

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 8th of August 2012. 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
	Walter Lepkowski	Member
	Hal Henty	Member
	Allen Kovac	Member
	Russ Mitchell	Member
	James Palumbo	Member
	Mark Territo	Commissioner of Planning & Development
	Scott Chatfield	Planning Board Attorney
	Kim Patterson	C & S Engineers

ABSENT: Linda Simmons Planning Board Secretary

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

Motion Passed 7-0

Public Hearings:

***7:30 P.M. 2012-030 *Sugarwood Plaza* – Amended Site Plan – 7575 Buckley Road**

Chairman Hess opened the public hearing. Michael Silberberg was present on behalf of the applicant to explain the proposal. Mr. Silberberg thanked the Board for the opportunity to explain what he would like to accomplish at Sugarwood Plaza. He stated that the amended Site Plan before the Board tonight is to allow for outdoor seating in the plaza for the various restaurants that want to take advantage of the summer weather.

He described the covenants that were agreed to, and explained that a bar/tavern was not excluded from the allowable uses for this plaza and that the main issue we will have to look at is the 28,000 square foot limitation. The plaza was constructed to 27,600 square feet, which leaves exactly 400 square feet available for all of the outdoor seating. Presently, there are 5 tenants that wish to have outdoor seating areas, and Mr. Silberberg wants to be a good neighbor by going through the proper channels for approvals.

The proposal in front of the Board includes an outdoor seating area in the back of the plaza, adjacent to the residential neighborhood. Mr. Silberberg stated that the owner of the bar who is

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requesting the outdoor seating in the back of the plaza is accommodating and willing to work with neighbors, and hopefully avoid having the Town issue violations.

Chairman Hess stated that he is not sure there is even a way to approve the seating in the rear of the plaza due to the proximity to a transformer that requires a clear-space area around it, as well as the neighboring karate studio needs a clear path of egress for fire-safety that would be blocked by this seating area. Mr. Silberberg stated that he hoped because this isn't permanent, it shouldn't be an issue.

Chairman Hess stated that there are concerns about the outdoor eating areas and there not being a barrier between where the seating is located and traffic that is moving through the plaza, especially when kids are in these areas and could easily fall into the flow of traffic.

Hal Henty asked if the owner is aware of what the covenants that were originally agreed to and Mr. Silberberg stated that he has not looked at them as he relied on his Attorney to look over all documents. He does understand that they create a potential problem.

Karen Guinup stated that all of these areas need to be calculated to determine the exact square footage. She also read a statement from National Grid about the clear area around the transformer. The owner stated that National Grid said it is not an issue.

Scott Chatfield stated that before the transformer issue goes any further, the covenant issue must be addressed and resolved. Mr. Chatfield read from the covenant document and believes '*Retail Convenience Center*' to mean all areas/spaces serving customers. He thinks that there will be legal issues with approving any area in the back and possibly some of the front space as well. He stated that the mere fact that things have been there and not enforced, does not make them legal. The applicant's other option is to go to the Town Board and ask to release or amend the covenant.

The applicant understands what was just said, but believes that the spirit and intent of the document was to preclude the property from expanding and not to stop a person from coming to a picnic table for an ice cream cone.

Mr. Silberberg asked what exactly how 'square footage' of a picnic table shall be calculated. Scott Chatfield stated that only the ZBA has the authority to make an Interpretation to determine what exactly 'square footage' shall mean if a reasonable measurement is not used. Karen Guinup stated that if they go to the ZBA and receive an Interpretation that is what they will be limited to. Scott suggested that the applicant get a licensed land surveyor to draw in the outdoor areas on a Site Plan. It is his opinion that this Board is without authority to approve anything beyond 400 square feet.

Jim Palumbo asked if there's been a design professional involved yet and stated the reasons why it is necessary. Mr. Silberberg stated that an Architect was employed to do the drawing, but the original Site Plan has not been updated.

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Russ Mitchell stated that he would not be in favor of authorizing any of this request until a large-scale plan is presented to the Board.

The applicant stated that it would be helpful if he contacted the original person who did this plan.

Walt Lepkowski described an example from Courtland where café's are defined as areas for seating and shown on Site Plans.

The Chairman stated that the County had no comments on this issue.

A motion was made by Karen Guinup, seconded by James Palumbo to adjourn the Public Hearing to September 26, 2012.

Motion Passed 7-0

Old Business: Adjourned Hearings:

****2012-011 *Orange Commons Subdivision* – Preliminary Plat – 4414 State Rt. 31(adjourned from 7 previous meetings)**

Chairman Hess opened the public hearing. No one was present on behalf of the applicant to explain the proposal at this time.

A motion was made by Russ Mitchell, seconded by Hal Henty to adjourn the Public Hearing to October 24, 2012.

Motion Passed 7-0

2012-015 *JoLu Development Company (Tocco Villaggio)* (3) – Site Plan- State Route 31 near the Cicero border, (adjourned from 4 previous meetings)

Chairman Hess stated that the applicant has requested an adjournment.

A motion was made by Al Kovac, seconded by James Palumbo to adjourn the Public Hearing to September 12, 2012.

Motion Passed 7-0

Old Business: Hearings Closed

NONE

New Business:

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SIGNS- None

Work Session:

NONE

A motion was made by Hal Henty, seconded by Russ Mitchell to adjourn the meeting at 8:55 PM.

Motion Passed 7-0

Respectfully Submitted

Mark Territo