

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 14th of May 2025. The meeting was called to order by Chairman Mitchell at 7:40 P.M. All joined in the Pledge of Allegiance and upon roll being called, the following were:

<u>PRESENT:</u>	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

OTHER: Joe Grispingo – Commissioner of Code Enforcement
Dave Tessier – Interim Commissioner of Planning & Development
Caitlin Choberka – Project Engineer, C&S Companies

ABSENT: Ron DeTota

A motion was made by Mr. Graves and seconded by Mr. McMahon to approve the minutes of the April 23, 2025 Regular Meeting.

Motion Carried: 7-0.

Public Hearings

New Business:

****Case #2025-015 – Seneca Savings (3) – 5332 State Route 31 – Site Plan**

There was no one present representing Seneca Savings. Chairman Mitchell stated the town board has not approved the special permit for Seneca Savings. The chairman asked for a motion.

Motion made by Mr. Graves to adjourn Case #2025-015 Seneca Savings to May 28, 2025. Seconded by Mr. Palumbo.

Motion Carried: 7-0.

***Case #2025-018 – Canandaigua National Bank (5) – 7515 & 7519 Oswego Road – Special Permit (Referral).**

Chairman Mitchell stated this will be on the planning board agenda for site plan when the town board approves the special permit.

****Case #2025-020 – Henry Clay Warehouse (3) – 7189 Henry Clay Blvd. – Amended Site Plan**

Ms. Alex Samoray is present to address the board on behalf of the applicant. Ms. Samoray said the Site Plan was approved in September and the stormwater system remains the same, pipes are reduced in size.

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

Caitlin Choberka, C&S Engineering representing the planning board, said they are still reviewing this and will be in touch with Ms. Samoray upon Mr. DeTota's return.

There were no questions from the public.

Motion made by Mr. Graves to adjourn Case #2025-020 Henry Clay Warehouse to May 28, 2025.
Seconded by Mr. McMahon.

Motion Carried: 7-0.

****Case #2025-021 – Windsor Property Group (3) – 7985 Morgan Road – Preliminary Plat.**

Mr. Tim Coyer, Ianuzi & Romans, is present to address the board on behalf of the applicant.

Mr. Coyer said there was a zone change in February to R15 – two lot subdivision. Mr. Coyer said there is an issue with the septic system. Chairman Mitchell said to get the zone change back to R40 which would solve the issue. Discussion followed regarding a variance to allow the septic in an R15. The chairman said the best solution is to get the zone change back to R40.

Regarding Morgan Meadows and their septic system will be addressed.

Mr. Coyer said because this has been approved as an R15 zone change does that force the issue with this. Does it allow the board to approve something that has already been approved for R15. Ms. Bennett said no because it would be nonconforming. Ms. Guinup said in her opinion that is not proper use of a use variance. Ms. Bennett said economic hardship would have to be shown for the use variance. Ms. Guinup said to reapply for the same thing can move very quickly.

Ms. Borton asked Mr. Coyer to show on the site plan the existing septic and pole barn. Mr. Coyer will provide this on the plan.

Ms. Choberka asked Mr. Coyer to provide the TOPO on the drawings. Mr. Coyer will provide this.

There were no other questions from the board.

There will no questions from the public.

Motion made by Mr. Graves to adjourn Case # 2025-021 Preliminary Plat and Case #2025-022 Final Plat Windsor Property Group to June 11, 2025. Seconded by Mr. McMahon.

Motion Carried: 7-0.

Old Business:

****Case #2023-006 Emerald Lawn Care (3) 4663 Wetzel Road – Site Plan (Adj. 17).**

Chairman Mitchell asked Mr. Coyer, representing the applicant, where this project stands. Mr. Coyer said they are waiting for a final reply from DEC.

Motion made by Mr. Graves to adjourn Case #2023-006 Emerald Lawn Care to July 23, 2025. Seconded by Mr. Palumbo.

Motion Carried: 7-0.

****Case #2023-042 – Amerco Real Estate (3) – 8015 Oswego Road – Amended Site Plan (Adj. 14)**

Mr. Adam Fisher, Marathon Engineering, is present to address the board on behalf of the applicant.

Mr. Fisher said this is for an addition on Oswego Road. DEC had issues because of wetlands on the property. Mr. Fisher said this has been addressed and permits have been issued. Plantings, boulders and signage have been made as requested by DEC.

Chairman Mitchell said the National Grid easements are not shown on the site plan. This is needed to be shown. The chairman said a letter is needed from National Grid. Mr. Fisher said National Grid will not certify the depth of the gas line. Mr. Fisher said a land surveyor can scan the ground to locate the gas line which is common practice to use. Ms. Choberka said all we need is a letter from National Grid stating they are aware of the work being done around the easement. This can be coordinated with the town engineer. Mr. DeTota, upon his return, will address this issue.

Chairman Mitchell asked about the height of the new addition. Mr. Fisher said it will be higher than the existing roof line.

Mr. Palumbo said the date needs to be on the cover sheet. This will be addressed.

The public had no questions.

Motion made by Mr. Graves to adjourn Case #2023-042 Amerco Real Estate to July 9, 2025. Seconded by Mr. McMahon.

Motion Carried: 7-0.

****Case #2023-047 – Equipment Share Syracuse (3) – 7481 Henry Clay Blvd. – Site Plan (Adj. 10).**

Motion made by Mr. McMahon to adjourn Case #2023-047 – Equipment Share Syracuse to June 11, 2025. Seconded by Mr. Graves.

Motion Carried: 7-0.

****Case #2023-052 – Mike Tormey/Buckley Warehouse (3) – 4583 Buckley Road – Site Plan**

Ms. Alex Samoray is present to address the board. The board did not have the revised paperwork on this.

Motion made by Mr. Graves to adjourn Case #2023-052 – Mike Tormey/Buckley Warehouse to May 28, 2025. Seconded by Mr. Palumbo.

Motion Carried: 7-0.

****Case #2024-050 – Pack Rat Storage (3) – 4717 Wetzel Road – Amended Site Plan (Adj. 6).**

Mr. Tim Coyer, Ianuzi & Romans, is present to address the board on behalf of the applicant.

Mr. Coyer gave a brief summary on the requested items by the board:

- ✓ Mesh along the fence
- ✓ Trees added on Henry Clay Blvd
- ✓ Deciduous trees added

Mr. Coyer said the vinyl fence is not feasible to put that much fence in with their current situation. Discussion followed with Mr. Richard Parks, owner of Pack Rat Storage.

Chairman Mitchell reiterated what he has said in the past about landscaping and the idea of trees being put in which will grow and be aesthetically pleasing to the area.

Mr. Palumbo followed up on the comments by the chairman. Mr. Palumbo said we are looking at a double row of approximately 12 ft with white spruce and deciduous trees. Topography can soften the look. Just a few deciduous trees to break it up. Smaller shrubs can soften the area around the fence.

Ms. Guinup said she has not changed her opinion on the black mesh which is abominable. And she has no confidence in that being maintained and is in favor of vinyl along Wetzel Road.

Chairman Mitchell asked the public if there are any questions.

Ms. Rathburn asked what will be stored at the site. Mr. Coyer said RVs and boats. Ms. Rathburn said she has seen pallets, construction trailers and backhoe at this site. Mr. Coyer will give a list what will be stored there.

Mr. Tessier said an I1 is for indoor storage. A special permit is needed for the outdoor storage from the town board. Ms. Bennett added that a variance would be needed for the trees and shrubs as the variance issued was for the fence being 7 ft. Now a variance is needed for adding the trees if the height is exceeded.

Chairman Mitchell said we want to know if the site plan will be for vinyl fencing or trees. It will be what was discussed at the last meeting – vinyl fence or trees and shrubs with mesh on the fence. The chairman polled the board:

Mr. Henty – trees
Ms. Guinup – fence
Ms. Borton – trees
Mr. Graves – trees
Mr. Palumbo – trees
Mr. McMahon – trees
Chairman Mitchell – trees

Motion made by Mr. Henty to adjourn Case #2024-050 to July 23, 2025. Seconded by Mr. Graves.

Motion Carried: 7-0.

****Case #2024-065 – Sears Property (3) – 9417 Horseshoe Island Road – Preliminary Plat (Adj. 5)**

Mr. Ben Harrell is present to address the board. The revised access easement has been signed. All requirements have been satisfied.

There were no questions from the board and public.

Motion made by Ms. Borton: Mr. Chairman: In the matter of the application of the planning board case No 2024-065 for Sears Property at 9417 Horseshoe Island Road Preliminary Plat, I move the adoption of a resolution using standard form #10 SEQR, that the proposed action is an unlisted action and does not involve any Federal Agency. It is further determined the proposed action will not have a significant effect on the environment and the resolution shall constitute a negative declaration for the following reasons: The proposed action is consistent with existing community character and will not impact public utilities or jurisdictional wetlands and waterways. Seconded by Mr. Graves.

Motion Carried: 7-0.

Motion made by Ms. Borton to move to final plat. Seconded by Ms. Guinup.

Motion Carried: 7-0.

Motion made by Ms. Borton: Mr. Chairman: In the matter of the application of planning board case No. 2024-066 for Sears Property, 9417 Horseshoe Island Road, I move the adoption of a resolution using standard form #40 Final Plat be granted based on a map by Ianuzi & Romans Land Surveying, P.C. dated May 14, 2024 revised April 16, 2025 and numbered 2286.119. Conditioned upon approval of all legal and engineering requirements of the Town of Clay and that no building permit shall be issued without proof that the easement has been recorded. Seconded by Mr. Graves.

Motion Carried: 7-0.

****Case #2024-068 – Goguen Drive Realty LLC (5) – 7835 Goguen Drive – Special Permit Referral (Adj. 2)**

Mr. Ben Harrell is present to address the board on behalf of the applicant. Mr. Harrell showed on the map the design location for the empty fuel tank on bollards. The six empty tanks will have a red tag which says DO NOT FILL on each tank.

Chairman Mitchell would like to see a sketch showing where tanks, equipment and materials are stored at this site. Mr. Harrell said there is movement all the time with the material and equipment so it could be difficult but will provide a descriptive sheet for the board. The chairman said this board would like to present this to the town board that an amended site plan should be done for site plan approval.

Chairman Mitchell referred to the board members for their comments.

Mr. Henty said the history of this property shows Goguen cannot be trusted and truthful. Mr. Henty said he does not trust that site and can't vote for anything. His concern is the location of the tanks. He does not want anything in there.

Ms. Guinup concurs with Mr. Henty and wants it nailed down where the material goes on site.

Ms. Borton asked Mr. Harrell to provide a red line on the drawing showing the bulk storage area.

Mr. Graves said the 1000 gallon refueling station is problematic to the site entrance. Mr. Graves shows Mr. Harrell on the plan which could cause truck problems entering the site. Mr. Palumbo agreed and discussion followed whereby corrective measure could be taken to alleviate this problem. Mr. Harrell will address this issue.

Ms. Choberka said she will provide correspondence to Mr. Harrell detailing the issues to be corrected on the plan.

Mr. Tessier agreed with the chairman that an amended site plan is needed.

Mr. Grispingo asked about the dumpster location. The chairman said this will be addressed at site plan.

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

Ms. Janet Rathburn asked about the fire suppression system. Mr. Harrell said they will follow code requirements.

Motion made by Mr. Henty to adjourn case #2024-068 Goguen Drive Realty to May 28, 2025. Seconded by Ms. Guinup.

Motion Carried: 7-0.

****Case #2024-069 – Charge Smart EV/Townplace Suites (3) – 8505 Carling Road – Amended Site Plan (Adj. 2)**

Ms. Bridget O'Connor representing Charge Smart EV is present to address the board. Ms. O'Connor said the EV chargers have been switched to the south side because of the gas lines. The ADA requirements for the parking spaces have been completed.

Ms. Borton stated the site plan has been altered which is a violation of law to alter drawings without permission as stated below:

All plans, specifications, and reports to which the seal of a professional engineer has been applied, must also be stamped with appropriate wording warning that it is a violation of this law for any person to alter a document in any way, unless acting under the direction of a licensed professional engineer. If a document bearing the seal of an engineer is altered, the altering engineer shall affix to the document their seal and the notation "altered by" followed by their signature and the date of such alteration, and a specific description of the alteration.

Ms. Borton said the seal stamped on the drawings is not standard and needs correction. Ms. O'Connor will look into this and address this with corrections.

Mr. Palumbo pointed out the disclaimer on the title book. Mr. Palumbo questioned on the drawing the ADA service isle having extra space. Ms. O'Connor looked at this area pointed out by Mr. Palumbo and will make changes agreeable to all which include taking out diagonal lines and wording is not necessary.

Ms. O'Connor stated cable lines are 15 ft for charging taking 4 to 6 hours for a full charge.

There were no other questions from the board or public.

Planning Board
Regular Meeting
May 14, 2025

Motion made by Mr. Graves to adjourn Case #2024-069 Charge Smart EV to June 11, 2025. Seconded by Mr. McMahon.

Motion Carried: 7-0.

**Case #2025-006 Scott Merle Builders (3) – 8835 Gaskin Road – Preliminary Plat (Adj. 4) and

**Case #2025-007 Scott Merle Builders (3) – 8835 Gaskin Road – Final Plat (Adj. 3)

Motion made by Mr. Graves to adjourn Case #2025-006 and Case #2025-007 Scott Merle Builders to May 28, 2025. Seconded by Mr. Palumbo.

Motion Carried: 7-0.

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

This is on the town board agenda for May 19, 2025.

Motion made by Mr. Graves to adjourn Case #2025-009 Sonbyrne Sales to May 29, 2025. Seconded by Mr. McMahon.

Motion Carried: 7-0.

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

Chairman Mitchell said this case will not be heard as the developer is looking for other financing.

Motion made by Mr. Graves to adjourn Case #2025-001 Inverness Gardens to May 28, 2025. Seconded by Mr. McMahon.

Motion Carried: 7-0

Chairman Mitchell said a notification will be sent to the Inverness Gardens Project stating this project will be denied without prejudice and asked for a motion.

Motion made by Mr. Graves to adjourn Case #2025-001 and send a letter stating the case will be denied without prejudice at the planning board meeting of May 28, 2025 if no response is received from the applicant. Seconded by Mr. Palumbo.

Motion Carried: 7-0

Signs:

**Russell Hall/Fast Signs of Syracuse – Empower Parkinson / Engage Therapy & Wellness – 4886-4888
West Taft Road**

Zoned O-1, Permit #54, 869

1 - Freestanding Sign – A 16.9 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.

1 – Canopy Sign – Applicant is proposing to replace existing canopy sign with Parkinson Wellness Center, totaling 40.8 square feet. Should the Planning Board approve it, this sign will meet code.

There were no questions.

Motion made by Mr. Graves to approve 1 freestanding sign and 1 canopy sign on permit #54,869 for Empower Parkinson/Engage Therapy & Wellness. Seconded by Mr. McMahon

Motion Carried: 7-0

Jamie Bracy/Kassis Superior Signs – *Excellus Resource Center* – Glenn Crossing/7421 Oswego Road

Zoned RC-1, Permit #54,873

1 – Wall Sign – A 63.8 square foot, Internally Illuminated LED Wall Sign is proposed, when 65.6 square feet is allowed. Should the Planning Board approve it, this sign will meet code.

There were no questions.

Motion made by Mr. Graves to approve 1 wall sign on permit #54,873 Excellus Resource Center. Seconded by Mr. McMahon.

Motion Carried: 7-0

Matt Reale/Fast Signs of Syracuse – *Marcel's Ice Cream* – 4599 State Route 31

Zoned PDD, Permit #54,920

1 – Wall Sign – A 23.21 square foot, Internally Illuminated LED Wall Sign is proposed, when 34.63 square feet is allowed. Should the Planning Board approve it, this sign will meet code.

There were no questions.

Motion made by Mr. Graves to approve 1 wall sign on permit #54,920 Marcel's Ice Cream. Seconded by Mr. Palumbo.

Motion Carried: 7-0.

Motion made by Mr. Graves to adjourn this meeting at 9:40 p.m. Next meeting is May 28, 2025.

Respectfully submitted,

Marie Giannone

Marie Giannone
Planning Board Secretary

