

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 28th day of May 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:

<u>PRESENT:</u>	Russ Mitchell	Chairman
	Michelle Borton	Deputy Chair
	Karen Guinup	Member
	Jim Palumbo	Member
	Hal Henty	Member
	Al McMahon	Member
	Marie Giannone	Secretary to Planning Board
	Kathleen Bennett	Planning Board Attorney
	Ron DeTota	Planning Boad Engineer

<u>OTHER:</u>	Joe Grispingo	Commissioner of Code Enforcement
	David Tessier	Interim Commissioner of Planning & Development
	Caitlin Choberka	Project Engineer, C&S Companies

ABSENT: Paul Graves

A motion was made by Mr. McMahon and seconded by Mr. Palumbo to approve the minutes of the May 14, 2025 regular meeting.

Motion Carried: 6-0.

Public Hearings:

New Business:

****Case #2025-024 – Justin’s Canine Campus (3) – 4112 State Route 31 – Site Plan**

Mr. Patrick Reynolds, Ianuzi & Romans, is present to address the board on behalf of the applicant. Mr. Reynolds said the site is located in the Market Fair North Shopping Center on the south side of NYS Route 31 abutting to Route 481 to the west and has frontage along Waterboard Road to the east. The applicant appeared before the planning board on April 23, 2025 presenting a detailed presentation of the canine campus. This summary included:

- ✓ Approximately 80 to 100 dogs per day
- ✓ Staggered drop off and pick up of dogs
- ✓ Fifty percent of the customers have multiple dogs
- ✓ Grooming and training is provided
- ✓ No overnight boarding
- ✓ Hours are Monday thru Friday 6:30 am to 6 pm
- ✓ Dog run is in back of facility

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- ✓ Stockade fence and chain link fence
- ✓ Chain link fence is in front of stockade to protect dogs
- ✓ Existing garage doors will be removed and façade will match existing building which will have three play areas (shown on the plan)
- ✓ Dumpster will be moved to the south side of the dog run and not interfere with OCWA easement
- ✓ Existing storage area will have grooming and training
- ✓ 10 x 10 shed used for storage
- ✓ Dog run enclosure will eliminate seven (7) parking spaces, based on the count done in January the plaza needed 652 parking spaces, and now will be 699 parking spaces.

Chairman Mitchell asked how the dog waste is removed. Ms. Bonn owner of Justin's Canine Campus said the waste gets double bagged into trash bins and emptied into the dumpster. Waste is double bagged multiple times during the day.

Chairman Mitchell said the county and our concern is the run off of hosing down of the outside area. Ms. Bonn said it slopes down to a small section against Rt. 481 as an identified path area for the water.

Chairman Mitchell asked about painting the concrete area white but Ms. Bonn said this would be toxic chemical for the dogs and also would reflect the sun. There will be canopies over this area for protection during the hot summer days.

Ms. Guinup said she did not see the canopy/carport located on the site plan. Ms. Bonn said these are portable and would remain at the site but would be taken down when they vacate this location. Ms. Guinup asked that this would be noted on the drawing.

Ms. Borton asked about the air conditioning unit. Ms. Bonn said the owner is moving this to the back and will be shown on the site plan. Ms. Borton asked that the utility services be shown on the plan.

Mr. Henty asked how often the dumpster is emptied. Ms. Bonn said twice a week determined by the owner of the plaza.

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

Ms. Colleen Dillenbeck, 5019 Astilbe Path, said she brings her dog there and is very satisfied with the facility and the cleanliness. She is in favor of this and having a bigger facility for the dogs.

Motion made by Mr. Henty to adjourn Case #2025-024 to June 11, 2025. Seconded by Ms. Guinup.

Motion Carried: 6-0.

****Case #2025-026 – Mirabito Shopping Center (3) – 5560 State Route 31 – Site Plan**

Chairman Mitchell said there has been some question and a clarification is needed to determine from Zoning Board of Appeals (ZBA). The chairman read from the Town of Clay Code Book the definition of Shopping Center:

“Definition: Land planned, improved and managed to accommodate a grouping of two or more commercial uses in one or more buildings designed to share parking, access, signage, and other site services; uses commonly included within a shopping center are: retail stores, restaurants, drive-in services, gasoline service stations, indoor recreation and offices. Two or more separately owned commercial units shall not be deemed a shopping center solely by virtue of the fact they share a common access to adjoining highways and/or parking facilities. “

Chairman Mitchell said the applicant is in an HC-1 zone. There is a code from the Town of Clay which states:

“Uses Allowed:

Planning Board Site Plan Approval

Retail Use

Personal Service Use

Office Building

Bank/Credit Union

Theatre Indoor

Shopping Center

Public Self-Storage Facility

Medical Office

Outdoor Retail Sales and Service

Day Care Center

Instructional Facility

With planning board special permit approval:

Hospital/Clinic

Nursing Home/assisted living facility

Secondary Use

With Town Board special permit approval:

Emergency vehicle station

Restaurant

Automobile car wash facility

Motor Vehicle service, sales, rental

Drive in Service

Hotel/Motel

Veterinary care facility

Indoor Recreation Participant, Spectator

Outdoor Recreation Participant, Spectator

Motor Vehicle Sales (limited)

Chairman Mitchell said at no point is it listed Gasoline Service Station in the town code. This site plan application is in the HC-1 zone. Chairman Mitchell will bring this to the Zoning Board of Appeals (ZBA) and ask for a determination whether or not the shopping center by definition that says gasoline service station supersedes our code. That is the next step of this board. The chairman said until this determination is resolved there will be no site plan review. The applicant can be put on the July ZBA agenda and return to this board for the July 23, 2025 planning board meeting.

Motion made by Ms. Borton to refer this case to the Zoning Board of Appeals (ZBA). Seconded by Ms. Guinup.

Motion Carried: 6-0.

Motion made by Mr. Henty to adjourn Case #2025-026 to July 23, 2025. Seconded by Ms. Guinup.

Motion Carried: 6-0

Old Business:

****Case #2023-052 – Mike Tormey/Buckley Warehouse (3) – 4583 Buckley Road – Site Plan (Adj. 14)**

Ms. Alex Samoray, Keplinger Freeman Associates, is present to address the board.

Chairman Mitchell had a discussion on the title sheet and the revision dates on this site plan. After discussion with the board and Ms. Samoray changes by the applicant will be made for this board. Revision dates must be shown on the title sheet. Mr. Palumbo said some sheets have a revision date but no revision was made.

Chairman Mitchell asked for the square footage to be put on the block of each building shown.

Chairman Mitchell asked the board if there are any questions/comments. None. As this is a public hearing, the chairman asked the public if there are any questions. None.

Motion made by Ms. Borton to adjourn Case #2023-052 to June 11, 2025. Seconded by Mr. Henty.

Motion Carried: 6-0.

****Case #2024-053 – Proposed Hotel at Wegmans Great Northern Site (3) – 3955 State Route 31 – Site Plan (Adj. 6) *Note: correction made Case # is 2024 not 2023.***

Mr. Mike Ritchie, Costich Engineering, is present to address the board on behalf of the applicant. Mr. Ritchie said the plan has been revised with the changes requested by this board. A Response to Comments letter has been provided to the board.

Chairman Mitchell asked why this particular piece of property has been selected when other property behind Wegmans is available where parking would not be an issue. Mr. Ritchie said Wegmans is selling this piece of property to the developer. And the developer does not want to buy more property than they believe is needed to build the project. The property lines were expanded about four to six months ago, making the parking area larger. Lot line adjustments were resubmitted last year and feel the lot meets code.

Chairman Mitchell said there is a concern with trailer and RV parking taking up more than one parking space. The chairman said this area has events where trailers and RV's will be using this hotel and will create parking issues and no plans have been provided. Mr. Ritchie said based on the developer's big built hotels in the past the developer said they could handle the parking. Mr. Ritchie said Wegmans would not entertain using their parking area.

Chairman Mitchell said there is an area on the plan that says "snow storage area" and also says "future land banked parking". The chairman said one or the other and make the change on the site plan as we move forward. Mr. Ritchie will look into this.

Chairman Mitchell asked the board members for questions/comments.

Mr. Henty asked if this property has been purchased. Mr. Ritchie said there is an agreement for this property. Mr. Henty said there will be a separate tax map number. Mr. Ritchie said all the easements have been submitted and are being reviewed by C&S. Ms. Bennett, planning board attorney, stated that she has received them.

Mr. Palumbo referred to the wetland study from LaBella Associates indicating no wetlands are present in the work area. Mr. Palumbo said he does not have the most utmost confidences in the LaBella letter regarding the wetlands impacting the site. Mr. Palumbo said when it comes to a true effort the concern is not the foot print of this site that there are no wetlands, but off of this site is the potential for wetlands and is there a buffer. Mr. Palumbo said typically when a wetland delineation is done further work is done beyond the project site provided by a map. And, Mr. Palumbo asked if April 2nd qualifies for a legitimate time frame to do this work, i.e. no vegetation yet and no growth yet. Mr. Palumbo said a buffer could be associated with this area which we needed to be aware. Mr. Palumbo referred to engineering to expand on this. Mr. Palumbo said to Mr. Chairman that he does not have the confidence in this report and did not

do due diligence. Ms. Choberka concurred with Mr. Palumbo. Mr. Ritchie said they could expand their study as this is peak growing season to ensure there are no wetlands around and beyond the site. Mr. Ritchie will also provide the soil samples. Mr. Palumbo said this is a professional staff providing this report but has a concern which states they walked the site. Mr. Palumbo said that is shy of a wetland delineation effort. Typically, there would be a map showing the areas walked. Mr. Ritchie understands the concern and this will be addressed. Ms. Borton said taking this a step further the board would like to see in writing from them that no permit is required if it is determined there are no wetlands.

Ms. Borton said it is not acceptable on the parking spaces provided on the site plan.

Ms. Guinup interjected and said: "from where I am sitting as a planning person, they build these projects all over the world and every project is different and because they refuse to give us parking spaces for oversized vehicles (RVs, trailers etc.) as one member of this board you can no longer bank any of your parking, all has to be now. "

Ms. Choberka said they are discussing with the applicant the remaining engineering issues. Ms. Choberka said they should be ready for the planning board meeting in July.

Mr. Henty asked when the developer is closing on this with Wegmans. Mr. Ritchie said it is contingent on site plan approval. Easements need to be signed before site plan approval.

Chairman Mitchell said this is a public hearing and asked if there are any questions/comments. Ms. Janet Rathburn had the following comment regarding oversized vehicles and parking. Ms. Rathburn said at the Hampton Hotel behind Aldi's on Rt. 31 there are parked trailers on the road side in front of the Hampton. She said she is not sure of the parking requirements back when the Hampton was built but going forward this could be taken into consideration.

Motion made by Mr. McMahon to adjourn case #2024-053 Proposed Hotel at Wegmans Great Northern to July 23, 2025. Seconded by Mr. Palumbo.

Motion Carried: 6-0.

*Case #2024-068 – **Goguen Drive Realty, LLC** (3) – 4938 Goguen Drive – Special Permit Referral (Adj. 3)

Motion made by Mr. Palumbo to adjourn case #2024-068 to June 11, 2025. Seconded by Mr. McMahon.

Motion Carried: 6-0.

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

Motion made by Ms. Guinup to deny without prejudice case #2025-001. Seconded by Mr. Henty.

Motion Carried: 6-0.

Chairman Mitchell explained that Inverness Gardens contacted this board to let us know that it would take a long time before they were able to continuing and wanted to adjourn way out. As Chairman I said absolutely not and told them we would deny without prejudice if we did not hear from them by this meeting.

****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. 4)**

Chairman Mitchell said Scott Merle Builders have not received the septic approval. This case will be adjourned.

Motion made by Mr. Henty to adjourn case #2025-006 and case #2025-007 to June 11, 2025. Seconded by Ms. Borton.

Motion Carried: 6-0.

****Case #2025-009 – Sonbyrne Sales, Inc./Byrne Dairy (3) – 7190 Buckley Road – Site Plan (Adj. 2)**

Chairman Mitchell said this case will be adjourned and not sure about it moving forward because at this point in time no approval for the special permit has been given by the town board. The applicant presented the town board at their May 19th meeting a different site plan. Onondaga County DOT is looking to expand Buckley Road from Dolshire to the traffic light with a dedicated turn lane into Dolshire. Time frame could be end of this year or next year before starting work. The chairman shared this information as this is our community and this is keeping our residents informed. This will be adjourned awaiting further information from the applicant.

Motion made by Ms. Borton to adjourn case #2025-009 to June 11, 2025. Seconded by Mr. McMahon.

Motion Carried: 6-0.

*Case #2025-011 – **McDonald's USA LLC** (5) – 4979 West Taft Road – Special Permi Referral (Adj. 1)

Chairman Mitchell stated this is for a referral not an approval. This is our recommendation to the town board on this project.

Mr. Joe Frateschi is present to address the board on behalf of the applicant. Many comments were received from residents, town board and Onondaga County Planning Board. A revised layout has been made incorporating comments received. The revised layout shifts McDonalds to the east. By shifting this to the east, a zone change is needed and has been submitted. The site is RC-1 and LUC-1 and are requesting this being changed to RC-1.

Randy Bebout of Bohler Engineering is present to address the board and stated the changes:

- ✓ Layout shifted to the East
- ✓ All within the existing pavement area
- ✓ Reduced area from 1.2 acres to .88 acres
- ✓ Reconfigured the building drive thru layout
- ✓ Eliminated parking spaces on the south side up against the south side of the building
- ✓ Replaced with parking on the north which better centers the building than the leased area and also provides a drove lane for the driveway on the north side that was requested
- ✓ Parking spaces were reduced from 64 to 43 spaces
- ✓ Stacking within the dedicated drive thru lane increased from 15 to 17 vehicles
- ✓ By shifting the layout to the east stacking has increased from 1 to 5 vehicles to get into the Queue
- ✓ Several parking isles have been eliminated helping with conflict points
- ✓ Island on the east side made bigger by Cedarpost
- ✓ Dumpster relocated to the northeast corner
- ✓ Truck deliveries and fire truck have been run through template

End of his summary.

Chairman Mitchell asked about the turn in from Cedarpost. The chairman asked if this is correct that there is no left turn coming in from Cedarpost where a vehicle can drive to the back side of the McDonald's property. Mr. Bebout said that has been eliminated.

Chairman Mitchell said the town has requested a traffic study from Bear Road to Buckley Road near the North Medical Center entrance. No results are available yet.

Ms. Borton said the drawing still shows 1.2 acres and needs to be corrected. Ms. Borton said the revised layout on the west side is an improvement and said possibly more can be done to eliminate these conflict points.

Mr. Henty said this is an improvement in the layout of this plan and is pleased.

Mr. Palumbo questioned the use of the eleven parking spaces shown on the plan. Pedestrians leaving their vehicles in that particular area are put in the most chaotic intersections of the entire parking lot. Mr. Bebout said this primarily would be used for McDonald's employees. Mr. Palumbo said if that is the case this should be marked stating the parking use. Mr. Palumbo referred this to our planning board attorney for legal opinion. Discussion followed and will be addressed further.

Ms. Guinup thanked the McDonald's team for listening to all the recommendations/changes etc. from the board. This satisfied the Cedarpost issue, ingress/egress, closed traffic point and did all that could be done.

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

Mr. Tom Fennessy asked about a bail out lane when waiting for your order. Yes, there is a parking area for waiting for the order.

Ms. Erika Gallucci, 5003 Astilbe Path, spoke on the increase in traffic totaling 1000 vehicles per day with Summit Credit Union, Northern Credit Union and McDonalds. It is a nightmare now getting out of Wegmans parking lot.

Ms. Debbie Errante, 5056 Roseanne Drive, questioned the new traffic pattern entering from Cedarpost. The chairman interjected and said traffic will move better with the elimination of three exit isle points.

Ms. Borton said this traffic study done by C&S Engineering will address these issues discussed by the public. Ms. Choberka added that the person responsible for this traffic study lives in this community and will also be impacted by the decision.

Mr. Bebout wanted to add for the record regarding the number of vehicles which includes pass by vehicles. There is not going to be 1,000 new vehicles coming into this plaza. The pass by rate is about 60% which means someone went to Wegmans, Dollar Tree etc. and then going to McDonald's. This is not a new trip by definition. Chairman Mitchell asked in an hour how many vehicles go through. At a 12-hour rate that is 83 cars per hour and some could be pass by. Peak hours are 7 am to 9 am, 11 am to 1 pm and 4 pm to 6 pm. Number of vehicles during peak hours are: no stacking concerns at the morning hours as businesses are not open yet. Morning peak hours 80 cars in and out with 40 being pass by, mid-day is 100 with 50 being pass by, and evening is 60 with 33 being pass by, Saturday lunch time is 100 with 50 being pass by.

Ms. Guinup says pass by traffic does not mean these vehicles are going to that plaza and perhaps they are going to Route 11. It is traffic going by on West Taft Road. And as we heard this evening several times about a traffic signal on West Traf Road and the Cedarpost intersection, West Taft Road is an Onondaga County Road. The county decides on a traffic signal. We as a town can only make a suggestion.

Ms. Lisa Bortoloni, 5065 Roseanne Drive, said the traffic is heavy in the morning when she leaves for work and has to wait at least five minutes to make the left onto West Taft Road.

Ms. Colleen Dillenbeck, 5019 Astilbe Path, expressed concern entering Wegmans Plaza from West Taft Road with the right of way. Adding more vehicles will not help that situation. Petitions have been submitted and wanted it to be noted the neighbors are against this.

Chairman Mitchell wanted to thank the people who spoke but we are not going to give a referral this evening. We want to see that traffic study coming from the town. This site plan is totally different that was originally presented two years ago. We are not ready to give a referral as we want to take a closer look. After that a referral will be given to the town board.

Motion made by Mr. Henty to adjourn case #2025-011 to July 9, 2025. Seconded by Ms. Guinup.

Motion Carried: 6-0.

****Case #2025-012 – Packaging Corp. of America (3) – 4471 Steelway Blvd. – Site Plan (Adj. 2)**

Chairman Mitchell said this plan was put together very well and much appreciative.

Mr. Matt Napierala, Napierala Consulting, is present to address the board. Mr. Napierala said they have received comments on the SWPP and stormwater report. Mr. DeTota, town engineer, was satisfied with the comments.

There were no questions from the board or the public. The chairman closed this hearing.

Motion made by Mr. McMahon. Mr. Chairman: In the matter of the application of the planning board case No. 2025-012 for Packaging Corp. of America, Building Addition Project, 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 reason: It is in keeping with the use of the area. Seconded by Mr. Palumbo.

Motion Carried: 6-0.

Motion made by Mr. McMahon: Mr. Chairman: In the matter of the application of the planning board case No. 2025-012 for Packaging Corp. of America, Building Addition Project, I move the adoption of a resolution using standard form #20 Site Plan be granted based on a site plan by Napierala Consulting with the following sheets: Title Sheet C1, General Notes C2, Site Preparation Plan C4, Layout Plan C5, Grading Plan C6, Erosion and Sediment Control Plan C7, Landscaping Plan C8, Lighting Plan C9, Site Details C10.0, Site Details C10.1 dated February 19, 2025 revised May 20, 2025 and Existing Condition Survey C3 dated November 6, 2017, revised March 6, 2025 and Erosion Control Note C-10.2 dated May 20, 2025.

Conditioned upon approval of all legal and engineering requirements of the Town of Clay.
Seconded by Mr. Palumbo

Motion Carried: 6-0.

****Case #2025-015 Seneca Savings (3) – 5332 State Route 31 – Site Plan (Adj. 1)**

Mr. Jesse Plumley, Plumley Engineering, is present to address the board. A financial institution is proposed +/- 2.7 acres on the south side of Rt. 31 and Stearns Road/Burnett Road with a two-lane drive thru service. Hours of operation would be 8:30 am to 5 pm and Saturday 9 am to noon. ATM service is a 24-hour service. The special permit was approved by the town board. The property is located in an O-2 district. Septic system has not been approved yet.

Chairman Mitchell said the State could make changes/improvements in the future on the widening of Route 31. Full access of the ingress/egress is there now but could change in the future. The chairman said a plan was made years ago to connectivity between Caughdenoy and Stearns Road avoiding going out on Route 31. The chairman asked Mr. Plumley to look into where an ingress/egress could be possibly be put in on east/west side. Ms. Guinup said this could protect the applicant looking into the future having this ingress/egress at the rear of the property. Ms. Guinup said to Mr. Plumley this is the first application on this area of Route 31 so others can follow. This will be looked into by the applicant to see what changes could be made to accommodate east/west ingress/egress. Chairman Mitchell said there is enough time to look at this possibility as there is a back log of septic approvals which can hold up site approval.

There were no questions from the board. The chairman said this is a public hearing and asked if there are any questions. None.

Mr. Zach Rosen asked if there are any feedback/adjustments that can be made to move forward until the septic system is approved. Mr. Rosen asked how wide should the easement be. Discussion followed whether it should be 60 ft or 24 ft. Mr. DeTota, town engineer, asked if this is seen as a formal town road or something like the Auburn Federal Credit Union that provides

connectivity to the adjacent parcel with one access onto the state highway. Those are two totally different things. If we are going to go along with a side road not public it can certainly be made two lanes 24 ft. with enough right of way and no setback requirements. Chairman Mitchell said there will be no sidewalks. Ms. Bennett will provide an easement form to the applicant.

Motion made by Mr. Henty to adjourn case #2025-015 to July 9, 2025. Seconded by Ms. Guinup.

Motion Carried: 6-0

****Case #2025-020 – Henry Clay Warehouse (3) – 7189 Henry Clay Blvd. – Amended Site Plan (Adj. 1).**

Ms. Alex Samoray, Keplinger Freeman, is present to address the board.
Chairman Mitchell said information is needed from Mr. DeTota, town engineer. Mr. DeTota said the concept looks good but needs to verify numbers. Stormwater needs to be addressed.

There were no comments from the board or the public.

Motion made by Mr. Henty to adjourn case #2025-020 to June 11, 2025. Seconded by Ms. Guinup.

Motion Carried: 6-0.

SIGNS:

Allied Sign Company – T-Mobile Authorized Retailer – 3881 State Route 31

Zoned RC-1, Permit #54,970

1 - Freestanding Sign – A 16 square foot, Internally Illuminated LED Freestanding Sign is proposed, when 64 square feet is allowed. Should the Planning Board approve it, this sign will meet code.

1 – Wall Sign – A 81 square foot, Internally Illuminated LED Wall Sign is proposed, when 88.64 square feet is allowed. Should the Planning Board approve it, this sign will meet code.

There were no questions from the board.

Motion made by Ms. Borton to approve one freestanding sign and one wall sign on permit #54,970 which will meet code. Seconded by Mr. Palumbo.

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Motion Carried: 6-0.

Motion made by Mr. Henty to adjourn meeting at 9:52 pm. Seconded by Ms. Guinup. Next meeting is June 11, 2025.

Respectfully submitted.

Marie Giannone

Marie Giannone
Planning Board Secretary