

**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 29th day of January 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
	Jim Palumbo	Member
	Paul Graves	Member
	Hal Henty	Member
	Al McMahan	Member
	Marie Giannone	Secretary to Planning Board
	Kathleen Bennett	Planning Board Attorney
	Ron DeTota	Town Engineer

**OTHER:** Caitlin Choberka, Project Engineer – C&S Companies

A motion was made by Mr. Graves and seconded by Mr. Palumbo to approve the minutes of the January 8, 2025 Regular Meeting.

**Motion Carried: 7-0.**

**Public Hearings:**

**New Business:**

\*\*Case #2024-063 – **Summit Federal Credit Union (3)** – 5047 W. Taft Road, Site Plan

Mr. Ben Wolfling is present to address the board on behalf of the applicant. Mr. Wolfling shows on the drawing the house to be demolished and wooded area to be demolished. Mr. Wolfling said a change has been made to the plan given to the board. The county DOT requested a right in/right out on West Taft Road with raised concrete in the middle island with some plantings. Tree plantings were added at the dumpster location to match the façade of the building. There will be a total of 18 parking spaces including 2 handicap spaces. There will be three drive thru locations consisting of two teller and one ATM with one bypass lane. All lanes will be 24 ft wide and one 15 ft wide. Mr. Wolfling discussed and showed on the drawing the stormwater flow of the water into the swales.

Chairman Mitchell asked Mr. Wolfling about the change on drawing C200. The chairman stated this is not the drawing we are reviewing. Mr. Wolfling said this change was suggested by County DOT. Chairman Mitchell said this board has been reviewing this site plan and the plan changed without this board being informed. Mr. Wolfling said County DOT strongly suggested the right in/right out and the town board concurred.

Chairman Mitchell stated to Mr. Wolfling what information is required:

- ✓ Zoning and parking ordinance information should be shown on sheet C300.
- ✓ Landscaping must be shown
- ✓ Lighting with photometrics showing height of poles, type of lights
- ✓ Revisions to site plan requires a complete new set of plans showing original date and revision date.

The chairman said the Check Off Sheet provided to the applicant for submission must be complete before the applicant comes before the planning board. He reminded applicants to adhere to this process.

Ms. Borton referred to County comments regarding:

- ✓ Easements
- ✓ DOT needs SWPP
- ✓ Locate building toward front
- ✓ Sidewalks being considered on W Taft Road
- ✓ Snow removal location

Mr. Wolfling will look into Ms. Borton's comments and update.

Ms. Guinup concurred with Chairman Mitchell on the correct procedure for submitting a site plan for review. Ms. Guinup said per town code she did not think the 15 ft drive by will work considering access by the fire department for turning radius. The board will need a sign off sheet from the fire department for this 15 ft drive by. The dumpster needs to be shown on the detail sheet C201, showing enclosure and gate. Ms. Guinup asked the applicant what sheet was shown to the town board to approve the special permit drive thru. Mr. Wolfling said the board saw the full access. Drawings need to be stamped and signed, showing revision dates.

Mr. Henty said photometrics are needed showing lighting, height of poles and type of fixtures.

Mr. Graves has an issue with the right in/right out. It should be a right in with no exit. Residents who live in the apartments and housing behind there that travel Cedar Post Road would create a hazard leaving Cedar Post Road onto West Taft Road.

Mr. Wolfling responded stating the traffic study found no issue with that intersection.

Mr. Palumbo said he agreed no floor plan is needed but wanted to see lighting for the drive thru locations, wall packs on the building and lighting shown at the doors.

Mr. DeTota said he does not have a copy of the SWPP. Mr. Wolfling will provide this to Mr. DeTota. More information is needed on the wetlands to see if these are actively present.

Chairman Mitchell asked if the public had any questions as this is a public hearing. None.

Ms. Guinup said the applicant needs to provide the agricultural data statement.

Motion made by Mr. Henty to adjourn this case to March 19, 2025. Seconded by Mr. Graves.

**Motion Carried: 7-0**

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

Mr. Dave Schlosser, Schopfer Architects LLP, is present to address the board on behalf of the applicant.

Tully's Tenders is a fast-food restaurant with a drive thru, an outgrowth of the Tully's Restaurant.

Seating is for about 50 patrons with a limited menu. This site is approximately 1.88 acres. The existing curb cut is shared with the existing Niagara Car Wash. The existing site has parking for approximately 50 vehicles – 12 vehicles in front, 38 vehicles in back of building. The existing building will be used for Tully's consisting of 2,900 sq ft. with 1,900 sq ft. used for a client-based office. Dumpster area is located in the rear of the building with gates and façade to match building. Grading is south to north draining to a retention pond at the rear of the site. A common easement is shared by both properties.

Mr. Schlosser said they reworked the plans and presented the update as shown.

- Tully's Tenders will subdivide the existing building, where Tully's Tenders will take the west side of the building, approximately 2,900 sq. ft and a client-based office to the east will occupy 1,900 sq. ft.
- The entrance to the restaurant will face Rt 31 to the South and the entrance to the office will be at the east side closer to the rear parking lot.
- Several different parking areas are proposed:
  - ✓ 18 vehicles on the south side front
  - ✓ 25 spaces in the rear building
  - ✓ 11 parking spaces to the west side
  - ✓ 2 designated spaces for pick up
  - ✓ Totaling 56 parking spaces
  - ✓ Parallel parking spaces on the west side will be employee parking

Mr. Schlosser said one of the differences that was originally proposed has been changed to a roundabout bypass drive lane so that the parking area in the rear of the building is isolated. It will have a sidewalk to the east which leads to the front of the building. The existing dumpster will stay with gates and matching façade of the building. The rear parking lot of 25 parking spaces is defined by the raised sidewalk to the east and to the west by wood timber guard rail which defines the stacking area for the drive thru. Stacking has been increased to 13 vehicles from ordering to pick up.

Mr. Schlosser said the site plan package includes:

- ✓ Grading Plans
- ✓ Stormwater Plans
- ✓ Photometric Plans
- ✓ Landscape Plans

Mr. Schlosser said access to Rt 31 is via a two-lane existing curb cut. Rt 31 traffic study by NYS DOT was approved with the recommendation:

- ✓ Take the turn lane and extend it to the west. Civil engineering plans show the restriping of that location
- ✓ Mr. Schlosser said the signage and elevation of building is shown on the plan.

Mr. Schlosser ended his presentation.

Chairman Mitchell asked about the shared access drive between the two properties – Tully’s and Niagara Car Wash. Mr. Schlosser said this information is on the survey and deed. A copy of the deed and survey was given to the board.

Chairman Mitchell would like to have the dimensions of parking spaces listed in one place on the site plan. The chairman questioned the handicap space located in the back of the building. Mr. Schlosser said this is for employee use which leads to the employee entrance to the building.

Question on the fenced area where dumpster is located. This is a secured area for employee emptying trash as shown on drawing L 2.1.

Chairman Mitchell asked the maximum number of stacking for Tully’s Tenders. Traffic Study referred to six for stacking. The chairman asked about “Scheme One” on the site plan. Mr. Schlosser said there is only one scheme. The chairman asked this to be removed for less confusion that another scheme would be added.

Chairman Mitchell added he feels that it should be looked at the right in/right out again. Mr. Schlosser stated the email from the chairman was rejected by DOT as they will not permit a three lane right in/ right out only. The concern is that vehicles will then make a left across the lanes or go out and then turn around further up the road. The chairman asked the applicant to take another look at this and see what can be done. This planning board had no problem with this restaurant but suggested “grab and go” in place of a drive thru for this location. The town board made the decision and this board will put it together.

Ms. Borton stated the EAF is incomplete and asked that the applicant take another look and check all the boxes even when it is NA (not applicable). Also, signs that read “Do Not Enter” need to be looked at for the position of them avoiding confusion. The Architectural Sheets need the height of the building. Also waiting county comments for review. The preview digital menu board is located by striping pavement and could create a problem with a vehicle running into it. Mr. Schlosser said secondary curbing could be placed around that area. Ms. Borton asked if there is a snow removal location. Mr. Schlosser said yes.

Brief discussion with Mr. Schlosser on the parking which Mr. Schlosser agreed to take another look and give an update on this to the board.

Mr. Henty has no problem with the photometrics but turning out onto Rt 31 can be problematic. It should be right only. Mr. Henty said the traffic study was done referencing the Tully’s Oswego location. Mr. Henty stated the traffic study is not a safety study. Mr. Henty has no problem with the left in as it is visible to oncoming traffic, but going out you have to look to the left, right, front as someone may be turning in. Mr. Henty said vehicles coming out of the car wash could add to this added traffic.

Ms. Guinup stated that the property across the street is zoned for restaurant and even though no work has been started this is still designated for restaurant. Ms. Guinup asked Mr. Schlosser to be aware that potentially a restaurant could be across the street adding to the traffic.

Mr. Graves asked about the client-based office at this location and if it will remain office. Mr. Schlosser said absolutely.

Mr. Palumbo asked if any work is being anticipated in the right of way. Mr. Schlosser said striping will be done but no construction improvements in the right of way. Drawing C103 has been submitted to

DOT showing the changes to right of way being done. Mr. Palumbo said he likes the landscaping plan but felt more could be added around the back island. The area in question is a sidewalk for pedestrian crossing to the employee entrance. Mr. Palumbo suggested removing some of the asphalt to soften the look with plantings. Mr. Palumbo said there is an opportunity in the front to have a locust tree.

Mr. McMahon agreed with Mr. Henty comments. Mr. McMahon is very familiar with that location and is used frequently. Crossing over three lanes is problematic. Mr. McMahon has used that Niagara Car Wash for years and is very familiar with the difficulty getting out. Now adding additional traffic is very problematic. Mr. McMahon is asking this to be looked at for a possible better solution.

Mr. DeTota said his concern is that the two stormwater features that are supposed to be constructed as part of that are infiltration based practices. These need to be protected from the snow which becomes grindy and gravelly which goes to the proximity to the infiltration practices which will have a great chance to render that practice obsolete. A detail analysis is requested to look into how those measures will be addressed. Also, there are a fair number of easements to be cleaned up as part of this. And will existing grades impede on the Niagara Car Wash site.

Chairman Mitchell asked if there are any comments as this is a public hearing. None.

Motion made by Mr. Graves to adjourn this case to February 26, 2025. Seconded by Mr. McMahon.

**Motion Carried: 7-0.**

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

Mr. Christian Freeman, Keplinger Freeman Associates, addressed the board. The project is located at 4938 West Taft Road on 6.65 acres zones as SR-1 Senior Residential. The site will consist of five buildings consisting of 20 unit in each with one building consisting of 8 units for a total of 88 units.

Access easement from the stub row below Well Now Urgent Care to the east, existing easement to the south connecting Wintersweet Drive and an establishment of a right in/right out on to West Taft Road.

L2.1 East side of the site, connecting through that stub row by Well Now which will be used as a secondary access. All four buildings are all residential with corresponding parking. Mr. Freeman noted that they are over for the parking as they felt it is important for the clientele to have ample parking. Shown on the plan moving west is the right in/right out access to West Taft Road having the mixed-use building with 8 apartments. The mixed use of this building came from previous meetings asking for some amenities for this location, but not necessarily exclusive only for the residents. Some examples of these would be salon, laundry as in dry cleaning (not laundromat). Landscaping is shown around the building, plenty of green space and patios.

Mr. Freeman continued with the drainage portion of the site plan showing on the plan the layout for the draining, swales and basins. SWPP is underway and will be provided when available.

Chairman Mitchell noted on the sheet the dumpster near the road location and asked why this is close to the Wintersweet Street area. Mr. Freeman said this is used for trash pickup by haulers and the residents do not use this as trash will be picked up at the building. The chairman suggested moving this further

from the road as it could be seen as a use for nonresidents of these apartments. This will be looked at and modified.

Landscaping shown on the drawings will be along West Taft Road and other areas. More detailed discussion will follow with Mr. Palumbo.

Architectural Sheet 3.1 shows the elevation to be 35 ft and 40 ft between each building. There are 20 units in each building, but 8 units in the mixed-use building. Details are described on the architectural sheet 3.1. Parking is 176 total spaces dedicated to residential with 36 for commercial.

Chairman Mitchell asked about the EV chargers. Mr. Schlosser said the EV chargers are for the public and face West Taft Road.

Ms. Guinup suggested to Mr. Schlosser to show what the town ordinance is on parking requirements, what is being provided not counting the EV chargers, then showing the EV chargers separate. That would be the total given to the board on this project versus what is required. Mr. Schlosser will update this.

Mr. Henty said the lighting drawing is not legible and needs more detail. This will be updated.

Ms. Borton said on drawing 12.C more delineation is needed.

Ms. Guinup said a sign off is required from the fire department. Also, Ms. Guinup suggested along with what the chairman said about moving the location of the dumpster to avoid being used by nonresidents. There are other locations within this project but Ms. Guinup said not facing West Taft Road.

Mr. Graves spoke on the dumpster and was wondering if one dumpster is adequate. Mr. Schlosser will check into this. Mr. Graves asked if the handicap parking at the mixed-use building is in the right location. Mr. Graves said it should be more in the middle of the building. Mr. Schlosser will look into this as he thought the handicap spaces were there because of drainage. He will look into this and update.

Mr. Palumbo continuing with Mr. Graves question on the handicap spaces asked Mr. Schlosser if this was because of the slope of the pavement rather than the curb ramp. Drainage could be an issue, but code requires handicap spaces closest to the building. This will be looked at and updated.

Mr. Palumbo liked the layout of the landscaping. Unit D does not have much landscaping behind it and could use foliage with color rather than dogwoods. Mr. Schlosser will look into this and give an update.

Mr. McMahon is okay with the plan.

Mr. DeTota is concerned with the engineering portion of the plan and said this project would be challenged to come up with a basis of design and work with this layout. Case in point is the Well Now Urgent Care and the discharge from this project will go to Well Now which is not owned, operate or maintained by this project. Mr. Schlosser will look into this with their engineers and update.

Chairman Mitchell said no floor plans are needed but need siding and colors for the buildings. Elevation must be 35 ft and shown on the drawing. This will be updated.

The chairman asked if there are any questions/comments as this is a public hearing.

Ms. Erika Gallucci, 5003 Astilbe Path, asked how many stories are the buildings. Chairman Mitchell said two story buildings. She also inquired as to the mixed-use building having laundry as stated earlier by Mr. Schlosser. Mr. Schlosser said no laundromat but used a dry-cleaning service as an example. Laundry is in each unit.

Motion made by Mr. Henty to adjourn this case to February 26, 2025. Seconded by Ms. Borton.

**Motion Carried: 7-0.**

\*\*Case #2023-052 **Mike Tormey (Buckley Warehouse)** (3) – 4583 Buckley Road – Site Plan  
\*\*Case #2024-012 – **KRSM Subdivision (Buckley Warehouse)** (3) – 4583 Buckley Road – Preliminary Plat (Adj. 7)  
\*\*Case #2024-013 – **KRSM Subdivision (Buckley Warehouse)** (3) – 4583 Buckley Road – Final Plat (Adj. 5)

Chairman Mitchell will adjourn the above three cases until March 19, 2025 as all the required information is not available. Our engineer needs to review the material and the site plan will not be approved without the subdivision being done.

Motion made by Mr. Graves to adjourn Cases #2023-052, #2024-012 and #2024-013 to March 19, 2025. Seconded by Mr. Palumbo.

**Motion Carried: 7-0.**

\*\*Case #2024-031 – **Whitestone Apartments** (3) – State Route 31 – Site Plan – (Adj. 8)  
Chairman Mitchell stated the agreement has not been signed.  
Chairman Mitchell asked the board if there are any questions. None  
Chairman Mitchell as if there are any questions/comments from the public as this is a public hearing.  
None.

Motion made by Mr. Graves to adjourn Case #2024-031 to February 12, 2025. Seconded by Mr. McMahon.

**Motion Carried: 7-0.**

\*\*Case #2024-032 – **Trinity Assembly of God** (3) – 4398 State Route 31 – Amended Site Plan

Mr. Matt Napierala, Napierala Consulting, is present to address the board. Mr. Napierala said the delay was to work with Onondaga County Deputy Chief for the fire access loop road to the South of the building addition which has now been finalized and the documents presented includes a signed agreement for that access road. The outstanding items have been addressed as noted below:

- ✓ Request that the wetland boundary be identified and added on sheet C-3 with the notation that this does not affect that final check zone
- ✓ Added C-10 to the package which is internal parking lot landscape
- ✓ Internal lighting package showing height with photometric sheet

The chairman asked if there are any questions from the board. None.

The chairman asked if there are any questions as this is a public hearing. None.  
Chairman Mitchell closed the public hearing and asked for a motion.

Motion read by Ms. Borton. Mr. Chairman: In the matter of the application of the planning board case No 2024-032 for Trinity Assembly of God, 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 improvements are consistent with the use, and will not impact existing infrastructure, wetlands or drainage patterns. Seconded by Mr. Henty.

**Motion Carried: 7-0.**

Motion read by Ms. Borton: Mr. Chairman: In the matter of the application of planning board case No. 2024-032 for Trinity Assembly of God, amended site plan, I move the adoption of a resolution using standard form #20 site plan, that the petition be granted based on a map by Napierala Consulting dated May 28, 2024 revised January 13, 2025 and numbered C-1 through C-11 as listed on the sheet index on cover sheet C-1. Conditioned upon approval of all legal and engineering requirement of the Town of Clay. Seconded by Mr. Henty.

**Motion Carried: 7-0.**

**\*\*Case #2024-041 – McDonald’s USA (5) Corner of West Taft Road and Cedar Post Road – Special Permit Referral (Adj. 3)**

Chairman Mitchell said this case has been denied by the town board and is withdrawn.

**\*\*Case #2024-046 – Michael’s Farm (3) 8073 Morgan Road – Preliminary Plat (Adj. 3)**

Mr. DeTota is in agreement with the preliminary plat. There were no questions from the board. Chairman Mitchell closed this case and asked for a motion.

Motion made by Mr. Palumbo. Mr. Chairman: In the matter of the application of the planning board case No. 2024-046 for Michael’s Farm 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 resolution for the following reason. It is in keeping with the intention of the property. Seconded by Ms. Guinup.

**Motion Carried: 7-0.**

Motion made by Mr. Palumbo. Mr. Chairman: In the matter of the application of planning board case No. 2024-046 for Michael’s Farm Preliminary Plat, I move the adoption of a resolution using standard form #30 preliminary plat be granted based on a map by Ianuzi & Romans LS dated June 25, 2024, revised November 21, 2024 and numbered Sheet 1 of 5. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Seconded by: Mr. Graves.



**Motion Carried: 7-0**

**\*\*Case #2024-048 Mirabito Energy Products (5) Rte. 31 at Lawton Road – Special Permit Referral – Drive thru for a coffee shop (Adj. 2)**

and

**\*\*Case #2024-049 Mirabito Energy Products (5) Rte. 31 at Lawton Road – Special Permit Referral – Drive thru for a bank (Adj.2)**

Chairman Mitchell stated these two cases will be heard together.

Mr. Matt Napierala, Napierala Consulting, is present to address the board. The vacant parcel is located at the corner of Lawton Road and Route 31. Mr. Napierala said if Mr. Mueller was present this evening he would say that when Kelly Tobin developed the residential piece (shown on the map) this planning board told Kelly Tobin to leave this parcel out as a mixed use development piece. That is the history of that parcel 25 years ago when the subdivision was developed. The stormwater management facility piece was not only for the residential but future development already developed to the south portion of the site. That will be discussed further with Mr. DeTota during full site plan review.

Mr. Napierala said the applicant plans to transform the northern HC-1 portion of the parcel into a shopping plaza approximately 6,650 sq. ft. including the NBT Bank, Dunkin, gas station with convenience food and a subway. The northwestern portion of the parcel is set aside for future commercial development and the southern portion of the parcel will remain underdeveloped and used for stormwater drainage for the Lawton Valley neighborhood. The site shows two drive thru locations showing the exit of the bank adjacent to the entrance of the coffee shop drive thru. This shopping plaza will have 36 parking spaces, 4 EV charging stations. The gas station pumps will be located facing Route 31.

Ms. Guinup interjected during this presentation to state this board is only looking at the special permit referrals on the agenda.

Mr. Napierala showed on the drawing how the traffic will move at the shopping plaza getting in and out of the two drive thru areas. Customers coming off Lawton Road potentially will take a right or left and the location of that drive access is a cross intersection with the neighboring road to the east. DOT requested that the access point be at location both for proper separation from the signal light at Lawton Road and Route 31 as well as proper movement at that cross intersection. That access point will be a full access point either left in or right in movement. Mr. Napierala shows on the drawing the directions shown by the vehicles entering the plaza and each route to the bank, coffee shop, convenience store and exiting out of the plaza. Mr. Napierala also described the stacking of vehicles at the pick-up windows. Mr. Napierala said the coffee shop and bank customers would not conflict with the flow of traffic as bank hours are different than early morning coffee hours. Mr. Napierala concluded his presentation to the board.

Chairman Mitchell referred to different plans being shown during the presentation. The chairman looked at the drawing showing the way the vehicles would exit out of the Dunkin which comes out at an angle. The other picture shows it going straight out. The chairman said there seems to be a lot going on with vehicles because the vehicle can enter to go to the pump in either direction, parking there at the

convenience store, subway store and two drive thru locations. There is so much activity with vehicles at this plaza and it also being a very busy corner. Chairman Mitchell said he likes Mirabito store and the gas pumps. The chairman said he did not think the drive thru locations belong there. History of the previous plan for a gas station at that location was not approved because of the car wash included on that plan due to all the noise. Chairman Mitchell said he did not think that corner could handle that kind of activity with that circulation pattern.

Mr. Henty agrees with the chairman. Makes no sense to do that on the corner.

Ms. Borton concurs with the chairman. There are too many conflicts around this building. Visibility is poor around Dunkin.

Ms. Guinup has a conflict with people walking around from the gas pumps to the store. There can be a conflict with Dunkin and the NBT Banks as banks do have early hours, opening between 8 and 9 am. This can conflict with Dunkin. Ms. Guinup is opposed to both drive thru areas.

Mr. Graves spoke about the Dunkin drive thru. Mr. Graves said the next Dunkin location on Rt 31 has vehicles lined up into the road getting in line at the drive thru, creating congestion, and adding a bank drive thru adds more congestion at this site.

Mr. Palumbo said both of these cases were opened up together and wanted to address separately. This site is being over taxed asking for two special permits. Mr. Palumbo would be in favor for the drive thru coffee shop but not a bank drive thru. If only one could get approved, Mr. Palumbo said he is in favor for the coffee shop.

Ms. Guinup asked Mr. Palumbo why he would favor the coffee shop over the bank. Mr. Palumbo said given the use of the property at the corner of Lawton Rd and Rt 31 would be beneficial for a coffee shop at that location.

Mr. Palumbo question to Ms. Bennett, town planning board attorney, if they get a special use permit for a bank, does that special use permit remain only for a bank. Ms. Bennett said yes.

Mr. McMahon – no comment

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

Mr. Larry Fratostitan, 4913 Ernest Way, addressed the traffic at the Lawton Road and Route 31 intersection. He was against this as he felt too much would be going on at the parcel.

Mr. Joe Morawski, Tobin Path, said there is a family-owned coffee shop down the road in the town of Cicero. This Dunkin would hurt the customers at the family-owned shop.

Ms. Karen Cahill, 5014 Dongara Lane, asked if this project will move forward if approvals are not given. There is a lot of traffic on Route 11 cutting down Crabtree Lane, cutting across Lawton Road. How will the fuel tankers make the turn on to Lawton Road which is not wide enough. Cicero is on one side and Clay on the other side of Crabtree – what happens if Crabtree gets widened. Wetlands are also a concern.

Ms. Sara Villnave, 5556 Wyandra Drive asked the board if there was any other location in the Town of Clay that is putting a gas station near a very heavy populated neighborhood. Promises were made by

Tobin that this would stay a green area. Promises were not upheld. This is in my backyard. Looking out for the health and wellbeing of the neighborhood.

Chairman Mitchell said people have a right to request what they want to do with land. In the Town of Clay there is a Stewart Shop located near Bear Road and a heavy populated neighborhood. Also, there is a Byrne Daily at the Henry Clay Blvd intersection, again surrounding with heavy populated neighborhoods. These locations are driven by traffic going by.

Ms. Yvonne Arnold, 5568 Wyandra Dr., questioning the left out onto Rt 31. Chairman Mitchell said that would be discussed during site plan. Right now, the concern is the circulation at the shopping plaza with the two drive thru locations.

Chairman Mitchell said this evening we are looking for a referral for the drive thru only. If this board says whatever and the town board agrees with the planning board, the town board could still approve Mirabito on that corner.

Chairman Mitchell closed both cases and poled the board.

Mr. Henty – no  
Ms. Guinup – no  
Ms. Borton – no  
Mr. Graves – no  
Mr. Palumbo – sticking with my comments mentioned above  
Mr. McMahon – no  
Chairman Mitchell – no

Motion made by Mr. Palumbo: Mr. Chairman: In the matter of the application of planning board case No. 2024-048 for Mirabito Energy Products, Drive thru for coffee shop Special Permit Referral and Case No 2024-049 for Mirabito Energy Products, Drive thru for bank, Special Permit Referral, I move the adoption of a resolution using #60 special permit recommendation that the town board take into consideration the comments and/or concerns provided by each planning board member. Seconded by Mr. Henty.

**Motion Carried: 7-0.**

**\*\*Case #2024-050 Pack Rat Storage (3) 4717 Wetzal Road – Amended Site Plan (Adj. 2)**

Motion made by Ms. Guinup to adjourn this case to February 26, 2025. Seconded by Ms. Borton

**Motion Carried: 7-0.**

**\*\*Case #2024-052 – EV Charging Station/Panera (3) – 3815 NYS Rt. 31 – Amended Site Plan (Adj. 3)**

Mr. Eric Valentyn is present to address the board. Option 1 was selected. Sheet T1 has the notation that any future charging stations has to be addressed in an amended site plan. Sheet C1 has the full parking tabulation. An additional stall was utilized for the handicap space with bollards on both sides.

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

Chairman Mitchell asked if there are any questions as this is a public hearing. None.  
Chairman Mitchell closed this case and asked for a motion.

Motion made by Mr. McMahon. Mr. Chairman: In the matter of the application of the planning board case No. 2024-052 for EV Charging Stations/Panera, 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. Graves.

**Motion Carried: 7-0.**

Motion made by Mr. McMahon. Mr. Chairman: In the matter of the application of planning board case No. 2024-052 for EV Charging Stations/Panera, I move the adoption of a resolution using standard form #20 site plan be granted based on a map by CPH Job Number F18902, Sheet Nos, T1, C1, C2, C3 dated January 7, 2025, Sheet Nos. E1, E2 dated September 27, 2024, S1 dated September 31, 2024. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Seconded by: Mr. Graves.

**Motion Carried: 7-0**

**\*\*Case #2024-058 – Syracuse Pistol Club (3) – 8042 Henry Clay Blvd – Amended Site Plan (Adj. 2)**

Motion made by Mr. Henty to adjourn this case to February 12, 2025. Seconded by Ms. Borton.

**Motion Carried: 7-0.**

**\*\*Case #2024-065 – Sears Property (3) – 9417 Horseshoe Island Road – Preliminary Plat (Adj. 1)**

Motion made by Mr. Graves to adjourn this case to March 19, 2025. Seconded by Mr. Palumbo.

**Motion Carried: 7-0.**

**\*\*Case #2024-066 – Sears Property (3) 9417 Horseshoe Island Road – Final Plat (Adj. 1)**

Motion made by Mr. Graves to adjourn this case to March 19, 2025. Seconded by Mr. Palumbo.

**Motion Carried: 7-0.**

**\*\*Case #2024-057 – JW Didado Expansion (3) – 7822 Morgan Road - Amended Site Plan (Adj. 2)**

Motion made by Mr. Graves to adjourn this case to February 26, 2025. Seconded by Mr. McMahon.

**Motion Carried: 7-0.**

**Signs**

**Fastsigns of Syracuse – *Upstate/Clay* – 8687 Carling Road**

Zoned RC-1, Permit #54,699

2 – Freestanding Signs – Two freestanding signs 30.31 square feet/each, multi-tenant is proposed, when a total of 64 square feet is allowed. Should the Planning Board approve this, these signs will meet code.

Brief discussion by Mr. Palumbo on the location of the sign at the curb cut. A copy was given to the board showing the location for their approval of the sign.

Motion made by Mr. Palumbo to approve two freestanding signs on Permit #54,699, each sign being 30.31 sq. ft, multi-tenant is proposed when 64 sq ft. is allowed. Seconded by Mr. Graves

**Motion Carried: 7-0.**

**BGST Properties, LLC – *Urban Pho* – 8395 Oswego Road, Suite 103**

Zoned RC-1, Permit #54,724

1 - Wall Sign – A 19.1 square foot, internally illuminated LED Wall Sign is proposed, when 24.96 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 Mr. Graves to approve one wall sign on Permit #54,724, a 19.1 sq ft, internally illuminated LED wall sign. Seconded by Mr. Palumbo.

**Motion Carried: 7-0.**

**BGST Properties, LLC – *Mochinut* – 8395 Oswego Road, Suite 104**

Zoned RC-1, Permit #54,725

1 - Wall Sign – A 17.5 square foot, internally illuminated LED Wall Sign is proposed, when 24.96 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 Mr., Graves to approve one wall sign, 17.5 sq. ft., internally illuminate LED wall sign on Permit #54,725. Seconded by Mr. McMahan.

**Motion Carried: 7-0.**

**Greg Fishel/Allied Sign Company – *Eastern Shore Park* – 4705-4713 Crossroads Pk. Dr.**

Zoned I-1, Permit #54,728

1 – Freestanding Sign – A 60 square foot, internally illuminated LED freestanding sign is proposed. This location received area variance on 12/9/2024 (ZBA Case #1962). Should the Planning Board approve this, the proposed sign will meet code.

1 – Freestanding Sign – A 26 square foot, internally illuminated LED freestanding sign is proposed, when 32 square feet are allowed. Should the Planning Board approve it, this sign will meet code.

Discussion on the address being shown on this sign. Motion to approve one freestanding sign, 60 sq ft, internally illuminated sign on Permit #54,728 which received a variance on 12/9/24 from ZBA conditioned on the address being added to the sign. Seconded by Mr. McMahan

**Motion Carried: 7-0.**

**Greg Fishel/Allied Sign Company – *Bank of America* – 7610 Oswego Road**

Zoned RC-1, Permit #54,734

**Front Elevation – Ext-001**

1 – Wall sign – A 115.8 square foot, internally illuminated LED Wall Sign is proposed, when 177.12 square feet is allowed. Should the Planning Board approve it, this sign will meet code.

**Side Elevation – Ext-002**

1 – Wall sign – A 115.8 square foot, internally illuminated LED Wall Sign is proposed, when 119.52 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 Mr. Graves to approve one wall sign on Permit #54,734, 115.8 sq. ft. internally illuminated LED sign. Seconded by Mr. Palumbo.

**Motion Carried: 7-0.**

Motion made by Mr. Graves to adjourn this meeting at 10:30 pm. Next meeting is on February 12, 2025. Seconded by Ms. Guinup.

**Motion Carried: 7-0**

Respectfully submitted,

*Marie Giannone*

Marie Giannone  
Planning Board Secretary