

**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 10th day of September 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:

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

<b><u>OTHER:</u></b>	Caitlin Choberka	Project Engineer, C&S Companies
	Brian Bender	Commissioner of Planning & Development

<b><u>ABSENT:</u></b>	Ron DeTota	Planning Board Engineer
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A motion was made by Mr. Graves and seconded by Mr. McMahon to approve the minutes of the August 13, 2025 regular meeting.

**Motion Carried: 7-0.**

**Public Hearings:**

**New Business:**

\*Case #2025-034 – **David Wickham** (5) – 5180 Orangeport Road – Special Permit Referral

Chairman Mitchell said this has not been referred to the planning board and will not be heard this evening.

\*Case #2025-035 – **Northern Credit Union** (5) – 5004-5008 West Taft Road – Special Permit Referral

And

\*Case #2025-037 – **Northern Credit Union** (3) – 5004-5008 West Taft Road – Site Plan

Mr. Jim Ballantyne, Napierala Consulting, is present to address the board on behalf of the applicant.

Chairman Mitchell said there is a major concern with the property to the east that will remain vacant. This could be problematic with future development as County will not allow any ingress/egress onto West Taft Road. Mr. Ballantyne showed on the drawing there is an apron on Wintersweet Drive which is accessible for the vacant lot to be used in the future. This drawing will be updated to show this connection.

Mr. Henty suggested combining these two lots with the vacant lot making it one parcel. Mr. Ballantyne said he would discuss this with the client.

Chairman Mitchell asked the board for their comments.

Mr. Graves – good

Mr. McMahon – good

Mr. Palumbo said there is a good pallet of plants shown on the drawing. Labeling of the type of trees need to be identified for better understanding for board members. There is a concern with the planting schedule and height of the trees. Mr. Palumbo said the size of the trees should be noted with height and caliber. Mr. Palumbo said this will give us a better idea as to the appearance of the landscape as these trees/shrubs grow into the space. Mr. Palumbo requested this chart be updated so that code enforcement knows what they are looking at and this board has received what was agreed at site plan approval.

Mr. Henty said the lighting plan looks good and would like to see the back lights down to 18 ft from 20 ft to protect the neighboring area. Mr. Henty showed on C-7 the 5 lights to be at 18 ft. There are no flood lights on the building. Lights are at the front and back entrance.

Ms. Borton said County is requesting sidewalks on West Taft Road and Wintersweet on the Northern Credit Union property. Mr. Ballantyne will address this.

Ms. Guinup addressed the number of vehicles per day using the credit union. That information will be provided to the board. Ms. Guinup asked because the traffic will come in south on Wintersweet then turning East to enter the credit union. This will add more traffic and headlights before turning into the credit union. This will be further addressed at the next meeting.

Ms. Guinup said a cross-easement agreement may be needed and this should be checked out with legal.

Ms. Guinup asked if this credit union is ATMs and automated tellers only. Mr. Ballantyne said yes but there will be employees in the branch office offering assistance.

Ms. Choberka, town engineer, said their comments have been sent to Mr. Ballantyne. Ms. Choberka said with the road being extended to the other site that will require modifications to the stormwater basin that is being provided.

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 #2025-035 and Case #2025-037 Northern Credit Union to September 24, 2025. Seconded by Mr. McMahon.

**Motion Carried: 7-0.**

**Old Business:**

**\*\*Case #2023-006 – Emerald Lawn Care (3) – 4663 Wetzel Road – Site Plan (Adj. 19)**

Motion made by Mr. Graves to adjourn Case #2023-006 to October 8, 2025. Seconded by Mr. Palumbo.

**Motion Carried: 7-0.**

**\*\*Case #2024-050 – Pack Rat Storage (3) – 4717 Wetzel Road – Site Plan (Adj. 8).**

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

Mr. Coyer said an error on the front sheet will be corrected to read 2025 not 2023.

Mr. Coyer stated the variance has been approved for the trees and setbacks proposed along Henry Clay Blvd. A letter was sent to the board with all the changes required by the board. An itemized list was provided showing what can be included in outdoor storage.

Mr. Palumbo asked about the feather grass and Mr. Coyer said that was taken off the drawing. Mr. Palumbo: Mr. Chairman: this landscape looks very good and in looking down from the road it is very effective with a mix of everything.

Mr. Palumbo that there is a plant on the plant schedule which needs to be omitted as this is not found on the plan. (looks like a star).

Mr. Graves asked about snow plowing. The perimeter of the storage facility is only plowed.

Mr. McMahon – good

Mr. Henty – good

Ms. Guinup – Discussion followed on the list of items for storage. Small Backhoes, lifts and skid steers should be removed from this list. More information needed on trailers as this is very vague as to how big, open utility trailers, open and enclosed. This list will be updated for the board.

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. Graves. Mr. Chairman: In the matter of the application of the planning board Case No. 2024-050 for Pack Rat Storage, 4717 Wetzel Road, 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. Seconded by Mr. Palumbo.

**Motion Carried: 7-0.**

Motion made by Mr. Graves. Mr. Chairman: In the matter of the application of the planning board Case No. 2024-050 for Pack Rat Storage, 4717 Wetzel Road, I move the adoption of a resolution using standard form #20 Site Plan be granted based on a map by Ianuzi & Romans Land Surveying dated January 19, 2022, December 8, 2023, September 10, 2024, revised August 11, 2025, and September 10, 2025 and numbered Cover Sheet 1 and Sheet 2. Conditioned upon all legal and engineering requirements of the Town of Clay and on supplying new updated Sheet 2. Seconded by Mr. Palumbo.

**Motion Carried: 7-0.**

**\*\*Case #2025-009 – Sonbyrne Sales, Inc./Byrne Dairy (3) – 7190 Buckley Road – Site Plan (Adj. 6)**

Motion made by Mr. Henty to adjourn Case #2025-009 Sonbyrne Sales to September 24, 2025. Seconded by Mr. McMahon.

**Motion Carried: 7-0.**

**\*\*Case #2025-015 – Seneca Savings (3) – 5332 State Route 31 – Site Plan (Adj. 5)**

Motion made by Mr. Graves to adjourn Case #2025-015 Seneca Savings to October 8, 2025. Seconded by Mr. McMahon.

**Motion Carried: 7-0.**

**\*\*Case #2025-021 – Windsor Property Group (3) – 7895 Morgan Road – Preliminary Plat (Adj. 3).**

Motion made by Mr. Graves to adjourn Case #2025-021 Windsor Property Group to September 24, 2025. Seconded by Mr. Palumbo.

**Motion Carried: 7-0.**

**\*\*Case #2025-026 – Mirabito Shopping Center (3) – 3506 State Route 31 – Site Plan (Adj. 2)**

Ms. Borton read: Mr. Chairman: I make a motion that in light of the nullity vote in the Town Zoning Board of Appeals (ZBA) Case #1979 at its August 11, 2025 meeting, the Planning Board formally request a re-hearing of an interpretation from the Town Zoning Board of Appeals (ZBA) as to if a gasoline service facility is allowed in a HC-1 Highway Commercial Zoning district pursuant to Section 230-16B.(2) – Highway Uses Allowed and Section 230-11 C. – Definition (Shopping Center) of Town of Clay Zoning Code. Seconded by Ms. Guinup.

**Motion Carried: 7-0.**

Chairman Mitchell said the applicant should give their presentation for the board with an adjournment to follow. ZBA meets on October 13, 2025 to review the motion for a re-hearing.

Mr. Matt Napierala is present to address the board and did a power point presentation on the Mirabito project. Power Point included:

- Project is identified as a HC-1 – highway commercial
- Items required all checked off the checklist
- 6,300 sq. ft. shopping center proposed
- Included in this shopping center are:
  - Dunkin with drive thru
  - NBT Bank with drive thru
  - Convenience store
- Eight (8) fueling stations
- EV charging stations
- Dumpster located in rear of building
- Access Points are right in/right out
- Full access off Lawton Road
- HC-1 zoning meets all required setbacks
- Grading Plan
- Utility Plan
- Lighting Plan

Mr. Napierala concluded his presentation and Mr. Chris Lynch showed the drawings of the exterior of the building incorporating red brick and architectural panels.

Chairman Mitchell referred to the drawing showing the store front with the Dunkin and NBT Bank. The chairman wanted the residents to know that is a shopping center. Chairman Mitchell said in this instance when you hear shopping center that is what we are discussing in this project.

Chairman Mitchell addressed the stockade fence on the far west side with trees which will be added commencing with construction of the project.

Mr. Napierala said the traffic study was complete and will be provided along with the stormwater management report. The construction schedule shows a start date in the Spring of 2026 with 90/120 days to opening around August 2026.

Chairman Mitchell asked Mr. Napierala if there is any correspondence from NYS DOT on the right in/right out onto Lawton Rd. Yes, there are emails from NYSDOT and will be provided.

Chairman Mitchell made the suggestion on moving the island to the west because of the closeness to the Dunkin drive thru. Mr. Napierala said Operations will address this.

Chairman Mitchell said he is waiting on a response from the Town of Cicero regarding Lawton Road which is half owned by that town. The chairman also said he was sure this parcel is on their sewer line. Mr. Napierala said our sewer goes to the west with a point connection which flows to a gravity manhole. Design flow for this type is approximately 1800 gallons per day.

More discussion on this will happen when a response is received from Town of Cicero.

Chairman Mitchell asked the board members for questions/comments.

Mr. Graves said the Dunkin store entrance is through the convenience store. Mr. Napierala said yes. The NBT Bank has its own outside entrance.

Mr. McMahon – good

Mr. Palumbo – good

Mr. Henty – he will address lighting when we get further into the site plan. Mr. Henty asked how quick is an EV quick charging. Mr. Napierala will confirm that an 80% charge is 15 minutes.

Ms. Borton said NYS DOT approval is needed for Lawton Rd. Ms. Borton asked about the relocation of the gas line. Mr. Napierala has been in contact with National Grid and will continue working with them on this.

Ms. Guinup said an approval from NYS DOT on the lighting plan will be needed and also the right in/right out onto Lawton Road approval is needed from NYS DOT.

Ms. Guinup said the write up on drawing C102 should be enlarged for better viewing. The height of the buildings needs to show "height to peak".

Ms. Guinup said one parcel will not be developed at the present time. Mr. Napierala said it is all one parcel with a potential future piece there on the west side depending on layout considerations. Ms. Guinup said right now the applicant owns both parcels. Mr. Napierala said there is a contract agreement for the entire piece approximately 10 acres which includes the entire stormwater basin. Ms. Guinup said if any future development occurs the applicant would have to come before the board as this is one parcel and tax map number and would have to be subdivided.

Ms. Guinup brought up about the Lawton Road ingress/egress and asked if the applicant had spoken with NYS DOT. Mr. Napierala said yes when we had conversations with NYS DOT that location coming further to the North to coincide with the front of the store, because of the proximity to the signal and where the double lanes are located, it was more of a suggestion to make it a cross intersection. The driveway was moved to that location. Ms. Guinup said to contact the Clay highway department so they can take a look, give acceptance and sign off.

Mr. Napierala said they have reached out to the fire department and they are okay with the in and out turns. This will be provided to the board.

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

Ms. Kate Durant, 5734 Boulia Drive, addressed the board. Her concerns are:

- Lighting – 24 hrs. per day
- Street Noise
- Lots of additional traffic
- Caughdenoy Road – no lights
- Lawton Road is difficult to get out now without additional vehicles

Chairman Mitchell said this is all zoned commercial.

Ms. Yvonne Arnold, 5568 Wyandra Drive, addressed the board. Ms. Arnold read the definition of a shopping center and presented to the board a letter with 400 signatures. Ms. Arnold

showed a picture of her property where it is 200 ft from the location of this project. Her concerns are:

- Late night noise
- 24 hr. lighting
- Fuel smell
- Idling cars
- Increase traffic
- Increase in homeowner insurance due to proximity of fuel

Mr. Scott Arnold, 5568 Wyandra Drive, addressed the board. Mr. Arnold said this will set a precedent for future shopping centers (gas station) in an HC-1 zone. Banks will not underwrite mortgage within 300 feet of fueling tanks. Home value can decrease 15% to 25% living near a gas station. The code states 5 to 6 parking spaces per 1,000 sq. ft. of space. There is approximately 7,000 sq. ft. of shopping center which calculates to approximately 38 parking spaces.

Chairman Mitchell explained that some of the items presented to us this evening were moving in that direction as you heard the motion made at the beginning of this case. We plan to be back in front of the Zoning Board of Appeals (ZBA) on October 13, 2025 for an interpretation in our code. We live by our codes. Whatever ZBA says is the rule that we live by and will proceed with it. Chairman Mitchell said this board does not have the authority to say we are not going to put the building there as town board already approved the special permit. We will do the best we can to protect the residents, whatever is possible for us to do.

As there were no more questions, the chairman asked for a motion.

Motion made by Mr. Henty to adjourn Case #2025-026 Mirabito Shopping Center to October 22, 2025. Seconded by Ms. Guinup.

**Motion Carried: 7-0.**

**\*\*Case #2025-042 – COR Route 31 Company, LLC/Price Chopper (3) – 3863 State Route 31 – Amended Site Plan (Adj. 1)**

Ms. Carlie Hanson is present to address the board on behalf of the applicant.

Chairman Mitchell said the utility connections need to be added to the site plan.

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

This is a public hearing and asked if there are any questions/comments. None.



Chairman Mitchell closed the hearing and asked for a motion.

Motion read by Mr. Graves. Mr. Chairman: In the matter of the application of the planning board Case No. 2025-042 for COR Route 31 Company, LLC, 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. Seconded by Mr. Palumbo.

**Motion Carried: 7-0.**

Motion read by Mr. Graves. Mr. Chairman: In the matter of the application of the planning board Case No. 2025-042 for COR Route 31 Company, LLC, I move the adoption of a resolution using standard form #20 Site Plan, be granted based on a map by Colliers Engineering dated July 22, 2025 with revised sheet 4 of 9 dated September 10, 2025 and numbered 1 thru 9 of 9. Conditioned upon approval of all legal and engineering requirements of the Town of Clay and submission of updated Sheet 4. Seconded by Mr. McMahon.

**Motion Carried: 7-0.**

**SIGNS:**

**Joe Kassis – *Greenies Golf Lounge* – 4595 Route 31**

Zoned RC-1. Permit #55,221

1 – Wall Sign - A 64.12 square foot, Internally Illuminated LED Wall Sign is proposed, when 64.24 square feet is allowed. Should the Planning Board approve it, this sign will meet code.

Motion made by Mr. Graves to approve 1 internally illuminated LED wall sign which will meet code on Permit #55,221. Seconded by Mr. McMahon.

**Motion Carried: 7-0.**

**Joe Hui/BGST Properties – *Onda Foot Spa* – 8075 Oswego Road**

Zoned RC-1, Permit #55,233

1 – Wall Sign – A 22.5 square foot, Internally Illuminated LED Wall Sign is proposed, when 30.4 square feet is allowed. Should the Planning Board approve it, this sign will meet code.

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Motion made by Mr. Graves to approve 1 internally illuminated LED wall sign which will meet code on Permit #55,233. Seconded by Mr. Palumbo.

**Motion Carried: 7-0.**

Motion made by Mr. Graves to adjourn this meeting at 9:07 p.m. Next meeting is scheduled for September 24, 2025. Seconded by Mr. McMahon.

**Motion Carried: 7-0.**

Respectfully Submitted,

*Marie Giannone*

Marie Giannone  
Planning Board Secretary