the solar panels. The Parcel has one owner, this allows for cross easements. The parking will adhere to the Town code. There will be an auto repair and sales as well as a car wash. The plan will be done in two phases. Mr. Romans said that he looked over the county comments David Hess asked Ron DeTota if he had looked into the water and sewer usage, Ron said that a car wash is a lower demand than residential. The moratorium has been lifted from Oak Orchard. The RA-100 along Route 31 lends itself to commercial. Chairman Hess asked about the County comments, Mr. Romans explained some items have been addressed others will have to be looked at after the snow melts. Mr. Romans explained that most of the county comments will be handled through site plan.

Mr. Romans said he used the EAF mapper to complete the application .There is a site on the other side of State Route 31 that flagged the SPEDES application. If there is a problem they will deal with it. Jim Palumbo asked the reason for flagging; Hal Romans said he thinks it's a historical building. It will be reviewed and may need an archeological study.

Ron DeTota presented the board with a copy of the new form that the applicant has to submit.

Chairman Hess asked if they will have enough sun for the solar panels, Mr. Romans said they will move them to the north if necessary.

Hal Henty asked if it would be possible to install the solar panels on the roofs of the proposed buildings, to move the ground panels .Hal Romans said with the 80 foot buffer of full size trees the panels won't be seen.

Chairman Hess acknowledged a 5 page letter received today from attorney Richard Andino of Costello, Cooney and Fearon Attorneys at Law, spoke on behalf of Kevin Hanlon, Resident . Mr. Andino said some of the concerns include appropriate set backs, and traffic issues on State Route 31. Mr. Hanlon was under the impression that there would be town houses built. There is one turn around, the snow plows have to go right up against the town home. He continued, this is a high impact zone and 80 foot for a buffer isn't enough. There should be a larger buffer. The Client is not against the zone change, he just wants the Boards and the Applicant to address all the issues.

Kevin Hanlon of 3659 Junco Trail addressed the Board; He has taken photos of various commercial sites in the Town to show larger buffers along residential properties. Mr.

Regular Meeting  
Planning Board  
March 11, 2015

Hanlon stated that the Town of Clay has always protected the residents, and he said an 80 ft buffer was not enough. He stated that an RC-1 could be almost anything.

Martin Locke of 3657 Junco Trail presented pictures to the Board, and to Mr. Romans. He is concerned about having a bad view out of all his windows. He is worried about not being able to sell his house in the future. Mr. Locke invited the Board Members to his house to see for themselves. He asked how he could get information about upcoming meetings concerning this case. Mr. Hess said he could check the town website or call town hall.

Helen Baird of 3588 Redhead Terrace agreed with Kevin Hanlon and the Board is concerned about the increased traffic; she also said that the DEC has been known to let applicants fill in wetlands to build as long as they replace the same amount of property with other wetlands.

Don Gooden of 3589 Redhead Terrace Stated that he didn't want to look at the solar panels every day just so the developer could save a few bucks.

Warren Wolfson of 3612 Black Brant can't wrap his head around the fact that the applicant is more interested in saving money on electricity then buffering the residential.

Jim Ottaman of 3618 Black Brant 80 ft. is no distance for a buffer, they are all scrub trees.

He said the solar panels are a terrible idea.

Tyler Bloom a resident said there should be a turn around on the roads, if they aren't going to connect the roads. The garbage trucks and snow plows have to back out of his street, it is a safety issue. He would also like a larger buffer.

Russ Mitchell stated that he has friends on Black Brant and knows the area. Applicants can come before the Boards and request changes to land. The Planning Board cares about the residents and does everything it can to protect residents, with buffers, drainage issues etc when the site plan comes before it. This project is no different from others that come before us and we will look at all concerns during site plan review if the zoning is approved. If we have to put up fencing as a buffer we will do that. We will consider your concerns.

A motion was made by Hal Henty seconded by Karen Guinup to close the public hearing.

**Motion Passed 6-0**

Dave Hess said that he would like to hold off on a recommendation until the March 25, 2015 meeting, there are things he would like to look into.

A motion was made by Hal Henty seconded by Russ Mitchell to adjourn this recommendation to March 25, 2015.

Regular Meeting  
Planning Board  
March 11, 2015

**Motion passed 6-0**

\*7:40 P.M. Case #2015-005 – *Mark Brosh* (5) – Zone change referral – north side of Ver Plank Road near Van Hoesen Road

Scott Chatfield, Planning Board Attorney, recused himself due to a conflict. Mr. Chatfield has a financial interest in this case. He left the Board Room.

Hal Romans explained the plan. 2.1 acre lot zoned industrial to the east and residential to the west. The applicant is requesting R-40 zone. They will redirect the drainage to the north across the property line. Septic will go in the front, the swale will be realigned, and the existing drainage can be maintained. The house will sit 115 ft. from the center line of pavement. The Town will have to do an as built.

Hal Henty said there is standing water on the property year round.

Ron DeTota according to the aerial topography, the easement and the grading can't be changed. The drainage to the east and the SPEDES permit is exempt. The only remediation would be erosion and sediment plan, so as not to impact the surrounding property.

Michelle Borton asked if the Applicant checked with the County Health Department to see if a raised septic would work. Hal Romans said he would look into it. If the septic is feasible that's ok but with the water table; Michelle thinks it may not work.

Mark asked if there were sheds on the parcel, Hal Romans said there are however they are dilapidated and will be removed.

Hal Henty asked if the easement is put in; who will maintain it? Ron said the homeowner will be responsible.

Chairman Hess asked if any one had any questions.

Ray Florczyk owns the property to the north and the west. Mr. Florczyk said that he is not opposed to the Zone Change, as long as the water issue is addressed. He also said the swale would have to be very deep to accommodate all the water run off.

Mike Cerelli of 4851 Ver Plank Rd. Moving the swale is fine, however; after re-grading the site and building up the grade the house will be the highest point. Mr. Cerelli stated that the reason he moved to his home was because of the industrial zoning. He said that a business would be operating during the day while he was at work, so when he got home they would be closed. He is against the zone change.

Regular Meeting  
Planning Board  
March 11, 2015

Phillip Saucier of 4817 Ver Plank Rd. said drainage is a concern. He has no problem with the Zone Change, he just doesn't want his property flooded.

Ron told the gentleman that the cut off swale is a County asset. If you talk to them they may be able to do something to help with the water issue.

A motion was made by Russ Mitchell seconded by Michelle Borton to close the public hearing.

**Motion Passed 6-0**

Chairman Hess asked the board for their comments for a Town Board Recommendation.

**Russ Mitchell** No The people aren't opposed to the house as long as the drainage is worked out.

**Hal Henty** No Not comfortable that the drainage will be maintained by the home owner. If it is not maintained how long before the Town steps in to take care of the issue.

**Michelle Borton** No Not convinced that the septic is feasible , also the driveway could impact the drainage.

**James Palumbo** Yes He wants this to have to come back before the Planning Board with a low maintenance drainage plan with conditions. If the zone change is granted.

**Karen Guinup** No the Town has always been adamant about not having residential in the industrial zone and Vice Versa also the drainage has too many problems.

**David Hess** No concerned about doing this zone change and then having the county deny the drainage and septic, then they are stuck with an R-40 zone. David also doesn't want a house plopped in the middle of Industrial.

A motion was made by Hal Henty seconded by Russ Mitchell to deny the recommendation to the Town Board for a zone change.

**Motion Passed 5-1**

Old Business: Adjourned Hearings:

\*\*Case #2014-044 – *Community Bank* (Colonial Village) – Preliminary Plat (3) – 8196 Oswego Road (Adjourned from 6 previous meetings)

Hal Romans was present for the applicant; he explained that he reconfigured the lots. Added all granted variances to the plan. One building has been sold. Karen asked about the discrepancy with the building size, 10,000 sq. ft were approved and the actual buildings are 200 sq.ft. larger. Mark Territo said that can be approved administratively.

A motion was made by Hal Henty seconded by Karen Guinup to close the public hearing.

**Motion Passed 6-0**

A motion was made by Russ Mitchell seconded by Karen Guinup adopt a resolution using standard form # 10, SEQR determination for Case # 2015-044 Community Bank (Colonial Village) located at 8196 Oswego Road for Preliminary Plat be declared an unlisted action and a negative declaration as it appears to have no environmental impact which can not be mitigated and does not involve any other permit granting agencies, including the Federal Government. This project poses no excessive impact on traffic, environment or neighborhood.

**Motion Passed 6-0**

A motion was made by Russ Mitchell seconded by Jim Palumbo adopt a resolution using standard form #40 Final Plat approval for Community Bank ( Colonial Village ) located at 8196 Oswego Rd. based on a map by Ianuzi and Romans File # 3011.003 and dated 11/6/2013 revised 3/9/2015. The approval is also conditioned on legal and engineering.

**Motion Passed 6-0**

**\*\*Case #2014-059 – *Dey Road Warehouse Expansion* (Rhinebeck Realty, LLC) (3) – Site Plan – 4662 Dey Road (Adjourned from 3 previous meetings)**

Rob Osterhoudt of Bohler Engineering said the EAF has been submitted, the Water department has been in contact with the applicant; and decided the water will remain private. The Fire Department has no comment on this application. Mr. Osterhoudt has been working with Ron DeTota and has submitted the updated SWPPP. Dave Hess asked Ron if he was satisfied with the plan and he is.

A motion was made by Jim Palumbo seconded by Hal Henty to close the public hearing.

**Motion Passed 6-0**

A motion was made by Russ Mitchell seconded by Karen Gunip move the adoption of a resolution using form# 10 SEQR determination for Case #2014-059 Dey Road Warehouse Expansion (Rhinebeck Realty, LLC) located at 4662 Dey Road that the proposed action is an unlisted action and does not involve any Federal Agency. It is further determined that the proposed action will not have a significant effect on the

Regular Meeting  
Planning Board  
March 11, 2015

environment and that this resolution shall constitute a negative declaration. For the following reasons.

1) No potential impacts considering the location in the industrial zone.

**Motion Passed 6-0**

A motion was made by Russ Mitchell seconded by Hal Henty to adopt a resolution using standard form # 20 Site Plan Approval PB Case # 2014-059 Dey Road Warehouse Expansion ( Rhinebeck Realty, LLC ) Based on a map made by Bohler Engineering Dated 11-14-2014 numbered 1 thru 10 of 10 revised 03-10-2015 and land survey sheet by Vincent P. Ansfield PCS. Dated 04-28-2014 with project # 14-1205 REVISED 01/16/2015.

**Motion Passed 6-0**

Old Business: Hearings Closed

\*Case #2014-041 – *Riverwalk Associates* (5), Zone change referral – 5112+/- Guy Young Road

A motion was made by Hal Henty seconded by Michelle Borton to adjourn this case to 4/8/2015.

**Motion Passed 6-0**

New Business:

*Signs*

**Allied Sign Company – *WBF Properties, Fuccillo KIA – 3885 State Route 31.***

Zoned RC-1, Permit #46,128

2 - Wall Signs – Applicant is proposing a 23 square foot, and a 37 square foot wall sign, when a total of 167 square feet is allowed. The proposed sign is replacing a similar signage with new logos, and will meet the code. The applicant had received an Area Variance in 2009 for additional wall signage.

1 - Freestanding Sign – Applicant is proposing a 54.9 square foot panel face change, when 64 square feet is allowed. The proposed change will meet the code.

A motion was made by Michelle Borton seconded by Hal Henty to approve the sign as submitted.

Regular Meeting  
Planning Board  
March 11, 2015

**Motion Passed 6-0**

**Clinton Signs – *Runnings* – 3949 NYS Route 31**

Zoned RC-1, Permit #46,132

2 Wall Signs – Applicant is proposing an 18 square foot and a 197 square foot wall sign. The proposed signs will meet the code.

1 - Freestanding Sign – Applicant is proposing a 110, a 135 square foot, and 160 square foot panels face change. The proposed change will meet the code.

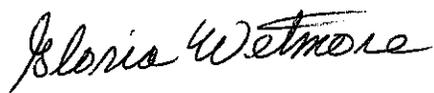
A motion was made by Hal Henty seconded by Russ Mitchell to approve the sign as presented.

**Motion Passed 6-0**

A motion was made by Michelle Borton seconded by Karen Guinup to adjourn the meeting at 10:50 PM.

**Motion Passed 6-0**

Respectfully submitted



Gloria Wetmore