

UNAPPROVED

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 19th day of November 2025. The meeting was called to order by Chairman Mitchell at 7:30 p.m. All joined in the Pledge of Allegiance and upon roll being called the following were:

<u>PRESENT:</u>	Russ Mitchell	Chairman
	Michelle Borton	Deputy Chair
	Karen Guinup	Member
	Hal Henty	Member
	Paul Graves	Member
	Jim Palumbo	Member
	Marie Giannone	Secretary to Planning Board
	Kathleen Bennett	Planning Board Attorney
	Ron DeTota	Town Engineer
<u>OTHER:</u>	Caitlin Choberka	Project Engineer, C&S Companies
	Brian Bender	Commissioner of Planning & Development

ABSENT: Al McMahon

A motion was made by Mr. Henty and seconded by Mr. Palumbo to approve the minutes of the October 22, 2025 regular meeting. Chairman Mitchell and Paul Graves abstained due to their absence at the October 22nd meeting.

Motion Carried: 4-0.

New Business:

Case #2025-052 – **James Nichols/Land of Nichols LD, LLC, (Sharkey's)** 7240 Oswego Road, Zone Change Referral (Adj. None)

Motion made by Ms. Guinup to adjourn Case #2025-052 James Nichols/Land of Nichols LD, LLC (Sharkey's) to February 11, 2025. Seconded by Ms. Borton.

Motion Carried: 6-0.

Old Business:

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

Mr. Pat Reynolds, (Ianuzi & Romans) is present to address the board on behalf of the applicant.

Mr. Reynolds said all the changes requested by the board have been done, including the County septic approval.

Chairman Mitchell asked if the board had any questions. None.

Chairman Mitchell said this is a public hearing and asked if there are any comments/questions. Hearing none, the chairman closed this hearing and asked for a motion.

Motion made by Mr. Palumbo. Mr. Chairman: In the matter of the application of planning board Case No 2023-006 for Wetzel Properties, LLC Emerald Lawn Care, 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 reasons: The proposed site is in keeping with the surrounding area. Seconded by Mr. Graves.

Motion Carried: 6-0.

Motion made by Mr. Palumbo. Mr. Chairman: In the matter of the application of planning board Case No. 2023-006 for Wetzel Properties, LLC Emerald Lawn Care, I move the adoption of a resolution using standard form #20 site plan, be granted based on a map by Ianuzi & Romans and L.J.R. Engineering PC, MAS Engineering and J&S Construction:

Sheet 1 – Oct. 13, 2022 (revised Sept. 25, 2025)

Sheet 2 – Feb. 1, 2023 (revised Sept 25, 2025)

Sheet 3 – Dec. 16, 2022 (revised Sept. 16, 2025)

Sheet 4 – Dec. 16, 2022 (revised Sept. 16, 2025)

Sheet 5 – Dec. 16, 2022 (revised Sept 16, 2025)

Sheet A-1 – Dec. 31, 2022

Sheet A-4a – Jan. 31, 2023 (revised with today's date and the dimension of the height of the building)

Conditioned upon approval of all legal and engineering requirements of the Town of Clay.

Other condition is the building shall be labelled on the elevations and Sheet A-4a be revised with today's date. Seconded by Mr. Graves.

Motion Carried: 6-0.

Case #2025-003 – **John E. Fisher Construction Co., Inc.**, 4593 Wetzel Road – Site Plan (Adj 4)

And

Case #2025-004 – **John E. Fisher Construction Co., Inc.**, 4593 Wetzel Road – Special Permit (Adj 4)

Motion made by Mr. Graves to adjourn Case #2025-003 and #2025-004 John E. Fisher Construction Co., Inc. to January 14, 2026. Seconded by Mr. Palumbo.

Motion Carried: 6-0.

Case #2025-009 – **Sonbyrne Sales, Inc./Byrne Dairy**, 7190 Buckley Road, Site Plan (Adj 7)

Mr. Christian Brunelle is present to address the board on behalf of the applicant.

Chairman Mitchell asked the board if there are any comments/questions. Ms. Borton and Ms. Choberka said comments are noted in the motion.

There were no comments/questions from the public. Chairman Mitchell closed this hearing and asked for a motion.

Motion made by Ms. Borton: Mr. Chairman: In the matter of the application of planning board case No. 2025-009 for Sonbyrne Sales, Inc./Byrne Dairy 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 declaration for the following reasons: The proposed project is consistent with existing town zoning and will not significantly impact traffic circulation, noise or community character. Seconded by Mr. Henty.

Motion Carried: 6-0

Motion made by Ms. Borton. Mr. Chairman: In the matter of the application of planning board case No. 2025-009 for Sonbyrne Sales, Inc./Byrne Dairy 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 Plumley Engineering dated, revised and numbered as listed on the title sheet dated September 2025, revised November 6, 2025 and architectural drawings by Donahue Group dated December 20, 2024 with the condition that no Certificate of Occupancy shall be granted until Onondaga County DOT approvals for driveway access and the project lighting plan are obtained in writing. Conditioned upon all legal and engineering requirements of the Town of Clay. Seconded by Mr. Henty.

Motion Carried: 6-0

Case #2025-015 – **Seneca Savings**, 5332 State Route 31, Site Plan – (Adj. 8)

Mr. Jesse Plumley, Plumley Engineering, is present to address the board on behalf of the applicant.

Chairman Mitchell asked the board if there are any questions/comments. None. The chairman said this is a public hearing and asked if there are any questions/comments. Hearing none, the chairman 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. 2025-015 Seneca Savings, 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: 6-0.

Motion made by Mr. Graves. Mr. Chairman: In the matter of the application of planning board case No. 2025-015, Seneca Savings, I move the adoption of a resolution using standard form #20 site plan, be granted based on a map by Plumley Engineering and Michael J. McCulley dated 3/25, 7/25, 8/25 and 10/25, revised 8/25 and 10/25 respectively as listed on the title sheet numbered C-101 and C-201, C-202, C-203, C-204, C-301, C-401, C-402, C-403, C-404, C-405, C-501, C-502, C-503 with McCulley map unnumbered but dated 10/30/2025. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Seconded by Mr. Palumbo.

Motion Carried: 6-0.

Case #2025-026 – **Kelly-Tobin Development/Mirabito Shopping Center**, 5566 State Route 31, Site Plan (Adj. 4)

Mr. Matt Napierala, Napierala Engineering is present to address the board on behalf of the applicant. Also present: Mr. Jim Ballantyne, Mr. Christopher Lynch. Mr. Jeff Davis, Barclay Damon, is also present if legal counsel is needed.

Mr. Napierala said all the changes were made as requested and presented a power point presentation with the changes shown.

- ✓ Shifting the canopy for better circulation
- ✓ Providing a clear separation of the drive thru exit paths
- ✓ Added additional parking
- ✓ Pedestrian access route off Route 31 added from a public comment
- ✓ Reviewed all the turn radius movements
- ✓ Landscaping comments from Mr. Palumbo were reviewed

- ✓ Correspondence provided from Town of Cicero public works, NYSDOT and Town of Clay public works (highway)
- ✓ Working with Ms. Choberka, C&S Engineer for town, on the stormwater management

Mr. Napierala concluded the power point presentation.

Chairman Mitchell said this is a simple building – it is a shopping center. The chairman questioned the gray areas between the pumping islands. Mr. Napierala said this is protecting the edge of the fueling area with screening for any oncoming vehicle that gets too close to the fueling area. More of a protection for the person fueling their vehicle.

Chairman Mitchell said he was surprised that NYS approved the ingress/egress configuration. Mr. Napierala said they have gone through a concept design to be sure that geometry of the right in /right out is the best that can be done to prevent illegal movements. Still in the works with NYS DOT.

Chairman Mitchell asked about the relocation of the gas line. Mr. Napierala said this will be relocated and this has been acknowledged by National Grid. This will be provided to the board in writing. This is still under discussions with Grid but will be finalized. Chairman Mitchell reiterated that this needs to be finalized.

Ms. Borton would like to see a copy of the circulation pattern discussed in the power point presentation. Also, the site lines need to be checked because of the landscaping for ease of traffic pattern. Signage needs to be addressed near the bank and Dunkin area showing which direction to enter/exit. The bank exit needs to be narrower so not to cause two vehicles stacked side by side. This will be addressed.

Mr. Palumbo thanked the applicant for the changes made to the landscaping plan. This will be a good mix of broad canopies. A three on one along this steep bank along the south side may be a concern. This will be addressed and Mr. Palumbo said the trees could struggle on a steep bank. Mr. Napierala said they are catching up the existing grade of the detention stormwater management facility. Mr. Palumbo questioned the snow plowing operation and said a tree at the end of the area may have to be moved as it could get destroyed from pushing snow. Mr. Palumbo concurred with Ms. Borton on the site line visibility for vehicles with the crabapple trees. This will be addressed.

Mr. Graves asked about snowplowing/lawn maintenance. Mr. Napierala said this would be contracted out. Mr. Graves said this could be a concern with snowplowing to protect the vegetation as it could get destroyed. Mr. Napierala said this will be addressed and will be discussed with the vendors.

Ms. Choberka said the SWPP has been received and everything has been addressed.

Chairman Mitchell said this is a public hearing and asked for any comments/questions. None.

Motion made by Mr. Henty to adjourn case #2025-026 to December 10, 2025. Seconded by Mr. Graves.

Motion Carried: 6-0.

Case #2025-035 – **Northern Credit Union**, 5004-5008 West Taft Road, Special Permit Referral for the drive thru, (Adj. 4)

Mr. Jim Ballantyne, Napierala Consulting, is present to address the board on behalf of the applicant. Mr. Ballantyne said they have revised and submitted the grading plan showing some setbacks from the informational wetlands as shown on the drawing.

Chairman Mitchell asked the board for questions/comments.

Ms. Borton asked with the changes made on the drawing regarding wetlands will a wetland permit be needed to build on the site. Mr. Ballantyne said for future development of the adjacent parcel a permit would be needed except for a residential property. Ms. Borton asked about the driveway on the end parcel. Mr. Ballantyne said that would be coordinated with the DEC. Mr. Ballantyne said it was noted that part of the original PDD for the site has a gravel road along the south end of the property (as shown). This would be available for grading and paving. Ms. Borton asked if consideration has been given to moving the stormwater basins further to the south and bringing the driveway north. Discussion followed on this as it would affect the future owner of the end parcel if it would be buildable. Ms. Borton said this is a site plan issue because it is a driveway that may not be feasible for future use. Access could be given to the east with existing parcels. This can be worked out at site plan review.

Mr. Palumbo – good

Mr. Graves – good

Chairman Mitchell said this is a public hearing and asked if there are any comments/questions. None. The chairman closed this case and asked for a motion.

Motion made by Ms. Guinup. Mr. Chairman: In connection with Planning Board Case No 2025-035, Northern Credit Union, 5004-5008 West Taft Road, Special Permit Referral, I move to forward to the Town Board using standard form #60 noting the comments from all board members. Seconded by Mr. Henty.

Motion Carried: 6-0.

Case #2025-037 - **Northern Credit Union**, 5004-5008 West Taft Road, Site Plan, (Adj. 4)

Mr. Jim Ballantyne, Napierala Consulting, is present to address the board on behalf of the applicant. Mr. Ballantyne said all the changes were made that were requested by the board.

Board members had no questions.

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 #2035-037 to January 14, 2026. Seconded by Mr. Palumbo.

Motion Carried: 6-0.

Case #2025-040 – **Derek Persse/Rich Family Subdivision**, Zone Change Referral (Adj. 2)

Motion made by Mr. Graves to adjourn Case #2025-040 to January 14, 2026. Seconded by Mr. Palumbo.

Motion Carried: 6-0.

Case #2025-041 – **Morgan Road Business Park**, Site Plan, (Adj. 2)

Motion made by Mr. Graves to adjourn Case #2025-041 to February 11, 2026. Seconded by Mr. Palumbo.

Motion Carried: 6-0.

Case #2025-044 – **Chad Mutter/7293 Buckley Road** – EV Charging Stations – Amended Site Plan (Adj. 1)

Motion made by Mr. Graves to adjourn Case #2025-044 to December 10, 2025. Seconded by Mr. Palumbo.

Motion Carried: 6-0.

Case #2025-050 – **Ironhorn Enterprises/Troy Bullock** – 7245 Henry Clay Blvd. – Amended Site Plan (Adj. 1)

Motion made by Mr. Palumbo to adjourn Case 2025-050 to December 10, 2025. Seconded by Mr. Graves.

Motion Carried: 6-0.

Case #2025-046 **RailWorks Track Services, LLC** – 8625 Caughdenoy Road, Site Plan (Adj. 2)

Mr. Hurta is present to address the board.

Mr. Hurta said since the last meeting we have submitted an updated site plan with the changes requested. The lighting plan was addressed at the previous meeting which covered the stock pile lighting. Mr. Hurta said the lighting at the emergency stock pile would only be used when the conveyor bringing aggregate over is not functioning which is unknown. The revised lighting and photometric plans are submitted.

Mr. Hurta said the updated revisions are:

- ✓ Cover Sheet showing revision dates of drawings
- ✓ Revision to the Stormwater modification
- ✓ Dumpster detailed drawings
- ✓ In and Out driveway shows traffic pattern
- ✓ Conservation areas will be marked
- ✓ Legends are on the site plan

Chairman Mitchell asked for an update for an acoustic barrier to be put up for resident protection in the southern area. Mr. Hurta said a letter was submitted stating no significant impact on the adjacent area. Noise monitoring will continue during construction. These barriers would be installed if there is a change in the noise levels.

Chairman Mitchell said this board protects the residents of the town of clay. In that regard the Chairman is requesting a barrier to be put up now to help the residents living in this area. We want to be proactive and we expect this to be done. Mr. Hurta said the barriers will be put up.

Mr. Henty said he did not think there were very many rail spurs close to a highway on the same level. He is concerned with "skyglow". This can be a traffic hazard. Mr. Henty some of the lighting drawings submitted are not legible and need to be blown up. Mr. Henty said then he will be able to see the type of lighting and vendors so a better review can be made. It was said that these drawings came from two different sources. This will be provided. Mr. Henty said full details are needed. Details of wall lighting on the trailers is also needed.

Mr. Graves picked up on Mr. Henty's concerns with lighting. Mr. Graves said the brightness of these LED's creating a blue hue can create a blindness to drivers. Depending on what type of fixture is used can take the blindspot away from the driver at night.

Ms. Borton asked what colors would be added to the fence area and acoustic barriers. This will be added to the fence area drawing. Earth tones are preferred. A letter from National Grid on the utility easement will be provided. Permits will be submitted to the town.

Ms. Guinup said on drawing C104 to remove “future” rail. Ms. Guinup asked about the span across Caughdenoy Road and how this will work if Rt. 31 is expanded. This has been taken into account for any widening or expansion. On sheet C501 remove “contractor shall supply shop drawings for order review etc. “

Mr. Palumbo – good
Mr. Graves – good

Chairman Mitchell said this is a public hearing and asked if there are any questions/comments from the public. None.

Motion made by Mr. Graves to adjourn case #2025-046 to December 10, 2025. Seconded by Mr. Palumbo.

Motion Carried: 6-0.

Case #2025-047 – **Micron Semiconductor Manufacturing**, 5171 State Route 31 – Site Plan, (Adj. 2)

Mr. Brian Lesko, Jacobs Engineering, and Mr. Jake Rakitech, Jacobs Engineering, are present to address the board.

Mr. Rakitech presented a power point presentation highlighting the updates made to date.

The power point presentation included: (a copy of this presentation is available on the website under “Micron”

- Cover Sheet Index Revision History
- Phase 1 Site Plan Naming (MOD1 and MOD2 Delineation)
- Engineering Sectors
 - Civil Site Improvements
 - Civil Site Underground Utilities
 - Landscaping
 - Lighting and Photometrics
- Bulk Gas Yard Description
- Additional Content and Updates
 - Updated Renderings
 - Updated Elevations

End of presentation.

Chairman Mitchell said he is pleased with the updates. Discussion followed with what is needed for the site plan. The chairman handed out a sheet with exactly what is needed to Mr. Rakitech. This is what this board looks at for site plan review and approval.

Discussion on existing and future wetlands on the drawings. This should be labelled as wetlands on the site plan.

Ms. Borton said more labelling on the site plan is needed. Examples of some changes are shown on the drawings.

Mr. Rakitech summarized the changes needed:

- ✓ Consolidate as much information as possible
- ✓ Use the sheets on the list given by the board
- ✓ Incorporate as much as possible, i.e. signs into one existing drawing
- ✓ More labelling (if no label – identify what it is)
- ✓ Make sure graphic legends are clear when it comes to asphalt paving (example)

Mr. Graves asked about the 35 ft light packs. One of these is close to Caughdenoy Road and asked what can be done to shield the lighting. This will be addressed.

Ms. Guinup asked what TO means. Trestle zero 7. Ms. Guinup asked about the dumpsters behind security gates. Passes are issued by the security guard to enter and leave for dumpster removal. Ms. Guinup asked about the conveyor dumping the aggregate. Grasshoppers move around and do not show on the site plan as these are mobile.

Mr. Henty asked how long the conveyor will be there. Until it is no longer needed. The rail will carry 60 cars per day and how long will it take to cross over other tracks. Ms. Case approximately 10 minutes for crossing.

Chairman Mitchell discussed flying balloons. Ms. Case this is still being discussed as there is a lot of liability associated with this.

Mr. Palumbo spoke about the Rt 481 Incinerator at Jamesville and the mix of trees. This is the effect we are looking for at this Micron facility on Route 31.

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

Mr. Ralph Turner, 4188 Rigel Course, asked about gases from the stack and how far the disruption is from the wetlands. Ms. Birchenough said the air permit is out for public comment which will be available on their website. The wetland permit is in front of Army Corp of Engineers for review.

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Ms. Christine Rawda, 4563 Quarry Point Circle, asked about the Oak Orchard water treatment and the path of this treatment from Micron to Oak Orchard. Ms. Birchenough said this is mapped out and available on the website.

Motion made by Mr. Graves to adjourn case #2025-047 to December 10, 2025. Seconded by Mr. Palumbo.

Motion Carried: 6-0.

Motion made by Mr. Graves to adjourn this meeting at 10:02 p.m. Next meeting is December 10, 2025. Seconded by Ms. Borton.

Motion Carried: 6-0.

Respectfully submitted,

Marie Giannone

Marie Giannone
Planning Board Secretary