

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 9th of August 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:

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| PRESENT: | Russ Mitchell | Chairman |
| | Michelle Borton | Deputy Chair |
| | Karen Guinup | Member |
| | Hal Henty | Member |
| | Jim Palumbo | Member |
| | Mark Territo | Commissioner of Planning & Development |
| | Judy Rios | Secretary |
| | Kathleen Bennett | Planning Board Attorney |
| | Ron DeTota | C&S Engineering |
| ABSENT: | Al McMahon | Member |
| | Scott Soyster | Member |

A motion was made by Jim Palumbo seconded by Michelle Borton granting approval of the minutes from the July 26, 2023 Regular Meeting.

Motion Carried 5-0

Public Hearings (New Business):

None.

Public Hearing (Old Business/Open and Adjourned):

Russ Mitchell opened **Case #2022-008 – **Chick-fil-A, Inc.** (3) – 3920 Brewerton Road – Special Permit (Adjourned from 3 previous meetings) and **Case #2022-009 – **Chick-fil-A, Inc.** (3) – 3920 Brewerton Road – Site Plan (Adjourned from 3 previous meetings). Russ informed the applicant he wanted to adjourn these two Cases as Members of the Board did not receive documents and correspondence prior to the meeting, which is due one week before the meeting date. He explained he continues to be adamant about this procedure and projects won't move forward and will be adjourned. For this evening, Russ agreed to two items: To open the Cases and hear public comments and learn what was discussed at a meeting held today with the Village of North Syracuse. He will then ask the Board for their comments. Plans are to adjourn both Cases to September 13, 2023. Tim Freytag, Bohler Engineering, spoke clarified they did not receive their information until Thursday and did ask if they should still attend. Russ emphasized that hard copies were delivered but not in a timely manner. Moving forward, Tim noted meeting with the Mayor, the Planning Board Chairman, and a representative from Codes for the Village of North Syracuse and talked through studies, providing feedback and correspondence to be sure they were up to speed. The Mayor would like to see the area re-landscaped and asked for similar improvements the Planning Board had previously requested; to beautify the area. They will allow the Town's Board to proceed as lead agency for SEQR

during the site plan process and will provide comments to the Board. Michelle Borton asked regarding a recent letter submitted addressing Fire Department concerns noting Chick-fil-A will need approval from them. As well, she notes on the site layout the drive aisle width is 24', but our code is 20' – this will need revising. She'd also like to see angled parking spaces. Tim said they would look into this and doesn't see an issue. Discussion ensued regarding a third lane and labeled as a drive-thru and not a bail out lane. Tim stated Onondaga County DOT requested a third lane for peak periods and stacking purposes. The site will be two operational lanes and the third as a bypass. Michelle noted her concerns about three lanes and reminded Tim the Board is adamant about two-lanes only and the third as a bail out-only lane. Tim said the intent is a bail out lane, however, DOT asked it be considered a third lane as mentioned. Michelle said they may need to adjust the site to accommodate the Board and DOT. Jim Palumbo noted his concern with cars moving around and should someone want to exit the drive-thru lane, they'll be no where to go. Karen Guinup said the Board always requests a bail out lane as a safety precaution. Tim noted the traffic study includes stacking capacities and DOT is being conservative as additional capacity, three lanes will merge into two and the chance of a third lane full is very rare. Karen said further clarification will be needed. Hal Henty asked how many Chick-fil-A sites are this size and Tim said he is familiar with one in Greece and the Cicero site. Karen read from Bohler's August 7, 2023 letter. "There are no drive through only sites in upstate New York to compare the estimates to." (Referring to drive through only trip generations). Karen feels the Town of Clay is being used as a guinea pig for this drive through only model.

Russ Mitchell asked for questions/comments from the public.

Resident Phil Cleary, Manor Drive spoke and provided the following statement:

"My concerns regarding the re-development of the site at the corner of Taft Road, Route 11, and South Bay Roads are centered on traffic and safety. I feel the request from Chick-fil-A is inappropriate for this location given the already high traffic count and its proximity to numerous schools and public services. Impact on Schools and School Safety: The North Syracuse Central School District (NSCSD) serves nearly 10,000 students and has 11 school buildings with the District Transportation Center, Maintenance Complex, and Shared Services Complex located 1/4 mile east of the intersection in question on Taft Rd. The District utilizes approximately 100 buses. These buses are "triple-tripped", meaning each bus services 3 buildings or 6 trips per day- all traversing the intersection of Route 11, Taft and South Bay Roads. The buses start at 6:00am and run throughout the day for elementary, middle, junior, and senior high buildings until 4:00pm. After 4:00pm buses continue to run to support after school activities and scholastic sporting events. The District also administers an inclusive preschool program, the North Syracuse Early Education Program at Main Street School at 305 N. Main St. This program meets its transportation needs with a combination of small buses and parents who transport their children. Traffic ramps up for 1/2 sessions at 8:30am, 11:30am, noon, and 2:30pm. Each time backing traffic into Route 11. As you are likely aware; many families transport their children to school each day. The schools are re-designing their campuses to accommodate the 15-20% of children dropped off and picked up at their schools in private vehicles. This traffic is in addition to the buses. Please Note: The District must utilize all buses and bus runs regardless of the number of students transported by private vehicle. Impact on Public Safety and Public Services: Increased traffic can impact first responders when needed. The Onondaga County Sheriff Station, 2 North Syracuse Fire stations and NAVAC are located within a mile of this location and use this intersection to support the community. The North Syracuse Central School District Shared Services Center (1/4 mile East on Taft Rd.) is the fueling and vehicle washing center for area police, fire, and ambulance services. Also impacted by increased traffic are the emergency vehicles and plows at the New York State DOT garage on the corner of

South Bay and Taft Roads. As the Town has added sidewalks and cross walks; foot and bicycle traffic have increased greatly. Busy drive-thru lanes present increased opportunities for accidents and injury. Observations: The Town of Clay has managed the development of the Rt. 31 Chick-fil-A site well while we have seen Town of Cicero site on Rt.11 snarl traffic daily - getting worse as increased traffic increases from Rt.81/481 changes. The Chick-fil-A site plan appears counterintuitive. Currently two busy restaurants occupy this area without impacting traffic. Despite this, Chick-fil-A proposes a drive-thru only site without data to support their untested idea. Perhaps a dine-in only location would be better suited for this area. Recommendation: The virtual center of New York State is located a mile south of this site at the former Northern Lights Plaza. At this site Rt.11, 81, and the NYS Thruway intersect. The traffic circle slows vehicles, the large parking lot is waiting to absorb traffic, and a vacant restaurant building awaits.”

Russ thanked Mr. Cleary for his insight. No other comments received.

A motion was made by Hal Henty seconded by Karen Guinup to adjourn Case #2022-008 – **Chick-fil-A, Inc. (3) – 3920 Brewerton Road – Special Permit** and **Case #2022-009 – **Chick-fil-A, Inc. (3) – 3920 Brewerton Road – Site Plan** to September 13, 2023.

Motion Carried 5-0

Case #2022-036 – **Pizza Hut (3) – 7365 Oswego Road – Amended Site Plan (Adjourned from 9 previous meetings). The applicant requested an adjournment.

A motion was made Michelle Borton seconded by Jim Palumbo to adjourn Case #2022-036 – **Pizza Hut – 7365 Oswego Road – Amended Site Plan** to September 13, 2023.

Motion Carried 5-0

Case #2023-001 – **B & C Storage (3) – 4600 Weller Canning – Site Plan (Adjourned from 5 previous meetings). Collin Donahue of B&C Storage spoke noting he has completed the required changes as previously made by the Planning Board as follows: inclusion of the variance number; labeling of a fire hydrant, specs and photometrics for wall pack lighting and a letter received from the Fire Chief. Russ Mitchell stated the new set of drawings received is good, however, the variance approval date is missing. He indicated the Board would approve based on this information, but a new set of drawings will be needed for the file. Collin thanked the Board and said he would bring in the corrected set.

Russ Mitchell asked for questions/comments from the public, hearing none he closed the Case.

Jim Palumbo read: In the matter of the application of the Planning Board Case #2023-001 – **B&C Storage – 4600 Weller Canning**, 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 for the following reasons: The proposed site arrangement is in keeping with the surrounding area. Seconded by Michelle Borton.

Motion Carried 5-0

Jim Palumbo read: In the matter of the application of Planning Board Case #2023-001 – B&C Storage – 4600 Weller Canning, I move the adoption of a resolution using standard form #20 – Site Plan, be granted based on a map by RZ Engineering dated January 19, 2022 revised August 3, 2023 and numbered C-1, C-2, C-3; survey by Warren Ramie Surveying Sheet A-1 dated: March 23, 2020. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Any other conditions if necessary: Variance Case noted be provided with the date of the variance approval and the drawings receive a revised date of August 9, 2023. Seconded by Hal Henty.

Motion Carried 5-0

****Case 2023-006 – Emerald Lawn Care/Wetzel Road Properties, LLC (3) – 4663 Wetzel Road – Site Plan (Adjourned from 4 previous meetings).** The applicant awaits documentation and requested an adjournment.

A motion was made by Hal Henty seconded by Karen Guinup to adjourn Case #2023-006 – Emerald Lawn Care/Wetzel Road Properties, LLC – 4663 Wetzel Road – Site Plan to September 27, 2023.

Motion Carried 5-0

*Case #2023-027 – **Pizza Hut** – 7365 Oswego Road (5) – Special Permit Referral (Adjourned from 1 previous meeting). Tim Freytag, Bohler Engineering presented on behalf of the applicant. Russ Mitchell asked why a drive-up window is necessary at this location. Tim stated Pizza Hut is looking to add modifications, as the industry has changed from the COVID pandemic. Plans also include re-landscaping the area and provide required ADA specifications for parking. Russ asked what customers do if they drive up and their food is not ready. Tim said an allotted time is provided to the customer after ordering (by phone or online). However, if it is not ready, they would be directed to park and wait and return. Russ feels this is no different than placing an order and parking, walking in, and picking up or have the Restaurant bring out the food. Russ stated he is in agreement with ADA improvements but has a very hard time with a drive-thru window at this tight location. Hal Henty asked if they are doing this service now and Tim said no, as there is no window. Hal feels the drive up window is a bad idea due to limited space and no parking and doesn't see the functionality; there is no room at this site. Jim Palumbo asked if the existing curb cut is ingress and egress and Tim said, yes. Jim feels this as a challenge changing that to an egress only, with what is being proposed, and not conducive to the area; traffic on Rt. 57 is already a problem. Tim is appreciative of the Board's comments, however, did state Pizza Hut is seeking to reinvest and without approval to make the improvements he's unsure what the outcome of them continuing at that site. Jim asked Kathy Bennet if the special use permit only goes with Pizza Hut will they have to come back or does this go with the site and owner. Kathy said the Board can put a special request such as a time limitation as it is tied to the use not the specific owner. Michelle Borton noted the parking is lower than the code and asked if there is shared parking in the plaza; she foresees issues with this tight area. Tim said he was unsure about shared parking. Russ pointed out issues with the existing dumpster stating the owner needs to know that no approval would go forward until an acceptable gate and enclosure is installed. Karen Guinup spoke stating the circulation is terrible and appears a lot of conflicts. She clarified that any special permit remains with the property as long as future metes and bounds are met; this would be a drive-thru forever. She feels curb side pick up works nicely for this site, but a drive-thru window does not; the parcel is too small with conflicts and does not see it mitigated with site plan.

Russ Mitchell asked for questions/comments from the public; hearing none he closed the Case.

Russ Michell polled the Board Members recommendations as follows:

Hal Henty – Not in favor
Karen Guinup – Not in favor
Michelle Borton – Not in favor
Jim Palumbo – Not in favor
Russ Mitchell – Not in favor

Tim Freytag asked suggestions and next steps and Karen Guinup said this is ultimately a Town Board decision.

Karen Guinup read: In the matter of the application of the Planning Board Case #2023-007 – Pizza Hut – 7365 Oswego Road – Special Permit Referral, the Planning Board recommends the Town Board deny this Special Permit with inclusion of the Planning Board Members’ comments. Seconded by Hal Henty

Motion Carried 5-0

Closed Hearings – (Board/Applicant only):

None.

New Business:

Signs:

Charles Signs – *Train Hard Fitness* – 8180 Oswego Road - Zoned NC-1, Permit #53,710.

1 – Freestanding Sign - The applicant is proposing a 24 square foot internally illuminated sign when 24 square feet is allowed, this will be at a 15’ front yard setback instead of 25’ as an Area Variance was granted November 22, 2022. This will meet the code.

Russ Mitchell noted the address is missing on the sign and is required; he wants this to be added.

A motion was made by Jim Palumbo seconded by Hal Henty granting approval of Sign Permit #53,710 – Charles Signs – Train Hard Fitness – 8180 Oswego Road, with the stipulation the address be added on the sign.

Motion Carried 5-0

Work Session:

None.

Regular Meeting
Planning Board
August 9, 2023

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

A motion was made by Karen Guinup seconded by Hal Henty granting approval to adjourn the meeting at 8:40 p.m.

Motion Carried 5-0

The next meeting is slated for September 13, 2023

Respectfully Submitted,



Judy Rios
Planning Board Secretary