

Regular Meeting  
Planning Board  
May 23, 2012

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 23<sup>rd</sup> of May 2012. The meeting was called to order by Chairman David Hess at 7:30 PM and upon roll being called, the following were:

<b>PRESENT:</b>	David Hess	Chairman
	Karen Guinup	Deputy Chairperson
	Walter Lepkowski	Member
	Hal Henty	Member
	Allen Kovac	Member
	Russ Mitchell	Member
	James Palumbo	Member
	Mark Territo	Commissioner of Planning & Development
	Scott Chatfield	Planning Board Attorney
	Kim Patterson	C & S Engineers
	Linda Simmons	Planning Board Secretary

**ABSENT:**

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

**Motion Passed 7-0**

**Public Hearings:**

**\*\*7:30 P.M. 2012-015 JoLu Development Company (Tocco Villaggio) (3) – Site Plan- State Route 31 near the Cicero border.**

**\*\*7:35 P.M. 2012-016 JoLu Development Company (Tocco Villaggio) (3) Preliminary Plat – State Route 31 near the Cicero border.**

Chairman Hess opened both public hearings. Amy Franco of CHA was present to explain the proposal. Ms. Franco began by explaining they would like to start as soon as possible. The project would probably start with the construction of the community center. They would like the island eliminated on right in and right out portion of the Town Road because there are concerns over plowing. They intend to keep the island at the end portion of the driveway.

Ms. Franco stated that when they get a commercial tenant, they will need to reappear before this Board for site plan approval. Section 1 Final Plat will consist of road construction and lots 1, 2, 3. When completing this section they will need the Lawton Road traffic signal and connection through Cicero completed. They must get approval from Cicero Planning Board. When final

Regular Meeting  
Planning Board  
May 23, 2012

Plat is requested they must be sure that Legionnaire Road is constructed so that a second means of ingress/egress will be provided to the site. They will come back with highlighted section of 1, 2, 3 at the next meeting, and a proposal of final of Section 1 will be unable to approval but will show the needed info. They will need preliminary Plat approval. Conditional final will be based on construction of Legionnaire connector road.

A motion was made by Hal Henty, seconded by Karen Guinup to adjourn both Public Hearings to June 13, 2012.

**Motion Passed 7-0**

**\*\*7:40 P.M. 2012-0018 COR Ver Plank Road Company, LLC (Harke Farms), (3)  
Preliminary Plat – South of Ver Plank Road, west of NYS 481, and north of the COR Center.**

Chairman Hess opened the public hearing. Hal Romans was present to explain the proposal, along with Catherine Johnson of COR Companies. Mr. Romans began by explaining they are looking for approval Preliminary Plat approval on this property that was recently granted a zone change from RA-100 to R-15. Additionally, they have gotten authorization for clustering on Monday, May 21, 2012 at Town Board Meeting.

The applicant stated that the clustered development of 107 lots meet the R-15 zoning requirements with R-10 lot dimensions. The Road right-of-way width is to be decided by the Town of Clay. An emergency exit on to Ver Plank Rd. will be constructed with a break away gate. They are looking for Federal Funding for development of Ver Plank Road, but until that happens, the County will not allow access from this development onto Ver Plank Rd.

Mr. Romans stated that 27% or about 24 ½ acres will be unencumbered green space, which exceeds the threshold for open space as stated in the clustering regulations. Simplified HOA will maintain and keep control of green space; this must be filed through Attorney Generals Office for approval. They will plant trees in the berm and throughout the development.

Storm water facilities will follow the course of natural drainage. Sanitary sewers will come into the development from Dell Center Drive. There will be a walking trail. No adverse implication through town. The trees as shown are liked by David Hess. Two to three foot high trees with a 10 year growth. Jim Palumbo states this is a great garden idea. Possibility of water for watering garden areas should be looked at, as access to water is very important. Tree selection is also very important. He suggests larger variety such as oak, chestnut perhaps being placed on every third lot, so as not to be placed too close together. Lighting will be planned at a later date. Town has standard lighting requirements. Russ Mitchell asked if the HOA which is responsible for maintenance of green space and how this would be enforced. Is there going to be a fee per year on deed? Are the walking path, mowing, and community garden going to be included in this fee? He asked about insurance, mowing, fee for fences. Is this going to be included and suggested they try to keep the fees down to a minimum.

Regular Meeting  
Planning Board  
May 23, 2012

Mary Hall Fisk of 3721 Ver Plank Road, Clay, NY asked about possibility of culvert removal. She noted her property is agricultural zoned and homes are being built within 100 feet of her property line.

*8:51 pm Walter Lepkowski left meeting for a few minutes.*

Ms. Fisk questioned drainage and standing water, with drainage going to southwest. This will be reviewed by C & S Engineers. This will be reviewed by town.

She states she has livestock. She does not want issues with neighbors. She lives in agricultural district. The right to farm is a law. The zoning is RA-100 to west of this land.

*9:01 Walter Lepkowski returned.*

Ms. Fisk stated she has report from Alex of LJR engineers with drainage to south. She has asked for copy of engineers report. She states this is not a new issue.

Chairman David Hess states he will keep public hearing open.

A motion was made by Hal Henty, seconded by Karen Guinup to adjourn the Public Hearing to June 13, 2012.

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

### **Old Business: Adjourned Hearings:**

**\*\*2011-31 Sam's Real Estate Business Trust/Wal\*Mart Real Estate Business Trust. (3) Site Plan – 3895 State Route 31- Wal\*Mart SuperCenter (adjourned from 16 previous meetings)**

Chairman Hess opened the public hearing. Glenn Harvey of Bergman Associates was present to explain the proposal along with Kelly Prontie.

Mr. Bergman began by explaining that traffic study was completed May 18, 2012. Nineteen people were physically counting cars between 4-6 pm and 11:00 am to 2 pm on May 19, 2012. The traffic study included locations mentioned by DOT in Fisher study. This report will be forwarded to David Hess by May 24, 2012.

A full set of plans were forwarded on May 10, 2012.

SEQR information was received and needs to be reviewed and digested, as this was distributed to the members earlier today.

Per engineering they have only minor comments. No major concerns at this time.

The Board requested a full site plan package for each member by the next meeting. They will be sent out tomorrow. Kellie will draft proposal of negative resolution with proposal adjusted. The

Regular Meeting  
Planning Board  
May 23, 2012

Board next went over the draft SEQR with Kellie Prontie. They next went over the project plan sequence.

A motion was made by Hal Henty, seconded by Russ Mitchell to close the public hearing.

**Motion Passed 7-0**

A motion was made by Jim Palumbo, seconded by Hal Henty to adjourn the Closed Hearing to June 13, 2012.

**Motion Passed 7-0**

**\*\*2012-010 *Brian's Towing Auto Recovery (Brian Antonelli) – Special Permit – 7707 Henry Clay Boulevard* (adjourned from 2 previous meetings)**

Chairman Hess opened the public hearing. Mr. Chris Gaiser was present to explain the proposal

Mr. Gaiser began by stating Brian Antonelli is requesting a Special Permit for a 20 foot by 20 foot fenced in area to park vehicles recovered from his towing business. TDK engineering has been requested to submit amended site plans, however the owner has not paid his bill and TDK will not adjust the Site Plan. They are requesting this Special Permit be for 1 year only.

Russ Mitchell states that Mr. Spring does not have right to lease this property, as he does not have an updated Site Plan.

They are trying to get a special permit and this Board cannot give one if the Site Plan isn't current. This cannot be enforced.

The Board is in favor of denying the request for permit.

The applicant stated that they will look into the possibility of if a site plan can be obtained from another firm.

A motion was made by Hal Henty, seconded by Karen Guinup to adjourn the Public Hearing to July 11, 2012.

**Motion Passed 7-0**

**\*\*2012-011 *Orange Commons Subdivision – Preliminary Plat – 4414 State Rt. 31*(adjourned from 3 previous meetings)**

A motion was made by Russ Mitchell, seconded by James Palumbo to adjourn the Public Hearing to June 13, 2012.

**Motion Passed 7-0**

**Old Business: Hearings Closed**

NONE

**New Business:**

Public Meeting to review the 2011-2012 Annual Report for the Town of Clay Stormwater Management Program (SWMP) as part of the Phase II. Stormwater Regulations as promulgated by the New York State Department of Environmental Conservation.

Kim Patterson of C&S Engineers presented the report, explaining that the reporting period runs from March 10, 2011 to March 9, 2012 and incorporates the following minimum control measures:

1. Public Education and Outreach
2. Illicit Discharge identified and satisfactorily addressed
3. Construction sight –store sediment and treat before transported
4. Post Construction –giant ponds generated a lot of water
5. Storm water management operations.

Ms. Patterson explained that the Town is in contract with the Central New York Regional Planning Board, and the services they provide to the Town with regard to reporting and education are well worth the amount that the Town pays. Upon completion of the presentation, questions were received about some of the details of the report. Ms. Patterson stated that she would look into these and get back to the Board.

**SIGNS**

**Kassis Superior Signs – *The Salvation Army* – 3906 Brewerton Road**

Zoned HC-1, permit # 43,651

2-Freestanding Signs-One allowed (applicant received variance on May 14, 2012 to allow for second sign and reduction in setback from 25' to 0). Applicant is proposing 2 freestanding signs one is 21 square feet in size, and the other is 32. The proposed signs will meet the code as per variances granted.

A motion was made by Allen Kovac, seconded by James Palumbo to approve the sign as presented, with the following condition: The Brewerton Road sign needs street number located on sign, the sign shall not to project onto road right of way.

Regular Meeting  
Planning Board  
May 23, 2012

**Motion Passed 7-0**

***Charles Signs, Inc. – Church of Christ – 4268 Wetzel Road***

Zoned HC-1, permit # 43,683

1-Freestanding Sign proposed-1 allowed (applicant received variance on May 14, 2012 to allow for a reduction in setback from 25' to 1' and to increase allowable square footage from 24 square feet to 32 square feet. The proposed sign will meet the code as per variances granted.

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

**Motion Passed 7-0**

Building permits with amendment- *Lan's Flower Farm*

Mark Weiss stated that his previous sign permit, while approved, the lighting was denied. Mr. Weiss stated that lighting was temporarily installed during the holiday season. Planning board members asked why he would go about installing lighting after this had been denied and Mr. Weiss stated that he felt it looked better.

Jim Palumbo suggested that shrubbery be installed with up-lighting to address the issue of lighting distraction.

Russ Mitchell suggested a compromise. Allen Kovac is ok with this plan. Karen Guinup states she will abstain in any vote as she was not present when the original sign was presented.

They suggested that plans be submitted to show plantings before approval.

This will be adjourned to meeting of June 13, 2012.

**Work Session:**

NONE

A motion was made by Russ Mitchell, seconded by James Palumbo to adjourn the meeting at 11:15 PM.

**Motion Passed 7-0**

Respectfully Submitted

Linda Simmons