



Onondaga County Planning Board

March 06, 2024

SYRACUSE-ONONDAGA COUNTY PLANNING AGENCY

335 MONTGOMERY STREET, 1st Floor

SYRACUSE, NEW YORK

J.Ryan McMahon, II
COUNTY EXECUTIVE

I. ATTENDANCE

MEMBERS PRESENT

Marty Voss
Mike LaFlair
Marty Masterpole
Don Radke
David Skeval
Jim Stelter

STAFF PRESENT

Dan Kwasnowski
Megan Costa
Rachel Woods
Robin Coon

GUESTS PRESENT

II. CALL TO ORDER

The meeting was called to order at 11:07 AM on March 06, 2024.

III. MINUTES & OTHER BUSINESS

Minutes from February 14, 2024 were submitted for approval. Mike LaFlair made a motion to accept the minutes. Don Radke seconded the motion. The votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Marty Masterpole - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.

IV. ACTIONS ON GML SECTION 239 REFERRALS

Summary

Z-24-39	TClaTB	<i>Modification</i>	Z-24-42	TManPB	<i>Modification</i>
Z-24-44	CSyrPB	<i>No Position</i>	Z-24-47	TPomTB	<i>No Position</i>
Z-24-48	TClaTB	<i>Modification</i>	Z-24-49	TClaZBA	<i>No Position With Comment</i>
Z-24-50	TCicPB	<i>Modification</i>	Z-24-51	TCicPB	<i>Modification</i>
Z-24-52	TCicZBA	<i>No Position With Comment</i>	Z-24-53	TCicPB	<i>No Position</i>
Z-24-54	TCicPB	<i>Modification</i>	Z-24-55	TCicTB	<i>Disapproval</i>
Z-24-57	TDewPB	<i>No Position</i>	Z-24-58	TCicPB	<i>No Position</i>

V. ADMINISTRATIVE REVIEWS



J.Ryan McMahon, II
COUNTY EXECUTIVE

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: March 06, 2024

OCPB Case # Z-24-39

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a SPECIAL PERMIT from the Town of Clay Town Board at the request of Tully's Good Times for the property located at 3567 State Route 31; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review issuance of special permits and the site is located within 500 feet of State Route 31, a state highway; and
- WHEREAS, the applicant is requesting a special permit to allow a restaurant with a drive-thru on a 1.88-acre parcel in a Highway Commercial (HC-1) zoning district; and
- WHEREAS, the Board previously recommended Modification of a special permit referral (Z-12-189) to establish a gym/recreation facility in an existing commercial building, advising the applicant must work with New York State Department of Transportation regarding highway access and drainage; and
- WHEREAS, the site is located near busy Moyers Corners, the intersection of NYS Route 31 and County Route 91; the site is among the commercial businesses along Route 31, adjacent businesses include a car wash, an auto service business, a funeral home, and Hickory Hill Golf Course; and
- WHEREAS, the site contains a 5,028 sf building with parking lots at the front and rear along with driveway to Route 31 that is shared with the adjacent business to the east, Niagara Car Wash; trees line the western and northern parcel boundaries; and
- WHEREAS, the applicant is seeking to establish a restaurant with drive-thru in an existing building; per the Existing and Proposed Site Plan dated 1/25/24, the applicant will split the building to house the proposed "Tully's Tenders Restaurant" in the western side of the building and a future retail tenant on the eastern side; asphalt will be expanded to connect the existing parking lots, allowing construction of a drive-thru and additional parking on the western side of the building; the proposed work will result in a total of 59 parking spaces; per the Site Plan, the existing driveway occurs equally on site and the adjacent lot, this driveway will be extended approximately 10' to allow construction of the drive-thru entrance along the rear of the building; planting islands and sidewalks along the front and eastern sides of the building will be constructed along with crosswalk between the rear parking lot and building sidewalk; and
- ADVISORY NOTE: Per the NYS Department of Transportation, all existing or proposed driveways on NYS Route 31 must meet Department requirements; and
- WHEREAS, per the Environmental Assessment Form (EAF) dated 1/24/24, 0.27 acres of the site will be disturbed by the proposed project; the referral materials do not include any details of proposed stormwater controls on site; and

WHEREAS, per the Location Survey from 9/12/08, a 20'-wide ingress/egress easement is located along the eastern property boundary; a 20'-wide drainage easement occurs under the rear of the rear parking lot; and

WHEREAS, per the referral notice, the site is served by public drinking water and per the EAF, the proposed restaurant is anticipated to use 4,000 gallons of drinking water per day;

ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/rights-of-way, water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability; and

WHEREAS, the site would require a sewer extension to serve the property; the site is located in the Oak Orchard Wastewater Treatment Plant service area; per the EAF, the proposed restaurant is anticipated to produce 4,000 gallons of wastewater per day;

ADVISORY NOTE: Any extension of public sewerage is subject to review and approval by the Onondaga County Department of Water Environment Protection and Department of Health;

ADVISORY NOTE: Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required due to an anticipated increase in use; additionally, unless it can be demonstrated that anticipated sanitary flows will not exceed previous flows in excess of one sewer unit over prior uses, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; the Capacity Assurance Form and approval process can now be found online: <http://www.ongov.net/wep/CapacityAssuranceReviews.html>; and

WHEREAS, per the Central New York Regional Transportation Authority (CENTRO), NYS Route 31 has public transit service and bus stops are located within 900 feet of the site; and

WHEREAS, per aerial imagery, east of the site, NYS Route 31 has sidewalks on both side of the road that terminate approximately 300' from the site; and

WHEREAS, the site may contain the Indiana bat and Northern long-eared bat, or their associated habitats, which have been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper); impacts to bat species are often associated with tree clearing and from the plans it appears that some trees will be removed as part of the proposed project; and

WHEREAS, the site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the NYS Historic Preservation Office archaeological site inventory (per EAF Mapper); and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

1. The applicant is required to coordinate Route 31 access plans with the New York State Department of Transportation. To further meet Department requirements, the applicant must submit a copy of a drainage plan, a lighting plan, and complete a Traffic Impact Study (TIS) for full build out to meet Department requirements. The applicant is required to contact the Department to determine the scope of the study. The municipality must

ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.

2. The site will require a sewer extension to serve the proposed restaurant. Any extension of the public wastewater infrastructure must be approved by the Onondaga County Health Department and Onondaga County Department of Water Environment Protection prior to, or as a condition of, municipal approval.

The Board offers the following comments:

1. Given the planning goals for the NYS Route 31 corridor, the Board further encourages the extension of sidewalks to and across the frontage of the site and connecting to the building.
2. The applicant and municipality are encouraged to consider the use of green infrastructure, such as bioswales, permeable pavement, and planting islands, to further reduce stormwater runoff and improve stormwater quality.

The motion was made by Mike LaFlair and seconded by Jim Stelter. The votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Marty Masterpole - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
COUNTY EXECUTIVE

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: March 06, 2024

OCPB Case # Z-24-42

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a SITE PLAN from the Town of Manlius Planning Board at the request of Fayetteville Veterinary Hospital for the property located at 8122 East Genesee Street; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of East Genesee Street (Route 5), a state highway, and a farm operation located in a NYS Agricultural District; and
- WHEREAS, the applicant is proposing to demolish an existing building and construct a new Fayetteville Veterinary Hospital facility on a 2.89-acre parcel in a Restricted Agriculture (RA) zoning district; and
- WHEREAS, the Board previously recommended Modification of a site plan referral (Z-22-52) to demolish the existing animal hospital and reconstruct a new animal hospital, advising the applicant to provide a SWPPP to the New York Department of Transportation and work with the Onondaga County Health Department regarding any septic plans for the property with comments encouraging the applicant to employ green infrastructure to reduce stormwater runoff and improve stormwater quality; per the referral materials, the site plan application was modified to accommodate concerns from the fire department regarding access to the site; and
- WHEREAS, the site is located to the southeast of Green Lakes State Park in a mostly wooded rural area with frontage on East Genesee Street; surrounding land uses include agricultural uses and residential uses, with sporadic commercial uses along East Genesee Street; and
- WHEREAS, per the Site Preparation Plan dated 2/15/24, the site contains an existing two-story building that serves as the current Fayetteville Veterinary Hospital, a freestanding sign in front of the building, several stone walls and a retaining wall behind the building, and a concrete sidewalk to a small parking lot, all to be demolished; the remainder of the parcel contains a steep undeveloped hillside that slopes down to Route 5, and approximately half of an acre of farmland in the western corner of the parcel along Route 5; and
- WHEREAS, per the Site Layout plan dated 2/15/24, the applicant proposes to remove all structures and construct a new animal hospital building, with a new parking area, driveway and associated retaining walls in a new location at the front of the site; the proposed building and parking lot are in the same location as the previous referral, but road access from NYS Route 5 to the site was shifted west, closer to the building, and a dumpster enclosure will be constructed on the south side of the parking lot; and
- WHEREAS, per the Site Layout plan, a new asphalt parking area for approximately 22 spaces is proposed where the existing building is located, connected with a new sidewalk; a new 28' wide driveway is proposed onto NYS Route 5 (East

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Genesee Street); per aerial photography, an informal field drive, presumed to remain, appears to the west on the parcel accessing the remainder of the parcel;

ADVISORY NOTE: Per the NYS Department of Transportation, all existing or proposed driveways on East Genesee Street must meet Department requirements and any proposed work within the state right-of-way is subject to a work permit; and

WHEREAS, per the Planting Plan dated 2/15/24, trees will be planted on the front and back sides of the parking lot and shrubs will be planted in front of the building and between the building and parking lot; a sign is proposed in between the parking lot and the State right-of-way;

ADVISORY NOTE: Per the NYS Department of Transportation, any existing or proposed signage must not obstruct sight distance and signage is not permitted in the state right-of-way; and

WHEREAS, per the referral notice, the site is served by an individual well and no changes are proposed; and

WHEREAS, per the referral notice, the site is served by an individual septic system and a new septic system has been proposed and the plan approved by the Onondaga County Health Department; per the Site Layout plan dated 2/15/24, a new modified mound on-site sewage disposal system is proposed for the western corner of the property; the current septic field is not shown on any referral materials; and

WHEREAS, per the EAF, 2.89 acres of the site will be disturbed by the proposed project; the EAF states that stormwater will be conveyed to an existing swale located within the NYS Route 5 right-of-way; the Grading, Drainage and Utility Plan shows a trench drain and storm inlet to be installed in the entrance of the parking lot and an 18" culvert to be extended under the proposed driveway within the State right-of-way; the Site Erosion Control Plan dated 2/15/24, shows silt fences, siltation socks, and slope protection will be used for erosion control;

ADVISORY NOTE: Per the NYS Department of Transportation, additional stormwater runoff into the state's drainage system is prohibited;

ADVISORY NOTE: Any project that cumulatively disturbs one acre or more of land must be covered under the NYS SPDES Permit; the municipality is advised to ensure that the applicant has obtained the appropriate permits from the NYS Department of Environmental Conservation prior to municipal approval; and

WHEREAS, surrounding lands are enrolled in NYS Agricultural District 3 and appear to contain active farmland;

ADVISORY NOTE: Any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval that would occur on or within 500 feet of a property within a NYS Certified Agricultural District is required by the NYS Agricultural and Markets Law to include an Agricultural Data Statement; and

WHEREAS, the site may contain the following natural communities: Maple-Basswood Rich Mesic Forest (per EAF Mapper); and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board

recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

The applicant is required to coordinate NYS Route 5 access plans with the New York State Department of Transportation. To further meet Department requirements, the applicant must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Department for review. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.

The Board also offers the following comment:

The applicant and municipality are encouraged to consider the use of green infrastructure, such as bioswales, permeable pavement, and planting islands to further reduce stormwater runoff and improve stormwater quality and avoid drainage into the Route 5 right-of-way.

The motion was made by Mike LaFlair and seconded by Jim Stelter. The votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Marty Masterpole - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
COUNTY EXECUTIVE

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: March 06, 2024

OCPB Case # Z-24-44

WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a SPECIAL PERMIT from the City of Syracuse Planning Commission at the request of Dianne Nappa / Elmcrest Children's Center for the property located at 960 Salt Springs Road; and

WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review issuance of special permits and the site is located within 500 feet of Meadow Brook, a county-owned drainage channel; and

WHEREAS, the applicant is proposing an addition and renovations at an existing respite facility on a 37.976-acre parcel in a High Density Residential (R5) zoning district; and

WHEREAS, the Board previously offered No Position on a use variance referral (Z-22-303) to modify an existing use variance to allow the conversion of a separate existing building for the Mental Health Respite Program; and

WHEREAS, the 38-acre site is located between and with frontage on Salt Springs Road and East Genesee Street, both city streets, in the Eastside/Meadowbrook neighborhood of the City of Syracuse; surrounding land uses include residential neighborhoods, HW Smith Elementary and Nottingham High School, and commercial and institutional lots; the site is just north of a channelized portion of Meadow Brook and within an Onondaga County Drainage District, which is maintained by the Department of Water Environment Protection in this area; and

WHEREAS, per the project narrative, Elmcrest Children's Center has operated the Salt Springs Road campus for over 100 years and includes 17 buildings that support a variety of residential treatment services for children; recently the Elmcrest Respite Mental Health Program consisting of 12 beds was opened; the current proposal would expand that program by modifying an existing 4,500 sf building (Building 1) to create an additional ADA accessible 8-bed Respite Facility; and

WHEREAS, the project would occur in Building 1, the first building on the right upon entering the Elmcrest Center driveway; per the Site Plan dated 1/11/24, two additions totaling 1,496 sf would be constructed on the northern and western sides of the building, the parking will be expanded west, allowing 13 total spaces, and a new 4'-wide concrete sidewalk leading to the northern addition will be constructed; and

WHEREAS, the site is served by public drinking water and sewers and is located in the Metropolitan Wastewater Treatment Plant service area;
ADVISORY NOTE: Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required due to an anticipated increase in use; additionally, unless it can be demonstrated that anticipated sanitary flows will not exceed previous flows in excess of one sewer

unit over prior uses, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; the Capacity Assurance Form and approval process can now be found online: <http://www.ongov.net/wep/CapacityAssuranceReviews.html>; and

WHEREAS, per the Environmental Assessment Form (EAF) dated 1/12/24, 0.09 acres of the site will be disturbed by the proposed project; per the Site Plan, a new 4' diameter drywell will be constructed at the rear of the building; per the EAF stormwater will be directed to the new drywell; and

WHEREAS, per the Central New York Regional Transportation Authority (CENTRO), Salt Springs Road has public transit service; bus stops are located at the front of the Elmcrest parcel; and

WHEREAS, the site may contain the Northern long-eared bat, or its associated habitat, which has been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper), impacts to bat species are often associated with tree clearing and from aerial imagery it appears that some trees might be removed as part of the proposed project; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.

The motion was made by Mike LaFlair and seconded by Jim Stelter. The votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Marty Masterpole - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
COUNTY EXECUTIVE

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: March 06, 2024

OCPB Case # Z-24-47

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a LOCAL LAW from the Town of Pompey Town Board at the request of Town of Pompey for the property located ; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the adoption or amendment of a zoning ordinance or local law; and
- WHEREAS, the applicant is proposing a local law repealing Sub-Section G(2) - "Home Occupations" of Section 165.44 of Article VIII (Administration and Enforcement) of the Town Code and replacing it with a new Section entitled "Home-Based Businesses"; and
- WHEREAS, the proposed law states the Intent and Purpose of allowing Home-Based Businesses is to “seek to balance the need of some individuals to work at home with rights of other individuals to enjoy the residential character of their neighborhood and their private property” and that a Home-Based business is “intended to be a seamless addition, not a disturbance to any neighborhood”; specifically, the Town will allow Home-Based businesses that are incidental to the residential use of the premises, “compatible with residential uses”, “limited in extent”, and “do not detract from the neighborhood”; and
- WHEREAS, four definitions are included in the proposed law: “business vehicle” a vehicle used to transport goods or passengers for the business, “motorized equipment” a device that contains a ¼ horsepower or greater motor or engine, “Home-Base business” is a “lawful activity commonly carried on or managed within a dwelling or accessory structure on a residential property by a member or members of the family who occupy the dwelling, where the business activity is clearly incidental to the residential use of the property and where the residential character of the property, dwelling and accessory structures is maintained”, and “premises” “all lands, structures, installed equipment and appurtenances located on a property”; and
- WHEREAS, a list of “Standards for Home-Based businesses permitted as of Right” included the business needs to be owned by a person and not by an entity, the dwelling shall be the primary and legal place of residence for the owner of the business, the business must be incidental and secondary to the residential use, the business will not have a separate entrance or driveway, no more than two business vehicles (no greater than 14,000 sf) can be located on premises, and no more than one employee other than the resident; and
- WHEREAS, additional stipulations on the list of “Standards” pertain to neighborhood nuisances and safety including: outdoor storage of goods connected to the Home-Based business is prohibited, only one unilluminated and no larger than 2 sf signs may be displayed, the Home-Based business shall not produce offensive noises, vibrations, smoke dust, odors, heat or lighting, they cannot “store, produce, or dispose of toxic, explosive, flammable, combustible,

corrosive, radioactive, or other restricted materials, as deemed by federal standards”, and parking on the street for the Home-Based business is prohibited, and

WHEREAS, the owner of a Home-Based business that does not meet the “Standards” can apply to the Codes Enforcement Office for a permit from the Planning Board; and

WHEREAS, the proposed law has a list of Prohibited Home-Based Businesses including: “where the owner of the business does not reside on the premises”, “a Home-Based business that is the primary use of the premises”, warehousing, restaurant/café/tavern, mortician/funeral home, ambulance service, limousine service with more than one vehicle parked outside, junkyard, massage parlors, medical or dental laboratory, and “raising or harboring of domestic pets for sale where facilities are less than 100’ from any property line and the lot is less than five acres”; the list of prohibited Home-Based businesses in the current law only includes restaurant, tavern, funeral home, and motor vehicle repair or dismantling; and

WHEREAS, the law contains a “Sunset Clause” stating any Home-Based business currently in operation meeting the “following criteria shall be considered non-conforming uses”; the list of criteria is the business has been in operation for more than five years, there “is no record of neighbor complaints on file with the Town against the property owner for operation of the home based business”, the home-based business is not a prohibited business under the proposed law, and the homeowner provides an adequate description of the business to the Code Enforcement Officer; any existing Home-Based business not meeting the above-listed criteria is required to “obtain the necessary operating permit no later than 180 days from the effective date” of the proposed law; and

WHEREAS, ADVISORY NOTE: Per GML § 239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality; such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.

The motion was made by Mike LaFlair and seconded by Jim Stelter. The votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Marty Masterpole - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
COUNTY EXECUTIVE

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: March 06, 2024

OCPB Case # Z-24-48

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a SPECIAL PERMIT from the Town of Clay Town Board at the request of Justin's Canine Campus for the property located at Oswego Road, west of Clay Commons; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review issuance of special permits and the site is located within 500 feet of Oswego Road (Route 91 / Old Route 57) and Soule Road (Route 96), both county highways, and the municipal boundary between the Town of Clay and the Town of Lysander; and
- WHEREAS, the applicant is requesting a special permit to allow construction of an 8,000 sf doggy daycare facility on 2.25 acres of a 141.02-acre parcel in a Regional Commercial (RC-1) zoning district; and
- WHEREAS, the site is a large parcel between the Seneca River and Clay Commons Plaza on Oswego Road; the subject area is on 2.25 acres of the parcel, directly behind the plaza; Casual Estate mobile home park is to the northwest and the Seneca Mall is adjacent to the southeast; and
- WHEREAS, the site is a wooded parcel with no visible structures; the rear private access road for Clay Commons Plaza is adjacent to the eastern boundary of the site; the parcel has connection to Oswego Road at the intersection with Soule Road; the parcel is to be subdivided in the future, but was not included in this referral; the subject area shares an approximately 250' long boundary with the rear driveway of Clay Commons Plaza behind Pep Boys and per the Existing Survey dated 11/9/23, part of the southeastern boundary abuts the rearmost plaza building currently containing Justin's Canine Campus; and
- WHEREAS, per the Site Plan – Proposed Features dated 11/9/23, the applicant is proposing to construct a 8,102 sf building with a 12-space parking lot and driveway to the plaza's rear access road, a private road; the parking lot will extend between the proposed building to the lot boundary, abutting the existing plaza building; an 89'x35' area at the rear of the proposed building is noted as "Proposed Asphalt Play Area"; the Site Plan – Proposed Features (Max Parking Building Out) dated 11/9/23 depicts the asphalt area as an additional 12-space parking lot with connection to the side parking lot; the Site Plan notes 24 parking spaces are required by the Town Code; a chain link fence will mark the perimeter of the project area; and
- WHEREAS, per the Site Plan – Site Access dated 11/9/23 a u-shaped ingress and egress easement occurs on the Clay Commons Plaza driveway, providing the site with access to Oswego Road in two places; and
- WHEREAS, GIS mapping shows almost the entire 141-acre site may contain state and federal wetlands associated with the Seneca River including NYS wetland BRE-19; the Site Plan shows the wetlands and the 100' buffer with the buffer

abutting the fenced in project area; the Site Plan notes wetland boundaries were “delineated by Delta EAS on August 24, 2023 and located by Ianuzi & Romans Land Surveying, P.C. on August 31, 2023”;

ADVISORY NOTE: The applicant is advised to contact the U.S. Army Corps of Engineers and/or NYS Department of Environmental Conservation to confirm the presence of federal and/or state wetlands and/or the 100-foot state wetland buffer on the site; all confirmed wetlands should be shown on the plans for the site and any necessary permits should be obtained for any proposed development or placement of fill in a wetland, or drainage of any confirmed wetlands and buffers; and

WHEREAS, current FEMA Flood Insurance Rate Maps (FIRM) indicate that the majority of the site is located within the 100-year floodplain, which may require avoidance or elevation of structures and other mitigation; a large portion of the site is also in the floodway, which carries a higher likelihood of flooding and required mitigation, adherence to municipal flood ordinances, and higher insurance premiums, and development in the floodway is generally discouraged; it appears the project area is outside of the floodway;

ADVISORY NOTE: The Onondaga County Hazard Mitigation Plan has identified flooding as one of eight primary natural hazards of local concern, with the potential to cause extensive threat to property and safety; buildings within the floodplain can negatively affect the free flow of nearby waterways and drainage, and building within a floodplain is therefore discouraged; and

WHEREAS, per the Environmental Assessment Form (EAF) (undated), 0.25 acres of the site will be disturbed by the proposed project; the referral materials do not include details regarding the mitigation of on-site stormwater runoff; and

WHEREAS, per the referral notice, a new connection to public drinking water is proposed; per the Site Plan – Site Access dated 11/9/23, water easements belonging to the Town abut the southeastern boundary and extend into the site from the area behind the abutting plaza building;

ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/rights-of-way, water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability;

ADVISORY NOTE: The Onondaga County Water Authority recommends that for any new public water service, each existing or proposed lot must tie directly into OCWA water line infrastructure; and

WHEREAS, per the referral notice, a new connection to the public sewers is proposed to serve the proposed building; the plans for extending sewer service to the site were unclear from the referral materials; the submitted project is located within the Wetzel Road Wastewater Treatment Plant service area;

ADVISORY NOTE: Any extension of public sewerage is subject to review and approval by the Onondaga County Department of Water Environment Protection and Department of Health;

ADVISORY NOTE: Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required in advance of issuance of a plumbing permit from the County's Plumbing Control Division in order to connect into the public sewer system; additionally, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; the Capacity Assurance Form

and approval process can now be found online:
<http://www.ongov.net/wep/CapacityAssuranceReviews.html>; and

WHEREAS, per the EAF, on-site lighting will be dark sky compliant, at 15' height, and aimed down; and

WHEREAS, the site is located over, or immediately adjoining, primary and principal aquifers (per EAF Mapper); and

WHEREAS, the site may contain the Indiana bat and Northern long-eared bat, or their associated habitats, which have been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper); impacts to bat species are often associated with tree clearing and from aerial imagery it appears that some trees will be removed as part of the proposed project;
ADVISORY NOTE: Per the NYS Department of Environmental Conservation (DEC), if the site contains a threatened or endangered species and/or associated habitat, and the project requires review under the State Environmental Quality Review Act (SEQRA), a request for a project screening should be submitted to the New York Natural Heritage Program or to the regional DEC Division of Environmental Permits office; and
ADVISORY NOTE: Per GML § 239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality; such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing;

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

1. The site contains significant areas of FEMA floodplain, as well as the more sensitive floodway. The applicant must coordinate with the municipal engineer to ensure adherence to local flood ordinance requirements for lands within the floodway and floodplain. Floodway and floodplain boundaries must be shown on submitted plans, and the site plan must reflect any required mitigation prior to local approval. Development of any kind, including stormwater management facilities, within a floodway is generally discouraged by the Onondaga County Planning Board.

2. The plans to extend public sanitary sewer service to the site are unclear from the referred materials. The applicant must contact the Town regarding the extension of sewer service to the site. Extensions of sewer infrastructure and any necessary easements must be depicted on the plans prior to, or as a condition of, municipal approval.

3. The applicant must coordinate plans for sanitary sewer service to the site with the Town of Clay, in consultation with the Onondaga County Department of Water Environment Protection and the Onondaga County Department of Health.

4. Town must ensure adequate easements are in place for any infrastructure crossing private lands, and for any site access utilizing private roads.

5. Town must ensure proper permitted disposal of pet waste by applicant.

1100 Civic Center, 421 Montgomery Street, Syracuse, NY 13202 (315) 435-2611, Fax (315) 435-2439

E-mail Address: countyplanning@ongov.net

The Board offers the following comment:

Given the wetland and floodplain areas on site and proximity of the development to a watercourse, the applicant is encouraged to 1) retain as much existing tree cover as possible, 2) reduce impermeable surfaces, and 3) utilize green infrastructure (e.g., permeable pavement) wherever possible to reduce stormwater and protect stormwater quality.

The motion was made by Mike LaFlair and seconded by Jim Stelter. The votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Marty Masterpole - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
COUNTY EXECUTIVE

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: March 06, 2024

OCPB Case # Z-24-49

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a AREA VARIANCE from the Town of Clay Zoning Board of Appeals at the request of Whitestone Development Partners, LLC for the property located at 3715 State Route 31; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the granting of use or area variances and the site is located within 500 feet of State Route 31, a state highway; and
- WHEREAS, the applicant is requesting area variances to allow construction of an apartment complex with an increase in the allowable number of dwelling units and a reduction in the required number of parking spaces on two parcels totaling approximately 47 acres in Regional Commercial (RC-1) and Residential Apartment (R-APT) zoning districts; and
- WHEREAS, the Board has reviewed multiple referrals (S-18-5, Z-18-21, Z-18-28), regarding the proposed commercial development of this site; most recently the Board offered No Position with Comment on a zone change referral (Z-23-81) to change part of the site from Regional Commercial (RC-1) to Apartment (R-Apt), encouraging the applicant and Town to consider a mixed-use zoning designation to allow mixed use on the first floors and residential uses on upper floors, allowing a more efficient use of land given the wetlands present on site and also increasing the value of the development to the community; and
- WHEREAS, the site is located near the major regional intersection (Moyers Corners) of New York State Route 31 and County Route 57 in the Town of Clay; surrounding land uses include various big box retail establishments along Route 31, auto dealership Sharon Chevrolet adjacent to the site, and auto dealership Davidson Ford of Clay across the road from the site; and
- WHEREAS, the applicant is proposing the construction of 260 apartments across four 5-story buildings on the northern portion of the site with commercial along NYS Route 31; the referral materials refer to a future subdivision separating the residential part of the site from proposed commercial development along the NYS Route 31 frontage; the current proposal is for two area variances: the first is to allow the construction of 260 dwelling units when 249 dwelling units would be allowed per density requirements of a Residential Apartment zoning district; the second variance is to allow construction of 430 parking spaces when 520 spaces are required (2 spaces per dwelling unit); and
- WHEREAS, the Overall Site Layout Plan dated 2/7/24 depicts the construction of three commercial buildings within the commercially zoned lands, and four 5-story apartment buildings, a clubhouse, and 10 garage buildings within the proposed R-APT zoned area; road access would occur via a full access driveway with two entry lanes and four exit lanes at an existing signalized intersection on Route 31, and a right-in-only driveway from Route 31; wetland areas are

interspersed throughout the site as well;
ADVISORY NOTE: Any proposed driveways onto NYS Route 31 requires highway access and work permits from the NYS Department of Transportation; and

WHEREAS, per the map “Proposed Zone Change to Apartment District R-APT” (3/13/23), a parcel containing railroad tracks belonging to New York Central Lines, LLC bisects a portion of the site, and was not included in the zone change action; the rail line runs from southeast to northwest, through the proposed R-Apt zoned portion of the site; no crossing of the tracks or development is shown on the north side of the railroad tracks; and

WHEREAS, a 20’-wide Niagara Mohawk Power Corporation Easement runs parallel to the tracks along and within the north side of the railroad parcel; and

WHEREAS, new access to public water to serve the site is proposed;
ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/rights-of-way, water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability; and

WHEREAS, new connections to public sewers is proposed, including an approximately 350-foot sanitary sewer extension to the site; the site is located in the Onondaga County Sanitary District and Wetzel Road Wastewater Treatment Plant service area, though flow is diverted to the Oak Orchard Wastewater Treatment Plant during excess flow events; ADVISORY NOTE: Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required in advance of issuance of a plumbing permit from the County's Plumbing Control Division in order to connect into the public sewer system; additionally, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; the Capacity Assurance Form and approval process can now be found online: <http://www.ongov.net/wep/CapacityAssuranceReviews.html>;
ADVISORY NOTE: The Onondaga County Department of Water Environment Protection asks that the applicant contact the Department's Flow Control office to determine sewer availability and capacity; and

WHEREAS, per GIS and the EAF Mapper, the site contains federal wetlands; the EAF notes that placement of fill within wetlands are proposed to create road crossings, not to exceed 0.5 acres;
ADVISORY NOTE: Any proposed development in, placement of fill in, or drainage of a state and/or federal wetland or 100-foot state wetland buffer requires appropriate permits from the NYS Department of Environmental Conservation and/or the U.S. Army Corps of Engineers; and

WHEREAS, per the EAF, 27.5 acres of the site will be physically disturbed by the proposed development, including the removal of 8.4 acres of forested land; the entirety of the site is moderately to poorly draining soils; the EAF indicates that on-site stormwater management facilities will be constructed and will discharge to wetlands on-site; details regarding the stormwater management areas are not included in this referral;
ADVISORY NOTE: Any project that cumulatively disturbs one acre or more of land must be covered under the NYS SPDES Permit; the municipality is advised to ensure that the applicant has obtained the appropriate permits from the NYS Department of Environmental Conservation prior to municipal

approval; and

WHEREAS, per the EAF Mapper, the site of the proposed action may contain a species of animal (Indiana Bat, Northern Long-Eared Bat, and Eastern Massasauga) listed by the state or federal government as threatened or endangered; impacts to bat species are often associated with tree clearing and from aerial imagery it appears that significant wooded areas on site will be removed;
ADVISORY NOTE: Per the NYS Department of Environmental Conservation (DEC), if the site contains a threatened or endangered species and/or associated habitat, and the project requires review under the State Environmental Quality Review Act (SEQRA), a request for a project screening should be submitted to the New York Natural Heritage Program or to the regional DEC Division of Environmental Permits office; and

WHEREAS, the site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the NYS Historic Preservation Office archaeological site inventory (per EAF Mapper);
ADVISORY NOTE: The applicant and/or municipality is advised to contact the NYS Historic Preservation Office to determine if the project should be submitted to the Office for review as part of the State Environmental Quality Review (SEQR) process; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications. The Board has offered the following COMMENT(S) in regards to the above referral:

While the Board offers No Position regarding the nature of the proposed variances, the following comments and requirements are provided to inform full review of the proposed project:

1. The applicant must coordinate Route 31 traffic and access plans with the New York State Department of Transportation, including submission of an updated site plan, traffic impact study, lighting plan, and stormwater plan (SWPPP). The applicant must contact the Department to determine the scope of the traffic study. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.
2. With enhanced transit anticipated along the Route 31 corridor, and introduction of residential uses in proximity to shopping and employment, the Board and New York State Department of Transportation advise that revised site plans should also reflect higher quality pedestrian, bicycle and transit accommodations along Route 31 and within the site. Of note regarding the plan provided, sidewalks or pathways along the frontage of the site should be set back from the curblines of Route 31.
3. Any extension of the public wastewater infrastructure must be approved by the Onondaga County Health Department and Onondaga County Department of Water Environment Protection prior to, or as a condition of, municipal approval.
4. The applicant must contact the U.S. Army Corps of Engineers to obtain any necessary permits from the Corps for any proposed development or placement of fill in a federal wetland, or drainage of federal wetlands on site. The

municipality must ensure any mitigation as may be determined by the Corps is reflected on the project plans prior to, or as a condition of, municipal approval.

5. The applicant and Town are encouraged to consider alternative mixed-use zoning for the site which may provide opportunities to better integrate uses on site by locating commercial uses on the first floors and residential uses on upper floors. More efficient use land may preclude unnecessary disturbance of land and wetlands, and related mitigation requirements. Approaching this development as a possible town center-style project may also add value, both in terms of financial benefit as well as increase value to the community.

6. Every municipal review provides the opportunity to improve community appearance and the applicant and the municipality are encouraged to improve site design and reinforce walkability by incorporating elements such as an extensive internal sidewalk network, recreational or playground area, and landscaping along the road frontage and around the parking lots.

The motion was made by Marty Masterpole and seconded by David Skeval. The votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Marty Masterpole - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
COUNTY EXECUTIVE

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: March 06, 2024

OCPB Case # Z-24-50

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a SITE PLAN from the Town of Cicero Planning Board at the request of Lee Haramis for the property located at 6344 & 6346 East Taft Road; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of East Taft Road (Route 19), a county highway; and
- WHEREAS, the applicant is proposing construction of a 5,000 sf building for use as a snow removal / landscape maintenance business on an undeveloped portion of a 2.40-acre parcel containing apartments in a General Commercial (GC) zoning district; and
- WHEREAS, the site is located on East Taft Road, just west of Northern Boulevard, both county roads; the property is among the low-density commercial and residential uses along East Taft Road northeast of Hancock Airport and southwest of wetlands associated the Cicero Swamp; neighboring properties include Hiawatha Fasteners to the west, a Dunkin' Donuts, and two residential properties; and
- WHEREAS, the proposal is to develop the vacant western half of the 2.4-acre parcel; the eastern half of the site contains a two-story home, two residential buildings housing apartments, and two outbuildings, all connected by a central asphalt area and 60'-wide driveway to East Taft Road; no changes are proposed to the residential area of the site; a gravel area will be installed along the western, southern, and eastern sides of the building; and
- WHEREAS, the applicant is proposing construction of a 5,000 sf building and material storage structure fronted by a 10-space asphalt parking lot and 28'-wide driveway to East Taft Road; and
- WHEREAS, per the Environmental Assessment Form (EAF) dated 12/4/23, 1.15 acres of the site will be disturbed by the proposed project; a Stormwater Pollution Prevention Plan (SWPPP) dated 2/14/24 prepared by RZ Engineering, PLLC was included with the referral; the Grading/Drainage Plan dated 11/17/23 shows a swale along the eastern side of the construction area, draining to a stormwater basin located between the parking lot and East Taft Road; culverts are shown connecting the western frontage to the stormwater basin and connecting the stormwater basin to a drainage trench along East Taft Road; ADVISORY NOTE: The proposed work within the county right-of-way is subject to a work permit from the Onondaga County Department of Transportation; ADVISORY NOTE: Any project that cumulatively disturbs one acre or more of land must be covered under the NYS SPDES Permit; the municipality is advised to ensure that the applicant has obtained the appropriate permits from the NYS Department of Environmental Conservation prior to municipal approval; and

WHEREAS, per the referral notice, a new connection to public drinking water is proposed to serve the new building;

ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/rights-of-way, water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability; and

WHEREAS, per the referral notice, a new connection to the public sewers is proposed at the rear of the site; the submitted project is located within the Oak Orchard Wastewater Treatment Plant and Davis Road Pump Station service area, an area designated as flow constrained and impacted by excessive wet weather flow;

ADVISORY NOTE: Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required in advance of issuance of a plumbing permit from the County's Plumbing Control Division in order to connect into the public sewer system; additionally, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; the Capacity Assurance Form and approval process can now be found online:

<http://www.ongov.net/wep/CapacityAssuranceReviews.html>; and

WHEREAS, the site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the NYS Historic Preservation Office archaeological site inventory (per EAF Mapper); and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

The applicant must continue to coordinate East Taft Road access plans with the Onondaga County Department of Transportation. To further meet Department requirements, the applicant must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) to the Department for review. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.

The Board offers the following comment:

The Board recommends subdivision of the proposed commercial structure from the existing development on site, to preclude confusion which could result from establishment of multiple primary land uses on the parcel.

The motion was made by Mike LaFlair and seconded by Jim Stelter. The votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Marty Masterpole - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
COUNTY EXECUTIVE

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: March 06, 2024

OCPB Case # Z-24-51

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a SITE PLAN from the Town of Cicero Planning Board at the request of Access CNY (Matt Seubert) for the property located at 7879 Northern Boulevard; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of Northern Boulevard (Route 82), Island Road (Route 214) and Thompson Road (Routes 13 & 14), all county highways; and
- WHEREAS, the applicant is proposing construction of a 9,000 sf health care facility providing respite and mental wellness care on a 6.42-acre parcel in General Commercial and Agricultural zoning districts; and
- WHEREAS, the Board is concurrently reviewing an area variance referral (Z-24-52) for this proposed facility to allow a reduction in the required front yard setback; and
- WHEREAS, the site is located at the southwestern corner of Northern Boulevard and Thompson Road, both county highways; the surrounding area is a mix of residential neighborhoods and large, wooded parcels including a neighboring 5 MW solar facility previously reviewed by this Board (Z-19-293), located across Northern Boulevard from the site; industrially zoned land is predominant on lands to the south along Northern Boulevard; and
- WHEREAS, the site is a vacant irregularly shaped parcel with frontage on Thompson Road and Northern Boulevard with some wooded areas along western and southern boundaries; and
- WHEREAS, the applicant is proposing a 9,000 sf respite and mental wellness center which will include 14 bedrooms, patio, play area, garden, and 20-space parking lot; the proposed building would be located near the northeast corner of the site, accessed by a driveway from Thompson Road near the parcel's western boundary, leading to a parking lot located along the Thompson Road frontage; south of the building will host a playground and paved play areas;
ADVISORY NOTE: The proposed driveway onto Thompson Road requires highway access and work permits from the Onondaga County Department of Transportation; and
- WHEREAS, GIS mapping shows much of the site may contain state and federal wetlands, which appears to include lands with proposed development; the Site Preparation Plan dated 2/7/24 shows NYS and federal wetlands covering 1.8 acres of the southern corner of the site and 0.3 acres of federal wetlands along the eastern parcel boundary along with a 100' buffer for the southern wetlands as delineated by Ambient Environment, Inc; per the Site Preparation Plan, the proposed development of the site is just outside of wetland boundaries and the 100' buffer;
ADVISORY NOTE: Any proposed development in, placement of fill in, or drainage of a state and/or federal wetland or 100-foot state wetland buffer

requires appropriate permits from the NYS Department of Environmental Conservation and/or the U.S. Army Corps of Engineers; and

WHEREAS, per the Environmental Assessment Form (EAF) dated 1/31/24, 2 acres of the site will be disturbed by the proposed project; per the Site Plan dated 2/7/24, the site will have two stormwater basins located in the northeastern and southeastern corners of the lot; stormwater infrastructure connecting to the basins is shown under the parking lot and east of the building;

ADVISORY NOTE: Any project that cumulatively disturbs one acre or more of land must be covered under the NYS SPDES Permit; the municipality is advised to ensure that the applicant has obtained the appropriate permits from the NYS Department of Environmental Conservation prior to municipal approval; and

WHEREAS, per the referral notice, the site has access to public drinking water and a new connection is proposed to serve the complex;

ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/rights-of-way, water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability; and

WHEREAS, per the referral notice, a new raised septic system is proposed to serve the site; per GIS mapping, the site is located within the County Sanitary District and in the Oak Orchard Wastewater Treatment Plan service area;

ADVISORY NOTE: Any extension of public sewerage is subject to review and approval by the Onondaga County Department of Water Environment Protection and Department of Health;

ADVISORY NOTE: Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required in advance of issuance of a plumbing permit from the County's Plumbing Control Division in order to connect into the public sewer system; additionally, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; the Capacity Assurance Form and approval process can now be found online:

<http://www.ongov.net/wep/CapacityAssuranceReviews.html>; and

WHEREAS, the referral materials show the applicant is striving for climate leadership by not using fossil fuels and employing a “geothermal HVAC, high efficiency exterior envelope (insulation, windows, doors, etc.), superior controls system for lighting and HVAC and is considering net-zero energy and solar panels”; and

WHEREAS, the site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the NYS Historic Preservation Office archaeological site inventory (per EAF Mapper); and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

1. Applicant must coordinate with Onondaga County Health Department and Onondaga County Department of Water Environment Protection regarding sanitary wastewater accommodations for the project, which may require connection to public sanitary sewer. The Town must ensure County approval

of proposed infrastructure prior to local approval, and require any facilities be indicated on the approved site plan.

2. The applicant must continue to coordinate Thompson Road access plans with the Onondaga County Department of Transportation. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.

The Board offers the following comments:

1. The municipality is advised to ensure that the delineated wetlands and/or the 100-foot state wetland buffer have been confirmed by the NYS Department of Environmental Conservation and the U.S. Army Corps of Engineers prior to municipal approval of the proposed project.

2. The proposed project is located in a transitional area with an existing mix of residential, and commercial land uses and vacant land. As the Northern Boulevard corridor develops, the potential for more intense commercial and industrial uses maybe introduced near this site, as is prescribed with existing zoning. The applicant and Town are advised to be mindful of this potential for conflict between incompatible land uses as this project is considered.

The motion was made by Mike LaFlair and seconded by Jim Stelter. The votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Marty Masterpole - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
COUNTY EXECUTIVE

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: March 06, 2024

OCPB Case # Z-24-52

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a AREA VARIANCE from the Town of Cicero Zoning Board of Appeals at the request of Access CNY (Matt Seubert) for the property located at 7879 Northern Boulevard; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the granting of use or area variances and the site is located within 500 feet of Northern Boulevard (Route 82), Island Road (Route 214) and Thompson Road (Routes 13 & 14), all county highways; and
- WHEREAS, the applicant is requesting an area variance for a reduced front yard setback to allow the construction of a 9,000 sf health care facility providing respite and mental wellness care on a 6.42-acre parcel in General Commercial and Agricultural zoning districts; and
- WHEREAS, the Board is concurrently reviewing a site plan referral (Z-24-51) for the construction of the proposed facility; and
- WHEREAS, the site is located at the southwestern corner of Northern Boulevard and Thompson Road, both county highways; the surrounding area is a mix of residential neighborhoods and large, wooded parcels including a neighboring 5 MW solar facility previously reviewed by this Board (Z-19-293), located across Northern Boulevard from the site; industrially zoned land is predominant on lands to the south along Northern Boulevard; and
- WHEREAS, the site is a vacant irregularly shaped parcel with frontage on Thompson Road and Northern Boulevard with some wooded areas along western and southern boundaries; and
- WHEREAS, the applicant is proposing a 9,000 sf respite and mental wellness center which will include 14 bedrooms, patio, play area, garden, and 20-space parking lot; the proposed building would be located near the northeast corner of the site, accessed by a driveway from Thompson Road near the parcel's western boundary, leading to a parking lot located along the Thompson Road frontage; south of the building will host a playground and paved play areas; ADVISORY NOTE: The proposed driveway onto Thompson Road requires highway access and work permits from the Onondaga County Department of Transportation; and
- WHEREAS, the applicant is proposing a reduction in required front yard setback on Thompson Road from 50' to 25' to accommodate construction of the proposed facility; the project narrative states the reduced setback will allow the complex to be outside of wetland and wetland buffer areas along with being consistent existing setbacks along Thompson Road; and
- WHEREAS, GIS mapping shows much of the site may contain state and federal wetlands, which appears to include lands with proposed development; the Site

Preparation Plan dated 2/7/24 shows NYS and federal wetlands covering 1.8 acres of the southern corner of the site and 0.3 acres of federal wetlands along the eastern parcel boundary along with a 100' buffer for the southern wetlands as delineated by Ambient Environment, Inc; per the Site Preparation Plan, the proposed development of the site is just outside of wetland boundaries and the 100' buffer;

ADVISORY NOTE: Any proposed development in, placement of fill in, or drainage of a state and/or federal wetland or 100-foot state wetland buffer requires appropriate permits from the NYS Department of Environmental Conservation and/or the U.S. Army Corps of Engineers; and

WHEREAS, per the Environmental Assessment Form (EAF) dated 1/31/24, 2 acres of the site will be disturbed by the proposed project; per the Site Plan dated 2/7/24, the site will have two stormwater basins located in the northeastern and southeastern corners of the lot; stormwater infrastructure connecting to the basins is shown under the parking lot and east of the building;

ADVISORY NOTE: Any project that cumulatively disturbs one acre or more of land must be covered under the NYS SPDES Permit; the municipality is advised to ensure that the applicant has obtained the appropriate permits from the NYS Department of Environmental Conservation prior to municipal approval; and

WHEREAS, per the referral notice, the site has access to public drinking water and a new connection is proposed to serve the complex;

ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/rights-of-way, water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability; and

WHEREAS, per the referral notice, a new raised septic system is proposed to serve the site; per GIS mapping, the site is located within the County Sanitary District and in the Oak Orchard Wastewater Treatment Plan service area;

ADVISORY NOTE: Any extension of public sewerage is subject to review and approval by the Onondaga County Department of Water Environment Protection and Department of Health;

ADVISORY NOTE: Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required in advance of issuance of a plumbing permit from the County's Plumbing Control Division in order to connect into the public sewer system; additionally, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; the Capacity Assurance Form and approval process can now be found online:

<http://www.ongov.net/wep/CapacityAssuranceReviews.html>; and

WHEREAS, the referral materials show the applicant is striving for climate leadership by not using fossil fuels and employing a “geothermal HVAC, high efficiency exterior envelope (insulation, windows, doors, etc.), superior controls system for lighting and HVAC and is considering net-zero energy and solar panels”; and

WHEREAS, the site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the NYS Historic Preservation Office archaeological site inventory (per EAF Mapper); and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications. The Board has offered the following COMMENT(S) in regards to the above referral:

The Board has No Position regarding the reduction in front yard setback, but offers the following comments regarding the proposed project:

1. Applicant must coordinate with Onondaga County Health Department and Onondaga County Department of Water Environment Protection regarding sanitary wastewater accommodations for the project, which may require connection to public sanitary sewer. The Town must ensure County approval of proposed infrastructure prior to local approval, and require any facilities be indicated on the approved site plan.
2. The applicant must continue to coordinate Thompson Road access plans with the Onondaga County Department of Transportation. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.
3. The municipality is advised to ensure that the delineated wetlands and/or the 100-foot state wetland buffer have been confirmed by the NYS Department of Environmental Conservation and the U.S. Army Corps of Engineers prior to municipal approval of the proposed project.
4. The proposed project is located in a transitional area with an existing mix of residential, and commercial land uses and vacant land. As the Northern Boulevard corridor develops, the potential for more intense commercial and industrial uses maybe introduced near this site, as is prescribed with existing zoning. The applicant and Town are advised to be mindful of this potential for conflict between incompatible land uses as this project is considered.

The motion was made by Marty Masterpole and seconded by David Skeval. The votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Marty Masterpole - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
COUNTY EXECUTIVE

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: March 06, 2024

OCPB Case # Z-24-53

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a SITE PLAN from the Town of Cicero Planning Board at the request of Prosser Holdings, LLC for the property located at 9461 Brewerton Road; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of Brewerton Road (Route 11), a state highway; and
- WHEREAS, the applicant is proposing to redevelop a commercial building for use as a veterinary hospital on a 1.01-acre parcel in a General Commercial zoning district; and
- WHEREAS, the Board previously offered No Position with Comment on a subdivision referral (S-18-61) to subdivide a 7.23-acre parcel into two new lots, advising the applicant to consult NYDOT regarding any proposed development of Lot 1 (not the current site); and
- WHEREAS, the site is in an area characterized by large wooded parcels and low-density residential along NYS Route 11; and
- WHEREAS, the site contains an existing 1-story building with a 13-space parking lot on the southern side of the building and 22-space parking lot in front, both accessed via a 25'-wide driveway to Brewerton Road (NYS Route 11); and
- WHEREAS, per the Existing & Proposed Site Plans dated 2/20/24, the applicant is proposing a 2,515 sf addition to be constructed on the rear of the existing building in order to convert the property into an animal hospital; additional sitework includes the removal of an existing canopy and shed along the southern side of the building, construction of a concrete walk to the rear of the building from the southern parking lot, and the installation of new signage, shrubbery, and trees; and
- WHEREAS, per the Environmental Assessment Form (EAF) dated 2/12/24, 0.15 acres of the site will be disturbed by the proposed project; per the EAF; stormwater will be directed to existing drainage swales, one near the southern parcel boundary and one on the adjacent parcel to the north near the parcel boundary; there are additional drainage swales along the Brewerton Road frontage, in the NYS right-of-way, with connection to 20" storm sewer culverts; and
- WHEREAS, per the referral notice, the site is served by public drinking water; ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/rights-of-way, water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability; and

WHEREAS, per the referral notice, the site is served by public sewers and is located in the Brewerton Wastewater Treatment Plant service area;
ADVISORY NOTE: Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required due to an anticipated increase in use; additionally, unless it can be demonstrated that anticipated sanitary flows will not exceed previous flows in excess of one sewer unit over prior uses, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; the Capacity Assurance Form and approval process can now be found online: <http://www.ongov.net/wep/CapacityAssuranceReviews.html>; and

WHEREAS, GIS mapping shows a riverine federal wetland may cross the northeast corner of the site, under a portion of the parking lot; per the Site Plan, a drainage culvert traverses under Brewerton Road in the same approximate location as the wetland;
ADVISORY NOTE: Any proposed development in, placement of fill in, or drainage of a federal wetland requires appropriate permits from the U.S. Army Corps of Engineers; and

WHEREAS, the site may contain the Indiana bat, or its associated habitat, which has been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper); impacts to bat species are often associated with tree clearing and from the plans it appears that no trees will be removed as part of the proposed project; and

WHEREAS, the site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the NYS Historic Preservation Office archaeological site inventory (per EAF Mapper); and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.

The motion was made by Mike LaFlair and seconded by Jim Stelter. The votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Marty Masterpole - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
COUNTY EXECUTIVE

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: March 06, 2024

OCPB Case # Z-24-54

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a SITE PLAN from the Town of Cicero Planning Board at the request of Cicero Dumpster Service (Amrik Shergill) for the property located at Stewart Drive; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of the municipal boundary between the Town of Cicero and the Town of DeWitt; and
- WHEREAS, the applicant is proposing construction of a 3,200 sf building for a dumpster rental business on a vacant 5.624-acre parcel in a General Commercial Plus zoning district; and
- WHEREAS, the Board previously held No Position on a subdivision referral (S-21-84) to divide five parcels into seven new lots; and
- WHEREAS, the site is a vacant and wooded parcel located in the Hancock Airpark, an industrial park along East Taft Road, just outside the Syracuse Hancock International Airport; aerial imagery dated May 2021 shows the site has frontage on and contains a private section of General Irwin Boulevard, a private road in this location south of Stewart Drive; HealthDirect Pharmacy Services is on the adjacent parcel to the west and a parking lot is located to the north; and
- WHEREAS, per the Site plan dated 1/31/24, the applicant is proposing to construct a 3,200 sf building, 5-space parking lot, and gravel area for dumpster storage on the western side of the lot; the building, parking, and gravel dumpster lot will be enclosed by a chain link fence and accessed via a 22'-wide gravel driveway extending to General Irwin Boulevard; and
- WHEREAS, per the Site Plan, there is a 50'-wide Ingress & Egress easement along the eastern lot boundary, appearing to coincide with General Irwin Boulevard, a private road; a 20'-wide OCWA easement also occurs under the private road along the eastern boundary; and
- WHEREAS, GIS mapping shows a central portion of the site may contain state and federal wetlands, and the proposed driveway may encroach on the NYS wetland, but all proposed work appears to be outside of the federal wetland; the Site Plan show wetlands "delineated by Delta Engineers, 5/12/23 and a "Possible 100' adjacent Area" and per these boundaries, the driveway encroaches on NYS wetlands;
- ADVISORY NOTE: Any proposed development in, placement of fill in, or drainage of a state and/or federal wetland or 100-foot state wetland buffer requires appropriate permits from the NYS Department of Environmental Conservation and/or the U.S. Army Corps of Engineers; and
- WHEREAS, per the Environmental Assessment Form (EAF) dated 2/1/24, zero acres of the

site will be disturbed by the proposed project; the EAF notes the proposed action would “create stormwater discharge”, but provided no information regarding stormwater mitigation;

ADVISORY NOTE: Any project that cumulatively disturbs one acre or more of land must be covered under the NYS SPDES Permit; the municipality is advised to ensure that the applicant has obtained the appropriate permits from the NYS Department of Environmental Conservation prior to municipal approval; and

WHEREAS, per the referral notice, a new connection to public drinking water is proposed to serve the site;

ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/rights-of-way, water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability; and

WHEREAS, per the referral notice, a new connection to the public sewers is proposed to serve the site; the submitted project is located within the Oak Orchard Wastewater Treatment Plant service area;

ADVISORY NOTE: Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required in advance of issuance of a plumbing permit from the County's Plumbing Control Division in order to connect into the public sewer system; additionally, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; the Capacity Assurance Form and approval process can now be found online:

<http://www.ongov.net/wep/CapacityAssuranceReviews.html>; and

WHEREAS, the project is within 2,000 feet of a site (ID: 734054) in the NYS Department of Environmental Conservation Environmental Site Remediation database (per EAF Mapper); and

WHEREAS, the site is located over, or immediately adjoining, a principal aquifer (per EAF Mapper); and

WHEREAS, ADVISORY NOTE: Per GML § 239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality; such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board

recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

1. Town must ensure delineated wetlands and buffers are shown on the plans for the site and any necessary permits should be obtained for placement of fill in, or drainage of, any confirmed wetlands and buffers.
2. Town must ensure the proper easements are shown on plans for any sanitary sewer connection through adjacent parcels.

The motion was made by Mike LaFlair and seconded by Jim Stelter. The votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Marty Masterpole - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
COUNTY EXECUTIVE

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: March 06, 2024

OCPB Case # Z-24-55

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a TEXT AMENDMENT from the Town of Cicero Town Board at the request of Town of Cicero for the property located ; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review the adoption or amendment of a zoning ordinance or local law; and
- WHEREAS, the applicant is proposing changes to the Town of Cicero Zoning Chapter 210 to include creation of a new Residential – Mixed Use (R-MX) zoning district, create and amend definitions for apartments and multi-family uses, and establish special use permit requirements for large multi-family developments; and
- WHEREAS, the Town of Cicero is currently undergoing a comprehensive plan and zoning code update process; the Town recently enacted special use permit procedures within its zoning code (Z-23-269); and
- WHEREAS, within Section 210.4 Definitions and Word Usage, an apartment and apartment building are distinguished from accommodations “used for transient occupancy” such as a hotel, motel, dormitory, rest home, etc.; an apartment is further defined as a “room or suite of two or more rooms designed or used solely as a residence in any building not used for other transient occupancy”; and
- WHEREAS, the definition of “Dwelling, Multiple Family”, a building used as living quarters for 3+ families living independently of each other, was expanded to include apartment buildings; and
- WHEREAS, apartment buildings are defined as: a structure of four or more apartments which share common entry, excluding structures designed as a single-family dwelling that has been repurposed into a multi-family dwelling; an apartment complex would be one or more apartment buildings; and
- WHEREAS, multiple-family complexes are defined as: “more than two single-family dwellings, two-family dwellings, or multiple-family dwellings” grouped together and under common ownership or management, excluding apartment buildings and/or townhouses; and
- WHEREAS, within Section 210.11, site plan review is required for multi-family residences in the R-M and R-MX districts and apartment buildings in the R-MX district; apartment buildings comprised of “more than four apartments, apartment complexes consisting of more than two apartment buildings, and multiple family complexes” are also subject to special use permit requirements; complexes of 24 or more units are also generally allowed by special permit in Commercial zoning districts in the Town; and
- WHEREAS, the code revisions provide a list of criteria for the Town Board to consider when reviewing a special use permit application including: size, scale and

density of the proposed use, compatibility with nearby properties, aesthetic and architectural character of the proposed use, potential impact on Town resources and infrastructure and the “extent to which such impact will be offset by the tax or other revenue therefrom”, whether the use is “part of, or integral to a larger development, any potential benefits to the use, and “Any other factor that the Town Board deems appropriate”; fees and expenses incurred by the Town during the review process will be charged to the applicant; and

WHEREAS, section 210-16 Area, Yard and Bulk Regulations is amended to include R-MX with minimum lot area, building line, and lot depth broken down by use: one-family, two-family, multi-family, townhouses, or nonresidential; for multi-family or townhouses the requirements are a minimum lot area per unit of 5,445 sf, minimum building line of 100’, minimum lot depth of 130’, front and rear setbacks of at least 30’, side yard setback of 15’, a maximum lot coverage of 30%, and a maximum building height of 35’; and

WHEREAS, ADVISORY NOTE: Per GML § 239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality; such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends that said application be DISAPPROVED for the following REASON(S):

Onondaga County desires high value strategic housing and neighborhood investments that benefit municipalities, its residents and the County, and makes wise land use decisions relative to infrastructure investment. This goal is extensively described in Plan Onondaga, the recently adopted Onondaga County comprehensive plan. The Town’s engagement around the development of a Comprehensive Plan has evidenced a similar desire. In order for the Town of Cicero to accomplish this goal, the town should complete its comprehensive planning and zoning update prior to adopting substantive changes in zoning.

A successful planning analysis includes assessment of infrastructure capacity in the Town and maps areas within the Town where multi-family and mixed-use development at appropriate density can occur. Performing this analysis will demonstrate the extent to which multi-family projects may be feasible and illustrate to the public and developers what infrastructure improvements may be necessary. Making a substantive zoning change now creates a disjointed process at best, and will undermine the town’s good planning process.

To date the Town’s comprehensive planning process shows strong support for “Main Street” walkable, mixed-use districts. These districts should include multi-story buildings with housing options, retail and services to create a vibrant, enriching environment for all town residents to enjoy. The bulk and area regulations as proposed do nothing toward encouraging future housing proposals that create this type of environment. The proposed regulations prescribe a development pattern that is opposite of what the Town’s planning engagement has so far indicated the Town and its residents desire.

It is understandable, and even laudable for the town to plan for smaller scale multi-family and mixed-use projects in strategic locations given infrastructure limitations in the town. It is also equally important to encourage and plan strategic multi-family and mixed-use development of a significant density in areas where a walkable, mixed-use center is desirable and advantageous to the Town and comports with the County comprehensive plan. Such development patterns will enable the conservation of Town open space resources and better serve town residents.

The zoning amendment does not include any analysis to establish a rational basis and sufficient justification. The creation of a new zoning district should begin with a description of the nature and character of the place to be created. This informs the intent and purpose of the zoning district and should be included in the zoning code. A land use analysis such as a comprehensive plan, environmental and infrastructure assessment and map will provide sufficient description and supporting material to enable a successful and enforceable zoning district.

Additionally the requirement of a Special Use Permit without this analysis will inhibit and discourage desirable development. A poorly conceived special permit will prohibit the ability to creatively design and supply housing of a type and density necessary to achieve the goals apparent in the Town's developing comprehensive plan. Further, when requiring a Special Use Permit for a discreet land use such as multi-family development, development standards and/or special regulations should be developed to give guidance on how to address the issues documented in the planning analysis.

The foundational purpose of a Special Use Permit is "...the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met." (NYS Town Law 274-b). Further, "reasonable restrictions and conditions as are directly related to and incidental to the special use permit" may be applied to ensure harmony with the neighborhood (NYS Town Law 274-b(4)). In the proposed amendment the requirements are vague, encourage a subjective review and seem to subvert a fair and reasonable process of issuing a Special Use Permit. Therefore, if adopted, the Town will have little to no basis with which to reasonably evaluate an application for a Special Use Permit.

The Board therefore disapproves the proposal as presented.

Note: The definition of Apartment indicates that people who live in an apartment are "transient" which is not true or accurate.

Note: It may be defined elsewhere, but 210-11 D. refers to "mixed-use" however the allowed uses in this district would not reasonably produce a useful mixed-use project.

The motion was made by David Skeval and seconded by Don Radke. The votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Marty Masterpole - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
COUNTY EXECUTIVE

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: March 06, 2024

OCPB Case # Z-24-57

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a SITE PLAN from the Town of DeWitt Planning Board at the request of Brett Steenburgh for the property located at 6570 Weighlock Drive; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of Route 298, a state highway and Kinne Street (Route 56), a county highway; and
- WHEREAS, the applicant is proposing construction of a 447 sf addition to an existing restaurant on a 1.443-acre parcel in an Industrial zoning district; and
- WHEREAS, the Board previously recommended Modification of a site plan referral (Z-12-99) to build an addition to an existing restaurant, and expand a patio and parking area, requiring the applicant to provide drainage information to New York State Department of Transportation, advising no additional runoff into the state drainage system would be allowed; and
- WHEREAS, the site is located in a commercial/office park in a commercial and industrial area near Carrier Circle; surrounding uses include numerous hotels, a bank, educational facilities, and medical offices; and
- WHEREAS, the site is a triangular-shaped parcel next to the intersection of Weighlock Drive, a local road, NYS Route 298, and Kinne Street, a county route; the site contains a former drive-thru restaurant, 28-space parking lot, and a driveway to Weighlock Drive; and
- WHEREAS, the applicant is proposing construction of a 447 sf addition to the western side of an existing 1,704 sf restaurant; the Site Plan (undated) shows the proposed addition would require a transformer to be relocated from its current location next to the restaurant to south of the existing drive-thru; no other work is proposed; and
- WHEREAS, per the Environmental Assessment Form (EAF) dated 1/19/24, 0.1 acres of the site will be disturbed by the proposed project; aerial imagery and the Site Plan (undated) depict an existing retention basin along the southern and eastern parcel boundaries; and
- WHEREAS, per the referral notice, the site is served by public drinking water and no changes to the existing infrastructure are proposed; and
- WHEREAS, per the referral notice, the site is served by public sewers and is located in the Metropolitan Wastewater Treatment Plant and Ley Creek Pump Station services areas; no changes to the existing infrastructure are proposed; ADVISORY NOTE: Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required due to possible increase in use; additionally, unless it can be demonstrated that anticipated sanitary flows will not exceed previous flows in excess of one sewer unit over prior uses, the applicant must develop a 1 gallon to 1 gallon sanitary

flow offset plan/project in coordination with the municipal engineer; the Capacity Assurance Form and approval process can now be found online: <http://www.ongov.net/wep/CapacityAssuranceReviews.html>; and

WHEREAS, the project is within 2,000 feet of multiple sites (IDs: 734043, 734068) in the NYS Department of Environmental Conservation Environmental Site Remediation database (per EAF Mapper); and

WHEREAS, the site may contain the Indiana bat, or its associated habitat, which has been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper); Impacts to bat species are often associated with tree clearing and from the plans it appears that no trees will be removed as part of the proposed project; and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.

The motion was made by Mike LaFlair and seconded by Jim Stelter. The votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Marty Masterpole - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J.Ryan McMahon, II
COUNTY EXECUTIVE

Onondaga County Planning Board

RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: March 06, 2024

OCPB Case # Z-24-58

WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a SITE PLAN from the Town of Cicero Planning Board at the request of Mary Heitkamp for the property located at 6306 East Taft Road; and

WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of East Taft Road (Route 19), a county highway; and

WHEREAS, the applicant is proposing to construct a 7,344 sf commercial building on a vacant 0.86-acre parcel in a General Commercial zoning district; and

WHEREAS, the site is located on East Taft Road, west of Northern Boulevard, both county roads; the property is among the low-density of commercial and residential uses along East Taft Road northeast of Hancock Airport and southwest of the wetlands associated with the Cicero Swamp; adjacent properties include Hiawatha Fasteners and Grace Auto Body & Paint; and

WHEREAS, the site is a vacant, cleared parcel with a drainage trench along its frontage on East Taft Road; and

WHEREAS, the applicant is proposing the construction of a 7,344 sf commercial building to lease to a future (unknown) client; the applicant also owns the adjacent property to the east; per the Site Plan – Proposed Features dated 1/12/23, the building is to be placed at the rear of the property, fronted by a 13-space parking lot with a 22'-wide driveway connecting to the eastern adjacent property's driveway access to East Taft Road, a county route; per the Site Plan, the road access for both the site and adjacent parcel occurs on the northeastern corner of the site; plantings will be placed along the building perimeter, road frontage, property lines, and the driveway;
ADVISORY NOTE: Per the Onondaga County Department of Transportation, all existing or proposed driveways on East Taft Road must meet Department requirements; and

WHEREAS, per the Site Plan, a 20'-wide "Permanent Right-of-Way" existing along the rear property line of the site and neighboring parcels; the existing road access to the adjacent parcel is constructed on an Ingress & Egress Easement on site; and

WHEREAS, per the Environmental Assessment Form (EAF) dated 1/15/24, 0.8 acres of the site will be disturbed by the proposed project; per the EAF, "some drainage will be directed to a drainage ditch along East Taft Road; stormwater mitigation is not shown on the Site Plans; and

WHEREAS, per the referral notice, a new connection to public drinking water is proposed to serve the new building;
ADVISORY NOTE: The applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA

easements/rights-of-way, water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability; and

WHEREAS, per the referral notice, a new connection to the public sewers is proposed; the submitted project is located within the Oak Orchard Wastewater Treatment Plant and Davis Road Pump Station service area, an area designated as flow constrained and impacted by excessive wet weather flow;

ADVISORY NOTE: Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required in advance of issuance of a plumbing permit from the County's Plumbing Control Division in order to connect into the public sewer system; additionally, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; the Capacity Assurance Form and approval process can now be found online:

<http://www.ongov.net/wep/CapacityAssuranceReviews.html>; and

WHEREAS, the site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the NYS Historic Preservation Office archaeological site inventory (per EAF Mapper); and

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring board.

The motion was made by Mike LaFlair and seconded by Jim Stelter. The votes were recorded as follows: Marty Voss - yes; Mike LaFlair - yes; Marty Masterpole - yes; Don Radke - yes; David Skeval - yes; Jim Stelter - yes.



J. Ryan McMahon, II
County Executive



Ben Walsh
Mayor



SYRACUSE - ONONDAGA COUNTY PLANNING AGENCY

Daniel Kwasnowski, AICP
Planning Director

Don Jordan
Deputy Director

TO: Members, Village of Marcellus Board of Trustees
FROM: Daniel Kwasnowski, AICP *DK*
 Director, Onondaga County Department of Planning (OCDOP)
DATE: 2/20/2024
RE: Administrative Review – Moratorium – Village Center
RECOMMENDATION: No Position with Comment

Per General Municipal Law, §§239-m and -n, and the Onondaga County Planning Board Rules of Procedure and Referral Policy, the Board may delegate review and recommendation on certain referral actions to the Director of the Syracuse-Onondaga County Planning Agency.

These actions, determined as being generally routine in nature with minimal and/or well-understood intercommunity or countywide concerns, are listed within the Rules of Procedure, and at this website: <http://www.ongov.net/planning/ocpbpreferableactions.html>.

Please contact SOCPA staff at (315)435-2611 or countyplanning@ongov.net with any questions.

CASE NUMBER: Z-24-40
REFERRING BOARD: Village of Marcellus Board of Trustees
DATE RECEIVED: 2/15/24
TYPE OF ACTION: LOCAL LAW
APPLICANT: VILLAGE OF MARCELLUS
LOCATION: Village Center
WITHIN 500' OF: NYS Route 174, Town Boundary
TAX ID(s): Multiple
RELATED CASES: None

Project Summary:

The Village of Marcellus is proposing to enact a six (6) month moratorium on development approvals in the Village Center Zoning District. This moratorium will allow the Village to review local land use laws and consider adoption of existing design guidelines to better guide the character and type of development in the Village Center.

Recommendation: None

Comment(s):


The Village is encouraged to update its code to reflect the type of development it wishes to see in the Village Center and that will strengthen and provide long lasting value in this important Strong Center as identified in Plan Onondaga.

ONONDAGA COUNTY

DEPARTMENT OF PLANNING



TO: Members, Syracuse City Planning Commission

FROM: Dan Kwasnowski, AICP Director 
Onondaga County Department of Planning (OCDOP)

DATE: 2/28/2024

RE: Administrative Review – S Warren St Change in Occupancy

RECOMMENDATION: No Position

J. Ryan McMahon, II
County Executive

Daniel Kwasnowski, AICP
Planning Director

Per General Municipal Law, §§239-m and -n, and the Onondaga County Planning Board Rules of Procedure and Referral Policy, the Board may delegate review and recommendation on certain referral actions to the Director of the Onondaga County Department of Planning.

These actions, determined as being generally routine in nature with minimal and/or well-understood intercommunity or countywide concerns, are listed within the Rules of Procedure, and at this website: <http://www.ongov.net/planning/ocpbpreferableactions.html>.

CASE NUMBER: Z-24-41

REFERRING BOARD: Syracuse City Planning Commission

DATE RECEIVED: 2/15/2024

TYPE OF ACTION: Site Plan

APPLICANT: Grazi Zazzara

LOCATION: 312-344 South Warren Street

WITHIN 500' OF: Onondaga County Public Library in the Galleries and Carnegie Building (county-owned)

TAX ID(s): 101.-07-04.2

Please contact OCDOP staff at (315)435-2611 or countyplanning@ongov.net with any questions.

Project Summary:

The applicant is seeking a Change in Occupancy from Recreation and Entertainment, Indoor to Office on a first floor tenant space facing South Warren Street in downtown Syracuse. Per the local application, there will be no exterior work and the proposed changes consist of minor interior changes: painting walls and ceiling, one-way film in be installed on existing storefront window and door, and new cabinetry.

The site is located in the South Salina Street Downtown Historic District which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places.

Advisory Notes:


This referral would be considered exempt from review by the Onondaga County Planning Board (OCPB) per the inter-municipal agreement between Onondaga County and the City, if executed. If the City would like to revisit execution of the agreement, OCDOP can provide one.

Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required due to a change may create an increase in use; additionally, unless it can be demonstrated that anticipated sanitary flows will not exceed previous flows in excess of one sewer unit over prior uses, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; the Capacity Assurance Form and approval process can now be found online:
<http://www.ongov.net/wep/CapacityAssuranceReviews.html>

Recommendation: No Position

ONONDAGA COUNTY DEPARTMENT OF PLANNING



TO: Members, Syracuse City Planning Commission
FROM: Dan Kwasnowski, AICP Director 
Onondaga County Department of Planning (OCDOP)
DATE: 2/28/2024
RE: Administrative Review – Monroe Building Apartments Site Plan
RECOMMENDATION: No Position

J. Ryan McMahon, II
County Executive

Daniel Kwasnowski, AICP
Planning Director

Per General Municipal Law, §§239-m and -n, and the Onondaga County Planning Board Rules of Procedure and Referral Policy, the Board may delegate review and recommendation on certain referral actions to the Director of the Onondaga County Department of Planning.

These actions, determined as being generally routine in nature with minimal and/or well-understood intercommunity or countywide concerns, are listed within the Rules of Procedure, and at this website: <http://www.ongov.net/planning/ocpbpreferableactions.html>.

CASE NUMBER: Z-24-43
REFERRING BOARD: Syracuse City Planning Commission
DATE RECEIVED: 3/6/2024
TYPE OF ACTION: Site Plan
APPLICANT: Basketball Building, LLC
LOCATION: 333 East Onondaga Street
WITHIN 500' OF: Carnegie Building, County Courthouse, County Office Building, Civic Center, Sheriff's Headquarters, Criminal Courthouse, Public Safety Building, and Justice Center (all county-owned buildings)
TAX ID(s): 102.-02-07.0/1-6

Please contact OCDOP staff at (315)435-2611 or countyplanning@ongov.net with any questions.

Project Summary:

The applicant is proposing to renovate an existing 6-story office building known as the Monroe Building in an MX-5 Central Business zoning district. The building is located on Columbus Circle in downtown Syracuse, surrounded by the County Courthouse, the Carnegie Building, and the office building One Park Place. Notably, the side of this building hosts a large-scale mural honoring Syracuse basketball.

The applicant proposes office space to remain on the first floor with 25 one-bedroom apartments on floors 2 through 6. The building occupies nearly the whole of the 7,7710 sf parcel with no parking currently and none proposed. The proposed work consists of interior renovations with bicycle racks and trees to be installed along the East Onondaga Street frontage.

Advisory Note(s):

Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required due to a change that may create an increase in use; additionally, unless it can be demonstrated that anticipated sanitary flows will not exceed previous flows in excess of one sewer unit over prior uses, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; the Capacity Assurance Form and approval process can now be found online: <http://www.ongov.net/wep/CapacityAssuranceReviews.html>


This referral would be considered exempt from review by the Onondaga County Planning Board (OCPB) per the inter-municipal agreement between Onondaga County and the City, if executed. If the City would like to revisit execution of the agreement, OCDOP can provide one.

Recommendation: No Position

ONONDAGA COUNTY

DEPARTMENT OF PLANNING



TO: City of Syracuse Office of the Zoning Administrator
FROM: Dan Kwasnowski, AICP Director 
Onondaga County Department of Planning (OCDOP)
DATE: 2/28/2024
RE: Administrative Review – Steele Hall, Syracuse University
RECOMMENDATION: No Position

J. Ryan McMahon, II
County Executive

Daniel Kwasnowski, AICP
Planning Director

Per General Municipal Law, §§239-m and -n, and the Onondaga County Planning Board Rules of Procedure and Referral Policy, the Board may delegate review and recommendation on certain referral actions to the Director of the Onondaga County Department of Planning.

These actions, determined as being generally routine in nature with minimal and/or well-understood intercommunity or countywide concerns, are listed within the Rules of Procedure, and at this website: <http://www.ongov.net/planning/ocpbpreferableactions.html>.

CASE NUMBER: Z-24-45
REFERRING BOARD: Office of the Zoning Administrator
DATE RECEIVED: 2/22/2024
TYPE OF ACTION: Site Plan
APPLICANT: Syracuse University
LOCATION: 131 Crouse Drive
WITHIN 500' OF: SUNY Health Science Center and SUNY Environmental Science and Forestry (both NYS-owned)
TAX ID(s): 050.-04-01.2

Please contact OCDOP staff at (315)435-2611 or countyplanning@ongov.net with any questions.

Project Summary:

The applicant is proposing the replacement of a set of four concrete exterior steps on the north side of Steel Hall at Syracuse University. The building is located on the main campus, between Hendricks Chapel and the JMA Wireless Dome. The existing steps and railing will be removed and replaced with a new "Stair System Replacement" consisting of approximately 7 concrete steps with deck coating and nonskid/slip resistant step nosing and associated railings. The stairs appear to occupy approximately the same footprint as the existing stairs.

Advisory Note:


This referral would be considered exempt from review by the Onondaga County Planning Board (OCPB) per the inter-municipal agreement between Onondaga County and the City, if executed. If the City would like to revisit execution of the agreement, OCDOP can provide one.

Recommendation: No Position

ONONDAGA COUNTY

DEPARTMENT OF PLANNING



TO: City of Syracuse Office of the Zoning Administrator
FROM: Dan Kwasnowski, AICP Director 
Onondaga County Department of Planning (OCDOP)
DATE: 2/28/2024
RE: Administrative Review – Physics Building, Syracuse University
RECOMMENDATION: No Position

J. Ryan McMahon, II
County Executive

Daniel Kwasnowski, AICP
Planning Director

Per General Municipal Law, §§239-m and -n, and the Onondaga County Planning Board Rules of Procedure and Referral Policy, the Board may delegate review and recommendation on certain referral actions to the Director of the Onondaga County Department of Planning.

These actions, determined as being generally routine in nature with minimal and/or well-understood intercommunity or countywide concerns, are listed within the Rules of Procedure, and at this website: <http://www.ongov.net/planning/ocpbpreferableactions.html>.

CASE NUMBER: Z-24-46
REFERRING BOARD: Office of the Zoning Administrator
DATE RECEIVED: 2/22/2024
TYPE OF ACTION: Site Plan
APPLICANT: Syracuse University
LOCATION: 140 Sims Drive
WITHIN 500' OF: SUNY Health Science Center and SUNY Environmental Science and Forestry (both NYS-owned)
TAX ID(s): 050.-04-01.2

Please contact OCDOP staff at (315)435-2611 or countyplanning@ongov.net with any questions.

Project Summary:

The applicant is proposing to construct three rooftop exhaust units on top of the Physics Building at Syracuse University. The building is located on the main campus, between Hendricks Chapel and the Barnes Center and JMA Wireless Dome. The proposed construction will require an existing section of roof to be removed, allowing the three 22'4" exhaust stacks to be installed below the roof level. The exhaust stacks will protrude 9' above the roof line and the associated roof ladder will protrude 4'5". A photo simulation included with the referral shows the exhaust stacks will be visible from the ground. There will be no change to the façade or footprint of the building.

Advisory Note:


This referral would be considered exempt from review by the Onondaga County Planning Board (OCPB) per the inter-municipal agreement between Onondaga County and the City, if executed. If the City would like to revisit execution of the agreement, OCDOP can provide one.

Recommendation: No Position

ONONDAGA COUNTY

DEPARTMENT OF PLANNING



TO: Members, Town of DeWitt Planning Board
FROM: Dan Kwasnowski, AICP Director 
Onondaga County Department of Planning (OCDOP)
DATE: 2/28/2024
RE: Administrative Review – Marzullo Electric EV Stations
RECOMMENDATION: No Position

J. Ryan McMahon, II
County Executive

Daniel Kwasnowski, AICP
Planning Director

Per General Municipal Law, §§239-m and -n, and the Onondaga County Planning Board Rules of Procedure and Referral Policy, the Board may delegate review and recommendation on certain referral actions to the Director of the Onondaga County Department of Planning.

These actions, determined as being generally routine in nature with minimal and/or well-understood intercommunity or countywide concerns, are listed within the Rules of Procedure, and at this website: <http://www.ongov.net/planning/ocpbpreferableactions.html>.

CASE NUMBER: Z-24-56
REFERRING BOARD: DeWitt Planning Board
DATE RECEIVED: 2/26/2024
TYPE OF ACTION: Site Plan
APPLICANT: Luck Grove Construction, LLC
LOCATION: 101-103 Olivia Drive
WITHIN 500' OF: East Molloy Road, Molloy Road, and Townline Road (all county roads) and municipal boundary with Town of Salina
TAX ID(s): 022.-01-10.0

Please contact OCDOP staff at (315)435-2611 or countyplanning@ongov.net with any questions.

Project Summary:


The applicant is proposing to install two dual-port charging stations (four charging stations total) on two existing parking spaces next to a commercial building off East Molloy Road in an Industrial zoning district. The site consists of a one-story commercial building, surrounded by asphalt, parking along the western and southern sides, and unrestricted access to Olivia Drive. The EV chargers will be installed on four parking spaces on the south side of the building, near the southeast corner. No other work is proposed. The application notes the charging stations will be for public use.

Recommendation: No Position

ONONDAGA COUNTY

DEPARTMENT OF PLANNING



TO: Members, Town of DeWitt Planning Board
FROM: Dan Kwasnowski, AICP Director 
Onondaga County Department of Planning (OCDOP)
DATE: 2/28/2024
RE: Administrative Review – Underground Beer Lab
RECOMMENDATION: No Position

J. Ryan McMahon, II
County Executive

Daniel Kwasnowski, AICP
Planning Director

Per General Municipal Law, §§239-m and -n, and the Onondaga County Planning Board Rules of Procedure and Referral Policy, the Board may delegate review and recommendation on certain referral actions to the Director of the Onondaga County Department of Planning.

These actions, determined as being generally routine in nature with minimal and/or well-understood intercommunity or countywide concerns, are listed within the Rules of Procedure, and at this website: <http://www.ongov.net/planning/ocpbpreferableactions.html>.

CASE NUMBER: Z-24-59
REFERRING BOARD: Town of DeWitt Planning Board
DATE RECEIVED: 2/26/24
TYPE OF ACTION: Site Plan
APPLICANT: Underground Beer Lab, LLC
LOCATION: 7000 Airways Park Drive
WITHIN 500' OF: Fly Road (a county highway)
TAX ID(s): 020.-01-27.2

Please contact OCDOP staff at (315)435-2611 or countyplanning@ongov.net with any questions.

Project Summary:

The applicant, Underground Beer Lab, is expanding in their current building to expand the brewery and tasting room operations. The approximately 20,000 sf building is located on Airways Park Drive in a low-density commercial area around Fly Road. The site has 34 parking spaces and has connections to the adjacent commercial property. The proposed renovations are to the interior of the building except the construction of a 30'x22'10⁵/₆" removable deck/outside seating area to the rear of the building.


Advisory Note:

Capacity assurance approval from the Onondaga County Department of Water Environment Protection (OCDWEP) is required due to a possible increase in use; additionally, unless it can be demonstrated that anticipated sanitary flows will not exceed previous flows in excess of one sewer unit over prior uses, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; the Capacity Assurance Form and approval process can now be found online: <http://www.ongov.net/wep/CapacityAssuranceReviews.html>

Recommendation: No Position

ONONDAGA COUNTY DEPARTMENT OF PLANNING



TO: Members, DeWitt Town Board
FROM: Dan Kwasnowski, AICP Director 
Onondaga County Department of Planning (OCDOP)
DATE: 3/1/2024
RE: Administrative Review – Smoke Shop Moratorium
RECOMMENDATION: No Position

J. Ryan McMahon, II
County Executive

Daniel Kwasnowski, AICP
Planning Director

Per General Municipal Law, §§239-m and -n, and the Onondaga County Planning Board Rules of Procedure and Referral Policy, the Board may delegate review and recommendation on certain referral actions to the Director of the Onondaga County Department of Planning.

These actions, determined as being generally routine in nature with minimal and/or well-understood intercommunity or countywide concerns, are listed within the Rules of Procedure, and at this website:
<http://www.ongov.net/planning/ocpbpreferableactions.html>.

CASE NUMBER: Z-24-60
REFERRING BOARD: DeWitt Town Board
DATE RECEIVED: 2/29/2024
TYPE OF ACTION: Local Law
APPLICANT: Town of DeWitt
LOCATION: townwide
WITHIN 500' OF: n/a
TAX ID(s): townwide

Please contact OCDOP staff at (315)435-2611 or countyplanning@ongov.net with any questions.

Project Summary:

The Town of DeWitt is proposing a six month moratorium on the “establishment, creation, maintenance, advertisement and/or operation of new Smoke Shop uses within the Town. The proposed law states the moratorium would allow the Town to research potential impacts from Smoke Shops and implement any “regulations, rules, laws and/or controls deemed necessary for the safe and orderly development of the Town and protection of the Town’s residents”.

The definition of “Smoke Shop” includes “any premises dedicated to the display, sale, distribution, delivery, offering, furnishing and/or marketing of tobacco and/or cannabis, tobacco and/or cannabis products, and tobacco and/or cannabis paraphernalia.” Grocery stores, convenience stores, and similar retail where the sales of tobacco and/or cannabis are ancillary are not considered Smoke Shops.

Exceptions to this Moratorium are legally established Smoke Shops currently in the Town and legally established cannabis retail dispensaries and on-site consumption establishments.

Advisory Note:

Per GML § 239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality; such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing.

Recommendation: No Position