

**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 9<sup>th</sup> day of October 2024. 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:

**PRESENT:** Russ Mitchell            Chairman  
Michelle Borton            Deputy Chair  
Karen Guinup            Member  
Al McMahan            Member  
Jim Palumbo            Member  
Paul Graves            Member  
Mark Territo            Commissioner of Planning & Development  
Marie Giannone            Secretary to Planning Board  
Kathleen Bennett            Planning Board Attorney  
Ron DeTota            Town Engineer

**ABSENT:** Hal Henty            Member

A motion was made by Mr. Graves and seconded by Mr. Palumbo to approve the minutes of the September 25, 2024 Regular Meeting.

**Motion Carried: 6-0**

**Public Hearings:**

**New Business:**

\*\*Case #2024-046 – **Michael's Farm** (3) 8073 Morgan Road – Preliminary Plat. Mr. Tim Coyer, Ianuzi & Romans, is present on behalf of the applicant.

Mr. Coyer said they are here for a preliminary plat application for the property located on the west side of Morgan Road, specifically right opposite Waterhouse Road. Mr. Coyer said the applicant is proposing to subdivide two parcels totaling 69.27 acres into 125 single family residential lots in a Residential R-10 zoning district. The preliminary plan shows residential lot sizes range from 11,250 sf for standard unencumbered lots, up to 1+ acre for lots containing significant wetland areas. The proposed road layout includes two connections to Morgan Road, one at Waterhouse Road and one approximately 800 feet south and a proposed road connection to Bordeaux Road to the north, a local street serving the Fairway East subdivision, but does not include a potential future connection further to the east where a 60' permanent right-of-way occurs. The DOT had no concerns and has given general approval for the road cuts with one modification with a 50-foot turn lane on Morgan Road.

Mr. Coyer said the wetland will be crossing in two locations. The plans show a permanent right-of-way and drainage easement crossing the rear portion of some proposed lots, following the railroad. Fifty-five (55) acres will be disturbed, approximately seventeen (17) acres of forest and brushland are to be removed and 100% of the site contains moderately to poorly drained soils.

Mr. Coyer is aware that they will have to go to the DEC and Army Corp of Engineers for the required permits before this can go forward. Mr. Coyer said initially they are trying to get SEQR determination so they can start the application process with the Army Corp. Mr. Coyer said some things may change as they go forward with the process but hopefully the general layout and configuration will remain.

Chairman Mitchell asked if the traffic study was done when school was in session. Mr. Coyer said no but adjustments were made to account for school year traffic. Chairman Mitchell had reservations when a traffic study is not done when school is in session. The Chairman would like Mr. Gordon Stansbury for more information regarding doing the traffic study when school is in session. Mr. Coyer agreed.

Chairman Mitchell read from Onondaga County Planning Board comments related to this project:

1. The residential building lots as shown indicate various conditions which may impact sensitive lands and create difficulties in monitoring and maintaining drainage areas and wetlands. The Board strongly encourages the following:
  - Removing residential building lots from conservation easement lands, to avoid encroachment of lawns/structures. Consideration of smaller lot size allowances and/or use of cluster subdivision provisions could assist in this regard.
  - Placing Conservation Easement lands as well as stormwater management ponds under separate ownership either by the Town, land trust or other partner to ensure long term management and maintenance, and to remove liability or other responsibilities from a private, residential landowner.
  - Ensuring a reliable funding mechanism for long-term maintenance of non-residential lands.
  - Ensuring adequate access easements are in place and labeled on subdivision plans for all conservation and stormwater management facilities on private lots.
  - Adding mechanisms for physical demarcation of easement boundaries on the site and clear communication of easement requirements and limitations on use of land to all future landowners.

Chairman Mitchell said this states that the County has concern because of the wetlands and we also concur. The chairman questioned how this would be enforced. The county also proposed Lot 53 to a permanent right-of-way to allow for connectivity with the adjacent lands to the north. Mr. Territo, Planning Commissioner, advised the chairman that the land behind Lot 53 could not be developed or have a road connection due to the wetlands, therefore a road connection would not be feasible and instead a building lot (lot 53) could be placed there.

Mr. Coyer said regarding the wetlands the DEC is having the wetlands put into one lot rather than dividing into separate lots as we have done in the past. Mr. Coyer said this could be vetted out as the permit process with the Army Corp. Mr. Coyer said if that is the case he has already spoken to the developer about putting the wetlands into one lot as a separate ownership or HOA.

Chairman Mitchell asked with the changes being made by the Army Corp in 2025, how will that affect this project. Mr. Coyer said these changes would not affect this project if the permit process and SEQR determination goes forward now. Ms. Bennett, town attorney, said to get it in writing.

Mr. Palumbo asked if it was a lot and is Army Corp, and does not have a buffer associated with it would the lot line follow the shape of the wetland. Mr. Coyer said in general. Mr. Palumbo said at some point if it was DEC and there was a buffer associated with it, that lot line would move out to the buffer edge and become a bigger lot including the area as shown on the plan. Mr. Coyer said right now this is Army Corp without the buffer. Mr. Palumbo said wetlands are changing and the buffer serves with DEC to grow and change. Mr. Coyer said the actual wetland buffer will not end up being the actual property line and the conservation easement will be put over the wetlands. Mr. Coyer said this will be dictated by the Army Corp. Mr. Palumbo asked if the wetlands are defined by topography – the low point of that area. Mr. Coyer said yes.

Chairman Mitchell has a concern for future residents in our town and how projects are put together.

Further to Chairman Mitchell's comment, Ms. Guinup asked Mr. Territo, planning commissioner, what the future resident impediments come with these lots. Mr. Territo said the home can be built but because of the easements there cannot be a shed, pool, fence on the property. Ms. Guinup said somehow these homeowners should be aware of this before purchasing property. Mr. Coyer said this is conveyed to potential home buyers. Mr. Coyer said a plot plan is shown to perspective buyer showing the easement and wetlands associated with the property. A note is put on the plot plan stating your lot is in the Army Corp of Engineers wetland regulated zone. Mr. Coyer also stated they let the perspective buyer know what cannot be put on that particular property because of wetland/easement. Mr. DeTota, town engineer, followed up with the loss in translation component regarding the easement issue. If the conservation easements were taken off the affected lots would the area requirements for R10 be met. Mr. Coyer will look into this.

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Ms. Borton said we don't know where the lots will be located yet in order to do a SEQR determination.

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

Motion made by Ms. Borton: Mr. Chairman: In the matter of planning board case No 2024-046 for Michael's Farm, 8073 Morgan Road – Preliminary Plat, I move the adoption of a resolution that the proposed action is a Type 1 action and it is the Planning Board's intent to act as Lead Agency for the purposes of SEQR. The Planning Commissioner is directed to circulate a letter stating this intent to all interested and involved agencies, along with Part I of the EAF. Further, this letter of intent shall request that each interested or involved agency reply to the Town of Clay Planning Board directly with their comments and concerns on the project. Seconded by Mr. Graves.

**Motion Carried: 6-0.**

Mr. Coyer asked the board specifically what is needed to move forward. Chairman Mitchell said the board needs the traffic study. Ms. Borton referred to SWPPP (Stormwater Pollution Protection Plan) and to make sure the stormwater facilities are at least feasible as our town engineer will be taking a closer look. Ms. Bennett, town attorney, would like to see a wetland delineation with jurisdiction on determination from the Army Corp and DEC.

Motion made by Mr. Graves to adjourn Case 2024-046 Michael's Farm to November 20, 2024. Seconded by Mr. Palumbo.

**Motion Carried: 6-0.**

\*\*Case #2023-006 – Emerald Lawn Care/Wetzel Road Properties, LLC (3) – 4663 Wetzel Road – Site Plan (Adj. 13)

Motion made by Mr. Graves to adjourn Case #2023-006 Emerald Lawn Care/Wetzel Road Properties to January 8, 2025. Seconded by Mr. McMahon.

**Motion Carried: 6-0.**

\*\*Case #2023-042 – Amerco Real Estate Company/U-Haul (3) – 8015 Oswego Road – Amended Sit Plan (Adj. 10)

Motion made by Mr. Graves to adjourn Case #2023-042 Amerco Real Estate Company/U-Haul to January 8, 2025. Seconded by Mr. McMahon.

**Motion Carried: 6-0.**

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**\*\*Case #2023-052 – Mike Tormey/Buckley Warehouse (3) – 4583 Buckley Road – Site Plan (Adj. 7)**

Motion made by Mr. Graves to adjourn Case #2023-052 – Mike Tormey/Buckley Warehouse to November 20, 2024. Seconded by Mr. Palumbo.

**Motion Carried: 6-0.**

**\*\*Case #2024-009 – Clay Commons Subdivision/Justine’s Canine Care Training Facility (3) – adjacent to Clay Commons Plaza, Oswego Road, Preliminary Plat (Adj.3).**  
The applicant requested a withdrawal of this case. Case withdrawn.

**\*\*Case #2024-010 – Justine’s Canine Campus (3) – Clay Commons Plaza, Oswego Road – Site Plan (Adj. 3).** The applicant requested a withdrawal of this case. Case withdrawn.

**Case #2024-008 Justin’s Canine, - Clay Commons, Oswego Road – Final Plat (Adj. 3)**  
The applicant requested a withdrawal of this case. Case withdrawn.

**\*\*Case #2024-012 KRSM Subdivision (Buckley Warehouse) (3) – 4583 Buckey Road – Preliminary Plat (Adj. 4).**

Motion made by Mr. Graves to adjourn Case #2024-012 KRSM Subdivision (Buckley Warehouse) to November 20, 2024. Seconded by Mr. McMahon.

**Motion Carried: 6-0.**

**\*\*Case #2024-023 Buck Subdivision First Amended/Train Hard Fitness I, LLC (3) – 8180 Oswego Road – Preliminary Plat (Adj. 3).**

Motion made by Mr. Graves to adjourn Case #2024-023 Buck Subdivision First Amended/Train Hard Fitness to October 23, 2024. Seconded by Mr. Palumbo.

**Motion Carried: 6-0.**

**\*\*Case #2024-031 Whitestone Apartments (3) NYS Route 31 – Site Plan (Adj. 4)**

Mr. Ben Harrell, CHA, is present to address the board on behalf of the applicant. Also present is Mr. Justin Mirando, Whitestone Development Partners.

Mr. Harrell said they completed the items requested by the board as follows:

- ✓ Sent in revised SEQR
- ✓ Revised SWPPP based off of the latest site plan

- ✓ Submitted all the wetland permit applications currently on hold pending SEQR determination

Chairman Mitchell asked when the white house will be demolished on the property. Mr. Harrell said it will be demolished with site plan approval. Mr. Harrell said they cannot close on the property until they have site plan approval. Ms. Guinup said the lots will be combined as part of the project. Mr. Harrell said yes.

Ms. Borton said the connection easements need to be shown on the plan, specifically the road, west side and property line. Mr. Harrell will add the easements on the plan.

Ms. Borton asked about the DOT traffic study. Mr. Harrell said that was submitted in June and are waiting for their response.

Ms. Borton said they would like to see the sidewalks extended on Rt. 31 (as shown on map) and lighting needs to be added on the walkway which leads back to the apartments. Right now the lighting just spills on it.

Ms. Borton said the triangular lot on the northeast portion of the property should be noted on the plan that it is used for density for the apartments. This would be used as a future reference in the event that it could be subdivided off.

Ms. Guinup asked about the pedestrian walkway over the water. Mr. Harrell said this pedestrian walkway has a much lesser impact on the wetlands and is a nice feature.

Mr. Jeff Mirando, Whitestone Development Partners, spoke about this site plan and what needs to be done to move it forward. Ms. Borton said a letter accepting the traffic study from DOT is needed. Ms. Guinup said to be sure the latest revision date is on the site plan.

Motion made by Mr. Graves to adjourn Case #202-031 Whitestone Apartments to October 23, 2024. Seconded by Mr. McMahan.

**Motion Carried: 6-0.**

\*\*Case #2024-038 – North Syracuse Lodging Group, LLC (Marriot) (3) – 8505 Pepperidge Way – Site Plan (Adj. 4)

Chairman Mitchell said the one issue has been addressed. The chairman asked if there are any questions/comments from the public as this is a public hearing. None. The chairman closed this hearing.

Motion by Mr. Graves: Mr. Chairman: In the matter of the application of the planning board case No. 2024-038 for North Syracuse Lodging Group, LLC, 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 by Mr. Graves: Mr. Chairman: In the matter of the application of the planning board case No. 2024-038 for North Syracuse Lodging Group, LLC, I move the adoption of a resolution using standard form #20 – site plan, be granted based on a map by CHA dated April 12, 2024, final revision August 20, 2024, numbered listed on the cover sheet C-001, survey by Moore Land Surveying dated August 16, 2018, File No 17-46-1, and architectural drawings from Mussachio Architects dated July 29, 2024, numbered 223059-1, 223059-2 and 223059-3. Conditioned upon approval of all legal and engineering requirements of the Town of Clay. Seconded by Mr. Palumbo.

**Motion Carried: 6-0.**

\*\*Case #2024-043 – 7 Brew Coffee (3) – 3906 Brewerton Road, Site Plan (Adj. 3).

Mr. Larry Alder is present to address the board on behalf of the applicant. Mr. Alder said the items were addressed from the previous meeting and also met with the town assessor. Discussion followed with the board members on the following items:

- Letter from Mr. Muraco was received for the file.
- Dumpster moved to back of building which has a back door and will match siding on the building, same material.
- Concrete plan is not called for in dumpster area.
- Ms. Guinup and Mr. Alder discussed the discrepancies on the sheets regarding signage. Ms. Guinup said sheets do not match what is noted on the Key Notes. Mr. Alder will make corrections.
- Parking spaces do not add up. Summary sheets states 92. Change to 85.
- Color rendering needs to be shown on architectural sheet.
- Owner preference to use salvage blocks from the adjacent building demo. Will update to use split block for enclosure.
- Picture of canopy will be provided for the board.
- Need mounting height for lighting.
- Signs are a separate application permit.

Chairman Mitchell said we need just the pages affected by the changes. A full set is not necessary.

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Mr. Palumbo spoke on the landscaping that was submitted. The dumpster area needs evergreens such as arborvitae to soften the dumpster area. The entrance areas need better plantings to withstand the winter elements. Mr. Palumbo suggested ornamental grasses.

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

Motion made by Ms. Borton to adjourn case # 2024-043 to October 23, 2024. Seconded by Ms. Guinup.

**Motion Carried: 6-0.**

Case #2024-013 **KRSM Subdivision** – 4583 Buckley Road – Final Plant (Adj. 1)

Motion made by Mr. Graves to adjourn Case #2024-013 KRSM Subdivision to November 20, 2024. Seconded by Mr. Palumbo.

**Motion Carried: 6-0**

Case #2024-024 – **Train Hard Fitness** – 8180 Oswego Road – Final Plat

Motion made by Mr. Graves to adjourn Case 2024-024 Train Hard Fitness to October 23, 2024. Seconded by Mr. Palumbo.

**Motion Carried: 6-0.**

**Signs**

Rapp Signs – Dunkin’ – 5194 West Taft Road, Zoned LuC-2, Permit #54,572

3 – Wall Signs – A 30.6 square foot, internally illuminated Led Wall Sign is proposed when 64 square feet is allowed. A 17.17 square foot, internally illuminated Led Wall Sign is proposed when 67.2 square feet is allowed. A 15.8 square foot, internally illuminated Led Wall Sign is proposed when 61.6 square feet is allowed. This sign will meet code.

This is a name change from Dunkin Donuts to Dunkin’.

Motion made by Mr. Graves for 3 wall signs on Permit #54,572, A 30.6 square foot, internally illuminated Led Wall Sign is proposed when 64 square feet is allowed. A 17.17 square foot, internally illuminated Led Wall Sign is proposed when 67.2 square feet is allowed. A 15.8 square foot, internally illuminated Led Wall Sign is proposed when 61.6 square feet is allowed. Seconded by Mr. McMahan.

**Motion Carried 6-0.**



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Kassis Signs – TJ's Hydroponics – 4205 Long Branch Road, Zoned RC-1, Permit #54,569.  
1 Wall Sign – A 28 square foot, internally illuminated Led Wall Sign is proposed when 38 square feet is allowed. This sign will meet code.

Motion made by Mr. Graves to approve 1 wall sign, 28 square foot internally illuminated Led Wall sign on Permit #54,569. Seconded by Mr. Palumbo.

**Motion Carried: 6-0.**

Ray Nasoni Signs – Graze Craze – 4599 NYS Rout 31, Zoned PDD, Permit #54,581

1 Wall Sign – A 28.3 square foot internally illuminated Led Wall Sign is proposed when 69.12 square feet is allowed. This sign will meet code.

Motion made by Mr. Graves to approve 1 wall sign 28.3 square foot internally illuminated Led Wall sign on Permit #54,581. Seconded by Mr. Palumbo.

**Motion Carried: 6-0**

Motion made by Mr. Graves to adjourn this meeting at 9:05 p.m. Next meeting is October 23, 2024. Seconded by Mr. Palumbo.

Motion Carried: 6-0

Respectfully submitted,



Marie Giannone  
Planning Board Secretary