

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 20th day of November 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:

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

ABSENT: None

A motion was made by Mr. Henty and seconded by Ms. Guinup to approve the minutes of the October 23, 2024 Regular Meeting.

Motion Carried: 6-0 Mr. Palumbo abstained due to his absence on October 23, 2024.

Public Hearings:

New Business:

*Case #2024-056 **Summit Federal Credit Union** (5) 5047 West Taft Road – Zone Change Referral

Mr. Ben Wolfling is present to address the board on behalf of the Summit Federal Credit Union. The applicant is proposing the two parcels from Residential R-APT and R-10 to NC-1 Neighborhood Commercial in order to construct a credit union. Parcel 1 contains vacant wooded lands and Parcel 2 currently contains a vacant one-story residential home. Subdivision applications have been submitted.

Chairman Mitchell said they are looking at land use and asked the board and public if there are any questions/comments. None.

Chairman Mitchell closed the public hearing and polled the board.

Mr. Henty – In favor

Ms. Guinup – In Favor

Ms. Borton – In favor and stated that a clean up of the adjacent zoning should be done.

Mr. Palumbo – In favor

Mr. McMahan – In favor

Mr. Graves – In favor

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Chairman Mitchell asked for a motion.

Mr. Chairman: In the matter of the application of planning board case no. 2024-056 for The Summit Federal Credit Union Taft Road Branch, zone change application from R-APT and R-10 to NC-1 on the corner of Cedarpost Road and West Taft Road, I move to recommend to the Town Board using standard form #50 Zone Change recommendation; the petition be granted based on each of board members being poled and in favor. Seconded by Mr. McMahon.

Motion Carried: 7-0

****Case #2024-057 JW Didado Expansion (3) 7822 Morgan Road – Amended Site Plan**

Mr. Vince Raymond, Mr. Sawyer Kerr and Ms. Alex Samoray are present to address the board on behalf of JW Didado.

Mr. Kerr of JW Didado said they are proposing to construct 130,000 sf fenced gravel area for lineman training and truck staging which will be at the eastern portion of the parcel. This will be used for worker training.

Chairman Mitchell asked about worker training. Mr. Kerr said utility pole training including all safety requirements for the workers, including simulation of potential accidents. Also bucket trucks will be used for additional training.

Chairman Mitchell said SEQR was done on the entire property so this is just an amended site plan for this addition.

Mr. DeTota, Town Engineer, addressed drainage issues on this property. Mr. DeTota referred to a letter dated June 24, 2022 from LaBella regarding jurisdiction. Mr. Kerr said regarding wetlands the original project was built six months prior and the wetlands would not have been regulated as regulations changed August 2023. There are no other jurisdictional in their consultant's professional opinion. Mr. Kerr said they probably would not hear from Army Corp for another six months. Mr. Kerr said they are hoping for a conditional approval.

Mr. DeTota said that was his only concern and left it to the board if they are comfortable with this going forward without the necessary signoffs. Chairman Mitchell asked Mr. DeTota if he needed anything else from the applicant. Mr. DeTota said no and he will work with Ms. Samaroy and her team going forward.

Chairman Mitchell asked the board if they had any questions. Ms. Guinup asked Ms. Bennett, town attorney, how this would affect the prior SEQR. Ms. Bennett said she did not see anything connected to any water body close by. This board could take it under advisement and make modification to SEQR based on regulatory rules regarding wetlands.

Mr. Henty asked if the lights will be facing Wetzel Road or the building. Lights will be facing the building. The mounting height is 20 ft.

Chairman Mitchell closed the public hearing and will adjourn to December 11, 2024 at which time an approval can be given.

Motion made by Mr. Graves to adjourn Case #2024-057 JW Didado to December 11, 2024. Seconded by Mr. McMahon.

Motion Carried: 7-0

****Case #2024-058 – Syracuse Pistol Club (3) 8042 Henry Clay Blvd. – Amended Site Plan**

Mr. Tim Coyer, Ianuzi & Romans, is present to address the board on behalf of the applicant. Mr. Coyer said the applicant is proposing to construct a new 9 ft concrete wall along the northern and rear sides of the northern most shooting range to separate the gravel access drive from the range. new chain link fence, and expand the existing parking lot which would be gravel and add 24 additional parking spaces in the front of the building. A gravel walkway is proposed to connect the new parking lot and existing lot. A gravel access drive is proposed along the rear northern portion of the parcel along the shooting range. The new chain link fence will connect to the existing chain link fence. Mr. Coyer said the new 9 ft concrete wall is for safety purposes.

Mr. Coyer said they received this date Onondaga County comments. Mr. Coyer said there are wetlands in the rear wooded area. Mr. Coyer said they were advised to contact the Army Corp of Engineers to confirm the presence of federal/state wetlands and/or the 100-foot buffer on the site. Mr. Coyer said this can be addressed with the gravel and grading in that area to satisfy the wetland concern. The pipe in question will be removed with the grading.

Chairman Mitchell asked the board if there are any questions.

Ms. Borton asked about the design of the wall. Mr. Coyer said a detail design will be given. Ms. Borton said we will need the elevation of the wall on the drawing. Mr. Coyer said this is not a retaining wall.

Mr. Palumbo said this plan is good, and from a lead standpoint the lead can be recaptured. Mr. Palumbo said designing the wall structural is one thing but to make sure the users of the site are also safe. It would be beneficial for this board to have a level of comfort that this design will be safe and lead and projectiles do not come back. With that being said, it should be designed by a professional that looks at it from a ballistic standpoint rather than a straight wall.

Discussion with Mr. Palumbo and Mr. Coyer on the wall and berm. The wall will cover most of the berm but the sides are not protected. Mr. Coyer will bring another view of this wall (side view) for more clarification. The side wall will not be a retaining area. Mr. Palumbo said this can be a safety concern.

Mr. Graves asked if there was any new lighting being installed. Mr. Coyer said no.

Ms. Guinup asked about the new driveway that goes beyond the wall that leads nowhere. Mr. Coyer said that is correct. Ms. Guinup is concerned from a safety standpoint. Mr. Coyer said a no point would something being going on in the front and back. It is more of a special use area. This can be addressed if the board has a safety concern.

Chairman Mitchell asked how this is controlled. Safety lights are on when someone is going down range.

Mr. Territo, Planning Commissioner, said no permit is needed for the wall.

Mr. DeTota, Town Engineer, agreed that was a good idea to remove the grading. Mr. DeTota said what is done in cases like this when it ducks underneath SPDES requirement, ask the applicant where is the parking area. There will be a change in the land use requirement just to calculate what it was to what it is today and come up with a volume and construct that volume just in the low part basically providing the offset for that.

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Chairman Mitchell asked if there are any questions as this is a public hearing.

Ms. Rathburn asked if the noise would be any louder with the concrete wall. Mr. Bender of the Syracuse Pistol Club said the studies show the wall will absorb some of the sound.

Motion made by Mr. Graves to adjourn Case 2024-058 to December 11, 2024. Seconded by Mr. McMahon.

Motion Carried: 7-0.

****Case #2024-059 – Stewart’s Shops Corp. (3) 7669 Morgan Road – Special Permit**

Mr. Marcus Andrews is present to address the board on behalf of the applicant. The Stewart Shops are located at the corner of Morgan Road and Buckley Road. The existing free-standing sign has scroll numbers for pricing of the gas. Mr. Andrews said they are looking to replace both of those boxes with LED boxes. The existing sign will not change size. Current scrolls are 18” high and we are proposing 16” high.

Chairman Mitchell said there is no application for the sign itself. The special permit being reviewed is for displaying an electric sign.

Chairman Mitchell asked the board if they have any questions. None.

Chairman Mitchell closed the public hearing.

Motion made by Mr. McMahon: Mr. Chairman: In the matter of the application of planning board case no. 2024-059 for Stewart’s Shop Corp., 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 in keeping with the current use of the area. Seconded by Mr. Palumbo.

Motion Carried: 7-0.

Motion made by Mr. McMahon: Mr. Chairman: In the matter of the application of planning board case no. 2024-059 for Stewart’s Shops Corp., I move the adoption of a resolution using standard form #70 Special Permit, be granted based on a map by Scott Kitchner dated October 17, 2024 revised October 21, 2024 and numbered SGN-1 conditioned upon approval of all legal and engineering requirements of the Town of Clay. Noting this approval is for the placement of the LED sign but the format of the sign has to be approved in a separate application. Seconded by Mr. Graves.

Motion Carried: 7-0.

Old Business:

Motion made by Mr. Graves to adjourn Case No 2023-052 – **Mike Tormey/Buckley Warehouse (3)** 4583 Buckley Road to December 11, 2024. Seconded by Ms. Guinup.

Motion Carried: 7-0.

Motion made by Mr. Graves to adjourn Case No. 2024-012 **KRSM Subdivision (Buckley Warehouse)** 4583 Buckley Road Preliminary Plat to December 11, 2024. Seconded by Mr. Palumbo.

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Motion Carried: 7-0.

Motion made by Mr. Graves to adjourn Case No. 2024-013 **KRSM Subdivision (Buckley Warehouse)** 4583 Buckley Road Final Plat to December 11, 2024. Seconded by Mr. Palumbo.

Motion Carried: 7-0.

Case #2024-046 – **Michael’s Farm (3) – 8073 Morgan Road – Preliminary Plat (Adj. 1)

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

This is a R10 residential area and are looking to do an R10 subdivision located at the intersection of Waterhouse Road and Morgan Road (as shown on the map). Roughly 124/125 residential lots are being proposed. Some of the pertinent changes requested at the last meeting included:

Two separate maps

- wetlands divided between the lots
- wetlands separated by parcel

Mr. Coyer said the only difference is one less lot on the two maps.

Mr. Coyer said their design team now show all the wetlands in one parcel of one lot so in the future can be put into an entity that is actually owned versus having all individual property owners own parts of the wetlands like a traditional subdivision. With that Mr. Coyer said one lot was lost leaving 124 lots.

Mr. Coyer said a new traffic study was completed while school was in session in October showing a 10% difference in numbers. Also, the jurisdictional letter to the Army Corp of Engineers has been submitted.

A copy of the survey concerning wetlands was given to the board showing what the potential homebuyer would receive. This information is also put on the building permit and on the Certificate of Occupancy. Signage is required to be posted all around the wetlands for potential homebuyers.

Mr. Coyer is hoping to move forward with SEQR and looking for a negative declaration. Chairman Mitchell said SEQR will be addressed at the December 11, 2024 meeting.

Chairman Mitchell asked the board for questions/comments.

Ms. Borton asked about the conservation easement shown in the brown patch (shows on map). Mr. Coyer said that will change based on what the Army Corp of Engineers dictates to us. Ms. Borton said that conservation easement could be wholly contained within that parcel. Mr. Coyer said yes and in theory that easement could be in that parcel.

Ms. Guinup asked Mr. Territo, planning commissioner, when the lead agency letter went out. Mr. Territo said October 11, 2024.

Mr. Palumbo asked about the easements on the lots, specifically lot 105 where it has two thirds of the lot with a drainage and basin easement. Who maintains the easement. Mr. DeTota, town engineer, said the town does not want ownership of the easement, typically this is on one lot where the town highway will maintain it. Mr. DeTota asked Mr. Coyer to enlarge the map as there is a lot of detail on each lot and could be seen better with a larger map.

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Mr. Graves said in looking at the map Lot 96 and 97 it does not appear to have road access for the easement. Mr. Coyer said that it will be shown better on a larger map made available at the next meeting.

Mr. Palumbo asked Mr. DeTota if it matters if one pipe is 30 ft and one is 20 ft on Lots 96/97 and 99/100. Mr. DeTota said on Lots 96/97 it appears a low point in the road. Town maintenance will have access at lots 99/100. Mr. DeTota said there is a pipe through there. To make it more aesthetically pleasing the developer will drop a gravel pad through there to support machinery used for maintenance when needed.

Mr. Henty asked when the signs regarding the wetlands and easements go up on the site. Mr. Flanagan, LaBella Engineers, said these signs and orange fencing goes up at the beginning of construction.

Chairman Mitchell asked if there are any questions as this is a public hearing. None. The chairman said this will be adjourned to December 11, 2024 and the board feels comfortable that a negative declaration will be made.

Motion made by Mr. Henty to adjourn case no. 2024-046 **Michael's Farm** to December 11, 2024.
Seconded by Mr. McMahon.

Motion Carried: 7-0.

****Case #2024-050 Pack Rat Storage (3), 4717 Wetzel Road – Amended Site Plan (Adj. 1).**

Motion made by Mr. Graves to adjourn case no. 2024-050 Pack Rat Storage to January 29, 2025.
Seconded by Mr. Henty.

Motion Carried: 7-0.

****Case #2024-052 – EV Charging Stations/Panera (3) – 3815 NYS Rt 31 – Amended Site Plan (Adj. 1)**

Mr. Eric Valentyn and Ms. Ginger Beaudoin are present to address the board on behalf of the applicant.

Mr. Valentyn said the changes were made as requested at the previous meeting. Mr. Valentyn said one issue with relocating the chargers is the entire east side has easements with utilities. Mr. Valentyn also looked at the parking lot situation during the noon to 12:30 time counting the cars at the crosswalk crossing. Very few cars were leaving the drive thru at that time. The safest spot for the chargers would be to cross that traffic. Mr. Valentyn showed this specific location on the map.

Chairman Mitchell said proof showed that the EV chargers should not be moved. The board asked that the chargers be moved because of a safety concern. The chairman requested the applicant to find another location for the chargers so it does not interfere with the drive thru.

Mr. Valentyn asked what is the primary concern and the chairman said it is a safety issue.

Mr. Palumbo said it is safer to put handicap accessible parking spot in a general area where the other accessible spaces are located. By code these spots have to be closest to the entrance. But there is traffic coming thru that area similar to the lanes in the parking lot. Mr. Palumbo said this has to be looked at so that it meets the code whether that has to be with these other EV stations but I disagree that there are similar safety concerns but two scenarios and the drive thru is more treacherous given the nature of the flow of traffic and how it works. Mr. Valentyn said even with the stop sign there? Mr. Palumbo said to

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say otherwise the other handicap spaces are not safe but they meet code. Those spaces are there where they should be with proximity of the main entrance and not navigating other vehicular movement.

Ms. Beaudoin addressed the board. Discussion followed with the board members (looking at the map) on relocating the chargers and only losing one parking space.

Ms. Guinup said if you can move one why can't you relocate all the chargers. Ms. Beaudoin said the challenge is providing power cabinets in some areas, digging up the parking lot for installation. They are trying to keep the footprint of the property without losing spaces and disruption of the parking lot.

Mr. Henty asked if there is a need for EV chargers at this location. Ms. Beaudoin said the most common complaint from patrons is not having an EV charger for charging their vehicle. This particular project is funded by NYSERDA hoping to expand charging in the state.

Mr. Palumbo said in looking at the plan there are two ADA parking spaces and no parking striping north of those two spaces; what is going on there and why couldn't that be incorporated without changing your count. Why couldn't the EV stations go on the opposite side of the ADA spaces. Ms. Beaudoin said a curb would have to be set up for the charging stations or expand the distance in between for the two levels of parking spaces.

Ms. Guinup mentioned meeting town code with parking requirements and advised the applicant that in changing spaces for EV charges to be sure the code is met for parking spaces.

Ms. Borton said to take off the site plan the two reserved parking spaces.

Ms. Borton said is says on the site plan "accessible" and "non accessible". Ms. Beaudoin said currently on the market there are no accessible electric vans, but they are planning for the future, awaiting federal regulations.

Ms. Borton added to the comment on the number of cars that are passing behind it but the site distances and the number of conflicts in backing out.

More discussion on other options to move the chargers. These will be updated and will be presented at the December 11, 2024 meeting.

Chairman Mitchell asked is there are any questions as this is a public hearing.

Ms. Rathburn asked why this location was selected. Ms. Beaudoin said it has to do with available power.

Motion made by Mr. Graves to adjourn case no. 2024-052 EV Charging Stations/Panera to December 11, 2024. Seconded by Mr. McMahon.

Motion Carried: 7-0

Case No 2024-031 **Whitestone Apartments (3) NYS Route 31 – Site Plan (Adj. 6)

Mr. Ben Harrell is present to address the board on behalf of the applicant.

Mr. Harrell said they are still working on several components with the wetlands but updates were completed as noted:

- ✓ Right in/Right out
- ✓ One entrance lane at signal

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✓ Landscape plan is included

Discussion on the letter (email) received from the attorney on the cross-access easement.

Ms. Borton referred to the bank adjacent to the property and asked if any cross-access easement was put in place. The board would like to see proof if there is an easement, if not one should be put in place.

Ms. Borton asked for clarification on the total acreage numbers on the site plan. These numbers should be put on the site plan.

Mr. Palumbo discussed the landscaping plan. The plan looks good but would like to see more evergreens, possibly a dozen) along Rt 31 to soften the look rather than looking at stark buildings.

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

Motion made by Mr. Graves to adjourn case no. 2024-031 Whitestone Apartments to January 8, 2025.
Seconded by Mr. Palumbo.

Motion Carried: 7-0.

Case no 2024-032 – **Trinity Assembly of God (3) 4398 St. Rt. 31 – Amended Site Plan (Adj. 5)

Motion made by Mr. Graves to adjourn case no. 2024-032 Trinity Assembly of God to January 8, 2025.
Seconded by Mr. McMahan.

Motion Carried: 7-0.

Ms. Guinup and the board wished Mark Territo, planning commissioner, good luck in his new position and is leaving after 17 years at the Town of Clay.

Motion made by Mr. Palumbo to adjourn this meeting at 9:17 p.m. Next meeting is December 11, 2024.
Seconded by Mr. McMahan.

Motion Carried: 7-0.

Respectfully submitted,

Marie Giannone

Marie Giannone
Planning Board Secretary