

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 8th day of April 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
	Hal Henty	Member
	Paul Graves	Member
	Jim Palumbo	Member
	Al McMahan	Member
	Marie Giannone	Secretary to Planning Board
	Brian Bender	Commissioner of Planning & Development
	Amber Dillon	Planner – Planning & Development Department
	Kathleen Bennett	Planning Board Attorney
	Caitlin Choberka	C & S Engineer

OTHER:

<u>ABSENT:</u>	Ron DeTota	Planning Board Engineer
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Motion made by Mr. Graves to approve the minutes of the March 18, 2026 meeting. Seconded by Mr. Palumbo.

Motion Carried: 7-0.

Public Hearings:

New Business:

Case #2026-020 – **5380 Sweetheart Corner LLC/Sweetheart Corner Redevelopment** – 102 ½ Wally Road. Zone Change Referral.

Mr. Matt Napierala, Napierala Consulting, is present to address the board on behalf of the applicant. Mr. Napierala stated they are looking for a zone change for the 102 ½ Wally Road property from one family residential to regional commercial zoning (RC-1) to allow for future redevelopment at this corner location. Mr. Napierala said this is their first step for the redevelopment of this property. The Rite Aid structure will remain but will be converted to office/commercial. The existing coffee shop is part of this property and will also remain. The zone change will allow for additional parking. The change will be an outparcel drive thru bank on the west frontage of West Taft Road. There will be future parking and access to Wally Road. Mr. Napierala stated this is for a zone change and understands there are future steps to be taken as this project moves ahead. Next steps in working with Planning & Development will include:

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- ✓ Lot consolidation
- ✓ Existing non conformity in regards to setbacks will include an area variance application before the ZBA.
- ✓ Special Permit process for bank drive thru services and relocation of drive thru service at the Rite Aid building to another location.
- ✓ Site Plan Review

Chairwoman Borton said this was a good explanation of the process. This is for the zone change referral and this board will give their recommendation to the town board for the zone change. Comments were received from Onondaga County Planning regarding sidewalks and landscaping. This will be addressed during site plan review.

Comments/Questions from board members:

Mr. Henty asked if this parcel will merge to the other parcel in one tax map number. Mr. Napierala said yes. Mr. Henty said this is not that simple as a deed will be done and recorded. Chairwoman Borton said the details of that process will go through Planning & Development.

Mr. Palumbo said the drawing shows E Taft Road and should be changed to W Taft Road for clarification. Mr. Napierala said this will be changed. Mr. Palumbo asked if the “Sweetheart Market” sign will remain. Mr. Napierala said yes as this is a landmark.

Mr. Mitchell said this zone change is being done to widen the road and for additional parking. Mr. Napierala concurred.

Chairwoman Borton said this is a public hearing and asked if there are any comments/questions. Hearing none, the chairwoman closed this case. The town board will do SEQR.

Motion made by Mr. Graves: Mrs. Chairwoman: In the matter of the application of planning board case No. 2026-020 for 5380 Sweetheart Corner LLC/Sweetheart Corner Redevelopment I move to recommend to the Town Board using standard form #50 zone change recommendation; the petition be recommended for the following reason: The change has no significant detrimental effects. Seconded by Mr. McMahan.

Motion Carried: 7-0.

Old Business:

Case #2025-037 – **Northern Credit Union** – 5004-5008 West Taft Road, Site Plan, (Adj. 6)

The applicant is still working on their plans having some wetland issues and asked for an adjournment.

Motion made by Mr. Palumbo to adjourn case #2025-037 to May 13, 2026. Seconded by Mr. McMahan.

Motion Carried: 7-0.

Case #2025-044 – **Chad Mutter/EV Charging Stations** – 7293 Buckley Road, Amended Site Plan (Adj 5).

Applicant is still working on their site plan and asked for an adjournment.

Motion made by Mr. Graves to adjourn case #2025-044 to April 22, 2026. Seconded by Mr. McMahan.

Motion Carried: 7-0.

Case #2025-050 – **Ironhorn Enterprises/Troy Bullock (7245 Warehouse)**, 7245 Henry Clay Blvd., Amended Site Plan (Adj. 5)

Ms. Alex Samoray, Keplinger Freeman Associates, is present to address the board on behalf of the applicant

Ms. Samoray gave an update on the project:

- ✓ Working on the wetlands
- ✓ Requesting SEQR to be determined to continue the process with DEC for permitting
- ✓ Easement agreement has been reviewed for parking and Town Attorney is in agreement with what has been completed.

Chairwoman Borton said a motion was made to establish our intent to become Lead Agency. The EAF was circulated by the Planning Department. No one contested this. Part 2 and Part 3 of the EAF have been completed. Mr. Mitchell gave a recap of this as follows:

Part 2 Identification of Potential Project Impacts

1. Impact on Land – The proposed action may involve construction on land where depth to water table is less than 3 feet. Sub section a-j checked No, or small impact may occur
2. Impact on Geological Features – No
3. Impacts on Surface Water – The proposed action may affect one or more wetlands or other surface water bodies (e.g. streams, rivers, ponds or lakes). Sub section a-l checked No, or small impact may occur
4. Impact on groundwater – No
5. Impact on Flooding – The proposed action may result in development on lands subject to flooding. Sub section a-g checked No, or small impact may occur
6. Impacts on Air – No
7. Impact on Plants and Animals – No
8. Impact on Agricultural Resources – No

9. Impact on Aesthetic Resources – No
10. Impact on Historical and Archeological Resources = No
11. Impact on Open Space and Recreation – No
12. Impact on Critical Environmental Areas – No
13. Impact on Transportation – No
14. Impact on Energy – The proposed action may cause an increase in the use of any form of energy. Sub section a-e checked No, or small impact may occur
15. Impact on Noise, Odor, and Light – The proposed action may result in an increase in noise, odors, or outdoor lighting. Sub section a-f checked No, or small impact may occur
16. Impact on Human Health – No
17. Consistency with Community Plans – No
18. Consistency with Community Character – No

Mr. Mitchell continued with Part 3 Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

Negative impacts to US Army Corps of Engineers and/or NYSDEC jurisdictional wetlands and protected upland buffer will be avoided through compliance with required wetlands permits.

Negative impacts to the site's ground and surface water quality, existing drainage patterns, and the potential for increased erosion and turbidity will be avoided through compliance with SPDES General Permit for Stormwater Discharges from Construction Activity, and the Town of Clay's stormwater management regulations.

Determination of Significance – Type 1 and Unlisted Actions

SEQR Status – Type 1

Portions 1, 2 and 3 have been completed for this project.

Upon review of the information recorded on this EAF, as noted, plus this additional support information. Amended Site Plan Application and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Town of Clay Planning Board as lead agency that this project will result in no significant adverse impacts on the environment, and, therefore an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

End of Mr. Mitchell's recap.

Chairwoman Borton asked the board members if there are any questions/comments. None. The chairwoman said this is a public hearing and asked for any questions/comments. None. This case will be left opened and asked for a SEQR determination.

Motion made by Mr. Mitchell: Mrs. Chairwoman: In the matter of the application for planning board case No. 2025-050 for Ironhorn Enterprises, I move the adoption of a resolution that the proposed action is a unlisted action and will not have a significant effect on the environment and the resolution shall constitute a Negative Declaration for the reasons stated in Part III of the Environmental Assessment Form (EAF). Seconded by Mr. Graves.

Motion Carried: 7-0.

Motion made by Mr. Graves to adjourn Case No. 2025-050 to June 10, 2026. Seconded by Mr. McMahan.

Motion Carried: 7-0

Case #2026-009 **Donald Gabor**, 8150 Morgan Road, Preliminary Plat (Adj. 3)

The applicant requested an adjournment.

Motion made by Mr. Graves to adjourn Case No. 2026-009 to April 22, 2026. Seconded by Mr. McMahan.

Motion Carried: 7-0.

Case #2026-013 – **Scott Merle Builders** – 4095 & 4101 Elmcrest Road – Mauro Subdivision Preliminary Plat (Adj. 1)

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

Mr. Coyer stated the applicant proposed to take two existing tax parcels and subdivide into four parcels. There are two existing houses on Elmcrest Road and creating two buildable lots in the back off Mistral Circle. Mr. Coyer said the changes that were made are:

- ✓ Separate grading plan for Lots 3 and 4 in the back property
- ✓ Changed the proposed driveway from one shared driveway to two separate driveways
- ✓ Original private ingress/egress easement has been changed to just private utility easement
- ✓ Preliminary plans have been changed to remove the proposed houses and driveways and included in the contours of the map
- ✓ Final plan has been changed to remove the proposed house and driveway

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- ✓ There is a draft utility easement received by town attorney for review
- ✓ Confirmation that 4101 for commercial use will be ending as soon as the closing has occurred

Chairwoman Borton stated the utility easement agreement has been received and reviewed and ready for signature.

Mr. Bender said the zoning history for commercial use at 4101 Elmcrest Road has been reviewed and will be ending. Mr. Bender requested a confirmation letter be sent to the Planning Department that this has ceased. This will be recorded in the Clerk's office.

Chairwoman Borton asked about the fence in the drainage easement. Mr. Bender said after review it was determined it is not ideal for the board to approve preliminary plat without either adjusting the lot lines or maintenance encroachment agreement for the property owner. Mr. Coyer said the driveway on the east side will be taken out (as shown on the map). Chairwoman Borton asked about the vinyl fence shown on the plan. Mr. Coyer said it belong to a resident and will verify this for the board.

There were no questions/comments from the board.

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

Motion made by Mr. Graves to adjourn case #2026-013 to April 22, 2026. Seconded by Mr. McMahan.

Motion Carried: 7-0.

Case #2026-017 **Park Ridge TLE LLC** – 8233 Park Ridge Path – Special Permit (Adj. 1)

Motion made by Mr. Mitchell to adjourn case #2026-017 to April 22, 2026. Seconded by Ms. Guinup.

Motion Carried: 7-0.

Case #2026-018 **The Learning Experience (Park Ridge Path)** - 8233 Park Ridge Path Amended Site Plan (Adj. 1)

Motion made by Mr. Graves to adjourn case #2026-018 to April 22, 2026. Seconded by Mr. Palumbo.

Motion Carried: 7-0.

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**Case #2026-019 – Goguen Drive Realty/7835 Goguen Drive Contractors Service Yard
Amendment – 7835 Goguen Drive – Amended Site Plan (Adj. 1)**

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

Mr. Harrell gave an update:

- ✓ Title changed from Site Plan to Amended Site Plan
- ✓ Removed “proposed” from special permit
- ✓ Town Board case number is 1220 and put on drawing
- ✓ Stream location is visible on drawing
- ✓ Notes regarding Plumley Engineering have been removed
- ✓ Lighting plan notes have been removed

Mr. Harrell said there was a question from Mr. DeTota regarding the oil containment.

Chairwoman Borton said it appears that this plan is not the most recent and not reflective of what was built. There was a survey recently done after construction was completed.

Chairwoman Borton asked to clarify this. Ms. Choberka said there appears to be a light disturbance in the pond that was designed initially as part of the site plan and survey. Ms. Choberka said it would be helpful to have the survey. Mr. Harrell said the grading shown on the plan is the survey. Mr. Harrell said there was not a true survey. Ms. Choberka will check their files; if not Chairwoman Borton said a survey will be needed to show what was built. C&S will check further in their files to bring this up to date.

Further in this amended site plan review, Chairwoman Borton said this site needs to be more defined as to what type of materials/equipment are going in this site and the location. This yard can be filled up completely with material and exits could be blocked. This could also affect the proximity to the fuel storage tanks. Mr. Harrell said in theory at some point this service yard could be full. Chairwoman Borton said this could lead to fire apparatus not being able to get through in case of fire in the back of the yard. Chairwoman Borton looked to the board members for their input. Also, on the cover sheet of the plan the latest revisions need to be recorded. Chairwoman Borton asked about the water tank storage shown on the plan which states “water tank storage to occur in all gravel areas but not within 20 feet of designated fuel tank areas”. Mr. Harrell said that note has been on every plan. Mr. Harrell said that note was added from a previous comment made that water tanks will not be stored next to fuel tanks. Ms. Guinup said in looking at the drawings, the note is there but under a different number. This has been clarified.

Mr. Palumbo said going back to the situation that this was a project before and the stormwater management plan implemented as part of site plan approval with regard to MS4 and dealing with SWPPP, isn't it required of our town to have an "as built" done. Mr. Palumbo asked if there is a process that is followed by the town and require for these projects documentation that it was specifically built to comply with calculations that were provided. Mr. Bender said the planning department is working with C&S differently on SWPPP permits to track and document. Mr. Bender said what has been raised by Mr. Palumbo will be incorporated on the process moving forward. Ms. Choberka said in her reviews of a pond structure, a note and follow up is provided stating the stormwater management was constructed as designed and as built. Mr. Bender said as this board continues with the review process, the board may want to consider a condition that in time there would be validation checks or survey done for confirmation.

Mr. Harrell asked about the amended site plan being verified to change it and then verify it again. Mr. Palumbo said the point is that it needs to be in the end what it is suppose to be plus the work being done. Mr. Harrell asked why would this be verified now versus after the amended site plan to verify everything is correct. Chairwoman Borton said to verify what was constructed and C&S will look at this more closely. Ms. Choberka said she understands Mr. Harrell's concerns. Ms. Choberka further stated that if that approach was taken for every amended site plan construction could be whatever they want and not captured or corrected as you would be at the tail end trying to keep up with updates. Chairwoman Borton reiterated that C&S will look into this further.

Mr. Mitchell asked if the material/projects being done at the contractor service yard belong to Goguen. Mr. Harrell said there will be tenants/other contractors storing material/equipment. Mr. Harrell said this information as to who they may be has not been shared with him. Mr. Mitchell said on the original plan it was outlined where material/equipment would be stored on this site. Mr. Harrell said there is no specific type of material/equipment being stored at any given time. It will vary from pipes, catch basins, etc. Chairwoman Borton said right now this is a blank slate as where material will be stored whether it be top soil, gravel, pipes, catch basin and we need to have some location where material can be stored. Further Chairwoman Borton said this service yard could get filled up right to the fuel tanks and leaving no way in or out as this could potentially be a drop off for material; the suggestion would be to have a minimum drive by isle for access with clearance around the fuel tanks.

Mr. Henty said the problem is with Goguen's past history and the problems incurred.

Mr. Palumbo said the tenant should know their limitations of the service yard of orders and magnitude so that the right tenant attracted will facilitate them and not over burden the location. Mr. Palumbo said in looking at the plan these small areas are not defined with

description of material. Also, we have to be assured that the utilities are not jeopardized and proper clearance to access them. There needs to be a way for the town to enforce this when it gets out of control.

Ms. Guinup stated she has a problem with the area around the fuel tanks and more clearance is needed as material could be brought in and drop off in that area. This is in reference to what Mr. Palumbo addressed on material storage being dropped off.

Discussion followed among the board and Mr. Harrell on a drive isle in the service yard and more clearance for the fuel tanks. This could be 20 ft around front and side with less in the back. Ms. Guinup said if this stipulation is put on the drawing and a flat bed comes in and fills the site; codes department will be there as this area is known for being watched for violations. Chairwoman Borton asked Ms. Guinup if she is fine with Goguen filling in the entire area. Ms. Guinup said yes.

Mr. Harrell said 99% of the time there will be drive isle access but probably four times a year it could be filled up and he does not want a violation. Mr. Henty said contractors could use this site for their piping contracts as their work continues.

After much discussion, Chairwoman asked the board for some direction for Mr. Harrell for this project.

Chairwoman Borton would like to see a clearance off of these storage tanks that allows equipment and fire equipment to come in and move around it. A minimum 20 ft drive isle around front and side and less in the back.

Mr. Henty said this sounds good.

Mr. Palumbo said he agrees with clearance but would be fine if it was for the fuel tank east and south face access. Behind the tanks could be a minimum of 5 ft as this will stay cleared. Mr. Harrell asked if this note for the fuel storage tanks could be used when the tanks are on site. If there are no tanks then could a tenant use this space for storage. Ms. Guinup said no – if a tank is returned and that storage area is filled, where would the empty tank be stored.

Mr. Mitchell said no matter we do he is going to do what he wants and nobody is going to check. That is how it works. We are wasting our time.

Chairwoman Borton said limited clearance as long as there is access and to have this shown on the plan. 20 ft minimum around the front (approach) and side of tanks and less around the back for access and still use the storage space in between but will be clearly delineated.

There were no other questions from the board.

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This is a public hearing and asked if there are any questions/comments.

Ms. Janet Rathburn said that she drives by often but you cannot see in the yard.

Motion made by Mr. Graves to adjourn case #2026-019 to April 22, 2026. Seconded by M. McMahon.

Motion carried: 7-0.

Non-Public Hearing Items:

Case #2026-011 – **Maple Road Associates** – Maple Road, Final Plant (Adj .2)

There are a few issues to work out with C&S.

Motion made by Mr. Graves to adjourn this case # 2026-009 to May 27, 2026. Seconded by Mr. Palumbo.

Motion Carried:

Case #2026-014 – **Scott Merle Builders** – 4095 & 4101 Elmcrest Road – Final Plat (Adj. 1)

Motion made by Mr. Graves to adjourn case #2026-014 to April 22, 2026. Seconded by Mr. Palumbo.

Motion Carried: 7-0

Motion made by Mr. Mitchell to adjourn this meeting at 8:55 p.m. Seconded by Mr. Graves.

Motion Carried: 7-0.

Next planning board meeting is April 22, 2026.

Respectfully submitted,

Marie Giannone

Marie Giannone
Planning Board Secretary