

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 8th day of February 2017 The meeting was called to order by Chairwoman Guinup at 7:30 PM and upon roll being called, the following were:

PRESENT:	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

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

Motion Carried 7-0

Public Hearings:

New Business:

*7:30 P.M. Case #2016-058 – *Rite Aid Pharmacy/Kimbrook Route 31 Development, LLC (Philip Simao) (5)* – Zone Change Referral – 3566 NYS Route 31.

*7:35 P.M. Case #2016-059 – *Rite Aid Pharmacy/Kimbrook Route 31 Development, LLC (Philip Simao) (5)* – Zone Change Referral – 3578 NYS Route 31.

Karen Guinup opened both cases together. Paul Curtain attorney for the applicant, and Tim Coyer of Ianuzi and Romans, Mr Curtain explained the plan. The applicant will combine the two lots, to make 1 lot that will be 1.62 acres. They will build an 11,000 square foot Rite Aid Pharmacy.

Karen read the County comments; they need a full traffic study and SWPPP. She then asked Mr. Curtain if he knew how large the Rite Aid store is on the corner of Co. Route 57 and Belmont Dr. Mr. Curtain said he wasn't sure but he thought it was approximately 13,000 square feet.

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Karen said that this site will be really tight with a drive through, she also asked why the applicant didn't go for an NC-1 zone, and the applicant would not need to go for as many variances.

Mr. Curtain explained that he was not in on that part of the plan.

The access road is owned by the applicant, they plan to straighten the ring road.

Karen opened it up to the Board, Russ asked if there had been any thought given to building within the parking lot next to Tractor Supply. They were not aware of any plan of that sort.

Hal Henty asked who owned the fence that runs behind the townhouses. Mr. Curtain said the fence was built by Campilino and Fatti when they put in the townhouses.

Karen asked if there were any comments or questions, Christine Lombard of 8494 Bubbling Springs Dr. commented on the amount of trash, and the terrible condition of the service road. She is concerned about increased noise and traffic. There are 2 vacant properties that will probably be rezoned commercial, which will lower our property value.

Karen explained this corridor is commercial and there really isn't anything the town can do to keep people from dumping trash. Once the applicant reworks and repairs the road and the building is being used the trash problem should be taken care of.

Jim asked what the dashed lines on the plan were; Tim Coyer said they were old property lines.

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

A motion was made by Brian Hall seconded by Al Kovac using standard form form #50 to approve a favorable recommendation to the Town Board for case #2016-058 – *Rite Aid Pharmacy/Kimbrook Route 31 Development, LLC (Philip Simao)* Zone Change Referral --3566 NYS Route 31.

Motion Carried 7-0

A motion was made by Brian Hall seconded by Hal Henty using standard form form #50 to approve a favorable recommendation to the Town Board for case #2016-059 – *Rite Aid Pharmacy/Kimbrook Route 31 Development, LLC (Philip Simao)* (5) – Zone Change Referral – 3578 NYS Route 31.

Motion Carried 7-0

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Old Business:

****Case #2016-035- *Goddard Development Partners IV, LLC (Mavis Discount Tire)* (3)**
– 7435 Oswego Rd., – Site Plan (Adjourned from 2 previous meetings).

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

Motion Carried 7-0

****Case #2016-055 – *Moyers Corners Fire Department* (3)** – Amended Site Plan – 7200 Henry Clay Blvd. (Adjourned from 1 previous meeting).

A motion was made by Russ Mitchell seconded by Hal Henty to adjourn this case to February 22, 2017.

Motion Carried 7-0

****Case #2017-001 – *New Court Street, LLC.* (3)** – Site Plan – 8531 Oswego Road. (Adjourned from 1 previous meeting).

Karen Guinup opened the hearing; Brian Bouchard of Clough Harbor Associates explained the plan. The plan has been changed to reflect the height of the fence is now 7ft.

Will submit all letters, from SHPO, DEC as well as the health department on septic and leach field. Study was done on the storm water. Under the gravel driveway there are 2-6 inch and 2- 8 inch culvert pipes, the applicant will replace them with 12 inch pipes. Karen said work has already begun. Karen asked Ron if we usually wait to approve until we receive SWPPP. Ron agreed.

Brian Bouchard referenced a letter submitted to the board from the applicants' attorney; requesting an extension on the date that the sheds needed to be removed from the site. Karen said after discussing this with the Board she is confident that they will not extend the date to remove the sheds.

Scott Chatfield explained that the Board has been very patient with the applicant. The applicant has been using the site as a contractors service well before it was approved. The applicant was asked to remove the sheds quite a few times; they are still on the site.

Jim said the Board relies on the Engineer to review and comment on the SWPPP report however it is the Board that makes the final decision.

Michelle stated that the Board Members had only received the plans at the pre meeting, therefore hasn't had time to look them over.

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

A motion was made by Hal Henty seconded by Michelle Borton to adjourn the public hearing to February 22, 2017.

Motion Carried 7-0

Closed Hearings

****Case #2016-003 – J. Alberici & Sons Inc., *Woodside Estates Apartments* (3). – Site Plan– Oswego Road adjacent to Shoveler Lane (Adjourned from 13 previous meetings).**

Karen explained that the applicant is waiting for the CLOMAR, therefore the Board cannot go any further with this case.

A motion was made by Jim Palumbo seconded by Hal Henty to adjourn this case to the March 22, 2017 meeting.

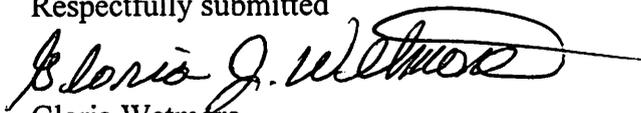
Motion Carried 7-0

Russ Mitchell shared a letter from Richard Dolan of 8364 Redwing Dr. dated February 8th, 2017. See attached.

A motion was made by Al Kovac seconded by Michelle Borton to adjourn the meeting at 8:20 P.M.

Motion Carried 7-0

Respectfully submitted


Gloria Wetmore

To: Town of Clay Planning Board

Date: Feb 8, 2017

From: Willowstream Woods Neighborhood Residents

Subject: Case #2016-0003 J Alberici & Sons - Woodstate Estates proposal

Refer: August 1, 2016 Petition (59 homeowners signatures)

As previously stated in our petition and subsequent statements at open Board meetings our primary concern was and continues to be the issue of **Drainage**. Since beginning this proposal, the area of concern has been officially designated a **Flood Plain**. We contacted **FEMA** for information on the regulations as applies to said designation in our neighborhood. We received a response and information that states the regulations as they apply to our area. Especially noted was **44CFR60.3(a)(4)**. Review of this regulation and official/agency answers to our questions, the following request for your review/response is submitted.

At the last Planning Board meeting (Dec. 2016) we were told by the Town of Clay Engineering Consultants that Alberici & Sons proposal adequately accounted for the drainage issues in our Willowstream neighborhood. As no **hard plans** could be presented to us to look at and ask questions about we took exception at that time. From the information we received from FEMA and other agencies we submit to the Planning Board that the parameters that governed this decision have changed dramatically since the **original drainage studies** were conducted for the Willowstream Woods area. To that end the following items are submitted to the Board for their review/response:

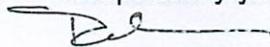
- (1) **No evidence** is present in **original "drainage" studies*** showing that the area of concern (Shoveler and Redwing adjacent properties) would be designated in 2016/17 as a Flood Plain by FEMA * (**original Willowstream proposal 1970's**)
- (2) Alberici has presented (to our understanding) a proposal to **"raise the elevations"** of the subject property to eliminate the Flood Plain requirements for building. This presents a modification of the present topography with no apparent studies on the ramifications this may cause existing properties adjacent to it.
- (3) With the natural barriers for water absorption (trees/grasses etc) being reduced the "run-off" from new buildings could also put a strain on our drainage. Also to mention here is our sub-sirata being clay, water absorption is difficult at best.

- (4) Also to mention here is that the current SOS building under construction also has led to an additional flow of water drainage into our "Pond" and the subsequent "Flood Plain" areas in our neighborhood. This is evidenced in the past few months after the project started that **higher water levels are witnessed** in both Willow Stream (the stream) and the pond.
- (5) As most Federal Agencies have been sounding the "Global Warming" alarm in the past few years and whether this is "true" or not, we certainly have seen unusual weather extremes in our area in the last decade or so. We are relatively confident that FEMA took this into account regarding the designation of extended Flood Plain areas in our neighborhood and through New York State.
- (6) Having outlined these concerns for drainage **we question the distance of 40 feet** from apartment buildings to existing property lines of Redwing Drive homes. While this is within building requirements normally, does this apply to Flood Zone areas? Does this allow adequate space for a proper "drainage system" to meet FEMA requirements and protect our properties?

We respectfully submit our concerns to the Clay Planning Board for their review/response before full approval of the Alberici proposal. We submit this letter to be officially recorded in the case hearings and minutes and a **meeting to be set up** with the undersigned, who represents 59 + homeowners in our area, in order to have our concerns addressed and questions answered as outlined above.

Once again **we thank** you for your patience with us and your continued courtesy you have shown us in our previous Town Board meetings.

Respectfully yours,



Richard C. Dolan
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