

Planning Board  
Regular Meeting  
November 15, 2017

**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 15<sup>th</sup> day of November 2017. The meeting was called to order by Chairwoman Guinup at 7:30 PM and upon roll being called, the following were:

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

Chairwoman Guinup said that they would not be approving the minutes of the October 25, 2017 minutes until the next meeting.

**Public Hearings:**

**New Business:**

**\*\*7:30 P.M. Case #2017-043 – Emily McGowin, HD Group on behalf of UPS/Circle K Stores, Nice-N-Easy (3) – Amended Site Plan – 8578 Henry Clay Blvd.**

A motion was made by Russ Mitchell seconded by Brian Hall to adjourn this case to the December 13, 2017 meeting.

**Motion Carried 7-0**

**\*\*7:35 P.M. Case #2017-044 – Laker Development Group, LLC, North End Commons (3) – Site Plan, 3820-3848 ± NYS Route 31.**

Karen Guinup opened the Public Hearing, Lisa Wennberg of Keplinger Freeman Associates presented the plan. Access to the site is through the Lowes parking lot. Right in right out on to NYS Route 31. GTS Consulting is working on the traffic study. They reduced all utilities, east, west, and south setback reduction.

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Karen went over the County Planning Boards comments, modifications.

1. Coordinate with the State D.O.T.
  2. Minimize wetlands, under ½ acre disturbance, planting strip for snow storage.
- There is a plan for snow storage in the storm water area.  
Follow the Army Corp of Engineers guide lines.  
Complete the EIS, we no longer have a police department.  
Devin Dal Pos of Laker Development explained the parking data chart, located on page LC01 reference the individual buildings and the amount of parking for each building.

We need dimensions and elevations of all the buildings. It takes months to get permits back.  
The dumpster enclosure must match the buildings. Ron DeTota will provide a photo of the gates to the applicant for their reference.

Michelle Borton stated the turning radii looks a little tight and the dumpster pad behind Starbucks looks too tight. The lighting plan needs to be updated. She also said it was nice to see all the doors on the plan.

Russ Mitchell reminded that the applicant will have to go to the Town Board for a Special Permit for a drive thru for Starbucks.

Jim Palumbo said the configurations of the inner roads are to shorten the length of time pedestrians are in the crosswalk.

Brian Hall asked if the applicant could add 2 more handi-cap parking spaces at the Urgent Care Facility.

Ron DeTota will work with the applicants' engineer concerning the SWPPP, wetland delineation and utility layout. He said he's not a proponent of the pump station when the property may be able to be served by gravity sewers. There is a sewer main proposed to be constructed by another developer, going in north to County Route 57.

OCWA will design and construct the water main along St. Rt. 31, location of the fire hydrants need to be shown on the plan. The Planning Board's recommendation is creation of a drainage district through the Town Board storm water permit.

Karen told the applicant to submit plans to the fire department. She also explained that if there will be any patios on the site they will need to install bollards.

A motion was made by Russ Mitchell seconded by Alen Kovac to adjourn this case to the January 24, 2018 meeting.

**Motion Carried 7-0**

**Old Business:**

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**\*\*Case #2016-013 – *America Stores – It (3)* - Site Plan – Oswego Road across from Mendenhall Road intersection (Adjourned from 15 previous meetings)**

A motion was made by Allen Kovac seconded by Brian Hall to adjourn this case to the December 13, 2017 meeting.

**Motion Carried 7-0**

**\*\* Case #2016-056 – *Kimbrook Route 31 Development, LLC- Philip Simao(Rite Aid)* (3) – Site Plan – 3566 & 3578 NYS Route 31 (Adjourned from 8 previous meetings).**

Karen Guinup opened the hearing. Paul Curtain Attorney for the applicant and Tim Coyer of Ianuzi and Romans presented the plan. Detail plan of the new road, Mr. Sid here for Mr. Fucillo has no objection to the resolution drafted by Mr. Chatfield. Karen asked about item # 3, no one knows what the cost will be to build this road. I would like propose a letter of credit or cash security be posted in the amount of \$50,000.00. Russ Mitchell thanked Mr. Curtain and Mr. Coyer for coming up with the new drawings , it will be a real benefit to the residents.

Michelle would like to get the opinion of the engineer. Ron DeTota said he would like to put it out for the Boards consideration that the letter of credit be \$125,000.00.

Hal Henty is concerned as to when this will be done.

Paul Curtain said the completion of the road will be a condition of the building permit. The road will have to be satisfactorily completed before a CO to be issued. Conditioned on all legal and engineering.

Allen Kovac agrees.

Scott Chatfield said they haven't named the road, ingress & egress road to Route 31. It should be 60 feet wide.

Michele asked if there has been any consideration to putting in a stop sign at the intersection of Kimbrook Access Drive and Theodolite Drive Extension. A three way stop sign.

Mr. Sid said the cost of the road far exceeds what Ron DeTota came up with.

Scott Soyster a resident made a comment regarding using the lower figure.

Paul Curtain said they will get a demo permit to take down the two houses, and get ready for spring.

Karen asked Mr. Sid & Mr. Curtain if they understood the owners of lots #3 #4 & #5 will be responsible for demoing and reconstructing their own entrance onto the newly relocated and reconstructed road.

The part of the resolution that the letter of credit is renewable automatically.

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The Board also needs a copy of the reciprocal ingress and egress easement for all owners of properties utilizing the new roadway.

Karen asked the members of the Board what amount they would like to see for the letter of credit.

Jim, Russ, Hal, and Brian said \$100,000.00

Michelle and Allen said \$200,000.00.

Karen \$50,000.00.

Karen Closed the public hearing and asked for a motion.

A motion was made by Brian Hall seconded by Jim Palumbo for SEQR approval using standard form # 10 for Case #2016-056 – **Kimbrook Route 31 Development, LLC-Philip Simao(Rite Aid)** Site Plan – 3566 & 3578 NYS Route 31, 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 resolution for the following reason it will blend with the surrounding area.

#### **Motion Carried 7-0**

A motion was made by Russ Mitchell seconded by Brian Hall using standard form #20 Site Plan approval for Case #2016-056 – **Kimbrook Route 31 Development, LLC-Philip Simao(Rite Aid)** located at 3566 & 3578 NYS Route 31 based on a map by Nobis Dated February 2017 revised 8/31/17 and numbered T-101, DM-101, C-100, C-101A C-101B revised 11/1/2017, C-102, C-103, C-104, C-105, C-106, L-200, C-201, C-202, C-203, C-204, C-205, C-206 revised 9/20/2017, C-207, C-208 lighting plan L-101 by Cree dated 8/9/2017 and Building elevations by BRH Architects dated 8/31/2017, Foundation plan # S-101 dated 7/25/2017 Conditioned on all legal and engineering. See attached Resolution.

#### **Motion Carried 7-0**

**Brian Hall left the meeting at 9:30 PM**

**\*\*Case #2017-026 – Cosimo Zavaglia, Store America Morgan Road (3) – Site Plan – East side Morgan Road, 900± feet south of Wetzel Road (Adjourned from 5 previous meetings)**

A motion was made by Russ Mitchell seconded by Allen Kovac to adjourn this case to the December 13, 2017 meeting.

#### **Motion Carried 6-0**

**\*\*Case #2017-038 – Alan Goldsmith, Lands of Brown, Phase II (3) – Preliminary Plat – Burnet Road near NYS Route 31 (Adjourned from 1 previous meeting)**

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Karen opened the hearing; Alan Goldsmith, applicant, explained the plan. The water main and fire hydrants are shown on the plan. Ron DeTota reviewed the plan and stated it meets the Towns engineering requirements. Karen asked if there were any comments or questions hearing none she closed the public hearing.

A motion was made by Allen Kovac seconded by Hal Henty to go to Final Plat.

**Motion Carried 6-0**

A motion was made Jim Palumbo seconded by Russ Mitchell for SEQR approval using standard form # 10 for case #2017-038 – **Alan Goldsmith, *Lands of Brown, Phase II*** – Burnet Road near NYS Route 31, 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 resolution for the following reason it will not have any adverse impacts on the community character.

**Motion Carried 6-0**

A motion was made by Jim Palumbo seconded by Michelle Borton approving Final Plat using standard form #40 for case #2017-038 – **Alan Goldsmith, *Lands of Brown, Phase II*** – Burnet Road near NYS Route 31 based on a map by Lehr Land Surveyors dated September 5, 2017 revised November 08, 2017 and numbered 17-G-56 \*D\* conditioned upon approval of all legal and engineering.

**Motion Carried 6-0**

**\*\*Case #2017-039 – Pat Hovey/Hovey-Buckley, LLC, *Truax & Hovey Parking Area Expansion* (3) – Amended Site Plan, 4483 Buckley Road (Adjourned from 1 previous meeting)**

Karen opened the public hearing, Joe Mastoriani presented the plan. The site is zoned O-office; the project involves a third of an acre to square off for parking. Russ Mitchell went to the site that morning; all the parking shown on the plan and all the parking that exists but is not shown on the plan. He also pointed out there is no gate in the fence that bisects the property.

Karen, what is shown on the plan is only what could be used as parking. Karen asked Mark if he would like the plan to reflect what is there now or what is proposed. Mark said it should show everything as it is now and use shaded areas as reserved for future parking.

Jim explained one of the reasons we do these Amended Site Plans is to be sure emergency vehicles can navigate the site safely.

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Ron DeTota is concerned about the increased gravel area and its impact on the overland runoff. There was a lengthy discussion on the 1997 pond design.

Joe asked if he could add a swale to direct the runoff towards the existing stormwater management facility.

Karen asked Mr. Mastroiani to correct the parking and add the swale on the plan.

A motion was made by Russ Mitchell seconded by Allen Kovac to adjourn this case to the December 13, 2017 meeting.

**Motion Carried 6-0**

A motion was made by Allen Kovac seconded by Michelle Borton to **add Case # 2017-045 Morgan Meadows Eldan Homes Inc. Final Plat**, to the agenda.

**Motion Carried 6-0**

**Case # 2017-045 Morgan Meadows Eldan Homes Inc. Final Plat** located on Morgan Road north of Wetzel Road.

Karen opened the hearing, Tim Coyer of Ianuzzi and Romans presented the plan. This site is 13.5 acres, zoned R-3. Karen asked if there were any comments or questions, hearing none she asked for a motion.

A motion was made by Michelle Borton seconded by Hal Henty using standard form # 40 Final Plat approval, for **Case # 2017-045 Morgan Meadows Eldan Homes Inc.** located on Morgan Road north of Wetzel Road. Based on a map by Ianuzzi and Romans Land Surveying PC dated 11/7/2016 and numbered Sheet 1 of 3. Conditioned on all legal and engineering, and adding a stop sign on Tiger Lily Path at its intersection with Morgan Road.

**Motion Carried 6-0**

**Closed Hearings -**

**\*\*Case #2016-003 – J. Alberici & Sons Inc., *Woodside Estates Apartments* (3).** – Site Plan– Oswego Road adjacent to Shoveler Lane (Adjourned from 20 previous meetings).

A motion was made by Hal Henty seconded by Jim Palumbo to adjourn this case to the April 11, 2018 meeting.

**Motion Carried 6-0**

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**\*\*Case #2017-008 – B&B Taft Road II, LLC, *Simon’s Agency, Inc.*, (3) – Site Plan – Lot C-R2 on Wintersweet Dr. in the Inverness Gardens Development (Adjourned from 8 previous meetings).**

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

**Motion Carried 6-0**

**New Business:**

**Signs**

**Saxon Sign Corp – *Super Kind* – 8395 Oswego Road**

Zoned RC-1, Permit #48,675

1 – Wall sign – One 18.375 square foot wall sign is proposed, when a 43.2 square foot sign is allowed. The proposed sign will meet the code.

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

**Motion Carried 6-0**

**Michael J. Hodgins/Signs by John’s Studio – *Camino Real Mexican Restaurant* – 3811 Brewerton Road**

Zoned LuC-2 Permit # 48690

1- Face change for one freestanding sign, address number along the pole. No electronic message.

A motion was made by Allen Kovac seconded by Michelle Borton to approve the sign as presented.

**Motion Carried 6-0**

**Design Shop Signs – *Fit Body Boot Camp* – 5221 W. Taft Road**

Zoned HC-1, Permit #48,701

1 – Wall sign – One 34 square foot wall sign is proposed, when a 41.6 square foot sign is allowed. The proposed sign will meet the code.

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A motion was made by Michelle Borton seconded by Allen Kovac to approve this sign as presented.

**Motion Carried 6-0**

A motion was made by Hal Henty seconded by Jim Palumbo to adjourn the meeting at 10:35 P.M.

**Motion Carried 6-0**

Respectfully Submitted

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

Gloria Wetmore

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IN THE MATTER OF THE APPLICATION  
OF KIMBROOK ROUTE 31 DEV., LLC,  
FOR SITE PLAN APPROVAL FOR A  
RITE AID DRUGSTORE  
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**RESOLUTION**

The Planning Board of the Town of Clay met in regular session in the Town Hall of the Town of Clay, located at 4401 State Route 31, Clay, New York, on the 15<sup>th</sup> day of **November 2017**, commencing at **7:30 P.M.**, local time.

<b>PRESENT:</b>	KAREN GUINUP	Chairwoman
	RUSS MITCHELL	Deputy Chairman
	HAL HENTY	Member
	ALLEN KOVAC	Member
	MICHELLE BORTON	Member
	JAMES PALUMBO	Member
	BRIAN HALL	Member

**ABSENT:** None

The following resolution was moved, seconded and passed, to wit:

**WHEREAS**, all Planning Board members had due notice of said meeting, and that, pursuant to Section 94 of the Public Officers Law (Public Meetings Law), said meeting was open to the general public and due and proper notice of the time and place thereof was duly given as required by law; and

**WHEREAS**, a public hearing was duly noticed and called and was held on April 26, 2017 and further adjourned to May 10, June 14, July 12, August 9, September 13, September 27, October 25 and finally closed on November 15, 2017; and

**WHEREAS**, at said hearing all persons desiring to be heard were heard and testimony and evidence was presented and received; and

**WHEREAS**, the Planning Board duly adopted a separate Resolution issuing a Negative Declaration for purposes of 6NYCRR pt 617 (SEQRA); and

**WHEREAS**, after due deliberation and consideration, the Planning Board is now prepared to address the Site Plan request.

**NOW THEREFORE**, be it resolved that the Planning Board makes the following findings of fact and reaches the following conclusions based upon the conditions herein stated:

1. The Rite Aid Site Plan located on Lot 7 of the Kimbrook Village Shopping Center is hereby approved based upon a Site Plan Map drawn by Nobis Engineering Group, P.C., dated February 2017, and finally revised on 11/1/2017, bearing File No. 89351.04.

2. The Kimbrook Village Shopping Center Site Plan has been revised, and as revised, is hereby approved based upon a Site Survey Map drawn by Ianuzi & Romans Land Surveying, P.C., dated November 1, 2017, bearing File No. 3627.001. Revised 11/15/2017.

3. The aforesaid approvals are strictly conditioned upon the following items being completed by the identified parties and proof of their completion satisfactory to the Town's Commissioner of Planning and Development, being presented to him prior to the issuance of any Certificate of Occupancy. Further, the Planning Board hereby requires such security in the amount of \$100,000 in the form of Letter of Credit as it deems reasonable and necessary to secure the performance of any obligations herein required to be performed prior to the issuance of any permits or approvals authorizing construction.

a) Preparation, execution and filing with the County Clerk of an acceptable mutual ingress and egress easements over all private roads to be constructed. Said easements to be signed and agreed to by all entities owning any property in the Kimbrook Village Shopping Center.

b) The owner of Lot 7 shall be responsible for and obligated to relocate the Theodolite Drive access road as shown in red on the approved site survey noted 'proposed drive location'. The owner of Lot 7 is also responsible for the removal and restoration of the 'Old' portion of the Theodolite Drive access road on Lot 5 and on the ingress/egress road from the NYS Route 31 signalized intersection.

c) The owners of each respective lot making up the balance of the shopping center shall be responsible for and obligated to construct such roads/driveways as are shown on the approved plans to connect all involved parcels to the newly relocated Theodolite Drive access road and to remove and restore the 'Old' portion of the Theodolite Drive access road that is not located on Lot 7, all as shown on the approved plans. *i.e.* Lots 3 and 4. Nothing herein shall be construed to require the owners of Lots 3 and 4 to relocate that portion of the Theodolite Drive access road as shown in red on the approved site survey noted 'proposed drive location' on Lots 3 and 4.