

**A P P R O V E D**

The regular meeting of the Planning Board of the Town of Clay, County of Onondaga was held at Town Hall located at 4401 State Route 31, Clay, New York on the 26<sup>th</sup> of January 2011. The meeting was called to order by Chairman Lepkowski at 7:30 PM and upon roll being called, the following were:

<b>PRESENT:</b>	Walter Lepkowski	Chairman
	Karen Guinup	Deputy Chairperson
	Allen Kovac	Member
	Hal Henty	Member
	Russ Mitchell	Member
	David Hess	Member
	Cindy Beckhusen	Assistant Commissioner of Planning & Development
	Scott Chatfield	Planning Board Attorney
	Bill Perrine	C & S Engineers
	Jill Hageman-Clark	Planning Board Secretary
<b>ABSENT:</b>	James Sharpe	Member

A motion was made by Mr. Hess, seconded by Mr. Kovac, to approve the minutes of the previous meeting.

**Motion Passed 6-0**

**Public Hearings:**

**2010-12-1 Hertz Equipment Rental,(3) Special Permit for accessory exterior activity in the I-1 zoning district - 4578 Buckley Rd.**

Chairman Lepkowski opened the public hearing. Stephanie Michaels was present for the applicant. The applicant wishes to erect a fence around the property to extend around the front of the property. This will replace the existing fence in the back and on the side of the property. The applicant continued that the existing fence is deteriorated. The new fence will enable the applicant to utilize the property more efficiently by allowing for secure storage of equipment. Mr. Mitchell asked what will go in the front of the fence. The applicant indicated that they would provide some landscaping in front of the fence. Mr. Kovac asked what type of fence the applicant is proposing. Ms. Michaels said that the fence will be 7 feet high and chain link construction. The applicant will display items for rent such as a back hoe, dump truck, excavator or boom loader during the day and place the items inside the fenced area at nighttime for security.

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There was a discussion as to whether or not the fence would need to be opaque to comply with the new zoning code. Mr. Henty stated that the code defined the need for an opaque fence if

storing waste or material. Rental equipment would not be either. There was also a question as to if the fence would need to comply with a setback and Cindy Beckhusen stated that a fence is not an accessory structure. The Chairman stated that he would adjourn and asked the applicant to return with the following changes:

1. Update the map showing the proposed changes.
2. Indicate the Zoning for this and the adjoining properties.
3. Show a Location Plan.
4. Add a drainage swale and unplug to create drainage (show on the plan).
5. Draw landscaping on the plan.
6. Indicate the new fence on the map and remove the existing fence from the map.

Mr. Chatfield asked if the applicant was going to add lighting and they are not. He also asked about changing signs and they will not. Ms. Beckhusen said that the change will make it more accessible for the emergency vehicles.

Chairman Lepkowski said that he would keep the hearing open.

A motion was made by Mr. Mitchell to adjourn to February 23, 2011, seconded by Mr. Henty.

**Motion Passed 6-0**

**Old Business: Adjourned Hearings**

**2010-8-1 COR VerPlank Road Company, LLC (3) Preliminary Plat - Westerly end of Dell Center Drive (Adjourned from 6 previous meetings)**

**2010-8-2 COR VerPlank Road Company, LLC (3) Site Plan – Westerly end of Dell Center Drive (Adjourned from 6 previous meetings)**

**2010-8-3 COR VerPlank Road Co., LLC (3) – Zone Change Recommendation, RA-100 & R-APT to R-15 at the westerly end of Dell Center Drive (Adjourned from 5 previous meetings)**

Chairman Lepkowski stated that the applicant has requested an adjournment.

A motion was made by Mr. Hess, seconded by Mr. Kovac to adjourn these three Public Hearings to February 9, 2011.

**Motion Passed 6-0**

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**2010-11-3 Loretto Oswego Realty Corp.,(3) Preliminary Plat- East side of Burnet Rd., north of NYS Route 31 (Adjourned from 1 previous meeting)**

Chairman Lepkowski opened the public hearing. David Norcross was present for the applicant. Mr. Norcross began by explaining that the County Planning Department had not made a recommendation by the last meeting. The applicant has changed the plan to show the delineation of the State Wetlands. Chairman Lepkowski stated that he would like it stated that the easement will be maintained by the Town of Cicero as this plan will directly benefit them. The applicant stated that the Stormwater Detention Facility will be maintained by Loretto.

Chairman Lepkowski closed the public hearing.

Mr. Chatfield said that the Board can go to Final Plat approval.

A motion was made by Mr. Mitchell, seconded by Ms. Guinup, to adopt a resolution using standard form # 10, SEQR determination for Case # 2010-11-3 Loretto Oswego Realty Corp., located on the east side of Burnet Rd., north of NYS Route 31 be declared 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.

**Motion Passed 6-0**

A motion was made by Ms. Guinup, seconded by Mr. Hess, using form #40 Granting Final Plat Approval for Loretto Oswego Realty Corp., located on the east side of Burnet Rd., north of NYS Route 31, Case # 2010-11-3, based on a map by CNY Land Surveyor, being file # 10.050 dated 08/13/2010, last revised 01/26/2011. Approval is conditioned on the following: Maintenance of Easement will be maintained by the Town of Cicero, and it will be included on their Site Design. A copy of Cicero's Site Plan is to be added to the file and subject to all engineering and legal requirements.

**Motion Passed 6-0**

**Old Business: Hearings Closed**

NONE

**New Business:**

**INFORMATIONAL HEARING:** Text Amendment Recommendation- *Local Law Number 1 of 2011*. The purpose of this Local Law is to amend the allowable uses in the Industrial Zoning Districts to allow for a *Commercial Nursery* and *Commercial Greenhouse* with a Town Board Special Permit.

The Planning Board discussed the Local Law and Mr. Mitchell gave a brief explanation.

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He began by stating that this came from two separate applicants that appeared before the *Zoning Board of Appeals* for a Special Permit to operate a Nursery in the Industrial District. Due to the

Language of the code, the special permit could not be justified; this Local Law would make this possible. Mr. Mitchell ended by stating that this not bothersome. Ms. Guinup agreed adding that this use is compatible with other uses.

A motion was made by Ms. Guinup seconded by Mr. Mitchell to make a favorable recommendation to the Town Board.

**Motion Passed 6-0**

**Signs**

***Sign & Lighting Services LLC.- 7608 Oswego Rd., Metro Mattress Bayberry Plaza***

Zoned RC-1, permit # 42,588

2 Wall Signs- Allowed 2/tenant, 8% max of wall face (115.5 sq. ft. AND 62.3 sq. ft. are allowed for this tenant). Applicant is proposing one 87.9 sq. ft. sign AND one 44.8 sq. ft. sign. Both meet requirements of the code.

Kurt Wright was present for the applicant. Mr. Wright began by displaying an example of one of the 17" LED illuminated letters that will be used in the sign. He explained that he had replaced several signs in the area, including the new *Tops* store signs. He added that this proposed sign meets the requirements. The discussion turned to the illumination of the letters. Mr. Wright stated that the LED bulbs are 3/4 Watts each. The larger letters are 31" each and the smaller letters are 17" each. Chairman Lepkowski asked if there was a lower wattage that could be used, perhaps something more subdued. Mr. Wright stated that there is a 1/2 watt but that it may give a spotty appearance to the sign or they may need to use more of them in each letter possibly yielding the same result. There was a very lengthy discussion regarding the intensity of the red light and the size of the letters. The Chairman added that the size of the letters with the bright red lights along with the closeness to the road appears to be problematic for several members of the Board. At this point he asked all Board Members for their input.

Ms. Guinup stated that she would like to see how it looks with the 1/2 watt LED.

Chairman Lepkowski stated that he agrees with Ms. Guinup but wants the number of modules to remain the same.

Mr. Hess stated that if the 1/2 watt was used he felt the applicant would need more lights therefore increasing the heat generated by the sign.

Mr. Mitchell said that the 31" size combined with the proximity to the road concerns him. He added that Bayberry has a very strong Community Association.

Chairman Lepkowski agreed. Mr. Hess agreed that the size of the sign paired with the location is the issue. Mr. Kovac agreed that the size was the issue.

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Both Chairman Lepkowski and Ms. Guinup asked that the applicant bring an example of the sign using 1/2 watt LED, and a smaller example of the letters.

Mr. Wright said that he would make the sign with 1/2 watt if he could get approval now. He added that the smaller lettering would not be legible. Mr. Mitchell asked about reducing the size of the size of the letters from 31" to perhaps 24". He asked what the size is on the side of the building. Mr. Wright said that they are 22". Mr. Mitchell suggested the same sign on the front as the side.

Chairman Lepkowski stated that he would adjourn to February 9, 2011. He asked the applicant to bring examples of the smaller lettering and the lower wattage.

***Bryan Picciott- 3577 State Route 31, American Truck & Van Accessories***

Zoned LuC-1, permit # 42,594

2 Wall Signs- Allowed 2/tenant, 8% max of wall face (200 sq. ft. AND 64 sq. ft. are allowed for this tenant). Applicant is proposing one 64 sq. ft. sign on the front of the building AND a second 64 sq. ft. sign on the east side of the building. Both meet requirements of the code.

Cindy Beckhusen presented for the applicant. There were no objections.

A motion was made by Mr. Henty, seconded by Mr. Hess, to approve the sign as presented.

**Motion Passed 6-0**

**Work Session**

**NONE**

Respectfully Submitted

Jill Hageman-Clark