

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 8th day of June 2022. The meeting was called to order by Chairman Mitchell at 7:30 PM. All joined in the Pledge of Allegiance and upon roll being called, the following were:

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

ABSENT: Scott Soyster

A motion was made by Hal Henty seconded by Michelle Borton granting approval of the minutes from the May 25, 2022 Regular Meeting.

Motion Carried 5-1 (Al McMahon abstained due to absence)

Public Hearings (New Business): None

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 13 previous meetings).**

A motion was made by Karen Guinup seconded by Michelle Borton to adjourn Case #2021-011 – Sharkey’s Beach Volleyball and Restaurant – 7240 Oswego Road – Amended Site Plan to July 13, 2022.

Motion Carried 6-0

****Case #2022-001 – VIP Structures, Inc./JW Didado Syracuse Division (3) – Corner of Wetzel Road and Morgan Road – Site Plan (Adjourned from 5 previous meetings). Vince Raymond, VIP Structures, and Scott Freeman, Keplinger Freeman Associates, presented on behalf of the applicant. Scott stated he has been working with Ron DeTota on needed items and is nearing completion of these requirements. As well, water revisions are complete and images provided of the preferred dumpster gates located on drawing 603, and two lighting options updated in the site plan. Russ Mitchell asked about a small piece where lighting appears to flow over the property line. Scott stated there is a 6’ fence to help mitigate this and will speak to the lighting rep. to be sure the precise point is within the property. Vince indicated there is a degree of adjustability. Karen Guinup said a lot of effort has been put into this to protect the residents and stressed they be sure the lighting is tilted**

correctly. Vince stated there would be no light trespasses. Russ commented and read several conditions that will be required as part of the approving resolution; a copy was handed to Scott and Vince. Michelle Borton asked about the lighting plan and reference on the title sheet. Vince said he would have his lighting engineer stamp the drawings and add today's date. Russ explained he must see two (2) full sets of the new revised sheets before he can sign off on this project.

Russ asked for questions/comments from the public. Hearing none he closed the hearing.

Michelle Borton read: In the matter of the application of Planning Board Case #2022-001 – VIP Structures, Inc./JW Didado Syracuse Division, I move the adoption of a resolution using standard form #20 – Site Plan, granted based on a map by, as noted on the title sheet, L-000 through L-700, Keplinger Freeman Associates dated January 19, 2022, revised June 8, 2022 and numbered A-101 through A-201, dated May 4, 2022, revised May 17, 2022 by VIP Structures, Inc. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Any other conditions if necessary as follows. Seconded by Hal Henty.

1. Place orange construction fence around the exterior of site noting no disturbance shall occur beyond this point. Show this on the Site Plan.
2. Provide a note on the drawings stating that no disturbance shall occur in the area where the proposed second phase of the project shall occur until all required permits (ACOE Wetland) are secured by the property owner and provided to the Town.
3. Provide a pea gravel filter around the perimeter of the parking area where the overland stormwater runoff drains into either the infiltration basin or dry swale. Show on Site Plan documents.
4. Modifications required for the proposed infiltration basin are incorporated onto the Site Plan documents.
5. No Building Permit shall be issued until an email issued by the Town Engineer is provided to the Commissioner of Planning & Development stating all Engineering requirements have been satisfactorily addressed.
6. All documents shall be dated June 8, 2022. (Tonight's meeting date)
7. Any and all other Legal and Engineering requirements.

Motion Carried 6-0

A motion was made by Michelle Borton seconded by Karen Guinup for SEQR resolution as prepared by Kathleen Bennett, Planning Board Attorney (a copy of the resolution was provided to the applicant).

WHEREAS, JW Didado, Syracuse Division (the "Applicant") is proposing the construction of a new 21,000 square foot commercial building with associated amenities on an approximately 11.886-acre parcel identified as Tax Map # 87.-01-01.1 (the "Project") in the Town of Clay, Onondaga County, New York; and

WHEREAS, the Project is located in an Industrial-1 zoning district; and

WHEREAS, the Applicant has submitted an application to the Town of Clay Planning Board for site plan approval; and

WHEREAS, the Applicant has prepared Part 1 of the Full Environmental Assessment Form ("FEAF") for the Project; and

WHEREAS, the Planning Board desires to comply with the requirements of SEQRA and its implementing regulations set forth at 6 NYCRR Part 617 (the "Regulations") with respect to the Project; and

WHEREAS, at its meeting on April 13, 2022 the Planning Board declared the Project to be a Type 1 action and declared its intent to act as the lead agency for purposes of the SEQRA review and no other involved agency objected to the Planning Board acting as the lead agency; and

WHEREAS, the Planning Board has considered all the comments and submissions submitted to date concerning the Project; and

WHEREAS, the Planning Board is mindful of the criteria set forth in 6 NYCRR § 617.7 of the Regulations for determining the environmental significance of an action, and

WHEREAS, pursuant to the Regulations, the Planning Board has considered the significance of the potential adverse environmental impacts of the Project by (a) using the criteria specified in 6 NYCRR § 617.7 of the Regulations, and (b) examining the EAF for the Project, including the facts and conclusions in Part 1 of the EAF and its attachments, and completing Parts 2 and 3 of the EAF, together with all other available supporting information, to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the identified areas of relevant environmental concern.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Project is subject to SEQRA.
2. The Planning Board is the lead agency and has undertaken a coordinated review with respect to the Project.
3. The Planning Board classified the Project as a Type I Action under SEQRA.
4. The Planning Board has compared the impacts that may reasonably be expected to result from the Project to the criteria for determining significance identified in Section 617.7(c)(1) of the Regulations and evaluated the issues of causation and significance in light of the standards under the same Section of the Regulations.
5. The Planning Board has not identified any potential significant adverse environmental impacts associated with the Project and none are known to the Board. Based upon its review, and for the reasons set forth in the FEAF and its supporting documentation, the Planning Board hereby determines that the Project will not present a potential significant adverse impact on the environment, and therefore, a Negative Declaration is warranted pursuant to SEQRA and an environmental impact statement need not be prepared.
6. The Planning Board reaches the following further conclusions:
 - (A) The Project will not result in substantial adverse change in existing air quality; ground or surface water quality or quantity, traffic, or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems.

The Planning Board has considered potential impacts to wetlands. Potential impacts to wetlands have been avoided to the maximum extent practicable and the Applicant will mitigate the minimal impacts in accordance with the terms of the Nationwide Permit(s) to be issued by the Army Corps of Engineers.

Potential impacts to surface water quality, existing drainage patterns and the potential for increased erosion and turbidity will be avoided through compliance with SPDES General Permit for Construction Activity, GP-0-20-001, and the Town of Clay stormwater management regulations.

No significant potential adverse traffic impacts are anticipated as a result of the Project and any potential impacts with respect to site access have been addressed by modifying the egress onto Morgan Rd such that the exit is right out only and also will be mitigated in accordance with the terms of the permit to be issued by the Onondaga County Department of Transportation.

- (B) The Project site is located in an area known for Indiana bats. However, the Project site has already been cleared. There are no other rare, threatened, or endangered species associated with the Project. As a result, the Project shall not present a potential significant adverse impact on rare, threatened, or endangered species.
- (C) The Project will not result in other significant adverse impacts to natural resources.
- (D) The Project will not affect a critical environmental area as designated pursuant to 6 NYCRR § 617.14(g).
- (E) The Project will not conflict with the community's current plans or goals as officially approved or adopted.
- (F) The Project will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community character. The Project is adjacent to a residential property. However, the Applicant has agreed to provide landscaping and screening to minimize potential impacts to the neighboring residential property. Such mitigation has been incorporated into the Applicant's site plan.
- (G) The Project will not result in a major change in the use of either the quantity or type of energy.
- (H) The Project will not result in the creation of a hazard to human health.
- (I) The Project will not result in a substantial change in the use, or intensity of use, of land including architectural, open space or recreational resources, or in its capacity to support existing uses.
- (J) The Project will not result in encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.
- (K) The Project will not result in the creation of a material demand for other actions that would result in one or more of the above consequences.

- (L) The Project will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and
- (M) The Project will not result in two or more related actions undertaken, funded, or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR § 617.7(c).
7. The information available concerning the Project was sufficient for the Planning Board to make its determination and issue a Negative Declaration for the Project.
8. The Planning Board hereby adopts Parts 1, 2 and 3 of the FEAF, including the supporting written elaboration.
9. The Planning Board hereby directs the Chairperson of the Planning Board to execute the FEAF and to make any filing(s) and publications for the Project in compliance with the Regulations.
10. The Planning Board hereby authorizes the Town Planning Department to take such other steps as may be necessary to carry out this Resolution.
11. This resolution shall take effect immediately.

Motion Carried 6-0

Case #2022-002 – **Pack Rat Storage (3) – 4717 Wetzel Road – Site Plan (Adjourned from 4 previous meetings). Pat Reynolds, Ianuzi & Romans, PC, presented on behalf of the applicant. Pat stated several changes have been made to the site plan since the last meeting and a list of the changes provided along with the revised drawings. He noted the property fence around the outdoor storage is under discussion and provided a sample of a portion of a chain link fence with faux greenery. Jim Palumbo stated he would prefer the chain link be black vinyl coated instead of silver. Karen Guinup asked about the vinyl fencing that was discussed at a previous meeting and Pat said that is still on the table. Karen said she prefers a vinyl fence with chain link behind it, noting the faux greenery is messy and unsure of its weather resistance. Hal Henty stated he agrees with Karen. Michelle Borton stated she agrees with Karen. Jim noted being okay with either fencing but prefers an earth-tone color vinyl fence tying the two fences together. All agreed. Pat said this could be done and would compliment the site well. Russ questioned fencing on the westerly side and Pat said they are not using this and new fence will be installed. Russ explained the fence is crossing an easement in two (2) places and the Town's ordinances does not allow this. The easement has not yet been approved by the Town and stated the motion will stipulate when the Town approves, the easement will be conditioned, otherwise the fence cannot be installed as shown. Hal asked about lighting on the building and Pat said it will be wall packs. Jim asked if the chain link gate will be visible for visitors to see in as they enter and Pat said, yes, vinyl will only be around the outside area. Jim does not want solid fencing, it should be vertical plank fence with ability to see through it. Pat agreed and said they will be using Arrow Fence who generally works well on these types of projects. Russ said we will need a new sheet number two (2). Jim noted the proposed freestanding sign and signage is a separate application. Pat said the sign was included for location purposes only and they will be submitting another application for signage. Karen asked Ron DeTota about the drawings reading *State of NY DOT* and if the Board should be concerned and Ron said, no, this is standard use/detail.

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Russ asked for questions/comments from the public. Hearing none he closed the hearing.

Al McMahon read: In the matter of the application of the Planning Board Case #2022-002 – Pack Rat Storage – 4717 Wetzel Road, 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: Any potential impacts have been considered by the Board. Seconded by Jim Palumbo.

Motion Carried 6-0

Al McMahon read: In the matter of the application of Planning Board Case #2022-022 – Pack Rat Storage – 4717 Wetzel Road, I move the adoption of a resolution using standard form #20 – Site Plan, I move the adoption of a resolution using standard form #20 – Site Plan, be granted based on maps by Ianuzi & Romans, as follows: Cover Sheet January 19, 2022; sheets C-1.0, C-2.0 January 15, 2022 revised May 6, 2022; Lighting and swing gate cut sheets; grading and foundation cut sheets; NYS DOT standard roadwork sheets 619-20, 619-60, 619-10, 619-11, 619-12 (sheets). Sheet 2 needs resubmitting with update to remove evergreen slatted fencing and replace with 7' vertical plank fence, earth-tone (beige) color and proper post inserts. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Any other conditions if necessary: No certificate of occupancy will be given until the Town Board approves the water easement to the rear hydrant and allowing a fence to cross the easement. Seconded by Jim Palumbo.

Motion Carried 6-0

****Case #2022-023 – Westside Properties FRSW, LLC/7458 Oswego Road (3) – 7458 Oswego Road – Amended Site Plan (Adjourned from 1 previous meeting).**

A motion was made by Michelle Borton seconded by Karen Guinup to adjourn Case #2022-023 – Westside Properties FRSW, LLC – 7458 Oswego Road – Amended Site Plan to July 13, 2022.

Motion Carried 6-0

****Case #2022-026 – Louis Bottino/Warehouse Expansion (3) – 7511 Wetzel Road – Amended Site Plan (Adjourned from 1 previous meeting).**

A motion was made by Hal Henty seconded by Michelle Borton to adjourn Case #2022-026 – Louis Bottino/Warehouse Expansion – 7511 Wetzel Road – Amended Site Plan to July 13, 2022.

Motion Carried 6-0

Closed Hearings – Board/Applicant discussions:

****Case #2021-012 – Crossroads Commons (3) – 4705, 4709, & 4713 Crossroads Park – Preliminary Plat (Adjourned from 10 previous meetings) and **Case #2021-013 – Crossroads Commons – 4705, 4709, & 4713 Crossroads Park – Final Plat.**

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A motion was made by Karen Guinup seconded by Hal Henty to adjourn Case #2022-012 – Crossroad Commons – 4705, 4709, & 4713 Crossroads Park – Preliminary Plat and Case #2021-013 – Crossroads Commons – 4705, 4709, & 4713 Crossroads Park – Final Plat to July 13, 2022.

Motion Carried 6-0

Case #2022-017 – **Gelsomin Family Limited Partnership/Gelsomin Subdivision – (3) – 902-906 Allen Road – Preliminary Plat (Adjourned from 3 previous meetings). Pat Reynolds, Ianuzi & Romans, PC, was available on behalf of the applicant. Russ Mitchell stated the Board has received the County’s approval letter regarding site distance noting no other information is required.

Russ asked for comments/questions from the Planning Board. Hearing none he closed the case.

Al McMahon read: In the matter of the application of the Planning Board Case #2022-017 – Gelsomin Family Limited Partnership/Gelsomin Subdivision – 902-906 Allen Road, 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: In keeping with the surrounding area. Seconded by Jim Palumbo.

Motion Carried 6-0

Al McMahon read: In the matter of the application of Planning Board Case #2022-017 – Gelsomin Family Limited Partnership/Gelsomin Subdivision – Preliminary Plat – 902-906 Allen Road, I move the adoption of a resolution using standard form #30-Preliminary Plat, granted based on a map by Ianuzi & Romans dated January 7, 2022, File #13290.001. Seconded by Jim Palumbo.

Motion Carried 6-0

Karen Guinup made a motion to move to Final Plat. Seconded by Michelle Borton.

Motion Carried 6-0

New Business:

Case #2022-018 – **Gelsomin Family Limited Partnership/Gelsomin Subdivision** – 902-906 Allen Road – Final Plat.

Al McMahon read: In the matter of the application of Planning Board Case #2022-017 – Gelsomin Family Limited Partnership/Gelsomin Subdivision – Final Plat – 902-906 Allen Road, I move the adoption of a resolution using standard form #40-Final Plat, granted based on a map by Ianuzi & Romans dated January 7, 2022, File #13290.001. Seconded by Jim Palumbo.

Motion Carried 6-0

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Signs:

The Image Press– St. Joseph’s Health – 7246 Janus Park Drive - Zoned RC-1, Permit # 52,773

John Yard, The Image Press, presented on behalf of the applicant noting they are proposing two (2) wall signs 68 square feet each in size, when 247 and 482 square feet each are allowed. These signs will meet code.

A motion was made by Jim Palumbo seconded by Al McMahon granting approval of Sign Permit #52,773 – The Image Press - St. Joseph’s Imaging – 7246 Janus Park Drive.

Motion Carried 6-0

The Image Press– St. Joseph’s Health – 7209 Buckley Road - Zoned HC-1, Permit # 52,774

John Yard, The Image Press, presented on behalf of the applicant noting they are proposing two (2) wall signs 68 square feet each in size, when 185 square feet each are allowed. These signs will meet code.

A motion was made by Jim Palumbo seconded by Al McMahon granting approval of Sign Permit #52,774 – The Image Press –St. Joseph’s Imaging – 7209 Buckley Road.

Motion Carried 6-0

Russ Mitchell asked if there were any further comments or questions, hearing none he adjourned the meeting.

A motion was made by Karen Guinup seconded by Hal Henty granting approval to adjourn the meeting at 8:20 p.m.

Motion Carried 6-0

The next meeting is slated for July 13, 2022

Respectfully Submitted,



Judy Rios
Planning Board Secretary