

## **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 4, 2024 at 7:30 P.M., there were:

### **PRESENT:**

Damian Ulatowski	Supervisor
David Hess	Councilor
Eugene Young	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:**

Joseph A. Bick	Deputy Supervisor/Councilor
Ryan Pleskach	Councilor
Luella Miller	Councilor

### **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 Hess made a motion to approve the minutes of the August 19, 2024 Regular Town Board Minutes. Councilor Magaro-Dolan seconded the motion.

Ayes – 4 and Noes – 0. *Motion carried.*

### **Cancellations and/or requested adjournments:**

Supervisor Ulatowski said that Item 2 on the additional agenda (Great Northern Mall PDD) will not be heard.

### **Correspondence:**

None

### **REGULAR MEETING**

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

Councilor Young moved the adoption of a resolution that 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 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 – 4 and Noes – 0. *Motion carried.*

**SPECIAL PERMIT (A/D) Town Board Case #1204 – BREW TEAM NY, LLC:**

Councilor moved the adoption of resolution **Approving** 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. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 4 and Noes – 0, *Motion carried.*

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

A public hearing 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, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk,

Brett Lindsay was present to speak on behalf of this application. He began by explaining that they are proposing a repair and storage area at the current Raymour and Flannigan Outlet at the North end of the building. Storage would be in the front with a Maintenance area in the rear of the building.

Mr. Lindsay said that they are running out of room in the current location at the corner of Teal Ave and Canal Street. He continued that the new traffic pattern is

also impeding access to the building. They are proposing to give the new location a “facelift”.

Councilor Young asked if they will change the footprint of the building. They will not. He asked if the applicant would be agreeable to the Special Permit limited just limited to this business. Mr. Lindsay agreed that this would be fine.

Councilor Magaro-Dolan asked if this would be a licensed repair shop. Mr. Lindsay explained that they are not required to be licensed as they are not available to the public. She asked what type of repairs they will do. Mr. Lindsay said basic maintenance such as oil changes etc. they will not be doing inspections of vehicles, therefore, they do not need to be licensed. Councilor Magaro-Dolan asked what they will do with they used oil. Mr. Lindsay said that they will be recycling it through a process of burning and refining.

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

**LOCAL LAW No. 2 of the Year 2024 (Amending the Town of Clay Town Code – Section 230-17 A (PH):**

A public hearing to consider **LOCAL LAW NO.2 OF THE YEAR 2024**, to 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. **Existing Code Sections:** § 230-17 Industrial districts.

Introduction. The industrial districts are for those areas of the Town that are found to be suitable for heavy commercial and/or industrial activities. These activities comprise land uses and structures that are engaged in the large-scale production or processing of raw materials; the transformation of materials from one form to another; the handling, storage or production of significant quantities of potentially hazardous or objectionable materials, and/or the use of dangerous or obnoxious processes used in the production or handling of materials. All of these 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 level of intensity. Industrial District 1 is for 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. Industrial 2 is for moderate-intensity land uses that may have exterior activity, will tend to be larger in scale and may have more objectionable characteristics requiring more monitoring and mitigation measures. The S-1 Special Uses District is for high-intensity land uses that may employ unique processes or materials which need to be sensitively placed within the Town.

**A. Performance standards for all industrial districts.**

**(1) Noise.** No land use activity shall emit noises measured at the property lines of the subject property exceeding 70 decibels between 6:00 a.m. and 10:00 p.m., or 60

decibels between 10:00 p.m. and 6:00 a.m. These maximum sound levels may be intermittently exceeded by not more than seven decibels for a maximum of six minutes during any sixty-minute period. Any land use activity on property that is entirely or partially within 500 feet of a Residential Zone District shall be subject to the more restrictive noise standards of either this section or of the Town of Clay Code, Chapter 152.

**Proposed added language to Section 230-17 A (1):**

Land use activities in Industrial II (I2) zones are specifically exempt from the more restrictive noise standard, but still must comply with the industrial noise standards contained in this Code.

Robert Germain, Town Attorney spoke regarding this Local Law. He began by explaining that reviewing the Comprehensive Plan for the Town of Clay, there were some areas that needed to be clarified. He explained that this may be the first of many changes to simplify some of the ambiguous language of the code.

Ralph Turner said that he is concerned for the safety of the residents, and wondered if this is an intent to raise the acceptable level of decibels and why.

Mr. Germain explained that this is an attempt to clean up the muddled language of the code. There is no plan to raise decibels and not change the number of decibels. The focus is on buffering and property lines.

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

**Grant Application – NYSEERDA – Motor Vehicle Charging Station:**

Councilor Hess moved the adoption of a resolution authorizing the Supervisor to execute the necessary documents for a grant application with New York State Energy Research and Dormitory Authority (NYSEERDA) for the purchase of an Electric Vehicle (EV) Charging Station to be located at 4401 State Route 31, Clay, New York. The Town of Clay is a designated a 1-Star Clean Energy Community (CEC) and is seeking a \$10,000 grant from NYSEERDA to install an additional dual-port level 2 Charging Station. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 4 and Noes – 0. *Motion carried.*

**Bid Advertisement**

Councilor Young moved the adoption of a resolution authorizing the advertisement of bids for a new Electronic Reader Board to be located at 4401 State Route 31, Clay, New York. Funding provided through the American Rescue Plan Act (ARPA). Said bids to be received at the Town of Clay Town Clerk's Office located at 4401 State Route 31, Clay, New York, until **3 p.m. (local time) September 12, 2024**, and then

at said time publicly opened and read aloud. Specifications may be obtained from the Town Clerk's Office at Main Town Hall, 4401 State Route 31, Clay, New York. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 4 and Noes – 0. *Motion carried.*

### **Bid Advertisement**

Councilor Hess moved the adoption of a resolution authorizing the advertisement of bids for a new Acrylic Monument to be located at 4401 State Route 31, Clay, New York. Funding provided in part by the Dormitory Authority of the State of New York (DASNY) and the American Rescue Plan Act (ARPA). Said bids to be received at the Town of Clay Town Clerk's Office located at 4401 State Route 31, Clay, New York, until **3 p.m. (local time) September 12, 2024**, and then at said time publicly opened and read aloud. Specifications may be obtained from the Town Clerk's Office at Main Town Hall, 4401 State Route 31, Clay, New York. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 4 and Noes – 0. *Motion carried.*

### **Appointment – Deputy Town Clerk:**

Councilor Hess moved the adoption of a resolution appointing **Cheryl Decker** as **Deputy Town Clerk**, to fill the unexpired term of Holly Page. Said term to expire **December 31, 2025**. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 4 and Noes – 0. *Motion carried.*

### **Great Northern Mall**

**NO ACTION**

### **Certiorari – Waste Management:**

Councilor Magaro-Dolan moved the adoption of the following resolution:

**WHEREAS**, in 2020, 2021, 2022, 2024 **Waste Management** ("Petitioner") commenced tax assessment review proceedings against the Town of Clay, Onondaga County, and the School District seeking a reduction in the assessed value of property it owns in the Town of Clay, which is identified as tax map parcel 105.-01-13.2; and

**WHEREAS**, the Town filed an Answer and Demands for Discovery and proceeded to defend the action; and

**WHEREAS**, the Board believes that settlement in this matter is in the best interest of the Town; and

**NOW, THEREFORE, BE IT RESOLVED** by the Town of Clay Board as follows:

Section 1. The Board hereby authorizes the Town Attorney to settle the tax assessment proceedings with Petitioner with Town refunds not to exceed \$11,000.00 and for reduction of the assessed value of the property identified as tax map parcel 105.-01-13.2 pursuant to the proposed settlement listed in the attached memo.

Section 2. The Town Finance Department is authorized, permitted and is directed to pay refunds to Petitioner (or Petitioner's agent) in an amount not to exceed \$11,000.00 (subject to final audit), without further action of this Board.

Section 3. The proposed settlement includes payment of refunds due in an amount not to exceed \$11,000.00 on behalf of the Town, as well as a full waiver of statutory interest by the Petitioner, all in accordance with the terms and conditions as stated in a proposed Stipulation & Order of Settlement. This resolution also authorizes the Supervisor and Town Attorney to execute any and all documents necessary to complete this matter. Motion was seconded by Councilor Young.

Ayes – 4 and Noes – 0. *Motion carried. Councilor Hess thanked Mr. Germain for settling this (oldest) certiorari action.*

**Adjournment:**

The meeting was adjourned at 8:03 P.M. upon motion by Councilor Young and seconded by Councilor Magaro-Dolan.

Ayes – 4 and Noes – 0. *Motion carried.*

  
Jill Hageman Clark RMC / Town Clerk