

approved

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the May 6, 2024 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
David Hess	Councilor
Eugene Young	Councilor
Ryan Pleskach	Councilor
Deborah Magaro-Dolan	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

Luella Miller	Councilor
Joseph A. Bick	Deputy Supervisor/Councilor

OTHERS PRESENT:

Russ Mitchell, Planning Board Chairman; Hal Henty, Planning Board Member and Rob Bick, Town Assessor.

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 Hess made a motion to approve the minutes of the April 15, 2024 Regular Town Board meeting. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

Cancellation and/or requested adjournments.

See below.

Correspondence:

Announce retirement of Planning Board Member, Karen Guinup effective May 1, 2024.

Nancy Polchlopek of Maider Road asked about the conceptual solar application for near Three Rivers. She continued that this is not a good spot for this. The board is

not aware of any plans for a solar farm at this time and explained so. She continued that someone from Plumley Engineering was surveying the area. Supervisor Ulatowski said that there are currently no plans to his knowledge, however, if an application was submitted, the Planning Department would notify all residents within 200' of the site.

REGULAR MEETING:

Special Permit (PH) Town Board Case #1201 – TULLY'S GOOD TIMES:

(ADJOURNED FROM THE 3/18/24 & 04/01/24 TB MEETING) *****APPLICANT REQUESTED TO BE ADJOURNED TO 6/3/24 MEETING – 7:35 P.M.*****

Councilor Hess made a motion to adjourn the public hearing to **June 3, 2024 at 7:35 PM**. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

SPECIAL PERMIT (PH/Adj.) Town Board Case #1196 – GOGUEN DRIVE REALTY, LLC:

(ADJOURNED FROM THE 02/05/24, 3/04/24, 4/01/24 TB MEETING)

*****APPLICANT REQUESTED TO BE ADJOURNED TO 6/3/24 MEETING –**

7:38 P.M.*** Councilor Hess made a motion to adjourn the public hearing to **June 3, 2024 at 7:38 PM**. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

Special Permit (PH) – Town Board Case #1204 - BREW TEAM NY, LLC. (Coffee shop drive-thru service):

A public hearing to consider the application of **BREW TEAM NY, LLC.**, for a Special Permit pursuant to Section 230-16 B.(2)(e)[2] Uses Allowed – Restaurant and Section 230-16 B.(2)(e)[7] Drive-Thru, on land located at **3906 & 3908 Brewerton Road, Tax Map Nos. 118.-01-07.1 & 118.-01-17.1**, to allow for a Drive-Thru Coffee Shop, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Larry Alder was present and began by explaining that they are proposing a coffee house in the old Salvation Army building on Brewerton Road.

Mr. Alder explained that they will utilize the existing building, removing 40' of the extension. The large parcel to the south will remain and the applicant is proposing to

use the remaining 510 square' for the kiosk type building. There will be no indoor business and no food will be prepared on premises for retail purchase. They will serve espresso-based coffees, lattes and energy drinks as well as pre-packaged muffins. The hours of operation will be 6:00 AM to 10:00 PM.

Mr. Alder explained that they are proposing a two-lane drive thru with stacking for 24 cars and parking for 20 employees. A traffic study suggested that 40 cars pass at peak hours, and they estimate 16 cars will enter at peak. He added that this is a pass by rather than a destination trip.

Councilor Magaro-Dolan asked if this was a local business. Mr. Alder explained that the company is currently operating in Vestal, NY.

Supervisor Ulatowski said that he would refer this to the Planning Board for review and recommendation. Councilor Hess made a motion to adjourn the public hearing to **June 3, 2024 at 7:41 PM**. Motion was seconded by Councilor Pleskach.

Ayes – 5 and Noes – 0. *Motion carried.*

BID Advertisement – Town of Clay's Custodial Contract:

Councilor Hess moved the adoption of a resolution authorizing the Supervisor to bid the Town of Clay's Custodial Contract with Onondaga County Division of Purchase. Contract expires June 30, 2024. Motion was seconded by Councilor Pleskach.

Ayes – 5 and Noes – 0. *Motion carried.*

Traffic & Vehicles/STOP Signs (PH) – Dell Center Drive and Hallston Drive:

A public hearing to consider the amendment of **CHAPTER 211**, entitled **TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 "STOP INTERSECTIONS," SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to designate and provide for three (3) stop signs to be installed at the intersection of Dell Center Drive at Hallston Drive, to make a three-way stop; and the installation of the necessary signs therefore, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski opened the hearing; many residents were present in support of this request. Terry Sanford explained that this is an active neighborhood that currently has no signs. She continued that vehicles speed through and hopes that proper signage will help to curb this. Many other residents spoke on behalf of this

citing reasons as speeding vehicles, increased traffic due to test drives from the two auto dealerships and angered drivers looking for an outlet to VerPlank Road. Board members were unaware that there are no signs in this new development.

All questions and comments having been heard; Supervisor Ulatowski **closed** the public hearing. He added that the Town Board would vote on this now.

Traffic & Vehicles/STOP Signs (CPH) – Dell Center Drive and Hallston Drive:

Councilor Magaro-Dolan moved the adoption of a resolution **approving** amendment of **CHAPTER 211**, entitled **TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to designate and provide for three (3) stop signs to be installed at the intersection of Dell Center Drive at Hallston Drive, to make a three-way stop; as well as **NO OUTLET** and **SPEED LIMIT** signs therefore. Motion was seconded by Councilor Hess.

Ayes – 5 and Noes – 0. *Motion carried.*

GRANT APPLICATION (PH) – Restore NY:

Public hearing to solicit public comment on the Town of Clay’s **Restore NY** Round 8 grant application for the 2023 program year. The Restore NY program is administered by Empire State Development Corporation. The hearing will provide further information about the Restore NY grant program and will allow for citizen participation in the development of the proposed grant application.

The Town of Clay will submit an application for funding to the Empire State Development Corporation’s Restore NY Communities Initiative program. If awarded, up to \$3 million in Restore NY funds will go toward the redevelopment of the former Great Northern Mall property. The proposed project consists of the demolition of the vacant Great Northern Mall site and the construction of the initial 234,968 square feet of the new mixed-use building. This project will add an estimated 164 housing units and 43,372 square feet of commercial space and represents Phase 1 of a larger, transformational project.

The project site is owned by Conifer Realty, LLC and Hart Lyman Companies. The property is ± 121.04 acres in size. The following property will be submitted for consideration: **Tax Map Numbers, Section: 028. Block: 01, Lot: 40.4 / 4155 NY-31**, Clay, NY 13041, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski explained that they are seeking applications from municipalities seeking improvements for their communities. He continued that this Grant opportunity has come at a good time and if awarded this will help with the redevelopment of the Great Northern Mall. There being no questions or comments; he **closed** the public hearing.

Zone Change (CPH) – Town Board Case # 1205 – Laurel Springs Zone Change:

Councilor Magaro-Dolan moved the adoption of a resolution calling a public hearing on **May 20, 2024**, commencing at **7:38 P.M.**, local time, to consider the application of **LAUREL SPRINGS ZONE CHANGE** for a Zone Change from HC-1 Highway Commercial District to R-SR Senior Residential District to allow for Senior Housing on land located at **W. Taft Road, Tax Map No. 107.-18-12.0** consisting of \pm 4.74 acres of land. Motion was seconded by Councilor Young.

Ayes – 5 and Noes – 0. *Motion carried.*

Zone Change (CPH) – Town Board Case # 1206 – TRAIN HARD FITNESS I, LLC:

Councilor Hess moved the adoption of a resolution calling a public hearing on **May 20, 2024**, commencing at **7:41 P.M.**, local time, to consider the application of **TRAIN HARD FITNESS I, LLC.**, for a Zone Change from NC-1 Neighborhood Commercial District to R-7.5 One-Family Residential District to allow for creation of a residential lot on land located at **8180 Oswego Road, Tax Map No. 067.-01-03.1** consisting of \pm .29 acres of land. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

GREAT NORTHERN MALL PRELIMINARY PDD CONCEPT PLAN (findings from the Town of Clay Planning Board)

Councilor Pleskach moved the adoption of a resolution that the Town of Clay Town Board refer the proposed **GREAT NORTHERN MALL PRELIMINARY PDD CONCEPT PLAN** as submitted on a map dated March 12, 2024, to the Town of Clay Planning Board.

WHEREAS, a Concept Plan was received for a Preliminary Planned Development District (PDD) to be known as the Great Northern Mall Redevelopment PDD, located on the north side of New York State Route 31 (NY31), bounded by Morgan Road to the east, New York State Route 481 (NY481) to the west and VerPlank Road to the north and encompasses the following Tax Map Parcels; 028.-01-43.0, 028.-01-40.4,

028.-01-47.0, 028.-01-40.5, 028.-01-40.3, 028.-01-13.4, 028.-01-14.0, 028.-01-13.1, 028.-01-13.3, 028.-01-13.2, 028.-01-16.0, 028.-01-17.0, 028.-01-18.0, 028.-01-19.0, 028.-01-20.0, 028.-01-21.0, 028.-01-22.0, 028.-01-23.0, 028.-01-24, 028.-01-25.0, 028.-01-26.0, 028.-01-27.0, 028.-01-28.0, 028.-01-29.0. The Concept Plan consists of approximately 213.09 acres and is comprised of approximately 1,636, three to six story apartment units, approximately 7,000 square feet of residential support space, approximately seven, six story hotel buildings with 875 total rooms; approximately 605,850 square feet of medical office; an approximately 150,000 square feet Ambulatory Care Facility; approximately 67,890 square feet of Recreational/Entertainment space; approximately 30,000 square feet of community center and approximately 450,141 square feet of retail, restaurant, service and commercial space.

NOW, THEREFORE, BE IT RESOLVED that the said application be and the same hereby is referred to the Town Planning Board of the Town of Clay for its review and comment pursuant to the Town of Clay Zoning code, and for its review and recommendation as to the possible environmental significance of the project pursuant to the New York State Environmental Quality Review Act. Motion was seconded by Councilor Hess.

Ayes – 5 and Noes – 0. *Motion carried.*

ARPA FUNDS Transfer (A):

Councilor Magaro-Dolan moved the adoption of a resolution authorizing the Supervisor to transfer **American Rescue Plan Act (ARPA)** funding in the amount of \$17,645.16 to the General Capital Fund for the Senior Center Siding Replacement Project and transfer funding in the amount of \$297,903.72 to the General Capital Fund for the Black Brant Flooding and Drain Repair Project and transfer funding in the amount of \$192,000.00 to the General Capital Fund for the Town Hall Chiller Installation Project. Motion was seconded by Councilor Pleskach.

Ayes- 5 and Noes – 0. *Motion carried.*

PDD/CONCEPT PLAN (NYCRR Part 617) - GREAT NORTHERN MALL:

Councilor Pleskach moved the adoption of a resolution pursuant to provisions of **6 NYCRR Part 617** that the application of a Planned Development District (PDD) to be known as **GREAT NORTHERN MALL**, located at **4155 NY-31, Tax Map No. 028.-01-40.4.**, as a **Type I Action** for the purpose of SEQRA. The project has a completed Environmental Assessment Form (EAF) on record with the Town Planning Department.

The proposed Concept Plan consists of approximately 213.09 acres and is comprised of approximately 1,636, three to six story apartment units, approximately 7,000 square feet of residential support space, approximately seven , six story hotel buildings with 875 total rooms; approximately 605,850 square feet of medical office; an approximately 150,000 square feet Ambulatory Care Facility; approximately 67,890 square feet of Recreational/Entertainment space; approximately 30,000 square feet of community center and approximately 450,141 square feet of retail, restaurant, service and commercial space.

The Town of Clay (**Town Board/Planning Board**) intends to serve as Lead Agency for the purpose of SEQRA compliance and in this capacity will determine if the proposed action will have a significant effect upon the environment. The Lead Agency will undertake a coordinated review of the application and will circulate a Lead Agency Notice to all Involved and Interested agencies and they will be give thirty (30) days from the date of mailing to challenge the Lead Agency designation. The proposed project does not involve any other permit granting agency outside of the Town of Clay. We hereby designate the Town of Clay Town Board as the “**Lead Agency**” for the purpose of SEQRA. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

Contract/Agreement (A) - LABOR AGREEMENT BETWEEN THE TEAMSTERS LOCAL UNION 317 and TOWN OF CLAY CLERICAL and OFFICE EMPLOYEES:

Councilor Hess moved the adoption of a resolution approving the **LABOR AGREEMENT BETWEEN THE TEAMSTERS LOCAL UNION 317 and TOWN OF CLAY CLERICAL and OFFICE EMPLOYEES** for the term commencing **January 1, 2024 to December 31, 2026** and authorizing the Supervisor to execute the same. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

Appointment – TOWN of CLAY PLANNING BOARD MEMBER:

Councilor Hess moved the adoption of a resolution appointing Karen Guinup as **Member** of the Town of Clay Planning Board effective May 6, 2024. Said term to expire December 31, 2030. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

**RESOLUTION AUTHORIZING THE TOWN SUPERVISOR TO APPLY FOR
AND RECEIVE FUNDING UNDER THE RESTORE NY GRANT PROGRAM -
ROUND 8**

WHEREAS, the Clay Town Board (hereafter “Town Board”), after due consideration, has determined that it is desirable and in the public interest to submit an application to Empire State Development for a Restore NY Communities Initiative Program grant; and

WHEREAS the proposed project is in accordance with Town, County, and regional planning objectives; and

WHEREAS the proposed financing is appropriate for the specific project; and

WHEREAS the proposed project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and

WHEREAS, where applicable, the project seeks to attract, create, and sustain employment opportunities; and

WHEREAS the Town Board hereby authorizes and directs the Town Supervisor to submit an application for financial assistance under the Restore NY Communities Initiative Program; and

WHEREAS a public hearing is required pursuant to the Restore NY Grant; and

WHEREAS, the Town Board has considered proposals that qualify for funding under the program and selected one project to be included in an application that will be submitted to Empire State Development Corporation (ESDC) as follows:

Great Northern Mall Redevelopment Project - The project will assist with the demolition of the vacant Great Northern Mall site and construction of the initial 234,968 square feet of the new mixed-use building. (Tax Map Numbers, Section: 028. Block: 01, Lot: 40.4 / 4155 NY-31, Clay, NY 13041). This redevelopment will include the creation of an estimated 164 housing units and 43,372 square feet of commercial space and will represent Phase 1 of a much larger transformational project that, in future phases, will transform the former mall property into a housing, retail, and medical hub serving the residents of the Town of Clay.

WHEREAS, the proposed project is consistent with all existing local plans, the proposed financing is appropriate for the project, the project will facilitate effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources and the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment opportunities in the Town of Clay.

NOW THEREFORE BE IT RESOLVED that the Town Board hereby supports and will sponsor an application for Restore NY funding for the Great Northern Mall Redevelopment Project located at the former Great Northern Mall property (Tax Map Numbers, Section: Section: 028. Block: 01, Lot: 40.4 / 4155 NY-31, Clay, NY 13041) and will administer the grant in accordance with all applicable rules and regulations established by ESDC, and

BE IT FURTHER RESOLVED that the Town Supervisor hereby is authorized to execute and file an application on behalf of the Town of Clay with ESDC for a Restore NY grant on behalf of the Town; and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized and designated as the representative and to act as such in connection with the application to provide additional information as may be required including all understandings and assurances contained in the application; and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized and directed to execute any contract and/or agreement with ESDC in connection with the Application and his designee is further authorized to request and expend funds from New York State to said contract and/or agreement; and

BE IT FURTHER RESOLVED, to the extent all or any actions hereby authorized have been executed and/or performed by the Town Supervisor all are hereby ratified and confirmed and this Resolution take effect immediately.

On a motion by **Councilor Magaro-Dolan** seconded by **Councilor Pleskach**, the foregoing Resolution was adopted on a vote of **5 Ayes, 0 Nays and 2 Absents**. The Town Supervisor declared the Resolution adopted.

DATED: May 6, 2024

Adjournment:

The meeting was adjourned at 8:21 P.M. upon motion by Councilor Young and seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*



Jill Hageman-Clark RMC / Town Clerk