

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the August 19, 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 July 15, 2024 Regular Town Board Minutes. Councilor Hess seconded the motion.

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

Cancellations and/or requested adjournments:

None

Correspondence:

Supervisor Ulatowski read the following:

PROCLAMATION for DOROTHY HELLER

At the Regular Meeting of the Town Board of the Town of Clay, held on the 19th day of August 2024, the following resolution was duly adopted:

WHEREAS, Dorothy Heller was appointed co-historian for the Town of Clay in 2006. In 2007, Dorothy was then appointed primary historian by the Clay Town Board and has since served 17 years as such.

WHEREAS, the Clay Town Board wishes to acknowledge the dedication and service of Clay Town Historian, Dorothy Heller.

WHEREAS, Dorothy devoted herself to diligent research allowing the community to take a deeper dive into what created the bones of the Town of Clay. Dorothy shined a light on all the hard work and dedication families, businesses, and individuals, both past and present, brought to the table to create the community we see today.

WHEREAS, in 2012, Dorothy created “History Mysteries,” a published article about an individual, event or location in the Town of Clay. One could trace these stories by following the Town of Clay website or catch the latest by turning the pages of the Star Review newspaper. She constantly provided interesting and informative facts and anecdotes.

WHEREAS, in addition to “History Mysteries,” Dorothy would provide Town of Clay staff with “A bit of history” a snip-it for the employee monthly newsletter. This helped staff better understand how Clay grew and became a community worth exploring.

WHEREAS, when history was being made, Dorothy was always there to chronicle the event. Dorothy also transferred history into art as she indelibly sketched, drew, and painted in watercolor some of Clay’s historic buildings from the past.

WHEREAS, Dorothy was also a fixture at the Clay Historical Park where she welcomed new and old faces who were eager to educate themselves on what makes Clay “A great place to live, work and raise a family.”

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clay Board on behalf of themselves and the community of Onondaga County, duly acknowledge the devoted service, persistent research and informative articles regarding the Town of Clay as seen from a woman of great devotion and for that we thank Dorothy for a job well done.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the *Great Seal of the Town of Clay* to be affixed at Town Hall this *19th* day of *August*, in the year of our Lord, *Two Thousand Twenty-Four*.

Damian M. Ulatowski, Supervisor

REGULAR MEETING

SPECIAL PERMIT (SEQR) Town Board Case #1201 - TULLY'S GOOD TIMES

Councilor Pleskach moved the adoption of a resolution that the application of **TULLY'S GOOD TIMES** for Special Permits pursuant to Section 230-16B.(2)(e)[2] – Restaurant, and Section 230-16B.(2)(e)[7] – Drive-Thru, on land located at **3567 Route 31, Tax Map No. 019.-02-29.1** to allow for a restaurant and a drive-thru, 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 Bick.

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

SPECIAL PERMIT (D) Town Board Case #1201 - TULLY'S GOOD TIMES:

Councilor Pleskach moved the adoption of a resolution **denying** the application of **TULLY'S GOOD TIMES** for Special Permits pursuant to Section 230-16B.(2)(e)[2] – Restaurant, and Section 230-16B.(2)(e)[7] – Drive-Thru, on land located at **3567 Route 31, Tax Map No. 019.-02-29.1** to allow for a restaurant and a drive-thru. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 1. *Councilor Hess voting to approve the application. Motion carried to Deny the application.*

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

Councilor Bick moved the adoption of a resolution that 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, 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 Hess.

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

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

Councilor Bick moved the adoption of a resolution **denying** 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 Pleskach.

A Roll Count Vote went as follows:

Councilor Magaro-Dolan - Aye	Councilor Young - Aye
Supervisor Ulatowski - No	Councilor Bick - Aye
Councilor Hess - No	Councilor Pleskach - Aye

Ayes – 4 and Noes – 2. *Councilor Hess and Supervisor Ulatowski voting to approve the application. Motion carried to Deny the application.*

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

Councilor Young moved the adoption of a resolution that 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, 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 Magaro-Dolan.

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

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

Councilor Young moved the adoption of a resolution **approving** 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 – 6 and Noes – 0. *Motion carried.*

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

Councilor Hess moved the adoption of a resolution that 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, 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 Pleskach.

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

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

Councilor Hess moved the adoption of a resolution **approving** 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. Motion was seconded by Councilor Magaro-Dolan.

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

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

Councilor Magaro-Dolan moved the adoption of a resolution that 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, 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.*

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

Councilor Magaro-Dolan moved the adoption of a resolution **approving** 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. Motion was seconded by Councilor Young.

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

SPECIAL PERMIT (PH) Town Board Case #1204 – BREW TEAM NY, LLC:

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. (ADJOURNED FROM THE 05/06/24, 06/03/24 & 07/15/24 TB MEETING) was opened by the Supervisor.

Larry Adler of 7 Brew, spoke on behalf of this application, explaining that they had been before the Planning Board. They have addressed all the concerns.

Councilor Hess asked if the previous tenant (Salvation Army) had a drive-up window; they did. He further queried why the applicant is also seeking a special permit for drive up service. The applicant explained that they are reducing the size of the building.

There being no additional questions or comments, Supervisor Ulatowski **closed** the public hearing.

SPECIAL PERMIT (PH) – Town Board Case #1210 McDonald's USA, LLC:

A public hearing to consider the application of **McDonald's USA, LLC.**, for a Special Permit pursuant to Section 230-16C.(2)(e)[2] Drive-In Service to allow for a McDonald's restaurant with a drive-thru on land located at **4979 Taft Road, Tax Map No. 107.-20-01.1**, consisting of ± 1.43 acres of land on a proposed lease parcel. The property is located in the RC-1 Regional Commercial and LuC-1 Limited Use districts, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Randy Bebout of Bohler Engineering was present on behalf of the applicant. He began by explaining that the applicant is proposing construction of a building in the southeast corner of the Wegmans Taft Road parking lot. They have 62 parking spaces, and the drive thru will have two lanes for ordering converging into one lane for pick up. The stacking combined for both lanes is 20 vehicles. He concluded by stating that it would be pass-by business not a destination.

Supervisor Ulatowski asked what the hours of operation would be. Mr. Bebout said that he was not sure but would find out for the next meeting.

Councilor Young was concerned about cars exiting to the east and not following the traffic pattern. He also asked how many customers per day are estimated? Mr. Bebout said that he would find this information as well. Councilor Young asked if by constructing this and providing parking for McDonald's, would there be enough parking for the current businesses to meet the code. Mr. Bebout said that if there was an issue with parking, McDonald's would apply for a variance.

Councilor Bick asked if they would consider stripping the lot to restrict the impact on Cedarpost Road and direct the traffic to the traffic light.

Councilor Hess said that the application by McDonald's for this same location only had one drive-up ordering lane and it was withdrawn; now the application is almost exactly the same, why?

Councilor Pleskach asked if the building size is comparable to other McDonald's in the area. Mr. Bebout said that it is. He also asked if the franchisee is local. Mr. Bebout did not know.

Rich Daddario asked if they are leasing or buying. Janet Reilly asked if the board knew that Olum's is moving into the plaza next to Dollar Tree.

Dan Corbet asked why McDonald's wants to go into this location when there are already five (5) McDonald's in Clay (3 actual in Clay), he also asked why there was no representative from McDonald's present.

Harold Milligan from Cedarpost Road asked if they have considered that there are school busses for two different districts, Centro busses and a great deal of pedestrian traffic on Cedarpost Road; he is concerned with the additional traffic exiting the plaza onto Cedarpost. Sandy Laurenti also echoed these concerns adding that there are no other McDonald's close to residential areas, adding that they pay high taxes.

Mike Brown, Chief of MCFD said that a traffic study is imperative, and he does not want to see an added burden to Fire Departments and EMTS.

Many other residents spoke out in opposition of this application naming reason such as lack of sidewalks, exhaust, speeding drivers, late hours, garbage, wetlands and no traffic light at Cedarpost. Erika Gallucci of Astilbe Path concluded that she hopes that the public comments will stop this application from being approved.

Supervisor Ulatowski said that he would refer this to the Planning Board (September 11, 2024) for recommendation and that the applicant should prepare to address the questions that he could not answer.

Councilor Hess made a motion to **adjourn** the public hearing to **September 16, 2024 at 7:35 PM**. Motion was seconded by Councilor Young.

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

SPECIAL PERMIT (CPH) – Town Board Case # 1211 LORA LAKOV/BRETT LINDSAY:

Councilor Young moved the adoption of a resolution calling a public hearing on **September 4, 2024**, commencing at **7:35 P.M.**, local time, to consider the application of **LORA LAKOV/BRETT LINDSAY** for a Special Permit pursuant to Section 230-16C.(2)(e)[4] Motor Vehicle Service, to allow for a motor vehicle maintenance and service shop on land located at **8015 Oswego Road, Tax Map No. 080.-01-01.0** consisting of ± 2.0 acres of land. The property is located in the RC-1 Regional Commercial District. Motion was seconded by Councilor Magaro-Dolan.

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

HIGHWAY (Purchase) - ONE (1) WESTERN STAR 49X TANDEM AXLE TRACTOR:

Councilor Magaro-Dolan moved the adoption of a resolution approving the purchase of **ONE (1) WESTERN STAR 49X TANDEM AXLE TRACTOR FOR USE BY THE HIGHWAY DEPARTMENT** for a sum not to exceed One Hundred Ninety-Six Thousand, Nine Hundred and Eighty-Four Dollars and 00/100 (\$196,984.00), under **ONONDAGA COUNTY CONTRACT #0010914**. Motion was seconded by Councilor Young.

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

BOND RESOLUTION - ONE (1) WESTERN STAR 49X TANDEM AXLE TRACTOR:

Councilor Magaro-Dolan moved the adoption of a **BOND RESOLUTION** in the amount of \$196,984.00 for the purchase of **ONE (1) WESTERN STAR 49X TANDEM AXLE TRACTOR FOR USE BY THE HIGHWAY DEPARTMENT**. Motion was seconded by Councilor Young.

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

HIGHWAY (Purchase) - TWO (2) 2025 WESTERN STAR 47X, CUMMINS X12 500HP PLOW TRUCKS:

Councilor Hess moved the adoption of a resolution approving the purchase of **TWO (2) 2025 WESTERN STAR 47X, CUMMINS X12 500HP PLOW TRUCKS FOR USE BY THE HIGHWAY DEPARTMENT** for a sum not to exceed Six Hundred Sixty-One Thousand, One Hundred and Eighty-Four Dollars and 00/100 (\$661,184.00), under **ONONDAGA COUNTY CONTRACT #8996**. Motion was seconded by Councilor Bick.

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

BOND RESOLUTION - TWO (2) 2025 WESTERN STAR 47X, CUMMINS X12 500HP PLOW TRUCKS:

Councilor Hess moved the adoption of a **BOND RESOLUTION** in the amount of \$661,184.00 for the purchase of **TWO (2) 2025 WESTERN STAR 47X, CUMMINS X12 500HP PLOW TRUCKS FOR USE BY THE HIGHWAY DEPARTMENT**. Motion was seconded by Councilor Bick.

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

Amendment to the Town of Clay Town Code – Section 230-17 A (CPH):

Councilor Bick moved the adoption of a resolution calling a public hearing on September 4th, 2024 commencing at 7:38 pm local time to consider an amendment of the Town Code Section 230-17 A [1] Performance standard for all Industrial Districts to exempt land use activities on properties located in Industrial II [I2] zones. The existing Code section currently applies a residential noise standard for industrial uses located within 500 feet of residential areas. Uses in the I2 zone must continue to comply with industrial noise limits. Motion was seconded by Councilor Magaro-Dolan.

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

Adjournment:

The meeting was adjourned at 8:48 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