

**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 20<sup>th</sup> day of October 2021. 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 McMahon	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

A motion was made by Al McMahon seconded by Jim Palumbo granting approval of the minutes from the October 6, 2021 meeting.

**Motion Carried 7-0**

**Public Hearings:**

**New Business:**

**\*\*7:30 P.M. Case #2021-034 – Robert Aluzzo (3) – 4993 Route 31 – Site Plan. Steve Calocerinos, Calocerinos Engineering, PLLC, presented on behalf of the applicant stating this project is for a proposed warehouse. The parcel is currently vacant with multi-family homes to the east and west. The properties are zoned I-2 to the west and RA-100 to the east. Recently the parcel was re-zoned to make it all I-2 and much of the area is I-2, however, some still remains RA-100. Plans are to have an open building with one restroom and septic system to the rear with a gravel area in the front of the building. Area variances were received from the Zoning Board at the October 11, 2021 meeting. Russ Mitchell asked if Steve received the county’s comments and he said, yes. Steve noted coordinating with the State DOT for drainage and DOH for septic. Russ pointed out the State having a concern with the drainage and raising of the building. Steve said the property is very flat, plans are to raise the building and grade accordingly to improve the drainage. They are not proposing any direct discharges. Russ indicated the Planning Board is not able to move forward until the State approves the drainage piece. Russ asked about the sidewalk issue and Steve said plans are to construct a sidewalk. Russ noted ZBA asking if the building could be moved back and Steve said the soil in the back of the property is suited for septic and because this building was a former house, parts of the foundation still exist. They are trying to line up the property to the east and west and keep it all consistent. Russ asked about the picture provided and Steve said this is for visual purposes only. Plans are to provide elevation information accordingly. Russ asked Steve provide the variance approval dates on the plan; Steve agreed.**

Russ asked about the property lines as drawn on the plan and Steve said these are road boundaries which follow the survey. Russ noted if anything becomes of White Plains, the addition of four (4) lanes on Route 31 is a possibility. Steve said the owner is aware of this. Further, Russ requested lighting details be provided and Steve indicated the owner is only planning wall packs at this point. Karen Guinup asked the wall pack information be placed on the drawings. Michelle Borton commented on the front gravel area and requested more detail be provided. Jim Palumbo asked if this gravel area is intended as a rain garden and Steve said, yes. Jim asked the details of the plantings be provided; Steve agreed. Further, Jim asked about the mature trees in the proposed leech field and Steve said they would be removed. Jim noted with the loss of these mature trees it would be nice if they could incorporate something in this area. Steve said he would take a closer look. Ron DeTota asked the purpose of the rain garden and Steve said for storm water purposes. Jim stated he liked the rain garden intent noting the grading is important. Ron commented on the septic tank and leachfield needing an equal area and turn toward the west if need be for a reserve. Steve indicated it is shown as a reserve on the plan.

Russ Mitchell asked if there were any further comments or questions as this is a public hearing. No comments or questions received.

A motion was made by Hal Henty seconded by Karen Guinup granting approval to adjourn Case #2021-034 – Robert Aluzzo – 4993 Route 31 – Site Plan to December 15, 2021.

**Motion Carried 7-0**

**Old Business:**

\*\*Case #2021-011 – *Sharkey's Beach Volleyball and Restaurant* (3) – 7420 Oswego Road – Amended Site Plan (Adjourned from 7 previous meetings). The applicant requested an adjournment.

A motion was made by Al McMahon seconded by Jim Palumbo granting approval to adjourn Case #2021-021 – Sharkey's Beach Volleyball and Restaurant – 7430 Oswego Road – Amended Site Plan to November 17, 2021.

**Motion Carried 7-0**

\*\*Case #2021-036 – **McKenzie Smith** (3) – 4031 NYS Route 31 – Special Permit (Adjourned from 1 previous meeting). The applicant was not in attendance. Russ Mitchell expressed a requirement that the applicant be in attendance for the next meeting; all agreed.

A motion was made by Hal Henty seconded by Karen Guinup granting approval to adjourn Case #2021-036 - McKenzie Smith – 4031 NYS Route 31 – Special Permit to November 17, 2021.

**Motion Carried 7-0**

\*\*Case #2021-037 – *Great Northern Subdivision 2/Great Northern Mall Holding, LLC* (3) – 4155 NYS Route 31 – Preliminary Plat (Adjourned from 1 previous meeting). Wendy Marsh, Hancock Estabrook, LLP, presented on behalf of the applicant noting there are no engineering issues to move forward with the project. She asked if the Board had any concerns. Russ Mitchell noted easements are all set and no further comments.

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Russ Mitchell closed Case #2021-037 – Great Northern Subdivision 2/Great Northern Mall Holding, LLC – 4155 NYS Route 31 – Preliminary Plat.

Michelle Borton read: In the matter of the Planning Board Case #2021-037 for Great Northern Subdivision 2/Great Northern Mall Holding, LLC. – 4155 NYS Route 31, 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 will facilitate the redevelopment of an existing commercial site, which will enhance community character and utilize existing infrastructure. Seconded by Karen Guinup.

**Motion Carried 7-0**

Michelle Borton read: In the matter of the application of Planning Board Case #2021-037 for preliminary plat for Great Northern Mall Holding, LLC. – 4155 NYS Route 31, I move the adoption of a resolution using standard form #30 – preliminary plat granted based on a map by Lehr Land Surveyors dated June 3, 2021 and numbered 21-E-66. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Any other conditions if necessary: The applicant was informed Final Plat approval will need to be applied for. Seconded by Scott Soyster.

**Motion Carried 7-0**

**\*\*Case #2021-038 – Clay 4081 Rt. 31, LLC/Dunk & Bright (3) – 4155 NYS Route 31 – Amended Site Plan (Adjourned from 1 previous meeting). James Thrasher, CHA Consulting, spoke on behalf of the applicant distributing supplemental drawings to the Board, based upon an earlier conversation today. As previously presented by Ben Harrow, Dunk & Bright is planning to move into the old Macy's portion of the Great Northern Mall. Plans involve five (5) new loading docks for furniture distribution. Based on feedback received, they are also planning to add a metal corrugated screening wall along with landscape to assist in blocking the dockage from Route 31; cut sheets are provided. James noted a conflict with a parking row and this has been removed and parking rescaled. A landscaping plan provided note new grasses and greenery that will remain green through the winter months. Within the packet is also trash compactor information that is at the former loading dock area. A reciprocal easement and letter with this agreement has been submitted and included as well. The ring road gas, electric, and drainage may all be conveyed and all was provided to the Board's Attorney. A photo simulation to brand the Dunk & Bright location is also included; the building will be power washed, painted and a blue band painted to match the logo added. Plans are to return for signage approval. Russ Mitchell noted a couple changes and asked if the curb is being removed? James said, yes. Russ explained that Bond, Schoeneck & King is representing Dunk & Bright in the sale of the property and the Planning Board Attorney, Kathy Bennett, who is also with Bond, Schoeneck & King, has provided required disclosures and it's determined there is no conflict of interest. Kathy spoke stating her firm is only involved with the sale while she represents the land use/site plan approval process. Russ commented stating he likes the proposed vegetation and asked what RN-2 meant on the drawing and James said it refers to a rhododendron and there are two going in that location. Russ stated the consensus is this will be an excellent location for Dunk & Bright. Jim Palumbo stated the evergreens at the end of the wall appear much better as they'll grow large and broad with flowering. [Jim did state, for awareness purposes, the deciduous trees and ornamental grasses are sun-loving plants, while the rhododendron is shade-loving] once the trees become larger, it may be a challenge for these plantings in the future. Overall, a nice job on**

all and Jim believes this will benefit their business. Michelle Borton asked about the new drain and James said plans are to tie into the existing system and coordinate the new drainage with the roof leaders. Michelle also asked about the extent of the parking lot renovations and James said they plan to fix potholes, reseal, and restripe. Michelle asked to see this on the plan; James agreed. Further, Michelle asked about the details for handicap signage and James stated they need to move to current ADA standards; he will add a key note to the plan. Karen Guinup asked about the corrugated wall and James said it is 10'H x10'L and will be used as a screening device. Karen asked if it were long enough and Jim (Palumbo) reminded the plantings will be effective in adding additional screening. Karen asked not to see extra trucks parked in the parking lot. The owner's commented agreeing to Karen's request. Scott Soyster pointed out handicap parking labeled at the entrance and top left of the drawing. James said this is an error and not needed; he will go through and fix this. Scott stated he does not want to lose the parking, rather be sure all is ADA compliant. James stated he is planning to keep the same amount of handicap spots, but will need to move some around to stay in compliance. Hal Henty asked if they'd be replacing any bulbs with LED, and if they do, make sure no extra light spills out. James said he is working with National Grid now and all will remain the same, heads and lamps may be changed in the future to LED. Jim (Palumbo) is concerned with parking trucks and circulation in the loading area. He asked they stripe off or paint the area to read no parking to reinforce this concern; James agreed.

Russ Mitchell closed Case #2021-038 - Clay 4081 Rt. 31, LLC/Dunk & Bright.

Jim Palumbo read: In the matter of the Planning Board Case #2021 for an amended site plan for Clay 4081 Rt. 31, LLC/Dunk & Bright, 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 amended site plan is in keeping with the overall property and surrounding area. Seconded by Scott Soyster.

**Motion Carried 7-0**

Jim Palumbo read: In the matter of the application of Planning Board Case #2021-038 for an amended site plan for Clay 4081 Rt. 31, LLC/Dunk & Bright, I move the adoption of a resolution using standard form #20 – sit plan granted based on a map by CHA Consulting dated August 30, 2021, revised October 13, 2021 and numbered C-001, C-003, C-101, C-201, C-501 and C-601. C-401 revised October 20, 2021. Screen panel cut sheet (color bone white). Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Any other conditions if necessary: No business truck parking at the dock truck circulation area. Sign locations, grading, and ADA parking spaces at NW area of parking lot be brought into compliance. Building to be cleaned and painted white with blue band around all faces. Also, pavement and line marking restorations as well; there will be no parking of business trucks other than at the loading dock. Seconded by Scott Soyster.

**Motion Carried 7-0**

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

**\*\*Case #2021-012 – *Crossroads Commons* (3) – 4705, 4709, & 4713 Crossroads Park – Preliminary Plat (Adjourned from 5 previous meetings). \*\*Case #2021-013 – *Crossroads Commons* – 4705, 4709, & 4713 Crossroads Park – Final Plat.** The applicant requested an adjournment.

A motion was made by Hal Henty seconded by Karen Guinup granting approval to adjourn Case #2021-012 Crossroads Commons – 4705, 4709, & 4713 Crossroads Park for Preliminary Plat and Case #2021-023 – Crossroads Commons – 4705, 4709, & 4713 Crossroads Park for Final Plat to December 15, 2021.

**Motion Carried 7-0**

**New Business:**

**Signs**

**Kassis Superior Signs– *KFC* – 7601 Oswego Road-(*This is a carry-over from last meeting*) - Zoned RC-1, Permit #52,243.**

Cristina Careres, Kassis Superior Signs, was present for the applicant and is proposing the following: Two internally illuminated wall signs 45.29 and 13.0 square feet in size when 110 square feet and 15 square feet respectively are allowed and a monument sign of 57 square feet when 64 square feet are allowed. These signs will meet the code. Cristina stated changes, as requested, have been made to the signs. Karen Guinup asked if the sign will be moved and also setback requirements. Cristina said it will meet the requirement of 25' and look similar to the Fairmount location. She will add the address number to the sign.

A motion was made by Hal Henty seconded by Michelle Borton granting approval of Sign Permit #52,243 – Kassis Superior Signs – KFC – 7601 Oswego Road.

**Motion Carried 7-0**

**The Image Press– *Liverpool Village Animal Hospital*– 7270 Buckley Road - Zoned O-1, Permit #52,299.**

John Yard, The Image Press, was present for the applicant noting they are proposing a replacement to the pylon sign of 21.8 square feet, a variance was received for the front setback on October 11, 2021. The sign will meet the code.

Russ Mitchell noted the sign is a big improvement and thanked John for adding the required address number to the sign, explaining this is for 911 purposes.

A motion was made by Al McMahan seconded by Karen Guinup granting approval of Sign Permit #52,299 – The Image Press – Liverpool Village Animal Hospital – 7270 Buckley Road.

**Motion Carried 7-0**

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**Ross Ireland– *GreenThumbz (@Self-storage business)*– 4356 NYS 31 - Zoned RC-1, Permit #52,344.**

Ross Ireland, GreenThumbz, was present on behalf of the applicant stating they are proposing a roof sign, 24 square feet in size, internally illuminated, when 32 square feet is allowed. This sign will meet code. Russ Mitchell said the site is looking very good; all agreed.

A motion was made by Michelle Borton seconded by Hal Henty granting approval of Sign Permit #52,344 – Ross Ireland – Green Thumbz (@Self-storage business) – 4356 NYS 31.

**Motion Carried 7-0**

**Thomas Wheeler– *Breckenridge Apartments*– 21 Candlelight Lane - Zoned R-APT, Permit #52,345.**

The applicant is proposing a replacement to the pylon sign of 32 square feet, the previous sign was destroyed. The sign will meet the code.

A motion was made by Michelle Borton seconded by Hal Henty granting approval of Sign Permit #52,345 – Thomas Wheeler – Breckenridge Apartments – 21 Candlelight Lane.

**Motion Carried 7-0**

**Fast Signs– *Joe’s Kwik Mart* – 4031 NYS Route 31 - Zoned LuC-1, Permit #52,353.**

The applicant is proposing one aluminum panel wall sign of 15.2 square feet in size when 20 square feet is allowed. This sign will meet the code.

A motion was made by Al McMahon seconded by Jim Palumbo granting approval of Sign Permit #52,243 – Fast Signs – Joe’s Kwik Mart – 4301 NYS Route 31.

**Motion Carried 7-0**

**Charles Signs– *Universal Windows* – 7989 Oswego Road - Zoned NC-1, Permit #52,362.**

The applicant is proposing four wall signs 3- 48 and 1-16.0 square feet in size when 2- 16 square foot signs are allowed. These signs will meet code as a variance was received for additional signage from the ZBA on October 11, 2021.

A motion was made by Hal Henty seconded by Karen Guinup granting approval of Sign Permit #52,362 – Charles Signs – Universal Windows – 7989 Oswego Road.

**Motion Carried 7-0**

**Work Session:**

\*Case #2020-031 – *Clay Marketplace PDD (5)* – northeast corner of NYS Route 31 and Henry Clay Boulevard Clay Marketplace PDD – Project Plan Referral. Alex Wisnewski, LJR Engineering, spoke on behalf of the applicant noting last appearing at the September 1, 2021 meeting where traffic and fire service concerns were addressed. The Town Board did make a declaration as lead agency and that has expired. Alex mentioned his clients have an expiring contract to purchase coming due soon and the need to move forward is pressing. Russ Mitchell stated particulars are needed such as lighting/photometrics. Alex said he is planning to address the particulars at the site plan process. Karen Guinup explained when a PDD is being done, it's the Planning Board's responsibility to obtain as much detail before going back to the Town Board i.e., landscape detail, photometrics, etc. so the Town Board is set to review and go through the motions and public hearings. Thus, when the applicant returns for site plan, the majority is done. Alex stressed that if the zone change doesn't go through there would be more information to consider; his clients would like to know this evening. He asked, aside from lighting, if there is anything else? Mark Territo noted, addressing SEQR, traffic, lighting, and landscaping. Discussion surrounded what is required under the time frames involved. Mark explained the Town Board would not be able to call a public hearing until the second meeting in January 2022. The applicant spoke noting the new timeline and stated they would go back and discuss. Ron DeTota asked if the storm water, sanitary sewer issue had any resolve as it needs to be televised, lamped and explored for conditions. Alex stated the Attorney's have been in contact with each other regarding this. Ron reminded Alex a storm water SWPP will be required. The applicant stated the Attorney's are in constant communication and believes documents will be out soon for signature. He stated it is the seller's responsibility for camera probe and Ron agreed but stated it must be in satisfactory condition. The applicant requested a list and Ron said he can provide this as he has in the past. Alex asked if more information for storm water is needed before site plan and Russ explain specifics need to go to the Town Board. Michelle Borton suggested a conceptual storm water design instead of a SWPP. Karen asked Ron if a conceptual design is sufficient for Town Board or would they ask for a complete SWPP? Ron feels the Board would most likely ask his recommendation and agrees with Michelle stating the detail provided can be worked with. Hal Henty reminded about photometrics and Alex asked if catalog cut sheets of the fixtures were acceptable. Karen said, yes, but pole height, color, etc. are needed, as well as no interference with Route 31; ensure Route 31 and the cemetery are protected. Russ allowed the few residents in attendance to comment, as follows:

- Claire Callahan stated the site map target for apartments doesn't appear to have any green space for children and recreation. She sees a lot of pavement. The applicant commented stating the 96 unit complex is made up of 2-3 bedroom and typically sees millennial and baby-boomers renting these. As well, there is a lot of liability with recreation equipment, based upon conversations with his insurance agent and Attorney, however, a green area with patios and gazebos was pointed out by Alex.
- Renee Frontale commented stating it appears the green area is at the cemetery line.
- Claire Callahan noted the Town's 2013 land use study and asked if this meets recommendations. Karen said, no, but it is up to the Town Board to decide to move forward with a zone change.

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- Mr. Callahan spoke stating he is looking for fire and traffic documents/studies approving this area. He indicated he would provide his email address to Mark. Mark said he would forward the information. Further, Mr. Callahan asked why the Town has zoning laws as he sees this as a large traffic problem. Orange Commons and the Newbury development see a lot of traffic now. As well, he doesn't see an access road to the rear of the apartment allowing fire trucks to get in and out in an emergency. Mr. Callahan also stressed the importance of snow build-up and where it will be placed, as well as pressure on sewer lines, etc. He stated the importance of documenting his concerns so if this goes forward it is looked at from a common sense standpoint.

Russ explained the Town Board will be making the decision on this project. He noted the importance of keeping an eye on the website to know what is up and coming on agendas and the importance of attending; he encouraged attendance to all. Lastly, Hal stated the fireman have provided documentation that does meet their qualifications, as professionals if they state it will work, they have looked at all case scenarios.

Russ Mitchell adjourned Case #2020-031 – Clay Marketplace PDD (5) northeast corner of NYS Route 31 and Henry Clay Boulevard Clay Marketplace PDD – Project Plan Referral to November 17, 2021.

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 Jim Palumbo granting approval to adjourn the meeting at 9:33 p.m.

**Motion Carried 7-0**

The next meeting is slated for November 17, 2021.

Respectfully Submitted,



Judy Rios  
Planning Board Secretary