



# Onondaga County Planning Board

August 06, 2014

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

<u>I. ATTENDANCE</u>	<u>STAFF PRESENT</u>	<u>GUESTS PRESENT</u>
<u>MEMBERS</u>		
Douglas Morris	Andrew Maxwell	
Robert Jokl	Megan Costa	
Daniel Cupoli	Gilly Cantor	
Chester Dudzinski, Jr.	Robin Coon	

## II. CALL TO ORDER

The meeting was called to order at 11:00 AM on August 06, 2014

## III. MINUTES

Minutes from July 16, 2014 were submitted for approval. Robert Jokl made a motion to accept the minutes. Daniel Cupoli seconded the motion. The votes were recorded as follows: Douglas Morris - yes; Chester Dudzinski - yes; Robert Jokl - yes; Daniel Cupoli - yes.

## IV. ACTIONS ON GML SECTION 239 REFERRALS

### Summary

S-14-61	No Position With Comment	S-14-62	Modification	S-14-63	No Position With Comment
S-14-64	No Position	S-14-65	Modification	Z-14-264	No Position
Z-14-265	No Position	Z-14-268	No Position	Z-14-269	No Position
Z-14-270	Disapproval	Z-14-271	No Position	Z-14-272	No Position
Z-14-273	No Position With Comment	Z-14-274	No Position With Comment	Z-14-275	No Position
Z-14-276	No Position	Z-14-277	No Position	Z-14-278	No Position
Z-14-279	No Position With Comment	Z-14-280	No Position With Comment	Z-14-281	No Position
Z-14-282	No Position	Z-14-283	No Position With Comment	Z-14-284	No Position With Comment
Z-14-285	No Position With Comment	Z-14-286	No Position	Z-14-287	Modification
Z-14-288	Modification	Z-14-289	Disapproval	Z-14-290	No Position
Z-14-291	Modification	Z-14-292	Modification	Z-14-293	No Position With Comment
Z-14-294	Modification	Z-14-295	Modification	Z-14-296	Modification
Z-14-297	Modification	Z-14-298	Modification	Z-14-299	Modification
Z-14-300	Modification	Z-14-301	No Position With Comment	Z-14-302	No Position With Comment



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # S-14-61

- 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 Town of Van Buren Planning Board at the request of Grace M. Drake for the property located 7716 Seneca Beach Drive; 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 Van Buren and the Town of Lysander; and
- WHEREAS, the applicant is proposing to subdivide 3.47-acre parcel into two lots, Lot 1 (0.82 acres) and Lot 2 (2.88 acres) in a Residential (R-10) zoning district; and
- WHEREAS, the Final Plan dated May 28, 2014 shows proposed Lot 1 as vacant and proposed Lot 2 with two existing buildings, one of which is over the 30' building line; aerial photography shows an existing house on proposed Lot 1, and two existing structures on proposed Lot 2; and
- WHEREAS, the plan shows the lots with frontage on Seneca Beach Drive, a local street, and does not show driveways; aerial photography shows each proposed lot has one existing driveway on Seneca Beach Drive; and
- WHEREAS, the site is located near the Seneca River; the plan notes the entire parcel is within "Zone A-4 Flood Hazard per FIRM"; the current FEMA Flood Insurance Rate Maps (FIRM) confirm this parcel is in a Special Flood Hazard Area (SFHA); and
- WHEREAS, 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, an Environmental Assessment Form dated April 15, 2014 was included with the referral; the New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates the project site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office archaeological site inventory, and is located over, or immediately adjoining, principal and primary aquifers; and
- WHEREAS, the EAF mapper further indicates the site may contain federal wetlands; per the U.S. Army Corps of Engineers, National Wetland Inventory Maps may not be used to confirm the presence/absence of federal wetlands on a given parcel of land; and
- WHEREAS, the site is located in the Baldwinsville-Seneca Knolls Wastewater Treatment Plant service area; the referral notice indicates the site is served by public water and private septic; the plan shows a House Plumbing, Drain & Sewer

Connection detail; and

WHEREAS, 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. The municipality is encouraged to minimize exposure to damage from natural hazards and uphold local flood ordinance requirements, as required for good standing in the National Flood Insurance Program, by ensuring that any proposed development would not negatively affect drainage patterns in or near the floodplain.
2. The applicant is advised to conduct a formal wetland delineation to determine the presence and location of any federal wetlands on site, and the delineated wetlands should be confirmed by the U.S. Army Corps of Engineers and shown on the plans for the site. The applicant should also obtain appropriate permits from the Corps for any proposed development or drainage into wetlands on site.

**The motion was made by Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # S-14-62

- 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 PRELIMINARY SUBDIVISION from the Town of Spafford Town Board at the request of Murray & Margaret Vassar for the property located 1624 Willowdale 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 Willowdale Road, a county road, and a farm operation in an agricultural district; and
- WHEREAS, the applicant is proposing to subdivide a 15.62-acre parcel into two lots, one with an existing house and one with the remaining lands, in a Residential-Agricultural (R-A) zoning district; and
- WHEREAS, the Boundary Survey dated May 21, 2014 shows proposed Area A (2.007 acres) and proposed Area B (14.650 acres); proposed Area A is shown to contain a two-story frame house, one-story metal frame barn, tile field area, and geothermal field area; no structures are shown on Area B; a 20' New York State Gas & Electric Corporation easement is shown crossing the length of proposed Area B; an additional parcel to the north is labeled as being part of the subject property, however tax maps indicate it to be a separate parcel (number 021.-03-16.2); and
- WHEREAS, per the survey, both proposed lots have frontage on Willowdale Road, and proposed Area B has a private drive (Smith Road) onto Willowdale Road, which must meet the requirements of the Onondaga County Department of Transportation; proposed Area A is not shown to have any driveways for the house or barn; the survey states "Life use of private drive known as Smith Road granted to Christopher M. Collman and Nancy K. Collman by deed... such use to terminate upon the demise of both grantees and cannot be transferred, assigned or conveyed to others"; per the survey, the Collmans are the owners of the adjacent parcel to the west; the private drive leads through proposed Area B and accesses several adjacent parcels to the northeast; and
- WHEREAS, the New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates the site may contain federal wetlands, and contains a species of animal, or associated habitats, listed by the state or federal government as threatened or endangered; and
- WHEREAS, the Environmental Assessment Form dated July 17, 2014 notes the site is served by private well and septic; the Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service this property prior to Department endorsement of this subdivision plan; and
- WHEREAS, the Onondaga County Agricultural District map shows the site is adjacent to a farmed property in Agricultural District 2; 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. Per the Onondaga County Department of Transportation, all existing access to Willowdale Road must meet Department requirements as stated in the Department's access permit form 1502-REV.6-13.
2. Per the Onondaga County Department of Transportation, any proposed additional access to Willowdale Road is prohibited. All existing and future development on this site must use the existing private drive for access to Willowdale Road, and appropriate access agreements must be in place for existing and future shared access to the private drive.
3. The Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service this property prior to Department endorsement of this subdivision plan.

The Board also offers the following comment:

The applicant is advised to conduct a formal wetland delineation to determine the presence and location of any federal wetlands on site, and any delineated wetlands must be confirmed by the U.S. Army Corps of Engineers and shown on the plans for the site. The applicant is also advised to obtain appropriate permits from the Corps for any proposed development or drainage into wetlands on site.

**The motion was made by Chester Dudzinski and seconded by Robert Jokl. The votes were recorded as follows: Douglas Morris - yes; Daniel Cupoli - yes; Chester Dudzinski - yes; Robert Jokl - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # S-14-63

- 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 Village of Fayetteville Planning Board at the request of Tom Goodfellow / McIntyre Commons for the property located 131 Mill Street; and
- WHEREAS, General Municipal Law Section 239-1-3 allows municipalities to refer applications to the County Planning Board for informal review or technical assistance and the site is located within 500 feet of New York State Route 5, a state highway; and
- WHEREAS, the applicant is proposing to subdivide 4 acres into 20 proposed lots to be comprised of 18 townhomes and 2 single-family homes in a Planned Residential Development (PRD) zoning district; and
- WHEREAS, the Board previously recommended No Position With Comment on four referrals for this project, a Preliminary Subdivision (S-13-26) and Project Site Review (Z-13-115) as informal reviews, and a Preliminary Subdivision (S-13-100) and Site Plan (Z-13-362) as official reviews; the Board noted water, wastewater, green infrastructure, village core traffic flow considerations, and advised the village and applicant to adhere to traditional neighborhood development design principles and to consider extending Cedar Street to Mill Street to provide better opportunities for connectivity and future development in the area; and
- WHEREAS, the site is located in a traditional village near the Genesee Street Hill-Limestone Plaza Historic District on East Genesee Street; surrounding land uses are commercial and residential, including an existing house along Beech Street between the two proposed single-family homes; and
- WHEREAS, the Final Plan revised on July 3, 2014 shows five attached units on the west side of Mill Street, three attached and four attached units along the east side of Mill Street, two separate three-unit attached buildings on Clinton Street, and two single-family units on deeper lots with frontage on Beech Street; the lands surrounding the townhouses are labeled as "Common Elements"; and
- WHEREAS, the Site Layout Plan dated November 22, 2013 (from referral Z-13-362) shows shared and individual driveways on local roads which are part of the traditional village road network and ultimately access nearby Route 5 and South Manlius Street, a state highway; sidewalks are shown along Mill Street, Clinton Street, and Beech Street; and
- WHEREAS, the final plan shows an area by Limestone Creek, the Ledyard Canal, and a 20' easement on either side of the canal being transferred to the Village of Fayetteville; there are two small parcels labeled as "Lands to be acquired from the Village of Fayetteville" and land on the west side of Mill Street to be transferred to and from Shadowrock Pitter, LLC; a County of Onondaga right-of-way is also shown near Limestone Creek and a maintenance easement is

- shown leading from the Ledyard Canal to an adjacent parcel to the north; and
- WHEREAS, the site plan shows various rain garden areas, swales, and infiltration basins, with discharge into Ledyard Canal which discharges to Limestone Creek, part of the Chittenango Creek basin; the local application from the previous referral cites stormwater runoff increases will be stored on site; and
- WHEREAS, if the proposed project cumulatively disturbs one acre or more of land, it must be covered under the New York State SPDES II General Permit for Stormwater Discharges from Construction Activity, and the applicant must submit a Stormwater Pollution Prevention Plan (SWPPP) to the municipality and a Notice of Intent (NOI) to the Bureau of Water Permits; the proposed project is located within a designated Municipal Separate Storm Sewer System (MS4) municipality and the applicant must consult with the municipal engineer to ensure conformance with the municipality's Storm Water Management Plan (SWMP) and submit a MS4 SWPPP Acceptance Form signed by the municipality to the Bureau of Water Permits; and
- WHEREAS, the site will be served by public water and sewer and is located in the Meadowbrook-Limestone Wastewater Treatment Plant service area; and
- WHEREAS, per the Onondaga County Department of Water Environment Protection, the project shall comply with Local Law #1 of 2011 - A Local Law Establishing a Program to Promote Capacity Management, Maintenance and Operation of the Public Sewers and Related Purposes, where applicable; information regarding this law is available at [www.ongov.net/wep/uselaws.html](http://www.ongov.net/wep/uselaws.html); and
- WHEREAS, 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). The project applicant is required to offset any additional sanitary flow in excess of the most recent land use. The applicant must develop a 1 gallon to 1 gallon offset plan/project in coordination with the municipal engineer. A letter confirming the acceptance of the offset plan must be submitted to the Department of Water Environment Protection documenting the offset plan; and
- WHEREAS, the referral included a Full Environmental Assessment Form (old form) from an earlier version of the project dated November 1, 2012; the New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates the project is within 2,000 feet of a site in the New York State Department of Environmental Conservation Environmental Site Remediation database (C734110), and the site of the proposed action contains a species of animal, or associated habitats, listed by the state or federal government as threatened or endangered; a permit may be required from the New York State Department of Environmental Conservation (NYS DEC) if the species is listed as endangered or threatened and the NYS DEC determines that the project may be harmful to the species or its habitat; and
- WHEREAS, the EAF Mapper further indicates a portion of the site or land adjoining the site may contain federal wetlands, and contains other regulated waterbodies, including Limestone Creek which is listed as quality-impaired; per the U.S. Army Corps of Engineers, National Wetland Inventory Maps may not be used to confirm the presence/absence of federal wetlands on a given parcel of land; the applicant must obtain appropriate permits from the U.S. Army Corps of Engineers for any proposed development or drainage in federal wetlands on 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. The Board has offered the following COMMENT(S) in regards to the above referral:

1. The Onondaga County Department of Water Environment Protection asks that the applicant contact the Department at (315) 435-6820 early in the planning process to determine sewer availability and capacity.
2. The applicant is encouraged to reduce stormwater runoff and improve stormwater quality as much as practical by reducing impermeable surfaces and utilizing green infrastructure. For more information on stormwater management, visit the Onondaga County ""Save the Rain Program"" web site at <http://savetherain.us> or contact the Onondaga County Department of Water Environment Protection at 315-435-6820."
3. The Onondaga County Water Authority (OCWA) recommends that the municipality and/or applicant contact OCWA's Engineering Department early in the planning process 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.
4. The applicant is advised to conduct a formal wetland delineation to determine the presence and location of any federal wetlands on site, and any delineated wetlands must be confirmed by the U.S. Army Corps of Engineers and shown on the plans for the site. The applicant is also advised to obtain appropriate permits from the Corps for any proposed development or drainage into wetlands on site.
5. With the increase in traffic to be created by this project and other proposed projects in the village core, the Village is encouraged to pay particular attention to the design, flow, and safety of traffic flow in the Brooklea, Limestone Plaza, and Route 5 area.
6. The Village and the applicant are encouraged to incorporate site planning principles from the Onondaga County Settlement Plan Traditional Neighborhood Development Guidelines into its review of this project, to assist in creating and maintaining the traditional site characteristics that make neighborhoods more walkable and attractive to residents and local businesses. Areas of particular attention include the prominence of parking and garages at the front of parcels, continuance of the traditional scale and configuration of lots and houses, and walkability and interconnectedness of the transportation network.

**The motion was made by Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**





JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # S-14-64

- 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 Margaret A. Wicks for the property located 260 & 264 Boston 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 Thompson Road, a state highway, and the municipal border between the City of Syracuse and the Village of East Syracuse; and
- WHEREAS, the applicant is proposing to combine two parcels into one new lot totaling 0.2424 acres in a Residential Class A-1 (RA-1) zoning district, in order to obtain to repair a deck at an existing residence; and
- WHEREAS, the city application dated July 21, 2014 notes the deck does not meet current setback requirements from the existing lot line, and a consolidation of lots is necessary to obtain a building permit to repair or replace the deck; and
- WHEREAS, the Resubdivision Plan dated April 3, 2012 shows proposed Lot 16A encompassing existing Lots 16 and 17; Lot 17 shows an existing one-story frame house with wood deck that encroaches on Lot 16; current tax maps show Lots 16 and 17 as one lot; and
- WHEREAS, the referral included an Environmental Assessment Form dated July 21, 2014; the New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates the project is within 2,000 feet of sites in the New York State Department of Environmental Conservation Environmental Site Remediation database (734001 and C734138); and
- WHEREAS, the site is served by public water and sewer and is located in the Metropolitan Wastewater Treatment Plant service area; and
- WHEREAS, per GML § 239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality; such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing; and

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

**The motion was made by Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # S-14-65

- 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 PRELIMINARY & FINAL SUBDIVISION from the Town of Cicero Planning Board at the request of Nolte Family, LLC for the property located 7321-7325 Thompson Road & 6083 Taft 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 Taft Road and Thompson Road, both county highways; and
- WHEREAS, the applicant is proposing to convert two existing parcels totaling 1.159 acres into three new lots (two commercial and one residential) in a General Commercial (GC) zoning district; and
- WHEREAS, the Board is concurrently reviewing an Area Variance referral (Z-14-294) for minimum lot depth and setbacks; and
- WHEREAS, the Preliminary Plan dated April 8, 2012 shows proposed Lot 100 (0.336 acres) on the corner of East Taft Road and Thompson Road to contain an existing masonry building (Auto Glass Experts, Inc.) and an existing frame house (Home Inspection Experts, Inc.), proposed Lot 101 (0.589 acres) along Thompson Road to contain an existing masonry and wood frame building (driveway sealing/landscaping business), and proposed Lot 102 (0.234 acres) along East Taft Road to contain an existing frame house with garage and shed; there are asphalt and parking areas shown throughout the lots, several of which cross existing and proposed lot boundaries; and
- WHEREAS, the plan shows proposed Lot 102 with one existing driveway on East Taft Road; aerial photography shows proposed Lot 100 and 101 each have one existing driveway on Thompson Road; all driveways must meet the requirements of the Onondaga County Department of Transportation; and
- WHEREAS, the Variance Plan dated April 8, 2014 notes variances have been requested for Lots 100 and Lot 102 for minimum lot depth (123.1' and 154.9' respectively where 200' are required), and notes several buildings do not meet minimum building line and setback requirements; the only additional variance requested was for the side yard setback on proposed Lot 101 (13.5' where 15' are required); the other variances were not submitted at this time; and
- WHEREAS, the Environmental Assessment Form dated May 28, 2014 notes the site is an existing developed property and no changes are proposed to established stormwater conveyance systems; and
- WHEREAS, the EAF notes the presence of wetlands offsite on adjacent properties; the New York State Department of Environmental Conservation Environmental Assessment Form Mapper does not indicate the presence of any wetlands; and
- WHEREAS, the site is served by public water and sewer and is located in the Oak Orchard Wastewater Treatment Plant service area; 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. Per the Onondaga County Department of Transportation, no additional access to East Taft Road or Thompson Road will be permitted.
2. Per the Onondaga County Department of Transportation, no parking, loading, or backing of vehicles into the county right-of-way will be permitted.

The Town also offers the following comments:

1. The Town and applicant are advised to ensure appropriate access agreements are in place for any driveways, internal access points, and parking lots that are shared between parcels.
2. Every municipal review provides the opportunity to improve community appearance and the applicant and the municipality are encouraged to incorporate elements such as shared parking amongst neighboring businesses, landscaping along the road frontage and around the parking lots, and more vegetative buffering for the residential parcel.

**The motion was made by Chester Dudzinski and seconded by Robert Jokl. The votes were recorded as follows: Douglas Morris - yes; Daniel Cupoli - yes; Chester Dudzinski - yes; Robert Jokl - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-264

- 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 Village of Fayetteville Planning Board at the request of Gino Epifani for the property located 511 East Genesee Street; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of East Genesee Street (New York State Route 5) and South Manlius Street (New York State Route 257), both state highways, and Salt Springs Road, a county road; and
- WHEREAS, the applicant is proposing to open a take-out sandwich shop (Gino's Steak & Onion) as a tenant in existing vacant building in a Transitional Business (T-B) zoning district; and
- WHEREAS, the Board is concurrently reviewing a Special Permit referral (Z-14-265) to operate a restaurant in this district; and
- WHEREAS, the village application notes that the previous tenant was a cake business (Syracuse Cake Art), that no exterior improvements are proposed other than re-facing an existing sign board, and that the business will require three parking spaces; and
- WHEREAS, no site plan or signage details were included with the referral; and
- WHEREAS, per the application, the site is 674 square feet and an undated floor plan sketch included with the referral shows the shop space to be 18'4" x 30'; the Environmental Assessment form dated July 7, 2014 notes the shop is located in Fayetteville Square; per aerial photography, Fayetteville Square is a commercial shopping plaza with shared parking and one driveway on East Genesee Street; and
- WHEREAS, the site is served by public water and sewer and is located in the Meadowbrook-Limestone Wastewater Treatment Plant service area; and
- WHEREAS, per the Onondaga County Department of Water Environment Protection, the project shall comply with Local Law #1 of 2011 - A Local Law Establishing a Program to Promote Capacity Management, Maintenance and Operation of the Public Sewers and Related Purposes, where applicable; information regarding this law is available at [www.ongov.net/wep/uselaws.html](http://www.ongov.net/wep/uselaws.html); 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 Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-265

- 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 Fayetteville Planning Board at the request of Gino Epifani for the property located 511 East 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 East Genesee Street (New York State Route 5) and South Manlius Street (New York State Route 257), both state highways, and Salt Springs Road, a county road; and
- WHEREAS, the applicant is requesting a special permit to open a take-out sandwich shop (Gino's Steak & Onion) as a tenant in an existing vacant building in a Transitional (T-B) zoning district; and
- WHEREAS, the Board is concurrently reviewing a Site Plan referral (Z-14-264) for this project; and
- WHEREAS, the village application notes that the previous tenant was a cake business (Syracuse Cake Art), that no exterior improvements are proposed other than re-facing an existing sign board, and that the business will require three parking spaces; and
- WHEREAS, no site plan or signage details were included with the referral; and
- WHEREAS, per the application, the site is 674 square feet and an undated floor plan sketch included with the referral shows the shop space to be 18'4" x 30'; the Environmental Assessment form dated July 7, 2014 notes the shop is located in Fayetteville Square; per aerial photography, Fayetteville Square is a commercial shopping plaza with shared parking and one driveway on East Genesee Street; and
- WHEREAS, the site is served by public water and sewer and is located in the Meadowbrook-Limestone Wastewater Treatment Plant service area; and
- WHEREAS, per the Onondaga County Department of Water Environment Protection, the project shall comply with Local Law #1 of 2011 - A Local Law Establishing a Program to Promote Capacity Management, Maintenance and Operation of the Public Sewers and Related Purposes, where applicable; information regarding this law is available at [www.ongov.net/wep/uselaws.html](http://www.ongov.net/wep/uselaws.html); 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 Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**





JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-268

- 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 City of Syracuse Planning Commission at the request of Shop City PW LB LLC for the property located 340-350 Grant Boulevard; 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 the municipal border between the City of Syracuse and the Town of Salina; and
- WHEREAS, the applicant is proposing a Multi-Building Review modification to install new signage for a retail store (Appliance Parts) in an existing shopping center (Shop City Plaza) on a 5.2-acre lot in Residential Class A-1 (RA-1) and Local Business Class A (BA) zoning districts; and
- WHEREAS, sign details submitted with the referral show one 24" x 19" sign with LED channel letters to be located above the storefront entrance in line with signage for other storefronts in the same building; and
- WHEREAS, an undated Shop City tenant plan submitted with the referral shows the proposed Appliance Parts storefront in a building on an outparcel situated between Grant Boulevard and Swansea Drive, both city streets, and Grant Terrace, an access drive serving the Shop City Plaza; and
- WHEREAS, the plan shows the building has one driveway on Grant Terrace and access in several locations to the internal circulation network for Shop City; and
- WHEREAS, various floor plans dated June 23, 2014 show internal floor plan modifications are also proposed; and
- WHEREAS, the site has access to public water and sewer and is located in the Metropolitan Wastewater Treatment Plant service area; and
- WHEREAS, per GML § 239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality; such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing; and

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

**The motion was made by Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-269

- 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 Camillus Village Board at the request of Belden Properties LLC for the property located 24 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 Newport Road (Camillus-Warners Road), a county road; and
- WHEREAS, the applicant is requesting a special permit to install a new driveway for an existing home on a village street in a Residential (R) zoning district; and
- WHEREAS, per the Village Code, a special permit from the Village Board of Trustees is required for a driveway entering onto a village road; and
- WHEREAS, per the referral notice, the subject property is a single-family dwelling being remodeled by a new owner after a fire, and the driveway will be built to the sideline and match up to the neighbor's driveway; and
- WHEREAS, the House Location Survey dated September 13, 1986 shows a 1.5-story frame house, shed, and stonewall with frontage on Canal Street (North Street); aerial photography shows the site has no existing driveways; and
- WHEREAS, an undated sketch included with the referral shows the proposed driveway would be 11' wide and 6' from the driveway on the adjacent parcel (26 North Street); aerial photography shows lawn in this location; and
- WHEREAS, a village driveway permit application was included with the referral, and referral materials indicate the proposed driveway would be asphalt; and
- WHEREAS, aerial photography shows the site is located near Nine Mile Creek; preliminary FEMA Flood Insurance Rate Maps (FIRM) data released in June 2008 shows that additional lands behind the site will be added to the Special Flood Hazard Area (SFHA) once maps are finalized; and
- WHEREAS, the site is served by public water and sewer and is located in the Metropolitan Wastewater Treatment Plant service area; 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 Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-270

- 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 Superior Self Storage for the property located 4356 New York State Route 31; 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 New York State Route 31, a state highway, and Euclid Pump Station, a county-owned facility; and
- WHEREAS, the applicant is requesting a zone change from Residential Agricultural (RA-100) to Highway Commercial (HC-1) on a vacant 3.17-acre lot, in order to construct a self-storage facility (Superior Self Storage); and
- WHEREAS, a letter dated July 7, 2014 from the New York State Department of Environmental Conservation (NYS DEC) describes the project as construction of four 3,000 square foot cold-storage buildings with a 9,000 square foot main building, and additional site modifications that include the development of utility connections, a paved parking lot, a retaining wall, site access roads, and stormwater retention structures (which include a vegetated swale, yard drain, emergency spillway, bioretention pond, and associated vegetative plantings); and
- WHEREAS, the Proposed Zone Change plan dated April 8, 2014 shows the lot is situated between land owned by the Onondaga County Department of Water Environment Protection (WEP) to the south and east, Mud Creek to the west, and New York State Route 31 to the north; surrounding parcels are zoned RA-100, HC-1, and Neighborhood Commercial (NC-1); and
- WHEREAS, the plan shows an existing gated 10' wide gravel drive on Route 31 that continues onto the WEP parcel to the south; there is an area labeled New York State Appropriation between the lot and the edge of pavement, as well as a guard rail that extends from the concrete bridge at Mud Creek along the majority of the lot frontage; and
- WHEREAS, the applicant must contact the New York State Department of Transportation to ensure a commercial driveway that meets Department standards is feasible on this site; per the Department, additional stormwater runoff into the State right-of-way is prohibited, and no direct connection into the State stormwater system is permitted; and
- WHEREAS, in addition to the letter from the NYS DEC, the referral included a Full Environmental Form dated June 17, 2014 and a Notice of Complete Application dated July 16, 2014 from the NYS DEC; per the notice and letter, the NYS DEC is Lead Agency pursuant to New York State Environmental Quality Review Act (SEQR), and the project is an Unlisted Action and has been given a Negative Declaration after a coordinated review; neither the Town, the New York State Department of Transportation, the Onondaga County Health

Department, nor the Syracuse-Onondaga County Planning Agency were included in the SEQR coordinated review; and

WHEREAS, the notice and letter indicate the proposal includes approximately 2 acres of land disturbance, 12,800 square feet of which falls into the State-regulated Adjacent Area of Freshwater Wetland BRE-17, and the project requires an Article 24 Freshwater Wetlands permit; the plan shows a 0.49-acre wetland area delineated by the NYS DEC along Mud Creek, as well as the 100' buffer area; the presence of federal wetlands is not indicated in any of the referral materials; per the U.S. Army Corps of Engineers, National Wetland Inventory Maps may not be used to confirm the presence/absence of federal wetlands on a given parcel of land, and the applicant must obtain appropriate permits from the U.S. Army Corps of Engineers for any proposed development or drainage in federal wetlands on site; and

WHEREAS, per the EAF, the project will disturb 2.54 acres of land including the removal of 2.04 acres of forested land, and after completion there will be 1.11 acres of impervious surface (buildings and pavement) and 0.93 acres of lawn, landscaping, and storm water facilities; if the proposed project cumulatively disturbs one acre or more of land, it must be covered under the New York State SPDES II General Permit for Stormwater Discharges from Construction Activity, and the applicant must submit a Stormwater Pollution Prevention Plan (SWPPP) to the municipality and a Notice of Intent (NOI) to the Bureau of Water Permits; the proposed project is located within a designated Municipal Separate Storm Sewer System (MS4) municipality and the applicant must consult with the municipal engineer to ensure conformance with the municipality's Storm Water Management Plan (SWMP) and submit a MS4 SWPPP Acceptance Form signed by the municipality to the Bureau of Water Permits; if the proposed project is located within the Onondaga Lake watershed the SWPPP must include Enhanced Phosphorus Removal design criteria from the NYS Stormwater Management Design Manual; and

WHEREAS, the EAF notes the project site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office archaeological site inventory; per the notice, the parcel was studied for potential impacts to archaeological resources by the New York State office of Parks, Recreation, & Historical Preservation and that office has issued a letter stating a Phase IA/IB cultural resources investigation is warranted and will be implemented in the near future; the letter notes a Structural-Archaeological Assessment Form has been completed per the State Historic Preservation Act and the proposed activity will not impact registered, eligible, or inventoried archaeological sites or historic structures; and

WHEREAS, the EAF notes the project site is in a designated floodway and in the 100 year floodplain; the current FEMA Flood Insurance Rate Maps (FIRM) indicate that a portion of this parcel is in a Special Flood Hazard Area (SFHA); 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, per the EAF, the site will be served by public water with an anticipated water usage of 15 gallons/day; the notice indicates a Clean Water Act Water Quality Certification is required; the Onondaga County Water Authority (OCWA) recommends that the municipality and/or applicant contact OCWA's

Engineering Department early in the planning process 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, the site is located in the Oak Orchard Wastewater Treatment Plant Service area; per the Onondaga County Department of Water Environment Protection, there is a temporary suspension of all new connections in the Oak Orchard Waste Water Treatment Plant service area until a final determination is made on the Biochemical Oxygen Demand (BOD) loading limitations associated with the SPDES permit; more detailed information regarding the temporary suspension is available at [www.ongov.net/wep/we1906.html](http://www.ongov.net/wep/we1906.html); per the EAF, the site will be served by private septic and anticipates liquid waste generation of 5 gallons/day; the applicant must contact the Onondaga County Health Department regarding the viability of septic systems on this site; and

WHEREAS, the EAF notes the proposed action will remove existing natural barriers that could act as a light barrier or screen, and that site lighting will be reviewed and approved by the Town Planning Board; and

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

The Board has concerns regarding the practical and environmental limitations on this site, including the viability of a commercial driveway siting that meets New York State Department of Transportation standards, the extent and proximity of wetlands, and potential sewage disposal limitations. As such, the Board advises the Town against approving a zone change that would allow for more intensive uses on this parcel.

**The motion was made by Chester Dudzinski and seconded by Robert Jokl. The votes were recorded as follows: Douglas Morris - yes; Daniel Cupoli - yes; Chester Dudzinski - yes; Robert Jokl - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-271

- 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 Jason Randall for the property located 132 Burnet Avenue; 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 Interstate Route 690, a state highway; and
- WHEREAS, the applicant is proposing to rebuild a second floor balcony and roof overhang on an existing commercial/residential building in a Commercial Class A (CA) zoning district; and
- WHEREAS, the city application dated July 8, 2014 notes the project includes removing the existing second floor balcony including roof overhang, support columns, and "shelter" at ground level containing air-conditioning condensers in order to rebuild the balcony and roof overhang, as well as a fence; and
- WHEREAS, the Site Plan/Floor Plans, Front Elevation dated March 17, 2014 indicate the building contains a sound studio (More Sound Recording Studio) on the first floor and an apartment with home office on the second floor; the plans show the proposed new 16' x 5'10" deck on the eastern side of the building with a proposed wood fence along the first floor; elevations dated March 17, 2014 show the fence to be 6' high and the deck to extend 2'10" over the driveway; and
- WHEREAS, the Location Survey dated April 4, 2011 shows the building with frontage on Brown Street and Burnet Avenue, both city streets, and a driveway along the eastern side of the building connecting the two streets; and
- WHEREAS, the plans and elevations show the existing door to the dining room (located behind the proposed fence) will be removed and replaced with a sliding glass door; and
- WHEREAS, the site is served by public water and sewer and is located in the Metropolitan Wastewater Treatment Plant service area; 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 Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-272

- 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 Woodside Commercial LLC for the property located 4938 West Taft Road - Town of Clay; 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 Taft Road, a county road, and the municipal boundary between the Town of Clay and the Town of Salina; and
- WHEREAS, the applicant is proposing to divide an existing 10.2-acre parcel into two new lots, Lot C-1 (1.08 acres) and Lot C-R (9.13 acres), in a Planned Development District (PDD), in order to construct an office building (Simon Agency) as part of the Inverness Gardens development; and
- WHEREAS, the Board recently recommended No Position With Comment on a Site Plan referral (Z-14-226) for the proposed office building, noting water, sewer, stormwater, green infrastructure, and full buildout considerations; the Board has previously reviewed a Zone Change referral (Z-09-185) and a Subdivision referral (S-09-89) for the Inverness Gardens development, which included 80 residential lots (40 two-unit townhouses), two commercial lots (65,000 square feet total), and four local roads; the Board recommended Modification of those two referrals, citing concerns about the local road connectivity and access, sidewalks, lighting, traffic, stormwater management, and wastewater capacity; and
- WHEREAS, the Environmental Assessment Form dated July 11, 2014 notes the Inverness Gardens Preliminary Subdivision was approved by the Town in 2010, that access points remain unchanged and storm water facilities were previously approved and constructed during the residential portion of the subdivision, and that proposed Lot C-1 is being created to be sold to Simon Agency as the site plan review is being finalized; the referral included the minutes from the Town Planning Board meeting on January 27, 2010 where the preliminary plat for Inverness Gardens was discussed; and
- WHEREAS, the Final Plan dated May 12, 2014 shows the proposed lots; the Site Plan dated May 12, 2014 submitted with referral Z-14-226 shows the proposed one-story building and 31-space parking lot to be located on the southwestern corner of the 10.2-acre Inverness Gardens commercial lot (proposed Lot C-1 on the final plan); and
- WHEREAS, the site plan shows the building and parking lot will have frontage and one driveway on a shared internal access road that leads to Wintersweet Drive, one of the local roads created as part of the original development that leads to a signalized intersection with Taft Road facing the entrance to the Wegmans Plaza across the street; at present the internal access road is not proposed to



be fully built out; the EAF submitted with the site plan dated May 12, 2014 notes areas nearby along Taft Road are commercial and adjoining properties to the south and west are residential; and

WHEREAS, the site plan EAF notes the site will have 0.47 acres of paved and impervious surfaces and 0.61 acres of lawn and landscaped areas; a statement with the site plan from Simon Agency notes the building will have a residential look to complement the adjacent residential properties, and landscaping is proposed on the front and sides of the building; the Landscaping Plan dated May 12, 2014 shows 6-foot high evergreen trees (expected full-growth height 20-30 feet) to be planted 30 feet apart as buffering for residential properties; the Lighting Plan dated May 12, 2014 shows one wall pack light at the rear door, one single canopy light at the front entrance, and two 22-foot light poles (two-headed) in the parking lot, and indicates that lighting will not spillover to adjacent parcels; and

WHEREAS, the site plan EAF notes that existing storm water management pond located at the southwest corner of the residential portion of the PDD project area will be utilized, and that a state permit will be needed; if the proposed project cumulatively disturbs one acre or more of land, it must be covered under the New York State SPDES II General Permit for Stormwater Discharges from Construction Activity, and the applicant must submit a Stormwater Pollution Prevention Plan (SWPPP) to the municipality and a Notice of Intent (NOI) to the Bureau of Water Permits; the proposed project is located within a designated Municipal Separate Storm Sewer System (MS4) municipality and the applicant must consult with the municipal engineer to ensure conformance with the municipality's Storm Water Management Plan (SWMP) and submit a MS4 SWPPP Acceptance Form signed by the municipality to the Bureau of Water Permits; if the proposed project is located within the Onondaga Lake watershed the SWPPP must include Enhanced Phosphorus Removal design criteria from the NYS Stormwater Management Design Manual; and

WHEREAS, the site will be served by public water; a letter from the Onondaga County Water Authority dated May 7, 2014 states a fire flow test was conducted on May 6, 2014; and

WHEREAS, the site will be served by public sewer and is located in the Metropolitan Wastewater Treatment Plant service area, in a flow-constrained area currently under a New York State Department of Environmental Conservation consent order; per the Onondaga County Department of Water Environment Protection, a letter for 28,000 gallons per day capacity was issued at the time of the original proposal for 40 two-unit townhouses, and buildout has changed since that proposal; the site plan EAF notes a lateral extension only will be needed for the proposed lot, but that future development may need to have the sewer main extended depending on the eventual layout; and

WHEREAS, per the Onondaga County Department of Water Environment Protection, the project shall comply with Local Law #1 of 2011 - A Local Law Establishing a Program to Promote Capacity Management, Maintenance and Operation of the Public Sewers and Related Purposes, where applicable; information regarding this law is available at [www.ongov.net/wep/uselaws.html](http://www.ongov.net/wep/uselaws.html); 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). The project applicant is required to offset any additional sanitary flow in excess of the most recent land use. The applicant must

develop a 1 gallon to 1 gallon offset plan/project in coordination with the municipal engineer. A letter confirming the acceptance of the offset plan must be submitted to the Department of Water Environment Protection documenting the offset plan; and

WHEREAS, the site plan EAF states the project is within 2,000 feet of a site in the New York State Department of Environmental Conservation Environmental Site Remediation database (734051), and that the site is remediated and currently being monitored by NYS DEC; the remediation is also mentioned on the subdivision EAF included with this referral; and

WHEREAS, per the original EAF in 2009, the completed development was estimated to generate a maximum of 425 vehicular trips per hour and use 40,000 gallons of water per day, and did not provide for future connectivity or sidewalks to nearby neighborhoods or health care facilities; no sidewalks are shown on the site plan; 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 Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-273

- 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 Kristen & Donald Meile for the property located 4431 Makyes Road - Town of Onondaga; 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 Makyes Road, a county road, and a farm operation in an agricultural district; and
- WHEREAS, the applicant is proposing to subdivide an existing 55.56-acre parcel into two new lots, Lot A (2.2 acres) and Lot B (53.46) in a Residential (R-1) zoning district; and
- WHEREAS, the Board previously recommended No Position With Comment on a Preliminary Subdivision referral (S-13-71) from the Town of Onondaga, noting the need to contact the Onondaga County Water Authority, to coordinate with the Onondaga County Department of Transportation regarding access to Makyes Road, and to consider the potential long-term effects of residential subdivisions in rural areas; and
- WHEREAS, the Final Plan revised June 16, 2014 shows proposed Lot A contains a house, barn, and pool, and has frontage and two existing driveway on Makyes Road, which must meet the requirements of the Onondaga County Department of Transportation; and
- WHEREAS, the remaining land is labeled as Lot B Remainder Lands and is identified as split into Deed Parcel 1 (37 acres), Deed Parcel 2 (2.36 acres), and Deed Parcel 3 (14.1 acres); an existing barn and proposed three-bedroom house is shown on Deed Parcel 1, which has frontage and a proposed driveway on Makyes Road, which also must meet the requirements of the Onondaga County Department of Transportation; and
- WHEREAS, a 125' Niagara Mohawk Power Corporation right-of-way is shown diagonally crossing portions of proposed Lot B; proposed Lot B also has a 20-foot frontage segment running between two existing frontage lots; and
- WHEREAS, the site is served by public water and is located outside the Onondaga County Sanitary District; proposed Lot A shows a septic vent and proposed Lot B notes "Wastewater Treatment Design Approved by County Health Department 09/17/2013" and the plan has been reviewed by the Department on July 8, 2014 and states approval is not required; and
- WHEREAS, the plan shows Commissary Creek running through Deed Parcel 1 and proposed Lot A, and wetlands and the 100 foot wetland buffer area are shown on Deed Parcel 1 "as per <http://www.ongov.net>"; the New York State Department of Environmental Conservation Environmental Assessment Form

Mapper indicates the site may contain federal wetlands and contains state wetlands (SON-4), and notes the state wetland is listed as water quality-impaired; and

WHEREAS, per the U.S. Army Corps of Engineers, National Wetland Inventory Maps may not be used to confirm the presence/absence of federal wetlands on a given parcel of land; the applicant must obtain appropriate permits from the New York State Department of Environmental Conservation and/or the U.S. Army Corps of Engineers for any proposed development or drainage in state and/or federal wetlands, respectively, and/or state wetland buffers on site; and

WHEREAS, the Onondaga County Agricultural District map shows the site is located in Agricultural District 1; aerial photography shows the site contains agricultural land and is adjacent to farmed properties; 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:

Per the Onondaga County Department of Transportation, the Town and applicant are advised to coordinate all existing, proposed, and future access to Makyes Road with the Department by contacting the Department at (315) 435-3205.

**The motion was made by Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-274

- 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 Village of Marcellus Village Board at the request of Village of Marcellus for the property located 8 Paul Street; 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 North Street (New York State Route 174); and
- WHEREAS, the applicant is requesting a zone change from Residential Class C-Multiple Family (RC) to Planned Development (PD) on two parcels totaling 6.5 acres, in order to convert a former lumber yard into an approximately 47-lot residential development; and
- WHEREAS, per the local law filing, the Village of Marcellus is proposing to create the Paul Street Residential Planned Development District and Project Plan, whose purpose states "the provisions... are intended to promote Traditional Neighborhood Development patterns and provide for a diversity of Dwelling types, age groups, and income levels, in a manner consistent with the variety of existing Dwellings in the village and with traditional village building and site development patterns"; the Village of Marcellus Zoning Map is also being amended as part of the local law; and
- WHEREAS, per a narrative submitted with the referral, the plan includes tearing down the existing structures and creating a new village street that connects to Paul Street, as well as a connection to the new Creek Walk; the Sketch Plan dated April 24, 2014 shows approximately 20 buildings in a mix of sizes and orientations around an internal circulation network that appears to connect to Paul Street at two points, once near Nine Mile Creek and once near the intersection with (but not directly across from) Austindale Avenue; no further plans were submitted at this time; and
- WHEREAS, per the density and use requirements, there will be an integrated mix of single-family detached (up to 40%), two-family (up to 60%), townhouse (up to 40%), and multi-family (no restriction) dwellings, with a maximum of 10 units per acre; the requirements note streets will be interconnected with blocks of maximum length of 480 feet, and that cul-de-sacs and single points of access are prohibited; the requirements allow for accessory uses and structures such as garages and other customary residential accessory structures, home occupations, and apartments by special use permit; the requirements further allow for religious institutions, bed-and-breakfasts, recreation and educational facilities, and lodges and clubs by special permit; and
- WHEREAS, per the design and dimension requirements, lots must be between 5,000 and 11,000 square feet, with building line widths between 40 and 80 feet; the design standards require principal buildings to be aligned on a "build-to-line" between 2 and 25 feet from the sidewalk, as determined at the time of

subdivision; other requirements are included for minimum façade coverage, porches, garages, floor area, setbacks, impervious surfaces, frontage, and building height; and

WHEREAS, per the guidelines and standards, the district will have at least 5% (or more, as determined by the Planning Board) of Protected Conservation Area subject to Conservation Analysis, which includes but is not limited to wetlands and other waterbodies, floodplains, steep slopes, vegetative screening, forested land, existing trails, scenic view sheds, stone walls, public and private rights-of-way, utility easements, and land with other value (historic, ecological, scenic, etc.) as determined by the Planning Board; the outcome of the analysis will be incorporated into the final site plans for the development or provide basis for application denial; and

WHEREAS, per the guidelines and standards, at least 10% of Green Space integrated into the residential neighborhood and accessible to the public, a sidewalk and pathway network interconnecting Dwelling Units with common Green Spaces, Protected Conservation Areas, and adjacent development; and

WHEREAS, the referral included a resolution from the Village Board noting its status as Lead Agency for this Unlisted Action under the State Environmental Quality Review Act, and issuing a Negative Declaration based on examination of a Short Environmental Assessment Form prepared by the Board and consultation with "various interested parties" in an uncoordinated review process; the referral notice indicates an independent SEQOR review will be completed by the Planning Board as part of Site Plan review; the Short Environmental Assessment Form dated July 21, 2014 that was submitted with the referral indicates the proposed action only involves the legislative adoption of a plan or local law, and

WHEREAS, the site is located near Nine Mile Creek; the current FEMA Flood Insurance Rate Maps (FIRM) indicate that portions of this parcel are in a Special Flood Hazard Area (SFHA); 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 New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates the site contains federal wetlands; per the U.S. Army Corps of Engineers, National Wetland Inventory Maps may not be used to confirm the presence/absence of federal wetlands on a given parcel of land; and

WHEREAS, the EAF Mapper notes the project site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office archaeological site inventory, and the site is adjacent to the Tefft-Steadman House, a building on the National Register of Historic Places; and

WHEREAS, the site is located outside the Onondaga County Sanitary District; the referral notes the site will be served by public water and sewer; the Onondaga County Water Authority (OCWA) recommends that the municipality and/or applicant contact OCWA's Engineering Department early in the planning process 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

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 commends the Village of Marcellus and the developers on their efforts to foster a dense, mixed-type residential development in the Village and to promote the conservation of natural resources and preservation of public space. The Board further notes the plans for this site appear to be consistent with the design goals and policies set forth in the Onondaga County Settlement Plan, the 2010 Development Guide for Onondaga County, and the Sustainable Development Plan.

However, given the extent of the environmental constraints in this location, the Board advises the Village to investigate groundwater conditions and stormwater planning to ensure that the site can adequately address the wet conditions, prior to establishing the Planned Development District on the site. Should the Village approve this zone change, the Board offers the following comments for the next stage of development:

1. The municipality is encouraged to minimize exposure to damage from natural hazards and uphold local flood ordinance requirements, as required for good standing in the National Flood Insurance Program, by ensuring that any proposed development would not negatively affect drainage patterns in or near the floodplain.
2. The applicant is advised to conduct a formal wetland delineation to determine the presence and location of any federal wetlands on site, and any delineated wetlands must be confirmed by the U.S. Army Corps of Engineers and shown on the plans for the site. The applicant is also advised to obtain appropriate permits from the Corps for any proposed development or drainage into wetlands on site.
3. The Village and developers are encouraged to continue working together on adhering to the design standards outlined in this proposal and to ensure any proposed new streets connect seamlessly with existing Village streets.

**The motion was made by Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-275

- 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 City of Syracuse Zoning Administration at the request of Annamarie Reidy for the property located 310 Hayden Avenue; 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 the municipal boundary between the City of Syracuse and the Town of Geddes; and
- WHEREAS, the applicant is requesting an area variance to install a driveway with parking area in the front yard setback of an existing residence in a Residential Class A-1 (RA-1) zoning district; and
- WHEREAS, per the referral notice, the proposed driveway would create a parking area in the front yard, which is not permitted per code; a letter from the applicant dated June 18, 2014 notes the applicant is requesting a driveway for safety reasons; and
- WHEREAS, the Lot Staking Plan dated March 25, 2009 shows an existing frame house with frontage on Hayden Avenue, a city street; the location of the proposed driveway is drawn on the plan; and
- WHEREAS, the letter notes the driveway would be 6 inches off the neighbor's property line and have the same type and placement of driveways of other homes on the block, and that no vehicles would block the sidewalk; and
- WHEREAS, an image included with the referral shows site work at the subject property; a letter from a neighbor dated June 18, 2014 indicates site work that had been completed had subsequently been undone; and
- WHEREAS, the Environmental Assessment Form dated June 18, 2014 notes the sidewalk would be replaced as part of the project; and
- WHEREAS, the site has access to public water and sewer and is located in the Metropolitan Wastewater Treatment Plant service area; and
- WHEREAS, per GML § 239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality; such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing; and

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



**The motion was made by Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-276

- 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 Planning Commission at the request of Harrison Center Associates, LLC for the property located 525-619 East Adams 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 the site is located within 500 feet of Interstate Route 81, a state highway, the state-owned portion of East Adams Street, SUNY Upstate Medical Center facilities and Hutchings Psychiatric Center, all state-owned facilities, and the OnCenter Parking Garage, a county-owned facility; and
- WHEREAS, the applicant is proposing minor floor plan modifications and new signage to open a pharmacy (Kinney Drugs) in an existing medical office building (Upstate Specialty Services at Harrison Center) on a 4.2-acre lot in a Central Business-Local Business (CBD-LB) zoning district; and
- WHEREAS, the city application dated July 14, 2014 notes the existing building has been renovated for a 900 square foot Kinney Drugs pharmacy, which would like to install exterior signage on the building; the application further notes previous alterations of tenant spaces were made, including to a space formerly occupied by Leader Drugs pharmacy; and
- WHEREAS, the Land Title Survey dated April 2, 2012 shows a one-story concrete block and brick building with an exterior footprint of 94,502 square feet and a parking area with 219 spaces; 48 parking spaces are shown to be on the adjacent parcel to the east (labeled "Parcel II") leased from the State of New York; a 10' wide Utility (Gas) Easement and a Subsurface Water & Sewer Easement are also shown on the lot; and
- WHEREAS, the Overall Floor Plan dated July 14, 2014 shows the proposed Kinney Drugs pharmacy to be located near the main entrance to the building; the survey shows the building has frontage on Harrison Street and Almond Street, both city streets, and East Adams Street and Interstate Route 81; the survey shows one left-in only entrance on East Adams Street, which must meet the requirements of the New York State Department of Transportation, and one left-in entrance and one left-out exit on Harrison Street; all access points are gated with ticket boxes; and
- WHEREAS, the site has access to public water and sewer and is located in the Metropolitan Wastewater Treatment Plant service area; and
- WHEREAS, signage details revised on June 19, 2014 show a 48" x 112" wall sign with illuminated channel letters over the main entrance on the eastern façade; 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 Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-277

- 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 CERTIFICATE OF SUITABILITY from the City of Syracuse Planning Commission at the request of Andre El-Amir for the property located 308-310 Roosevelt Avenue; 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 Hutchings Psychiatric Center, a state-owned facility; and
- WHEREAS, the applicant is requesting a Certificate of Suitability for a non-owner-occupied rental property in an existing two-family dwelling in the Syracuse University Special Neighborhood District (Residential Class A zoning); and
- WHEREAS, the Location Survey dated June 25, 2013 shows an existing 45.4' x 25' dwelling with detached 20.1' x 20.2' rear garage and wood fence along the rear boundary; and
- WHEREAS, the survey shows the site has frontage and one asphalt driveway on Roosevelt Avenue, a city street; and
- WHEREAS, floor plans submitted with the referral show five total bedrooms, two on the first floor (308 Roosevelt Avenue), two on the second floor (310 Roosevelt Avenue), and one on a third "loft" floor (address not provided); the first and second floors each have one kitchen and bathroom; and
- WHEREAS, the Environmental Assessment Form dated July 10, 2014 notes the applicant purchased the property last year, prior to which it was owner-occupied for 63 years; and
- WHEREAS, the site has access to public water and sewer and is located in the Metropolitan Wastewater Treatment Plant service area; and
- WHEREAS, per the Onondaga County Department of Water Environment Protection, the project shall comply with Local Law #1 of 2011 - A Local Law Establishing a Program to Promote Capacity Management, Maintenance and Operation of the Public Sewers and Related Purposes, where applicable; information regarding this law is available at [www.ongov.net/wep/uselaws.html](http://www.ongov.net/wep/uselaws.html); and
- WHEREAS, aerial photography shows the area surrounding the structures and driveway to be green space and the presence of sidewalks along the Roosevelt Avenue frontage; 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 Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-278

- 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 JBE Enterprises, LLC for the property located 111-123 Polk 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 Erie Boulevard East, a state highway; and
- WHEREAS, the applicant is proposing a Project Site Review to repair fire damage to an existing three-story apartment building on a 0.859-acre lot in a Residential Class B (RB) zoning district; and
- WHEREAS, the city application dated July 7, 2014 notes the project includes interior, exterior, and structural repair of an existing three-level wood-framed and masonry residential structure with thirty-two residential units after selective demolition; and
- WHEREAS, the Location Survey revised on May 19, 2009 shows a one and two-story frame building and a one-story frame house with tarvia on the front half of the parcel; and
- WHEREAS, the survey shows the site has frontage on Polk Street, a city street; no driveways are shown on the survey; aerial photography shows two existing driveways on Polk Street; and
- WHEREAS, the Demolition Floor Plans dated June 8, 2014 shows the locations of damaged portions of the roof, doors, windows, siding, shingles, walls, porch, stairs, and floors to be removed, and various floor plans show the corresponding areas to be repaired or replaced with new materials; and
- WHEREAS, the Environmental Assessment Form dated July 7, 2014 notes no changes to the existing exterior storm drains will be made; and
- WHEREAS, the site is served by public water and sewer and is located in the Metropolitan Wastewater Treatment Plant service area; 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 Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-279

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a SPECIAL PERMIT from the Town of Clay Town Board at the request of Thomas & Karen Tebidor for the property located 3544 Bonstead 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 New York State Route 481, a state highway, Bonstead Road, a county road, the municipal border between the Town of Clay and the Town of Schroepfel, and the county boundary between Onondaga County and Oswego County; and
- WHEREAS, the applicant is requesting a special permit to allow an outdoor wood boiler furnace at an existing farm/residence on a 30.5-acre lot in a Residential-Agricultural (RA-100) zoning district; and
- WHEREAS, per the referral notice, a special permit is required in this district for an outdoor furnace; and
- WHEREAS, the House Location Survey dated May 23, 2001 shows an existing house on the western portion of the lot; an undated survey detail was submitted with the referral and shows the house (labeled as proposed) and labels the locations of various farm crops, a garage, and a pond; the proposed wood stove is hand drawn on the survey detail; aerial photography shows the portion of the lot behind the house (to the east) is cleared farmland and vacant wooded land; and
- WHEREAS, the survey shows the lot is located near the Oneida River and has frontage on Bonstead Road and Route 481; the survey shows one existing driveway on Bonstead Road, which must meet the requirements of the Onondaga County Department of Transportation; and
- WHEREAS, the Environmental Assessment Form dated July 17, 2014 notes a portion of the site or land adjoining the site contains wetlands or other regulated waterbodies; the New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates the site may contain federal wetlands; per the U.S. Army Corps of Engineers, National Wetland Inventory Maps may not be used to confirm the presence/absence of federal wetlands on a given parcel of land; and
- WHEREAS, the EAF notes the proposed action is located in an archeological sensitive area and that the site or an adjoining property has been the subject of remediation for hazardous waste, and that the site is located over, or immediately joining, principal and primary aquifers; and
- WHEREAS, the site is located in the Oak Orchard Wastewater Treatment Plant service area; the survey shows the location of a private well; no information was included about wastewater utilities; and
- WHEREAS, 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:

The Town is advised to ensure the applicant is adhering to the New York State Department of Environmental Conservation regulations regarding outdoor wood boilers (6 NYCRR Part 247), which can be found at <http://www.dec.ny.gov/regs/71720.html>.

**The motion was made by Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**





JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-280

- 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 Village of Jordan Zoning Board of Appeals at the request of Shawn Stoltz for the property located 2 Railroad Street; 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 New York State Route 31 (North Main Street), a state highway, and the municipal border between the Village of Jordan and the Town of Elbridge; and
- WHEREAS, the applicant is requesting an area variance to construct a 30' x 30' x 22.5' garage on a 0.5-acre lot in a Residential A (RA) zoning district; and
- WHEREAS, per a letter from the Code Enforcement Officer dated June 12, 2014, the proposed accessory building would be located within the side yard setback; per the Village Zoning Board of Appeals minutes from July 9, 2014, the structure also exceeds the height limit; and
- WHEREAS, a land survey dated October 8, 1992 shows an existing two-story brick house; a septic line, water line, 24" diameter structure (an above-ground pool, per aerial photography), and the proposed garage are hand drawn on the plan; and
- WHEREAS, the minutes note the property is a corner lot on all sides, Railroad Street on two sides, Brastow Lane and Sweeney Place on the other two sides (all local streets); the plan shows North Main Street (Route 31) to the west, right-of-ways to the west and east of the property owned by the State of New York; aerial photography shows one existing driveway on Railroad Street; and
- WHEREAS, the Environmental Assessment Form dated July 2, 2014 and the minutes both note the property is located in a flood plain; the current FEMA Flood Insurance Rate Maps (FIRM) indicate that the property and proposed addition would be in a Special Flood Hazard Area (SFHA); preliminary updated FIRM data released in June 2008 shows that additional lands near the parcel are anticipated to be added to the SFHA once maps are finalized; and
- WHEREAS, 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 New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates land adjoining the site contains wetlands or other regulated waterbodies, that the site is located over, or immediately adjoining, a principal aquifer, and that the project site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office archaeological site inventory; and

WHEREAS, the site is located outside the Onondaga County Sanitary District; per the referral notice, the site has access to public water and sewer; and

WHEREAS, per the minutes, the Village Department of Public Works Superintendent has concluded that the structure is outside of the right-of-way and there are no conflicts/issues with water, sewer, or streets; and

WHEREAS, aerial photography shows the property is surrounded on three sides by a wood stockade fence; per the minutes, if the variance is granted the fence will be eliminated in the area of the garage; aerial photography further shows trees buffering the property from adjacent residential parcels; and

WHEREAS, 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:

The municipality is encouraged to minimize exposure to damage from natural hazards and uphold local flood ordinance requirements, as required for good standing in the National Flood Insurance Program, by ensuring that any proposed development would not negatively affect drainage patterns in or near the floodplain.

**The motion was made by Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-281

- 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 St. Charles Borromeo Church for the property located 200 West High Terrace - Town of Geddes; 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 the site is located within 500 feet of a municipal boundary between the Town of Geddes and the City of Syracuse; and
- WHEREAS, the applicant is proposing to divide a 3.214-acre parcel into two new lots, Lot 1 (1.664 acres) and Lot 2 (1.549 acres), in a Residential A zoning district, in order to operate a charter school in an existing school building on proposed Lot 1; and
- WHEREAS, the Board recently recommended No Position With Comment on a Preliminary Subdivision referral (S-14-35) for this project from the Town of Geddes, as well as a Special Permit referral (Z-14-158) and an Area Variance (Z-14-159); the Board encouraged the Town and applicant to better define driveway access and improve walkability and safety; and
- WHEREAS, the original referral materials note the intent is split off the existing school parcel from the church (St. Charles Borromeo Parish Church) to reopen the school as a charter school (Syracuse Academy of Science) for 175 students grades 5 through 7, to continue to operate the church, and to sell the school lot to the applicant; and
- WHEREAS, the Final Plan dated July 9, 2014 shows proposed Lot 2 to contain a brick-sided church building and proposed Lot 1 to contain a two-story brick building; the Preliminary Plan dated April 11, 2014 further shows a large parking lot on proposed Lot 2, a playground area, two sheds, and smaller parking lot on proposed Lot 1, and a bus route traversing both lots; and
- WHEREAS, the preliminary plan shows proposed Lot 2 with frontage on South Orchard Road and Fay Road, and proposed Lot 1 with frontage on South Orchard Road, Fay Road, West High Terrace, and Westmont Road, all local roads; proposed Lot 2 has one driveway on South Orchard Road and one driveway on Fay Road; both proposed lots have open access from the parking lots onto Fay Road; and
- WHEREAS, a letter in the previous referral notes the church and the applicant have entered into a cross-easement agreement so that each can utilize the parking of the other for its purposes, and that parking times for the church are different from those of the school; an unsigned copy of the easement agreement was also included; and
- WHEREAS, aerial photography shows existing sidewalks along the church building road

frontage, but no other sidewalks and no delineation of the proposed bus route, parking spaces or pedestrian pathways are shown; and

WHEREAS, the site is served by public water and sewer and is located in the Metropolitan Wastewater Treatment Plant service area; and

WHEREAS, per the Onondaga County Department of Water Environment Protection, the project shall comply with Local Law #1 of 2011 - A Local Law Establishing a Program to Promote Capacity Management, Maintenance and Operation of the Public Sewers and Related Purposes, where applicable; information regarding this law is available at [www.ongov.net/wep/uselaws.html](http://www.ongov.net/wep/uselaws.html); and

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

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

**The motion was made by Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-282

- 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 City of Syracuse Board of Zoning Appeals at the request of Patrick Finlon & Nathan Ouderkirk for the property located 333 Miles Avenue; 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 Meadowbrook, a county-owned drainage channel; and
- WHEREAS, the applicant is requesting an area variance to install a 5' x 26' driveway extension in the front yard of an existing residence in a Residential Class A-1 (RA-1) zoning district; and
- WHEREAS, per the referral notice, the proposed extension would create a driveway of excessive width as well as parking in the front yard setback; and
- WHEREAS, a letter from the applicant to the city dated July 16, 2014 notes the proposed extension would be 5 feet on the "house-side" portion of the driveway, and the "street-side" portion would be maintained at 12 feet; an undated sketch of the site shows the existing house and driveway, and the proposed addition extending from an existing paved side entry to the sidewalk, which encroaches just over the property line; the driveway through the sidewalk to the street is shown to remain unchanged; and
- WHEREAS, the Location Survey dated June 16, 2009 shows the site with frontage and the existing/proposed driveway on Miles Avenue, a city street; and
- WHEREAS, an Environmental Assessment Form dated June 4, 2014 was included with the referral; the New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates land adjoining the site contains wetlands or other regulated waterbodies; and
- WHEREAS, the EAF Mapper further indicates that the site of the proposed action contains a species of animal, or associated habitats, listed by the state or federal government as threatened or endangered; and
- WHEREAS, the site is served by public water and sewer and is located in the Metropolitan Wastewater Treatment Plant service area; 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 Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-283

- 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 Village of Fayetteville Planning Board at the request of Fay Associates for the property located 217 West Genesee Street; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of New York State Route 5 (West Genesee Street), a state highway, North Burdick Street, a county road, and the municipal boundary between the Village of Fayetteville and the Town of Manlius; and
- WHEREAS, the applicant is proposing to demolish an existing outdoor patio and construct a 500 square foot building addition in its place at an existing coffee shop (Starbucks) on a 0.24-acre lot in a Contemporary Business (CB) zoning district; and
- WHEREAS, the Board is concurrently reviewing an Area Variance referral (Z-14-284) to allow fewer parking spaces than required by code; per the referral materials, the applicant meets the parking requirements based on the number of seats, which will remain unchanged by the addition, but will no longer meet the requirements based on square footage (17 proposed where 19 are required); and
- WHEREAS, the Site Plan dated June 23, 2014 shows an existing one-story frame building (1,274 square feet), an existing dumpster enclosure pad, the proposed addition to the front of the building, and an existing asphalt parking lot; the plan shows the existing building is non-conforming to setback requirements; and
- WHEREAS, the plan shows the site with frontage on West Genesee Street, and frontage and one driveway on South Burdick Street, a local street; and
- WHEREAS, the Environmental Assessment Form dated June 20, 2014 notes the existing municipal and state storm sewer systems will be used; and
- WHEREAS, the current FEMA Flood Insurance Rate Maps (FIRM) indicate that this parcel is in a Special Flood Hazard Area (SFHA); 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 EAF states that the site of the proposed action contains a species of animal, or associated habitats, listed by the state or federal government as threatened or endangered, with a note to "see attached"; no further documentation was included in the referral materials; and
- WHEREAS, the site is served by public water and sewer and is located in the Meadowbrook-Limestone Wastewater Treatment Plant service area; and

WHEREAS, per the village site plan application dated June 19, 2014, there will be minor interior improvements and building signage will be relocated in accordance with the addition; and

WHEREAS, the plan shows sidewalks and landscaping along both road frontages; and

WHEREAS, 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. The municipality is encouraged to minimize exposure to damage from natural hazards and uphold local flood ordinance requirements, as required for good standing in the National Flood Insurance Program, by ensuring that any proposed development would not negatively affect drainage patterns in or near the floodplain.
2. Per the New York State Department of Transportation, the Village is advised to consider the traffic-related impacts of reducing the parking requirements on this congested site.

**The motion was made by Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**





JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-284

- 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 Village of Fayetteville Planning Board at the request of Fay Associates for the property located 217 West Genesee Street; 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 Route 5 (West Genesee Street), a state highway, and a municipal boundary between the Village of Fayetteville and the Town of Manlius; and
- WHEREAS, the applicant is requesting an area variance for reduced parking as part of a project to add an enclosed seating area to an existing coffee shop (Starbucks) on a 0.24-acre lot in a Contemporary Business (CB) zoning district; and
- WHEREAS, the Board is concurrently reviewing a Site Plan referral (Z-14-283) for the project; and
- WHEREAS, per the referral materials, the applicant meets the parking requirements based on the number of seats, which will remain unchanged by the addition, but will no longer meet the requirements based on square footage (17 proposed where 19 are required); and
- WHEREAS, the Site Plan dated June 23, 2014 shows an existing one-story frame building (1,274 square feet), an existing dumpster enclosure pad, the proposed addition to the front of the building, and an existing asphalt parking lot; the plan shows the existing building is non-conforming to setback requirements; and
- WHEREAS, the plan shows the site with frontage on West Genesee Street, and frontage and one driveway on South Burdick Street, a local street; and
- WHEREAS, the Environmental Assessment Form dated June 20, 2014 notes the existing municipal and state storm sewer system will be used; and
- WHEREAS, the current FEMA Flood Insurance Rate Maps (FIRM) indicate that this parcel is in a Special Flood Hazard Area (SFHA); 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 EAF states that the site of the proposed action contains a species of animal, or associated habitats, listed by the state or federal government as threatened or endangered, with a note to "see attached"; no further documentation was included in the referral materials; and
- WHEREAS, the site is served by public water and sewer and is located in the Meadowbrook-Limestone Wastewater Treatment Plant service area; and
- WHEREAS, per the village site plan application dated June 19, 2014, there will be minor

interior improvements and building signage will be relocated in accordance with the addition; and

WHEREAS, the plan shows sidewalks and landscaping along both road frontages; and

WHEREAS, 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. The municipality is encouraged to minimize exposure to damage from natural hazards and uphold local flood ordinance requirements, as required for good standing in the National Flood Insurance Program, by ensuring that any proposed development would not negatively affect drainage patterns in or near the floodplain.
2. Per the New York State Department of Transportation, the Village is advised to consider the traffic-related impacts of reducing the parking requirements on this congested site.

**The motion was made by Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-285

- 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 City of Syracuse Zoning Administration at the request of John Butenko - Hydrotek, LLC for the property located 2700 Erie Boulevard East; 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 Erie Boulevard East, a state highway; and
- WHEREAS, the applicant is requesting a sign waiver to allow installation of a new sign on an existing building façade with no direct street frontage on a 0.99-acre lot in a Commercial Class B (CB) zoning district; and
- WHEREAS, per the referral notice, the applicant is proposing two new signs, one on the front of the building which is allowed per code, and one on the west side of the building without street frontage, which is not permitted in this district; a letter from the applicant notes it can be difficult for eastbound traffic to see the main sign over the entrance and are therefore requesting the additional sign to more effectively advertise the business (Hydrotek Hydroponic & Brewing Supplies); and
- WHEREAS, per the referral materials, the front wall sign will be 2.92' x 23.03' with internally-lit LED channel letters, and the west wall sign will be 15.47' x 2.48' with 1" thick PVC lettering (no illumination); and
- WHEREAS, the Location Survey dated February 13, 2014 shows an existing one-story masonry building with frame shed and the proposed locations of the two wall signs; the survey also shows an area to the rear of the building enclosed by a wood fence that encroaches on the adjacent parcel to the west; and
- WHEREAS, the survey shows the site with frontage on Erie Boulevard East, a city street in this location; aerial photography shows two existing driveways on Erie Boulevard East; and
- WHEREAS, an Environmental Assessment Form dated July 22, 2014 was included with the referral; and
- WHEREAS, the site is served by public water and sewer and is located in the Metropolitan Wastewater Treatment Plant service area; and
- WHEREAS, per the Onondaga County Department of Water Environment Protection, the project shall comply with Local Law #1 of 2011 - A Local Law Establishing a Program to Promote Capacity Management, Maintenance and Operation of the Public Sewers and Related Purposes, where applicable; information regarding this law is available at [www.ongov.net/wep/uselaws.html](http://www.ongov.net/wep/uselaws.html); and
- WHEREAS, per aerial photography, the site is adjacent to Homer Wheaton Park, and the back of the site is undeveloped and has tree buffering for the park and

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)

adjacent parcels to the rear (Briarcliff Estates apartments); 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:

Every municipal review provides the opportunity to improve community appearance and the applicant and the City are encouraged to better delineate the driveways and parking area by incorporating elements such as landscaping and curbing along the road frontage, around the sides and rear of the parking area, and throughout the site to the extent practicable.

**The motion was made by Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-286

- 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 Pascarella Family Associates, LLC for the property located 925 & 1015 Seventh North 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 Seventh North Street, a county road, and the New York State Thruway (Interstate Route 90), a state highway; and
- WHEREAS, the applicant is proposing to adjust lot lines between two existing parcels to create two new lots, Lot 1 (3.64 acres) and Lot 2 (7 acres) in a Commercial 1/Zoning Code 03 district; and
- WHEREAS, the Board previously recommended No Position With Comment on a Site Plan referral (Z-11-113) for a new two-story building with a garage and offices on the Northwood Apartments parcel; the Board does not have record of any other referrals for this site since that time; and
- WHEREAS, the city application dated July 18, 2014 notes 1015 Seventh North Street (Northwood) is gifting a parcel of land to 925 Seventh North Street (Willows) for the purposes of office use and access, as a new office building with a main entrance accessible only through the Willows lot was placed on the Northwood lot; and
- WHEREAS, the Lot Line Adjustment plan revised on June 16, 2014 shows the existing and new lot lines; there is an existing building shown on proposed Lot 2 (The Willows Apartments) that was previously on the other parcel; a proposed drive is shown from the building leading to an existing parking lot on proposed Lot 1 (Northwood Apartments); the plan shows two existing 2.5-story brick buildings on proposed Lot 1 with a note that says "Existing Building, and improvements are not shown"; a water line easement is shown on proposed Lot 2, a 20' permanent right-of-way is shown on proposed Lot 2 that splits off into a 15' permanent right of way that leads to proposed Lot 1; aerial photography shows the Northwood Apartments to be a complex with four buildings with parking in two central lots and The Willows Apartments to be a complex with five buildings and parking around the perimeter; and
- WHEREAS, the plan shows the proposed lots have frontage on Seventh North Street; aerial photography shows proposed Lot 1 has one existing driveway on Seventh North Street, and proposed Lot 2 has two existing driveways on Seventh North Street (one for the office building and one for the apartment complex); all driveways must meet the requirements of the Onondaga County Department of Transportation; and
- WHEREAS, the referral included two Certificates of Lot Line Adjustment from the town dated July 15, 2014 and an Environmental Assessment Form dated July 18,

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)

2014; and

WHEREAS, the New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates the site or lands adjoining the site contains waterbodies listed as water-quality impaired (Bloody Brook and tributaries), and the project is within 2,000 feet of a site in the New York State Department Environmental Conservation Environmental Site Remediation database (734065); and

WHEREAS, the EAF Mapper further indicates the site contains a species of animal, or associated habitats, listed by the state or federal government as threatened or endangered, and the project site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office archaeological site inventory; 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 Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-287

- 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 Geddes Town Board at the request of Kowalik Enterprises for the property located 688 State Fair Boulevard; 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 Interstate Route 690, a state highway, and State Fair Boulevard, a county road; and
- WHEREAS, the applicant is requesting a special permit to increase the number of parking spaces for display vehicles at an existing vehicle sales store (Kowalik Cars) on a 3.7-acre lot in a Commercial B (CB) zoning district; and
- WHEREAS, the referral materials note this request is an amendment to the original special permit to allow motor vehicle sales in this district, and that the applicant is proposing to add tarvia to create 38 new display spaces in order to improve and expand the existing business; and
- WHEREAS, the Location Survey dated May 20, 2011 shows a one-story metal building with 48 parking spaces total and several tarvia areas in the front, side, and rear yards; and
- WHEREAS, the plan shows the site with frontage on State Fair Boulevard (also labeled Van Vleck Road); aerial photography shows one existing driveway on State Fair Boulevard, which must meet the requirements of the Onondaga County Department of Transportation; and
- WHEREAS, the Environmental Assessment Form dated July 11, 2014 notes 0.099 acres will be physically disturbed by the project; per the Onondaga County Department of Transportation, additional stormwater runoff into the County's drainage system is prohibited; and
- WHEREAS, the site is located near Onondaga Lake Park and Nine Mile Creek; the current FEMA Flood Insurance Rate Maps (FIRM) indicate that a portion of this parcel is in a Special Flood Hazard Area (SFHA); 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 New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates land adjoining the site may contain wetlands or other regulated waterbodies; and
- WHEREAS, the EAF Mapper also indicates that the site is located over, or immediately adjoining, principal and primary aquifers, is within 2,000 feet of sites in the New York State Department of Environmental Conservation Environmental

Site Remediation database (734021, 734076, 734030, 734040, 734081), is located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office archaeological site inventory, and contains a species of animal, or associated habitats, listed by the state or federal government as threatened or endangered; and

WHEREAS, the site is served by public water and sewer and is located in the Metropolitan Wastewater Treatment Plant service area; and

WHEREAS, the plan shows the rear of the site is adjacent to railroad right-of-way; aerial photography shows trees along the railroad, and the area around the building and parking to be grass with some trees; 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. Per the Onondaga County Department of Transportation, existing access to State Fair Boulevard must adhere to the sight distance and delineation requirements as stated in access permit form 1502-REV.6-13.
2. Per the Onondaga County Department of Transportation, any proposed additional access to State Fair Boulevard is prohibited.
3. The Onondaga County Department of Transportation has determined that the applicant must provide the Department with ITE Trip Generation traffic figures and complete any appropriate mitigation as may be determined by the Department.
4. The Onondaga County Department of Transportation has determined that the applicant must complete a drainage study or Stormwater Pollution Prevention Plan (SWPPP) to meet Department requirements verifying that the proposed development would not create additional stormwater runoff into the County's drainage system and is required to first contact the Department to determine the scope of the study; the applicant must submit the drainage study to the Department for approval and complete any appropriate mitigation as may be determined by the Department.

The Board also offers the following comment:

1. The municipality is encouraged to minimize exposure to damage from natural hazards and uphold local flood ordinance requirements, as required for good standing in the National Flood Insurance Program, by ensuring that any proposed development would not negatively affect drainage patterns in or near the floodplain.
2. Every municipal review provides the opportunity to improve community appearance and the applicant and the municipality are encouraged to incorporate elements such as landscaping along the road frontage and around the parking lots.



**The motion was made by Chester Dudzinski and seconded by Robert Jokl. The votes were recorded as follows: Douglas Morris - yes; Daniel Cupoli - yes; Chester Dudzinski - yes; Robert Jokl - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-288

- 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 Onondaga Zoning Board of Appeals at the request of Muslim American Society for the property located 4524 McDonald 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 Onondaga Road (New York State Route 173), a state highway, McDonald Road, a county road, and Onondaga County Community College, a county-owned institution; and
- WHEREAS, the applicant is requesting a special permit to construct a 2,729 square foot addition to an existing mosque building on a 9.63-acre lot in a Residential (R1) zoning district; and
- WHEREAS, per the referral notice, a special permit is required for religious uses in this district, and the town application notes it is the applicant's understanding that the existing building was previously granted a special permit on 8/3/99; and
- WHEREAS, the application materials and floor plans included in the referral indicate the additional space to be classroom space and women's prayer space, and notes that the existing parking lot is large enough to accommodate the required parking for the enlarged building which, per the plan, is based on a calculation of worship area square footage; and
- WHEREAS, the Proposed Site Plan (date cutoff) shows an existing one-story frame building (3,736 square feet), the proposed addition, an existing tarvia parking lot with 66 spaces (to remain unchanged, per the application), and a tarvia basketball court; and
- WHEREAS, the plan shows the site with frontage on Onondaga Road (New York State Route 173), and frontage and one existing driveway on McDonald Road, which must meet the requirements of the Onondaga County Department of Transportation; and
- WHEREAS, the Environmental Assessment Form dated July 7, 2014 notes 0.10 acres will be physically disturbed by the project, and that stormwater will be directed to an existing stormwater retention basin; per the Onondaga County Department of Transportation, additional stormwater runoff into the County's drainage system is prohibited; and
- WHEREAS, the New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates the project site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office archaeological site inventory; and
- WHEREAS, the site is served by public water and sewer and is located in the Metropolitan

Wastewater Treatment Plant service area; and

WHEREAS, per aerial photography, surrounding land uses are commercial, residential, religious, and educational; and

WHEREAS, the plan shows trees and plantings throughout the site, and that woods and trees buffer adjacent parcels; the plan notes existing landscaping shall be relocated to accommodate the new addition and walkways, and new plantings shall be provided to replace any existing plantings that cannot be relocated; 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. Per the Onondaga County Department of Transportation, existing access on McDonald Road must meet the Department's commercial access requirements, and no additional access to McDonald Road will be permitted.
2. The Onondaga County Department of Transportation has determined that the applicant is required to complete a traffic study, including a gap analysis at AM/PM peak hours as well as times of religious worship, study, or other typical use of the facility, for full build-out relating to the proposed action to meet Department requirements and is required to first contact the Department to determine the scope of the study; the applicant must submit the traffic study to the Department for approval and complete any appropriate mitigation as may be determined by the Department.
3. The Onondaga County Department of Transportation has determined that the applicant must complete a drainage study or Stormwater Pollution Prevention Plan (SWPPP) to meet Department requirements verifying that the proposed development would not create additional stormwater runoff into the County's drainage system and is required to first contact the Department to determine the scope of the study; the applicant must submit the drainage study to the Department for approval and complete any appropriate mitigation as may be determined by the Department.
4. Per the Onondaga County Department of Transportation, the applicant must install a stop sign for the traffic exiting the property on McDonald Road.

The Board also offers the following comment:

The Onondaga County Water Authority (OCWA) recommends that the municipality and/or applicant contact OCWA's Engineering Department early in the planning process 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.

**The motion was made by Chester Dudzinski and seconded by Robert Jokl. The votes were recorded as follows: Douglas Morris - yes; Daniel Cupoli - yes; Chester Dudzinski - yes; Robert Jokl - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-289

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a LOCAL LAW from the Town of Onondaga Town Board at the request of Town of Onondaga Town Board for the property located Townwide; 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 to amend Chapter 285 of the Code of the Town of Onondaga with respect to the definition of farms; and
- WHEREAS, per the proposed Local Law C-2014, the definition of "Farm" is amended to read as "Any parcel of land containing at least seven (7) acres which is used in the raising of agricultural products, horses, livestock, poultry and dairy animals, including necessary farm buildings, one one-family dwelling and the storage of equipment used for the "farm". A "farm" may include a farm stand selling agriculturally related goods raised on the property, on a seasonal basis only. The term "farm" does not include the use of land or buildings for a public stable."; and
- WHEREAS, the only change from the existing definition pertains to the minimum size of land to constitute a farm, which is currently five (5) acres; farms are currently allowable uses within the One-Family Residential (R-1) and Residential and Country (R-C) zoning districts; and
- WHEREAS, per the Town subdivision regulations, definitions with the zoning code of the town shall also apply to Town subdivision regulations; and
- WHEREAS, the Board previously recommended Modification of a Moratorium and two subsequent extensions (Z-13-252, Z-14-18, Z-14-263) to restrict establishment of farms in R-1 zoning districts; citing consultation with New York State Department of Agriculture & Markets, and encouraging consideration of options to continue to allow farming in the district; and
- WHEREAS, per Onondaga County GIS mapping data, there are approximately 212 parcels in the town which measure between 5 and 7 acres in size scattered throughout the town; of the 212 parcels, approximately 65 parcels are agricultural or vacant parcels, 133 are residential parcels, and 14 are classified as commercial, industrial, utility or public service land uses; and
- WHEREAS, of the 65 agricultural and vacant parcels, approximately 26 are currently enrolled in the New York State Agricultural Districts program; 39 parcels would be subject to the change in law and are not provided protections of New York State Agricultural Districts law; and
- WHEREAS, New York State Agricultural Districts law is aimed to preserve, protect and encourage the development and improvement of agricultural land for the production of food and other agricultural products; Agricultural Districts require that local governments enact and administer plans and laws in a

manner that realizes the intent of the Agricultural Districts Law and does not unreasonably restrict or regulate farm operations; and

WHEREAS, pursuant to AML 305-a, Subdivision 1, local governments are prohibited from enacting and administering laws that would unreasonably restrict farm operations within an agricultural district unless it can be shown that the public health or safety is threatened; and

WHEREAS, SOCPA staff received correspondence dated August 6, 2014 from the NYS Department of Agriculture & Markets to the Town of Onondaga counsel, in response to a request for comment on the proposed change; and

WHEREAS, the Department feedback cited concerns that the local regulation may unreasonably restrict farm operations in possible violation of the Agriculture & Markets Law, including acreage limits of any size; and

WHEREAS, the Department also noted the towns definition does not address that farms may be comprised of several parcels that are contiguous or non-contiguous to one another, and that several farm operation types have shown to be successful on small plots; the Department also points out inconsistencies in the treatment of stables and horse boarding, and offered guidance on local laws affecting breweries and related operations; and

WHEREAS, the Department "recognizes a Town's need to review some operations and place reasonable conditions on the conduct of a farm through streamlined site plan review", and offered guidelines for review of local planning laws with its letter; and

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

The Board shares the concern expressed by the New York State Department of Agriculture & Markets that a size restriction imposed on farm parcels enrolled in New York State Agricultural Districts may unreasonably restrict farming operations on parcels enrolled in New York State Agricultural Districts and may be in conflict with New York State Agriculture & Markets law.

The Board is further concerned that a restriction on farming on parcels less than seven acres in size may limit the ability for creative, productive and beneficial uses of large vacant and even portions of residential lots. The Town is encouraged to consider the benefits of urban farming and consider creative, low-impact farming opportunities with appropriate conditions to protect residential uses in and near the more developed areas of the town. Small plot cropland can provide a variety of potential benefits, such as maximizing the value of vacant land, proximity to markets, open space protection, stormwater management, and helping provide for the gradual transition from urban to rural land uses.

**The motion was made by Chester Dudzinski and seconded by Robert Jokl. The votes were recorded as follows: Douglas Morris - yes; Daniel Cupoli - yes; Chester Dudzinski - yes; Robert Jokl - yes.**



STATE OF NEW YORK  
DEPARTMENT OF AGRICULTURE AND MARKETS  
Division of Land and Water Resources  
10B Airline Drive, Albany, New York 12235  
Tel: 518-457-3738 Fax: 518-457-3412  
[www.agriculture.ny.gov](http://www.agriculture.ny.gov)

August 6, 2014

Kevin M. Gilligan, Esq.  
Costello, Cooney & Fearon, PLLC  
500 Plum Street, Suite 300  
Syracuse, NY 13204-1401

RE: Proposed Zoning Law Amending Definition of Farm, Town of Onondaga

Dear Mr. Gilligan:

Thank you for your July 10, 2014 letter describing the Town of Onondaga's proposed amendment to their Zoning Code to increase a farm's minimum acreage from five to seven acres. You stated in your correspondence that the Town is contemplating this amendment to minimize conflicts between farms and non-farm neighbors and to minimize potential impacts from "so-called farm breweries" in the more densely populated residential areas of the Town.

As discussed over the phone, the State's definition of "farm operation" [§301(11) of the Agriculture and Markets Law (AML)] differs from the proposal being made by the Town. The Department has reviewed similar Codes that specify parcel size and have always informed the regulating municipality that if an acreage limitation is applied to a "farm operation" that is located within a county adopted, State certified agricultural district, the law and its administration unreasonably restricts the farm operation in possible violation of the AML. The definition of "farm operation" [AML §301(11)] does not specify acreage.

The Town's definition of "farm" deviates substantially from the State's definition of "farm operation." I have enclosed a copy of the Department's definition for your review. One very important issue that the Town's definition of "farm" does not address are farms that are comprised of multiple parcels of land that are contiguous or non-contiguous to one another. For example, a farm that consists of seven one acre parcels is eligible for an agricultural assessment as long as all seven parcels are in production and collectively, they have average gross sales in the prior two years of \$10,000 or more. I have also reviewed a number of very successful nursery/greenhouse operations that are located on two to three acres of land. Hydroponic operations, growing vegetables in high tunnels, intensive small fruit farms, free-range chickens are but a few examples of farm operations that can be conducted on land that is less than seven acres in size. This is why the State has not established a minimum acreage for a farm operation. Such farms must, however, be a commercial enterprise. In addition, the Town's definition of "farm" does not include a "public stable" as it is defined separately. Both "commercial horse



boarding operations" and "commercial equine operations" are part of a "farm operation" as defined in the AML.

Town of Onondaga Zoning Code (§285-4):

FARM — Any parcel of land containing at least five acres which is used in the raising of agricultural products, horses, livestock, poultry and dairy animals, including necessary farm buildings, one one-family dwelling and the storage of equipment used for the "farm." A "farm" may include a farm stand selling agriculturally related goods raised on the property on a seasonal basis only. The term "farm" does not include the use of land or buildings for a public stable.

STABLE, PUBLIC — A commercial operation consisting of building(s) and land within which one or more horses, mules or burros are kept for sale, rent, riding or boarding purposes.

In response to your concern about farm breweries, the Department has developed a guideline entitled *Review of Local Laws Affecting Farm Distilleries, Breweries and Wineries* (copy enclosed). The designation of "farm brewery" is one that is provided under the State Liquor Authority (SLA). A farm brewery as defined by the SLA may not be a "farm operation" under the AML. The guideline provides more information on what is required to be protected under the AML.

In the Department's zoning guideline (copy enclosed), the Department recognizes a Town's need to review some operations and place reasonable conditions on the conduct of a farm through streamlined site plan review. The Department's suggested approach is contained within its zoning guideline and is one that is cost effective to the farm and one that allows the Town to examine potential impacts to non-farm neighbors. Many municipalities have adopted this approach and found it useful in reviewing potential manure impacts, number of livestock, siting of on-farm building (such as road side stands), parking, etc. on land used in agricultural production. The Town could use this approach for farms that are located on parcels of land that are less than 7 acres in size. However, the Town must first confront the issue of farms, that in aggregate, may be greater than 7 acres, but each parcel may or may not be less than seven acres.

I hope this discussion has been helpful. If you have any questions concerning my comments, please contact me at 518/457-8887.

Sincerely,



Robert Somers, Ph.D.  
Manager, Agricultural Protection Unit

Enclosures

Cc: Brian Reeves, Chairman, Onondaga County AFPB  
Megan Hourigan Costa, Syracuse-Onondaga County Planning Agency  
John Brennan, Agricultural District's Administrator, Dept. of A&M

## **Guidelines for Review of Local Zoning and Planning Laws**

### **Background and Objective**

As communities adopt or amend zoning regulations, potential conflicts between farm operations and local land use controls may increase. This, coupled with continuing exurban development pressures on many of the State's agricultural communities, increases the need to better coordinate local planning and the agricultural districts program, and to develop guidelines to help address conflicts which may occur. Proactively, guidelines can aid in crafting zoning regulations by municipalities with significant farming activities.

### **Zoning and Farm Operations: Practical Limitations and Problems**

Farms are host to several discrete but interdependent land uses which may include barns, commodity sheds, farm worker housing, garages, direct farm markets, silos, manure storage facilities, milking parlors, stables, poultry houses and greenhouses, to name but a few. The typical zoning regulation, in addition to establishing minimum lot sizes and separations between uses, often prohibits more than one "principal" structure on each parcel of record. Many zoning devices, then, are unable to distinguish between on-farm structures as part of a *farm operation* from the same building when it is used for an independent, freestanding use.

The minimum separation and "yard" requirements of zoning are designed to avoid over concentration, maintain adequate spaces for light and air, and to reduce fire hazard in more urban environments. The application of such requirements to suburban and rural communities and farm operations often results in the unintended regulation of farm operations and uses not as an integrated whole, but as separate improvements.

The rapidly changing nature of the agricultural industry does not always allow zoning and the comprehensive planning process to keep pace. This can result in the application of outdated regulations to contemporary land uses and gives rise to potentially unreasonable restrictions. Local governments may run afoul of the letter and intent of the Agricultural Districts Law by limiting the type and intensity of agricultural uses in their communities and by narrowly defining "farm" or "agricultural activity." This is sometimes problematic even in municipalities with a significant base of large, "production" level farming operations. Inadequately defined terms also give rise to conflict between the zoning device and farm operations.

Because of the inherent nature of zoning, there is essentially no discrete administrative authority to waive its standards, even when those standards are at variance with the community's land use policy and what may be deemed its "intent." A municipal zoning board of appeals may, consistent with specific tests found in Town, Village and City Law, vary the use and area standards of a zoning regulation, and reverse or affirm determinations of the zoning administrative official. Such a remedy: i.e., an area or use variance, may, however, in and of itself be considered "unreasonably restrictive" if it is the only means available to establish, expand or improve a "farm operation" in a county adopted, State certified agricultural district.

These and other limitations and problems that can lead to AML §305-a violations may be avoided in the first instance by sound comprehensive planning. The Town Law,



Village Law, General City Law and the Agricultural Districts Law are designed to encourage coordination of local planning and land use decision making with the agricultural districts program.

### **Agricultural Districts and County Agricultural and Farmland Protection Plans: Their Influence on the Municipal Comprehensive Plan and the Zoning Process**

The preparation, adoption and administration of a municipal comprehensive plan and zoning regulation are not independent actions of local government, but should be part of a well thought out, seamless process. A zoning regulation is, in the final analysis, simply a device to implement the community plan and, in fact, "... must be in accordance with a comprehensive plan..." [Town Law §272-a (11)(a)]

The State Legislature has codified the intent, definition and content of the comprehensive plan (Town Law §272-a, Village Law §7-722 and General City Law §28-a). In so doing, the Legislature has given significant status to "agricultural uses" in general, and State certified agricultural districts and county agricultural and farmland protection plans created under Agriculture and Markets Law Articles 25-AA and 25-AAA in particular. Town Law §272-a (9) requires agricultural review and coordination with the comprehensive planning process:

*"A town comprehensive plan and any amendments thereto, for a town containing all or part of an agricultural district or lands receiving agricultural assessments within its jurisdiction, shall continue to be subject to the provisions of article twenty-five-AA of the agriculture and markets law relating to the enactment and administration of local laws, ordinances, rules or regulations. A newly adopted or amended town comprehensive plan shall take into consideration applicable county agricultural and farmland protection plans as created under article twenty-five-AAA of the agriculture and markets law."*

(The same language is found in Village Law and General City Law.)

Thus, the statutory influence the Agricultural Districts Law and the Agricultural and Farmland Protection programs have on the comprehensive planning process and zoning regulations is significant. State certified agricultural districts and county agricultural and farmland protection plans are community shaping influences in much the same way as existing and proposed infrastructure; wetlands, floodplains, topographical features; cultural, historic and social amenities; economic needs; etc. are viewed. The Agricultural Districts Law is a valuable planning tool to conserve, protect and encourage the development and improvement of the agricultural economy; protect agricultural lands as valued natural and ecological resources; and preserve open space.

In addition to AML §305-a, limitations on local authority in Town Law §283-a and Village Law §7-739 were enacted to ensure that agricultural interests are taken into consideration during the review of specific land use proposals. Town Law §283-a (1) and Village Law §7-739(1), as recently amended by Chapter 331 of the Laws of 2002, require local governments to "...exercise their powers to enact local laws, ordinances, rules or regulations that apply to farm operations in an agricultural district in a manner which does not unreasonably restrict or regulate farm operations in contravention of the purposes of article twenty-five-AA of the agriculture and markets law, unless it can be shown that the public health or safety is threatened." The recent amendments make the Town and Village Law provisions consistent with AML §305-a regarding showing a threat

to the public health or safety. AML §305-a, subd.1 is not a stand-alone requirement for coordination of local planning and land use decision making with the agricultural districts program. Rather, it is one that is fully integrated with the comprehensive planning, zoning and land use review process.

### **Application of Local Laws to Farm Operations within Agricultural Districts**

In general, the construction of on-farm buildings and the use of land for agricultural purposes should not be subject to site plan review, special use permits or non-conforming use requirements when conducted in a county adopted, State certified agricultural district. The purpose of an agricultural district is to encourage the development and improvement of agricultural land and the use of agricultural land for the production of food and other agricultural products as recognized by the New York State Constitution, Article XIV, Section 4. Therefore, generally, agricultural uses and the construction of on-farm buildings as part of a farm operation should be allowed uses when the farm operation is located within an agricultural district.

Town Law §274-b, subdivision 1 allows a town board to authorize a planning board or other designated administrative body to grant special use permits as set forth in a zoning ordinance or local law. "Special use permit" is defined as "...an authorization of a particular land use which is permitted in a zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met." Agricultural uses in an agricultural district are not, however, "special uses." They are constitutionally recognized land uses which are protected by AML §305-a, subd.1. Further, agricultural districts are created and reviewed locally through a process which includes public notice and hearing, much like zoning laws are adopted and amended. Therefore, absent any showing of an overriding local concern, generally, an exemption from special use permit requirements should be provided to farm operations located within an agricultural district.

The application of site plan and special permit requirements to farm operations can have significant adverse impacts on such operations. Site plan and special permit review, depending upon the specific requirements in a local law, can be expensive due to the need to retain professional assistance to certify plans or simply to prepare the type of detailed plans required by the law. The lengthy approval process in some local laws can be burdensome, especially considering a farm's need to undertake management and production practices in a timely and efficient manner. Site plan and special permit fees can be especially costly for start-up farm operations.

Generally, farmers should exhaust their local administrative remedies and seek, for example, permits, exemptions available under local law or area variances before the Department reviews the administration of a local law. However, an administrative requirement/process may, itself, be unreasonably restrictive. The Department evaluates the reasonableness of the specific requirement/process, as well as the substantive requirements imposed on the farm operation. The Department has found local laws which regulate the health and safety aspects of the construction of farm buildings through provisions to meet local building codes or the State Building Code (unless exempt from the State Building Code<sup>1</sup>) and Health Department requirements not to be unreasonably restrictive. Requirements for local building permits and certificates of

---

<sup>1</sup> A discussion of the New York State Uniform Fire Prevention and Building Code follows below.

occupancy to ensure that health and safety requirements are met are also generally not unreasonably restrictive.

### **Site Plan Review for Farm Operations within an Agricultural District**

Many local governments share the Department's view that farm operations should not have to undergo site plan review and exempt farms from that requirement. However, the Department recognizes the desire of some local governments to have an opportunity to review farm operations and projects within their borders, as well as the need of farmers for an efficient, economical, and predictable process. In view of both interests, the Department developed a model streamlined site plan review process which attempts to respond to the farmers' concerns while ensuring the ability to have local land use issues examined. The process could be used to examine a parcel's current characteristics and its surroundings in relation to any proposed activities on the farm and their potential impact to neighboring properties and the community. For example, municipalities could specify that farm operations located within specific zoning districts must submit to site plan review. Municipalities may also elect to exempt farm operations, located within a county adopted, State certified agricultural district, from their site plan review process.

The authorizing statutes for requiring site plan review are quite broad and under "home rule" municipalities retain significant flexibility in crafting specialized procedures (e.g., the selection of a reviewing board; uses which trigger submission of site plans; whether to have a public hearing and the length of time to review an application). Town Law §274-a and Village Law §7-725-a define a site plan as "a rendering, drawing, or sketch prepared to specifications and containing necessary elements as set forth in the applicable zoning ordinance or local law which shows the arrangement, layout and design of the proposed use of a single parcel of land... ." These sections of law further outline a list of potential site plan elements including parking, means of access, screening, signs, landscaping, architectural features, location and dimensions of buildings, adjacent land uses and physical features meant to protect adjacent land uses as well as additional elements.

Many municipalities have also added optional phases to the site plan review. While a preliminary conference, preliminary site plan review and public hearings may assist the applicant earlier in the review process and provide the public an opportunity to respond to a project, they can result in a costly delay for the farmer.

For the sake of simplicity, the model site plan process and the following guidance presume that the planning board is the reviewing authority.

### **Site Plan Process**

The applicant for site plan review and approval shall submit the following:

- 1) Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways.

Show the existing features of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.

- 2) Show the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic.

Show the proposed location and arrangement of specific land uses, such as pasture, crop fields, woodland, livestock containment areas, or manure storage/manure composting sites.

- 3) Sketch of any proposed building, structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.
- 4) Provide a description of the farm operation (existing and/or proposed) and a narrative of the intended use and/or location of proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.
- 5) If any new structures are going to be located adjacent to a stream or wetland provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.
- 6) Application form and fee (if required).

If the municipality issues a permit for the structure, the Code Enforcement Officer (CEO) determines if the structures are subject to and comply with the local building code or New York State Uniform Fire Prevention and Building Code prior to issuing the permit. Similarly, the Zoning Enforcement Officer (or the CEO in certain municipalities) would ensure compliance with applicable zoning provisions.

The Department urges local governments to take into account the size and nature of the particular agricultural activity, including the construction of farm buildings/structures when setting and administering any site plan requirements for farm operations. The review process, as outlined above, should generally not require professional assistance (e.g., architects, engineers or surveyors) to complete or review and should be completed relatively quickly.<sup>2</sup> The Department understands, however, that in some cases, a public hearing and/or a more detailed review of the project which may include submission of a survey, architectural or engineering drawings or plans, etc., may be necessary. The degree of regulation that may be considered unreasonably restrictive depends on the nature of the proposed activities, the size and complexity of the proposed agricultural activity and/or the construction of buildings or structures and whether a State agricultural exemption applies.

### **Time Frame for Review and Decision**

---

<sup>2</sup> Please see discussion of Agricultural Exemptions below.

Town Law §274-a and Village Law §7-725-a require that a decision on a site plan application be made within a maximum of 62 days after receipt of the application or date of a public hearing, if one is required. Town and Village Law authorize town boards and village boards of trustees to adopt public hearing requirements and local laws often provide planning boards with the discretion whether to hold a public hearing. The Department recommends that if the municipality requires construction of farm buildings and structures within a state certified agricultural district to undergo site plan review, that the review and decision be expedited within 45 days, with no public hearing. The Department recognizes that the Town Law allows municipalities to determine which uses must undergo site plan review, the time frame for review (within the 62 day maximum), and whether to conduct a public hearing. A protracted review of most agricultural projects could, however, result in significant economic impacts to farmers.

The process outlined above affords the community an opportunity to examine a proposed agricultural project and to evaluate and mitigate potential impacts in light of public health, safety and welfare without unduly burdening farm operations. Of course, the “process” must also be administered in a manner that does not unreasonably restrict or regulate farm operations. For example, conditions placed upon an approval or the cost and time involved to complete the review process could be unreasonably restrictive.

### **Agricultural Exemptions**

**State Environmental Quality Review (SEQR)** - Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with “generally accepted principles of farming” are designated as Type II actions which do not require preparation of an Environmental Assessment Form (EAF) and are not subject to compliance with State Environmental Quality Review (SEQR). 6 NYCRR §617.5(a), (c)(3). [See *In the Matter of Pure Air and Water Inc. of Chemung County v. Davidsen*, 246 A.D.2d 786, 668 N.Y.S.2d 248 (3<sup>rd</sup> Dept. 1998), for application of the exemption to the manure management activities of a hog farm and *In the Matter of Humane Society of the United States v. Empire State Development Corporation*, 53 A.D. 3d 1013, 863 N.Y.S. 2d 107 (3<sup>rd</sup> Dept., 2008) where ESDC’s classification of the issuance of a grant for the construction or renovation of on-farm buildings for treatment of manure and raising livestock as a Type II action was upheld.]

The SEQR regulations require localities to recognize the Type II actions contained in the statewide list.

**New York State Uniform Fire Prevention and Building Code** - While farmers must comply with local requirements which regulate health and safety aspects of the construction of farm buildings, many farm buildings are exempt from the State Uniform Fire Prevention and Building Code (“Uniform Code”). The Uniform Code recently underwent major revisions and now is comprised of seven sub-codes (the Building Code, Fire Code, Residential Code, Plumbing Code, Mechanical Code, Fuel Gas Code, and the Property Maintenance Code). The exemption for agricultural buildings has been incorporated in the following portions of the revised Uniform Code and the Energy Conservation Construction Code, which became fully effective on January 1, 2003.

- Agricultural building is defined in §202 of the Building Code as “A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other

horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.”

- Building Code §101.2(2) provides an exemption from the Building Code for "[a]gricultural buildings used solely in the raising, growing or storage of agricultural products by a farmer engaged in a farming operation."
- Section 102.1(5) of the Fire Code of New York State provides that "[a]gricultural buildings used solely in the raising, growing or storage of agricultural products by a farmer engaged in a farming operation" are exempt from the provisions of the Fire Code pertaining to construction but are subject to applicable requirements of fire safety practice and methodology.
- Section 101.4.2.5 of the Energy Conservation Construction Code (“ECCC”) exempts "nonresidential farm buildings, including barns, sheds, poultry houses and other buildings and equipment on the premises used directly and solely for agricultural purposes" from the provisions of the ECCC.

The above briefly highlights the agricultural buildings exemptions. Any specific questions regarding the interpretation and applicability of the revised State Uniform Fire Protection and Building Code should be directed to the Department of State's Codes Division at (518) 474-4073.

**Professionally Stamped Plans** - Education Law §7209(1) provides that no official of the State or any city, county, town or village charged with the enforcement of laws, ordinances or regulations may accept or approve any plans or specifications that are not stamped with the seal of an architect, or professional engineer, or land surveyor licensed or authorized to practice in the State. Thus, where local laws, ordinances or regulations require that plans and specifications for private construction be accepted or approved, they may not be accepted or approved without the required seal, subject to the exceptions set forth in the statute. 1981 Op Atty Gen April 27 (Informal).

However, the exceptions contained in Education Law §7209(7)(b) include "farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes." As a result, plans and specifications for such buildings are not required to be stamped by an architect, professional engineer or land surveyor.<sup>3</sup>

Against this backdrop, specific guidelines for review of zoning and planning regulations by local governments and the Department can best be understood.

### **Generic Review Guidelines**

Generic reviews are those of entire zoning regulations or sections of zoning regulations that impact the municipality's farm community as a class or several farm operations in the same way. Examples of actions which might result in a generic review include the adoption or administration of an entirely new or substantially amended zoning regulation that results in a material change in the use and area standards applied

---

<sup>3</sup> Similar requirements and exceptions are also provided in Education Law §7307(1) and (5).

to farm operations in a State certified agricultural district. In such cases, the Department recommends that the municipality ask itself the following questions:

- Do the regulations materially limit the definition of farm operation, farm or agriculture in a way that conflicts with the definition of “farm operation” in AML §301, subd.11?
- Do the regulations relegate any farm operations in agricultural districts to “non-conforming” status?
- Is the production, preparation and marketing of any crop, livestock or livestock product as a commercial enterprise materially limited, restricted or prohibited?
- Are certain classes of agriculture subject to more intensive reviews or permitting requirements than others? For example, is “animal agriculture” treated differently than crop production without demonstrated links to a specific and meaningful public health or safety standard designed to address a real and tangible threat?
- Are any classes of agricultural activities meeting the definition of “farm operation” subject to special permit, site plan review or other original jurisdiction review standard over and above ministerial review?
- Are “farm operations” subject to more intensive reviews than non-farm uses in the same zoning district?
- Are “farm operations” treated as integrated and interdependent uses, or collections of independent and competing uses on the same property?
- Is the regulation in accordance with a comprehensive plan and is such a plan crafted consistent with AML Article 25-AA as required by law?

If the answer to any of the first six questions is “yes,” or if the answer to either of the last two is “no,” the zoning regulations under review are likely to be problematic and may be in violation of AML §305-a, subd.1. Certainly such regulations would appear to be on their “face” inconsistent with the statutory requirement that *“Local governments ...shall exercise these powers in such manner as may realize the policy and goals set forth in this article [Article 25AA-Agricultural Districts].”*

### **Guidelines for Site Specific Reviews**

AML §305-a zoning case reviews often involve application of zoning regulations to a specific farm operation. Such cases typically result from applying the site plan, special use permit, use or non-conforming use sections, yard requirements, or lot density sections of the municipal zoning device to an existing farm operation.

These cases often evolve because although the zoning regulation may appear to be consistent with the agricultural districts law, its application to a specific issue or set of facts is not. In such cases, the Department recommends that the municipality ask itself the following questions:

- Is the zoning regulation or restriction being applied to a use normally and customarily associated with a “farm operation” as defined in AML Article 25-AA?

- Does the regulation or restriction materially limit the expansion or improvement of the operation without offering some compelling public benefit?
- Is the regulation or restriction applicable to the specific farm operation in question or, under the same circumstances, would it apply to other farm operations in the community?
- Does the zoning regulation impose greater regulation or restriction on a use or farming activity than may already be imposed by State or federal statute, rule or regulation?
- Is the regulation or restriction the result of legislative action that rendered the farm operation a “non-conforming use”?

If the answer to any of these questions is yes, then the zoning regulation or restriction under review is likely to be problematic and may be in violation of the statutory prohibitions against unreasonably restrictive regulation of farm operations in an agricultural district, unless a threat to the public health or safety is demonstrated.

### **Guidance on Specific Zoning Issues**

The following are some specific factors that the Department considers when reviewing local zoning laws<sup>4</sup>:

#### **A. Minimum and Maximum Dimensions**

Generally the Department will consider whether minimum and maximum dimensions imposed by a local law can accommodate existing and/or future farm needs. For example, many roadside stands are located within existing garages, barns, and outbuildings that may have dimensions greater than those set by a local ordinance. Also, buildings specifically designed and constructed to accommodate farm activities may not meet the local size requirements (e.g., silos and barns which may exceed maximum height limitations). The size and scope of the farm operation should also be considered. Larger farms, for example, cannot effectively market their produce through a traditional roadside stand and may require larger farm markets with utilities, parking, sanitary facilities, etc.

#### **B. Lot Size**

Establishing a minimum lot size for farm operations within a zoning district that includes land within a State certified agricultural district might be unreasonably restrictive. The definition of "farm operation" in AML §301(11) does not include an acreage threshold. Therefore, the Department has not set a minimum acreage necessary for protection under AML §305-a and conducts reviews on a case-by-case basis. For example, a nursery/greenhouse operation conducted on less than 5 or 10 acres may be protected as a “farm operation” under §305-a if the operation is a “commercial enterprise” as determined by the Department.

---

<sup>4</sup> Please see other Department guidance documents for further information on issues related to specific types of farm buildings and practices.



For agricultural assessment purposes, however, AML §301(4) states that a farm must have "land used in agricultural production" to qualify (either seven or more acres and gross sales of an average of \$10,000 or more in the preceding two years or have less than seven acres and average gross sales of more than \$50,000 in the preceding two years). AML §301(4) also provides for an agricultural assessment on seven or more acres which has an *annual* gross sales of \$10,000 or more "...when such land is owned or rented by a newly established farm operation in the first year of operation." AML §301(4)(h).

Local requirements for minimum lot sizes for farm buildings raise concerns similar to those involving minimum and maximum building dimensions. A farmer may be unable to meet a minimum lot size due to the configuration of the land used for production or lying fallow as part of a conservation reserve program. The need to be proximate to existing farm roads, a water supply, sewage disposal and other utilities is also essential. Farm buildings are usually located on the same property that supports other farm structures. Presumably, minimum lot size requirements are adopted to prevent over concentration of buildings and to assure an adequate area to install any necessary utilities. Farm buildings should be allowed to be sited on the same lot as other agricultural use structures subject to the provision of adequate water and sewage disposal facilities and meeting minimum setbacks between structures.

#### C. Setbacks

Minimum setbacks from front, back and side yards for farm buildings have not been viewed as unreasonably restrictive unless a setback distance is unusually long. Setbacks that coincide with those required for other similar structures have, in general, been viewed as reasonable.

A farm operation's barns, storage buildings and other facilities may already be located within a required setback, or the farm operation may need to locate new facilities within the setback to meet the farm operation's needs. Also, adjoining land may consist of vacant land, woodland or farmland. The establishment of unreasonable setback distances increases the cost of doing business for farmers because the infrastructure needed to support the operation (e.g., water supply, utilities and farm roads) is often already located within, and adjacent to, the farmstead area or existing farm structures. Setbacks can also increase the cost of, or make it impracticable to construct new structures for the farm operation.

#### D. Sign Limitations:

Whether or not a limitation on the size and/or number of signs that may be used to advertise a farm operation is unreasonably restrictive of a farm operation depends upon the location of the farm and the type of operation. A farmer who is located on a principally traveled road probably will not need as many signs as one who is located on a less traveled road and who may need directional signs to direct the public to the farm. The size of a sign needed may depend on whether the sign is used to advertise the farm's produce or services (e.g., for a commercial horse boarding operation) as part of the farm's direct marketing, or just for directional purposes.

#### E. Maximum Lot Coverage

Establishing a maximum lot coverage that may be occupied by structures may be unreasonably restrictive. For example, it may be difficult for horticultural operations to recoup their investment in the purchase of land if they are not allowed to more fully utilize a lot/acreage for greenhouses. Farm operations within an agricultural district should be allowed the maximum use of available land, consistent with the need to protect the public health or safety. Generally, if setbacks between buildings are met and adequate space is available for interior roads, parking areas (where required), and safe operation of vehicles and equipment, health and safety concerns are minimized.

#### F. Screening and Buffers

Some municipalities impose buffer requirements, including setbacks where vegetation, landscaping, a wall or fencing is required to partially or completely screen adjacent land uses. Often, the buffer area cannot be used or encroached upon by any activities on the lot. Requirements for buffers or setbacks to graze animals, construct fences and otherwise use land for agricultural purposes are generally unreasonably restrictive.

Buffers and associated setbacks may require farmers to remove land from production or otherwise remove land from use for the farm operation. The impact on nursery/greenhouse operations is especially significant since they are often conducted on smaller parcels of land. Maintenance of the buffer also creates a hardship to the landowner. If a setback is required for fencing, the farmer may have to incur the expense of double fencing the perimeter of the property, or portion thereof, to prevent encroachment by neighboring property owners.

A requirement to screen a farm operation or agricultural structures such as farm labor housing or greenhouses from view has been found by the Department to be unreasonably restrictive. Screening requirements suggest that farm operations and associated structures are, in some way, objectionable or different from other forms of land use that do not have to be screened. Farmers should not be required to bear the extra costs to provide screening unless such requirements are otherwise warranted by special local conditions or necessary to address a threat to the public health or safety. While aesthetics are an appropriate and important consideration under zoning and planning laws, the purpose of the Agricultural Districts Law is to conserve and protect agricultural lands by promoting the retention of farmland in active agricultural use.

## **Guideline for Review of Local Laws Affecting Farm Distilleries, Breweries and Wineries**

The following Agriculture and Markets Law (AML) provisions are relevant when evaluating whether farm distilleries, breweries and wineries are protected as part of a “farm operation” for purposes of AML §305-a :

AML §301(11) “farm operation” – “...means the land and on-farm buildings, equipment,... and practices which contribute to the **production, preparation and marketing of crops, livestock and livestock products** as a commercial enterprise. ... Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.” (emphasis added)

Definition of “**crops, livestock and livestock products**” as contained in AML §301(2) (a) includes, but is not limited to “...corn, wheat, oats, rye, barley...” and [hops] and §301(2) (b) “[f]ruits,” including “...apples, peaches, grapes, cherries and berries.”

The on-farm “**production, preparation and marketing**” [AML §301(11)] of grains, grapes and other fruits are considered part of a farm operation. The Department considers agricultural commodities produced “on-farm” to include any products that may have been produced by a farmer on his or her “farm operation,” which could include a number of parcels owned or leased by that farmer throughout a town, county, or the State.

The Department considers the processing, distillation, brewing and fermentation activity and the on-farm buildings and equipment which are needed to produce, store, distill, brew and/or ferment grains, grapes or other fruits as part of the farm operation to the extent that the distilled or brewed product and/or wine that is prepared is composed predominantly of grain, hops, grapes or other fruits produced on the farm.<sup>1,2</sup> In addition, the on-farm marketing of distilled and brewed products and wine, when the distilled and brewed products and wine is composed predominantly of on-farm produced grain, hops, grapes or other fruits, is part of the farm operation. On-farm marketing of distilled, brewed and wine-related products (e.g., food products such as cheese, pies and ice cream made with wine or on-farm produced fruit, as well as products used for transport, preparation and consumption of distilled or brewed products or wine, such as shot glasses, cork screws, chillers and wine/beer glasses) is also part of the farm operation when the amount of annual sales of such products is consistent with the size and scope of the farm operation and does not exceed the annual sales of the farm’s distilled or brewed products or wine. **Farm distilleries, breweries and wineries must keep sufficient records to prove that these requirements are met.** The needs of “start-up” distilleries, breweries and wineries should also be considered. These farms often start out selling distilled or brewed products and/or wine which is composed entirely, or primarily, of grain, hops, grapes/fruit grown off the farm in order to develop a customer base and maintain income while

---

<sup>1</sup> Distilled or brewed products and wine must be composed of 51% or more on-farm produced grains, hops, grapes or other fruits (if grapes or fruits are imported as whole fruit, then gross weight of the on-farm produced grapes/fruit must be at least 51% of the finished wine; if juice is imported, then the gross volume of juice from on-farm produced grapes/fruit must be at least 51% of the finished wine).

<sup>2</sup> While the Department sets standards for protection of “farm operations,” the Alcoholic Beverage Control Law (ABC Law) provides the standards which must be met for farm brewery, winery and distillery licenses. Licensees must comply with the ABC Law standards to qualify for their licenses. See also the discussion of ABC Law below.

their crop (such as hops or grains) or vines/fruit trees are growing. These farms should be allowed a reasonable period of time to meet the predominance standard.

The Department has concluded that on-farm wedding receptions, parties and special events (e.g., harvest festivals or distillery, brewery and wine tastings), including charitable events, held at farm distilleries, breweries and wineries help market the farm operation's product. These activities are evaluated on a case-by-case basis to determine whether they are protected as part of the farm operation. The Department interprets AML §301(11) to include such receptions, parties and special events held at a farm distillery, brewery or winery as part of a farm operation under certain conditions. In cases where the farm distillery, brewery or winery is charging admission, facility rental and/or vendor fees for such activities, the per event sales of the farm's distilled or brewed products and/or wine and wine-related food products as a result of such activities must exceed the fees charged for such activities, less the actual cost to offer the activity/hold the event, so that the primary purpose of the activities is to sell the farm's distilled or brewed products and/or wine and wine-related food products and not to gain admission fees or rental income.<sup>3</sup> **Farm distilleries, breweries and wineries must keep sufficient records to prove that this requirement is met.** In cases where the farm distillery, brewery or winery holds a special event as part of its overall marketing strategy, the event is open to the general public, and no admission, facility rental or vendor fees are involved, these activities are part of the farm operation and an evaluation of fees versus sales of the farm's distilled or brewed products and/or wine and wine-related food products would be unnecessary.

In all cases where on-farm wedding receptions, parties and special events are offered, the primary purpose of the events must be to market the farm's distilled or brewed products and/or wines and the events must be sufficiently related to the farm operation. The Department examines the specific activities/events to determine whether they are part of the farm operation. In addition, these activities are subject to any State or federal requirements applicable to the processing, storage and sale of alcoholic products.

Information concerning the marketing of product grown and produced on the farm may be obtained from the *Guideline for Review of Local Laws Affecting Direct Farm Marketing Activities* (<http://www.agriculture.ny.gov/AP/agsservices/guidancedocuments/305-aFarmMarket.pdf>).

In regulating these activities, local governments may require farm landowners that hold such events to undergo an expedited site plan review process and/or obtain an event permit from the regulating municipality. The Department discusses an expedited site plan review process in its *Guideline for the Review of Local Zoning and Planning Laws* (<http://www.agriculture.ny.gov/AP/agsservices/guidancedocuments/305-aZoningGuidelines.pdf>). If the municipality requires the farm landowner to obtain an event permit, the permit should be issued on an expedited basis and not be excessively costly to obtain. For example, an event permit application meeting these standards might request information on such things as the date(s) of the event, type of event being held, the anticipated number of people in attendance, parking, whether catered food or food prepared on-site, the fee charged to rent the facility or the

---

<sup>3</sup> Admission fees or minimum donations which are donated to a charity are, of course, not subject to this condition. Further, the fact that admission fees or all, or a portion of, sales from the event are donated to a charity does not mean that the primary purpose is not to market the farm's distilled or brewed products or wine. The Department evaluates all AML §305-a matters on a case-by-case basis. Therefore, if necessary, the Department would examine the specific event(s) to determine whether it is part of the farm operation.

cost of admission and a description of the buildings to be used during the event. The permit could also make provisions for any inspections that must be made by the Code Enforcement Officer/Building Inspector, Fire Marshall and/or Health Department, and other reasonable requirements that may be pertinent to the holding of such events.

### NEW YORK STATE ALCOHOLIC BEVERAGE CONTROL LAW (ABC Law)

AML §305-a protects “farm operations” to carry out the State policy to “...conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products. It is also the declared policy of the state to conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air sheds, as well as for aesthetic purposes.” *AML §300* The Department uses the criteria in this guidance document, as well as other resources, to assist it in evaluating farm operations and local laws on a case-by-case basis under AML §305-a.

The State of New York, through the ABC Law, regulates and controls the manufacture, sale and distribution of alcoholic beverages within the state. Courts have routinely struck down local regulations concerning the manufacture, sale or distribution of alcoholic beverages. Such local laws are deemed to be preempted by the ABC Law. Examples of local provisions which the SLA has indicated are preempted include, but are not limited to:

- Defining a “winery” differently from the definition of that term in the ABC Law.
- Regulating the types of food which can be served at a wine tasting.
- Limiting the accessory gifts a winery may sell.
- Requiring that the sale of wine exceed fees charged for any “marketing event.”

A local law which follows the Department’s criteria above would, therefore, be preempted. Local laws which are neutral with respect to the manufacture, sale and distribution of alcohol are permitted, however. For example, a local law which defines a “farm” as having a minimum of 10 acres; or requires a special events permit for all events meeting certain alcohol neutral criteria would not be preempted. While such a local law may not be preempted by the ABC Law, if an entity qualifies as a “farm operation” under AML §301 (11) then the protections of AML §305-a may still apply.

If you have questions about ABC Law preemption, the SLA may be contacted at (518) 474-3114 or by email to: [Legal@sla.ny.gov](mailto:Legal@sla.ny.gov).

## ARTICLE 25AA - AGRICULTURAL DISTRICTS

### Complete Definition of Farm Operation

When used in this article:

301(11). "Farm operation" means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of **crops, livestock and livestock products** as a commercial enterprise, including a **"commercial horse boarding operation"** as defined in subdivision thirteen of this section, a **"timber operation"** as defined in subdivision fourteen of this section, **"compost, mulch or other biomass crops"** as defined in subdivision sixteen of this section and **"commercial equine operation"** as defined in subdivision seventeen of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.<sup>1</sup>

301(2). **"Crops, livestock and livestock products"** shall include but not be limited to the following:

- a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
- b. Fruits, including apples, peaches, grapes, cherries and berries.
- c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
- d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
- e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs.
- f. Maple sap.
- g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
- h. Aquaculture products, including fish, fish products, water plants and shellfish.
- i. Woody biomass, which means short rotation woody crops raised for bioenergy, and shall not include farm woodland.
- j. Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens. For the purposes of this paragraph, "nucs" shall mean small honey bee colonies created from larger colonies including the nuc box, which is a smaller version of a beehive, designed to hold up to five frames from an existing colony.

301(13). **"Commercial horse boarding operation"** means an agricultural enterprise, consisting of at least seven acres and boarding at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale

---

<sup>1</sup> The definition of "farm operation" was separately amended by Chapters 374 and 388 of the Laws of 2001 to add "manure processing and handling facilities" (Chapter 374) and "commercial horse boarding operations" (Chapter 388) and in 2005, "timber processing" (Chapter 573). "Timber processing" was amended to "timber operation" in 2010 (Chapter 120).

of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing. Notwithstanding any other provision of this subdivision, a commercial horse boarding operation that is proposed or in its first or second year of operation may qualify as a farm operation if it is an agricultural enterprise, consisting of at least seven acres, and boarding at least ten horses, regardless of ownership, by the end of the first year of operation.

301(14). **"Timber operation"** means the on-farm production, management, harvesting, processing and marketing of timber grown on the farm operation into woodland products, including but not limited to logs, lumber, posts and firewood, provided that such farm operation consists of at least seven acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products.

301(16). **"Compost, mulch or other organic biomass crops"** means the on-farm processing, mixing, handling or marketing of organic matter that is grown or produced by such farm operation to rid such farm operation of its excess agricultural waste; and the on-farm processing, mixing or handling of off-farm generated organic matter that is transported to such farm operation and is necessary to facilitate the composting of such farm operation's agricultural waste. This shall also include the on-farm processing, mixing or handling of off-farm generated organic matter for use only on that farm operation. Such organic matter shall include, but not be limited to, manure, hay, leaves, yard waste, silage, organic farm waste, vegetation, wood biomass or by-products of agricultural products that have been processed on such farm operation. The resulting products shall be converted into compost, mulch or other organic biomass crops that can be used as fertilizers, soil enhancers or supplements, or bedding materials. For purposes of this section, "compost" shall be processed by the aerobic, thermophilic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material.

301(17) **"Commercial equine operation"** means an agricultural enterprise, consisting of at least seven acres and stabling at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated through the provision of commercial equine activities including, but not limited to riding lessons, trail riding activities or training of horses or through the production for sale of crops, livestock, and livestock products, or through both the provision of such commercial equine activities and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing, notwithstanding any other provision of this subdivision, an agricultural enterprise that is proposed or in its first or second year of operation may qualify as a commercial equine operation if it consists of at least seven acres and stables at least ten horses, regardless of ownership, by the end of the first year of operation. [Signed into the AML on 8/3/11, Chapter 384]



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-290

- 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 8822 Route 11 LLC for the property located 8822 Brewerton Road; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of Brewerton Road (New York State Route 11), and Interstate Route 81, both state highways; and
- WHEREAS, the applicant proposes to amend a currently approved site plan for a multi-building self storage facility, to reduce the size of buildings and modify grading on a 2.718 acre parcel in a General Commercial zoning district; and
- WHEREAS, the Board previously recommended modification of two site plan referrals for full buildout of the site as a public storage facility in 2004 (Z-04-25) and 2009 (Z-09-196), citing drainage and access management; and
- WHEREAS, the Existing Conditions Site Plan updated May 20, 2104 shows two existing 4,500 square foot buildings surrounded by asphalt driveways, an existing 1,891 square foot frame house, six total parking spaces in two locations, and a 24-foot driveway onto Route 11, which must meet the requirements of the New York State Department of Transportation; and
- WHEREAS, the Amended Site Plan dated May 20, 2014 shows the house to be removed and a new building (3,600 square feet) labeled "Rental Office & Climate Control Storage" at the front of the parcel, the two existing 4,500 square foot buildings, and five additional proposed linear storage buildings, ranging from 1,125 square feet to 3,600 square feet each, all surrounded by asphalt; and
- WHEREAS, the Amended Site Plan shows 8 parking spaces at the front of the parcel, and no changes are indicated to the existing single driveway onto Route 11; and
- WHEREAS, the Amended Plan shows the location of a proposed leach field (unchanged from the existing plan) at the front of the parcel; the plan notes "Proposed septic system and leach field final location and design must be approved by the Onondaga County Health Department prior to construction of Building "H" (rental office); the site is located within the Onondaga County Sanitary District, in the Brewerton Sewage Treatment Plant service area; and
- WHEREAS, the Drainage, Grading and Erosion Control Plan revised May 21, 2014 shows an infiltration basin at the southwest corner of the site with a n underdrain to an outlet structure on Route 11, a detention basin behind Building "H", swales and berms along the rear of the property, which abut Niagara Mohawk Power Corporation property, and Interstate Route 81 beyond; and
- WHEREAS, if the proposed project disturbs one acre or more of land it must obtain a New York State SPDES II General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) and the applicant must submit a



Stormwater Pollution Prevention Plan (SWPPP) to the municipality and a Notice of Intent (NOI) to the DEC Bureau of Water Permits; and

WHEREAS, the proposed project is located within a designated Municipal Separate Storm Sewer System (MS4) municipality, and the applicant must consult with the municipal engineer to ensure conformance of construction plans with the municipality's Storm Water Management Plan (SWMP) and submit a MS4 SWPPP Acceptance Form signed by the municipality to the New York State Department of Environmental Conservation Bureau of Water Permits; 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 Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-291

- 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 Used Car King, LLC for the property located 8016 Brewerton Road; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of Brewerton Road (Route 11), a state highway; and
- WHEREAS, the applicant is proposing to install an asphalt and gravel parking and delivery area with new driveway access to Brewerton Road on a portion of two parcels totaling 44.24 acres in Regional Commercial (RC) zoning district; and
- WHEREAS, the site is located on a highly commercialized corridor, and the proposed improvements will serve the adjacent Sun Auto Warehouse property to the south and west of the two subject parcels; and
- WHEREAS, the Sketch Plan revised July 2, 2014 shows a proposed driveway (approximately 800 feet long in asphalt, and 150 additional feet in gravel), leading to a proposed asphalt parking lot containing approximately 143 parking spaces, and a separate 5-acre gravel lot to the east; the Environmental Assessment Form indicates the number of off-street parking spaces to be 150-200; and
- WHEREAS, the plan shows a single driveway accessing New York State Route 11 (Brewerton Road), which must meet the requirements of the New York State Department of Transportation; the driveway also provides a 24-foot wide connection to the Sun Auto parcel to the south; the Sketch Plan contains the note "Most northerly driveway to this adjacent parcel (Sun Auto) to be closed as part of this application per NYSDOT and by NYSDOT permit."; and
- WHEREAS, the existing 44 acres is largely wooded and is shown to contain areas labeled "ACOE wetlands"; wetland maps indicate the potential presence of state and/or federal wetlands and/or the 100-foot state wetland buffer on the subject property; and
- WHEREAS, the applicant must obtain appropriate permits from the New York State Department of Environmental Conservation and/or the U.S. Army Corps of Engineers for any proposed development or drainage in state and/or federal wetlands, respectively, and/or state wetland buffers on site; and
- WHEREAS, no wastewater or drinking water facilities are proposed for the site; and
- WHEREAS, the proposed project may disturb one acre or more of land and must be covered under the New York State SPDES II General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) and the applicant must submit a Stormwater Pollution Prevention Plan (SWPPP) to the municipality and a Notice of Intent (NOI) to the DEC Bureau of Water Permits; and

WHEREAS, the proposed project is located within a designated Municipal Separate Storm Sewer System (MS4) municipality, and the applicant must consult with the municipal engineer to ensure conformance of construction plans with the municipality's Storm Water Management Plan (SWMP) and submit a MS4 SWPPP Acceptance Form signed by the municipality to the New York State Department of Environmental Conservation Bureau of Water Permits; 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 New York State Department of Transportation has determined that the applicant must complete a drainage study or Stormwater Pollution Prevention Plan (SWPPP) to meet Department requirements verifying that the proposed development would not create additional stormwater runoff into the State's drainage system and is required to first contact the Department to determine the scope of the study; the applicant must submit the drainage study to the Department for approval and complete any appropriate mitigation as may be determined by the Department.
2. The applicant must contact the New York State Department of Transportation to obtain permits for any work in the State right-of-way.

The Board also offers the following comments:

1. The New York State Department of Transportation advises that given the parcel size, location and limited access to Brewerton Road, driveway access permitted by the New York State Department of Transportation for this project shall not preclude any future mitigation as determined by the Department.
2. The New York State Department of Transportation and the Board also advise the applicant and Town to consider any future development of this site with an intention of creating an interconnected road strategy for remaining lands between Brewerton Road and Route 81.
3. The applicant is advised to conduct a formal wetland delineation to determine the presence and location of any federal wetlands on site, and any delineated wetlands must be confirmed by the U.S. Army Corps of Engineers, shown on the plans for the site, and the applicant is also advised to obtain appropriate permits from the Corps for any proposed development or drainage into wetlands on site.
4. The applicant is encouraged to reduce stormwater runoff and improve stormwater quality as much as practical by reducing impermeable surfaces and utilizing green infrastructure. For more information on stormwater management, visit the Onondaga County "Save the Rain Program" web site at <http://savetherain.us> or contact the Onondaga County Department of Water Environment Protection at 315-435-6820.
5. The Town and applicant are advised to consider the noise, aesthetic, and other potential negative impacts of vehicle loading and parking activities in close proximity to existing residences.

**The motion was made by Chester Dudzinski and seconded by Robert Jokl. The votes were recorded as follows: Douglas Morris - yes; Daniel Cupoli - yes; Chester Dudzinski - yes; Robert Jokl - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-292

- 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 Mud Mill, LLC (Peter Paragon) for the property located 5718 Mud Mill 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 Mud Mill Road, a county road, and Interstate Route 81, a state highway; and
- WHEREAS, the applicant is proposing to construct a 8,750 square foot building to store vehicles, equipment, and materials on a portion of a 63.33-acre parcel in an Industrial zoning district; and
- WHEREAS, the Preliminary Site Plan rendering dated March 2014 shows the northeast portion of the 63-acre parcel only; an aerial photograph on the Plan shows the entirety of the parcel, with remaining lands being largely wooded with a creek and other watercourses, and a cleared area at the interior of the site, possibly used for farming; and
- WHEREAS, the site has approximately 400 feet of frontage and an existing gravel driveway onto Mud Mill Road, in the location of the proposed development activity; any existing or proposed access onto Mud Mill Road must meet the requirements of the Onondaga County Department of Transportation; and
- WHEREAS, surrounding land uses include vacant land, large lot residential properties, and scattered commercial properties; and
- WHEREAS, the plan shows an existing large gravel area labeled "Equipment & Material Storage"; beyond the gravel areas are wooded areas and a large expanse of open land labeled "Material Storage"; aerial photography shows the storage of construction vehicles, trailers and other large construction and other materials, mostly on the non-gravel areas; and
- WHEREAS, an expanded graveled area is shown surrounding a new 70' x 125' building on the site, with a 70' x 75' "Future Expansion" shown at the rear of the building; and
- WHEREAS, the plan shows wooded portions of the site will be cleared for the new activity, and the site gently slopes away from the road frontage, toward a creek which lies approximately 200 feet from the cleared area; and
- WHEREAS, per the Environmental Assessment Form, the proposed action will not connect to an existing wastewater or drinking water supply; and
- WHEREAS, the EAF also notes the site may contain wetlands or waterbodies regulated by a federal, state or local agency; the plan notes "According to the NYS DEC Environmental Mapper (webpage), there are no State wetlands on the site, but a portion of the site is located within a "Wetland Check Zone", and "According to the US Fish and Wildlife Service Wetland Online Mapper (webpage), there are no federal wetlands on site"; and

WHEREAS, per the U.S. Army Corps of Engineers, National Wetland Inventory Maps may not be used to confirm the presence/absence of federal wetlands on a given parcel of land; and

WHEREAS, New York State wetland maps indicate the potential presence of state wetlands and/or the 100-foot state wetland buffer on the southern portion of the property, a distance from the proposed disturbed area; 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 submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) and/or any drainage reports to the Onondaga County Department of Transportation early in the planning process for review, and prior to municipal approval.

The Board also offers the following comments:

1. A sewage disposal plan must be approved by the Onondaga County Health Department for any proposed construction that requires inside plumbing.
2. The applicant is required to obtain a permit from the Onondaga County Department of Transportation prior to any proposed work within a county road right-of-way.
3. The applicant is advised to contact the U.S. Army Corps of Engineers and/or the New York State Department of Environmental Conservation to confirm the presence of federal and/or state wetlands, respectively, and/or the 100-foot state wetland buffer on this site, and obtain all necessary permits for any confirmed wetlands and buffers and show them on the plans for the site.

**The motion was made by Chester Dudzinski and seconded by Robert Jokl. The votes were recorded as follows: Douglas Morris - yes; Daniel Cupoli - yes; Chester Dudzinski - yes; Robert Jokl - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-293

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a AREA VARIANCE from the Town of Cicero Zoning Board of Appeals at the request of Henry A. Mallinger for the property located 6295 Island 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 Island Road, a county road; and
- WHEREAS, the applicant is requesting an area variance to construct a 1,728 square foot addition to an existing storage building where 700 square feet are allowed, on a 33.26-acre parcel in an Agricultural (AG) zoning district; and
- WHEREAS, the site is located on a transitional segment of Island Road, where new residential uses have been introduced near existing uses such as traditionally farmed, vacant land, and scattered residential land; and
- WHEREAS, structures on the site include an existing house and pole barn at the southwest corner of the parcel; a 32' x 24' expansion to the rear of the existing pole barn is proposed; the remainder of the parcel is largely undeveloped and may be farmed; and
- WHEREAS, the site shows a 100+ foot wide Niagara Mohawk Power Corporation easement, with high tension power lines, crossing the parcel in a north-south direction; and
- WHEREAS, aerial photography shows a gravel driveway immediately east of the power lines (unclear whether it is within or outside of easement) which provides driveway access from Island Road to a landlocked parcel to the north; a driveway easement for the neighboring use is not indicated on the plan; and
- WHEREAS, a separate 60-foot wide right-of-way is shown along the western boundary of the parcel, extending to its northern boundary from Island Road; the right-of-way shows an existing gravel driveway on Island Road providing access to the existing and proposed pole barn; and
- WHEREAS, the existing house also has an existing gravel driveway onto Island Road; and
- WHEREAS, any existing or proposed access onto Island Road must meet the requirements of the Onondaga County Department of Transportation; 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. Per the Onondaga County Department of Transportation, the applicant is advised that any proposed additional access to Island Road is prohibited.

2. The applicant is required to obtain a permit from the Onondaga County Department of Transportation prior to any proposed work within a county road right-of-way.
3. The Town is encouraged to require landscape screening behind the expanded building to minimize impacts on the neighboring residential uses.

**The motion was made by Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**





JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-294

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a AREA VARIANCE from the Town of Cicero Zoning Board of Appeals at the request of Linda Essig for the property located 7321-7325 Thompson Road & 6083 Taft 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 Taft Road and Thompson Road, both county highways; and
- WHEREAS, the applicant is requesting area variances for minimum lot depth and one side yard setback on three newly created lots totaling 1.159 acres (two commercial and one residential) in a General Commercial (GC) zoning district; and
- WHEREAS, the Board is concurrently reviewing a Subdivision referral (S-14-65) to convert two parcels into three new lots; and
- WHEREAS, the Preliminary Plan dated April 8, 2012 shows proposed Lot 100 (0.336 acres) on the corner of East Taft Road and Thompson Road to contain an existing masonry building (Auto Glass Experts, Inc.) and an existing frame house (Home Inspection Experts, Inc.), proposed Lot 101 (0.589 acres) along Thompson Road to contain an existing masonry and wood frame building (driveway sealing/landscaping business), and proposed Lot 102 (0.234 acres) along East Taft Road to contain an existing frame house with garage and shed; there are asphalt and parking areas shown throughout the lots, several of which cross existing and proposed lot boundaries; and
- WHEREAS, the plan shows proposed Lot 102 with one existing driveway on East Taft Road; aerial photography shows proposed Lots 100 and 101 each have one existing driveway on Thompson Road; all driveways must meet the requirements of the Onondaga County Department of Transportation; and
- WHEREAS, the Variance Plan dated April 8, 2014 notes variances have been requested for Lot 100 and Lot 102 for minimum lot depth (123.1' and 154.9' respectively, where 200' are required) and notes several buildings do not meet minimum building line and setback requirements; the only additional variance requested was for the side yard setback on proposed Lot 101 (13.5' where 15' are required); the other variances were not submitted at this time; and
- WHEREAS, the Environmental Assessment Form dated May 28, 2014 notes the site is an existing developed property and no changes are proposed to established stormwater conveyance systems; and
- WHEREAS, the EAF notes the presence of wetlands offsite on adjacent properties; the New York State Department of Environmental Conservation Environmental Assessment Form Mapper does not indicate the presence of any wetlands; and
- WHEREAS, the site is served by public water and sewer and is located in the Oak Orchard Treatment Plant service area; 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. Per the Onondaga County Department of Transportation, no additional access to East Taft Road or Thompson Road will be permitted.
2. Per the Onondaga County Department of Transportation, no parking, loading, or backing of vehicles into the county right-of-way will be permitted.

The Town also offers the following comments:

1. The Town and applicant are advised to ensure appropriate access agreements are in place for any driveways, internal access points, and parking lots that are shared between parcels.
2. Every municipal review provides the opportunity to improve community appearance and the applicant and the municipality are encouraged to incorporate elements such as shared parking amongst neighboring businesses, landscaping along the road frontage and around the parking lots, and more vegetative buffering for the residential parcel.

**The motion was made by Chester Dudzinski and seconded by Robert Jokl. The votes were recorded as follows: Douglas Morris - yes; Daniel Cupoli - yes; Chester Dudzinski - yes; Robert Jokl - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-295

- 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 James Farrell for the property located 1713 Lee Mulroy 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 Lee Mulroy Road (Route 175), a county road, and New York State Route 20, a state highway; and
- WHEREAS, the applicant is requesting a special permit to convert a single-family dwelling into a podiatry office on 3 lots totaling 1.77 acres in a Rural Residential (RR) zoning district; and
- WHEREAS, the Board is concurrently reviewing an Area Variance referral (Z-14-296) for parking in the front of the building; and
- WHEREAS, the Pre-application Findings dated July 17, 2014 note a special permit is required for an office use in this district; and
- WHEREAS, per the findings, there is little opportunity to have all parking to the side or rear yard given the location of the existing house on the site; and
- WHEREAS, per the findings, the applicant is proposing to renovate and repurpose the house within the existing house/garage footprint for a medical practice; a narrative submitted with the town application dated July 21, 2014 notes hours are generally between 7:45am and 4:45pm weekdays with occasional after hours/weekend visits; the narrative further notes there are two doctors on site once a week with three to four additional employees, one doctor and two employees the remaining days, and should a third doctor be added there would be one additional employee on site; and
- WHEREAS, the Site Plan dated July 14, 2014 shows an existing one-story house to remain, a proposed 16' x 12' patio to replace an existing deck/walk, a proposed porch and accessibility ramp, an existing septic area, and 15 proposed parking spaces (5 shown as future parking); per the findings, the lot size and rear yard are preexisting nonconforming, and existing and proposed structures appear to cross current parcel boundaries; the findings note the applicant will be requesting to merge the three parcels into one lot upon purchase (contingent on obtaining the required approvals); and
- WHEREAS, the site is located at the corner of Fisher Road, a local street, and Lee Mulroy Road; the plan shows the existing driveway on Lee Mulroy Road to be removed, and the existing gravel driveway on Fisher Road is proposed to be expanded to be 18' wide; and
- WHEREAS, the plan shows a creek along the western border of the site, and an approximate wetlands location; the Environmental Assessment Form dated July 15, 2014 notes a portion of the site or land adjoining the site contains

wetlands or other regulated waterbodies; the New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates the site contains state wetlands (SKA-16) and federal wetlands; per the U.S. Army Corps of Engineers, National Wetland Inventory Maps may not be used to confirm the presence/absence of federal wetlands on a given parcel of land; the applicant must obtain appropriate permits from the New York State Department of Environmental Conservation and/or the U.S. Army Corps of Engineers for any proposed development or drainage in state and/or federal wetlands, respectively, and/or state wetland buffers on site; and

WHEREAS, the EAF Mapper notes the project site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office archaeological site inventory; and

WHEREAS, the site is served by public water and private septic and is located outside the Onondaga County Sanitary District; the narrative notes the system was designed for a three-bedroom dwelling at a rate of 450 gallons per day, and an office with eight employees (only six currently) requires 120 gallons per day; the Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service this property; and

WHEREAS, the plan notes the amount of impermeable coverage is increasing from 7.1% to 12% (maximum is 15%, per the findings) and the amount of open space is decreasing from 92.6% to 86.9% (minimum 80%, per the findings); and

WHEREAS, the narrative notes adjacent properties are screened by existing vegetation, including dense trees and wetland to the west and existing and proposed trees/hedgerow to the north (on the adjacent property); the plan shows proposed 4' hedges screening the parking lot from road frontages, and existing trees and other arborvitae to remain, except for trees under the utility lines that will allow visual exposure from westbound traffic; and

WHEREAS, the plan shows a proposed 12 square foot sign along the Lee Mulroy Road frontage, and a post light and sign at the end of the driveway on Fisher Road that the narrative notes will be on a timer that turns off at 9pm; no further signage details were included at this time; the narrative notes exterior lighting will consist of ceiling mounted lights on the porch and back stoops for entry/exit (not visible off-premises), and the parking area will be lit by night sky compliant LED flood lights mounted to the eaves on the southeast and northeast corners of the building (one controlled by a timer and one with motion sensors); and

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

1. The applicant is required to obtain a permit from the Onondaga County Department of Transportation prior to any proposed work within a county road right-of-way.
2. The Onondaga County Department of Transportation advises the applicant that signage may not obstruct sight distance on Lee Mulroy Road.
3. Due to the proposed change in use, the Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service this property.

The Board also offers the following comments:

1. The applicant is advised to contact the U.S. Army Corps of Engineers and/or the New York State Department of Environmental Conservation to confirm the presence of federal and/or state wetlands, respectively, and/or the 100-foot state wetland buffer on this site, and obtain all necessary permits for any confirmed wetlands and buffers and show them on the plans for the site.
2. The Town may wish to consider the potential increase in vehicle trips in this location as a result of converting to a medical office use on this site, and require the applicant to complete any mitigation as necessary.

**The motion was made by Chester Dudzinski and seconded by Robert Jokl. The votes were recorded as follows: Douglas Morris - yes; Daniel Cupoli - yes; Chester Dudzinski - yes; Robert Jokl - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-296

- 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 James Farrell for the property located 1713 Lee Mulroy 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 Lee Mulroy Road (Route 175), a county road, and New York State Route 20, a state highway; and
- WHEREAS, the applicant is requesting an area variance for parking as part of a project to convert a single-family dwelling into a podiatry office on 3 lots totaling 1.77 acres in a Rural Residential (RR) zoning district; and
- WHEREAS, the Board is concurrently reviewing a Special Permit referral (Z-14-295) for an office use in this district; and
- WHEREAS, per the findings, an area variance is needed for parking in the front of the building, as there is little opportunity to have all parking to the side or rear yard given the location of the existing house on the site; and
- WHEREAS, per the findings, the applicant is proposing to renovate and repurpose the house within the existing house/garage footprint for a medical practice; a narrative submitted with the town application dated July 21, 2014 notes hours are generally between 7:45am and 4:45pm weekdays with occasional after hours/weekend visits; the narrative further notes there are two doctors on site once a week with three to four additional employees, one doctor and two employees the remaining days, and should a third doctor be added there would be one additional employee on site; and
- WHEREAS, the Site Plan dated July 14, 2014 shows an existing one-story house to remain, a proposed 16' x 12' patio to replace an existing deck/walk, a proposed porch and accessibility ramp, an existing septic area, and 15 proposed parking spaces (5 shown as future parking); per the findings, the lot size and rear yard are preexisting nonconforming, and existing and proposed structures appear to cross current parcel boundaries; the findings note the applicant will be requesting to merge the three parcels into one lot upon purchase (contingent on obtaining the required approvals); and
- WHEREAS, the site is located at the corner of Fisher Road, a local street, and Lee Mulroy Road; the plan shows the existing driveway on Lee Mulroy Road to be removed, and the existing gravel driveway on Fisher Road is proposed to be expanded to be 18' wide; and
- WHEREAS, the plan shows a creek along the western border of the site, and an approximate wetlands location; the Environmental Assessment Form dated July 15, 2014 notes a portion of the site or land adjoining the site contains wetlands or other regulated waterbodies; the New York State Department of

Environmental Conservation Environmental Assessment Form Mapper indicates the site contains state wetlands (SKA-16) and federal wetlands; per the U.S. Army Corps of Engineers, National Wetland Inventory Maps may not be used to confirm the presence/absence of federal wetlands on a given parcel of land; the applicant must obtain appropriate permits from the New York State Department of Environmental Conservation and/or the U.S. Army Corps of Engineers for any proposed development or drainage in state and/or federal wetlands, respectively, and/or state wetland buffers on site; and

WHEREAS, the EAF Mapper notes the project site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office archaeological site inventory; and

WHEREAS, the site is served by public water and private septic and is located outside the Onondaga County Sanitary District; the narrative notes the system was designed for a three-bedroom dwelling at a rate of 450 gallons per day, and an office with eight employees (only six currently) requires 120 gallons per day; the Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service this property; and

WHEREAS, the plan notes the amount of impermeable coverage is increasing from 7.1% to 12% (maximum is 15%, per the findings) and the amount of open space is decreasing from 92.6% to 86.9% (minimum 80%, per the findings); and

WHEREAS, the narrative notes adjacent properties are screened by existing vegetation, including dense trees and wetland to the west and existing and proposed trees/hedgerow to the north (on the adjacent property); the plan shows proposed 4' hedges screening the parking lot from road frontages, and existing trees and other arborvitae to remain, except for trees under the utility lines that will allow visual exposure from westbound traffic; and

WHEREAS, the plan shows a proposed 12 square foot sign along the Lee Mulroy Road frontage, and a post light and sign at the end of the driveway on Fisher Road that the narrative notes will be on a timer that turns off at 9pm; no further signage details were included at this time; the narrative notes exterior lighting will consist of ceiling mounted lights on the porch and back stoops for entry/exit (not visible off-premises), and the parking area will be lit by night sky compliant LED flood lights mounted to the eaves on the southeast and northeast corners of the building (one controlled by a timer and one with motion sensors); and

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

1. The applicant is required to obtain a permit from the Onondaga County Department of Transportation prior to any proposed work within a county road right-of-way.
2. The Onondaga County Department of Transportation advises the applicant that signage may not obstruct sight distance on Lee Mulroy Road.
3. Due to the proposed change in use, the Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service this property.

The Board also offers the following comments:

1. The applicant is advised to contact the U.S. Army Corps of Engineers and/or the New York State Department of Environmental Conservation to confirm the presence of federal and/or state wetlands, respectively, and/or the 100-foot state wetland buffer on this site, and obtain all necessary permits for any confirmed wetlands and buffers and show them on the plans for the site.
2. The Town may wish to consider the potential increase in vehicle trips in this location as a result of converting to a medical office use on this site, and require the applicant to complete any mitigation as necessary.

**The motion was made by Chester Dudzinski and seconded by Robert Jokl. The votes were recorded as follows: Douglas Morris - yes; Daniel Cupoli - yes; Chester Dudzinski - yes; Robert Jokl - yes.**





JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-297

- 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 Deborah Holbein for the property located 873 Crow Hill 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 Jordan Road and Mottville Road, both county roads; and
- WHEREAS, the applicant is proposing to convert 220 square feet of apartment living space to retail space in an existing building on a 0.2-acre lot in a Hamlet (HM) zoning district; and
- WHEREAS, the Board is concurrently reviewing an Area Variance referral (Z-14-298) for parking, as the addition of retail square footage requires an additional parking space but the lot has no additional room for off-street parking; and
- WHEREAS, the Pre-application Findings dated June 26, 2014 and narrative report submitted with the town application note the project is to convert 47% of the first floor (the front room) of the western side of a double building into additional retail space for the Mottville Emporium, which occupies the first floor of the eastern side of the building along with a U.S. Post Office; the findings note the building and lot are preexisting nonconforming; and
- WHEREAS, the Land Survey dated April 2, 2013 shows the existing building on the corner of Crow Hill Road, a local street, and Jordan Road; the survey shows the building encroaches on the Crow Hill Road right-of-way; aerial photography shows several informal gravel areas, some of which may encroach on the Jordan Road (County) right-of-way; the findings note adequate off-street parking is available in this area; and
- WHEREAS, the narrative notes there will be some interior modifications to separate the residential from retail space, and the front window will be converted back to an exterior doorway (separate from the residential exit); and
- WHEREAS, the referral included an Environmental Assessment Form dated July 10, 2014; the New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates the site is located over, or immediately adjoining, a principal aquifer, and that the project site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office archaeological site inventory; and
- WHEREAS, a sign sketch included with the referral shows a 4' x 8' marine grade plywood wall sign; and
- WHEREAS, the site is served by public water and sewer and is located outside the Onondaga County Sanitary District; 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. Per the Onondaga County Department of Transportation, no parking, loading, or backing of vehicles into the county right-of-way will be permitted.
2. The applicant is required to obtain a permit from the Onondaga County Department of Transportation prior to any proposed work within a county road right-of-way.

**The motion was made by Chester Dudzinski and seconded by Robert Jokl. The votes were recorded as follows: Douglas Morris - yes; Daniel Cupoli - yes; Chester Dudzinski - yes; Robert Jokl - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-298

- 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 Deborah Holbein for the property located 873 Crow Hill 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 Jordan Road and Mottville Road, both county roads; and
- WHEREAS, the applicant is requesting an area variance for parking as part of a project to convert 220 square feet of apartment living space to retail space in an existing building on a 0.2-acre lot in a Hamlet (HM) zoning district; and
- WHEREAS, the Board is concurrently reviewing a Site Plan referral (Z-14-297) for this project; and
- WHEREAS, the Pre-application Findings dated June 26, 2014 notes the addition of retail square footage requires an additional parking space but the lot has no additional room for off-street parking; and
- WHEREAS, the findings and narrative report submitted with the town application note the project is to convert 47% of the first floor (the front room) of the western side of a double building into additional retail space for the Mottville Emporium, which occupies the first floor of the eastern side of the building along with a U.S. Post Office; the findings note the building and lot are preexisting nonconforming; and
- WHEREAS, the Land Survey dated April 2, 2013 shows the existing building on the corner of Crow Hill Road, a local street, and Jordan Road; the survey shows the building encroaches on the Crow Hill Road right-of-way; aerial photography shows several informal gravel areas, some of which may encroach on the Jordan Road (County) right-of-way; the findings note adequate off-street parking is available in this area; and
- WHEREAS, the narrative notes there will be some interior modifications to separate the residential from retail space, and the front window will be converted back to an exterior doorway (separate from the residential exit); and
- WHEREAS, the referral included an Environmental Assessment Form dated July 10, 2014; the New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates the site is located over, or immediately adjoining, a principal aquifer, and that the project site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office archaeological site inventory; and
- WHEREAS, a sign sketch included with the referral shows a 4' x 8' marine grade plywood wall sign; and

WHEREAS, the site is served by public water and sewer and is located outside the Onondaga County Sanitary District; 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. Per the Onondaga County Department of Transportation, no parking, loading, or backing of vehicles into the county right-of-way will be permitted.
2. The applicant is required to obtain a permit from the Onondaga County Department of Transportation prior to any proposed work within a county road right-of-way.

**The motion was made by Chester Dudzinski and seconded by Robert Jokl. The votes were recorded as follows: Douglas Morris - yes; Daniel Cupoli - yes; Chester Dudzinski - yes; Robert Jokl - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-299

- 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 Carl Byrne for the property located 887 West Elizabeth 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 a municipal boundary between the Town of Skaneateles and the Village of Skaneateles; and
- WHEREAS, the applicant is proposing to construct a detached garage with accessory apartment and to expand the driveway at an existing residence on a 2.48-acre lot in a Rural Residential (RR) zoning district; and
- WHEREAS, the Board is concurrently reviewing an Area Variance referral (Z-14-300) for structures in the watercourse setback; and
- WHEREAS, the narrative report dated July 21, 2014 submitted with the town application notes the proposal is to construct a three-car garage (1,212 square feet) with a one-bedroom accessory apartment (780 square feet), storage (212 square feet), and deck (268 square feet) on the second floor; and
- WHEREAS, the Site Plan dated July 14, 2014 shows an existing frame house, a proposed new barn with deck, a relocated garage and shed, a proposed parking area, an existing parking area to be removed, a septic system area, and an existing septic tank and pump chamber; and
- WHEREAS, the Land Survey dated November 21, 2012 shows the site with frontage on Milford Drive and West Elizabeth Street, both local streets, and one existing gravel driveway on West Elizabeth Street; and
- WHEREAS, the plan shows a brook running along the eastern boundary of the site and a ditch running from the brook to the west; the Pre-application Findings dated April 29, 2014 note a variance was granted to the previous owner for expansion of the house within the 100-foot watercourse setback (Z-10-57 and Z-10-60); the barn is proposed to be 80.1 feet from the bank of the watercourse, and the proposed new parking area will remove an area that is 45.5 feet from the watercourse and add an area 57 feet from the watercourse; the narrative notes the relocated sheds will have the required 50-foot watercourse setback for accessory structures; and
- WHEREAS, the New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates the site is located over, or immediately adjoining, a principal aquifer, and that the project site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office archaeological site inventory; and
- WHEREAS, the site is served by public water and private septic and is located outside the

Onondaga County Sanitary District; the narrative notes the existing septic system was designed for four bedrooms whereas the house has three bedrooms, and the new one-bedroom accessory apartment will tie into the existing septic system; the Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service this property; and

WHEREAS, the plan notes the amount of impermeable coverage is increasing from 4.3% to 5.3% (maximum is 10%, per the findings) and the amount of open space is decreasing from 95.5% to 94.1% (minimum 80%, per the findings); and

WHEREAS, the narrative notes the location of the barn was determined based around existing mature trees, and the plan shows several existing trees to remain; aerial photography shows the rear part of the site to be wooded; and

WHEREAS, 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:

The Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service this property.

**The motion was made by Chester Dudzinski and seconded by Robert Jokl. The votes were recorded as follows: Douglas Morris - yes; Daniel Cupoli - yes; Chester Dudzinski - yes; Robert Jokl - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-300

- 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 Carl Byrne for the property located 887 West Elizabeth 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 a municipal boundary between the Town of Skaneateles and the Village of Skaneateles; and
- WHEREAS, the applicant is requesting an area variance to construct a detached garage with accessory apartment and to expand the driveway at an existing residence on a 2.48-acre lot in a Rural Residential (RR) zoning district; and
- WHEREAS, the Board is concurrently reviewing a Site Plan referral (Z-14-299) for this project; and
- WHEREAS, the narrative report dated July 21, 2014 submitted with the town application notes the proposal is to construct a three-car garage (1,212 square feet) with a one-bedroom accessory apartment (780 square feet), storage (212 square feet), and deck (268 square feet) on the second floor; and
- WHEREAS, the Site Plan dated July 14, 2014 shows an existing frame house, a proposed new barn with deck, a relocated garage and shed, a proposed parking area, an existing parking area to be removed, a septic system area, and an existing septic tank and pump chamber; and
- WHEREAS, the Land Survey dated November 21, 2012 shows the site with frontage on Milford Drive and West Elizabeth Street, both local streets, and one existing gravel driveway on West Elizabeth Street; and
- WHEREAS, the plan shows a brook running along the eastern boundary of the site and a ditch running from the brook to the west; the Pre-application Findings dated April 29, 2014 note a variance was granted to the previous owner for expansion of the house within the 100-foot watercourse setback (Z-10-57 and Z-10-60); the barn is proposed to be 80.1 feet from the bank of the watercourse, and the proposed new parking area will remove an area that is 45.5 feet from the watercourse and add an area 57 feet from the watercourse; the narrative notes the relocated sheds will have the required 50-foot watercourse setback for accessory structures; and
- WHEREAS, the New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates the site is located over, or immediately adjoining, a principal aquifer, and that the project site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office archaeological site inventory; and
- WHEREAS, the site is served by public water and private septic and is located outside the

Onondaga County Sanitary District; the narrative notes the existing septic system was designed for four bedrooms whereas the house has three bedrooms, and the new one-bedroom accessory apartment will tie into the existing septic system; the Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service this property; and

WHEREAS, the plan notes the amount of impermeable coverage is increasing from 4.3% to 5.3% (maximum is 10%, per the findings) and the amount of open space is decreasing from 95.5% to 94.1% (minimum 80%, per the findings); and

WHEREAS, the narrative notes the location of the barn was determined based around existing mature trees, and the plan shows several existing trees to remain; aerial photography shows the rear part of the site to be wooded; the Environmental Assessment Form notes surrounding lands to be rural and residential; and

WHEREAS, 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:

The Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service this property.

**The motion was made by Chester Dudzinski and seconded by Robert Jokl. The votes were recorded as follows: Douglas Morris - yes; Daniel Cupoli - yes; Chester Dudzinski - yes; Robert Jokl - yes.**





JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-301

- 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 Chad Sgroi for the property located 3809 Highland Avenue; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of the municipal border between the Town of Skaneateles and the Village of Skaneateles, and a farm operation in an agricultural district; and
- WHEREAS, the applicant is proposing to construct an addition to an existing home on a 23.787-acre lot in a Rural Residential (RR) zoning district; and
- WHEREAS, the Board is concurrently reviewing an Area Variance referral (Z-14-302) for floor space expansion, side yard setback, and watercourse setback; and
- WHEREAS, the town application dated July 24, 2014 notes the proposal is for two new wings at the rear of the existing house (1,925 square feet): a master bedroom (470 square feet) and a mother-in-law apartment (1,173 square feet); and
- WHEREAS, the Proposed Site Layout Plan dated July 23, 2014 shows an existing one-story frame ranch house, two proposed additions, and the approximate location of a raised bed sewage disposal replacement system; and
- WHEREAS, the plan shows the building has frontage and an existing tarvia driveway on Highland Avenue, a local street; and
- WHEREAS, the Pre-application Findings dated July 24, 2014 note a special permit is required for the expansion of a nonconforming use or structure by more than 500 square feet; no special permit referral was submitted at this time; and
- WHEREAS, the findings note the applicant had the property surveyed to determine the wetland setback, the location of the top of the bank for the watercourse, and the topographic information; the Permeability and Partial Topographic Map dated June 2, 2014 shows the location of the stream running east/west along the southern portion of the lot and the wetland outline on the western portion of the lot; the Environmental Assessment Form dated July 24, 2014 notes a portion of the site or land adjoining the site contains wetlands or other regulated waterbodies; and
- WHEREAS, the New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates the site contains state and federal wetlands; per the U.S. Army Corps of Engineers, National Wetland Inventory Maps may not be used to confirm the presence/absence of federal wetlands on a given parcel of land; the applicant must obtain appropriate permits from the New York State Department of Environmental Conservation and/or the U.S. Army Corps of Engineers for any proposed development or drainage in state and/or federal wetlands, respectively, and/or state wetland buffers on site; and

WHEREAS, the EAF Mapper indicates the project site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office archaeological site inventory; and

WHEREAS, the site is served by private water and septic and is located outside the Onondaga County Sanitary District; a Notice of Review from the Onondaga County Health Department dated July 11, 2014 states the Department has reviewed and stamped the new sewage disposal system; and

WHEREAS, the Onondaga County Agricultural District map shows the site is located in Agricultural District 2; aerial photography shows the site is adjacent to farmed properties; and

WHEREAS, 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:

The applicant is advised to contact the U.S. Army Corps of Engineers and/or the New York State Department of Environmental Conservation to confirm the presence of federal and/or state wetlands, respectively, and/or the 100-foot state wetland buffer on this site, and obtain all necessary permits for any confirmed wetlands and buffers and show them on the plans for the site.

**The motion was made by Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**



JOANNE M. MAHONEY  
COUNTY EXECUTIVE

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 06, 2014

OCPB Case # Z-14-302

- 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 Chad Sgroi for the property located 3809 Highland Avenue; and
- WHEREAS, General Municipal Law Section 239-m allows the County Planning Board to review approval of site plans and the site is located within 500 feet of the municipal border between the Town of Skaneateles and the Village of Skaneateles, and a farm operation in an agricultural district; and
- WHEREAS, the applicant is requesting area variances as part of a project to construct an addition to an existing home on a 23.787-acre lot in a Rural Residential (RR) zoning district; and
- WHEREAS, the Board is concurrently reviewing a Site Plan referral (Z-14-301) for this project; and
- WHEREAS, the Pre-application Findings dated July 24, 2014 note area variances are required for one side yard (16.7 feet where 30 feet are required), expansion percentage (85.35% where 25% is allowed), and watercourse setback (44.13 feet where 100 feet are required); and
- WHEREAS, the town application dated July 24, 2014 notes the proposal is for two new wings at the rear of the existing house (1,925 square feet): a master bedroom (470 square feet) and a mother-in-law apartment (1,173 square feet); and
- WHEREAS, the Proposed Site Layout Plan dated July 23, 2014 shows an existing one-story frame ranch house, two proposed additions, and the approximate location of a raised bed sewage disposal replacement system; and
- WHEREAS, the plan shows the building has frontage and an existing tarvia driveway on Highland Avenue, a local street; and
- WHEREAS, the findings note a special permit is required for the expansion of a nonconforming use or structure by more than 500 square feet; no special permit referral was submitted at this time; and
- WHEREAS, the findings note the applicant had the property surveyed to determine the wetland setback, the location of the top of the bank for the watercourse, and the topographic information; the Permeability and Partial Topographic Map dated June 2, 2014 shows the location of the stream running east/west along the southern portion of the lot and the wetland outline on the western portion of the lot; the Environmental Assessment Form dated July 24, 2014 notes a portion of the site or land adjoining the site contains wetlands or other regulated waterbodies; and
- WHEREAS, the New York State Department of Environmental Conservation Environmental Assessment Form Mapper indicates the site contains state and federal wetlands; per the U.S. Army Corps of Engineers, National Wetland Inventory Maps may not be used to confirm the presence/absence of federal wetlands on

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)

a given parcel of land; the applicant must obtain appropriate permits from the New York State Department of Environmental Conservation and/or the U.S. Army Corps of Engineers for any proposed development or drainage in state and/or federal wetlands, respectively, and/or state wetland buffers on site; and

WHEREAS, the EAF Mapper indicates the project site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office archaeological site inventory; and

WHEREAS, the site is served by private water and septic and is located outside the Onondaga County Sanitary District; a Notice of Review from the Onondaga County Health Department dated July 11, 2014 states the Department has reviewed and stamped the new sewage disposal system; and

WHEREAS, the Onondaga County Agricultural District map shows the site is located in Agricultural District 2; aerial photography shows the site is adjacent to farmed properties; and

WHEREAS, 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:

The applicant is advised to contact the U.S. Army Corps of Engineers and/or the New York State Department of Environmental Conservation to confirm the presence of federal and/or state wetlands, respectively, and/or the 100-foot state wetland buffer on this site, and obtain all necessary permits for any confirmed wetlands and buffers and show them on the plans for the site.

**The motion was made by Daniel Cupoli and seconded by Chester Dudzinski. The votes were recorded as follows: Douglas Morris - yes; Robert Jokl - yes; Daniel Cupoli - yes; Chester Dudzinski - yes.**