

**APPROVED**

The Organizational and 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 29<sup>th</sup> day of January 2020 The meeting 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
	Hal Henty	Member
	Michelle Borton	Member
	James Palumbo	Member
	Scott Soyster	Member
	Ron DeTota	C&S Engineers
	Robert Germain	Attorney
	Gloria Wetmore	Planning Board Secretary
<b>ABSENT:</b>	Allen Kovac	Member
	Mark Territo	Commissioner of Planning & Development
	Scott Chatfield	Planning Board Attorney

A motion made by Jim Palumbo seconded by Scott Soyster to approve the minutes of the January 8, 2020 meeting.

**Motion Carried 6-0**

**Public Hearings:**

New Business:

\*\*7:30 P.M. Case #2019-048 –**Dazzling Smiles** (3) – 8195 Oswego Road – Site Plan

Russ Mitchell opened the hearing. Jim, Hagan of Hagan Architects PC, presented. Updated Plan with variances and updated parking spaces.

Russ Mitchell asked Mr. Hagan if he saw the County Comments.

The applicant is looking to add a shed to the site as well as an 18 X 44 foot addition, and 16 new parking spaces. That will be 34 spaces when 19 spaces are required.

The applicant went to the ZBA and received variances for setback. 6 foot opaque fence along the residential. They will add 3 more exam rooms to do procedures that cannot be done in the smaller rooms.

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Karen Guinup asked what the shed will be made of. The shed should be done in Clapboard to match the building.

Michelle Borton asked if the addition will interfere with the water main.

Mr. Hagan said no.

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

A motion made by Scott Soyster seconded by Jim Palumbo using standard form # 10 SEQR for Case # 2019-048 –**Dazzling Smiles** located at 8195 Oswego Road for Site Plan.

Plan 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 updates to the site improves the overall functionality with little to no negative impacts to the environment.

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

A motion made by Scott Soyster seconded by Jim Palumbo using standard form # 20 Site Plan Approval for Case # 2019-048 –**Dazzling Smiles** located at 8195 Oswego Road, granted based on a map by Ianuzi & Romans Land Surveying PC., dated 02/10/2016 and drawings by Hagan Architects dated 11/27/2019 revised 01/29/2020 and numbered 1, 2 & 3. Conditioned upon all legal and engineering.

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

#### **Old Business:**

\*\*Case #2017-031 – *Widewaters Farrell Road II Company, LLC/Widewaters Commons – Commercial Development* (3) Site Plan – NYS Route 31 (Adjourned from 28 previous meetings)

A motion made by Michelle Borton seconded by Hal Henty to adjourn this case to the April 8, 2020.

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

\*\*Case #2018-003 – *Widewaters Farrell Road II Company, LLC/Widewaters Commons, (3)- Preliminary Plat*– NYS Route 31 (Adjourned from 22 previous meetings)

A motion made by Karen Guinup seconded by Hal Henty to adjourn this case to the April 8, 2020.

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

\*\*Case #2019-025 – *Side Track Enterprises, entryway* (3) – 4975 NYS Route 31 – Amended Site Plan (Adjourned from 4 previous meetings)

Russ Mitchell opened the hearing; Rudy Zona of RZ Engineering explained the plan. The State DOT requested changes to the plan after it was approved, the applicant didn't notify this Board of the changes, and they also added a shipping crate as an entrance. Mr. Zona updated the plan to an as built. Updated the landscape plan.

Russ Mitchell thanked Mr. Zona for a job well done. He asked if there were any comments or questions hearing none he asked for a motion.

A motion made by Michelle Borton seconded by Karen Guinup using standard form #10 SEQR for Case #2019-025 Side *Track Enterprises, entryway* located at 4975 NYS Route 31 Amended Site Plan 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 supports a positive redevelopment of an existing hamlet parcel. Enhancing community character while not significantly impacting traffic or activities of the surrounding area.

**Motion Carried 6-0**

A motion made by Michelle Borton seconded by Karen Guinup using standard form # 20 Amended Site Plan Approval for Case #2019-025 Side *Track Enterprises, entryway* located at 4975 NYS Route 31, based on a map by RZ Engineering PLLC dated 01/15/2020 C1A, Dated 01/10/2020 and numbered C-100, C-101, C-102, & C-103. Letter and attachment dated 10/05/2019 by DiBartoloneo Engineering, PC dated 12/21/2017 revised 02/02/2018 numbered C-1, C-2 C-3, C-4. Conditioned upon all legal and engineering.

**Motion Carried 6-0**

\*\*Case #2019-029 – **Nick Avicolti/Avicolti's** (3) – 7839 Oswego Road – Amended Site Plan (Adjourned from 2 previous meetings)

A motion made by Hal Henty seconded by Scott Soyster to adjourn this case to the March 25, 2020.

**Motion Carried 6-0**

\*\*Case #2019-032 – **Borrego Solar Systems, Inc.** (3) – 8150 Morgan Road – Site Plan (Adjourned from 2 previous meetings)

A motion made by Hal Henty seconded by Jim Palumbo to adjourn this case to the 2/26/2020 meeting.

**Motion Carried 6-0**

\*Case #2019-042 (TB 1148) –**Chick-fil-A** – (5) – 4000 NYS Route 31 – Special Permit Referral (Adjourned from 2 previous meetings)

Russ Mitchell opened the hearing, Timothy Freitag PE of Bohler Engineering; Clint Maxim and Amy Dade were present. Mr. Freitag explained the plan.

The plan is to demo the existing UNO s building; they have re drawn the plan to include the comments from the Town Board. The building is located in front of Raymour and Flanigan, next to Smokey Bones. It will be a 5000 square foot building with a drive thru. Stacking 22 cars double order lane and single pick up window.

562 parking spaces required 600 plus proposed, ADA accessible side walk between the restaurants. Relocated the dumpster, updated the drive isles as well as parking space size to meet the Town Code.

Russ Mitchell great job on the new plan, he had reservations on the stacking and cars returning to route 31, before the updated plan.

Hal Henty great job

Michelle Borton likes the layout

Jim Palumbo commented that he has gone to Chick-Fil-A in different towns, in the summer you have people taking orders at the car windows, this really streamlines the wait. Will that happen at this location. They said it would.

Scott Soyster This is one of the best plans he has seen.

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

Karen Guinup – Abstained (The applicant still needs a variance. The Town Board hasn't even seen this new plan; we are putting the cart before the horse).

A motion made by Michelle Borton seconded by Hal Henty using standard form # 60 Special Permit Recommendation to the Town Board for Case # 2019-042 (TB 1148) –**Chick-fil-A** located at 4000 NYS Route 31 (temporary traffic/queing plan) be granted for the following reasons: the applicant has demonstrated that the site can be modified to accommodate the proposed facility and address potential impacts related to traffic, and pedestrian safety to support the overall shopping complex.

**Motion Carried 5-0 1 abstention.**

\*\*Case #2019-049 –**Store Your Stuff Storage Facility – Phase II** (3) –8578 Henry Clay Boulevard – Amended Site Plan (Adjourned from 1 previous meeting)

Russ Mitchell opened the hearing. Joe Dauand, PE, of TDK Engineering presented the plan. Bill and Noreen Ennis were also present. Mr. Durand explained there are nine buildings. Phase 2 consists of four more buildings. The County asked for a drainage report. Chairman Mitchell complimented the applicants on a very nice facility.

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Michelle Borton Asked about a line on the plan, Mr. Durand explained it is a berm to guide the storm water where it should go.

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

A motion made by Scott Soyster seconded by Jim Palumbo standard form #10 SEQR for Case #2019-049 –**Store Your Stuff Storage Facility – Phase II** located at 8578 Henry Clay Boulevard 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 addition of storage units to the residential neighbors has been appropriately mitigated.

**Motion Carried 6-0**

A motion was made by Scott Soyster seconded by Jim Palumbo using standard form # 20 Site Plan Approval for Case # #2019-049 –**Store Your Stuff Storage Facility – Phase II** located at 8578 Henry Clay Boulevard based on a map by TDK Engineering dated 01/16/2020 numbered SP-1, PL-1 & CS-1. Conditioned upon all legal and engineering.

**Motion Carried 6-0**

**Closed Hearings**

Case #2019-046 (TB #1149) –**Wetzel Road Construction Grade Aggregate Recovery Facility (5) – 4530 Wetzel Road – Special Permit Referral**

Peter Loyola and Norman Ward of CLA Site as well as Scott Owens of Barrett Paving were there to present the plan. Mr. Loyola began explaining they only work with clean materials. There are two non-jurisdictional wetlands, so the will be filled in. He said the machinery has an area for large crushing, and a large mag-belt that grabs metal and separates it for recycling.

Hal Henty asked how large a piece can the machine handle. Mr. Loyola said it depends on the size of the machine. The sound of the machine is 60 dba's with the atmosphere, the berms and traffic it will be a low hum. You will not see it from Wetzel Road, and there will be a seventy-five foot buffer around the site. Hal Henty asked if there would be sound fencing. Mr. Owens said the stockpiles are the best sound barrier. Looking at storm water, dust pollutants taken care of by fine mist nozzles to keep the dust at a minimum.

We crush approximately 30,000 tons per year, material testing done periodically, there are many regulations we have to adhere to. We estimate 25 trucks per day; the County DOT is OK with traffic.

The hours of operation are 7AM to 5PM occasionally on the weekend. The crushers will operate 4 to 5 days four times a year.

Russ Mitchell asked to hear from the board members.

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**Hal Henty** OK for the special permit

**Michelle Borton** Town Board needs to verify the noise issue

**Karen Guinup** the industrial decibels are 70, you come in at 67 dba's you just snuck in under the max. You compare this noise to a lawn mower, chain saw and a few others, all these examples do not run for eight or more hours at a time.

**Jim Palumbo** The problem noise will be the truck traffic. Will the material coming out of the site be ready for use? Will the misting have an effect on the end product?

**Scott Soyster** please explain the safety and the machines used, ear protection and eye protection must be worn. They use Bucket loaders and excavators, and the grinders.

Russ Mitchell asked for a roll call vote

Hal Henty- yes

Jim Palumbo- yes

Michelle Borton- yes

Scott Soyster - yes

Karen Guinup- no

Russ Mitchell- yes

A motion made by Jim Palumbo seconded by Scott Soyster using standard form # 60 Special Permit Recommendation to the Town Board for Case # 2019-046 (TB #1149) –**Wetzel Road Construction Grade Aggregate Recovery Facility** located at 4530 Wetzel Road be granted for the following reasons: The proposed operation is within an area that is industrial in nature and the facility will provide much needed practices for recycling pavement materials. Site Plan review process can handle concerns and satisfy challenges.

**Motion Carried 5-0**

**New Business:**

**Case #2012-002 – Wildflower, Section 3, Hollyshire Way & Henry Clay Blvd. – Final Plat C**

Russ Mitchell opened the Case. Dan Barniba explained that years ago 41 building lots were approved. Public facilities are limited, there are no sewers septic is at the County for approval. Russ Mitchell asked if there were any comments or questions, hearing none he closed the hearing and asked for a motion.

Jim Palumbo made a motion seconded by Scott Soyster to approve the adoption of a resolution for **Case #2012-002 – Wildflower, Section 3, located at Hollyshire Way & Henry Clay Blvd.** for Final Plat using standard form # 40 based on a map by Ianuzi and Romans Dated July 26, 2019, conditioned on all legal and engineering.

**Motion Carried 6-0**

**Signs**

**Allied Sign Company – Trinity Assembly Church – 4398 NYS Route 31**

Zoned RA-100, Permit #50,611

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1 – Freestanding sign - The applicant is proposing one Internal Illuminated freestanding sign, 32 square feet, this is a face change to an existing sign. The proposed sign will meet the code.

A motion made by Hal Henty seconded by Scott Soyster to approve the sign as presented.

**Motion Carried 6-0**

**Sign and Lighting Services – Penske Truck Leasing – 4469 Steelway Blvd. N.**

Zoned I-1, Permit #50,613

1 – Freestanding sign - The applicant is proposing one freestanding sign, 38.28 square feet, this is a face change to an existing sign. The proposed sign will meet the code.

A motion made by Russ Mitchell seconded by Hal Henty to approve the freestanding sign only as presented.

**Motion Carried 6-0**

**Work Session**

\*Case #2018-029 - **UR-ban Villages (5)** - PDD Concept Plan referral, NYS Route 31 adjacent to Cicero Border (work session) (Adjourned from 14 previous meetings)

A motion made by Karen Guinup seconded by Michelle Borton to adjourn this work session to the April 8, 2020 meeting.

**Motion Carried 6-0**

A motion made by Jim Palumbo seconded by Scott Soyster to adjourn the meeting at 9:05 P.M.

**Motion Carried 6-0**

Respectfully Submitted



Gloria Wetmore