

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 27th day of January 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:

PRESENT:	Russ Mitchell	Chairman
	Karen Guinup	Deputy Chair
	Michelle Borton	Member
	Hal Henty	Member
	James Palumbo	Member
	Scott Soyster	Member
	Mark Territo	Commissioner of Planning & Development
	Judy Rios	Secretary
	Kathleen Bennett	Planning Board Attorney (VIA WEBEX)
	Ron DeTota	C&S Engineers (VIA WEBEX)

ABSENT: None

A motion was made by Michelle Borton seconded by Jim Palumbo granting approval of the minutes from the January 13, 2021 meeting.

Motion Carried 6-0

Public Hearings:

New Business:

*7:30 P.M. Case #2020-037 – **Robert Aluzzo** (5) – 4993 NYS Route 31, Zone Change Referral. Steve Calocerinos was available, via WEBEX, on behalf of Robert Aluzzo. Steve noted this case was referred from the Town Board for a zone change. The area is .78 acres total and the perimeter of the property is zoned I-2 while the middle/front portion is zoned RA-100. Mr. Aluzzo is seeking I-2 zoning for the entire property. Russ Mitchell asked what the future plans are for the property and Steve said he is seeking to have a small contractor service yard with a 2,000 square foot cold storage barn to store large construction equipment. Russ asked if he has looked at rezoning to commercial and Steve said he does not know if another zone is acceptable for use with the Town Board, based on zoning requirements, setbacks, and other additional requirements, it cannot be developed as anything. The property to the east is zoned RA-100 while north and west is I-2, across the street is RA-100 and commercial. Steve noted Mr. Aluzzo is aware he'll need variances in the future due to setbacks. Russ mentioned instead of taking the total property to I-2 you could look at rezoning as another zone. This area is in a hamlet and putting an industrial zone on Rt. 31 is a concern. Russ stated he is not in favor. Hal Henty said he would not like to see it changed and is unsure what the area could look like; he opposes. Michelle Borton agrees with Russ and Hal and feels it is too intense next to residential areas and not consistent with what is there now; she opposes. Jim Palumbo stated he is against favorable referral, agreeing with Michelle and goes against what the Board has been achieving. Scott Soyster agrees with Board Members stating it is not a good fit. Karen Guinup stated it is not appropriate in a hamlet.

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Michelle Borton read: I move the adoption of a resolution that the individual comments as stated by the Planning Board Members be forwarded to the Town Board.

A motion made by Michelle Borton seconded by Hal Henty to close Case #2020-037 and referring stated comments to the Town Board.

Motion Carried 6-0

****7:35 P.M. Case #2020-039 – ALDI Liverpool Back Room Expansion (3) – 7421 Oswego Road – Amended Site Plan.** Timothy Scheg, APD Engineering and Architects, spoke on behalf of the applicant. Tim stated Aldi's is seeking an expansion and upgrade to the store. The proposed expansion is in the loading dock area. Plans are to take the existing doors and move inward 39', thus creating 780 square feet to be utilized as additional floor space. The loading dock ramp will move forward. Re-striping the existing parking spaces will occur. There are currently seven (7) spaces and plans are to make four (4) of them parallel. Aldi's will lose three (3) spaces but will have 110 remaining in the front of the store. The interior of the store will increase the sales floor and back room storage area. Aldi's is planning to remodel adding new energy efficient refrigerators, more shelving, lighting, and signage. Backflow preventers will be installed and waste water lines will be modified. Tim noted, upon review of the zoning code, this project qualifies as a SEQR Type 2 action as it is less than 4,000 square feet. Russ Mitchell asked if the curb is going in at parallel parking and Tim said, yes, we will rebuild the ramp and loading dock. Russ noted the current location of the dumpster will need to be moved to behind the building. Tim said he would speak to Aldi's about the move. Russ indicated this appears a straight-forward remodel and believes it will improve the area. Michelle Borton asked where the under drain routes to? Tim stated it's tied into the catch basin and reverts to a sump pump in the building. Michelle questioned SEQR Type 2 noting this is typically an Unlisted Action. Jim Palumbo agrees. Tim misspoke and meant Unlisted Action. Kathy Bennet confirmed this constitutes as a Type 2 Action under SEQR. Jim asked about the exterior drainage and parking data, stating he'd like to know what the required parking is and asked a schedule be added to the plan as follows: what is existing, what is required and what is to be. Ron DeTota mentioned the plan shows the sanitary sewer lateral and asked if they'll be leaving this in operation while the other is installed? Tim stated during the interior retrofit the store will be closed for approximately six (6) weeks and plumbing will be modified during that time. There will be no sewage going out. Ron was unaware of the store closure. Jim noted additional items need completing as this is just a partial plan, asking about the overall site plan, dumpster location, and enclosure. Russ stated with only losing three (3) parking spaces he's unsure that needs to be shown, but has been done in the past. Jim thought a decision made now for clarity is best. Russ noted a dumpster enclosure will be needed and should be the same material as the building with steel powder-coated gates. Jim said a louvre-type gate is required. Christian Brunelle, V.P. of Byrne Dairy spoke and informed Tim to call Arrow Fence in Baldwinsville, NY, they can provide the type of gate the Town is looking for. Tim thanked Christian. Russ reiterated the dumpster details and parking must be on the plan. Michelle asked Tim to add the location of the property lines.

Russ Mitchell asked if there were any comments or questions for this public hearing. Hearing none, he closed Case #2020-039.

A motion made by Scott Soyster seconded by Jim Palumbo to adjourn Case #2020-039 to February 10, 2021.

Motion Carried 6-0

Old Business:

**Case #2020-032 – *Byrne Dairy Morgan Road/Sonbyrne Sales, Inc.* (3) – 7426, 7434, 7440 Morgan Road – Site Plan (Adjourned from 3 previous meetings). Christian Brunelle distributed site plan drawings noting a few revisions as follows: A pedestrian sidewalk and crosswalk has been added. Onondaga County D.O.T. (OCDOT) provided a memo commenting on NYS pedestrian upgrades, thus new striping and ped. crossing is required. They'll be installing a sidewalk similar to the Buckley Rd. site. The southerly Morgan Rd. driveway was previously 40' with two (2) exit lanes they have now reduced the curb cut to a 34' throat, as required by OCDOT. The existing fire hydrant has been moved 4' south (tighter to the right-of-way) as previously recommended. As requested by the Board, a letter from OCDOT was submitted and the D.O.T. concurs with the site plan and southerly driveway with 1 right in and 1 right out. A traffic study prepared and reviewed also concurs with the west bound left turn on Steelway Blvd., and is not required at this time. The turning radius on Steelway was reviewed by their Engineer and a radius plan submitted to Ron DeTota, which the two briefly discussed. A re-subdivision combining all the parcels (due to different ownership) cannot be done at this time and we will not allow a building permit to be pulled until a lot subdivision is done. Russ Mitchell asked if the curb cut on Steelway is needed or not – Board comments, if eliminated, see a problem, or leave like that. It was put in because the flow of traffic – tractor trailers will use, keeping vehicle traffic on another path. Michelle Borton commented stating she did not see a problem and okay to leave on. Karen Guinup noted it is too close to adjoining driveways and asked is Morgan Rd. to the south 2 lanes in 2 lanes out? Christian stated it has been changed to 1 lane in 1 lane out. Ron DeTota stated he received the template with the turning radi and feels it is pretty tight and is concerned for the drainage pipe underneath the driveway. If the pipe becomes compromised/damaged, it could have a significant effect on all the drainage and surrounding businesses. Christian indicated he is willing to widen the west driveway, make it 34' with 35 radius, however, he'd like a fourth driveway. As well, he can extend the pipe further out, however, noted the turning radiuses (as stated) are a worse-case scenario. Russ asked about the business to the east, which Christian is unsure, but believes is a book store. He's aligned across the driveways and feels this is safer for cars. This will separate the cars from tractor trailers. Karen Guinup strongly suggests the need for a driveway for tractor trailers with plenty of signage reading "FOR TRUCKS ONLY" to exit out of there. Christian has no problem with signage. Karen asked he show this on the plan. Ron stated he is good with widening the driveway and extending the pipe. Ron commented that after speaking to the Supervisor and Highway Superintendent (pertaining to the left turn from Steelway on to Morgan) they are adamant the left turn be placed on the site plan. Ron recommended reaching out to Supervisor Ulatowski. Christian stated he would as he does not agree with the left turn lane. He pointed out that two traffic studies have been done and a letter written regarding modification needed to the intersection. Mark Territo has a copy of the traffic study as completed by GTS Consulting, which states the projected traffic of operation does not warrant a left turn. Another traffic Engineer, James Fensken, Onondaga County D.O.T., also submitted, in writing (January 21, 2021), that he concurs west bound left turn lane on Steelway is not required at this time. Christian read a Town Board zone change recommendation read by Councilor Hess "the applicant will provide necessary improvements." Two Engineers have deemed this is not required. Christian would like the Town to provide justification as to why a left turn lane is needed. Karen stated the County only owns the intersection, if the Town Board, Supervisor, Engineer, and Highway Superintendent feel it is a need for a Town-owned road, then it is a need. Christian will seek a resolve with the Town Board. Karen stated the Planning Board will not move forward until it is resolved and recommended a meeting be held amongst them. Mark Territo commented the Town has done their own traffic studies in the past, as with Dell Center. Russ noted needing direction from the Town Board of what they want and what is required; he asked Mark to follow up with the Supervisor. Karen agreed with Mark and the Town may want to do their

own independent traffic study. Christian stated he would like the facts. Russ mentioned polling the Board earlier today and the consensus is the subdivision should be done before site plan approval. Kathy Bennett stated this is the Board's prerogative, however, Byrne will not be able to combine the parcels until they own them. The Board could do a resolution of understanding approving the site plan conditioned upon obtaining title. Christian explained he could not get a building permit without site plan approval. Conversation ensued over the process and Jim Palumbo stated the Board typically does not allow site plan until a subdivision is complete. He asked if they could do a contingency. Kathy said there are a number of ways to handle this and the Board could approve as a preliminary site plan, give Byrne 4-6 months \pm to complete the re-subdivision, then come in for final site plan approval. Christian mentioned he would prefer final approval. Mark explained that the previous Planning Board Attorney had always advised this Board that Site Plan approval should not be granted until parcels are combined into one, which the Board is accustomed to. As an alternative to this, a building permit could be issued, once the parcels are combined, this would be done as a condition of Site Plan approval. Christian agreed and said have it conditioned by getting the certificate of occupancy to read "conditioned upon building permit." Russ interjected stating Steelway Blvd. is a larger concern and needs taking care of first and that he and the Board Members could reach a decision together on the re-subdivision issue. Mark commented if the Board goes this route, he'll need a new final revised map that shows the lines gone. Christian said he could take care of that.

Russ Mitchell closed Case #2020-032.

A motion made by Hal Henty seconded by Scott Soyster to adjourn Case #2020-032 to February 10, 2021.

Motion Carried 6-0

Closed Hearings – Board/Applicant Discussions:

**Case #2020-035 – *B. Scott Gillespie/United Rentals* (3) – 4 Lumber Way – Special Permit (Accessory Exterior Activity & Contractor's Service Yard) (Adjourned from 1 previous meeting). Tim Coyer, Ianuzi & Romans Land Surveying, P.C., appeared on behalf of the applicant. Russ Mitchell thanked Tim for attaining a cross-access agreement. Tim provided 11x17 drawings to the Board noting page numbers added. He had forgotten to add them to the original documents; this is the only change. Tim noted page two (2) on the site plan pointing out the proposed chain link fence and gated portion on the west side. The site plan notes the property fence to match, the cross-access agreement obtained, and statement of use and hours of operation all added.

Russ Mitchell closed Case #2020-035.

Scott Soyster read: In the matter of the application of Planning Board Case #2020-035, 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: Allowing this Industrial Zoned lot to also be permitted the use as a contractor service yard aligns with adjacent properties.

A motion made by Scott Soyster seconded by Michelle Borton granting SEQR approval.

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Motion Carried 6-0

Scott Soyster read: In the matter of the application of Planning Board Case #2020-035, I move the adoption of a resolution using standard form #70 – Special Permit granted, based on a map by Ianuzi & Romans Land Surveying, P.C. dated January 15, 2021 and numbered cover page and pages 1 of 2 and 2 of 2.

A motion made by Scott Soyster seconded by Jim Palumbo granting Special Permit approval.

Motion Carried 6-0

New Business:

Signs

Russ Mitchell noted the following sign(s) needing approval.

AJ Signs – *Chick-Fil-A* – 4000 NYS Route 31 – Zoned RC-1, Permit #51,553

Tim Wheeler was available, via WEBEX, on behalf of Chick-Fil-A seeking approval for four (4), internal illuminated wall signs as follows: (2) 58.75 square feet is proposed when 78 square feet is allowed. (1) 58.75 square feet is proposed when 195.12 square feet is allowed. (1) 35 square feet (Logo) is proposed when 195.12 is allowed. The proposed signs will meet code as a variance was granted, Case #1768, on February 10, 2020 to increase the allowable number of wall signs. The applicant has also included all of the additional menu, directional, and flag pole type signage for reference. These are subject to Planning Board approval as ‘Minor Signs.’ Tim noted drawings are provided in the Board’s packets. Karen Guinup questioned the “Coming Soon” banner and needing a temporary permit rather than inclusion in the sign packet. Mark Territo said it is considered a grand opening sign and they are allowed 60 days. Karen also asked if there is a flag pole height. Mark stated it is supposed to be structural height – 35’, however, this is 50’. Karen noted it is typically part of the site plan. Jim Palumbo asked if there is anything in the ordinance and Mark said there is no specific regulation and flag poles are typically approved, however, is up to the Board. Mark asked Tim fill out a temporary sign application online.

A motion made by Jim Palumbo seconded by Hal Henty granting approval of Sign Permit #51,553, minus the banner sign.

Motion Carried 6-0

The Image Press – *American Freight (Marketfair)* – 4124 NYS Route 31 – Zoned RC-1, Permit #51,546

Wall Sign - The applicant is proposing one (1), internal illuminated wall sign, 132 square feet when 250 square feet is allowed. The sign will meet code. Freestanding Face Changes – The Applicant is proposing a face change for the freestanding sign of 23 square feet each. This will meet the code.

A motion made by Scott Soyster seconded by Michelle Borton granting approval of Sign Permit #51,546.

Motion Carried 6-0

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The Image Press – MCC Financial Services – 8135 Soule Road – Zoned O-2, Permit #51,547

Russ Mitchell asked if there is a separate parking lot and Mark Territo indicated they have their own driveway off Soule Road.

A motion made by Scott Soyster seconded by Hal Henty granting approval of Sign Permit #51,547.

Motion Carried 6-0

Work Session

*Case #2020-031 – *Clay Marketplace PDD* – Concept Plan referral – northeast corner of NYS Route 31 and Henry Clay Boulevard. The applicant requested adjournment.

A motion made by Michelle Borton seconded by Jim Palumbo to adjourn Case #2020-031 to February 10, 2021.

Motion Carried 6-0

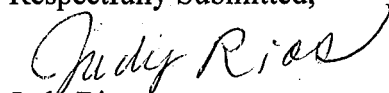
Russ Mitchell asked if there were any more comments or questions, hearing none he adjourned the meeting.

A motion made by Scott Palumbo seconded by Michelle Borton to adjourn the meeting at 9:02 p.m.

The next meeting is slated for February 10, 2021.

Motion Carried 6-0

Respectfully Submitted,



Judy Rios
Planning Board Secretary