

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 24th of August 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
	Allen Kovac	Member
	Hal Henty	Member
	Russ Mitchell	Member
	James Sharpe	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 7-0

Public Hearings:

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

Chairman Lepkowski opened the public hearing.

Mark Weiss was present to explain the proposal. It was explained that the applicant has previously appeared before the Town for zone changes, and variances for this property, and all required variances have been granted.

They are proposing a 33,000 square foot addition. They are also planning a parking area for 75 cars. Karen Guinup stated that is a concern about having enough parking for this expansion as parking has been an ongoing issue with this site.

DOT has granted approval of the entrance on to Route 31 and Route 57. LED lights are to be used along side wall, and the freestanding lights will be 12 feet in height. There will be a

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dumpster enclosure out of same building material to match the existing building. Concerns of parking area must meet town code requirements not the requirements of the owner. Plans need to reflect this is one parcel with one tax ID number. The SWPPP forms have been submitted to the Planning Department and Town Engineer. Architect wants to accent main existing building, by adding a single story addition to compliment original structure.

The administrative subdivision needs to be verified.

A motion was made by David Hess, seconded by Al Kovac to adjourn the three Public Hearings to September 14, 2011.

Motion Passed 7-0

2011-33 *Morgan Clay Apartments, LLC* (3) Preliminary Plat – Dell Center Drive

2011-34 *Clay North Apartments* (3) Site Plan (amended) – Dell Center Drive

Chairman Lepkowski opened both public hearings.

Elise Pikarsky was present to explain the proposal. Also present were Jim Bonsignore, Esq., Kevin Morgan and Tom Morgan.

There will be a 2 lot subdivision approximately 32 and 33 acres each. The primary reason for the subdivision is to obtain financing and get approval.

Final plat document needs to show sanitary sewer easements. This existing easements need to be shown on the map, and the existing sanitary sewer easement (adjacent to Kohl's) needs to be made public.

There was a detailed discussion about the potential of one portion of the site being sold, and the attorney for applicant stated that the likelihood of that happening is low. He stated that a Declaration of Easement can be filed if needed. Currently, there are no plans to ever separate sites.

Scott Chatfield stated that we would need to have easements in place where the Town has *Third Party Rights*. Scott wants the utilities to be dealt with in a perpetual manner. The applicant stated that they will provide the Town Attorney and Engineer with ingress/egress easement. Additionally, the rights of occupants of lot 2 must be able to have access to the club house on lot 1.

County Health Department needs to sign off, Maintenance responsibility is dealt with in a perpetual manner. Easements are to run with the land.

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Application will apply to:

1. Planning Board attorney and engineers—ingress regress easement agreements, need to be reviewed, signed off and submitted to Chairman Walter Lepkowski.
2. Copies of letters to be sent to Scot Chatfield, Esq., re Rights of Occupants to use on both properties. Need to work on 3rd party beneficiary to perform maintenance agreement.

The Chairman closed Case 2011-33.

A motion was made by Russ Mitchell, seconded by James Sharpe, to adopt a resolution using standard form # 10, SEQR determination for Case # 2011-33 *Morgan Clay Apartments, LLC.*, located on Dell Center Drive, be declared a negative declaration as it appears to have no environmental impact which cannot be mitigated and does not involve any other permit granting agencies, including the Federal Government.

Motion Passed 7-0

A motion was made by Karen Guinup, seconded by Allen Kovac to move directly to Final Plat Approval.

Motion Passed 7-0

A motion was made by David Hess, seconded by Karen Guinup, using form #40 Granting Final Plat Approval for *Morgan Clay Apartments, LLC.*, located on Dell Center Drive, Case # 2011-33, based on a map by LJR Engineering, PC, being file # 912.001 dated 8-2-2010, last revised 7-21-2011, and CNY Land Engineering file # 11.038 dated 7-13-2011 preliminary plat Section 3 amended 5. Approval is conditioned on the following: Legal and Engineering requirements as specified in the Town of Clay regulations, and the following:

- Existing public sanitary easements needs to be shown on CNY Engineering Map.
- Declaration of easement being in place (with legal and engineering approval) consisting of reciprocal utility agreements, Ingress/Egress easement, and 3rd party beneficiary for the Town of Clay.

Motion Passed 7-0

Elise Pikarsky presented the Site Plan. The applicant is currently proposing the addition of garage buildings that were not part of the original Site Plan. The applicant has obtained variances for the height of the structures, and side yard setback.

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The Chairman asked if there are still garages within the apartment buildings, and the applicant stated that there would be. Russ Mitchell asked if the new garages will be built of materials that compliment the apartments, and the applicant stated that they would.

The applicant needs to revise the Site Plan map, showing the variances that were granted.

A motion was made by Hal Henty, seconded by David Hess to adjourn Case 2011-34 to September 14, 2011.

Motion Passed 7-0.

Old Business: Adjourned Hearings

2011-18 *Red Barn Country, LLC* (3) Preliminary Plat – 7165 and 7175 Buckley Road (adjourned from 1 previous meeting)

The Chairman stated that the applicant has requested an adjournment.

A motion was made by Russ Mitchell, seconded by Hal Henty to adjourn Case 2011-18 to September 14, 2011.

Motion Passed 7-0.

2011-23 *Red Barn Country, LLC* (3) Zone Change recommendation – 7165 Buckley Road (adjourned from 1 previous meeting)

2011-24 *Red Barn Country, LLC* (3) Zone Change recommendation – 7165 and 7191 Buckley Road (adjourned from 1 previous meeting)

Chairman Lepkowski opened the two public hearings.

Hal Romans was present to explain the proposal. Hal stated that they are here to get a referral for the Town Board to obtain a zone change.

There is still the issue to get the property cleaned up. This will be addressed by Mr. Camperlino.

When they met with Town Board, it was stated that the only additional information needed is the traffic analysis. Hal explained that the County DOT has commented on the traffic study.

Hal stated that the stormwater, subdivision and traffic issues still need to be addressed during the preliminary plat discussions.

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The Chairman asked when the property will be cleaned up as there has been a lot of concern about this from area residents.

Mr. Camperlino stated that the clean-up will be phased. They don't have the finances available to take down the buildings now. As soon as they can get the zone change approved, they will be able to get financing, then the clean-up can begin.

The chairman closed the 2 zone change recommendation hearings.

A motion was made by Karen Guinup, seconded by David Hess to recommend that the Town Board approve the zone change (case # 2011-24), as presented. Stating that it is basically the appropriate zoning for the area, it is cleaning up the existing zoning on the parcel, and the zoning requested is less intense than the existing zoning.

Motion Passed 7-0

A motion was made by Karen Guinup, seconded by Hal Henty to recommend that the Town Board approve the zone change (case # 2011-23), as presented, stating it is basically cleaning up the zoning on the parcel.

Motion Passed 7-0

2011-20 Taft Road Development Parking Lot Expansion (North Medical) (3) Site Plan- 5112 Taft Road (adjourned from 2 previous meetings)

No one was present for this case.

A motion was made by Karen Guinup and seconded by James Sharpe to adjourn the Public Hearing to September 28, 2011 meeting.

Motion Passed 7-0.

2011-22 Group One Development, LLC (Maple Park) (3) Preliminary Plat – Maple Road, just north of Caughdenoy Road (adjourned from 1 previous meeting)

The Chairman stated that the applicant has requested an adjournment.

A motion was made by Al Kovac, seconded by David Hess to adjourn Case 2011-22 to September 14, 2011.

Motion Passed 7-0.

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2011-27 *Tops Markets, LLC/Tops Fuel Facility* (3) Site Plan (gas pumps) – 3803 Brewerton Road-Airport Plaza (adjourned from 1 previous meeting)

Chairman Lepkowski opened the public hearing.

James Thrasher was present to explain the proposal. Mr. Thrasher presented the revised plans, stating that they have been having discussions with the landowner to discuss acceptable alternatives, and want the Board's input to know if they are headed in the right direction.

Currently, there is no lease with CENTRO; it was just an agreement that was worked out in the past.

The potential traffic patterns were discussed in great detail. James stated that they didn't want to go into too much design detail before an acceptable traffic pattern is worked out.

The Chairman asked what happens when people don't follow the traffic directionals, he feels people will cut across lanes of traffic.

If Tops leaves this site, what happens to the gas pumps? The applicant stated that there are laws that mandate removal within a certain amount of time.

A motion was made by Allen Kovac, seconded by David Hess to adjourn the Public Hearing to September 14, 2011.

Motion Passed 7-0

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 1 previous meeting)

Chairman Lepkowski opened the public hearing.

Glenn Harvey and Mark Petroski from Bergman and Associates were present to explain the proposal. They presented an updated proposal on the Walmart Supercenter, showing Site Plan revisions.

The walkway will be on their property, and the applicant agrees that it will run on the west side of the entire length of their property.

The look of the façade was discussed, and pictures were shown. The Board stated the importance of having a nice looking building for the community, and not just a "run of the mill" store. Building codes must be met for islands with benches. Suggestions were made for sidewalks constructed with recycled materials vs. concrete. Use of LED lighting was also discussed.

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A lengthy discussion took place about the flow of traffic across the existing Walmart parking lot. An acceptable design must be made that will still allow access to the existing banks, and further examination of the internal access roads must be made.

Public hearing will remain open.

A motion was made by David Hess, seconded by James Sharpe to adjourn the Public Hearing to September 14, 2011.

Motion Passed 7-0

2011-35 *Inverness Gardens, Section 2. Final Plat*

A motion was made by Karen Guinup, seconded by Hal Henty to add case 2011-35, Final Plat approval to the agenda.

Motion Passed 7-0

A motion was made by Karen Guinup, seconded by David Hess to approve Inverness Gardens, Section 2, case number 2011-35, using standard form # 40 granting final Plat approval. This approval is granted on the subdivision known as Inverness Gardens based on a map made by Ianuzi and Romans, bearing file number 1431.023 . The approval is also conditioned on the developer complying with all the legal and engineering requirements as specified in the Town of Clay regulations.

Motion passed 7-0

Old Business: Hearings Closed

NONE

New Business:

SIGNS

Flamingo Kid Signs, Inc. – 4130 State Route 31 – Halloween City Zoned RC-1, permit # 43,170

(2) Wall Signs - 2 per building allowed, 8% of wall max. Applicant is proposing one 84 square foot sign and one 64 square foot sign and 624 square feet is allowed.

The proposed signs will meet the code.

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

Motion Passed 7-0

Work Session:

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

A motion was made by Hal Henty and seconded by Russ Mitchell to adjourn the Public hearing to September 14, 2011.

Motion Passed 7-0

A motion was made by Allen Kovac, seconded by James Sharpe to adjourn the meeting at 11:46 PM.

Motion Passed 7-0

Respectfully Submitted

Linda Simmons