# 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 10<sup>th</sup> day of July 2024. The meeting was called to order by Chairman Mitchell at 7:30 P.M. All joined in the Pledge of Allegiance and upon roll being called, the following were:

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Russ Mitchell

Chairman

Michelle Borton

Deputy Chair

Karen Guinup

Member

Hal Henty Jim Palumbo Member Member

Paul Graves

Member Member

Al McMahon Mark Territo

Commissioner of Planning & Development

Marie Giannone

Secretary to Planning Board

Kathleen Bennett

Planning Board Attorney

### ABSENT:

Ron DeTota

C&S Engineer

A motion was made by Mr. Graves and seconded by Mr. Palumbo to approve the minutes of the June 12, 2024 Regular Meeting.

# Public Hearings:

#### **New Business:**

\*Case #2024-020 - Laurel Springs Zone Change (5) - West Taft Road - Zone Change Referral

Mr. Ben Harrell, CHA Associates, is present representing the applicant. Mr. Harrell on behalf of the applicant, J. Alberici, is requesting a zone change from HWY commercial to Senior Residential (SR) which is adjacent to the Elderwood Care Facility on West Taft Road. This was previously approved as a senior living facility but would like to change the zoning to senior age restricted apartments.

Chairman Mitchell said the board approved this a few years ago and this makes good sense to have senior housing in that location which is needed. Chairman Mitchell said the county comments included a walkway or road connection between Elderwood Care Facility and the senior apartments. Chairman Mitchell said this was previously discussed and would like to see this addressed with Elderwood. Mr. Harrell said they would reach out to Elderwood.

Ms. Guinup advised the applicant to read the zoning for seniors to see what is available for this type of housing.

Chairman Mitchell suggested that amenities such as hair salon, barber shop, coffee shop, could be included as an added convenience for the residents.

Mr. Harrell said they are following the 35 ft height restriction.

Chairman Mitchell asked the board members if there are any questions. None.

Chairman Mitchell said this is a public hearing and asked if anyone had any questions or comments. Hearing none, the Chairman closed the hearing.

Motion read by Mr. McMahon: Mr. Chairman: In the matter of the application of planning board case no. 2024-020 for Laurel Springs Zone Change, I move to recommend to the Town Board using standard form #50 Zone Change recommendation; the petition be granted noting the comment by the board member for the record. Second by Ms. Guinup.

### Motion Carried: 7-0.

\*Case #2024-022 – **Buck Subdivision/Train Hard Fitness (5)** - 8180 Oswego Road – Zone Change referral

Mr. Tim Coyer, Ianuzi and Romans, is present to address the board. Mr. Coyer presented the diagram showing how the new structure would line up with the other surrounding houses.

Chairman Mitchell said this layout works very well and sees no problem. Chairman Mitchell asked if the board members had any questions. None.

Chairman Mitchell stated this is a public hearing and asked for any questions or comments. Hearing none the Chairman closed the public hearing.

Motion read by Mr. Palumbo: Mr. Chairman: In the matter of the application of planning board case No. 2024-022 for Buck Subdivision/Train Hard Fitness, I move to recommend to the Town Board using standard form #50 – zone change recommendation, the petition be granted for the reason that the proposed use is in keeping with the surrounding community. Seconded by Mr. Graves.

# Motion Carried: 7-0.

\*Case #2024-026 – **Allen Road Zone Change (5)** – Allen Road near Taft Road – Zone Change Referral

Mr. Patrick Hillery, Pyramid Brokerage, is present to address the board on behalf of the applicant. Mr. Hillery said they are looking for a zone change on the property located at the Allen Road location from an R10 Residential to an Office Neighborhood District (O1). Mr. Hillery said he believed this would be a good fit for that location going to an O1 district.

Charman Mitchell said they have been before the board previously and agreed this zone change would be a good fit for this location.

Chairman Mitchell asked the board members if they had any questions. Hearing none the Chairman said this is a public hearing and asked if the public had any questions or comments. Hearing none, the Chairman closed the hearing.

Motion read by Mr. McMahon: Mr. Chairman: In the matter of the application of planning board case no. 2024-026 for Allen Road Zone Change, I move to recommend to the Town Board using standard form #50 Zone Change recommendation; the petition be granted in that it is in keeping with the use of the area. Seconded by Mr. Graves.

# Motion Carried: 7-0.

\*Case #2024-028 – **Wegmans (Great Northern) (5)** - 3955-3959 State Route 31 – Zone Change referral.

Ms. Kim Guergen, representing Wegmans, is present to address the board. Ms. Guergen showed on the map the parcels owned by Wegmans and pointed out the Golf Zone location which is no longer there. Ms. Guergen said they are looking for a zone change to RC1 making this parcel more valuable to future interested tenants. Ms. Guergen said all surrounding parcels are zone RC1.

Chairman Mitchell agreed this makes sense. The Chairman asked if the board members had any questions. None. As this is a public hearing the Chairman asked if there are any questions. Hearing none, the Chairman closed the hearing.

Motion read by Mr. McMahon: Mr. Chairman: In the matter of the application of planning board case no. 2024-028, Wegmans (Great Northern), I move to recommend to the Town Board using standard form #50 Zone Change recommendation; the petition be granted as it is in keeping with the current use of the area. Seconded by Mr. Graves.

### Motion Carried: 7-0

\*\*Case #2024-032 - Trinity Assembly of God (3) - 4398 State Route 31 - Amended Site Plan

Mr. Neal Zinsmeyer, Napierala Consulting, is present to address the board on behalf of the applicant. Mr. Zinsmeyer said this is a growth project and are proposing a 5400 sq ft addition on the south side of the building with a connection. There are easements to the south and north. The existing parking lot has 94 spaces and will increase to 146 spaces. The plans include lighting and a new sprinkler system with a hot box at the road. Dumpster enclosure will be maintained as required by the planning board. The fire department has an existing access road and another new access road around the new addition. The stormwater management plan will be address with Mr. DeTota. Mr. Zinsmeyer said they reviewed the county comments showing where the wetlands are located.

Chairman Mitchell said that Mr. DeTota requested that this review be put off until August 14, 2024 due to Mr. DeTota's absence.

Chairman Mitchell said the county made a comment about the wetlands. The Chairman asked that a note be put on the site plan stating wetlands are there as these wetlands encroach on Mud Creek.

Chairman Mitchell asked about the connection between the two buildings. Mr. Zinsmeyer stated it is a covered connection between the two buildings.

Mr. Henty asked about the four new light poles. Mr. Zinsmeyer said the poles are 33 ft. Mr. Henty said 26 ft would be perfect. Mr. Zinsmeyer said they will provide revised lighting showing the correct height and spread.

Mr. Palumbo said there is such a large asphalt area and suggested some landscaping, possibly trees could be put in to make it more aesthetically pleasing. Mr. Zinzmeyer said this will be updated.

Chairman Mitchell stated that this is a public hearing and asked if there are any questions. Hearing none, the Chairman closed the public hearing.

Motion made by Mr. Graves to adjourned this case to August 14, 2024. Seconded by Mr. Henty.

# Motion Carried: 7-0

\*\*Case #2024-033 – **7842 Goguen Drive, LLC (3)** – 7842 Goguen Drive – Special Permit (Contractors Service Yard)

Mr. Thomas Pratt, Thomas R. Pratt Architect, is present on behalf of the applicant. Mr. Pratt showed on the map the location of the contractor service yard which will be used for storage of materials and heavy construction equipment. Materials shall include gravel, pipes, lumber and steel. The south area will be replaced with gravel. Mr. Pratt stated the fuel tank shown will be removed from the site. Mr. Pratt stated:

- No variances are required for this special permit.
- Survey, Site Plan and EAF were submitted with the application.
- Contractor service yard will have a 7 ft. solid wood fence to shield the materials from view, access and provide security.
- The zone is Industrial (I1) and permits a contractor service yard with a special permit.
- Similar exterior storage facilities are provided at Fisher Construction, Barrett Paving and Northeast Construction.
- The fence surrounding the service yard is set back from the street 23' (road utility easement) and there are no services in the area (Ianuzi and Romans survey dated May 6, 2024) and Thomas R. Pratt architect L101 Site Plan dated May 28, 2024. Sanitary, Storm and water are located on the north side of the building.
- The fence area does not extend over the utility easement along the road.
- The 7' fence will be constructed on rough pine with chamfered top corners. The fence will extend from the back of the building at the southeast corner running north to 1 ft. from the south property line. It will run along the south property line to the utility

easement line in the front, across the front 3 ft. back from the utility easement line (23 ft. from the front property line) to align with the south side of the building and return to the building. A gate will be located at the road cut for vehicle access.

- The service yard will be located within the site and will not affect vehicular or pedestrian movement within the site or on neighboring properties.
- Parking will remain in the front of the building and a portion in front of the fence for a total of 9 parking spaces. Additional parking will be in the service yard as required. The building is an office and warehouse space for a total of 12 parking spaces.
- Emergency access to the service yard can be arranged if required.
- Stormwater will remain on site unless permitted to use the drainage easement and road culvert. The additional gravel area south of the existing parking area will pitch to the north and the west to drain the water on to the remaining grass area or provide a retention system.
- The fence will be 7 ft high with continuous but jointed 1" x 6" pine boards Amish Supply, with 4' x 4' pressure treated posts. Fence will remain unfinished.
- Lighting and signage are existing and will not change.
- There will be no increase in traffic.
- Emissions will be from heavy equipment used to move construction supplies and deliveries.
- Delivery of materials which include loading and unloading will produce an indeterminant noise levels above ambient levels during operations hours of 6 am to 6 pm.

# End of presentation

Chairman Mitchell said this is the second time in front of this board. No approval will be given this evening as our town engineer, Mr. Ron DeTota, is absent and he needs to review this.

Chairman Mitchell stated that the site plan needs to show the location of materials on the plan.

Mr. Henty questioned the noise level as Mr. Pratt stated. Mr. Henty said the noise level has to be consistent with our code at all times.

Mr. Henty questioned Mr. Pratt's statement on no additional traffic outside of what is there now.

Ms. Borton mentioned to Mr. Pratt that paperwork needs to be submitted earlier than the day of the meeting in order for review by the members.

Mr. Graves stated that an unfinished pine fence will deteriorate in a short amount of time and could become unsightly.

Ms. Guinup mentioned in the materials presented it states the fence is 8 ft. Mr. Pratt said this will be corrected as the fence is 7 ft.

Ms. Guinup would like to see an "as is" site plan. On that "as is" site plan it should show the area that will be the contractor service yard, just for the special permit. Also, for information for

the special permit, the board definitely needs to know what the use will be for the contractor service yard. Uses such as equipment, storage materials, etc. Ms. Guinup said we need to know this to be able to have control of the situation.

Mr. Palumbo mentioned the setbacks need to be shown on the drawings. Ms. Guinup said this will be at site plan review.

Chairman Mitchell asked if there are any questions as this is a public hearing.

Ms. Janet Rathburn would like to know the location of the removed fuel tank. Will this tank be moved on site to another area protected from site by the 7 ft. fence. Ms. Rathburn's concern is the fuel tank will be moved to another area hidden by the fence.

Chairman Mitchell closed the public hearing and asked for a motion.

Motion made by Mr. Henty to adjourn this case to July 24, 2024. Seconded by Mr. Borton.

Motion Carried: 7-0.

# **Old Business:**

\*Case #2024-006 – **Tully's Good Times/ Tully's Tenders, Rt. 31** (5) – 3567 Route 31 – Special Permit Referral (Adjourned from 6 previous meetings)

Mr. Joe Frateschi, Mr. Dave Schlosser, Mr. Dan Giamartino, Mr. Steve Calocerinos, and Mr. Gordon Stansbury are present on behalf of Tully's Good Times/Tully's Tenders.

Mr. Steve Calocerinos addressed the board. Mr. Calocerinos said they have been waiting for the reports from State DOT. We modified the site plan per your comments but tonight will be on the traffic study. The site shares the curb cut with the car wash to the east. Tully's will be a fast-food version of the location in Oswego. The target market here is pre order take out and pick up. The menu is a limited menu with 14 tables and a capacity of about 50 patrons. The restaurant will use approximately 2700 sq. ft. with the remainder for a future tenant not known at this time. There were concerns about stacking which now is increased but at the rear of the site. Stacking is for 12 vehicles while the average in Oswego is between four and seven vehicles. New parking areas have been created in the front and rear areas (as shown on drawing). Stacking has been moved so not to interfere with the car wash. The tenant's space has been relocated with the entrance door on the northeast corner of the building. A walkway has been created to the tenant's location. There were questions on driveway widths and there are 57 parking spaces with 20 ft width.

Mr. Gordon Stansbury presented the detailed traffic study. The complete ten-page report is on file. The summary of the report states:

"The additional traffic generated by the proposed Tully's Tenders & retail space is minor and will have no notable impact on traffic operations in the area on NYS Rt. 31. Combined with the adjacent car wash traffic and using worst case ITE trip generation rates, the overall site will only

have 2-3 vehicles entering during each cycle of the adjacent Tractor Supply traffic signal, with over half of the traffic generated turning right out of the site. There are sufficient gaps in traffic to accommodate turning movements into and out of the development, good sight lines and no notable capacity concerns. While it is noted that the eastbound traffic queues will sometimes queue past the driveway for very brief periods during the evening and Saturday peak hours, any resulting delays will be internal to the site and will not impact operations on the adjacent street."

Mr. Stansbury said it is recommended that the westbound left turn lane on NYS Rt. 31 to Theodolite Drive be restriped from 450 feet to 360 feet to allow for a 150 eastbound left turn lane at the site access.

Chairman Mitchell noted that this reduction from 450 feet to 360 feet was made from NYS DOT and was a concern.

Chairman Mitchell asked about the limited menu. Mr. Giamartino said it is basically chicken tenders, focusing on combos. And no burgers, steaks, seafood or pastas. Mr. Giamartino also said the building has been purchased. There is no drive thru and most ordering is done ahead and then picked up. Chairman Mitchell asked if they considered using an APP to order and grab and go. Mr. Giamartino said on line ordering is about 8% of our sales, 65% is "to go" sales as a drive thru. Mr. Giamartino said it is not economically feasible for a grab and go.

Mr. Henty asked what would happen if a restaurant wanted to go in on the tenant side of the building. Mr. Giamartino said zero percent of that happening. There is only room for a small retail business or office space.

Mr. Henty said the traffic study does a comparison to the Oswego Tully's location. Mr. Henty said, in his opinion, that traffic study is not comparable to our Rt. 31 traffic. Mr. Stansbury said that is why they used the IT numbers for a traditional fast-food restaurant. The numbers were referenced but not used in the study.

Ms. Borton questioned the location of both driveways across for each other where the Garden View Restaurant will be located. Will there be a conflict using the center turn lane to move into traffic. The center lane is used when there is no one waiting in that lane. Ms. Borton is still concerned with this type of turning lane.

Mr. Graves asked what is the estimated turn time is at the restaurant. Answer was about 4 minutes in Oswego.

Chairman Mitchell asked if the public had any questions.

A resident asked how long the turning lane is at Theodolite Dr. The existing lane is 450 ft and will be shortened to 360 ft, still giving enough space for stacking of 14 cars if needed.

Chairman Mitchell closed the hearing and polled the board to be used as a reference for the Town Board.

Mr. McMahon: the point that was brought up about the traffic with the proposed restaurant – Garden View – directly across the street is a concern. I am in favor.

Mr. Palumbo: I am in favor of what we have in front of us for a special permit and highly recommend for the Town Board to look at the traffic, but I am in favor of this.

Mr. Graves: I am in favor. The only thing adding eleven cars on the traffic study pulling into that area for a 45-minute period is a concern.

Mr. Henty: I believe it is a safety hazard there. This is an area I am very familiar with during the day. I am against this because of the safety factors on Rt. 31 and that particular area. I am against it.

Ms. Guinup: The application we have before us is for a restaurant special permit and restaurant drive thru. As far as the restaurant goes, I would be in favor of a sit-down restaurant because traffic is a little different than a drive thru. However, I am not in favor of a drive thru. Once a special permit is issued it goes with the site and any other type of operation can be a drive thru. I am in favor of a restaurant but not a drive thru.

Ms. Borton: I am in favor of a restaurant not a drive thru because of ingress/egress. I am opposed to the drive thru at this time.

Chairman Mitchell: Many accidents are happening on Rt. 31 and now we are going to add another one. We are above the state average for accidents at these intersections. This is a problem. The restaurant by itself is okay but not the drive thru. This is not a good location for a drive thru. It is the way people drive. I am having a hard time approving this drive thru at this location. The Town Board really needs to take a look at this with what this does to our traffic now and in the future. I am not in favor.

Motion read by Mr. McMahon: Mr. Chairman: In the matter of the application of planning board case no. 2024-006 Tully's Good Times/Tully's Tenders, I move to recommend to the Town Board using standard form #60 special permit recommendation the petition be forwarded noting the comments as stated by each of the Planning Board Members for the record. Seconded by Mr. Graves

#### Motion Carried: 7-0.

\*Case #2024-017 – **Brew Team NY, LLC (5)** – 3906 & 3908 Brewerton Road – Special Permit Referral (Drive thru) (Adjourned from 3 previous meetings).

Mr. Larry Wilson, Mr. Larry Alder and Mr. Gordon Stansbury are present to address the board. Mr. Wilson presented the board with two circulation plans showing the entrances and exits out of the Brew Team drive thru. Mr. Wilson said on Brewerton Road the northern entrance and the connection to the adjacent property have been eliminated. The main intersection will be brought up to DOT standards. There is a relocation of the entrance and exit on South Bay Road to a more central location. Mr. Stansbury is present to answer any questions on the circulation of the site.

Chairman Mitchell said in looking at the plans, the traffic patterns seem confusing. Traffic seems to be moving in different directions. Mr. Wilson said the entrance from South Bay will also lead to O'Reilly's Auto Parts as this is one property. Discussion followed with board members on the circulation pattern of the drive thru. The plan will be modified and presented to the board on July 24, 2024 showing a dedicated island with landscaping, taking lane two out. The extra space will go into lane one. Lighting is part of the site plan.

Chairman Mitchell said this is a public hearing and asked if there are any questions from the public. Hearing none, the Chairman closed the hearing.

Motion made by Mr. Henty to adjourn this case to July 24, 2024. Seconded by Mr. Graves.

Motion Carried: 7-0.

\*\*Case #2024-021 – **Sharon Chevrolet Dealership (3)** – 3687 State Route 31 – Amended Site Plan (Adjourned from 2 previous meetings)

Mr. Joe Durand, TDK Engineering, is present to address the board. Mr. Durand said they received the letter from the Department of Health. Lighting has been changed to the 26 ft. height. Mr. DeTota addressed all issues on drainage.

Ms. Borton spoke about the lighting poles on the plan. This will be noted in the motion.

Ms. Borton stated on SP1 (on left side) to remove the notation on septic system (strike the note totally too much language).

Chairman Mitchell asked if there are any questions as this is a public hearing. Hearing none, the Chairman closed the hearing.

Motion made by Mr. Palumbo. Mr. Chairman: In the matter of the application of the planning board case no. 2024-021 for Sharon Chevrolet, Amended 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 resolution for the reason that the proposed site plan amendment is in keeping with the current property. Seconded by Mr. Graves.

Motion Carried: 7-0.

Motion made by Mr. Palumbo. Mr. Chairman: In the matter of the application of planning board case No. 2024-021 for Sharon Chevrolet Amended Site Plan, I move the adoption of a resolution using standard form #20 Site Plan; be granted based on a map by TDK Engineering, dated June 5, 2024, revised June 5, 2024 and numbered SP-1, revised July 10, 2024, PL-1, revised June 13, 2024, PL-2 revised July 10, 2024, A1.0 thru A1.8 & A1.12, ES-1, ES-2, DM-1, GD-1, GD-2, GD-3. GD-4, GD-5, GD-6, UP-1 conditioned upon approval of all legal and engineering

requirements of the Town of Clay. Other conditions: Revisions pertaining to reduction in mounting height to grade. Remove Amended Site Plan note on SP-1. Seconded by Mr. Graves.

Motion Carried: 7-0.

## **New Business:**

Case #2024-034 Farmstead, Section 7 – Maple Road – Final Plat

Mr. Tim Coyer, Ianuzi and Romans, is present to address the board. Mr. Coyer said they are here for the final plat of Section 7, consisting of 13 acres and 27 lots, zoned R15.

Chairman Mitchell noted the revision date on the final plat needs to be added.

Chairman Mitchell said this is a public hearing and asked if there are any questions. Hearing none the Chairman closed the hearing.

Motion made by Mr. Graves. Mr. Chairman: In the matter of the application of planning board case no. 2024-034 for the Farmstead Section 7, I move the adoption of a resolution using standard form #40 Final Plat, be granted based on a map by Ianuzi & Romans Land Surveying PC dated August 2, 2023 and numbered FB No. 1525 with a revision date of July 10, 2024. Seconded by Mr. Palumbo.

Motion Carried: 7-0.

Mr. Graves left the meeting.

#### Work Session

\*Case #2024-016 – Great Northern Mall Redevelopment Planned Development District (5) – 4155 NY Route 31 (Concept Plan Referral)

Mr. Dick Schwartz, CHA Consulting, is present to address the board. Also present: Mr. Guy Hart and Mr. Ben Harrell.

Mr. Schwartz said at the last meeting there were two items that needed more information.

- Medical offices
  - o Renderings
  - o Elevations
- Parking
  - o What did parking look like per code
  - o What parking went with each building

The renderings are shown to the board and discussed. Medical buildings will consist of 3 buildings, each 3 stories high. These will consist of an ambulatory care facility. Mr. Hart said they are in contact with the prospective clients for these facilities. The interchange at Ver Plank Road makes the back door to the site attractive for medical facilities. Some of the other medical buildings will consist of medical offices (similar to what is at Brittonfield, North Medical) with specialized services. Renderings are on file.

Ms. Guinup discussed the parking issues.

- ✓ Lot 1 Hotel with 1125 spaces
- ✓ Schematic shows total of 10,791 spaces; total space uses 13,200. Difference? Makes no sense.

Mr. Schwartz said the reason the number is so low as we looked at other locations taking into consideration mass transit, mixed use and the parking generation rates are lower. Mr. Schwartz said when they are looking at aggregate of spaces for design instead of 7.5 spaces for medical, 5 was used. Mr. Schwartz said this was based on other projects. Ms. Guinup said this board uses town code for parking spaces and according to code, there is a shortage of parking spaces. Ms. Guinup said as the narrative is written there could be some language about the requirements. The town code is going to be written specifically for this development. Ms. Guinup stated a starting point is needed and the starting point is what our town code wants for these developments and types of uses.

Ms. Guinup, in looking at the parking drawings, said another look needs to be taken on the parking because of the shortage shown on the drawings. Some of the areas of concern are on the Morgan Road side and the common area along with E, F, G, L, Q.

Chairman Mitchell asked about the combined on street parking of 402 spaces if that is along the east/west street or south also. Mr. Schwartz said this goes east/west and north/south which is the entire downtown area.

Mr. McMahon asked to see samples of other projects. These will be provided.

Chairman Mitchell inquired about the Extra Space Storage facility. Mr. Hart said this is a separate parcel and presently will not join this development. This is ongoing.

Mr. Bob Michelson of Cherry Tree Circle questioned the entire project relating to apartments, medical and parking areas being in a planned development and not sprawled out.

Ms. Guinup said this planned development is going to be built in phases taking approximately five to seven years to complete. Ms. Guinup thanked Mr. Michelson for his comments.

Ms. Guinup mentioned a few properties on Ver Plank Road that are listed in the deed book but not purchased. Mr. Arthur Drear of Ver Plank Road asked about this as his property is listed in the deed book. Mr. Hart said they will look into this.

Chairman Mitchell mentioned comments that came back on water and environmental protection. Mr. Schwartz is aware of this.

Mr. Palumbo said there is a helicopter pad located near the transmission lines and asked if this is a conflict. Mr. Schwartz said no. Also, medical is north of transmission wires.

Chairman Mitchell said the time line for the narrative on the concept plan is August 4, 2024 to be given to the Town Board.

Work session concluded to July 24, 2024.

Motion made by Mr. Henty to adjourn meeting at 11:00 pm. Seconded by Mr. McMahon.

Motion Carried: 6-0. (Mr. Graves is absent)

Respectfully submitted,

Marie Giannone

Planning Board Secretary