

**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 25<sup>th</sup> 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:

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

**ABSENT:** Scott Soyster Member

A motion was made by Hal Henty seconded by Jim Palumbo granting approval of the minutes from the October 11, 2023 Regular Meeting.

**Motion Carried 5-1 (Al McMahon abstained due to absence)**

**Public Hearings (New Business):**

\*\*Case #2023-036 – **Inverness Garden Senior Apt (5)** – 4958 West Taft Road – Zone Change Referral. Tim Coyer, Ianuzi and Romans, P.C., spoke on behalf of the applicant noting he is seeking a zone change from a PDD to R-SR for a senior apartment complex. All ingress and egresses are one point with right-in, right-out from Taft Rd. and existing on Wintersweet. Neighbors voiced concern about a 3-story building and Tim is committed to only 2-story with 30' maximum height; he distributed smaller versions of the drawings to Board Members. Tim indicated there is no specific client and is seeking zoning for future use. Jim Palumbo asked why Tim is going this route and he said after speaking with the Town Attorney, this appears simpler to do than to amend PDD. Jim asked if the Town Board would have to review and Tim said, yes. Jim stated the Planning Board would want to be able to review as the already established property. Hal Henty spoke noting he is not in favor of the zone change. Tim explained the property has been vacant for a long time and not successful as commercial. Michelle Borton stated the senior apartments in this location appears a fairly good fit but is in favor to amend the PDD. She feels this would better protect the residents. Karen Guinup said the Town code has specific steps and feels this is a major change. She is opposed to a zone change from PDD and wants it to remain. Russ Mitchell noted when this was developed as a PDD he thought it a good situation. He believes it has failed because those involved couldn't unite. Russ noted he agrees with Karen, and this is a major modification to the PDD and does not want to see it broken apart. He stated we need to maintain the integrity of the PDD.

Russ Mitchell stated this is a public hearing and asked for questions/comments from the public.

A resident in the audience spoke stating WellNow Urgent Care is now closed in that location.

Hearing no other comments, Russ Mitchell closed the case.

Karen Guinup read: In the matter of the application of Planning Board Case #2023-036 - Inverness Gardens Senior Apts-4958 West Taft Road, 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 member of the Planning Board as mentioned/expressed. Seconded by Hal Henty.

**Motion Carried 6-0**

\*\*Case #2023-047 – **EquipmentShare** – **Syracuse** (3) – 7481 Henry Clay Blvd. – Site Plan. Nicki Louloudis, Bowman Consulting and Amy Miles Pb2 Architecture and Engineering, presented on behalf of the applicant noting they are seeking site plan approval for a 9,500 sq. ft. commercial rental equipment building, on vacant undeveloped land at 7481 Henry Clay Blvd. Nicki explained EquipmentShare is a large national company, with 180 locations, and rent out heavy equipment. This site will host 22 parking spaces with 2 EV charging spaces, have a security fence installed around the perimeter with two sliding gates. Fuel pumps will be to the left of the property and a wash-bay to the right. A 10’ landscape buffer will be added to the east of the property and 25’ along Dey Road as well as lighting proposed in the area. Drainage will be kept on site. Russ Mitchell asked if they had plans to subdivide and Nicki said, no. He also asked if they received Onondaga County’s Planning Board notes and provided a copy. Nicki stated the only correspondence they have had is with National Grid and are in the process of trying to connect with the Town’s Water Superintendent. Russ pointed out items that are wrong including the EAF which has 15 incorrect items or missing answers. Russ asked they meet with Ron DeTota to discuss his concerns and to Mark Territo for assistance. Hal Henty requested a lighting plan which should include poles, fixtures, cut sheets, photometrics, etc. Nicki agreed. Michelle Borton noted the Planning Board provides a checklist and they should follow this listing – Mark Territo can provide if needed. As well, Michelle asked they include zoning information/tables with setbacks, variances, etc. Nicki pointed out some information is included on the site plan. Jim Palumbo stated he wants to see road frontage with landscaping. Ron DeTota stated he spoke to Nicki prior to the meeting and will supply/mail a letter of concerns.

Russ Mitchell stated this is a public hearing and asked for questions/comments from the public. None received.

A motion was made by Michelle Borton to adjourn Case #2023-047 – EquipmentShare – Syracuse – 4958 West Taft Road – Zone Change Referral to December 13, 2023. Seconded by Hal Henty.

**Motion Carried 6-0**

\*\*Case #2023-048 – **Red Barn Extension** (3) – Red Barn Circle – Preliminary Plat. The applicant did not submit a Preliminary Plat prior to the meeting.

A motion was made by Hal Henty to adjourn Case #2023-048 – Red Barn Extension (3) – 7481 Henry Clay Blvd. – Site Plan to November 15, 2023. Seconded by Jim Palumbo.

**Motion Carried 6-0**



**Public Hearing (Old Business/Open and Adjourned):**

\*\*Case #2022-008 – **Chick-fil-A, Inc** (3) – 3920 Brewerton Road – Special Permit (Adjourned from 6 previous meetings) and Case #2022-009 – **Chick-fil-A, Inc.** (3) – 3920 Brewerton Road – Site Plan (Adjourned from 6 previous meetings). Russ Mitchell opened both cases for ease of discussion. Tim Freytag, Bohler Engineering was present on behalf of the applicant. Russ Mitchell asked if the Board Members had any questions or comments; none received.

Russ Mitchell stated this is a public hearing and asked for questions/comments from the public.

Resident, Nicholas Lapine, 7410 Bay Chapel Circle, spoke and asked why Chick-fil-A didn't choose another location, and why was this location selected. Nicholas noted several locations as options for example Northern Lights, the Denny's site at So. Bay Road, etc. Tim said he was not involved in the site selection process, however, will take this question back to the folks at Chick-fil-A for a response.

No other questions/comments noted.

Michelle Borton read: In the matter of the application of Planning Board 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, the action has the potential to create at least one significant adverse environmental impact and, therefore, for the reasons identified in the written resolution, as shared with the Planning Board, and will be available to the public, the Planning Board adopts the attached reasoned elaboration (EAF Part 3), issues a positive declaration and will require the preparation of an environmental impact statement with respect to the Action; and that the Planning Board intends to conduct a public scoping sessions at its next regularly scheduled meeting on November 15, 2023 to focus the draft environmental impact statement on potentially significant adverse impacts that may reasonably be expected to result from the proposed Action and to eliminate consideration of those impacts that are irrelevant or nonsignificant. Seconded by Karen Guinup.

Attached is a copy of the positive declaration resolution.

Russ Mitchell asked Judy Rios to take a roll call for SEQR determination. Judy asked the Planning Board Members as follows:

Hal Henty – For  
Karen Guinup – For  
Michelle Borton – For  
Russ Mitchell – For  
Jim Palumbo – For  
Al McMahan – For

Tim Freytag asked about the justification for the scoping session and Kathy Bennett said she can provide a copy of the 8-page document. Mark Territo had an additional copy and provided it to Tim. Michelle re-read the three main reasons: 1.) The action may result in a substantial adverse change to traffic levels; 2.) The action may substantially impair the character or quality of existing community or neighborhood character; 3.) The action may create a material conflict with the Town's Zoning Code or development goals. Tim noted he is surprised about the three reasons as the traffic study indicates no issues. Russ Mitchell stated this will be

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adjourned to November 15, 2023 and at that time will have a public scoping session. Tim asked if Ron DeTota will be present or if there will be a third-party person. Ron said he would be in attendance.

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 November 15, 2023. Seconded by Karen Guinup.

**Motion Carried 6-0**

\*\*Case #2023-029 – **Delta Sonic Car Wash/Delta Sonic Car Wash Systems, Inc.** (3) – 3627 & 3809 State Route 31 – Site Plan (Adjourned from 5 previous meetings). The applicant requested an adjournment.

A motion was made by Michelle Borton to adjourn Case #2023-029 – Delta Sonic Car Wash/Delta Sonic Car Wash Systems, Inc. (3) – 3627 & 3809 State Route 31 – Site Plan to November 15, 2023. Seconded by Jim Palumbo.

**Motion Carried 6-0**

\*\*Case #2023-032 – **Renalli Generations, LLC/Sky Zone** (3) – 4155 State Route 31 – Amended Site Plan (Adjourned from 3 previous meetings). James Trasher, CHA, Inc. spoke on behalf of the noting this location is at the former Sears site in Great Northern Mall. Resurfacing/sealing of the parking lot has been done in a few areas, the dumpster has been moved to the back, and lighting replaced with LED lamps (no new locations are being added), and repainting of the entire building to be done to match the existing buildings. Russ Mitchell asked if there are new doorways/windows and Jim said, yes as shown on the elevation drawings. Hal Henty requested the cut sheets and full photometrics of the lighting; Jim agreed to provide. Russ asked if there is progress on the inside and Jim said, yes, electrical, gutting, etc. Karen Guinup noted the drawings will need to be stamped. As well, she asked if wall pack lighting would be needed at the new door(s) and Mark Territo said, yes. Karen also asked James to show the east side of the property as it is now and what it will look like, as well as the north and south side; this will help for the Town's records. Lastly, Karen asked they be sure there is sufficient lighting at the site. It's very dark and with the many families and kids that will potentially be around it should be well lit for everyone's safety. Mark Territo asked what they will be doing as parts of the mall begin to come down and James said the mall owner told him the door will be blocked, closed, and gated. Michelle Borton asked about the survey and site plan noting the sanitary sewer easement on the south side of the property is not shown, please have this listed and shown accordingly. James said the survey is done and can get a copy for the Planning Board. As well, Michelle notices manholes are not shown and would like this to see where the building is served.

Russ Mitchell stated this is a public hearing and asked for questions/comments from the public. None received.

A motion was made by Hal Henty to adjourn Case #2023-032 – Renalli Generations, LLC/Sky Zone (3) – 4155 State Route 31 – Amended Site Plan to November 15, 2023. Seconded by Karen Guinup.

**Motion Carried 6-0**



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**\*\*Case #2023-039 – Nik Loannidis/*Gardenview Diner* (3) – 3564 Route 31 – Site Plan** (Adjourned from 2 previous meetings). The applicant requested an adjournment.

A motion was made by Jim Palumbo to adjourn Case #2023-039 – Nik Loannidis/*Gardenview Diner* (3) – 3564 Route 31 – Site Plan to November 15, 2023. Seconded by Hal Henty.

**Motion Carried 6-0**

**\*\*Case #2023-041 – *Splash Car Wash* (3) – 7795 Oswego Road – Amended Site Plan** (Adjourned from 2 previous meetings). Paul Morgan and Jason Frank, *Splash Car Wash* appeared before the Board noting they have addressed the Board’s previous comments and concerns and provided a second page with the survey and as-built drawings. Russ Mitchell asked if the discrepancy between the distances is up to date and Paul said, yes; the survey is dated November 8, 2022. Russ noted an issue with the new plans and the top right corner being very small and hard to read. He asked they super impose this on a new sheet with details as well as dumpster information, landscape, etc. Paul asked if they supplied this tomorrow, could they receive a conditioned approval and Russ said, no. Russ also noted they need to put ordinances, setback, etc. on the site plan. Michelle Borton asked they provide a zoning table and add setback information as well as variance information. Jim Palumbo noticed the date needs correcting on the revisions as it reads October 28, 2023. Karen Guinup asked about the three metal planters between the car wash bays and if they are keeping them, they need to show them on the drawing. Karen also asked about the exterior of the building and Paul said what was submitted, with the blue frontage, is what is being used. Ron Detota said any utility, sanitary/stormwater location should be shown for the records as well as any employee parking identified. As well, put the location (Route 57 & Wetzel Road) on the cover sheet, which is labeled as site plan.

Russ Mitchell stated this is a public hearing and asked for questions/comments from the public. None received.

A motion was made by Jim Palumbo to adjourn Case #2023-041 – *Splash Car Wash* (3) – 7795 Oswego Road – Amended Site Plan to November 15, 2023. Seconded by Michelle Borton.

**Motion Carried 6-0**

**\*\*Case 2023-042 – *Amerco Real Estate Company/U-Haul* (3) – 8015 Oswego Road – Amended Site Plan** (Adjourned from 1 previous meeting). The applicant requested an adjournment.

A motion was made by Hal Henty to adjourn Case 2023-042 – *Amerco Real Estate Company/U-Haul* (3) – 8015 Oswego Road – Amended Site Plan to December 13, 2023. Seconded by Jim Palumbo.

**Motion Carried 6-0**

**\*\*Case #2023-046 – *01831 Liverpool, NY Walmart Building Expansion* (3) – 8770 Dell Center Drive – Amended Site Plan** (Adjourned from 1 previous meeting). The applicant requested an adjournment.

A motion was made by Karen Guinup to adjourn Case #2023-046 – *01831 Liverpool, NY Walmart Building Expansion* (3) – 8770 Dell Center Drive – Amended Site Plan to November 15, 2023. Seconded by Hal Henty.

**Motion Carried 6-0**

**Closed Hearings – (Board/Applicant only):**

**\*\*Case #2023-040 – Metropolitan Signs, Inc./America Stores It (3) – 8372 Oswego Road – Special Permit (Electronic Sign) (Adjourned from 2 previous meetings).** David Razzante, Metropolitan Signs and Kurt Filkins, American Stores It, were present. Kurt showed the Planning Board an updated survey dated March 31, 2022. Russ Mitchell noted this document as late stating it should have been turned in one week ago to the Planning Commissioner. Discussion ensued regarding the proposed sign as well as discussion regarding the flower beds and trees. Mark Territo discovered the proposed sign will need a variance. Karen Guinup explained the variance procedure to each. Kurt noted he would attend a Zoning Board Meeting and take care of the issue as well as make copies of the updated survey for all.

A motion was made by Karen Guinup seconded by Hal Henty to adjourn Case #2023-040 – Metropolitan Signs, Inc./America Stores It – 8372 Oswego Road to December 13, 2023.

**Motion Carried 6-0**

**Old Business:**

**Signs:**

**Letters Signs & Specs/Mark Sherman – Walmart Signage Replacement – 8770 State Route 31 - Zoned RC-1, Permit #53,829.** Mark Sherman was present on behalf of the applicant.

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).

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

A motion was made by Michelle Borton seconded by Jim Palumbo granting approval of Sign Permit #53,829 Letters Signs & Specs/Mark Sherman – Walmart Signage Replacement – 8770 State Route 31.

**Motion Carried 6-0**

**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.

**New Business:**

**The Image Press – O’Reilly Auto Parts – 3906 Brewerton Road - Zoned RC-1, Permit #53,437**

2 – Wall Signs – A 75 square foot and a 69.25 square foot, internally illuminated LED Wall Signs are proposed when a 160 square foot and a 158 square foot signs are allowed. These signs will meet code.’



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A motion was made by Hal Henty seconded by Karen Guinup granting approval of Sign Permit #53,437 – The Image Press – O’Reilly Auto Parts – 3906 Brewerton Road.

**Motion Carried 6-0**

**Local Designworks – Skate-N-Place – 8015 Oswego Road – Zoned RC-1, Permit #53,903.**

1 – Wall Sign – A 40 square foot Wall Sign is proposed when a 40.3 square foot sign is allowed. This sign will meet code.

A motion was made by Hal Henty seconded by Karen Guinup granting approval of Sign Permit #53,903 – Local Designworks – Skate-N-Place – 8015 Oswego Road.

**Motion Carried 6-0**

**Work Session:**

None.

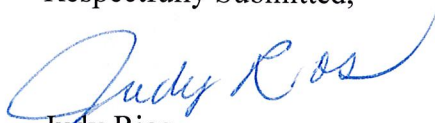
Russ Mitchell asked if there were any further comments or questions, hearing none he adjourned the meeting.

A motion was made by Hal Henty seconded by Karen Guinup granting approval to adjourn the meeting at 8:58 p.m.

**Motion Carried 6-0**

The next meeting is slated for November 15, 2023

Respectfully Submitted,



Judy Rios  
Planning Board Secretary

**RESOLUTION OF THE TOWN PLANNING BOARD FOR THE TOWN  
OF CLAY ISSUING A POSITIVE DECLARATION REQUIRING  
THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT  
IN CONNECTION WITH THE APPLICATION OF CHICK-FIL-A FOR AN  
AMENDMENT TO THE ZONING LAW, SPECIAL USE PERMIT, AREA VARIANCES,  
SITE PLAN APPROVAL TO CONSTRUCT AND OPERATE A DRIVE-THRU  
RESTAURANT**

October 25, 2023

WHEREAS, the Town of Clay (the "Town") received applications (the "Application") from Chick-Fil-A (the "Applicant") for a zone change, special use permit, area variances, and site plan approval, together with Part 1 of a Full Environmental Assessment Form ("EAF") under the State Environmental Quality Review Act ("SEQRA") and supplemental information including a traffic study; and

WHEREAS, the Applicant is seeking approvals to redevelop a ±1.311-acre lease parcel at the intersections of Brewerton Road (U.S. Route 11), South Bay Road and East Taft Road (the "Project Site") as a quick serve drive thru only restaurant. Most of the Project Site is located in the Town of Clay but a small portion south of East Taft Road is in the Village of North Syracuse. The Project Site is comprised of tax map parcel numbers 118.00-1-1.1 and 2 in Clay and 8.00-6-1.1 and 2.1 in North Syracuse.; and

WHEREAS, the Applicant proposes to redevelop the Site with a new ±2,650 SF restaurant with a dual lane drive thru supporting a vehicle stack of ±26 vehicles, outdoor patio area (16 outdoor seats total), a detached ±1,450 SF meal ordering canopy and a ±1,800 SF meal delivery canopy over the drive thru (the "Project"). Almost all Project development will occur in the Town of Clay.

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act ("SEQRA") and the implementing regulations at 6 NYCRR Part 617 (the "Regulations"), the Town Planning Board desires to comply with SEQRA and the Regulations; and

WHEREAS, to avoid claims of improper segmentation, the Town Planning Board has considered all the approvals (collectively, the "Action") as a single action for purposes of its SEQRA review, and

WHEREAS, pursuant to SEQRA and the Regulations, the Applicant submitted a revised Part 1 of a Full Environmental Assessment Form ("EAF") for the Action, together with the report of a traffic consultant that provided analysis on potential impacts including transportation; and

WHEREAS, the Planning Board considered the Application at its duly noticed regular business meeting on March 23, 2022, and preliminarily classified the Action as an Unlisted



action and declared its intent to act as the Lead Agency to undertake a coordinated environmental review as required by SEQRA; and

WHEREAS, in addition to the Planning Board, other involved and/or interested agencies in regard to this Action include the Town of Clay Town Board, the Town of Clay Zoning Board of Appeals, the Village of North Syracuse, the New York State Department of Environmental Conservation, and the New York State Department of Transportation; and

WHEREAS, on or about March 28, 2022, the Town caused a letter and Part 1 of the EAF to be sent to other potentially “involved agencies” and “interested agencies” (as these quoted terms are defined in the Regulations), indicating the Town Planning Board’s desire to serve as “lead agency” (as this quoted term is defined in the Regulations) for a coordinated review under SEQRA of the Action; and

WHEREAS, all of the aforementioned involved and/or interested agencies consented to or did not respond to the request that this Board act as lead agency in reviewing this Action pursuant to SEQRA; and

WHEREAS, at its duly noticed regular business meeting on April 26, 2023 the Town Planning Board reviewed Part 2 of the full EAF and identified some impacts as potentially large and requested additional information from the Applicant;

WHEREAS, the Town referred the Action to the Syracuse-Onondaga County Planning Agency pursuant to Sections 239-l and 239-m of the General Municipal Law; and

WHEREAS, on March 2, 2022, March 15, 2023, April 26, 2023, and June 7, 2023 the Syracuse-Onondaga County Planning Agency issued its recommendation for modification pursuant to General Municipal Law Sections 239-l and 239-m, and identifying concerns with vehicular access, on-site vehicular circulation, landscaping, overall layout, and advised that the “Town should consider whether this site plan represents a positive change and reflects community design and planning goals for the area.”

WHEREAS, the Planning Board considered the Action during its duly noticed regular business meetings on March 23, 2022, April 26, 2023, and August 9, 2023; and

WHEREAS, the Action was on the agenda or appeared in the minutes for Planning Board work sessions as follows: May 25th, 2022 (no show, but is listed in the minutes), June 8, 2022 (not in the minutes but was on the agenda), August 10, 2022 (same), September 28, 2022 (no show), and March 22nd 2023 (detailed in the minutes);

WHEREAS, the Planning Board retained Fisher Associates as its traffic consultant to review the site plan and traffic study provided by the Applicant; and

WHEREAS, Fisher prepared a report dated July 10, 2023, in which it concluded that it cannot offer an opinion as to the impact (if any) of the proposed Chick-fil-A restaurant because there are outstanding questions regarding how the existing traffic data was developed and how

much traffic will be generated by the proposed site. In addition, a review of the projected queues shows that the East Taft Road driveway will essentially be blocked by queued vehicles during the mid-day, PM and Saturday peak hours, a fact which the Applicant admits; and

WHEREAS, the Planning Board has thoroughly reviewed the information provided in the revised EAF, as well as the other reports and correspondence submitted to the Board, including that provided by its own traffic consultant; and

WHEREAS, the Planning Board is mindful of the criteria set forth in Section 617.7 of the Regulations for determining the environmental significance of an action; and

WHEREAS, pursuant to the Regulations, the Planning Board has considered the significance of the potential environmental impacts of the Action by (a) using the criteria specified in Section 617.7 of the Regulations, and (b) examining the EAF for the Action, including the facts and conclusions in Part 1 of the EAF, Parts 2 and 3 of the EAF, together with other available supporting information, to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the identified areas of relevant environmental concern.

NOW THEREFORE IT IS HEREBY RESOLVED, that the Planning Board confirms and adopts the following findings with respect to SEQRA:

- A. That the Action is subject to SEQRA;
- B. That the other involved agencies with respect to this Action include the Town of Clay Town Board, the Town of Clay Zoning Board of Appeals, the Village of North Syracuse, the New York State Department of Environmental Conservation, and the New York State Department of Transportation;
- C. That the Action is an Unlisted action;
- D. That the Planning Board of the Town of Clay has duly acted as lead agency for purposes of undertaking a coordinated review with respect to the Action, and

IT IS HEREBY FURTHER RESOLVED, that the Action has the potential to create at least one significant adverse environmental impact and, therefore, a "positive declaration" shall be prepared, filed and published pursuant to SEQRA, and the Applicant shall be required to prepare an Environmental Impact Statement with respect to the Action. The reasons supporting this determination are as follows:

- A. The Planning Board has provided ample opportunity for public input and participation in its review of this Action and has given thoughtful consideration to all the comments and documents before it. The Planning Board's review of the objective evidence in the record leads it to the conclusion that the Action will ultimately involve a significant physical alteration of the Property that may entail significant adverse environmental impacts. Therefore, the Planning Board concludes that further environmental review is warranted.



B. In making its determination of significance, the Board examined all the criteria set forth in each of the twelve categories as stated in section 617.7 of the SEQRA regulations, and evaluated the issues of causation and significance in light of the standards set forth in 617.7(c)(2) and 617.7(c)(3). With respect to the potential impacts raised and discussed with respect to the Action, the Planning Board finds as follows:

- (i) The Action may result in a substantial adverse change to traffic levels.
- (ii) The Action may substantially impair the character or quality of existing community or neighborhood character.
- (iii) The Action may create a material conflict with the Town's Zoning Code or development goals.
- (iv) The Action will not result in a substantial adverse change to surface water quality or quantity, and/or substantially increase the potential for erosion, flooding or drainage problems.
- (v) The Action will not result in a substantial change in the use, or intensity of use, of agricultural land and/or its capacity to support agricultural uses.
- (vi) The Action will not encourage or attract a large number of people to a place for more than a few days, compared to the number of people who would come to such place absent the action.
- (vii) The Action will not result in a substantial adverse change in existing air quality, ground water quality or quantity, or noise.
- (viii) The Action will not result in a substantial increase in solid waste production.
- (ix) The Action will not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources.
- (x) The Action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part.
- (xi) The Action will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources.

- (xii) The Action will not result in a major change in the use of either the quantity or type of energy.
- (xiii) The Action will not create a hazard to human health.
- (xiv) The Action will not create a material demand for other actions that would result in one of the above consequences.

C. The Action has the potential to create at least one significant adverse environmental impact and, therefore, for the reasons identified above, the Planning Board adopts the attached reasoned elaboration (EAF Part 3), issues a positive declaration and will require the preparation of an environmental impact statement with respect to the Action; and

IT IS HEREBY FURTHER RESOLVED, that the Planning Board intends to conduct a public scoping session at its next regularly scheduled meeting on November 15, 2023 to focus the draft environmental impact statement on potentially significant adverse impacts that may reasonably be expected to result from the proposed Action and to eliminate consideration of those impacts that are irrelevant or nonsignificant; and

IT IS HEREBY FURTHER RESOLVED, that the Planning Board hereby directs that notice of the Positive Declaration be published in the Environmental Notice Bulletin, as required by law; and

IT IS HEREBY FURTHER RESOLVED, that the Planning Board authorizes staff to take such other steps as may be necessary to carry out this resolution; and

IT IS HEREBY FURTHER RESOLVED, that this resolution shall take effect immediately.

The adoption of the foregoing Resolution was moved by Michelle Borton seconded by Karen Guinup and duly put to vote, which resulted as follows:

	Yea	Nay	Abstain	Absent
Hal Henty	[ X ]	[ ]	[ ]	[ ]
Karen Guinup	[ X ]	[ ]	[ ]	[ ]
Michelle Borton	[ X ]	[ ]	[ ]	[ ]
Russ Mitchell	[ X ]	[ ]	[ ]	[ ]
Jim Palumbo	[ X ]	[ ]	[ ]	[ ]
Al McMahan	[ X ]	[ ]	[ ]	[ ]
Scott Soyster	[ ]	[ ]	[ ]	[ X ]

The Resolution was thereupon duly adopted

Dated: October 25, 2023



## EAF PART 3 ANALYSIS

### Analysis of Potential Adverse Impacts

#### **1. Impact on Land**

The Action will not result in any significant adverse impacts on land. While the Action involves construction on, or physical alteration of, approximately 1.31 acres of the land surface at the Property, the related impacts will be small. The Action primarily involves the demolition of the existing structure and construction of a new  $\pm 2,650$  SF restaurant with a dual lane drive thru supporting a vehicle stack of  $\pm 26$  vehicles, outdoor patio area (16 outdoor seats total), a detached  $\pm 1,450$  SF meal ordering canopy and a  $\pm 1,800$  SF meal delivery canopy over the drive thru. The Action does not involve construction on land where the depth to water table is less than 3 feet. The Action also does not involve construction on land where bedrock is exposed or within 5 feet of the existing ground surface. The construction involved with the Action will not occur on slopes of 15 percent or greater.

No or only minimal impact from erosion will occur as a result of physical disturbance from the Project. Specifically, erosion will be controlled during construction in accordance with the requirements set forth in the NYSDEC SPDES general stormwater permit and the Project's Stormwater Pollution Prevention Plan ("SWPPP") as depicted on the Project's Site Plans and in the preliminary SWPPP.

Accordingly, the overall impact of the Action on the land will be small.

#### **2. Impact on Geological Features**

There are no unique geological features on the Property, nor are there any designated National Natural Landmarks according to the database maintained by the NYSDEC. Therefore, the Action will not result in the modification, destruction, or inhibition of access to any unique or unusual land forms on the Property. Accordingly, the Action will have no impact on geological features.

#### **3. Impacts on Surface Water**

Although the Action may affect surface water, the related impacts will be small. The Action will not create a new water body, nor will it result in an increase or decrease in the surface area of any body of water. The Action will not involve dredging from a wetland or water body, nor will it involve construction within or adjoining a freshwater or tidal wetland or in the bed or banks of any other water body. The Action also does not involve construction of any intakes for withdrawal of surface water or outfalls for discharge of wastewater to surface water.

Little to no impact from erosion or degradation of downstream water bodies will occur as a result of the Project. There are no water bodies located on or adjacent to the project site. As noted above, during construction erosion will be controlled in accordance with NYSDEC requirements as depicted on the Site Plans and described in the SWPPP provided to the Planning Board. Post-construction stormwater generation from the Project Site will be minimized by limiting impervious surfaces as much as practicable and by landscaping associated with the construction of the Project. Overall, impervious surfaces will be reduced through the Project's development as

compared to existing conditions. Stormwater is proposed to be collected and managed on-site and discharged to the municipal collection system. This is a benefit over current conditions on the site which does not have any stormwater controls.

In light of these considerations, the impacts to surface water from the Action will be small.

#### **4. Impact on Groundwater**

The Action will not result in new or additional use of groundwater. Accordingly, the Action will not have a significant impact on groundwater.

#### **5. Impact on Flooding**

The Action will not result in development on lands subject to flooding and will not have an impact on flooding. The Property is not located in a designated floodway or 100-year or 500-year floodplain. As previously noted, the Action will decrease the impermeable surface area of the Property and will add drainage control to the Property. Therefore, the Action will have no impact on flooding.

#### **6. Impacts on Air**

The Action will not include a state regulated air emission source and will not require federal or state air emission permits. The Action will have no impacts on air.

#### **7. Impact on Plants and Animals**

The Action will not result in a loss of flora or fauna. No threatened or endangered species or species of special concern or conservation need will be impacted by the Action, nor will the habitats of any such species be impacted by the Action. There are no registered National Natural Landmarks on the Property, and the Action will not require conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Accordingly, the Action will not adversely impact plants and animals.

#### **8. Impact on Agricultural Resources**

The Action is located in a suburban/commercial area and will not have any impact on agricultural resources.

#### **9. Impact on Aesthetic Resources**

The Action will not have an impact on aesthetic resources. The Action will not be visible from any officially designated federal, state, or local scenic or aesthetic resource or from publicly accessible vantage points.

#### **10. Impact on Historic and Archeological Resources**

The Action will not occur in or adjacent to a historic or archaeological resource. The Property does not contain, and it is not substantially contiguous to, a building, archaeological site, or district that is listed on or has been nominated by the State Board of Historic Preservation for inclusion on the State or National Register of Historic Places. The Property is not located in or adjacent to an area designated as sensitive for archaeological sites on the State Historic Preservation Office's site inventory. Therefore, the Action will have no impact on historic and archeological resources.



### **11. Impact on Open Space and Recreation**

The Action will not result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. There is no designated open space within the Property and the Action will have no impact on open spaces or existing recreational opportunities in the area.

### **12. Impact on Critical Environmental Areas**

The Property does not contain a Critical Environmental Area ("CEA"). The Action will not be located within or adjacent to a CEA. The Action will have no impact on CEAs.

### **13. Impact on Transportation**

The Action may result in a significant and permanent change to the existing transportation systems as a result of the projected traffic increase resulting from the Action.

Traffic volumes were developed based on traffic counts that were completed in May 2021 for another nearby development. Due to the ongoing Covid pandemic at the time of data collection, these counts were increased by 13% for the AM peak hour however, there were no adjustments made due to the Covid pandemic for the mid-day, PM and Saturday peak hours. In addition, a 2% increase was applied to all peak hours to account for growth since 2018. Although additional explanation was provided, there was no backup data presented that justified the 13% increase for the Covid pandemic for the AM peak hour and 0% increase for the other three peak hours. Also, despite the additional explanation it remains unclear as to why a 2% growth rate was applied to account for growth since 2018. Typically, the background growth rate is applied from the date of the counts to the year of opening. Finally, there is no documentation provided as to how the 2% growth rate was calculated.

The site trip generation was completed using a trip generation study that was completed for the two Chick-fil-A's in Onondaga County. Trip generation data for that study was collected in November 2021 and July 2022. A portion of the trip generation data collection occurred during the Covid pandemic. The Town's consultant questioned whether the Covid pandemic impacted the number of customers visiting the restaurant that could have skewed the trip generation counts. In response, the Applicant provided additional trip generation estimates from six (6) sites across upstate New York that reduced the previous trip generation estimates by 20%. The TIS states that a drive-thru only site, such as the one being proposed, typically generates approximately 80% of the traffic compared to a standard 5,000 SF Chick-fil-A that has indoor seating and a drive-thru. There is no data presented to substantiate this claim other than information provided by Chick-fil-A representatives. Ideally, trip generation rates derived from drive-thru only restaurants should have been used. However, as acknowledged by the Applicant, they have no other drive-thru only restaurants in New York.

The questions raised by the Town's consultant regarding how the existing volumes were developed and the trip generation could impact the results of the capacity analyses.

During various periods throughout the day, the internal traffic queues will block ingress and egress to the site. For example, during the mid-day peak hour, the average queue length for the

eastbound through movement will extend past the East Taft Road driveway and block it. In addition, the northbound through movement average queue length may block the South Bay Road driveway. During the PM peak hour, the average queue length for the eastbound through movement will extend past the East Taft Road driveway and block it. During the Saturday peak hour, the average queue length for the eastbound through movement will extend past the East Taft Road driveway and block it and the northbound maximum queue length may block the South Bay Road Driveway.

In light of the evidence, an adverse impact on traffic is possible. The magnitude of the Action is large and localized, and the duration is long-term and very important. The impact of the Action on traffic will persist as long as the Property is being used for the proposed purpose.

For these reasons, Applicant is directed to prepare an Environmental Impact Statement to further address this impact.

#### **14. Impact on Energy**

Although the Action may have an impact on energy, that impact will be small. The Action does not require a new substation or upgrades to an existing substation, nor does the Action require the creation or extension of transmission lines. The Action will use the existing power connection at the Property.

#### **15. Impact on Noise, Odor, and Light**

The Action may result in an increase in noise, odors, or outdoor lighting, but the impact will be small.

Noise during construction will only occur during daytime hours on lands surrounded by three busy commercial roads in a heavy commercial area and construction will be completed within 8 months of receipt of all approvals. All construction will comply with the hours of operations set forth in the Town's Noise Law which were adopted to avoid adverse construction noise impacts. As such, in the context of ambient noise from existing traffic and the surrounding commercial area, the impacts from Project construction and the duration of the impacts will be limited. In short, the evidence indicates that the Action will have only a small impact on noise.

The impact on odor will be small. Any impact on odor resulting from the Action will not exceed the impact caused by the former restaurant use of the Property.

The Action will also have a small impact on light. Lighting for the Project will blend in with the lighting for the various commercial and government uses in this intensively developed area. Street-lights are located along South Bay Rd, Route 11 and East Taft Road. Exterior lighting is designed to be the minimum necessary to ensure a safe and secure facility for patrons and employees. Where appropriate, lighting fixtures will be of a full cutoff type or provided with shields to reduce glare and light pollution. The fixture locations have been sited to minimize light trespass onto adjacent properties. These measures are all incorporated into the Project's design to minimize potential adverse impacts from lighting. A full photometric plan for the project along with the light fixture specifications and "cut-sheets" were previously provided to the Planning Board. The photometric plans show some light spillage off the site which was designed to



provide safety lighting at the driveway entrances and adjacent sidewalks. The impact from lights as a result of the Action will be small.

#### **16. Impact on Human Health**

The Action will not impact human health from exposure to new or existing sources of contaminants. The Property has no history of contamination and it is not adjacent to or near a location containing contaminants that may be disturbed, released or leached out. No impacts to human health different or greater than those of other commercial businesses in the area, including other nearby drive-thru restaurants, will occur as a result of the Project. The project site is located within 1500' of the North Syracuse Junior High School. However, the project will have little to no impact on the school. The project is not adjacent to or across the street from the school. The project will not increase the number of students attending the school. The school is currently located next to a heavy commercial area and is bordered by a shopping center containing a number of commercial stores and restaurants including an Applebees Grill and Bar, a Chinese restaurant, a pizza restaurant, Planet Fitness, thrift store and Fed Ex Shipping Center, to name a few.

Therefore, the Action will have a small impact on human health.

#### **17. Consistency with Community Plans**

The Action will have a moderate impact on community plans. The Action will require a zone change, which means it is not currently consistent with the Zoning Code.

With respect to the Zoning Code's required landscape buffers, on the northern and southern sides of the property the Project will not increase the existing non-conformance with the Town's landscape buffer requirements. On the western side of the property, the Project will only increase the existing non-conformance with those requirements by 1/10 of a foot and landscaping will be provided within that buffer. On the eastern side of the property, a minor variance of 1.8' feet is required from the Zoning Code for the landscape buffer and enhanced landscaping will be provided. These variances result in a moderate, but permanent impact on the Property.

#### **18. Consistency with Community Character**

The Project will have moderate impact on the community character of this intensively developed commercial area along Brewerton Road, East Taft Road and South Bay Road. The Project is an allowed use in the LuC-2 zoning district. Nearby properties are commercial and governmental uses, including four existing restaurants with drive-thru services (McDonald's, Arby's, Sonic Drive-In and Taco Bell) to the south of the Project Site. While a restaurant use is in harmony with the character of the surrounding commercial-zoned neighborhood, the drive-thru only nature of the proposed Action renders it more traffic intense than any of the other restaurants that offer both drive-thru and eat-in space. Although, the proposed restaurant replaces an existing restaurant on the site, the existing restaurant does not have a drive-thru. As such the proposed Action will also alter the existing character of the Property. As such, the impacts on community character would be moderate and lasting.

## **Conclusion**

A positive declaration is issued because the Board has determined that the Action has the potential for at least one significant adverse impact on the environment. The Applicant is therefore directed to prepare an Environmental Impact Statement addressing the concerns raised in connection with the impact that the Action will have on transportation, community plans and community character.



Project : \_\_\_\_\_  
 Date : \_\_\_\_\_

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The Planning Board's review of the objective evidence in the record leads it to the conclusion that the Action will ultimately involve a significant physical alteration of the Property that may entail significant adverse environmental impacts. Therefore, the Planning Board concludes that further environmental review is warranted.

With respect to the potential impacts raised and discussed with respect to the Action, the Planning Board finds as follows:

- (i) The Action may result in a substantial adverse change to traffic levels.
- (ii) The Action may substantially impair the character or quality of existing community or neighborhood character.
- (iii) The Action may create a material conflict with the Town's Zoning Code or development goals.

**Adverse traffic impacts**

The analysis prepared by the Town's traffic consultant raised significant questions regarding how the Applicant's consultant developed trip generation and traffic volume analysis. Those concerns have not been adequately addressed by the Applicant. The responses to these concerns could impact the results of the capacity analyses. During various periods throughout the day, the internal traffic queues will block ingress and egress to the site. The magnitude of the Action is large and localized, and the duration is long-term and very important. The impact of the Action on traffic will persist as long as the Property is being used for the proposed purpose.

**Conflict with the Town's Zoning Code or development goals.**

The Action will require a zone change, which means it is not currently consistent with the Zoning Code. The Action will also require numerous area variances that will result in a moderate, but permanent impact on the Property.

**Inconsistency with Community Character**

The Project will have moderate impact on the community character of this intensively developed commercial area along Brewerton Road, East Taft Road and South Bay Road. While a restaurant use is in harmony with the character of the surrounding commercial-zoned neighborhood, the drive-thru only nature of the proposed Action renders it more traffic intense than any of the other restaurants that offer both drive-thru and eat-in space. Although, the proposed restaurant replaces an existing restaurant on the site, the existing restaurant does not have a drive-thru. As such the proposed Action will also alter the existing character of the Property. As such, the impacts on community character would be moderate and lasting.

See attached Planning Board resolution.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:       Type 1                       Unlisted

Identify portions of EAF completed for this Project:    Part 1               Part 2               Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

Traffic Study prepared by GTS Consultants

Traffic Study Review prepared by Fischer Associates

Letter dated August 7, 2023 submitted by Bohler, including attachments

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Clay Planning Board \_\_\_\_\_ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Chick-Fil-A Taft Rd/South Bay Road/NYS Route 11

Name of Lead Agency: Town of Clay Planning Board

Name of Responsible Officer in Lead Agency: Russ Mitchell

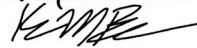
Title of Responsible Officer: Chair

Signature of Responsible Officer in Lead Agency:



Date: 10/31/23

Signature of Preparer (if different from Responsible Officer)



Date: October 31, 2023

**For Further Information:**

Contact Person: Mark Territo, Commissioner

Address: Town of Clay Department of Planning, Town Hall 4401 Route 31, Clay NY 13041

Telephone Number: 315-652-3800

E-mail: [planning@townofclay.org](mailto:planning@townofclay.org)

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**