

Regular Meeting
Planning Board
December 11, 2019

Route 57 by way of Laurel Lane. Scott Chatfield said the easement needs to be moved from the westerly side. Karen Guinup said the easement is in the correct location on the plan. Ms. Marini said the access road is dangerous.

Russ Mitchell said the applicant should have Tim Coyer talk to the County about the Route 57 access.

Hal Henty asked if there will be any changes in lighting, and how high will the poles be.

Michelle Borton show stairways on the plan, and clarify the asphalt area.

Jim Palumbo asked if the 15 ft. landscape strip carries over from the last approved Site Plan of 2017.

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

A motion made by Karen Guniup seconded by Michelle Borton to adjourn this case to the January 8, 2020 meeting.

Motion Carried 6-0

****7:40 P.M. Case #2019-047 – D.G. New York CS, LLC (3) -4363 Ver Plank Road --- Site Plan**

Russ Mitchell opened the hearing, Janet Ward Presented the plan. The applicant is proposing a 5 Mega watt solar array, located on VerPlank Road, The site is 114 acres, using 32 acres, lot line adjustment west to Mud Creek. This is designed to have the least impact on wetlands.

There will be no tree cutting, set back is 115 feet. The tractor road will be improved. This will be 139 feet to the closest home.

The owner will still be able to hay. We moved the poles to the east within the fence line.

A 7-foot chain link fence, low growing native grasses under the arrays. The applicant would like to get started and complete the project by November or December of 2020.

Energy storage is in full compliance with (State & County) fire suppression. In compliance with NYS DEC and the Army Corp of Engineers. There was a Species found in Mud Creek but it was far enough back with no impact. No exterior lighting, this is very quiet, it is 4 to 5 ft flat and 8 ft when raised.

Russ Mitchell went over the County Comments.

- 1) Hazard mitigation plan
- 2) Driveway Permits
- 3) Spedes Permit
- 4) Sewer
- 5) Shpo

We will also need the decommissioning plan. Add all detail on the Site Plan, with 24 x 36 sheets.

Karen Guinup we need conformation on the SWPPP and a letter approving the driveway plan. The Board needs approval on the Crossing Agreement, as well as the decommission plan.

Ron DeTota explained the Army Corp notifies the DEC for water quality.

Scott Chatfield explained what is needed to become the lead agency. Mark Territo will send out a letter to all involved Agencies.

Michelle Borton asked if there are any residences within full view of the arrays. She would like to see photos.

Scott Soyster asked if the electric could be underground, they said it could not. He asked if the property owner has a lease agreement with the applicant. He does.

Jim Palumbo said the applicant did a nice job; they hit on all the issues.

Ron DeTota The floodway, Add to the plan where you are locating elevation of the 100 yr flood plain.

A motion made by Michelle Borton seconded by Karen Guinup that the Planning Board intends to act as Lead Agency, and the Commissioner of Planning and Development notify the involved agencies in accordance with SEQR regulations .

Motion Carried 6-0

A motion made by Jim Palumbo seconded by Scott Soyster to adjourn this case to the January 8th, 2020 meeting.

Motion Carried 6-0

Old Business:

****Case #2018-055 – David Stoutenger/Cornerstone Church (3) – 8137 Morgan Road – Site Plan (Adjourned from 9 previous meetings)**

A motion made by Jim Palumbo seconded by Scott Soyster to adjourn this case to the January 8, 2020 meeting.

Motion Carried 6-0

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

A motion made by Karen Guinup seconded by Michelle Borton to adjourn this case to the January 29, 2020 meeting.

Motion Carried 6-0

Regular Meeting
Planning Board
December 11, 2019

****Case #2019-032 – *Borrego Solar Systems, Inc.* (3) – 8150 Morgan Road –Site Plan (Adjourned from 1 previous meeting)**

A motion made by Jim Palumbo seconded by Scott Soyster to adjourn this case to the January 29, 2020 meeting.

Motion Carried 6-0

* Case #2019-035 – *Omni Navitas Holdings, LLC* (5) – 9177 Caughdenoy Road - Special Permit Referral (Adjourned from 1 previous meeting)

Jim Palumbo left the board at 8:45 P.M.

Russ Mitchell opened the hearing. Joseph Bendelston presented, the applicant started the process for a Special Permit. They are proposing 25 acres of the 104 acres for the array. The wetlands have been delineated; there is a 100-foot buffer. There will be pile driven racks, ceaser review. The nearest residence is 400 feet NW of the project. Straight inverters, not proposing any plantings or buffers.

Russ Mitchell asked if they could be put under ground. Mr. Bendelston said it is more complicated to put it under ground. The Chairman asked Mr. Young if he was still farming. Mr. Young said yes he has beef cattle 50 head.

Michelle Borton is not convinced there should be no screening; we will have to look at this when it comes before this Board for site plan.

Russ Mitchell asked if there were any more comments or questions, Mr. Carlisle is here on behalf of his sister, and the creek is 6 feet lower than the solar panels. Mr. Bendelston said it is outside of the 100-year flood zone.

He asked if the equipment would be bulletproof, the area will be fenced off there should be no hunting there.

He also asked if there was a containment area for the batteries. Mr. Carlisle said the entrance road crosses the property line. Mr. Bendelston said it is adjacent to the property line.

Bonnie Kawecki of 9157 Caughdenoy Road asked if there will be any health issues.

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

A Motion made by Michelle Borton seconded by Karen Guinup granting a favorable recommendation for Case #2019-035 – *Omni Navitas Holdings, LLC* located at 9177 Caughdenoy Road - Special Permit Referral standard form #60 based on the various comments and considerations provided by polling of the Members of the Planning Board.

Hall Henty- Yes for the Special Permit

Regular Meeting
Planning Board
December 11, 2019

Michelle Borton- Yes for the Special Permit
Karen Guinup- Yes for the Special Permit
Scott Soyster- Yes for the Special Permit
Russ Mitchell- Yes for the Special Permit, not in favor of the poles

Motion Carried 5-0, Jim Palumbo Abstained

Jim Palumbo returned to the Board at 9:10 P.M.

****Case #2019-040 - *Rent-A-Ride/Marc Fernandez* (3) – 8402 Oswego Road – Site Plan
(Adjourned from 1 previous meeting)**

Russ Mitchell opened the hearing, Jamie Sutphen Esq., presented, there are 10 spaces for rental vehicles. Russ Mitchell asked for the width of grass strip out front. Jim Palumbo used the legend on the plan to measure, the measurements don't add up. That needs to be fixed.
Russ Mitchell said it's good that you took out some asphalt so you can't drive to the next building.

Karen Guinup The drive is right in front of the doors. When cars drive through that area it is very dangerous.
There are 2 operations, put 2 or 3 signs up, ex. Reserved parking for Allstate customers.

Russ Mitchell said remove the 2 employee parking spaces, and put in a 6 foot sidewalk along the front so no one will drive past the front doors.

Hal Henty said he doesn't want to approve this as is. It is too dangerous.

Michelle Borton Agrees, people could walk right into a car.

Scott Soyster Doesn't think the 2 parking spaces are necessary.

Jim Palumbo We are here to protect the welfare of the residents.
He added that the revision date on page #2 should read 11/18/2019.

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

Motion Carried 6-0

Closed Hearings

****Case #2016-013 – *America Stores-It-* (3) Site Plan – Oswego Road (Adjourned from 35 previous meetings)**

Hal Henty left the Board at 9:30 P.M.

Regular Meeting
Planning Board
December 11, 2019

Joe Mastroianni presented, the gate was updated, and The Army Corp is all set. Ducks Unlimited has billed the Applicant. The 2 foot overhang around the base of the buildings will be removed. Ron DeTota said everything is in order; the 6 conditions were met for the neg dec.

Russ Mitchell asked for a motion.

A motion was made by Jim Palumbo seconded by Scott Soyster to adopt a resolution using standard form # 20 Site Plan for Case # 2016-013 – **America Stores**–It–located on Oswego Road be granted based on a map by Mastroianni Engineering, PLLC dated 06/01/2018 and numbered T-1, P-1 thru P-6, A-1(revised 12/11/2019) A-2, ES-1, ES-2, & D-1 thru D-7. Approval conditioned on legal and engineering.

Motion Carried 5-0 Hal Henty abstained

New Business:

Signs

Kassis Superior Sign Company – *Cuse Camp* – 7421 Oswego Road

Zoned RC-1, Permit #50,575

1 – Wall sign - The applicant is proposing one Internal Illuminated wall sign, 12 square feet when 43 square feet is allowed. The proposed sign will meet the code.

A motion made by Hal Henty seconded by Michelle Borton to approve the sign as presented.

Motion Caried 6-0

Charles Signs – *Roots Hair* – 8400 Oswego Road

Zoned HC-1, Permit #50,581

1 – Wall sign - The applicant is proposing one Internal Illuminated wall sign, 16 square feet when 51.2 square feet is allowed. The proposed sign will meet the code.

A motion made by Hal Henty seconded by Michelle Borton to approve the sign as presented.

Motion Caried 6-0

Charles Signs – *Rent-a-Ride* – 8402 Oswego Road

Zoned HC-1, Permit #50,582

Regular Meeting
Planning Board
December 11, 2019

1 – Wall sign - The applicant is proposing one LED Internal Illuminated wall sign, 18 square feet when 51.2 square feet is allowed. The proposed sign will meet the code.

There was a discussion about signs being installed before any permitting is done. Some have been coming before the board after the fact.

Karen Guinup asked if there was an additional fee that could be attached to the permit fee, for signs that are put up before approval. The Town of Clay Code does have an additional fee for after the fact permits.

A motion made by Jim Palumbo seconded by Michelle Borton to approve the sign as presented.

Motion Carried 4-2, Karen Guinup & Scott Soyster voting no.

Work Session

*Case #2018-029 - **UR-ban Villages** (5) - PDD Concept Plan referral, NYS Route 31 adjacent to Cicero Border (work session) (Adjourned from 13 previous meetings)

A motion made by Jim Palumbo seconded by Hal Henty to adjourn this case to the January 29, 2020 meeting.

Motion Carried 6-0

A motion made by Jim Palumbo seconded by Scott Soyster to adjourn the meeting at 10:00 P.M.

Motion Carried 6-0

Respectively Submitted



Gloria Wetmore