

**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 23rd day of April 2025. 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:

**PRESENT:**

Russ Mitchell	Chairman
Michelle Borton	Deputy Chair
Karen Guinup	Member
Jim Palumbo	Member
Hal Henty	Member
Paul Graves	Member
Al McMahon	Member
Marie Giannone	Secretary to Planning Board
Kathleen Bennett	Planning Board Attorney
Ron DeTota	Town Engineer

**OTHER:** Joe Grispingo – Commissioner of Code Enforcement  
Dave Tessier – Interim Commissioner of Planning & Development

**ABSENT:** None

A motion was made by Mr. Graves and seconded by Mr. Palumbo to approve the minutes of the April 9, 2025 Regular Meeting.

**Motion Carried: 7-0.**

\*\*Case #2025-001 – **Inverness Gardens** (3) – 4938 West Taft Road – Site Plan (Adj.4) -6/11/25

Chairman Mitchell said that Inverness Gardens had been adjourned to June 11, 2025 but they are now ready to come before this board.

Motion made by Mr. Graves to move Case No. 2025-001 Inverness Gardens from June 11, 2025 to May 14, 2025. Seconded by Mr. McMahon.

**Motion Carried: 6-1.**

Chairman Mitchell took a couple of minutes to address the public present at this meeting. The chairman said with Micron coming the town there are a lot of cases to review and some are still on the agenda going back to 2023. With that being said all paperwork being submitted to this board for review has to be complete when submitted. Adjournments in the past have been made from meeting to meeting. This will not happen in the future. An adjournment then will go two meetings out so we can accommodate new cases coming before this board.

**Public Hearings:**

**New Business:**

Planning Board  
Regular Meeting  
April 23, 2025

**\*\*Case #2025-009 Sonbyrne Sales, Inc (3) 7190 Buckley Road – Site Plan**

Chairman Mitchell said Sonbyrne Sales asked for an adjournment to June 14, 2025.

Motion made by Mr. Graves to adjourn Case #2025-009 Sonbyrne Sales to June 14, 2025. Seconded by Mr. McMahon,

**Motion Carried: 7-0.**

**\*Case #2025-010 – Northern Credit Union (5) – 5004-5008 West Taft Road – Zone Change (Referral)**

Mr. Rod Ives, Napierala Consulting, is present to address the board on behalf of Northern Credit Union. Mr. Ives said they are here for a zone change. The town board met on April 7, 2025 and referred this to the planning board for the O-2 zone change. The town board appreciated that the application was changed to an O-2 district which is a less intense use.

Chairman Mitchell said in this case we are looking at a zone change to NC-1 which is in the referral at this meeting. The chairman said the referral will reflect that and incorporate Mr. Ives statement as presented above. Plans will not be addressed because we are dealing with what we had previously for the NC-1. The chairman polled the board on this asking the board members if there are any questions on this:

Mr. Henty – No questions at present time  
Ms. Guinup – No questions at present time  
Ms. Borton – No questions at present time  
Mr. McMahon – No questions at present time  
Mr. Palumbo – No questions at present time  
Mr. Graves – No questions at present time

Chairman Mitchell said this is a public hearing and asked for any questions and/or comments.

Ms. Sandy Laurenti, 4994 Wintersweet Drive, said she addressed the town board on April 7, 2025. She said the curb around Wintersweet (across from Well Now) is dangerous and during the winter months it is very icy and cars have gone off the road. This is attributed also to speeding. Traffic comes in from Metropolitan Drive and uses Opal Drive to cut through to get to Wegmans and would increase with a credit union and future McDonalds. She asked about the third piece of property that will not be part of the credit union but received no answer.

Chairman Mitchell explained about the PDD Planned Development District. He said an O-2 district limits what project can go into that area. A new schematic was shown at the town meeting which had more trees blocking residents' view. He said even though the trees are 5 to 6 feet, in time more privacy is created and aesthetically pleasing. The chairman said an independent traffic study will be done from Bear Road/West Taft Road/to the North Medical Center at Buckley Road. County is very concerned with the traffic pattern on this road.

Ms. Anna Markopolsky, 7221 Lobelia Dr., questioned the landscaping that would be put up by the credit union. She said the plans for Well Now on Wintersweet had landscaping which never was done. How would we be certain that this will be done at this credit union. The chairman said they will look at the site plan for Well Now and it will be addressed.

Chairman Mitchell closed this case and asked for a motion.

Motion made by Mr. McMahon. Mr. Chairman: In the matter of the application of planning board case No 2025-010 for Northern Credit Union Zone Change to NC-1, I move to recommend to the Town Board using standard form #50 – Zone Change Recommendation; the petition be denied for the following reasons: Northern wants to change the zone to O-2 and the town board needs to act on the request which is less intrusive than the NC-1 zone and comments from the board members. Seconded by Mr. Palumbo.

Mr. Henty: Combining the properties could help with landscaping and anything else that would be done on that property. Also, could help with traffic flow.

Ms. Guinup: If this becomes an O-2 district, Ms. Guinup strongly recommends to the town board to advertise this again to get the community involved.

Ms. Borton: is not in favor of an NC-1 district. O-2 would be more appropriate.

Mr. Graves: in favor of O-2 district.

Mr. Palumbo: in favor of O-2 district.

Mr. McMahon: in favor of O-2 district.

**Motion Carried: 6-1.**

Chairman Mitchell said in speaking of Northern Credit Union it is improper for the town board to amend/adjust that case. That needs to be handled separately an O-2 zone change. Chairman Mitchell said this is his opinion because it needs to come back to this board for a referral again.

\*Case #2025-014 – **Seneca Savings (5)** – 5332 State Route 31 – Special Permit (Referral)

Mr. Jesse Plumley, Plumley Engineering, is present to address the board on behalf of the applicant.

Mr. Plumley is proposing a financial institution, +/- 2.7 acres on the south side of Rt 31 and Stearns Road/Burnett Road. This is now an O-2 district and are looking for a special use permit to operate a bank with a two-lane drive thru service. The hours of operation would be normal banking hours 8:30 am to 5:00 pm and Saturday hours 9:00 am to 12:00 pm. ATM is a 24-hour service. Submission has been made for landscaping, photometrics, and SWPP. Parking spaces as required are shown on the plan.

Chairman Mitchell did not have any questions. The chairman polled the board.

Mr. Henty – ok

Mr. McMahon – ok

Mr. Palumbo – ok

Mr. Graves – ok

Mr. Borton – ok

Ms. Guinup – asked what input was received from NYS regarding ingress/egress. Mr. Plumley said the existing driveway will need a special permit. He said a formal review will be made going forward with the project. Ms. Guinup said their concern would be a full access on Rt 31. Discussion followed with Mr. Plumley as he showed the circulation on the plan. Chairman Mitchell said this will be addressed during site plan review.

Chairman Mitchell said this is a public hearing and asked if there are any questions/comments. None.

Chairman Mitchell closed this hearing and asked for a motion.

Motion made by Mr. McMahon: Mr. Chairman: In the matter of the application of planning board case No. 2025-014 for Seneca Savings Special Permit Referral, I move to recommended to the Town Board using standard for #60 Special Permit Recommendation, the recommendation be granted with the comments from the board members. Seconded by Mr. Palumbo.

**Motion Carried: 7-0**

\*Case #2025-017 – **Justin’s Canine Campus (5)** – 4112 State Route 3 – Special Permit (Referral)

Mr. Tim Coyer, Ianuzi and Romans, is present to address the board on behalf of the applicant. Mr. Coyer said the applicant is requesting a special permit to establish and operate a dog day care in an existing 6,700 sf building on a 15.7-acre parcel in a RC-1 zoning district. This is located in the Market Fair North shopping area on the south side of NYS Route 31, which abuts NYS RT 481 to the west, and has frontage along Waterboard Road to the east. The plaza has full access driveway to Rt. 31 and two full access driveways to Waterboard Road. The dog day center will have drop offs from 6:30 am to 9:30 am and pick up from 3:30 pm to 5:30 pm. Drop off of the dogs are all scheduled. There are about 80 to 100 dogs daily at the facility. Mr. Coyer noted that the shed will be moved away from the easement and the dumpster if required will be moved.

Chairman Mitchell asked if this is a daily site for dogs. Mr. Coyer said yes, and no boarding of dogs. The chairman said basically the location is changing from Rt. 57 to this location. The chairman asked the board members if they have questions/comments.

Mr. Henty had a concern with the waste and odor. Mr. Coyer said all waste goes into a dumpster and there is no odor. Mr. Henty asked about the dogs being let out in their fenced area. Mr. Coyer said not more than 25 dogs at a time.

Ms. Guinup – ok with one comment regarding the torn-up pavement at the entrance. Mr. Coyer will address this.

Ms. Borton – ok - maybe a concern with the sidewalk area

Mr. McMahon- ok

Mr. Graves – ok

Mr. Palumbo – ok

There were no questions from the public. The chairman asked for a motion.

Motion made by Mr. Graves. Mr. Chairman: In the matter of the application of planning board case No. 2025-017 for Justin’s Canine Campus (Justin Bonn & Carrie Lindley), I move to recommend to the Town Board using standard form #60 special permit recommendation) be granted and poses low impact at this location. Seconded by Mr. Palumbo.

**Motion Carried: 7-0.**

**Old Business:**

\*\*Case #2023-047 – **Equipment Share Syracuse (3)** – 7481 Henry Clay Blvd. – Site Plan (Adj 9)

Mr. Eric Keller, Bowman Consulting, and David Southall, Equipment Share, are present on behalf of the applicant. Mr. Keller said they appreciate the board's accommodation and gave a brief overview.

The project is on Dey Road. The layout of the facility is unchanged with 22 parking spaces with 2 EV charging stations, security fence installed around the perimeter with two sliding gates. Fuel pumps will be to the left of the property and lighting in the area. Drainage will be kept on site. Two 1,000 diesel tanks will be on site. These tanks are contained in a containment box and protected by barriers. Disturbances will be 7 acres of the 9-acre site. The stormwater system has been reviewed by Mr. DeTota, town engineer, and found an issue with the fueling tanks and the fact that this is a construction equipment area, we have removed the wet pond. Soils on the site do not infiltrate and have a high ground water table. Two filtration bio retention basins have been designed. There are 4 bays for the SMP which discharge to the west to an existing drainage pipe down by the Onondaga Lake watershed. Mr. Keller said they will continue to work with Mr. DeTota on this project.

Mr. DeTota said he did not have any questions/comments at this time as he has been working with Equipment Share on this project and will continue to do so.

Mr. Grispino, Codes Enforcement Commissioner, stated the S-1 overlay requires a special use permit regarding the 1,000 fuel tanks which is required by the town board. Mr. Keller said he will address this.

Chairman Mitchell said any changes to the drawings have to be in by May 7 in order to be on the agenda for May 14, 2025.

Ms. Guinup asked if this board can move ahead without the special use permit. Mr. Keller will contact the planning department on this.

There were no questions/comments from the public.

Motion made by Mr. Henty to adjourn case No. 2023-047 Equipment Share to May 14, 2025. Seconded by Mr. Graves.

**Motion Carried: 7-0.**

\*\*Case #2023-052 – **Mike Tormey (Buckley Warehouse)** (3) – 4583 Buckley Road - Site Plan (Adj. 12).

Ms. Alex Samoray is present to address the board on behalf of the applicant. Ms. Samoray said all the changes were made as noted from the previous meeting.

Chairman Mitchell said the ordinances, size of building parking requirements should be on the L101 overall plan. Discussion with Ms. Samoray on the sheets 300/301.

Chairman Mitchell asked if there is a tenant for this location. Advertising will be done when approved. Ms. Samory said the existing building has a tenant.

The board members did not have any questions.

Mr. DeTota, town engineer, said the dumpster detail on drawing L601 needs to be changed. It is not a masonry building and Ms. Samoray will correct this. Mr. DeTota changed Fire Protection Note 2 to read as follows:

“Bioretention facilities shall be verified and certified by the design engineer to ensure compliance with the approved site plan.”

Also, on L200 Drainage Plan to the South 4,387 feet needs to be changed. This was shown on the drawing where the change needs to be made.

Chairman Mitchell said this is a public hearing and asked if there are any questions/comments. None.

Motion made by Mr. Graves to adjourn case No. 2023-052 to May 14, 2025. Seconded by Mr. Palumbo.

**Motion Carried: 7-0.**

**\*\*Case #2023-053 – Proposed Hotel at Wegmans Great Northern Site (3) – 3955 State Route 31 – Site Plan (Adj. 5)**

An adjournment was requested by the applicant.

Motion made by Mr. Graves to adjourn Case No. 2023-053 to May 28, 2025. Seconded by Mr. McMahon.

**Motion Carried: 7-0**

**\*\*Case #2024-065 – Sears Property (3) – 9417 Horseshoe Island Road – Preliminary Plan (Adj. 4)**

Mr. Ben Harrell, CHA, is present to address the board on behalf of the applicant.

Mr. Harrell stated an access easement between Lots 1 and 2 was requested at the last meeting. This has been added along with the description.

Mr. DeTota said a change on Schedule C last page should be changed from 201.7 ft to 61.9 ft.

Mr. Harrell asked how this can be signed and recorded before the subdivision. The county clerk requires filing the map and easement as has been the practice in the past. Discussion followed with the town’s legal counsel.

Ms. Bennett, town attorney said: “After easement agreement is signed, it goes to the board and town attorney, then the board approves preliminary and final plat based on signed easement. Then the easements are recorded and now it moves to consider site plan.”

Ms. Guinup said this is only a subdivision and no site plan is involved, basically it is residential. Ms. Guinup’s suggestion would be to give a preliminary approval this evening, get everything signed and recorded, and return for final plat approval.

Mr. Harrell said he cannot record this without a final plat.

Ms. Bennett said a condition could be added that no building permits will be issued without final approval.

Ms. Bennett said for the applicant to come back with the signed easement agreement, then the condition be placed on the final approval.

Mr. Harrell said the preliminary and final can be done together, whatever the board prefers.

Chairman Mitchell said this is a public hearing and asked if there are any questions/comments. None.

Motion made by Mr. Graves to adjourn Case #2024-065 Sears Property to May 14, 2025. Seconded by Mr. Palumbo.

**Motion Carried: 7-0.**

Motion made by Mr. Palumbo to adjourn Case #2024-066 – Sears Property Final Plat to May 14, 2025. Seconded by Mr. McMahon.

**Motion Carried: 7-0.**

\*\*Case #2024-070 **Tully's Tenders** (3) – 3567 State Route 31 – Site Plan (Adj. 4)

Mr. Dave Schlosser is present to address the board on behalf of the applicant.

Mr. Schlosser said the only item left was the drainage easement which has been reviewed by the attorney and signed. Date of board approval will be filled in. Mr. DeTota said the easement was accepted by the town board at the April 7, 2025 meeting.

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

Motion made by Ms. Guinup: Mr. Chairman: In connection with the unlisted action of the Planning Board Case No. 2024-070 I move the adoption of a resolution using our standard form No. 10 that for SEQR purposes the Site Plan by Tully's Tenders be declared to be a negative declaration as there appears to be no major environmental impacts that could not be mitigated. This action does not involve any other agencies including the Federal Government. Seconded by Ms. Borton.

**Motion Carried: 7-0.**

Motion made by Ms. Guinup. Mr. Chairman: In connection with Planning Board Case No. 2024-070, I move the adoption of resolution using our standard form No. 20 granting Site Plan approval to Tully's Tenders based on a map by Schopfer Architects dated 12/4/24 revised 3/31/25 showing drawing no. L1.1. Also included in this motion is Title Sheet T1.1 showing all drawings numbers and dates to be included in this motion. Subject to the following conditions: (1) Wall signage is not included in this motion; (2) No building permit issued until drainage easement agreement is filed. All legal and engineering requirements of the Town of Clay. Seconded by Ms. Borton.

Chairman Mitchell said before approval on this, the board will be polled with any comments.

Mr. Henty: I spent a lot a time on this project and it is not safe during certain hours of the day. It is difficult to make a left out between the hours of 4 pm and 7 pm. I cannot vote for this. My vote is NO. The traffic study is not a safety study.

Mr. McMahon: I agree completely with what Mr. Henty has said. I am not comfortable with it but they acted in good faith and done the research so I am voting YES.

Mr. Palumbo: I am also in favor of this as I do feel that they did their due diligence. The project itself has come a long way to get here and I am in favor of it. YES

Mr. Graves: I agree that they did a lot and Tully's is a victim of their own food. Tully's Tenders are really good and I think you are going to have such an amount of traffic so we have to balance with the success of business and the safety of the community. I am voting NO.

Ms. Guinup: I can't vote no against my resolution. I am voting YES.

Ms. Borton: I am in favor of the site plan and cannot think of a practical way to improve on the entrance. I am voting YES.

Chairman Mitchell: I am disappointed in this project but I am voting YES. But I think it is a safety issue as I drive that corridor all the time. The two board members expressed the traffic concerns. There will be accidents because of the way people drive. The area was located in a "nice spot". I begged to differ but the board unanimously voted no approval for the drive thru originally. This board suggested other alternatives and was flatly turned down. What happens when someone else comes and wants a drive thru in that corridor. Precedence is being set with this. And that is what I don't like about it. If it wasn't for Niagara Car Wash, and it was wrong for Tully's to dictate about the ingress/egress at Niagara. Niagara has been a good neighbor and always had full access for years. I can guarantee that there will be accidents in that area because of this drive thru. I think the town board made mistakes and this project went ahead and now we have to live with it. I don't like it. I am saying YES to it because I don't want to dictate to what Niagara has to do. I have talked to the State and if we have to change the ingress/egress, the municipality can do it. Just because full mitigation has been given for full access, we can change it. Property needs to be looked at in the early stages as to whether or not you can build there before you make any kind of moves.

Chairman Mitchell said the vote is 5 Yes to 2 No and it is approved.

**Motion Carried: 5-2.**

**\*\*Case #2025-006 – Scott Merle Builders (3) – 8835 Gaskin Road – Preliminary Plant (Adj. 3)**

There was no one present on this case. Drawing needs to be stamped.

Motion made by Mr. Graves to adjourn Case #2025-006 Scott Merle Builders Preliminary Plat and Case #2025-007 Scott Merle Builders Final Plat to May 14, 2025. Seconded by: Mr. McMahon.

**Motion Carried: 7-0.**

**\*\*Case #2025-012 – Packaging Corp. of America (3) – 4471 Steelway Blvd. – Site Plan (Adj. 1)**

Mr. Rod Ives is present to address the board on behalf of the applicant. Mr. Ives said all the changes requested by the board have been made.

Chairman Mitchell said the board members read all the comments and the chairman said this was a good job and did everything that was required by this board on the site plan. There are issues where water is concerned. The chairman asked about the pump station on the drawing. Mr. Ives said there is a pump station at the loading dock area. The loading dock is lower than the storm water and basically this is a sump pump for the water.

Chairman Mitchell polled the board for questions/comments.

Mr. Henty said the maximum height of lighting is 26 Ft. This needs to change. Everything else looks good. Same luminaires on top of the poles. No change to spillage of lighting for the safety of the trucks.

Mr. McMahon: Good

Mr. Palumbo: No comment but is there any follow up to the Indiana Bat acoustic testing. Mr. Ives said the night time temperature needs to be higher than 50 degrees, and around May 15 thru August 15 the testing will be done. Mr. Ives said they may be able to tweak this project avoiding tree work.

Mr. Graves: Good

Ms. Guinup: Good

Ms. Borton: Good

Mr. DeTota thanked Mr. Ives for the SWPP submission. Mr. DeTota said he is in the process of reviewing this. The spillway needs to be defined. The County DOT has requested a copy of the SWPP and traffic data which should be running concurrently with us because the resolution trusting this board cannot to move on this until comments are received.

Chairman Mitchell said this is a public hearing and asked for comments/questions. Hearing none he asked for a motion to adjourn this case.

Motion made by Mr. Graves to adjourn Case #2025-012 Packaging Corp of America to May 28, 2025.  
Seconded by Mr. McMahon.

**Motion Carried: 7-0.**

**Signs**

**Anthony DePerno/Victory Sign, Inc. – *Extra Space Storage* – 7711 Henry Clay Blvd.**

Zoned I-1, Permit #54,848

1 – Wall Sign – A 14.7 square foot, Non-Illuminated LED Wall Sign is proposed, when 50 square feet is allowed. Should the Planning Board approve it, this sign will meet code.

1 – Freestanding Sign – A 31.98 square foot, Internally Illuminated LED Freestanding Sign is proposed, when 32 square feet is allowed. Should the Planning Board approve it, this sign will meet code.

There were no questions on this wall sign for Extra Space Storage.

Motion made by Mr. Graves to approve 1 wall sign and 1 free standing sign on permit #54,848 for Extra Space Storage. The signs will meet code. Seconded by Mr. McMahon.

**Motion Carried: 7-0.**

Motion made by Mr. Graves to adjourn this meeting at 9:20 p.m. Next meeting is on May 14, 2025.  
Seconded by Mr. McMahon.

**Motion Carried: 7-0.**

Planning Board  
Regular Meeting  
April 23, 2025

Respectfully submitted,

*Marie Giannone*

Marie Giannone  
Planning Board Secretary