

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 13th of September 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:

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

ABSENT: Al McMahon Member
Scott Soyster Member
Kathleen Bennett Planning Board Attorney
Ron DeTota C&S Engineering

A motion was made Michelle Borton seconded by Jim Palumbo granting approval of the minutes from the August 9, 2023 Regular Meeting.

Motion Carried 5-0

Russ Mitchell announced the following Cases are not in attendance and will be adjourned:

- Case #2022-008 - Chick-fil-A, Inc. - 3920 Brewerton Road - Special Permit
- Case #2022-009 - Chick-fil-A, Inc. - 3920 Brewerton Road - Site Plan
- Case #2022-036 - Pizza Hut - 7365 Oswego Road - Amended Site Plan
- Case #2023-029 - Delta Sonic Car Wash/Delta Sonic Car Wash Systems, Inc. - 3627 & 3809 State Route 31 - Site Plan

Public Hearings (New Business):

*Case #2023-030 – **Kraft Real Estate, LLC/Morgan Road Storage (5)** – Morgan Road and Piccadilly Square – Zone Change Referral. Tim Coyer, Ianuzi and Romans, P.C., spoke on behalf of the applicant noting the owner, Mr. Kraft, also in attendance. Tim explained the applicant is seeking to build a self-storage site on this vacant property and a zone change to HC-1. He states there is an existing apartment complex to the west and motor vehicle shop and parking lot to the south. Russ Mitchell asked if he had received Onondaga County’s Planning Board comments and Tim said, yes. Russ read the following from the comments: *The site is currently in an O-2 Office zoning district, per the Town of Clay Zoning Code, the intent of the O-2 district is to “reserve the existing residential quality along portions of major roads...while permitting alternative and compatible office development on selected sites that may not be suitable for residential use.” This zone change to construct a self-storage facility - at least six area variances would be required. Temporary access only has been granted by Onondaga County Department of Transportation to*

clear site, permanent access must occur from Piccadilly Square. Advisory note: Per the Onondaga County Department of Transportation, no access to Morgan Road will be permitted. Onondaga County Planning Board recommends that said application be DISAPPROVED for the following reasons: The Board does not endorse the zone change as proposed. The minimum lot size, residential buffering, and setback requirements associated with the Highway Commercial zoning district would be difficult to adhere to on this parcel, as illustrated by the multiple and sizeable variances which would be required for the proposed project, or likely any other proposed use of the site. Additionally, H-1 zoning is not present in any other location along Morgan Road in this location and referral materials do not include any planning level basis for intruding new zoning districts. The Town is encouraged to review zone changes in the context of corridor and neighborhood development goals. Russ stated he agrees with the County's notes and sees no reason to change this zone to HC-1. He polled the Board as follows:

Hal Henty – agrees with the County.

Karen Guinup – agrees with the County.

Michelle Borton – agrees with the County.

Jim Palumbo – agrees with the County; the variances are a red flag.

Russ Mitchell – agrees with the County.

Karen Guinup noted once zoned to HC-1, anything can go in that area. Tim Coyer said the applicant has no problem to have this restricted to public storage only.

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

Russ asked the Board if anyone is in favor of this zone change and all agreed they are not, resulting in a negative referral.

Jim Palumbo read: In the matter of the application of Planning Board Case #2023-030 – Kraft Real Estate, LLC/Morgan Road Storage, I move to recommend to the Town Board using standard form #50 – Zone Change, the petition be denied for the following reasons: Those reasons expressed by each of the Planning Board as mentioned/expressed above. Seconded by Hal Henty.

Motion Carried 5-0

****Case #2023-032 – Renalli Generations, LLC/Sky Zone (3) – 4155 State Route 31 – Amended Site Plan.** James Trasher, CHA Consulting, spoke on behalf of the applicant distributing updated plans to the Board Members. Russ Mitchell noted the Board would not be discussing any updated plans as they are not timely. As well, he stressed that they are only interested in knowing about the outside of the building and nothing in the inside. James stated he received comments regarding painting, landscaping, and lighting and that is what the plans refer to. The applicant is eager to pull a building permit. Karen Guinup reiterated that the Board is not interested about the inside of the building, but does expect the outside of the building to look as pristine as Dunk & Bright Furniture with the parking lot striped, building painted, lighting, and landscaped.

Russ Mitchell asked for questions/comments from the public. Mr. James Renalli, Owner, addressed the Board noting his intent is to make this outparcel look as nice as Dunk & Bright and apologized drawings were not received sooner.

A motion was made by Hal Henty seconded by Michelle Borton to adjourn Case #2023-032 – Renalli Generations, LLC/*Sky Zone* – 4155 State Route 31 – Amended Site Plan to September 27, 2023.

Motion Carried 5-0

*Case #2023-035 – **Juntao Yan/7310 Oswego Road Zone Change (5)** – 7310 Oswego Road Zone Change Referral. Steve Calocerinos, LaBella Associates, spoke on behalf of the applicant noting they are seeking a zone change from RA-100 to R-APT. The site is north of Sharkey’s and primarily vacant. Plans are to put in apartment unit-type housing; 71 units and four buildings with a mix of 1 & 2 bedroom, 2-story high, on approximately 10.59 acres. They are in discussion with Onondaga County regarding sewer. Russ Mitchell asked where they could potentially connect and Steve said, possibly on Old Cove Road or a Kwik Fill gas station site just to the north, however, discussions are ongoing. Steve showed a preliminary layout and Russ asked who owned the horseshoe property and Steve said it is two different owners. Russ asked if Mr. Yan is aware of Sharkey’s and their concert noise and Steve said, yes. Steve noted this is an affordable workforce housing project and the owners will apply for tax credits. Russ said they expect the buildings to look nice and Steve produced a rendering for visual purposes. There will be no garages and an open parking area. Jim Palumbo noted 30% of the site is left open and asked if there are any restrictions as it appears there is more room to develop. Steve said there is no plans for that now, but perhaps. Shown today is what is current and what zoning regulations allow. Jim asked about wetlands and Steve said there are no wetlands on site.

Russ Mitchell asked for questions/comments from the public. None received. He polled the Board as follows:

- Hal Henty – in favor of this zone change.
- Karen Guinup – in favor.
- Michelle Borton – in favor.
- Jim Palumbo – in favor; best use for this property he’s seen in years.
- Russ Mitchell – in favor.

Michelle Borton read: In the matter of the application of Planning Board Case #2023-035 – Juntao Yan/7310 Oswego Road, I move to recommend to the Town Board using standard form #50 – Zone Change, the petition be granted for the following reason: The proposed zone is compatible with surrounding land and existing community character. Seconded by Karen Guinup.

Motion Carried 5-0

*Case #2023-037 – **Carleen Halsey/Americo Real Estate Company (5)** – 8015 Oswego Road – Special Permit Referral (indoor recreation). Russ Mitchell noted this Case was approved at the Town Board Meeting on September 6, 2023, and is withdrawn from this evening’s Planning Board Agenda/Meeting.

*Case #2023-038 – **Vicksburg Estates, LLC/River Grove Apartments (5)** – 3696 Gaskin Road – Zone Change Referral. Tim Coyer, Ianuzi and Romans, P.C., spoke on behalf of the applicant stating they are seeking a zone change to R-SR for a senior living community. An appearance at the Town Board meeting on September 6, 2023 had several residents in attendance with questions/concerns and request of a traffic study, which he has contracted with Gordon Stansbury to complete. As well, several asked about the flood

plain and Tim added the flood plain line to show there are no buildings located in this area. As well, additional buffering was requested and he has added this in support of the residents. Russ Mitchell stated he is not in favor of apartments and notes the area is zoned for 72 town homes; the major concern is traffic on Gaskin Road. Tim said he asked Gordon (Stansbury) for the scope to include Gaskin Road and both intersections. Russ said there are busy times of days with school buses and commuting workers as well as Saturday's when people are off. He noted times are critical and all needs looking at in depth. Russ has also spoke with the Town's Water Superintendent, Frank Mazzye and Frank has some concern about the water and aging pipeline; it is very old and possibility of an overload and breakage may occur. Russ polled the Board as follows:

Hal Henty – needs a traffic study.

Karen Guinup – agrees with Russ Mitchell's comments; the additional cars (for apartment living) will have a big impact on Gaskin Road. Town Homes would have a lesser impact.

Michelle Borton – agrees with all of the above and wants the results of a traffic study.

Jim Palumbo – agrees with all of the above.

Russ Mitchell – not in favor of apartments; in favor of town homes only.

Russ Mitchell asked for questions/comments from the public. Resident Julie Cooper asked if the 124 units includes 20 additional buildings and Tim said the overall total is 144. Karen Guinup requested clarification and Tim said the total units for the property is 124 and 20 units as proposed have not been constructed. Karen asked if this application is only for the 124 units and Tim said, yes. Bob Michaelson, a volunteer firefighter spoke noting the roadways and access appears fine, however, Gaskin Road is a concern since this road is narrower than most residential streets with ditches on each side; running off the road is a possibility.

Russ Mitchell stated there would be no determination until the traffic study is complete.

A motion was made by Jim Palumbo seconded by Michelle Borton to adjourn Case #2023-038 – Vicksburg Estates, LLC/*River Grove Apartments* – 3696 Gaskin Road – Zone Change Referral to October 25, 2023.

Motion Carried 5-0

****Case #2023-039 – Nik Loannidis/*Gardenview Diner* (3) – 3564 Route 31 – Site Plan.** Alex Samoray, Keplinger Freeman Associates, spoke on behalf of the applicant stating this application is for construction of a new diner at 3564 Route 31. Zoning Board approvals have recently been provided and she is working on water and sanitary sewer systems in coordination with OCWA and Onondaga County. Russ Mitchell spoke noting the submitted Site Plan is deficient as well as the size of the drawings incorrect. He requested the following be corrected/submitted: 1) Drawings changed to correct size – 3x2; 2) Cover sheet added; 3) Landscape drawings on a separate sheet; 4) Photometrics sheet added; 5) Details regarding ordinances for the Town, parking, setbacks, variances etc. added and placed on the drawing with approved date and numbered accordingly; 6) Dumpster details as specified. He provided a copy of the Planning Board's check list and asked it be followed. Hal Henty noted needing lighting details, i.e. fixtures, pole height, spillage, cut sheets, etc. Karen Guinup indicated a drawing labeled 'concept plan' is a lighting plan and she asked they label it as such as well as look over foot candle information. She also noted the height of poles need to be mounting height. Michelle Borton asked if they had received a copy of Onondaga County comments (Russ Mitchell provided a copy). She requested they review each of the items also noting the Board will need approval copies regarding sewer and water (OCWA). Jim Palumbo pointed out a lot of space on the drawings and

perhaps keeping to one sheet would work. Russ stated he wants all drawings to be 3x2. Jim questioned utilities when seeing private road noting needing approvals/agreements and Alex said she is working on this with OCWA. Russ asked she speak to the Town Engineer, Ron DeTota as well. Further, Jim stated the landscape as shown appears sufficient, however, is concerned for snow storage. He notes there is in area in the back that could be scaled down by taking down a couple trees and may assist with snow. He also asked if there is a fence in the back and Alex said, yes. Jim asked they clearly label these items. Karen Guinup asked the size of the current Gardenview Diner on Old Liverpool Road for comparison purposes. The owner spoke stating the Diner on Old Liverpool Road is 2,700 sq. ft. with an 8' wide sidewalk at the entrance. There is an L-shape parking area with 63 spaces. This location would be 2,863 sq. ft. and 60 spaces. Hal Henty stated the private road behind the area may be a problem as there is a water line for a nearby carwash and the road has sunk a bit.

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

A motion was made by Hal Henty seconded by Jim Palumbo to adjourn Case #2023-039 – Nik Loannidis/*Gardenview Diner* – 3564 Route 31 – Site Plan to October 11, 2023.

Motion Carried 5-0

Public Hearing (Old Business/Open and Adjourned):

Case #2022-008 – **Chick-fil-A, Inc. (3) – 3920 Brewerton Road – Special Permit (Adjourned from 4 previous meetings) and **Case #2022-009 – **Chick-fil-A, Inc.** (3) – 3920 Brewerton Road – Site Plan (Adjourned from 4 previous meetings). The applicant requested an adjournment.

A motion was made by Michelle Borton 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 October 11, 2023.

Motion Carried 5-0

Case #2022-036 – **Pizza Hut (3) – 7365 Oswego Road - Amended Site Plan (Adjourned from 8 previous meetings). The applicant requested an adjournment.

A motion was made by Jim Palumbo seconded Karen Guinup to adjourn Case #2022-036 – 7365 Oswego Road – Amended Site Plan to September 27, 2023.

Motion Carried 5-0

Case #2023-029 – **Delta Sonic Car Wash/Delta Sonic Car Wash Systems, Inc. (3) – 3627 & 3809 State Route 31 – Site Plan (Adjourned from 2 previous meetings). The applicant requested an adjournment. A motion was made by Jim Palumbo seconded by Karen Guinup to adjourn Case #2023-029 – Delta Sonic Car Wash/*Delta Sonic Car Wash Systems, Inc.* – 3627 & 3809 State Route 31 – Site Plan to September 27, 2023.

Motion Carried 5-0

Closed Hearings – (Board/Applicant only):

None.

New Business:

Case #2023-043 – **Riverwalk South Amended** – Guy Young Road – Final Plat. Tim Coyer, Ianuzi and Romans, P.C., spoke on behalf of the applicant stating this is for the creation of two lots on Guy Young Road. Karen Guinup asked if Mr. Bragman will be selling these lots and Tim said, yes, he believes so as he resides in Florida most of the year.

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

Michelle Borton read: In the matter of the applicant of Planning Board Case #2023-043 – Riverwalk South Amended – Final Plat, I move the adoption of a resolution using standard form #40 – Final Plat approval be granted based on a map by Ianuzi and Romans, Land Surveying, P.C. and dated August 3, 2012, revised May 18, 2023 and numbered 1431.030. The approval is conditioned upon the developer complying with all the legal and engineering requirements as specified in the Town of Clay regulations. Seconded by Karen Guinup.

Motion Carried 5-0

Signs:

Sign & Lighting Services – Bath & Body Works – 3873 NYS Route 31 – Zoned RC-1, Permit #53,754.

2- Wall Signs – One 60.14 square foot, externally illuminated Wall Sign is proposed when 65.9 square feet is allowed, and a second 43.04 square foot Wall Sign is proposed when one 60 square feet is allowed. These signs will meet code.

A motion was made by Hal Henty seconded by Jim Palumbo granting approval of Sign Permit #53,754 – Sign & Lighting Services – Bath & Body Works – 3873 NYS Route 31.

Motion Carried 5-0

Victory Sign, Inc. – Sidney Federal Credit Union – 7545 Morgan Road – Zoned O-2, Permit #53,768.

1 – Wall Sign – A 32 square foot, externally illuminated from below Wall Sign is proposed when 32 square feet is allowed. This sign will meet code.

1 – Freestanding Sign – The applicant is proposing a 32 square foot internally illuminated (Halo lit) freestanding sign when 32 square feet is allowed. This sign will meet code.

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Russ Mitchell noted the address is missing on the sign and is required; he wants this to be added. Karen Guinup asked if it will be in the same location and the applicant said, yes. Jim Palumbo asked if the sign will be raised as he is concerned it won't be seen in the winter months and the applicant said, it is not being raised at this time. Russ mentioned if it's decided to raise this sign at a later time to see Mark Territo.

A motion was made by Hal Henty seconded by Jim Palumbo granting approval of Sign Permit #53,768 – Victory Sign, Inc. – Sidney Federal Credit Union – 7545 Morgan Road, with the stipulation the address be added on the sign.

Motion Carried 5-0

Work Session:

None.

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 Michelle Borton granting approval to adjourn the meeting at 8:50 p.m.

Motion Carried 5-0

The next meeting is slated for September 27, 2023

Respectfully Submitted,



Judy Rios
Planning Board Secretary