

The Planning Commission of the Village of North Syracuse held a **Planning Commission Meeting** on **Thursday, July 16<sup>th</sup>, 2020** at **5:30 p.m.** in the Village of North Syracuse Community Center at 700 South Bay Road, North Syracuse, New York 13212.

**Planning Board Members:** Greg Lancette (Chairperson), Jeff Bachstein, Vera Desimone, Connie Irick, Richard Gustafson, Paul Kolodzie, and Emily Sharp.

**Personnel Present:** Neil Germain (Atty.), Brian Johnstone (Codes Enforcement Officer), and Pearl Fuller (Secretary).

**Personnel Absent:** Chris Strong, (Liaison) Work.

**Agenda:**

- Approval of the 11/21/2019 Planning Commission Meeting's Minutes (**approved**)
- Site Plan Review, Brolex Properties, LLC, 444 South Main St. (**pending approval**)

**MEETING STARTS**

Chairperson Lancette called the meeting to order at 5:30 PM, roll call was taken and all members were present.

**ATTORNEY CHANGE**

Chairperson Lancette announced to the Board that Atty. Scott Chatfield has retired. He continued the attorney replacing him is Atty. Neil Germain.

**MINUTE APPROVAL**

Chairperson Lancette stated we need to approve the meeting minutes from November 21<sup>st</sup>, 2019. Mrs. Sharp made a motion to approve the minutes. The motion was seconded by Ms. Desimone. All in favor. The motion was approved.

**LEGALS/SOCPA/RESPONSES**

Chairperson Lancette stated they had some housekeeping to go through first, for the applicant Brolex Properties, LLC. Chairperson Lancette verified for the record that all the legals were in order; the Agenda was sent to the paper, the surrounding neighbors were notified and the Town of Clay was noticed and the Agenda was posted on the website. Mrs. Fuller stated they were. 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.

**BROLEX PROPERTIES, LLC. 444 SOUTH MAIN STREET**

Applicant: Brolex Properties, LLC.



Applicant Representative: Josh Heintz

Vincent Ryan, Kiplinger and Freeman

Tom Oot, Representative for the Developer

### **EMERGENCY CIRCUMSTANCES**

Chairperson Lancette announced due to the emergency circumstances caused by the Covid-19 pandemic and the NYS Governor's Executive Orders the public shall not be allowed to attend due to the 25 person guidelines. However, they are allowed to watch over Facebook which we are streaming live.

### **PROJECT INTRODUCTION**

Chairperson Lancette stated the Applicant before us tonight is Brolex Properties, LLC, of 444 S. Main St. They are here for Site Plan Review and Approval to build 3 residential (R-M) buildings; a total of 60 units. They appeared before the Zoning Board of Appeals on June 4th, 2020 for an Area Variance to seek relief from Village Code §240-9D, that allows a maximum of 12 units per building; there were granted relief allowing 2 of the 3 buildings to have 24 units each. He continued we have received a permission letter allowing Brolex Properties, LLC, to make application before the Planning Commission from the property owner, David Horowitch on file.

### **REPRESENTATIVE ADDRESSES BOARD**

Chairperson Lancette asked who will be representing the Applicant. Mr. Ryan stated he and Mr. Oot would be representing Brolex Properties, LLC.

Mr. Oot stated we are trying to build a 60 unit luxury apartment project. He continued after touring the Village and we think there is a need for quality upscale 2 bedroom apartment units targeted mainly for retirement senior population. He stated they have some issues as far as controlling that, but they think Ladler can do a good job with that.

Mr. Oot continued there will be elevators in each building, fully automated sprinkler system that are monitored off site, so basically it is all interactive relay. Mr. Oot added we worked with Fire Dept. on the design of the project and the access to the buildings. He stated it is a relatively small site; however, we have accommodated all the concerns that have been generated. He continued we have brought some of the products that we are going to be using.

Mr. Oot added it will be state of the art, all energy code on New York Energy Star standards though out the construction. He stated it will be wood frame construction and the fire ratings will be up to stuff. He continued we will be using architectural roof shingles, we are thinking of a dark brown, siding, energy star windows, Argon Gas Low E., 2" x 6" side walls, R-25 in the sidewalls, 50 in the ceiling.



### **BUILDING DETAILS**

Mr. Ryan stated he was from Keplinger and Freeman Associates, if there are any questions on the site or the storm water that will be him and direct all questions regarding architecture to Mr. Oot. He asked the Board to refer to the Narrative dated April 10, 2020 and then the revised July 2nd one, since then there has been some revisions; he will make note of those for the Board. He stated Building #1 and Building #2 will have 24 apartments each and Building #3 will have 12. He continued we have 3 total buildings, total of 60 units; total story in height will be 34' 6". He added there will be 2 entrances in all buildings with 2 stairways and 1 elevator. Mr. Oot stated a typical apartment is about 900+ sq. ft. Mr. Ryan already mentioned about the look of the buildings, as you can see we just got architectural and they should have been with the submissions for floor plans that we sent over yesterday and he passed around the graphic today that we received from the architect.

Chairperson Lancette asked about the exterior aesthetics of the building. Mr. Oot stated they brought some samples; we are looking at a 30 to 40 architectural roof shingle, a pitched roof, we thought that with the turn gables it added more character to the building. He added the siding colors have not been determined, but we are looking at this darker taupe color and we would use some offset accent color, maybe in the fascia, soffit, overhang and they will be overhang ridge vent bedded space; again all up energy star standards, good quality, maintenance free, so there is not a lot of extra maintenance.

### **BUILDING FEATURES/OPTIONS**

Mr. Oot stated every building will have 1 elevator, will be sprinklered, monitored, and have 2 doors. He continued they will have air conditioning and heating in all the units independent. He added again, a quality product, the counter tops they will have a choice between granite and quartz, state of the art bath fixtures faucets, everything that is all water savers.

Mrs. Sharp asked if he could describe the bathroom, is there a shower and a tub, is the tub going to have an easy access tub. Mr. Oot stated they can, that is something that he will talk to the architect about. He continued he was not aware that he was going to be submitting architectural drawings. Mr. Oot stated whether we build a tub shower combined, he thinks that they are going to go with more Handi-cap equipped showers, or at least 50% Handi-cap and that would be another option whether they wanted a tub or shower. He stated if they want a shower, it will be recessed below the floor, so you can go directly; but they still drain, so you do not have to worry about water coming out on the floor. He went on to say we do a lot of retirement housing now and probably 3/4 of the homes under construction all on one floor, wider doorways; grab bars, so we are familiar with what the market demands, but not everybody wants to own a home.



Ms. Desimone asked about baths versus showers, why they cannot have a bath tub and a shower. Ms. Desimone asked when you say the rent, is there anything included in the rent like heat and electric. Mr. Oot stated we are working on that right now, the heat maybe on a central system with hot water, right now it is going to be individually metered for each unit, so electric will be extra. Ms. Desimone clarified they pay their own, is that the idea. Mr. Oot continued yes, they pay their own. He added they will be energy efficient, so they are really up to snuff and we have to bring in fresh air to keep you alive.

Mrs. Sharp asked if all doorways accommodate a wheel chair. Mr. Oot stated yes. Mrs. Sharp asked if they are providing a washer and dryer on each level. Mr. Oot stated each unit is what we are talking about, right now a compact washer and dryer in each apartment. Mr. Oot stated they can, that is something that he will talk to the architect about. He continued he was not aware that he was going to be submitting architectural drawings.

Mrs. Sharp clarified that all units do not have a balcony, is that correct. Mr. Oot stated Mr. Vanderwater did add balconies; again the floor plan and design is in a state of flex and we will go back and forth. He continued he was not aware that the Board wanted them for this meeting, but we did prepare something that we could show you, he drew the original plans, and he did not have balconies on his drawings, Rod did add them on. He added he is not opposed to them with the sliding glass doors, because we can get more light in and they probably do have some merit unless somebody has an objection to them. Mrs. Sharp asked if each unit would have a balcony. Mr. Oot stated no, he did not think that was possible, but he checked it out. He continued no, so we have 4 units in each building on each floor that will have balconies. Mr. Ryan stated the ones on the corners do not have balconies, but the ones in the centers do.

Ms. Desimone asked if those units would be charged more. Mr. Oot stated they were just talking about that. Ms. Desimone clarified they would not say you cannot have one. Mr. Oot continued no, there will be different; first come, first served to a large extent, but some of the amenities that we have been talking about are: gas fire places and they are safe, that have every safety thing; we are in the material supply things, Materials Direct, Dow Lumber Company, so we provide all the building materials. He added we were thinking gas fire places, luxury items that the people want and they are very efficient to run and he thinks that they do add a lot, those are the cosmetics that we are looking at. He mentioned if you want a gas fireplace your rent would probably be a little more than one without.

Mr. Bachstein asked if they had a range for rent. Mr. Oot stated as far as the rent we are going to have a floor of a little over \$1,000 a mo. and up from there, so we will be \$1,000, to \$1,400. Ms. Desimone stated you just stated \$1,400. Mr. Oot continued \$1,400 would be the top, and again it will have to do a lot with what the market will bear obviously, but we think with the new product, state of the art, it will be nice, clean, high ceilings, good color scheme, good quality products. Chairperson Lancette stated it is a bit out of our purview.





### **MEDICAL ON SITE**

Mr. Oot stated we also met with PACE out of St. Joes, which is a medical service so offered now and the goal is to basically keep people out of the hospital and out of nursing homes. He continued so an aging population where they can get medical there in their unit, so we have met with them and they have certain requirements: door widths, certain electrical outlets and precision amperage for medical equipment should it be needed so they can plug this stuff in. He added this is an ongoing discussion and that is the trend of the future, people are healthier and living longer. He stated we have got to come with some solution of where they are going to live. He spoke of one in Manlius they call the cruise ship on land, and it is like the Nottingham it starts at \$5,000 or \$6,000 per month, they feed you and what have you, but who can afford it; is that for everyone. He continued these assisted living facilities; there are so many different products out there. He explained this is independent living and has the ability if you need medical care, the PACE Program could come in and take care of the seniors, so you are not going to the hospital or another facility.

### **AREA VARIANCE**

Mr. Ryan stated the variance was already discussed. He continued this concludes all the items from the letter of April 10<sup>th</sup>, 20. He added and then the July 2<sup>nd</sup> letter we made note to, a lot of that stuff has been revised per our engineering letter. He added we did receive the variance as previously noted granting more than 12 units maximum per building as code allows. Chairperson Lancette asked which of the Buildings have 24 units and the height of the proposed apartments is what. Mr. Ryan stated Buildings #1 and #2 have the 24 units in them. Building #3 is 12 units. Mr. Ryan continued the height of is 34' 6 inches tall.

### **INGRESS/EGRESS**

Ms. Desimone asked if it is one, ingress and egress, is that the same. Mr. Ryan stated yes it is the same. Ms. Desimone asked if that is going to be enough for all these apartments and all of Palace Courts apartments. Mr. Ryan continued there was a traffic study conducted per the 60 units, for the units that they are going to be, and we do not expect that much thru out the day that would hinder Palace Court or Rt. 11. during the 9:00 AM and 5:00 PM rush hour.

Mr. Gustafson stated with just one ingress and egress, if there is something that happens emergency wise you are going to have a mess in there. He continued having an option or other way of getting out for the people.

Mr. Ryan stated it is a tight site as you can probably tell, and we know that it is a concern. He continued once again, it is typical, there are many developments with one ingress/one egress; the Fire Dept. can get in there with a 2 way lane and traffic will be able to get around them, it



is not unlikely to see. Mr. Gustafson continued the hose is going to right through the middle of the parking lot. Mr. Ryan added yes, of course. Chairperson Lancette asked how many feet is the egress path to an exit, what ways and how many ways to get out. Mr. Oot stated there are 2 access points on each building, plus the elevator obviously; maximum distance inclusive of stairways would be about 100' from the furthest point.

### **TRAFFIC REVIEW**

Mrs. Sharp asked what the traffic review talked about the number of cars coming and going as far as the Palace Court. Mr. Ryan stated he does not have the numbers off hand, the typical for 60 units; the numbers are low in that regard is 5 to 6 cars an hours during those times. Mrs. Sharp stated you are not going to be able to guarantee that you are just going to have seniors. Mr. Oot stated the goal is the senior population of 55 yrs. and over. He continued what we find to with the seniors and the retirement population is we normally do not see 2 vehicles with each family, they are down to 1 vehicle and many of these residents will spend several or more months in the Florida or southern climates during the winter. He added basically it is equipped and it is monitored for that vacancy to occur. He stated the other thing that we have seen with this age group is they do not operate their vehicles normally during peak hours. He stated they tend to use their vehicles on those off peak hours when everyone else is at work or whatever, it is just a different pattern altogether.

Ms. Desimone asked how much room is between that back of the building and the roadway between Building #2 and #3. and going to the road and how much is in the parking. Mr. Ryan explained here is the back of the property, so this goes out to the back of Palace Court Apartments, here there is about 10', there is a green space area; a 5' sidewalk and then you are in the parking area, then you are in the road. He clarified it is 18' and 10' equaling 28' to the road, the actually driving area. Ms. Desimone asked how much he would say is on the other side. Mr. Ryan stated we have brought the setback line in, so it is about 20' to the property line and then another 30' to 40' to the next building.

### **RESIDENTIAL POPULATION 55+**

Mrs. Sharp asked Atty. Germain how you can guarantee that your population is going to stay over 55 yrs. Atty. Germain stated they absolutely cannot guarantee that, that is a projection they are trying to achieve. He continued that is what they are telling you now, but there is no guarantee as to the age of the population. Mrs. Sharp added or being able to keep out a family of 4. Atty. Germain added correct. Mr. Oot stated there are discrimination laws that we have to abide by, but we feel with the price point for the rent is one way that we are going to do it. He stated that we are going to offer quality, luxury product and we feel it will warrant that the rents that we are going to be charging. He continued he feels it will detract to the riff raff so to speak.



### **ENTRANCE TO THE APARTMENTS/SITE LAYOUT**

Mrs. Irick stated getting into that road that you say you are going to use as the entrance, that is barely 2 car lengths and that goes into Palace Court, but you have in here on this description if she is reading it right, you have a fence that is going to go with the main entrance. Mr. Ryan stated we are not fencing it that is the construction fence that is only there during the construction part. Mrs. Irick continued but you have black top and driveway which this road goes into Palace Court. Mr. Ryan continued correct. Mrs. Irick clarified you are going to make an entrance into this way. Mr. Ryan agreed. Mrs. Irick spoke of Rt. 11. Mr. Ryan stated again, DOT does not want use to have driveway on Rt. 11. Mrs. Irick stated having elderly people turn into that Palace Court; even the people that live in Palace Court have trouble getting in there that is why they go to the light. Mr. Ryan continued if they can turn at the light and get into Palace Court then they can certainly make a right into this area. Mrs. Irick clarified so you are saying you want them to go to Sandra Lane, turn, go down; turn into Palace Court and come in through that back way, come all the way through Palace Court, to go into the other one. Mr. Ryan added that is certainly an option coming off of Palace Court. He stated he understands the concern, we have already talked to DOT, and they did not want us to put the driveway entrances on to Rt.11; because of that concern that is our only ingress to get into the property.

Ms. Desimone asked him to go back to the top sheet, now there are 24 units in that building, would you say that there are 12 units on that side. Mr. Oot stated there would be 12 units on each floor, 6 on each side; then Mr. Oot stated that was not right. Ms. Desimone clarified that there would be 12 in the front and 12 in the back. Mr. Oot agreed right. Mrs. Desimone asked if he could show the Board where the 12 units as far as the windows are concerned, she does not see how they have 12 units there. Mr. Ryan stated there are 2 doors in every building. Mr. Oot stated in a typical apartment there is about 900+ sq. ft., he showed there are 8 apartments on a floor; 4 in the front and 4 in the back and 3 floors, everything above grade. Mr. Gustafson stated the elderly people in the middle have one heck of a route to get out. Mr. Oot stated he changed that and the balconies he added, he did not even have a chance to see it, and it was just finished today. Chairperson Lancette asked how many entrances into the buildings. Mr. Ryan stated every building has 2 entrances.

### **PETS ALLOWED**

Mr. Bachstein asked if there were going to be pets allowed. Mr. Oot stated pet size, pet number it is up in the air, he thinks under a certain weight we might allow 1 pet, but it will be a weight limit for 1 dog and 1 cat. He added these are gray areas that need to be resolved, there are some negatives, but again pets are important to families; you do not want to have to give up the pet when you give up the house. Ms. Desimone asked if someone comes in for medical reason, she did not know if you had to let them in. Mr. Oot stated he has not kept on this, is it yes. Atty. Germain stated the answer is yes, service dogs, something of that nature, the lease cannot prohibit or it can just prohibit, but it is going to be will be void.



### **DISTANCE FROM ROAD TO BUILDING**

Mrs. Sharp asked CEO Johnstone about 110' between Building #3 close to Rt. 11. She asked how far 110' is, could anybody give her a ball park on that. Mr. Oot stated it would be a little more than a 1/3 of a football field; actually a football field is how many feet wide, 150'. Atty. Germain stated it is 120' long, and 53 wide, because you have to add the two end zones, so you are talking about 100 yards, so if you are talking about the end zones, it would be a little bit more than a 1/3 which would be 30 yards. Mrs. Sharp clarified that you are talking about 30 yards between that building and the traffic. Mr. Oot continued between the property line and the asphalt, it is the green space, the sidewalk, then the blacktop, then you have more green space. Mr. Ryan stated if you turn around and look at the parking lot you are probably looking at the second row of parking behind you; if you look back where the tire stops are that is about 120'.

### **DPW/FIRE/POLICE**

**DPW:** Chairperson Lancette stated the DPW has submitted a letter that the project does not have any negative impact on DPW or its operations.

**Police Dept.:** Chairperson Lancette stated we do have some comments that have been submitted from the Police Dept. and Chief Becker on June 11, 2020, submitted a comment basically upon his observations he did not believe the addition of this apartment complex in the area of 444 S. Main St. would provide any significant impact or interfere with the safe flow of traffic during the normal business hours. He continued he also made the comment the vehicle access points depicted in the survey should not present a hazard to pedestrians using the sidewalk since there is a full line of sight in both directions.

**Fire Dept.:** Chairperson Lancette continued the Fire Dept. submitted comment and he thought they were aware of some of the comments, but even at 1:36 PM this afternoon from Paul Linnertz. He shared Paul had reviewed the most recent drawing of the proposed apartments; unfortunately the turnaround depicted on sheet L-302 does not meet the intent of the code. He continued the dead end fire apparatus access road is greater than 500', therefore, table D 103.4 requires the turnaround to be 26' wide, as drawn it is only 20' wide; if you are follow the arc of the left front bumper, the front of the truck will hit the tree. Mr. Ryan stated the tree is certainly moveable, this is a 49' truck; it can certainly get in there, back in. Mr. Ryan asked was it greater than 150'. Chairperson Lancette stated greater than 500', the width is required from 25' to 26'. Mr. Ryan continued we can accommodate the 26'. Chairperson Lancette continued another comment was the water distribution system remains an issue. Mr. Ryan stated we are aware of that, we are working through that. Chairperson Lancette added we are awaiting OCWA's Flow determination. Mr. Ryan agreed. Chairperson Lancette stated the place where the hydrants can be determined at a later time when once the water mains have been solved.





### **CONCERNS FROM THE PUBLIC**

Chairperson Lancette verified that it was not advertised as a public hearing. Mrs. Fuller stated it was not. Chairperson Lancette asked if there were any letters or concerns from the neighbors. Mrs. Fuller stated yes there was. Chairperson Lancette spoke of the following:

- David Valenti of Woodwind Gardens at 460 S. Main St. encouraged the ZBA to follow required procedures; not in favor of the project.
- Philibert Cousineau of Sandra Lane sent to ZBA, we have enough apartments, heavy traffic on Rt. 11; he is not in favor of project.
- Sam Mondello of Vince's Gourmet at 440 S. Main St. is opposed to the project. He would like Palace Court to install a fence behind his property.
- Joseph Murffyn of JR Properties at 439-441 S. Main St. stated it will be a good improvement for the area, concern of parking and play area.; 60 units on 2.4 acres, but sure it can be worked out.
- Bruce & Pat Krupke of Northeast Dairy Foods Association, Inc., not in favor of project; concerns of heavier traffic congestion

### **HANDI-CAP ACCESSIBILITY**

Chairperson Lancette asked are there any Handi-cap apartments and if there are they 1<sup>st</sup> floor. Mr. Oot stated all the 1st will be Handi-cap accessible. He continued actually thinks more than that would be elevators again, that is what they are fine tuning now with the architect.

### **SIDEWALKS**

Mr. Ryan stated sidewalks; we have added the request sidewalk going out to Rt. 11 and then there are sidewalks throughout the property. Mr. Ryan continued we will be going for all permits required. Chairperson Lancette asked about sidewalks. Mr. Oot stated sidewalks are included on the plan and they encompass all of the buildings. Mr. Ryan added they will be A.D.A. accessible.

### **SECURITY/SAFETY PRECAUTIONS**

Chairperson Lancette asked what safety precautions are taking place. Mr. Oot stated we have Smoke and Fire Monitoring for each unit that are hardwired into the system, and the Automated Sprinkler System which is monitored of site. He continued we are looking at a Security System to enter each of the buildings with a code or a pass card; his guess would be to get permission before entry. Mr. Oot added the hand rails and some of the other safety concerns that were brought up tonight make a lot of sense, those we will be looking at with the architect, grab bars in the bathroom areas will be brought up based on needs and age. Chairperson Lancette asked about the Security of the Building. Mr. Oot stated again the same system is under discussion as far as the cost of a central system; false alarms are the big one obviously, because they have to



be limited. Chairperson Lancette asked if there are fire doors in the buildings. Mr. Oot stated all the doors will be fire rated, he is not sure what the exact spec will be, but he can assure you that the stair wells will have fire rated doors; he is not sure if they are 1 hr. or 2 hrs. and each apartment door will be fire rated as well. He added what the ratings are he cannot speak to that. Chairperson Lancette asked about rescue windows and how do they open. Mr. Oot stated every window will be egress accessible; they will meet egress requirements as per the Building Code. Mrs. Irick asked if they would have a map in each room showing how to exit in case of an emergency. Mr. Oot stated yes, we will have that on the door of each one. Mrs. Irick as if there was anything for any type of security on the doors, do they have to ring a buzzer. Mr. Oot stated again, we have not gotten that far yet, but he thinks it is appropriate. Mr. Oot continued they did not vandalism or illegal access to the property. Ms. Desimone stated you never know when someone is going to come and rob you. Mr. Oot. agreed, well the buzzers and the alarms and secured system; that makes a lot of sense, those are the fine details. Mrs. Sharp asked if there were railings on both sides of the hallways. Mr. Oot stated we have not gotten that far yet, but he is open to it. Mr. Oot continued there will be grab bars in the bathrooms which is an item that we see quite a bit. He added he thinks it is on the list of amenities is the grab bars.

#### **PARKING/HANDI-CAP SPACES**

Mr. Ryan stated the required parking is 90 spaces, there were 89, but there are 90 now, so we are meeting our minimum threshold for parking.

He stated he knows there were a couple of issues regarding parking and where the buildings are located coming off of Palace Court now, as opposed to Rt. 11, it is almost a cost saving thing for us and it is obviously super at accessing everything else for the community in that regard. He stated they have adequate parking in the front of building #3, and then buildings #1 and #2 have their parking, Handi-cap right in front of the building.

Chairperson Lancette asked how many parking spaces there are. Mr. Ryan stated 90 spaces. Chairperson Lancette asked how many spaces are Handi-cap spaces and locations. Mr. Ryan stated they are located at all entrances and there are a total of 6 and van accessible at the end of the sidewalks leading to the buildings.

#### **FIRE SAFETY/SPRINKERS/ALARM SYSTEM**

Chairperson Lancette asked how many stairways per building and how many elevators. Mr. Ryan stated 2 stairways and 1 elevator. Ms. Desimone clarified that each building has an elevator. Mr. Ryan agreed. Chairperson Lancette asked if there was going to be a standpipe in the stairways for the fire system. Mr. Ryan stated he thinks the Fire Dept. required that, so yes.



Chairperson Lancette asked about central alarm systems per unit or are they just general. Mr. Oot stated just general at this point although we have been discussing it with Spectrum, Timewarner to see what is available. He continued there are some new products that would be worth looking at. Chairperson Lancette asked about a sprinkler system. Mr. Oot stated that is a guaranteed given, that will be an active sprinkler system which means it has water in it at all times and it will be monitored from offsite facilities. Chairperson Lancette asked if stairways will have smoke and/or fire dampers. Mr. Oot stated the stairwells will be independently separated with fire walls, with the doors and walls fire system will be fireproof so to speak, so the stairwells are exempt from fire equip status.

### **SETBACKS**

Mr. Ryan continued in terms of setbacks we currently meet all setback requirements. Chairperson Lancette stated the next item is setbacks. Mr. Ryan stated we meet all set back requirements, all buildings and accessory structures.

### **WATER/STORMWATER/SANITARY EASEMENTS**

Mr. Ryan stated we are working on the easements with Mrs. Franco and OCWA; we are in communications with them currently to handle those things.

Mr. Ryan spoke of a couple more of questions providing by Mrs. Franco's engineering letter. He continued we responded to the EAF questions, he just handed her a new SWPPP, so she will need some time to look that over, but a lot of her questions and concerns have been answered in that. He did ask if there were questions and they are written down he can provide those to the Stormwater Engineer as GZA could not make it today, but we could have those at a different time. He stated that was a quick overview hitting on those comments.

Mr. Kolodzie stated you said the Stormwater Engineers are not here, but the catch basin and the water basin comes out the backside of Building #1. Mr. Ryan stated yes. Mr. Kolodzie asked where the water does run into when it overflows. Mr. Ryan continued the containment system that is here under the parking lot is meant to fill up, so by the time it does reach here, it would be filling in this back area. He went on to say there is an emergency overflow area at the back outlet of the property and that would be during a storm in the worst case scenario; we like to say if it is happening here, it is happening everywhere, so there is not much you can do. He stated there is adequate storage to hold capacity during most main events.

Chairperson Lancette asked about proposed water, storm and sanitary easements. Mr. Ryan stated we will have all of those figured out and again we are working on the sanitary easements. Mr. Ryan added the Sanitary Easement currently is getting connected to the existing Palace Court Apartments instead of Rt. 11.



### **DRAINAGE/CATCH BASINS/STORM DRAINS**

Chairperson Lancette asked about the drainage, how many catch basins and storm drains and where their locations are. Mr. Ryan stated all located within the parking area for the most part. He continued storm water will be stored on site, he believes there are about 5 catch basins across the site, and there are storm limits.

Mrs. Irick spoke of him saying there are drains underneath this drive. Mr. Ryan stated it is underneath the parking area. Mrs. Irick clarified that will hold the flooding when it we get really bad rain and heavy duty snow. Mr. Ryan stated yes, he gave Mrs. Franco the new SWPPP and if it is all O.K. with her, it is going to add capacity for up to under a year.

Chairperson Lancette stated he believed there were comments about the outlets of storm pond catch basin. Chairperson Lancette continued he knew you answered if it were a 100 yr. flood we are all in trouble, where is that discharge, he did not hear the answer; he thinks it was noted on the property line. Mr. Ryan continued yes, it is right about there. Chairperson Lancette clarified that those buildings are Wood Wind Gardens right. Mr. Ryan added yes. Chairperson Lancette stated so if we do have an overflow situation we will be sending the water to them. Mr. Ryan stated yes, again all Stormwater being held on the site in which case if things go bad, things go bad. Mrs. Franco stated you might want to look at maybe moving that either way Mr. Ryan continued agreed. Mrs. Franco continued even though flows are meeting existing site conditions, we are still building on site; you are still adding impervious. Mr. Ryan agreed. Mrs. Franco added as CEO Johnstone mentioned they do have basements. Mr. Ryan stated he would let the engineer know about that, so move it north. Mrs. Franco stated so it is away from the building; the parking lot might make more sense, if you move it south. Chairperson Lancette stated drainage is next. Mr. Ryan stated all Stormwater will be captured on site, and catch basins within the parking lot area, and then held on site.

### **LIGHTING**

Mr. Ryan stated the lighting, he stated he heard some comments over here about the shadow regarding darkness, which has been updated and sent that over to their lighting consultant. He continued Mrs. Franco requested some new lights at the Palace Court entrance, those have been added in since yesterday's submission.

Mrs. Franco asked if they put the light locations on Palace Court, on the light poles. Mr. Ryan stated yes, on L-301 provided in yesterday's package, they were added here and here on either side of the drive entrance.

Chairperson Lancette asked about lighting on the building, poles, signs and location. Mr. Ryan stated at the 2 poles in the front of the entrance at Palace Court, and then the rest of the lighting will be handled by wall packs on the 3 buildings. He continued the light will cut off at





the property line. He added per the engineering letter we increase the throw of the light, so that we hit almost all the parking lot, but there is less glare and dark sky compliant for all lighting.

### **LANDSCAPING/GREENERY/SHRUBS/FLOWERS/BUFFERING**

Chairperson Lancette asked about any landscaping, greenery, shrubs, flowers and buffering. Mr. Ryan stated that they have provided more landscaping around the buildings.

Chairperson Lancette stated next is landscaping, greenery, shrubs, flowers, and buffering. Mr. Ryan stated it was requested that we provide more screening along the western property line, so that has been increased with evergreens. He continued we do have some trees along the southern property line; the trees to the north were removed, because of the sanitary easement that will go through there and all buildings will be landscaped. Chairperson Lancette asked if those are the same style trees on the left as on the right just shown at different sizes. Mr. Ryan clarified they will be Northwood Pines in the front and they are the same.

### **OUTDOOR SPACE**

Chairperson Lancette asked where the location of the outdoor space for the seniors' picnic tables and seating that Mr. Oot agreed to at the Zoning Board of Appeals Meeting. Mr. Vincent stated Mr. Oot stated we will work in a green area into each building.

Chairperson Lancette stated the next item is location of the outdoor space for the senior's picnic tables and or seating. Mr. Ryan stated we do not have any shown, but we can certainly find a spot for it. Chairperson Lancette continued it looks like it was a carryover item from the ZBA. Mrs. Fuller stated that was brought up in the ZBA Meeting and agreed to. Mr. Ryan continued we will provide a green area for each building.

### **MAILBOXES**

Ms. Desimone asked where the mailboxes will be. Mr. Oot stated probably in one of the two lobbies, depending which side you are on, he supposed 1/2 would be on 1 side and the other 1/2 would be on the other side, they have not determined that yet, but they appreciate your recommendations, but you will notice we did the wider hallways.

Chairperson Lancette stated he thinks tenant mailboxes have been raised already and that is to be determined. Mr. Ryan stated it is to be determined, but most likely will be located at ingress to each the building.

### **DUMPSTERS/SCREENING**



Chairperson Lancette asked where the dumpsters would be and any screening that would be placed there. Mr. Ryan stated dumpsters were moved to back of the building per the new plans dated 7/15/2020; they are also within the setback as noted by Mrs. Franco.

Chairperson Lancette stated next is dumpsters and screening. Mr. Ryan stated dumpsters will be located behind Building #1 screened with evergreen screening that is accessible by sidewalk and will be fenced. Chairperson Lancette clarified so 1 dumpster. Mr. Ryan continued 1 dumpster location; there will be 2 to accommodate (2) 60 yds.

### **SIGNAGE**

Mr. Ryan stated at this time, signage was getting removed from the application; there were concerns from Mrs. Franco regarding setbacks and we cannot quite meet those right now. He continued we will have to come back to that at a later point, so that will be removed from the application.

Ms. Desimone spoke of not seeing a sign showing for the name of the apartments and where will it be located, will it be on the main road where people can see it. Mr. Oot stated they do not know what we are going to call it, so we have to come up with that 1st. Mr. Ryan stated once again that will be removed from the application, from your code we need to have everything 10' from the property line, so we are looking for a spot for it without having to go forward a variance. Ms. Desimone asked if it would be able to be seen from Rt. 11. Chairperson Lancette stated whenever you do work out that sign detail, we are going to want that on the drawing and tell us what type like that. Mr. Ryan stated it will definitely be monument sign, and we have to find a spot for it. Chairperson Lancette continued if you could plot it on the location with the dimensions and that; that would be appreciated. Mr. Ryan stated of course.

Chairperson Lancette stated next is signage, directional ingress/egress, Handi-cap, striping, apartment sign and type. Mr. Ryan stated as previously noted apartment signage is being withheld from this application at this time, until we can we can find an adequate spot for it that meets all code. He continued there is a stop sign in Palace Court, Handi-cap spots will be signed, and all spots will be stripped.

### **CROSS ACCESS EASEMENT AGREEMENT**

Chairperson Lancette asked about getting a copy of the written and signed Cross Access Easement Agreement. Mr. Ryan stated they had sent it in. Mrs. Fuller clarified we needed a signed copy and what was submitted had no signature.

Chairperson Lancette asked about the Cross Access Easement Agreement. Mr. Ryan stated was provided. Mrs. Fuller clarified that it was not signed. Mr. Ryan continued we would provide a signed Cross Access Easement Agreement, it has been reviewed.



### **FIRE HYDRANTS**

Chairperson Lancette asked for OCWA updates and hydrant placement. Mr. Ryan stated we are waiting for this from OCWA. Chairperson Lancette asked about the number of hydrants and locations. Mr. Ryan stated pending per fire comments and OCWA.

### **DRIVE AISLE WIDTH/FIRE DEPT APPARATUS TURNAROUND**

Mr. Ryan stated drive aisle widths, were originally 25'. He continued the Fire Dept. contacted us and they would like 26' that has been updated.

Mrs. Sharp asked if Mr. Ryan would go over how a person would enter into the driveway, entering into the apartment complex and exiting it. She asked if there was going to be separated by any kind of a buffer. Mr. Ryan stated you would be coming off of Rt.11, obviously a left or a right, you would make a left into the property; and all spaces are 90° and 26' drive aisle widths which are adequate for 2 way traffic, so you can back out and pull in with no problem. He continued there is adequate driveway at the end for the Firemen that you could pull way down turnaround and pull out as far as that is concerned.

Mr. Ryan stated we have added as per the Fire Dept. request a more accessible turnaround area that has been provided here at the end of the parking lot. Chairperson Lancette stated concern fire apparatus turnaround too close to building and exterior wall was that moved as requested by Fire Dept. Mr. Ryan stated we accommodated that issue.

Chairperson Lancette asked about the drive aisle width and the drive aisle for the Fire Dept. turnaround. Mr. Ryan stated Fire Dept. request 26' of the driveways that has been increased to 26' and it has been noted and the turnaround will be increased to 26' as well to accommodate a fire truck.

### **DOT PERMITS FROM COUNTY OR STATE**

Chairperson Lancette asked about access from Rt.11, any DOT Permits required from the county or state. Mr. Ryan stated removed as per DOT comment, we will not be exiting or entering on Rt.11. from the property. Mrs. Franco stated you need one if working in the Right-of-way. Mr. Ryan continued we will need a permit for working in the Right-of-way to repair the curb and the sidewalk when the existing curb is taken out, so it will require a Work Permit. Mrs. Franco continued she was not sure about the water line, how that works with DOT. Mr. Ryan added working on it; we will need a permit as well when we get comments back from OCWA.

Chairperson Lancette asked if they have applied for or received NYSDEC SPEDES Stormwater Permit. Mr. Ryan stated pending review; we will submit an OI and get the SPECES Permit.



### **SNOW**

Mr. Kolodzie asked where the snow push areas were located. Mr. Ryan stated in the new plan, it might be an older plan we have outlined the front here, you have got pockets in here, he thought it was Note #7, but along anywhere there is not going to be curb, so you pull snow right off with the new fire department area you could push snow over there as well. Mr. Ryan stated they do have adequate snow storage areas across the property.

Chairperson Lancette asked where the location of the snow will be stored and removal. Mr. Ryan stated stored and removed for most of the perimeter of the parking lot, they have dedicated storage space, item #7 on the plan. Chairperson Lancette clarified you do not have the need for removal. Mr. Ryan agreed.

### **UTILITY PROJECTED COST**

Mrs. Fuller stated that there is a question that came in via Facebook, the gentlemen wanted to know the projection of annual cost of gas and utilities service and if WiFi would be included. Mr. Oot stated if WiFi, that is a conversation we are having with Spectrum, so he does not have an answer for that. He continued the total gas and electric for each unit with air condition and again it depends on how you run the thing, you are probably looking at about \$90 a month for gas and electric on an annual average and that depends on how much you run the air conditioning. He added natural gas is very cheap these days; electricity tends to be the culprit, so it really depends on their lifestyle.

### **SEQR MOTION**

There was not any SEQR done at this meeting.

### **PILOT**

CEO Johnstone stated we have a question from Liaison Strong via Facebook asked if the project was requesting a PILOT Exemption. Mr. Oot stated no PILOT, we have not made any of those requests and he does not think that they intend to. Mrs. Sharp asked what that is. Chairperson Lancette stated Payment In Lieu of Taxes that is a thing with the county.

Chairperson Lancette stated so it looks like we have some loose ends here on this and he did not know if they could approve this tonight from that standpoint; there is still information that is required. He asked when the next Planning Commission Meeting would be and he stated it would be August 20<sup>th</sup>, 2020. Mrs. Fuller stated the next meeting if they have whatever, and we get their answers and everything back, she would have to notice it by August 5<sup>th</sup>, 2020, so they





would have to know for sure by August 3<sup>rd</sup>, 2020; the meeting itself would be the 20<sup>th</sup> of August. Mr. Ryan clarified that we would need everything August 3<sup>rd</sup>. Chairperson Lancette stated once all of the items are checked off and addressed, like Mrs. Fuller stated, she could post the meeting. Mrs. Fuller continued even if you are bring them in a little bit later in the afternoon, please let her know in the morning that is your intent, because that will drive how my day goes.

### **SUMMARY OF WHAT IS MISSING**

Mr. Oot asked if we would give him a summary of what you are missing, he sees the 2 easements; the Cross Access Easement Agreement and the Sewer Easement and those we can handle, the OCWA issues and Sprinkler System. He asked if there was anything else he was missing. CEO Johnstone stated the Fire Dept. Turnaround and show the balconies on the plan. Chairperson Lancette stated the other hydrant location once they determine the location. Mr. Ryan stated we are just waiting on an item. Chairperson Lancette stated it should not be an issue to get a summary over. Chairperson Lancette stated sign detail, dimensions and location needs to be on the drawing. Mrs. Franco stated our comment letter for that Palace Court Sewer it is private, so we did not put any comments for the Village to provide inspection for that, because it is not a Village system; so that will not be required, so the easement that you provide the sewer, as well as the notes on the plan. Mrs. Franco continued it should reflect the ownership and the connection, so when someone reviews the plans in years from now, we will know. Outdoor Greenspace for seating or picnic tables for all 3 buildings. Storm pond outlet catch basin: Mr. Ryan stated he would let the engineer know about that. Mrs. Franco stated so it is away from the building; the parking lot might make more sense, if you move it south.

### **ENGINEER COMMENTS**

Mrs. Franco stated the only other comment she had was that she noticed with the footprints you have of the balconies, that they should reflect on the plan. She continued like the theme footprint of the buildings. Mr. Ryan stated yes. Mrs. Franco added that you need to show the elevations on that plan as well. Mr. Ryan continued the buildings we finally get centered on the plan will be reflected on the plan. She stated she felt everything else had been addressed on her end.

Chairperson Lancette asked if there were any other questions from Facebook live tonight. Mrs. Fuller stated there were not. Chairperson Lancette thanked the applicant.

Chairperson Lancette stated the engineer is not needed for the next applicant tonight, so she will be leaving.



**TWIN TREE III. REALTY, LLC., 310 NORTH MAIN STREET**

Applicant: Louis Rescignano (Twin Trees III Inc.)

Applicant Representative: Not present; letter sent in.

Chairperson Lancette stated they had some housekeeping to go through first, for the applicant Twin Trees III Realty LLC. Chairperson Lancette verified for the record that all the legals were in order; the Agenda was sent to the paper, the surrounding neighbors were notified and the Town of Clay was noticed and the Agenda was posted on the website. Mrs. Fuller stated they were. Chairperson Lancette announced all legals appear to be in order.

Chairperson Lancette stated next, we have a request from Louis Rescignano of Twin Trees III. Realty, LLC. located at 310 N. Main St. for an extension of the Sunset Clause. He is requesting a one year extension to complete the addition on the Maxwell Ave. side of his building. He notes that due to the COVID-19 restrictions, the business has suffered a loss of business for the past four months resulting in a lack of income and demand at this time. His original Sunset Clause was to expire August 15<sup>th</sup>, 2020.

Chairperson Lancette stated so Louis is really just applying for an extension, he knows he only asked for 12 months, he knows he may have asked during the Work Session; but if there is another issue, is 12 months enough. He asked if we could grant longer than 12 months.

Ms. Desimone stated because it is the Covid, we do not even know when the Covid is going to allow him to do anything. Chairperson Lancette stated he requested a 1 year extension. Atty. Germain stated you could grant him that, he did not see any reason why not. He spoke of because of Covid-19 they get an additional time of up to 120 days beyond the expiration date stated in the approval. Ms. Desimone asked if we can grant him something with the exception that if it is still bad, that he can come back before the Board again. Chairperson Lancette stated he thinks it would be O.K. for him to come back again, even if we granted the extension. Atty. Germain stated he can always approach the Board and ask for modifications to the site plan if things change or he could change his mind. He continued he can always come back to the Board with another application.

Mrs. Sharp made a motion to extend his request for a year, to expire on August 15th 2021.

Mr. Bachstein suggested giving him 24 months, you do not even know how long this is going to be, it could be another year. He continued we are anticipating it is going to be at least another 5 or 6 months, they are already canceling things in January, February and March for next year.

Ms. Desimone stated she agrees with him, she thinks he wants to do it as soon as he can.

Chairperson Lancette continued he agrees, his intentions are genuine and the reason he was thinking of granting him more time than he actually asked for due to unforeseen, we would have to meet just to grant him another extension if we had no other business scheduled.



Mr. Bachstein stated he would make a motion to grant him another 24 months. Chairperson Lancette stated we have got a motion from Mrs. Sharp and asked if she was willing to withdraw her motion for the 12 months extension. Mrs. Sharp agreed to rescind the motion.

### SUNSET CLAUSE MOTION

**Mr. Bachstein made a motion** to approve an extension for 24 months, expiring on August 15<sup>th</sup>, 2022. **The motion was seconded** by Ms. Desimone. All in favor. 7 Approved. 0 Opposed.

Chairperson Lancette explained if the applicant cannot complete the project by the Sunset Clause Extension date, he will need to contact the Codes Officer prior to that date to request to come back before the Planning Commission to request another extension.

Chairperson Lancette asked for a motion to adjourn the meeting. **Mrs. Irick made motion to adjourn the meeting at 7:15 P.M. The motion was seconded** by Mr. Kolodzie. All in favor.

Respectfully submitted,



Pearl Fuller  
Secretary

