

**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 26<sup>th</sup> of April 2023. 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
	Michelle Borton	Deputy Chair
	Karen Guinup	Member
	Hal Henty	Member
	Al McMahon	Member
	Jim Palumbo	Member
	Mark Territo	Commissioner of Planning & Development
	Judy Rios	Secretary
	Kathleen Bennett	Planning Board Attorney
	Ron DeTota	C&S Engineering

**ABSENT:** Scott Soyster Member

A motion was made by Karen Guinup seconded by Jim Palumbo granting approval of the minutes from the April 12, 2023 Regular Meeting.

**Motion Carried 6-0**

Russ Mitchell spoke reiterating a statement from the last Planning Board Meeting held on April 12, 2023. When applicants apply through the Planning Department and receive their packet of submission requirements, they will need to follow the instructions as outlined. Not doing so, will prevent the project from moving forward. Note: Projects with incomplete or incorrect documents will be rejected and not placed on an agenda until the proper requirements are met.

**Public Hearings (New Business):**

Russ Mitchell opened \*\*Case #2022-008 – **Chick-fil-A, Inc.** – 3920 Brewerton Road – Special Permit and \*\*Case #2022-009 – **Chick-fil-A, Inc.** – 3920 Brewerton Road – Site Plan for speaking purposes. Tim Freitag, P.E., Bohler Engineering spoke on behalf of the applicant noting this site borders the Village of North Syracuse and they are seeking a special permit for a drive-thru facility. Overall, the projected developed area is 6,800 sq. ft. and currently known as Basil Leaf Restaurant. They plan to redevelop the entire site with a 2,780 sq. ft. restaurant, drive-thru only and no seating. There will be a walk-up window and three lane drive thru. Tim stated the traffic study has been reviewed by the Board and NYS DOT. They have resubmitted a site plan and SEQR consideration, as well changed the dumpster enclosure, parking lot striping with perpendicular and one-way circulation added along with additional signage. As well, they have widened the driveway entrance and egress to So. Bay Road and a right-out alignment was rotated. The landscape design has been reworked and they are hopeful to continue SEQR discussion. Russ Mitchell asked, on the site plan, about a corner curb and if it is solid and Tim said, yes, it is a concrete curb as well as a sidewalk added to get to the dumpster area. Russ wants to see this cleaned up as well as an agreement for

cross over allowance. Further, Russ noted the dumpster is shown on three different drawings and doesn't indicate details; he referred Tim back to the original checklist. Tim noted he needs to cross out unused details as they are Chick-Fil-A's details. Russ noted coming out of the drive-thru the right lane merges to the left, he suggested signage be added so vehicles know to move over instead of waiting. Michelle Borton noted more directional signage is needed and the striping appears for truck traffic; there is some curbing but it is striped-only, can more curbing be put in? Tim stated this is the middle of truck circulation and the other area is for snow; the entrance to So. Bay Road meets the minimum width requirement. Michelle would like to see more "Do not enter" and "Stop" signs added. As well, the drawing still show angled parking in the northern spaces, if someone turns the wrong way there will be no way to get out; this needs re-working. Michelle also stated the disclaimer on the detail sheets cannot be accepted the way it reads. Russ asked if the ingress/egress is a raised curb and Tim said it is a mountable curb. Russ noted the exit sign seems very far from the site. Karen Guinup asked about a stockade fence and Tim said this is an existing fence. She noted the special permit application includes a walk-up window and needs to show where it will be. Tim said they will label it under the covered canopy. Karen also asked Tim to show where snow removal will be placed. She also noted, the one-way traffic entering from So. Bay Rd. toward Taft Rd., is this 2-lanes or one? Tim said it is one, but wide enough for two. Karen said if it is 2-lanes it may be troublesome at the drive-thru and asked they pinch this for one-lane-only; Tim agreed. Karen stated signage will help. Further, Karen said the traffic coming out of the drive-thru, after merging to one lane, has an option to turn left on to Taft Rd. or straight to So. Bay Rd. She suggested signage be placed to inform people of this and where to turn. As well, the exit sign (previously mentioned) is not visible, this should be placed where it can be seen. She noted the angular parking on the plan, if not going to use, to take it off. Russ asked what the item was in the bottom left corner of the property and Tim said, it is a transformer. Further, Russ asked if the total property in North Syracuse and Clay is deeded as one and Tim said, it is actually four -2 in Clay and 2 in North Syracuse. He plans to clean it up and have two separate lots - 1 in Clay and 1 in North Syracuse. Karen asked if it is all one deed noting they may need a cross access agreement as there is a distinction between tax parcels and deeds. Hal Henty spoke noting the lighting plan is not acceptable and needs re-working to show lighting levels, spillage, etc. Tim indicated submitting photometrics. Karen asked he make the plan larger and the Board would then re-look at it. Ron DeTota asked about the S.W. Corner and the letter "T" and Tim said this is a transformer. Ron also noted the location of the grease trap needing to be more in proximity to the building. As well, the stormwater retention and underground caption system will need the design submitted to NYS DOT for signature, drainage and SWPP. Mark Territo asked when looking at the variances if they counted the items on the line and Tim said, yes. Mark said the timing for the ZBA meeting will depend on SEQR, but maybe June as they will have to readvertise. Karen asked, because they are not normal property lines how it would impact photometrics? Mark said they can only look at the Town's line. Kathy Bennett stated it would be a waiver from the Planning Board during site plan review. Karen noted a stacking issue when exiting to So. Bay Rd. to go North or West cars will have to make a left and there is only lane to get out, how many cars can stack there? She doesn't believe this will be a smooth out. Russ asked the Board to re-review this area. Michelle commented on SEQR stating the Planning Board is the lead agency for SEQR and noted having a copy of the EAF. Section B under local agencies is checked no, but that should be checked yes. She asked who reaches out to the Village for SEQR and Tim said, he believes it's the Town's responsibility. Mark said they have been talking to them, however, there is a change in personnel and no comments have yet been provided. Kathy Bennett stated they can still provided comments as long as SEQR is still in discussion. Michelle said comments should be issued to this Board.

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She noted on page C-1, under planning and zoning as checked yes, but should be checked no; page C3-B reads “Town of Clay Police” that should read “Onondaga County Sheriff”; page 8 (top) under noise, should be checked yes. Page 10 (top) under facility, should be acknowledged the North Syracuse Junior High School; date should be updated to signature; drafted part 2 as potential impacts, as well:

- Impact on land – yes
- Impact on geology – no
- Impact on surface water – yes
- Impact on ground water – no
- Impact on flooding – no
- Impact on air – no
- Impact on plants/animals – no
- Impact on agriculture residents – no
- Impact on aesthetic resources – no
- Impact on historical – no
- Impact on space – no
- Impact on critical environment – no
- Impact on transportation – yes
- Impact on energy – no
- Impact on noise – yes
- Impact on human health – yes
- Impact on community plans – yes
- Impact on community character - yes

Further, Michelle noted having received the traffic impact and review by NYS DOT as lead agency. This needs to be looked at for cumulative impacts as it is a very busy area. There is an application in with the Village of North Syracuse for a drive-thru coffee shop and it’s the Boards responsibility to look at all of the site. She proposes to commission a separate traffic study that the Town would hire, paid by the applicant and we would provide the scope. Part III of EAF we don’t have sufficient information to continue and will need public input - traffic study, fire department comments, written comments from the Village and ZBA application. The applicant asked for a copy of this EAF draft and Kathy Bennett stated she would write-up and provide.

Russ Mitchell asked for questions/comments from the public.

Gordon Stansbury, GTS Consulting, spoke noting he’s completed a traffic study for the potential coffee shop site and it does include both cumulatively – the information has been produced. Michelle Borton asked if the Board can get an independent assessment of that information.

Resident Diane Mantou spoke noting she does not live far from the Chick-Fil-A on Rt. 11 in Cicero and from Thursday - Sunday the area is a disaster. She noted the site on Brewerton Road is a complicated location and thanked the Board for doing a thorough job and for being detailed.

A motion was made by Hal Henty seconded by Karen Guinup to adjourn Case #2022-008 – Chick-fil-A, Inc. – 3920 Brewerton Road – Special Permit and Case #2022-009 – Chick-fil-A, Inc. – 3920 Brewerton Road – Site Plan to June 14, 2023.

**Motion Carried 6-0**

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\*Case #2023- 012 – **Splash Car Wash** – 7190-7192 Buckley Road – Special Permit Referral. The applicant requested an adjournment.

A motion was made by Jim Palumbo seconded by Karen Guinup granting approval to adjourn Case #2023-012 – Splash Car Wash – 7190-7192 Buckley Road – Special Permit Referral to June 14, 2023.

**Motion Carried 6-0**

\*Case #2023-014 – **Widewaters Rt. 31 Zone Change** – 3715 Rt. 31 – Zone Change Referral. James Trasher, CHA, Inc. spoke on behalf of the applicant noting Widewaters Development has purchased this piece of property on Route 31 and are requesting a re-zone to the rear portion of the parcel – commercial to apartment and leaving the front parcel for restaurant/retail. James provided a concept plan indicating there would be a mix of tenants. The sanitary sewer issue is being handled by the developer and they are looking to extend agreements and provide a sewer extension to the site. He is also working with NYS DOT regarding the traffic signal. Karen Guinup asked if they purchased the bank parcel and James said, yes and plan to provide a cross access agreement. Karen noted the zone change map would need a hook between the two parcels and asked who did the EAF indicating page 4 – section G regarding “new residential” should be answered as “no.” James agreed.

Russ Mitchell asked for questions/comments from the public, hearing none he closed the Case. Russ polled the Board for their comments as follows:

Hal Henty – This is a good project and needed in this area.

Karen Guinup – In favor; hopefully will proceed faster than the last.

Michelle Borton – In favor; good mix of residential and commercial.

Al McMahon – In favor.

Jim Palumbo – In favor; the mix is nice for the area.

Russ Mitchell – In favor.

Al McMahon read: In the matter of the application of Planning Board Case #2023-014 - Widewaters Rt. 31 Zone Change – 3715 Rt. 31 – Zone Change Referral, I move to recommend to the Town Board using standard form #50 – zone change recommendation, the petition be granted based on and including input from the Planning Board.

**Motion Carried 6-0**

\*\*Case #2023-018 – **Quattro Development, LLC/Take 5 Oil Change** – 7423 Oswego Road – Site Plan. Ken Hurley, Bergmann Associates, spoke on behalf of the applicant noting this project is for a new Take 5 Oil Change building, 1,610 sq. ft. on 0.31 acres. The building would host three bays with six parking spaces for employees. This facility has cars drive into the bay, with the driver staying in their vehicle while an oil change is done. He notes this is not a garage for auto repairs, no brake type jobs, mufflers, transmissions, etc.; strictly oil changes and perhaps wiper blade changes. A report from Take 5 notes typical peak hours are 3:00pm with 7 cars; 11:00am with 6 cars; operating hours would be 7:00am – 8:00pm, Monday-Friday, 7:00am – 7:00pm, Saturday, and 9:00am – 5:00pm, Sunday. Ken noted dumpster enclosure details are provided on the detail sheet and site lighting photometrics provided with security lighting. Hal Henty indicated the lighting plan looks good. Further, Ken noted as the utilities are less than 1 acre, erosion control

and reducing flow to the existing condition they can't build a retention pond. Plans are to tie-into the existing stormwater drainage. Russ Mitchell asked if he received Onondaga County comments and provided him a copy. As noted, he must contact Onondaga County DOT; Ken agreed to do this. Russ asked the height of the building and was determined it is 26.8-1/2' to the top of peak. He requested more landscaping be added to the site. Michelle Borton asked the ZBA variance be provided on the drawing with referenced date and case number. Michelle questioned if the County DOT allowed the driveway noting an email provided from them would be required. She also asked more signage showing one-way be added, painted lines as well as metal directional signs. Ken said he would look into this. Karen Guinup noted the dumpster enclosure is labeled "masonry material" and the Board prefers split face block painted to match the building; Ken agreed. Jim Palumbo asked about the road names and asked it be labeled correctly on the drawing. Ken stated legally it is "Longbranch Road" and he will add. Jim also noted the landscaping plan and likes the idea of large trees and consideration of locust trees rather than flowering, be given. Russ noted the cover sheet is missing 500, 501 and 502 and needs engineering stamp. As well, the drawings reference OCWA for water purposes, however, it is the Town of Clay's water and he needs to speak to Frank Mazzye, Water Superintendent. Lastly, the connection to the Town sewer – 24" diameter needs coordination with OCWEP.

Russ Mitchell asked for questions/comments from the public. None received.

A motion was made by Hal Henty seconded by Karen Guinup to adjourn Case #2023-018 – **Quattro Development, LLC/Take 5 Oil Change** – 7423 Oswego Road – Site Plan to May 24, 2023.

**Motion Carried 6-0**

**Public Hearing (Old Business/Open and Adjourned):**

\*\*Case #2022-036 – **Pizza Hut (3)** – 7365 Oswego Road - Amended Site Plan (Adjourned from 6 previous meetings). The applicant requested an adjournment.

A motion was made by Karen Guinup seconded by Hal Henty granting approval to adjourn Case #2022-036 – **Pizza Hut (3)** – 7365 Oswego Road - Amended Site Plan to May 24, 2023.

**Motion Carried 6-0**

\*\*Case #2023-006 – **Wetzel Road Properties, LLC/Emerald Lawn Care (3)** – 4663 Wetzel Road – Site Plan (Adjourned from 1 previous meeting). The applicant requested an adjournment.

A motion was made by Jim Palumbo seconded by Al McMahon granting approval to adjourn Case #2023-006 – **Wetzel Road Properties, LLC/Emerald Lawn Care (3)** – 4663 Wetzel Road – Site Plan to July 12, 2023.

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**\*\*Case #2023-007 – Lauris Rigdon/Onondaga Physical Therapy Parking Lot Expansion – (3) 8390-8392 Oswego Road – Amended Site Plan (Adjourned from 1 previous meeting). The applicant requested an adjournment.**

A motion was made by Michelle Borton seconded by Hal Henty granting approval to adjourn Case #2023-007 – Lauris Rigdon/Onondaga Physical Therapy Parking Lot Expansion – (3) 8390-8392 Oswego Road – Amended Site Plan May 10, 2023.

**Motion Carried 6-0**

**\*\*Case #2023-008 – SKS Orthodontics (3) – 7176 Buckley Road – Site Plan (Adjourned from 1 previous meeting). The Architect from Zausmer-Frisch spoke on behalf of the applicant noting they have completed requested tasks as follows: SWPP, traffic analysis, fire hydrant flow test, and easement agreement. Russ Mitchell stated the easement on the site plan needs to indicate paved to the property line. As well, the dumpster is the biggest issue as where it is will need a variance for setback purposes. Concern was noted due to the timing of the agenda for the next meeting and contract extended to June 1<sup>st</sup> and if a contingency could be provided; the Board does not provide contingencies. Russ pointed out a car wash is planning to be built on Dolshire Drive and the Town’s Highway Superintendent needs to weigh-in on traffic and if the road can handle this; the possibility to put in a turn lane on Dolshire Drive is being discussed. The applicant noted their traffic study shows an increase of 10 vehicles. Russ stated the Board looks at the entire area. Mark Territo noted speaking to Joe Nicoletti (Highway Superintendent) and he is looking into the issue of Dolshire Drive and perhaps a right turn lane and widening of the road. Hal Henty commented the lighting plan looks good. Conversation regarding the dumpster ensued and the applicant asked if they could move it closer to the building. Russ stated the setback is 25’ and cannot be over. Karen Guinup indicated light pole #15 and #15 as light packs, these will need renumbering. As well, coordination with Onondaga County regarding the light plan will be needed and correspondence back from them with their approval (an email is fine). The Architect stated he has an updated survey and Karen asked they put this on the site plan. Karen also asked if they move the dumpster to be sure not to put up on Buckley Road. Jim Palumbo and Al McMahon noted not having updated drawings, dated April 5, 2023. Ron DeTota asked if the extension of the connection is to the property line and the applicant said, yes. He indicated the fence on the property line, along the lot to the east, the details show in a paved area, but it is grass. This needs correcting. He noted the lot does drain on the properties and needs raising. As well, the dumpster enclosure details read “will match the Well Now Facility”, this needs correcting to reference “SKS Orthodontics.” Michelle Borton asked where the outline for the cross access is shown and the applicant said, Exhibit C (on the easement area). Michelle stated this needs to be on the site plan. Karen said this should be extrapolated property line to property line.**

Russ Mitchell asked for questions/comments from the public. None received.

A motion was made by Hal Henty seconded by Karen Guinup to adjourn Case #2023-008 – SKS Orthodontics (3) – 7176 Buckley Road – Site Plan to May 10, 2023.

**Motion Carried 6-0**

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**New Business:**

**Signs**

Allied Sign Company – *Kia rebranding signage*– 385 NYS Route 31- Zoned RC-1, Permit #53,347.

1-Freestanding- The applicant is proposing a new freestanding sign with a face area of 36 square feet when 64 square feet is allowed. (*Previous approvals for this location did not take into account the entire sign area as this would put the sign significantly over the allowable.*)

3 – Wall signs - The applicant is proposing three, internal illuminated wall signs of:

- 38.28 square feet when 170.33 square feet is allowed.
- 38.28 square feet when 170.33 square feet is allowed.
- 22.02 square feet when 170.33 square feet is allowed (This is considered a ‘directional’ sign for service.

Russ Mitchell requested the address number be placed on both sides of the sign.

A motion was made by Hal Henty seconded by Karen Guinup granting approval of Sign Permit #53,347 - Allied Sign Company – *Kia rebranding signage*– 385 NYS Route 31.

**Motion Carried 6-0**

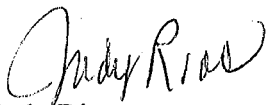
Russ Mitchell asked if there were any further comments or questions, hearing none he adjourned the meeting.

A motion was made by Hal Henty seconded by Karen Guinup granting approval to adjourn the meeting at 9:22 p.m.

**Motion Carried 6-0**

The next meeting is slated for May 10, 2023

Respectfully Submitted,



Judy Rios  
Planning Board Secretary