

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 22nd day of October 2025. The meeting was called to order by Deputy Chair 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	Deputy Chair
	Karen Guinup	Member
	Hal Henty	Member
	Al McMahon	Member
	Jim Palumbo	Member
	Marie Giannone	Secretary to Planning Board
	Kathleen Bennett	Planning Board Attorney
<u>OTHER:</u>	Caitlin Choberka	Project Engineer, C&S Companies
	Brian Bender	Commissioner of Planning & Development

ABSENT: Russ Mitchell, Paul Graves, Ron DeTota

A motion was made by Mr. Henty and seconded by Ms. Guinup to approve the minutes of the October 8, 2025 regular meeting.

Motion Carried: 5-0.

New Business:

****Case #2025-053 – Red Barn Extension (3) – Buckley Road – Final Plat.**

Mr. Tim Coyer, Ianuzi & Romans, is present on behalf of the applicant. Mr. Coyer is here for final plat approval consisting of approximately 8.6 acres, seventeen residential single-family homes.

Deputy Chair Borton asked If the board had any questions/comments.

Mr. Palumbo requested that sheet numbers be added in the future. Mr. Coyer agreed.

Deputy Chair Borton said this is a closed hearing and asked for a motion for final plat.

Motion read by Mr. Palumbo. Madam Chairwoman: In the matter of the application of planning board case No. 2025-053 for Red Barn Extension I move the adoption of a resolution using standard form #40 final plat be granted based on a map by Ianuzi & Romans Land Surveying dated September 17, 2024 and numbered File No. 1164.099. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Seconded by Mr. McMahon.

Motion Carried: 5-0.

Public Hearings:

New Business:

*Case #2025-048 – **Northern Credit Union** (5) – 3584 State Route 31- Special Permit Referral

And

*Case #2025-049 – **Northern Credit Union** (3) – 3584 State Route 31- Site Plan

Mr. Jim Ballantyne, Napierala Consulting, is present to address the board on behalf of the applicant. Mr. Ballantyne said the applicant is proposing a 3,100 sq ft credit union with drive thru with a full access drive around the southern ring road as shown on the diagram. Mr. Ballantyne said they are here for a special permit referral.

Deputy Chair Borton said the site plan case has been opened for questions. Deputy Chair Borton asked Mr. Ballantyne about the internal ring road tying into the plaza. Mr. Ballantyne showed on the diagram the changes that will be made. Trees are being proposed for this area. The only work being done in the Rt 31 right of way is utility work. A copy of this will be provided to the board.

Deputy Chair Borton said county comments have been received which said for the applicant to coordinate NYS Route 31 with the NYS DOT.

The site plan includes an on-site generator. Mr. Ballantyne said this is commercial size generator as the bank is 3,100 sq. ft. The generator will sit outside of the building with solid screening. Snow storage area will be shown on the plan. The variance for the setback received is for the building. Deputy Chair Borton asked to have the variance noted with date on the plan for reference. The egress on the west side shows one way and should be angled better.

Mr. Henty said he is good with lighting. Mr. McMahon is good.

Mr. Palumbo discussed trees between the property line and the drive along the southern property line. The board would want to see dimensions that lay that drive out as no width is shown. There does not seem to be a lot of space for the Bradford Pear trees as they mature. What is the reason for the bending outward as shown on the plan; could it be narrower from 30 ft to 24 ft. These trees could be damaged with vehicle swiping and snow damage. Mr. Ballantyne will take a look to see what can be done.

Ms. Guinup said the two variances approved on 8/11/25 need to be clarified showing the case number and dates. Also, the height of the building to peak needs to be shown on the drawing along with the specifications on the generator and the generator enclosure. Mr. Ballantyne agreed.

Deputy Chair Borton said the professional stamp needs to be added to the drawings.

Ms. Choberka said she is finalizing her review of the SWPPP and site plan within the next few days.

Deputy Chair Borton said this is a public hearing and asked if there are any questions/comments. Hearing none, she closed case no. 2025-048 for the special permit referral and kept case no. 2025-049 open.

Motion read by Mr. McMahon. Madam Chairwoman: In the matter of the application of planning board case No. 2025-048 for Northern Credit Union – Kimbrook Plaza, I move to recommend to the Town Board using standard form #60 special permit recommendation be granted noting the board in favor of granting the special permit. Seconded by Mr. Palumbo.

Motion Carried: 5-0.

Motion made by Mr. Henty to adjourn case #2025-049 Northern Credit Union Site Plan to November 19, 2025. Seconded by Mr. McMahon.

Motion Carried: 5-0.

*Case #2025-050 – 7245 Henry Clay Warehouse (5) – 7245 Henry Clay Blvd. – Amended Site Plan

Ms. Alex Samoray, Keplinger Freeman Associates, is present to address the board on behalf of the applicant. Ms. Samoray presented the proposed amended site plan changes for the Ironhorn Enterprises/Troy Bullock group. The southern facility is being subdivided into three facilities for three tenants and expanding the paved area to accommodate the tenant needs. An entry drive off Vine Street is agreeable with Onondaga County DOT. There will be additional parking, updates to the stormwater management facilities and landscaping. Changes have been made to stormwater. Wetlands are being addressed and keeping the encroachment of the wetlands to one half acre. Army Corp of Engineers have taken jurisdictional determinations for the wetlands.

Deputy Chair Borton said when the wetland permits come through the board will need documentation. Ms. Samoray agreed. Deputy Chair Borton discussed county comments with

Ms. Samoray. Deputy Chair Borton brought up about the shared water service which cannot be subdivided. Ms. Samoray explained they are working with OCWA regarding the hydrant flow test information and evaluate backflow prevention requirements.

Deputy Chair asked about the satellite parking and Ms. Samoray said the cover sheet shows the shared parking for the three facilities. Deputy Chair Borton asked Ms. Samoray to submit in writing details of this parking arrangement for more clarification. Also, the board appreciates the cover sheet presented in this amended site plan by Ms. Samoray as this is what the board needs to see going forward with other site plans.

There were no questions/comments from the board members and legal/engineering.

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

Motion made by Mr. Palumbo to adjourn case #2025-050 to November 19, 2025. Seconded by Mr. McMahon.

Motion Carried: 5-0.

Old Business:

****Case #2023-006 – Emerald Lawn Care (3) 4663 Wetzel Road – Site Plan (Adj. 21).**

The applicant asked for an adjournment.

Motion made by Mr. Henty to adjourn case #2023-006 Emerald Lawn Care to November 19, 2025. Seconded by Ms. Guinup.

Motion Carried: 5-0.

****Case #2023-042 – Amerco Real Estate (3) – 8015 Oswego Road – Amended Site Plan (Adj. 16)**

The applicant has withdrawn this case.

****Case #2025-015 – Seneca Savings (3) – 5332 State Route 31 - Site Plan (Adj. 7)**

Mr. Jesse Plumley, Plumley Engineering, is present to address the board on behalf of the applicant. The dumpster was removed from the site plan. An easement agreement has been worked out and filed with the attorney.

Deputy Chair Borton said there are some minor changes:

- ✓ Revision dates need to be added to the cover sheet
- ✓ Building height is needed showing peak to roof on architectural drawing

- ✓ C201 height needs to be corrected with elevations
- ✓ C201/C203 pavement markings need to be shown more legible

Mr. Henty, Ms. Guinup and Mr. McMahon had no comments.

Mr. Palumbo said the center line of the drive needs to be shown as a reference point.

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

Motion made by Mr. Palumbo to adjourn case #2025-015 to November 19, 2025. Seconded by Mr. McMahon.

Motion Carried: 5-0.

****Case #2025-026 – Mirabito Shopping Center (3) – 5566 State route 31 – Site Plan (Adj. 3)**

Mr. Matt Napierala, Napierala Consulting, is present on behalf of the applicant. Mr. Napierala said the Zoning Board of Appeals (ZBA) made their decision as to the right of use for this project. Mr. Napierala said they have responses to the comments made at the September 10, 2025 meeting identified as:

1. Neighborhood Plan
2. NYS DOT Permit
3. Secondary Road – Lawton Rd
4. Sanitary Sewer Discharge
5. EV Chargers
6. National Grid gas relocation
7. Clay Fire Department input
8. Architectural Elevations

The neighborhood plan – project site – is 9.57 acres which is divided by a zone line identified on the site plan. There is commercial HC-1 and everything to the south is residential R-7.5 zone. Mr. Napierala said that part and parcel was left over from the Lawton Valley subdivision over twenty-five years ago. Both the town board and planning board requested that this parcel remain commercial to serve the area but the residential portion in the south is the stormwater management facility for the entire Lawton Valley development. A landscape buffer is proposed for that area along that western property line consisting of Norway spruces along with a 6 ft. high stockade fence. There is approximately 370 ft from the fuel dispenser to the western property line. To the south is the stormwater management plan as shown on the drawing.

Mr. Napierala continued the presentation of the site plan and spoke on the egress exit from the Dunkin drive thru area. This will exit into a 30 ft lane to the east and back to get to the full access as shown on the drawing. Details are shown on the drawings about the circulation of the site plan showing ingress/egress.

Deputy Chair Borton said in this review of the site plan there seems to be too many circulation conflicts. Possibly the fuel pumps could be moved 30 ft to the west giving room to the drive thru exit. Deputy Chair Borton said that is what Chairman Mitchell suggested in the previous meeting. Mr. Napierala will look into this conflict.

Mr. Napierala discussed in his presentation the NYS DOT. The NYS DOT accepted the right in/right out. This documentation will be provided. DOT accepted the Stage 1 design development.

Mr. Napierala stated that town of Cicero and Clay highways had no concerns. Mr. Nicoletti, Clay highway superintendent, said Lawton Road is scheduled to be repaved in 2026. Deputy Chair Borton asked to have this in writing from Cicero and Clay highway having no concerns with this project.

Sanitary sewers were discussed at the September meeting. There would be no problem with sanitary sewers for this project per conversation with WEP.

EV Chargers are removed from this plan. There will be standard parking only.

Mr. Napierala said they are having conversations with National Grid regarding the 4" gas main and the relocation of it. Conversations are ongoing with National Grid.

Clay Fire Deputy Chief Meagher has reviewed the plan and it is acceptable. Documentation will be provided on this.

Architectural drawings will show height to highest peak at 31 ft. Site lighting drawings will be enlarged for legibility. Adjustments to lighting will be made with lighting vendor.

Mr. Napierala concluded his presentation and referred to the board for comments/questions.

Deputy Chair Borton said to add the requirements from town code to the zoning summary on the plans. Deputy Chair Borton said following the ZBA decision we have had a lot of residents here throughout this process and we want to make sure we do what we can for the landscaping and screening. Also, be sure to show the doorways for the Dunkin and Subway locations in the store. Mr. Napierala said the only outside doorway is for the bank. Dunkin and Subway doorways are located inside the store.

Mr. Palumbo discussed the plantings on the west side of the property. Evergreen symbols should be shown on the drawings. The choice of trees should be an 8 ft. white pine rather than blue spruce. Because the fence is 6 ft. the 8 ft white pine trees would be a better choice. The white pine will have a better canopy than the blue spruce over time. Also, the spacing should be tightened up from 30 ft to 20 ft for a more effective screen sooner. Mr. Palumbo also said the trees will do better not up on a berm as the trees will get more natural watering on the ground level.

Ms. Guinup discussed the paving of Lawton Road but questioned the deep ditches. The road is not really for commercial use. At a previous meeting this board was told no future second building being built. After discussion on this, there is only one building and that is what was approved. Ms. Guinup reiterated that there is one building with Dunkin and Subway entrances inside the convenience store and one outside entrance for the bank.

Mr. McMahon asked if a couple more layer of trees could be put in that open area as more of a buffer. Mr. Napierala will certainly look into this and did say there is already 360 ft. of separation to the residents' property line. Mr. Napierala said they are here to work with the town and residents. Deputy Chair Borton concurred and said this is very important to us for the residents and town. Mr. Palumbo added that some deciduous trees could be planted in the west area helping the residents.

Ms. Choberka is continuing working with the applicant on SWPPP.

Ms. Bennett, town attorney, stated that her firm has a conflict with Mirabito and until there is a waiver no legal advice will be provided to the planning board regarding this application. The Planning Board may need to seek alternate counsel if a waiver is not granted.

Deputy Chair Borton said this is a public hearing and asked if there are any comments/questions.

Ms. Yvonne Arnold, 5568 Wyandra Dr., presented a power point presentation. This power point presentation was also presented at the ZBA meeting October 13, 2025. Ms. Arnold said she was speaking on behalf of the Lawton Valley residents and had over 300 signatures not in favor of a Mirabito Shopping Center with fueling pumps. Deputy Chair Borton stated as far as the zoning, the town board has set a public hearing to address these concerns further and the presentation would be beneficial for the town board meeting. The Planning Board reviews site plan for the project within the confines of the zoning and interpretation of the law. Ms. Arnold then continued with the power point presentation. Again the question came up on the possible misinterpretation of the zoning from Ms. Arnold. Deputy Chair Borton said this is for the ZBA to

address not the planning board. The stacking of vehicles was shown and questioned. Mr. Napierala address this: The town code requires a stack of five vehicles. For the Dunkin there are five cars from the pick-up window to the order board, another seven cars from the order board to where the drive thru lane enters. Another seventeen cars before along the ring road that are allowed to stack. This was presented to the town board with the special permit application. The drive thru for the bank has five car stacking. Deputy Chair Borton said this was presented to the town board and this planning board through site plan review will check to be sure this stacking is accurate on the site plan. Discussion on the definition of a shopping center as the proposed bank is 1500 sq ft. and the rest of the building is a convenience store per Ms. Arnold.

Ms. Guinup stated the definition of a shopping center is one or two buildings with multiple uses. Mr. Bender, Commissioner of Planning and Development, stated from the code book the definition of a shopping center is two or more commercial uses in one or more buildings. Deputy Chair Borton said this is the reason this was sent to the ZBA for interpretation.

Ms. Guinup went on to explain the town board granted drive thru for this project and planning board has nothing to do with that. The ZBA issued interpretation that gas station is allowed and the shopping center is allowed. Unfortunately, the planning board is the third board of the town and we have to work with what is given to us within the confines. This board tries to make the site plan work for all parties, including the residents.

Future sidewalks were also discussed with pictures shown.

The homes located in the HC-1 zone are not part of the parcel being discussed for site plan.

The presentation was concluded with the last slide showing the signed sheet of the 300 residents opposing this project.

Deputy Chair Borton stressed that this board has to work with the confines but also take into consideration the residential area and residents. Deputy Chair Borton said this board will work with the architecture and landscaping of the project and will be open to ideas from the residents.

Mr. Michael Cousineau, 5537 Bingley Lane, addressed the board and asked if there was any plan for the southern part of the property. Ms. Guinup said we have not seen any revised plans yet. Mr. Napierala said the south side has the stormwater management area which is thoroughly overgrown and no buffer was planned at this time. We would entertain this at the board's request.

Mr. Ralph Turner, 4188 Riegel Course, asked about a body of water. Mr. Napierala said that is a wet pond design holding water in that south portion with areas above for the stormwater. This does not get touched.

Ms. Kate Durant, 5734 Boulia Dr., said in the ordinances of town of clay gas stations had to be a certain proximity from a major highway. This will be referred to the codes department.

Ms. Erika Rossman, 5515 Tobin Path, asked if there are future plans for the vacant parcel. Ms. Guinup said if there is another project they would come back for an amended site plan. Mr. Bender, Commissioner of Planning and Development, stated a special permit by the town board would be needed for a car wash. Ms. Rossman also asked if the traffic study took into consideration Micron facility and increased traffic.

Ms. Irene Sigafoos, 5495 Bingley Lane, spoke about the traffic congestion and the wildlife preserve for habitat. Deputy Chair Borton said the wildlife preserve is looked at during site plan with the Stormwater Management Program. Ms. Choberka, town engineer, reiterated and said this is addressed for safety designs during site plan review. Ms. Sigafoos would like to keep the area safe.

Mr. Matt Napierala said a complete traffic analysis was competed and will be sent to the planning board.

End of public comments.

Motion made by Mr. Henty to adjourn case #2025-026 to November 19, 2025. Seconded by Ms. Guinup.

Motion Carried: 5-0.

*Case #2025-035 – **Northern Credit Union** (5) – 5004-5008 West Taft Road – Special Permit Referral (Adj. 3)

And

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

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

Mr. Ballantyne said the changes were made as requested from the previous meeting.

Deputy Chair Borton had the following comments:

- In looking at the environmental resource mapper the road to the east being proposed has some informational wetlands. This needs to be looked into to be sure this road is feasible for the location.
- When this road will be constructed. Mr. Ballantyne said this would be a contingency plan if this parcel would be used in the future.
- Status of lighting plan. Mr. Ballantyne was not sure if the lighting plan has been submitted to DOT.
- Sidewalks. Mr. Ballantyne said Onondaga County Planning Board is opposed to sidewalks as there are no connecting points. This is needed in writing to the board.
- Drawings should *not* be stamped as preliminary.
- Cover sheet should show revision date.
- Building height is accurate and should be shown
- Label area for snow storage
- Show details of generator enclosure

Comments from the board:

Mr. Henty is good.

Ms. Guinup is good.

Mr. McMahon is good.

Mr. Palumbo questioned the latest drawing to be sure we have the latest drawing.

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

Deputy Chair Borton said more information is needed on the road before we can issue the special permit referral and continue to work on the site plan. Mr. Ballantyne said the only item to respond is the wetlands and cross easement agreement.

Motion made by Mr. Henty to adjourn case #2025-035 and case #2025-037 Northern Credit Union to November 19, 2025. Seconded by Ms. Guinup.

Motion Carried: 5-0

****Case #2025-046 – RailWorks Track Services, LLC – 862 Caughdenoy Road – Site Plan (Adj.1)**

Mr. Gary Hurta, B&B Engineers & Geologists, addressed the board. Updates were made to the site plan drawings.

- ✓ Provided building colors.
- ✓ Photometric plan was submitted. Mr. Henty said this was not acceptable as he had asked for changes. Mr. Hurta said they had spoken with the engineers and looked at alternative heights but could not change this. Mr. Henty said that is not acceptable as the lighting is close to Rt. 31 and Caughdenoy Rd. Mr. Henty maybe a variance will be needed. Ms. Birchenough, representing Micron, said the stockpile is 50 ft high so 80 ft lights allow illumination of the entire track for safety reasons. More discussion followed showing the exact location of the lights on the drawing. Mr. Bender will look into the code and the findings will be addressed at the next meeting. Mr. Palumbo said this 80 ft lighting is like stadium lighting with the direct bowl in your eye. Ms. Birchenough will take this information back for their review.
- ✓ Landscaping Plan – no current landscaping plan is planned for this project other than the vegetated grass areas of the site or the stormwater pond. Three areas were shown on the map that would provide screening. Mr. Palumbo referred to the northern property line there was a question of sound and what could be done as a sound barrier. Discussion followed on an acoustic backing put on the 10 ft. high fence. More details on this will be provided to the board. This will be added to the site plan so the board can research what type of sound barrier will be acceptable, including the durability.
- ✓ Future building has been removed
- ✓ Dumpster location is shown on site plan with details
- ✓ Setbacks on shown on drawings
- ✓ More dimensions are needed for buildings, parking spaces, roads, radius, etc.
- ✓ SWPPP- cross sections for the stormwater pond – traffic patterns identified. Deputy Chair Borton said the drawings need to be clearer with arrows showing one way (indicate which way). It was noted the arrows are there but too light to read.
- ✓ Culverts were addressed

Presentation concluded.

Questions from the board:

Deputy Chair Borton:

- ✓ Status of the decommissioning plan. This will be forthcoming.
- ✓ Architectural sheets need to show building height to peak
- ✓ Revision dates shown on cover sheet

- ✓ Variance case numbers and dates obtained shown on sheet

Mr. Henty:

- ✓ #14 and #15 are 80 ft. lights as shown on the drawing.

Ms. Guinup:

- ✓ Is the correspondence from CSX the signed agreement. No signed agreement as of this date but that letter was their approval to the board to move forward.
- ✓ Construction trailer. WEP is building a sanitary line and the construction trailers will be connected to the sanitary line. This should be noted on drawing.

Ms. Choberka said C&S Engineers are working with the applicant on SWPPP.

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

Motion made by Mr. McMahon to adjourn this case #2025-046 to November 19, 2025.
Seconded by Mr. Palumbo.

Motion Carried: 5-0.

****Case #2025-047 – Micron New York Semiconductor Manufacturing, LLC (3) – 5171 State Route 31 – Site Plan (Adj. 1)**

Mr. Jeff Maidment, Micron, is present to address the board. Mr. Maidment provided a power point presentation which is now on the town of Clay website. These included:

- Project Site Location
- Revised Drawings
 - Exterior Roadside Renderings
 - Exterior Point of View Drawings
 - Site Plan Phase 1
- Site Sector Examples
- SP-04 Civil Sector Example
- SWPPP-01 Civil Sector Example

Mr. Jake Raketich, Jacobs Engineering, went through each one of the slides.

The revised drawings show a ten-year growth of landscaping rather than the fifteen-year growth as previously presented:

- Caughdenoy Road and Highway 31
- Highway 31 looking west

Deputy Chair Borton asked why the landscaping plan does not extend all the way along Route 31. Mr. Raketich said this is just showing Phase 1. Deputy Chair Borton asked to have this landscaping extended out to screen the building from Rt. 31 for this phase. Mr. Raketich said this can be done. Mr. Palumbo said not just to show it but the understanding that this will be done to provide as much landscaping as possible. Future discussions will be done. Mr. Palumbo concluded with saying to tone down the stark look of the building and the sooner the plants are in the ground the better the look of the building over time.

- Caughdenoy Road
Mr. Palumbo suggested a mix of varieties to take away the sparse look between the evergreens. Mr. Palumbo suggested deciduous trees to fill in the space. And Mr. Palumbo pointed out that evergreens can get diseased and these deciduous trees will help with the variety mix. Mr. Palumbo also said some smaller trees (6 ft) can do better than 8 ft because of their root system and a variety of different heights can be beneficial for growth. This will be discussed further with the landscaping group.
- Barcaldine Dr and Highway 31
- East Site View – Building and Structure Highest Points
Discussions followed on the Site Sector Examples and what is needed by this board. This will be revised for the right level of detail. Mr. Palumbo added some clarification to the drawings as these drawings are showing quadrants. There could be match lines that cut through the whole site and match up each line to the next. This was a suggestion from Ms. Guinup and Mr. Palumbo. Jacobs Engineering understood this discussion and will work on this for the board. Deputy Chair Borton said as much information on one drawing is very helpful.

Discussion on the submittal of revised drawings prior to the next meeting. Mr. Bender, Commissioner of Planning & Development, brought up on the point that the applicant (and all future applicants) must adhere to the deadline dates.

Other questions from the board:

Deputy Chair Borton said on the drawings is shows “deferred”. Replace with “building” as this will be easier when pulling permits. Also put dimensions on buildings. Ms. Guinup showed Ms. Case on the drawings what is needed for permits.

Ms. Guinup said the bulk gas yard needs details and the type of tanks. Also, the 250 ft tallest building needs details. A drawing or photo with a write up will be acceptable.

Ms. Choberka, town engineer, is good.

Deputy Chair Borton said this is a public hearing and asked if there are any questions. Hearing none, she asked for a motion to adjourn this case.

Motion made by Mr. Palumbo to adjourn case #2025-047 Micron Site Plan to November 19, 2025. Seconded by Mr. McMahon.

Motion Carried: 5-0.

Motion made by Ms. Guinup to adjourn this meeting at 11:03 p.m. Seconded by Mr. Henty. Next meeting is November 19, 2025.

Motion Carried: 5-0.

Respectfully submitted,

Marie Giannone

Marie Giannone
Planning Board Secretary