

Regular Meeting  
Planning Board  
August 11, 2021

**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 11<sup>th</sup> day of August 2021. The meeting was 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
	Michelle Borton	Member
	Hal Henty	Member
	Al McMahon	Member
	Scott Soyster	Member
	Mark Territo	Commissioner of Planning & Development
	Judy Rios	Secretary
	Kathleen Bennett	Planning Board Attorney
	Ron DeTota	C&S Engineers

**ABSENT:** Jim Palumbo Member

A motion was made by Al McMahon seconded by Scott Soyster granting approval of the minutes from the July 28, 2021 meeting.

**Motion Carried 6-0**

**Public Hearings**

**New Business:**

**\*\*Case #2021-027 – Kyle Rafferty/Salt City Sheds (3) – 8191 Oswego Road – Site Plan.** Tim Coyer, Ianuzi and Romans, P.C., spoke on behalf of the applicant. Tim indicated he placed variance approvals on the Site Plan as provided at Monday evening’s Zoning Board Meeting; no other changes made. The owner is seeking to place sheds and gazebos (for display purposes) on the existing site to the west side of Oswego Road. Per the variance the parking requirements were reduced and he is planning 8-10 sheds and a maximum of 3 gazebos. There will be no employees on the site and people will be able to park and take a look at the items with ability to make an order right from the site. There will be no physical movement of these items. They’re strictly to look at and walk through/around. Tim noted the existing gravel and asphalt will stay. Any signage would be applied for later through the Planning Department. Russ Mitchell asked about the perimeter grass and asphalt. The asphalt will be removed and grass planted. The neighboring Dentist has done a nice job improving his parcel and doing the same here to continue the look would be beneficial. Hal Henty asked about tractor trailers and Tim stated this issue has been resolved. The owner placed sheds too early and all is currently on hold in court. Michelle Borton asked if the parking lot will actual be striped, Tim said no. Scott Soyster questioned the bare lot and Tim pointed out notes added on the plan. Ron DeTota also mentioned the perimeter, pavement and landscaping strip. Karen Guinup commented stating it is unfortunate the Zoning Board approved a variance as it may not work for the next occupant to go in there and the Town is stuck with the approval.

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Russ Mitchell asked if there were any more comments or questions, hearing none he closed Case #2021-027.

A motion was made by Michelle Borton seconded by Karen Guinup to adjourn Case #2021-027 to September 1, 2021.

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

Russ Mitchell combined the following for presentation purposes:

**\*\*Case #2021-029 – John Kempisty/Kempisty Subdivision (3) – 8728 Henry Clay Boulevard – Preliminary Plat. Case #2021-030 Kempisty Subdivision – 8728 Henry Clay Boulevard – Final Plat.** Tim Coyer, Ianuzi and Romans, P.C., spoke on behalf of the applicant noting this project is a 2-lot subdivision, 33-1/2 total acres. The current property owner is carving off a piece of his property and selling the remainder to his daughter who is planning to build a house and driveway. Site distances have been given to Onondaga County, however, nothing has yet been returned. Tim pointed out this is zoned RA-100 with residential around the entire area. Russ Mitchell asked about Lot 1 and distance between the garage and lot line as this is a setback situation and could require a variance. Tim indicated it is a little over 10', but will adjust the line to 25' noting this as an oversight. Russ questioned the access to the lot behind, and easement granted between the lot line and darker line with a dotted line above, which is where traffic moves. He asked Tim do something with the easement. Tim mentioned he has spoken to the applicant and the next set of plans will have the fix for the access easement. Russ asked the Attorney if a cross-access agreement is needed? Kathy Bennet stated she would need to see the terms of the easement but most likely would not be needed. Tim said he also mentioned this to his client and they are willing to do whatever is required.

Russ Mitchell asked if there were any more comments or questions, hearing none he closed Case #2021-029.

A motion was made by Hal Henty seconded by Scott Soyster to adjourn Case #2021-029 and #2021-30 to September 1, 2021.

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

#### **Old Business:**

**\*\*Case #2021-011 - Sharkey's Beach Volleyball and Restaurant (3) – 7420 Oswego Road – Amended Site Plan (Adjourned from 4 previous meetings).** Russ Mitchell spoke noting his disappointment with items recently placed on the dais as unacceptable. He stated these items should have been received one week prior for Board review. Going forward all documentation must be received timely. Steve Calocerinos, Calocerinos Engineering, PLLC, spoke saying there was a delay in receiving the information, however, is prepared this evening to go over the list of specifics. All has been compiled with the exception of the architectural drawings; the owner (Jim Nichols) has his architect working on them. The graphic of the Kegs building is for visual purposes as this is what the Jim is seeking with overhead doors to enclose it. Architectural drawings will be provided. Steve noted including a copy of a deed, which shows the 20' access agreement across from Mazzye's Meat. The owners of Mazzye's have stated they do not want to see this area blocked off as they have trucks that pull in and out. As well, the Town of Salina indicated this same thing and will be sending a letter to the Planning Commissioner. Steve spoke to James Fensken, Onondaga County DOT, and the County's comment is for consideration of an access plan for all of the property.

Steve mentioned this was the original intent when a Sports Complex was being sought. The access issues are mainly when an event is being held. Steve coordinated with DOT, who has no issues. Russ has asked if Mazzye's septic is indicated and Steve said it is added but he had to guess as no one really knows the location; this could be a mutual understanding of use. Further, Russ asked about the boat on the Amazon property side indicating no site plan would be approved with the boat there. Steve said Jim is trying to contact the owners but has not yet made contact. He has no issues either way. Steve noted updating the parking data table and believes the overall numbers are close for each municipality. He also made sure the parcels are labeled for each Town. Hal Henty asked why the road from Mazzye's is not one way for trucks so traffic doesn't spill out on Route 57? Steve stated this is in the Town of Salina and there is mention of a 20' access agreement in the deed. Hal feels it would be safer with one way access. Steve mentioned he would look at it, but noted it is not a consistent thing and is driven more when there is a large event. James Fensken told him in the future, with development on the property, an access plan may need looking at. Michelle Borton questioned the drop off zone and asked it be painted accordingly on the asphalt. Steve said they are planning this as well as a sign reading "no unauthorized vehicles beyond this point or your vehicle will be towed." The area will be left open before performances if there is a need to drop off items. Russ suggested putting cones up and Steve said Jim does have a barricade up. Hal asked if the building he is planning to enclose will be used for volleyball in the winter months and Steve said he believes it will. [Karen Guinup feels this is not future parking even if it's limited to events as people are parking there now. In her opinion, the language shouldn't be there.] Steve stated the intent is for event only. Ron DeTota asked Steve to have James Fensken provide a written letter of their conversation for record purposes. Ron also asked if they are proposing an extension to the building and Steve said, yes a 30' extension to the pavilion. This is new and he placed on the plan now. Ron asked if the new drawings will show a structural analysis and Steve said, yes that is his understanding.

A motion was made by Hal Henty seconded by Michelle Borton to adjourn Case #2021-011 to September 1, 2021.

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

**\*\*Case #2021-015 – *Rocklyn Plaza* (3) – 3881 NYS Route 31 – Amended Site Plan (Adjourned from 4 previous meetings).**

Russ Mitchell announced the applicant has withdrawn their application.

**\*\*Case #2021-023 – *Guggenheim Development Services, LLC/Jiffy Lube Multi Care Facility* – (3) between 5229 & 5255 West Taft Road – Site Plan (Adjourned from 2 previous meetings). The applicant requested an adjournment.**

A motion was made by Scott Soyster seconded by Karen Guinup to adjourn Case #2021-023 to September 22, 2021.

#### **Motion Approved 6-0**

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\*Case #2021-028 – **7601 Oswego Road KFC (3)** – 7601 Oswego Road – Amended Site Plan (Adjourned from 1 previous meeting). Russ Mitchell commented noting his appreciation for the color change to the building (as requested from the previous meeting) and stated it looks very good and should appeal to the surrounding neighbors. Ryan Jordaens, Marathon Engineering, spoke and thanked Russ for his comment. Ryan explained after re-review of the side door, this is a fire escape and they have reestablished a 5’ sidewalk and pipe railing for pedestrian safety. As well, the dumpster has been updated with detail features, showing a block wall with veneer composite and plank that is color coordinated with the building. Research indicates the trees on site are the neighbors and they will remain. The monument sign has been added and a block or brick base is planned. It has also been moved closer to the road to improve the site, 25.2’ off the property line where 25’ is required. A “caution vehicle” sign has been added for the concern of vehicles backing out which should help with clarity. Light fixtures cut sheets have been provided. Lastly, the front signs will be replaced with dual sided signs. Russ asked about the dumpster enclosure and details. Adam Fishel stated he received details from the Planning Commissioner on Chick-fil-a and that it is primarily brick with a gate. The architect came back with tempered decking material, not hollow fence material. Russ mentioned this is not what they want and they need to look at other sites, which are all metal. Ken Shaw spoke and asked if the Board would consider a conditional approval? Russ polled the Board and all said no. Karen indicated they were aware of metal gates at prior meetings. Ken noted a disconnect between him and his Engineers, however, delaying beyond this point would be detrimental for him, economically and financially. Plans are to start physical changes to the building in September; he is willing to put in special language. Discussion ensued how the Board could assist and Mark Territo mentioned the Board could do a “contingent upon” or hold a special Board Meeting. Russ noted running into this situation in the past, the site plan is approvable except for the gates on the dumpster. He polled the Board if they were willing to hold a special Meeting. Michelle Borton, Al McMahon, Hal Henty, Scott Soyster all agreed.

Russ Mitchell asked if there were any more comments or questions, hearing none he closed Case #2021-028.

A motion was made by Michelle Borton seconded by Hal Henty to adjourn Case #2021-028 and set a special Meeting for August 18, 2021. Time to be determined by the Board.

**Motion Carried 6-0**

**Closed Hearings – Board/Applicant Discussions:**

None

**New Business:**

#2021-030 – **Kempisty Subdivision** – 8728 Henry Clay Boulevard – Final Plat. Combined with case #2021-029 for presentation purposes.

**Signs:**

**Allied Signs – *United Rentals* - 5 Lumber Way – Zoned I-1, Permit #52,150.**

The applicant is proposing one wall sign 69.33 square feet when 130.4 square feet is allowed. The sign will meet code.

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A motion was made by Scott Soyster seconded by Michelle Borton granting sign approval for Permit #52,150.

**Motion Carried 6-0**

**Allied Signs – Moe’s – 7558 Oswego Road – Zoned LuC-2, Permit #52,160.**

The applicant is proposing one wall sign 72.63 square feet when 79.28 square feet is allowed, and second wall sign of 72.63 square feet when 176.9 square feet is allowed. The signs will meet code.

A motion was made by Karen Guinup seconded by Scott Soyster granting sign approval for Permit #52,150.

**Motion Carried 6-0**

**Your Name in Lights Signs – Thrifty Shopper (Glenn Crossing) – 7365 Oswego Rd.**

The applicant is proposing one wall sign 176.5 square feet when 250 square feet is allowed. The sign will meet code.

A motion was made by Hal Henty seconded by Al McMahon granting sign approval for Permit #52,150.

**Motion Carried 6-0**

**Work Session:**

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 Al McMahon granting approval to adjourn the meeting at 8:25 p.m.

**Motion Carried 6-0**

The next meeting is slated for September 1, 2021.

Respectfully Submitted,

  
Judy Rios  
Planning Board Secretary