

Approved

The Regular Meeting of the Planning Board of the Town of Clay, County of Onondaga held at Town Hall located at 4401 State Route 31, Clay, New York on the 9th day of May 2018 The meeting was called to order by Chairman Mitchell at 7:30 PM and upon roll being called, the following were:

All present joined in the pledge of allegiance

PRESENT:	Russ Mitchell	Chairman
	Karen Guinup	Deputy Chair
	Hal Henty	Member
	Michelle Borton	Member
	Allen Kovac	Member
	James Palumbo	Member
	Scott Soyster	Member
	Mark Territo	Commissioner of Planning & Development
	Ron DeTota	C&S Engineers
	Scott Chatfield	Planning Board Attorney
	Gloria Wetmore	Planning Board Secretary

A motion was made by Michelle Borton seconded by Jim Palumbo to approve the minutes of the previous Planning Board meeting.

Motion Carried 7-0

Public Hearings:

New Business

7:30 P.M. ** Case #2018-020 – *Barrett Industries*, 4530 Wetzel Road (3) – Special Permit

Russ Mitchell opened the public hearing. Fred Meyers, of Barrett Paving Materials, INC., Kevin MacLeod, of Bond Schoeneck and King, as well as Robert Davis of CLA Site Development, presented the plan. They are proposing a 16 ft Tack Cote containment tank. They will pour a 22ft x 16ft concrete pad. This will be 118 ft away from the nearest building.

Russ asked about the concrete pad, Mr. Davis explained they use a limestone base compacted and a concrete pad. Will it withstand the weight of the tank? Mr. Davis said yes it will; 600lbs per square foot. He also pointed out that the roof elevation says 46ft. Mr. Meyers said that is a type-o.

Jim Palumbo asked if there would be an issue with the frost, freezing and thawing in the winter. Mr. Davis said they have never had any problems with heaving or movement from winter temperatures.

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Hal Henty asked who inspects the work so it is done properly. Mark said the building inspector will check on the job and sign off on it when it's complete.

Russ asked if there were any special permits needed for this project. Mr. MacLeod said they will need a building permit from the Town and a DEC permit. And we have to register the tank.

Karen Guinup asked if there was a certificate issued after registering the tank, and if so could you forward a copy the Planning Commissioner for the file. He said yes he will.

Scott Soyster asked does the tank hold all 10,000 lbs. and what do you pump it into. Mr. Meyers explained there is a hose system that hooks up to the tank and they pump the asphalt into trucks for delivery.

Russ asked if there were any more comments or questions. Hearing none he closed the public hearing.

A motion was made by Michelle Borton seconded by Hal Henty to adopt a resolution for SEQR determination using standard form # 10 for Case #2018-020 – *Barrett Industries*, located at 4530 Wetzel Road for a Special Permit is an unlisted action and does not involve any Federal Agency? It is further determined the proposed will not have a significant effect on the environment and the resolution shall constitute a negative resolution for the following reasons. The proposed action will not have a significant impact on sight lines, environmental resources or community character.

Motion Carried 7-0

A motion was made by Michelle Borton seconded by Karen Guinup that the petition be granted for a Special Permit having Case #2018-020 – *Barrett Industries*, located at 4530 Wetzel Road using standard form # 70 building design and permit drawing prepared by R Thre 3 Design, LLC. Dated July 24, 2017 revised December 1, 2017 and numbered 5101, 5102, 5103, 5104. Tack Coat tank foundation plans, prepared by CLA Site Development dated March 15, 2018 and numbered CLA-1, CLA-2, CLA-3 CLA-4 and CLA-5. Topographic site plan map showing tank location, prepared by Strategic Mining Solutions, LLC. Dated April 18, 2016 revised April 25, 2018. Conditioned upon all legal and engineering.

Motion Carried 7-0

Old Business:

**Case #2017-031 – *Widewaters Commons* (3) – Site Plan – NYS Route 31 (Adjourned from 10 previous meeting.

A motion was made by Al Kovac seconded by Scott Soyster to adjourn this case to the May 23, 2018 Meeting.

Motion Carried 7-0

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****Case #2017-046 – JOLU Development –*Laurel Springs Assisted Living* (3)–Amended Site Plan-
West Taft Road (Adjourned from 4 previous meetings)**

A motion was made by Karen Guinup seconded by Jim Palumbo to adjourn this case to the May 23, 2018.

Motion Carried 7-0

****Case #2017-048 - JOLU Development - *Laurel Springs Assisted Living* (3) –Special Permit
West Taft Road (Adjourned from 4 previous meetings)**

A motion was made by Jim Palumbo seconded by Karen Gunuip to adjourn this case to the May 23, 2018.

Motion Carried 7-0

****Case #2018-003 – Widewaters Farrell Road II Company, LLC/*Widewaters Commons*, (3)-
Preliminary Plat– NYS Route 31 (Adjourned from 5 previous meetings)**

A motion was made by Karen Guinup seconded by Michelle Borton to adjourn this case to the May 23, 2018.

Motion Carried 7-0

****Case #2018-005 – Summit Realty Management, LLC, *Clay Medical Parking* (3) – Amended Site
Plan – 8100 Oswego Road (Adjourned from 3 previous meetings).**

A Motion was made by Jim Palumbo seconded by Al Kovac to adjourn this case to the June 13, 2018 meeting.

Motion Carried 7-0

***Case #2018-010 –*Joseph Ligoci, Allstate Insurance Office*, (5) – Zone Change Referral – 5307 West
Taft Road. (Adjourned from 3 previous meetings)**

Russ opened the public hearing; Clifton C. Carden III attorney for the applicant presented the plan. Mr. Carden explained they will be keeping with the Character of the sites along Taft Road. They are adding 7 parking spaces in front of the building, with 3 or 4 in reserve. The reserve parking will be in the back. He continued, there is 80 foot of frontage along Taft Road. With 7- 9-foot parking spaces with 14 feet remaining. There is a depth of 60 feet, with the 20 ft length for the parking spaces that leaves 40 ft for the cars to pull out of the space and exit on to Taft Road without backing out on to the road.

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Russ Mitchell said there is 11.5 feet between the fence and the side of the building. He asked if there would be enough space for a driveway to the back.

Clifton Carden presented the zone change proposal to the Board. Mr. Carden feels that this proposal is keeping with the character of the neighborhood, as there are other similar uses along Taft Road. Scott Chatfield disagreed and stated that this section of Taft Road has remained residential and that this area does not have a commercial feel to it. The Board expressed concern for the narrow opening where the driveway would go, and feels that getting cars in and out of there would be difficult. The applicant was asked how many variances would be necessary to make this proposal work. The Commissioner and Engineer looked at the code and found that due to highway overlay setbacks, no parking could go in front of the existing building without a variance, and a sideyard perimeter variance would be needed as well. It was suggested that this property and the adjoining property to the west look into a road/easement; similar to what was done with Laurel Ln. behind the properties on Oswego Road near John Glenn.

Hearing no further comments, the Chairman Closed the hearing.

A motion was made by Karen Guinup seconded by Hal Henty to make an unfavorable recommendation to the Town Board for the following reasons:

Michelle Borton- Feels should be denied-due to the number of variances that would be required and that this is surrounded by residential.

Karen Guinup – Feels should be denied—the same reasons as Michelle, plus there are other allowable uses in the zone that could go in that are more intense, and parking is a big issue to deal with.

Scott Soyster- not in favor of zone change– struggles with this, sees problems that could occur in the future the way they want to use it.

Jim Palumbo- not in favor- concurs with everything that's been stated; too many variances needed, and the parcel is lacking in the frontage that's needed.

Hal Henty- Deny- there are too many variances needed.

Russ Mitchell- Deny, 100% against this the way that it is presented now and for all of the other stated reasons.

Al Kovac- Deny, feels that combining this with another property would be better planning.

Motion Denied 7-0

**** Case #2018-012 – Brooklyn Pickle – East, *New Brooklyn Pickle Restaurant* (3) –Site Plan – 7175 Buckley Road (Adjourned from 2 previous meeting)**

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Russ Mitchell opened the hearing. The applicant explained that Ron DeTota and Bill Morris will meet by the end of the week, concerning utilities, water lines (Town of Salina).

Removed all the trees, between the development and the property line. Moved the entrance 3 feet so there is 5 feet of sidewalk. He showed the fence to go around the patio. Showed a sample of the material for the dumpster enclosure.

Hal Henty said the photometric looks good. The poles were 22 ft. now they are 20 ft, that will change the photometric.

Jim would like to see more landscape, maybe add some plantings around the light poles. He would also like to see some plantings for the patio area. Jim would like to have the accessible ramp striped.

Michelle likes the fencing cut sheets; she would like to see more detail on the patio. Fencing and patio details should be shown on the plans, not just cut sheets.

Mr. Camperlino wanted to go over the conceptual plan, Scott Chatfield explained the process that the applicant would have to follow to change the Site Plan that the Board has been reviewing to the new conceptual plan.

Hearing no other comments or questions the Chairman asked for a motion.

Hal Henty made a motion seconded by Al Kovac to adjourn this case to the June 13. 2018 meeting.

Motion Carried 7-0

New Business:

2018-007 – North End Commons, 3820 NYS 31, Final Plat

No action.

Signs

Saxton Sign Corp. – *Purcells Wallpaper & Paint*– 7932 Oswego Rd.

Zoned NC-1, Permit #48,959

1 – Wall sign – One 54 square foot wall sign/face change is proposed. The proposed sign will meet the code.

1 - Freestanding Sign Face change for existing freestanding sign. This will meet the code.

Add the address number to the freestanding sign.

A motion was made by Scott Soyster seconded by Al Kovac to approve the sign as presented.

Motion Carried 7-0

Design Shop Signs – *U-Haul Self Storage* – 8015 Oswego Rd.

Zoned RC-1, Permit #48,939

1 – Wall sign – One 192 square foot wall sign is proposed, when a 194 square foot sign is allowed. The proposed sign will meet the code. Freestanding Sign Face change for existing freestanding sign. This will meet the code.

There was a discussion about the plaza sign. The Seneca Mall sign will become U-Haul Self Storage. The temporary sign on the building will be replaced with a lit sign, similar to the Wrap-It Up sign on Rt 31. Karen Guinup said this sign permit has been reviewed and the Board has made an interpretation. The applicant will add the address number on the sign.

A motion was made by Michelle Borton seconded by Karen Guinup to approve the sign as amended.

Motion Carried 7-0

Sage Home Furnishings (Great Northern Mall) – 4155 State Route 31

Zoned RC-1, Permit #48,967

2 – Wall sign – One 124 square foot wall sign is proposed, when a 391 square foot sign is allowed. The proposed sign will meet the code.

A motion was made by Karen Guinup seconded by Al Kovac to approve the sign as presented.

Motion Carried 7-0

Kassis Signs – *Towne Place Suites Marriott* - 8505 Pepperidge Way

Zoned RC-1, Permit #48,928

2- Wall Signs – Each one is 153 square feet when 490 square feet each is allowed; the proposed signs will meet the code.

1- Freestanding Sign – 64 square foot and 25 feet high sign when 64 square feet and 25 feet high is allowed. The proposed sign will meet the code. Address number on the pole

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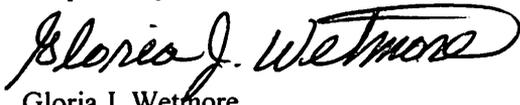
A motion was made by Scott Soyster seconded by Karen Guinup to approve the sign as presented.

Motion Carried 7-0

A motion was made by Al Kovac seconded by Hal Henty to adjourn the meeting at 10:30 PM.

Motion Carried 7-0

Respectfully Submitted

A handwritten signature in cursive script that reads "Gloria J. Wetmore". The signature is written in black ink and is positioned above the printed name.

Gloria J. Wetmore

MEMORANDUM

TO: W. James Camperlino and Craig Kowadla

FROM: Stephen G. Etoll, Esq.

DATE: May 9, 2018

RE: Brooklyn Pickle North/Red Acres
Commercial Development (the "Development")

Declaration of Reciprocal Access and Utility Easements
and Maintenance Agreement (the "REA")

As you have requested, I prepared this Memorandum in order to provide a description of the above-referenced REA which will be entered into at Closing. As is already contemplated by the Purchase Agreement between the parties, at Closing the entire Development will be subjected to the REA.

The REA will provide for the following:

1. Reciprocal Access Easements between all Lots created within the Development allowing vehicles and pedestrians to drive and walk over all Common Areas located on the entire Development.
2. Easements for electric, gas, water and sewer lines and storm water detention in accordance with the Town approved Site Plan for the Development.
3. A mechanism whereby the Owners of all Lots created within the entire Development shall share the cost of maintaining at all times, in good condition and repair, the Common Areas, the storm water detention facility and any other common utilities "Pro Rata" in relation to the square footage of each Lot created within the Development divided by the square footage of all land within the entire Development.
4. A Use Restriction in accordance with the Purchase Agreement restricting certain businesses competitive to the Brooklyn Pickle North from operating within the balance of the Development.
5. The REA shall benefit and burden all land in the entire Development, shall run with the land and shall be binding upon all occupants in the Development and the successors in title to all Owners of the Development.

Hopefully this outline satisfies your needs. Please do not hesitate to contact me should you have any further questions.

SGE:njs