

Regular Meeting  
Planning Board  
December 14, 2022

**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 14<sup>th</sup> day of December 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:

<b>PRESENT:</b>	Russ Mitchell	Chairman
	Karen Guinup	Deputy Chair
	Michelle Borton	Member
	Hal Henty	Member
	Al McMahan	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 Member

A motion was made by Karen Guinup seconded by Michelle Borton granting approval of the minutes from the November 16, 2022 Regular Meeting.

**Motion Carried 6-0**

**Public Hearings (New Business):**

\*Case #2022-051 – **Warners Road Development (5)** – 3723 Brewerton Road – Zone Change Referral. The applicant requested an adjournment.

A motion was made by Karen Guinup seconded by Michelle Borton to adjourn Case #2022-051 – Warners Road Development – 3723 Brewerton Road – Zone Change Referral to January 11, 2023.

**Motion Carried 6-0**

**Public Hearings (Old Business/Open and Adjourned):**

\*\*Case #2022-023 – **Westside Properties FRSW, LLC/7458 Oswego Road (3)** – 7458 Oswego Road – Amended Site Plan (Adjourned from 8 previous meetings). Jeremy Arts, Arts Design Group/AnCor, presented on behalf of the applicant noting two outstanding items are now complete: the addition of a swale alongside the property line (as reviewed with Ron DeTota) and light fixture to the perimeter; this light fixture does not cross the property line. Karen Guinup asked if the photometrics received now represent the change and Jeremy said, yes. Hal Henty asked about the height of the light poles and Jeremy said they are 18’ and listed as such on drawing C-102.

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

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Michelle Borton read: In the matter of the application of the Planning Board Case #2022-023 – Westside Properties FRSW, LLC - 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 used, traffic patterns and community character. Seconded by Karen Guinup.

**Motion Carried 6-0**

Michelle Borton read: In the matter of the application of Planning Board Case #2022-023 – Westside Properties FRSW, LLC., I make a motion using standard form #20 – Amended Site Plan, be granted based on a map by Arts Design Group, dated June 21, 2022, revised December 7, 2022 numbered C000; dated June 21, 2022, revised October 26, 2022 numbered C001; dated June 21, 2022, revised December 7, 2022 numbered C100; dated June 21, 2022, revised December 7, 2022 numbered C101; dated June 21, 2022, revised December 7, 2022 numbered C102; dated June 21, 2022 numbered D100; dated June 21, 2022 numbered A100; dated June 21, 2022, revised December 7, 2022 numbered A200. By PLS Engineering, PC dated September 22, revised October 20, 2022 numbered 1 of 2; dated September 2022, revised November 22, 2022 numbered 2 of 2; and lighting details. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Seconded by Karen Guinup.

**Motion Carried 6-0**

\*\*Case #2022-034 – **B&C Storage** (3) – 7988 Morgan Road – Amended Site Plan (Adjourned from 4 previous meetings). Collin Donahue presented on behalf of B&C Storage providing the following updates. The right-of-way on the western/front side of the property, as asked about, was recorded on January 25, 2006 and noted on the initial site plan. Kathy Bennett spoke clarifying that this recording was for the drainage easement and not the 30’ right-of-way on the back of the property; she provided the document to Collin. Collin stated they would look into this and work on revising. Secondly, a question was raised about the color code on the site plan and Collin showed this on the drawing as existing parking and provided “as built” drawings. Russ Mitchell noted the previous elevations and blue-colored building (as submitted) and asked if that is what is being put in and Collin said, yes. Russ asked about the cut sheets on the wall pack lighting and Collin said he would provide this information. Karen Guinup clarified the discussion (from the last meeting) about paving and stated the area is all paved.

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

A motion was made by Hal Henty seconded by Michelle Borton to adjourn Case #2022-034 – B&C Storage – 7988 Morgan Road – Amended Site Plan to January 11, 2023.

**Motion Carried 6-0**

**\*\*Case #2022-035 – O’Reilly Auto Parts (3) – 3906 Brewerton Road – Amended Site Plan (Adjourned from 3 previous meetings).** David and Louis Muraco, Empire Management Company, owners of the building presented noting a representative for the architect also in attendance. Louis explained per the last meeting they have received an updated survey and identified O’Reilly has a tenant who will occupy 9,800 sq. ft. of the 20,294 sq. ft. building. Russ Mitchell indicated the survey is very busy and hard to follow. David showed the current survey, which notes the existing conditions and is re-stamped. Discussions surrounded the photometrics, parking lot and chain link fence. Louis explained the chain linked area is a separate tax parcel and is not part of this project. He also stated the lighting is not changing with the exception of some wall packs. Russ mentioned all lighting must be part of this site plan and cut sheets with details of fixtures, photometrics, etc. is required. Russ asked about landscape and Louis said they are using what is there. Russ explained the site plan needs a legend with parking, setbacks, ordinances etc. added. The Board looks at the entire site not just the O’Reilly’s portion. Karen Guinup agreed and said the whole building must be submitted. As well, Russ said the trash enclosure needs to be moved further back stating it is too close to Route 11. Karen suggested the applicant consider placing two dumpsters in the back of the building, one for O’Reilly’s and one for a future tenant. This would keep them in close proximity, away from the road and easier for a dumpster removal company to back in and out and unload. Karen asked the applicant if they owned both parcels and Louis said, yes. The parking and consolidation of the lots was questioned and Mark Territo explained if their parking with the additional lot details are part of the 100 spaces, they cannot sell off and would need a variance. Karen stated this area is regarded as a shopping center and advised the applicant research the Town’s code for a shopping center, also stating if it’s not needed, don’t show it on the plan. Hal Henty questioned the handicap parking and Louis explained they would add what is required - four spaces from two. Karen asked if they would be taking down the yellow chain link and Louis explained this blocks off the entry ways and is located on the separate parcel as discussed. Karen stated this would need to come down. As well, Karen read the County Comments regarding information needing to be sent to NYS and the County DOT for coordination of modifications to be done to highways. Russ said they’ll make sure for any curb cuts and look at access to the highways. Louis said they would look into this. Michelle Borton asked they show zoning requirements. Jim Palumbo asked about a concrete stoop and sloped ramp and requested they revisit this area as it appears it is not level and could be a pedestrian and parking concern since it is near a drive; the applicant agreed. Russ informed the applicant if they had any questions about what to do, they should contact the Planning Department.

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

A motion was made by Hal Henty seconded by Michelle Borton to adjourn Case #2022-035 – O’Reilly Auto Parts – 3906 Brewerton Road – Amended Site Plan to January 11, 2023.

**Motion Carried 6-0**

**\*\*Case #2022-036 – Pizza Hut (3) – 7365 Oswego Road – Amended Site Plan (Adjourned from 2 previous meetings).** The applicant requested an adjournment.

A motion was made by Karen Guinup seconded by Michelle Borton to adjourn Case #2022-036 – Pizza Hut – 7365 Oswego Road - Amended Site Plan to January 11, 2023.

**Motion Carried 6-0**

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**\*\*Case #2022-038 – Auburn Community Federal Credit Union (3) – 7538 Oswego Road – Amended Site Plan (Adjourned from 5 previous meetings).** Joshua Oot, Labella Associates, spoke on behalf of the applicant providing a full set of stamped drawings and a smaller version to the Board Members noting the easement at the property line has new wording; all agreed the wording is fine. Michelle Borton noted the revision date on drawing C-102 should be updated to today's date. Josh said he would update this and provide a new set to Mark Territo. Josh noted adding a pavement detail, combining the lots. Ron DeTota and Kathy Bennett each have verified and approved. Hal Henty asked about the tax map number and Kathy stated it should be 13.2, but reads 13.1. Karen asked Josh correct this as well; Josh agreed.

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

Michelle Borton read: In the matter of the application of the Planning Board Case #2022-038 – Auburn Community Federal Credit Union - 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 a redevelopment of an existing parcel, and is consistent with planned traffic circulation and community character. Seconded by Karen Guinup.

#### **Motion Carried 6-0**

Michelle Borton read: In the matter of the application of Planning Board Case #2022-038 – Auburn Community Federal Credit Union, I make a motion using standard form #20 – Amended Site Plan, be granted based on a map by LaBella Associates dated August 17, 2022 numbered G-001-2; August 17, 2022 numbered C-201, revised December 14, 2022; dated August 17, 2022 numbered C-202, revised November 22, 2022; dated October 5, 2022 numbered C203; dated August 17, 2022 numbered A101, revised July 19, 2022; dated August 17, 2022 numbered A201, revised July 19, 2022; dated August 17, 2022 numbered A202, revised July 19, 2022; dated August 17, 2022 numbered A901, revised July 19, 2022. Survey by Gam Land Surveying dated February 10, 2013 revised October 3, 2022 and numbered m&t57. Conditioned upon approval of all legal and engineering requirements of the Town of Clay and that the tax parcel number on sheet C-201, 094.-21-13.1, be removed to indicate the combined parcel. Seconded by Hal Henty.

#### **Motion Carried 6-0**

**\*\*Case #2022-45 – Clay Marketplace (Phases 1-3) (3) N/E corner of NYS Route 31 and Henry Clay Boulevard – Site Plan (Adjourned from 2 previous meetings).** Alex Wisniewski, LJR Engineering, spoke on behalf of the applicant noting changes as follows. The Town Board approved the height allowance for the cupolas on the apartment buildings. Karen Guinup asked how tall the apartment buildings will be and Alex said, 46'10" to the top of the cupola, commercial center is 40'9" to the top of the cupola and other is 38'±. Alex noted revising the site plan narrative with the allowed uses and submitted a revised light plan showing an additional lighted at the intersection. Hal Henty asked there be no spill over in the cemetery and Alex said, there is none. Additionally, Alex stated he adjusted some tree positions and discussion regarding the sewer issue has been resolved with a manhole now being placed on the applicant's property; SWPP and drainage information has been provided to Ron DeTota. Alex indicated an earth work analysis was done and he did raise

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the elevation slightly on one of the buildings. Russ Mitchell stated this project will look nice on the corner and all have done a good job. Karen Guinup agreed with Russ stating the narrative was very well done. Jim Palumbo asked if the lighting plan he has is current and Alex said, yes. Jim pointed out the date reads November 4, 2021 and Alex said he will revise this to December 14, 2022 and provide a new copy.

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

Jim Palumbo read: In the matter of the application of the Planning Board Case #2022-045 – Clay Marketplace (Phases 1-3) - 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 development is in keeping with the surrounding area of the road corridor. Seconded by Al McMahon.

**Motion Carried 6-0**

Jim Palumbo read: In the matter of the application of Planning Board Case #2022-045 – Clay Marketplace (Phases 1-3), I make a motion using standard form #20 –Site Plan, be granted based on a map by LJR Engineering dated September 8, 2022 revised December 2, 2022 and numbered sheets 1 through 5 and photometrics drawing by Quality Lighting System (QLS) dated November 4, 2021, Also, August 9, 2022 numbered A1 through A11 and P1 through P4. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Any other conditions if necessary: That the tax parcel number on sheet C-201, 094.-21-13.1, be removed to indicate the combined parcel. Seconded by Al McMahon.

**Motion Carried 6-0**

**Closed Hearings – Board/Applicant discussions:**

None.

**New Business:**

**Signs**

**Salt City Signs – *Fallon Family Dentistry* – 5291 W. Taft Road - Zoned R-10, Permit #53,196.**

1 – Wall Sign – A 50 square foot, non-illuminated wall sign is proposed. (An Area Variance was granted for an increase in the size of a wall sign from the allowed 16 square to the proposed 50 square feet on November 14, 2022). This sign will meet the code. Karen Guinup asked if the applicant received a variance from the Zoning Board due to the size of the sign and Mark Territo said, yes as they preferred the wall sign over a freestanding sign.

A motion was made by Hal Henty seconded by Michelle Borton granting approval of Sign Permit #53,196 – Salt City Signs – Fallon Family Dentistry – 5291 W. Taft Road.

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**Kassis Superior Signs – *Knock Out Exotics* - 3827 State Route 31 - Zoned RC-1, Permit # 53,209.**

1 – Wall sign - The applicant is proposing one internally illuminated wall sign (face changes); 35 square feet in size when 35.2 square feet is allowed. An additional sign on the façade of approximately 14 square feet is proposed, when 2 wall signs are allowed. These signs will meet code.

A motion was made by Jim Palumbo seconded by Al McMahon granting approval of Sign Permit #53,209 – Kassis Superior Signs – Knock Out Exotics – 3827 State Route 31.

**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 Michelle Borton seconded by Al McMahon granting approval to adjourn the meeting at 8:50 p.m.

**Motion Carried 6-0**

The next meeting is slated for January 11, 2023.

**Work Session:**

**Micron** – Introduction to the project. Along NYS Route 31 from Caughdenoy to the Cicero Border.

Respectfully Submitted,



Judy Rios  
Planning Board Secretary