

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 11th of October 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
	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 September 27, 2023 Regular Meeting.

Motion Carried 5-0

Public Hearings (New Business):

*Case #2023-044 – **Clark-Burrows Subdivision** (5) – 6 Jay Path – Zone Change Referral and Case #2023-045 – **Clark-Burrows Subdivision** (5) – 6 Jay Path – Zone Change Referral. Russ Mitchell combined these cases for ease of discussion. Tim Coyer, Ianuzi and Romans, P.C., was present on behalf of the applicant and explained the owner is seeking a zone change referral for property on his home which currently has two zones RA-100, R-7.5, and O-2. He'd like all to be R-7.5 as well as property to the south from RA-100 to O-2. This would clean-up the property for subdivision purposes. Russ asked for comments from the Board Members and all are in favor of these zone changes.

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

Jim Palumbo read: In the matter of the application of Planning Board Case #2023-044 for Zone Change recommendation from Residential RA-100 and R-7.5 to R-7.5 – One Family Residential, I move to recommend to the Town Board using standard form #50 – Zone change, the petition be granted for the following reasons: Individual Planning Board Member statements, all recommend this collectively. Seconded by Karen Guinup.

Motion Carried 5-0

Jim Palumbo read: In the matter of the application of Planning Board Case #2023-045 for Zone Change recommendation from Residential RA-100 to O-2 Office, I move to recommend to the Town Board using standard form #50 – Zone Change, the petition be granted for the following reasons: Individual Planning Board Member statements, all recommend this collectively. Seconded by Karen Guinup.

Motion Carried 5-0

Case #2023-046 – **01831 Liverpool, NY Walmart Building Expansion (3) – 8770 Dell Center Drive – Amended Site Plan. Matt DeSimone, P.E. (Dewberry), spoke on behalf of the applicant. Matt noted this is an amended site plan for Walmart located at Dell Center Drive. Plans are to upgrade its online grocery pick-up program to the northwest of the site, adding a 4,500 sq. ft. building expansion, net loss of 27 parking spaces. Currently this is a paved parking area and as noted 27 spaces will be lost, however, they will be staying within the required ordinances, with a total of 702 spaces after the expansion. They don't anticipate any changes in traffic and the store will continue to be open from 7:00 a.m. – 10:00 p.m. Russ Mitchell noted an issue with the drawings and stated an as-built drawing will be needed showing the changes as well as to landscaping, lighting, and parking. Russ stated drawing SEP-1 refers to "logo sign" but no sign will be approved during this phase and must be submitted as a sign package, which is a separate approval process. Michelle Borton asked they include zoning information on their site plan and be sure all drawings are professionally stamped. She also notes the parking spaces read 18'Length and the Town's requirement is 20'Length, please address this issue. As well, there is no reference to trash disposal and wants to know how all is currently being handled. Matt agreed to research this issue. Jim Palumbo questioned the drive aisles and is interested to see how changing the spaces to 20'Length will not impact the parking lot. Matt will research and clarify as he believes this may be a typo. Ron DeTota noted the space scale at 20'Length and this may be a conflict of details by reading 18' (Drawing SECP-2); Matt will double check and make any necessary corrections. Ron also noted the pick-up signs reads "typical of 45", however, shows 41 and asked if there are other signs. Matt will look into this and explained this may also be a typo. Russ reminded Matt, as mentioned by Michelle, to be sure all drawings are stamped.

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

A motion was made by Hal Henty to adjourn Case #2023-046 - 01831 Liverpool, NY Walmart Building Expansion (3) – 8770 Dell Center Drive – Amended Site Plan to October 25, 2023. Seconded by Jim Palumbo.

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 5 previous meetings) and Case #2022-009 – **Chick-fil-A, Inc (3)** – 3920 Brewerton Road – Site Plan (Adjourned from 5 previous meetings). The applicant requested an adjournment.

A motion was made by Hal Henty 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 October 25, 2023. Seconded by Karen Guinup.

Motion Carried 5-0

****Case #2023-023 – Starbucks Liverpool – Drive Thru (3) – 7567 Oswego Road – Amended Site Plan (Adjourned from 4 previous meetings). The applicant was not present.**

Russ Mitchell stated this project would be denied without prejudice and asked a motion.

A motion was made by Jim Palumbo to deny without prejudice Case #2022-023 – Starbucks Liverpool – Drive Thru – 7567 Oswego Road – Amended Site Plan. Seconded by Hal Henty.

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 4 previous meetings). Matthew Oates, P.E., spoke on behalf of the applicant noting resubmission of drawings to 20 scale is done, as well as taking off paving/patch from the site plan. He has provided NYS DOT plans and added notes regarding gates, call outs on overhead doors, dimensions, car wash exit lane to single lane, added patio railings and details showing the patio with traffic-rated bollards, added vehicle circulation with a second full length exit lane, and added a slip right lane to the gas station area. He and his design team have looked at the drive-thru concern with the convenience store and believe this design is best as cars from both directions can meet their demands, with no crossings, etc. as relates to all uses on the site. Lastly, overhead arches will be 15’ clearance from pavement to the bottom of the arch, which meets code. Russ Mitchell thanked Matt for the drawings noting they are easier to read, however, there are a lot of drawings. Matt stated he can reduce to 1/40 scale and email to Mark Territo. Hal Henty noted needing lighting cut sheets and Matt said he will provide. Russ noted changing the ingress, egress looks better. He asked, when coming out of the car wash, about the 4 stations and 2 bypass lanes. Matt said there is a maximum of 5 stations and 1 bypass lane, this allows a bypass lane will always be open. Russ asked about the fish-hook area if it is 1 or 2 cars and Matt said 1 car width with stop-control. Russ asked if there is a VIP or other lane and Matt said, yes, it is so the driver can leave or get their car detailed or go to the back of the building; all is one-way circulation. Russ questioned the building arrows and Matt said they are overhead doors where staff can take a vehicle for cleaning, drying, etc. This is a slow-release procedure. Further, Russ asked if there is an agreement in place with Tim Horton’s and Matt said no, noting all has been looked at for best overall traffic and maintained with minimal conflicts. Russ thanked Matt for the DOT packet and asked about approval. Matt stated no approval has yet been provided and he anticipates June/July 2024 before this is done. DOT is going through technical approval as there are 2 stages to this. Jim Palumbo asked if this is a conceptual approval noting the drawings as provided are very detailed and to a level that the Planning Board does not require. Ron DeTota spoke stating DOT has been very adamant about providing a sidewalk in this area and didn’t see this on the drawings. His concern is how much detail DOT has looked at. Matt stated he’s spent 6 months with them on this project, and they are approving, issuing a permit, but no one has asked about a sidewalk, however, can add. DOT specifically stated the configurations and turn lanes are good. Jim suggested Matt reach out to the DOT and clarify the sidewalk issue as well what permit was being issued. Matt said beyond the scope of the curb cut, the DOT is specific that this is what off set design is to be. Russ stated as a condition of the project and the traffic light install that is what we need to see. Michelle Borton asked with the drive-thru lane if this configuration needs to see a bail out lane. As well, under the entrance the corridor off the exits on Route 31 sees other traffic stopping, causing confusion. She would like to see stop signs and a cross track. Pavement markers get covered by snow and are not sufficient year-round. Michelle also asked when exiting the detail building why is it 2 lanes and can it be reduced to 1. Matt said yes, he could put it as a merge. Michelle suggested he move it further back; Matt agreed to look into this. Michelle reminded Matt the Board will need Fire Department sign off. Mark**

Territo stated the Fire Department typically provides comments to him and he would pass along once received. Karen Guinup recalls discussing the 2 lanes toward the detailing building and pinching them to 1; Matt will look at this. Karen also asked Matt provide details where the patio and bollards, etc. will be placed. As well, she notes the traffic off Route 31 goes around the site, she would rather see traffic enter in straight; she believes the design for incoming traffic is an accident waiting to happen. Matt disagrees and feels it will be uncontrolled stop-control and conflicted. Karen also asked about an agreement with Tim Horton's and Matt said there is no agreement and stated if they can't make this work, they won't put this in. He noted he and his team putting in significant effort and Karen agreed as the same with the Planning Board. Matt concluded they could arrange Tim Horton's with no drive-thru. Karen asked about the dumpster detail and Matt said he would clarify and clean-up on the drawings. Karen also noted Route 31 improvements and with approval next June looking at the intersection for the drive lane which is different now than what the State has. Matt explained this is a coordination item with no definite time frame from DOT as it is based on their workload. Russ noted this is a good opportunity to ask about the sidewalks. Matt was reminded correspondence from the State needs submitting as the project moves along. Lastly, Karen noted needing a lighting plan, and details with no spillage. Kathy Bennett spoke stating a SEQR letter was received from the State in August which references sidewalks and DOT stating all is to be consistent with everything else. Karen asked Mark to provide this letter to the Board. Matt noted drive-thru reconfiguration, sidewalk addition, stops signs, single lanes in 2 areas, lighting details, and updated dumpster details, if there are any other items of concern. Karen said we would need a letter/documentation from NYS. Jim said the site plan and level response is needed; Matt said he would speak to the DOT. Ron said he is in the process of review for SWPP and needs internal acknowledgement from the County or State. His concern is the layout as presented and that the DOT is okay with what they are doing. Matt said he would reach out to Jeff Till, DOT and ask a letter be provided. Karen said a letter from the State is for SEQR, what we want is a letter from the State just like it accepting lighting and site plan. Matt is unsure if an acceptance letter will be provided and Karen reminded him the Planning Board will not approve anything not signed off by the State.

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

A motion was made by Karen Guinup to adjourn Case #2023-029 – Delta Sonic Car Wash/Delta Sonic Car Wash Systems, Inc. (3) – 3627 & 3809 State Route 31 – Site Plan to October 25, 2023. Seconded by Michelle Borton.

Motion Carried 5-0

****Case #2023-032 – Renalli Generations< LLC/Sky Zone (3) – 4155 State Route 31 – Amended Site Plan (Adjourned from 2 previous meetings). The applicant was not present.**

A motion was made by Michelle Borton to adjourn Case #2023-032 – Renalli Generations< LLC/Sky Zone (3) – 4155 State Route 31 – Amended Site Plan to October 25, 2023. Seconded by Jim Palumbo.

Motion Carried 5-0

****Case #2023-039 – Nik Loannidis/Gardenview Diner (3) – 3564 Route 31 – Site Plan (Adjourned from 1 previous meeting). The applicant requested an adjournment.**

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A motion was made by Hal Henty to adjourn Case #2023-039 – Nik Loannidis/Gardenview Diner – 3564 Route 31 – Site Plan to October 25, 2023. Seconded by Karen Guinup.

Motion Carried 5-0

Case #2023-041 – **Splash Car Wash (3) – 7795 Oswego Road – Amended Site Plan (Adjourned from 1 previous meeting). The applicant requested an adjournment.

A motion was made by Michelle Borton to adjourn Case #2023-041 – Splash Car Wash (3) – 7795 Oswego Road – Amended Site Plan to October 25, 2023. Seconded by Hal Henty.

Motion Carried 5-0

Closed Hearings – (Board/Applicant only):

Case #2023-031 – **Morgan Place Warehouse** (3) – 4522 Morgan Place – Site Plan (Adjourned from 2 previous meetings). Jeff Carkner presented noting changes as discussed at the September 27, 2023 meeting and addressed as follows: Notes regarding the dumpster have been removed/corrected; notes on the parking are cleaned up and drainage notes updated. Russ Mitchell asked about a note on drawing L41 regarding “match to adjoining fence” and Jeff said this is not pertinent. Russ asked if it is needed to clarify anything and Jeff said, no. Russ asked it be eliminated and asked Jeff resubmit this portion to Mark Territo with a revision date of October 12, 2023; Jeff agreed.

Michelle Borton read: In the matter of the application of the Planning Board Case #2023-031 - Morgan Place Warehouse (3) – 4522 Morgan Place – Site Plan, 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: The proposed action is consistent with existing land uses and will not significantly impact traffic or public utilities. Seconded by Karen Guinup.

Motion Carried 5-0

Michelle Borton read: In the matter of the application of the Planning Board Case #2023-031 - Morgan Place Warehouse (3) – 4522 Morgan Place – Site Plan, I move the adoption of a resolution using standard form #20 – Site Plan, that the petition be granted based on a map by Keplinger Freeman Associates and Edward Reid Engineering, P.C. dated June 26, 2023, revised October 11, 2023, dated June 26, 2023, revised October 12, 2023 and numbered L0.0, L1.0, L2.0, L3.0, L4.0 and L4.1. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Seconded by Karen Guinup.

Motion Carried 5-0

2023-040 – **Metropolitan Signs, Inc./America Stores It (3) – 8372 Oswego Road – Special Permit (Electronic Sign) (Adjourned from 1 previous meeting). David Razzante, Metropolitan Signs, Inc., and Kurt Filkins presented to the Board. David distributed a new signage design to the Board noting a 25’ setback. Discussion ensued regarding placement of one of the sign posts in a landscape bed and David noted this was

done for visibility purposes. Kurt explained due to runoff of water from his roof, and the type of tree required to be planted in this bed, it has the potential to grow to 20' tall. Placing the sign in this area would eliminate future visibility distractions. Karen Guinup asked what location was approved in a previous sign package and suggested relooking at the landscaping plan for tree height purposes. As well, if plans are to adjust this sign, it must be shown appropriately. Michelle Borton agreed with Karen asking for corrected updates. Jim Palumbo commented noting he recalls the landscape bed was to have stormwater plantings, but agreed researching the prior case and drawings is needed. Ron DeTota spoke explaining the original approvals and feels this does not reflect what is currently there. He recommends getting up-to-date of what was approved and update all. Russ Mitchell visited the site and noted the fencing needs to be put in according to the approved site plan. Kurt explained he has issues with the easement and property and will involve double fencing the area as well as a gate installed. As well, Kurt is concerned with future snow placement. Mark Territo asked if Kurt has the as built survey and he said he would research, as the original Engineer walked off the job midway leaving him to pick-up the pieces. Karen stated we would need an updated site plan and all needs readdressing. Russ reminded David the address number will need placing on the sign.

A motion was made by Michelle Borton to adjourn #2023-040 – Metropolitan Signs, Inc./America Stores It (3) – 8372 Oswego Road – Special Permit (Electronic Sign) to October 25, 2023. Seconded by Karen Guinup.

Motion Carried 5-0

New Business:

Signs:

The Graphics Warehouse/Auburn Community Federal Credit Union – 7538 Oswego Road - Zoned NC-1, Permit #53,861.

1 – Wall Sign - The applicant is proposing one 32 square foot wall sign when 32 square feet is allowed. The proposed sign will meet the code. Jim Lynch, The Graphics Warehouse, was present on behalf of the applicant noting the dimensions changed slightly on this sign, but all remains within code.

A motion was made by Hal Henty seconded by Karen Guinup granting approval of Sign Permit #53,861 – The Graphics Warehouse/Auburn Community Federal Credit Union – 7538 Oswego Road.

Motion Carried 5-0

Old Business:

Letters Signs & Specs/Mark Sherman – Walmart Signage Replacement – 8770 State Route 31 - Zoned RC-1, Permit #53,829.

1 – Wall signs - The applicant is proposing a total of five wall signs of 298, 41.07, 61.76, 26.66, and 13.47 square feet. The proposed sign will meet the code as a variance was granted for additional signage and square footage on August 13, 2012 (Case decision attached).

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2 – Panel changes each side to the freestanding sign, 64 sq. feet total. This sign was also granted a variance on August 13, 2012.

Mark Sherman, Letters Signs & Specs, was present on behalf of the applicant. Russ Mitchell noted needing an application for each sign to include dimensions and other pertinent details, etc. Mark explained he misread the original paperwork and will speak to Mark Territo and return with corrected required information.

Sign and Lighting Services, LLC. – *Jiffy Lube* – 5237 W. Taft Rd. - Zoned RC-1, Permit #53,847

1 – Freestanding sign - The applicant is proposing a 57.5 square foot freestanding, pole sign. The proposed sign will meet the code as a variance was granted on September 11, 2023. The applicant was not present.

Work Session:

None.

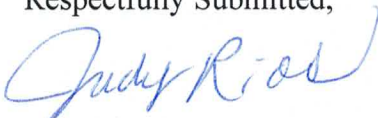
Russ Mitchell asked if there were any further comments or questions, hearing none he adjourned the meeting.

A motion was made by Michelle Borton seconded by Jim Palumbo granting approval to adjourn the meeting at 10:05 p.m.

Motion Carried 5-0

The next meeting is slated for October 25, 2023

Respectfully Submitted,



Judy Rios
Planning Board Secretary