

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 13th day of May 2026. The meeting was called to order by Chairwoman Borton at 7:30 p.m. All joined in the Pledge of Allegiance and upon roll being called the following were:

| | | |
|------------------------|------------------|--|
| <u>PRESENT:</u> | Michelle Borton | Chairwoman |
| | Russ Mitchell | Deputy Chair |
| | Karen Guinup | Member |
| | Paul Graves | Member |
| | Jim Palumbo | Member |
| | Al McMahan | Member |
| | Hal Henty | Member |
| | Marie Giannone | Secretary to Planning Board |
| | Brian Bender | Commissioner of Planning & Development |
| | Amber Dillon | Planner II – Planning & Development Department |
| | Kathleen Bennett | Planning Board Attorney |
| | Caitlin Choberka | C & S Engineer |

OTHER:

ABSENT: Ron DeTota Planning Board Engineer

Motion made by Mr. Graves to approve the minutes of the April 22, 2026 meeting. Seconded by Mr. McMahan.

Motion Carried: 6-0. – Mr. Henty abstained.

Public Hearings:

New Business:

Case #2026-028 **West Taft Summit Credit Union**, 4955 West Taft Road, Site Plan

Mr. Tim Coyer, Ianuzi & Romans, is present to address the board on behalf of the applicant. Mr. Coyer said the site is located along West Taft Road with frontage along Carriage Parkway and is adjacent to Wegmans on Carriage Parkway. The Taft Road corridor in this area is characterized by a mixture of commercial businesses along West Taft Road surrounded by residential neighborhoods with adjacent parcels containing residential areas. The site presently has a vacant professional office building which will be demolished with the driveway on to Carriage Parkway. The new structure will be 3,000 sq ft with a three-lane drive thru along the rear of the building consisting of a bypass lane along the western side of the building. There will be 18 parking spaces between the building and West Taft Road. Landscaping screening will be at the rear and side of the building. Lighting plan has been submitted. Zone change and special

permits were approved in March 2026. Traffic study showed no impact to overall traffic. Onondaga County Planning Board (OCPB) comments were received and the lighting plan was submitted to them as requested. Onondaga County WEP questioned the easement at the rear of the western parcel. WEP states no permanent structures are permitted within the county easement as the plan shows fencing and shrubs. Mr. Coyer said they will address this with WEP and report back to the board.

Chairwoman Borton said this presentation answered the board's questions on many issues. Issues to be addressed included:

- ✓ Original date added to title sheet with revision date
- ✓ Coordinate with engineering
- ✓ C200 Zoning Table Data – questions on setbacks. Ms. Dillon said the corner lot has two side yard setbacks and should be corrected on the zoning table data, as it is correct on the plan. Also add north, south, east, west setback on the plan for clarification.

Chairwoman Borton asked the board if there are any comments/questions.

Ms. Guinup said on C200 it should be labeled Site Plan not Site Improvement Plan.

Mr. Graves said the southern end of the parking lot shows Northern Inkberry plants. This is in a very close proximity for snow removal and more buffering should be given as these plants will not come back after a winter season. Mr. Palumbo concurred and said if there is a way to move these plants more to the south allowing for snow removal. Good plant but bad spot and Mr. Palumbo said this is a better plant than an ornamental grass.

Mr. Mitchell asked if the fence is chain link or stockade. Mr. Coyer said the proposed fence is vinyl. Mr. Mitchell said exterior elevations should be part of the site plan and height of the building should be noted on the plan. (peak of roof to base). The photometrics is part of the site plan and the two sheets should be added to the site plan.

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

Ms. Choberka said she will coordinate with the applicant on the engineering issues.

Mr. Bender said the planning department received a letter from a resident on Peppermill Lane asked about fencing and landscaping to the North. Mr. Coyer address this and said there will be a new vinyl fence and landscaping on the North and West side of the property to buffer these neighbors.

Motion made by Mr. Mitchell to adjourn this case to May 27, 2026. Seconded by Ms. Guinup.

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Motion Carried: 7-0.

Case #2025-037 **W Taft Northern Credit Union**, 5004-5008 West Taft Road, Site Plan (Adj. 7)

Mr. Jim Ballantyne, Napierala Consulting, is present to address the board on behalf of the applicant. Mr. Ballantyne said the zone change and special permit were approved and site adjustments were made to the plan.

Chairwoman Borton said this future driveway should be shown on the plan to the property boundary line. This needs to be addressed with our attorney, Bond, Schoneck and King, for signatures and recording of document.

Chairwoman Borton said previously discussed was the location of the generator and asked for an update on this. Mr. Ballantyne said the location of the generator is at the southeast corner of the structure. The enclosure of this generator will be provided at the next meeting as this needs to be shown on the site plan.

Ms. Guinup said the peak roof is metal but what is the flat roof material. Mr. Dan Manning, DM Architectural, said this roof is single ply membrane type. Mr. Manning said glass is over the door.

Chairwoman Borton said this is a public hearing and asked if there are any questions/comments. Ms. Janet Rathburn asked to see a sketch of the building. This was shown.

Motion made by Mr. Mitchell to adjourn this case to June 10, 2026. Seconded by Mr. Graves.

Motion Carried: 7-0.

Case #2025-44 **Chad Mutter/EV Charging Stations**, 7293 Buckley Road, Amended Site Plan (Adj. 7).

Chairwoman Borton all changes have been met by the applicant and asked the board if there are any comments/questions.

M. Palumbo said he is good with this application but the drawings have a date with no revision date. Mr. Palumbo said more diligence is needed on drawings as there is a PE stamp and now requires an expiration date by the State. This is not to hold up this application approval but to be aware that an expiration date is now needed by the State. The applicant's engineer will put the required expiration date on the drawings for building permits.

There were no other comments from the board and the public. Chairwoman Borton closed this case and asked for a SEQR motion.

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Motion read by Mr. Palumbo. Mrs. Chairwoman: In the matter of the application of the planning board case No. 2025-044 for Chad Mutter/EV Charging Stations, 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 following reason. The proposed parking modifications for including electrical vehicle charging stations with designated parking stalls is in keeping with the town's off-street parking regulations. Seconded by Mr. Graves.

Motion Carried: 7-0.

Motion read by Mr. Palumbo. Mrs. Chairwoman: In the matter of the application of the planning board case No. 2025-044 for Chad Mutter/EV Charging Stations, Amended Site Plan, I move the adoption of a resolution using standard form #20 site plan be granted based on a map by Michael Smith PE, dated May 6, 2026 and numbered 1 of 4 through 4 of 4. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. And the condition that they submit for the town the expiration date along with the PE stamp. Seconded by Mr. Graves.

Motion Carried: 7-0.

Case #2025-054 **Black Creek Equestrian Center**, 9605 Black Creek Road, Site Plan (Adj. 4)

The applicant requested an adjournment.

Motion made by Mr. Henty to adjourn case #2025-054 to July 8, 2026. Seconded by Ms. Guinup.

Motion Carried: 7-0.

Case #2026-009 **Gabor Subdivision Phase II**, 8150 Morgan Road, Preliminary Plat (Adj. 5)

AND

Case #2026-046 **Gabor Subdivision**, 8150 Morgan Road, Final Plan

Mr. David Bardoun, Bardoun Land Surveying, is present to address the board on behalf of Mr. Gabor.

Mr. Bardoun said the final recording information for the easements to the north has been added to the final plat.

Mr. Gabor owns the entire parcel. Lot 2A will be marketed in the future with 4.6 acres that fronts on Morgan Road with an abandoned structure on it. The structure eventually will be removed. A note on the plan as requested that future building will meet all the setbacks. Lot 2B will stay with the current owner as a solar farm.

Ms. Guinup asked Mr. Bardoun about Lot 2A and that right now there is no intention to market this new lot. The dilapidated house will remain there and will be marketed with this property. This is all dependent on what the prospective client plans to do with the property. Mr. Bardoun said that could be a contingency of the sale of the property. Nothing has been requested of removal at this time and will stay as is until it is sold. Ms. Guinup said that creates a problem.

Mr. Mitchell questioned about the time line about demolishing the dilapidated house on Lot 2A. Mr. Mitchell hears "eventually". Mr. Bardoun said Mr. Gabor is trying to sell everything slowly and the biggest problem is removing this lot from the solar farm lease. As soon as the paperwork is complete a sign should go up to market this property. To reiterate, this has to be extracted from the lease in order to market this property.

Ms. Guinup added that she is not comfortable with this entire discussion because she was under the impression that this was something to be done immediately and the house would be taken down fairly soon and what is now being said is not the case. Ms. Guinup said in her opinion we are creating a non-conforming lot because the house does not meet the setbacks. Ms. Guinup will vote against this.

Mrs. Chairwoman: Mr. Palumbo said to Ms. Guinup's point Lot 2A has the solar farm on it and it was approved in the past; what does this subdivision do with maintaining what that approval required for setbacks for that special permit process, rearranging the property with new lines on it. This is to be sure we do not create a non-conforming use on the existing property to remain as a solar farm.

Chairwoman Borton asked if the setbacks were checked for the solar fields. Mr. Bender said no and that the focus was on the frontage of Morgan Road, identifying that existing home that did not meet setback and this was conveyed to the applicant. Mr. Palumbo interjected and said that was before Mr. Bender's time. Mr. Bender said they were told when everything was approved this property would be marketed and the existing home removed. Mr. Bardoun said yes that will happen but could not guarantee when. Mr. Bardoun agreed that the structures have been there for many generations and are non-conforming. They would like to market the property with conforming setbacks.

Mr. Palumbo asked Mr. Bardoun if he can gauge the distance from the edge of the fence of the solar farm to the new property line. Mr. Bardoun said this is the same as Waterhouse Road for

the back of the property. All the bufferings were the same as the current setbacks. Details were shown on the map and more discussions followed.

Chairwoman Borton said more coordination is needed to resolve the issues. Mr. Bender said he follows Mr. Palumbo's concerns if he is asking for the setbacks from the solar farm to the proposed lot line. Mr. Palumbo said the lot that was approved had that as part of their site plan. The line is supposed to be 50 ft. but now shows at a position of 25 ft. which makes it non-conforming.

Chairwoman Borton said more coordination is needed on Lot 2B that is conforming to code. Mr. Palumbo said it looks like the line needs to be shifted to become conforming.

Mr. Henty said his concern is getting the house demolished. Mr. Bardoun said the property will be marketed with the existing structure.

Mr. Bender said he spoke with Mr. Grispino and said no complaints have been received on this property. Also, it was discussed with Mr. Grispino that as soon as this project was approved the house was going to be removed and the noncompliance would go away. We were satisfied with the note on the plat stating this. Now we are hearing it may be a lag.

Chairwoman Borton asked the board if this could be adjourned to sort out the setback issues for the next meeting. All members agreed.

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

Mr. Bardoun asked how this became a non-conforming structure. Ms. Bennett, town attorney, said it is pre-existing but as soon as it is subdivided it becomes non-conforming. Mr. Bender said the clock resets as it becomes non-compliant.

Mr. McMahon asked if someone can forfeit the certificate of occupancy. Mr. Bender said no.

Brief discussion on having these issues worked out with the planning department over the next week. This would then not necessitate a meeting on May 27, 2026.

Motion made by Mr. Graves to adjourn case #2026-009 and case #2026-046 to May 27, 2026. Seconded by Mr. McMahon.

Motion Carried: 7-0.

Case #2026-017 **Park Ridge Path Special Permit – The Learning Experience**, 8233 Park Ridge Path, (Adj. 3)

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AND

Case #2026-018 **The Learning Experience**, 8233 Park Ridge Path, Amended Site Plan (Adj. 3)

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

Mr. Harrell said the changes and updates were completed:

- ✓ HVAC system moved off the roof and noted on plan the location
- ✓ Arborvitae used as screening
- ✓ Revision date added to elevation
- ✓ Original date added to floor plan
- ✓ Updated landscaping plan
- ✓ Playground equipment shifted around

Chairwoman Borton said the issue date should be noted on the title sheet.

Ms. Guinup noted that no signage is included.

Mr. Henty said the lighting plan is good.

There were no other comments/questions from the board.

There were no comments from the public as this is a public hearing.

Chairwoman Borton closed both cases and asked for a motion for SEQR for both cases.

Motion read by Mr. McMahon: Mrs. Chairwoman: In the matter of the application of planning board case No. 2026-017 and No. 2026-018 for The Learning Experience on Park Ridge, 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: 7-0.

Motion read by Mr. McMahon: Mrs. Chairwoman: In the matter of the application of planning board case No. 2026-017 for The Learning Experience on Park Ridge, I move the adoption of a resolution using standard form #70 Special Permit be granted based on a site plan layout by CHA dated 2/11/2026 revised 4/29/2026 and numbered and titled as follows:

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| Sheet Number | Sheet Title |
|--------------|--|
| C-001 | Title Sheet |
| C-002 | General Notes & Legend |
| C-003 | Existing Conditions Plan |
| C-004 | Demolition Plan |
| C-101 | Site Plan Layout |
| C-201 | Grading, Erosion & Sediment Control Plan |
| C-301 | Utility Plan |
| C-401 | Landscape Plan |
| C-501 | Erosion & Sediment Controls Details |
| C-601 | Site Details |
| C-602 | Site Details |
| C-603 | Site Details |
| C-604 | Site Details |
| C-605 | Site Details |
| C=701 | Photometrics Plan |
| SA-1.2 | Proposed Elevations by Jarmel Kizel dated 4/30/2026 |
| | Lighting Cut Sheet included with the packet. Job Name TLE, manufacturer Kim Lighting |

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

Motion Carried: 7-0

Motion read by Mr. McMahon: Mrs. Chairwoman: In the matter of the application of planning board case No. 2026-018 for The Learning Experience on Park Ridge, I move the adoption of a resolution using standard form #20 Site Plan be granted based on a site plan layout by CHA dated 2/11/2026 revised 4/29/2026 and numbered and titled as follows:

| Sheet Number | Sheet Title |
|--------------|--|
| C-001 | Title Sheet |
| C-002 | General Notes & Legend |
| C-003 | Existing Conditions Plan |
| C-004 | Demolition Plan |
| C-101 | Site Plan Layout |
| C-201 | Grading, Erosion & Sediment Control Plan |
| C-301 | Utility Plan |
| C-401 | Landscape Plan |
| C-501 | Erosion & Sediment Controls Details |
| C-601 | Site Details |

| | |
|--------|--|
| C-602 | Site Details |
| C-603 | Site Details |
| C-604 | Site Details |
| C-605 | Site Details |
| C=701 | Photometrics Plan |
| SA-1.2 | Proposed Elevations by Jarmel Kizel dated 4/30/2026 |
| | Lighting Cut Sheet included with the packet. Job Name TLE, manufacturer Kim Lighting |

Conditioned upon approval of all legal and engineering requirements of the Town of Clay with the note that the signage on the elevations is not included with this approval. Seconded by Mr. Graves.

Motion Carried: 7-0

Non-Public Hearing Items

- a. Allied Sign Company/Tully’s Tenders – 3567 State Route 31 – Area Variance. This case was not referred to this board.

Signs

Allied Sign Company/Greg Fishel – *Tully’s Tenders Hot/Fresh/Fast & Best Tenders on Earth* – 3567 State Route 31

Zoned Highway Commercial (HC-1), Permit #55,710

1 – Wall Sign – A 37.01 square foot, Internally Illuminated LED Wall Sign is proposed, when 131.492 square feet is allowed. Should the Planning Board approve, this sign will meet code.

1 - Wall Sign – A 22.76 square foot, Internally Illuminated LED Wall Sign is proposed, when 131.492 square feet is allowed. Should the Planning Board approve, this sign will meet code.

Mr. Greg Fishel, Allied Sign Company, is present on behalf of Tully’s Tenders.

There were no questions from the board.

Motion made by Mr. Graves to approve two wall signs under permit #55,710. Seconded by Mr. Palumbo.

Motion Carried: 7-0.

Kassis Superior Signs/Rania Kassis – *ASA American Steel and Aluminum LLC* – 4522 Wetzel Road

Zoned Industrial 1 (I-1), Permit #55,773

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Ms. Rania Kassis, Kassis Superior Signs, is present on behalf of the applicant.

1 – Wall Sign – A 107.25 square foot, Non-Illuminated Wall Sign is proposed, when 460.8 square feet is allowed. Should the Planning Board approve, this sign will meet code.

1 – Freestanding Sign – A 16.4 square foot, Non-Illuminated Freestanding Sign is proposed, when 64 square feet is allowed. Should the Planning Board approve, this sign will meet code.

There were no questions from the board.

Motion made by Mr. Graves to approve one wall sign and one freestanding sign under Permit #55,773. Seconded by Mr. Palumbo.

Motion Carried: 7-0.

Motion made by Mr. Graves to adjourn this meeting at 8:35 p.m. Next meeting is May 27, 2026. Seconded by Mr. McMahan.

Motion Carried: 7-0.

Respectfully submitted,

Marie Giannone

Marie Giannone
Planning Board Secretary