

Regular Meeting
Planning Board
August 12, 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 12th day of August 2020. The meeting was called to order by Chairman Mitchell at 7:30 PM 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
	Kathleen Bennett	Planning Board Attorney
	Judy Rios	Secretary
ABSENT:	Allen Kovac	Member
	Ron DeTota	C&S Engineers

Russ Mitchell opened the meeting by leading the Pledge of Allegiance. A motion was made by Jim Palumbo seconded by Scott Soyster to approve the minutes from the July 22, 2020 meeting.

Motion Carried 6-0

Public Hearings:

New Hearings:

None.

Open/Adjourned Hearings:

**Case #2020-016 – *Praxair, Inc./Praxair Site Improvements* (3), 4580 Morgan Place Amended Site Plan (Adjourned from 1 previous meeting).

Applicant requested an adjournment.

A motion was made by Hal Henty seconded by Scott Soyster to adjourn this Case to October 28, 2020.

Motion Carried 6-0

Closed Hearings – Board/Applicant Discussions:

**Case #2020-015 – *Grassland Equipment* (3), 4536 Morgan Plane – Amended Site Plan (Adjourned from 2 previous meetings). Chris Pogge of Grassland Equipment presented noting revised drawings completed and submitted accordingly. Proposed is a better dumpster enclosure using PVC and galvanized posts. Russ Mitchell stated the plans look much better. Jim Palumbo asked about the bollards around the

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dumpsters and Chris stated there are two (2) behind it as well as two (2) in the front corners. Russ read the following as submitted by Ron DeTota: *"It would greatly benefit the reviewer of the documents if a legend is shown on the plans and better differentiation of lines were provided. Due to the minor addition of site improvements it would be reasonable not to require a topographic survey/grading provided. A photometric diagram has not been provided for this project; due to location and simplicity it would be reasonable to not require one by provided."*

Russ Mitchell closed case #2020-015.

Scott Soyster read: In the matter of the application of the Planning Board, Case #2020-015, 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: Proposed site plan improvements will enhance the existing industrial zone.

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

Motion Carried 6-0

Scott Soyster read: In the matter of the application of Planning Board, Case #2020-015, I move the adoption of a resolution using standard form #20-Site Plan approval granted based on a map by Zausmer-Frisch, Scruton & Aggarwal dated July 24, 2020 and numbered L101, L102 and A101, map by Cottrell Land Surveyors dated May 16, 2009.

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

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

****Case #2020-017 – Francis R. Rivette & Barbara E. R. Lucas/Rivette Vista, (3) – Black Creek Road – Preliminary Plat (Adjourned from 1 previous meeting). Applicant requested an adjournment.**

A motion was made by Scott Soyster seconded by Michelle Borton to adjourn this Case to September 16, 2020.

Motion Carried 6-0

****Case #2020-018 – Tactair (3), 4806 W. Taft Road – Site Plan (Adjourned from 1 previous meeting). Bob Seigert, Schopfer Architects, presented on behalf of the applicant noting making a few changes to the Site Plan. Provided is a separate drawing for future reserved parking spaces, which were moved completely off the buckeye pipeline and National Grid right-of-way(s). An email provided from OCWA indicates their approval. Bob also mentioned having answers to the Onondaga County Planning Board comments. Russ Mitchell read the following as submitted by Ron DeTota: *"The applicant should provide greater detail for the plant locations in the proposed bio-retention basin. The applicant will need to provide the Town and their Engineer a letter signed by a licensed Engineer, Architect, or Landscape Architect stating the bio-retention basin has been constructed in compliance with the approved Site Plan documents. Any and all volumes and their associated elevations for the storm water basin should be***

shown on the Site Plan. Provide notation on the Plan requiring the applicant submit to the Town topographic as-built(s) verifying the required storm water improvements have been constructed in conformance with the approved plan. We recommend a Certificate of Occupancy not be granted for the new addition until these items are found to be satisfactory.”

Russ mentioned the concern is with the buckeye pipeline, as shown on the site plan is 5' from the easement with a 10" high-pressure line beneath. The ordinance in the Town is 50' off a right-of-way. Russ suggested Bob reach out to NY Transit regarding the buckeye situation for their approval to eliminate any concerns. The Board could approve this evening, however, not issue a certificate of occupancy (CO) until buckeye confirms approval, as suggested by Ron. Russ mentioned the 82 parking spaces could be eliminated, but going to the Zoning Board for a variance would be required to satisfy the building square footage. Jim Palumbo asked for clarification on the utility easement and Russ stated it is just the buckeye area. Jim stated he liked the landscape; the trees and planting are very adequate and quantitative. Karen Guinup asked about approval to build, but no CO and if Mark Territo was good with that, noting buckeye is very hard to get a response. Bob noted he'd like to be proactive and have the option to approach buckeye and the Zoning Board for variances. Russ felt the variance a better option stating the buckeye pipeline parking issue has to be resolved before a CO is issued. Karen asked if the parking is removed would the applicant have to come back with an amended site plan? Jim Palumbo stated the variance has to be on the site plan. Mark mentioned this could be handled administratively and files submitted for record purposes. Karen stated the Board could approve with a contingency to go to the Zoning Board, get the variance and resubmit an amended site plan, administratively as Mark pointed out. Michelle Borton questioned if the applicant was not going to approach buckeye? Bob said they'd like to approach them, but also do the variance, as they would have both avenues. Kathy Bennett noted a condition and/or alternative with resubmission of an amended site plan. Mark read the Town code and stated they would need buckeye and licensed surveyor approval. Karen recommended the applicant seek a letter from buckeye. Jim pointed out, looking at another possible owner down the road, that the reserve parking could be skewed, be sure all is clarified. Bob stated they would keep the rest of the parking and basically only speaking about the 82 spaces.

Russ Mitchell closed case #2020-018.

Michelle Borton read: In the matter of the application of Planning Board Case #2020-018 Tactair, 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 that 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 is consistent with existing land uses and will not significantly impact traffic, utilities, or wetlands.

A motion was made by Michelle Borton for SEQR seconded by Karen Guinup.

Motion Carried 6-0

Michelle Borton read: In the matter of the application of Planning Board Case #2020-018 - Tactair, I move the adoption of a resolution using standard form #20 that site plan approval be granted based on map by Schopfer Architects dated 8/3/2020, numbered T1.1, L1.1, L1.1A, L1.2 through L1.6, and A1.1

through A 2.1 as listed on sheet T1.1, survey by Moore Land Surveying P.C. dated April 20, 2020 with file number 20-76, conditioned on fulfilling the requirements of Zoning Code 230-19-C, including either:

- 1.) The Town's receipt of written approval of the future reserve parking as shown and for work within 50 feet of the existing petroleum pipeline right-of-way from Buckeye Pipeline/New York Transit Co. prior to the Town issuing a certificate of occupancy, OR
- 2.) Obtain a variance from the ZBA and administrative Amended Site Plan Approval and conditioned upon approval of all other legal and engineering requirements of the Town of Clay.

A motion was made by Michelle Borton for Site Plan approval seconded by Scott Soyster.

Motion Carried 6-0

****Case #2020-019 – *Aluzzo Property* (3) – 8302 Oswego Road – Site Plan (Adjourned from 1 previous meeting). Joe Mastroianni, Mastroianni Engineering presented on behalf of the applicant stating he has dealt with Onondaga County DOT noting the 25-year storm water event is only a 6-8% increase, DOT agreed this is negligible and provided documents to Mark Territo and Ron DeTota. As well, DOT claimed there are no problems with water in the ditches. Russ Mitchell asked if the water was redirecting and Joe said, no. Joe indicated the owner has opted to put in a patient lift rather than have a lengthy ramp. Russ asked if there would be a cover over it and Joe said there is a small roof off the building. Joe stated, per comments from the County DOT, traffic/signs will be forwarded for issuance of a driveway permit. Signage on the building will be at a later date for appearance before the Planning Board. Russ asked who installed the culvert pipe and Bob Aluzzo stated he did, 3-4 years ago. Russ read the following as submitted by Ron DeTota: “On Sheet P-1, modify “N/F Town of Clay per Abandonment” to “NF Town of Clay.” Per Sheet P-2, has the applicant received a letter from OCDOT accepted the proposed driveway? Applicant is proposing to connect to a sanitary sewer manhole located across Town of Clay owned property. The portion of the lateral installed within the Town Property will either have to be installed by the Town Contractor (JJ Lane) and/or monies provided by the Applicant to ensure the portion of work being performed within this area can be witnessed and inspected by the Town Engineer. All costs associated with this effort shall be borne in full by the applicant. There is no detail provided for this sanitary sewer connection. Per Sheet P-3, this property is located within an existing FEMA Floodplain. Any and all FEMA requirements pertaining to building design and layout should be incorporated onto the Plans. The last submission provided grading contours; this submission only has spot elevations. We recommend contours be provided for the grading. The existing topography shows this site drains overland towards Rte. 57. We strongly recommend the same drainage pattern be maintained for proposed conditions. We strongly advise redirecting overland runoff to the toe of embankment that surrounds the dam. There appears to be little room on this property to provide for snow storage. The applicant should show how this will be accomplished. If there is intent to place the snow onto the adjacent Town owned property the Town Board/Highway Superintendent should be made aware of this. The applicant should receive approval from both entities to do so. Per Sheet P-4, I defer to Mr. Palumbo and his expertise and opinion on the site’s landscaping. Per Sheet L-1, seems reasonable though no details have been provided for the light head assembly. Lastly, I assume all trash and refuse will be handled internally as no outside dumpster location and/or details have been provided.” Joe commented noting there is an existing lateral they’ll be tapping into and is staked on the site. Russ indicated he’d like to see that on the drawing. In regards to the FEMA floodplain, Joe stated he is showing (on the plans) 2’**

above floodplain level. A discussion ensued about the contours and Joe said he would clarify details with Ron. Russ asked about the snow storage and Bob stated they will use the front edge of the property and back of building. A question was raised about the easement and Town's use to get heavy equipment, if needed, on site. Bob and Joe stated they would provide a cross access agreement. Russ said due to DEC requirements the Town is responsible and a cross access agreement will need to be worked out between the two Attorneys. Jim Palumbo mentioned he'd prefer the landscaping trees be rearranged closer to the building. It will dress up the entry ways and easier for snow removal purposes. Scott Soyster asked if the mechanical lift device is ADA compliant and Joe said yes and meets State Regulations. Karen Guinup asked if the awning/roof to cover the lift is on the Site Plan and Joe said it is not now, but he will show the extension on the amended Site Plan. Karen asked he verified where the property line is for Town of Clay's portion as snow cannot be pushed on Clay property. Bob said it is 9' to the line. Russ suggested he approach Highway and the Town Board for approval. Mark Territo stated it is not clear and a property survey is needed. Kathy Bennett will speak to Ron and would also like to see the survey stating need for easement and what Town of Clay owns with specific space to get back to the area. Michelle Borton asked the applicant go over the landscaping plan since it appears trees close to the access road. Joe indicated the trees will not disrupt the pavement with river birches growing out from the center. Michelle also asked the applicant to supply parking lot dimensions. Joe stated he would put in striping detail. Jim discussed the river birch trees stating they can grow very large and asked the applicant visit the Americu building on John Glenn where they are quite large; they may not be conducive for the area. Jim also asked for clarity on the sanitary piece and use of the existing lateral be place on the drawings. Hal Henty asked about the 20' light poles and not seeing fixtures. Joe said he will place them on the drawings. Russ mentioned the following to the applicant as required: the need to speak with Ron, also provide Ron with the needed letter, work on the easement, and show the line changed to indicate the connection. Joe stated he will speak to Ron and take care of the other issues as mentioned.

Russ Mitchell asked for a motion to adjourn case #2020-019.

A motion was made by Hal Henty seconded by Karen Guinup to adjourn this Case to September 16, 2020.

Motion Carried 6-0

Other New Business:

Signs:

Fast Signs – Kwik Fill Gas Station - 7342 Oswego Road

The applicant is proposing one (1) canopy sign, 21.92 square feet, when 37.5 square feet is allowed; the proposed sign will meet the code. Russ Mitchell asked the Board for questions or comments. Hearing none, he asked for a motion for approval.

A motion was made by Scott Soyster seconded by Hal Henty for sign approval of Permit #51,088.

Motion Carried 6-0

TC Syracuse Development Associates – Amazon – 7209 Morgan Road

The applicant is proposing four (4) freestanding signs at 88 square feet each, when 32 square feet is allowed. Variances were granted at the August 10, 2020 Zoning Board Meeting. Also, two (2) wall signs of 265 and 297 square feet when 8,295 square feet is allowed; the signs will meet the code. Russ Mitchell asked the Board for questions or comments. Hearing none, he asked for a motion for approval.

A motion was made by Hal Henty seconded by Michelle Borton for sign approval of Permit #51,152.

Motion Carried 6-0

Bohler Engineering – Chick-Fil-A - 4000 NYS Route 31

Tim Freitag, Bohler Engineering presented on behalf of the applicant noting plans to redevelop the old Uno's Pizzeria. Design approvals are in place and a rendering of the site plan has been submitted. Today's approval is for the four (4) proposed wall signs; three (3) are 58.75 square feet, and one (1) is 35 square feet; these signs will meet code, as a variance was granted by the Zoning Board on February 10, 2020 for additional wall signage. Russ Mitchell asked if the signs are lit internally and Tim said, yes. Karen Guinup questioned changing the panel on the freestanding sign and if it is part of the sign packet? Mark Territo indicated that it is typically not part of the packet. Russ asked the Board for further questions or comments. Hearing none, he asked for a motion for approval.

A motion was made by Scott Soyster seconded by Michelle Borton for sign approval of Permit #51,165.

Motion Carried 6-0

Victory Sign, Inc. – Dollar General - 7386 Oswego Road

The applicant is proposing one (1) wall sign, 97.5 square feet when 112.32 square feet is allowed; the sign will meet the code. Also, proposal of a panel change for the freestanding sign of 68.75 square feet. A variance was granted by the Zoning Board for the previous tenant; the sign will meet the code. Signs will change from Advanced Auto to Dollar General. Russ Mitchell asked the Board for questions or comments. Hearing none, he asked for a motion for approval.

A motion was made by Michelle Borton seconded by Scott Soyster for sign approval of Permit #51,187.

Motion Carried 6-0

Sign-A-Rama – Legacy Sports Park – 8701 Henry Clay Blvd.

Joe Mastroianni presented on behalf of the applicant stating the owner is proposing one (1) freestanding sign, 24 square feet when 128 sq. ft. is allowed. Variance granted at the August 10, 2020 Zoning Board Meeting; sign now meets code. Joe noted there will be no internal or outside lighting. Jim Palumbo

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asked if the material used is steel and Joe said, yes. Russ Mitchell asked the Board for further questions or comments. Hearing none, he asked for a motion for approval.

A motion was made by Hal Henty seconded by Jim Palumbo for sign approval of Permit #51,223.

Motion Carried 6-0

Allied Sign Company – IHOP – 4211 NYS Route 31

Greg Fishel, Sales Director Allied Sign Company, presented on behalf of the applicant noting seeking approval for drawings A1 and A4, as indicated in the sign packets. Proposal is for two (2) wall signs, each is 22.34 square feet, when 140 and 136.13 square feet is allowed; the signs meet the code. Russ Mitchell asked if the logo is a new design and the applicant said, yes. Greg asked the Board if the two (2) - 4" wide illuminated Arcs might get passed as architectural and not signage? Hal Henty questioned if the Arcs are part of the structure and Greg said yes, it is hooked to the sign, which is part of the building. Karen Guinup suggested interpretation from Mark Territo, as part of the Planning Department. Mark stated it has been determined (in the sign code) that emblems, symbols, or other fixture light pieces is a sign and recommends Greg request a variance for a fifth sign from the Zoning Board. Greg will return for additional sign approval. Russ asked the Board for further questions or comments. Hearing none, he asked for a motion for approval.

A motion was made by Jim Palumbo seconded by Scott Soyster for A1 and A4 signs only, as presented, for approval of Permit #51,229. All other signs to be omitted.

Motion Carried 6-0

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 Karen Guinup to adjourn the meeting at 9:07 p.m.

The next meeting is slated for September 16, 2020.

Motion Carried 6-0

Respectfully Submitted,


Judy Rios
Planning Board Secretary