



# Onondaga County Planning Board

August 07, 2019

SYRACUSE-ONONDAGA COUNTY PLANNING AGENCY  
CONFERENCE ROOM, 1100 CIVIC CENTER  
421 MONTGOMERY STREET  
SYRACUSE, NEW YORK

## I. ATTENDANCE

### MEMBERS PRESENT

Daniel Cupoli  
James Corbett  
Matt Beadnell  
Lisa Dell  
David Skeval  
Jim Stelter

### STAFF PRESENT

Dan Kwasnowski  
Megan Costa  
Allison Bodine  
Robin Coon

### GUESTS PRESENT

James Fensken

## II. CALL TO ORDER

The meeting was called to order at 11:00 AM on August 07, 2019.

## III. MINUTES & OTHER BUSINESS

Minutes from July 17, 2019 were submitted for approval. James Corbett made a motion to accept the minutes. Jim Stelter seconded the motion. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - yes; David Skeval - yes; Jim Stelter - yes.

Dan Kwasnowski presented an overview of the "Role of Findings in Local Government Decisions," a legal memorandum from the NYS Department of State Office of General Counsel providing guidance on the Board decision-making process. See attached.

## IV. ACTIONS ON GML SECTION 239 REFERRALS

### Summary

S-19-55	CSyrPB	No Position	S-19-56	TOnoPB	No Position With Comment
S-19-57	TLafPB	No Position With Comment	Z-19-201	TSkaZBA	No Position
Z-19-202	TSkaPB	No Position With Comment	Z-19-203	TSkaPB	Modification
Z-19-204	TSkaPB	Modification	Z-19-205	TSkaPB	Modification
Z-19-206	TSkaPB	Modification	Z-19-207	TSkaZBA	Modification
Z-19-208	TOnoTB	No Position	Z-19-209	TClaPB	Modification
Z-19-210	TClaPB	Modification	Z-19-211	TClaZBA	No Position
Z-19-212	CSyrPB	No Position	Z-19-213	CSyrPB	No Position
Z-19-214	CSyrPB	No Position	Z-19-215	CSyrPB	No Position
Z-19-216	VSolVB	No Position	Z-19-217	VMarPB	No Position
Z-19-218	TOnoTB	Modification	Z-19-219	TCicPB	No Position
Z-19-220	TManPB	No Position With Comment	Z-19-221	TClaTB	No Position With Comment
Z-19-222	CSyrZA	No Position	Z-19-223	TDewZBA	No Position With Comment
Z-19-224	TElbTB	No Position With Comment	Z-19-225	TElbTB	No Position
Z-19-226	CSyrZA	No Position			



J.Ryan McMahon II  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 07, 2019

OCPB Case # S-19-55

- 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 FINAL SUBDIVISION from the City of Syracuse Planning Commission at the request of Syracuse Land Bank for the property located at 402, 406 and 408 Liberty Street; and
- WHEREAS, General Municipal Law Section 239-n allows the County Planning Board to review the approval of subdivisions and the site is located within 500 feet of Route 690, a state highway; and
- WHEREAS, the applicant is proposing to combine three properties into two new lots, Lot 33A (9,558.5 sf) and Lot 33B (4,362.9 sf), in Industrial, Class A (IA) and Local Business, Class A (BA) zoning districts; and
- WHEREAS, the site is located in the City's Westside neighborhood with surrounding one- and two-family residences and commercial land uses; the site is adjacent to the Harriet May Mills Residence, which is listed on the National and State Registers of Historic Places; and
- WHEREAS, the submitted subdivision plan dated June 28, 2019 shows the site has frontage on Liberty Street, a city street, and consists of three parcels totaling 13,921.4 sf; the southern parcel contains an existing two-and-a-half story house and a rear swimming pool; the northern and center parcels each contain an existing one-and-a-half story house, both to be demolished, and an existing driveway onto Liberty Street; and
- WHEREAS, a letter from the applicant to the City Office of Zoning Administration, dated July 8, 2019, indicates that the Greater Syracuse Land Bank is intending to divide the center parcel and convey a 12' x 132' strip of land, including the driveway, to the southern parcel, creating Lot 33B (4,362.9 sf); the northern parcel and the remainder of the center parcel will be combined into Lot 33A (9,558.5 sf) and sold to the adjacent business, Myriad Construction; and
- WHEREAS, per the letter, allowing the southern lot to obtain the driveway and strip of land will bring the property into compliance with the City zoning code, which requires 1 off-street parking space per family or dwelling unit and 4,000 sf pf land per dwelling unit for single-family dwellings; and
- WHEREAS, per the City zoning map, the northern and center parcels are currently zoned IA and the southern parcel is zoned BA so the proposed resubdivision would result in a split-zoned parcel; however, the City of Syracuse is currently undertaking a comprehensive project to revise and modernize zoning in the City; per the ReZone Syracuse draft zoning map dated June 2019, the proposed zoning for all three lots is Mixed Use Neighborhood Center (MX-2), which would act to "provide for a pedestrian-friendly, transit-supportive mix of medium- to higher-density residential uses and nonresidential uses that offer goods and services to surrounding neighborhoods"; and

WHEREAS, the site is served by public drinking water and sewers and is located in the Metropolitan Wastewater Treatment Plant service area; no changes to the existing infrastructure are proposed;  
ADVISORY NOTE: per the Onondaga County Department of Water Environment Protection, any and all demolition of buildings requires a permit for sewer disconnects; the applicant must contact Plumbing Control to ensure appropriate permits are obtained; and

WHEREAS, per the Onondaga County Department of Water Environment Protection, the submitted project is located in an area designated as flow constrained or impacted by excessive wet weather flow or is tributary to a Combined Sewer Overflow (CSO); and

WHEREAS, the site is located in an Onondaga County Drainage District for Harbor Brook, which is maintained by the Department of Water Environment Protection in this area;  
ADVISORY NOTE: projects within an Onondaga County Drainage District that require a Stormwater Pollution Prevention Plan (SWPPP) must submit a copy of the SWPPP to the Onondaga County Department of Water Environment Protection for review; any mitigation as may be determined by the Department must be reflected on project plans prior to municipal approval; and

WHEREAS, the project is within 2,000 feet of multiple sites (IDs: V00222, 734039) in the NYS Department of Environmental Conservation Environmental Site Remediation database (per EAF Mapper); 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 James Corbett and seconded by Jim Stelter. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # S-19-56

- 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 SUBDIVISION from the Town of Onondaga Planning Board at the request of Skyland Meadows Farms, Inc. for the property located at 4192 Cleveland Road; and
- WHEREAS, General Municipal Law Section 239-n allows the County Planning Board to review the approval of subdivisions and the site is located within 500 feet of the municipal boundary between the Town of Onondaga and the Onondaga Nation Territory; and
- WHEREAS, the applicant is proposing to subdivide a 107.44-acre parcel into three new lots, Lot 1 (70.0 acres), Lot 2 (12.0 acres) and Lot 3 (25.7 acres), in a Residential (R-1) zoning district; and
- WHEREAS, the site is located in a transitional area between suburban residential neighborhoods and undeveloped open lands; the site and surrounding lands are enrolled in NYS Agricultural District 1, though none of the parcels within 500' of the site appear to contain active farmland; and
- WHEREAS, the submitted subdivision plan dated June 15, 2019 shows the site has frontage on Cleveland Road, a local road, and is bisected by a parcel owned by National Grid; the topography generally slopes down to the south with an elevation drop of roughly 200' in places; aerial imagery shows the site is vacant and undeveloped and the National Grid parcel contains overhead utility lines; and
- WHEREAS, per the subdivision plan, the portion of the site north of the National Grid parcel will be proposed Lot 1 (70 acres) with 390' of frontage on Cleveland Road; the southern portion of the site will be divided into Lots 2 (12.0 acres) and 3 (25.7 acres) with 1,100' and 850' of frontage, respectively; and
- WHEREAS, the subdivision plan shows one possible driveway location for each proposed lot; the R-1 zoning district requirements are listed on the subdivision map and indicate the minimum lot area is 2 acres and the minimum lot frontage is 120' for lots on public water and septic; no development plans are indicated; and
- WHEREAS, the site has access to public drinking water; proposed Lot 1 is partially located outside of the Onondaga County Sanitary District and proposed Lots 2 and 3 are entirely outside the district; the submitted Environmental Assessment Form (EAF) dated June 17, 2019 indicates wastewater treatment will be provided by individual septic systems; per the subdivision map, "Lots in excess of 5 acres are not considered residential building lots under Onondaga County Health Department subdivision regulations. Therefore, the lots shown on this plan are not approved by the Health Department for residential use. Individual sewage disposal plans must be approved by the Health Department prior to conversion to residential building lots and issuance of a building permit."; and

WHEREAS, GIS mapping shows the site may contain a federal riverine wetland that appears to run north-south through the site and end at a small pond/waterbody; on the subdivision map, these areas are labeled “centerline of stream” and “freshwater emergent wetland”; the stream on the site appears to be a tributary to Onondaga Creek;

ADVISORY NOTE: the applicant is advised to conduct a formal wetland delineation to determine the presence and location of any federal wetlands on the site; any delineated wetlands must be confirmed by the U.S. Army Corps of Engineers and shown on the plans for the site; for any future development, the applicant is also advised to obtain any necessary permits from the Corps for any development or placement of fill in a federal wetland, or drainage of federal wetlands on site; and

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

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. The Board has offered the following COMMENT(S) in regards to the above referral:

1. Given the transitional suburban/rural location and the environmental constraints of the site, careful planning should take place prior to any future development of the area. Site planning considerations are encouraged that ensure a low density of development, avoid and/or buffer sensitive features such as streams and wetlands, minimize driveway cuts by encouraging shared access, encourage clustering of any development on site, provide appropriate and sustainable wastewater management services, and minimize tree and vegetation clearing to reduce stormwater runoff to the stream and protect steep slopes from erosion.

2. Prior to any future development of the proposed lots, the Town is advised to submit project plans to the City of Syracuse Department of Engineering for review as drainage to the stream on-site and ultimately Onondaga Creek may impact downstream stormwater management facilities maintained by the City of Syracuse.

**The motion was made by James Corbett and seconded by Matt Beadnell. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # S-19-57

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 1, m and n, has considered and reviewed the referral for a SUBDIVISION from the Town of LaFayette Planning Board at the request of Scott Daley for the property located on Route 20; and
- WHEREAS, General Municipal Law Section 239-n allows the County Planning Board to review the approval of subdivisions and the site is located within 500 feet of Route 20 (Cherry Valley Turnpike), a state highway, and a farm operation located in a NYS Agricultural District; and
- WHEREAS, the applicant is proposing to subdivide an 11.68-acre parcel into four new lots, Lot 1 (2.5 acres), Lot 2 (1.5 acres), Lot 3 (1.9 acres) and Lot 4 (5.9 acres), in an Agricultural-Residential (A-R) zoning district; and
- WHEREAS, in 2008, the Board recommended disapproval of a subdivision referral (S-08-55) for a previous application for the proposed subdivision, citing inconsistencies with the Onondaga County 2010 Development Guide given that the subdivision would create strip residential development along a state highway and add four single driveways, which may negatively impact highway safety and mobility; and
- WHEREAS, the site is located in a rural area in the Town of LaFayette; surrounding lands are enrolled in NYS Agricultural District 4, though none of the parcels within 500' of the site appear to contain active farmland; and
- WHEREAS, the submitted subdivision plan dated April 16, 2008 shows the site has frontage on US Route 20 and abuts a parcel containing a railroad line; aerial imagery shows the parcel is undeveloped and vegetated except for the remains of an old barn; and
- WHEREAS, the subdivision plan shows proposed Lots 1-4 with a proposed house, leach field, well, and driveway; per the Onondaga County Health Department, the proposed septic systems have already been approved; and
- WHEREAS, a letter from the NYS Department of Transportation to the applicant, dated April 29, 2019, indicates the Department has conducted a field review of the site and provided conceptual agreement allowing driveways to be placed on the four parcels;
- ADVISORY NOTE: per the NYS Department of Transportation, the proposed driveways are still subject to a work permit from the Department and must have sufficient sight distance; the applicant is advised to continue coordinating with the Department; and
- WHEREAS, the subdivision plan shows proposed Lot 1 with a 10-foot right-of-way and proposed Lot 4 with a drainage easement; and
- WHEREAS, the site is located over, or immediately adjoining, a principal aquifer (per EAF Mapper); and

WHEREAS, 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

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 encourages the applicant and Town to consider and explore opportunities to consolidate driveways so as to ensure highway safety and mobility, which may include clustering development on the site.

**The motion was made by James Corbett and seconded by Matt Beadnell. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-201

- 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 Skaneateles ZBA at the request of Brooks Gump for the property located at 2621 Rickard Road; 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 a farm operation located in a NYS Agricultural District; and
- WHEREAS, the applicant is requesting area variances to reduce the side yard setback from 30 feet to 8 feet and the rear yard setback from 50 feet to 12 feet to allow for installation of 84 ground-mounted solar panels for residential use on a 3.0-acre parcel in Rural and Farming (RF) and Lake Watershed Overlay (LWOD) zoning districts; and
- WHEREAS, the Board recently offered no position for a site plan referral (Z-19-119) as part of the proposed project; the site plan has been modified, with the solar array being relocated closer to the north and rear lot lines than previously shown; area variances are now required given the new location; and
- WHEREAS, the site is located in a rural area in the Town of Skaneateles; the site and surrounding lands are enrolled in NYS Agricultural District 2; there appears to be active farmland in the immediate area; and
- WHEREAS, the submitted survey map dated August 10, 2005 shows the site has frontage on Rickard Road, a local road, and contains an existing house, attached garage, in-ground pool, and driveway onto Rickard Road; a curtain drain and the approximate location of an existing tile field are shown at the rear of the house, along the south lot line; and
- WHEREAS, per the submitted Site Plan dated November 29, 2018 (revised March 18, 2019), the proposed residential ground-mounted solar system (25.2 kW) will be set back 266'-10" from the rear of the house, at the northwest corner of the site, and include 84 photovoltaic (PV) modules; a ~400' trench is shown to connect the solar array to the house; per the local application, the solar array will be 13' in height and cover a total area of 1,500 sf; no other changes to the site are proposed; and
- WHEREAS, the local application indicates the proposed location is ideal for maximum sun exposure and production results; the solar array appears to be located outside of the tile field and curtain drain area; and
- WHEREAS, the site is served by an individual well and septic system; no changes to the existing infrastructure are proposed; the survey map shows the existing well in front of the house and a septic vent at the rear of the house;
- ADVISORY NOTE: the municipality is advised to ensure the project is reviewed by the Onondaga County Health Department prior to approval, to make certain the proposed solar array and trench will not have a negative impact on



the existing septic system; and

WHEREAS, the site is located in the Skaneateles Lake watershed; Skaneateles Lake is the primary public water supply source for the City of Syracuse and is unfiltered, requiring strict adherence to water quality protections on land in the watershed;

ADVISORY NOTE: the municipality is advised to ensure any conditions are met and approvals are obtained from the City of Syracuse Water Department prior to approving the proposed application; and

WHEREAS, GIS mapping shows several, small wetland areas may exist on parcels in the surrounding area; 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 James Corbett and seconded by Jim Stelter. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-202

- 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 Skaneateles Planning Board at the request of The Hive Inn, LLC / Pat Carberry for the property located at 4198 Railroad Street; 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 Jordan Road (Route 22) and Mottville Road (Route 154), both county roads; and
- WHEREAS, the applicant is requesting a special permit to convert a single-family dwelling to a 5-bedroom lodging facility on a 1.59-acre parcel in a Hamlet (HM) zoning district; and
- WHEREAS, the site is located in the Mottville hamlet of Skaneateles with low-density residential and commercial land uses in the surrounding area; aerial imagery shows the site is just east of Skaneateles Creek and a tributary to the creek runs along the northern side of the parcel; GIS mapping shows parcels to the west of the site are constrained by the 100-year floodplain, the more restrictive floodway, and federal wetlands associated with the creek; and
- WHEREAS, the submitted survey map shows the site has frontage on Railroad Street, a local road, and contains an existing 3-story house, the "Main House", a 2-story house, the "Back House", and a gravel driveway with a loop at the front of the site; there is a second, shared gravel driveway located on the north side of the tributary that appears to serve the adjacent residential lot and cross a stone box culvert over the tributary to serve the Back House; and
- WHEREAS, per the local application, the proposed lodging facility, The Hive Inn, will have rooms available to rent individually or the entire house can be rented as a whole with The Sinclair event center less than half a mile north of the site; per the Town zoning code, lodging facilities are permitted in the HM district upon issuance of a special permit; and
- WHEREAS, the submitted site plan dated June 26, 2019 shows proposed site improvements to include new front and rear decks (164 sf total) on the Back House, an enlarged front porch, rebuilt rear porch, and new patio (384 sf) on the Main House, 5 new parking spaces along the gravel driveway loop, and 2 new parking spaces in front of the Back House; driveway improvements are also shown with an extension connecting the shared driveway and driveway loop at the front of the Back House; a proposed 30' shared driveway easement will be put in place for the shared gravel driveway; and
- WHEREAS, the site is served by public drinking water and an individual septic system; a new septic system is shown at the southeast corner of the site;
- ADVISORY NOTE: the Onondaga County Health Department's Bureau of Public Health Engineering must formally accept or approve, respectively, any

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existing or proposed septic system to service this property prior to municipal approval of the project; and

WHEREAS, the site is located over, or immediately adjoining, a principal aquifer (per EAF Mapper); 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 Town is advised to ensure sufficient vegetative buffering is provided to residential neighbors and the watercourse on-site.

**The motion was made by James Corbett and seconded by Matt Beadnell. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-203

- 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 Skaneateles Planning Board at the request of Jim Pulaski for the property located at 3065 & 3059 East Lake 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 Lake Road (Route 41), a state highway, and a farm operation located in a NYS Agricultural District; and
- WHEREAS, the applicant is proposing to construct a seawall spanning approximately 120 feet along two properties totaling 1.55 acres in Rural and Farming (RF) and Lake Watershed Overlay (LWOD) zoning districts; and
- WHEREAS, the Board is concurrently reviewing a special permit (Z-19-204) as part of the proposed project; in 2011, the Board recommended modification of concurrent site plan (Z-11-315) and special permit (Z-11-316) referrals to renovate the lake front residence, including several outbuildings, citing permitting requirements with the NYS Department of Environmental Conservation and the City of Syracuse Water Department; and
- WHEREAS, the site is located along East Lake Road, a state road, on the eastern shore of Skaneateles Lake; surrounding land uses are primarily residential; the site is located across East Lake Road from parcels enrolled in NYS Agricultural District 2, which appear to contain active farmland; and
- WHEREAS, the submitted survey maps dated September 28, 2013 and August 29, 2017 show the site consists of two parcels under common ownership that contain an existing house, a detached garage, a shed, and a tennis court; shoreline structures include steps and a dock on the lake and a boat house with additional docks to the south; there is an existing driveway on East Lake Road which appears to branch into two separate driveways at the front of the site, with one branch serving each parcel; the southerly branch crosses the site boundaries in places and has corresponding 5' and 10' rights-of-way; and
- WHEREAS, the submitted Narrative dated July 1, 2019 indicates the project entails lining the eroding bank with a 5' tall Rosetta stone seawall at the high water mark to prevent further erosion along the lakeshore; the seawall will extend from the existing, permanent dock at the northern end of the site to the existing boathouse seawall at the southern end; the referral materials include a copy of the permit authorizations that have been received from the NYS Department of Environmental Conservation for the project, including Excavation and Fill in Navigable Waters and Water Quality Certification; ADVISORY NOTE: the applicant is advised to ensure any necessary permits and approvals are obtained from the U.S. Army Corps of Engineers (USACE) for any work below the mean high water line prior to municipal approval; and
- WHEREAS, per the Town zoning code, shoreline structures within 50' of the lake line,

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including seawalls, are subject to a special permit; and

WHEREAS, the site is served by an individual septic system and drinking water is drawn directly from the lake; no changes to the existing infrastructure are proposed; and

WHEREAS, the site is located in the Skaneateles Lake watershed; Skaneateles Lake is the primary public water supply source for the City of Syracuse and is unfiltered, requiring strict adherence to water quality protections on land in the watershed; impermeable surface coverage is currently 12.6% where 10% is permitted and will remain the same following the proposed project; and

WHEREAS, current FEMA Flood Insurance Rate Maps (FIRM) indicate that the shoreline of the site, including the proposed seawall, is located within the 100-year floodplain, which may require elevation of structures and other mitigation; the Onondaga County Hazard Mitigation Plan has identified flooding as one of five 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, 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 municipality must ensure all conditions are met and approvals are obtained from the City of Syracuse Water Department prior to approving the proposed application.

**The motion was made by Lisa Dell and seconded by David Skeval. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-204

- 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 Skaneateles Planning Board at the request of Jim Pulaski for the property located at 3065 & 3059 East Lake 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 East Lake Road (Route 41), a state highway, and a farm operation located in a NYS Agricultural District; and
- WHEREAS, the applicant is requesting a special permit to construct a seawall spanning approximately 120 feet along two properties totaling 1.55 acres in Rural and Farming (RF) and Lake Watershed Overlay (LWOD) zoning districts; and
- WHEREAS, the Board is concurrently reviewing a site plan (Z-19-203) as part of the proposed project; in 2011, the Board recommended modification of concurrent site plan (Z-11-315) and special permit (Z-11-316) referrals to renovate the lake front residence, including several outbuildings, citing permitting requirements with the NYS Department of Environmental Conservation and the City of Syracuse Water Department; and
- WHEREAS, the site is located along East Lake Road, a state road, on the eastern shore of Skaneateles Lake; surrounding land uses are primarily residential; the site is located across East Lake Road from parcels enrolled in NYS Agricultural District 2, which appear to contain active farmland; and
- WHEREAS, the submitted survey maps dated September 28, 2013 and August 29, 2017 show the site consists of two parcels under common ownership that contain an existing house, a detached garage, a shed, and a tennis court; shoreline structures include steps and a dock on the lake and a boat house with additional docks to the south; there is an existing driveway on East Lake Road which appears to branch into two separate driveways at the front of the site, with one branch serving each parcel; the southerly branch crosses the site boundaries in places and has corresponding 5' and 10' rights-of-way; and
- WHEREAS, the submitted Narrative dated July 1, 2019 indicates the project entails lining the eroding bank with a 5' tall Rosetta stone seawall at the high water mark to prevent further erosion along the lakeshore; the seawall will extend from the existing, permanent dock at the northern end of the site to the existing boathouse seawall at the southern end; the referral materials include a copy of the permit authorizations that have been received from the NYS Department of Environmental Conservation for the project, including Excavation and Fill in Navigable Waters and Water Quality Certification; ADVISORY NOTE: the applicant is advised to ensure any necessary permits and approvals are obtained from the U.S. Army Corps of Engineers (USACE) for any work below the mean high water line prior to municipal approval; and
- WHEREAS, per the Town zoning code, shoreline structures within 50' of the lake line,

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including seawalls, are subject to a special permit; and

WHEREAS, the site is served by an individual septic system and drinking water is drawn directly from the lake; no changes to the existing infrastructure are proposed; and

WHEREAS, the site is located in the Skaneateles Lake watershed; Skaneateles Lake is the primary public water supply source for the City of Syracuse and is unfiltered, requiring strict adherence to water quality protections on land in the watershed; impermeable surface coverage is currently 12.6% where 10% is permitted and will remain the same following the proposed project; and

WHEREAS, current FEMA Flood Insurance Rate Maps (FIRM) indicate that the shoreline of the site, including the proposed seawall, is located within the 100-year floodplain, which may require elevation of structures and other mitigation; the Onondaga County Hazard Mitigation Plan has identified flooding as one of five 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, 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 municipality must ensure all conditions are met and approvals are obtained from the City of Syracuse Water Department prior to approving the proposed application.

**The motion was made by Lisa Dell and seconded by David Skeval. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-205

- 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 Skaneateles Planning Board at the request of GreenlandPS / Troy Green for the property located at 1321 Genesee Street; 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 Genesee Street (Route 20), a state highway, and the municipal boundary between the Town of Skaneateles and the Village of Skaneateles; and
- WHEREAS, the applicant is requesting a special permit to convert an auto service station to an office building on a 3.65-acre parcel in Highway Commercial (HC) and Lake Watershed Overlay (LWOD) zoning districts; and
- WHEREAS, the site is located along US Route 20, just east of the Village of Skaneateles; surrounding land uses are residential and commercial, becoming more dense west across the municipal boundary and into the Village; and
- WHEREAS, the submitted site plans dated July 1, 2019 show the site contains an existing two-story house and a vacant, one-story auto garage set towards the front of the site; the garage is surrounded at the front and sides by asphalt and has two driveways onto Route 20, which are separated by a landscape median; a second, existing one-story house is shown to occur at the rear of the garage, along with a metal shed, to be demolished; there is an existing 10-unit efficiency apartment building at the rear of the two-story house; per the site plans, the site contains a third existing driveway onto Route 20 which serves the rear apartments and the two-story house; and
- WHEREAS, per the site plans, the garage building will be renovated for office space; there is an area at the rear of the garage labeled "future 3,500 SF addition"; per the Town zoning code, offices are permitted in the HC district upon issuance of a special permit; no changes to the existing houses or apartment building are proposed; and
- WHEREAS, the site plans show a single, proposed driveway onto Route 20, which will replace the existing access to the site; there is an area along the entire frontage on the site, located in the state right-of-way, that is labeled "reserved space for future gate improvements";
- ADVISORY NOTE: the proposed driveway onto Route 20 requires highway access and work permits from the NYS Department of Transportation and will be subject to the availability of sight distance; the applicant is advised to coordinate future right-of-way plans with the NYS Department of Transportation as immovable objects are not permitted in the state right-of-way and other work in the right-of-way will be subject to a work permit; and
- WHEREAS, additional site improvements are shown in the site plans to include removing all existing gravel/asphalt on the site and adding three interconnected

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parking areas, one 34-space lot at the rear of the office building, one 10-space lot at the front of the apartment building, and one 4-space lot at the rear of the two-story house; an extension of the office parking lot is shown to include 44 future employee parking spaces at the rear of the office lot; proposed walkways appear to connect the buildings to the parking areas; and

WHEREAS, a letter from the City of Syracuse Water Department to the Town of Skaneateles, dated July 5, 2019, indicates that the proposal was reviewed by the Department and it was determined that acceptance of the existing on-site wastewater treatment system, or approval of a new system, must be issued by the City of Syracuse and County Health Department prior to the change of use; per the letter, a Sediment & Erosion Control Plan and Floor Plan has not yet been submitted to the City of Syracuse Water Department; and

WHEREAS, the site is served by public drinking water and an individual septic system; a new individual septic system is proposed; and

WHEREAS, the site is located in the Skaneateles Lake watershed; Skaneateles Lake is the primary public water supply source for the City of Syracuse and is unfiltered, requiring strict adherence to water quality protections on land in the watershed; impermeable surface coverage is currently 14.9% where 30% is permitted and will increase to 25.8% following the proposed project and 29.9% with future build out; 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

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. The municipality must ensure all conditions are met and approvals are obtained from the City of Syracuse Water Department prior to approving the proposed application.
2. The New York State Department of Transportation has determined that the municipality and the applicant are required to coordinate Route 20 access plans with the Department. Any mitigation as may be determined by the Department must be reflected on the project plans prior to municipal approval.
3. The Onondaga County Health Department's Bureau of Public Health Engineering must formally accept or approve, respectively, any existing or proposed septic system to service this property prior to municipal approval of the special permit request.

The Board also offers the following comment:

Given the site's proximity to the highly walkable Village center, the Town should work with the applicant and the Village to extend the existing sidewalks west of the site to the proposed office building.

**The motion was made by Lisa Dell and seconded by David Skeval. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-206

- 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 Skaneateles Planning Board at the request of Jessica Danial / 3285 Lake LLC for the property located at 3285 East Lake 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 Lake Road (Route 41), a state highway, Pork Street (Route 259), a county highway, and a farm operation located in a NYS Agricultural District; and
- WHEREAS, the applicant is proposing to construct an outdoor terrace patio and pergola with retaining walls, convert an existing impermeable patio to permeable pavers, infill an existing screened porch, and replace a shorefront stair system on a 5.79-acre parcel in Rural and Farming (RF) and Lakefront Watershed Overlay (LWOD) zoning districts; and
- WHEREAS, the Board is concurrently reviewing an area variance referral (Z-19-207) as part of the proposed project; in 2016, the Board recommended modification of a site plan referral (Z-16-62) for exterior improvements to the existing residence, requiring the driveway to be aligned with the right-of-way across the street; the Board previously offered no position for related site plan and special permit referrals (Z-07-370, Z-07-371) to repair and restore an existing seawall on the site; and
- WHEREAS, the site is located along East Lake Road, a state road, on the eastern shore of Skaneateles Lake; surrounding land uses are primarily residential; the site is located across East Lake Road from parcels enrolled in NYS Agricultural District 2, which appear to contain active farmland; and
- WHEREAS, the submitted Site Plan - Existing Conditions dated June 14, 2019 shows the site contains an existing two-story house and front porch (3,255 sf), an 890 sf garage connected to the house by a breezeway, a rear patio, and a tennis court; shoreline structures include a 559 sf lakeside building with decks, a concrete dock and stairs, a gravel area, and seawall; there is a paved walk from the breezeway to the lakeside building; the site also contains an existing driveway onto East Lake Road; and
- WHEREAS, the submitted Site Plan and Terrace Plan, both dated June 14, 2019, show the proposed project to include infilling an existing screened porch, constructing a new bump-out addition for an entryway with French doors, adding a new permeable paver terrace with outdoor dining space, trellis, and gas fire pit, and converting the rear patio to a new permeable paver system, reducing impermeable surface coverage on-site by 902 sf; per the Site Plan - Erosion Control Plan, work along the shoreline includes rebuilding the dock stairs, re-surfacing the dock, repairing existing step platforms, and replacing the stair railing;

ADVISORY NOTES: the applicant is advised to ensure all necessary permits

and approvals are obtained from the U.S. Army Corps of Engineers (USACE) and/or NYS Department of Environmental Conservation (DEC) for any work below the mean high water line in regulated waterways prior to municipal approval; any construction, reconstruction, or expansion of docking or mooring facilities is subject to the provisions of the DEC's Protection of Waters Program; and

WHEREAS, per the Town zoning code, the minimum lake yard setback is 100' for the construction of any new structures after January 1, 2001; the proposed patio is shown to occur 69'-4<sup>3</sup>/<sub>4</sub>" from the lake line, requiring an area variance for the proposed project; the Site Plan shows the lot is pre-existing non-conforming with a minimum road frontage of 204.3' where 300' is required; several lot setbacks are also pre-existing non-conforming, including both the north and south side yard setbacks (5.8' and 26.8', respectively, where 30' is required) and the lake yard setback (10.5'); the requested variance will not exacerbate the existing non-conformities; and

WHEREAS, the site is served by an individual septic system and drinking water is drawn directly from the lake; the Site Plan – Existing Conditions shows two leach field areas (approximate location), one on the north side of the house and one on the south; no changes to the existing infrastructure are proposed; and

WHEREAS, the site is located in the Skaneateles Lake watershed; Skaneateles Lake is the primary public water supply source for the City of Syracuse and is unfiltered, requiring strict adherence to water quality protections on land in the watershed; impermeable surface coverage is currently 9.06% where 10% is permitted and will be reduced to 8.7% following the proposed project; and

WHEREAS, current FEMA Flood Insurance Rate Maps (FIRM) indicate that the shoreline of the site, including a portion of the existing shoreline structures, is located within the 100-year floodplain, which may require elevation of structures and other mitigation; the Onondaga County Hazard Mitigation Plan has identified flooding as one of five 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, 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 municipality must ensure all conditions are met and approvals are obtained from the City of Syracuse Water Department prior to approving the proposed application.
2. The Onondaga County Health Department's Bureau of Public Health Engineering must formally accept or approve, respectively, any existing or proposed septic system to service this property prior to municipal approval of the project.

**The motion was made by Lisa Dell and seconded by David Skeval. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-207

- 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 Skaneateles ZBA at the request of Jessica Danial / 3285 Lake LLC for the property located at 3285 East Lake Road; 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 East Lake Road (Route 41), a state highway, Pork Street (Route 259), a county highway, and a farm operation located in a NYS Agricultural District; and
- WHEREAS, the applicant is requesting an area variance to reduce the lake yard setback from 100' to 69'-4 $\frac{3}{4}$ " as part of a project to construct an outdoor terrace patio and pergola with retaining walls, convert an existing impermeable patio to permeable pavers, infill an existing screened porch, and replace a shorefront stair system on a 5.79-acre parcel in Rural and Farming (RF) and Lakefront Watershed Overlay (LWOD) zoning districts; and
- WHEREAS, the Board is concurrently reviewing a site plan referral (Z-19-206) as part of the proposed project; in 2016, the Board recommended modification of a site plan referral (Z-16-62) for exterior improvements to the existing residence, requiring the driveway to be aligned with the right-of-way across the street; the Board previously offered no position of related site plan and special permit referrals (Z-07-370, Z-07-371) to repair and restore an existing seawall on the site; and
- WHEREAS, the site is located along East Lake Road, a state road, on the eastern shore of Skaneateles Lake; surrounding land uses are primarily residential; the site is located across East Lake Road from parcels enrolled in NYS Agricultural District 2, which appear to contain active farmland; and
- WHEREAS, the submitted Site Plan - Existing Conditions dated June 14, 2019 shows the site contains an existing two-story house and front porch (3,255 sf), an 890 sf garage connected to the house by a breezeway, a rear patio, and a tennis court; shoreline structures include a 559 sf lakeside building with decks, a concrete dock and stairs, a gravel area, and seawall; there is a paved walk from the breezeway to the lakeside building; the site also contains an existing driveway onto East Lake Road; and
- WHEREAS, the submitted Site Plan and Terrace Plan, both dated June 14, 2019, show the proposed project to include infilling an existing screened porch, constructing a new bump-out addition for an entryway with French doors, adding a new permeable paver terrace with outdoor dining space, trellis, and gas fire pit, and converting the rear patio to a new permeable paver system, reducing impermeable surface coverage on-site by 902 sf; per the Site Plan – Erosion Control Plan, work along the shoreline includes rebuilding the dock stairs, re-surfacing the dock, repairing existing step platforms, and replacing the stair

railing;

ADVISORY NOTES: the applicant is advised to ensure all necessary permits and approvals are obtained from the U.S. Army Corps of Engineers (USACE) and/or NYS Department of Environmental Conservation (DEC) for any work below the mean high water line in regulated waterways prior to municipal approval; any construction, reconstruction, or expansion of docking or mooring facilities is subject to the provisions of the DEC's Protection of Waters Program; and

WHEREAS, per the Town zoning code, the minimum lake yard setback is 100' for the construction of any new structures after January 1, 2001; the proposed patio is shown to occur 69'-4<sup>3</sup>/<sub>4</sub>" from the lake line, requiring an area variance for the proposed project; the Site Plan shows the lot is pre-existing non-conforming with a minimum road frontage of 204.3' where 300' is required; several lot setbacks are also pre-existing non-conforming, including both the north and south side yard setbacks (5.8' and 26.8', respectively, where 30' is required) and the lake yard setback (10.5'); the requested variance will not exacerbate the existing non-conformities; and

WHEREAS, the site is served by an individual septic system and drinking water is drawn directly from the lake; the Site Plan – Existing Conditions shows two leach field areas (approximate location), one on the north side of the house and one on the south; no changes to the existing infrastructure are proposed; and

WHEREAS, the site is located in the Skaneateles Lake watershed; Skaneateles Lake is the primary public water supply source for the City of Syracuse and is unfiltered, requiring strict adherence to water quality protections on land in the watershed; impermeable surface coverage is currently 9.06% where 10% is permitted and will be reduced to 8.7% following the proposed project; and

WHEREAS, current FEMA Flood Insurance Rate Maps (FIRM) indicate that the shoreline of the site, including a portion of the existing shoreline structures, is located within the 100-year floodplain, which may require elevation of structures and other mitigation; the Onondaga County Hazard Mitigation Plan has identified flooding as one of five 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, 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 municipality must ensure all conditions are met and approvals are obtained from the City of Syracuse Water Department prior to approving the proposed application.
2. The Onondaga County Health Department's Bureau of Public Health Engineering must formally accept or approve, respectively, any existing or proposed septic system to service this property prior to municipal approval of the project.

**The motion was made by Lisa Dell and seconded by David Skeval. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-208

- 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 Onondaga Town Board at the request of Beak & Skiff Apple Farms, Inc. for the property located at 4473 US Route 20; 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 Cherry Valley Turnpike (Route 20) and Lords Hill Road (Route 80), both state highways, and a farm operation located in a NYS Agricultural District; and
- WHEREAS, the applicant is proposing construction of a 7,940 square foot building for a CBD oil extraction facility on a 145-acre parcel in a Residential & Country (R-C) zoning district; and
- WHEREAS, in 2017, the Board recommended modification of a site plan referral (Z-17-188) to construct a climate-controlled warehouse (aka a rickhouse) on the subject parcel, citing traffic and drainage data requirements; the Board previously recommended modification of a site plan referral (Z-17-104) to construct a new building and expand an existing building to accommodate juice productions at Beak & Skiff Apple Farms, citing septic system approval and required traffic and drainage data; and
- WHEREAS, the site is located along the rural and highly scenic US Route 20 corridor which crosses the southern portion of Onondaga County; the parcel contains portions of the large scale Beak & Skiff apple orchard, including its distillery, retail area, and tasting room; nearby across County Route 80 exists the Apple Hill campus, with various agritourism land uses; other surrounding land uses are primarily agricultural and undeveloped vegetated land, which are largely enrolled in NYS Agricultural District 1; and
- WHEREAS, the submitted plan dated June 2019 shows the eastern portion of the site contains the existing "distillery" building set back from Route 20 about 475 feet, a paved parking area at the front of the building, a gravel area at the rear of the building, and access to Route 20 via a paved drive; aerial imagery shows that the remainder of the parcel contains apple orchards, agricultural fields, wooded areas, and two existing warehouse buildings and encircles a residential lot containing an existing house; and
- WHEREAS, per the plan, the proposed building (95' x 60' with 18' tall sidewalls) will be constructed across the paved driveway from the distillery building, replacing roughly an acre of existing apple trees; an attached addition (40' x 56' with 9' tall sidewalls) is shown on the south side of the new building and gravel driveways are shown along the east and north sides; per the local application, the new facility is intended for extracting CBD oil from hemp; there is no indication whether the hemp will be grown on the site; and
- WHEREAS, the plan indicates less than 1 acre will be disturbed by the proposed project; a 4" solid PVC line is shown to convey stormwater collected by roof drains on

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- the proposed building to an existing irrigation pond to the west; and
- WHEREAS, the site is located outside the Onondaga County Sanitary District and is served by individual drinking water and wastewater infrastructure; the plan shows two existing wells, one occurring near the Route 20 frontage and the other occurring adjacent to the distillery building; a new individual septic system is proposed for the new building based on a maximum of 15 employees anticipated; per the Onondaga County Health Department, the proposed septic system has already been approved by the Department; and
- WHEREAS, GIS mapping shows a creek running north-south through the wooded area on the west side of the site; the creek appears to contain a federal wetland area; two additional potential wetlands are associated with small ponds east of the creek, one of which appears to be entirely contained on the isolated residential lot; 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 existing apple trees on the site will be cleared 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
- 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
- WHEREAS, 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, 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

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 James Corbett and seconded by Jim Stelter. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-209

- 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 Clay Planning Board at the request of Chenega IH, LLC for the property located at outparcel at Great Northern Mall (State Route 31); 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 State Route 31, a state highway; and
- WHEREAS, the applicant is proposing construction of a 4,600 sf restaurant (IHOP) and other site amenities on a vacant 1.16-acre outparcel of Great Northern Mall in a Regional Commercial (RC-1) zoning district; and
- WHEREAS, the Board recently offered no position with comment for an area variance referral (Z-19-187) to reduce the parking requirements from 116 spaces to 66 as part of the proposed project; and
- WHEREAS, the vacant outparcel is located along NYS Route 31, a highly commercialized corridor, and abuts parcels containing Great Northern Mall and its surrounding parking lots; the submitted survey map dated June 21, 2019 shows a 20' sanitary sewer easement that crosses the southern half of the parcel; and
- WHEREAS, the submitted Layout Plan dated July 15, 2019 shows a proposed 4,600 sf restaurant, IHOP, occurring towards the center of the outparcel with the front of the building facing Route 31; the building will be surrounded on all sides by a concrete sidewalk; the front and sides of the building are shown to have parking spaces and there will be a 20' wide drive aisle and dumpster enclosure at the rear of the building; aerial imagery shows an existing sidewalk along Route 31 and five trees just outside of the highway boundary, to be removed; a portion of the parking area appears to occur in the sanitary sewer easement; and
- WHEREAS, per the Layout Plan, the area variance request to reduce the parking requirement from 116 spaces to 66 spaces was granted by the Town Zoning Board of Appeals on 7/8/19; aerial imagery shows additional parking is available at the adjacent Great Northern Mall property; and
- WHEREAS, aerial imagery shows Great Northern Mall has two full access driveways onto Route 31, each occurring at a traffic signal, and an additional driveway onto Morgan Road to the west; per the Layout Plan, the site will have a proposed full access driveway onto the mall's internal road network, allowing access to Route 31 and Morgan Road via the Great Northern Mall property;  
ADVISORY NOTE: per the NYS Department of Transportation, all access to the site must come from the Great Northern Mall parcel as currently shown; the municipality is advised to ensure appropriate access agreements are in place for any shared driveways; and

WHEREAS, the submitted elevation drawings show 4 proposed, wall-mounted logo signs, one on each face of the building; additional wall-mounted signage on the front of the building, facing Route 31, indicates the restaurant will be open 24 hours; the submitted Project Narrative states proposed hours of operation will be 6am to 10pm, 7 days a week; no additional information regarding signage was included; and

WHEREAS, per the submitted Lighting Plan dated July 15, 2019, proposed lighting includes 5 single, pole-mounted light fixtures, 24' tall, situated around the perimeter of the parking lot and drive aisle and 2 back-back, pole-mounted light fixtures, 24' tall, in landscape beds at the southern corners of the buildings; 17 wall-mounted light fixtures are shown around the perimeter of the building; and

WHEREAS, the referral materials include ITE Trip Generation calculations based on gross floor area (4,600 sf) and restaurant seating (183 seats); based on gross floor area, AM peak is anticipated to generate 50 trips and PM peak will generate 45; based on seats, AM and PM peaks are estimated at 86 and 75 trips, respectively; per the Project Narrative, the NYS Department of Transportation was contacted in May 2019 regarding traffic and trip generation and the Department indicated that a traffic study will not likely be warranted given the decrease in traffic generated by the mall over the years; and

WHEREAS, per the submitted Environmental Assessment Form (EAF) dated July 11, 2019, 1.18 acres of the site will be disturbed by the proposed project; stormwater will be directed to on-site stormwater management facilities, shown in the Grading Plan to include underground detention chambers on the east side of the parking lot, two bioretention areas on the north side of the site, and one bioretention area to the south; the on-site stormwater management facilities ultimately appear to connect to a stormwater pond on an adjacent parcel to the east;

ADVISORY NOTES: any project that cumulatively disturbs one acre or more of land must be covered under the NYS SPDES Permit, and 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; per the NYS Department of Transportation, additional stormwater runoff into the state's drainage system is prohibited; and

WHEREAS, the site has access to public drinking water and sewers and is located in the Oak Orchard Wastewater Treatment Plant service area; new municipal connections to public drinking water and sewers are proposed; a submitted letter from OCWA, dated June 18, 2019, indicates a hydrant flow test has been conducted by OCWA;

ADVISORY NOTES: the applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/right-of-ways, 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; 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, 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 the Layout Plan indicates several existing trees will be

removed as part of the 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

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

1. The municipality must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) and/or any drainage reports or studies to the New York State Department of Transportation. Any mitigation as may be determined by the Department must be reflected on the project plans prior to municipal approval. Additional stormwater runoff into the state's right-of-way or drainage system will be prohibited.
2. The applicant must submit a copy of the lighting plan to the New York State Department of Transportation and reflect any mitigation as may be determined by the Department on the project plans prior to municipal approval. No glare or spillover onto adjacent properties or the state right-of-way will be permitted.

The Board also offers the following comments:

1. The Town and applicant may wish to pursue a shared parking agreement with the adjacent Great Northern Mall property, which would help to meet the Town's parking requirements and allow for further reductions of on-site parking if desired. To facilitate shared parking, a revised site design is also encouraged that provides sidewalk and crosswalk connections between the proposed restaurant building and adjacent parking areas.
2. The Board advises the Town to work with the applicant to explore opportunities for infill development that uses previously developed and underutilized lands on the adjacent parcel. Additional consideration for site design and development are encouraged that take into account any future plans for use or development of the Great Northern Mall site.
3. 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 retaining the existing, established trees along Route 31 and incorporating elements such as landscaping along road frontages, landscaping to screen parking areas, and a sidewalk and crosswalk connection from the building to the existing sidewalk along Route

**The motion was made by Lisa Dell and seconded by David Skeval. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-210

- 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 Clay Planning Board at the request of Walgreens Interior Remodel for the property located at 3588 Route 31; 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 31, a state highway, and Oswego Road (Old Route 57 / Route 91), a county highway; and
- WHEREAS, the applicant is proposing to remodel an existing vacant building and establish a Walgreens Pharmacy on a 1-acre parcel in a Regional Commercial (RC-1) zoning district; 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; and
- WHEREAS, the submitted survey map dated June 28, 2019 shows the site has frontage on Route 31 and contains an existing one-story vacant building, formerly a bank, with an attached canopy on the west side of the building and four drive-thru lanes; the front of the building faces Route 31 and there is parking at the front of the building; there is an OCWA waterline easement at the rear of the building; and
- WHEREAS, per the survey map, there is an internal road at the rear of the bank building with exit-only access on the drive-thru side of the building and an entrance-only drive aisle on the other side of the building; the internal road serves several other adjacent commercial properties, providing access to all of the parcels at a signalized intersection on Route 31, two intersections onto Route 57, and an intersection onto Theodolite Drive, a local road to the west; and
- WHEREAS, aerial imagery shows an existing sidewalk along Route 31; there is an existing asphalt area across the internal road from the vacant building, which is contiguous with asphalt on the adjacent parcels and appears to have undelineated access to the internal road; and
- WHEREAS, a letter to the Town from a representative for the applicant, dated July 15, 2019, indicates that the vacant building will be converted to a Walgreens Pharmacy with the majority of the work consisting of interior renovations; proposed hours of operation will be Monday through Friday 9am to 7pm, Saturday 8am to 5pm, and Sunday 10am to 4pm with 2 to 4 employees; and
- WHEREAS, the submitted exterior elevations dated July 1, 2019 show proposed exterior improvements will include replacing the existing storefront entry, applying translucent security film to the existing windows, painting the existing trim and siding, installing a new drive-thru window, and installing a new trash

enclosure; proposed signage is shown to include a 28.27 sf internally-illuminated script sign mounted on the front of the building and a 32 sf internally-illuminated box sign, a 1.67 sf clearance sign, and (5) 1.75 sf directional signs mounted on the drive-thru canopy; per the letter, the pharmacy will only use one drive-thru lane, the one closest to the building; and

WHEREAS, per the submitted Amended Site Plan dated July 1, 2019, there will be three new light poles added to the site, two in front of the building and one along the east side; a site lighting analysis was included with the referral materials; no additional site modifications are indicated; and

WHEREAS, the site is served by public drinking water and sewers and is located in the Wetzel Road Wastewater Treatment Plant service area; no changes to the existing infrastructure are proposed;  
ADVISORY NOTE: the applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/right-of-ways, 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 may contain the Indiana bat or Northern long-eared bat, or their associated habitats, which have been listed by the state or federal government as 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 there are no wooded areas on the site; 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 submit a copy of the lighting plan to the New York State Department of Transportation and reflect any mitigation as may be determined by the Department on the project plans prior to municipal approval. No glare or spillover onto adjacent properties or the state right-of-way will be permitted.

The Board also offers the following comments:

1. The Board encourages the applicant to provide additional landscaping on the site to screen front yard parking and improve walkability along this corridor.
2. To reduce impervious surface coverage on the site and better delineate the internal road, the applicant is encouraged to convert the unused asphalt area at the rear of the site to grass.

**The motion was made by Lisa Dell and seconded by David Skeval. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-211

- 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 Thomas Medaj for the property located at 10210 Manhattan Drive; 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 Caughdenoy Road (Route 50), a county highway, and the municipal boundary between the Town of Clay and Oswego County; and
- WHEREAS, the applicant is requesting area variances to reduce the front yard setback from 75 feet to 46.8 feet and the side yard setback from 25 feet to 2.4 feet as part of a project to construct a replacement garage in a Residential (RA-100) zoning district; and
- WHEREAS, the site is located along Manhattan Drive, a local dead end road, and has frontage on the Oneida River; surrounding land uses include small riverfront residential lots, agricultural and forest land, and lower density residential lots; and
- WHEREAS, per the submitted survey map dated August 21, 2015, the site contains an existing one-story house with a deck and steps on the river side of the house; there is an existing one-story frame garage, to be replaced; aerial imagery shows a gravel driveway onto Manhattan Drive serving the site; and
- WHEREAS, per the local application, the new garage will occupy the same footprint as the existing garage; this location is necessary as the remainder of front yard is needed for the existing septic system; and
- WHEREAS, the site is located outside of the Onondaga County Sanitary District and is served by an existing individual well and septic system; no changes to the existing infrastructure are proposed;  
ADVISORY NOTE: the Onondaga County Health Department's Bureau of Public Health Engineering must formally accept or approve, respectively, any existing or proposed septic system to service this property prior to municipal approval of the area variance; and
- WHEREAS, current FEMA Flood Insurance Rate Maps (FIRM) indicate that the shoreline of the site is minimally located within the 100-year floodplain and more restrictive floodway of the Oneida River, which may require elevation of structures and other mitigation; the Onondaga County Hazard Mitigation Plan has identified flooding as one of five 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, 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 aerial imagery it appears that no trees will be impacted by 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 James Corbett and seconded by Jim Stelter. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-212

- 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 THREE-MILE LIMIT from the City of Syracuse Planning Commission at the request of Quantum Cool, LLC for the property located at 6655 Old Thompson Road; and
- WHEREAS, the site is located within three miles of the City of Syracuse and subject to the extra-territorial jurisdiction of the City of Syracuse under the three-mile limit rule and the site is located within 500 feet of the New York State Thruway (Route 90), a state highway, and East Molloy Road, a county road; and
- WHEREAS, the applicant is proposing to subdivide a 60.2-acre parcel into two new lots, Lot 1 (14.00 acres) and Lot 2 (46.442 acres), in a High Tech zoning district; and
- WHEREAS, the Board previously reviewed a preliminary subdivision referral (S-19-19) from the Town of DeWitt for the subdivision action associated with this three-mile limit review; at the time, the Board reviewed a concurrent site plan referral (Z-19-82) to construct a 76,500 sf manufacturing and office building for Cryomech on proposed Lot 1 of the subdivision; while the Board offered no position with regards to the subdivision action, overall project considerations included coordination with the NYS Thruway Authority and Onondaga County Department of Transportation regarding drainage and lighting plans, traffic data requirements, signage permitting requirements, and consideration for wetland/stream buffering and future cross-connections; and
- WHEREAS, the site contains a portion of the former Brooklawn Golf Course, with surrounding land uses being largely industrial; the site is bound to the south by the New York State Thruway, to the north by East Molly Road, a county road, to the east by the north branch of Ley Creek, and to the west by Moore Road, a local road; there is a tributary to the north branch of Ley Creek crossing the northern portion of the site, and the site is divided roughly in half by large scale overhead power lines, labeled C.N.Y.P Corp., running east-west; and
- WHEREAS, the submitted subdivision plan shows proposed Lot 1 (14 acres) will have 404 feet of frontage on Moore Road and abut the lands containing the power lines; the residual lands will go to Lot 2 (46.823 acres, including roads); the plans submitted for the previous site plan referral (Z-19-82) show proposed Lot 1 is intended for the construction of a new facility for Cryomech; the plans show a proposed manufacturing and office building (76,500 sf) encircled by a service drive with the main parking lot (141 spaces) and an entry courtyard at the southwest corner of the building, loading docks on the south side of the building, and additional parking areas at the front (10 spaces) and north sides (17 spaces) of the building; there is a proposed driveway on Moore Road; the plans also show a future building expansion at the rear of the building, as well as two rows of future parking (66 spaces) along the service road; and
- WHEREAS, a Campus Plan was included in the referral materials for Z-19-82 and showed

a future subdivision that would divide proposed Lot 2 into two lots, a 26.25-acre lot south of the power lines and 20 acres to the north; the northerly parcel, with frontage on East Molloy Road and Fairway Drive, a local road, would have a 120,000 sf building and a 250-space parking lot with access coming from Fairway Drive; the southerly parcel, with frontage on Moore Road, would have 50,000 and 120,000 sf buildings and 400- and 125-space parking lots with access to Moore Road; no additional information regarding potential tenants for future development was included in the referral; ADVISORY NOTE: per the Onondaga County Department of Transportation, no direct access to East Molly Road will be permitted; and

WHEREAS, GIS mapping shows potential federal wetlands associated with the north branch of Ley Creek and its tributary; the subdivision plan shows additional wetland areas on the site and adjacent parcels, including three small wetland areas and one larger one on Lot 1, and indicates that "wetland boundaries are taken from a delineation prepared by EDR, PC in 2014"; there is no indication if the delineated wetlands have been confirmed by the U.S. Army Corps of Engineers; the referral materials for Z-19-82 indicate the proposed Cryomech development will encroach on one of the small delineated wetlands; the remaining wetland areas on Lot 1 will be protected; ADVISORY NOTES: delineated wetlands should be confirmed by the U.S. Army Corps of Engineers; any proposed development or placement of fill in a federal wetland, or drainage of federal wetlands on site will be subject to the permitting requirements of the U.S. Army Corps of Engineers; and

WHEREAS, current FEMA Flood Insurance Rate Maps (FIRM) indicate that the eastern and southern lot lines of the site are located within the 100-year floodplain and floodway, which may require elevation of structures and other mitigation; the Onondaga County Hazard Mitigation Plan has identified flooding as one of five 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, the submitted Environmental Assessment Form (EAF) included with Z-19-82 indicates that less than 14 acres of the site will be disturbed by the proposed project; the plans show stormwater pretreatment areas at the front and northeast corner of the Cryomech building, and a large stormwater basin is along the southern line of Lot 1; ADVISORY NOTES: any project that cumulatively disturbs one acre or more of land must be covered under the NYS SPDES Permit; and

WHEREAS, the site has access to public drinking water and sewers located along Moore Road and is located in the Metropolitan Wastewater Treatment Plant service area; new connections to public drinking water and sewers are proposed as part of the project; ADVISORY NOTES: the applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/right-of-ways, 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; 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 the Onondaga County Department of Water Environment Protection, the

submitted project is located in an area designated as flow constrained or impacted by excessive wet weather flow or is tributary to a Combined Sewer Overflow (CSO);

ADVISORY NOTE: per the Onondaga County Department of Water Environment Protection, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; and

WHEREAS, the site is located in an Onondaga County Drainage District for Bear Trap and Ley Creek, which are maintained by the Department of Water Environment Protection in this area;

ADVISORY NOTE: projects within an Onondaga County Drainage District that require a Stormwater Pollution Prevention Plan (SWPPP) must submit a copy of the SWPPP to the Onondaga County Department of Water Environment Protection for review; any mitigation as may be determined by the Department must be reflected on project plans prior to municipal approval; and

WHEREAS, the project is within 2,000 feet of multiple sites (IDs: C734113, 734070, 734129, 734054) in the NYS Department of Environmental Conservation Environmental Site Remediation database (per EAF Mapper); the site is located over, or immediately adjoining, a principal aquifer (per EAF Mapper); and

WHEREAS, ADVISORY NOTE: per the NYS Thruway Authority, all noise mitigation shall be the sole responsibility of the owner; 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 James Corbett and seconded by Jim Stelter. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-213

- 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 THREE-MILE LIMIT from the City of Syracuse Planning Commission at the request of DB Real Estate of Fayetteville for the property located at Medical Center Drive; and
- WHEREAS, the site is located within three miles of the City of Syracuse and subject to the extra-territorial jurisdiction of the City of Syracuse under the three-mile limit rule and the site is located within 500 feet of North Burdick Street (Route 94), a county highway; and
- WHEREAS, the applicant is proposing to subdivide a 5.38-acre parcel into two new lots, Lot 2A (3.855 acres) and Lot 2B (1.524 acres), as part of a proposed project to construct a special care facility for patients with Alzheimer's disease in a Restricted Agricultural (RA) zoning district; and
- WHEREAS, the Board previously reviewed a preliminary subdivision referral (S-18-78) from the Town of Manlius for the subdivision action associated with this three-mile limit review; at the time, the Board reviewed concurrent site plan (Z-18-335) and special permit (Z-18-336) referrals to construct a 35,080 sf, 66-bed memory care facility on the proposed Lot 2A; while the Board offered no position with regards to the subdivision action, overall project considerations included traffic and drainage data requirements, access agreements for shared driveways, and pedestrian and transit access; and
- WHEREAS, the vacant lot is located in front of the Northeast Medical Center in the Town of Manlius; the site is north of the Fayetteville Towne Center shopping plaza and two auto dealerships and adjacent to a credit union; other surrounding land uses include the Towne Center Retirement Community, townhouses, and the Old Erie Canal State Park and canal trail; and
- WHEREAS, the submitted subdivision plat dated March 11, 2019 shows the site has frontage on Medical Center Drive, a local medianed road that also serves the medical complex, townhouse lots, retirement community, and credit union and connects to North Burdick Street (County Route 94) at a signalized intersection; there is a private road, Emed "B" Road, and a 60' private access/egress easement and right-of-way at the rear of the site that serves the medical complex; and
- WHEREAS, the subdivision plat shows the proposed subdivision will divide the parcel into Lot 2A (3.855 acres) and Lot 2B (1.524 acres); the local application indicates the proposed memory care facility for Lot 2A has received site plan approval; there is no proposed use for Lot 2B at this time; per the survey map, the paved parking area of the adjacent auto dealership encroaches on Lot 2A by up to 22.4 feet and includes vehicular parking; and
- WHEREAS, the plans submitted for the previous site plan referral (Z-19-82) show the proposed memory care facility includes a one-story 35,080 sf building for a 66-

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bed facility with an enclosed courtyard, a network of sidewalks surrounding the building (a portion of which will be enclosed by fencing), parking on the south and east sides of the building (41 spaces total), and a dumpster enclosure; there are two proposed driveways, one each on Emed "B" Road and Medical Center Drive; the Medical Center Drive access is shown to partially occur on the proposed Lot 2B and include a hammerhead, presumably for future development of the remaining vacant lands; and

WHEREAS, per the Environmental Assessment Form (EAF) dated June 3, 2019, 3.64 acres of the site will be disturbed by the proposed project; stormwater runoff will be conveyed towards the southwestern corner of the site and into an existing drainage ditch off site; the plans for the site plan referral Z-18-335 show stormwater quality treatment areas generally encircling the proposed memory care facility;

ADVISORY NOTES: any project that cumulatively disturbs one acre or more of land must be covered under the NYS SPDES Permit; and

WHEREAS, the site has access to public drinking water and sewers and is located in the Meadowbrook-Limestone Wastewater Treatment Plant service area; the Onondaga County Department of Water Environment Protection has determined that the submitted project is located in an area designated as flow constrained or impacted by excessive wet weather flow or is tributary to a Combined Sewer Overflow (CSO);

ADVISORY NOTES: per the Onondaga County Department of Water Environment Protection, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; 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; the applicant is advised to contact OCWA's Engineering Department to determine 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 Central New York Regional Transportation Authority (CENTRO), Northeast Medical Center has limited public transit service; bus stops are located at the medical center entrance and along Medical Center Drive near the Towne Center Retirement Community; additional, and more extensive, transit service is available to the Fayetteville Towne Center shopping plaza, approximately a 1-mile walk from the site; and

WHEREAS, the New York State Department of Environmental Conservation (NYS DEC) Environmental Assessment Form (EAF) Mapper indicates that the site of the proposed action may contain a species of animal (Northern long-eared bat), or associated habitats, listed by the state or federal government as threatened or endangered; impacts to bat species are often associated with tree clearing and aerial imagery shows there is no tree cover on the parcel; 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 James Corbett and seconded by Jim Stelter. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-214

- 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 THREE-MILE LIMIT from the City of Syracuse Planning Commission at the request of Self Storage New Court, LLC for the property located at 4032 & 4036 New Court Avenue; and
- WHEREAS, the site is located within three miles of the City of Syracuse and subject to the extra-territorial jurisdiction of the City of Syracuse under the three-mile limit rule and the site is located within 500 feet of New Court Avenue (Route 598), a state highway; and
- WHEREAS, the applicant is proposing to combine two parcels into New Lot 22A (1.1 acres) in an Industrial zoning district; and
- WHEREAS, the Board previously reviewed a preliminary subdivision referral (S-19-36) from the Town of DeWitt for the subdivision action associated with this three-mile limit review; previously, the Board reviewed a site plan referral (Z-19-106) to renovate the existing vacant warehouse on the site for a self-storage facility; while the Board offered no position with regards to the subdivision action, overall project considerations included continued coordination with the NYS Department of Transportation on access plans; and
- WHEREAS, the site is located in an industrial area along New Court Avenue (NYS Route 598); the submitted Re-Subdivision Plan dated May 11, 2019 shows the site has rear frontage on Eastbourne Drive, a local road, and contains an existing one-story building, which occurs on both of the subject parcels; the building is surrounded on all sides by tarvia, with drives occurring on both sides of the building and parking at the front and rear; and
- WHEREAS, per the Re-Subdivision Plan, there is an existing concrete sidewalk along New Court Avenue with three existing curb cuts for site access; aerial imagery shows access via the westernmost curb cut to be restricted by delineated parking spaces and concrete wheel stops; access to Eastbourne Drive is unrestricted almost the entirety of the frontage;  
ADVISORY NOTE: per the NYS Department of Transportation, all existing or proposed driveways on New Court Avenue must meet Department requirements; and
- WHEREAS, per the site plan referral (Z-19-106), improvements for the proposed self-storage facility, B&C Storage, include installing storage units, an office and a restroom in the vacant warehouse, and painting the existing brick façade, installing new manufactured stone, fibercement clapboard, and rainscreen panels, installing painted steel canopies, installing new windows and doors, and screening generators with a painted or galvanized steel screen; and
- WHEREAS, per the site plan referral (Z-19-106), site improvements include converting the westernmost curb cut and parking along New Court Avenue, a portion of which appears to currently occur in the state right-of-way, to landscaped area,

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delineating 5 parking spaces at the front of the building and 6 at the rear, and adding landscape areas and sidewalks at the front and rear of the building; a portion of the drive on the south side of the building will be converted to grass and access onto Eastbourne Drive will be delineated into two curb cuts by installing landscaping/grass areas;

ADVISORY NOTE: any work within the state right-of-way is subject to a work permit from the NYS Department of Transportation; and

WHEREAS, the site is served by public drinking water and sewers and is located in the Metropolitan Wastewater Treatment Plant service area; no changes to the existing infrastructure are proposed; and

WHEREAS, per the Onondaga County Department of Water Environment Protection, the submitted project is located in an area designated as flow constrained or impacted by excessive wet weather flow or is tributary to a Combined Sewer Overflow (CSO); and

WHEREAS, the site is located in an Onondaga County Drainage District for Bear Trap and Ley Creek, which are maintained by the Department of Water Environment Protection in this area; and

WHEREAS, the project is within 2,000 feet of a site (ID: C734087) in the NYS Department of Environmental Conservation Environmental Site Remediation database (per EAF Mapper); per the NYS DEC, the site is JIT Precision Machine and is a completed site in the Brownfield Cleanup Program; the proposed project does not appear to have any impact on the JIT Precision Machine site; 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 James Corbett and seconded by Jim Stelter. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-215

- 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 THREE-MILE LIMIT from the City of Syracuse Planning Commission at the request of Unifirst Corporation for the property located at 103 Luther Avenue; and
- WHEREAS, the site is located within three miles of the City of Syracuse and subject to the extra-territorial jurisdiction of the City of Syracuse under the three-mile limit rule and the site is located within 500 feet of 7th North Street (Route 45), a county highway, and Route 81, a state highway; and
- WHEREAS, the applicant is proposing to combine eight tax parcels into one new lot (3.256 acres) as part of a larger industrial redevelopment project in an Office and Light Industrial Park (O-2) zoning district; and
- WHEREAS, in 2018, the Board offered no position for a three-mile limit referral (Z-18-341) to combine 7 of the subject parcels into 1 lot, which was approved by the Town in 2016 but never filed; the proposed lot line adjustment currently under review with this three-mile limit referral includes TM# 085.-11-07.1, a 0.18-acre lot at the rear of the original 7 parcels that contains an existing one-story building and will be combined with the other parcels into 1 new lot (3.256 acres); a letter included with the referral materials indicates that the lot line adjustment has been approved by Salina's Director of Planning and Development; and
- WHEREAS, the Board previously reviewed concurrent zone change (Z-18-291), site plan (Z-18-292), and area variance (Z-18-293) referrals to demolish the existing structures on the 7-parcel site and construct a new building to house operations and office space for Unifirst on the subject parcels, citing traffic data requirements for the Onondaga County Department of Transportation and drainage data requirements (i.e., submit a copy of the SWPPP) for the Onondaga County Departments of Transportation and Water Environment Protection; per a phone conversation with the Town of Salina, the applicant will be submitting a revised site plan for the larger industrial redevelopment project, which will incorporate the additional parcel; and
- WHEREAS, the site consists of 8 parcels situated within a swath of industrial land uses bound by I-81, Ley Creek and a CSX rail line, and 7th North Street, a county road; the site has frontage on Luther Avenue and Old 7th North Street, both local roads, with unrestricted access the length of both frontages; the submitted subdivision map dated July 18, 2016 (revised May 18, 2019) shows the site contains 8 one-story buildings, 2 of which were recently demolished and the remaining 6 are to be demolished as part of the renovation project; the remainder of the site is covered with asphalt, also to be removed; and
- WHEREAS, per the submitted Environmental Assessment Form (EAF) dated July 1, 2019, the proposed lot is intended for industrial use; the referrals (Z-18-291, 292, 293) showed the previous iteration of the renovation project to include a

single, proposed building occupying over an acre of the site, sidewalks along the front (north and east) sides of the building, and a rear loading area;  
ADVISORY NOTE: any project that cumulatively disturbs one acre or more of land must be covered under the NYS SPDES Permit from the NYS Department of Environmental Conservation; and

WHEREAS, the site is served by public drinking water and sewers and is located in the Metropolitan Wastewater Treatment Plant and Ley Creek Pump Station service areas;

ADVISORY NOTE: per the Onondaga County Department of Water Environment Protection, any and all demolition of buildings requires a permit for sewer disconnects; the applicant must contact Plumbing Control to ensure appropriate permits are obtained; and

WHEREAS, per the Onondaga County Department of Water Environment Protection, the submitted project is located in an area designated as flow constrained or impacted by excessive wet weather flow or is tributary to a Combined Sewer Overflow (CSO);

ADVISORY NOTE: per the Onondaga County Department of Water Environment Protection, unless it can be demonstrated that anticipated sanitary flows will not exceed previous flows in excess of one sewer unit over prior uses, a 1 gallon to 1 gallon sanitary flow offset plan/project will be required as part of the redevelopment project; and

WHEREAS, the site is located in an Onondaga County Drainage District for Bear Trap and Ley Creek, which are maintained by the Department of Water Environment Protection in this area;

ADVISORY NOTE: projects within an Onondaga County Drainage District that require a Stormwater Pollution Prevention Plan (SWPPP) must submit a copy of the SWPPP to the Onondaga County Department of Water Environment Protection for review; any mitigation as may be determined by the Department must be reflected on project plans prior to municipal approval; and

WHEREAS, current FEMA Flood Insurance Rate Maps (FIRM) indicate that the front half of the site is located within the 100-year floodplain, which may require elevation of structures and other mitigation; the Onondaga County Hazard Mitigation Plan has identified flooding as one of five 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, the project is within 2,000 feet of multiple sites (IDs: 734123, C734118, 734004) in the NYS Department of Environmental Conservation Environmental Site Remediation database (per EAF Mapper), including the lower two miles of Ley Creek which are classified as a Code 2 in the State Superfund Program, meaning the disposal of hazardous waste has been confirmed on the site or it has been listed on the Federal National Priorities List (NPL); and

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

WHEREAS, the site may contain the bald eagle, or its associated habitat, which has been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper); 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 James Corbett and seconded by Jim Stelter. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-216

- 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 Village of Solvay Village Board at the request of Village of Solvay Board of Trustees 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 Local Law No. B of 2019 to amend Chapter 165 of the Code of the Village of Solvay to revise the definition of "Business Uses" and amend the permitted district uses; and
- WHEREAS, per the Village zoning code, "Business Use" is currently defined as "A commercial activity of a retail, service or wholesale nature, including but not limited to stores, shops, offices, public garages, restaurants and entertainment facilities" and is permitted in the Village's Industrial (I), Commercial (C), and Milton Avenue (M) Zoning Districts; Local Law No. B of 2019 will refine the business use by deleting the existing definition and replacing it with three new definitions to describe manufacturing, retail and wholesale business uses separately; and
- WHEREAS, "Business Use," as currently defined, will also be removed from the table of district uses in § 165-27 of the Village zoning code and replaced by the three new business uses; and
- WHEREAS, per the submitted Village of Solvay Village Board Resolution dated June 25, 2019, "Pursuant to Section 165-27 of the revised Zoning Local Law, "Business Use" is permitted, without limitation, in the Industrial, Commercial and Milton Avenue Zoning Districts. Permitting such a broad scope of business uses within the enumerated Zoning Districts fails to acknowledge or accommodate the purposes and intentions of the various Zoning Districts. Of particular concern are the uses to be situated within the Milton Avenue District. As set forth in Section 165-41(B), the intent of the Milton Avenue District 'is to improve the visual appearance of the corridor, encourage mixed-use development, enhance the pedestrian environment and to preserve and promote the historic character of the District.'"; and
- WHEREAS, per the local law, "Business Use, Manufacturing" will be defined as "A commercial activity characterized by the production of goods, by the fabrication of raw materials or the assembly of parts, generally through the use of machinery, for the main purpose of off-premises sales to other manufacturers or nonretail purchasers" and will be a permitted use, other than an activity requiring special permit, in the I zoning district; and
- WHEREAS, per the local law, "Business Use, Retail" will be defined as "A commercial activity characterized by the direct sale of goods and services to the final consumer, including financial institutions, business and professional offices and services, eating establishments and places of amusement and recreation"

and will be a permitted use, other than an activity requiring special permit, in the C and M zoning districts; and

WHEREAS, per the local law, "Business Use, Wholesale" will be defined as "A commercial activity characterized by the bulk sale of merchandise to retail, manufacturing, institutional or other wholesaling establishments, including on-premises storage and distribution facilities" and will be a permitted use, other than an activity requiring special permit, in the I zoning district; and

WHEREAS, ADVISORY NOTE: per the NYS and Onondaga County Departments of Transportation, access to a state or county road serving a new business use must meet the commercial driveway standards of the respective Department; 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 James Corbett and seconded by Jim Stelter. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-217

- 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 Village of Marcellus Planning Board at the request of William Vanderhoof for the property located at 17 North Street; 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 North Street (Route 174), a state highway, and East and West Main Street, both county roads; and
- WHEREAS, the applicant is requesting a special permit to remodel an existing commercial building to include four rental dwelling units in a Village Center (VC) zoning district; and
- WHEREAS, the site is located in the Village core with a mix of commercial, residential and religious uses in the immediate area; aerial imagery shows the site has frontage and an existing sidewalk on North Street, a state road, and contains an existing two-story house; there is no existing driveway on the site and the rear of the lot is undeveloped lawn; and
- WHEREAS, per the local application, the house will be renovated for (2) two-bedroom units and (2) one-bedroom units; multiple dwellings require a special use permit in the VC district, per the Village zoning code; and
- WHEREAS, the submitted Site Plan shows site improvements to include a proposed 10' wide asphalt driveway onto North Street on the south side of the house; the driveway will serve a new proposed asphalt parking area (9 spaces total) at the rear of the house;  
ADVISORY NOTE: the proposed driveway onto North Street requires a residential driveway permit from the NYS Department of Transportation Onondaga West Residency office; and
- WHEREAS, per the Site Plan, there is on-street parking along North Street, including 2 spaces in front of the house which will be restriped due to the proposed curb cut; and
- WHEREAS, the site is served by public drinking water and Village sewers; no changes to the existing infrastructure are proposed; 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 James Corbett and seconded by Jim Stelter. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-218

- 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 Onondaga Town Board at the request of Onondaga Free Library for the property located at 4840 West Seneca Turnpike; 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 West Seneca Turnpike (Route 175) and Onondaga Road (Route 173), both state highways; and
- WHEREAS, the applicant is proposing drainage improvements to the existing system for the Onondaga Free Library on a 3.05-acre parcel in the Onondaga Hill Business District; and
- WHEREAS, in 2008, the Board recommended modification of a site plan referral (Z-08-415) to add an addition to the Onondaga Free Library, requiring any drainage mitigation by the NYS Department of Transportation be shown on the final site plans; and
- WHEREAS, the site is located along West Seneca Turnpike (NYS Route 175) between the major intersections with Makyes Road/Velasko Road to the west and Onondaga Road and South Avenue to the east; surrounding land uses are a mix of commercial, residential, and offices; the rear of the site abuts a large wooded parcel containing Hopper Brook; and
- WHEREAS, the submitted Site Preparation Plan shows the site contains an existing two-story building, Onondaga Free Library, with asphalt parking areas along the east side and at the rear of the building; there is an existing circular drive for drop-offs at the front entrance to the building and a full access driveway to West Seneca Turnpike; aerial imagery shows an existing sidewalk along West Seneca Turnpike and a monument sign at the front of the site; and
- WHEREAS, per the Site Preparation Plan, existing stormwater infrastructure on-site includes an underground detention chamber at the front of the building and various catch basins and storm sewer lines, which ultimately connect to the storm sewer lines along West Seneca Turnpike; there is an additional stormwater management facility in the rear parking lot that presumably provides underground stormwater detention;  
ADVISORY NOTE: per the NYS Department of Transportation, additional stormwater runoff into the state's drainage system is prohibited; and
- WHEREAS, the submitted Environmental Assessment Form (EAF) dated July 19, 2019 indicates the proposed drainage improvements will provide a new cut-off drainage ditch to the south and west of the rear parking lot to capture and convey storm runoff to the existing drainage infrastructure, re-direct roof gutter down spouts to the subsurface drainage system, and provide a drainage structure at the northeast corner of the site to collect and convey storm runoff; and

WHEREAS, per the EAF, 0.195 acres of the site will be disturbed by the proposed project; stormwater runoff will be directed to existing storm infrastructure and conveyance systems; impervious surface coverage will not increase with the proposed action; and

WHEREAS, the site is served by public drinking water and sewers and is located in the Metropolitan Wastewater Treatment Plant service area; no changes to the existing infrastructure are proposed; and

WHEREAS, per the Onondaga County Department of Water Environment Protection, the submitted project is located in an area designated as flow constrained or impacted by excessive wet weather flow or is tributary to a Combined Sewer Overflow (CSO); 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:

Per the New York State Department of Transportation, a drainage study or Stormwater Pollution Prevention Plan (SWPPP) is required to show that the proposed development would not create additional stormwater runoff into the state's drainage system. The applicant must contact the Department to determine the scope of the study, submit the drainage study to the Department for approval, and reflect any appropriate mitigation as may be determined by the Department on the project plans prior to municipal approval.

The Board also offers the following comment:

The Town is advised to contact the City of Syracuse Department of Engineering for review of the project as drainage to Hopper Brook may impact downstream stormwater management facilities maintained by the City of Syracuse. Any mitigation as may be determined by the Department should be reflected on the project plans prior to municipal approval.

**The motion was made by Lisa Dell and seconded by David Skeval. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-219

- 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 Douglas Venesky for the property located at 6114 State Route 31; 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 31, a state highway; and
- WHEREAS, the applicant is proposing to construct two additions (1,090 sf total) to an existing office building and make additional site improvements on a 0.46-acre parcel in a General Commercial zoning district; and
- WHEREAS, the site is located along the NYS Route 31 commercial corridor in the Town of Cicero, just east of Cicero-North Syracuse High School; land uses north and south of Route 31 are mostly residential neighborhoods; and
- WHEREAS, the submitted Site Plan dated July 1, 2019 shows the site contains an existing one-story office building (1,130 sf) set towards the center of the site with a shed (150 sf) at the front, northwest corner of the building; there is an existing tarvia parking area at the front of the building with two existing driveways occurring on Route 31, one at either end of the parking area; an existing freestanding sign is shown between the two driveways and just north of the parking area; and
- WHEREAS, the Site Plan shows the two proposed additions will occur on either side of the building, with 364 sf on the west side and 726 sf on the east; the shed will be relocated to the rear of the building, allowing for parking in its place; a proposed 10' x 14' covered porch is shown at the rear of the 364 sf addition; on-site parking spaces will be re-striped and increase from 8 to 9 spaces; per the local application, there will be no changes in signage, though the mulched planter bed surrounding the sign will be expanded; and
- WHEREAS, the Site Plan shows an existing overhead utility line from a utility pole at the northwest corner of the site to the building that will be relocated underground as part of the proposed project; and
- WHEREAS, per the Site Plan, the side and rear lot lines are lined with existing trees and hedgerow, to remain; and
- WHEREAS, per the local application, the maximum number of employees on site at one time is currently 9; no additional staff is proposed and office hours are Monday through Friday 8am to 5pm; and
- WHEREAS, the site is served by public drinking water and an individual septic system, which is shown to occur at the rear of the site; per the EAF, no changes to the existing infrastructure are proposed; 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 James Corbett and seconded by Jim Stelter. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-220

- 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 OTHER AUTHORIZATION from the Town of Manlius Planning Board at the request of Revive Syracuse Home Rescue, LLC for the property located at 7189 East Genesee Street; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review authorizations which a referring body may issue under the provisions of any zoning ordinance or local law and the site is located within 500 feet of East Genesee Street (Route 5), a state highway; and
- WHEREAS, the applicant is requesting an accessory use permit to establish a real estate broker office in an existing building on a 0.93-acre lot in a Commercial (CA) zoning district; and
- WHEREAS, the site is located along the mile stretch of East Genesee Street (NYS Route 5) between the Village of Fayetteville and Town of DeWitt; the site is just west of the Fayetteville Towne Center shopping plaza; other residential lots along the East Genesee Street corridor have also been converted to commercial/service uses in this area; and
- WHEREAS, the submitted survey map shows the site contains an existing two-story building, the Palmer Homestead, which was originally constructed in 1804; the submitted images show the building recently underwent substantial exterior renovations; per the survey map, the site has an existing driveway onto Route 5 that serves a small parking area along the eastern lot line; and
- WHEREAS, per the local application, the accessory use permit is intended to allow a real estate broker, Better Homes and Gardens Real Estate Select, to occupy a portion of the existing building; the submitted floor plans show the office space will be on the first and second floors at the front of the building; the rear of the building contains a 3-bedroom apartment; proposed hours of operation for the new office are Monday through Friday 8:30am to 5pm with 6 employees and an average of 2-3 customer/clients visiting the office daily; and
- WHEREAS, the submitted parking lot plans show a proposed parking lot expansion (roughly 54' x 60') to occur at the rear of the existing parking area, which will increase on-site parking from 8 to 16 spaces; the plans also show a proposed easement boundary for the adjacent funeral home parking lot, a portion of which falls on the site; and
- WHEREAS, the site is served by public drinking water and sewers and is located in the Meadowbrook-Limestone Wastewater Treatment Plant service area; no changes to the existing infrastructure are proposed; the survey map shows a 25' sewer easement along the frontage of the site;
- ADVISORY NOTE: the applicant is advised to contact OCWA's Engineering Department to determine the activities and structures permitted within OCWA easements/right-of-ways, water availability and service options, obtain

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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 Onondaga County Department of Water Environment Protection, the submitted project is located in an area designated as flow constrained or impacted by excessive wet weather flow or is tributary to a Combined Sewer Overflow (CSO); and

WHEREAS, the site may contain the Indiana bat or Northern long-eared bat, or their associated habitats, which have been listed by the state or federal government as 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 action; 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 Town is advised to review the proposed parking configuration and density to ensure appropriate space is available for safe backing and maneuvering in the parking lot. Shared parking opportunities are also encouraged.

The Town is advised to resubmit plans for Onondaga County Planning Board review if any substantial subsequent modifications to the site plan are made.

**The motion was made by David Skeval and seconded by Matt Beadnell. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-221

- 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 ZONE CHANGE from the Town of Clay Town Board at the request of Town of Clay (Wetzel Road Zone Change) for the property located 4521, 4529, 4555, 4561, 4567 & 4577 Wetzel Road; 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 zone change from Industrial (I-1) to One-Family Residential (R-40) for six parcels totaling 4.85 acres in the Woodard Industrial Park; and
- WHEREAS, the site is located along Wetzel Road, a county road, with surrounding industrial land uses and large tracts of undeveloped, forest land; the site is just east of the intersection with Morgan Road, another county road, and the Wetzel Road and Morgan Road Elementary Schools, Liverpool High School, and the Liverpool Ninth Grade Annex, as well as a CSX rail line; and
- WHEREAS, per the Town zoning map, the site and surrounding lands are all part of the Woodard Industrial Park and zoned Industrial (I-1); there is a 500' industrial perimeter surrounding the park, which designates areas where additional review is required to consider the compatibility of new or modified land uses and/or structures with any residential uses in the surrounding area; Woodard Industrial Park is recognized as one of the county's largest industrial parks and is home to thousands of jobs and numerous employers; existing and proposed uses surrounding the site may be incompatible with residential uses; and
- WHEREAS, aerial imagery shows the site consists of 6 parcels with two occurring on the west side of an existing industrial business, Vari-Tech, and the remaining four parcels occurring to the east; each parcel appears to contain an existing single-family dwelling and a driveway onto Wetzel Road; per the local application, no physical changes to the properties are proposed; the existing houses are non-conforming and the proposed zone change is intended to make the land uses conforming; and
- WHEREAS, per the Town zoning code, the purpose of the existing I-1 District is "to promote and accommodate those kinds of industrial uses that provide the logistical assembly, shipping, storage, servicing, or similar support for retail or other business uses" and does not permit residential land uses; and
- WHEREAS, the purpose of the proposed R-40 District is "to allow lower-density, single-family uses and supportive nonresidential development within the portions of the Town that are not served by public sewers"; uses allowed by right include one-family dwellings and parks/playgrounds, and special permit uses are schools, day-care centers, religious institutions, libraries, community centers, private marinas, home occupations, emergency vehicle stations, and outdoor



recreation; and

WHEREAS, for a residential lot in the R-40 district, the minimum lot area is 40,000 sf, or 0.92 acres, and the minimum lot width is 150 feet; tax maps show 2 of the 6 parcels will not meet the R-40 residential lot area requirement and none of the parcels will meet the lot width requirement; nonresidential lots in the R-40 district require a minimum lot area of 80,000 sf, or 1.83 acres, and a minimum lot width of 150 feet; and

WHEREAS, no changes to the existing driveways are proposed;  
ADVISORY NOTE: per the Onondaga County Department of Transportation, any future development of the site or change in use must be reviewed by the Department; traffic and drainage data will be required for full build out and any access to Wetzel Road must meet Department standards; and

WHEREAS, each parcel is served by public drinking water and an individual septic system; no changes to the existing infrastructure are proposed; 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 no tree clearing is proposed as part of the 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. The Board has offered the following COMMENT(S) in regards to the above referral:

The Board understands accommodation of the pre-existing residential uses, but feels a broader analysis should be performed to evaluate consistency of the proposed rezoning with local and regional land use plans, adjacent zoning districts and economic development objectives for the Woodard Industrial Park.

The Town is advised to consider the potential conflicts between continued residential uses within an industrial and commercial business park, and that:

- the site is entirely surrounded by industrially-zoned land and existing industrial and heavier commercial uses, which are generally incompatible with residential zoning;
- the incompatibility of adjacent land uses may create SEQRA issues and hinder the approval and permitting processes for future industrial and commercial land uses;
- rezoning to residential zoning would hinder rather than facilitate the transition of these lands to commercial or industrial uses;
- the zone change would create non-conforming lots, which may necessitate area variances for any future changes to existing structures;
- wetland constraints on neighboring parcels may push future industrial or commercial uses closer to the residential parcel boundaries; and
- any desired or required buffering of residential uses from commercial and industrial uses would further eliminate land available for industrial park tenants, and create a new burden on landowners.

**The motion was made by Lisa Dell and seconded by Matt Beadnell. The votes were recorded as follows: Daniel Cupoli - no; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - yes; David Skeval - no; Jim Stelter - yes.**



J. Ryan McMahon II  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 07, 2019

OCPB Case # Z-19-222

- 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 PROJECT SITE REVIEW from the City of Syracuse Zoning Administration at the request of 246-250 East Water Street Partners, LLC for the property located at 246-248 & 250 East Water 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 the State Office Building, a state-owned facility, and the Erie Canal Museum, a county-owned facility; and
- WHEREAS, the applicant is proposing to renovate two vacant buildings for commercial and residential mixed uses on two lots totaling 0.09 acres in a Central Business-Office & Service (CBD-OS) zoning district; and
- WHEREAS, the site is located in Downtown Syracuse in the Hanover Square Historic District, which is listed on the National and State Registers of Historic Places; the site is adjacent to the historic State Tower Building, which was recently renovated for retail, office, and residential uses, and is near City Hall and the State Office Building; and
- WHEREAS, the submitted survey maps show the site has frontage and an existing sidewalk on East Water Street, a city street, and contains two 3-story attached buildings; the buildings occupy the entirety of the site except for a rear alley, to be enclosed by a gated fence; and
- WHEREAS, the submitted floor plans show interior renovations of the two buildings are intended to provide space for a first floor future tenant, a first floor restaurant with additional second floor seating, a second floor tasting room, and one- and two-bedroom apartments on the third floor; and
- WHEREAS, the submitted plans show exterior renovations to include new storefronts and windows, a new weathered steel plate façade on the westerly building, and new wood paneling on the easterly building to match the existing paneling; each building is shown to have wall-mounted tenant signage over each storefront; no additional information regarding signage was included; and
- WHEREAS, the plans show a permanent access agreement on the adjacent parking lot, which also has an existing curb cut onto East Water Street; and
- WHEREAS, the site is served by public drinking water and sewers and is located in the Metropolitan Wastewater Treatment Plant service area; no changes to the existing infrastructure are proposed; and
- WHEREAS, per the Onondaga County Department of Water Environment Protection, the submitted project is located in an area designated as flow constrained or impacted by excessive wet weather flow or is tributary to a Combined Sewer Overflow (CSO);

ADVISORY NOTE: per the Onondaga County Department of Water

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Environment Protection, 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; and

WHEREAS, the City of Syracuse is currently undertaking a comprehensive project to revise and modernize zoning in the City; per the ReZone Syracuse draft zoning map dated June 2019, the proposed zoning for the lots is Mixed Use Central Business District (MX-5), which would act to “provide for areas of highest-density, transit-supportive residential development, maximum building heights, minimal parking, and the greatest range and mix of uses”; and

WHEREAS, the project is within 2,000 feet of a site (ID: 734060) in the NYS Department of Environmental Conservation Environmental Site Remediation database (per EAF Mapper); and

WHEREAS, the site may contain the Peregrine falcon, or its associated habitat, which has been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper);

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

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 James Corbett and seconded by Jim Stelter. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-223

- 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 DeWitt Zoning Board of Appeals at the request of Berkley Properties for the property located at 6711, 6721 & 6723 Towpath Road; 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 Interstate Routes 481 and 690, both state highways; and
- WHEREAS, the applicant is requesting area variances to reduce side yard setback and parking requirements as part of a proposed lot line adjustment between three parcels and two office buildings in Office and Professional (O&P) and HighTech (H-T) zoning districts; and
- WHEREAS, the Board recently reviewed the subdivision referral (S-19-51) associated with the requested area variances; and
- WHEREAS, the site is part of the suburban Glacier Creek Office Park development located between Erie Boulevard East and Interstate 690, and north of the Shoppingtown Mall; surrounding land uses are office, commercial, retail, and industrial; and
- WHEREAS, the submitted subdivision plans dated June 25, 2019 show the site has frontage on Towpath Road, a local road, and abuts I-690 to the north; the site consists of three parcels containing (2) two-story office buildings connected by a covered walkway; there are three large, interconnected parking lots at the front of the buildings and four existing driveways onto Towpath Road; per the subdivision plan, there is an area labeled "Observed Wetlands" at the rear of the buildings which appear in aerial imagery to have standing water and vegetation; and
- WHEREAS, per the subdivision plan, the westernmost parcel, TM# 053.-02-02.1, is bisected by a 200' wide parcel owned by Niagara Mohawk Power Corporation and containing overhead utility lines; the portion of the parcel to the north (5.632 acres) is undeveloped, vegetated land; and
- WHEREAS, the proposed subdivision will separate the two buildings onto their own lots with the proposed lot line bisecting the covered walkway; as such, area variances are required to reduce the side yard setback on both proposed lots, which will have each a 0' setback along the proposed lot line where 25' is required; additional variance is sought for parking requirements; per the local application, Building #1 will have 314 spaces where 408 are required and Building #2 will have 189 spaces where 332 are required; per the local application, the site has existing shared parking and access agreements that will remain in place; no development plans are indicated; and
- WHEREAS, the site is served by public drinking water and sewers and is located in the

Metropolitan Wastewater Treatment Plant service area; no changes to the existing infrastructure are proposed; and

WHEREAS, per the Onondaga County Department of Water Environment Protection, the submitted project is located in an area designated as flow constrained or impacted by excessive wet weather flow or is tributary to a Combined Sewer Overflow (CSO); and

WHEREAS, the site is located along a stretch of Towpath Road which will undergo a large New York State Department of Transportation (NYSDOT) project to install bicycle, pedestrian, and roadway enhancements to accommodate the Empire State Trail; and

WHEREAS, the site is located in an Onondaga County Drainage District for Bear Trap and Ley Creek, which are maintained by the Department of Water Environment Protection in this area; and

WHEREAS, GIS mapping shows the northern half of the site, including the undeveloped portion of TM# 053.-02-02.1, may contain state and federal wetlands; portions of the existing buildings and parking lots appear to fall in the potential wetland areas; and

WHEREAS, the site may contain the Indiana bat or 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 no tree clearing is proposed as part of the 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. The Board has offered the following COMMENT(S) in regards to the above referral:

Prior to any future development or use of the proposed parcels, the Town and applicant are encouraged to explore opportunities for complementary development that capitalizes on the plans for the Empire State Trail corridor.

**The motion was made by James Corbett and seconded by Matt Beadnell. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-224

- 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 ZONE CHANGE from the Town of Elbridge Town Board at the request of The Kester Homestead, LLC for the property located at 5606 Kester Road; 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 the site is located within 500 feet of a farm operation located in a NYS Agricultural District; and
- WHEREAS, the applicant is proposing a zone change from Agricultural to Planned Commercial (PCD) zoning district on a 9.2-acre parcel in order to facilitate the redevelopment of the property into an event venue; and
- WHEREAS, the Board is concurrently reviewing a site plan referral (Z-19-225) as part of the proposed project; and
- WHEREAS, the site is located in a rural area in the Town of Elbridge; the site and surrounding lands are enrolled in NYS Agricultural District 3; there appears to be active farmland in the surrounding area; the site is also adjacent to parcels containing an electric substation for National Grid; and
- WHEREAS, the submitted Site Plan dated 5/28/2019 shows the site has frontage on Kester Road, a local road, and contains an existing house, "The 1854 House", a carriage house, an RV, and two barn structures, "The Gambrel Barn" and "The Fieldstone Barn"; aerial imagery shows an existing asphalt driveway serving the house and an existing gravel driveway serving the barns; there are no proposed changes to the existing driveways; and
- WHEREAS, the referral materials include a local law filing, which will amend the Town of Elbridge zoning code to create the Kester Homestead Planned Commercial District and amend the Town zoning map to reflect the zone change from Agricultural to Planned Commercial District; and
- WHEREAS, per the local law, a new section, 30.40.1 Kester Homestead Planned Commercial District, will be added to the Town zoning code; the new district will be applied to the subject parcel and "is designed to create a unified facility to accommodate special events such as weddings; group gatherings; celebrations and similar short term invitation only gatherings"; home occupations, subject to Town special permit restrictions, will also be permitted in the new PCD; the arrangement, layout, and design of the improvements on the property will be limited to those depicted in the submitted Site Plan dated 5/28/19, revised 6/27/19; and
- WHEREAS, the new section 30.40.1 outlines specific limitations for the proposed PCD relating to hours of operation, occupancy, number of representatives on site, sanitary facilities, etc., which may only be amended or modified by the Town Board after review and consideration of a special permit; events on the site

must conclude by 11pm on Fridays and Saturdays and 10pm on Sunday through Thursday; and

WHEREAS, per the Site Plan, the Kester Homestead includes a reception area, "The Wild Garden," at the rear of the barns, a small outdoor area, "The Woodlands Cathedral," for temporary ceremonial/recreational uses, two walking trails to the Woodlands Cathedral, and a grassed parking area with 75 spaces, "Orchard Parking," and proposed ingress and egress onto Kester Road; an area for temporary tent location(s) is also shown on the site which would be available for use during gatherings only; per the local application, Phase I will include the use of the property "as is" without any updates for use as an outdoor facility, Phase II will include updates to the main barn to allow for operation as an indoor facility, and Phase III will add septic, well and interior bathrooms and catering prep space to the main barn; per the local application, the site does not meet the Town's minimum acreage requirement, 10 acres, for a PCD; and

WHEREAS, per the submitted Environmental Assessment Form (EAF) dated April 3, 2019, proposed lighting will include electric wallpacks on barn structures, parking lot light poles with downward cast lighting, string lighting for ambiance in outdoor gathering areas, and footpath lighting; the Site Plan shows proposed signage to include a freestanding wooden sign (3' x 2'), to be installed at the entrance to the parking field and lit by a solar light spotlight during events only; and

WHEREAS, the submitted Drainage Narrative dated March 28, 2019, indicates that a representative for the applicant reviewed potential stormwater impacts for the site and concluded there are no proposed changes in impervious surface cover or topography on the site; as such, there are no anticipated increases or changes to existing stormwater patterns; peak runoff flows and volumes will occur on site as part of the proposed site use; given the limited nature of any work on the site, it was determined that an erosion and sedimentation control plan for stormwater was not needed; and

WHEREAS, per the Site Plan, the residence is served by an individual well and septic system; there is a second existing well, to be decommissioned; an area labeled "possible port-o-potty location for use during gatherings" is also shown on the site; per the EAF, a new well and septic system are proposed as part of the project; the referral materials include a letter from the Onondaga County Health Department, dated May 7, 2019, approving the proposed sewage disposal plan for the service of a design sanitary waste flow of 575 gallons per day maximum; per the letter, inspection and approval of construction of the approved facility is required; and

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

WHEREAS, 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

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:

As the site and adjacent lands are enrolled in a NYS Agricultural District, are zoned as Agricultural zoning, and the adjacent lands are being actively farmed, the Board has concerns regarding inherent conflicts between the proposed commercial zoning district and use and the neighboring agricultural use. The Town is encouraged to consider alternative zoning districts or amendments to the existing Agricultural zoning district which may allow for the proposed use while offering greater protections for existing farm operations.

**The motion was made by David Skeval and seconded by Matt Beadnell. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-225

- 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 Elbridge Town Board at the request of The Kester Homestead, LLC for the property located at 5606 Kester 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 a farm operation located in a NYS Agricultural District; and
- WHEREAS, the applicant is proposing to redevelop a 9.2-acre property into an event venue in a proposed Planned Commercial (PCD) zoning district; and
- WHEREAS, the Board is concurrently reviewing a zone change referral (Z-19-224) as part of the proposed project; and
- WHEREAS, the site is located in a rural area in the Town of Elbridge; the site and surrounding lands are enrolled in NYS Agricultural District 3; there appears to be active farmland in the surrounding area; the site is also adjacent to parcels containing an electric substation for National Grid; and
- WHEREAS, the submitted Site Plan dated 5/28/2019 shows the site has frontage on Kester Road, a local road, and contains an existing house, "The 1854 House", a carriage house, an RV, and two barn structures, "The Gambrel Barn" and "The Fieldstone Barn"; aerial imagery shows an existing asphalt driveway serving the house and an existing gravel driveway serving the barns; there are no proposed changes to the existing driveways; and
- WHEREAS, the referral materials include a local law filing, which will amend the Town of Elbridge zoning code to create the Kester Homestead Planned Commercial District and amend the Town zoning map to reflect the zone change from Agricultural to Planned Commercial District; and
- WHEREAS, per the local law, a new section, 30.40.1 Kester Homestead Planned Commercial District, will be added to the Town zoning code; the new district will be applied to the subject parcel and "is designed to create a unified facility to accommodate special events such as weddings; group gatherings; celebrations and similar short term invitation only gatherings"; home occupations, subject to Town special permit restrictions, will also be permitted in the new PCD; the arrangement, layout, and design of the improvements on the property will be limited to those depicted in the submitted Site Plan dated 5/28/19, revised 6/27/19; and
- WHEREAS, the new section 30.40.1 outlines specific limitations for the proposed PCD relating to hours of operation, occupancy, number of representatives on site, sanitary facilities, etc., which may only be amended or modified by the Town Board after review and consideration of a special permit; events on the site must conclude by 11pm on Fridays and Saturdays and 10pm on Sunday through Thursday; and

WHEREAS, per the Site Plan, the Kester Homestead includes a reception area, “The Wild Garden,” at the rear of the barns, a small outdoor area, “The Woodlands Cathedral,” for temporary ceremonial/recreational uses, two walking trails to the Woodlands Cathedral, and a grassed parking area with 75 spaces, “Orchard Parking,” and proposed ingress and egress onto Kester Road; an area for temporary tent location(s) is also shown on the site which would be available for use during gatherings only; per the local application, Phase I will include the use of the property “as is” without any updates for use as an outdoor facility, Phase II will include updates to the main barn to allow for operation as an indoor facility, and Phase III will add septic, well and interior bathrooms and catering prep space to the main barn; per the local application, the site does not meet the Town’s minimum acreage requirement, 10 acres, for a PCD; and

WHEREAS, per the submitted Environmental Assessment Form (EAF) dated April 3, 2019, proposed lighting will include electric wallpacks on barn structures, parking lot light poles with downward cast lighting, string lighting for ambiance in outdoor gathering areas, and footpath lighting; the Site Plan shows proposed signage to include a freestanding wooden sign (3’ x 2’), to be installed at the entrance to the parking field and lit by a solar light spotlight during events only; and

WHEREAS, the submitted Drainage Narrative dated March 28, 2019, indicates that a representative for the applicant reviewed potential stormwater impacts for the site and concluded there are no proposed changes in impervious surface cover or topography on the site; as such, there are no anticipated increases or changes to existing stormwater patterns; peak runoff flows and volumes will occur on site as part of the proposed site use; given the limited nature of any work on the site, it was determined that an erosion and sedimentation control plan for stormwater was not needed; and

WHEREAS, per the Site Plan, the residence is served by an individual well and septic system; there is a second existing well, to be decommissioned; an area labeled “possible port-o-potty location for use during gatherings” is also shown on the site; per the EAF, a new well and septic system are proposed as part of the project; the referral materials include a letter from the Onondaga County Health Department, dated May 7, 2019, approving the proposed sewage disposal plan for the service of a design sanitary waste flow of 575 gallons per day maximum; per the letter, inspection and approval of construction of the approved facility is required; and

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

WHEREAS, 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

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 James Corbett and seconded by Jim Stelter. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - 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: August 07, 2019

OCPB Case # Z-19-226

- 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 PROJECT SITE REVIEW from the City of Syracuse Zoning Administration at the request of Syracuse Urban Partnership for the property located at 484 South Salina 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 the Clinton Wastewater Storage Facility, a county-owned facility; and
- WHEREAS, the applicant is proposing construction of a four-story mixed-use building with restaurant, retail, office and residential uses on a 3.3-acre parcel in a Central Business District - Retail (CBD-R) zoning district; and
- WHEREAS, in 2018, the Board offered no position for a subdivision referral (S-18-86) to combine three lots into one, which was approved locally and created the subject parcel; and
- WHEREAS, the site is located in Downtown Syracuse in the South Salina Street Historic District and west across the street from Hotel Syracuse, which is listed on the National Register of Historic Places; the site has existing sidewalks and frontage on South Clinton Street, West Onondaga Street, and South Salina Street, all city streets, and contains a large existing parking lot and guard shack, to be demolished; and
- WHEREAS, the submitted Layout and Lighting Plan dated July 1, 2019 shows the proposed 4-story building to be located along the West Onondaga Street and South Salina Street frontages; a small parking lot (29 spaces) is shown at the rear of the building with two 24' wide curb cuts onto South Clinton Street; the submitted Site Material Plan shows new concrete pavement surrounding a majority of the building, creating outdoor pedestrian spaces on the site; new planting beds are shown around the parking lot and a portion of the building, and a large turf area is proposed for the West Onondaga Street/South Clinton Street corner; the existing sidewalks along the road frontages will remain, though a portion along South Clinton Street will be replaced, and all but 5 existing street trees will remain; and
- WHEREAS, per the local application, the basement floor (13,000 sf) of the building will be building systems and storage for first floor tenants, the first floor use (24,000 sf) will be assembly and mercantile with the main function being a foodhall, to include two anchor tenants, 8 smaller cooking tenants, and 2 tenant stalls for selling pre-packaged goods, and a large seating area/pedestrian access, the second floor use (14,000sf) will be business with two office tenants, and third and fourth floor uses (14,000 sf each) will be residential with a mix of (13) one- and two-bedroom apartments per floor; and
- WHEREAS, per the submitted Environmental Assessment Form (EAF) dated July 18, 2019, proposed hours of operation will be Monday through Friday 7am to

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

E-mail Address: [countyplanning@ongov.net](mailto:countyplanning@ongov.net)

10pm, Saturday 7am to 12pm, and Sunday 8am to 6pm; and

WHEREAS, proposed lighting includes pole-mounted light fixtures (20' mounting height) in the parking lot, pedestrian post-mounted light fixtures (15' mounting height), bollard lights (36" tall), catenary lights (15' mounting height), and uplights aimed at trees; and

WHEREAS, per the EAF, 1.66 acres of the site will be disturbed by the proposed project; stormwater runoff will be conveyed to on-site stormwater management structures and then discharged to the existing City storm system;

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, the site has access to public drinking water and sewers and is located in the Metropolitan Wastewater Treatment Plant service area; per the EAF, a water line extension is proposed to connect from the existing 12" water main on South Salina Street to the building; a proposed sanitary sewer lateral will connect from the building to the existing 72" sanitary main along West Onondaga Street; a Project Planning Questionnaire for the Onondaga County Department of Water Environment Project was included with the referral materials;

ADVISORY NOTE: the applicant is advised to continue coordinating with the Onondaga County Department of Water Environment Protection Flow Control office to determine sewer availability and capacity; and

WHEREAS, per the Onondaga County Department of Water Environment Protection, the submitted project is located in an area designated as flow constrained or impacted by excessive wet weather flow or is tributary to a Combined Sewer Overflow (CSO);

ADVISORY NOTE: per the Onondaga County Department of Water Environment Protection, the applicant must develop a 1 gallon to 1 gallon sanitary flow offset plan/project in coordination with the municipal engineer; and

WHEREAS, the City of Syracuse is currently undertaking a comprehensive project to revise and modernize zoning in the City; per the ReZone Syracuse draft zoning map dated June 2019, the proposed zoning for this lot is Mixed Use Central Business District (MX-5), which would act to "provide for areas of highest-density, transit-supportive residential development, maximum building heights, minimal parking, and the greatest range and mix of uses"; 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

WHEREAS, the site may contain the peregrine falcon, or its associated habitat, which has been listed by the state or federal government as a threatened or endangered animal species (per EAF Mapper);

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

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 James Corbett and seconded by Jim Stelter. The votes were recorded as follows: Daniel Cupoli - yes; James Corbett - yes; Matt Beadnell - yes; Lisa Dell - yes; David Skeval - yes; Jim Stelter - yes.**



## Legal Memorandum LG02

### ROLE OF FINDINGS IN LOCAL GOVERNMENT DECISIONS

"The absence of ... findings and the inadequacy of the evidence in the record to support respondent's determination requires vacatur of that determination and remittal of the matter to respondent for a hearing, proper findings and a new determination...."

*Graham v. Town of Tully Planning Board*, 237 A.D.2d 923 (4th Dept. 1997).

Case law reporters are replete with cases which end with similar statements. While the local government body which has made the determination subject to remand has the opportunity to justify its decision, this opportunity is not without cost to both the local government and the community. Local governments must bear the expense of defending board decisions, while applicants or others aggrieved must bear both the expense of the challenge and the cost of lost economic benefit through completion of the project. This problem can be avoided. Some "rules of thumb" will help guide local boards to make defensible findings which justify a final determination, whatever it may be.

Local boards, such as planning boards, zoning boards of appeals, historic preservation boards and environmental quality review boards, are subject to standard rules of administrative law and do not have unfettered decision-making authority. They may make a decision only when all of the requirements specified in state statute or local law are addressed. The making of administrative findings provides administrative boards with the vehicle for demonstrating their full compliance with all procedural and substantive requirements of law.

What are findings? Simply put, findings are statements which, with analysis, connect the legal requirements governing the determination made to the facts contained in the record. They are something more than mere reiteration of legal requirements and facts. Proper findings can demonstrate that the "administrative agency determination is shored up by substantial evidence." (*300 Gramatan Ave. Associates v. State Division of Human Rights*, 45 N.Y.2d 176, 181 (1978)).

Conclusory statements are always inadequate to sustain a decision upon review by a court. (See *Loram Development Corp. v. Planning Bd. of the Town of Huntington*, 53 A.D.2d 670 (1976); *300 Gramatan Ave. Associates, supra*; *Bowers v. Aron*, 142 A.D.2d 32 (1988); *Morrone v. Bennett*, 164 A.D.2d 887 (1990)). Further, a decision based upon conclusory statements, wholly unsupported by factual information contained in the record, will be struck down as arbitrary and capricious without opportunity for remand. (See *Frangella Mushroom Farms, Inc. v. Zoning Board of Appeals of the Town of Coeymans*, 87 A.D.2d 962, aff'd 57 N.Y.2d 811 (1982); *Pyramid Co. of Watertown v. Planning Bd. of Town of Watertown*, 24 A.D.3d 1312 (2005)).

How may findings be supported by the record? First, findings must specifically *identify facts* found in the record which the board considers relevant in the application of the substantive legal standard relating to their decision. Second, findings must evidence some *analysis* of those facts in relation to the substantive legal standard.

The record is largely composed of facts which come to the board via different avenues: copies of newspaper notices, transcripts and minutes of meetings, public notices, the application and supporting documentation (such as an environmental impact statement), testimony of interested members of the community presented at public hearings, written submissions during the public comment period, expert opinion submitted orally or in written form, and through personal observations and knowledge of board members. A decision which successfully relates the factual evidence to the applicable legal standards in the findings, is given great deference in court:

"It is well settled that a determination of a Zoning Board of Appeals should not be set aside unless illegal, arbitrary or an abuse of discretion....If a decision is rational and is supported by substantial evidence, a reviewing court may not substitute its judgment for that of a zoning board of appeals even if an opposite conclusion might logically be drawn (Rice, Practice Commentaries, McKinney's Cons Laws of N.Y., Book 63, Village Law, §7-712-c, at 461...).... Those conclusions are supported by the record and provide ample support for the ZBA's determination...." (citations omitted)

*Village of Honeoye Falls v. Town of Mendon Zoning Board of Appeals*, 237 A.D.2d 929, 930 (4th Dept. 1997); see also *Fuhst v. Foley*, 45 N.Y.2d 441 (1978).

When reviewing a decision of an administrative body, courts will limit their review to "ascertaining whether the determination has a rational basis and is supported by substantial evidence." (*Hanson v. Valenty*, 198 A.D.2d 598



(3rd Dept. 1993)). Findings provide the courts with the material for conducting this limited review ("[t]his necessarily requires the zoning board to set forth in its determination the evidence it relied upon in reaching its conclusions...." *Hanson*, 198 A.D.2d at 598-599). For example, in *Sasso v. Osgood* (86 N.Y.2d 374 (1995)) the court specifically identified facts in the record (referring to "photographs and other materials in the record") which amply provided the rational basis for the zoning board of appeals' conclusion that each standard for issuing the variance in question had been met.

The board must discern, however, truly factual information from mere "general sentiment," for the latter cannot support a finding:

"We conclude that the denial of the petition for an area variance is arbitrary and capricious and is not supported by substantial evidence.... The record shows that respondent's determination was not the result of a balancing of all of the appropriate factors (*see*, Town Law, §267-b...), but was the result of general community opposition."

*D'Angelo v. Zoning Board of the Town of Webster*, 229 A.D.2d 945 (1996) *lve.* for app. den. 89 N.Y.2d 803. (See also *Market Square Properties v. Town of Guilderland*, 66 N.Y.2d 893 (1985), where the court held that, "[w]hile expert opinion regarding traffic patterns may not be disregarded in favor of generalized community objections...here there was other basis in the record for respondent's determination...to which evidence respondent's discretion and common sense judgments might be applied in accordance with the town ordinance....").

The Court of Appeals has clearly held that generalized community opposition, in the absence of substantial evidence relating to the substantive legal grounds for making a determination, cannot constitute support for the denial of an application. (See *Matter of Twin County Recycling Corp. v. Yevoli*, 90 N.Y.2d 1000 (1997); *Metro Enviro Transfer, LLC v. Vil. of Croton-on-Hudson*, 5 N.Y.3d 236 (2005)). First hand observations of neighbors incorporated into the record are distinguishable from "conclusory or general observations" and may be considered by a board in its discretion. (See *Michelson v. Warshavsky*, 236 A.D.2d 406 (2nd Dept. 1997)). Similarly, personal observations and knowledge of board members may provide the factual basis for a decision, so long as those observations and knowledge are entered into the record. (See *Filangeri v. Pulichene*, 229 A.D.2d 702 (3rd Dept. 1996); *Tunis-Huntington Dodge, Inc. v. Horn*, 29 A.D.2d 990 (2nd Dept. 1968)). It is axiomatic that information within the knowledge of the administrative decision maker but **outside** the record of the matter before it cannot be utilized to support its decision. (See *Simpson v. Wolansky*, 38 N.Y.2d 391 (1975); *Mulligan's Night Club & Café, Inc. v. Buffalo Common Council*, 184 A.D.2d 1016 (4th Dept. 1992); *Langhorne v. Jackson*, 206 A.D.2d 666 (3rd Dept. 1994). Courts will defer to the determinations of an administrative body relating to credibility of witnesses, the weight of evidence and relevance of evidence to the applicable legal standards:

"The agency's assessment of the credibility of witnesses, inferences to be drawn from the evidence and findings of fact are conclusive if supported by substantial evidence...." *Jackson's Marina, Inc. v. Jorling*, 193 A.D.2d 863, 866 (3rd Dept. 1993). (See, also, *Hirsch v. New York State Department of Motor Vehicles*, 182 A.D.2d 761 (2nd Dept. 1992), citing *PASNY v. Williams*, 101 A.D.2d 659 (3rd Dept. 1984).

If a board has failed to make findings, courts generally will remit the matter back to the board:

"Here, respondent [planning board] failed to make findings supporting its determination that development of lots 1 through 10 was acceptable but that, absent a second access, development of lots 11 through 25 was unacceptable. The absence of such findings and the inadequacy of the evidence in the record to support respondent's determination requires vacatur of that determination and remittal of the matter to respondent for a hearing, proper findings and a new determination...."(citations omitted)

*Graham v. Town of Tully Planning Board, supra*, 237 A.D.2d 923 at 924.

Occasionally, however, a failure to making findings and lack of sufficiency of the record will result in annulment of the board's decision and remittal with direction that the permit be issued. (*Van Wormer v. Planning Board of the Town of Richland*, 158 A.D.2d 995 (4th Dept. 1990)). Where remand for the purpose of making factual findings will serve no purpose "because the record clearly indicates that the Board's action in revoking petitioner's excavation permit is contrary to law [relating to nonconforming uses]" the court may step in to decide the matter even absent the existence of findings by the local zoning board of appeals. (See *Syracuse Aggregate v. Weise*, 51 N.Y.2d 278 (1980); *Kreye v. Bordino*, 302 A.D.2d 465 (2d Dept., 2003)). A zoning board of appeals, in particular, when considering a variance application, is governed by criteria set forth in state law. (See Gen. City L. §81-b; Town L. §267-b; Vil. L. §7-712-b.) Where a board of appeals fails to consider and make findings relating to those criteria, its decision will be struck down. (See *Henthorne v. Molloy*, 270 A.D.2d 420 (2nd Dept. 2000); *Lazzara v. Kern*, 269 A.D.2d 449 (2nd Dept. 2000).)

"The findings of the board must disclose all of the evidence relied on by the board in reaching its decision. [citations omitted] Only by such full disclosure can the reviewing court determine whether the board's decision is based upon facts supported by evidence in the record that has a rational basis, and reverse or remand in the event such facts are absent, [citations omitted] or affirm in the event the board's decision is supported by evidence. [citations omitted]"

Salkin, 2 *N.Y. Zoning Law & Practice* §28:32 (Oct. 2006 Update)).

Findings memorialize the process the administrative board undertakes when it makes a decision. It must first collect the evidence found in the record, then appraise the evidence by assigning it appropriate weight and credibility. Only then may the board correlate the evidence with the applicable legal standard to result in findings which, cumulatively, yield the board's final decision. The board which clearly memorializes this process by including detailed and carefully written findings in its decisions has given itself the best insurance against successful challenge.

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This memorandum provides general information and guidance only. Local board members are encouraged to seek legal counsel for any specific question or matter under review.