

Regular Meeting  
Planning Board  
June 10, 2020

**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 June 2020. The meeting was called to order by Chairman Mitchell at 7:30 PM and upon roll being called, the following were:

<b>PRESENT:</b>	Russ Mitchell	Chairman
	Karen Guinup	Deputy Chair
	Michelle Borton	Member (Via Video Conference)
	Hal Henty	Member
	James Palumbo	Member (Via Video Conference)
	Scott Soyster	Member
	Mark Territo	Commissioner of Planning & Development
	Ron DeTota	C&S Engineers (Via Video Conference)
	Kathleen Bennett	Planning Board Attorney (Via Video Conference)
	Judy Rios	Secretary
<b>ABSENT:</b>	Allen Kovac	Member

Russ Mitchell opened the meeting by leading the Pledge of Allegiance and further, reading the following notice:

Please take notice that the Town of Clay, in response to the continuing emergency circumstances caused by the Covid-19 pandemic and consistent with the New York State Governor's Executive Orders, including but not limited to, Executive Order 202.1 shall conduct its Planning Board Meeting on June 10,, 2020 commencing at 7:30 P.M. and to be held at Clay Town Hall, 4401 State Route 31, Clay, New York. The public will not be allowed to physically attend the meeting, however, may attend virtually through Webex. Further, the public is encouraged to offer its written comments in one of the three following ways: 1.) Email: [planning@townofclay.org](mailto:planning@townofclay.org) 2.) Fax: (315) 622-7259, 3) Mail: Town of Clay, Planning and Development, 4401 State Route 31, Clay, NY 13041. Please remit no later than June 10, 2020 at 10:00 A.M. All comments will be entered into the record and distributed to all the Board members. All meetings of the Town will be recorded and later transcribed. The transcriptions will be made available on line upon review.

A motion was made by Hal Henty seconded by Michelle Borton to approve the minutes from the May 27, 2020 meeting. Two members abstained due to their absences.

**Motion Carried 4-0**

**Public Hearings:**

\*Case #2020-003 – *Reserve at Morgan* (5), 8396 Morgan Road, Zone Change referral

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Joe Palumbo provided hand-outs to Board Members, as needed while Trey Barbour spoke via video conference. Trey pointed out the request is for (2) 24-unit buildings on a 15-acre site, which only 4 acres will be built on. Joe mentioned the other acreage is wetlands and non-developable. Russ asked if 8 acres

of the area would remain treed and Joe said, yes. Russ explained Joe would need to work with DEC as this is a tight area. Russ asked if other Board Members had questions or comments. Scott stated, from a zone standpoint there are other apartments in the vicinity. Joe indicated he was aware of this and is asking to extend zoning for a larger piece of parcel. Russ mentioned at one time senior housing project was discussed and the parcel was zoned R-APT. Scott asked if it should be senior apts. or regular housing. Jim Palumbo commented that the proposed use is a good fit for the parcel that is so restricted by wetland constraints, Michelle Borton and Hal Henty had no comments and are in favor of the change. Karen Guinup stated she is not in favor and is concerned other parcels across the street could lead to an expansion of apartment-type buildings. She feels the Town Board should revert the property to RA-100. Scott concurred with Karen. Russ indicated he is in favor of the zone change and sees no compelling reason not to issue the change. The area is encumbered with wetlands and the neighborhood across the street already sees traffic, there would not be a hindrance. Russ asked for a motion to refer the comments to the Town Board.

Scott Soyster made the motion of referral, seconded by Hal Henty.

#### **Motion Carried 4-2**

**\*\*Case #2020-10 – *Dazzling Smiles/James Hagan* (3), 8195 Oswego Road, Amended Site Plan**

James Hagan presented on behalf of the applicant circulating drawings for those who needed. Russ Mitchell provided a copy of the Onondaga County Planning Board comments to James for his review. James noted recently attending the ZBA Meeting with construction drawings to attain a building permit. Further, he explained the applicant is reorganizing his dental business and combining three sites to one at the Oswego Road location. The existing building will see a 792 sq. ft. addition. There is a slightly different configuration however, does meet set back variances; zoning granted this variance at their recent meeting. The dumpster issue is being worked on and plans are to file a new application for a variance within the next week. The original site plan showed 11 parking spots and the requirement is 19, the amended plan now shows 31. Jim noted the entrance drive will not change and the landscaping will stay the same. The interior of the plan will see an addition of one exam room, a reorganization of the assistant's area and more storage space. Russ stated the amended plan looks nice and asked he research the parking spaces by the road and the vegetation. He has no problem with the way the dumpster is, except it does not meet set back ordinances. No site plan approval will be given without the dumpster enclosure variance. Jim explained they would be going back to the zoning board. A question arose about an x'd out area shown on the variance plan. Mark stated it was not advertised and still needs a separate application for variance. Russ explained at next month's site plan approval he wants to see the variance for the dumpster and more vegetation in front. Jim stated the vegetation was put there and addressed at the January meeting. Russ reminded to review the area again. Hal Henty agreed with additional shrubbery along Oswego Road. Jim mentioned there is a freestanding sign and he doesn't want to block visitors from seeing this. The Board had no further questions or comments.

A motion was made by Scott Soyster, seconded by Karen Guinup to adjourn this case to July 22, 2020.

**Motion Carried 6-0**

**\*\*Case #2020-012 – *Barrett Paving Materials, Inc* (3) – 4530 Wetzel Road – Recycling/Recovery – Site Plan**

Peter Loyola presented on behalf of the applicant mentioning a public hearing for the Town and Planning Board special permit was held on 12/16/2019 and on 1/8/2020. The Town Board approved a special use permit on 2/3/2020. The project is a recovered material, concrete pavement, and asphalt-milling site; building material will be recycled on site for reuse to construction sites. The applicant is not proposing any lighting, wall packs or water to the site. Three new parking spaces will be added and property clearing is in Phase I, with all wetlands to be protected. Portable crushers will be on site and the model proposed provides no more than 61.5 decibels. Meter readings have been done and will be well under the decibel requirements. Other issues involve grading and drainage. More monitoring on storm water ponds will be done and will comply with quarterly reports. Calculations show no water leaving the site. Peter expressed ongoing monitoring will continue and the Town Engineer has been provided the SWPPP. Russ mentioned receiving a letter from the County regarding the ingress/egress and identified in the EAF (from DEC) inclusion of an application and registration for a solid waste permit. Peter stated the application is ready to go, however, site plan approval is needed. Russ pointed out the second page in regards to an air facility permit, identified in the EAF. Peter noted approval provided by the Army Corps. of Engineers. Russ also mentioned needing a SPDES permit from findings of the preserved Indiana Bat; trees cannot be cleared from 11/1/2020 – 3/31/2021. Scott Soyster stated not impacting any DEC non-jurisdictional F&G, in those jurisdictional areas, all will be protected. Peter indicated there is no DEC wetlands on the property and this information is in the SWPPP report. An environmental study was done and a limit placed on clearing. It is allowable to go up to the wooded area but, as mentioned until November and recommended to March 31, 2020. Karen Guinup asked regarding the future swale and future scale house for site plan approval, noting needing details on the scale house. The applicant explained this will be an 8x10 trailer that sets next to the scale. Karen mentioned the detail drawings in the packet show signage. Signage will not be part of the site plan approval. Peter stated a separate application for signage will be submitted. Jim Palumbo mentioned, in regards to the Indiana Bats, as a general rule of thumb trees cannot be removed. However, there is a way to go about it if the applicant chose to perform sighting surveys. Michelle Borton asked the applicant for verification of 100' wetland buffer and he said yes it is wetland buffer. Ron DeTota spoke mentioning the Industrial SWPPP administered to DEC as an MS4 Town design, asking does the DEC require a signature? Peter said, yes, DEC has to sign the Town accepted the SWPPP. Ron indicated a recommendation to the Board and C&S Engineering will review for Town of Clay standards; sign off of acknowledgement for Industrial SWPPP. Peter stated they are in full compliance with DEC and addressed all issues in the notice of intent. Russ Mitchell asked for a motion to allow the Planning Board as Lead Agency, and letters will be sent out.

A motion was made by Scott Soyster seconded by Jim Palumbo to allow the Planning Board as Lead Agency.

**Motion Carried 6-0**

Peter asked if there were other issues to work out and Russ stated he should meet with Mark Territo in regards to letters that are required to be sent to other involved agencies. Typically there is a 30-day

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allowance for agencies to respond, however, Karen Guinup pointed out if the involved agencies sign off, there is no need to wait the 30 days. As well, Russ mentioned he will need to work with Ron DeTota on the engineering side.

A motion was made by Hal Henty seconded by Scott Soyster to adjourn this case to July 8, 2020.

**Motion Carried 6-0**

**Old Business:**

Russ Mitchell opened the following:

**\*\*Case #2019-026 – *Great Northern Holdings*, 4155 NYS Route 31, Amended Site Plan (Adjourned from 3 previous meetings)**

**\*\*Case #2019-027– *Great Northern Holdings*, 4155 NYS Route 31 –Preliminary Plat (Adjourned from 3 previous meetings)**

Matt Parrinello presented on behalf of the applicant noting a slight modification made to the style of fence, featuring an upscale architectural fence. The Board commented noting it very attractive. Photometrics regarding the lighting were sent and one additional light added. Russ Mitchell commented on the following: an emergency/exit gate, the movement off Ring Road is a left hand turn where the parking lot is, and a gated storage shed. Further, he let all know he has a copy of the tax agreement that was made with the Town and Owners. Scott questions the parking spaces noting larger-type units (RV's, boats, tractor trailers, etc.) could restrict one's view. Matt stated he would be sure vision was not blocked.

Russ Mitchell closed this case.

A motion as made by Jim Palumbo to close Case #2010-026 seconded by Scott Soyster.

**Motion Carried 6-0**

Jim Palumbo read: In the matter of the application of Planning Board #2019-026, 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: The site plan is in general conformance with area development.

A motion was made by Jim Palumbo for SEQR seconded by Karen Guinup

**Motion Carried 6-0**

Jim Palumbo read: In the matter of the application of Planning Board Case #2019-026 for Great Northern Holdings, I move the adoption of a resolution using standard form #20-amended site plan granted based on a map by Mitchell Architecture dated October 16, 2019 revised June 10, 2020 and numbered C101-C102.

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

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**Motion Carried 6-0**

**\*\*Case #2019-047 – D.G. New York CS, LLC (3) – 4363 Verplank Road – Site Plan (Adjourned from 5 previous meetings)**

Janet Ward presented on behalf of the applicant noting outstanding items from the last meeting have now been accomplished. DEC and the Army Corps of Engineers concur with the site plan. The Indiana Bat species was revealed, however, no tree cutting will be performed and plans are to stay 100' from the wetland area. A stormwater/pollution plan was submitted to Onondaga County and the Town Engineer. Comments received were answered on May 15, 2020 and all has been approved. Janet noted the landscaping plan and addition of a double row of trees planted across the southern border. A question arose about on-site energy storage units needing self-containment measures for safeguarding hazardous materials. Jim noted that the SEQR form provided by the applicant implies there will be no hazardous materials stored on site. However, the energy storage units house large quantities of lithium batteries. Janet explained each site is customized and adheres to NYSERDA and all applicable codes. Jim thanked Janet for her explanation of self-containment measures provided.

Michelle Borton read: I move the adoption of a resolution using standard form #10 that upon review of the information recorded on the EAF, and materials submitted for site plan review, and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Town of Clay Planning Board, as Lead Agency, that the project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared, and a negative declaration is issued accordingly.

A motion was made by Michelle Borton for SEQR seconded by Hal Henty.

**Motion Carried 6-0**

Michelle Borton read: In the matter of the application of planning board case no. 2019-047 D.G. New York CS LLC, I move the adoption of a resolution using standard form #20 that site plan approval be granted based on a plan set by Tetra Tech, entitled, "DG New York CS LLC, Clay Solar & Energy Storage Utility Substation at 4363 VerPlank Road", sheets C-001, C-002, C-101, C-201, C-202, C-302-302, C-401, C-402, C-403, and C-404 dated 3-25-2020; sheet C-203 dated 6-10-2020; S-001, S-201, and S-401 dated 4-9-2020; Exhibit A - Foundation Drawing, and Exhibit B - Equipment Layout Drawing, dates 6-10-2020; conditioned on approval of all legal and engineering requirements of the Town of Clay

**Motion Carried 6-0**

**Closed Hearings – Board/Applicant discussions: None.**

**New Business:**

**\*\*Case #2019-028 – Great Northern Holdings, 4155 NYS Route 31 –Final Plat (Adjourned from 3 previous meetings)**

Matt Parrinello presented on behalf of the applicant. Russ asked the regarding the site plan noting he did not see the need for a cross access agreement to off of Ring Road. Although the cars parking in the back

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will need cross access for people entering that area. Matt mentioned 6'-8' off the building is not their property thus allowing entry/exit through the man-doors. Russ asked the Board for questions/comments. Hal Henty mentioned concern for insurance purposes. Scott Soyster asked the fencing be placed on the site plan. Jim Palumbo noted the 6' area along the building is a neighbor egress route without an access agreement. The concern is for emergency vehicles and restriction of neighbors in terms of the emergency egress. Matt stated it is an allowable access. Kathy Bennett pointed out an REA to allow for emergency vehicles should cover the access concern by splitting the property at the firewall. She can research the code to see if a variance is necessary or for setback requirements.

A motion was made to go to final plat by Karen Guinup seconded by Scott Soyster.

**Motion Carried 6-0**

Jim Palumbo read: In the matter of the application of the Planning Board Case #2019-027, 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.

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

**Motion Carried 6-0**

Jim Palumbo read: In the matter of the application of Planning Board Case #2019-027 for Great Northern Holdings, I move the adoption of a resolution using standard form #40-final plat granted based on a map by Lehr Land Surveyors dated August 5, 2019, revised June 3, 2020 and numbered 19-E-147a\*D\*.

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

**Motion Carried 6-0**

**Signs:** None.

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

A motion was made by Scott Soyster seconded by Karen Guinup to adjourn the meeting at 10:10 p.m.

The next meeting is slated for July 8, 2020.

**Motion Carried 6-0**

Respectfully Submitted,



Judy Rios  
Planning Board Secretary