

**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 24<sup>th</sup> day of April 2024. 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:

<b><u>PRESENT:</u></b>	Russ Mitchell	Chairman
	Michelle Borton	Deputy Chair
	Karen Guinup	Member
	Hal Henty	Member
	Al McMahan	Member
	Jim Palumbo	Member
	Paul Graves	Member
	Mark Territo	Commissioner of Planning & Development
	Marie Giannone	Secretary to Planning Board
	Kathleen Bennett	Planning Board Attorney
	Ron DeTota	C&S Engineer

A motion was made by Mr. Graves and seconded by Mr. Palumbo to approve the minutes of the April 10, 2024 Regular Meeting.

**Motion Carried: 7-0**

**Public Hearings:**

**New Business:**

\*\*Case #2024-018 – **Sunoco – (3) 7549 Oswego Road**, Special Permit – Electronic Sign  
Mr. Chuck Norris of Pro Sign Installation, is present to address the board representing Sunoco. Sunoco would like to install a digital price sign, not a messaging sign.

Chairman Mitchell said the board is only approving the digital sign. The Price Chopper fuel advantage sign should not be on the sign and the approval with state this. Chairman Mitchell asked if the board had questions. None. As this is a public hearing, the Chairman asked if there are any questions. None. The Chairman closed the public hearing and asked for a motion.

Motion made by Mr. McMahan: Mr. Chairman: In the matter of the application of the planning board case No. 2024-018 for Sunoco Gas Station, 7549 Oswego Road, 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: It is in keeping with the existing use. Seconded by Mr. Palumbo.

Regular Meeting  
Planning Board  
April 24, 2024

Motion made by Mr. McMahon: Mr. Chairman: In the matter of the application of planning board case No. 2024-018 for Sunoco Gas Station, 7549 Oswego Road I move the adoption of a resolution using standard form #70 special permit be granted based on an application submitted for Case No. 2024-018 for tax map #093-04-07.0. Conditioned upon approval of all legal and engineering requirements of the Town of Clay, and without the flag attachment. Seconded by Mr. Palumbo.

**Motion Carried: 7-0**

**Pro Signs – *Sunoco Gas Station – 7549 Oswego Road***

Zoned LuC-1, Permit #54,118

1 – Canopy Sign – Replace existing canopy sign/rebranding. This location received area variance in 2011. This sign will meet code.

1 – Wall Sign – Replace existing wall sign/rebranding. ‘Snack shop’ This location received area variance in 2011. This sign will meet code.

Mr. Chuck Norris representing Sunoco addressed the board.

- ✓ Sunoco changed their image now called Centennial Image
- ✓ Redo Sunoco ID above the price line
- ✓ Replace Snack Shop sign with Food Mart
- ✓ Dispenser to get new Sunoco decal
- ✓ Clearance will state 14 ft on canopy
- ✓ Island markers will be added to show the dispenser

Chairman Mitchell said the board will not approve anything with the wording “Snack Shop” on the sign. Also, a note to Sunoco to clean up dumpster and outside cooler area.

Ms. Guinup said the “Welcome to Sunshine Mini Mart” has to be removed.

Mr. Palumbo said the “monster drinks sign” has to be removed.

Chairman Mitchell asked for a motion for Sunoco gas station sign package, Zoned LuC-1, Permit #54,118 for 1 – Canopy Sign – Replace existing canopy sign/rebranding. This location received area variance in 2011. This sign will meet code. And 1 – Wall Sign – Replace existing wall sign/rebranding. ‘Snack shop’ This location received area variance in 2011. This sign will meet code. Approval with the following comments: with flag signs on the electronic signs to be removed, large white sign on the side of the building be removed, the monster sign removed, and clean up around cooler and dumpster area. Motion made by Mr. Henty, seconded by Ms. Guinup.

**Motion Carried: 7-0**

**Old Business:**

Regular Meeting  
Planning Board  
April 24, 2024

Motion made by Mr. Palumbo to adjourn \*\*Case #2023-042 – Amerco Real Estate Company/U-Haul (3) – 8015 Oswego Road – Amended Site Plan (Adjourned from 7 previous meetings) to May 22, 2024. Seconded by Mr. McMahon.

**Motion Carried: 7-0**

\*\*Case #2023-052 – MikeTormey/Buckley Warehouse (3) – 4583 Buckley Road – Site Plan (adjourned from 3 previous meetings)

Chairman Mitchell said we have the sub division scheduled for May 8, 2024 on this case; we will adjourn the amended site plan also to May 8, 2024.

Motion made by Ms. Guinup to adjourn Case #2023-042 MikeTormey/Buckley Warehouse (3) – 4583 Buckley Road – Site Plan (adjourned from 3 previous meetings) to May 8, 2024. Seconded by Ms. Borton.

**Motion Carried: 7-0**

\*Case #2024-005 – S.&G. Acquisitions/Event Space and Commissary Kitchen (5) – 5570 Caughdenoy Road – Zone Change Referral (Adjourned from 1 previous meeting).

Ms. Lauren Baron, Weaver Mancuso Brightman, is present to address the board on behalf of the applicant. Ms. Baron presented a power point presentation to the board and attendees referring to the plans given to the board.

The property is located on Caughdenoy Road consisting of approximately 6.5 acres bordering between Town of Clay and Town of Cicero. There is an existing barn, block garage and grain silo which were constructed in the 1950s. The barn contains two stories that each consist of approximately 3,600 square feet. There are currently no nonconforming uses or structures located on the property and have been none during the last six months preceding this petition. Current use is storage only.

The property is currently zoned O-1 Neighborhood Office District since the early 2000's. This property is adjacent to parcels zoned R-15 Residential in town of Clay.

The applicant would like to create an event space with a commissary kitchen. Project will involve internal renovations and improvements to the existing barn and improvements in appearance to bring the building into compliance with applicable New York State Uniform Fire Prevention and Building Code requirements as well as external improvements consisting of building maintenance, landscaping, decking and a parking area. The number of parking spaces will comply with town code.

The property will be connected with water and sewer available through hookups along Amor Drive and Caughdenoy Road. Hours of operation will be Thursday through Sunday from 9 am to 10 pm and event will not exceed applicable occupancy requirements for the space. There may be other events outside of these days and hours.

Ms. Baron pointed to the wetlands on the property and said a natural vegetative buffer surrounds much of the boundaries of the parcel. There is a wood stockade fence between the property and 7993 Amor Drive. Ms. Baron stated there are a significant number of businesses within less than half a mile along the Route 11 commercial corridor (in Town of Cicero). Ms. Baron stated the property is unique and contains a lot of wetlands. DEC has been out to the property to assess the wetlands. DEC has not completed their full wetland delineation report at this time. Ms. Baron gave the board the preliminary site plan and wetland land buffer. The only construction now is the parking lot and minor improvements. DEC would like to see more parking in front of property. The barn consisting of approximately 3600 sq ft is a two-story structure to be used for event space which will enhance the area. Ms. Baron said that although the property is adjacent to a residential zoning district, much of the existing barn is screened from the residences to the west of the property by the existing vegetation on the property and the barn is nowhere near the residences to the east of the property due to the size of the parcel. The design of the project will take advantage of the natural vegetative screening on the property for privacy purposes as well as noise buffering purposes. Signage will be put on the silo for the event space as well as for directional purposes.

Ms. Baron said in terms of the parking in order to avoid drainage issues related to the wetlands, the applicant is certainly open to using gravel or any other type of pervious surface. A traffic study has been submitted to the town.

Ms. Baron said the property will be an improvement as an event space that community members would be able to rent for their events while providing revenue for other local businesses. End of presentation.

Chairman Mitchell asked what would be other operating hours that those listed. Ms. Baron said Thursday to Sunday but would be open for other days for an event.

Chairman Mitchell read from Town of Clay Code Book on LuC-2 Limited Use District for Restaurants:

Intent: The intent of this district is augment the uses of existing or planned general commercial districts with the enumerated limited uses. The district is to allow for restaurant land uses on sites that afford adequate parking, storage and related facilities in a manner that is compatible with the existing or planned character of surrounding commercial or industrial land uses and with minimal or no adverse effect upon public facilities and environmental features.

Chairman Mitchell said it does not sound like that event space should go there.

Onondaga County Planning Board offered their comments to the referral as follows:

The Town is encouraged to require additional information from the applicant as part of the proposed zone change, to ensure that a feasible site plan can be developed for the proposed use. Information to be provided should include provisions for new public infrastructure to serve the site including public sewer lines and public drinking water service. Delineation of state and federal wetlands and related buffer areas should be prepared, to best assess the feasibility of constructing new parking area and other potential development on the site. Information regarding the scale, hours, noise mitigation, and plans for on-site food preparation may also benefit review.

Chairman Mitchell said this board is only doing a referral and we would encourage the town board to review this. Chairman Mitchell visited the site, pulled over by the ingress/egress and looked at the barn. There are wetlands on both sides of Caughdenoy Road. Wetlands grow and parking may not be able to go in the area shown on the plan. Surrounding neighborhoods will be impacted by this event space. Chairman Mitchell stated everything that he has read on this application says no to this. He does not think LuC-2 is a proper rezoning of this plan.

Ms. Barron addressed the board with responses:

- They are working with DEC regarding wetlands.
- LuC-2 – in conversation with Commissioner Territo that this zoning was selected as the applicable zone for the event space.
- Applicant will strive to use proper equipment for noise control and lighting.

Chairman Mitchell asked if the board members had any questions.

Mr. Henty agrees with Chairman Mitchell 100%.

Ms. Guinup said it was supposed to be a transition district. LuC-2 is not transitional. This falls in the category but will only get complaints from neighbors. The applicant can leave and the town does not have any idea who will go in that location. This is not a good fit for the surrounding neighborhood.

Ms. Borton agrees with what has been stated as this does not meet the intent of the neighborhood. Ms. Borton is not in favor.

Mr. Palumbo questioned the need for variances on this project. Ms. Baron said with a redesign of the parking area, a variance will be needed. Mr. Palumbo said this could be triggered for a variance because of the wetlands.

Mr. DeTota stated:

- ✓ Agrees with the board members
- ✓ Wetlands can even be more than what is now out there. Very challenging to delineate this.
- ✓ Sewers on Caughdenoy – none to tap in
- ✓ Entrance on/off Caughdenoy Road needs to be addressed with DOT
- ✓ Take down gravel will have an impact on storm water management
- ✓ Will DEC even entertain a look at this area of wetlands

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

Regular Meeting  
Planning Board  
April 24, 2024

Ms. Juleen Rank of 7984 Amor Drive addressed the board. Ms. Rank stated there has not been any contact with the DEC. Parking could be a problem if the event is filled to capacity and parking areas fill up. Since parking is not allowed on Caughdenoy Road, Amor Drive could then be used where there are neighborhood children.

Mr. Michael Giberti, 5557 Piazza Lane addressed the board. Mr. Gilberti said his home which he has been there for 30 years is directly behind the applicant's property. I have been here several times in the past opposing developing this property. Runoff will continue to be a problem.

Mr. Scot Spriggs of 5618 Caughdenoy Road addressed the board. Mr. Spriggs said wetlands are a problem. Town of Cicero dredged Mud Creek from Caughdenoy Road to Rt 481 pushing the water up Caughdenoy Road to where this property is located. An aerial view will also show the growth of these wetlands.

Mr. Charles Swartfager of 5628 Caughdenoy Road addressed the board. Mr. Swartfager said his property is directly adjacent to the applicant's property. With this zone change it will open up to not so nice neighbors in the future. There is a huge swale on the east side of the barn. Mr. Swartfager said it was stated at the town board meeting that it would take 150 to 200 people to turn a profit. Parking would be a problem. A traffic study was done by DOT in 2018 and said 13,000 vehicles drove Caughdenoy Road per day. Mr. Swartfager said he was sure that number has increased. This will impact traffic.

Mr. Jeff Menkins of 7984 Amor Drive addressed the board. Mr. Menkins said there is water all around the barn and there is no way that barn will withstand anything they can do.

Ms. Baron responded that they have been in contact with DEC and gave names of her contacts.

Chairman Mitchell closed the hearing and asked for a motion.

Motion by Mr. Palumbo – Mr. Chairman: In the matter of the application of planning board case No. 2024-005 S.&G. Acquisitions/Event Space and Commissary Kitchen, 5570 Caughdenoy Road, for Space and Commissary zone change request from Neighborhood Residential to Limited Use Restaurant, I move to recommend to the Town Board using standard form #50 Zone change recommendation, the petition be denied for the following reasons: The zone change request will adversely impact the surrounding residential community. This site can be challenged with the necessity for obtaining an area variance to provide adequate parking, The Town Board is encouraged to review the County's review comments pertaining to potential constraints or impacts on the site. Seconded by Ms. Guinup.

**Motion Carried: 7-0**

\*Case #2024-006 – **Tully's Good Times/Tully's Tenders, Rt 31 (5)** – 3567 Route 31 – Zone Change Referral (Adjourned from 2 previous meetings)

Regular Meeting  
Planning Board  
April 24, 2024

Motion made by Mr. Henty to adjourn Case #2024-006 – **Tully's Good Times/Tully's Tenders, Rt 31 (5)** – 3567 Route 31 – Zone Change Referral (Adjourned from 2 previous meetings) to May 8, 2024. Seconded by Ms. Borton.

**Motion Carried: 7-0**

**Charles Signs – Custom Wealth Management (formerly Rockland) – 7293 Buckley Road**

Zoned O-2, Permit #54,095

1 - Wall Sign – A 32 square foot, Internally Illuminated Led Wall Sign is proposed when 48.7 square feet is allowed. This sign will meet code.

1 – Freestanding Sign – A reface of an existing freestanding sign. This sign will meet code.

Motion to approve Charles Signs – Custom Wealth Management (formerly Rockland) – 7293 Buckley Road, Zoned O-2, Permit #54,095 with the address put on both sides and the sign being arched design. Motion made by Mr. Henty, seconded by Ms. Guinup.

**Motion Carried: 7-0**

Motion made by Ms. Borton to adjourn this meeting, seconded by Mr. McMahon to adjourn the meeting at 8:30 p.m.

**Motion Carried 7-0**

The next meeting is slated for May 8, 2024.

Respectfully submitted,



Marie Giannone  
Secretary – Planning Board