

particularly in areas without existing wastewater infrastructure. Additionally, the dimensional and use regulations of the proposed zoning district appear to be inconsistent with existing site layout and the residential/mixed use of the building.

The Board encourages the Town to explore other zoning options to better accommodate the proposed use(s) and structure, such as with Limited Use for Restaurant (LuC-2) or consideration of a new mixed-use or hamlet oriented district, and limit the spread of suburban commercial uses into a currently lower- intensity portion of the Route 31 Corridor.

Karen said she feels this is spot zoning.

Jim said this is a tap room where you can fill a bottle with beer to take home.

He concurs with Karen this would be spot zoning.

Brian Hall asked if during the spring, summer and fall they would be selling at the outdoor farmers market.

Michelle Borton said if this zone change goes through as HC-1 this could become a very high traffic commercial use.

Russ Mitchell said if this zone goes through everything along that corridor is going to go crazy. The Town Board should take a close look at this area.

Karen agrees that the Town Board needs to take a good look at this and decide what they want this area to be zoned, now and in the future.

Karen opened it up to the residents. Brian Sotherden applicant asked for clarification of the County comments. Karen said the County urged the Town Board to consider changing this to restaurant zone. Mr. Sotherden said back in 2013 the Town looked into making this area into a Hamlet.

Dorothy Heller Town Historian stated that the Zoning Board approved the variances, doesn't that make a difference.

She also said historically this area is the most historical next to the Euclid.

Lou Sotherden, applicant said that they would not be brewing on location. The tap room would be open day and early evening hours. This is not a bar.

Karen asked if there were any more comments or questions, hearing none she closed the public hearing.

A motion was made by Russ Mitchell seconded by Michelle Borton to make an unfavorable recommendation to the Town Board.



Freight Yard Brewing
4975 State Route 31
Clay, New York 13041
315-834-CLAY

About the Building, Tap Room and Historic Old Clay Hamlet

This two story 6,000 sq. ft. building was built as a feed mill in 1921 and catered to the needs of area farmers until the mid 1980s. The railroad would bring the mail, grain, feed, coal and 50 pound bags of pancake mix to serve growing farm families in the Clay and Onondaga area. The property was also the original site of the Cigarville Railroad Station, and there is a New York State historic marker at the south edge of the property on Route 31.

The original freight yard had two sidings: side tracks for the trains to stop off from the main line. One siding was used for the mill and the train station and one siding for the milk house (abandoned) and the other for the W.A. Moulton Store and Weller Canning sauerkraut factory (where CNY Wood Products is currently located). The sauerkraut factory unfortunately burned in the 1930s. Before the sauerkraut factory, a cigar making factory stood on the same land; which is how the "Cigarville Station" was named.

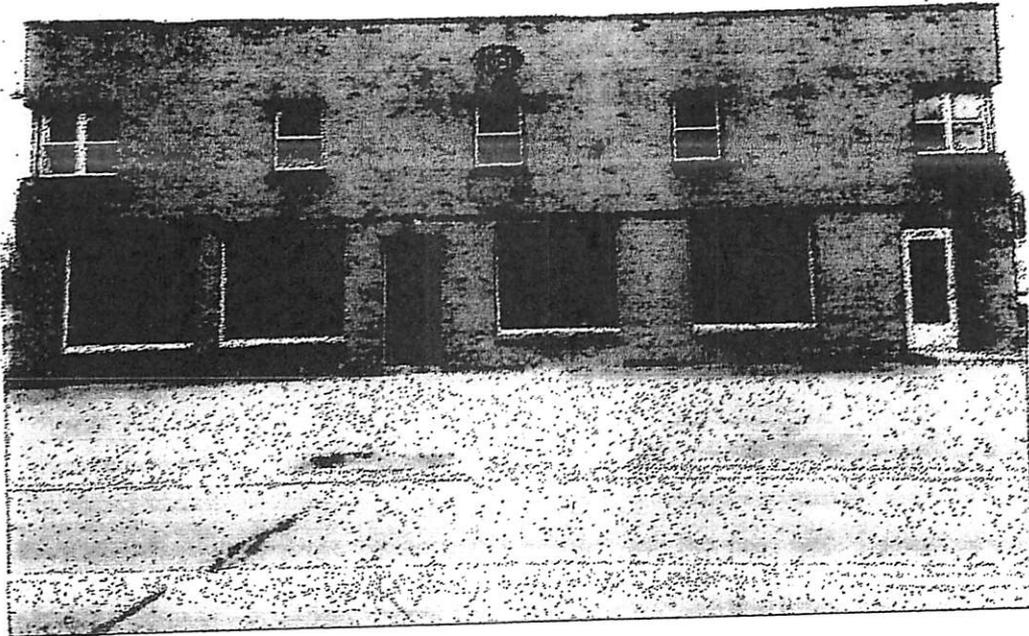
We proudly display the original blueprints and drawings of the different configurations of the Clay Freight Yard. The old Freight Yard is now converted into Farmers Market green space. The market is bordered by a hopyard: hops is a flower used as a main ingredient in beer. The last of the side tracks were removed in the late 70s, and eventually the old mill property hosted a small engine repair shop, a veterinary clinic and was then greatly underutilized.

Today, the building is being revitalized and reinvented as a New York State Farm Brewery with a strong continuing history of supporting New York State farms. This building is part of the Historic Old Clay Hamlet which contains Immanuel Lutheran Church (the oldest church in Clay) and Clay Historical Park with the Cigarville Station, Weller Barn, Log Cabin and Welcome Center.

The 1,717 sq. ft. taproom is built with reclaimed materials. The tables and chairs were all hand crafted from either spent craft beverage barrels or reclaimed hardwood barn pieces. Original elements include the massive hot water radiators and the scales. The exterior scale was used to weigh trucks filled with grain, feed or coal. The interior mill scale was used for mixing feed specifically prepared for each customer. The building is true to its original design, but has been modernized for comfort. Old sliding doors, hand carts and original nail bins from the old mill now contain Freight Yard Brewing company store merchandise. The unique bar stools are made from freight car rocker springs. The original loading docks are back in use, and even an old rail from the siding is used as a bar foot rest.

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Karen polled the Board.

Jim Palumbo- Deny- it's a good intention but it could become too intense a use if it was Highway Commercial.

Michelle Borton- Deny- hopes the Town Board takes a close look at the zoning in this area.

Hal Henty- in favor- doesn't see a problem with this zone change.

Brian Hall- in favor – doesn't see a problem with this zone change.

Russ Mitchell- Deny, the Town Board should look at this area and decide on a proper zone for the whole area.

Karen Guinup – Deny- HC-1 is too intense, The Town Board needs to take a look at this area.

Motion Carried 4-2 to Deny

*7:35 P.M. Case #2017-003 –*Route 31 Development, LLC (Rite Aid Pharmacy/Kimbrook)* (5) – Special Permit Referral – 3566 & 3578 NYS Route 31.

A motion was made by Russ Mitchell seconded by Brian Hall to adjourn this case to the April 26, 2017 meeting.

Motion Carried 6-0

7:40 P.M. Case #2017-004 – *Evergreen Family Limited Partnership* (5) – Zone Change Referral – 3728-3744 NYS Route 31.

Karen opened the hearing; Brian Bouchard of Clough Harbor Associates presented the plan. The parcel adjacent to the Davidson parcel. The applicant would make this parcel one with the parent parcel. Karen asked if Mr. Davidson would consider buying the one parcel that is left over; Brian said he would if it became available.

Karen turned to the County comments; she said the County is recommending disapproval, adding that the County may not be aware that this parcel will be added to the larger Davidson parcel to become one.

Karen opened it up to the Board. Brian Hall asked if there is a stub road on the plan. Brian Bouchard said there is, that was put in as a stipulation of the Davidson Final Plan.

Karen asked if there were any more comments or questions, hearing none she closed the hearing.

A motion was made by Michelle Borton seconded by Hal Henty granting a favorable recommendation for Case #2017-004 – *Evergreen Family Limited Partnership Zone Change Referral* located at 3728-3744 NYS Route 31 using standard form #50 for the following reason.

- 1) The proposed zone change would be consistent with adjacent zoning.

Motion Carried 6-0

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

Scott Chatfield disclosed that many years ago he represented B&C Storage in the Town of Cicero, and has no conflict.

Karen opened the hearing, Collin Donahue presented the plan; the applicant wants to add 130 parking spaces for outside storage of boats, trailers, Cars and other large items. They will also build a 150 ft x 75 ft climate controlled building, as well as a 6 foot fence.

Karen asked Mr. Donahue how one would enter the site. Mr. Donahue explained that the whole site isn't on the plan, only the revisions. Karen said that an amended site plan has to show the whole site with the revisions. Show all the proposed outdoor parking for storage. If there will be additional lighting, the Board will need to see a new lighting plan.

Karen said the Board needs a SWPPP, and the wetland delineation must be accepted by the Army Corp of Engineers.

Karen opened it up to the Board; Jim Palumbo asked about the storage parking for trailers, boats etc... where the snow will be stored in the winter.

Jim also asked for clarification on the conservation easement. Rudy Zuna of RZ Engineer for the applicant said it isn't a conservation easement it has to do with storm water. Mr. Zuna said the storm water basin is 10 to 15 ft wide and only 1 ft deep.

The back parking lot won't be salted or sanded so the water won't be contaminated.

Hal Henty asked if there was fire protection, Mr. Donahue pointed out the location of the fire hydrant.

Russ Mitchell said the Board needs a full Site Plan with the revisions.

Karen asked if there was a 30 ft. easement; if so please show it on the plan and verify that it was dedicated to the town. She also wants a complete lighting plan with light poles.

Ron DeTota said the applicant needs to identify and incorporate the water quality and layout. See additional comments attached.

Preface: The comments contained in this summary are not inclusive of all comment pertaining to the project. Additionally, addressing the identified comments may result in changes in items not previously identified.

1. The entire property boundary is not shown on the Site Plan.
2. Morgan Road should be identified and labeled.
3. The adjacent properties owner's names and zoning should be shown.
4. This property is not served by public sewers. It is served by a septic tank and leach field. The location of this infrastructure should be shown on the plans to ensure the proposed improvements will not adversely impact them.
5. The wetland located on the property is under the jurisdiction of the US Army Corp of Engineers (USACE). The wetland boundary shown on the map was obtained through the CRIS website and may or may not accurately reflect the current wetland limits. It would be reasonable for the Board to require an updated wetland delineation be performed to accurately locate the wetland boundary.
6. The applicant is proposing to place a portion of their property into a conservation easement. All necessary paperwork will need to be forwarded to the town attorney for their review and approval. Once finalized this document will need to be filed with the County.
7. There is a 30-foot wide right-of-way (r.o.w.) shown near the westerly property line to be dedicated to the Town of Clay. If my memory serves me right, I believe this r.o.w. was required as part of the initial Site Plan application. If it has not already been conveyed the applicant will need to follow through with their previous commitment.
8. U.S.G.S. mapping shows an area located to the north that flows across this property to points downstream. It does not appear the applicant's engineer took this into account during the sizing of the 10 & 12 inch diameter pipe that traverses their proposed paved area.

9. If the previously identified area is brought into the proposed storm water management facility (SWMF) the applicant is required to provide water quality for this additional area. This is a NYSDEC requirement.
10. Test Pit DH identified the water table at a depth of 30" below existing grade. This would place the elevation of the water table at approximately 393.5' u.s.g.s. elevation. At this elevation the water quality provided within the proposed SWMF would be negated due to this situation.
11. The applicant is proposing to construct a trench along the southerly and westerly side of the proposed paved area. This trench will contain various sized perforated pipe with little to no slope covered with pea gravel. The idea behind this approach is the water will flow off the paved areas into the trench and be conveyed to the proposed SWMF.

I am not comfortable with this approach. The pea gravel will have a very likely chance of becoming clogged due to the proximity of the adjacent vegetation. Additionally, with a significant amount of the pipe having no slope it will have no scour or cleaning velocity. Upon failure the overland runoff from the paved areas will flow untreated to the adjacent wetlands.

12. The applicant is proposing to provide a 6 foot tall stockade fence. I recommend a detail be provided for the fence to show its material composition and form.
13. The concrete washout shown on the plans is not approved by the NYSDEC. This has been shown on other projects by the applicant's professionals and has been brought to their attention in the past. A NYSDEC approved concrete washout needs to be provided for the site. Additionally, due to the proximity of the wetlands it should be relocated. We recommend relocating the concrete washout to the northerly portion of the property.
14. We have not performed a thorough review of the SWPPP; however, one item of note is the engineer utilized a Type "D" soil for the entire site. If you reference the maps included with their SWPPP you find approximately 7 acres of Type "A" soil exists at the location of the proposed improvements. Their analysis needs to be updated to reflect the correct information.

This is a quick overview of the items requiring attention and do not reflect those that may be generated by the Board.

A motion was made by Brian Hall seconded by Russ Mitchell to adjourn this case to the April 12th 2017 meeting.

Motion Carried 6-0

***7:35 P.M. Case #2017-003 –Route 31 Development, LLC (Rite Aid Pharmacy/Kimbrook) (5) – Special Permit Referral – 3566 & 3578 NYS Route 31.**

A motion was made by Russ Mitchell seconded by Brian Hall to adjourn this case to the April 26th 2017 meeting.

Motion Carried 6-0

Old Business:

****Case #2016-008 – Fox Dealership (3) - Site Plan - 3687 NYS Route 31 (Adjourned from 10 previous meetings)**

Karen opened the public hearing, Joe Durand explained the plan. The applicant is still waiting for the DEC water quality permit. Jim Palumbo asked about the landscape, Mr. Durand said that had been addressed.

Mr. Durand submitted a thumb drive to the Board, containing all the permits acquired to date. Mr. Durand said they will be going over the drainage with Ron DeTota. Karen asked if the resubdivision had been done, Mr. Durand said no. Mr. Territo said that could be done administratively.

Karen asked how deep the dry swale is and how long it will take to drain when it is full, Mr. Durand said 24 hours. Also how deep is the detention basin? He said 3.5 feet.

Karen asked if the 60 foot easement had been filed, Mr. Scalione said it was not; he will talk to Robert Germain.

Michelle Borton asked about the storm water issue, and hopes that whatever is decided is consistent with current state stormwater design standards.

Ron DeTota said there is a sheet attached listing all the issues that needed to be taken care of.

Karen asked Mark if he had any comments on the swales. Mark said the Zoning Board made their interpretation they are the ones to determine how these should be done.

Scott Chatfield said the Board is not clear what the ZBA meant, the ruling is just not clear. Mr. Durand would like to get with Ron and Mark to figure out the perimeter strip. Scott said this matter would be in front of the Zoning Board on Monday 3-13-17 and recommended that the applicant sit in on the meeting and get some clarification.

Preface: The comments contained in this summary are not inclusive of all comments pertaining to the project. Additionally, addressing the identified comments may result in changes in items not previously identified.

1. This project, as shown on the plans, is proposed across two existing lots with each having their own tax id number. A note is shown on the plan stating the parcels will be resubdivided; however, to the best of my knowledge this has not taken place. As such, each lot will have setbacks and other design requirements associated with them. Unless the lots are resubdivided or the necessary variance(s) are secured it is my opinion the Site Plan is not approvable in its current state.
2. The westerly portion of the site is adjacent to an R-100 zoned property. The perimeter strip at this location is required to have a minimum width of 50 feet due to being contiguous to the R-100 zoned parcel. The applicant is proposing to construct a dry swale, ponding area and bio-retention area as part of their stormwater management mitigation efforts. The dry swale will contain water to a depth of 2 feet for an extended period of time while the ponding area will contain water having a maximum depth of 1.75 feet.

Are these features allowed at this location? I rely upon the Planning Board and Zoning Board of Appeals for direction.

3. Bio-retention areas should not have ponding water exceed a depth of 6 inches across its surface.
4. The adjacent properties zoning should be shown on the plan.
5. Is the paved area to be curbed?
6. The pea gravel diaphragm is located very close to the proposed pavement. It should be located as shown on the enclosed bio-retention detail (sheet GD-6) immediately adjacent to the bio-retention area. This will allow overland debris to settle out across the vegetated surface prior to getting to the pea gravel diaphragm.

7. The southerly emergency spillway has an overflow depth of 0.12 feet. I have not reviewed its required capacity; however, it has been the town's past requirements that spillways have a minimum of 0.5 feet of head above the calculated high water elevation to the top of bank.
8. The southerly drainage structure that attaches to the proposed three 18-inch diameter pipes under the pavement has its rim elevation to be approximately 0.6 feet below finished grade. The rim should be adjusted accordingly to be flush with the proposed pavement.
9. The legend should be updated to reference the symbol used for a perforated pipe.
10. The applicant is proposing to meet their water quality requirement by providing a proprietary treatment. They propose to utilize a Bayfilter Water Quality unit. This will require continual maintenance and replacement of the filter units. Due to the proprietary nature of the item it would be reasonable the applicant be required to provide the town with a predetermined number of filter units to be kept at the highway garage for use if the owner becomes negligent on the required maintenance.
11. Upon referencing Detail CS-1 on page GD-5 it is unclear how the stormwater will flow through the previously mentioned filtration unit. Additionally, the structure is almost 5 feet deep. It is recommended that steps be provided within it for accessibility.
12. I have not reviewed the SWPPP in detail.

Brian Hall asked if there were any changes on the lighting plan, he pointed out the 30 ft. poles. Karen said the poles should be 25 ft, also nothing over 1 ft candle on property lines.

A motion was made by Russ Mitchell seconded by Hal Henty to adjourn this case to the April 12th 2017 meeting.

Motion Carried 6-0

****Case #2016-013 – *America Stores – It* (3) - Site Plan – Oswego Road across from Mendenhall Road intersection (Adjourned from 7 previous meetings)**

A motion was made by Russ Mitchell seconded by Brian Hall to adjourn this case to the March 22nd 2017 meeting.

Motion Carried 6-0

Closed Hearings - Board/Applicant discussions:

**** Case #2016-055 – *Moyers Corners Fire Department* (3) – Amended Site Plan – 7200 Henry Clay Blvd. (Adjourned from 3 previous meetings)**

Ed Keplinger presented the plan; they received positive conformation from the County on the lighting plan. The dumpster enclosure was lowered from 8 feet to 6 feet.

Jim Palumbo thanked him for lowering the enclosure.

A motion was made by Michelle Borton seconded by Jim Palumbo to adopt a resolution using standard form #10 SEQR determination for Case #2016-055 – ***Moyers Corners Fire Department*** Amended Site Plan located at 7200 Henry Clay Blvd is an unlisted action and does not involve any Federal Agency. It is further determined that the proposed action will not have a significant effect on the environment, community character, transportation or area lighting. This resolution shall constitute a negative declaration.

Motion Carried 6-0

A motion was made Jim Palumbo seconded by Russ Mitchell using standard form # 20 For Case #2016-055 – ***Moyers Corners Fire Department***– Granting amended Site Plan approval located at 7200 Henry Clay Blvd., based on a map by Kiplinger Freeman Associates dated 2/10/2017 and numbered L1.0 through L6.0 L4.0 revised 2/23/2017. Pages D1, A1.1, A2.1, A2.2 dated 12/13/2016 conditioned on all legal and engineering.

Motion Carried 6-0

New Business:

Signs

Timothy Mahoney – *Store America* – 7707 Henry Clay Blvd.

Zoned I-1, Permit #47,923

1 – Wall sign – A 12.5 square foot sign when a 28 square foot sign is allowed. The proposed sign will meet the code.

1 – Freestanding face change on 1 panel each side – a 40 square foot is proposed to replace the existing panel. The proposed sign will meet the code.

Russ said the Board would like to see the address number on the sign, Mr. Mahoney said he would add the Building Address vertically.

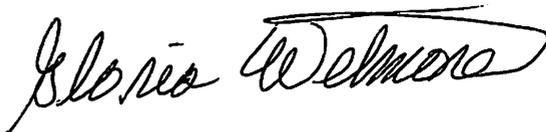
A motion was made by Jim Palumbo seconded by Russ Mitchell to approve the sign with addition of the address number.

Motion Carried 6-0

A motion was made by Michelle Borton seconded by Hal Henty to adjourn the meeting at 9:40 P.M.

Motion Carried 6-0

Respectfully submitted



Gloria Wetmore