

**A P P R O V E D**

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 20<sup>th</sup> day of March 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
	Paul Graves	Member
	Hal Henty	Member
	Al McMahan	Member
	Jim Palumbo	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 February 28, 2024 Regular Meeting.

**Motion Carried 7-0.**

**New Business:**

\*Case #2024-001 – **Nelson Associates/Sharon Chevrolet (5)** – 3687 State Route 31 – Zone Change Referral

Mr. Tim Coyer, Ianuzi & Romans, representing Nelson Associates/Sharon Chevrolet, is present to address the board on the zone change referral. Mr. Coyer said they are looking for a zone change for part of the adjacent Pine property from a RA100 to HC1 which will be used for additional parking, drainage and the future building expansion. The drainage is to the north area.

Chairman Mitchell asked the board if they had any questions.

Ms. Guinup asked that a stipulation in the zone change state that parking of vehicles will only be on the property of Sharon Chevrolet. A representative for Sharon Chevrolet said that with the zone change they do not anticipate vehicles being parked off Sharon Chevrolet property. Ms. Guinup further stated Sharon Chevrolet would have to come back to the town for approval if vehicle parking is off their property.

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Chairman Mitchell asked how Sharon Chevrolet handles vehicles coming in for unloading as there is truck traffic waiting on Rt 31 at Sharon Chevrolet. The representative from Sharon Chevrolet said this would be corrected with the new additional parking in the rear of the building.

Chairman Mitchell asked if there were any questions from the public. None.

Chairman Mitchell polled the board.

Mr. Henty – in favor

Ms. Guinup – her comments were stated above for the stipulation for no parking of vehicles on any other property other than Sharon Chevrolet property.

Ms. Borton – in favor

Mr. Graves – in favor

Mr. Palumbo – in favor

Mr. McMahon – in favor

Chairman Mitchell – in favor

Mr. Palumbo read: In the matter of the application of planning board case no. 2024-001 for Sharon Chevrolet zone change recommendation from Residential/Agricultural to Highway Commercial I move to recommend to the Town Board using standard form #50 Zone Change Recommendation, the petition by granted with the stipulation that parking would only by on the Sharon Chevrolet property as stated in these minutes by the board member. Seconded by Mr. McMahon

**Motion Carried: 7-0**

\*Case #2024-003 – **Clay Marketplace (5)** – 4191 State Route 31 (5) Special Permit Referral and

\*Case #2024-004 – **Clay Marketplace (5)** – 4195 State Route 31 (5) Special Permit Referral

Mr. Alex Wisnowski of LJR Engineering was present to address the board representing Clay Marketplace.

Chairman Mitchell said he is not pleased that these changes to the site plan were only presented today. There is a second story going up and already approved. Chairman Mitchell said this is not what was approved. Change to the middle building which was acceptable and perpendicular to the highway is now parallel to the highway. The applicant is asking for a referral to do drive thru service with changes already made to the site plan.

Mr. Wisnowski addressed the board on these changes. Mr. Wisnowski showed the board the original PDD plan with the approval except the parcel shown on the drawing. Phase I would include the first commercial building, and Phase II the next commercial building. No specific user has been assigned for the commercial building. Mr. Wisnowski went back to the town

board to amend the PDD which included changes to the maximum square footage and building height. The center piece of the PDD did not contemplate a drive thru service. The now amended PDD shows the new drive thru service for the middle commercial structure. The town board did approve the amendment to the PDD recognizing the applicant goes back to the planning board for the special use permit recommendation for drive thru service.

By securing the special use permit for the drive thru service the applicant can move forward securing tenants that require drive thru service. Leases cannot be signed unless there is a drive thru service. Prospective tenants for these commercial buildings include a bank, office and café. Mr. Wisnowski presented the board with the updated traffic study report by GTS Consulting which showed minor increases in the trip generation estimates compared to the 2021 traffic impact study. The conclusion to this traffic study is stated from this report:

Overall, the revised planned uses in the Clay Marketplace development do result in some minor increases in the trip generation estimates compared to the original 2021 traffic impact study. The overall traffic entering and exiting the is expected to increase by 40-50 vehicles entering/exiting during the morning peak hour, 10-20 vehicles entering/exiting during the evening peak hour and 60-70 vehicles entering/exiting during the Saturday peak hour. However, a large portion of the additional traffic generated during the morning and Saturday peak hours will be drawn from existing traffic on the adjacent roadways in the area, therefore the revised uses will only result in an additional 20-40 new trips traveling to/from the overall area during the peak hours compared to the original study.

The build conditions capacity analysis completed in the 2021 traffic impact study with the left turn lane mitigation improvements on Henry Clay Boulevard indicated that the intersection of NYS Route 31 with Henry Clay Boulevard will operate at an overall Level of Service C or better during the three peak hours with the Clay Marketplace development. With a 100 second signal cycle length, the additional new trips generated under the current build out plan will only add 1 additional vehicle entering and exiting the site during each cycle of the traffic signal. This minimal increase in traffic will have no notable impact on the capacity analysis results and does not warrant a full updated traffic impact study or any additional off-site mitigation. (From GTS Consulting)

Chairman Mitchell asked the board if there are any questions:

Ms. Guinup asked Mr. Wisnowski if the town board gave approval showing the revisions to the site plan with the drive thru service. The town board approved the plan as an attachment to the amended PDD. The approval of the square footage and height also included the drive thru service location. Ms. Guinup agrees with the town board member that was asking about site circulation because this board and town board never gives approval for drive thru without site plan approval. The code written for this PDD district listed drive thru service as allowable with a special permit approval of town board. Ms. Guinup will not review the site plan as presented this evening.

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Chairman Mitchell asked the public for any comment. None

Chairman Mitchell polled the board:

Mr. Henty – in favor

Ms. Borton – in favor with drive thru, enough space to make it work, details may change

Mr. McMahon – in favor

Mr. Palumbo – in favor

Mr. Graves – in favor

Ms. Guinup – comments made – no problem with drive thru, will make it work

Chairman Mitchell- in favor – we will make this work with the amended site plan presented to the board.

Mr. Wisnowski asked to meet informally on these issues. Chairman Mitchell said to speak to Mr. Territo, Commissioner of Planning & Development, to set up a meeting.

Chairman Mitchell closed the public hearing.

Motion by Ms. Guinup: Mr. Chairman, in connection with Planning Board Case #2024-003 for Clay Marketplace at 4191 State Route 31, Special Permit Referral I move to recommend to the Town Board using standard form no. 60 the petition by granted based on comments from all board members. Seconded by Mr. Henty.

**Motion Carried: 7-0**

Motion by Ms. Guinup: Mr. Chairman, in connection with Planning Board Case #2024-004 for Clay Marketplace at 4195 State Route 31, Special Permit Referral I move to recommend to the Town Board using standard form no. 60 the petition by granted based on comments from all board members. Seconded by Mr. Henty.

**Motion Carried: 7-0**

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

This was pulled from town board (had to be readvertised).

Motion to adjourned this case #2024-005 to April 24, 2024. Motion by Ms. Guinup, seconded by Ms. Borton.

**Motion Carried: 7-0**

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

Mr. Dave Schlosser, Schopfer Architects, is present on behalf of the applicant to address the board. Mr. Schlosser stated there were concerns with vehicle congestion at the start of the drive thru and pedestrian pathway thru the drive thru addressed at the town board meeting. Mr. Schlosser has a revised plan with modification to present for review.

Chairman Mitchell asked why this site was selected for Tully's location.

Mr. Schlosser stated:

- There is a purchase offer on this parcel contingent that a drive thru service lane is approved.
- The site is approximately 5000 sq ft, only 2800 sq ft will be used for the restaurant. 1200 sq ft could be utilized for an undesignated tenant such as barber shop, small accounting office (only example) that would be by appointment only
- The site is deep
- This model will be a fast-food restaurant – one location is in Oswego (which has been operating two years)
- The take-out business is strong
- Seating will be for approximately 50 people, no alcohol served
- Menus will be primarily chicken fingers and tenders
- 75% of business is take-out in the Oswego location
- Order ahead of time and pick up through drive thru
- Approximately 24 vehicles per hour shown on traffic study
- No issue from Dept of Transportation (DOT) but will wait for study
- GTS is doing a traffic study reviewing traffic queues from adjacent traffic signals
- 18 parking spaces in front of restaurant
- 54 parking spaces will be used out of the 59 allowable

The revised plan changes:

- Relocated the drive thru entry lane 70' further north, fully clear of the driveway shared with the car wash.
- Relocated 18 parking spaces between the building and the drive thru lane eliminating any pedestrian crossing thru the drive thru lane.
- Increase the vehicle stacking from 8 to 10+ vehicles.
- Same number of parking spaces
- There is a 20 ft green space between this property and the funeral home to the west.

Chairman Mitchell said at one time there was a NAPA auto store and an exercise facility which were very compatible with the shared driveway. This board is in the process of finishing up for a restaurant that will be located directly across the street from the ingress/ egress. The traffic would be unbearable to exit either right or left. Chairman Mitchell said he is not in favor of putting in a drive thru service at this location on Rt. 31. He would consider a "grab and go" type restaurant, where you call and order ahead, pull in and pick up the order. This would alleviate the stacking of vehicles and exiting onto Rt. 31.

Mr. Schlosser said it is critical to have a drive thru service for this model restaurant.

Chairman Mitchell asked the board for questions.

Mr. Henty is not in favor of the drive thru service as he is familiar with the area and has problems trying to get back onto Rt. 31. Possibly a right in and right out could be looked at with the traffic study being done. Hours the restaurant will be open are the high traffic hours which are noon to 10 p.m., seven days a week. It would be great for the town of Clay to have Tully's, but not at that location.

Mr. Graves – no comment

Mr. Palumbo – like the location and what has been proposed. The challenge is with the turning lane in the middle of the road and the traffic study should take that into consideration and what potentially might be going in across the street. This should be looked at together to see if this can move forward.

Mr. McMahon – concur with Mr. Palumbo

Ms. Borton - Question for the Commissioner – for the special permit for the restaurant is that limited to the square footage that is on it or in general for the parcel.  
The present configuration of the turning lane is a concern.

Ms. Guinup – how long has the Oswego location been in operation. Mr. Schlosser stated two years. Ms. Guinup said she concurs with the Chairman's comments having the restaurant a call ahead and pick up order rather than the four-minute wait time, causing a stacking problem and cars backing up to exit onto Rt. 31. Also, in the back of the restaurant there is 13 ft and 20 ft. is required for parking. Ms. Guinup said she is not in favor of giving any recommendation to the town board until we get comments from the State and Dept of Transportation (DOT).

Chairman Mitchell said that this being a public hearing, are there any questions/comments from the public.

Mr. Gary Stobnicke of Black Brandt Drive, addressed the board and stated that traffic is a problem. He said he also spoke at the town board meeting on this issue. He said the middle lane (suicide lane) will become a turn in for restaurant patrons causing accidents.

Mr. Bob Michelson of 39 Cherry Tree Circle. It was mentioned that timing of the traffic lights could alleviate some of the traffic. The problem is the two lights that are adjacent to that site are triggered lights; they are not timed. They are triggered by the traffic that shows up. The suicide lane does not work as half of the drivers cannot figure it out.

Chairman Mitchell stated that no referral will be given this evening until we hear from the State and Dept of Transportation (DOT).

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Motion by Ms. Guinup to adjourn this case until April 24, 2024. Seconded by Mr. Henty.

**Motion Carried: 7-0**

Case #2024-007 – **Justine’s Canine Care Training Facility (3)** – Clay Commons Plaza.  
Oswego Road – Town Board did not refer the case to the Planning Board and therefore will not be heard and withdrawn.

\*\*Case #2022-008 – **Chick-fil-A, Inc. (3)** – 3920 Brewerton Road – Special Permit (Adjourned from 11 previous meetings)

\*\* Case #2022-009 – **Chick-fil-A, Inc. (3)** – 3920 Brewerton Road – Site Plan (Adjourned from 11 previous meetings)

Motion by Mr. Palumbo to adjourn Case # 2022-008 and Case #2022-009 to April 10, 2024.  
Seconded by Ms. Guinup.

**Motion Carried: 7-0**

\*\*Case #2023-029 – Delta Sonic Car Wash/Delta Sonic Car Wash System, Inc (3) – 3627 & 3809 State Route 31 – Site Plan (Adjourned from 9 previous meetings)

Motion made by Ms. Guinup to adjourn Case #2023-029 to April 10, 2024. Seconded by Mr. McMahan.

**Motion Carried: 7-0**

\*\*Case #2023-039 – **Nik Loannidis/Gardenview Diner (3)** – 3564 Route 31 – Site Plan (Adjourned from 7 previous meetings)

Ms. Alex Samoray, Keplinger Freeman Associates, representing the applicant is present to address the board.

Ms. Samoray stated the changes the board listed in the January 10, 2024 meeting had been made.

Chairman Mitchell said the dumpster has been moved from one side of the lot to the other where there is a 12 ft variance perimeter landscape. The applicant should contact Town of Clay Zoning Board of Appeals (ZBA) to get a variance reducing this to approximately 6 ft. allowing for the dumpster and parking. Chairman Mitchell said ZBA meets on April 8 and planning board on April 10, this can get approved at that time showing the revision on the site plan.

Mr. Joseph Priano, Architect, showed the board the materials selected for the building.

- ✓ Classic materials
- ✓ Stone – screw on

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- ✓ Synthetic Stucco
- ✓ Very energy efficient
- ✓ Awnings – Classic black/white

Ms. Guinup asked if there is any consideration that the 6 ft wood fence could be vinyl. This would be considered by the applicant.

Chairman Mitchell stated as this is a public hearing are there any questions from the public.  
None

Motion made by Mr. Henty to adjourn Case #2023-039 Gardenview Diner to April 10, 2024.  
Seconded by Ms. Guinup.

**Motion Carried: 7-0**

**Signs**

**Kassis Signs – Vet 4 U – 4155 NYS Route 31, Zoned RC-1, Permit #54,037**

1 -Wall Sign – A 72 square feet, internally illuminated LED Wall Sign is proposed when 192 square feet is allowed. This sign will meet code.

Motion made by Mr. Graves for one Wall Sign Kassis Signs – Vet 4 U – 4155 NYS Route 31, 72 Sq ft LED internally illuminated, Permit #54,037. Seconded by Ms. Guinup.

**Motion Carried: 7-0**

Motion by Mr. McMahon, seconded by Mr. Palumbo to adjourn meeting at 9:10 p.m. Next meeting April 10, 2024.

**Motion Carried: 7-0**

Respectfully submitted,



Marie Giannone  
Planning Board Secretary