

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 28th of September 2011. The meeting was called to order by Chairman Lepkowski at 7:30 PM and upon roll being called, the following were:

PRESENT:	Walter Lepkowski	Chairman
	Karen Guinup	Deputy Chairperson
	Hal Henty	Member
	Allen Kovac	Member
	Russ Mitchell	Member
	David Hess	Member
	Mark Territo	Commissioner of Planning & Development
	Scott Chatfield	Planning Board Attorney
	Kim Patterson	C & S Engineers
	Linda Simmons	Planning Board Secretary

ABSENT:

A motion was made by Russ Mitchell seconded by David Hess to approve the minutes of the previous meeting.

Motion Passed 6-0

Public Hearings:

2011-36 *Tim Hortons USA, Inc., (3) Site Plan – 3610 State Route 31*

Chairman Lepkowski opened the public hearing. Joe Durand of TDK Engineering and Robert Bender of Tim Hortons were present to explain the proposal. The applicant presented the property and what is being proposed with the current JD's restaurant. They are proposing a Tim Hortons restaurant, a facelift to the building, and to re-establish the drive-thru that was approved in the early 1990's for a 'Hardees' restaurant.

The site is a 1.5 acre parcel that is separate from the Tops Plaza. The building is a 3,700 square foot building and Tim Hortons/Cold Stone Creamery is proposing to occupy a 2,300 square foot portion of this building. They would like to do a prototypical Tim Hortons on this site, and therefore the 3,700 square foot size is too large, so the remaining 1,400 square feet would house an additional business in the future. It was also stated that signs would be submitted at a later date.

Hal Henty discussed the condition of the internal plaza road, and the poor condition that it is in. Mr. Bender stated that they will check with the owner to find out about the road maintenance.

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Scott Chatfield stated that he would have to see how the agreement was set up to know who is responsible for the maintenance. A representative from Tim Hortons Eastern Division explained that road maintenance will happen as the lease agreement covers it.

The Chairman reviewed the County comments, and the County DOT has indicated that there will be no significant implications.

The applicant next presented the architecture and color scheme. There was a discussion about the remaining portion of the building and if it will also be freshened up. The Board did not want to see a building that was half new, and half old, creating a non-cohesive look. The applicant assured the Board that the building will have a uniform look by utilizing the Tim Hortons neutral colors on the entire building. The mansard roof will be removed from the building, and no lighting is proposed to be changed at this time.

The Chairman stated that he would like to see the following:

- An updated Site Plan showing what is currently there.
- The parking lot striping, with dimensions labeled.
- Show what landscaping is currently there and any proposed.
- Labels on doors, exits, delivery areas etc.
- Ingress/egress of the unoccupied space.

Mr. Chatfield suggested that any approvals given for this site should include a statement to the effect “Before any additional tenant space is occupied, it will need Site Plan approval.”

The Chairman asked if customers would still be able to come in the front and side entrances and if the outdoor tables will remain, and the applicant said they would, there is currently about 4 tables. It was also stated that dumpster enclosure will need to be improved.

The Chairman asked if anyone had any questions or comments and Susan Williams from Bayberry noted that the pavement at the shopping center was being resurfaced the last time she was there.

A motion was made by Hal Henty, seconded by Russ Mitchell to adjourn the Public Hearing to October 12, 2011.

Motion Passed 6-0

Old Business: Adjourned Hearings

2011-20 Taft Road (North Med parking lot expansion) – Site Plan – 5112 Taft Road (adjourned from 3 previous meetings)

The Chairman stated that the applicant still needs to work out some details with the Town Board and must adjourn this matter tonight.

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A motion was made by Karen Guinup, seconded by Russ Mitchell to adjourn the Public Hearing to October 26, 2011.

Motion Passed 6-0

2011-27 Tops Markets, LLC/Tops Fuel Facility (3) Site Plan (gas pumps) – 3803 Brewerton Road-Airport Plaza (adjourned from 3 previous meetings)

Chairman Lepkowski opened the public hearing. James Trasher of CHA was present to explain the proposal, along with Louis Terragnoli of Tops Markets. James explained the changes that were made since the previous meeting to the traffic flow, landscaping, and that they've addressed the County comments in that sidewalks weren't warranted at this time, but if the Town determined they would be necessary at a future date, they could re-examine the issue. It was also stated that stop signs and 'do not enter' signs will be added to deter traffic from going against the flow. Currently, there are 488 parking spaces and 398 will exist after re-striping and improvements. The Zoning Code requires 355. The landlord maintains the parking lot, and Tops will be paying the majority of the maintenance costs.

Karen Guinup asked where the bus will be re-routed to and James stated that it will be determined after approval; he would like it further back in the Tops site. There was further discussion about stop bars/stop signs, and then photometrics/footcandles were discussed.

The hours of operation for this fuel facility will be from 6AM to 11PM, seven days a week, and security lighting will remain on during off hours.

The Board thanked the applicant for their patience and closed the public hearing.

Mr. Terragnoli stated that since he is associated with Tops Markets, he will look into the road condition issue that was brought up in the Tim Hortons case.

A motion was made by Russ Mitchell seconded by David Hess to adopt a resolution using standard form # 10, SEQR determination for Case # 2011-27 Tops Markets, LLC/Tops Fuel Facility, Site Plan Approval, located at 3803 Brewerton 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 6-0

A motion was made by Russ Mitchell seconded by Allen Kovac, using form # 20, granting Site Plan Approval to Tops Markets, LLC/Tops Fuel Facility, on property located in the LuC-1 zoning district, located at 3803 Brewerton Rd., for Case # 2011-27, based on a map by CHA,

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being project #21867 dated 9/11, last revised 9/28/11 to include map numbers: C-1 through C-8. Subject to all engineering and legal requirements, and the following condition: There shall be four 'do not enter' signs at the exit areas of the fueling facility.

Motion Passed 6-0.

2011-31 *Sam's Real Estate Business Trust/Wal*Mart Real Estate Business Trust. (3) Site Plan – 3895 State Route 31- Wal*Mart SuperCenter (adjourned from 3 previous meetings)*

Chairman Lepkowski stated that the applicant has requested an adjournment.

A motion was made by Hal Henty, seconded by David Hess to adjourn the Public Hearing to October 12, 2011.

Motion Passed 6-0

2011-32 *Innovations Salon & Spa, addition and expansion (3) Site Plan – 3627 State Route 31 (adjourned from 1 previous meeting)*

Chairman Lepkowski opened the public hearing. It appears that all outstanding issues have been addressed, and it was stated that the applicant did not have to be present for tonight's hearing.

New plans have been submitted and it appears that all outstanding issues have been addressed. A letter from the Town Engineer has been generated stating that the revised plans are acceptable, and the notes on the plans stating what has been changed were mentioned.

A motion was made by Russ Mitchell seconded by David Hess using form # 20, granting Site Plan Approval to the *Innovations Salon & Spa* on property located in the NC-1 zoning district, located at 3267 State Route 31, for Case # 2011-32, based on a map by MV Weiss & Associates, being project # 201002.3 dated 6/23/11, last revised 9/15/11 includes sheets labeled:L.0 through L.9, MPT.1, Topographic Map file number 11512.001 dated 2/2/10 last revised 11/8/10, Architecture Renderings by Wyatt Howard Nelson Architecture sheets A1.1, A2.1, A2.2 dated 8/18/11. Subject to all engineering and legal requirements, and the following condition: No Certificate of Occupancy shall be issued until the Town verifies that soil restoration meets the DEC regulations.

Motion Passed 6-0.

Old Business: Hearings Closed

NONE

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New Business:

SIGNS

Syracuse Signage – 4154 State Route 31 – JOANN Fabrics

Zoned RC-1, permit # 43,269

(2) Wall Signs - 2 per building allowed, 8% of wall max. Applicant is proposing one 56 square foot sign and one 25.7 square foot sign and 93.6 square feet is allowed.

Applicant received a variance (Case #1430) to allow for 2 additional signs on September 12, 2011. Therefore the proposed signs will meet the code.

A motion was made by David Hess, seconded by Russ Mitchell to approve the sign as presented.

Motion Passed 6-0.

Work Session:

JoLu Development Company, *Tocco Villaggio*, PDD Project Plan Discussion.

The Chairman stated that the applicant has requested an adjournment.

A motion was made by Karen Guinup, seconded by Allen Kovac to adjourn the Project Plan Discussion to October 12, 2011.

Motion Passed 6-0

A motion was made by David Hess, seconded by Allen Kovac to adjourn the meeting at 8:50 PM.

Motion Passed 6-0

Respectfully Submitted

Linda Simmons