

A P P R O V E D

The regular meeting of the Planning Board of the Town of Clay, County of Onondaga was held at Town Hall located at 4401 State Route 31, Clay, New York on the 12th of January 2011. The meeting was called to order by Chairman Lepkowski at 7:30 PM and upon roll being called, the following were:

PRESENT:	Walter Lepkowski	Chairman
	Karen Guinup	Deputy Chairperson
	Allen Kovac	Member
	Hal Henty	Member
	Russ Mitchell	Member
	David Hess	Member
	Mark Territo	Commissioner of Planning & Development
	Scott Chatfield	Planning Board Attorney
	Doug Wickman	C & S Engineers
ABSENT:	James Sharpe	Member

Organizational Items for 2011

Motion Passed 6-0

A motion was made by Karen Guinup seconded by Russ Mitchell to appoint C&S Engineers as the Planning Board Engineer for the year 2011.

Motion Passed 6-0

A motion was made by Hal Henty seconded by Allen Kovac to appoint Scott Chatfield as Planning Board Attorney for the year 2011.

Motion Passed 6-0

A motion was made by David Hess seconded by Karen Guinup to approve the Planning Board Meeting Calendar for the year 2011 as follows; the second and fourth Wednesdays of the month at 7:30 PM with only 1 meeting in June, August, and November.

Motion Passed 6-0

Chairman Lepkowski appointed Karen Guinup as the Deputy Chairperson to the Planning Board, term to expire December 31, 2011

A P P R O V E D

A motion was made by David Hess seconded by Allen Kovac to approve the minutes of the previous meeting.

Motion Passed 6-0

Public Hearings:

2010-11-3 *Loretto Oswego Realty Corp.,(3) Preliminary Plat- East side of Burnet Rd., north of NYS Route 31*

Chairman Lepkowski opened the public hearing. David Norcross of Pioneer Companies was present on behalf of the applicant. Mr. Norcross stated that it is a two-lot subdivision. Lot 1 is a 36.9 acre piece, and Lot 2 is the piece being subdivided totals approximately 2.3 acres.

Mr. Norcross explained that Loretto Oswego realty is the purchaser under contract from the current owner, New Dimensions Properties, LLC. Loretto is in the process of developing a housing project in the Town of Cicero, and this parcel of land is needed for a portion of the stormwater retention basin.

The history of the process was next explained. Mr. Norcross stated that originally, the size of the lot they were proposing to subdivide was nonconforming in size. More land was obtained to meet the minimum requirement. The applicant then went to the Zoning Board of Appeals to get an Interpretation as to whether the parcel of land could be used for stormwater retention only without a principal use, and the Board ruled that they could.

The Chairman noted that The Board could not make a ruling at this time since we haven't received the County comments back yet.
Chairman Lepkowski closed the public hearing.

A motion was made by Karen Guinup seconded by Hal Henty to adjourn the Public Hearing to January 26, 2011.

Motion Passed 6-0

Old Business: Adjourned Hearings

2010-8-1 *COR VerPlank Road Company, LLC (3) Preliminary Plat - Westerly end of Dell Center Drive (Adjourned from 5 previous meetings)*

2010-8-2 *COR VerPlank Road Company, LLC (3) Site Plan – Westerly end of Dell Center Drive (Adjourned from 5 previous meetings)*

A P P R O V E D

2010-8-3 COR VerPlank Road Co., LLC (3) – Zone Change Recommendation, RA-100 & R-APT to R-15 at the westerly end of Dell Center Drive (Adjourned from 4 previous meetings)

Chairman Lepkowski opened all three Public Hearings. Kate Johnson, Attorney for COR presented the plan. Kate stated that she would be addressing Site Plan issues tonight as the issue of sewer capacity has not been worked out for the Zone Change recommendation. Kate stated that COR Development has received the Town Engineer's comments regarding the apartments, but they have not yet addressed these and responded back to the Town Engineer. They have also revised the architectural renderings, and Alex Wisnewski presented these.

Alex Wisnewski presented the revised plan, emphasizing the changes in the lighting. He also pointed out that the architectural renderings are very similar to what was previously presented, with a few changes to the clubhouse and the addition of a mail hut, the central location where the residents will pick up their mail. Alex stated that he still has to meet with Ron DeTota to work out the engineering issues. He stated that the private drive within the complex previously showed a 20-foot width pavement with 2-foot concrete gutters and now it is proposed to be 24-foot width pavement with curbs. This will be more aesthetically pleasing. Alex requested that the Board approve the Site Plan this evening, contingent upon legal and engineering.

The Chairman stated that this is a working drawing, and not the final Site Plan that the Board wants to see. Alex then presented the newest Site Plan. The Chairman next asked about the walking path that would connect the apartments to the COR shopping Center. Kate Johnson stated that the location that the Board would like to see the walking path is not feasible for several reasons. First, COR does not own all of the land where this walkway would be located, Target owns a portion of the land within this shopping center. The path that this walkway would take would have to cross a stormwater pond, a loading dock, and a retaining wall so the path would be somewhat dangerous and a liability for the Town and COR. Ms. Johnson feels that people will find a natural path that makes sense for them.

The next issue that was discussed was the extension of Dell Center Dr., and extending it to Ver Plank Rd. The Chairman feels that there will be enough traffic from this apartment development to warrant this extension. Ms. Johnson stated that they would dedicate a right of way to the Town for the extension of this road, but they could not construct it. If the zone change on the parcel to the north were granted, then COR could justify the expense of constructing this road. Scott Chatfield stated that you couldn't connect the road to Ver Plank until the County agrees to it. You could come close to Ver Plank, and the additional distance would have to be a right-of-way only at this time. Kate Johnson stated that there are already mitigation costs associated with the apartment project such as the State DOT's request for COR to construct new left-turn lanes onto State Route 31 from Dell Center Dr. and the associated pole, signal realignment, so adding the expense of constructing the road all the way to Ver Plank is not justifiable. Kate also stated that she feels most of the Board members would like to see the road in a straight pattern, rather

A P P R O V E D

than meandering through the properties. It was also noted that the single-family houses would be built in phases, and if the County were to put Ver Plank Rd. on its eligibility list for Federal Funding, it is possible that by the time they get to construct the final phase, the road would be upgraded and ready to handle the traffic from the development. The Chairman stated that he would like to see the easement dedicating the road right-of-way to the Town shown on the Site Plan. Kate Johnson showed the Board the subdivision map with the proposed easement on it. The Chairman asked Scott Chatfield if the apartment lot should extend all the way to Dell Center Dr., Ms. Johnson explained that an additional 60' are owned by the Town, so this lot does technically have frontage on the road. Kate expressed that once the extension of Dell Center Dr. goes through, she hopes the Town would release that portion of the easement to COR, so that COR could maintain the road. Scott Chatfield stated that it would be a good idea to put conditions on the Site Plan approval to clarify this.

The Chairman asked if anyone from the public wanted to speak in favor or against the project, and no one did. He then stated that he would like to see the access road off Dell Center Dr. improved and striped as part of this project. Ms. Johnson stated that as part of this project she would like to see Dell Center Dr., a Town Road, repaved and striped as well.

Kate Johnson asked if the Board could do SEQR tonight. Mr. Chatfield stated that we could reference the December 18, 2006 declaration if we chose to do SEQR. The Chairman stated that we know mitigation is required, but we do not yet know what that will be. Scott stated that we can make reference to this. Since there are a few outstanding issues, the Board decided not to do SEQR this meeting.

A motion was made by Russ Mitchell seconded by David Hess to adjourn these three Public Hearings to January 26, 2011.

Motion Passed 6-0

2010-10-1 Michael & Cynthia Charles and Liverpool Central Schools (3) Preliminary Plat 1 Orangewood Drive (Adjourned from 1 previous meeting)

2010-10-2 Michael & Cynthia Charles and Liverpool Central Schools (3) Final Plat 1 Orangewood Drive. (Adjourned from 1 previous meeting)

Chairman Lepkowski opened the Public Hearing. Hal Romans explained the plan, this is a lot line adjustment, it is approximately 6400 square feet. It is the steep portion of the slope near the creek. Mr. Romans presented the preliminary and the final plan to the Board, as they are the same. Hal summarized the presentation from the last meeting, and how this subdivision came to be. There was some discussion about covenants and Hal stated that Robert Ventre, Attorney for the applicant, could not find any covenants on the title, but if there were any, they would transfer over to the current and subsequent owners. He also stated that a vote does not have to take place at the school board level to accomplish what is being requested. Hal re-stated that a review of the abstract did not reveal anything about covenants or limitations on this land.

A P P R O V E D

The Chairman acknowledged that a letter was received from the *Bayberry Community Association* asking that this subdivision not be allowed to occur, and that the land remain 'forever wild'.

Mr. Fred Miller of the *Irongate Homeowners Association* next spoke about the issues that are important to the community. Mr. Miller stated that there is a long history with this property and the Town and that a lot of negotiations were made when the housing development was approved. He indicated that if the records of the Town were checked, the Board would find that the intent was to keep this property 'forever wild'. Mr. Miller urged the Board not to act on this request until the community can meet with the school board to work out a solution.

Ms. June Baycura of the *Bayberry Community Association* spoke about the history of the property and what could happen if the property is sold. She asked the Board for more time to render a decision so that a meeting with the school board could take place to clarify the intent of the land and its 'forever wild' designation.

The Chairman stated that the Town would be taking an easement for drainage, and that the remainder of the property is steep and unusable. Hal Romans stated that the applicant would offer up covenants that would state that the owner would not change the grading. Hal told Mr. Miller that he thought they would have a document to take to his Attorney for review, and that has not happened. The Chairman stated that the Town would take a 15-foot easement along the length of the property, he also suggested that the community work with the school board to get more trees along the creek. Ms. Baycura suggested we look at the records to see the value and importance that the creek has to the area.

Mr. Mike Banks, past BCA president, reiterated what he had heard and asked how many square feet the property in question is, once he heard that it is 6400 square feet, he stated that he doesn't see where the problem is.

Mr. Al Kovac clarified about the property owned by the Town, and that owned by the school are different, and a lot of sensitive land the community is referring to is the land owned by the Town, and not the subject of this subdivision. The Town owned land was carefully negotiated and can not be touched, but this land is not part of that.

Ms. June Baycura is concerned about maintaining access, and she stated that the community will continue to work with the school board for the remainder of the property.

The Chairman closed the public hearing.

Scott Chatfield stated that this is technically an 'Amended Final' and that we should go right to Final for approval since it is the same case.

A motion was made by Russ Mitchell seconded by Al Kovac to adopt a resolution using standard form # 10, SEQR determination for Case # 2010-10-2 Michael & Cynthia Charles and

A P P R O V E D

Liverpool Central Schools located at 1 Orangewood Drive be declared an unlisted action and a negative declaration as it appears to have no environmental impact which can not be mitigated and does not involve any other permit granting agencies, including the Federal Government.

Motion Passed 6-0

A motion was made by Russ Mitchell seconded by Al Kovac to approve the Final Plat using form # 40, for Case # 2010-10-2 Michael & Cynthia Charles and Liverpool Central Schools, located at 1 Orangewood Drive. Based on a map by Ianuzi and Romans known as *Bayberry Community Section No. 10A New Lot No. 27A*, file # 216.018 dated July 20, 2010 last revised January 12, 2011. Approval is conditioned on the following: There shall be a fifteen-foot drainage easement running the length of the property shown on the map. Also subject to all legal and engineering.

Motion Passed 6-0

Old Business: Hearings Closed

NONE

New Business:

2010-12-3 *Waterhouse Landing Section 2 (5) Final Plat- Morgan Rd. at Fairways/Millstream.*

Tom Oot was present for the applicant. He stated that all legal/engineering/easements have been addressed.

A motion was made by Karen Guinup seconded by David Hess to approve the Final Plat using form # 40, for Case # 2010-12-3, *Waterhouse Landing Section 2*, located at Morgan Rd. at Fairways/Millstream. Based on a map by SeGuin Land Surveying, P.L.L.C., DWG # MORGANFIANLSEC 2, dated August 20, 2010 last revised December 23, 2010. Subject to all legal and engineering.

Motion Passed 6-0

Signs

Kassis Superior Sign Co., Inc.- 7608 Oswego Rd., Kinney Drugs Bayberry Plaza

Zoned RC-1, permit # 42,565

A P P R O V E D

2 Wall Signs- Allowed 2/tenant, 8% max of wall face (211.68 sq. ft. AND 207.36 sq. ft. are allowed for this tenant). Applicant is proposing one 193 sq. ft. sign AND one 97.5 sq. ft. sign.

Directional Sign- Approval/maximum allowed is subject to Planning Board review, 4 sq. ft. is the maximum allowed. Applicant was proposing 9.6 sq. ft. sign, but will bring in revised plan that meets code requirement the night of the meeting. Chairman Lepkowski asked if the 'Drive-Thru' sign is considered a canopy sign or a directional. Commissioner Territo stated that he felt it was a directional sign so long as they stay within the allotted 4 square feet. Russ Mitchell wants to make sure that we are consistent on this ruling.

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

Motion Passed 6-0

Allied Sign Company- 3841 State Route 31, T.J. maxx COR Plaza

Zoned RC-1, permit # 42,583

Wall Sign (Face Change)- Allowed 2/tenant, 8% max of wall face (216 sq. ft. is allowed for this tenant). Applicant is proposing 199.42 sq. ft.

Freestanding Sign (Face Change)- Applicant is proposing to change their existing sign on the freestanding sign, dimensions will remain the same.

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

Motion Passed 6-0

Sign & Lighting Services LLC.- 7608 Oswego Rd., Metro Mattress Bayberry Plaza

Zoned RC-1, permit # 42,588

2 Wall Signs- Allowed 2/tenant, 8% max of wall face (115.5 sq. ft. AND 62.3 sq. ft. are allowed for this tenant). Applicant is proposing one 87.9 sq. ft. sign AND one 44.8 sq. ft. sign. Both meet requirements of the code.

A discussion took place about the illumination of the sign, and how bright it would be in comparison to the Metro Mattress location on John Glenn Blvd. The Board wants more information about the illumination of this sign, the LED, and how bright it will be. A motion was made by Karen Guinup seconded by David Hess to adjourn this matter to the next meeting.

Motion Passed 6-0

A P P R O V E D

Work Session

JoLu Development Company, *Tocco Villagigo*, PDD Project Plan Discussion.

Amy Franco of Clough Harbor and Associates gave an overview and update of where the project stands. She presented the Board with updated color plans of the project. At this point Amy asked for the Board's input on how they would like to proceed with the project.

The Chairman asked for architectural details of the buildings, roof materials, siding materials so that it will be like a Site Plan proposal that includes great detail of things like the lighting, accessory structures etc.

Amy asked if the renderings will need to be detailed and the Board said yes. She also asked if they need to produce a written document at the same time as the plans. Karen Guinup explained the written document is a work in progress and will need to be continuously revised.

Amy stated that she will need some time to work on the details of the Project Plan, and that she could skip the next meeting.

A motion was made by Karen Guinup seconded by Russ Mitchell to adjourn this matter to the February 9, 2011 meeting.

Motion Passed 6-0

A motion was made by Hal Henty, seconded by Karen Guinup to adjourn the meeting at 10:21PM.

Motion Passed 6-0

Respectfully Submitted

Mark Territo