

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 11th day of May 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 McMahan	Member
	Jim Palumbo	Member
	Scott Soyster	Member
	Mark Territo	Commissioner of Planning & Development
	Kathleen Bennett	Planning Board Attorney
	Ron DeTota	C&S Engineers

A motion was made by Jim Palumbo seconded by Scott Soyster granting approval of the minutes from the April 27, 2022 Regular Meeting.

Motion Carried 6-1 (Al McMahan abstained due to absence)

Public Hearings (New Business):

****Case #2022-020 – Jason Premo-Randy Cramer Snow & Lawn, Inc./Randy Cramer Snow & Lawn, Inc. Garage (3) – 3552 State Route 31 – Site Plan.**

Chairman Mitchell opened the public hearing. Mr. Premo presented the Site plan proposal stating that this is a residential snow plowing company and all equipment sits outside right now which is unsightly and they would like to get this inside of a building.

Russ Mitchell mentioned that Mr. Premo should write the Board's comments down as they are making them. The first item is that on the cover sheet where the variances are listed, a description of the variances are needed. On sheet A-2 it is not clear if there is a septic system on the property? Mr. Premo stated that they are on septic. Russ would also like to see the parking dimensioned at 9' x 20' along with the dimensions of the existing building. There also appears to be an electric and water connection shown at the new building, it is unclear if these will serve the new building, or just passing through to serve the existing building. Mr. Premo stated they would like to run water to this new building eventually but isn't planned at this time. Russ next asked if there will be any lighting on the site, it is proposed to be a motion sensor lighting. The details of this will need to be shown on the plan.

Michelle Borton asked about the asphalt drive and that it is not clear where the access onto Route 31 will be. Michelle also stated that there is a note on Sheet A-2 about the location of infrastructure is approximate and subject to change, this note is not used too often and should be removed.

Regular Meeting
Planning Board
May 11, 2022

Karen Guinup stated that the sheds must be shown in the actual location where they will be, with Russ adding that these are legal documents and must be correct.

Jim Palumbo asked if there will be dumpsters on the site. Mr. Premo stated that there will not be dumpsters, there is no additional waste, any waste he hauls off site.

Ron DeTota asked how any water coming into the site will be removed (wastewater)? He also stated that the building should have the finished floor elevation shown and provide grading on the site. The septic location is very important (the roof drain appears to be draining to that area). We also need to see calculations for runoff, we need to see net-zero runoff on this site. As part of this the soil type needs to be shown and proved that it can handle the runoff. We also need to see that erosion controls are in place, this should be provided in the documents.

Chairman Mitchell asked if there were any comments from the public. Hearing none he closed the hearing.

A motion was made by Michelle Borton, seconded by Hal Henty to adjourn the Public Hearing to May 25, 2022.

Motion Passed 7-0

****Case #2022-021 – Fire Detection Systems, Inc./Allen Road Zone Change (3) – Allen Road North of W. Taft Road – Zone Change Referral.**

Chairman Mitchell opened the public hearing. Mr. Patrick Hillary of Pyramid Brokerage presented the Zone Change proposal. Mr. Hillary stated that there is currently a contract to purchase this property contingent upon this zone change approval. He then went over the existing zoning map and stated that they would like to change this parcel to O-1, Office zoning as there are other parcels nearby with this zoning. The parcel currently sits next to a pond and has been used over the years by storage for companies doing road work. They would like to construct a 2,400 square foot building on this site, with 3 employees, there would be 3 offices, a back room and a storage room. The building would also store spare parts. This company is currently located in Hastings, NY and would be relocating to this location. He feels that the exterior of the building would fit nicely into this area, and they would like to put fencing to separate the pond over on the adjacent parcel. Mr. Hillary stated that they were just made aware of the fact that there are Federal Wetlands on this parcel but they would want zone change approval before they begin the costly process of working with the Army Corps of Engineers.

Chairman Mitchell stated that this is only a referral for input; the Town Board has the final say on the decision. Russ also mentioned that there are wetlands on this parcel as well as the parcel to the south, and this parcel has been filled in without Army Corps permits/permission.

Ron DeTota stated that during a site visit, he discovered there is about 4'-5' of fill that has been placed on this parcel. If there was a permit for this, the applicant should have acknowledged this. It appears the wetlands are now gone so the applicant has to approach the Army Corps to see how this will be resolved. The applicant stated that the owner had never mentioned the wetlands. They will go back to the owner and straighten this out.

The Chairman asked if there were any public comments. Hearing none he closed the hearing and made the following motion.

Regular Meeting
Planning Board
May 11, 2022

A motion was made by Russ Mitchell, seconded by Karen Guinup to make a recommendation to the Town Board using standard form # 50 for case #2022-021 *Fire Detection Systems, Inc/Allen Road Zone Change*, Zone Change from R-10 to O-1, located on Allen Road North of W. Taft Road to disapprove the Zone Change. We feel that at this time it is not a buildable lot due to outstanding wetland issues. These issues need to be resolved with the Army Corps. It has been determined that the wetlands were filled in without a permit and when the Army Corps makes its determination, the request for a zone change can be re-submitted.

Motion Passed 7-0

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

Chairman Mitchell opened the public hearing. Mr. Scott Molnar of Westside Properties presented the Site plan proposal. Mr. Molnar stated that this property has been a State Farm Insurance Office and his client seeks to acquire the property. In 2003, the Town Board in conjunction with the Zone Change to Office zoning conditioned they wanted a covenant for access to the rear of the parcel, which was recorded. During the review of Title, it was discovered there is an issue with the easement as it relates to the actual location of the roadway in the rear of the property. The driveway is precisely where it needs to be, but the pavement is located outside of the easement. The recorded easement was defective.

Chairman Mitchell asked what is needed from this Board to complete the sale; we know they will need to be back in front of us for a complete Site Plan review and Special Permit should this site become a Medical Office. The Applicant stated at a minimum needs 7458 Oswego Road to have access to Laurel Lane through the AmeriCU property.

Karen Guinup summarized that they would like to change the boundary of the easement from AmeriCU through their parcel because the recorded documents have the incorrect legal description, and the easements do not match up. The former covenants of record give the Planning Board discretion to that easement, not the Town Board.

Jim Palumbo stated that we really need to see AmeriCU update their Site Plan as what is on the site there now does not accurately reflect what had been previously approved. The issue now is that the language had read that the easement must go in the last 40 feet of property and now they want it to read that it will go in the last 35 feet of the property. This is additional reasoning for AmeriCU to update their Site Plan.

Karen Guinup wants assurance that the easement will be no greater than 35 feet instead of 40 feet. We need to find a way to keep everyone happy through the issuance of a letter. This letter will give approximately 35 feet instead of 40 feet.

Mr. Molnar will summarize his request in a letter along with notification to all 3 property owners of the updated language and their sign-off on the new language. Once this letter is submitted to the Town, the Chairman will sign off on it.

We will adjourn this Site Plan to a later date so that the sale of the property can take place, and the new owner can get us the correct materials to review and approve.

Regular Meeting
Planning Board
May 11, 2022

Hearing no further comments the Chairman asked for a motion.

A motion was made by Hal Henty, seconded by Karen Guinup to adjourn the Public Hearing to June 8, 2022.

Motion Passed 7-0

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 12 previous meetings).**

Chairman Mitchell opened the public hearing. Steve Calcerinos was present on behalf of the applicant to go over the changes since the last meeting. He stated that they are here for Amended Site Plan approval for a 30 foot pavilion structure and addition. All light poles are now located on the plan and a dumpster enclosure and gates have been added. He has also worked with the line weights on the map to distinguish between the various parcels and boundaries. They have also submitted responses to address the Attorney’s letter from December 15, 2021.

Russ Mitchell stated that to date we do not have the cross-access agreements. We were ready to move on this case tonight but we can not do so without those agreements in place. He also stated that if anything happens eventually on the remaining portion of the parcel the parking back there would have to be paved. He also stated that the building permit (Permit # 50,115) has expired and is no longer a valid permit. The applicant also needs an operating permit for the outdoor concerts. This in an entirely different type of permit than a building permit. The Chairman also stated the port-o-pottys seem to move around. Things also appear to be happening on the Amazon property.

Karen Guinup stated that when they pull building permits, it must be for everything including the new proposed structure, dumpsters and any other thing that would require building permits. Additionally we need to see the cross-access agreements between parcels and those portions that are in the Town of Salina.

Kathleen Bennett stated that her partner had reached out to Sharkey’s Attorney about the easements and has not heard anything back so they should contact her regarding this.

Commissioner Mark Territo stated an Operating Permit is needed for the outdoor concerts that are happening as soon as possible; this is in addition to any building permits that will be needed for this project.

Hearing no further comments the Chairman asked for a motion.

A motion was made by Michelle Borton, seconded by Hal Henty to adjourn the Public Hearing to June 8, 2022.

Motion Passed 7-0

Regular Meeting
Planning Board
May 11, 2022

****Case #2022-001 – VIP Structures, Inc./JW Didado Syracuse Division (3) – Corner of Wetzel Road and Morgan Road – Site Plan (Adjourned from 3 previous meetings).**

Chairman Mitchell opened the public hearing. Scott Freeman, Vince Raymond, and Genevieve Trigg were present on behalf of the applicant to go over the changes since the last meeting. Mr. Freeman stated he finalized the architecture and has met with a fire department representative and stated that they want Knox box/gates as well as a second hydrant on the property. They also are proposing to bring the water line in off Wetzel Road and they are showing where the fire hydrants are located. They have also added vinyl fencing and 14 evergreens for the neighbor directly to the south on Morgan Road. The plan also now shows lower trees along Wetzel Road (Maples). There is also a sign-off letter regarding ingress/egress off of the County roadways. The lighting plan has also been updated. The County finds the SWPPP and traffic study acceptable. Previous discussions with Ron DeTota about the 6" pipe size being insufficient has since been changed to reflect a 30" pipe size. All water collected will go into the basins. Mr. Freeman believes all items have been addressed.

Chairman Mitchell stated that, as a former Navy Officer, getting things geographically correct is important on these projects. Looking at sheets A-200 and A-201, Exterior Elevations, the compass directions of the buildings are incorrect. He would also like a cover sheet for the entire packet of drawings. Sheet L-602, Details, shows 'Sign B' but this sign does not appear to have posts like 'Sign A' does. On Sheet L-200, the Engineer has previously advised that 6 things need to be changed, and so far only 1 has been changed. Ron must send a letter that will cover all deficiencies and Russ wants Scott Freeman to answer to this letter before returning. The Chairman also stated that the 30-day SEQR Lead Agency Determination Letter will have expired by the next meeting, SEQR will be done for the entire project now, and they will have to come back at a later time if the Site Plan is to be amended or phased.

Hal Henty commented on the lighting. Since the property doesn't sit level to the road, he feels that the pole heights will end up much higher than 25' above the road. He would like them to be placed further back in the property. In the current plan the spillage will be out further and this could be dangerous. Scott Freeman stated that this will be addressed during construction. Vince Raymond worked with Hal to clarify the situation.

Karen Guinup stated that dumpster details are still missing. It is described in Sheet L-202 but this also needs to show up on the detail sheet. Karen wants an item by item listing in response to Ron's letter. She also stated that signs must be set back 25' from any property line. Sheet L-601 shows a 7' chain link fence, but there is also barbed wire on top, we need to know the total height. She also asked what the 2" fabric gauge means as it relates to the chain link fencing. The applicant stated that it is the gauge or thickness of the chain link. On sheet L-200 where it shows ingress/egress off of Morgan Rd., the arrow doesn't appear to show this, the arrow needs to clearly define that this is for right turn movements only. Ms. Guinup next asked for details on the fence for the neighbor and asked why the trees are on the inside of the fence and not on the outside. Jim Palumbo stated they will make a nice buffer. She also asked if the Fire Department comments are written up and part of our file? Scott stated this request is in for the documentation.

Ron DeTota added that the last County DOT comments we have are from April 4, 2022 and Scott stated there were comments from May 2022.

The Chairman asked if there were any public comments. Nick Blaney stated that he appreciates the work of this Board but he was disappointed to see when corporations win over people. He stated that this may not be the

Regular Meeting
Planning Board
May 11, 2022

right property. He would like to see sidewalks along the property. The Chairman stated this is an Industrial area so that probably won't happen.

Hearing no further comments the Chairman to a motion to adjourn the case.

A motion was made by Scott Soyster, seconded by Jim Palumbo to adjourn the Public Hearing to May 25, 2022.

Motion Passed 7-0

****Case #2022-002 – Pack Rat Storage (3) – 4717 Wetzels Road – Site Plan (Adjourned from 3 previous meetings).**

A motion was made by Scott Soyster, seconded by Michelle Borton to adjourn the Public Hearing to June 8, 2022.

Motion Passed 7-0

****Case #2022-019 – Bryant & Stratton (3) – 7805 Oswego Road – Amended Site Plan (Adjourned from 2 previous meetings).**

Chairman Mitchell opened the public hearing. Chris Andrzejewski and Peter Casilio were present on behalf of the applicant to go over the changes since the last meeting. Chris stated they were last here for the April 13th meeting and they have addressed the previous comments. There is a new dumpster/enclosure and the plans include a note for ZBA approval, along with the updated cover sheet.

Russ Mitchell asked where the variances are listed- they are on the cover sheet. Russ reiterated that one of his first comments from the last meeting the titles are wrong for the Commissioner, the Chairman and the address of the Engineer. These are legal documents and need to be correct. Russ also stated that the County is Ok with drainage. He asked if they considered the bus stop. Mr. Andrzejewski stated that this is up to the Town. Russ also mentioned that we would like a crosswalk on Wetzels, towards the rear of the property. He stated that he really likes the way the building looks now, it has been quite an improvement to this corner.

Jim Palumbo likes the plant selection they have presented. The selection doesn't match what is on the plan. There should be a planting schedule. He would like to know what is going in what location. They did add a few more trees.

Karen Guinup asked if the additional dumpster will abut to the existing one, the applicant stated that it would. She would like to ensure the surround matches as far as material, color etc.

The Planning Commissioner stated that there is a discrepancy on the parking spots. One section is labeled 10, but only appear to be 6 spots in this location. This should be corrected.

The Chairman asked if there were any comments from the public. Nick Blaney stated that he likes Bryant & Stratton as a tenant here and looks forward to future partnerships with them and the students of Liverpool Schools.

Regular Meeting
Planning Board
May 11, 2022

Peter Casilio asked the Board if they would consider a change to the parking configuration. It shows a sawtooth pattern and he would like to straighten this to make plowing easier, it would be less likely to tear up the pavement if straightened. The Planning Commissioner asked for them to verify that this additional pavement will not put them above the allowable lot coverage as they had just received a variance to increase this.

Hearing no further comments the Chairman asked for an adjournment.

A motion was made by Hal Henty, seconded by Michelle Borton to adjourn the Public Hearing to May 25, 2022.

Motion Passed 7-0

Closed Hearings – Board/Applicant discussions:

****Case #2022-017 – Gelsomin Family Limited Partnership/Gelsomin Subdivision – 902-906 Allen Road – Preliminary Plat (Adjourned from 2 previous meetings).**

A motion was made by Michelle Borton, seconded by Karen Guinup to adjourn the Public Hearing to June 8, 2022.

Motion Passed 7-0

New Business:

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

A motion was made by Michelle Borton, seconded by Karen Guinup to adjourn the Hearing to June 8, 2022.

Motion Passed 7-0

Signs:

AJ Signs- *Comfort Inn Suites*- 3979 NYS Route 31

Zoned RC-1, Permit #52,696

- 1- Wall sign- The applicant is proposing one wall sign, 39 square feet when 290 square feet is allowed. It will be internally illuminated. The proposed sign will meet the code.

A motion was made by Scott Soyster, seconded by Jim Palumbo to approve the sign as presented.

Motion Passed 7-0

Regular Meeting
Planning Board
May 11, 2022

Work Session:

None.

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

A motion was made by Scott Soyster seconded by Karen Guinup granting approval to adjourn the meeting at 9:55 p.m.

Motion Passed 7-0

The next meeting is slated for May 25, 2022

Respectfully Submitted,



Mark Territo
Acting Planning Board Secretary