

The Planning Commission of the Village of North Syracuse held a meeting on **Thursday, May 16th, 2019** at **5:30 p.m.** in the Village of North Syracuse Community Center at 700 South Bay Road, North Syracuse, New York 13212.

Agenda:

- Approval of the 7/05/2018 Planning Commission Meeting's Minutes **(approved)**
- Site Plan Review with Special Permit, Carlos Morales (Morales Collision), 802 North Main Street **(approved)**
- Site Plan Review, Edwards-Weaver VFW Post 7290, 105 Maxwell Ave **(approved)**

Planning Board Members: Greg Lancette, Chairperson, Jeff Bachstein, Casey Daugard, Vera Desimone, Paul Kolodzie, Emily Sharp, and Fred Wilmer.

Personnel Present: Scott Chatfield (Atty.), Laura Cassalia (CHA), and Brian Johnstone (Codes Enforcement Officer), Art Steere, Liaison.

Chairperson Lancette called the meeting to order at 5:30 PM, roll call was taken and all members were present. He stated we are going to have some housekeeping items to address before our first applicant Morales Collision.

MINUTE APPROVAL

Chairperson Lancette stated we need to approve the meeting minutes from July 5th, 2018. Mr. Kolodzie made a motion to approve the minutes. The motion was seconded by Mrs. Sharpe. The motion was unanimously approved.

LEGALS/SOCPA/RESPONSES

Chairperson Lancette verified for the record that all the legals were in order; the Legal Notice for the Public Hearing for the Special Permit was noticed in the paper, the Agenda was sent to the paper, the surrounding neighbors, the Town of Cicero and the Town of Clay were all noticed and the Agenda was posted on the website. Chairperson Lancette asked if the referral was sent to SOCPA and the Resolution was back. Mrs. Fuller stated they were. Chairperson Lancette announced all legals appear to be in order.

CARLOS MORALES (MORALES COLLISION), 802 NORTH MAIN STREET

Applicant: Carlos Morales-Morales Collision

Applicant Representative: Tim Coyer-Ianuzy & Romans Land Surveying, P.C.

PROJECT INTRODUCTION

Chairperson Lancette stated the applicant before us tonight is Morales Collision of 802 North Main Street. He is seeking a Change of Use and Site Plan with Special Use Permit Approval to

open a Collision Repair Business at the vacant property; formerly used for a Doll House Business. He has already been before the Zoning Board of Appeals to obtain approvals to install an 8' H cedar privacy fence to run along the side of the building running parallel to the highway boundary for NYS Route 481 (Bear Road Extension) inside the chain link fence that the state has already placed there that cannot be removed. He also obtained approval to install a 6' H cedar privacy fence to screen his proposed dumpster area.

REPRESENTATIVE ADDRESSES BOARD

Chairperson Lancette asked who will be representing the Applicant. Mr. Tim Coyer of Ianuzi & Roman Land Surveyors, P.C. and asked him to address the Board. Mr. Coyer introduced himself to the Board as representative and surveyor for Mr. Morales who wanted to open a Collision Repair Business at the 802 N. Main St. property. He distributed updated smaller plans to the Board and stated they were modified slightly from the engineering notes to address some of the comments. He also handed out another set of documents to address the EAF concerns.

HOURS OF OPERATION/NUMBER OF EMPLOYEES

Mrs. Sharp asked what the days and hours of operation would be. Mr. Coyer stated the hours of operation will be Monday through Friday 8:00 AM to 5:00 PM and Saturdays will be 9:00 AM to 12:00 PM. Total number of employees on site at any given time will be 2.

WETLANDS/ENDANGERED SPECIES

He stated this is typically the wetlands, but there are not wetlands necessarily on the property. He continued there are no wetlands on there, but it shows that there really are no wetlands on there, but it is probably in the check zone for the Wetland EAF Mapper showing there are Wetlands nearby and that is why it comes up on the EAF Mapper. He stated one document from the EAF Mapper from the DEC Website is showing where the existing Wetlands are around the area and for potential Wetland areas that should be checked, as you can see our lot is on there and it does not show any actual Wetlands on it, but they are close. He explained and that is why it is showing up on the EAF Mapper per the DEC Website. He went on to explain when they fill out an EAF there is a website for the DEC that fills out a lot of those questions for you and per our EAF you will notice there is a note on there that says per DEC Website; that is filled in by the DEC Website and it does it for us. He explained it does not necessarily mean that there are actual Wetlands on the property; it is something that is done by the website. He stated the other note on there was the endangered species and again the other page he gave the Board; basically it is the least bit apparently of the possible endangered species that is possible in this area. He went on you need to understand when you fill out the EAF Mapper it goes about 500 miles around your area to find out if anything is close to your site and if it is close, it will automatically check it, it does not necessarily mean it is on your site; it just means that there is an endangered species in this area and it is close. He noted it is per there website, so there are

no questions. He asked if everyone was familiar with the sites on Brewerton Road; this is where you get on to their property.

PROPOSED PROJECT OVERVIEW

He stated there is about 50' of road frontage on Brewerton Road and you can see that it tails off to the back along Bear Road. He continued we are looking to use this site for a collision repair shop. He stated they are hopefully going to be doing minimal changes to the site; just get in there and start using it, he has got to put a lot of money in to the building itself. He stated a lot of the questions he got; he can go through them for the engineer comments. He pointed out under statement of Use: the Applicant is seeking site plan approval to operate an automotive collision repair shop utilizing the existing 3,143 ± sq. ft. building.

OWNERSHIP/PERMISSION LETTERS

Chairperson Lancette asked if Mr. Morales was the property owner or if this was a purchase contingent on Board Approvals. Mr. Coyer stated he does not own the property; it is contingent upon Board Approvals. Chairperson Lancette asked if we have a permission letter from the property owner. Chairperson Lancette stated we do have a letter from the property owner, Zengfan Zhao. He continued it states that Mr. Carlos Morales will be applying for a Variance for Site Plan Modification at the location of 802 N. Main St. Mr. Carlos Morales is and will be solely responsible for any costs in regards to the application and the seller has been made aware of application and provides for his approval here. The signatures below indicate acknowledgement agreement to the submission. Chairperson Lancette clarified that it is contingent on the approval with the owner of the property. Mr. Morales stated yes. Mrs. Fuller stated we also received a letter from the owners Attorney for the owners (Village Properties, LLC.) in regards to the encroachment. She read as follows: The Village Properties which own the certain real property at 792 1/2 N. Main St. with Tax Parcel No. 014.-01-03.0 are aware of a small portion paved parking lot for 802 N. Main St. located on the Tax Parcel No.014.-01-06.2 encroaches on the 792 1/2 N. Main St. property until revoked Village Properties consents to such encroachment.

DPW/FIRE/POLICE

Chairperson Lancette stated that the Police Dept. sent a letter stating they had no concerns. He asked if there were any comments from the Fire Department or DPW. CEO Johnstone stated no comments from the Fire Dept. He spoke with DPW Sup't Ware had a concern about the snow removal and no snow going on to the sidewalk, to make sure we keep that clear.

SNOW

Mr. Coyer stated we can put a note on that, stating that the snow not going on the sidewalk. Mr. Morales stated we have been keeping a snow blower out front in case the snow gets to

heavy out front. CEO Johnstone clarified that the Village takes care of the sidewalks; they just do not want a pile at the states fence going across the sidewalk, so that they can go through that, because they go right up to Bear Road all the way down to Taft Road. Mr. Coyer stated we added a snow removal area as discussed in the pre meeting; most of the snow is going to get pushed in the back that is the best place you can go with it, he might have to get something to truck it back there. He stated an evidentially if you get a lot of snow and he might lose a couple of spaces back there, but understand he has two employees, he is going to use four of those spaces for possible cars that are getting worked on, so that is a total of six spaces; so he has got enough room back there, so if he does lose a couple of spaces it is not going to affect the work that he does in the operation.

SIDEWALKS

Mr. Wilmer stated regarding the sidewalk, when you put the strip in the parking lot; can you stripe to the sidewalk; like a 5' just to mark that sidewalk from one point to the other. Mr. Coyer clarified like a hash area; parking walkway type of thing. Mr. Wilmer agreed. Mr. Coyer asked if the Engineer if they thought it would require a D.O.T. Permit. Mrs. Cassalia stated yes, that is all in the D.O.T. Right-of-way, so it is really D.O.T. Mr. Coyer stated he could talk to D.O.T. about doing it, but that is their Right-of-way, that is there is property, so we can address that with them and see what they say. Mr. Coyer continued the problem with going to the State D.O.T. is they want us to remove the parking out front all together, so it will be a very difficult conversation. He went on to say he does not know if you have dealt with the State D.O.T. before, but they can be very difficult to deal with sometimes.

PARKING SPACES/STRIPING

He stated we are going to put in a Handi-cap spot out front and restripe out front. He went on there are 10 plus spaces in the back for using as well. He stated they are hoping not to get rid of the space in the front, two reasons for this: 1) specifically if you eliminate the spaces in the front any customer and they get about maybe 3 a day on a good day, would have to park in the back and then walk from the back up this narrow entrance to get to the front of the building to access the building which this is only 15'; we cannot do anything about that, so you are asking people to walk from the back to the front where potential vehicles are going to be going. He continued we are hoping the parking out front for the one or two people that come at us at a time for the site. He stated one of the concerns is that you will be backing into the right of way. He continued that is technically true, but because the State created this situation, because they are taking right through here in front of us; now that is Right-of-way. He went on to explain the Right-of-way used to be back out here where the curb line is. He stated it has nothing to do about that, there is enough room to back in and out without backing into the actual driving lane, so we are hoping to keep that. Ms. Desimone asked if it is in the front, is it possible for special marking to show that the cars come up close to the building for parking, so that when they back up, they do not back on to the Right-of-way. She stated if there are markings on the

drive where people can see them, at least they will know where to park, otherwise they will park where ever they want. Mr. Coyer stated we definitely have to stripe it and put paint marks on the pavement to delineate the Handi-cap spots and the hash area for the egress for the Handi-cap spot, so they have to stripe it up. Chairperson Lancette clarified that there will be striping. Mr. Coyer stated there is very faint striping there right now and if you look at the difference between the first and second page; we changed it up a little bit, because technically the one spot was outside of our property just a shade. He continued so he readjusted it and striped it, so everything is on our property. Chairperson Lancette commented so it is rescaled to your drawing basically. Mr. Coyer stated yes. Mr. Coyer explained basically there is a little bit of paved area where the parking going. Mrs. Fuller clarified that they were speaking of the encroachment. Mr. Coyer stated yes.

Liaison Steere asked if it would be possible to lose two parking spaces and turn them 90°; you stated that there was only one or two people going in at a time, so could you cut it down to two and turn them 90°. Mr. Coyer stated he actually looked at that before he came. He continued the big issue is you are going to neck this down here; you are going to have two parking spaces going this way and it is going to be very difficult to back into the drive aisle, you are not going to have a ton of room to back up. He offered to put some drawings together. Chairperson Lancette stated and what you are saying is to back up, you are going to have to stick into the 15' wide driveway, to exit out of the driveway, if we turn the spaces 90°. Mr. Coyer stated that is correct. Atty. Chatfield stated depending on where the turn is. Mr. Coyer stated it is a very tough site, no matter what you do with the site you are going to have these situations; he thinks this use is so minimal, he thinks it will work here, because we do not have many people coming and going. He added it is not a retail site where people will constantly be driving in and staying and creating a lot of traffic. He went on to say it is a situation where he gets maybe one or two actual wreckers a year, it is not like he has people coming in on flatbeds all the time. His market is just people that are getting dings and stuff that can actually physically drive their vehicle into the shop in and out. He stated he thinks this use works for this site. He continued he is hoping to get in there, spend some money as he gets going, and then improve it as he gets going. Chairperson Lancette asked if there were any other questions from the Board. Mr. Coyer stated there would be painted parking spots up front, so you would know where to go there. Atty. Chatfield continued what he is saying is he is driving north bound on Rt. 11 and he wants to go to your shop; how does he know to turn at the first possible moment to get into your parking lot which is what you are suggesting or rather wait until he gets in the middle of the building and then turn into your parking lot. He went on how he is prohibited from doing that if it is just a common curb all the way through. Ms. Cassalia stated it is a wide open curb that a car can pull into that parking area at anywhere they want along that spot. She continued what Mr. Coyer was saying is they are not proposing to make any changes to that, so they will not need a state permit. Mr. Coyer stated if we were to neck down the parking; driveway like they want us to do they would have to go and get a DOT Permit. Atty. Chatfield stated he thought he stated that the DOT was going to require that you do that. Mr. Coyer continued they recommend that we do that. Atty. Chatfield continued that is where I went wrong. Mr. Coyer

stated going back to the 14 parking spaces, and again you cannot fit any more parking spaces on to it to make it per code. He continued he believes that you guys spoke on it earlier that the Board has the ability to address that themselves; again, he only needs 4 spaces of cars to be worked on, 2 employees at any time and 3, maybe 4 on a good day coming into the shop and that is not all at the same time. He added there are 1 to 2; they come and go, so they do not need very many parking spaces, so he did not believe trying to get anymore on the site would make any sense. He went on you physically can see how the property peters out; there is just not room for any more parking on the site anywhere.

LANDSCAPING/TREES

Mr. Coyer continued we are not proposing any new landscaping; basically there is no room for landscaping, because out here this is all pavement with the drive aisle to the back. Mr. Wilmer asked if the trees that run down the side were going to be taken out. Mr. Morales stated if anything we would have to trim them, because they are on the neighbor's property, so we would just trim to get clearance as they are touching the building now, so he would have to trim a couple of branches. Mr. Coyer stated pretty much all those trees that you are talking about are on the neighbor's property, so we cannot. Chairperson Lancette commented selective pruning. Mr. Coyer agreed.

FENCE & DUMPSTER ENCLOSURE

Mr. Coyer stated on May 2, 2019, the ZBA granted area variances for the 8' fence along the north boundary line and the stockade fence around the dumpster area and we added those to the site plan. He continued we were actually asked to put the 8' fence in there; he knows that the state comments brought up visibility issues, there are no visibility issues, nobody is going to be trying to pull out and that 8' fence is stopping right here, so it is not a visibility issue. He went on the whole point of the 8' stockade fence is to stop people from seeing the possible three [3] to four [4] cars that are going to be getting worked on that are going to be parked in the back, so if you are passing by, you do not see the car. He stated that is the only reason for the 8' fence; he believed the Village had asked for that. Mr. Coyer continued he did put a note about the chain link fence. He stated the chain link fence is not on our property; that is on the state's property, it is the state's fence. He explained we are not allowed to touch it or remove it, so he put a note on there saying that we cannot move it. He stated the proposed stockade fence on that north side is on our property, it shows on our property; it is 145' L and we put a note on the map stating that as well.

SIGNAGE

He continued we have two [2] signs, he adjusted the size of the sign on the north side of the building, because per the engineers comments you are only allowed sixty [60] sq. ft.; we were proposing [2] 4 x 8 sq. ft. signs on the front and the north side, so he adjusted them, to be a

little bit smaller. Chairperson Lancette verified that he trimmed the north sign only. Mr. Coyer stated yes, he trimmed the north sign only. Chairperson Lancette continued to get to the 60 sq. ft. requirement. He went on to say, Mr. Morales is going to provide a detailing of the actual sign. He explained the detail is basically what they have on their shirt; that is their logo and we will add it to the detail up there to the sign itself. Mrs. Sharp asked if he can have a sign in the entrance way. Mr. Coyer stated you cannot put up a sign there. Mrs. Sharp asked on to their property. Mr. Coyer continued he thought that would just add interference as far as pulling in and out of that place; he does not think it warrants a sign. He stated if needed, we could put some directional arrows in here, but again 15'; he cannot say this is going to be one way in, because people are going to be parking back there and coming back out. Chairperson Lancette stated we will continue through, we have addressed directional signs to ingress/egress for flow of traffic. Chairperson Lancette continued he knows it is difficult on a two way, 15' wide driveway. Mr. Coyer stated we can add some stripped arrows in there; he just does not recommend it, because they are not going to have many people going in and out of there anyway. Mrs. Cassalia stated it is too tight. Chairperson Lancette stated it is too narrow to do two arrows with that. Mr. Coyer went on his fear would be that two people try to do it at the same time with those arrows. Mr. Daugard asked what about a sign on the back side indicating two-way traffic. Chairperson Lancette added or caution. Mr. Coyer stated they could put a caution sign on the back of the building.

AESTHETICS-EXTERIOR OF BUILDING/MODIFICATIONS

Mr. Coyer stated as far as the aesthetics go the exterior of the building will be painted brown similar to the adjoining buildings. Mr. Morales plans to put in an overhead door to the rear of the building.

LIGHTING/UTILITIES

Mr. Coyer stated in regards to the lighting as noted on the plans there will be no proposed new lighting. He continued there will be no new utilities; the applicant will utilize the existing hook-ups.

COUNTY & STATE D.O.T. PERMITS/ CURB CUTS

Mr. Kolodzie referred to comments about access in the front or cutting back, so people do not back out on Rt.11; did you talk to NYS DOT with as suggested plan. Mr. Coyer stated they did not specifically talk to NYS DOT. He continued basically they want us to eliminate all of this and to neck down the driveway to the required 30' or more to a driveway entrance and basically lose all of the parking out front. He stated he could talk to them and get some comments; I can still do that, but from his past experience they suggest that you get rid of the parking out front with the idea that we are backing out into the Right-of-way. He continued they are right. He went on to say we are backing out into the State Right-of-way, because the existing road boundary is right here, the curb where the drive aisle is out here; you have about 15' where the

back of your car will be into the curb itself, so you are not technically backing into the drive aisle, you are backing out into the existing pavement where the road boundary ends. He reiterated again that is a situation that was caused by the state; it happened here, they did an appropriation, because of the Bear Rd and took our property and created this situation for us. Chairperson Lancette asked about the County and State D.O.T. permits. Mr. Coyer stated they will not need a State Permit or County DOT there is an existing curb cut. Chairperson Lancette stated also curb cuts are next. Atty. Chatfield clarified that they are not going to require that you get a work permit. Mr. Coyer stated that they are not doing any work within the Right-of-way. Atty. Chatfield asked how you are going to designate the entrance point; just by striping. Mr. Coyer stated the striping is going to be done on our property. Atty. Chatfield stated right now it is a wide open curb cut correct; fifty some odd feet of drop curb. Mr. Coyer agreed. Atty. Chatfield asked again how you are going to delineate the point of entrance. He stated if he drives up there not knowing where to drive in on the site.

DRAINAGE/SWPPP

Mr. Coyer stated there is no proposed grading for the site. He continued we are not aware of any drainage issues right now, and we are there are no changes proposed, so there will be no changes to the drainage patterns as they are right now, that is why we did not do Topographic information. He stated No SWPPP was required.

DRIVE AISLE WIDTH

Mr. Coyer stated we cannot fit a 25' drive aisle; it is an existing non-conforming situation, there is about 15' here on the side, there is nothing we can do about that physically. He added there is actually a guardrail that stops us right down through there.

FIRE PROTECTION

Mrs. Sharp asked about fire protection and safety. Mr. Morales stated we have the required the fire extinguishers. He continued right now we have a 1600 sq. ft. bldg., and we have 4 fire extinguishers and a fire suppression system that is maintained by Jerome Fire and it would be the same system once they move to the new location and we meet the yearly requirement which is two inspections every year on all the fire suppression equipment. Mrs. Sharp asked if the Fire Dept. needed access to the building. Mr. Daugard stated the Fire Dept. is in a strange position, because of it being an existing building. He explained until we do renovations or building permits to do stuff with the building its self, then we can require other upgrades; as far as a lock box pretty insignificant, most people want it. He continued they do not want doors blocked or anything like that. Chairperson Lancette commented sure, it reduces destruction of property if needed. Mr. Daugard stated it is a \$150 dollar investment that is well worth it. He asked if he was keeping all the glass windows in the front. Mr. Morales stated yes that will be basically just an office area.

DELIVERIES

Mr. Daugard stated he was curious on delivery trucks; how are they getting supplies in there. Mr. Morales continued we have delivery trucks; they are not like huge box trucks like you are thinking a tractor trailer in there like that. He went on to say most of their parts come in on vans, like a regular utility van, so they are not super tall or super big and sometimes they come in, in a pinto type size car, so it is just car parts; we are not getting anything real huge or like that. He explained they get on average of one or two deliveries a day and they are real fast in and out; it would be a bumper or a fender and things like that. Chairperson Lancette asked if it were like crash part items basically. Mr. Morales stated yes, we do not get into huge projects or huge vans, trucks or anything like that, so most of our deliveries are just a few parts here and there, a bumper, fender or things like that.

SERVICES PERFORMED/FUMES

Ms. Desimone stated this is a collision repair is it also going to be a garage repair. Mr. Morales continued no we do mainly just collision repair and body work. He stated if there is some mechanical it is only related to the actual damage done on the vehicle from the accident that was incurred. He went on to add they do not do inspections or any of that. Ms. Desimone stated that they would be in and out. Mr. Morales reiterated just strictly a collision repair. Chairperson Lancette stated for the record we discussed it briefly and the description with Mr. Coyer that brought up the property owners of the medical building have acknowledged a little bit of the parcel with the wedge with their portion and they are O.K. and accepting of that also; so they acknowledge and accept, the little bit of fencing out there on that one part and their location.

Mr. Bachstein asked if the all the fumes from the painting self-contained. Mr. Morales stated yes, we are going to install a paint booth which will be exhausted out, but everything will be with filters and filtered out properly.

PUBLIC ADDRESS THE BOARD

Chairperson Lancette stated we advertised the public comment so he is going to open the public hearing. He asked if anybody from the public is here to speak in favor or against this application and invited them to address the Board at the microphone. He stated hearing none; he is going to close public hearing.

ENGINEERING COMMENTS

Chairperson Lancette stated engineering comments is next. Mrs. Cassalia stated she thinks the major items that the Board needs to consider are:

- this is a Special Use Permit that you are going to be issuing for a motor vehicle service repair area
- They do not meet the parking requirement, so that would be up to the Planning Commission to waive the required parking spaces
- Ingress/egress is difficult for the site, so she thinks striping the parking spots certainly helps people, so they know where they are pulling into for parking
- There is not really a lot you can do to make this situation better

Chairperson Lancette stated and we did discuss the parking and the striping even in the work session acknowledging it is a difficult existing site. He continued also acknowledging that we cannot put the required amount of parking spaces on the lot; there is not room to physically do so; at least in our discussions and looking at the drawing. He added from that standpoint it would be difficult to do so, even if you shuffled the deck, so to speak. Mrs. Sharp asked to have the number of parking spaces clarified and she thinks that there are two Handi-cap spaces there; we do not have that on our sheet. Mr. Coyer stated it is on the second sheet, so restriping out front is going to be three [3] spaces out front and one [1] of the spaces is Handi-cap space and a hatched 8' area for egress in the Handi-cap spot and then there are ten [10] spaces in the back for thirteen [13] is total.

SEQR DETERMINATION

Chairperson Lancette stated next we need to go through the SEQR Determination Impact Assessment (Part 2) and he read the following:

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
2. Will the proposed action result in a change in the use or intensity of use of land?	✓	
3. Will the proposed action impair the character or quality of the existing community?	✓	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for a mass transit, biking or walkway?	✓	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
7. Will the proposed action impact existing: a. public/private water supplies? b. public/private wastewater treatment utilities?	✓ ✓	
8. Will the proposed action impair the character or quality of important historic,	✓	

archaeological, architectural or aesthetic resources?

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? ✓
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? ✓
11. Will the proposed action create a hazard to environmental resources or human health? ✓

Mr. Wilmer made the motion based on the conclusion of the Board to list it as an Unlisted Action having little or no impact after having reviewed the Environmental Assessment Form submitted by the applicant, and therefore issue a Negative Declaration. **The motion was seconded** by Mrs. Sharp. All in favor. The motion was unanimously approved.

SUNSET CLAUSE

Chairperson Lancette stated we have a Sunset Clause, he knows that he stated he would like to start the work as soon as possible. He continued do you have a tentative completion date to the end of the project upon completion. Mr. Morales stated fast as possible, but depends on closing a 100% by end of July. Chairperson Lancette stated twelve months [12] from today. **Mrs. Sharp made a motion** to approve the Sunset Clause for 12 months to expire on May 16, 2020. **The motion was seconded** by Mr. Wilmer seconded the motion. All in favor.

Atty. Chatfield explained if the project is not going to be done by May 16, 2020; he needs to contact CEO Johnstone ahead of time, so that we can consider extending or whatever. Failure to comply with the above date could result in a violation from the Zoning Officer and may result in being asked to return before the Planning Commission.

Mrs. Sharp made a motion to reduce the required parking from 26 parking spots down to a total of 13 parking spaces. **The motion was seconded** by Mr. Wilmer. All in favor.

SPECIAL USE PERMIT

Chairperson Lancette asked if anyone wanted to make a motion to grant or deny the Special Use Permit. Atty. Chatfield asked if they had any conditions that needed to be added. Chairperson Lancette stated the following:

- North side of property to have good side of fencing facing toward the road
- To include Sunset Clause of May 16th, 2020 for project completion date
- To include the reduction of total parking from required 26 spots down to 13 total required parking spaces.
- Site Plan-Proposed Features-Sheet 2 of 2 prepared by Ianuzi & Romans Land Surveying, P.C. with a date of March 7, 2019; last revised May 10, 2019 and File No.:12630.002

SPECIAL USE PERMIT AND SITE PLAN MOTION

Mr. Kolodzie made a motion to grant the Special Use Permit with the inclusion of the conditions listed above, and to approve the Site Plan prepared by Ianuzi & Romans Land Surveying, P.C. Dated March 7, 2019 with last revision date of May 10, 2019. **The motion was seconded by Ms. Desimone.** All in Favor.

Chairperson Lancette announced that engineering is not required for the next project and Engineer Cassalia will be leaving.

EDWARDS WEAVERS VFW POST 7290 (CDR. SCOTT COX) 105 MAXWELL AVE.

LEGALS/SOCPA/RESPONSES

Chairperson Lancette stated we have some housekeeping to address for our next applicant; VFW. Chairperson Lancette verified for the record that all the legals were in order; the Agenda was sent to the paper, the surrounding neighbors, the Town of Cicero and the Town of Clay were all noticed and the Agenda was posted on the website. Chairperson Lancette announced all legals seem to be in order.

PROJECT INTRODUCTION

Chairperson Lancette stated the Applicant before us tonight is the VFW represented by Commander Scott Cox. He continued they recently did a Simple Subdivision to merge the properties of 402 North Main Street and 105 Maxwell Ave. and had it filed with the county. He went on to say they are seeking Site Plan Approval to remove the dilapidated freestanding sign that is located on the corner of Maxwell Ave. and Rt.11. He stated they would like to replace it with a new freestanding L.E.D. backlit sign to give it a fresh new look, to be placed in where the existing sign was while observing the 15' set. He continued that no other work is proposed for this project.

Applicant: Edwards Weaver VFW Post 7290

Applicant Representative: Commander Scott Cox

REPRESENTATIVE ADDRESSES BOARD

Commander Scott Cox, Representative for the Edwards Weavers VFW Post 7290 introduced himself to the Board. Chairperson Lancette asked if anybody on the Board had any questions regarding the submission and the paperwork; from that standpoint for Commander Cox. Ms. Desimone asked if the sign will be in the same location as the old one. Commander Cox stated he actually went and measured the old sign to the sidewalk and there is about six feet [6] that it has to be moved back onto their property to abide by the 15' easement or Right-of-way. He

continued so it is not going left or right, but maybe a foot or two so they can clear out the post holes and set new posts. He went on to say there is already electricity to there, which will be inspected by Brian Fenner which they have already pulled a permit with for him to do. Mrs. Sharp asked if he knew how long the message would stay on the board. Commander Cox stated it is not an L.E.D. Sign; it is a sign where you go and put the letters up there like you would. He continued that he would be honest with them and that they are fighting an uphill battle with membership and active membership, so if he stated that the message is going to be up there for a day or two after the event; he would be lying to them. He went on to explain that it is a volunteer organization, so whenever we can get somebody out there to try to do it he does. He added he cannot do everything himself anymore and he is stepping back as much as he can, to try to push other members to do more. Chairperson Lancette explained so the L.E.D. portion that we have seen in the writing is the backlit component inside the cabinet versus like florescent light tubes, they are going to be L.E.D. lighting inside of the cabinet to illuminate it, so it actually uses less energy and it has a longer bulb life in between them having to open it up and change the illumination inside. Ms. Desimone clarified that it is not going to change. Commander Cox stated this is not a traditional sign like you see at Lonergan Park. He explained what you see at our property, the sign that is right there is going to be the exact replica. He submitted plans to the Board of what the new sign would like. He stated it will have three [3] rails underneath it for lettering and above it, it would say V.F.W. 7290 or something and it would all be enclosed. Ms. Desimone asked if it would be just used for the VFW; we are not advertising anybody else's parties, only functions that the VFW does, because Code says we cannot.

DPW/FIRE/POLICE

Chairperson Lancette asked if any letters from the DPW, Fire or Police were regarding this project. Mrs. Fuller replied no there were not.

SIGNAGE

Chairperson Lancette acknowledged the placement of the sign has to be at least 15' setback from the edge of the sidewalk.

LANDSCAPING

Chairperson Lancette asked about landscaping. Commander Cox stated it is used as a parking lot right now and there is no landscaping there as we speak. He continued the only landscaped sign is the one on the 105 Maxwell Ave and that is coming down.

ENGINEERING

Chairperson Lancette stated the Engineer left prior to this hearing as this project did not require engineering.

SEQR DETERMINATION

Chairperson Lancette asked if they needed to make a SEQR determination on this. Atty. Chatfield stated it is considered site plan approval and not a residential, so it technically does not fit in the Type II. or the continuing agency administration, so yes. He recommended given this you simply entertain a motion to issue a Negative Declaration without reading all those questions.

Mr. Bachstein made a motion to issue a SEQR Determination to be a Negative Declaration. **The motion was seconded** by Mr. Kolodzie. All in favor.

SUNSET CLAUSE

Chairperson Lancette asked the scope of work you were looking to do; what the timeframe you had to have it completed. Commander Cox stated as soon as the permit is issued, but it depends on the sign company; he is back logged right now. He continued we are using Signs and Designs in Cicero. He went on once we get the plan approved and permit is issued, then it will go to them with the deposit for the materials and start actually constructing it. Chairperson Lancette asked if a six [6] month timeframe would be reasonable, or should this Board consider longer. Commander Cox stated six month should be long enough; he would like it in a couple of weeks.

Ms. Desimone made a motion to set the Sunset Claus for six months to expire on November 16th, 2019. **The motion was seconded** by Mrs. Sharp. All in favor. Atty. Chatfield stated if the project is not going to be done by November 16th, 2019; he needs to contact CEO Johnstone ahead of time, so that we can consider extending or whatever. Failure to comply with the above date could result in a violation from the Zoning Officer and may result in being asked to return before the Planning Commission.

Mr. Daugard made a motion to approve the Site Plan drawing as submitted prepared by CNY Land Surveying dated 2/7/2019 with No. Rev. - 0 rev. File # 19.003. **The motion was seconded** by Mr. Bachstein. All in favor.

Chairperson Lancette asked for a motion to adjourn the meeting. **Mr. Wilmer made motion to adjourn the meeting at 6:20 P.M. The motion was seconded by Ms. Desimone.** All in favor. The motion was unanimously approved.

Respectfully submitted,



Pearl Fuller
Secretary

