

APPROVED

The Regular Meeting of the Planning Board of the Town of Clay, County of Onondaga held at Town Hall located at 4401 State Route 31, Clay, New York on the 12th day of October 2022. The meeting was called to order by Deputy Chair Guinup at 7:30 PM. All joined in the Pledge of Allegiance and upon roll being called, the following were:

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| PRESENT: | Karen Guinup | Deputy Chair |
| | Michelle Borton | Member |
| | Hal Henty | Member |
| | Jim Palumbo | Member |
| | Scott Soyster | Member |
| | Mark Territo | Commissioner of Planning & Development |
| | Judy Rios | Secretary |
| | Kathleen Bennett | Planning Board Attorney |
| | Ron DeTota | C&S Engineers |
| ABSENT: | Russ Mitchell | Chairman |
| | Al McMahan | Member |

A motion was made by Hal Henty seconded by Michelle Borton granting approval of the minutes from the September 28, 2022 Regular Meeting.

Motion Carried 4-1 (Scott Soyster abstained due to absence)

Public Hearings (New Business):

Case #2022-040 – **Marc Iqbal and Arville George (5) – 8394 Maple Road – Special Permit Referral. Melissa Cherubino, Whiteman Osterman & Hanna, LLP, spoke noting Rob Seeley, EDR Companies, also in attendance. Melissa stated the applicant is seeking to build a new home and 2-family town home on both lots with one shared driveway. Neighbors were addressed at a recent Town Board Meeting regarding this case. The application meets all requirements and no variances are needed. Karen Guinup clarified the Planning Board is merely making a referral to the Town Board and that they will make the final decision on this case. She stated this appears to be a very nice single-family, not a 2-story house and 2 very nice large patio homes/duplex and doesn't see any issues with what the applicant is wanting to do. Karen asked the Board Members for comments: Scott Soyster – none; Jim Palumbo – concurs with Karen's comment; Hal Henty – concurs with Karen's comment and noted these homes will not be rentals; and Michelle Borton – this is conducive to what could be put on this property and has no objections.

Karen asked for questions/comments from the public. Hearing none she closed the hearing.

Jim Palumbo read: I move to recommend to the Town Board using standard form #60 – Special Permit Referral for Case #2022-040 – Marc Iqbal and Arville George – 8394 Maple Road, the petition be granted for the following reasons: It is in keeping with the surrounding area and per Planning Board Member comments as noted above. Seconded by Michelle Borton.

Motion Carried 5-0

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****Case #2022-041 – Lands of Dillabough (3) – 4639 Becker Road – Preliminary Plat.** Tim Coyer, Ianuzi and Romans, P.C., spoke on behalf of the applicant and introduced Rick Dillabough, owner of the property. Tim explained Mr. Dillabough is seeking to subdivide and sell the front portion of this property; he would maintain the back lot for hunting purposes. There is an existing gravel drive, zoned RA-100 and notes this is not a residential building lot. Karen Guinup stated this is a simple subdivision and no issues. All Board members agreed with Karen.

Karen asked for questions/comments from the public. Hearing none she closed the hearing.

Scott Soyster read: In the matter of the application of the Planning Board Case #2022-041 – Lands of Dillabough – 4639 Becker Road – Preliminary Plat, I move the adoption of a resolution using standard from #10 – SEQR, that the proposed action is an unlisted action and does not involve any Federal Agency. It is further determined the proposed action will not have a significant effect on the environment and the resolution shall constitute a negative resolution for the following reasons: This building plat does not have an impact on the environment. Seconded by Jim Palumbo.

Motion Carried 5-0

A motion was made by Hal Henty seconded by Michelle Borton to move Case #2022-041 – Lands of Dillabough – 4639 Becker Road – Preliminary Plat to Final Plat.

Motion Carried 5-0

Scott Soyster read: In the matter of the application of Planning Board Case #2022-042 – Lands of Dillabough – 4639 – Final Plat, I move the adoption of a resolution using standard form #40-Final Plat, granted based on a map by Ianuzi and Romans Land Survey, P.C. dated February 24, 2021, File number: 13285.001. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Any other conditions if necessary: None. Seconded by Jim Palumbo.

Motion Carried 5-0

****Case #2022-043 – Target Drive Up Expansion (3) – 3857 State Route 31 – Amended Site Plan.** William Slater, Kimley-Horn, spoke on behalf of the applicant stating the applicant is launching a drive-up expansion to all Target Stores over the next two (2) years. This site will increase the customer pick-up parking from 8 spaces to 24, include a 6' high sign, a permanent sidewalk and stop signs, two (2) new lights poles will be added and a new wall sign to the exterior of the building; no changes to the landscape islands will occur. Karen Guinup stated this is an amended site plan with added parking and facades changes and no sign approval will be provided as that is a separate application; William agreed. Karen stated the changes appear nice with a wood-look being proposed along the façade and has no issues. Karen asked the Board Members for comments: Scott Soyster – none; Jim Palumbo – none; Hal Henty asked about the height of the new light poles and William said he would look into that, but they will not be higher than what is on site; and Michelle Borton – none.

Karen asked for questions/comments from the public. Hearing none she closed the hearing.

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Michelle Borton read: In the matter of the application of the Planning Board Case #2022-043 – Target Drive Up Expansion – 3857 State Route 31 – Amended Site Plan, I move the adoption of a resolution using standard form #10 – SEQR, that the proposed action is an unlisted action and does not involve any Federal Agency. It is further determined the proposed action will not have a significant effect on the environment and the resolution shall constitute a negative declaration for the following reasons: The proposed action is consistent with existing land uses and will not significantly impact site vehicular or pedestrian circulation. Seconded by Hal Henty.

Motion Carried 5-0

Michelle Borton read: In the matter of the application of Planning Board Case #2022-043 – Target Drive Up Expansion – 3857 State Route 31 – Amended Site Plan, I move the adoption of a resolution using standard form #20 – Amended Site Plan, granted based on two (2) drawings entitled “T-1475 Clay, NY: Exterior Elevations Refresh” dated May 1, 2022; “Target Drive Up Expansion” by Kimley-Horn, C0.0, C0.1, C1.0, C2.0-C.21, dated September 12, 2022; C1.1, E1.0 and E2.0 by Kimley-Horn dated September 7, 2022. It is noted that signs are not included in this approval. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Any other conditions if necessary: Light poles shall be the same height as the existing adjacent. Seconded by Hal Henty.

Motion Carried 5-0

Case #2022-044 – **Moyers Corners Fire Department/Metropolitan Signs (3) – 8044 Oswego Road – Special Permit. Dave Razzente, Metropolitan Signs, Inc., was present on behalf of the applicant and is seeking approval for an electric sign, which will be placed on existing poles. Dave stated the ZBA approved the variances at their September 12, 2022 meeting. Karen Guinup noted no issues and asked if it would be similar to the one on Route 31 and Dave said, yes. Hal Henty asked what the time set up is for the message and Dave said, it would be set to what the Town’s ordinance allows. Michelle Borton had no comment. Scott Soyster asked what type of messages would be scrolled and Dave said, anything from an image of a fire truck to time and temperature. Jim Palumbo had no comment.

Karen asked for questions/comments from the public. Hearing none she closed the hearing.

Scott Soyster read: In the matter of the application of the Planning Board Case #2022-044 – Moyers Corners Fire Department/Metropolitan Signs – 8044 Oswego Road – Special Permit, I move the adoption of a resolution using standard form #10 – SEQR, that the proposed action is an unlisted action and does not involve any Federal Agency. It is further determined the proposed action will not have a significant effect on the environment and the resolution shall constitute a negative resolution for the following reasons: The special permit is for the replacement of an existing sign and will not have an impact to the environment. Seconded by Jim Palumbo.

Motion Carried 5-0

Scott Soyster read: In the matter of the application of Planning Board Case #2022-044 – Moyers Corners Fire Department/Metropolitan Signs – 8044 Oswego Road – Special Permit, I move the adoption of a resolution using standard form #70 – Special Permit, granted based on a drawing by Metropolitan Signs dated May 25, 2022. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Any other conditions if necessary: None. Seconded by Jim Palumbo.

Motion Carried 5-0

Public Hearings (Old Business/Open and Adjourned):

****Case #2021-011 – Sharkey’s Beach Volleyball and Restaurant (3) – 7240 Oswego Road – Amended Site Plan (Adjourned from 17 previous meetings).** Steve Calocerinos, Calocerinos Engineering, spoke on behalf of the applicant noting two open items have now been taken care as follows: #1) Letter from the Engineer stating the building is in conformance and #2) Recording of the cross access agreements completed. Both items were provided and emailed accordingly. Karen Guinup stated the items are now complete, however, questioned the dumpster enclosure. Steve stated the gates are steel. Jim Palumbo clarified the exterior will be split face; Karen agreed this is good. Karen also thanked Steve for the excellent job he has done to assist in wrapping up this case. Hal Henty questioned the existing structure and braces. Steve said what was built is per code. Michelle Borton had no comment. Scott Soyster had no comment. Jim Palumbo had no comment. Karen assisted in clarifying the bracing concern and noted MAS Engineering recommends additional bracing be added with the new addition and will be handled, going forward, by the Town’s Code Enforcement Department. Mark Territo agreed and stated the Codes Officers were on this issue today noting it will get done.

Karen asked for questions/comments from the public. Hearing none she closed the hearing.

Jim Palumbo read: In the matter of the application of the Planning Board Case #2021-011 – Sharkey’s Beach Volleyball and Restaurant – 7420 Oswego Road – Amended Site Plan, I move the adoption of a resolution using standard form #10 – SEQR, that the proposed action is an unlisted action and does not involve any Federal Agency. It is further determined the proposed action will not have a significant effect on the environment and the resolution shall constitute a negative resolution for the following reasons: The proposed amended site plan is in keeping with the existing site use and conditions. Seconded by Scott Soyster.

Motion Carried 5-0

Jim Palumbo read: In the matter of the application of Planning Board Case #2021-011 – Sharkey’s Beach Volleyball and Restaurant – 7420 Oswego Road – Amended Site Plan, I move the adoption of a resolution using standard form #20 – Amended Site Plan, granted based on a map by Calocerinos Engineering dated June 5, 2019, revised May 4, 2022 and numbered C-101; Drawing A01.1 dated April 11, 2019; Pavilion (drawings 1 through 11) dated April 13, 2022; Design calculations/drawings by Alpine Company dated April 1, 2019. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Any other conditions if necessary: Code Enforcement follow-up on permit items. Seconded by Scott Soyster.

Motion Carried 5-0

****Case #2022-027 – Jason Kocher (3) – 8350 Caughdenoy Road – Special Permit – Tier 2 Solar Energy System (Adjourned from 3 previous meetings).** Jason Kocher appeared before the Board stating he was asked to attend per the representative from Tier 2 Solar. Karen Guinup stated no documents have yet been received and mentioned this to the representative at the last meeting that a professional site plan is needed as well as looking at other areas on the property, and better screening be placed to shield the neighbor (such as a 7’ vinyl fence or robust trees). Karen commented that all material must be received to the Planning Department one week in advance of the meeting (the Wednesday before). Jason stated he is unsure, at this time, if he’ll be going this route or building a pavilion and set the solar panels on the roof. Karen suggested he meet with the Planning Department since this is two different scenarios. Jason asked to delay his case until the first part of 2023. Hal Henty had no comments. Michelle Borton had no comments. Scott Soyster had no comments. Jim Palumbo had no comments.

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Karen asked for questions/comments from the public. None received.

A motion was made by Hal Henty seconded by Michelle Borton to adjourn Case #2022-247 – Jason Kocher – 8350 Caughdenoy Road – Special Permit – Tier 2 Solar Energy System to January 11, 2023.

Motion Carried 5-0

Karen combined the following cases:

****Case #2022-029 – Goguen Drive Laydown Yard (3) – Goguen Drive – Site Plan** (Adjourned from 4 previous meetings) and ****Case #2022-030 – Goguen Drive Laydown Yard (3) – Goguen Drive – Special Permit – Contractor’s Service Yard** (Adjourned from 4 previous meetings). The applicant requested an adjournment.

A motion was made by Michelle Borton seconded by Scott Soyster to adjourn Case #2022-029 – Goguen Drive Laydown Yard (3) – Goguen Drive – Site Plan and Case #2022-030 –Goguen Drive – Special Permit to October 26, 2022.

Motion Carried 5-0

****Case #2022-038 – Auburn Community Federal Credit Union (3) – 7538 Oswego Road – Amended Site Plan** (Adjourned from 1 previous meeting). Joshua Oot, Labella Associates, and Sam Scro, CEO Auburn Community Federal Credit Union, presented on behalf of the applicant. Josh stated they have filed a merger request form with the County, submitted a new survey and site plan noting a revision to lights on Rt. 57. They have reduced two lights to 8’H poles to match the rest of the site and lighting details have been provided. As well, a landscape plan has been resubmitted adding trees on the west side and plantings under the canopy as suggested. One tree is being removed in front of the building. The dumpster enclosure has been revised and setbacks revised, based on a new survey. The County’s comments regarding the “right out only” has been addressed, however, there are no curb cuts and Josh stated he has a call into Onondaga County DOT to get specific requirements. He’s reduced this to a single lane to divert traffic but will follow their lead. Karen Guinup spoke stating the County’s comments are ultimately up to the Planning Board and what it means is we are looking for a defined area, so anyone exiting can in no way make a left turn; this needs to be better narrowed down. Josh stated it’s a bit complicated due the curb cut issue. Karen suggested he look at sites such as Bank of America and Texas Road House, both on Route 31; these two sites are very defined. Further, Karen stated the drawing still has a right-of-way easement conveyed to the Town of Clay, this needs to be removed or changed. As well, more clarification on the easement conveyed to Farm Family Life Insurance is needed. She stated, the site plan is looking good, but one large issue is the cross access agreements from the north and south neighbors. Karen read the ordinance regarding cross access agreements from the Town of Clay code book for reference purposes. Sam stated he presented this information to his Board of Directors, but they do not want to do this due to liability concerns. Karen stated they will need to pick two spots on the site and asked if their legal department could reach out to the Planning Board Attorney to resolve this issue. Hal Henty had no comment. Michelle Borton said site plan sheet C201 doesn’t show the easement and asked they correct this. Scott Soyster spoke and suggested they look to the north side of the property as Moe’s Restaurant shows a cross access agreement. Jim Palumbo thanked Josh for listening to his suggestions regarding landscape and is pleased with the outcome. He is confused on the right out only effort as the lines on the drawing don’t come out to the fog line as the main entrance does. Josh said, this is what the surveyor provided. Jim stated the lawn area has to connect and focus in on the forced right out. Ron DeTota commented stating the confusion lies in

the two snapshots in time, what exists today and what previously existed. He suggested the west of the property be cleaned up, as it is superseded information. The right-of-way and Town of Clay should be Onondaga County DOT deed line, to the dash line and existing straight line. The other arrow to the property line on both could read “omit any reference to property dedication line deed.” Kathy Bennett commented on the cross access agreement issue clarifying this is an agreement between you and the adjacent property owners that will address all concerns on liability and usage and is a benefit to all; it ensures you’re not taking on extra liability and is not uncommon in this area. Mark Territo said the Town’s vision behind the cross access agreements is that DOT doesn’t want to see all these cuts and have problems later, it allows for better connectivity between parcels.

Karen asked for comments/questions from the public. None provided.

A motion was made by Hal Henty seconded by Michelle Borton to adjourn Case #2022-038 – Auburn Community Federal Credit Union – 7358 Oswego Road – Amended Site Plan to October 26, 2022.

Motion Carried 5-0

Case #2022-039 – **Iqbal-George Subdivision (3) – 8394 Maple Road – Preliminary Plat (Adjourned from 1 previous meeting). Melissa Cherubino, Whiteman Osterman & Hanna, LLP and Rob Seeley, EDR Companies, presented on behalf of the applicant. Melissa noted four items as requested have been provided: #1) existing drawing has an added note; #2) the tree line clearing marked on the drawing; #3) removal of building footprints; and #4) water run-off and shared driveway noted. They are working on the SWPP for the SPDES permit. Karen Guinup asked about the sewer and Melissa said plans are to go lateral to the public system. Ron DeTota stated this would actually be a private system with its own individual pump system. He suggested they reach out to David Lepinske and ask about connecting 10’ to join that system, otherwise they’d need to go out to Maple Rd. which could prove costlier; Melissa agreed. Karen stated the SPDES permit will not hold up approval.

Karen asked for questions/comments from the public. Hearing none she closed the hearing.

Jim Palumbo read: In the matter of the application of the Planning Board Case #2022-039 – Iqbal-George Subdivision – 8394 Maple Road – Preliminary Plat, I move the adoption of a resolution using standard form #10 – SEQR, that the proposed action is an unlisted action and does not involve any Federal Agency. It is further determined the proposed action will not have a significant effect on the environment and the resolution shall constitute a negative resolution for the following reasons: The proposed subdivision is conducive of how the applicant plans to develop as residential. Seconded by Scott Soyster.

Motion Carried 5-0

A motion was made by Michelle Borton to move Case #2022-039 – Iqbal-George Subdivision – 8394 Maple Road Preliminary Plat to Final Plat. Seconded by Scott Soyster.

Motion Carried 5-0

Jim Palumbo read: In the matter of the application of Planning Board Case #2022-039 – Iqbal-George Subdivision – 8394 Maple Road - Final Plat, I move the adoption of a resolution using standard form #40 – Final Plat granted based on a map by LEHR Land Surveyors dated August 3, 2022, revised October 5, 2022 (Final Plat) and numbered 22-D0018*D*. Seconded by Scott Soyster.

Motion Carried 5-0

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Closed Hearings – (Board/Applicant discussions):

A motion was made by Michelle Borton to add Case #2022-049 – The Farmstead Section 6 – Final Plat to the Agenda. Seconded by Hal Henty

Motion Carried 5-0

Case #2022-049 – The Farmstead Section 6 – Final Plat. Tim Coyer, Ianuzi and Romans, P.C., spoke on behalf of the applicant stating this is for 24 lots all R-15 zoned properties to be added at Lepinske Farm Place and Copper Train Place in the Farmstead subdivision. Ron DeTota noted all utilities were accepted at the Town Board Meeting held on October 3, 2022.

Michelle Borton read: In the matter of the application of Planning Board Case #2022-049 – The Farmstead – Section 6, I move the adoption of a resolution using standard form #40 – Final Plat, granted based on a map by Ianuzi and Roman Land Surveying, P.C. dated January 27, 2022 and numbered sheet lot 1 of 2 and 2 of 2, file number 1431.037. Seconded by Hal Henty.

Motion Carried 5-0

New Business:

Case #2022-042 – **Lands of Dillabough – 4639 Becker Road – Final Plat. This case was combined and approved with Case #2022-041 – Lands of Dillabough – 4639 Becker Road – Preliminary Plat, as above.

Signs:

Sign and Lighting Services/Caliber Collision – 3593 NYS Route 31 - Zoned HC-1, Permit #53,124.

2 – Wall signs. The applicant is proposing two Internal Illumination Led wall signs, 68.59 square feet each when 144 square feet each are allowed. The proposed signs will meet the code.

A motion was made by Hal Henty seconded by Scott Soyster granting approval of Sign Permit #53,124 – Sign and Lighting Services/Caliber Collision – 3593 NYS Route 31.

Motion Carried 5-0

Metropolitan Signs, Inc./Moyers Corners Fire Department – 8044 Oswego Road - Zoned GOV, Permit #53,108. Dave Razzante, Metropolitan Signs, was present on behalf of the applicant.

1 – Freestanding Electronic Sign. The applicant is proposing a 39.5 square foot Internal Illumination Led Message Sign. A variance and special permit was granted, the proposed sign will meet the code. (See information from Case Number 2022-044)

A motion was made by Scott Soyster seconded by Jim Palumbo granting approval of Sign Permit #53,108 – Metropolitan Signs, Inc./Moyers Corners Fire Department – 8044 Oswego Road.

Motion Carried 5-0

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Kassis Signs – *Playday* – 4999 W. Taft Road (Wegmans Shopping Center) - Zoned RC-1, Permit #53,133.

1 – Wall sign - The applicant is proposing one wall sign, 41.25 square feet when 53.7 square feet is allowed. The proposed sign will meet the code.

A motion was made by Michelle Borton seconded by Scott Soyster granting approval of Sign Permit #53,133– Kassis Signs – *Playday* – 4999 W. Taft Road (Wegmans Shopping Center).

Motion Carried 5-0

Work Session:

None.

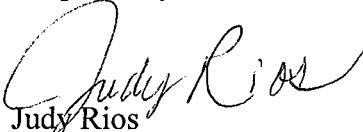
Karen Guinup asked if there were any further comments or questions, hearing none she adjourned the meeting.

A motion was made by Michelle Borton seconded by Scott Soyster granting approval to adjourn the meeting at 9:22 p.m.

Motion Carried 5-0

The next meeting is slated for October 26, 2022.

Respectfully Submitted,


Judy Rios
Planning Board Secretary