

**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 11<sup>th</sup> day of December 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:

<b><u>PRESENT:</u></b>	Russ Mitchell	Chairman
	Michelle Borton	Deputy Chair
	Karen Guinup	Member
	Jim Palumbo	Member
	Paul Graves	Member
	Hal Henty	Member
	Marie Giannone	Secretary to Planning Board
	Kathleen Bennett	Planning Board Attorney
	Ron DeTota	Town Engineer

**ABSENT:** Al McMahan

A motion was made by Mr. Graves and seconded by Mr. Palumbo to approve the minutes of the November 20, 2024 Regular Meeting.

**Motion Carried: 5-0.** Mr. Palumbo abstained due to his absence at the November meeting.

**Public Hearings:**

**New Business:**

\*\*Case #2024-060 – **Bryant & Stratton** (3) – 7805 Oswego Road – Special Permit

Mr. James Schneider is present to address the board on the behalf of the applicant. Chairman Mitchell stated that the board does not have an application for the sign. The board has the application for the special permit to allow for an electric sign at that location. The approval this evening will be for the special permit.

Mr. Schneider said the purpose of this sign is to make a better marketing for the school courses being offered. There will be no other advertising on this sign.

Mr. Graves asked about the lighting of the sign. Mr. Schneider said that software that comes with the package has an auto dim for the evening hours.

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

Motion made by Mr. Graves: Mr. Chairman: In the matter of the application of the planning board case #2024-060 for Bryant & Stratton College, 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. 2024-060 for Bryant & Stratton College, I move the adoption of a resolution using standard for #70, Special Permit, be granted based on a map by Silvestri Architect PC, dated April 20, 2022 revised May 11, 2022 and numbered C-101. Conditioned upon approval of all legal and engineering requirements of the Town of Clay and any conditions if necessary. Seconded by Mr. Palumbo.

**Motion Carried: 6-0**

**\*\*Case #2024-065 – Sears Property (3) – 9417 Horseshoe Island Road – Preliminary Plat**

Mr. Ben Harrell, CHA, is present on behalf of the applicant. Mr. Harrell said they are looking to do a simple sub division at 9417 Horseshoe Island Road. The existing parcel is 28.3 acres. The applicant is looking to subdivide the existing single-family home from the rest of the property as shown on the map. Mr. Harrell said when this application was originally submitted in July, Mr. Territo, planning commissioner said a special use variance would be required. A building permit application has been submitted for a single-family home to sit on the larger piece. Mr. Harrell said he is here to seek site plan subdivision approval for the two lots.

Chairman Mitchell said in looking at this property he is surprised to see a volleyball court on this property and if this was ever brought up to the town years ago. Also, the chairman said this property appears to be surrounded by wetlands. Chairman Mitchell showing the wetlands should be indicated on the site plan.

Ms. Borton asked about the existing house and pressure sewers. Ms. Borton asked Mr. Harrell to note this on the site plan.

Chairman Mitchell also noted that this board has not received Onondaga County comments as of this date. No approval can be given until these comments are received and reviewed.

Mr. Henty asked about road frontage needed for the lot. Mr. DeTota said it is not so much road frontage as it is building lot width. Mr. DeTota said in looking at the lot he sees no problem.

Mr. DeTota agrees with the chairman on the wetlands.

Discussion followed on how to proceed with this subdivision. Mr. DeTota said the variance and building permit cannot happen without one or the other. No variance was pursued for the accessory. Mr. Harrell did not know if the house could be constructed prior to filing the subdivision so it is not a variance. Mr. DeTota said no because then you have two homes on one lot, which is a catch 22. Mr. DeTota said the applicant should get the variance while the intent is to get the building permit for that structure, it can't go on it while the other structure is there. The applicant will have to sub divide it but this can't be done because there is a non-conforming accessory structures on the balance.

The other comment from Mr. DeTota is to identify on the plan that Lot 2 is not a buildable lot until approvals are received from the Department of Health regarding septic, sewers, etc.

Mr. Harrell asked about the special use variance. Ms. Guinup said very rarely do we issue this type of variance. Discussion followed with Ms. Bennett, town attorney, regarding an area variance. Ms. Bennett will look into this in more detail and have more information on this.

The chairman asked the public if there are any questions as this is a public hearing. None. The chairman closed the hearing. Chairman Mitchell said that Mark Territo, Planning Commissioner, has left the position he held for 17 years. The town is in the process of filling his position and we are all trying to stay on top of the planning process going forward. The chairman said the agenda for the January 8, 2025 meeting is already filled and we are now moving items to the January 29, 2025 meeting. With that statement, the chairman asked for a motion.

Motion made by Mr. Graves to adjourn case 2024-065 to January 29, 2025. Seconded by Mr. Palumbo.

**Motion Carried: 6-0**

Motion made by Mr. Graves to adjourn Case #2024-066 Sears Property – 9417 Horseshoe Island Road – Final Plat to January 29, 2025. Seconded by Mr. Palumbo.

**Motion Carried: 6-0**

**Old Business:**

**\*\*Case #2024-012 – KRSM Subdivision (Buckley Warehouse) (3) – 4583 Buckley Road – Preliminary Plat (Adj. 6)**

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

Ms. Samoray said this subdivision is part of the Buckley Warehouse site plan approval which has been adjourned for several months. Approvals have been received from Buckeye and National Grid as required. One lot is 16.76 acres which will be divided into 2 lots. Lot 1 will be 73,000 sq. ft and lot 2 will be developed on 10.5 acres. Both are shown on the plan.

Chairman Mitchell asked if Lot 1 is occupied at this time. No occupants are in the building.

Ms. Borton asked about the cross-access easement. Ms. Samoray shows where the cross-access easement is located on the site plan. Ms. Borton said to be sure this is noted on the plan. Ms. Borton said a copy of the agreement is needed and can be a declaration as opposed to an agreement.

Mr. DeTota, town engineer, said with the site plan there are two very large stormwater facilities. The town would like easements across that if the owner becomes negligent. In this way the town would have access to go on the property to make repairs/restorations if necessary. This easement will provide a path for the town's equipment to go on the property.

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

Planning Board  
Regular Meeting  
December 11, 2024

Motion made by Mr. Graves to adjourn case #2024-012 KRSM Subdivision (Buckley Warehouse) Preliminary Plat to January 29, 2025. Seconded by Mr. Palumbo.

**Motion Carried: 6-0**

Motion made by Mr. Graves to adjourn case #2024-013 KRSM Subdivision (Buckley Warehouse) Final Plat to January 29, 2025. Seconded by Mr. Palumbo.

**Motion Carried: 6-0**

\*\*Case #2023-052 – **Mike Tormey/Buckley Warehouse** (3) – 4583 Buckley Road – Site Plan (Adj. 9)

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

Chairman Mitchell asked to put on the site plan the square footage of the existing building. The parking spaces should be 9 ½ by 20. This will be corrected. There is a discrepancy in the number of parking spaces. This will be corrected and put into two tables side by side.

Ms. Borton asked to label the number of fire stations in the proposed building as required by code.

There were no other questions from the board.

Mr. DeTota said he will review the SWPP and send comments to Ms. Samoray. Mr. DeTota said the stamp on the drawings has expired and to be sure it is updated.

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

Motion made by Mr. Graves to adjourn case #2023-052 Mike Tormey/Buckley Warehouse to January 29, 2025. Seconded by Mr. Palumbo.

**Motion Carried: 6-0.**

\*Case #2024-048 – **Mirabito Energy Products** (5) – Route 31 at Lawton Rd. – Special Permit Referral – Drive thru for a coffee shop (Adj. 1)

\*Case #2024-049 - – **Mirabito Energy Products** (5) – Route 31 at Lawton Rd. – Special Permit Referral – Drive thru for a bank (Adj. 1)

Chairman Mitchell said both cases have not been referred to us from the town board.

Motion made by Mr. Graves to adjourn Case #2024-048 and Case #2024-049 to January 29, 2025. Seconded by Mr. Palumbo.

**Motion Carried: 6-0.**

\*\*Case #2024-046 – **Michael's Farm** (3) – 8073 Morgan Rd. – Preliminary Plat (Adj. 2)

Mr. Tim Coyer, Ianuzi & Romans, is present to address the board on behalf of the applicant. Nothing new has been submitted but four sheets have been added to the preliminary plat so viewing of these could be easier per Mr. DeTota's suggestion from a previous meeting.

Chairman Mitchell said his biggest concern that the people buying these properties are aware of the wetlands in this area and what they are up against. The chairman said he will reiterate this at future meetings as this applicant comes before the board on the Michael's Farm site plan.

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. Hearing none, Chairman Mitchell said the board is ready to issue a negative declaration.

Ms. Borton said that we have completed Part 1, 2 and 3 of the EAF are on file. Ms. Borton read a portion of the negative declaration which follows in its entirety.

**WHEREAS**, LOK Development, LLC (the "Applicant") is proposing the development of a new 124-lot residential subdivision on an approximately 69.27-acre parcel identified as Tax Map Parcel Numbers 81.-29-01 and 69.-01-05.1 (the "Project") in the Town of Clay, Onondaga County, New York; and

**WHEREAS**, the Project is located in a R-10 residential zoning district; and

**WHEREAS**, the Applicant has submitted an application to the Town of Clay Planning Board for site plan approval; and

**WHEREAS**, the Applicant has prepared Part 1 of the Full Environmental Assessment Form ("FEAF") for the Project; and

**WHEREAS**, the Planning Board desires to comply with the requirements of SEQRA and its implementing regulations set forth at 6 NYCRR Part 617 (the "Regulations") with respect to the Project; and

**WHEREAS**, at its meeting on October 9, 2024, the Planning Board declared the Project to be a Type 1 action and declared its intent to act as the lead agency for purposes of undertaking a coordinated SEQRA review and no other involved agency objected to the Planning Board acting as the lead agency; and

**WHEREAS**, the Planning Board has considered all the comments and submissions submitted to date concerning the Project; and

**WHEREAS**, the Planning Board is mindful of the criteria set forth in 6 NYCRR § 617.7 of the Regulations for determining the environmental significance of an action, and

**WHEREAS**, pursuant to the Regulations, the Planning Board has considered the significance of the potential adverse environmental impacts of the Project by (a) using the criteria specified in 6 NYCRR § 617.7 of the Regulations, and (b) examining the EAF for the Project, including the facts and conclusions

in Part 1 of the EAF and its attachments, and completing Parts 2 and 3 of the EAF, together with all other available supporting information, to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the identified areas of relevant environmental concern.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Project is subject to SEQRA.
2. The Planning Board is the lead agency and has undertaken a coordinated review with respect to the Project.
3. The Planning Board classified the Project as a Type I Action under SEQRA.
4. The Planning Board has compared the impacts that may reasonably be expected to result from the Project to the criteria for determining significance identified in Section 617.7(c)(1) of the Regulations and evaluated the issues of causation and significance in light of the standards under the same Section of the Regulations.
5. The Planning Board has not identified any potential significant adverse environmental impacts associated with the Project and none are known to the Board. Based upon its review, and for the reasons set forth in the FEAF and its supporting documentation, the Planning Board hereby determines that the Project will not present a potential significant adverse impact on the environment, and therefore, a Negative Declaration is warranted pursuant to SEQRA and an environmental impact statement need not be prepared.
6. The Planning Board reaches the following further conclusions:
  - (A) The Project will not result in substantial adverse change in existing air quality; ground or surface water quality or quantity, traffic, or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems.

The Planning Board has considered potential impacts to wetlands. Potential impacts to wetlands have been avoided to the maximum extent practicable and the Applicant will mitigate the minimal impacts in accordance with the terms of the Nationwide Permit(s) to be issued by the Army Corps of Engineers. Specifically, the area delineated for environmental conservation area has been delineated and combined into specific lots just for that purpose, with ownership to be given to the Town or other long-term owner who will ensure long-term management and maintenance. Signs will be installed along the boundaries of these areas for physical demarcation and clear communication to future neighboring landowners. Adequate easements have been designed for all other stormwater management practices in the

development, and an HOA will be created as a reliable funding mechanism for long-term maintenance of these stormwater management practices and other non-residential land.

Potential impacts to surface water quality, existing drainage patterns and the potential for increased erosion and turbidity will be avoided through compliance with SPDES General Permit for Construction Activity, GP-0-20001, and the Town of Clay stormwater management regulations.

No significant potential adverse traffic impacts are anticipated as a result of the Project and any potential impacts with respect to site access have been addressed in accordance with the traffic study prepared by the applicant and in accordance with the requirements of the Onondaga County Department of Transportation. Specifically, 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 that has been incorporated into the Applicant's plans.

- (B) The Project site is located in an area known for Indiana and Northern Long Eared bats. However, the Project site will be cleared between November 1 and March 31 to avoid any potential impacts to endangered bat species. There are no other rare, threatened, or endangered species associated with the Project. As a result, the Project shall not present a potential significant adverse impact on rare, threatened, or endangered species.
- (C) The Project will not result in other significant adverse impacts to natural resources.
- (D) The Project will not affect a critical environmental area as designated pursuant to 6 NYCRR § 617.14(g).
- (E) The Project will not conflict with the community's current plans or goals as officially approved or adopted.
- (F) The Project will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community character. The Project is adjacent to Woodard Industrial Park. However, the Applicant has agreed to provide landscaping and screening to minimize potential impacts to the new residential lots. Such mitigation has been incorporated into the Applicant's site plan.
- (G) The Project will not result in a major change in the use of either the quantity or type of energy. There is sufficient capacity of both electricity and natural gas to serve the Project.

- (H) The Project will not result in the creation of a hazard to human health.
  - (I) The Project will not result in a substantial change in the use, or intensity of use, of land including architectural, open space or recreational resources, or in its capacity to support existing uses.
  - (J) The Project will not result in encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action. Although the Project will increase the number of people coming to the site on a permanent basis, the density of the Project is consistent with the Zoning for the area.
  - (K) The Project will not result in the creation of a material demand for other actions that would result in one or more of the above consequences.
  - (L) The Project will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and
  - (M) The Project will not result in two or more related actions undertaken, funded, or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR § 617.7(c).
7. The information available concerning the Project was sufficient for the Planning Board to make its determination and issue a Negative Declaration for the Project.
  8. The Planning Board hereby adopts Parts 1, 2 and 3 of the FEAF, including the supporting written elaboration.
  9. The Planning Board hereby directs the Chairperson of the Planning Board to execute the FEAF and to make any filing(s) and publications for the Project in compliance with the Regulations.
  10. The Planning Board hereby authorizes the Town Planning Department to take such other steps as may be necessary to carry out this Resolution.
  11. This resolution shall take effect immediately.

Motion made by Mr. Henty to approve this resolution as read by Ms. Borton. Seconded by Mr. Graves.

**Motion Carried: 6-0.**



Motion made by Ms. Borton to adjourn Case #2024-046 Michael's Farm – Preliminary Plat to January 29, 2025. Seconded by Mr. Palumbo.

**Motion Carried: 6-0**

\*\*Case #2024-052 – EV Charging Station/Panera (3) 3815 NYS Route 31 – Amended Site Pan (Adj. 2)

Mr. Austin MacDonald, FIT, is present to address the board on behalf of EV Charging Station.

Mr. MacDonald said there are two options for the EV Charging Stations that were discussed at the previous meeting and are being presented this evening for review. These options are taking into account safety for the accessible stall which has been relocated to be in line with the rest of the existing ADA stalls for the property. Option One has the shifting of the rest of the chargers further along that line away from the drive thru. Option two leaves the chargers that were non accessible in the same location where they were previously. These are being presented to the board to see if either of these options satisfy the board's safety concerns.

Chairman Mitchell asked for Mr. MacDonald to explain the small red boxes on the drawing. Mr. MacDonald explained the red boxes:

- One charger at the access aisle
- Three additional chargers in front of the individual parking spaces
- Behind the stall with the three blocks that is the power block which converts from AC to DC
- Switch Gear and Pole Box

Chairman Mitchell said the board was looking to move these EV's out of the area but the options presented show the running of power to where the ADA is located. Mr. MacDonald said they are not able to place efficiently on the back line because the easement does not allow anything above ground within that easement. Additionally, the underground utility electric and gas are the main lines that run to the back of the center (Kohl's etc.). National Grid has a separation distance therefore this back line does not work for the applicant. Chairman Mitchell asked about moving these EV chargers to another location on the plan (as shown on the drawing). Mr. MacDonald said in order to place the EV chargers in the center aisle they would have to patch out additional stalls to place the charger because the stall depth as it sits currently along with the drive out depth would shrink the drive out below the minimum.

Ms. Guinup asked how the ADA charger is being converted to AC/DC. Mr. MacDonald said each of those blocks can serve two chargers and therefore one of those blocks can serve one of the chargers on the back line and the accessible server. Ms. Guinup asked how that comes about. Mr. McDonald said the grass area will be disturbed.

Mr. Palumbo was pleased to see that there are four ADA EV charging stations on the plan. It would be beneficial to have a parking data. Mr. MacDonald said it is on the full set of plans, but wanted to review the two options. Mr. Palumbo said one of the ADA parking spaces needs to be designated to say EV Station. The actual unit for the charging station on this plan is shown in the loading zone which is in violation of the loading zone itself not within that whole length of that stall. The loading zone is the full length of the stall that has to have the five-foot clearance. For EV stations it is not the full width it is a little more lenient for EV, that is why it is designated EV space. Is there a way to shift that so it is not in

that loading zone to be able to maneuver their vehicle. Mr. Palumbo said this all has to be looked at for compliance with code.

Ms. Guinup asked if the ADA spaces can be moved down one space to avoid the loading zone, basically shifting this one bay. Discussion followed that this may work with shifting the space over.

Mr. Graves asked about the protection on the unit itself. Mr. MacDonald said on the front side there are two bollards and the back side has the existing standard sign. Protection is needed on both sides.

Ms. Borton said Option One is the better option. Also, to be sure the underground facilities are shown on the site plan i.e. the electrical boring, clear zone for accessible space. A note should be added to the site plan that additional expansion needs amended site plan approval.

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

Chairman Mitchell said to give the board the site plan with Option One.

Motion made by Mr. Graves to adjourn Case #2024-052 EV Charging Stations to January 29, 2025.  
Seconded by Mr. Palumbo.

**Motion Carried: 6-0.**

**\*\*Case #2024-058 – Syracuse Pistol Club (3) – 8042 Henry Clay Blvd – Amended Site Plan (Adj. 1)**

Mr. Tim Coyer, Ianuzi & Romans, is present to address the board on behalf of the applicant. The requested changes were made:

- ✓ Added detail of existing berm, with side view
- ✓ Revised the grading in the parking area
- ✓ Improvement made in the back area within the 100 ft buffer
- ✓ Gate added to the north side
- ✓ Added the 100 ft wetland buffer in the adjacent area

Chairman Mitchell asked why the gravel area is needed. Mr. Coyer said nothing will be done there but with the gravel are they can go back there. If there is a use for it in the future, at least the gravel access is there. There is no access from the other fence and only access is from inside. Chairman Mitchell asked if they are tapping into the old wall for the new wall being proposed. Mr. Coyer said yes. The wall is being put in for more protection for the neighbors to the north.

Mr. Coyer showed on the drawing what the berms looks like now, but will be higher than the wall when complete.

Ms. Borton said if the applicant is modifying the grading this has to be added and shown on the plan. Ms. Borton asked about the construction access road. Mr. Coyer said this is for walking purposes but will be removed temporarily during construction.

Mr. DeTota, town engineer, said this is unusual as no building permit is required. There is a concern as no details are shown of the wall but it is a 2x2x6 concrete wall which is around 4,000 lbs. of block. As this

area has wetlands, it is recommended some structural details that take into consideration the wetlands specifically where the active rains occur. Mr. Coyer agreed and will address this further.

Mr. Palumbo address Mr. DeTota's concern further. Mr. Palumbo said he understood the intent of the 2 ft wide gravity wall that it holds up. Mr. Coyer will have a structural engineer look into the design of this wall.

Ms. Borton asked the town attorney for SEQR purposes could this could be move to a Type 1 action or stay Unlisted. Ms. Bennett said it stays Unlisted but need to address the concerns stated at this hearing.

Mr. Palumbo said this acts as a containment for the lead and down the road this lead can be reclaimed out of the material.

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

Motion made by Mr. Graves to adjourn Case #2024-058 to January 29, 2025. Seconded by Mr. Palumbo.

**Motion Carried: 6-0.**

**\*\*Case #2024-057 – JW Didado Expansion (3) – 7822 Morgan Road – Amended Site Plan (Adj. 1)**

Chairman Mitchell said for this case to begin we will look at the engineering material, but the board has a resolution to be approved this evening.

Resolution read by Ms. Bennett, town attorney:

**WHEREAS**, JW Didado, Syracuse Division (the "Applicant") received site plan approval on June 8, 2022 to construct a 21,000 sq. ft. commercial facility associated with its electrical contracting business on an approximately 11.886-acre parcel identified as Tax Map # 87.-01-01.1 (the "Project") in the Town of Clay, Onondaga County, New York; and

**WHEREAS**, also on June 8, 2022, the Town of Clay Planning Board issued a negative declaration for the Project pursuant to the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations; and

**WHEREAS**, the Applicant now seeks to construct an additional 130,000 sq. ft. fenced gravel area for lineman training and truck staging on the eastern portion of the parcel the ("Modifications"); and

**WHEREAS**, the Applicant has submitted an application to the Town of Clay Planning Board for an amended site plan approval for the Modifications; and

**WHEREAS**, Planning Board's negative declaration had previously considered development of the entire site, including the eastern portion now proposed for development of the Modifications;

**WHEREAS**, the eastern portion of site now proposed for development of the Modifications had been previously identified as federal wetlands; however, in light of the 2023 decision of the United States Supreme Court in Sacket v. EPA, those wetland areas are no longer considered jurisdictional and are not subject to either federal or state regulations; and

**WHEREAS**, the Applicant has prepared Part 1 of the Full Environmental Assessment Form (“FEAF”) for the Modifications; and

**WHEREAS**, the Planning Board desires to comply with the requirements of SEQRA and its implementing regulations set forth at 6 NYCRR Part 617 (the “Regulations”) with respect to the Modifications; and

**WHEREAS**, at its meeting on November 20, 2024, the Planning Board reviewed the Modifications; and

**WHEREAS**, the Planning Board has considered all the comments and submissions submitted to date concerning the Modifications; and

**WHEREAS**, the Planning Board now wishes to satisfy the requirements of the SEQRA and its implementing regulations set forth at 6 NYCRR Part 617 with respect to the Modifications;

**WHEREAS**, the Planning Board is mindful of the criteria set forth in 6 NYCRR § 617.7 of the Regulations for determining the environmental significance of an action, and **WHEREAS**, pursuant to the Regulations, the Planning Board has considered the significance of the potential adverse environmental impacts of the Modifications by (a) using the criteria specified in 6 NYCRR § 617.7 of the Regulations, and (b) examining the SEAF for the Modifications, including the facts and conclusions in Part 1 of the SEAF and its attachments, and completing Parts 2 and 3 of the SEAF, together with considering any other available supporting information, to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the identified areas of relevant environmental concern; and

**WHEREAS**, the Modifications do not involve any new or different potential environmental impacts that were not previously identified and considered by the Planning Board during its SEQRA review or in rendering its Negative Declaration; and

**WHEREAS**, the Planning Board desires reaffirm its negative declaration in accordance with the requirements of SEQRA and its implementing regulations set forth at 6 NYCRR Part 617 (the “Regulations”) with respect to the Modifications; and

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The amended site plan approval for the Modifications is subject to SEQRA.
2. The Planning Board continues to serve as the lead agency for purposes of undertaking a coordinated review with respect to the amended site plan approval for the Modifications.
3. The Planning Board hereby classifies the amended site plan approval for the Modifications as a Type I Action under SEQRA.
4. The Planning Board has compared the impacts that may reasonably be expected to result from the Modifications to the criteria for determining significance identified in Section 617.7(c)(1) of the Regulations and evaluated the issues of causation and significance in light of the standards under the same Section of the Regulations.
5. The Planning Board has not identified any potential significant adverse environmental impacts associated with the amended site plan approval of the Modifications and none are known to the Board. Based upon its review, the Planning Board hereby determines that the amended site plan approval of the Modifications will not present a potential significant adverse impact on the environment, and therefore, the Planning Board reaffirms its Negative Declaration pursuant to SEQRA and an environmental impact statement need not be prepared.
6. The Planning Board reissues the following conclusions made in connection with its review of the entire Project site on June 8, 2022 with one change relating to wetlands in light of the recent change to the law concerning jurisdictional wetlands:
  - (A) The Project will not result in substantial adverse change in existing air quality; ground or surface water quality or quantity, traffic, or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems.

The Planning Board has considered potential impacts to wetlands. The 2023 decision of the United States Supreme Court in *Sacket v. EPA* has limited the number of wetlands that may be considered jurisdictional for purposes of regulation. The wetland areas on the site are not sufficiently connected to a water of the United States and, as a result, are no longer considered jurisdictional wetlands and are not subject to further regulation.

Potential impacts to surface water quality, existing drainage patterns and the potential for increased erosion and turbidity will be avoided through compliance with SPDES General Permit for Construction Activity, GP-0-20001, and the Town of Clay stormwater management regulations.

No significant potential adverse traffic impacts are anticipated as a result of the Project and any potential impacts with respect to site access have been addressed by modifying the egress onto Morgan Rd such that the exit is right out only and also will be mitigated in accordance with the terms of the permit to be issued by the Onondaga County Department of Transportation.

- (B) The Project site is located in an area known for Indiana bats. However, the Project site has already been cleared. There are no other rare, threatened, or endangered species associated with the Project. As a result, the Project shall not present a potential significant adverse impact on rare, threatened, or endangered species.
- (C) The Project will not result in other significant adverse impacts to natural resources.
- (D) The Project will not affect a critical environmental area as designated pursuant to 6 NYCRR § 617.14(g).
- (E) The Project will not conflict with the community's current plans or goals as officially approved or adopted.
- (F) The Project will not result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community character. The Project is adjacent to a residential property. However, the Applicant has agreed to provide landscaping and screening to minimize potential impacts to the neighboring residential property. Such mitigation has been incorporated into the Applicant's site plan.
- (G) The Project will not result in a major change in the use of either the quantity or type of energy.
- (H) The Project will not result in the creation of a hazard to human health.
- (I) The Project will not result in a substantial change in the use, or intensity of use, of land including architectural, open space or recreational resources, or in its capacity to support existing uses.
- (J) The Project will not result in encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.
- (K) The Project will not result in the creation of a material demand for other actions that would result in one or more of the above consequences.

- (L) The Project will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and
  - (M) The Project will not result in two or more related actions undertaken, funded, or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR § 617.7(c).
7. The information available concerning the Project was sufficient for the Planning Board to make its determination and issue a Negative Declaration for the Project.
  8. The Planning Board hereby adopts Parts 1, 2 and 3 of the FEAF, including the supporting written elaboration.
  9. The Planning Board hereby directs the Chairperson of the Planning Board to execute the FEAF and to make any filing(s) and publications for the Project in compliance with the Regulations.
  10. The Planning Board hereby authorizes the Town Planning Department to take such other steps as may be necessary to carry out this Resolution.
  11. This resolution shall take effect immediately.

Motion made by Mr. Graves to approve resolution read this date. Seconded by Mr. Palumbo.

**Motion Carried:6-0.**

Motion made by Mr. Graves to adjourn Case #2024-057 to January 29, 2025. Seconded by Mr. Palumbo.

**Motion Carried: 6-0.**

Motion made by Mr. Graves to adjourn meeting to January 8, 2025. Seconded by Mr. Palumbo.

**Motion Carried: 6-0.**

Respectfully Submitted,

*Marie Giannone*

Marie Giannone  
Planning Board Secretary

