

TOWN OF ONONDAGA

Planning Board

ALFRED J. FULLER
4564 Cole Road
Syracuse, NY 13215

DAVID C. BAKER
5577 Bull Hill Road
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TOWN HALL
5020 Ball Road · Syracuse, NY 13215

MARC A. MALFITANO, Chairman
5155 Jupiter Inlet Way
Syracuse, NY 13215

LINDA M. CAMPBELL
4929 MacGregor Lane
Syracuse, NY 13215

JAMES MAHANEY
4934 Horizon Terrace
Syracuse, NY 13215

Meeting Conducted at 7:30 p.m. June 12, 2017

Present:

Marc Malfitano, Chairman
David Baker
Linda Campbell
Alfred Fuller
James Mahaney
Nadine Bell, Attorney
Bill Perrine, Engineer

Chairman Malfitano called the Planning Board to order at 7:30 p.m.

State Farm Insurance (4849 W. Seneca Turnpike)

Mr. Jason Sheldon, applicant, appeared before the Planning Board based upon a referral from the Town Board under the West Seneca Turnpike overlay requirements. Mr. Sheldon explained that he had been working with Mr. Jordan Davie, former Director of Planning and Development regarding the property and that he would be moving into the area in December. Mr. Davie informed Mr. Sheldon he would need a Certificate of Occupancy for a change of residential to business use.

Chairman Malfitano explained that the Town Board along with himself, Mr. Davie, Mr. Ryan and Mr. Andino, Town Supervisor, met with Mr. Sheldon regarding the property in question, which was of residential use when it was purchased. Mr. Sheldon converted the property to business use and that conversion triggered a number of things that go beyond the Town zoning such as the State Building Code, change of use, access requirements, sprinklers subject to a waiver, and other things that the Town Codes Office has to administer under the State Building Code to obtain a Certificate of Occupancy. Other issues are in conjunction with the request to put up a sign which triggered a site plan review and subsequently triggered a West Seneca Turnpike Overlay District review. Chairman Malfitano also noted that a representative of the applicant appeared before the Planning Board previously with a sign proposal. There were questions as to the location of the sign as it was originally planned to be located in a state right-of-way which is a violation of the Town sign code.

Mr. Sheldon explained that he originally was issued a permit for the sign by the Codes Office but later was informed that they were not authorized to grant the permit due to the size of the proposed sign. Chairman Malfitano added that Mr. Sheldon was given incorrect direction in the matter of the sign. He noted that since then, the right-of-way has been verified. Mr. Sheldon added that a surveyor has placed a pin approximately 3 feet back from the original location, now

putting the sign 23 feet back from the property line. Ms. Campbell clarified the sign location on the plan noting that it was located 20 feet off the right-of-way. Mr. Sheldon replied that the sign will be approximately 23 feet from the right-of-way. Chairman Malfitano added that the code states it has to be at least 20 feet back and confirming that there is a pin noting the location of the proposed sign.

Chairman Malfitano asked if the applicant had reviewed the code for the sign to determine what is allowed to be on the sign. Mr. Sheldon noted that he applied for a variance for the sign position but it was revoked because the location was in the State right-of-way. Chairman Malfitano noted that since the location of the sign now meets the sign requirements no variance will be needed. Mr. Sheldon replied that he may need a variance because there is a phone number on the sign but he was unclear in his understanding of the code. Chairman Malfitano noted that the logo, business name and street address are permitted to be on the sign. Any additional information would be considered advertising.

Chairman Malfitano inquired as to the parking at the location. Mr. Sheldon responded that it is his understanding that the parking is compliant with 6 spaces provided. He continued adding that there is approximately 1,000 feet of office space then divided by 150 gives the number of spaces required. He noted that there is a 6 car garage on the property which he believes is acceptable to consider towards the required number of spaces bringing the number of parking spaces to 12. Chairman Malfitano referred to a note on the plan indicating 1,500 square feet total gross floor area on the first floor with 1,000 feet of that being used as office space. Mr. Sheldon added that the remaining 500 feet of space on the first floor is the bathroom and kitchen area that are not utilized. The upstairs is also not utilized.

Chairman Malfitano asked how the parking spaces are delineated. Mr. Sheldon responded that that there are 4 posts that delineate the spaces. He parks one car in the garage. He is unsure if he is required to paint because the driveway is gravel.

Mr. Sheldon explained that he would not have purchased this property for his office if he had known that that the process would be this difficult. He continued noting that he has been in constant contact with the Town and every time he calls, the Town requires something extra. Chairman Malfitano asked when the applicant closed on the property. Mr. Sheldon responded that he closed in November. Ms. Campbell explained that when converting a property from residential to commercial use there are regulations that define how it is going to be used, such as sprinklers, accessibility, ramping so that handicapped people can come and go. That is why converting a property from residential to commercial can be expensive. Mr. Sheldon noted that he has those requirements already but clarified that his point is that he has been in constant contact with the Codes Department and he believes they have been informing him of requirements after the fact.

Chairman Malfitano explained that in order to have a handicapped space the code requires that the area be striped, a sign and the logo has to be painted on the ground. Mr. Sheldon asked how that would be accomplished considering he has a gravel driveway. Chairman Malfitano noted that the guidelines indicate *for handicapped access a stable and regular surface is necessary to walk safely; wheelchairs propel more easily on surfaces that are hard, stable and regular. Soft loose surfaces such as shag carpeting, loose sand, gravel, crushed stone, wet clay and irregular surfaces impede movement of wheelchairs. Stable surface is one that remains unchanged by contaminants or applied force.* Chairman Malfitano advised that in order to meet the access and the delineation requirements the area needs to be paved. He asked Mr. Sheldon if there is any other detail or informational sheet that is part of the plan. Mr. Sheldon noted that there is not.

Chairman Malfitano noted that the delineation shown on the plan is not consistent with code requirements. There is no evidence that the handicap space will be properly signed and delineated on ground that is part grass, stone and hard earth. Mr. Sheldon replied that he believes that when the architect inquired what specifically needs to be on the site plan he was told specifically what was needed to be on the site plan but was then contacted multiple times and advised of different required information. Chairman Malfitano asked if he was told he did not need to put the handicapped delineation on the post as he would believe that the architect would have been aware of such a requirement. There was further discussion as to how the spaces will be marked. Mr. Sheldon responded that it would be marked with a post and sign. Ms. Campbell asked if the spaces are of the required dimension. Mr. Sheldon responded that the posts are 9 feet apart.

Chairman Malfitano referenced 3 future parking spaces noted on the plan and asked what the purpose of the spaces is. Mr. Sheldon replied that he was informed that if there are any potential plans for expanding in the future, the spaces should already be done. Chairman Malfitano noted that if that is the case, the Overlay District requirements include shielding the parking spaces by vegetation or landscaping.

Ms. Campbell asked if the house was a residential home when it was purchased. Mr. Sheldon replied that it was and the person who lived there was handicapped and therefore made the house handicapped accessible. There was discussion as to the number of parking spaces. Ms. Campbell noted that 6 parking spaces are required for 900 square feet and it is her opinion that there should be 1 additional parking space. Mr. Sheldon noted that there are 6 spaces in the garage.

Chairman then dictated a letter to the Town Board with the Planning Board recommendation. A copy of the letter is attached hereto.

Ms. Campbell made a motion to approve the West Seneca Turnpike Overlay District review consistent with the comments in the letter dictated on June 12, 2017, Mr. Baker seconded the motion. The motion passed with Chairman Malfitano abstaining because he is a State Farm insurance customer.

Chairman Malfitano asked if the application had been referred to the County. Mr. Perrine, Planning Board Engineer, advised it had. Mr. Sheldon added that he is trying to be compliant with regulations.

Sonbyrne Sale, Inc. (4815 & 4821 W. Seneca Turnpike and 4848 East Avenue)

Mr. Christian Brunelle, Senior Executive Vice President, Sonbyrne Sales, Inc. appeared before the Planning Board and began with the site plan review noting the property is approximately 2.59 acres consisting of 3 parcels joined together. There is 360 feet of frontage along West Seneca Turnpike. Mr. Brunelle is proposing the construction of a 5920 square foot Byrne Dairy store. Referring to the plan, Ms. Campbell asked about the heavy hash mark area. Mr. Brunelle advised that area is the county right-of-way from when the old town hall building was removed. Ms. Campbell asked if he is proposing to run a driveway through the county right-of-way and the applicant responded that he is. Chairman Malfitano noted that the applicant will be applying for a curb cut permit. Mr. Brunelle added that he has met with the County Department of Transportation and the New York State Department of Transportation and they have conceptually approved both of the proposed driveways.

Mr. Brunelle continued describing the proposed plan noting that the fuel canopy will be 24' x

108' with a peaked roof and the plan allows for 40 parking spaces. They are applying for an area variance for the fuel canopy noting that the West Seneca Turnpike Overlay District requires that any accessory structure or any structure must be 140 from the center line of a state road. The proposed fuel canopy is approximately 113.6 feet from the center line and therefore he will be appearing before the Zoning Board seeking approval for an area variance.

As part of the buffering the plan includes a proposed retaining wall ranging from 2 feet and up to 10 feet that wraps around the back of the property. The back of the property has had to be raised up with the finished floor elevation approximately 13 feet in the back. Continuing with the buffering, Mr. Brunelle noted a double row of conifer trees will be planted along the back side. There is a stormwater treatment area that was designed when the town parking lot was installed but took the entire project into consideration and the applicant proposes a 4 foot chain link fence to surround that area.

Chairman Malfitano asked how far the wall on the east side was moved in. Mr. Brunelle responded that it was moved in approximately 10 feet but could be moved in further if needed. Chairman Malfitano noted that the goal was to move the wall so the trees are not planted on top of it. He asked what type of trees will be planted and Mr. Brunelle responded that they will be conifer trees or Norway spruces noting that there is a landscaping plan as part of the package. Chairman Malfitano advised that a tree 20 inches in diameter and a tree 40 inches in diameter will remain on the property. Chairman Malfitano inquired as to the area between the wall the proposed sidewalk. Mr. Brunelle replied that there will be grass planted in that area and he added that there will be a 4 foot chain link fence on top of the retaining wall.

Mr. Brunelle noted that the plan has been sent to Onondaga County Department of Water and Environmental Protection (WEP) and he has received a letter stating there is sufficient sewer capacity. A draft SWPPP has been submitted and C & S has made their initial comments for that. Mr. Brunelle has submitted a revised lighting plan to C & S for review, noting the original plan was thought to have lighting levels that were high. Mr. Perrine noted that the average for the Cedarvale Road Nice and Easy is 18 footcandles and the revised plan for the Byrne Dairy is approximately 13 footcandles average down from 37 footcandles on the original plan under the fuel canopy.

Mr. Baker asked how high the proposed building will be. The applicant replied that it will be 31 feet high and the fuel canopy will be 26 feet high.

Mr. Brunelle commented that the plan includes new sidewalks and is pedestrian friendly. Some current sidewalks will be replaced and the existing curb cuts need to be closed.

Ms. Campbell asked where the sign will be located. Mr. Brunelle noted that it will be located on the corner of the property in the landscaped area. Chairman Malfitano noted that there is currently a large tree in that area. Mr. Brunelle noted the location of the 16" diameter tree on the plan and indicated that it will be removed.

Mr. Mahaney asked for the distance from the Velasko Road entrance to the intersection with West Seneca Turnpike. Mr. Brunelle responded that it is over 200 feet. The applicant noted that there was a change just received from New York State DOT requiring the addition of striping for a two way turning lane (TWTL) on West Seneca Turnpike. Mr. Mahaney noted the proposed building setback of 113 feet and asked what the current setback is. Mr. Brunelle referenced the plan and a line representing the current building location.

There was discussion of the signs and the square footage. Chairman Malfitano noted the understanding that there will be no paper signs on the windows and no outside sales of

materials except as mandated such as propane tanks as part of the special permit use requirements.

Chairman Malfitano asked what a flush mounted parking bollard is. Mr. Brunelle explained that they replace curbs and eliminate tripping hazards. It was also noted that there is a 1000 gallon oil/water separator located on the plan. Mr. Mahaney asked if there is a plan for placement of snow and Mr. Brunelle indicated it will be put in the green spaces.

Chairman Malfitano, in reviewing the site plan comments, noted property of non-residential use abutting property of residential use. Mr. Brunelle advised that the house adjacent to the Byrne Dairy property is also owned by Sonbyrne Sales and currently leases it out. There will be a row of conifers along the property line as a buffer which will satisfy Section 285-28.

Mr. Mahaney asked if there is access to the property from the north. Mr. Brunelle advised that at the recommendation of the Onondaga County DOT and NYS DOT, East Avenue will be closed off and dead ended. Chairman Malfitano advised if it is being closed off there should be a hammerhead. Mr. Brunelle noted that the Onondaga County DOT recommended a certain type of barricade. Chairman Malfitano noted there should be a turnaround.

Chairman Malfitano suggested that considering the large amount of information presented, this matter will need to be continued for a second meeting. He asked if the applicant has applied to the Town Board for site plan review and the applicant responded that he has along with the SEQR. Mr. Brunelle noted that the hours of operation for the new Byrne Dairy will be 6:00 a.m. to 11:00 p.m. as required by the OHB, and which is a reduction in hours as compared to the current store.

Chairman Malfitano asked for the location of the compressors on the plan. Mr. Brunelle pointed out the area noting that the compressors and everything containing refrigeration are located to the rear of the property to the north elevation.

Chairman Malfitano stated that the Special Use Permit and West Seneca Turnpike Overlay District review will be continued at the June 26, 2017, Planning Board meeting. Mr. Brunelle asked if the Special Use Permit could be reviewed. Chairman Malfitano asked if the ZBA had referred the special permit to the County Planning Board. Mr. Brunelle responded that they did and the site plan and special permit were reviewed in two separate memos of May 21, 2017 from the County Planning Board stating no significant adverse intercommunity or county-wide implications. He also noted two comments, one being to contact WEP which was already done, and the second to try and reduce stormwater. Mr. Brunelle noted that Mr. Perrine has copies of the correspondence. He also advised that the ZBA also made a negative declaration for the SEQR on June 6, 2017, and the ZBA has a public hearing scheduled on the matter for June 20, 2017.

Chairman Malfitano reviewed the criteria for the Special Use Permit and commented that conifer trees should not be planted under the canopy of the mature trees and suggested planting one row outside the canopy.

Chairman Malfitano stated that he would like a list of all the reference documents comprising the applicant's submission sent to Ms. Bell, Planning Board Attorney, which includes the name, date and number of pages for each reference document. This will allow the Planning Board to reference back to the specific documents in our response letters.

There was discussion as to the accessory building being on property adjacent to residential property. Chairman Malfitano asked Mr. Perrine for the zoning of the Senior Center parking

area. Mr. Perrine confirmed that the parking area located to the north of the Byrne Dairy is in the OHB district. There was discussion as to the definition of an accessory building. Mr. Baker noted that there is no roof on the building and therefore it is not an accessory building. There is still an interpretation question regarding requirement 8.

Planning Board Minutes

A motion was made by Mr. Fuller, seconded by Mr. Baker, that after minor changes, the Board approve and accept the meeting minutes of the May 22, 2017, meeting. The motion passed unanimously.

A motion was made by Ms. Campbell, seconded by Mr. Baker, that there being no further business to come before the Board the meeting be adjourned. The motion passed unanimously and the meeting was adjourned at approximately 9:20 p.m.

Respectfully submitted,

Melinda L. Mayer
Secretary

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June 12, 2017

Town of Onondaga, Town Board
5020 Ball Road
Syracuse, NY 13215

Re: Jason Sheldon, 4849 W Seneca Turnpike

Dear Supervisor Andino and Members of the Town Board:

Mr. Sheldon appeared before the Planning Board on June 12, 2017, to review his site plan dated May 22, 2017. We have a couple of comments related to the Overlay District and related issues:

1. He is proposing five on grade spaces and the use of a garage for a sixth parking space. None of the spaces are delineated or proposed to be delineated on the ground and we also note that there are no details showing the required standards for identifying and labeling any handicapped space that is compliant with what is our understanding of the State Building Code and the ADA. These details need to be added.
2. We believe that in accordance with applicable codes that at least the parking area needs to be paved in order to provide a stable, accessible and hard surface. Mr. Sheldon did bring pictures with him and the parking area is shown as sloped, part grass, part hard pan and part crushed stone.
3. We note that the plan indicates three parking spaces for future use. If these are to be left on the plan, we require that some landscaping be shown to provide a landscaping buffer which is consistent with the Overlay District requirements for parking that is in front of any building.
4. We asked for confirmation that the sign location is in compliance with the code in being at least 20 feet off the front yard property line. The applicant indicated that supplemental information has been submitted that shows a pin so that the sign can be verified as being at least 20 feet from the property line.

5. As far as the contents of the sign, we believe that references to the phone number and the nomenclature “provides insurance and financial services” is in the nature of advertising and is beyond what the sign code permits as far as the identification of the business.
6. We believe that any approval should be conditioned on the specific covenant that the upper floor not be utilized for any purposes including but not limited to storage in order to rely on the site plan layout for the number of parking spaces that have been computed.

Subject to these changes the Board passed a resolution approving this application under the West Seneca Turnpike Overlay.

Very truly yours,

Marc A. Malfitano, Chairman

cc: Town of Onondaga Codes Office