

Village of Liverpool Planning Board
Special Meeting Minutes
Thursday September 8, 2016
6:00 PM

Present: Joseph Ostuni, Chairman
Michael LaMontagne
Peter Osborne
Gregg Sgromo, Engineer
Sandra Callahan, Secretary

John Eallonardo
Jim Rosier
John Langey, Atty.
William Reagan, Codes Officer

Call to Order

Chairman Ostuni called the meeting to order at 6:00 PM and led those present in the Pledge of Allegiance.

The purpose of the special meeting is to determine SEQR status and hold a public hearing on the proposed Dunkin' Donuts at 105-13 Second Street.

Attorney Langey stated that in March 2016 the Village Planning Board was named as lead agency and this was an unlisted action.

Part 2 of the short EAF needed to be completed before the public hearing could be opened. Attorney Langey proceeded to read all questions. All questions were no.

With regard to Question 5 – traffic, it was noted that the applicant will retain Mr. Napoleon, traffic engineer, for continued traffic study after opening and the Planning Board will retain authority if there are any problems with turning out of the lot and implementing a “no left turn” sign to be installed.

Mr. LaMontagne disagrees and thinks the answer should be that it will have a moderate to large impact on the traffic. The consensus of the Planning Board is that this will have no to small impact.

Mr. Eallonardo moved and Mr. Osborne seconded the motion that for SEQR purposes this is a negative declaration. Approved.

**RESOLUTION OF THE PLANNING BOARD
OF THE VILLAGE OF LIVERPOOL
RESUBDIVISION, SITE PLAN AND SPECIAL PERMIT APPROVAL FOR
PROPOSED DUNKIN DONUTS RESTAURANT
(Seneca Federal Savings & Loan Association, as Owner,
and ESW Realty LLC, as Applicant)
SEQR NEGATIVE DECLARATION RESOLUTION**

September 8, 2016

J. Eallonardo moved and P. Osborne seconded the following Resolution, which was carried as recorded below:

WHEREAS, Seneca Federal Savings & Loan Association/Baldwinsville Savings & Loan (as “Owners”) and ESW Realty LLC (as “Applicant”) relative to property located at 105-113 Second Street, Village of Liverpool, County of Onondaga (Tax Map Nos. 004.-02-03, 004.-02-04 and 004.-02-05), all of which is located in the Village Center Business District (B-2), have applied to the Village of Liverpool Planning Board for a *resubdivision* of said parcels into one lot, a *site plan* for the construction and operation of a Dunkin Donuts Restaurant and the issuance of a *Special Permit* for an associated drive-thru feature for said restaurant, along with other site improvements at the combined premises; and

WHEREAS, the Board has the power to grant such combination and assemblage of tax parcels pursuant to Chapter 334 of the Village Code, to grant such site plan pursuant to §380-87 of the Ordinance and to grant the Special Permit pursuant to §380-88 of the Ordinance; and

WHEREAS, the Board previously in accordance with the State Environmental Quality Review Act, on March 28, 2016, made the following initial SEQRA determinations:

1. That the project, which anticipates the construction and operation of a Dunkin Donuts Restaurant with associated drive-thru and other site improvements at 105-113 Second Street in the Village of Liverpool, New York, will require SEQRA review;
2. That the proposed action is an unlisted action;
3. That the following are involved/interested agencies in connection with the SEQRA review:
 - a. New York State Department of Transportation, Region 3, State Office Building, 333 East Washington Street, Syracuse, New York 13202;
 - b. Onondaga County Planning Department, 1100 John H. Mulroy Civic Center, 421 Montgomery Street, Syracuse, New York 13202;
 - c. Onondaga County Department of Water Environment Protection, 650 Hiawatha Boulevard West, Syracuse, New York 13204; and
 - d. Onondaga County Health Department, 421 Montgomery Street, Suite 1000a, Syracuse, New York 13202;
4. That the Planning Board would assume Lead Agency status in connection with the SEQRA review for this project;
5. That the Planning Board had advised the involved/interested agencies of its intent to assume Lead Agency status; and

WHEREAS, no other involved and/or interested agency objected to the Planning Board assuming Lead Agency status, such that the Planning Board is hereby deemed to be the Lead Agency for purposes of this review; and

WHEREAS, the Applicant has submitted a detailed site plan and supporting materials prepared by the following design professionals:

1. Lot Line Adjustment, prepared by Ianzui & Romans, dated April 1, 2016, as last revised;
2. Sheet L1 - Demolition Plan, prepared by Maxian & Horst, dated August 19, 2016, as last revised;
3. Sheet L2 - Site Plan and Planting Plan, prepared by Maxian & Horst, dated August 19, 2016, as last revised;
4. Sheet L3 - Grading/Drainage/Erosion Control Plan, prepared by Maxian & Horst, dated August 19, 2016, as last revised;
5. Sheet L4 - Details, prepared by Maxian & Horst, dated August 19, 2016, as last revised;
6. Sheet L5 - Details prepared by Maxian & Horst, dated August 19, 2016, as last revised;
7. Sheet L6 - Details, prepared by Maxian & Horst, dated August 19, 2016, as last revised;
8. Sheet A-1 - Proposed Floor Plan, prepared by James D. Smith, dated April 25, 2016, as last revised;
9. Sheet A-5 - Exterior Elevations; Schedule; Detail, prepared by James D. Smith, dated April 22, 2016, as last revised;
10. Sheet A-6 - Exterior Elevations, Schedule, Detail, prepared by James D. Smith, dated April 21, 2016, as last revised;
11. Photometric Plan, prepared by YBC Lighting, dated June 29, 2016, as last revised;
12. Lighting Fixture Cut Sheets;
13. Signage Drawings; and

WHEREAS, the site plan drawings depict a combination of the three referenced Tax Map parcels into a new 0.498 acre lot to be located in the Village Center Business District (B-2); and

WHEREAS, the site plan materials depict the removal of the existing structures on said parcels (formerly Seneca Federal Savings, Financial Quest, Inc. and Vanesky Appliance) by replacing same with the proposed new approximately 2,408 sq. ft. Dunkin Donuts retail store on said new lot with a proposed dumpster pad with block wall enclosure on the southeast corner of the site; and

WHEREAS, the proposed site plan further depicts a single ingress and egress access point from the northwesterly portion of the newly created Lot A, including a single driveway featuring a one-way circulation loop around the site and a passing lane with fifteen (15) parking spaces situated throughout the site; and

WHEREAS, the submitted site plans have been reviewed by the Village's Consulting Engineers (Dunn & Sgromo Engineers, PLLC); and

WHEREAS, the Village's Consulting Engineers have offered engineering review and comment letters, dated December 28, 2015, April 27, 2016, June 27, 2016 and July 20, 2016, in response to the various iterations of said plans; and

WHEREAS, the Applicant has further revised their plans in response to the Village's Consulting Engineers' comments, as well as comments from the New York State Department of Transportation and the Onondaga County Planning Board; and

WHEREAS, the Onondaga County Planning Board, pursuant to the provisions of the General Municipal Law, have issued three resolutions, each dated April 27, 2016, in reference to: (1) the site plan review; (2) the resubdivision of the parcels; and (3) the special permit for a drive-thru; and

WHEREAS, the Applicant has offered additional site details and project modifications in response to the Village Planning Board's comments and the OCPB referral responses, including:

1. Hours of operation: 5:00 a.m. to 12:00 a.m.;
2. Dumpster location and recycling;
3. Grease container/remediation;
4. Modification to proposed ingress, egress and traffic circulation plans by including an internal circulation lane;
5. Revised driveway location, internal circulation revisions and road cut elimination;
6. Reduction of total curb cuts from four (4) as proposed to one (1) point of ingress and egress;
7. Modification to dumpster enclosure to utilize compatible brick;
8. Added tree-scaping and landscaping improvements;
9. Provision to allow Applicant's traffic expert to report to Village Planning Board and to New York State Department of Transportation regarding observations of exiting traffic flow; and

WHEREAS, for purposes of the Planning Board's consideration of the environmental impacts of the project, the Planning Board has further considered the potential cumulative impacts of the project to the area and has compared the potential impacts to the criteria identified under 6 NYCRR Part 617 et seq.; and

WHEREAS, the Applicant submitted a Short EAF which has been fully reviewed by the Board along with various submissions, revised submissions and correspondence from involved and/or interested agencies.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby determines that the proposed action is not likely to result in any significant adverse environmental impacts with modifications, such that this Resolution shall constitute a Negative Declaration, for the following reasons:

1. The application involves the repurposing of three separate tax parcels through the re-combination of each parcel into one larger 0.498 acre parcel;
2. The proposed use of the premises as a Dunkin Donuts restaurant with drive-thru (subject to Special Permit) would be appropriate to the lot as it is zoned Village Center Business District (B-2);
3. The proposed lighting to the site will utilize appropriately located and shielded light packs and technology to meet Village requirements, including applicable dark skies shielding for said lighting, to be demonstrated in submitted photometrics and subject to the final approval by the Village's Consulting Engineer in accordance with the Planning Board's approval;
4. The proposed improvements will have no significant impact to drainage as the site improvements will not result in a net increase to impervious coverage to the overall site. Further, the Applicant is proposing to install appropriate drainage facilities subject to the Village's Consulting Engineer's approval to convey stormwater from any paved surfaces to storm sewers. It is the Village's Consulting Engineer's opinion that the proposed improvements will not cause any drainage issues associated with neighboring parcels or streetways;
5. There will be no significant impacts from noise from the proposed Dunkin Donuts restaurant, with the only exterior source of additional noise emanating from the drive-thru speaker system which will not be set at levels deemed to be annoying or problematic to the neighborhood;
6. Further, there will be no impacts from noise due to the reasonable hours of operation proposed by the Applicant (5:00 a.m. - 12:00 a.m.);
7. Appropriate buffering and plantings have been proposed by the Applicant to provide some limited screening, but not to the extent which would be impactful to traffic and sightlines;
8. The Applicant has incorporated numerous suggestions and remarks solicited from the Village Board, the County Planning Board and the Village's Consulting Engineer to craft an overall project which will discourage any negative environmental impacts to neighboring property owners or for future development of the area, including traffic impacts and safety;
9. The Board has carefully reviewed the potential impacts of traffic in the area, including the potential for over stacking of vehicles within the travel lanes of the proposed Dunkin Donuts. In response, the Applicant has modified its interior drive-thru to provide sufficient internal stacking of vehicles and relocation and elimination of driveway cuts;
10. In addition, the Applicant has retained the services of traffic and transportation consultants Jim Napoleon and Associates. A Traffic Impact Analysis was prepared, dated May 2016, and reviewed by the Village's Consulting Engineer;
11. Subsequently, the Applicant's traffic engineer prepared a Supplemental Trip Generation Report, dated July 25, 2016, to analyze the anticipated number of vehicles during morning peak hours (7:00 – 9:00 a.m.). The conclusion of the traffic expert was that the new anticipated average volume of traffic would be "trivial, unmeasurable and undetectable by other motorists." Further, the trip counts relative to afternoon peak hours were deemed by the Applicant's traffic expert to be "even less frequent than the new morning peak hour volumes";
12. The Applicant further provided correspondence dated June 17, 2016 relative to potential traffic impacts with proposed comments, as well as correspondence from the Department of

Transportation outlining the New York State Department of Transportation's conceptual approval of the site plan revised as of June 8, 2016 with the comment that "If the area were to undergo noticeable changes, the site plan may need to be further modified to accommodate changes in traffic conditions";

13. The Department of Transportation advised the Applicant that a Highway Work Permit would be required before any construction commences in the State right-of-way;
14. In response to the comments from the State Department of Transportation and concerns expressed by the Planning Board, the Applicant has offered to continue to retain the services of Mr. Napoleon's Office to conduct additional study and review of existing and future traffic conditions upon utilization of the site for a Dunkin Donuts with drive-thru, and, in the event that either the Village or the Applicant determines negative potential impacts from the operation of the site as to traffic flow in the area exists, the Applicant will accommodate changes to said traffic conditions. It will therefore be necessary for the Planning Board to retain jurisdiction over the project to potentially implement such proposed changes for this limited purpose;
15. There will be no anticipated negative impacts on public water or sewer facilities. The Applicant will be required to contact the appropriate Onondaga County Department for plumbing control to coordinate sewer and water connections. There has been no indication that there is a lack of availability of water or capacity for the applicable wastewater facilities;
16. The Applicant has completed a Stormwater Pollution Prevention Plan, prepared by Maxian & Horst Landscape Architects, dated December 14, 2015, as last revised August 3, 2016;
17. There have been no identified negative environmental impacts associated with any protected or unprotected bodies of water, any impacts to air quality or impacts to threatened or non-threatened species of plants and animals;
18. The project is not located in, or adjacent to, any areas known for historical or archaeological resources and all work is being performed in previously disturbed areas;
19. There will be no significant impacts to any open space or recreational areas, nor will there be any significant impacts on energy;
20. The new building has evolved through Planning Board review and comment over months of study and has resulted in a building that complies with Community Design Guidelines including full brick masonry on all sides, stone accent features, compliant color scheme and shape that emulates other architecture present in the Village. The building also features a covered outdoor seating area for pedestrians;
21. Traffic impact for the new restaurant has been studied by a "Professional Traffic Engineer" and the Site Plan Design reflects the reduced impact on traffic by moving the single curb cut ingress/egress driveway as far as possible from the light controlled intersection at Route 57. The project has conceptual approval with the New York State Department of Transportation. This franchisee has agreed to retain the Traffic Engineer to study the traffic impact at the driveway ingress/egress after the restaurant is in full operation at time intervals determined by the Village Planning Board and to implement any improvements deemed necessary based on those traffic observations; and it is further

RESOLVED, that this Resolution shall be effective as of the date of its filing with the Village Clerk.

The question of the adoption of the foregoing Resolution was duly put to a roll call vote, which resulted as follows:

James Rosier	Voted	Yes
Peter Osborne	Voted	Yes
Michael LaMontagne	Voted	Yes
John Eallonardo	Voted	Yes
Joseph Ostuni, Jr., Chairman	Voted	Yes

Chairman Ostuni then declared the Resolution to be duly adopted.

JOSEPH OSTUNI, JR., Chairman of the Planning Board of the Village of Liverpool, hereby certifies that the foregoing Resolution was duly adopted at a meeting of the Board duly convened and held on September 8, 2016, a quorum being present.____

JOSEPH OSTUNI, JR., CHAIRMAN

Village of Liverpool Planning Board

MARY ELLEN SIMS, Village Clerk of the Village of Liverpool hereby certifies that the foregoing Resolution was duly filed in her office on September __, 2016.

MARY ELLEN SIMS, Village Clerk

Mr. Rosier moved and Mr. LaMontagne seconded the motion to open the public hearing.

Chairman Ostuni said that Mr. Abbott, architect for the project would speak first to give the audience a recap of the proposed plan. He showed the drawing of the proposed restaurant and explained the landscaping changes made. He said that the restaurant will make use of existing traffic, not create new traffic.

Mr. Napoleon, traffic engineer, explained the gap and volume study. He said the State DOT said the proposed trees would be site obstructions and the plan was adjusted. The State DOT does not think this will have a major impact on village traffic.

Chairman Ostuni opened the public comment period.

Jan Quitzo – 1002 ½ Tulip St. – Mr. Quitzo questioned what will the new normal be when the Parkway project starts. He is concerned if the Parkway becomes 2 lanes, traffic in the Village will be bad. He said all traffic studies done to date do not address this. He also asked what traffic will be like during Lights on the Lake when there already is a significant increase in traffic. He stated the Town of Manlius prohibited a drive thru and the developer still built the Dunkin’ Donuts. Why can’t the Village approve it without the drive-thru? He asked if the project doesn’t go through, what are we as a Village doing to get other businesses to develop?

Richard Lickfield – business owner 207 Oswego St. – He owns the Regional Donut Authority in the Village. He said there are 7 Dunkin’ Donuts within a 3 mile radius of the Village. He is concerned that his business will not survive if Dunkin’ Donuts opens.

Gerri Sullivan – 203 Springmoor – We have locally owned, small businesses in the Village that we should support. She feels this will put them out of business.

Jim Sullivan – 203 Springmoor – He is concerned this approval will go against the Comprehensive Plan and will adversely affect the walkability of the Village.

Marty Ours – 123 Foxmeadow – She commended the Planning Board for their hard work on this project. She said we are a walkable village and is concerned about emerging marketplaces. Cars may be backed up in the road and will obstruct view.

Christina Fitch – 116 Hiawatha Trail – Village Trustee - Asked if there is no drive-thru would more onsite parking be needed? No. She said that there is a lot of mis-information in the media regarding the project. She thanked the Planning Board for their diligent work in addressing all the issues. She said she is currently at a 60-40 decision to move forward. We have to look at each parcel/project as it is proposed.

She is concerned about the left turn and thinks we should prohibit it from the beginning.

There are many ways to calm traffic such as landscaping, etc. to create a vibrant community and business district. We should have as much green space as possible to be harmonious with the character of the Village. She suggested possibly adding a community room as in some of the other Dunkin Donut restaurants in the area.

She asked if the special permit conditions aren't met is the permit revocable? Yes.

Dick Ward – 309 Fourth – The main concern is the drive thru and with the current law, a pharmacy would not be allowed. With the aging of our community, a pharmacy would be a great addition to the Village and presently, the drive thru would not be allowed.

He is concerned with the potential traffic problems and thinks the Planning Board should keep the public hearing open. Over time traffic has increased and no thought was given to the Village. The State and County approve things with no consideration to the impact on the Village. He thanked the Planning Board for their hard work.

Bill Evertz – 1105 Burn Hollow Dr. - Has lived in Liverpool most of his life. He said within a 2 block radius of this site there are 6 bars and 4 places to purchase alcohol, 8 hair salons. There has been no new growth in the Village. This restaurant probably wouldn't survive if it was on the Rt. 57 side, he thinks this is a perfect location for Dunkin Donuts and will increase the tax revenue for the Village. If the project isn't completed, it will probably turn in to a parking lot. He thinks it will be a great option during the concerts and other events in the park. He commends the Planning Board and the developer for their hard work.

Jon Zappola – 603 First St. – He said when you open a business, location is key. He doesn't think traffic will be a problem but thinks there should only be a right turn only exiting the location. He thinks it is good to get them on the tax rolls and the project will create jobs. He loves the look of the building.

Julie Taft – 301 Sycamore St. – She is concerned about traffic on Rt. 370 and is also concerned about the empty buildings currently on the site. She likes the idea to tear them down and build a new building. She loves the look of the project, she is for it.

Sue Tillotson – Balsam St. – She loves the idea and said this is what the Village needs. We are a pedestrian friendly village and she has never had an issue walking through the Village. All the traffic is on Rt. 57 and no new traffic from Rt. 370 will be generated. If we don't have traffic through the village we will not have a thriving community. More money coming in to the Village is a good thing.

Russ Tarby – 105 N. Willow – This is too important a decision to not have a reliable traffic study done. 1 study is not enough. Mr. Tarby said at the August 15 Village Board meeting, Trustee Young questioned how reliable is a study done by an engineer that is being paid by the developer. He suggested we break precedent and commission an independent traffic study. What about the future plans for Onondaga Lake Parkway? The traffic in the village will be negatively affected and impact the Village for many years.

He begs the Village to do the right thing and deny the application. We are ignoring the Comprehensive Plan and we need to hold true to its value. This is the wrong plan and the wrong time, we need to remain true to the Comprehensive Plan.

Chairman Ostuni said he attended the public meeting regarding the proposed changes to the Parkway. The Planning Board reviewed their plans and submitted comments to the NYS Dept. of Transportation. He said the traffic in the Village will definitely be changed but we don't know for sure what plan will be implemented.

Brad Young – 303 Tamarack St. – Village Trustee – He said he has looked at traffic in the Village and disagrees that Rt. 57 traffic won't stop at this Dunkin Donuts. He said there is a gap between Vine and Second Street that only fits about 4 cars; he thinks this will be an issue. He also said that a left turn out will be impossible. He thinks the types of business the Village should be encouraging are small businesses. We need to be sure of pedestrian safety, he thinks the stacking of cars is under estimated and it will be an issue.

Jim Taft – 301 Sycamore St. – He said the Planning Board has been looking at this plan for 9 months and that we are following the Comprehensive Plan. Business creates traffic.

Elain Toth – 1014 Tulip St. - She is concerned about Vine St. between 2nd and Rt. 57, she said there is room for only 3-4 cars and traffic from Dunkin Donuts will be a problem there. She said cars are stacked up at other Dunkin Donuts at all times of the day, not just in the morning.

Alice Bently – 300 Third St. – Wants to know why we can't put up "No Standing" signs so cars can't back up in to the road. She said we really need to think about this, traffic will be a problem.

Ryan Popovicki – 715 Oswego St. – Said this is progress and there isn't a traffic problem in the Village. There are multiple opportunities across the board, small businesses in the Village can benefit from this project.

There being no further comments, Chairman Ostuni called for a motion to close the public hearing. Motion was made by Mr. Eallonardo and seconded by Mr. Rosier to close the public hearing. Motion approved.

Chairman Ostuni said the SEQR has been completed and we have a complete site plan. All questions from the County and the Planning Board have been answered. He polled the Board and asked if they were ready to make a decision, Mr. Osborne – no, Mr. Eallonardo – yes, Mr. LaMontagne – yes, Mr. Rosier – yes.

Chairman Ostuni asked for any remaining questions from the Board.

Mr. Rosier said we need to monitor the left hand turns and if there are any issues we would have to implement a no left turn.

Mr. LaMontagne said the handicap parking spot should be on the side so the people are not crossing the traffic lane.

Mr. Eallonardo wondered if there was any information on how long a stacked line is before a person would drive away.

Mr. Osborne said he works near a Dunkin Donuts and sees stacking all the time. The line moves quickly and rarely backs up in to the street at that location in the city. He agrees there may be an issue with left turns. If the Planning

Board can evaluate this in the future, that is a good thing. He suggested maybe removing 1 parking space in the Village right of way to alleviate site obstruction. He said they should relocate the handicap parking spot and monitor the left turns.

Greg Sgromo, Engineer said he will review the stormwater plan and approval is contingent on engineering approval.

Jim Napoleon, traffic engineer, said if it is his opinion that no left turn should be implemented after monitoring he would recommend immediately to the DOT.

Mr. Osborne said that the Board really looked at the traffic study and whatever business goes in will have similar issues. He objects to other's opinion that Mr. Napoleon is not reputable. Consultants work for developers, are professional and have a code of ethics.

Mr. Eallonardo thanked the public for attending the public hearing and said the Board has been reviewing this project for many months. Every concern and good thought has already been considered and discussed. He feels good about the process.

Mr. LaMontagne agreed with Mr. Osborne regarding the integrity of the traffic study. He commends Bob Abbott and his team for their due diligence and hard work.

Mr. Rosier complimented the Dunkin Donuts team for addressing all issues.

Chairman Ostuni called for a motion to approve the resolution.

**RESOLUTION OF THE PLANNING BOARD
OF THE VILLAGE OF LIVERPOOL
RESUBDIVISION, SITE PLAN AND SPECIAL PERMIT APPROVAL FOR
PROPOSED DUNKIN DONUTS RESTAURANT
(Seneca Federal Savings & Loan Association, as Owner,
and ESW Realty LLC, as Applicant)
APPROVED WITH CONDITIONS**

September 8, 2016

J. Eallonardo moved and P. Osborne seconded the following Resolution, which was carried as recorded below:

WHEREAS, Seneca Federal Savings & Loan Association/Baldwinsville Savings & Loan (as "Owners") and ESW Realty LLC (as "Applicant") relative to property located at 105-113 Second Street, Village of Liverpool, County of Onondaga (Tax Map Nos. 004.-02-03, 004.-02-04 and 004.-02-05), all of which is located in the Village Center

Business District (B-2), have applied to the Village of Liverpool Planning Board for a *resubdivision* of said parcels into one lot, a *site plan* for the construction and operation of a Dunkin Donuts Restaurant and the issuance of a *Special Permit* for an associated drive-thru feature for said restaurant, along with other site improvements at the combined premises, pursuant to the Zoning Law of the Village of Liverpool, as amended (the “Ordinance”); and

WHEREAS, the Board has the power to grant such combination and assemblage of tax parcels pursuant to Chapter 334 (Subdivision of Land), §334-14 and §334-15 of the Village Code, to grant such site plan pursuant to §380-87 of the Ordinance and to grant the Special Permit pursuant to §380-88 of the Ordinance; and

WHEREAS, the Board previously in accordance with the State Environmental Quality Review Act, on March 28, 2016, made the following initial SEQRA determinations:

6. That the project, which anticipates the construction and operation of a Dunkin Donuts Restaurant with associated drive-thru and other site improvements at 105-113 Second Street in the Village of Liverpool, New York, will require SEQRA review;
7. That the proposed action is an unlisted action;
8. That the following are involved/interested agencies in connection with the SEQRA review:
 - a. New York State Department of Transportation, Region 3, State Office Building, 333 East Washington Street, Syracuse, New York 13202;
 - b. Onondaga County Planning Department, 1100 John H. Mulroy Civic Center, 421 Montgomery Street, Syracuse, New York 13202;
 - c. Onondaga County Department of Water Environment Protection, 650 Hiawatha Boulevard West, Syracuse, New York 13204; and
 - d. Onondaga County Health Department, 421 Montgomery Street, Suite 1000a, Syracuse, New York 13202;
9. That the Planning Board would assume Lead Agency status in connection with the SEQRA review for this project;
10. That the Planning Board had advised the involved/interested agencies of its intent to assume Lead Agency status; and

WHEREAS, previously on September 8, 2016, the Planning Board, upon assuming Lead Agency status, adopted a Negative Declaration Resolution with Findings; and

WHEREAS, the Applicant has submitted a detailed site plan and supporting materials prepared by the following design professionals:

14. Lot Line Adjustment, prepared by Ianzui & Romans, dated April 1, 2016, as last revised;
15. Sheet L1 - Demolition Plan, prepared by Maxian & Horst, dated August 19, 2016, as last revised;

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26. Signage Drawings; and

WHEREAS, the site plan drawings depict a combination of the three referenced Tax Map parcels into a new 0.498 acre lot to be located in the Village Center Business District (B-2); and

WHEREAS, the site plan materials depict the removal of the existing structures on said parcels (formerly Seneca Federal Savings, Financial Quest, Inc. and Vanesky Appliance) by replacing same with the proposed new approximately 2,408 sq. ft. Dunkin Donuts retail store on said new lot with a proposed dumpster pad with block wall enclosure on the southeast corner of the site; and

WHEREAS, the proposed site plan further depicts a single ingress and egress access point from the northwesterly portion of the newly created Lot A, including a single driveway featuring a one-way circulation loop around the site and a passing lane with fifteen (15) parking spaces situated throughout the site; and

WHEREAS, the submitted site plans have been reviewed by the Village's Consulting Engineers (Dunn & Sgromo Engineers, PLLC); and

WHEREAS, the Village's Consulting Engineers have offered engineering review and comment letters, dated December 28, 2015, April 27, 2016, June 27, 2016 and July 20, 2016, in response to the various iterations of said plans; and

WHEREAS, the Applicant has further revised their plans in response to the Village's Consulting Engineers' comments, as well as comments from the New York State Department of Transportation, the Onondaga County Planning Board and the Village of Liverpool Planning Board; and

WHEREAS, the Onondaga County Planning Board, pursuant to the provisions of the General Municipal Law, have issued three resolutions, each dated April 27, 2016, in reference to: (1) the site plan review; (2) the resubdivision of the parcels; and (3) the special permit for a drive-thru; and

WHEREAS, the Onondaga County Planning Board recommended the following modifications to the proposed action prior to local board approval of the proposed action:

- "1. The Village and applicant must continue to coordinate on proposed plans for this site in order to increase adherence to the Village Comprehensive Plan 2025 and to ensure more appropriate traffic flow within the Village. The Board specifically offers the following for consideration during the coordination process:
 - The Village is advised to take this opportunity to create a comprehensive design, parking, and access management strategy for the block in order to facilitate orderly development of a key area in the village business district while preserving pedestrian-oriented design and traffic flow, as emphasized in the Comprehensive Plan.
 - The Village and applicant are encouraged to consider a multi-story, mixed-use structure design with minimal franchising elements, building placement which would allow an additional structure along the Second Street frontage in the future, and coordination with neighboring property-owners to establish cross-access agreements with shared side-street driveways, interior shared parking arrangements, and pedestrian pathways between adjacent parcels.
 - The Board reiterates its concerns regarding drive-thru facilities within the Village Center, specifically noting that the proposed Dunkin Donuts drive-thru and resulting circulation layout could increase traffic backups and does not maximize the proposed lot for dense, mixed-use, and pedestrian-focused village core development, which are noted as priorities for this location within the Comprehensive Plan.
2. Given the average queue length for Dunkin Donuts businesses, the New York State Department of Transportation also notes the proposed drive-thru may cause backups on Second Street, and stacking may additionally obstruct access for other vehicles into the site and to parking spaces within the site.

Per the New York State Department of Transportation, only restricted access will be permitted and changes to the proposed internal circulation may be necessary to avoid queuing onto Second Street. The applicant must complete a Traffic Impact Study (TIS) for full build out to meet Department requirements and is required to 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, and continue

coordinating with the Department on feasible site layout options that improve internal circulation and access, given site constraints.”

The Board also offered the following comments on the project:

- “1. The Onondaga County Department of Water Environment Protection asks that the applicant contact the Department 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.”; and

WHEREAS, the Applicant in response to said proposed modification responded on August 5, 2016 through correspondence authored by Robert C. Abbott, Jr., Architect, which responses were reviewed by the Planning Board; and

WHEREAS, the Applicant has offered additional site details and project modifications in response to the Village Planning Board’s comments and the OCPB referral responses, including:

10. Hours of operation: 5:00 a.m. to 12:00 a.m.;
11. Dumpster location and recycling;
12. Grease container/remediation;
13. Modification to proposed ingress, egress and traffic circulation plans by including an internal circulation lane;
14. Revised driveway location, internal circulation revisions and road cut elimination;
15. Reduction of total curb cuts from four (4) as proposed to one (1) point of ingress and egress;
16. Modification to dumpster enclosure to utilize compatible brick;
17. Added tree-scaping and landscaping improvements;
18. Provision to allow Applicant’s traffic expert to report to Village Planning Board and to New York State Department of Transportation regarding observations of exiting traffic flow; and

WHEREAS, a public hearing on the applications for resubdivision, site plan and special permit approval was held by the Board at a special meeting on September 8, 2016 and after due notice by publication in the Post-Standard and due notice to the Petitioner, neighboring landowners and Board members, in accordance with the law and the Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby allows and grants the Applicant’s request for a resubdivision to combine Tax Map Nos. 004.-02-03, 004.-02-04 and 004.-02-05 pursuant to Chapter 334 (Subdivision of Land), §334-14 and §334-15 and waives the final public hearing for the final plat based upon a map prepared by Ianuzi & Romans Land Surveying, P.C., dated April 1, 2016, as last revised, said resubdivision approval

is hereby approved subject to the conditions noted below and the Chairman of the Planning Board is hereby authorized to execute the final plat map for appropriate filing and recording in the Onondaga County Clerk's Office; and it is further

RESOLVED that the Board hereby allows and grants the Applicant's request for site plan approval to construct and operate a Dunkin Donuts Restaurant with parking and other amenities based upon the following findings as required by Article XIV, Section 380-87 of the Liverpool Code, to wit:

1. The proposed use is in compliance with all other applicable regulations of Chapter XIV, inclusive of specific district controls and controls applicable to all districts and all other applicable local, state and federal regulations. The proposed use of a Dunkin Donuts with drive-thru facility, the site plan layout and design and the proposed store building design is hereby found to be consistent with the intent of the corresponding district's purpose statement, the intent of the Village of Liverpool's Comprehensive Plan 2025 and the Community Design Handbook, as demonstrated by the submissions offered by the Applicant, along with the modifications made based upon comments of the Planning Board;

Further, the proposed use will not pose a material adverse impact upon adjoining and nearby properties and will not result in a clearly adverse aesthetic impact as the Applicant has proposed material modifications to the proposed restaurant, including appropriate streetscape elevations, plantings, signage and other site characteristics and amenities;
2. The Board hereby finds that the proposed use will not have an adverse impact upon the character or integrity of any land use within the immediate neighborhood, having unique cultural, historical, geographical, architectural or other special characteristics as no such unique features have been identified or would be in conflict with the use as modified and revised. The area consists of commercial businesses, some residential and other mixed uses which will not be impacted by the construction of the proposed Dunkin Donuts Restaurant;
3. The proposed use as a Dunkin Donuts Restaurant will be developed in such a way as to ensure maximum amenities available to the site based upon consideration of the site plan and functional requirements of the proposed use. Specifically, because the Applicant has modified the ingress and egress to limit it to a single access point, has proposed sufficient parking for the site and has obtained any necessary waivers for additional parking and parking allocations. Furthermore, the Applicant has introduced appropriate landscaping, hours of operation and signage to the site plan;
4. The proposed use as a Dunkin Donuts Restaurant is physically and visually compatible with and will not impede the development or redevelopment of the general neighborhood or adversely affect the existing land use in the proximity of subject site. None of the other identified uses in the neighborhood would be impacted by the redevelopment of the area. Rather, the repurposing of the three lots will remove certain existing structures that are no longer deemed useful to the current landowners and will replace them with a Village compatible structure;
5. The proposed use as a Dunkin Donuts Restaurant will be provided with adequate supporting services such as fire and police protection, public and private utilities, including public water and sewer, and all other supporting government services necessary and appropriate to the proposed use. It is anticipated that the existing fire service will respond to any such calls and the Village police have adequate facilities and man power for the introduction of this new use;

6. Controls for vehicle and pedestrian movement have been designed to provide for the safety of the general public and occupants, employees, attendants and other persons for who the benefit of the use is intended. The Board notes the detailed report of James Napoleon P.E., who has prepared a Traffic Impact Analysis, along with follow-up reports demonstrating appropriate traffic flow to and from the location, as evidenced by the report dated May 2016 and follow-up correspondence thereto. The Project will result in sufficient queuing of vehicles (up to thirteen (13)). In addition, the Village Engineer has also reviewed the Traffic Analysis Report, as well as the comments from the New York State Department of Transportation. Considered in the analysis and review by both the Village Engineer and the Applicant's traffic engineer are the: (1) location and adequacy of parking and loading facilities; (2) pedestrian rights-of-way; (3) traffic regulatory devices; (4) location, number and design of points of ingress and egress; (5) accessibility by emergency vehicles; (6) provision for snow storage; (7) age and mobility of all persons whose benefit the use is intended; and (8) speed limits upon the general character of public streets and proximity;
7. It was previously determined that the use will not generate any significant negative adverse environmental impacts upon the surrounding properties, including but not limited to emission of dust, noise, vibration, heat, glare, odor, traffic and parking. Initial construction will involve some impacts to these areas but they are anticipated to be temporary in nature and that appropriate construction practices will mitigate any such impacts;
8. In making this determination, the Village Planning Board has given consideration to consistency of the project with the intent of the Village of Liverpool Comprehensive Plan and the corresponding Downtown Redevelopment Plan, as well as the intent of the zoning district, which is zoned for business; the geometric characteristics of all structures and related improvements on the site; the aesthetic characteristics including the design, texture, materials, colors and illumination being consistent with the recommendations of the Community Design Handbook for the proposed Dunkin Donuts Restaurant; and that the physical attributes of the site, including its size, shape, elevation, topography and natural vegetation are appropriate for the site and the area. Based upon all of these findings, the Board has determined to approve the proposed site plan as requested subject to the specific plans referenced herein;
9. In addition, the Applicant has accepted the recommendations from SOCPA and the New York State Department of Transportation, including removal and elimination of obstructive trees and plantings that would impair sight distance for safe ingress and egress; relocation of road signs as suggested by New York State Department of Transportation; and agree to install "No Left Turn" signs if additional observations suggest this modification should be made; and it is further

RESOLVED that the Board hereby allows and grants the Applicant's request for the issuance of a Special Permit for an associated drive-thru feature for said restaurant, along with other site improvements at the combined premises, as allowed pursuant to Local Law 2 of 2016 and specifically finds that the drive-thru feature meets the specific criteria for specific uses pursuant to §380-88(B) (drive-in services) insofar as:

1. The application provides for on-premises stacking of a minimum of five (5) vehicles and/or five (5) vehicles waiting for service;
2. The property meets the requirement for minimum frontage of 100' for each street upon which the use fronts upon;
3. The application demonstrates suitable landscaping on all sides of the property and includes appropriate inclusion of grass, ornamental stone and plantings, as well as appropriate curbing and landscaping;

4. The Planning Board further incorporates the above-referenced findings as required by §380-87 of the Code; and be it further

RESOLVED that the Planning Board's approval of the resubdivision, site plan and Special Permit for the proposed Dunkin Donuts Restaurant with drive-thru service is specifically conditioned upon the following:

1. Such construction, use and operation shall be specifically in accordance with the submitted application and plans as amended, including hours of operation set at 5:00 a.m. to 12:00 a.m.;
2. To address specific concerns regarding future traffic flow on and off-site and with respect to nearby traffic signals and access points, but specifically with regard to left-hand turns exiting the premises, the Applicant shall retain traffic expert James Napoleon, P.T.O.E., to analyze traffic conditions at the site on a periodic basis starting ninety (90) days after the Dunkin' Donuts restaurant opens for business and continuing for a period not less than one hundred eighty (180) days thereafter. Mr. Napoleon shall invite engineers from the New York State Department of Transportation to participate in such analysis of the then-existing traffic conditions and shall report the findings of such analysis to the Village of Liverpool Planning Board on a routine basis. Mr. Napoleon and the New York State Department of Transportation shall provide any comments, concerns and/or recommendations relative to the movement of traffic from and onto the site, including left-hand turning movements from the Dunkin Donuts restaurant. Such reviews occurring throughout the one hundred eighty (180) day analysis period shall be taken at various times, including peak morning and afternoon traffic times, to allow for a more complete understanding of traffic movement from the site. Upon review of this information, signage may be required to be installed to address any concerns identified therein. The Applicant may elect to install such signage ("No Left Turn") on its own at any time. Alternatively, the Planning Board may require "No Left Turn" signage exiting and entering the premises at the completion of the analysis if warranted.
3. The general contractor for the project shall contact Onondaga County Plumbing Control to coordinate sewer and water connections and obtain appropriate permits;
4. The Applicant is directed to install appropriate erosion control measures for purposes of construction subject to the approval of the Village's Consulting Engineer;
5. The Applicant will follow appropriate Stormwater Pollution Prevention Plan protocols with respect to stormwater mitigation or remediation on the site subject to the Village Engineer's review;
6. The Applicant to comply with the appropriate inflow and infiltration sewer offset to account for additional sewage;
7. The approval is subject to final engineering review, including Stormwater Pollution Prevention Plan;
8. Final drawings to relocate the handicap parking spot closer to the store entrance; and it is further

RESOLVED that the Zoning Officer is hereby authorized and directed upon payment of any required fees (including professional fees) and the above conditions to issue such permits and certificates and to take such other action as may be required to effectuate and enforce this Resolution subject to the above conditions; and it is further

RESOLVED that this Resolution shall be effective as of the date of its filing with the Village Clerk.

The question of the adoption of the foregoing Resolution was duly put to a roll call vote, which resulted as follows:

James Rosier	Voted	Yes
Peter Osborne	Voted	Yes
Michael LaMontagne	Voted	No
John Eallonardo	Voted	Yes
Joseph Ostuni, Jr., Chairman	Voted	Yes

Chairman Ostuni then declared the Resolution to be duly adopted.

JOSEPH OSTUNI, JR., Chairman of the Planning Board of the Village of Liverpool, hereby certifies that the foregoing Resolution was duly adopted at a meeting of the Board duly convened and held on September 8, 2016, a quorum being present.

JOSEPH OSTUNI, JR., CHAIRMAN

Village of Liverpool Planning Board

MARY ELLEN SIMS, Village Clerk of the Village of Liverpool hereby certifies that the foregoing Resolution was duly filed in her office on September __, 2016.

MARY ELLEN SIMS, Village Clerk

There being no further business, motion was made by Mr. LaMontagne and seconded by Mr. Osborne to adjourn. Motion carried, meeting adjourned at 8:10 p.m.

Respectfully submitted,

Sandra J. Callahan
Planning Board Secretary