

Regular Meeting
Planning Board
May 22, 2013

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 22nd of May 2013. 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
	James Palumbo	Member
	Mark Territo	Commissioner of Planning & Development
	Scott Chatfield	Planning Board Attorney
	Kim Patterson	C & S Engineers
	Linda Simmons	Planning Board Secretary

ABSENT: Russ Mitchell

A motion was made by James Palumbo seconded by Allen Kovac to approve the minutes of the previous meeting.

Motion Passed 5-0

Public Hearings:

***7:30PM 2013-010 Richard Christiana (3)- Zone Change recommendation, O-1 to NC-1-7924 Oswego Rd.**

Chairman Hess opened the public hearing. Craig Billinson, attorney and Dr. Richard Christiana were present. Mr. Billinson stated that his handouts were survey and enlargement of the tax plan. He is asking for a zone change from O1 neighborhood office to NC1 to neighborhood commercial. Lot is over 1 ½ acres. Parking spaces for 18 cars is available. All parking is in front of building. There would be no change in footprint as exists for consistency.

This is a garage in back of current building being used for office. He has new commercial access to route 57. He would like to rent existing building only and has no intentions of future building. Parking is sufficient as is. There would be no disturbance of pavement or outside structure of building.

He stated that a financial planner was there for over 20 years. The applicant stated that his contractor told him that the building permit applied for at the time covered both buildings, but the Town has no record of this. The zoning would have allowed a use such as this, since it is considered an office.

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The Chairman addressed the County comments, and asked the applicant what the parcel could accommodate under full build out. Karen Guinip explained that it is the Planning Board's duty to look at other potential uses of the property since the owner should sell in the future. Ms. Guinip was also concerned that some of the allowable uses wouldn't meet the parking requirement. There was further discussion about the surrounding parcels and their zoning.

James Palumbo recommends to deny zone change request from O1 to NC1 in consideration of explanation provided as to why (simply to use an existing building for NC1 purposes) compound to intensity of potential for entire property being changed. He feels that NC-1 is a better zone for the west side of Route 57, but not the east side.

Hearing no further questions or comments, the chairman closed the hearing,

A motion was made by James Palumbo, seconded by Karen Guinup to make a recommendation to the Town Board using standard form # 50 for case # 2013-010 Richard Christiana, Zone change from O-1 to NC-1 located at 7924 Oswego Road to deny the Zone Change,

MOTION FAILED 3-2 (Hess/Kovac against)

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

Motion Passed 5-0

Given the inability of the Board to reach a majority opinion to either approve or deny the requested zone change, a motion was made by Karen Guinup and seconded by Hal Henty to provide the Town Board the following information:

Dave Hess was opposed to the motion to deny due to the fact that the parcel north is zoned NC-1; additionally he feels the Town Board should also consider adding personal service use to the "Office" zoning category.

James Palumbo was in favor of the motion to deny because he feels that, for the sake of the applicant wanting to utilize an existing structure on the parcel, the impact outweighs the benefit of changing the zone. He also stated that we need to protect the desires of surrounding properties.

Karin Guinup was in favor of the motion to deny because she is concerned about future uses and meeting future parking requirements in a NC-1.

Motion Passed 5-0

****7:35PM 2013-013 Robert Trybulski, Moe's Restaurant (3)- Site Plan, 7560 Oswego Rd.**

A P P R O V E D

Chairman Hess opened the public hearing. Robert Trybulski was present on behalf of the applicant. Mr. Trybulski stated that changes would be made to existing Friendly Restaurant site. There would be introduction of outdoor patio seating. They would be moving dumpster site. There would be no second floor or drive through. There would be a need of 58 parking spaces. The County is requesting a current traffic study. Rudy Zona is currently working on it. This will be provided to Town Planning Board. Enclosure for dumpster will be cinderblock construction. It will match building. Town Planning Board is asking for pictures. They have requested possible changes in the roof line. Photometrics need to be presented. More shrubbery needs to be incorporated, no fence reference on drawing. This needs to be removed from next drawing. The applicant received variance were granted Monday evening must be shown on drawing. This has been approved by fire department. Wheelchair ramps must be shown.

Preparation of mutual agreement of both properties must be shown for driveway crosses easement. Curb cuts and lighting in parking area needs to be shown.

Kim Patterson will send comment letter to applicant. Larger drawing is requested for next presentation.

Planning Board requested the applicant to look at changing the roof line. The applicant said it may not be economical but they were asked to try.

Public Hearing will remain open.

A motion was made by Allen Kovac, seconded by James Palumbo to adjourn the Public Hearing to June 12, 2013.

Motion Passed 5-0

Old Business: Adjourned Hearings:

****2012-029 *Wildflower/Dixon Farm* – Preliminary Plat – 8946 Henry Clay Boulevard
(adjourned from 6 previous meetings)**

A motion was made by Karen Guinup, seconded by Hal Henty to adjourn the Public Hearing to July 10, 2013.

A woman in the audience who voiced the fact that she has been to every meeting for which Wildflower Dixon Farm has been on the agenda and the applicant has not showed up.

Motion Passed 5-0

A P P R O V E D

2013-009 *Craig and Colleen Buck (3)- Zone Change recommendation, RA-100 to NC-1-8180 Oswego Rd. (adjourned from 1 previous meeting)

Mrs. Buck was present to explain the proposal. Ms. Buck started off by stating that she did not know the road behind their property did not connect, and this should be corrected. She stated she would like to work with the Town to resolve this issue as they have no need for this little piece of land at the back of their parcel. The Board asked what the intent would be with the NC-1 zoning and the applicant stated that she would like the ability to market the property as commercial rather than residential. There was a discussion about the potential to consider Office zoning rather than commercial.

Hearing no further questions or comments, the hearing was closed.

Motion Passed 5-0

A motion was made by Karen Guinip, seconded by Hal Henty to make a recommendation to the Town Board using standard form # 50 for case #2013-009 *Craig and Colleen Buck, Zone Change from RA-100 to NC-1, located at 8180 Oswego Road to deny the Zone Change. We feel it is not compatible. However they would be compatible to change RA 100 to O2 based on the neighborhood.*

Motion Passed 5-0

****2013-011 *Gary Greer, Lands of Francis Greer (3)- Preliminary Plat, 4787 Grange Rd. (adjourned from 1 previous meeting)***

Chairman Hess opened the public hearing. Mr. Rick Meyers was present on behalf of the applicant. Mr. Meyers stated that he is looking for changes to map. One observation which poses a problem NYS department of transportation will not allow access to Route 31. This will be researched. Only access is to Grange Road.

Kim Patterson will provide the applicant with a comment letter addressing the items that need to be revised or added to comply with the Preliminary Plan requirements within the Town Code.

A motion made by Hal Henty, seconded by Allen Kovac to keep Public Hearing open and adjourned to June 12, 2013.

Motion Passed 5-0

****2013-016 *Sageer Enterprises, Inc., Euforium Hair Salon (3)- Site Plan, 4785 Bear Rd. (adjourned from 1 previous meeting)***

A P P R O V E D

Chairman Hess opened the public hearing. Hal Romans was present on behalf of the applicant. Mr. Romans stated that requested changes have been made, Sheet # 5 three residential light poles have been added
Sheet #6 WP-R
Owner to maintain sanitary sewers and they will remain private.
Three trees are needed on Bear Road, the side of the garage. One on each end and one in the middle.

Hearing no further questions or comments, the Chairman closed the public hearing.

A motion was made by Karen Guinip , seconded by Allen Kovac to adopt a resolution using standard form # 10, SEQR determination for Case # 2013-056 *Sageer Enterprises, Inc., Euforium Hair Salon*, Site Plan Approval, located at 4785 Bear Rd., 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 will contribute to growth and community character, and poses no excessive impact on traffic.

Motion Passed 5-0

A motion was made by James Palumbo , seconded by Karen Guinup, using form # 20, granting Site Plan Approval to the *Sageer Enterprises, Inc., Euforium Hair Salon* on property located in the NC-1 zoning district, located at 4784 Bear Rd., for Case # 2013-016, based on a map by Ianuzi and Romans, being file #11867.001, dated April 17, 2013 , last revised May 22, 2013 includes sheets labeled: sheets 1-6 subject to all engineering and legal requirements. Site plan must incorporate service berry multiple stem in clump form, on the Bear Road side of the garage.

Motion Passed 5-0.

Old Business: Hearings Closed

NONE

Chairman stepped out of room @ 10:15 pm. Meeting continues.

New Business:

Public Meeting to review the 2012-2013 Annual Report for the Town of Clay Stormwater Management Program (SWMP) as part of the Phase II. Stormwater Regulations as promulgated by the New York State Department of Environmental Conservation.

A P P R O V E D

Kim Patterson of C&S Engineers presented the report, explaining that the reporting period runs from March 10 , 2012 to March 9 , 2013 and incorporates the following minimum control measures:

1. Public Education and Outreach
2. Clean up events
3. Illicit Discharge identified and satisfactorily addressed
4. Construction sight –store sediment and treat before transported
5. Post Construction –giant ponds generated a lot of water
6. Storm water management operations.

Ms. Patterson explained that the Town is in contract with the Central New York Regional Planning Board, and the services they provide to the Town with regard to reporting and education are well worth the amount that the Town pays. Upon completion of the presentation, questions were received about some of the details of the report. Ms. Patterson stated that she would look into these and get back to the Board.

Chairman returns to seat at 10:18 pm and meeting continues.

SIGNS

Bergmann Associates – Sunoco – 4744 Buckley Rd.

Zoned LuC-1, Permit #44,638

Freestanding Sign – Applicant is proposing a face change for the existing 66.4 square foot freestanding sign, a 32 square foot sign is allowed; this is considered a ‘legal nonconforming’ sign that may not be enlarged or expanded. The sign will be internally illuminated. The applicant initially requested an LED fuel pricing sign, but was denied. They revised this request to reflect the allowable fuel pricing sign.

A motion was made by Karen Guinup, seconded by James Palumbo to approve the sign as presented with the condition that the side, flag panel be removed and the sign shall be an LED fuel pricing sign.

Motion Passed 5-0

Anthony Falso – Allstate – 8610 Henry Clay Blvd.

Zoned RC-1, Permit #44,658

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Freestanding Sign – Applicant is proposing a 36 square foot freestanding sign, a 64 square foot sign is allowed; the sign will be non-illuminated. The proposed sign will meet the code.

Needed information:

Height

Address number on sign

How far off road

Must meet setback rules.

What is the EO sign listed on the application but not on the drawing.

A motion was made by Hal Henty, seconded by James Palumbo to adjourn the sign to June 12, 2013 meeting.

Motion Passed 5-0

COR Development, – Verizon Wireless– 3850 NYS Rt. 31

Zoned RC-1, Permit #44,669

Wall Signs - Applicant is proposing 2 wall signs, one wall sign is 112.29 square feet, when 114.67 square feet are allowed, and one wall sign is 108.25 square feet, when 109.6 square feet are allowed. These signs will be LED, internally illuminated. The proposed signs will meet the existing code. This was presented by Brian O'Connor.

A motion was made by Hal Henty, seconded by Allen Kovac to approve the signs as presented.

Motion Passed 5-0

Work Session:

NONE

A motion was made by Hal Henty, seconded by James Palumbo to adjourn the meeting at 10:35 PM.

Motion Passed 6-0

Respectfully Submitted

Linda Simmons