

**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 10<sup>th</sup> day of February 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
	James Palumbo	Member
	Scott Soyster	Member
	Judy Rios	Secretary
	Kathleen Bennett	Planning Board Attorney (VIA WEBEX)
	Ron DeTota	C&S Engineers (VIA WEBEX)
<b>ABSENT:</b>	Mark Territo	Commissioner of Planning & Development

The Chairman announced that we will hold off on approving last month's meeting minutes.

**Public Hearings:**

**New Business:**

\*\*7:30 P.M. Case #2021-002 – *John Law/Law Insurance (3)* – 7337 Oswego Road – Site Plan. Terry Horst, Landscape Architect, spoke on behalf of John Law for site plan purposes. Terry explained the existing building has received variance approvals, i.e. area, lot size, frontage, setbacks, and coverage. Plans are to cut back a long narrow strip of the parking area, repair and seal and add a handicap ramp, as well as landscape and parking lot striping. Lighting on the building will not change, however, two (2) 4'x6' lighted signs will be added on the property. Russ Mitchell stated they would need to come back for sign approval. Further, Russ questioned the buckeye pipe line at the entrance of the building stating the applicant would need to get written approval from the Buckeye Pipe Line Company regarding any work to be done. They may want to ask about the depth, as well. Russ asked if the back porch area is raised or ground-level and Terry said it is raised with four (4) steps. The handicap ramp will assist in modifying this area. Russ questioned if the ramp will come straight out and Terry said yes, off the corner of the building, following the outside edge of the building. Jim Palumbo stated the variance approvals should be listed and identified on the site plan. Michelle Borton would like to see more detail added as well. Karen Guinup asked if this is within 500' of the Town of Salina, which was confirmed that it is. Karen indicated Salina must be notified. Russ asked the applicant to reach out to the Town of Salina for referral. Lastly, Karen asked Terry to revisit the steps and possible ADA requirements.

Russ Mitchell asked if there were any more comments or questions, hearing none he asked for a motion.

A motion was made by Scott Soyster seconded by Hal Henty to adjourn this case to the March 10, 2021 meeting.

**Motion Carried 6-0**

**\*\*7:35 P.M. Case #2021-003 – NJJP Holdings, LLC/Liverpool Village Animal Hospital Wellness Center (3) – 7270 Buckley Road – Special Permit (Veterinary Hospital).** Doug Wojcik presented (via WEBEX) stating he has previously presented regarding this special permit and nothing has changed. Russ Mitchell noted receiving information as sent. Michelle Borton read a portion of a letter, sent from an adjacent property owner and requested bulleted points be placed in the special permit as follows: no outdoor runs/fencing; no indoor or outdoor obedience training; no further expansion without Town of Clay approval; not outdoor animal care; and no daycare or overnight boarding. Doug agreed with all of these conditions and noted the only outdoor area would be a small area for bathroom use by animals but would always be attended. Russ indicated paperwork that stated their other facility sees (approximately) 40% dogs, 30% cats, and 30% mixture of other animals (i.e. birds, snakes, gerbils, etc.). Karen Guinup reminded Doug any signage would need to go through another application and meeting. Russ asked for public comments and Sharon Delconte spoke quoting a line from a poem by Robert Frost “good fences make good neighbors.” She’d like consideration of one wall/barrier/fence placed on her side. Russ stated this is a neighbor issue and not in agreement with the barrier. Doug agreed to meet with Sharon and come to a final resolution and is not against providing a fence. He, too, would like to be a good neighbor. Russ asked the two work it out together. Michelle Borton mentioned no title block or date is on the site plan or file. Karen stated the existing use site plan for the building is fine and a new site plan is not necessary. Michelle asked if a neighborly fence were installed would a new site plan be required and Karen stated that would go through the Planning Department as an administrative item. Ron DeTota spoke noting the Commissioner had said at a pre-meeting the submitted document would be sufficient for a site plan if the Board required it. Russ reminded the only changes being made are on the inside. Michelle asked the site plan be included as part of the application.

Russ Mitchell asked if there were any more comments or questions, hearing none he closed Case #2021-002.

Michelle Borton read: In the matter of the application of Planning Board Case #2021-003, NJJP Holdings, LLC/Liverpool Village Animal Hospital, I move the adoption of a resolution using standard form #10 – granting SEQR approval, 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 conditions of the proposed special permit will mitigate potential significant impacts to the surrounding neighborhood.

A motion was made by Michelle Borton seconded by Scott Soyster.

**Motion Carried 6-0**

Michelle Borton read: In the matter of the application of Planning Board Case #2021-003, NJJP Holdings, LLC/Liverpool Village Animal Hospital, I move the adoption of a resolution using standard form #70 – granting approval of a special permit and conditioned upon approval of all legal and engineering requirements of the Town of Clay. Any other conditions if necessary: 1) No outdoor runs, kennels, or fenced enclosures shall be allowed; 2) No indoor or outdoor obedience training shall take place on the premises; 3) No further expansion of the facility shall take place without Town of Clay approval; 4) No outdoor animal treatment of any type; 5) No daycare, grooming, or overnight boarding shall take place at the facility.

A motion was made by Michelle Borton seconded by Jim Palumbo.

**Motion Carried 6-0**

Regular Meeting  
Planning Board  
February 10, 2021

\*7:40 P.M. Case #2021-006 – **Samuel Bartorillo/8191 Maple Road Zone Change (5)** – 8191 Maple Road, Zone Change Referral. Tim Coyer, Ianuzi & Romans, spoke on behalf of the applicant noting Mr. Bartorillo is seeking a zone change from RA-100 to R-40. He owns a two-lot subdivision on 3.7 ± acres and is looking to downsize and sell a portion of the property along with the existing house and barn. Plans are to build a new home on the other side. Russ Mitchell stated he has no problems with the rezoning and is in favor. Hal Henty agreed and is in favor. Michelle Borton asked to check into the driveway entrance with D.O.T. and Tim noted they are doing this. She is in favor. Jim Palumbo is in favor. Scott Soyster has no issues and is in favor. Karen Guinup is in favor.

Russ Mitchell asked if there were any more comments or questions, hearing none he close Case #2021-006.

Scott Soyster read: In the matter of the application of Planning Board Case #2021-006, I move to recommend to the Town Board using standard form #50 – granting a Zone Change recommendation for the following reasons: Based on the comments of the Planning Board.

A motion was made by Scott Soyster seconded by Hal Henty granting a Zone Change recommendation.

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

### **Old Business:**

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

\*\*Case #2020-032 – **Byrne Dairy Morgan Road/Sonbyrne Sales, Inc. (3)** – 7426, 7434, 7440 Morgan Road – Site Plan (Adjourned from 4 previous meetings). Christian Brunelle appeared on behalf of the applicant noting changes as mentioned from the last meeting have been resolved, as follows: Steelway Drive to the west has been changed to 34' and radius increased. The culvert pipe has been extended 5' on each side and directional signage (for trucks) added; all details have been placed on the Site Plan. The concern of 1 lot vs. 4 was mentioned and Christian spoke with Mark Territo. Mark asked he remove the dotted lines, which now shows 1 parcel. The storm water area has gotten slightly larger and the sidewalk shifted slightly, for the required pedestrian access. Russ Mitchell stated he was okay with the improvements as shown. Ron DeTota agreed. Russ stated going forward no building permit will be issued until the re-subdivision is done. Christian agreed. Further, Russ commented on the left turn lane issue and spoke with Mark and was involved in a telephone conversation with Onondaga County D.O.T., they confirmed this is their signalized intersection and they will put in a turning lane when needed. They would also have to purchase land to the north of the intersection and plan on doing that and install large traffic poles. Robert Germain, Attorney for the Town of Clay, said the County will put in the turning lane when necessary to do so. Russ also reached out to Joe Nicoletti, Highway Superintendent, and Joe indicated he'd had made the suggestion about the turning lane because he is planning road improvements, however, he is okay with the County doing it when/if needed in the future. He plans to do improvements on Steelway when the Byrne project is completed. Russ is in full accordance with what the County stated and although not in writing concurs with the submitted traffic analysis. He will go by the County, the Attorney and Highway Superintendent, no left turn on Steelway. Hal Henty agreed. Jim Palumbo questioned the site plan now having the current property lines removed and that the originally submitted survey should be included with any approval to record the current property boundaries. Christian stated it would be done and filed with the County. Karen Guinup noted abstaining from a vote as the three parcels are not yet put together.

Regular Meeting  
Planning Board  
February 10, 2021

Russ Mitchell closed Case #2020-032.

Jim Palumbo read: In the matter of the application of the Planning Board Case #2020-032, I move the adoption of a resolution using standard form #10 – granting SEQR approval 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 site plan is conducive to and compatible with the surrounding developed area.

A motion was made by Jim Palumbo seconded by Scott Soyster.

**Motion Carried 5 – 0 - 1 (Karen Guinup Abstained)**

Jim Palumbo read: In the matter of the application of Planning Board Case #2020-032, I move the adoption of a resolution using standard form #20 – granting Site Plan approval based on a map by Plumley Engineering and survey by Christopherson dated 3/18/2017 revised 7/24/2020. Site Plan dated 11/2020 revised 12/21/2020 and numbered C101, C201 (revised 2/10/2021), C202, C301, C302, C401 through C40's, A-1E, A-2 (10/19/2020), P101 and P102 (dated 10/22/2020, revised 12/22/2020) conditioned upon approval of all legal and engineering requirements of the Town of Clay. Any other conditions if necessary: Lot consolidation shall be accomplished before any building permitting can be obtained.

A motion was made by Jim Palumbo seconded by Hal Henty.

**Motion Carried 5 – 0 - 1 (Karen Guinup Abstained)**

**\*\*Case #2020-039 – ALDI Liverpool Back Room Expansion (3) – 7421 Oswego Road – Amended Site Plan (Adjourned from 1 previous meeting).** Timothy Scheg, APD Engineering and Architects, spoke on behalf of the applicant. A proposed expansion at the loading dock area will allow Aldi's an additional 780 square feet. Two items were requested at the last meeting and have been resolved, as follows: The trash enclosure is now at the back of the store through coordination of the landlord and owner. Details are shown on the site plan. Note: Cinder blocks will match the existing building and side walls will be 8' in height. Research into the parking lot was done. After speaking with the landlord and owner, it was confirmed 120 spaces available. A supplemental parking count plan was provided. Russ Mitchell thanked Tim for taking care of these issues. Jim Palumbo complimented the applicant's follow up for parking count and the sheet should be made part of approval. Michelle Borton asked regarding the 8' width between spaces when 9-1/2' is typical. It was noted it is not uncommon to be less in parallel parking spaces. Lastly, Jim commented the drawings should have revision dates and recommended today's date be placed on each. Tim agreed.

Russ Mitchell closed Case #2020-039.

Scott Soyster stated this is a Type 2 action and no SEQR is required. He read: In the matter of the application of Planning Board Case #2020-039, I move the adoption of a resolution using standard form #20 granting Site Plan approval based on a map by APD Engineering and Architects, dated 11/24/2020, 12/18/2020 revised 3/13/2020 and number CS, SV-1, C2, C3, C4, A-131, A-201 and designated parking graphic conditioned upon approval of all legal and engineering requirements of the Town of Clay. Any other conditions if necessary: Condition upon adding revision date to the above mentioned drawings.

A motion was made by Scott Soyster seconded by Jim Palumbo granting Site Plan approval.

**Motion Carried 6-0**

Regular Meeting  
Planning Board  
February 10, 2021

**New Business:**

Signs – None.

**Work Session**

\*Case #2020-031 – *Clay Marketplace PDD* – Concept Plan referral – northeast corner of NYS Route 31 and Henry Clay Boulevard. No action and will be continued at the February 24, 2021 meeting at the request of the applicant.

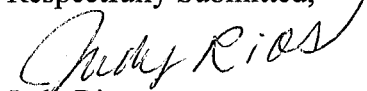
Russ Mitchell asked if there were any more comments or questions, hearing none he adjourned the meeting.

A motion was made by Hal Henty seconded by Scott Soyster granting approval to adjourn the meeting at 8:43 p.m.

The next meeting is slated for February 24, 2021.

**Motion Carried 6-0**

Respectfully Submitted,



Judy Rios  
Planning Board Secretary

