

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 February 2025. The meeting was called to order by Chairman Mitchell at 7:30 P.M. All joined in the Pledge of Allegiance and upon roll being called, the following were:

PRESENT: Russ Mitchell Chairman
Michelle Borton Deputy Chair
Karen Guinup Member
Jim Palumbo Member
Paul Graves Member
Hal Henty Member
Al McMahon Member
Marie Giannone Secretary to Planning Board
Kathleen Bennett Planning Board Attorney

OTHER: Caitlin Choberka, Project Engineer – C&S Companies
Joe Grispingo – Commissioner of Code Enforcement

ABSENT: Ron DeTota – Town Engineer

A motion was made by Mr. Graves and seconded by Mr. Palumbo to approve the minutes of the January 29, 2025 Regular Meeting.

Motion Carried: 7-0.

Public Hearings:

New Business:

*Case #2024-068 – **Goguen Drive Realty, LLC** (3) – 7835 Goguen Drive – Special Permit (referral)

Mr. Ben Harrell, CHA, is present to address the board on behalf of the applicant. Mr. Harrell said this is an application by Goguen Drive Realty to allow for a 1,000 gallon UL double wall fuel tank for fueling of dump trucks and heavy equipment and to allow for smaller fuel tanks to be stored empty on site between jobs. The smaller empty tanks would consist of four (4) 500 gallon tanks and two (2) 300 gallon tanks stored empty on site between jobs adhering to the Red Tag Policy. This policy tells the fuel provider not to fill these tanks under any conditions. These tanks would be equipped with lockable covers. The 1,000 fuel tank would be permanent on site. There are water tanks on site.

Chairman Mitchell asked who would look at the Red Tag Policy and enforce this. Mr. Harrell said the owner and employees. The chairman asked if permits from DEC are needed as the county stated in their comments for the applicant to obtain all applicable permits regarding bulk fuel storage. Mr. Harrell said no as this falls below the DEC bulk storage threshold. That threshold is 1,100 gallons for above ground tanks and since this is only a 1,000 gallon tank in operation and the other tanks are empty no permits are

required. Mr. Harrell said this was the response given by John Kane of the DEC. Mr. Harrell said this would be combined if both tanks are in operation which is not the case. There would only be 1,000 gallons of fuel on site at one time. That is the only one that counts for that threshold.

Mr. Harrell said no bulk certificate is required as this is below the threshold, but the chairman did not agree.

Chairman Mitchell said this 1,000 gallon tank should be permanently placed on pad with bollards around it. The pad should be concrete/asphalt to keep the ground protected for any seepage. The chairman asked where the fuel tank will be located. Mr. Harrell said there is no permanent site as this could create logistical problems having to move materials around that are on site. Mr. Harrell said this all depends on what active jobs are going on.

Chairman Mitchell showed on the drawing the original boundaries on site. The chairman would like the outline for the Contractor's Service Yard on the drawing for review. There is a revision date of 8/30/2022 which was accepted on 10/28/22. Mr. Harrell will provide this to the board,

Ms. Borton said there may have been changes made after the drawing was approved. Ms. Borton asked that the ponds be shown on this drawing as wetlands run through the site. Also to make sure the stormwater regulations are followed.

Ms. Guinup asked who is Industry Standard USA. Mr. Harrell said Industry Standard USA is a limited liability company. Goguen owns the parcel on this application. How does Industry Standard USA fit into this. Mr. Harrell said there is a contractor that will be using the Contractor Service Yard. Mr. Harrell said there are two different LLC's but he is the owner of both.

Ms. Guinup questioned the empty tanks on site. What guarantee is there that the tanks are always empty. As the jobs near completion fueling is monitored so tanks are not refilled and are empty. Ms. Guinup said, in her opinion, the DEC fits into this monitoring the tanks. There is no guarantee that the tanks will be empty on return to the site. Specific locations should be noted for the empty tanks and water tanks. Mr. Harrell will provide this. Parking spaces for employees/workers should be noted on the drawing. Mr. Harrell will highlight the area. Mr. Harrell said the equipment staging area is not for the long term use only during construction.

Mr. Henty asked about refilling the smaller tanks. Mr. Harrell said those tanks leave the site empty. Only dump trucks, excavators and bulldozers are filled from the 1,000 gallon tank on site. Mr. Henty asked about the stream and Mr. Harrell said it will be kept clean at all times. Most of the smaller tanks will be at job sites. Mr. Harrell will reach out to Mr. Kane of the DEC to confirm this in writing for the board.

Mr. Palumbo agreed with Ms. Guinup on her questions and comments to Mr. Harrell. Mr. Palumbo asked if there is a containment system built in this 1,000 gallon tank. Mr. Harrell said it is a double-wall tank, self-contained, along with the smaller tanks.

Chairman Mitchell stated this is a public hearing and asked if anyone had any questions/comments.

Ms. Janet Rathburn asked who determines the tank is empty on return to the site. Are permits needed to transport the tanks if there is some residual in the tank.

No other questions from the public.

Ms. Caitlin Choberka, Project Engineer – C&S Companies.

Ms. Choberka stated the tank that was specified typically would be a UL2085. There can be exceptions but there are other requirements which needs to meet NYS fire code. Mr. Harrell will provide this. Chairman Mitchell said he received correspondence from residents referencing the fire code. They were not in favor of this project.

Ms. Bennett, town attorney, asked if DEC considers this temporary which states tanks will not be there more than 180 cumulative days not consecutive days in a year. Mr. Grispino said the letter being requested from the DEC should specify all the tanks stored on the site do not require a permit. More clarification is needed on the 180 days.

Motion made by Mr. Henty to adjourn this case to March 19, 2025. Seconded by Mr. McMahon.

Motion Carried: 7-0.

Case #2024-069 **Charge/Smart EV/Townplace Suites (3) – 8505 Carling Road – Amended Site Plan
No one is present to address the board.

Chairman Mitchell said the handicap portion of this amended site plan needs to be addressed by the applicant before returning to this board. The chairman asked Mr. Palumbo put in writing the ADA requirements for the parking spaces with the total parking spaces before they come before the planning board. Mr. Palumbo will send this to the planning department to be given to the applicant.

Motion made by Mr. Graves to adjourn this case to March 19, 2025. Seconded by Mr. McMahon.

Motion Carried: 7-0.

Case #2025-004 – **John E. Fisher Construction Co., Inc. (3) – 4593 Wetzel Road – Special Permit
And

Case #2025-003 – **John E. Fisher Construction Co., Inc. (3) – 4593 Wetzel Road – Site Plan

Chairman Mitchell said both cases are open but the board will be looking at Special Permit.

Mr. Tim Coyer, Ianuzi & Romans, is present to address the board on behalf of the applicant.

Mr. Coyer said they are here for the special permit and site plan for the property at 4593 Wetzel Road.

- Revision date will be added to front sheet.
- The applicant in trying to get it all back in conformance.
- About 400 ft back is an existing gravel area where fisher Construction stores piles of asphalt, milling, stone.
- The area is 9.8 acres in an industrial site.
- There is an existing gate in front with gravel drive.
- The older equipment in front will be moved behind the gate.
- Proposing grass will be planted in that area with some landscaping with trees (as shown on the site plan). Block bins will help delineate the soil piles.
- There are no customers coming to this site.
- Employees will take the material off site.
- Gates are locked and hours are 8 am to 4 pm. with three to four visits per week.
- The special permit area will not increase as the applicant is trying to better utilize the area.

Chairman Mitchell asked why there are two boxes around the area shown on the drawing. Mr. Coyer said it is shown where not to expand to the South over the property lines. The chairman said there is a concern about the wetlands in the back of the property. The buffer may have to be changed as these wetlands grow. Chairman Mitchell said there was a suggestion that a SWPP could be put there.

Ms. Borton said another issue found looking at historical information was over time this could extend into the filled site and encroached on the site. Ms. Choberka concurred with Ms. Borton on the wetlands. Ms. Borton said this needs to be look at with our engineer. Mr. Coyer agreed and said moving forward getting a SWPP done will have to wait until the snow is gone. Ms. Bennett said DEC does aerial view on wetlands as it is based on vegetation so to the extent DEC has historical aerial photographs that show what is to be wetlands and vegetation that is how it would be delineated now. Ms. Bennett said the determination could be made from looking at aerial photographs at vegetation would give a good idea of what would be regulated. Mr. Coyer said they will get the information and request to get back on the town agenda. Ms. Guinup said an adjournment date will be given this evening.

Mr. Palumbo asked how the word “approximate” is determined on the map. Mr. Coyer said that is from the GIS mapping web site. Mr. Palumbo said it is from a mapper. Mr. Coyer said yes.

Ms. Guinup said all the spoil piles should be identified with labels. Spoils would consist of stone, asphalt, millings, top soil, sand and left over bulk material. Chairman Mitchell asked if there will be crushing of concrete Mr. Fisher said no. Mr. Fisher said we do get millings from other contractors that they sell. Ms. Guinup said there are two boxes that are used per the applicant containing top soil and millings. Mr. Coyer will provide a better detail in each location. Ms. Guinup said this area needs to be controlled better so our code enforcement officer can enforce this special permit, if granted. Ms. Guinup said she would like the special permit or resolution to stipulate no millings will be allowed on the site at any time.

Mr. Henty asked Mr. Coyer if any retail sales will be done at this site. Mr. Coyer said no.

Chairman Mitchell asked if there are any questions/comments as this is a public hearing. None.

Motion made by Mr. Graves to adjourn both cases to February 26, 2025. Seconded by Mr. Palumbo.

Motion Carried: 7-0.

Case #2024-031 – **Whitestone Apartments (3) – State Route 31 – Site Plan (Adj. 9)

Chairman Mitchell closed this case and asked for a motion.

Motion read by Ms. Borton. Mr. Chairman: In the matter of the application of planning board case No 2024-031 for Whitestone Apartments Site Plan, I move the adoption of a resolution using standard form #20 Site Plan that the petition be granted based on a map by CHA dated May 9, 2024 and last revised January 13, 2025 and numbered C-001 through C-802 as listed on the drawing index on cover sheet C-001 architectural elevations by Passero dated September 2024 revised September 27, 2024 and numbered 03 and 04. Easements have been signed by both parties and recorded with Onondaga County. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Seconded by Ms. Guinup.

Motion Carried: 7-0.

****Case #2023-042 – Amerco Real Estate Co. (3) – 8015 Oswego Road – Amended Site Plan (Adj. 12)**

Motion made by Mr. Graves to adjourn this case to March 19, 2025. Seconded by Mr. McMahon

Motion Carried: 7-0.

****Case #2024-058 – Syracuse Pistol Club (3) 8042 Henry Clay Blvd. – Amended Site Plan (Adj. 3)**

Mr. Tim Coyer, Ianuzi & Romans is present to address the board. Mr. Coyer said the only changes made to the site plan were the elimination of the gravel driveway, added contours to the existing berms and added details to the construction of the wall.

Chairman Mitchell asked the board members if they have any questions. None

Chairman Mitchell said this is a public hearing and asked if there are any questions. Hearing none the chairman closed the hearing and asked for a motion.

Motion read by Mr. Graves: Mr. Chairman: In the matter of the application of the planning board case No 2024-058 for Syracuse Pistol Club, 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. Seconded by Mr. Palumbo.

Motion Carried: 7-0.

Motion read by Mr. Graves: Mr. Chairman: In the matter of the application of the planning board case No 2024-058 for Syracuse Pistol Club, I move the adoption of a resolution using standard form #20 Site Plan be granted based on a map by Ianuzi & Romans Land Surveying PC dated June 10, 2024 revised December 2, 2024 also July 19, 2024 and revised December 26, 2024 and numbered 1 of 2 and 2 of 2 respectively. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Seconded by Mr. Palumbo.

Motion Carried: 7-0.

SIGNS

David Razzante/Metropolitan Signs – Stryker – 4522 Morgan Place

Zoned A-1, Permit #54,748

1 - Wall Sign – A 37.75 square foot, individual cut-out/non-illuminated letters Wall Sign is proposed, when 71.68 square feet is allowed. Should the Planning Board approve it, this sign will meet code.

Chairman Mitchell asked if there are any questions. None.

Motion made by Mr. Graves to approve 1 - Wall Sign – A 37.75 square foot, on Permit #54,748 individual cut-out/non-illuminated letters Wall Sign. This sign will meet code.

Seconded by Mr. Palumbo

Motion Carried: 7-0.

Sign Pro Inc. – Community Bank – 7379 Oswego Road

Zoned RC-1, Permit #54,733

South Elevation

1 – Wall Sign – A 47.6 square foot, internally illuminated LED Wall Sign is proposed, when 61.6 square feet is allowed. Should the Planning Board approve it, this sign will meet code.

West Elevation

1 – Wall Sign - A 43.3 square foot, internally illuminated LED Wall Sign is proposed, when 47.04 square feet is allowed. Should the Planning Board approve it, this sign will meet code.

East Elevation

1 – Wall Sign - A 43.3 square foot, internally illuminated LED Wall Sign is proposed, when 47.04 square feet is allowed. Should the Planning Board approve it, this sign will meet code.

Chairman Mitchell this sign approval will be put off until the next meeting as only two signs are allowed. The Codes Department will reach out to the applicant for changes to be made.

Greg Fishel/Allied Sign – Bank of America – 3782 Route 31

Zoned O-2, Permit #54,747

1 – Freestanding Sign – A 25.4 square foot, internally illuminated Wall Sign is proposed, when 71.68 square feet are allowed. Should the Planning Board approve it, this sign will meet code.

There were no questions.

Motion made by Mr. Graves to approve 1 – Freestanding Sign – A 25.4 square foot, on Permit #54,747 internally illuminated Wall Sign. This sign will meet code. Seconded by Mr. McMahon.

Motion Carried: 7-0.

Motion made by Mr. Graves to adjourn this meeting at 8:38 pm. Next meeting is February 26, 2025. Seconded by Mr. Palumbo.

Motion Carried: 7-0.

Respectfully submitted,

Marie Giannone

Marie Giannone
Planning Board Secretary