

**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 12<sup>th</sup> day of April 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
	Cindy Beckhusen	Deputy Commissioner of Planning & Development
	Ron DeTota	C&S Engineers
	Scott Chatfield	Planning Board Attorney
	Gloria Wetmore	Planning Board Secretary

A motion was made by Al Kovac seconded by Brian Hall to approve the minutes of the previous meeting.

**Motion Carried 7-0**

**Public Hearings:**

**New Business:**

\*7:30 P.M. Case #2017-010 – *Rerob, LLC (Express Mart)* (5) – Zone Change Referral – Corner of NYS Route 31 and Lawton Road.

Karen opened the hearing; Alex Wisnewski of L.J.R. Engineering explained the plan. 9.6 acres front side is zoned RC-1, the 4 acres in back is zoned R-7.5, the project would be on 3.7 acres. HC-1 would include the convenience store, drive through and car wash. The LUC-1 would require a special permit. Mr. Wisnewski explained the building would be 6500 square foot; the newest one is on Thompson Road.

Town of Clay  
Planning Board Meeting  
April 12, 2017

Karen opened it up to the Board, Russ Mitchell asked if any other Express Mart sites have car washes? Doug Beechel of Express Mart said approximately 50% of the locations have a car wash.

Jim Palumbo asked what the surrounding zones are and what type of buildings there are. Alex Wisniewski said there is a professional building, post office and Tocco Villagio the surrounding area is primarily commercial.

Karen asked if there were any questions or comments from the residents.

Ann Madely of 5503 Tobin Path read a letter. See attached.

Sarah Dailey of 5475 Alfreton Drive read a letter. See attached

The following residents

Anne Pandian	5541 Tobin Path
Amanda Sagrue	5560 Wyandra Drive
Karen Cahill	5014 Dongara Lane
Yvonne Arnold	5568 Wyandra Drive
Laura Sobus	5508 Tobin Path
Sara Villnave	5556 Wyandra Drive
Jeremy Judge	4925 Ernest Way
Lisa Carroll	8293 Mantova Drive
Michelle Kivisto	5412 Brisbane Trail
John Conboy	5553 Bingley Lane
Janis Sax	5741 Crabtree Lane

spoke in opposition to the zone change for the following reasons:

Traffic including a concern that Lawton Rd cannot handle additional traffic as it is already heavily impacted from Lawton Valley residents as they don't have access going west on Route 31 unless they use Lawton Rd.

Environmental concerns  
Increase in the crime rate  
Decrease in their property values

They understand it is zoned commercial and something like a bank (as promised when they purchased their homes) but not a gas station.

Karen thanked the Residents for their input. Karen asked if there were any more comments or questions. Hearing none she closed the public hearing.

Karen asked for a motion to make a referral to the Town Board or to adjourn this case.

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

I am opposed to the building of a 24 hour gas station/ convenience store/car wash at the corner of Rt 31 and Lawton road. This type of business - one that sells beer, cigarettes, gas and is open 24 hours - will be a safety and pollution concern for our children and adult residents. A lot of residents in Lawton Valley walk, run and bike in that area. This gas station will increase traffic, attract additional transients to the area, will encourage loitering, increase crime and will bring chemical, noise, light and trash pollution to our neighborhood.

Just yesterday our neighborhood was the victim of crime. Someone went through the cars in the neighborhood and stole out of them. I had my GPS stolen after I had absentmindedly forgotten it in my car and forgot to lock my doors last night. My car was not the only one to be stolen from. Adding a gas station to the corner will increase transients to this area which will increase the potential for more thefts.

There are already several gas stations in this area. In fact, there are 6 stations within a 4 mile radius, all less than a 5 minute drive away.

A gas station will have a considerable impact on the property values of the homes near the proposed gas station. Whether real, or perceived, if one's health could be impacted by fumes and pollution from idling trucks and gas, home values will be negatively affected. We've seen this time and again with homes backing High Tension electrical lines. Studies for years have been inconclusive of the health impact of living near High Tension electrical lines, yet home located near them sell for considerably less, and take longer to see, than similar homes in the same neighborhood. So even with no positive proof of health hazards, it still has substantial effects on home values and salability. The same will happen to the home near the gas station.

While a lot has been done to prevent leaking gas from the large underground storage tanks, there are still hazards associated with the everyday spills that occur while people fuel up. In 2014 Johns Hopkins University did a study that focused on the small spill that routinely occur when you fill your vehicle's tank. They estimated approximately 40 gallons of gas each year is spilled at a typical gas station. That spilled gas creates toxic fumes that will linger in the air and will be spread out via air currents. And let's not dismiss how far air currents can move fumes. Some days I can smell the roasting coffee from Paul DeLima over on 81 and that is over a mile away.

Also, according to the Johns Hopkins University study, over the lifespan of a gas station concrete pads underneath the pumps can accumulate significant amounts of gas which can eventually penetrate the concrete and escape into underlying soil and groundwater. There is a pond directly behind where the proposed gas station is to be built. While it is not protected water, it is still home to several different species of wildlife: birds, frogs, fish, turtles and more. The runoff from the spilled gas will have a detrimental effect on that wildlife.

We moved to the Lawton Valley community 7 years ago to be near everything without being in everything. I am not opposed to business development. I welcome something else on that corner: a cafe, an office building, a small strip mall, something along those lines. I just don't want to see a 24/7 gas station/car wash/convenience store built there. I implore you to please reconsider this zoning change.

Thank you for your time.

My name is Sarah Dailey and I live in the Lawton Valley neighborhood. Thank you for hearing the thoughts that many people in our neighborhood share on the proposed zone change to accommodate a gas station on Lawton Road.

Many in our neighborhood are opposed to this zoning change for a variety of reasons. Health concerns with living too close to a gas station, the increases in traffic, noise, and lowered property/resale values are the main concerns. We feel that there are also so many gas stations nearby that another is simply unnecessary.

The lots as states is currently zoned to be highway commercial. We recognize that it can be developed in some way. In the town of Clay zoning descriptions "highway commercial" is stated to be in section 1B as "designed so as to be compatible with the general characteristics which exist or are to be expected in the nearby neighborhoods, such as open space, green areas, landscaping, and architecture."

-This states that the development needs to be compatible with what is expected in the surrounding neighborhoods and a gas station/car wash does not fit that description and is not compatible with our neighborhood.

The code also states in section 5C that the development should "reflect and be consistent with the existing or planned character of the surrounding area"

-A gas station doesn't fit with the residential character of a neighborhood with family homes.

Highway commercial zoning would allow for something such as an office, daycare facility, doctor's office, or bank. We believe that the land should be used in accordance to the current zoning, or even more similarly to something in a "neighborhood commercial" zoning as this plot of land is very close to a housing development. The expectation when all of us purchased our homes was that this could be developed, but not to the extent of a gas station/car wash/convenience store. We ask that you keep the zoning the same and deny the gas station being built so close to our homes.

**Motion Carried 7-0**

**\*\*7:35 P.M. Case #2017-011 – John Valletta, North Central Church Assembly of God (3) – Amended Site Plan – 7463 Buckley Road.**

Karen opened the hearing, Drew Abraham explained the plan. This site is zoned R-10 consisting of 5.7 acres. Drew showed the proposed addition it is 8100 square feet. There will be classrooms and bathrooms. They will conduct religious education for approximately 80 children. There will be 2 classes on Sundays and 1 class on Wednesday nights. There are 190 parking spaces, if the addition is built, 161 spaces will remain. They had done a parked car count the Sunday before Easter and counted 80 or so cars.

Karen asked for clarification on the classrooms. The plan shows classrooms, nursery, kitchen, utility room and assembly. The parking for the church is fine, however with the addition the seating is flexible not fixed. Therefore the code requires the parking to be based on gross not net. There is not enough parking, could you do some parking in reserve. He said the parking spaces are 10ft wide; maybe they could be 9 ft wide that would add a few spaces.

Karen looked at the County comments; they require a traffic study and SWPPP. She also recommended they get a letter from NYS Historical Preservation to make sure everything is OK with them. Show where the dumpster enclosure will be located and the materials the enclosure will be made of. All dimensions need to be included on the plan. Lighting plan, detail on the building elevation. Add the fire hydrants to the plan.

Karen opened it up to the Board.

Michelle asked if the play area will just be a grassy area or if there will be any play structures.

Jim asked if the construction would be going on through 2018, they said it would. Jim asked if the warning strips are required, Mr. Abraham said they were not required.

Cindy said that she agrees with Karen regarding the parking spaces. She also said that if the building will not have sprinklers will the fire hydrant be within 400 feet.

Ron DeTota asked the applicant to call him so they could discuss the storm water.

Karen asked if there were any more comments or questions, hearing none she ask for a motion to adjourn.

A motion was made by Al Kovac seconded by Brian Hall to adjourn this case to the May 10, 2017 meeting.

**Motion Carried 7-0**

Town of Clay  
Planning Board Meeting  
April 12, 2017

Old Business:

**\*\*Case #2016-008 – *Fox Dealership* (3) - Site Plan - 3687 NYS Route 31 (Adjourned from 11 previous meetings)**

A motion was made by Russ Mitchell seconded by Hal Henty to adjourn this case to the May 10, 2017 meeting.

**Motion Carried 7-0**

**\*\*Case #2016-061 – *Bonnie Marini, Shear Perfection* (3) – Amended Site Plan – 7452 Oswego Road. (Adjourned from 2 previous meetings).**

A motion was made by Al Kovac seconded by Jim Palumbo to adjourn this case to the May 10, 2017 meeting.

**Motion Carried 7-0**

**\*\*Case #2017-002 – *Treeline Manor, LLC* (3) –Site Plan, 36-unit apartment building– southeast corner Bear and Buckley Roads, Lot 2 of Stewart’s Tract. (Adjourned from 2 previous meetings).**

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

**Motion Carried 7-0**

**\*\*Case #2017-006 – *Self Storage Morgan, LLC (Bruce Pollock), B&C Storage Morgan Rd* (3) – Amended Site Plan – 7988 Morgan Road. (Adjourned from 1 previous meeting).**

A motion was made by Brian Hall seconded by Al Kovac to adjourn this case to the May 24, 2017 meeting.

**Motion Carried 7-0**

**\*\*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 1 previous meeting).**

Town of Clay  
Planning Board Meeting  
April 12, 2017

Karen Guinup opened the public hearing, Daniel Manning explained the plan. The applicant will build a 5200 square foot building in the PPD. The lot is 1 acre, the easement will remain. There will be 29 parking spaces when 20 are required by code. Employee patio will be surrounded by a fence. The trash barrels will be located next to the mechanicals and will be shielded by a fence. The building will be brick veneer at the base and architectural singles. The applicant is trying to create a campus type area between the buildings.

The light poles will be black, Jim said looking at the photometric plan the light poles are to tall. Karen said they have to measure 20 ft from the ground to the top.

Karen looked at the County comments, noting that there really wasn't anything. She asked for an explanation of the traffic circulation around the site. The asphalt seems to just stop. The applicant said that he had an agreement with Mr. Bragman in reference to the internal roads.

Karen asked Scott Chatfield who was responsible for the road. Scott said when a commercial property is developed, the Town requires the person building the site to complete the paving to the property line before a cert. of occupancy can be issued. Ron DeTota said he has to look at the infrastructure; the water will be through OCWA.

Mr. Moore said he will contact OCWA.

Karen said the applicant will have to contact the County on the sewer and SWPPP, also do some clean up on the site plan.

Karen closed the public hearing and asked for a motion to adjourn this case.

A motion was made by Hal Henty seconded by Al Kovac to adjourn this case to the May 10, 2017 meeting.

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

### **Closed Hearings**

\*Case #2017-009 – Francis Fiorito, *Fastrac Café* (5) – Zone Change Referral – NE corner of NYS Route 31 and Morgan (4291, 4297, 4303 NYS Route 31 and 8606, 8598 Morgan Rd.). (Adjourned from 1 previous meeting).

Karen Guinup asked the Board members for their input on this case.

Matt Napitrala , from Napitrala consulting, and Christian Hill of Fastrac Markets, were present. Russ Mitchell asked why the applicant picked this corner. The applicant said the close proximity to Route 481, and taking the corner and improving on it. The new plan is to be more like a WAWA or Sheetz; there isn't anything like it in New York.

Karen asked the Board members if they were ready to make a recommendation to the Town Board.

Here are the planning board comments for Case# 2017-009 Francis Fiorito, Fastrac Café, located at the NE corner of State Route 31 and Morgan Rd.

**Jim Palumbo** said I am **against** recommending to the Town Board, that the subject property be re-zoned to a LuC-1 use from the current RA-100 zoning designation. The reasons for this are that the zone change is to intense for the intersection and it's associated use is not necessarily needed for this part of the town. The majority of the surrounding lands are zoned RA-100.

Such a drastic change in use for the property, to a gas station and convenience food mart, will also negatively impact traffic flows at the intersection. East and West bound traffic will undoubtedly be drawn onto Morgan Rd. North and then back onto Rte.31, which will interrupt already challenged traffic light patterns. Finally, the NYS Rte. 31 and Morgan Rd. intersection has often been viewed by the town as a sensitive section of the Rte. 31 corridor (as a town "hamlet" of sorts) and if not more carefully developed, could have an adverse impact on the entire surrounding area.

**Michelle Borton** is **not in favor** of the requested zone change. The existing Morgan Road & NYS Route 31 intersection sees a high volume of traffic, and has some space constraints and sight line issues. The proposed gas station could have a negative impact on traffic flow and safety at that intersection. I'm also concerned about the spread of commercial properties on this portion of Route 31 without a more deliberate plan. The proposed gas station would be very close to an existing residence.

**Al Kovac** is **not in favor** of the zone change, although there isn't congestion in this area right now, I think in the future it will cause trouble.

**Karen Guinup** said she is **opposed** to the zone change for the following reasons:

1. Again a zone change is being requested on a parcel that is going to require variance(s)
2. This corner is an extremely busy intersection and it is already extremely difficult to turn left on to Morgan Rd from the east side of Morgan to head south and the state will probably just give limited access to Rt. 31.
3. I think consideration should be given to the fact that Mr. Fiorito also owns additional large parcels adjacent to or in very close proximity to this site (based on the zoning map provided by the applicant). The question is how does the town envision the remainder of the undeveloped/developed large and small parcels being rezoned to be compatible with this site?

**Russ Mitchell** stated he looked at the history of the area and was a member of the RT 31 corridor study- that the area has always been referred to as the Hamlet of Euclid. He was **not in favor** of this zone change and felt the Town needs to look at the intersection and north to plan how the area needs to be developed. (Do we want to continue to preserve the hamlet architecture features etc.). A major portion of the land there is zoned RA-100, what fits that section of the corridor? Sure that corner needs to be cleaned up but we have to clean it up in a pro-active way.

**Brian Hall** I have mixed feelings about this project. While I would like to see the area cleaned up I have concerns about a gas station at that location. My main concern is the traffic heading south on Morgan road and west on route 31. These areas are often over congested now. Having an entrance off of Morgan that would be full access for cars and deliveries seems unwise at this time.

**Hal Henty** stated he was in favor of the zone change, he doesn't see this use causing an increase in traffic, a gas station, and convenience store is not usually a destination site. People in passing will stop if they need gas or to grab a quick bite to eat, a snack. People do not normally seek out this type of shop. If you look at the Fastrac on the corner of State Route 31 and County Route 57, they are busy but haven't caused any traffic issues.

**Motion Carried 7-0**

**New Business:**

**Signs**

**Upper New York Conference of United Methodist Church – 7481 Henry Clay Blvd.**

Zoned I-1, Permit #48,001

2 – Wall signs – A 12 square foot sign is proposed when a 339 square foot sign is allowed, and a 57 square foot sign is proposed when a 374 square foot sign is allowed. The proposed signs will meet the code.

2 – Freestanding face change on 1 panel each side – a 30.2 square foot is proposed to replace the existing panel. The proposed sign will meet the code. A second freestanding is proposed of 10 square feet when 32 square feet is allowed. The proposed signs will meet the code.

A motion was made by Russ Mitchell seconded by Al Kovac to approve the sign as presented.

**Motion Carried 7-0**

**Design Shop Signs, *Wrap It Up* – 4160 NYS Route 31, Marketfair North**

Zoned RC-1, Permit #48,005

1 – Wall sign – A 53 square foot sign is proposed when a 53 square foot sign is allowed, the proposed sign will meet the code.

Town of Clay  
Planning Board Meeting  
April 12, 2017

A motion was made by Hal Henty seconded by Al Kovac to approve the sign as presented.

**Motion Carried 7-0**

A motion was made by Michelle Borton seconded by Jim Palumbo to adjourn the meeting at 10:20 P.M

**Motion Carried 7-0**

Respectively submitted

  
Gloria Wetmore