

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



PLANNING BOARD
5 ROUTE 31
P. O. BOX 568
JORDAN, N.Y. 13080

Town of Elbridge Planning Board

March 12, 2019

Draft Minutes

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

Absent: Steve Walburger

Others Present: Attorney Scott Chatfield, Vernon Richardson, Town Supervisor, Doug Blumer, Deputy Supervisor Counselor, Howard Tanner, Code Officer, Melissa Clark, Abundant Solar, Jillian Blake, B&L Logistics, Erik Conroy, Pat & Dennis Hoe, Glen DeVaul, Don Petrocci, Robert Eggleston, Erin Cook

Approval of Minutes: January 8, 2019

John Stevenson motioned to approve the minutes as presented. Pat Svanson seconded the motion to approve followed unanimously by all members.

February 12, 2019 - Meeting Canceled (weather)

OLD BUSINESS:

<i>Donald Petrocci</i>	Site Plan Review	TM # 041.-03-36.0
Robert Eggleston, Architect	1116 Route 5, Elbridge	Zoned: B-2

The applicant provided a revised Site Plan dated January 30, 2019 addressing the parking and the location of the road-side sign location. The parking spaces located in front of the building were minimized to three spaces (one space designated as handicap parking). The front parking will be perpendicular to the drive coming in, opening up space for lawn. The diagonal parking spaces along the west property line designated for eight display vehicles (for sale) are at a 30 degree angle as requested and four additional display vehicle spaces are located behind the building. All display vehicles have to be drivable and registered. Unregistered vehicles are not allowed. The Body Shop vehicles have to be behind the building. The Site Plan shows a total of twenty-two parking spaces. The additional parking spaces located behind the building are shown allowing for a total of twenty-two parking spaces. The sign was relocated pulling it off the right-of-way (ROW) line.

The required setback for the sign location is not to be less than 15 feet from the highway ROW. No outside storage allowed on the sides or front of building

The driveway along the west side of the building to the back of the building requires a 20 foot width minimum. The zoning code calls for 24 feet, but the board agreed to allow 20 feet width but nothing less. Code Officer, Howard Tanner will check the distance. The zoning use variance dated 1976 states that the first display vehicle cannot be closer than 30 feet of the highway ROW. Show the setback distance on the site plan. The PB and applicant agreed to put a striped dash line along the 20 foot drive on the west side of the building, parallel to the building in lieu of striping the parking spaces for the display cars. No more than 12 display vehicles allowed. Eight diagonal spaces along the west side of building and four display vehicles located behind the building in the back. The angle of the display cars parked on the west side may need to be decreased to fit the required 20 foot width drive pushing the eight display spaces more to the south. If the west driveway is not at least 20 feet wide, this will have to be addressed. The PB requested the applicant put a “No Parking” sign on the west elevation of the building by the garage doors near the side of the building.

The driveway located on the east side of building must be closed off at the southeastern corner of the building blocking cars from existing through the neighboring property. Mr. Petrocci will replace the rocks blocking the area off as shown on the site plan.

The site plan shows the location of the outside lights on the west side of the building and labeled them as shine down (dark sky compliant). The board suggests they look at the lighting codes. The outside lights must be in working order and code compliant.

The setback distance of the building from the west property line is not on the site plan. The board agreed that he will attach the survey to the site plan map as the distance is on the survey.

John Stevenson motioned to declare the SEQRA as a “Type II Action” this being a minor modification to an existing in Site Plan. Pat Svanson seconded the motion and approved unanimously by all members.

CARRIED

John Stevenson motioned to approve Petrocci’s Site Plan Review based upon drawings submitted January 30, 2019 with the amended modifications to follow as revised dated March 12, 2019. Pat Svanson seconded the motion to approve followed unanimously by all members.

APPROVED

RECAP of Amendments:

- 1) Relocate sign – 15 feet minimum from highway ROW
- 2) Move stones in back on the east side to cut off access to east side property
- 3) Front area will be lawn and seeded no later than June 1, 2019
- 4) Parallel striped-dash line from the front of building starting from the first display car 30 feet from the highway ROW to 30 feet to the back of the building and 20 feet offset from building
- 5) Lighting on the building has to be working and code compliant
- 6) No outside storage on sides or front of building
- 7) Eight cars allowed for sale on the west side of building
- 8) No Parking Sign put on the west elevation of the building by the garage doors near the side of the building
- 9) If the west driveway access is less than 20 feet it will have to be readdressed with the board.

CNY Feeds	Site Plan Modification	TM # 031.-02-05.1
Karl Bitz, Chip Hyde	349 Carmer Rd., Jordan	TM # 031.02-08.1
Not present		Zoned: Industrial
Provide OCHD approval for PB file.		

The Planning Board (PB) received the February 5, 2019 map approved by Onondaga County Health Department for the new septic system located at 349 Carmer Rd, Jordan.

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

Glen DeVaul	Minor Subdivision	TM # 030.-03-02.0
	6700 & 6706 Grimes Road, Jordan	Zoned: Ag

Mr. DeVaul provided new site plan maps showing the outbuildings and setbacks creating two lots. The site plan does not show the side distance from the garage to the property line. Mr. DeVaul thinks it is about 12-15 feet from the property line. The code requires a 25 foot setback from side or rear of an accessory building. Mr. DeVaul will move the property line over. Mr. DeVaul will adjust the line and show the setback distance from the garage to the property line and provide a revised map.

SEQRA Part II was completed at this meeting finding a Negative Declaration.

John Stevenson motioned to approve the short form SEQRA finding a Negative Declaration; Pat Svanson seconded the motion followed unanimously to approve by all members.

CARRIED

John Stevenson motioned to grant approval to DeVaul’s Site Plan contingent upon receiving a revised map dated March 12, 2019 originally dated January 7, 2019 showing the relocation of the property line to offset 25 feet of the garage showing the distance on the site plan map. The revised map will be dated March 12, 2019. Pat Svanson seconded the motion followed unanimously by all members.

APPROVED

Erin Cook	Site Plan Review	TM # 030.-02-01.2
	394 State Route 31, Jordan	Zoned: B1

Ms. Cook has purchased this property and is waiting to receive her documentation of ownership. A letter from seller giving Ms. Cook authorization to proceed was provided. Ms. Cook agreed to merge the two parcels 030.-02-01.2 and 030.-02-10.1 into one parcel. The total acreage of the two combined lots will be 1.8 acres. The B1 district this property is located in is less than 25% developed for commercial uses allowing for a residential minimum one acre lot. The board reviewed the site plan map dated February 7, 2019 completed by James Barn showing the wells, driveway and all the setbacks.

SEQRA form, Part I was completed by the applicant. The PB completed the short form SEQRA Part II finding it to be a Negative Declaration SEQRA.

CARRIED

The PB approval will be based upon merging the two parcels together which are owned by Erin Cook and based on the B1 district of less than 25% developed for commercial use.

Pat Svanson motioned to approve Erin Cook's Site Plan contingent upon the merging of both parcels into one parcel. John Stevenson seconded the motion followed unanimously by all members present. **APPROVED**

The PB agreed that Howard Tanner, C.O. may issue a building permit contingent upon the board's condition of merging the two lots into one. The Certificate of Occupancy will be issued when everything is complete.

Hoe Property
Patricia, Dennis Hoe

Site Plan Review
1124 State Route 5

TM # 041.-03-38.0
Zoned: B-1

The applicant provided a survey map dated February 2014 that was revised with verbal notations for the PB review. The survey should be labeled "Revised".

Ms. Hoe stated the driveway is staying where it is per the NYSDOT RT 5 Project. Last March 2018 Janet from NYSDOT sent an email regarding the two driveway cuts. One entrance in front of the building will be the same, but one entrance is overlapping the Saunders property which accesses the current drive. Saunders wrote a letter to Ms. Hoe stating they were selling the property and she could use it. Attorney Chatfield said it is a license that is revocable permission which is revocable when sold. Saunders do not own this piece of property anymore.

The driveway on the west side of building is 14.3 feet distance from the concrete block commercial building, but then overlaps the Saunders property by two to three feet approximately. The driveway is adequate for one-way traffic. Codes require 24 feet for emergency vehicles. This property is a pre-existing nonconforming use that has the right to continue but can't enlarge or expand. To be a nonconforming use it must be lawful when established and continuous and not interrupted. If at the time that use was established on the property and it was not a permissible use, then it does not by law enjoy nonconforming use protections. The way to fix this:

- a. a zone change which is legislative decision by the Town Board
- b. a use variance by the Board of Appeals
- c. elimination of the use and substitution of different use

The basement in the back building is where the tenant does installations and where the lift is. If they are doing anything on a lift then it is considered auto repair which is not a permissible use. The metal building in the back has always been cold storage. Tires are being stored outside again which needs to be addressed. Code Officer Tanner will address with the tenant the storage of tires outside the building which is not permitted.

Code Officer Tanner will take care of anything that has to do with violations and whether it is a permissible use. The Planning Board will take care of the property itself.

Dumpster needs to be in a three sided enclosure with a partial fence. The applicant has only fourteen feet between the concrete building and the proposed handicap parking of which four feet is a down ramp and there is a deck there. The site plan needs to show the route of travel for the trucks, the fence and gate location. Show how the trucks access the dumpster and the gate to fence. Show distances of the location of dumpster on the site plan.

All the lighting on the building must be operational. If the business is open to 9 pm, they have to have nighttime lighting. Ms. Hoe said the only nighttime lighting is in the front of the building that shows the front lot, the rest of the outside light is daytime lighting. Ms. Hoe does not know if there is nighttime lighting along the driveway to the back.

The sign on the building is fine, but all other signs/flags need to be removed. The building sign dimensions with a picture of the sign and the square footage of the building frontage is required and also shown on the site plan. Ms. Hoe stated the building sign is coming down.

All Parking spaces including the required handicap spaces based upon the square footage of the building has to be delineated, striped and the handicap spaces must be paved and labeled with Handicap Parking sign(s). The calculations of the number of parking spaces and the driving aisles designated to get to the parking spaces need to be shown on the site plan. The board suggested using an architect to do a site plan.

NEW BUSINESS:

Melissa Clark

Jillian Blake, Architect
B&L Loguidice

Abundant Solar Energy
801 Peru Road, Jordan

TM # 029.-02-20.1

A question was brought up regarding a conflict of interest regarding Barton & Loguidice (B&L) being hired by Abundant Solar when the Town of Elbridge uses B&L as their architect. Supervisor, Vern Richardson doesn't see a conflict, B&L have been monitoring the town's landfill for more than twenty years and they know it better than anyone does. Vern Richardson personally does not have a problem. Counselor, Doug Blumer has concerns that B&L are looking out for the interest of this company, then on the other hand when they are monitoring our landfill they are supposed to be working for the interest of the Town of Elbridge. The town is not contracted with B&L to have site plan reviews done by them, the town just happens to use B&L most of the time.

Attorney Chatfield states what the law requires is a minimum disclosure on the record. We should have Jillian Blake disclose that B&L is under agreement with the town doing our landfill monitoring, so a disclosure is absolutely required. With that disclosure if the PB determines it needs an engineering expertise to guide the PB in the evaluation of the proposal they will use another engineering firm. Attorney Chatfield recommends B&L and Abundant Solar give a full disclosure on the record and a knowing and voluntary waiver from B&L of any conflict of interest by the PB under these circumstances given B&L is involved. This will address the ethical concerns associated with a conflict of interest. When Abundant Solar appears formerly before the Town Board for the formal meeting B&L and Abundant should disclose to the Town Board.

Site Plan application has been submitted. SOCPA referral was submitted and the PB received the SOCPA Resolution and GML 239. Ms. Clark stated this will be a Type II action for SEQRA. Abundant Solar is controlling access to the site with fencing along the roadside with a gate to prevent access to the site. The actual solar array represents a small portion of the total site, 14.2 acres of usage in the table area with 576 tables consisting of 16-18 panels per table. They have two options that were designed for the ballasted system so there will be no penetration on the landfill at all. One option is to bring in precast cement pads with attachments for wrappings that are affixed to the pads and the other approach is to bring in very large galvanized rubber buckets/tubs. They

actually run cement spigot from the access road off the cap that fill up the ballasted tubs. This will require approval from the DEC on the ballast system.

Attorney Chatfield asked if this will include a stake in the ground with supports and if it does will this require a SWPPP (Storm Water Pollution Prevention Plan) because of the impervious surface? Ms. Clark said the disturbed area is 1.6 acres and they have done larger areas without doing a SWPPP. Attorney Chatfield asked if they use the cement pads how much square footage of impervious surface will be created. She has to do a study on the cap to determine which approach they are going to take. The tubs take up less space, but what option they are using has not been determined.

Ms. Clark stated they would like to build this at the very least to have commenced construction before the end of 2019, because there is an impact on the tax equity rate if they don't. It typically takes 90 days to complete construction. The site is monitored 24/7 and typically will be visited for service twice a year.

The applicant will need to meet with the town and enter into a formal agreement with the town to authorize the utilization of the land. The Town Board will then inform the PB to proceed with the site plan.

DISCUSSION:

Erik Conroy lives next to the Riverfront Grill (The Reef), he appeared before the PB to address a few issues he has encountered living next to this establishment. He has no privacy, foul language used by patrons in the parking lot within hearing distance of his children, lights that shine directly into his yard at night and the smell of grease during the summer time. The trees that were planted to provide privacy to the neighbors have died and he is storing grease in an outside dumpster that is not enclosed located about ten feet from the creek that runs into the river. He has talked to the owner a couple of times; the owner said he does not care about that side.

Code Officer Tanner said the owner has a pending ZBA application for outdoor music as a use variance.

The board asked Mr. Conroy to write a letter addressed to Code Officer Tanner addressing any complaints he has.

Adjournment: Pat Svanson motioned to adjourn the meeting at 9:45 pm; John Stevenson seconded the motion followed unanimously by all members.

Respectfully submitted,
Cynthia Weirs
Secretary/Alternate Member

Next Meeting: April 9, 2019