

## 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 8<sup>th</sup> Day of October, 2014. The meeting was called to order by Chairman Hess at 7:30 PM and upon roll being called, the following were:

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

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

### **Motion Passed 7-0**

The Chairman announced the items to be adjourned for tonight's meeting.

### **Public Hearings:**

#### **\*7:30 PM - Case #2014-041 – *Riverwalk Association (5)- Zone change referral, 5112 ± Guy Young Road***

Chairman Hess opened the public hearing. Mr. Hal Romans was present along with Mike Bragman and explained the proposal. Hal stated that this zone change was presented to the Town Board on Monday night, and since then the only new thing added to the plan is the pond that was discussed at that meeting, and there was a property line discrepancy with a parcel to the south, which has been corrected.

Mr. Bragman explained that this is approximately 127 acres of land, spanning across 5 parcels along Guy Young Rd. Mr. Bragman stated that the Bragman Companies are approximately 29 years old, have had 6 parade of home sites, and has created over 1500 home sites. He next introduced Greg Card, an adjoining land owner that is a part of this application. He then explained that a coordinated County review has been done on this project, and he wanted to clear up some confusion. This is a 170 unit housing proposal, there have been numbers published in the media as high as 450 homes stated, but due to the configuration of the land, the wetlands and roadways, the site could just not fit that many houses.

Mr. Bragman stated that this site is entirely within a County sanitary sewer district. This district was created in 2003, and he believes that this will be the last sanitary district

created in the area, and new extensions are now very difficult to obtain. The treatment plant that this will discharge to will be the Brewerton plant which has ample capacity; as opposed to the Oak Orchard plant which currently has a moratorium on new development within its district.

The pond that exists on this site was formed from an old quarry mine. The pond is shared by this property, as well as the adjoining properties to the south. Mr. Bragman stated that the County commented they would like to see public access to this pond; however, it really isn't conducive to this as it is not a public waterway.

Mr. Bragman addressed the County comments, they state that this proposal will have no significant countywide impacts and made several comments. Regarding the Town of Clay Northern Land Use Study, which was accepted by the Town Board, which recommended clustering, Mr. Bragman stated that this site does not lend itself to clustering and it would not be economically feasible. He next discussed the green space that would be provided and the trail system that is in place in the existing Riverwalk project. It is hoped that the trails could be extended to this project as it is a benefit to the area. A brief slide presentation was shown highlighting the new trails and the Wolf trees and educational markers that can be observed along this trail. Mr. Bragman also stated that the Town of Cicero and the Hamlet of Brewerton are in support of this project as it will benefit the Brewerton Revitalization Plan. He finished his presentation by stating that anytime a zone change is proposed, the change will be troublesome to the neighbors and is subject to opposition.

Hal Romans reiterated that the pond shown on the map was based on aerial photography. It is a 12.5 acre pond, and approximately 6 acres are within this property.

At this time the hearing was opened up for questions from the Board.

Chairman Hess asked if they have considered R-40 zoning, the applicant stated that there was a rendition submitted to the Town under this scenario, but due to the smaller number of homes and still a considerable amount of infrastructure, it would not be economically feasible. The Chairman also stated that most of the Planning Board members were present at the coordinated review, and he agrees that this could be beneficial to the Brewerton Revitalization Plan. He also likes that the layout has several potential connections to adjacent parcels; however, he does not like the stand-alone piece with the cul-de-sac. Hal Romans stated that the neighbors weren't part of this application, so connectivity could not be made to this parcel. The Chairman also mentioned that while Guy Young Rd. is a County road in Clay, the portion in Cicero is a Town road and what are their feelings? Hal Romans stated that they are concerned about this and at some point a full build out traffic study should be done. Mr. Bragman stated that they are prepared to do any mitigation that is necessary. Most of this will probably take place during the Preliminary Plat stage, should this project move to that step.

There were no further comments from the Board.

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Mr. Greg Card spoke, stating that he purchased the property in 2008, and at that time the County told him he would need to put in sewers if he were to develop the land. This proposal is the only way that would be economically feasible. He would like the same density consideration given to this project as there is in the Hamlets of Brewerton, Clay and Euclid.

Steve Krisak, a teacher in the Central Square School District asked how this proposal would impact the school system. The applicant stated that this is the Central Square School District and it would have an impact on them, not the Cicero/North Syracuse School District.

Al Kovac appreciated that since the proposal will utilize sewers they will need the density to make it economically feasible.

Hearing no further comments, the Chairman closed the public hearing.

A motion was made by Al Kovac seconded by Karen Guinup to adjourn this hearing to the October 22, 2014 meeting.

**Motion Passed 7-0**

**\*\*7:35 PM – Case #2014-044 – *Community Bank (Colonial Village) (3) – Preliminary Plat, 8196 Oswego Road***

Chairman Hess explained that the applicant is seeking a variance which will be heard at the Zoning Board next Monday night; therefore tonight's agenda item will be adjourned to the next meeting.

A motion was made by Hal Henty seconded by Al Kovac to adjourn this hearing to the October 22, 2014 meeting.

**Motion passed 7-0**

**\*7:40 PM - Case #2014-045 – *LOK Development (5)- Zone change referral, 8097/8073 Morgan Road***

Chairman Hess opened the public hearing. Mr. Hal Romans was present and explained the proposal. Hal stated that this is the site where there were previous requests for senior zoning, and retail/ gas station uses. It is 2 parcels, and the proposal would cover a portion of each parcel, but they are not asking for the entire parcel to be re-zoned to R-10; the balance would remain RA-100. The applicant would like to see single-family housing, approximately 80 lots. Hal showed the sketch plan and explained that wetlands were added to this map, so it appears slightly different than the one shown to the Town Board on Monday. He also explained that there would be less than a ½ acre of disturbance to these wetlands. This site is in the Oak Orchard treatment plant district, therefore those issues must be resolved before any homes could be built, however the applicant wanted to begin the process knowing that it will take time. There is an existing drainage easement along the railroad tracks and many of the lots in this area are larger

than the 10,000 square foot threshold to accommodate for the potential noise that comes with proximity to these tracks. Hal estimates that it will take approximately 10-15 years to reach full buildout. They feel that the other portion of this parcel will eventually develop and be re-zoned to some type of residential housing, keeping in mind that it is adjacent to the Industrial park, so a buffer type of land use would be more desirable than single-family housing. Hal stated that some of the lots were left extra wide to accommodate for potential shifting that may need to occur for wetlands or stub streets. Any future development will have to avoid the wetlands.

Chairman Hess feels that the entire parcel should be re-zoned as one. He likes the connectivity with Bordeaux, but the County would like to see the road exiting onto Morgan aligned with Waterhouse. The design presented here could mean that in the future these 2 parcels would not connect into each other which would lead poor traffic flow and more of a burden to Morgan Rd. Hal Romans stated that they aren't re-zoning now because they don't know what the market will support and they don't want to be locked into a zone they may not want. They realize they would have to go through the re-zone process at the time they decide what would work for the remainder of this parcel. Dave Hess feels that this proposal would lock the Town into something they don't want. Hal Romans mentioned that they could potentially look at doing a PDD for this property.

Karen Guinup feels why not zone all of this R-10 now since either way they would have to come back for a zone change, so it really wouldn't make a difference.

Al Kovac doesn't see how they would ever make a connection across from Waterhouse if this proposal goes through. Hal Romans stated that when the other piece develops it will align but the potential for needing a light is there and they would have to pay for it even if they don't build any houses. Al said that you must tie the interior streets together in a logical pattern and this plan doesn't do that. He suggested a stub street off of the lower road, the third lot in.

Hal Henty wants the applicant to look at re-zoning the entire parcel. Hal Romans stated that they just have to see what the market will demand in the future and also see if the potential for townhouses will be there at the time.

Dave Hess checked with Attorney Scott Chatfield and he verified that if the entire parcel is re-zoned to R-10, a portion of it could still be farmed as a legal non-conforming use. The loss of the farmland was given as a potential reason for not re-zoning the entire parcel at this time.

Bob Trombley has concerns with the location of the proposed road. This location will put an excessive amount of traffic onto Morgan Rd. and there are no turning lanes. He would prefer to see the entire parcel re-zoned as one piece so that the roads can be laid out in a sensible pattern.

Jim Scheiderich of Bordeaux Ave. showed the Board a proposed plan from 2013 which was a much denser plan. He suspects that the County moratorium at Oak Orchard has

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something to do with this less dense plan. He also stated that if this new proposed connection goes through, Bordeaux Ave. will funnel all of the Fairways traffic down his street, and with the curve, it cannot handle this.

Dave Morgan of Morgan Rd. noted that it will be awhile before the County resolves the Oak Orchard issues and he feels that the applicant should have the DEC designate the wetlands to truly know where they lie on the property. He also stated that the increased traffic without turning lanes will be a hazard on Morgan Rd. as it currently is closer to the railroad tracks at Caraway Drive. He feels the road from this development should align with Waterhouse, and the developer needs to do more homework.

Peter Cantanzaro of Cross Creek Dr. stated that this is the exact same plan that was previously presented to the Board minus the senior housing and gas station. He stated that the neighbors have many signatures on a petition against that proposal and this plan isn't acceptable. It doesn't blend with the community.

Ed Prue of Cross Creek Dr. stated that it is tough to drive on Bordeaux Ave. as it is very narrow and the increased traffic that will come from this new connection will make it worse. When there was culvert work done on Fairway East Dr. and traffic was re-directed. Many people came down Bordeaux and Cross Creek at excessive speeds only to find they are dead end streets.

Shaun Sweeney of Cross Creek Dr. is concerned about traffic from the north, it will change the type of street that Bordeaux currently is, he is also concerned about the uncertainty of the remaining RA-100 piece.

Chairman Hess stated that they will not be acting on this tonight.

Hal Romans clarified that the pavement width isn't the same as the right of way as shown on the map. He also stated that they are prepared to do any mitigation that is required for this project, and the Oak Orchard issues will dictate what can be done here.

Dave Morgan asked why a coordinated review wasn't done on this project. The Chairman stated that those are set up by the County.

James Palumbo wants to see 1 zone for the entire parcel. This will allow more flexibility for where the road will end up.

Hearing no further comments, the Chairman closed the public hearing.

A motion was made by Al Kovac seconded by Hal Henty to adjourn this hearing to the October 22, 2014 meeting.

**Motion passed 7-0**

**\*\*7:45 PM – Case #2014-049 – Superior Self Storage (3) – Site Plan, 4356 NYS Route 31**

Chairman Hess opened the public hearing. Mr. Hal Romans was present and explained the proposal. Hal explained that sheet one is the existing topo map showing wetlands. Sheet two shows the proposed features and this is essentially the same map that was viewed during the zone change meetings. He also stated that the DEC has approved wetland disturbance, and the NYS DOT has granted access to the parcel. They will need some variances for front, side, and rear setbacks, as well as the proposed security fence. Sheet three shows the lighting and landscape plan. There will be no spillover onto the adjacent properties and the proposed landscaping is in the front of the parcel. The remainder of the sheets are the engineering which was done by LJR. They show the proposed stormwater management facilities and how it will capture and treat the water. It must meet DEC regulations.

Chairman Hess asked about the proposed fence shown on page 2. He said the  $\pm$  symbol is confusing, and a more exact number is needed. He also asked where the snow will be stored or moved to. Hal Romans believed it will be stored toward the front of the property. Ben Kaye, the property owner, stated that gates will be installed to allow the snow to be pushed out of the south side of the property. The Chairman wants to see a picture of the lighting and the type of wall pack that it is. Hal stated that it is a full-cut off wall pack.

Jim Palumbo asked about the use of a gabion wall, and he is not a fan of these. He also questioned the proposed drop in the wall and wanted to ensure that this will be designed by a structural engineer. The guiderail should also be looked at. He also commented that a slab on grade building is almost part of the foundation of the building and should be identified. Mr. Palumbo would also like to see the planting schedule clarified, mature height or planting height of trees should be specified.

Chairman Hess asked if the utilities actually go through the stormwater pond on the east side of the property as identified on the plan? Hal Romans stated that gas and cable TV will go through it, but they will be dropped down an additional 6 feet. The Chairman also noted the gate and access for the adjoining property is located on this property and he asked if they will continue to utilize this; or will they not have this access any longer. Hal Romans stated that they have moved their infrastructure and graded their land in exchange for this.

Ron DeTota stated that if they push the snow to the south as explained, it could effect the trench/rain garden as approved (see note 18 on plan); therefore this is not an option at this time. Ron also stated that the DEC permit states that they need a clearly visible boundary to the wetlands such as orange snow fencing; silt fence wouldn't work for this site as it could get destroyed by the heavy equipment. The wetlands must clearly be delineated during the construction phase. Ron also stated that the invert of the pipe along the gabion walls, from south to north, show a 15" diameter pipe and at the bottom of the wall the pipe will be 1 foot higher- this must be reworked. Since this plan is part of the approved

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DEC regulations, we will need to see a note that states topo as-builts must be provided to the Town.

Hearing no further comments the Chairman left the public hearing and entertained a motion.

A motion was made by Hal Henty seconded by Al Kovac to adjourn this hearing to the October 22, 2014 meeting.

**Motion passed 7-0**

**Old Business: Adjourned Hearings:**

**\*Case #2014-028 – Sharkey’s (5) – Special Permit referral, 7260 Oswego Road**

Chairman Hess explained that the applicant has not yet been to the Town Board to present; therefore tonight’s agenda item will be adjourned to the next meeting.

A motion was made by Al Kovac seconded by Michelle Borton to adjourn this hearing to the October 22, 2014 meeting.

**Motion passed 7-0**

**\*\*Case #2014-029 – McDonalds Corporation – (3) Site Plan – 3869 NYS Route 31 (Adjourned from 3 previous meetings)**

Chairman Hess opened the Public Hearing and he acknowledged receipt of a letter from COR Companies Council. Chris Boyea of Bohler Engineering was present for the applicant, explained the plan. The applicant will renovate the exterior and interior of the existing building. The exterior parking lot will be changed so people won’t have to cross in front of the drive thru lane traffic to enter the restaurant. The parking and walkways will be updated. Mr. Boyea explained that they have been to both the Town Board for special permits and the ZBA for variances. Mr. Boyea explained that since they last appeared before this Board on July 29, every attempt has been made with COR Companies and McDonalds to move the existing site entrance further to the east to relieve some of the traffic congestion on the ring road of the plaza. The details have not been finalized at this time.

Chairman Hess asked about the 2 different drawings that were shown here tonight. The applicant stated that they are committed to making the change if COR will approve it, but if not the alternate plan shows the driveway as it currently exists.

Scott Chatfield stated that the Board would be able to approve the first plan presented with a notation that the other (preferred) plan would be built if and when permission is granted.

The applicant stated that they would leave the full-size set with the Town and he also noted that they will still meet the parking code.

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The Board stated that they would like to see an amended site plan if this driveway issue changes in the future.

James Palumbo asked about the note regarding ADA compliant parking. He also questioned the sidewalk. The applicant said that it is a standard note and that they may have to shim the pavement up or grade the pavement down to make it conform. It will be between the contractor and McDonalds to do this.

Hearing no further comments the Chairman closed the public hearing.

Russ Mitchell moved to adopt a resolution using standard form #10, for McDonald's Corporation site plan case # 2014-029, located at 3869 NYS Route 31, SEQR determination, that the proposed action 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 and that the resolution shall constitute a negative declaration (for the following reason) All potential impacts had been previously considered as this application is a remodel of the building and an improved drive-through which will improve overall conditions of the site, and there was considerable discussion regarding ingress and egress concerns. Seconded by Karen Guinup.

**Motion Passed 7-0**

Russ Mitchell moved the adoption of a resolution for McDonald's Corporation site plan Case # 2014-029, located at 3869 NYS Route 31 using standard form # 20 granting site plan review and approval based on a map by Bohler Engineering. Dated and numbered September 22, 2010 revised May 19, 2014. Sheets C-1, C-2, C-3, remodel plans by T.Y. Lin International dated April 29, 2014 revision date May 19, 2014 sheets AD1.0, 1.3 & 2.0. A1.0, 1.2, 1.3, 2.0, & 2.1. Plus two sample building architectural pictures.

Additionally, if COR should ever approve a change in the entrance, McDonalds will change the entrance per revised plan C-1 dated August 28, 2014.

Seconded by Hal Henty.

**Motion Passed 7-0**

**\*\*Case #2014-046 – *Morgan Meadows* (3) – Preliminary Plat, west side of Morgan Road, south of Waterhouse, north of Caraway.**

Chairman Hess explained that the applicant has requested an adjournment therefore tonight's agenda item will be heard at the next meeting.

A motion was made by James Palumbo seconded by Al Kovac to adjourn this hearing to the October 22, 2014 meeting.

**Motion passed 7-0**

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**Old Business: Hearings Closed:**

**\*\*Case #2014-042 – *Antique Broker* – (3) Site Plan – 4182 NYS Route 31 (Adjourned from 1 previous meeting)**

Chairman Hess opened the Public Hearing. Gerald Petro and Steve Krisak were present for the applicant, explained the plan. The applicant will renovate the exterior and interior of the existing building. It was noted that they must put the most recent variances received on the plan. The applicant stated that they plan on doing the landscaping in the spring, he also noted that the vines have been removed from the sheds as discussed at the last meeting.

Hal Henty asked if the parking lot is currently striped and the applicant stated that it is.

Hearing no further comments the Chairman closed the public hearing.

Russ Mitchell moved to adopt a resolution using standard form #10, for Antique Broker site plan case # 2014-042, located at 4182 NYS Route 31, SEQR determination, that the proposed action 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 and that the resolution shall constitute a negative declaration (for the following reason) There were no impacts that haven't been considered. Seconded by Michelle Borton.

**Motion Passed 7-0**

Russ Mitchell moved the adoption of a resolution for Antique Broker site plan Case # 2014-042, located at 4182 NYS Route 31 using standard form # 20 granting site plan review and approval based on a map by Ianuzi and Romans. Dated and numbered November 22, 1994 last revised October 8, 2014, file number 2272.001. Said map to include ZBA variances and case numbers, date, and description for dumpster/sheds.

Seconded by Al Kovac.

**Motion Passed 7-0**

**New Business**

**Signs**

**Fit Body Boot Camp - *Kassis Superior Signs* – 7421 Oswego Road**

Zoned RC-1. Permit #45,959

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Wall Sign – Applicant is proposing a 28.25 square foot wall sign, when a 43 square foot sign is allowed. The proposed sign will meet the existing code.

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

**Motion Passed 7-0**

**Sugarwood Plaza – *Mickeys Balloons* – 7475 Buckley Road**

Zoned RC-1. Permit #45,970

Wall Sign – Applicant is proposing a 24 square foot wall sign, when a 25.6 square foot sign is allowed. The proposed sign will meet the existing code.

A motion was made by Michelle Borton, seconded by James Palumbo to approve the sign as presented.

**Motion Passed 7-0**

**Work Session**

None

A motion was made by Karen Guinup, seconded by Hal Henty to adjourn the meeting at 10:20 PM.

**Motion Passed 7-0**

Respectfully Submitted

Mark Territo