

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 27th day of May 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
	Michelle Borton	Member (Via Video Conference)
	Hal Henty	Member
	Allen Kovac	Member (Via Video Conference)
	James Palumbo	Member (Via Video Conference)
	Mark Territo	Commissioner of Planning & Development
	Ron DeTota	C&S Engineers
	Kathleen Bennett	Planning Board Attorney (Via Video Conference)
	Judy Rios	Secretary
ABSENT:	Karen Guinup	Deputy Chair
	Scott Soyster	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 May 27, 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 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 May 26, 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 20, 2020 meeting.

Motion Carried 5-0

Public Hearings: None.

Old Business:

Russ Mitchell called for the following cases to be heard simultaneously:

****Case #2019-026 – Great Northern Holdings, LLC, Star Clay, LLC (Former Bon Ton Store) (3) – 4155 NYS Route 31 – Amended Site Plan (Adjourned from 2 previous meetings)**

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****Case #2019-027 – Great Northern Holdings, LLC, *Great Northern Subdivision* (3) – 4155 NYS Route 31 – Preliminary Plat (Adjourned from 2 previous meetings)**

****Case #2019-028 – Great Norther Holdings, LLC, *Great Norther Subdivision* (3) – 4155 NYS Route 31 – Final Plat**

Matt Parrinello presented on behalf of the applicant. Matt noted bringing a number of questions to the design team from a prior presentation in October 2019. Questions were addressed and submitted accordingly. Hal asked if the seller is able to sell and Matt said yes, through a tax settlement document. Hal asked to see the paperwork mentioning he could not vote until review. Mark Territo stated, per Robert Germain, the tax issue has been settled. Hal pressed for the document. Russ Mitchell pointed out (on the final subdivision plat) the county had made comments regarding identification of who owns the water and sewer lines. Matt stated they would clarify the water main and drainage easements and provide identification on the subdivision map. The preliminary subdivision is what the county looked at and nothing had been identified. Russ stressed the applicant indicate the ownership. Hal commented stating he believes this is a private system. Matt noted the subdivision has not yet been addressed. Russ asked regarding the following: 1) parking issues, 2) questions regarding enough room from the fence to the ring road, 3) is the fence permanent or removable, 4) is there an access gate, 5) new light poles/fixtures 6) the need to see the fixtures placed on the building and listed on the photometrics, 7) is the light pole by ring road addressed, making sure there is light on the property. Russ reminded the light on the property has to be zero foot candles (the code allows 1 foot candle) and not on anyone else's property. The fixtures on the side of the building, close to the perimeter, need to be placed on a new sheet as well as the type of fixtures and how the lighting is to be cast. Russ continued: 8) the flows of traffic through the gates needs addressing, 9) the repair of the parking lot, 10) parking spaces need to be added to the plan, 11) need of a site plan providing spaces (as previously asked), 12) are tractor trailers in these parking spaces? Listed on the plan is the need for only 8 parking spaces, please look at the ordinance as 50 more spaces are required. As mentioned, this should be indicated on the plan, or legend, how many of what size parking you have; add as part of details, screening around the fence, lighting and what vegetation to be used for screening. Hal stated this should show where you are putting it on the site plan. Russ indicated he spoke to the Engineer about utility aqua mains, fence gates, and emergency vehicles. Additionally, the transformers on the property are they for the mall or your area? Matt said he would get a definitive answer. Russ asked for clarification. Further, Russ noted a recent picture provided showed cars parked in the back, on your property, but these outside doors are being utilized to get into businesses from this back entrance. Clarification is needed if people can access the back of the building is needed. Russ asked for other comments. Ron DeTota mentioned the only document he has seen is the final plan and has not seen a site plan; please provide copies to Mark. The photo is listed as L-5 on the drawing and two businesses are utilizing the man-doors. If this is fenced in, workers utilizing the man-doors would not be able to enter/exit. This should be looked into with Great Northern if this is warranted or not. Jim Palumbo asked about the cars and back entrances and any conflict with the man-doors as an emergency access. Ron stated he is concerned about the need for the applicant to provide ingress/egress easements for the stores within the Mall that have back doors that open to lands within the proposed subdivision. These entrances provide access for store employees, vendors and their respective vehicles to the store within the mall. In addition, the entry/exit points may be required by fire code and thus have to be provided unencumbered access. The applicant should work with the co-applicant on the subdivision, Great Northern Mall, to make sure any and all easements and right-of-ways are put into place during the subdivision process.

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A motion was made by Hal Henty seconded by Michelle Borton to adjourn Case #2019-026, Case #2019-027, and Case #2019-028 to June 10, 2020.

Motion Carried 5-0

****Case #2019-047 – *D.G. New York CS, LLC* (3) – 4363 Verplank Road – Site Plan (Adjourned from 4 previous meetings)**

A motion was made by Hal Henty seconded by Jim Palumbo to adjourn this case to June 10, 2020.

Motion Carried 5-0

****Case #2020-007 – *Zen School*, 7916 Oswego Road (3) Amended Site Plan (Adjourned from 1 previous meeting)**

Tim Coyer (Ianuzi and Romans) presented on behalf of the applicant noting a revised drawing had been created adding traffic information, the amount of studies per class, and no deliveries to the site to the specs. On Sheet number 2 a statement was added regarding hours which will be Monday – Sunday 7:00 a.m. – 10:00 a.m. and 5:00 p.m. – 9:00 p.m., classes 1-1/2 hours in length and no regular deliveries to be made to the site. Russ Mitchell noted calling the county planning department and asking what was meant by their comment. Tim stated that is why the information is not on the site plan. Russ indicated what was done is fine. Jim Palumbo asked about the existing sign and Tim said a sign package will come on a separate application.

Russ Mitchell closed this hearing.

Jim Palumbo read: In the matter of the application of the Planning Board Case #2020-007, 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 declaration for the following reasons: The proposed site modifications are typical for site improvement and minor in nature.

A motion was made by Jim Palumbo seconded by Hal Henty on SEQR determination.

Motion Carried 5-0

Jim Palumbo read: In the matter of the application of Planning Board Case #2020-007, I move the adoption of a resolution using standard form #20-Site Plan granted based on a map by Ianuzi & Romans dated February 6, 2020, revised May 27, 2020 and numbered 1 of 2 and 2 of 2 bearing file #12983.001. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Any other conditions if necessary: The sign replacement will need to be submitted under separate cover.

A motion was made by Jim Palumbo seconded by Hal Henty to adopt the amended site plan.

Motion Carried 5-0

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****Case #2020-009 – T. C. Syracuse Development Associates, LLC/Proposed Distribution Facility Project (3), 7169, 7175, 7201, 7209, and 7211 Morgan Road – Amended Site Plan (Adjourned from 1 previous meeting)**

Frank Pavia (Harris Beach) spoke on behalf of the applicant noting George Laigaie and Trista Kuna participating via conference call. Frank mentioned being pleased to receive three (3) letters of consenting to SEQR as lead applicant. Further, Frank pointed out the modifications do not reduce environmental impacts, there is less concern over traffic due to the circular movements onsite. Frank requests the Planning Board issue a negative declaration under SEQR. He is aware of a recent email submitted by Ron DeTota to which Trista responded by email. Those points can be set as conditional, however, a vote on the amended site plan application with respect to SWPP and preparation of the concrete batch plant is sought. NYS DEC has agreed and not raised any concerns and Frank expects to finalize, as well Onondaga County DOT has signed off on traffic concerns. Trista is available to address any technical questions. Russ Mitchell commented noting a concern two (2) months ago regarding the concrete batch plant. He mentioned being happy it is there, as it makes sense for the concern of waste water and contamination. Ron DeTota spoke noting a recent discussion in detail with Trista. He is in a much better position and understanding where they are at in the process. He is confident with a condition of the batch plant for further discussion and speaking with Mark Territo for necessary approvals and issues being satisfactorily addressed. Ron thanked Trista for reaching out to him and will support whatever decision the Board decides. Russ commented that Kathy Bennett has put together a six page SEQR document and supporting determination of Environmental Assessment; each of these items will be included in the minutes as Exhibit A and B.

Russ Mitchell closed this hearing.

Michelle Borton read: In the matter of the application of Planning Board Case #2020-009, T. C. Syracuse Development, LLC/Proposed Distribution Facility Project, I move the adoption of a resolution using standard form #20, that the amended site plan be granted based on drawings entitled, “Proposed Distribution Facility Project”, dated March 12, 2020 by Langan, with sheets as listed on the cover sheet CS001. Conditioned upon approval of legal and engineering requirements of the Town of Clay, and: the applicant shall incorporate the on-site concrete batch plant into the SWPP, and shall address how wastewater used for the operation of the batch plant will be treated, as required by the Town Engineer. Any NYSDEC-required changes to the SWPPP and plans shall be incorporated into the site plan per the Town Engineer. No building permit for the concrete batch plant will be issued until the above conditions have been met.

A motion was made by Michelle Borton and Hal Henty to adopt the amended site plan.

Motion Carried 5-0

Frank Pavia questioned the building permit piece and asked if it is possible to do construction activity without regard to the concrete batch plant, explaining the applicant is on a tight schedule and currently at a standstill. Ron DeTota stated as long as the batch plant is not being utilized this is a possibility. Frank mentioned there are other construction activities that can be done. Mark Territo said they could issue a separate permit for the batch plant and another permit for other activity. Kathy Bennett stated this could be done with Board approval.

A motion was made by Michelle Borton seconded by Hal Henty to issue two building permits.

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Motion Carried 5-0

Closed Hearings – Board/Applicant discussions:

**Case #2020-004 – *Vari-Tech, LLC, Frank V. Carioti* (3) – 4545 Wetzel Road – Site Plan (Adjourned from 3 previous meetings)

Tim Coyer (Ianuzi and Romans) presented on behalf of the applicant mentioning no revisions made to the site plan, showing photos (as approved by Kathy Bennett) with language as provided for easements, reciprocal easements. Jim Palumbo asked for clarification regarding the easement noting this falls under Town legal and engineering. Kathy stated she's reviewed the easement language and it just needs to be recorded.

Russ Mitchell closed this hearing.

Jim Palumbo read: In the matter of the application of Planning Board Case #2020-004, 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 declaration for the following reasons: The proposed action is consistent with existing community character and will not significantly impact traffic or utilities.

A motion was made by Jim Palumbo seconded by Hal Henty to adopt SEQR determination.

Motion Carried 5-0

Jim Palumbo read: In the matter of the application of Planning Board Case #2020-004, I move the adoption of a resolution using standard form #20-Site Plan granted based on a map by Ianuzi & Romans dated October 28, 2019, revised March 18, 2020 and numbered 1 of 2 and 2 of 2 bearing file #2644.001 and custom structural technical specs (4 pages). Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Any other conditions if necessary: none.

A motion was made by Jim Palumbo seconded by Michelle Borton to adopt the amended site plan.

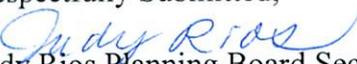
Motion Carried 5-0

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 Michelle Borton to adjourn the meeting at 8:55 p.m. The next meeting is slated for June 10, 2020.

Motion Carried 5-0

Respectfully Submitted,


Judy Rios Planning Board Secretary