

ZONING BOARD OF APPEALS
5 ROUTE 31
P. O. BOX 568
JORDAN, N.Y. 13080



PLANNING BOARD
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Town of Elbridge Planning Board

May 14, 2019

Approved Minutes

Members Present: Chairman, Marc Macro, John Stevenson, Patrick Svanson, Steve Walburger, Cindy Weirs, Sec/Alt Member

Staff Present: Attorney Scott Chatfield, Doug Blumer, Councilor, Howard Tanner, Codes Officer

Others Present: Terry & Bill Ecker, Pat & Dennis Hoe, Karl Bitz, Bob Eggleston, Glen DeVaul

Approval of Minutes: April 9, 2019

Chairman Marc Macro moved to approved minutes at the meeting.

OLD BUSINESS:

Mildred/James Tracy	Major Subdivision	TM # 038.-02-12.1
Not Present	Rte 317, Jordan	Zoned: R1 (Lot 72)

Hoe Property	Site Plan Review	TM # 041.-03-38.0
	1124 State Route 5	Zoned: B-1

Pat and Dennis Hoe with Bob Eggleston, Architect was present. The Wheeling survey was updated by putting green on the non-structure areas to help it read clearer. Not saying they are going to mow all of this some of this is brush.

Parking Plan is based off the linear footage of the building. The retail building is 2400 square feet and based off the code the applicants are required to have 24 parking spaces. They are actually showing 30 parking spaces with six (6) parking spaces in front of the building which is on tarvia that will be striped. Because they have more than (25) parking spaces they are required to have two (2) handicap spaces. The convenience of that is the loading zone becomes a good area for

people to walk where cars won't be to get to the ramp and the steps to get into the building. The six (6) parking spaces in front of the building are on tarvia and they will be striped. The remaining parking area is gravel. The parking spaces are shown and there is enough depth to get three (3) rows of parking with two (2) aisles in and around. Parking spaces 31, 32 were not necessary so they took them out. There was a question regarding accessibility to how the cars will get out of parking spaces 1-6. There is 21 ft of driveway behind the 20 ft parking space; 20 ft is considered a minimum drive area and short of having an oversize car there should be no problem. It would only be from the handicap parking spaces that might be difficult.

The plan shows parking spaces 1-6 and the handicap parking as asphalt, the board would like everything paved including at least 24 feet of the front access road, straight north from parking spot 6 to the entrance way. The code calls for the entire parking lot to be paved.

The reason the board wants the lawn in there is to define the parking so cars are not all over the place. At least in the front and down the side they want some vegetation that can be maintained so it shows the parking lot. Once they do the sidewalk and the site improvement that will be a good time to get it all unified. This is not going to be curbed it will be just the sidewalk and lawn. The board would have expected the 90 degree corner skirt shown as a stone parking area would have come in a little further than the other corner. If the state is going to reconfigure and we have any say in it, the board would prefer that lawn be extended east behind parking spaces two and three.

The board discussed eliminating one section of the fence that goes to the back service area. The applicant agreed they will take the first section of fence down to align with the sign and also added a sign the board requested that says "Private Drive No Entry" for the private drive on the west side to keep the public from driving down there.

There must be some type of barrier between their property and the property next door to prevent people from driving through. Whether the concrete barriers get reconfigured or spread out a little bit it has to go all the way down the hill so no one is going behind the property next door and driving into their space. The board does not want one property accessing the other.

Dumpsters: He has shown the path that a dumpster truck could come in and make the turns, pull in and pick up the dumpsters and then they pull out straight. Right now there is a little bit of fence, but they are going to extend the fence so there will be a fence on both sides. Mr. Eggleston questioned the board regarding a fence enclosure on three (3) sides. The board said typically a gate on the front of it so it is enclosed and not visible. Mr. Eggleston will have to put some gates in front and will also have a man gate so people accessing the dumpster on a daily basis have the ability. He will show gates added in the front that can be opened when the dumpster truck comes to empty it.

Lighting: The building has yard lights on the west, east and south sides. On the deck there was note that was on the survey that there are three lights underneath the canopy on the front that provide good lighting for entrance in and out. The existing lighting should be such that they do not put light onto adjacent properties or Route 5. The light on the west side of building he could question whether they even need it or not, because the only access there would be the owner driving down there and there is a light in the back which provides light. The Planning Board does want a shielded light on the west side. Mr. Eggleston will get a dark sky compliant light for

the west side of building. Currently there is yard light on the east side that would provide a reasonable amount of light for the parking.

The tenant is only open until 6 pm maximum, so there is only about three months out of the year that they are actually open during night hours. The board addressed concerns that if there was a change in tenants what happens when the new tenant wants to stay open until 9 pm. Howard Tanner, Code Officer said with a change of use it would trigger a new Certificate of Occupancy and a new fire inspection. The Planning Board could make that contingent upon sending the Hoe's back here for a site plan.

SIGNS: There are currently two pedestal signs (? only talked about 1), one free standing pedestal sign that is 14 square feet above and 25 below that equals 39 square feet. The code limit is 32 square feet making this sign seven feet over the limit. The pedestal sign is located 24 ft behind the NYS ROW. This free standing sign is a pre-existing nonconforming sign and it would be the acceptance of the Planning Board that this sign would be allowed to stay. The building sign has to be brought into compliance. Mr. Eggleston will note that no more than 40 sq ft of signage is allowed on the building. Attached building signs are allowed one square foot per linear feet of frontage.

Mr. Eggleston added notes to the plan regarding no outdoor storage on the sides or the front of the building, the private drive sign and no flags or banners on fencings or building.

The board and applicant agreed that by August 1, 2019 the signage, lighting and dumpster enclosure will be completed; everything but the front ROW and paving. Mildred Hoe was hopeful that they could complete it sooner. The board will wait until the state completes what they are going to do and see how much they end up paving of the access drive. This is contingent upon the final entry by what the state leaves behind. Chairman, Marc Macro said if the board approves this application it is going to be contingent upon whether the state reconfigures or makes any changes to the plan at which time the board will have the applicant come back to the board to modify the changes made to the plan. Attorney Chatfield suggested with contingent approvals as long as the board can articulate the modifications to plan so that Howard Tanner, CEO can ensure compliance. Howard suggested that if there are any changes from the state, he would get the applicant back in here in October to modify the site plan, because you can't get asphalt in much later than Thanksgiving.

Mr. Eggleston said he will update the plan and recirculate it to the board so the board can do their approval contingent upon the final review of the plan internally and they can take care of this.

RECAP of Items to address:

1. Confirm that all the of the asphalt is existing for the handicap, it is going to be striped
2. Dumpster enclosure with a man door with two gates;
3. Add lighting that is dark sky compliant;
4. Compliant with square footage of the sign;
5. Operational until 6 pm
6. Existing sign that is nonconforming but the board will let it stay;
7. Building sign has to be reduced to the 40 sq ft;

8. Pave 24 feet of the stem of the access road
9. Remove 1 section of fencing back to the sign post;
10. Outside storage: there is No outside storage in front or on either side of the building which includes where the tires are piled up;
11. No banners/signs/anything is to be attached to the building/fence other than what the board approved;
12. The board requires two handicap parking spaces for the 30 parking spaces shown;

SEQRA: The Short Form SEQRA was reviewed finding it to have a Negative Declaration based on review.

John Stevenson motion to approve the SEQRA based on the review. Pat Svanson seconded the motion followed unanimously by all members to approve this motion.

CARRIED

RESOLUTION: To approve the Hoe Site Plan page 1 and 2 which will be future dated to May 14, 2019 based on the plan drawn by Robert O. Eggleston, bearing project # 19034 dated May 9, 2019 last revised May 14, 2019 including the restrictions articulated in the minutes of May 14, 2019 by the board; with the stipulation that the NYS ROW easement work will be reviewed when the work is completed by the NYS Department of Transportation in the fall of 2019.

Steve Walburger motioned to approve the Hoe Site Plan with contingencies as listed above; John Stevenson seconded the motion followed unanimously to approve by all members.

CARRIED

<i>Glen DeVaul</i>	Minor Subdivision	TM # 030.-03-02.0
Approved March 12, 2019	6700 & 6706 Grimes Road, Jordan	Zoned: Ag

Mr. DeVaul needed to move a line on the survey map that the board approved at the March 12, 2019 meeting. He provided the final map to the board with a legal description of both properties.

Mr. DeVaul also has a purchase offer in on another lot and then this will square the property off. He will then come to the town to merge the property together. Attorney Chatfield said he will have to see Howard Tanner, CEO, because you cannot have two main principles on a single lot. The one house is not up to code it is not a usable building. Attorney Chatfield said there is going to need to be that determination as to the future use of that and it is in compliance, because it was used residentially then presumably it could be continued to be used residentially. Mr. DeVaul may just tear it down.

The applicant will provide the board with five paper and two Mylar copies of the map to be signed and then they will need to be taken to the County Clerk for filing.

SEQRA was completed at the March 12, 2019 Planning Board meeting.

RESOLUTION: Granting conditional final platform approval for Lot 32 the proposed division line added September 26, 2018 updated on April 26, 2019 for NAV Revocable Trust #1 based on a map by Terra Pointe Land Surveyor, PLLC.

Steve Walburger motioned to approve the plan as submitted. John Stevenson seconded the motion to approve followed unanimously by all members.

CARRIED

NEW BUSINESS:

CNY Feeds Site Plan Review TM # 031.-0-.05.1
Mark Bitz 349 Cramer Road Zoned: Industrial

CNY Feeds is adding a rail track on the back side of the mill. They obtained permits from the DEC and Army Corp of Engineers for a proposed wetland mitigation and was required to show on the site plan where they encroached onto the 1.1 acres of wetlands. They will connect the CSX line into the line CNY owns. Plumley Engineering has engineered the track. The applicant would like to do all the site work this year and start on the mitigation. CNY Feeds will put the base in letting it settle for six months or more. The track will be put in next year by CSX.

Mr. Bitz will email the engineering drawings that show the track and elevation.

RESOLUTION: Chairman Marc Macro made a motion to approve CNY Feeds Site Plan Review. CNY Feeds came before the Planning Board with a proposal to add an additional rail spur for the property. They have been before the Army Corp of Engineers and NYS DEC for approval of proposed additional wetlands to proceed with the project. Both permits expire in 2022. All members of the board approved unanimously.

CARRIED

Bill & Terry Ecker New England Motor Freight TM # 040.-02-09.2
5302 Wheeler Road, Elbridge Zoned: B-1

The Ecker's came to the board in 1997 to for approval to divide one acre of land out of their ten acres of land for a business that Terry worked at for 23 years. Three years later the business owner decided they needed more parking. The Ecker's came back to the Planning Board for a Lot-Line-Adjustment (LLA) to add 30 feet to the business property on the survey map which was approved, maps were stamped and signed with the date of November 7, 2000. The maps were never filed with the Onondaga County Clerk and when Bill Ecker went to the county and he was told he could not file it now. They would like to sell the office or the whole property.

Attorney Chatfield explained that the approval they received in 2000 expired after 180 days after it was approved by the Planning Board. The board reviewed and discussed the maps that show the two buildings and the LLA. One house is the residence of the applicant and the other is the business that closed. SEQRA was completed in 2000.

RESOLUTION: Granting Renewed Conditional Final Plat Approval on the William and Terry Ecker (2) Lot Subdivision based on a map by James J. Marren, PLS dated November 7, 2000 and re-dated May 14, 2019.

John Stevenson motioned to approve the Ecker Subdivision; Pat Svanson seconded the motion followed unanimously by all members.

CARRIED

The Eckers were advised to see James J. Marren, Surveyor to get two Mylars and five paper copies of the map stamped and dated November 7, 2000 and re-date the maps with May 14,

2019. Then the applicants will deliver the maps to the Town of Elbridge Office for Chairman Marc Macro to sign. Then the maps will need to be taken to the County Clerk's Office or they can ask their surveyor to file the maps for them at the Onondaga County Clerk's Office.

DISCUSSION: The Kester Homestead, LLC Referral to Town Board

The board discussed at length the Planning Board meeting of May 6, 2019 with Attorney Chatfield who was not present.

The Town Board (TB) is taking the lead on this, so the Planning Board (PB) is making recommendations only. The PB board can include any limitations, suggestions, restrictions that they think are appropriate. When the TB receives the PB recommendations that satisfy the procedural process for them to precede to call a Public Hearing on the question of the adoption a local law, if they wish to do so and either before or after that the TB is free to adopt everything you say, ignore everything you say or somewhere in the middle. TB is free to do whatever they wish. This needs to go to the County Planning Agency at that time. What they are proposing is a local law creating a new zoning district specifically applicable to that parcel.

The TB is looking for the PB's experience and guidance's, but making clear that because it is a legislative act it is unlike what they normally do. Chairman, Marc Macro has quite a few notes he will write something up sent it to the board members and Howard Tanner, CEO. They can add to it, take away from it, clarify it and work the document. Marc will do this in the next ten days.

The TB's next meeting is Thursday, May 23rd and they were hopeful they would have something they could look at, not to make a final determination on, but a consensus among the PB members to be able to consider to be able to schedule the Public Hearing for the second meeting in June. In order to do that the TB needs to get this to the county in the first week of June. The TB can schedule the Public Hearing on May 23 for June 28th; but needs the PB's recommendations to send it to County Planning and to actually vote on it when they have the Public Hearing.

Attorney Chatfield said if the PB is reasonably comfortable before that last few days of May, that there is a consensus as to what the resolution and the map is going to look like come June 11, 2019 when the board is actually going to act on it; all it takes is a phone call to Howard and a copy of what you are talking about so he can send it to the county; it is the sending date that is the important thing, because County Planning has to have it 30 days in advance. The consensus among the board members is that they will probably approve it as their final determination at their next meeting on June 11, 2019. The standard for the county is to not be substantially different. Attorney Chatfield can prepare a skeletal local law, but he needs in the reference to include a map and a narrative. The PB's Formal Resolution of Recommendation would be at the June 11, 2019 meeting.

The Planning Board, Howard Tanner, CEO and Town of Elbridge Attorney Scott Chatfield will schedule to have an Attorney/Client Conference on Tuesday, May 21, 2019 at 6 pm at the Town of Elbridge Office to conclude the consensus of recommendations to the Town Board.

Marc asked if Howard heard back from Petrocci: Howard said he needs to get things done by the weekend.

Erin Cook: She has everything done except the lot-line merger; the county has not come back transfer from the owner yet; Not anticipating any big issue; the foundation is in;

Adjournment: John Stevenson motioned to adjourn the meeting at 8:05 pm; Pat Svanson seconded the motion followed unanimously by all members.

Respectfully submitted,
Cynthia Weirs
Secretary/Alternate Member

Next Meeting: June 11, 2019

Approved with Contingencies that have not been met:

Donald Petrocci Approved March 12, 2019	Site Plan Review 1116 Route 5, Elbridge	TM # 041.-03-36.0 Zoned: B2
Erin Cook Approved March 12, 2019	Site Plan Review 394 State Route 31, Jordan	TM # 030.-02-01.2 Zoned: B1