

Regular Meeting
Planning Board
Town of Clay
March 26, 2014

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 26th of March 2014. The meeting was called to order by Chairman Hess at 7:30 PM and upon roll being called, the following were:

PRESENT:	David Hess	Chairman
	Karen Guinup	Deputy Chairperson
	Hal Henty	Member
	Allen Kovac	Member
	Russ Mitchell	Member
	James Palumbo	Member
	Michelle Borton	Member
	Gloria Wetmore	Planning Board Secretary
	Cindy Bechusen	Deputy Commissioner of Planning & Development
	Scott Chatfield	Planning Board Attorney
	Ron DeTota	C & S Engineers

A motion was made by Hal Henty seconded by Russ Mitchell to approve the minutes of the March 19, 2014 meeting rescheduled from March 12, 2014 due to inclement weather.

Motion Passed 7-0

Case #2014-009 – *Matthews Buses, Inc.* (3)- Site Plan, 7707 Henry Clay Boulevard

Case #2014-010 – *Matthews Buses, Inc.* (3)- Special Permit, 7707 Henry Clay Boulevard

Chairman Hess opened both Public Hearings. John Metzler of Matthews Buses, Joe Durant of TDK, and John Sidd of Menter Law Firm were present. Mr. Durant explained the plan. The site will be used to prepare and store new school buses after they have been ordered. The buses are purchased from Thomas buses located in North Carolina. Once the buses are brought to this site they are prepped for New York State inspection.

Regular Meeting
Planning Board
Town of Clay
March 26, 2014

They will have 200 spaces for buses, 80 spaces on the west side and 120 on the east side and 12 spaces for employees. Hours of operation will be 7 am to 5 pm Monday through Friday. Buses will be delivered twice weekly, approximately five at a time; the buses will be parked outside until the staff prepares them for delivery.

The Chairman asked what they would do to get the buses ready for delivery. Mr. Metzler explained they install cameras and radios, and when they are ready for delivery they wash the buses. Karen Guinup asked how much water would be used per bus. Mr. Metzler said approximately 60 gallons. James Palumbo asked if the infrastructure could handle the water from washing the buses, he also asked if there would be an issue with soap and the runoff.

Mr. Durand said they would go to the DEC for recommendation. Mr. Durand gave the Board Members a copy of the Standards of Proof for Special Permit. (See Attached) Karen Guinup said if there is an exterior dumpster it will have to be shown on the plan.

Chairman Hess asked if anyone had any questions, Jim Messenger Attorney for Gary Spring of Spring Storage, explained that his client owns the front portion of the road into the site. Mr. Spring is concerned about the deteriorating pavement on this road from all the truck traffic. They were wondering if when the buses are delivered to the site if they would block the mini warehouse operation. Mr. Metzler assured Mr. Spring that the bus deliveries would be coordinated by him and there would be no stacking in the entrance. Mr. Messenger also asked if there was swing room for the buses, Mr. Durand said it is a straight shot onto the site.

A motion was made by Hal Henty seconded by Karen Guinup to close both hearings.

Motion Passed 7-0

Russ Mitchell asked Mr. Metzler if he minded if they visited their current location on Northern Blvd. He said he would be happy for them to visit. Russ Mitchell complimented them on putting together an excellent Standards of Proof statement, answering any questions he had about the project and recognizing the need for a Special Permit to approve the outside storage at the site. Parcels in this area have had "History" in the past.

Old Business: Adjourned Hearings:

Case #2012-049 - ***King of Kings*** –(3) Site Plan – 8278 Oswego Road

Chairman Hess opened the hearing. James Palumbo is working with a prospective Eagle Scout on his service project for this same site, and assured the Board with disclosure that this will not have an impact on his decision in this case.

Regular Meeting
Planning Board
Town of Clay
March 26, 2014

Steve Miller, P.E. and Ken Margrey were present, Mr. Miller explained the plan. The applicant showed the reserve parking for future use on the plan. The applicant also showed the design for storm water run off. Ron DeTota stated that he had reviewed the plan and found it to be compliant with Town and NYSDEC requirements. Russ Mitchell noted that the tax map # 54-01-05 needed to be noted on the final plan. The applicant agreed. Karen Guinup asked if this will be done in 2 phases or all at once. Mr. Miller stated it would be done in 1 phase.

Chairman Hess asked if there were any questions or comments, there were none.

Hal Henty made a motion seconded by James Palumbo to close the public hearing.

Motion Passed 7-0

Russ Mitchell moved the adoption of a resolution using standard form #10, SEQR determination for King of Kings PB case # 2012-049, that the proposed action is an unlisted action and does not involve any Federal agency, and will not have a significant effect on the environment. This resolution shall constitute a negative declaration. Seconded by Hal Henty.

Motion Passed 7-0

Russ Mitchell moved the adoption of resolution for Site Plan Approval using standard form # 20, for Case # 2012-049 for King of Kings Church located at 8278 Oswego Rd, Based on a map by Stephen Miller dated 12/19/2013 file # 13.168. Seconded by Allen Kovac.

Motion Passed 7-0

Case #2014-008 – *Unique Dental* (3) – Site Plan, 8195 Oswego Road

Jim Hagan was present for the applicant. Mr. Hagan explained the plan. They will plant 2 new maple trees. There will be a new ramp built to ADA standards. The existing dumpster enclosure will be replaced with new vinyl. There will be no new lighting.

The Board complimented the applicant and the architect on this plan.

A motion was made by Michelle Borton seconded by Allen Kovac to close the Hearing.

Motion Passed 7-0

Regular Meeting
Planning Board
Town of Clay
March 26, 2014

Russ Mitchell moved the adoption of a resolution using standard form # 10, SEQR determination for Unique Dental Site plan, case # 2014-008, located at 8195 Oswego Rd. 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 environment and that this resolution shall constitute a negative declaration. For the following reason: Proposed application will have a lesser impact on the land use than previous uses. Seconded by James Palumbo.

Motion Passed 7-0

Russ Mitchell moved the adoption of a resolution using standard form # 20, Site Plan approval for Unique Dental Case # 2014-008, located at 8195 Oswego Road, based on a map by Ianuzzi and Romans dated 2/10/14 File # 1791.017. Revised map by J.S. Hagan dated 2/13/2014 revised 3/21/2014. Seconded by Hal Henty.

Motion Passed 7-0

N & D Restaurants, - *Red Lobster* – 3938 State Route 31

Zoned RC-1, Permit #45,307

Variations granted at the March 10, 2014 Zoning Board Meeting – Case #1515

Wall Signs – Applicant is proposing 5 replacement wall signs, (1) 23.8 square feet, (1) 34.6 square feet, and (3) 53.2 square feet with Internal Illumination. The proposed signs will meet the existing code.

Freestanding Sign – The applicant is proposing a replacement of panels on the freestanding sign, 25.3 square feet with internal illumination. The proposed sign will meet the existing code.

A motion was made by Hal Henty seconded by Allen Kovac to approve this sign providing the address number 3938 is added to the wall and free standing signs.

Motion Passed 7-0

Sar 1, Inc., - *Unique Dental* – 8195 Oswego Road

Zoned HC-1, Permit #45,310

Regular Meeting
Planning Board
Town of Clay
March 26, 2014

Wall sign – Applicant is seeking 46 square foot wall sign with Internal Illumination, when 71.92 square feet is allowed. The proposed sign will meet the existing code.

Freestanding Sign – The applicant is proposing a 28 square foot sign with Internal Illumination, when 32 square feet is allowed. The proposed sign will meet the existing code.

A motion was made by Karen Guinup seconded by Russ Mitchell to approve the sign as presented.

Motion Passed 7-0

A motion was made by Hal Henty seconded by Allen Kovac to adjourn the meeting at 9:00 P.M.

Motion Passed 7-0

Respectively submitted


Gloria Wetmore

MATTHEW BUSES, INC.

Town of Clay, New York

STANDARDS OF PROOF - SPECIAL PERMIT RESPONSE

March 26, 2014

The burden of proof for a special permit is always on the applicant. In order for an applicant to be entitled to a special permit, the following criteria must be satisfied:

1. That the proposed use will not, in the circumstances of the particular case and under any conditions that the Board of Appeals considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare. (Applicant should specify any conditions which he can satisfy in order to establish this criterion). The ZBA should be prepared to discuss at the hearing any pertinent conditions.

Matthews Response: *The proposed use will not be injurious to the neighborhood or otherwise detrimental to the public welfare as the proposed use is consistent with both the historic and existing use of the facility. Vehicle preparation for delivery to customers to NY State standards will be conducted within an existing building. Completed vehicles will be temporarily staged within an existing parking lot.*

2. That the proposed site plan shows the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping. (Failure to adhere to the site plan precisely as presented or as otherwise modified by order of the Planning Board or ZBA will constitute a violation of the Zoning Ordinance).

Matthews Response: *It is proposed to utilize the site based on the current, and previously approved, site plan which depicts all of the above improvements. No additional site improvements are required for the proposed use.*

3. That there is no violation of the Zoning Ordinance on the subject premises at the present time.

Matthews Response: *It is our understanding that there is no violation of the Zoning Ordinance at the present time on the subject property.*

4. That the
 - a. location and size of the proposed use
 - b. nature and intensity of the operation involved
 - c. size of the site in relation to the proposed use
 - d. location of the site with respect to existing streets
 - e. location of the site with relation to future street are all in harmony with the orderly development of the district.

Matthews Response: *The location, size, nature and intensity of the proposed use is consistent with both on site conditions and the off-site transportation corridor.*

5. That the location, nature and height of
 - a. buildings
 - b. walls
 - c. fences

will not discourage the appropriate development and use of the adjacent lands or buildings or impair the value thereof.

Matthews Response: *The existing site conditions include buildings, parking lot area and perimeter fencing. No other improvements are proposed or required to facilitate the proposed use and, as such, there will be no adverse impact on the adjacent lands or buildings or the value thereof.*

6. That the operations in connection with such proposed use will not be more objectionable to nearby properties by reason of
- a. Noise
 - b. Fumes
 - c. Vibration
 - d. Flashing lights

than would be the operations of any specifically permitted use in that zoning district (except in the case of an S-1 District).

Matthews Response: *The proposed use is consistent with the historic and existing use of the facility. Vehicle preparation for delivery to customers to NY State standards will be conducted within an existing building and not outdoors. Completed vehicles will be temporarily parked within an existing parking lot. As the vehicles will be parked and not running when outside there will be no excessive fumes, noise, vibrations or adverse lighting. No additional perimeter site lighting is proposed for the parking lot areas. All site lighting is currently existing.*

If the applicant proves his compliance with each standard, he is entitled to the special permit. Conversely, if the applicant fails to address or satisfy any one or part of these standards, he is not entitled to the special permit.

Matthews Response: *On behalf of Matthews Buses, we are respectfully requesting a special permit in conjunction with site plan approval.*