

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 15th of November 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
	Al McMahan	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
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OTHERS	Paul Graves	Pending Member (Incoming 2024)
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PRESENT:	Holly Page	Pending Secretary (Incoming 2024)
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Russ Mitchell noted the minutes from the October 25, 2023 Regular Meeting will not be approved this evening due to additional documentation needing to be provided.

Russ Mitchell announced that several cases will not be heard this evening and will be adjourned accordingly. They are as follows: Chick-fil-A; Renalli Generations, LLC/Sky Zone; Splash Car Wash; Amerco Real Estate Company/U-Haul (inadvertently placed on the agenda and previously adjourned to December 13, 2023); and Red Barn Extension.

Public Hearings (New Business):

****2023-049 – 7653 Liverpool, LLC/CITGO (3) – 7653 Morgan Road – Special Permit.** The applicant was not in attendance. Russ Mitchell expressed his displeasure with this case noting the applicant made changes prior to having approvals and they are currently held up in court over this issue.

A motion was made by Hal Henty to adjourn Case #2023-049 – 7653 Morgan Road – Special Permit to December 13, 2023. Seconded by Karen Guinup.

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 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 Karen Guinup to adjourn Case #2022-008 – Chick-fil-A, Inc (3) – 3920 Brewerton Road – Special Permit and Case #2022-009 – Chick-fil-A, Inc (3) – 3920 Brewerton Road – Site Plan to December 13, 2023. Seconded by Jim Palumbo.

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). Matthew Oates, P.E., was present on behalf of the applicant. Russ Mitchell asked if the packet with elevations and signs are still good and Matt said, yes, but can resubmit as they are 6 mos. old. Russ agreed. Matt spoke noting he's submitted updates plans since the last meeting and removed the drive-thru from the site, added sidewalks, and stop signs to the east and west. The drive lane around the building is now a single-lane. Matt noted speaking with the DOT and they are generally okay with the site plan and circulation. Russ said he saw the email and was unsure about the internal circulation. His concern is seeing approval from New York State that the light will be there. Matt noted a letter dated January 26th that was before the Town Board. Russ asked Matt get a copy of this letter to Mark Territo. Matt agreed. Further, Matt stated he received the comments from the Fire Department on November 14th and resubmitted to all; hard copies were provided. Two main comments noted the sign arches, which are 15' in height resulting in no impediments to fire trucks and providing 20' wide fire access drives. Matt has made the change and widened from 12' to 20' and modified a turn radius making the drive lane in front 20', the drying station 20' and one lane widened to 20'. Matt pointed out the changes as highlighted in yellow on the drawings. He also noted speaking with Scott Beverly, MCFD, and concern of 20' access. Matt plans to review this request. Lastly, Matt added notes to the dumpster detail. Russ asked if the dumpster detail is new, and Matt said it was previously submitted - page 20 drawing CA-501. Russ asked about the proposed trash compactor and electric service, and Matt said this will be the dumpster enclosure and not separate. Russ asked he provide the details and show all on the drawing, i.e., where the service will be coming from and add to the detail sheet. Matt agreed. As well, Russ said the right-in only will need to be set-up in a way to discourage people from trying to make a left-hand turn onto Route 31; need to be able to swing that to try to forbid from happening and show on the drawing. Matt agreed. Overall, Russ told Matt he did a good job putting this site together and taking the drive-thru off. Russ asked about the bump out and Matt said it is just to keep the same square footage on the building. Russ said if it has no use, to take off the drawing. Russ referred to Ron DeTota regarding the 24" sanitary sewer pipe. Ron explained he needs the documents for this and Matt said they are still working on this. Ron stated the Board will not be in position to approve until the design is provided and accepted and in process for the Town Board portion. Matt asked how to send and Ron said an electronic PDF is fine with hard copies provided to the Board Members. Russ reminded Matt that the drawings received this evening were not timely and Matt said he was aware, but wanted to provide as reference. Hal Henty spoke noting the lighting is good with no poles over 20'. Al McMahon – no comment. Jim Palumbo – no comment. Michelle Borton asked what the proposed concrete pad is for, and Matt said it's for an outside cooler at the convenience store. Michelle asked he provide details and show on the drawings as well as any service, tables, etc. Matt stated there are no patio tables. Russ asked if there would be food at the convenient store and Matt said, yes, prepared salads, pizza, etc.

Karen Guinup questioned the hi-lighted areas on the drawing regarding the drive-thru and if it reduced it to 3-lanes. Matt said no, there is still a 4th lane. Karen asked what if there are cars there as it doesn't look like a 20' access lane. Matt said fire trucks can access both lanes as they will both be 20'. Karen noted fire departments are adamant about a fire lane around the building as they have been in the past for apartment complexes. Matt said he would speak to Scott (Beverly) about this. Karen asked if they widened any lanes at the convenience store area and Matt said, no. Karen asked if any other entrances were widened and Matt said, no. Ron asked if they had submitted a SWPP to the DOT and Matt said, yes, they are still waiting on comments.

Russ Mitchell asked for questions/comments from the public. As follows:

Resident, Ed Dotterer spoke and asked where the traffic light will be and why there are 2 addresses. Matt stated the traffic light will be at the main entrance and the multiple addresses is because there are currently 3 separate tax parcels associated with this site.

No other comments received. Matt clarified what he will be providing – right-in; details on compactor; sewer extension plans; showing of cooler; and work with Scott (Beverly). As well, Karen and Michelle each stated information needed from New York State DOT, lighting, SWPP, elevations and signage. Matt asked if he needed to provided DOT sign-off on the signal and Russ said, yes. Ron spoke stating we want to be sure they are okay as we're in the process of comments on the SWPP and to be sure we are on board with what is being presented. Matt asked if he needed drainage comments and Ron said, no.

A motion was made by Hal Henty to adjourn Case#2023-029 – Delta Sonic Car Wash/Delta Sonic Car Wash Systems, Inc. (3) – 3627 & 3809 State Route 31 – Site Plan to December 13, 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). The applicant requested an adjournment.**

A motion was made by Jim Palumbo to adjourn Case #2023-032 – Renalli Generations, LLC/Sky Zone – 4155 State Route 31 – Amended Site Plan to December 13, 2023. Seconded by Michelle Borton.

Motion Carried 6-0

***Case#2023-038 – Vicksburg Estates, LLC/River Grove Apartments (5) – 3696 Gaskin Road – Zone Change Referral (Adjourned from 1 previous meeting). Tim Coyer, Ianuzi and Romans, P.C., was present on behalf of the applicant. Russ Mitchell spoke explaining the Planning Board does not approve or disapprove cases, rather they provide referrals to the Town Board. Further, Russ stated we will let the applicant present, the Board will ask questions, then we will open to the public for questions/comments, with one person at a time allowed to speak; a referral will be provided at the end of this process. Tim spoke noting a traffic study has been completed based on 124 units. He noted one item and new prints provided with a proposed new layout. Per Town code, senior apartments are only allowed to be 2-story units, he originally had 3, but has since changed. This drops the units from 124 to 100. Tim indicated Gordon Stansbury, GTS Consulting, was present for questions as his study was based on 124 units, since the units**

have now reduced there would continue to be no significant traffic concerns. As well, Tim provided two drawings for consideration. The applicant is not committed to either design, he just wanted to provide options. Russ commented the traffic study proved to him how bad Gaskin Road is – the road is narrow with a lot of bus traffic early morning and afternoon, including Centro bus. Russ questioned why the changes were made to the property when there is already an approved site plan with 72 units. He read the current zone for the town as well as County comment regarding the zone change in question. Russ feels the location of senior apartments at this site is too confining for seniors and also puts them close to a flood plain. More proof would be needed for him to agree to this project. Russ asked the Board Members if they had any questions. Michelle Borton had no questions; Karen Guinup had no questions; Hal Henty had no questions commenting he does not want this for seniors; Jim Palumbo agrees with Russ and questioned if the zone change gets approved what is the opportunity to enforce it. He would want assurance elements as part of the site plan approval; he agrees with the previous approved site plan. Russ noted these units would have to be purchased and a lease would change all the dynamics of the neighborhood; Al McMahan had no questions. Tim stated the applicant heard there is a need for senior apartments in the Town and this site would place them closer to other amenities rather than the Morgan Road facility.

Russ Mitchell asked for questions/comments from the public. Several residents spoke as follows:

Resident, Julie Cooper spoke noting Russ Mitchell had summed up her concerns and that she, too, has been doing her homework regarding bus traffic noting 16 Centro buses with 5 stops, 4 separate Liverpool buses with 9 stops. She stated there are other types of buses throughout the day as well. It's a very narrow road and many times there are kids waiting on the side of the road for their bus. Julie noted Fed Ex, Amazon, and mail trucks as heavy traffic as well. She feels the applicant changes the site plan until the Board agrees with them and with Micron coming it would be more acceptable for town homes rather than rentals; there are no amenities for seniors.

Resident, Ed Dotterer spoke noting Russ Mitchell had summed up his concerns and he is opposed to anymore density due to Gaskin Road. He states there are a lot of vehicles on this road at all times of the day/night.

Resident, Larry Prunotto spoke stating Russ Mitchell had summed up his concerns. Gaskin Road is a problem and was worked on to get widened years ago but there is no more room do to this due to the easements. More traffic would be a serious problem and for seniors. Especially if the property turns from owner-occupied to rental complexes. Seniors have to have amenities. There are no assurances of safety through covenants or HOA. Larry said he was in favor of the original plan.

Volunteer Firefighter (MCFD), Bob Michaelson spoke asking if this was for a zone change and Tim Coyer said, yes. Bob is concerned about one access road (in and out) to a complex this size and noted it wouldn't be satisfactory to the Fire Department; a second access would be needed. He feels this is too dangerous to the people who live in the area and agrees with the comments made about Gaskin Rd. This would need to be brought up to current standards.

Resident, Mark Adocpu spoke and agreed with the comments previously made and stated we need more houses not rentals.

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Resident, Doreen McLane spoke stating the traffic is currently very heavy. The kids in the Baldwinsville school district, when taking the late bus for sports or other after school activities, only get dropped off Kimbrook and they have to cross Gaskin Road. More traffic would add to this already dangerous situation.

Russ Mitchell asked if there were any others in the audience for questions/comments. None received. He polled the Board as follows:

Hal Henty – Not in favor – there appear too many problems and a poor spot for this.

Karen Guinup – Not in favor – this does not fit the intent of senior housing.

Al McMahon – Not in favor – the concerns expressed are valid.

Jim Palumbo – Not in favor – as all reasons stated, Gaskin Rd. is a problem and a senior zoning is not appropriate for this area.

Michelle Borton – Not in favor – per reasons as stated and code issues as well as no services for seniors.

Russ Mitchell – Not in favor – per comments as previously made and doesn't meet the intent of the Town code as set-up.

Russ Mitchell closed the hearing.

Karen Guinup read: In the matter of the application of Planning Board Case #2023-039 – Vicksburg Estates, LLC/River Grove Apartments – 3696 Gaskin Road, I move the adoption of a resolution using our standard form #50 recommending to the Town Board that the change of zone requested by Vicksburg Estates, LLC/River Grove Apts. On the parcel at 3696 Gaskin Road from R-TH Town House to R-Sr Senior Residence be denied for the following reasons: Those reasons expressed above by each Planning Board member. Seconded by Hal Henty.

Motion Carried 6-0

Case #2023-039 – **Nik Loannidis/Gardenview Diner (3) – 3564 Route 31 – Site Plan (Adjourned from 2 previous meetings). The applicant was not in attendance.

A motion was made by Michelle Borton to adjourn Case #2023-039 – Nik Loannidis/Gardenview Diner – 3564 Route 31 – Site Plan to January 10, 2024. Seconded by Karen Guinup.

Motion Carried 6-0

2023-041 – **Splash Car Wash (3) – 7795 Oswego Road – Amended Site Plan (Adjourned from 2 previous meetings). The applicant requested an adjournment.

A motion was made by Jim Palumbo to adjourn Case #2023-041 – Splash Car Wash – 7795 Oswego Road – Amended Site Plan to December 13, 2023. Seconded by Al McMahon.

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). Russ Mitchell explained this case will not be heard as it was erroneously placed on this evening's agenda and previously adjourned to December 13, 2023.

****Case #2023-046 – 01831 Liverpool, NY Walmart Building Expansion (3) – 8770 Dell Center Drive – Amended Site Plan (Adjourned from 1 previous meeting).** Matthew DeSimone, Dewberry Engineers, spoke on behalf of the applicant noting the changes as requested by the Planning Board have been made and all drawings submitted accordingly. Russ Mitchell asked if the lighting is okay and Hal Henty said, yes. Russ questioned a logo sign as marked on the drawing SEC-1. Matthew explained it is not a Walmart logo sign, only a pick-up sign. Karen Guinup said to take off the wording “logo sign” and all would be set; Matt agreed. Russ asked if the Board Members had any further comments or questions; none received.

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

Karen Guinup read: In the matter of the application of Planning Board Case #2023-046 – 01831 Liverpool, NY Walmart Building Expansion, I move the adoption of a resolution using our standard form #10 – SEQR that the Amended Site Plan be declared to be a negative declaration as there appears to be no major environmental impacts that could be mitigated. This action does not involve any other agencies, including the federal government. Seconded by Jim Palumbo.

Motion Carried 6-0

Karen Guinup read: In the matter of the application of Planning Board Case #2023-046 – 01831 Liverpool, NY Walmart Building Expansion, I move the adoption of a resolution using our standard form #20 – Amended Site, granting approval based on a map by Dewberry Engineers dated 9/21/2023, revised 11/3/2023, showing drawing #C-0.1. Also included in this motion are the following drawings numbers by Dewberry Engineers: Cover Sheet C-0, SSM-1, SECP-1, SECP-2, SECP/SSM Details 1, SECP/SSM Details 2, CSS-1, CSS-2, C-1.0, C-2.0, C-3.0, C-4.0, C-4.1, C-4.2. Also, lighting drawing number Walmart #1831 Liverpool, NY OGP-A212291A.AGI Designer Hari. Bergmann Associates Land Survey dated 7/12/2010 last revised 3/28/2013. Gallas Surveying Group Topographic Survey dated 7/11/2023. Andrew S. Maass Architect floor plan and elevations drawing numbers A1.0, A2.0, A3.0, A3.1. Subject to the following conditions: Wall signage not included in this motion. Conditioned upon all legal and engineering requirements of the Town of Clay.

Motion Carried 6-0

****Case #2023-048 – Red Barn Extension (3) – Red Barn Circle – Preliminary Plat (Adjourned from 1 previous meeting).** The applicant requested an adjournment.

A motion was made by Jim Palumbo to adjourn Case #2023-048 – Red Barn Extension – Red Barn Circle – Preliminary Plat to December 13, 2023. Seconded by Al McMahon.

Motion Carried 6-0

Closed Hearings – (Board/Applicant only):

None.

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New Business:

Signs:

Kassis Signs – CNY Gymnastics – 4155 State Route 31 - Zoned RC-1, Permit #53,919.

1 – Wall Sign - A 220 square foot, internally illuminated Led Wall Sign is proposed when 220 square feet is allowed. This sign will meet code. Russ Mitchell stated this sign looks nice and meets the square footage parameters. No other comments made.

A motion was made by Hal Henty granting approval of Sign Permit #53,919 – Kassis Signs – CNY Gymnastics – 4155 State Route 31. Seconded by Karen Guinup.

Motion Carried 6-0

Work Session:

None.

Motion Carried 6-0

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 8:44 p.m.

Motion Carried 6-0

The next meeting is slated for December 13, 2023.

Respectfully Submitted,



Judy Rios
Planning Board Secretary