

**APPROVED**

The regular meeting of the Planning Board of the Town of Clay, County of Onondaga held at the Town Hall located at 4401 State Route 31, Clay, New York on November 13, 2019. Chairman Mitchell called the meeting to order at 7:30 PM. All joined in the Pledge of Allegiance, and upon roll call, the following were:

<b>PRESENT:</b>	Russ Mitchell	Chairman
	Karen Guinup	Deputy Chairperson
	Michelle Borton	Member
	Hal Henty	Member
	Allen Kovac	Member
	James Palumbo	Member
	Scott Soyster	Member
	Mark Territo	Commissioner of Planning & Development
	Ron DeTota	C & S Engineers
	Scott Chatfield	Planning Board Attorney
	Gloria Wetmore	Planning Board Secretary

A motion was made by Jim Palumbo seconded by Al Kovac to approve the minutes of the previous meeting.

**Motion Carried 7-0**

**Public Hearings:**

\*7:30 P.M. Case #2019-023 – *D.G. New York CS, LLC* (5) – 4363 VerPlank Road – Special Permit Referral

Chairman Mitchell opened the Hearing.

Janet Ward of Next Era Energy Resources presented, 5 mega watts on 32 acres of the 116 acre parcel, the set back is 115 ft from VerPlank Road. Concrete slab, they will interconnect to the Euclid Sub Station. Low growing grasses under the array, 10 to 12 feet in height. Off site water runoff will be in compliance with the DEC.

This is a community solar project; any national grid customer could join and would get a discount off the delivery charge. This is safe, clean, reliable, and stable power.

Russ Mitchell said the power goes into the grid. Can any customer subscribe? Ms. Ward said yes. He asked if the panels rotate to the sun.

Hal Henty asked if there are a fixed number of people that can subscribe. Ms. Ward said yes.

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Michelle Borton asked about the safety measures and if there is fire suppression in place. Ms. Ward said yes, in case of fire, it would be extinguished immediately. The design doesn't include any tree removal. All setbacks are within the DEC wetlands.

Scott Soyster asked if there will be any farming on the remainder of the property. Ms. Ward said there will be no animals being farmed.

Jim Palumbo This Special Permit referral, when it comes back to this Board I hope we will have details and how this will work in the wetlands. Will you have to do a lot line adjustment? Ms. Ward said it will still be 2 lots but the array will be on one lot.

Al Kovac asked if the solar array measure up to nuclear power.

Scott Soyster Does the solar company get incentives. Do the incentives make these projects viable, can you make money without the incentives? Ms. Ward said no they cannot.

Michelle Borton asked who handles the decommissioning plan. Ms Ward said they go through a bonding process; they are responsible for decommissioning the array.

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

A motion was made by Scott Soyster seconded by Karen Guinup to grant a favorable recommendation to the Town Board using standard form # 60 for case 2019-023 – *D.G. New York CS, LLC* located at 4363 VerPlank Road for Special Permit Referral for the following reasons, creating clean solar energy is in line with NYS clean energy initiative, and a benefit to our Town of Clay community.

### **Motion Carried 7-0**

\*7:35 P.M. Case #2019-031 – *Borrego Solar Systems, Inc.* (5) – 8150 Morgan Road - Special Permit Referral

Chairman Mitchell opened the Hearing.

Adam Fishel and Eugene Uvoe presented the plan, two 5-megawatt systems. The interconnection has been flipped; there will be three transformers and one utility cabinet per system.

Two access drives, gated and a 7-foot chain link fence for security. Visual buffering with evergreens. The FAA letter is coming; there is no glare. They will not need any wetland or DEC permits. Russ Mitchell asked if they could include a turnaround for Norcross on the applicants' property. Adam explained that for security reasons it probably would not be allowed. The residents also would not want the truck traffic driving through their neighborhood.

Ron DeTota asked how often trucks would have to access the site, Mr. Uvoe said maybe twice a year.

Jim Palumbo would like to eliminate the Morgan Road access.

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Al Kovac asked how large is the parcel? It is 59 acres; 36 acres will have the solar arrays.

Hal Henty said he is disappointed that the applicant did not look into the turnaround for Norcross.

Michelle Borton if this is approved she wants to look at the screening at site plan.

Russ Mitchell asked if there were any questions.

Terry King of 9217 Caughdenoy Road, asked how much toxic waste is generated, and will the toxic material leach into the ground water?

At the Town Board meeting, they said one solar panel is replaced per year on average.

Russ Mitchell said he has done some research on the manufacturing and disposal. The disposal is when there could potentially be a problem.

Jim Palumbo said he is not aware of any runoff into the soil or watertable.

Al Kovac asked what the life of a panel was. Eugene Uvoe said 25 years.

Hearing no other questions Russ Mitchell closed the Hearing and asked for a motion.

A motion was made by Jim Palumbo seconded by Scott Soyster to grant a favorable recommendation to the Town Board, using standard form # 60 for case #2019-031 – ***Borrego Solar Systems, Inc.*** located at 8150 Morgan Road for Special Permit Referral for the following reasons, the proposed use is a sustainable operation for generating electricity for public consumption and that will ultimately be required to be de-commissioned and thus restoring the property back to its original /current condition. It is also recommended that the Town Board review potential requirements for each 5MW/AC system needing individual deeded parcel and interconnections.

#### **Motion Carried 7-0**

\*7:40 P.M. Case #2019-035 – ***Omni Navitas Holdings, LLC*** (5) – 9177 Caughdenoy Road - Special Permit Referral

***Jim Palumbo said that he will recues himself from this hearing, he has a direct business relationship with his firm and the applicant. He left the board at 8:40 P.M.***

***Michelle Borton made a statement that she also works for a firm that does business with this company however, she has no financial interest in the business relationship, and it will not impact her decisions on this case.***

Chairman Mitchell announced that there was no one from Omni Navitas Holdings to present the plan, however he would listen to comments from residents.

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David Burdick located at 9197 Caughdenoy Road. Lives directly across the road from the proposed site. This will have an adverse visual impact. His wife has a pace maker, not sure this will not have an adverse impact on her physical well being.

Jessica a neighbor of Mr. Burdick added it is a beautiful place to live, and will lower the property values.

Steve Carlyle, representing his sister, submitted a letter to the Planning Board. See attached.

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

A motion was made by Al Kovac seconded by Karen Guinup to adjourn this case to the December 11, 2019 meeting.

**Motion Carried 5-1**

*Jim Palumbo returned to the Board at 8:50 P.M.*

\*7:45 P.M. Case #2019-036 – *TJA Clean Energy* (5) – 4894 Grange Road - Special Permit Referral

Chairman Mitchell opened the hearing. Steve Calicerinos presented, 50 acre lot 25 acres with solar arrays. Seven to ten feet in height. Piles are driven into the ground that is allowed in wetlands.

Russ Mitchell asked what type of buffer is there currently. Steve said trees and brush.

Al Kovac asked if they planned on cutting down any trees, Steve said no.

Russ Mitchell went over the County comments; need SPEDES, SWPPP and info on decommissioning.

Michelle asked for an explanation on the wetlands, and if there are any DEC wetlands.

Jim Palumbo thinks this will be a challenge. Will you have a layout for the wetland disturbance? When this goes to site plan be sure that the Army Corp is aware of the entire disturbance. Steve said he is waiting for the Creaser report.

Scott asked if this goes to site plan will we get a topographic plan.

Russ Mitchell asked if there were any comments or questions.

Richard Walter a resident asked the Town Board to put a moratorium on green energy. In Massachusetts, no one takes care of the solar farms. The grass is overgrown.

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Home values.

Mitchell Patterson a resident said the solar panels face south, how much glare will there be.

Mike Bragman Jr. built 212 homes and spent a considerable amount of money on this development. Consideration should be in effect to deny this.

Russ Mitchell closed the hearing and asked for a motion.

Jim Palumbo seconded by Scott Soyster to use the comments of the Board Members to constitute the recommendation for Case #2019-036 – *TJA Clean Energy* located at 4894 Grange Road.

Hal Henty- Against/ too close to the residential

Michelle Borton- Against agrees with Hal Henty

Karen Guinup- Not against, as long as the screening is adequate.

Russ Mitchell- Against

Scott Soyster- in favor of the Special Permit

Jim Palumbo- in favor, there will be challenges.

Al Kovac- Against/ too close to the residential

### **Motion 3 in Favor -4 Against**

\*\*7:50 P.M. Case #2019-038 – *Clayscapes Pottery, Inc.* (3) – 7426 Morgan Road –Site Plan

Russ Mitchell explained to the applicant, that the Commissioner of Planning had already given permission.

Scott Chatfield explained the Planning Board has no power to decide on the use. If the applicant still has grey areas, you will need to go to the ZBA for an interpretation.

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

A motion was made by Hal Henty seconded by Karen Guinup to adjourn this case to the January 8, 2020.

### **Motion Carried 7-0**

\*7:55 P.M. Case #2019-039 – *Rent-A-Ride/Marc Fernandez* (5) – 8402 Oswego Road - Special Permit Referral

### **No Action**

**\*\*8:00 P.M. Case #2019-040 - *Rent-A-Ride/Marc Fernandez* (3) – 8402 Oswego Road – Site Plan**

Russ Mitchell opened the hearing, Ms. Jamie Sutpin, ESQ., presented the plan. There are 3 tenants, 10 parking spaces needed for the rentals. 28 total spaces are required. Russ Mitchell asked if there will be cars parked there all the time. Ms. Sutpin said yes unless they are out as a rental. There was an issue with the striping of the parking spaces. The applicant has a sign up, was there a sign permit pulled for this sign? Karen Guinup pointed out the dangerous drive along the front door. Pedestrians can walk out the door right into on coming cars. Russ Mitchell asked if there were any comments or questions, hearing none he asked for a motion.

A motion was made by Michelle Borton seconded by Hal Henty to adjourn this case to the December 11, 2019 meeting.

**Motion Carried 7-0**

**Old Business:**

**\*\*Case #2017-031 – *Widewaters Farrell Road II Company, LLC/Widewaters Commons – Commercial Development* (3) Site Plan – NYS Route 31 (Adjourned from 27 previous meetings)**  
A motion was made by Scott Soyster seconded by Michelle Borton to adjourn this case to the January 22, 2020 meeting.

**Motion Carried 7-0**

**\*\*Case #2018-003 – *Widewaters Farrell Road II Company, LLC/Widewaters Commons, (3) - Preliminary Plat* – NYS Route 31 (Adjourned from 21 previous meetings)**

A motion was made Michelle Borton by seconded by Jim Palumbo to adjourn this case to the January 22, 2020 meeting.

**Motion Carried 7-0**

**\*\*Case #2019-025 – *Side Track Enterprises, entryway* (3) – 4975 NYS Route 31 – Amended Site Plan (Adjourned from 2 previous meetings)**

A motion was made by Hal Henty seconded by Alan Kovac to adjourn this case to the December 11, 2019 meeting.

**Motion Carried 7-0**

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\*Case #2019-037 – *TC Syracuse Development Associates, LLC* (3) – 7211 and 7219 Morgan Road – Site Plan (Adjourned from 1 previous meeting)

Russ Mitchell opened the hearing; he explained that OCIDA was lead agency. There was a 30 day period for resident comments. On October 31, 2019 OCIDA made a neg. declaration. The Town Board approved the Zone Change. The Planning Board will do a site plan review.

Frank Pavia explained the plan; on 10/30/2019 County Planning approved the plan. The Zoning Board of Appeals approved the area variances. He turned it over to Ms. Quam, The building will be 5 stories. There will be 1804 auto parking space.

208 loading docks. Drive isles are 20 foot and 24 foot in some areas.

We are working with Centro to enter the site for pick up and drop off during shift changes. Snow storage will be temporary, in the parking lot, and moved off site if necessary.

Fencing, Plywall sound fencing, sample shown. Vinyl fence is heavy duty. They will use Plywall fencing along with a live berm, shown after 5 years growth.

Stream- DEC regulated and drains to Onondaga Lake. Ms. Quam explained the detention ponds.

There will be no export of soil, during construction the soil will be moved to areas that need build up for the raised berms.

We will use the Morgan Road sewer and go onto the Wetzel Road water treatment facility.

They are proposing 1400 trees and 1800 bushes. White pines and Douglas firs.

Lighting will be 25 ft. mounted on the building, and the poles will be 30 ft along residential and Morgan Road.

Russ Mitchell asked if the Centro busses will enter the site. They are working with Centro.

The entrance for the trucks, will there be MPH signs, the signs will be 10 MPH and 5 MPH at the turn around. When will the exit on the Bypass be used. Only the 2 to 4 weeks a year at peak times.

Russ added that the two bridges over the creek are a nice design.

The area that is not being developed, that will need to be mowed. Frank Pavia said it would be bush whacked 3 times a year.

Hal Henty said he appreciates the adjustments made.

Michelle Borton said all case numbers and dates of approved variances have to be added to the plan. Add the onsite handy hut for the Centro bus stop.

Scott Soyster is there a guard shack for exiting trucks onto the Bypass. No guard shack at the exits.



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He was pleasantly surprised to see the Balloon study in place and the height of the building.

Jim Palumbo Impressed with the presentation. Please go to the landscape plan, the snow storage will crush the proposed plantings. The snow will be held temporarily in the parking lot and if need be trucked to the wet ponds.

Al Kovac I like the way they have addressed the landscape and the way you situated the building.

Karen Guinup Cutting the grass three times a year in the back is not acceptable, needs to be four times minimum.

The number of trucks at peak times is 30 to 40. You have been working with the Village of Liverpool concerning the intersections. Where are you with that now?

Ms. Dake said they are committed to making improvements.

Have you done anything about the comments at the last meeting about Commerce Blvd. How about the Liverpool Bypass?

Frank Pava They are doing what the State and County asked.

Karen Guinup, as long as you have the Blessing of the State and County. Mr. Pava Said he would be happy to have further discussions.

The County had issue with the lighting plan. We need a letter from the County saying that they approve it.

Ron DeTota Complimented the applicant on the nice job. Preserving the stream and all drainage being handled. Also the Sanitary sewer pipe is cast iron; DR11 might work better.

Russ Mitchell said that the applicant will get together with the State and other interested parties, Chairman Mitchell said that he would be interested in joining in those meetings.

Russ Mitchell asked if there were any comments or questions.

Darlyn Frass of 7175 Morgan Rd, questioned the traffic signals, water basins- if they were open and how deep they are. She also said when the barn behind her house comes down, what will block the snow from her driveway.

Ron DeTota explained the bio retention basins work.

Russ Mitchell thanked her for her comments, he takes pride in listening to the residents.

Robert Stella of 2 Holly Lane, forwarded a letter see attached.

Jim Nichols of Sharkys. This will have an adverse effect on his business, worried about noise and construction. There was a lengthy discussion on the berm behind Sharkys.

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Hal Henty said the Salina residents won't complain about the noise from Sharkys anymore, it will be construction noise. Business should pick up with all the workers for lunch, dinner and after work entertainment.

Craig Sair of Iron Gate concerned about traffic, trees being cut down. He would like it built somewhere else.

Greg Lancett Wells Ave. W. Has been watching this very closely, and said this Board has gone above and beyond listening to residents. He is in favor of this project.

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

A motion was made by Michelle Borton seconded by Hal Henty using standard form # 20 granting Site Plan approval for \*Case #2019-037 – *TC Syracuse Development Associates, LLC* located at 7211 and 7219 Morgan Road.

Based on a map by BL Companies dated 08/26/2019 and numbered A1.01, A1.02, A1.03, A1.04, A1.05, A1.06, A6.01.

Exterior elevations dated 08/26/2019 revised 11/06/2019 and numbered A5.01 & A5.02.

Sound fence examples by Langan dated 11/06/2019 figure A.

Proposed perspective by Langan dated 11/06/2019 figure 1.

Proposed exterior view by Langan dated 11/06/2019 figure 2 & figure 3.

Fire prevention supplemental information, performance-based Design Analysis, by Harrington Group Inc. fire protection engineering consultants. Dated 10/02/2019.

Balloon Study by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology DPC. Dated 11/06/2019.

Conditioned upon all legal and engineering, and the Chairman of the Planning Board be invited to participate in any NYS DOT and OC DOT meetings until final permits are obtained. It is noted that a NegDec was made by OCIDA.

**Motion Carried 6-0** *Karen Guinup abstained*

**New Business:**

Signs

**Signarama – *Cholita's* – 8045 Oswego Road**

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Zoned RC-1, Permit #50,543

1 – Wall sign - The applicant wants to construct one wall sign, and a face panel change. The wall sign is 40 square feet when 42.5 square feet is allowed. The proposed signs will meet the code.

A motion made by Al Kovac seconded by Scott Soyster to approve the sign as presented.

**Motion Carried 7-0**

**Kassis Superior Signs – *Helio Health, Inc.* – 4567 Crossroads Park Drive**

Zoned I-1, Permit #50,548

1 – Wall sign – The applicant wants one Internal Illuminated wall sign, 154 square feet when 244 square feet is allowed. The proposed signs will meet the code.

A motion made by Scott Soyster seconded by Al Kovac to approve the sign as presented.

**Motion Carried 7-0**

**Work Session**

\*Case #2018-029 - **UR-ban Villages (5)** - PDD Concept Plan referral, NYS Route 31 adjacent to Cicero Border (work session) (Adjourned from 12 previous meetings)

A motion made by Jim Palumbo seconded by Scott Soyster to adjourn this case to the December 11, 2019 meeting.

**Motion Carried 7-0**

A motion was made by Al Kovac seconded by Karen Guinup to adjourn the meeting at 12:00 A.M.

**Motion Carried 7-0**

Respectfully Submitted



Gloria Wetmore