

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the September 3, 2025, at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph Bick	Deputy Supervisor/Councilor
Eugene Young	Councilor
Deborah Magaro-Dolan	Councilor
David Capria	Councilor
Edward Wisnowski	Councilor
Jill Hageman-Clark	Town Clerk
Robert Germain	Town Attorney
Ron DeTota	Town Engineer
Brian Bender	Commissioner Plan & Development

ABSENT:

Ryan Pleskach	Councilor
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OTHERS PRESENT:

Russ Mitchell, Planning Board Chairman; Karen Guinup, Hal Henty and Paul Graves, Planning Board Members; Marie Giannone, Planning Board Secretary; Mike Redhead, Fire Inspector and Mike Brown, Fire Chief MCFD.

The meeting was called to order by Supervisor Ulatowski at 7:30 P.M. All present joined in the Pledge of Allegiance.

APPROVAL of MINUTES:

Councilor Bick made a motion to approve the minutes of the August 18, 2025 Regular Town Board Meeting. Motion was seconded by Councilor Capria.

Ayes – 6 and Noes – 0. *Motion carried.*

CORRESPONDENCE:

Introduction of the new Commissioner of Planning & Development, Brian Bender. Supervisor Ulatowski introduced and welcomed the new Planning Commissioner, Brian Bender.

Supervisor Ulatowski asked if anyone was present from the last meeting requesting a dozen STOP Signs, on Richardson and Northfield roads and several side streets. No one spoke. He continued he has researched this and is working to reach an amicable solution for the neighborhood.

The Supervisor then asked if the couple from the last meeting that brought the noise from Sharkey's to the Towns attention. They were not present. He explained that he is working with the owner of Sharkey's to find a resolution.

Franchise Agreement (A) VERIZON NEW YORK Inc.:

Councilor Wisnowski moved the adoption of a resolution **approving** a five (5) year cable television franchise renewal agreement by and between the **Town of Clay** and **Verizon New York Inc.** Motion was seconded by Councilor Capria.

Ayes – 6 and Noes – 0. *Motion carried.*

SPECIAL PERMIT (SEQR) – Town Board Case # 1233 – DAVID WICKHAM:

Councilor Bick moved the adoption of a resolution regarding the application of Town Board Case #1233: **DAVID WICKHAM** for a Special Permit pursuant to Section 230-13 A.(2)(e)[7] to allow for a two (2) family dwelling on land located at **5180 Orangeport Road, Tax Map No. 042.-01-24.3**, consisting of +/- .64 acres of land, is an unlisted action with a completed EAF and involves no other permit granting agency outside the Town. The proposed project will not have a significant effect on the environment and therefore does not require the preparation of an EIS. Motion was seconded by Councilor Young.

Ayes – 6 and Noes – 0. *Motion carried.*

SPECIAL PERMIT (A) – Town Board Case # 1233 – DAVID WICKHAM:

Councilor Bick moved the adoption of a resolution **approving** Town Board Case #1233: **DAVID WICKHAM** for a Special Permit pursuant to Section 230-13 A.(2)(e)[7] to allow for a two (2) family dwelling on land located at **5180 Orangeport Road, Tax Map No. 042.-01-24.3**, consisting of +/- .64 acres of land. The property is located in the RA-100 Residential Agricultural district. Motion was seconded by Councilor Capria.

Ayes – 6 and Noes – 0. *Motion carried.*

SPECIAL PERMIT (Findings) – Town Board Case # 1224 – MCDONALD’S USA, LLC:

Findings of Town Board Case #1224: **MCDONALD’S USA LLC.**, for a Special Permit pursuant to Section 230-16 C. (2)(e)[2] – Drive in Service, to allow for a restaurant with a drive-thru on land located at **4979 W. Taft Road, Tax Map No. 107.-20-01.1**, consisting of +/- 1.33 acres of land. The property is located in the RC-1 Regional Commercial District and LuC-1 Limited Use for Gasoline Services districts.

Councilor Magaro Dolan read the “Findings” for both Town Board Case 1224 and 1231 as follows:

TOWN OF CLAY BOARD
FINDINGS OF FACTS AND CONCLUSIONS

Applicant: McDonalds USA, LLC

**Type: Special Permit-Section 230-16C(2)(e)(2)-Drive in Service
(TB Case #1224) and
Zone Change from LUC-11 Limited Use District (TB Case #1231)
Property: 4979 West Taft Road
Tax Map Numbers: 107.-20-01.1**

General Issue Summary:

The subject property under consideration consists of three tax parcels totaling approximately 1.269 +/- acres of land on the north side of West Taft Road and within the overall Wegman’s Plaza property. The property under consideration is currently zoned LUC-11 Limited Use District for Gasoline Services, and the remainder of the plaza is zoned for a Shopping Center; The site has frontage on West Taft Road and abuts single-family residential properties on all as RC-1 (Regional Commercial) zone. The Wegman’s store within the plaza dominates the use of the space within the overall plaza footprint, and the property also has access on Cedar Post Road.

The applicant is proposing the development of a new McDonald’s restaurant with drive through services which requires the issuance of a Special Permit as requested, and a zone change from LUC 11 to RC-1 to change the current “split zone” within the plaza. The surrounding area on the east side of the property near Cedar Post is predominantly residential in character, and many residents use Cedar Post to access the neighborhoods near the site.

Attached hereto and made part of the record are the following documents:

1. Minutes of the Public Hearings attached as Exhibit A.
2. Onondaga County referral notice for both the zone change and Special Permit

Attached as Exhibit B.

3. Traffic Impact of GTS Consulting attached as Exhibit C.
4. Traffic Impact report from C&S Engineering attached as Exhibit D.

Public Hearings Conducted:

The Town of Clay conducted a series of public hearing addressing the application for both a zone change and a Special Permit to accommodate the drive through restaurant. These hearings were conducted on several dates before being officially closed on August 18th, 2025. Several members of the public attended the meetings. Minutes from the public hearing are available from the Town Clerk or on the Town website.

Some members of the public (among other concerns considered by the Board) expressed the following concerns of note:

1. Traffic issues including but not limited to impact on local roads such as Cedar Post which are used to access residential areas including stacking, lowering of service levels at intersections.
2. Traffic impact issues within the Wegman's Plaza itself including too many pedestrian access points causing potentially dangerous pedestrian/motorist conflicts within the Plaza.
3. The protection of the highly residential areas on the north and east of the property.
4. Un-mitigatable noise and odor impacts on area residents including the exhaust from idling cars in the proposed drive through lines, restaurant cooking smells.
5. Increased litter and pollution.
6. Decreased property values for single family homes.

FINDINGS

1. This application for a zone change is properly classified as an Unlisted Action for the purpose of SEQRA compliance.
2. The application for a Special Permit is classified as an Unlisted Action for the purpose of SEQRA compliance.
3. During the process the Town Board investigated and scoped the potential environmental impacts and decided that in lieu of submission of a full Draft

Environmental Impact Statement, the developer needed to submit the following information and reports to supplement the filed and duly considered EAF Long Form, Traffic Study with specific information addressing trip generation and traffic impacts of the project.

4. Zone Change-We acknowledge receipt of the GML Recommendation Report of the Onondaga County Planning Department dated June 11th, 2025 (OCPB Case # Z-25-175). The referral noted the applicant is proposing a zone change on a 1.269-acre portion of a 19.99-acre parcel from Limited Use for Gasoline Services (LuC-1) to Regional Commercial (RC-1) to facilitate the construction of a McDonald's restaurant with drive-thru but took no position on a recommendation.
5. Special Permit-Drive Thru-We also acknowledge receipt of the GML Recommendation Report from the Onondaga County Planning Department dated March 19th, 2025 (OCPB Case # Z-25 79. The referral noted the applicant is proposing construction a drive-thru on a 1.33-acre portion of a 19.99-acre parcel in Regional Commercial (RC-1) and Limited Use for Gasoline Services (LuC-1) zoning districts at a proposed McDonald's restaurant. The County Planning

Board recommended modifications to the plan prior to any approvals. The modifications were:

- A. "The applicant is required to coordinate West Taft Road access plans with the Onondaga County Department of Transportation. To further meet Department requirements, the applicant must complete a Traffic Impact Study (TIS), for full build out. The TIS must include traffic generation data from concurrently proposed projects along West Taft Road (Inverness Gardens Senior Housing, Northern Credit Union, Summit Credit Union, and McDonalds). The applicant is required to first contact the Department to determine the scope of the study. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval."

The Board has the following comment: The Town and applicant are encouraged to consider alternative site planning for this project, including locating the proposed building closer to the road frontage, relocating parking away from the front of the site, and providing pedestrian and bicycle accommodations."

6. A Traffic Impact Study was submitted by GTS Consulting dated 10/25/24 for consideration along with updates and supporting testimony of Mr. Stansbury at the public hearings. This information was duly considered by the Board, and several questions were asked of Mr. Stansbury by the Town Board and the public as reflected in the Minutes of public hearings.
7. The Town Board also received a Traffic Impact Study from the Town consulting engineers, C&S Engineering. This report Exhibit D, and noted the internal

conflict points within the Wegman's Plaza would be exasperated by the planned development, and also concluded:

- a. Within the study area, three existing stop-controlled approaches with West Taft Road operate with long delays during peak hours including Bear Road, Cedar Post Road, and Janus Park Drive.
- b. The intersection of West Taft Road and Cedar Post Road has had 10 crashes within the last 3 years, 8 of 10 were right angle crashes. Right angle crashes tend to be a severe crash type meaning they are more likely to result in an injury or fatality compared to other crash types. With the proposed location of McDonald's in the southeast corner of the Wegmans Plaza, it is likely new trips will be using the intersection of Cedar Post Road, adding additional vehicles and conflicts to this intersection already experiencing a severe crash type.
- c. Planned nearby developments for Laurel Springs Senior Living, Inverness Senior Living Apartments, and Northern Credit Union, are expected to add a minimal amount of traffic to the adjacent street network, 48 total trips in the weekday midday peak and 42 total trips in the weekday PM peak. These trips have a negligible impact to traffic operations.
- d. The number of new trips the McDonald's Restaurant is expected to generate are 128 total entering and exiting vehicles in the weekday midday, and 94 total entering and exiting in the weekday PM.
- e. Under the build condition, the intersections of West Taft Road at Cedar Post Road and West Taft Road at Bear Road experience a decrease in level of service from a LOS e to LOS f due to the increase in traffic generated from McDonald's.
- f. At the intersection of West Taft Road at Wegmans Plaza and Wintersweet Drive, there is not an adequate amount of queue storage to accommodate additional traffic for the southbound approach (Wegmans Plaza approach). The existing available queue storage for the southbound approach is inadequate under existing conditions. A high turnover restaurant will compound the queueing issues at this intersection.
8. We agree with the conclusions of our Town Engineer, that if built as planned, the traffic conditions inside Wegman's Plaza and along the adjacent roadways would be significantly worsened, including potentially dangerous conditions within the Plaza, and a degraded level of service (to an "F" or Failing) rating at the West Taft and Cedar Post intersection.
9. Counselor Pleskach submitted the following information for including in the record:

"After reviewing the proposal and evaluating the broader context, I would vote no on both the zone change and the special permit. My objection is not related to

McDonald's as a business or brand. The issue is one of compatibility. I believe this proposal is not a good match for this specific site. The Wegmans Plaza already experiences significant congestion and internal traffic flow challenges. Adding a high-volume drive-thru restaurant into that environment, without adequately addressing existing circulation issues internally, would only make the situation worse for shoppers, employees, and nearby roadways. This proposal is part of a larger pattern in which Wegmans is seeking to monetize more of its land holdings. That is a valid business strategy, but for this particular location, I believe further development should only occur after meaningful improvements are made to internal traffic flow and site design. Without those upgrades, the plaza is not suited for additional high-traffic development. To residents, I want to emphasize that the Town is entering a period of growth, and with that comes new development. The Town Board only gets to vote when a project seeks approval for something that falls outside of existing zoning, such as a zone change or a special permit. There are many allowable uses that do not require our approval. However, when we do have authority, it is our duty to make decisions that consider long-term impacts on safety, infrastructure, and quality of life."

10. Specifically with regard to the Zone Change application, we find the proposal as presented is simply not compatible with the neighborhood. According to our Code, the "Regional Commercial (RC-1) zone is intended to allow for diverse, large-scale commercial development of potentially multiple lots, structures and uses arranged in a planned and coordinated manner.... This district shall emphasize design to ensure compatibility with adjoining properties, land uses, public facilities and environmental features." We find the proposal to construct a McDonald's restaurant on the site with a large drive-through vehicle operation does not ensure compatibility with adjoining properties and neighborhoods and is therefore contrary to our Town Code.

11. The evidence produced indicates the proposed project will negatively impact residents in proximity to the project area in a far greater capacity than the overall public in the Town. Furthermore, the traffic issues noted within the Wegman's Plaza and at the nearby intersections could be significantly worsened if a high traffic drive through operation within the Plaza is approved.

12. We find there was insufficient evidence presented by the applicant to demonstrate adequate mitigation of the Town Board and resident concerns about excessive noise and smells from the proposed operations.

13. The potential disruptions to the residents living near the project, including the above cited traffic, noise and smell problems cannot be mitigated, and therefore we find the proposed project impacts to be unacceptable for our residents.

CONCLUSION

The Town Board hereby adopts these findings and FINDS evidence of definable specific harm sufficient to deny the requested Zone Change and Special Permit.

ACCEPTING the FINDINGS:

Councilor Magaro-Dolan moved the adoption of a resolution that the Town Board hereby adopts these findings and finds evidence of definable potential specific harm sufficient to deny the requested **SPECIAL PERMIT**. Simply stated, the proposed project could be injurious to the neighborhood and otherwise detrimental to the public welfare. Motion was seconded by Councilor Capria.

A Roll Count Vote went as follows:

Councilor Wisnowski – Aye

Councilor Magaro-Dolan – Aye

Councilor Young - Aye

Supervisor Ulatowski – Aye

Councilor Bick - Aye

Councilor Capria - Aye

Ayes – 6 and Noes – 0. *Motion carried.*

SPECIAL PERMIT (SEQR) – Town Board Case # 1224 – MCDONALD’S USA, LLC:

Councilor Magaro-Dolan moved the adoption of a resolution regarding the application of Town Board Case #1224: **MCDONALD’S USA LLC.**, for a Special Permit pursuant to Section 230-16 C. (2)(e)[2] – Drive in Service, to allow for a restaurant with a drive-thru on land located at **4979 W. Taft Road, Tax Map No. 107.-20-01.1**, consisting of +/- 1.33 acres of land, is an unlisted action with a completed EAF and involves no other permit granting agency outside the Town. The proposed project may have a significant negative effect on the environment that we do not believe can be mitigated pursuant to the plan as proposed. Motion was seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried.*

SPECIAL PERMIT (D) – Town Board Case # 1224 – MCDONALD’S USA, LLC:

Councilor Magaro-Dolan moved the adoption of a resolution **denying** Town Board Case #1224: **MCDONALD’S USA LLC.**, for a Special Permit pursuant to Section 230-16 C. (2)(e)[2] – Drive in Service, to allow for a restaurant with a drive-thru on land located at **4979 W. Taft Road, Tax Map No. 107.-20-01.1**, consisting of +/- 1.33 acres of land. The property is located in the RC-1 Regional Commercial District

and LuC-1 Limited Use for Gasoline Services districts. Motion was seconded by Councilor Capria.

Ayes – 6 and Noes – 0. *Motion carried to deny the application.*

ZONE CHANGE (FINDINGS) – Town Board Case # 1231 – MCDONALD’S USA, LLC:

ACCEPTING the FINDINGS:

Councilor Magaro-Dolan moved the adoption of a resolution that the Town Board hereby adopts these findings and finds evidence of definable potential specific harm sufficient to deny the requested **ZONE CHANGE**. Simply stated, the proposed project could be injurious to the neighborhood and otherwise detrimental to the public welfare. Motion was seconded by Councilor Bick.

A Roll Count Vote went as follows:

Councilor Wisnowski – Aye

Councilor Magaro-Dolan – Aye

Councilor Young - Aye

Supervisor Ulatowski – Aye

Councilor Bick - Aye

Councilor Capria - Aye

Ayes – 6 and Noes – 0. *Motion carried.*

ZONE CHANGE (SEQR) – Town Board Case # 1231 – MCDONALD’S USA, LLC:

Councilor Magaro-Dolan moved the adoption of a resolution regarding the application of Town Board Case #1231: **MCDONALD’S USA, LLC.**, for a Zone Change from LuC-1 Limited Use District for Gasoline Services to RC-1 Regional Commercial District on land located on portion of **4979 West Taft Road, Tax Map No. 107.-20-01.1**, consisting of +/- 1.269 acres of land, is an unlisted action with a completed EAF and involves no other permit granting agency outside the Town. The proposed project may have a significant negative effect on the environment that we do not believe can be mitigated pursuant to the plan as proposed. Motion was seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried.*

ZONE CHANGE (D.) – Town Board Case # 1231 – MCDONALD’S USA, LLC:

Councilor Magaro-Dolan moved the adoption of a resolution **denying** Town Board Case #1231: **MCDONALD’S USA, LLC.**, for a Zone Change from LuC-1 Limited Use District for Gasoline Services to RC-1 Regional Commercial District on land located on portion of **4979 West Taft Road, Tax Map No. 107.-20-01.1**, consisting

of +/- 1.269 acres of land. Property is currently split zoned; application is intended to make the zoning of the parcel consistent throughout. Motion was seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried to deny the application.*

SPECIAL PERMIT (PH) – Town Board Case # 1234 – NORTHERN CREDIT UNION:

A public hearing to consider the application of Town Board Case #1234:

NORTHERN CREDIT UNION, for a Special Permit pursuant to Section 230-15B.(2)(e)[2] – Bank/Credit Union & Section 230-15B.(2)(e)[4] – Drive-in Service, to allow for construction of a Credit Union with drive-thru ATMs on land located at **5004-5008 West Taft Road, Tax Map No. 116.1-01-04.1 & 116.1-01-05.0**, consisting of +/- 2.54 acres of land. The property is located in the O-2 Office District.

Brody Smith of Bond, Schoeneck and King and Daniel Manning, Dorothy Wolff, Nathan Hunter, Dan St. Hilare and Christina Barth, all from Northern Credit Union were present.

Mr. Smith began that they were previously before the board for a zone change to commercial zoning. He continued through the process it became clear that the O-2 zoning would be less intense and preferable to the neighbors. Now they are seeking a special permit to allow for three lanes of drive thru service. They have also pushed the building as far north, to Taft Road, as possible to allow the greatest distance from the residential homes. The vegetation will remain and a buffer (berm) with landscaping will be added to the south and west side of the parcel. The lighting will be directed north, again to protect the residential homes.

The hours of operation will be Monday thru Thursday 9 AM to 4 PM and Friday 9 AM to 5 PM. The façade will be harmonious to the character of the neighborhood. The applicant requires no variances and says that this is a good transition from residential to the corridor. The credit union will be staffed by five employees and automated tellers. Councilor Capria asked what the applicant plans on doing with the third (1.37 acre) parcel on Taft Road. The applicant said that they have no plans for it at this time.

Some of the residents asked to see the renderings of the proposed project, Councilor Young looked at the lighting plan. There will be no spot lights and the ATM lighting will be under the canopy. The Supervisor asked what the distance is from the back of

the building to the closest home. Mr. Smith said 244' to the property line, adding that the minimum set back is 25'.

Councilor Magaro-Dolan asked how many cars per day would enter the credit union. The applicant said that they could not predict that, however the traffic study indicates that there will be no impact. There being no additional questions or comments, the Supervisor referred this to the Planning Board.

Councilor Young moved the adoption of a resolution **adjourning** the public hearing to **September 15, 2025, at 7:41 PM**. Motion was seconded by Councilor Wisnowski.

Ayes – 6 and Noes – 0. *Motion carried.*

ZONE CHANGE (PH) – Town Board Case # 1235 – RICH FAMILY SUBDIVISION:

Public hearing to consider the application of Town Board Case #1235: **RICH FAMILY SUBDIVISION**, for a Zone Change from RA-100 Residential Agricultural District to R-10 One-Family Residential District on land located at **8100 & 8101 Oasis Lane, Tax Map Nos. 074.-01-12.1 & 074.-01-12.6**, consisting of +/- 14.125 acres of land, to allow for creation of four (4) new lots.

Tim Coyer from Ianuzi and Romans was present on behalf of the applicant. He began by distributing a few maps and explaining the applicant is proposing a zone change to create a cul-de-sac with two residential homes.

Onondaga County Planning Resolution warned of potential wetlands. Ron DeTota, Town engineer, adding there is a complicated history on this property with the Rich family. He said the topography indicates what appears to be self-inflicted wetlands. (Drainage collected overflowed onto the property.) Mr. DeTota concluded that this has been well documented and there were no buildable lots. Mr. Coyer said he would research this. There being no additional questions or comments, the Supervisor referred this to the Planning Board.

Councilor Bick moved the adoption of a resolution **adjourning** the public hearing to **September 15, 2025, at 7:44 PM**. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 6 and Noes – 0. *Motion carried.*

ZONE CHANGE (CPH) – Town Board case # 1236 – HINERWADELS SITE:

Councilor Capria moved the adoption of a resolution calling a public hearing on **September 15, 2025**, commencing at **7:35 P.M.**, local time, to consider the application of Town Board Case #1236: **HINERWADELS SITE**, for a Zone Change from R-10 One-Family Residential and LuC-2 Limited Use District for Restaurants, to R-7.5 One-Family Residential District and O-2 Office District on land located at **5300 W. Taft Road, Tax Map Nos. 117.-09-25.0, 117.-09.24.0, 117.-09-23.0 & 117.-10-01.0**, consisting of +/- 29.1 acres, to allow for construction of residential lots and two commercial lots. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 6 and Noes – 0. *Motion carried.*

APPOINTMENT - ASSESSOR:

Councilor Capria moved the adoption of a resolution appointing **Rob Bick** as the Assessor of the Town of Clay for a term of six (6) years. Said term to expire **September 30, 2031**. Motion was seconded by Councilor Young.

Ayes – 6 and Noes – 0. *Motion carried.*

BID ADVERTISEMENT - COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NOS. 1 THROUGH 8:

Councilor Wisnowski moved the adoption of a resolution authorizing the advertisement of bids on **September 15, 2025**, for the **COLLECTION &**

DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NOS. 1 THROUGH 8 all located within the Town of Clay. Said bids to be received at Clay Town Hall, Town Clerk's office, located at 4401 State Route 31, Clay NY 13041, until **October 1, 2025, at 11:00 A.M.**, local time. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 6 and Noes – 0. *Motion carried.*

Adjournment:

The meeting was adjourned at 8:34 P.M. upon motion by Councilor Young and seconded by Councilor Magaro-Dolan.

Ayes – 6 and Noes – 0. *Motion carried.*

SPECIAL MEETING OF THE TOWN BOARD – September 3, 2025

Town of Clay

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Jill Hageman-Clark RMC / Town Clerk