

Regular Meeting
Planning Board
March 14, 2018

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 14th day of March 2018 The meeting was called to order by Chairman Mitchell at 7:30 PM and upon roll being called, the following were:

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

All present joined in the pledge of allegiance

The minutes from the February 28, 2018 meeting were not approved at this meeting. They will be approved at the March 28, 2018 meeting.

Public Hearings:

New Business:

*Case #2018-004 – **Widewaters Farrell Road II Company, LLC, *Widewaters Commons*** (5) Special Permit Referral, NYS Route 31.

Russ Mitchell opened the hearing, Marco Marzocchi, Director of Development for The Widewaters Group presented on behalf of the applicant. Marco began by pointing out two (2) drive-thru's, labeled Lots #2 and #3, which will be located to the rear of the building. He noted the structures would contain a microphone and order board with displays on each side. Marco also pointed out entry signs that will be located accordingly. Russ asked if there were plans for an additional drive-thru lane and Marco said no. Michelle Borton asked if a special metes and bounds permit was needed for the area and Scott Chatfield indicated they would need to get the special permit modified if there is a change in the site's layout. Karen Guinup suggested showing the menu boards and windows and stipulations on the drawings. Marco said they will identify them. Karen pointed out (from the drawing she had) the dash line vs. solid line for property lot #3 and for the entry drive to drive-thru window. Marco noted the comment. Karen asked about the variance and if it is not granted, how it would affect the layout. Marco

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indicated he was not sure and hadn't looked at that piece yet and would "cross that bridge when he got to it."

Russ asked if there were any more comments or questions, hearing none he asked for a motion.

A motion was made by Michelle Borton seconded by Hal Henty to close the Public Hearing and the motion failed.

Ayes - 3 and Noes - 1. Karen stated she was voting no.

Scott recommended doing a second motion when there is no majority. The Planning Board recommends, by a 3-1 vote, the special permit be granted with the following Board Member comments/opinions provided:

Hal Henty – Approved; no issues.

Michelle Borton – Approved; no issues.

Karen Guinup – Opposed. The highway overlay variance is not yet granted and when she asked the applicant he stated he would "cross that bridge when he got to it." This may impact where the building is and possibly where the drive-thru is located.

Russ Mitchell – Approved; no issues. However, agreed with Karen's comment and if the overlay is not approved it needs to be made to fit within existing zoning.

*Case #2018-008 – **Tim Quirk, *Abbott's Frozen Custard* (5) – Zone Change Referral – 4336 Wetzel Road.**

Russ Mitchell opened the hearing, Tim Quirk, applicant and Daniel Burgess, The Burgess Law Office presented to the Board. Tim stated he was seeking a zone change for a building he is purchasing to utilize as a frozen custard shop. Russ noted visiting the site and if a restaurant requires 35/36 parking spaces, he could not see where 35 spaces could fit. Approval is granted by the Town Board, however, the need to get Zoning Board of Appeals (ZBA) approval for a parking variance is required. Looking at the drawings, setbacks are supposed to be 25', these look less than that. It would behoove the applicants to apply for side yard setbacks along with the parking spots to the ZBA. Russ asked the hours of operation and Tim indicated early lunch to 10:00 p.m. (during summer months) and not as long during winter. Russ asked if there would be outdoor tables and Tim said "yes, picnic tables." Hal Henty stressed concern with the parking, especially during the summer time as it could be a traffic problem at the corridor. Hal asked how athletic events get in from school property and assumed the same. He'd like traffic safety be addressed. Michelle mentioned having no problem with the shop/restaurant location since it is consistent with the area. However, she is concerned with the building-use itself as two separate spots. Karen noted the current zone is an NC-1 and what is being asked now doesn't feel is neighborhood commercial. She is also concerned with parking and asked if there were any expanding footprint to the building which Tim stated "no." She asked about indoor seating and Tim indicated there would be. She further asked about a drive-thru and Tim said he would like to have one. Karen stated her concern is when

school is in session with buses and children. She is not sure changing to a restaurant-zone when there is a LUC-2 zone next to the building. By switching to restaurant zoning she is cautious as other businesses may sell out to larger corporate restaurants; it is a slippery slope. The guarded concern is with how much commercial traffic Wetzal Road can handle. Dan Burgess pointed out the typical Ice Cream Stand is 1,200 sq. ft., which is bigger than what Tim needs, therefore parking would cut in half to 15 spaces. Edward Kiesa, Broker, asked once the property receives a zone change to a restaurant zone, what about the use variance and was encouraged to go for the zone change. Mark Territo pointed out the use variance is for financial hardship and hard to prove. Hal mentioned this as a safety problem. Tim stated the safety was the same then as it is today. Karen noted two follow-up issues she'd like clarified, the first with the 1200 sq. ft. space and what it all will be utilized for. Tim said he's looking for the entire usage as Abbott's Custard. The second item Karen mentioned is discrepancy issues with traffic from the previous 7-11 store at this location and the generation of much more traffic potentially occurring. Russ said this is a site plan issue and it not having much depth.

Russ asked if there were any more comments or questions, hearing none he asked for a motion.

A motion was made by Hal Henty seconded by Karen Guinup to close the Public Hearing and the motion failed.

Ayes - 2 and Noes – 2.

The Planning Board is split, by a 2-2 vote, with the following Board Member comments/opinions provided to the Town Board:

Hal Henty – Opposed. Does not feel the shop can work at the site.

Michelle Borton – Approved, with conditions that the proposed use and zone change only granted if adequate parking and traffic/pedestrian concerns are addressed.

Karen Guinup – Opposed. As per comments previously stated; concern with parking.

Russ Mitchell – Approved, with conditions that the site fenced off around the restaurant-use is probable, but there are site plan issues that the Town Board needs to know concerning parking and the side yard setbacks which need to go to the ZBA.

Motion Carried 2-2

***Case #2018-009 – Amerco Real Estate Company, U-Haul Moving & Storage at Seneca Mall (5) – Special Permit Referral – 8015 Oswego Road.**

Russ Mitchell opened the hearing, Brett Lindsey presented to the Board and handed out drawings that are much easier to read. He was referred by the Town Board for a special permit for motor vehicle rental at the Seneca Mall site. Work constructed to date is a new show room. Brett stated U-Haul and Amerco are coordinating and buying run down malls and buildings (concrete structures) and refurbishing them as climate control storage, commercial rental storage, moving supplies, and U-Haul rentals. Russ asked

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what the seven (7) vehicle types are and Brett said they are: pick-ups, vans, 10' box trucks, 15' box trucks and various auto transports. There are also four (4) different enclosed trailers and five (5) different open trailers. Russ noted the Town Board questioned the number of vehicles, the many potholes and truckers that appear to camp there overnight. Brett stated they are working on all these issues and that only a few vehicles will be kept up front (for show purposes); the potholes are being addressed with hot patch and the overnight truckers are being told it is private property and they are ceasing to park in the area. Russ asked if the plan is to park perpendicular to the building and Brett said 45-degree diagonal parking would be utilized. The 15'x5' and 10'x15' trucks would be inside or around the back side of the building. Michelle asked if a special permit is needed for rental within the delineated area and Brett said yes, Town Board asked that specific parameters be enforced. Hal asked about advertising on the trucks and Brett said only what is currently seen on U-Hauls now, nothing else. Karen asked about the signage and Brett pointed out it is temporary. Karen questioned if it is U-Hauls future to move to these general areas? A couple small places do have U-Haul rental now within a 5/6-mile radius and is it the intent to discontinue these or is it proprietor-based? Brett noted the intent is not to stop with these smaller places and that U-Haul does large footprints on carbon footprints; typically, the other businesses do just as well. Brett stated "the purpose is to compliment our stores, storage as well as moving."

Russ asked if there were any more comments or questions, hearing none he asked for a motion.

A motion was made by Michelle Borton seconded by Hal Henty to close the public hearing.

Motion Carried 4-0

The following recommendations were provided:

Hal Henty– Approved. This is a super idea and big improvement from what's there. Good to go inside and outside.

Michelle Borton – Approved. In favor and approve for use of the facility.

Karen Guinup – Approved. Moving forward and getting the site cleaned up will be good; better use than what is now.

Russ Mitchell – Approved. Good neighbor for our community.

Old Business:

****Case #2017-006 – *Self Storage Morgan, LLC (Bruce Pollock), B&C Storage Morgan Road (3) – Amended Site Plan – 7988 Morgan Road.* (Adjourned from 9 previous meetings).**

Russ Mitchell opened the hearing, Collin Donahue of B&C Storage presented the amended plan. They are proposing one additional storage unit and outdoor storage RV's

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and boats. Russ thanked Collin for listening and providing what was asked for. Karen conveyed the same message. Collin noted the Town of Clay on 1/25/2006 recorded the right-of-way shown on the drawings, which was verified.

Russ asked if there were any more comments with questions, hearing none he asked for a motion. Ron DeTota indicated he was okay for engineering. Mark stated the easement and right-of-way was of concern, now done. Hal had no questions or comments. Ron suggested when forwarding three (3) sets of drawings to include the right-of-way information.

A motion was made by Michelle Borton seconded by Karen Guinup in the matter of the application of Planning Board Case #2017-006 to adopt a resolution using standard form #10, SEQR determination that the proposed action is an unlisted action and does not involve any Federal Agency. It is further determined the proposed action will not have a significant effect on the environment and the resolution shall constitute a negative declaration for the following reasons:

1. The proposed action is consistent with neighborhood growth and character, and will not have a significant adverse impact on natural resources or transportation infrastructure.

A second motion was made by Michelle Borton seconded by Hal Henty in the matter of the application of Planning Board Case #2017-006 to adopt a resolution using standard form #20 amended site plan based on a map by RZ Engineering, PLLC. project number 17005 dated February 13, 2017; last revision March 7, 2018. Conditioned upon March 7, 2018 approval of all legal and engineering requirements of the Town of Clay.

Motion Carried 4-0

****Case #2018-002 – Laker Development Group, LLC, North End Commons (3) – Preliminary Plat – 3820-3848 NYS Route 31. (Adjourned from 4 previous meetings).**

Russ Mitchell opened the hearing, Lisa Wennberg, Project Manager/Marketing Coordinator for Keplinger, Freeman Associates, LLC. presented. Lisa provided a response letter dated March 13, 2018 to comments from the Planning Board – February 28, 2018 meeting. A copy of this letter has been placed in the file: Case #2018-002. Lisa handed out full size sets of subdivision drawings. She noted receiving information/approval from the Army Corp. of Engineers; the DEC and NYSDOT regarding wetlands. Russ and Mark each have a copy of the information. Michelle asked for and received a copy at the meeting. Ron asked regarding easements, sanitary sewer and storm water and to show the utilities as shaded areas on the drawings. Russ noted two (2) items are needed in writing from National Grid concerning the gas line. Any site work within 50' of the pipe is in our Town of Clay Code Book. Testing is required to be done and Ron mentioned that the client will need to hire a licensed surveyor for this testing and the certification will need to be provided to us. Michelle asked how a surveyor would determine depth and Ron noted ground penetrating radar. Russ also mentioned needing

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(from COR) a letter regarding easement information and acknowledgement of the private road connection. Scott read legal data and an agreement could be worked out, but only a copy is needed. Scott asked regarding the letter dated March 13, 2018 and response to #1 regarding a Quitclaim Deed to whom? COR requires an administrative subdivision. Lisa noted they would follow what the surveyor recommends to do. Two items are needed on the Plat which Scott stated an agreement existing submitted to us, conditionally to the Town.

****Case #2017-044 – Laker Development Group, LLC, *North End Commons* (3) – Site Plan, 3820-3848 #NYS Route 31. (Adjourned from 3 previous meetings).**

Russ Mitchell opened the hearing, Lisa Wennberg presented. Lisa provided copies of a response letter dated March 14, 2018 of comments from the Planning Board – February 28, 2018 regarding the Site Plan Application. A copy of this letter has been placed in the file: Case #2017-044. Lisa asked if the Town required an actual copy of the wetland permit and Ron said “yes, for the Town’s records.” Lisa will forward when she receives it. Russ questioned the parking spaces, which a variance was approved for 275 down from 300, however, the drawing only shows 263. Lisa stated the Zoning Board of Appeals (ZBA) approved a reduction in 25 spaces, thus, when they did recalculations they put in the highest number of spaces required by the Town and deducted by 25. Karen asked Mark if this was correct and Mark stated he would clarify with Lisa; Lisa plans to contact Mark’s office. Karen also questioned a monument sign indicating this needs to be sure it is 25’ back. Ron commented and asked to be sure the footprint does not change. Items needed include the certification letter from National Grid; the COR letter and ZBA and parking interpretation.

Russ asked if there were any more comments or questions, hearing none he asked for a motion.

A motion was made for Case #2018-002 by Hal Henty seconded by Michelle Borton to adjourn this case to the April 11, 2018 meeting.

Motion Carried 4-0

A motion was made for Case #2017-044 by Michelle Borton seconded by Hal Henty to adjourn this case to the April 11, 2018 meeting.

Motion Carried 4-0

****Case #2018-005 – Summit Realty Management, LLC, *Clay Medical* Parking (3) – Amended Site Plan – 8100 Oswego Road. (Adjourned from 1 previous meeting).**

Russ Mitchell opened the hearing, Jim Hogan presented regarding the amended site plan and provided a brief history of the Clay Medical building. Jim noted the building was constructed in 1986 and since then, the taking of land on Soule and Oswego Road have reduced the size of the property. Currently there are three points of access: Soule Road;

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Oswego Road and a drive on Winterpark. The parking area was paved, restriped and modified to the existing survey. Currently, they are trying to increase parking spaces and have imposed minor changes to allow for this, also adding two trees and signs reading “private property, no trespassing” to assist a resident who has people cutting through his yard. Ron DeTota mentioned a neighbor stating there was a small pond where the storm sewer is, and now filled in. He observed the catch basin is clean and running free; no proposed drainage.

The parking area originally had 122 spaces, now denotes 192. 275 spaces are required under the current ordinance. The proposal is to increase (with paved areas) to 207 and move the handicap parking closer to the building and also extend paving at the southern end to the screened dumpster enclosure. 9’ parking spaces in lieu of 9’6” was presented to the Zoning Board of Appeals (ZBA), although the majority of spaces will be 9’6” some at 9’ were approved by the ZBA.

ZBA is concerned with the Winterpark Drive area and landscaping around the building. Attempt to preserve the 15’ buffer, per the ZBA Chairman. 17’8” is well over the 15’ average; the plan tonight is 90 degrees and not the angled parking option. The ZBA wanted to see this before signing off and have closed the case. Mark Territo believes they will have to reapply for a new segment. Russ mentioned the sign on Route 57 is non-conforming right now and Jim mentioned asking approval to relocate it in the right-of-way on Soule Road. Russ said it is supposed to be 25’ off the property line. Jim plans to discuss with his client.

Russ mentioned to list the variances on the site plan and the need for lighting information. Also needed is a permit from National Grid if going over a gas line. Ron stated the existing to proposed is a grade concern and has asked the Town Highway Superintendent to look at the area and if it is a Town issue. Karen asked if the dumpster enclosure would match the building and Jim said “yes.” The gates will be cedar-hinged and Jim will have his Engineer send a photo. Karen asked Ron to send the photo of the gates preferred by the Planning Board to Jim. Michelle asked if there is a cross section? Jim said “no.” How deep are you going when putting in new paving, as it needs to be clear on the site plan, fully boxed out and clarified. Hal asked for a change in the width of the parking area for patients, stating most would need the extra space to get in and out, especially if there were a need for someone with a walker, etc. and to, perhaps, designate the 9’ parking spaces for staff. Karen stated to note on the site plan the number of spaces that are going to be 9’ and where they will be located and as well as the parking space detail for the 9’6” spaces. Ron mentioned providing more detail on landscaping details such as plantings and size of species. He also pointed out a door concern with where the new parking spots for handicap will be located. Russ asked if there were any more comments or questions, hearing none he asked for a motion.

A motion was made by Michelle Borton seconded by Karen Guinup to adjourn this case to the April 25, 2018 meeting.

Motion Carried 4-0

****Case #2018-006 – Humane CNY, *Humane CNY Renovations* (3) Site Plan – 4915 ½ West Taft Road. (Adjourned from 1 previous meeting).**

Russ Mitchell opened the hearing, Clemente Toffolo of QPK Design presented to the Board. Clemente provided larger drawings to the Board, however, Russ asked for a new set and no larger than 24x36 for the next meeting; Clemente agreed. Clemente discussed the archeological piece as questioned at the last meeting and, from his opinion, finds no delineation of the site and appears nothing is there. With respect to drainage, the wet lands would not be impacted; discussions with Onondaga County and the D.O.T. are being coordinated. Clemente noted the Lighting Plan as being complete. Karen asked regarding the pole detail and that 25' is the maximum height. Clemente mentioned they would work with this requirement. Karen further commented asking to keep the pole as low as possible due to the neighbors. Clemente explained that wall pack lighting will be on the building and the only lights lit after hours (for security purposes). Karen mentioned the lighting plan only shows one fixture and expressed concern with the plans, stating a new set is needed. Discussion regarding a garage on the site ensued, however, the applicant indicated the only garage is owned by the neighbor. Karen asked about the elevations and lobby/entrance as the peak seems higher. Clemente said "on the original plan it was higher but has been lowered" and pointed out the dimension (18'5") on the drawing. Karen mentioned zoning board needs case numbers and the dumpster enclosure needs to match the building; gates to be brushed metal. Clemente noted the block will match the building and the dumpster and gate accordingly. Karen had a discussion regarding the future parking area. The spaces should be "ghosted" showing the number of buildable spaces. Karen asked if they have made contact with Onondaga County and D.O.T. regarding drainage since it has to be reflected on the drawings and Clemente stated they are waiting to coordinate together. Russ asked the maximum distance allowable to the fire hydrant. A 600' distance is allowed if the building is sprinkled, otherwise, 400' from a hydrant is the maximum allowed. A flow test will need to be performed. Russ further mentioned variances need to be on the plan; dimensions of building on the site plan/ A4-L502 refers to a gate, which is incorrect; the privacy fence is nice but shows 7' on the drawing and 6' on the details, all needs to be in sync; legends on the sheets are not labeled; the future parking area needs to be sure there is buildable parking and it is okay to "ghost it" and show how many spaces. Also required is a landscape plan with details for shrubbery and trees. Russ noted the floor plan numbering is lacking continuity, i.e. #A101 is now #A102. Continuity is important when looking at all the drawings. Michelle referred to the specifications and material of the fence. The applicant mentioned the fencing is a sound proof, rubber-maid type material. Michelle indicated the site plan states chain link and board on board (a 2-type system). Karen asked for specifics on the fences – there will be 1 board on board and 1 "sound proof" type fence. Clemente asked regarding the site layout plan and if a decrease in the number of sheets is needed? Russ stated the number is okay, it's the size. Karen mentioned the need for photometric drawings and parking requirements on the first plan. All agreed a new set of plans must be submitted.

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Russ asked if there were any more comments or questions, hearing none he asked for a motion.

A motion was made by Michelle Borton seconded by Karen Guinup to adjourn this case to the April 11, 2018 meeting.

Motion Carried 4-0

Signs

Signarama – *Summit Physical Therapy* – 4136 NYS 31

Zoned RC-1, Permit #48,819

1 – Wall sign – One 20.59 square foot wall sign is proposed, when a 38 square foot sign is allowed. The proposed sign will meet the code.

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

Motion Carried 4-0

Matt Sheffield – *Mavis Discount Tire* – 7435 Oswego Road

Zoned LuC-1, Permit #48,783

1 – Wall sign – One 70 square foot wall sign is proposed, a variance was received for a 3rd wall sign from the Zoning Board of Appeals on March 12, 2018 meeting. The proposed sign will meet the code.

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

Motion Carried 4-0

A motion was made by Michelle Borton seconded by Karen Guinup to adjourn the meeting at 10:50 PM.

The next Planning Board Meeting is slated for March 28, 2018.

Motion Carried 4-0

Respectfully Submitted,



Judy Rios

On behalf of Gloria Wetmore, Planning Board Secretary