

**A P P R O V E D**

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 23rd 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  
Hal Henty Member  
Paul Graves Member  
Mark Territo Commissioner of Planning & Development  
Marie Giannone Secretary to Planning Board  
Ron DeTota Town Engineer

**ABSENT:** Jim Palumbo Member  
Kathleen Bennett Town Attorney

A motion was made by Mr. Graves and seconded by Mr. McMahan to approve the minutes of the October 9, 2024 Regular Meeting.

**Motion Carried: 5-0.** (Mr. Henty abstained due to his absent at the 10/9/24 meeting).

**Public Hearings:**

**New Business:**

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

And

\*Case #2024-049 – **Mirabito Energy Products (5)** – Route 31 at Lawton Road, Special Permit for a drive-thru for a bank

Chairman Mitchell said these two cases did not get referred to us from the town board and cannot be discussed.

Motion made by Mr. Graves to adjourn Case #2024-048 and Case #2024-049 Mirabito Energy Products, Special Permit Referral for drive thru coffee shop and drive thru for a bank is adjourned to December 11, 2024. Seconded by Mr. McMahan.

**Motion Carried: 6-0**

**\*\*Case #2924-050 – Pack Rat Storage (3), 4717 Wetzel Road – Amended Site Plan.** Mr. Tim Coyer, Ianuzi & Romans, is present to address the board on behalf of the applicant.

Mr. Coyer briefly gave a recap of the site plan which was approved in 2022. Five of the proposed storage buildings were constructed which put the other buildings on hold. Mr. Coyer said campers and trailers were stored at the outside facility in violation of town code. Mr. Coyer said they are here at the board for a revised site plan, showing it as a two-phase site plan. The first phase is what has already been constructed with the five existing buildings with the gravel area and the proposed outside storage that be in theory is the first phase already built. In about two years remove the outside storage area and construct actual buildings that were originally approved in the original site plan. Phase 2 is the original approved site plan with just the seven originally approved outside storage spaces near Wetzel Road.

Mr. Coyer said they are asking to use the existing gravel area for outside storage until the time comes that they plan construct the remaining buildings.

Chairman Mitchell said Phase 2 is eliminated and will not be part of this site plan. This can be changed to Amended Site Plan.

Chairman Mitchell opened up to the board the planting of at least five-foot trees along Henry Clay Blvd. that would block the site line. Mr. Palumbo, planning board member, will address this further at the November 20, 2024 meeting. The chairman also addressed the vegetation that is in the front site of Wetzel Road. And, parking in the area should be kept organized with the proper striping.

Mr. Coyer said they will address the trees for planting along Henry Clay Blvd and will report at the next board meeting

Ms. Borton said to be sure the gravel area is delineated to show what the limits are on the drawing. Also, easements should be identified on the drawings. Landscaping will be avoided with the easements.

Ms. Guinup asked about the proposed fire hydrants. Mr. Coyer said there are two fire hydrants proposed. Chain Link fence has been installed.

Ms. Guinup said she is not comfortable with this revised plan as the original site plan called for a small amount of outside storage and could be a visual problem. To hide this a vinyl fence was installed. Now there is being proposed a huge area of outside storage with nothing to hide it. Trees take a long time to grow. Ms. Guinup would like to see vinyl fencing in that area. Ms. Guinup also concurs with the chairman and Ms. Borton that we need to have an as built and what is being proposed plan.

Mr. Henty also concurs.

Mr. DeTota, town engineers, needs the following:

- ✓ Updated cover sheet with revision dates

- ✓ Right of way map needs to be provided

Mr. DeTota said on the drawing C2.0 there is a bio retention area which states:

Bioretention soil shall be verified and certified by design engineer, contractor shall provide design engineer with soil samples (3 one-gallon containers) and sieve analysis prior to installation. Contractor to notify design engineer prior to placement to arrange for inspection. The in-place planting soil shall exhibit a permeability rate of 0.5"/Hr. Minimum.

Mr. Coyer will contact the design engineer for documentation.

Chairman Mitchell asked the public for any comments/questions as this is a public hearing.  
None.

Motion made by Mr. McMahon to adjourn case #2024-050 Pack Rat Storage to November 20, 2024. Seconded by Mr. Henty.

**Motion Carried: 6-0.**

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

Mr. Eric Valentyn, FTI/Mach One, is present to address the board on behalf of the applicant. Mr. Valentyn said they are looking to install four (4) EV charging stations at Panera on Rt 31.

Chairman Mitchell said the area for the charging station is near the drive thru location and would like to see the EV station at the furthest east side parallel to the road to the strip mall.

Ms. Borton asked what this does to the present parking count. Mr. Valentyn said this would still be used for general parking. Mr. Territo, planning commissioner, stated this could be used for non-patrons also. Chairman Mitchell said this is part of the equation for total parking at the restaurant whether you patronize the restaurant or not. Mr. Valentyn said the final parking count would be 83 spaces. Ms. Borton said the cover sheet needs to be updated to show amended site plan and revision date.

Mr. Graves said sheet C.1 shows 52 parking spaces and should be corrected to 83. Mr. Valentyn will make the correction. Ms. Borton said that is needs to state "Required by Codes" on sheet C.1 Parking.

Chairman Mitchell asked the public for any comments/questions as this is a public hearing.  
None.

Motion made by Mr. Graves to adjourn case #2024-052 EV Charging Stations/Panera to November 20, 2024. Seconded by Mr. McMahon.

**Motion Carried: 6-0.**

**\*\*Case #2024-053 – Proposed Hotel at Wegmans Great Northern site (3) – 3955 Rt. 31 – Site Plan**

Mr. Mike Ritchie is present to address the board on behalf of the applicant. Mr. Ritchie said the applicant is proposing construction of a 4 story, 103 room hotel in the southeast corner of the site. The hotel will have driveway connections to the existing on-site access road and to the eastern internal road of the Wegmans parcel. The proposed driveway has two access points to the hotel parking lot which surrounds the hotel. 103 parking spaces are currently proposed with an additional 55 along the site's eastern boundary and southern boundary as possible future land banked parking. Landscaping, lighting and architectural have been provided with this plan for review. A new connection to public sewers is proposed to serve the hotel as the site is located in the Oak Orchard Wastewater Treatment plant service area. Multiple easements are present on the site as shown on the drawings. Stormwater management basins occur along the western parcel boundary. The necessary permit will be obtained by the applicant from DEC prior to town approval.

Chairman Mitchell advised Mr. Ritchie that 24 x 36 sheets are required. Mr. Ritchie understood. Chairman Mitchell gave Mr. Ritchie a copy of Onondaga County Planning Board comments. The chairman also said there will be no banked parking in the setbacks. Town parking spaces are 20 x 9.5 ft. Mr. Ritchie said they have applied for a variance for parking to be at 9 x 18 ft. Square footage should be on building drawing. The chairman received a letter from the fire marshal suggesting where the fire hydrants should be located. Mr. Ritchie will address this issue. Radius is good for turning.

Chairman Mitchell advised Mr. Ritchie to meet with our town engineer for further discussions/reviews on this project. Mr. Ritchie will reach out to Mr. DeTota.

Mr. Graves asked about the turning radius for the hotel as it seems rather tight. Mr. Ritchie will address this with the fire marshal to be sure this is correct and provide clarification on this.

Ms. Borton asked about the possible future access road. Proposing to stub the road which Wegmans owns up past the hotel for future planning. Clarification will be needed as the board moves forward on this proposed site plan. Lot line adjustments have been submitted. Also copies of easement will be required before site plan approval.

Ms. Guinup said the lot line adjustments should have been taken into consideration to make the lot larger to accommodate parking. Dumpster detail needs to be on the detail sheet of the site plan.

Mr. Henty will need the photometric plan. This will be provided.

Ms. Borton said the two outdoor patios look nice on the renderings but would need more detail. No fire pits are being proposed, but bollards should be placed for safety of vehicles.

Chairman Mitchell would like the hotel drawing on a 30 x 30 sheet. This will be provided.

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Mr. DeTota will meet in the future to discuss engineering in detail.

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

Motion made by Mr. McMahon to adjourn Case #2024-053 to January 8, 2025. Seconded by Mr. Graves.

**Motion Carried: 6-0**

\*Case #2024-054 – **Empower Parkinson Wellness Center** (5) 4886-4888 West Taft Road –  
Special Permit Referral

This case did not get referred to us from the town board.

Motion made by Mr. Graves to move case #2024-054 Empower Parkinson Wellness Center off  
the agenda. Seconded by Mr. McMahon.

**Motion Carried: 6-0**

**Old Business:**

\*\*Case #2024-023 – **Buck Subdivision First Amended/Train Hard Fitness I, LLC** (3) 8180  
Oswego Road – Preliminary Plat (Adj 4)

Mr. Tim Coyer, Ianuzi & Romans, is present to address the board. There were not any questions  
from the board or the public.

Chairman Mitchell closed the public hearing.

Motion made by Mr. Graves. Mr. Chairman: In the matter of the application of the planning  
board case no. 2024-023 for Buck Subdivision First Amended/Train Hard Fitness I, 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 declaration for the following reason: it is keeping in the use of the area. Seconded by  
Mr. McMahon.

**Motion Carried: 6-0**

Motion made by Ms. Guinup to move preliminary plat to final plat on case #2024-024.  
Seconded by Ms. Borton

**Motion Carried: 6-0.**

Motion made by Mr. Graves. Mr. Chairman: In the matter of the application of the planning  
board case no. 2024-024 for Buck Subdivision First Amended/Train Hard Fitness I, LLC, I move  
the adoption of a resolution using standard form #40 final plat be granted based on a map by  
Ianuzi & Romans dated April 1, 2024 and numbered 12689.001. Seconded by Mr. McMahon.

**Motion Carried: 6-0**

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**\*\*Case #2024-031 – Whitestone Apartments (3) NYS Route 31 – Site Plan (5)**

Mr. Ben Harrell, CHA, is present to address the board on behalf of the applicant. Mr. Harrell said all items were addressed and are requesting a negative declaration this evening,

Chairman Mitchell asked that they work on cross access for right in/right out at the site location. Mr. Harrell agreed.

Ms. Borton said Part 2 and 3 of the EAF have been completed and small and moderate impacts were identified:

Impacts on Land  
Impacts on Surface water  
Impacts on Flooding  
Impacts on Plants and Animals  
Impact on Aesthetic Resources  
Impact on Historic and Archeological Resources  
Impact on Transportation  
Impact on Energy  
Impact on Noise, Odor and Light

Part 3 states negative impacts to Army Corp of Engineers and/or DEC jurisdictional wetlands, protected upland buffer, and protected bat species 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.

Motion made by Ms. Borton: Mr. Chairman: In the matter of the application for planning board case no. 2024-031, Whitestone Apartments, I move the adoption of a resolution that the proposed action is a Type I 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 Ms. Guinup.

**Motion carried: 6-0.**

Motion made by Mr. Henty to adjourn case #2024-031 Whitestone Apartments to November 20, 2024. Seconded by Mr. McMahan.

**Motion Carried: 6-0.**

**\*\*Case #2024-032 Trinity Assembly of God (3) – 4398 St. Rt. 31, Amended Site Plan (Adj. 4)**

Motion made by Mr. Henty to adjourn Case #2024-032 Trinity Assembly of God to November 20, 2024. Seconded by Ms. Guinup.

**Motion Carried: 6-0.**

\*Case #2024-041 – **McDonald's USA** (5) – corner of West Taft Road & Cedarpost Road –  
Special Permit Referral (Adj. 2)

Chairman Mitchell said McDonald's is not ready to come before this board at this time.

Motion made by Mr. Graves to adjourn case #2024-041 McDonald's to January 29, 2025.  
Seconded by Mr. McMahon.

**Motion Carried: 6-0.**

\*\*Case #2024-043 – **7 Brew Coffee** (3) – 3906 Brewerton Road, Site Plan (Adj. 4)

Mr. Larry Alder is present to address the board on behalf of the applicant.

Chairman Mitchell said this board made improvements to the cover sheet effective this evening and advised Mr. Alder nothing can be done until the board receives the revised changes on the cover sheet with Mr. Muraco's signature. The Chairman will then sign off on this. Mr. Alder agreed.

Chairman Mitchell asked the board and the public if there are any comments/questions. Hearing none, the chairman closed the public hearing.

Motion made by Ms. Guinup. Mr. Chairman: In connection with the unlisted action of the Planning Board Case No. 2024-043, I move the adoption of a resolution using our standard form no. 10 that for SEQR purposes the Site Plan proposed by 7 Brew Coffee be declared to be a negative declaration as there appears to be no major environmental impacts that could not be mitigated. This action does not involve any other agencies, including the Federal Government.  
Seconded by M. Borton.

**Motion Carried: 6-0.**

Motion made by Ms. Guinup. Mr. Chairman: In connection with Planning Board Case No 2024-043, I move the adoption of resolution using our standard form no. 20 granting Site Plan approval to 7 Brew Coffee based on a map by John Kely dated April 3, 2024 revised October 11, 2024 showing drawing no. C2.1. Also included in this motion are the following drawing nos, all dated 4/3/2024: C0.0 revised 10/23/2024, C0.1 no revision, C1.1 revised 10/1/2024, C1.2 revised 9/13/2024, C1.3 revised 8/7/2024, C1.4 revised 10/1/2024, C2.0 revised 10/11/2024, C3.1 revised 7/16/2024, C4.1 revised 10/1/2024, C5.1 revised 10/11/2024, C6.1 revised 10/11/2024, C7.1 no revision, C7.2 no revision, C7.3 revised 10/1/2024 all revisions by John Kelly. The following drawing nos. all dated April 4, 2024 by Adam Kreher: A2.1 revised 6/20/2024 A2.2 revised 6/20/2024, A6.1 revised 10/15/2024, AS6.1a no revision, A6.2 revised 10/15/2024, A7.1 revised 6/20/2024.. The following drawings by Ryan Jones dated April 4, 2024 revised 10/2/2024 SU1.1 and SU1.2.

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A copy (attached) of the revised C0.0 Cover Sheet has been given to the applicant as a guide to follow showing the drawing numbers, descriptions, dates and revision dates of all drawings to be include in the final package for the Planning Department.

Subject to the following conditions:

1. No building signage is included in this motion.
2. All final drawings must have professional stamps and signatures.
3. No demo or building permits can be pulled until a final complete set, as indicated on the C0.0 revised 10/23/2024 Cover Sheet, of drawings with the property owners' initial on each drawing is received by the Planning Department.

All legal and engineering requirements of the Town of Clay. Seconded by Ms. Borton.

**Motion Carried: 5-1.**



7 Brew C.O.0 Revised 10/23/24  
 given to Applicant @ P.B 10/23/24  
 meeting

SHEET INDEX			
SHEET NAME	Dated	Last Revised	NUMBER
COVER SHEET	4/3/24	10/23/24	C0.0
GENERAL NOTES	"	2	C0.1
DEMOLITION PLAN	"	10/1/24	C1.1
EROSION CONTROL PLAN	"	9/13/24	C1.2
TRAFFIC CONTROL PLAN	"	8/7/24	C1.3
TRAFFIC CONTROL PLAN	"	10/1/24	C1.4
GENERAL SITE PLAN	"	10/11/24	C2.0
SITE PLAN	"	10/11/24	C2.1
GRADING PLAN	"	7/16/24	C3.1
UTILITY PLAN	"	10/1/24	C4.1
LANDSCAPE PLAN	"	10/11/24	C5.1
STRIPING PLAN	"	10/11/24	C6.1
DETAILS	"	6	C7.1
DETAILS	"	8	C7.2
DETAILS	"	10/1/24	C7.3
EXTERIOR ELEVATIONS	4/4/24	6/20/24	A2.1
EXTERIOR ELEVATIONS	4/4/24	6/20/24	A2.2
<del>TRASH</del> ENCLOSURE DETAILS	"	10/15/24	A6.1
REMOTE COOLER DETAILS	"	6/20/24	A7.1
SITE UTILITIES PLAN	"	10/2/24	SU1.1
SITE PHOTOMETRIC PLAN	"	10/2/24	SU1.2

Brew

TRASH Enclosures " 6 A6.1A  
 61 Reillys TRASH " 10/15/24 A6.2  
 Enclosure

SIGNS

**David's Landing, 4593 & 4597 Henry Clay Blvd, Clay Marketplace: 4591-4595 -4599 State Rt 31,**

Zoned PDD, Permit #54,599

2 – Freestanding Signs – Two freestanding illuminated LED signs (one for David's Landing and one for Clay Marketplace) are proposed 10 feet by 5 feet equaling 50 square feet. These signs will meet code.

Two monuments signed are proposed. Brief discussion followed on the location of the address location and planting at the base of the sign.

Motion made by Mr. Graves to approve two freestanding signs, one for David's Landing and one for Clay Marketplace 10 feet by 5 feet on permit #54,599. Seconded by Mr. McMahan.

**Motion Carried 6-0.**

**Kassis Superior Sign – Angel's Share and Wine & Spirits – NYS Route 31**

Zoned PDD – Permit #54,609

1 Wall Sign – A 48.4 square foot, internally illuminated LED Wall Sign is proposed. This sign will meet code.

Motion made by Mr. Graves to approve one wall sign, 48.4 square foot, internally illuminated LED wall sign on permit #54,609. Seconded by Mr. McMahan.

**Motion Carried: 6-0.**

Motion made by Ms. Guinup to adjourn meeting at 8:51 pm. Next meeting is on November 20, 2024. Seconded by Ms. Borton.

Respectfully submitted,



Marie Giannone  
Planning Board Secretary