

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the November 6, 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:

Hal Henty, Member of the Planning Board was 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 October 21, 2024, Regular Town Board Minutes. Councilor Magaro-Dolan seconded the motion.

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

Cancellations and/or requested adjournments:

Supervisor Ulatowski said that the McDonalds case would not be heard at the request of the applicant.

Correspondence:

Supervisor Ulatowski asked if anyone wanted to speak on any items not on the agenda.

A resident from Henry Clay Blvd; explained that they are across from Newbury Woods and are asking if there were any plans to extend water and sewer to them. Ron DeTota said that this request has come up in the past and once the cost to the

residents was determined, they declined. There was a lengthy discussion regarding future development and the possibility of a developer extending utilities to allow connection. Councilor Pleskach mentioned perhaps the Comprehensive Plan may better indicate what the Town will look like. Supervisor Ulatowski explained that the Town will make sure that growth is managed by the Town and that connection to utilities could be happening in the future.

REGUAR MEETING:

SPECIAL PERMIT (SEQR) – Town Board Case # 1214 – 3567 RT 31 TT, LLC/TULLY'S TENDERS:

Councilor Bick moved the adoption of a resolution the application of **Town Board Case #1214: 3567 RT 31 TT, LLC/TULLY'S TENDERS**, for a Special Permit pursuant to Section 230-16B.(2)(e)[2] – Restaurant, and Section 230-16B.(2)(e)[7] – Drive Thru, to allow for a drive-thru restaurant, on land located at **3567 Route 31, Tax Map No. 019.-02-29.1** consisting of +/-1.88 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.*

SPECIAL PERMIT (A) – Town Board Case # 1214 – 3567 RT 31 TT, LLC/TULLY'S TENDERS:

Councilor Bick moved the adoption of a resolution **approving** the application of **Town Board Case #1214: 3567 RT 31 TT, LLC/TULLY'S TENDERS**, for a Special Permit pursuant to Section 230-16B.(2)(e)[2] – Restaurant, and Section 230-16B.(2)(e)[7] – Drive Thru, to allow for a drive-thru restaurant, on land located at **3567 Route 31, Tax Map No. 019.-02-29.1** consisting of +/-1.88 acres of land. The property is located in the HC-1 Highway Commercial District. Motion was seconded by Councilor Hess.

A roll count vote went as follows:

Councilor Magaro-Dolan – No
Supervisor Ulatowski – Yes
Councilor Hess – Yes

Councilor Young – Yes
Councilor Bick – Yes
Councilor Pleskach – No

Councilor Magaro-Dolan read the following statement supporting her decision; I cannot in good conscience vote for this resolution when my very first thought was that so many vehicles turning left out of this site is going to cause major safety issues.

I am not against Tully's Tenders. I am against a primarily drive thru restaurant on this site where a large number of vehicles would have to turn left out onto Route 31 at extremely busy times of day. A right in, right out would make this something I could support.

Councilor Pleskach read the following statement supporting his decision:

I want to begin by acknowledging the value that a Tully's Tenders could bring to our community. Its presence along Route 31 would provide convenient dining options and potentially drive economic activity in Clay. I'm confident that many residents, myself included, would appreciate the chance to enjoy Tully's offerings, especially with the convenience of a takeout and delivery services.

However, I am concerned about the potential safety risks associated with the current traffic flow proposal, particularly regarding left turns onto Route 31. This busy road already sees significant traffic and with the restaurant likely to attract frequent deliveries through services like DoorDash and GrubHub, the left-turn exit could become increasingly hazardous. The drivers for these gig services are financially motivated to complete deliveries quickly, and I feel they may be incentivized to make risky driving decisions when turning onto Route 31.

While I understand that the NYS DOT traffic engineer reviewed the traffic study and gave it due consideration, it is important to note that they do not live in this community and will not have to navigate the resulting traffic challenges. Moreover, their review did not fully account for the drastic changes Clay is on the verge of experiencing, with significant developments like the Micron facility and the Great Northern Mall redevelopment expected to bring substantial growth to our area. The traffic study presented by the applicant only considers one year growth, leaving out the long-term impact that these projects will inevitably have on congestion along Route 31.

Without a more comprehensive traffic study and planning for future congestion, I am concerned that the proposed left-hand exit could create unnecessary risks for both customers and drivers.

If Tully's would adopt a right-in, right-out configuration, I would fully support this proposal. A right-in/right-out exit would greatly reduce the likelihood of accidents and improve traffic flow on Route 31, ensuring that this addition to our community is both a safe and beneficial one.

My vote tonight reflects a desire to see Tully's succeed here in Clay in a way that aligns with our commitment to safety and long-term planning.

Ayes – 4 and Noes – 2. *Motion carried.*

SPECIAL PERMIT (SEQR) – Town Board case # 1275 - EMPOWER PARKINSON WELLNESS CENTER/EMPOWER PARKINSON, INC.:

Councilor Magaro-Dolan moved the adoption of a resolution the application of **Town Board Case #1215: EMPOWER PARKINSON WELLNESS CENTER/EMPOWER PARKINSON, INC.**, for a Special Permit pursuant to Section 230-15B.(2)(e)[3] – Medical Office, to allow for a medical office on land located at **4886-4888 W. Taft Road, Tax Map No. 116.-02-01.0**, consisting on +/- 1.84 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 – 5 and Noes – 0. *Motion carried. Councilor Bick abstaining due to employment.*

SPECIAL PERMIT (A) – Town Board case # 1275 - EMPOWER PARKINSON WELLNESS CENTER/EMPOWER PARKINSON, INC.:

Councilor Magaro-Dolan moved the adoption of a resolution **approving** the application of **Town Board Case #1215: EMPOWER PARKINSON WELLNESS CENTER/EMPOWER PARKINSON, INC.**, for a Special Permit pursuant to Section 230-15B.(2)(e)[3] – Medical Office, to allow for a medical office on land located at **4886-4888 W. Taft Road, Tax Map No. 116.-02-01.0**, consisting on +/-1.84 acres of land. The property is located in the O-2 Office District. Motion was seconded by Councilor Young.

Ayes – 5 and Noes – 0. *Motion carried. Councilor Bick abstaining due to employment.*

Project/Lighting (A) - RED BARN EXTENSION LIGHTING DISTRICT:

Councilor Hess moved the adoption of a resolution **approving** the petition for a lighting district within the Town of Clay to be known as “**RED BARN EXTENSION LIGHTING DISTRICT**”. Motion was seconded by Councilor Bick.

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

Project/Drainage (A) - RED BARN EXTENSION DRAINAGE DISTRICT:

Councilor Hess moved the adoption of a resolution **approving** the petition for a drainage district within the Town of Clay to be known as “**RED BARN EXTENSION DRAINAGE DISTRICT**”. Motion was seconded by Councilor Bick.

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

Project/Sewer (A) - RED BARN EXTENSION SEWER DISTRICT:

Councilor Hess moved the adoption of a resolution **approving** the petition for a sewer district within the Town of Clay to be known as “**RED BARN EXTENSION SEWER DISTRICT**”. Motion was seconded by Councilor Bick.

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

Project/Water (A) - RED BARN EXTENSION WATER DISTRICT:

Councilor Hess moved the adoption of a resolution **approving** the petition for a water district within the Town of Clay to be known as “**RED BARN EXTENSION WATER DISTRICT**”. Motion was seconded by Councilor Bick.

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

Paula Caron, Comptroller, gave the following Budget Presentation:

2025 TOWN OF CLAY SPECIAL DISTRICTS BUDGET (PH):

A public hearing to consider the adoption of the proposed **2025 Special Districts Budget for the Town of Clay.**

There are 6 Special District Funds in the Town. Trash & Brush, Sewer, Drain, Water, Lighting and Hydrant. The total amount to be taxed is \$9.277 million which is an increase of 1.9% over 2024.

Trash will be in the fifth year of a five-year contract and there is no increase to the unit charges. Brush will have a new contract which has not been determined as of yet. A \$5.80 per unit rate increase has been budgeted to cover any contract increases.

The Sewer unit charge is being reduced to offset the Drain unit charge which is being increased as the Drain repairs throughout the Town continue to outpace the Sewer repairs.

There is no change to the SAD Water Budget. The 2 districts in this Fund which include Morgan Rd. and North Area Water continue to pay down their bonded debt through 2027. Once they are paid off, they will be transferred to the Consolidated Hydrant Fund at a lower unit rate.

The unit charges in the 2 Lighting Districts, Overhead and Underground will also remain flat.

There is an increase in the Hydrant Unit charge from \$8.82 to \$9.67 as hydrants are added.

Overall, the Special Districts remain consistent which helps the Town stay under the 2% Tax Cap.

2025 TOWN OF CLAY FIRE PROTECTION BUDGET (PH):

A public hearing to consider the adoption of the proposed **2025 Fire Protection Budget for the Town of Clay.**

The 2025 Fire District Budget will see a tax rate increase of \$.83 from \$24.89 to \$25.72 per 1,000 of assessed value which is the same increase as 2024. Also, as we did in 2024 the Town has proposed a 5% increase to the individual contracts of the 5 Fire Districts which include Brewerton, Caughdenoy, Clay, Moyers Corners and the Village of North Syracuse. This will allow them to continue to provide the necessary services while being equitable.

2025 TOWN OF CLAY UNIFORM WATER BUDGET (PH):

A public hearing to consider the adoption of the proposed **2025 Uniform Water Budget for the Town of Clay.**

The Town's Uniform Water District services approximately 5,900 customers including residential, commercial and industrial. The total expenses for 2025 will be \$3.1 million with increases for buying water from OCWA as well as continuing to add improvements to the equipment and programming of the water system. Although, no increase in rates is planned as of yet for 2025 the Water Department is currently studying ways to improve the overall rate structure for more efficiency. The Town of Clay continues to provide water rates for significantly less than a homeowner serviced by OCWA.

2025 TOWN OF CLAY PRELIMINARY BUDGET (PH):

A public hearing to consider the adoption of the proposed **2025 Preliminary Budget for the Town of Clay.**

There are no changes to the Preliminary Budget for 2025. The overall increase is 1.3% over 2024. The taxes will remain flat for the fifth year as we continue to provide services with little impact to the taxpayers.

Overall, the Town, Special Districts and Fire Protection portion of property taxes is about 18%, the County 20% and the Schools 62%.

There being no questions or comments, Supervisor Ulatowski **closed** all the budget hearings.

**ZONE CHANGE - TOWN BOARD CASE # 1216 (PH) - THE SUMMIT
FEDERAL CREDIT UNION TAFT ROAD BRANCH:**

A public hearing to consider the application of **Town Board Case #1216: THE SUMMIT FEDERAL CREDIT UNION TAFT ROAD BRANCH** to consider a

Zone Change from R-APT Apartment District and R-10 One-Family Residential District to NC-1 Neighborhood Commercial District and R-APT Apartment District to allow for an construction of a Summit Federal Credit Union on land located at **5047 West Taft Road, Tax Map No. 107.-12-59.0**, consisting of +/- 2.65 acres of land, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Ben Wolfling was present on behalf of Summit Federal Credit Union. He began by explaining that they are proposing a credit union on two parcels (currently zoned R-Apt and R-10) to be rezoned to NC-1 neighborhood commercial.

Councilor Young asked the applicant why they are not considering rezoning the whole thing? He continued that the map does not reflect R-Apt.

Councilor Bick asked Mr. Wolfling to highlight the northern boundary. Councilor Pleskach asked if this is non-conforming. Commissioner Territo explained that this will require a lot-line adjustment. Mr. Germain suggested that the lot-line adjustment be done first or change the zone of the whole piece.

There was a great deal of confusion regarding the map and lack of information. Councilor Pleskach said that he does not have a problem with a credit union. Supervisor Ulatowski said that he would like to **adjourn** the public hearing pending a clearer description. Commissioner Territo asked if the subdivision should occur prior to the Zone Change; Councilor Hess said it should. Also, the applicant should provide clarity on the maps for the surrounding zoning.

Councilor Hess made a motion to **adjourn** the public hearing to **November 18, 2024 at 7:35 PM**. Motion was seconded by Councilor Pleskach.

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

LOCAL LAW No. 3 of the YEAR 2024 (f/k/a/ LOCAL LAW No. 4 of the year 2024) (PH) to amend Section 154-4 H – Prohibited Noise:

A public hearing to consider proposed LOCAL LAW No. 3 of the YEAR 2024 (f/k/a/ LOCAL LAW No. 4 of the year 2024), to amend **Section 154-4 H. – Prohibited Noises**, to add: Noise from construction and demolition activity in Industrial 2 (I-2) Districts is exempt from this section; was opened by the Supervisor; proof of publication and posting was furnished by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Robert Germain, Legal Counsel for the Town of Clay, began by explaining that the construction of Micron may present issues with noise and this Local Law is being established to mitigate any anticipated problems during construction in the I-2 zone only. This will not affect the operations; it will strictly pertain to the construction phase only.

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

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

Councilor Hess made a motion to adjourn the public hearing as requested by the applicant, to January 22, 2025, at 7:35 PM. Motion was seconded by Councilor Bick. Ayes – 6 and Noes – 0. *Motion carried. Supervisor Ulatowski said that this will be the last adjournment granted for this application.*

2025 TOWN OF CLAY SPECIAL DISTRICTS BUDGET (A):

Councilor Pleskach moved the adoption of a resolution approving and adopting the proposed **2025 Special Districts Budget for the Town of Clay**. Motion was seconded by Councilor Bick.

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

2025 TOWN OF CLAY FIRE PROTECTION BUDGET (A):

Councilor Pleskach moved the adoption of a resolution approving and adopting the proposed **2025 Fire Protection Budget for the Town of Clay**. Motion was seconded by Councilor Bick.

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

2025 TOWN OF CLAY UNIFORM WATER BUDGET (A):

Councilor Pleskach moved the adoption of a resolution approving and adopting the proposed **2025 Uniform Water Budget for the Town of Clay**. Motion was seconded by Councilor Bick.

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

2025 TOWN OF CLAY PRELIMINARY BUDGET (A):

Councilor Pleskach moved the adoption of a resolution approving and adopting the proposed **2025 Preliminary Budget for the Town of Clay**. Motion was seconded by Councilor Bick.

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

TOWN OF CLAY ANNUAL BUDGET FOR THE YEAR 2025:

Councilor Pleskach moved the adoption of a resolution approving and adopting the **PRELIMINARY BUDGET** as (proposed or modifies) as the **TOWN OF CLAY ANNUAL BUDGET** for the fiscal year commencing **January 1, 2025**. Motion was seconded by Councilor Bick.

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

Agreement – TOWN of CLAY and CSX TRANSPORTATION, INC.:

Councilor Young moved the adoption of a resolution authorizing the Supervisor to enter into an Agreement on behalf of the **TOWN OF CLAY with CSX TRANSPORTATION, INC.**, to allow for the Town of Clay to construct, use and maintain one (1) existing twenty-four (24”) diameter sub-grade pipeline crossing, solely for the conveyance of raw/treated sewage, located at or near Liverpool, Onondaga County, New York, Albany Division, Fulton Subdivision, Milepost QMP-11.43, Latitude N43:11:00., Longitude W76:12:02 for a fee not to exceed \$4,000, 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/Streetlight (1)- Ashley Landing:

Councilor Hess moved the adoption of a resolution authorizing the installation of one (1) Carriage C LED light fixture be installed on a 16’ fiberglass embedded pole in the **Ashley Landing Subdivision**, as shown on a sketch plan provided by National Grid. The estimated annual cost for the underground lighting fixture is \$310.20. Motion was seconded by Councilor Bick.

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

LIGHTING (upgrade) Fairway East and Soule Road:

Councilor Hess moved the adoption of a resolution authorizing the upgrade of one (1) Roadway F LED light fixture to be installed to replace the existing Roadway C LED on pole 16 ½ located at **Fairway East and Soule Road**, as shown on a sketch plan provided by National Grid. The estimated annual cost differential for this overhead lighting fixture upgrade is \$33.24. Motion was seconded by Councilor Bick.

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

Hydrants (2) – Woodside Estates:

Councilor Magaro-Dolan moved the adoption of a resolution approving the installation of two (2) fire hydrants at **Woodside Estates** located in the existing L395 – Clay Consolidated Water Supply District as proposed on OCWA Map File No. 1992, authorizing the Supervisor to execute the OCWA fire hydrant application. Fire Hydrant No. 15305 (+/- 350' South of Shoveler Lane, East Entrance of Private Road) and Fire Hydrant No. 15306 (+/- 400' South of Shoveler Lane, West Entrance of Private Road); OCWA Project No. 9004176/ The developer, Woodside Estates, will pay for the hydrant installations in conjunction with the 8" Water Main Extension. The Town will be notified when the hydrants are in service, and then will be billed the annual hydrant maintenance rate, which is currently \$87.86 per hydrant per annum. Motion was seconded by Councilor Young.

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

BID ADVERTISEMENT - Boiler HVAC System:


Councilor Pleskach moved the adoption of a resolution authorizing the advertisement of bids for a **New Boiler HVAC System** located at **4401 State Route 31, Clay, New York** in the Town of Clay – 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 10:00 a.m., December 2, 2024 and then at said time publicly opened and read aloud. There will be a pre-bid meeting at 10:00 a.m., November 20, 2024 at 4401 State Route 31, Clay, NY. Specification and drawings may be obtained from Syracuse Blueprint Co., Inc., 825 E. Genesee St. Syracuse, New York. Motion was seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried. Councilor Magaro-Dolan asked if there would be enough time to advertise. Supervisor Ulatowski said that it would be advertised November 7, 2024, giving ample time.*

Adjournment:

The meeting was adjourned at 8:30 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

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


Jill Hageman-Clark RMC / Town Clerk