

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the June 17, 2024 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
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
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OTHERS PRESENT:

Russ Mitchell, Chairman of the Planning Board; Hal Henty and Paul Graves, Members of the Planning Board were present.

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 June 3rd, 2024 Regular Town Board Minutes. Councilor Hess seconded the motion.

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

Cancellations and/or requested adjournments:

None

Correspondence:

None

REGULAR MEETING

SPECIAL PERMIT (FINAL SEQRA/FINDINGS and DECISION) - Town Board Case #1196 – GOGUEN DRIVE REALTY, LLC:

(FINAL SEQRA/FINDINGS and DECISION) For the application of **GOGUEN DRIVE REALTY, LLC.**, for a Special Permit pursuant to Section 230-17 E.(2)(a)[4] - Bulk Processing Facility, to allow for a Concrete Batch Plant on land located at **7835 Goguen Drive, Tax Map No. 087.-01-08.1** consisting of +/- 6.24 acres of land.

Councilor Hess read the following: **FINDINGS OF FACTS AND CONCLUSIONS**

Applicant: GOGUEN DRIVE REALTY, LLC

**Type: SPECIAL PERMIT PURSUANT TO SECTION 230-17E.(2) (a)(4)
Bulk Processing Facility for Concrete Batch Plant**

Property: 7835 Goguen Drive-Tax Map No. 087.-01-08.1

General Issue Summary:

The subject property under consideration consists of one tax parcel totaling approximately +/- 6.24 acres of land located at 7835 Goguen Drive. The site is located generally along the Goguen access to the Wetzel Road area, with forested lands and a mix of industrial and commercial structures along with residential areas to the West and East. There is a newly constructed contractors service yard on the premises.

The property is currently zoned Industrial 1 (I-1), allowing some industrial uses according to the Code, but in this case subject to the issuance of a Special Permit by the Town Board due to the proposed use as S-1 Special Use.

It is important to note there are densely populated residential areas located between .5 and 1 mile from the subject site mostly across Morgan Road and Henry Clay Blvd. The residential area consists mostly of single-family homes.

Clay Industrial Districts: According to the Clay Town Code (Section 230-17), the industrial districts in Clay are for those areas of the Town that are found to be suitable for heavy commercial and/or industrial activities, and those activities are expected to require good access to transportation routes, extra attention for fire and emergency services, and may require specialized water or sanitary sewage services. The districts are generally ordered in increasing levels of intensity. The I-1 Industrial District is for the lowest intensity types of industrial land uses, those that operate within enclosed structures and are least likely to have adverse impacts beyond their individual properties.

The original Application for a Special Permit and EAF filed along with the Site Plan (December, 2023) and Noise Survey from 2019 were received and reviewed by the Board. The original application package contained several representations of facts about potential project impacts that were later determined to be untrue, or vastly understated. Accordingly, on or about May 15th, 2024, the Applicant submitted a revised Special Permit Application package and supplemented same

with a revised EAF showing increased impact calculations, traffic, noise and air quality studies, revised site development plan, preliminary building plans, proximity mapping, lighting, photos and truck fueling information. A copy of the original application package was filed with the Town and made a part of the record. Similarly, a copy of the supplemental submission package and cover letter from CHA Engineering dated May 15th, 2024 is also filed with the Town and made a part of the record.

The Site Plan shows a Central Mix Concrete Batch Plant located near the rear of the parcel with a 50-foot maximum height. There is also a Control Room building (30 x 12), 8 open pits for sand, gravel and aggregate storage to be added along the rear of the site. The pits are outside the building. The plan also calls for a wastewater treatment lagoon located outside the building. This system is supposed to allow for pre-treatment of wastewater prior to discharge to the County treatment plant.

Public Hearings Conducted:

The Town of Clay conducted public hearings on February 5th, 2024, March 18th, 2024, April 1st 2024 and continued to June 3rd, 2024 addressing the application for a Special Permit and potential use of the property as a concrete batch plant. Minutes from the public hearing are available from the Town Clerk or on the Town website, and a copy of the minutes are also attached hereto.

The applicant provided an overview of the project and along with engineering assistance, explained the nature of the project and potential impacts at length. The applicant and/or experts for same attempted to answer a series of questions submitted by the Town Board during the public hearings, and also questions raised by the public. A copy of some of the Applicant's responses to Town Board questions is contained in the cover letter from CHA Engineering dated May 15th, 2024 and made part of the record.

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

1. Traffic issues including but not limited to impact on local roads, stacking and lowering of service levels at intersections. Impacts from heavy trucks and equipment around the subject site.
2. The protection of the highly residential areas near the subject property. The proposed use as a concrete plant could impact public health and safety concerns. Primarily, the residents fear impacts from concrete dust, loud noise, the property lines, effluent leaking from truck wash out operations, night lighting, early morning/evening operation and other impacts.

3. Residents expressed concerns about potential decreased property values for single family homes in the area if the neighborhoods are impacted negatively by the project.
4. The Site Plan notes the existence of a watercourse in the vicinity contains Federally protected wetland areas. This is concerning because though the previous application for a contactor yard included a wetland, this EAF shows only the location of a Class C stream. The applicant must perform a proper delineation before any approvals can be granted.
5. The EAF notes the project will emit 892 tons of carbon dioxide and .07 tons of nitric oxide during operation.
6. The original EAF stated there will be only 4 to 5 making up to 10 trucks trips per day for a total of 50 trips. However, testimony at the public hearings show the plant is more likely to generate up to 500 truck trips daily. According to the testimony, the roadways (both County and Town) around the subject site are older, and not up to current new road standards. In addition, it must be noted that although the Town Highway Department initially issued a letter to the applicant stating the roads could handle the potential impact, we find that the letter was based upon the initial understated estimates submitted by the applicant, and therefore we find the letter is inaccurate and not applicable.
7. The traffic study submitted by GTS dated May 7th, 2024 indicates the proposed plant would produce 504 total truck trips per day (252 entering and 252 leaving). After build-out, it is expected the project would add appx. 100 truck trips per day to the west of the site, and up to 404 truck trips to the east between Goguen and Henry Clay Boulevard. Morgan Road is expected to have an additional 100 truck trips per day to the north, and Henry Clay is expected to see an additional 100 truck trips per day to the north, and 228 truck trips per day to the south. It is expected the Level of Service at the Wetzel Road and Henry Clay Boulevard intersection will drop from a B to a C level of service, and Wetzel Road and Morgan Road intersection will also drop from B to C.
8. Scientific Studies Presented for the Record: As part of the overall body of evidence reviewed in the case of the proposed batch plant on Goguen Dr. in Clay, three scientific studies were submitted to the Board for review. Each study was published in a peer reviewed scientific journal, and each contains information relevant to the application.

Study 1: Councilor Pleskach submitted a 2021 study entitled “Asthma and Particulate Pollution: Insights from Health Survey and Air Quality Monitoring in the Buzzard Point, Washington DC Neighborhood” by Hseih et.al. This article contains a case study focused on asthma rates affected by air quality in a studied neighborhood located “next to concrete batch plants and close to several construction projects.” Significantly, the study suggests that there is a correlation between air quality and respiratory symptoms, that asthma symptoms may be underreported in

this neighborhood and that the increased particulate matter from the concrete batch plants associated with this neighborhood contributed significantly to the airborne particulate materials (hereinafter “PM”). It also asserts that current PM testing “may fail to capture short duration high PM events.”

Study 2: The second study submitted by the applicant is titled “Assessing the Impact of Fugitive Dust Emissions from Cement Silos at a Cluster of Concrete Batching Facilities Using Air Dispersion Modeling” by Rady, et al. Published in the Journal of Environmental Protection (2023, 14, 373-391). This study compared PM emissions from “Controlled and Uncontrolled” Cement Silos. The study points out the hazards of cement dust to the environment and human health. The applicant pointed out that “Controlled” Cement silos “represents the ideal operation of the concrete batching facility” and that the applicants proposed mitigation of fabric filters “that are capable of collection efficiencies greater than 99.9 percent” should make this project acceptable to the town and its residents. If this study stopped there, perhaps that would be the case. The study, however goes further and describes results from “uncontrolled Cement Silos.” It found that “uncontrolled or dis-repaired cement silos have no control efficiency” and resulted in PM releases 5.3 times higher than the World Health organization standards for air quality. The study uses “uncontrolled” and “dis-repaired” interchangeably meaning that failed mitigation on a “controlled” Cement silo can make it an “uncontrolled” cement silo without warning or notice. Based on the previous study, its reasonable to assume this would create what Hseih et.al called a “short duration high PM event”. Finally, this study found that the primary reason for high PM exceedance is the non-compliance of concrete batching facilities with regulatory permit conditions” these conditions are not compatible with the surrounding community.

Study 3: The final study was submitted by a resident. It was published in Environmental Science and Technology “Polluting under the Radar: Emissions, Inequality and Concrete batch plants in Houston” (2023, 57, 11419-11419) by Ziropiannis et.al. The study estimates the cost of health damage to residents subjected to particulate matter (PM). In addition to highlighting the negative health effects of concrete batch plants in Harris County Texas. It must be noted Harris County Texas is very densely populated, and it is also home to several clusters of concrete batch plants. The study argues that small industrial sources of pollution negatively contribute to overall air quality. The findings from the study underscore the importance of accounting for all the impacts of small industrial sources of pollution in terms of both their emissions and their proximity to vulnerable populations.” This is why this study is important to overall consideration of this proposed concrete batch plant.

9. Although the applicant’s study concludes no traffic mitigation is necessary for the project, we disagree. According to a review of the applicant’s traffic information and study provided to the Town by our consulting engineers C&S Companies by review letter dated June 10th, 2024, the traffic impacts of the project as proposed will have three impermissible negative effects. A copy of the C&S

Review Letter is attached hereto and made part of the record. The negative impacts can be summarized as:

- 1) **Increase in Truck Traffic:** The summary table presented in the review letter shows the proposed facility will more than double heavy vehicles (trucks with three axles or greater) which will negatively impact the surrounding streets.

Table 1 – Comparison of Existing and Proposed Heavy Vehicles

Roadway	Existing No. of Heavy Vehicles Identified in TIA	Existing No. of Trucks 3-Axle or Greater	Proposed No. of Trucks 3-Axle or Greater*	% Increase
Wetzel Road	265 per day	61 per day	403 per day	413%
Morgan Road	508 per day	87 per day	188 per day	116%
Henry Clay Blvd N	334 per day	46 per day	147 per day	219%

- 2) **Nearby Land-Use/Community Character:** The report notes the location of nearby residential areas and concludes the large, anticipated increase in truck traffic in the immediate area does not fit the community character. Within 1-mile of the facility are directly connected streets that house multiple schools, multiple community parks, and residential neighborhoods. Truck increases are more intrusive to communities and nearby roads due to their impacts to noise, air quality, heavy weight deteriorating roadways faster, and acceleration speeds, etc. The large increase in truck traffic adjacent to and near these community assets and neighborhoods is a negative impact to quality of life.
- 3) **Impact on Pavement Section of Local Roads:** Goguen Drive and the segment of Wetzel Road from Morgan Road to Henry Clay Blvd are local roads, which are not typically designed for heavy traffic. The pavement section in addition to turning radii, and pavement and shoulder widths, should all be verified to ensure adequacy for accommodating a facility that generates truck traffic. The report concludes our roadways are simply not designed to withstand the impact of heavy truck traffic.

10. In addition to testimony at the public hearings, the Town residents submitted several citizen Petitions containing over 1,800 signatures in opposition to the issuance of Special Permit for the project. A copy of the Petitions submitted was filed with the Town Clerk.

FINDINGS

1. This application for a Special Permit is properly classified as a Type 1 Action for the purpose of SEQRA compliance.
2. During the application process, the Town Board investigated and scoped the potential environmental impacts in accordance with the filed and duly considered EAF Long Forms. A copy of the EAF Long Forms submitted by the applicant are

attached. The Board notes some dramatic discrepancy in potential impact from the project as reflected in the revised EAF submitted May 15th, 2024, as opposed to the understated original EAF submission. As a result of scoping, the Board requested many supplements to the EAF including, but not limited to a traffic study, noise and air quality studies and building plans.

3. We acknowledge receipt of an informal GML Recommendation of the Onondaga County Planning Department dated March 27th, 2024 (OCPB Case #Z-24-80).
4. According to our Town of Clay Code (Section 230-17), “the purpose of the I-1 District is to promote and accommodate those kinds of industrial uses that provide the logistical assembly, shipping, storage, servicing, or similar support for retail or other business uses. Nonindustrial uses are limited to large office buildings or land uses that are essential to the district. These uses are expected to conduct all operations in one or more buildings, organized in a well-planned setting within enclosed structures in a clean, quiet manner that results in little or no exterior evidence of industrial activity and, therefore, can be compatible to nearby commercial or residential areas. We find the testimony of the neighboring residential property owners with regard to negative potential impacts from the project, especially truck traffic, noise and dust health related concerns to be compelling, and hereby find this project once operational, will not be compatible with nearby residential areas.
5. Our Town Code states, “The Special Permit approval process seeks to ensure that certain permitted uses are established in a manner that is appropriate and compatible to a site, neighborhood and zone district. Furthermore, “No Special Permit shall be granted by the reviewing board unless it finds that the use or structure for which the Special Permit is sought will not, under conditions that the reviewing board considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare. We find the potential impacts from the proposed project such as increased truck traffic, noise and particulate pollution could be injurious to the neighborhood or otherwise detrimental to the public welfare. Accordingly, the application must be denied.
6. According to Clay Town Code, Industrial I-1 uses must be wholly contained to operations within a structure. Outdoor activities of any type are not allowed in the I-1 Zone. The proposal before us indicates there will be open walled containers for product storage located outside the building. The proposed conveyor system is also to be located partially outside. Furthermore, we believe cement trucks will be mixing on the property but outside the building. Accordingly, we find this proposal to be contrary to our Code.
7. Land use activity in Clay shall not emit quantities of soot, cinders or fly ash measured at the emitting source, in excess of the more restrictive current standard of either the United States Environmental Protection Agency (EPA) or NYS Department of Environmental Conservation (NYSDEC). According to our Code, there shall be no dust and/or dirt generated by any other sources related to the land use activity as observed by the Commissioner crossing the property lines of the

subject property. Despite the testimony of consultants for the applicant, we find there is no compelling evidence that dust and PM will not escape the project area and reach the neighboring properties.

8. We find that as evidenced by the Traffic Study submitted by the Applicant, the volume of traffic and especially heavy truck traffic on Goguen and Henry Clay shows there will be a significant increase in heavy truck traffic (See C&S Companies Review Letter dated June 10th, 2024) on our roadways once the plant is in operation. We agree with the conclusion of our Town Engineer, and find the roadways that will be necessary to service the project were not built to a standard sufficient to handle the heavy and repeated truck traffic that is anticipated. The Town could therefore be forced to expend additional Town resources to upgrade and maintain the roadways to service the project. The Town lacks the resources and ability to address the possible roadway deficiencies and will not allow other Town residents and roadway users to be negatively impacted by the project. Accordingly, this project must be denied.
9. The scientific studies presented to the Board and referenced in the public hearing notes above, lead the Board to find and conclude:
 1. Particulate matter and dust from concrete batch plants represents a measurable hazard to surrounding communities.
 2. While regulation and mitigation of hazards are available and can be applied to the proposed project, failed mitigation has no recourse once particulate matter is introduced into the air.
 3. For mitigation to be effective, constant enforcement by the town would be required and come at a significant expense to taxpayers, without commensurate benefit to the town.
10. We also find and agree with the conclusions of our Town Engineering firm that the proposed heavy truck traffic in the area of the proposed plant will negatively impact the character of the nearby community by adding more noise, air quality issues, heavy weight deterioration and other negative factors.
11. The Town is currently in the process of completing a new comprehensive land use plan, and we expect future use of this property may be addressed in the new plan. In the meantime, we find approving a large-scale concrete batch plant at this time is inappropriate.
12. The majority of 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. The proposed concrete batch plant will not be in harmony with the neighborhood area. The potential impacts of the project as proposed cannot be sufficiently mitigated, and therefore we find the project as proposed is unacceptable.

CONCLUSION

ACCEPTING the FINDINGS:

Councilor Hess 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 Pleskach.

Supervisor Ulatowski called for a Roll Count Vote, and it went as follows:

Councilor Miller - *absent*

Councilor Magaro-Dolan - Aye

Councilor Young - Aye

Supervisor Ulatowski - Aye

Councilor Bick - Aye

Councilor Hess - Aye

Councilor Pleskach - Aye

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

SEQRA RESOLUTION:

Councilor Hess moved the adoption of a resolution that the proposed project **may** have a significant negative impact on the surrounding properties and environment in general that we believe cannot be fully mitigated. Accordingly, we hereby issue a **positive determination**. Motion was seconded by Councilor Magaro-Dolan.

Supervisor Ulatowski called for a Roll Count Vote, and it went as follows:

Councilor Miller - *absent*

Councilor Magaro-Dolan - Aye

Councilor Young - Aye

Supervisor Ulatowski - Aye

Councilor Bick - Aye

Councilor Hess - Aye

Councilor Pleskach - Aye

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

DECISION:

Councilor Hess moved the adoption of a resolution **denying** the requested application for a Special Permit based upon all above mentioned facts, findings and conclusions. Motion was seconded by Councilor Magaro-Dolan.

Supervisor Ulatowski called for a Roll Count Vote, and it went as follows:

Councilor Miller - *absent*

Councilor Magaro-Dolan - Aye

Councilor Young - Aye

Supervisor Ulatowski - Aye

Councilor Bick - Aye

Councilor Hess - Aye

Councilor Pleskach - Aye

Ayes – 6 and Noes – 0. *Motion carried. Special Permit **denied**.*

Zone Change (PH) Town Board Case #1200 - S&G ACQUISITIONS:

A public hearing to consider the application of **S&G ACQUISITIONS** for a Zone Change from O-1 Neighborhood Office District to LuC-2 Limited Use District for Restaurants, to allow for an event space and commissary kitchen on land located at **5570 Caughdenoy Road, Tax Map No. 079.-05-73.1 f/k/a 079.-05-73.0**, consisting of +/- 6.5 acres of land, was opened by the Supervisor.

Brian Scott, applicant spoke briefly, explaining that they appeared before the Planning Board and received an unfavorable recommendation. He continued that his lawyer advised that he not put anymore money into this as it likely will not be approved. Supervisor Ulatowski asked if he was withdrawing the application. Mr. Scott said that he does not wish to withdraw but really does not have anything to add.

Councilor Hess said that he drove by the site and as he stated before this is an example of spot zoning. He continued that he thinks that the area needs this type of project but not at this location. He concluded that he will vote to deny this.

Councilor Magaro-Dolan said that she is concerned with the parking and the wetland mitigation.

Several residents spoke in opposition, one suggesting that the DEC agrees that the wetlands are expanding. Other concerns were noise, kids on bikes and traffic that would be generated.

All questions having been heard, Supervisor **closed** the public hearing.

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

A public hearing 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 +/- 4.74 acres of land, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

James Trasher was present on behalf of the applicant. He explained that the applicant is proposing 70-71 units of 55+ apartments. He explained that it is more desirable than the previously approved assisted living facility. Mr. Trasher continued that the applicant (the Alberici family) does not wish to oversee and construct an assisted living facility. He added that this will be a less intense use and there is a need for senior housing.

The stormwater is already constructed, and the utilities are in place. The building will be 35' high and there will be elevators and fire suppression. There will still be common areas to socialize.

Jason Shandler from Lazybrook Circle said that if this is approved, he would like to see privacy screening for the residents on Lazybrook. Dave Capria, from Allen Road asked if the tenants would be completely independent. Mr. Trasher said 55 years old plus and independent and rents would be market rate.

Supervisor Ulatowski said that he would refer this to the Planning Board for review. Councilor Hess made a motion to **adjourn** the public hearing to **July 15, 2024 at 7:41 PM**. Motion was seconded by Councilor Bick.

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

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

A public hearing 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 +/- .29 acres of land, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Jason Fiorini explained that he is seeking a zone change to construct a gym on Route 57; it will align with both existing houses. Egress will be from Capricorn Drive and there is no direct access from Route 57/Oswego Road. The building will be 1277± square feet.

Supervisor Ulatowski said that he would refer this to the Planning Board for review. Councilor Pleskach made a motion to **adjourn** the public hearing to **July 15, 2024 at 7:44 PM**. Motion was seconded by Councilor Hess.

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

ZONE CHANGE (PH) – Town Board Case #1207 ALLEN ROAD ZONE CHANGE:

A public hearing to consider the application of **ALLEN ROAD ZONE CHANGE/HAFNER FAMILY TRUST**, for a Zone Change from R-10 One-Family Residential District to O-1 Neighborhood Office District to allow for a small company office on land located at **Allen Road, Tax Map No. 112.-07-11.5** consisting of +/- 1.53 acres of land, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Nolan Kokkoris, attorney with Bond Schoeneck and King was present on behalf of the applicant. He explained that in 2021 there was an application for a zone change from R-10 to O-1, on this parcel in 2021. They are not the same applicant/purchaser. He continued that this is across from the existing office park.

Supervisor Ulatowski asked if there is a tenant. There is not. He asked if there were wetlands and there are not.

Dave Capria, from Allen Road, explained that he lives across from this parcel and he supports this application. He continued; he is concerned with the lack of concern for the crosswalk. He asked if it would be possible to place a blinking signal light alerting motorists to watch for pedestrians in the crosswalk.

Supervisor Ulatowski said that he would refer this to the Planning Board for review. Councilor Hess made a motion to **adjourn** the public hearing to **July 15, 2024 at 7:47 PM**. Motion was seconded by Councilor Pleskach.

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

ZONE CHANGE (PH) – Town Board Case #1208 WEGMANS (GREAT NORTHERN)/WEGMANS FOOD MARKETS, INC.:

A public hearing to consider the application of **WEGMANS (GREAT NORTHERN)/WEGMANS FOOD MARKETS, INC.**, for a Zone Change from Rec-1 Recreation District to RC-1 Regional Commercial District to allow for future development on land located at **3955-3959 NYS Route 31, Tax Map No. 021.-01-05.6** consisting of +/- 24.40 acres of land, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

A representative of Wegmans spoke on behalf of the application. She explained that Wegmans is seeking this zone change for future growth on property that previously was home to the golf dome.

Councilor Bick asked if there is an easement on the parcel for the power lines. There is. Councilor Hess asked if the surrounding area is all RC-1; it is. Councilor Pleskach asked where they will access the parcel. The applicant said that Wegmans owns the road that leads into the plaza and access would be from there. She continued that they are proposing a hotel on 2.5 acres and subdivide. There is no tenant at this time. There was a discussion about the condition of the road and all the potholes.

Supervisor Ulatowski said that he would refer this to the Planning Board for review. Councilor Hess made a motion to **adjourn** the public hearing to **July 15, 2024 at 7:50 PM**. Motion was seconded by Councilor Pleskach.

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

INTERMUNICIPAL AGREEMENT – Stormwater Waste Management Program (SWMP):

Councilor Bick moved the adoption of a resolution approving and authorizing the Supervisor to execute an Intermunicipal Agreement with Onondaga County to provide services to assist the Town in complying with its obligations to develop and implement a Stormwater Waste Management Program (“SWMP”) pursuant to the Municipal Separate Storm Sewer System (“MS4”) Town general permit (“MS4 Permit”), and further authorizing the Supervisor to execute the necessary documents, therefore. Motion was seconded by Councilor Magaro-Dolan.

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

Lighting (5)(A) – ASHLEY LANDING SUBDIVISION:

Councilor Hess moved the adoption of a resolution authorizing the installation of five (5) Carriage C LED light fixtures to be installed on 14’ fiberglass embedded poles within the **Ashley Landing Subdivision**, as shown on a sketch provided by National Grid. The estimated annual cost for the lighting fixtures to the Town Underground lighting district is \$1,555.75. Motion was seconded by Councilor Bick.

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

Hydrants (2)(A) – HORSESHOE ISLAND ROAD:

Councilor Pleskach moved the adoption of a resolution approving the installation of two (2) fire hydrants in the existing L395 Clay Consolidated Water District, as proposed on OCWA Map File No. 837, authorizing the Supervisor to execute the OCWA fire hydrant application. Fire Hydrant No. 15291 (9670 Horseshoe Island Road) and Fire Hydrant No. 15294 (3508 Horseshoe Island Road); OCWA Project No. 4240039. The Town will be notified when the hydrant is in service and will be billed the standard annual hydrant maintenance rate, which is currently \$255.08 per hydrant per annum for 30 years. After 30 years, OCWA will bill the lower maintenance rate, which currently \$87.86 per hydrant, per annum. Motion was seconded by Councilor Hess.

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

INTERMUNICIPAL AGREEMENT – ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (OCIDA):

Councilor Magaro-Dolan moved the adoption of a resolution authorizing the

Supervisor to enter into an Intermunicipal Agreement between the **Town of Clay** and the **Onondaga County Industrial Development Agency (OCIDA)** allowing access to property located at 5064 State Route 31, in the Town of Clay, for the purpose of: (i) conducting non-invasive diligence inspections related to the structures located on the Property and the potential removal and relocation of the structures; and (ii) removal and trimming of shrubs and other overgrown plants. This agreement shall terminate upon the completion of the inspections, but in no event later than June 18, 2024. Such term can be extended by written agreement between the parties. Motion was seconded by Councilor Pleskach.

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

Agreement – (terminate/enter) RECREATION DEPARTMENT:

Councilor Hess moved the adoption of a resolution authorizing the Supervisor terminate an agreement with GovtPortal, Inc., a credit card processing company utilized in the Recreation Department, and enter into an agreement with CardConnect, LLC. Motion was seconded by Councilor Young.

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

ADDITIONAL AGENDA

Lease Agreement – LIVERPOOL CENTRAL SCHOOL DISTRICT:

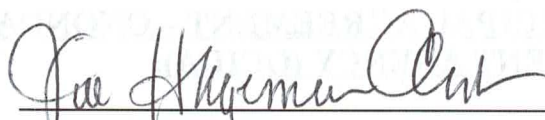
Councilor Bick moved the adoption of a resolution authorizing the Supervisor to execute a **LEASE AGREEMENT** between the **LIVERPOOL CENTRAL SCHOOL DISTRICT** and the **TOWN OF CLAY** with regards to the use of the school's facilities for the Town's Athletic Sports Programs for the current year which shall extend from June 4, 2024, to August 22, 2024, at a cost not to exceed \$3,063.50. Motion was seconded by Councilor Magaro-Dolan.

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

Adjournment:

The meeting was adjourned at 8:54 P.M. upon motion by Councilor Young and seconded by Councilor Magaro-Dolan.

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


Jill Hageman-Clark RMC / Town Clerk