

## APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the October 21, 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, Member 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 October 7, 2024, Regular Town Board Minutes. Councilor Magaro-Dolan seconded the motion.

Ayes – 5 and Noes – 0. *Motion carried. Councilor Hess abstained due to his absence at that meeting.*

### Cancellations and/or requested adjournments:

Supervisor Ulatowski said that the application for McDonalds (Town Board Case # 1210) would not be heard.

### Correspondence:

**Traffic & Vehicle (SEQR) – TWO (2) STOP SIGNS Mediator Way and Weller Hall Place:**

Councilor moved the adoption of a resolution that an 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 install two additional stop signs at the intersection of **Mediator Way and Weller Hall Place**, creating a three-way stop; and installation of the necessary signs therefore, is an unlisted action with a completed EAF and involves no other permit granting agency outside of the Town. The proposed project will not have a significant effect on the environment and therefore does not require the preparation of an EIS.

**Traffic & Vehicle (A) – TWO (2) STOP SIGNS Mediator Way and Weller Hall Place:**

Councilor moved the adoption of a resolution **approving** an 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 install two additional stop signs at the intersection of **Mediator Way and Weller Hall Place**, creating a three-way stop; and installation of the necessary signs therefore.

**2025 TOWN OF CLAY TENTATIVE BUDGET (IH):**

Informational hearing to consider the **TENTATIVE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2025**. Supervisor Ulatowski read the following Budget Message.

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

Councilor Hess made a motion to **adjourn** the public hearing to **November 6, 2024 at 8:53 PM**. Motion was seconded by Councilor Young.

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

*Supervisor Ulatowski said that he would open the next two public hearings together.*

**SPECIAL PERMIT (PH) – Town Board case # 1212 - MIRABITO ENERGY PROJECTS/KELLY-TOBIN DEVELOPMENT CORP.:**

A public hearing to consider the application of **Town Board Case #1212: MIRABITO ENERGY PROJECTS/KELLY-TOBIN DEVELOPMENT CORP.**, for a Special Permit pursuant to Section 230-16 B.(2)(e)[7] – Drive-in Service to allow for a drive-thru coffee shop on land located at **Route 31 at Lawton Road, Tax Map No. 077.-34-17.1** consisting of +/-9.57 acres of land. The property is located in the HC-1 Highway Commercial District.

-and-

**SPECIAL PERMIT (PH) – Town Board case # 1213 - MIRABITO ENERGY PROJECTS/KELLY-TOBIN DEVELOPMENT CORP.:**

A public hearing to consider the application of **Town Board Case #1213: MIRABITO ENERGY PROJECTS/KELLY-TOBIN DEVELOPMENT CORP.**, for a Special Permit pursuant to Section 230-16 B.(2)(e)[7] – Drive-in Service to allow for a drive-thru bank on land located at **Route 31 at Lawton Road, Tax Map No. 077.-34-17.1** consisting of +/-9.57 acres of land. The property is located in the HC-1 Highway Commercial District; were opened by the Supervisor, proof of publication and posting were furnished by the Town Clerk.

Matt Napierala was present and spoke on behalf of the applicant. He explained that the applicant is proposing a coffee shop with a drive thru as well as a bank with a drive thru on this 9.57-acre parcel in the HC-1 zone. He stated that this is an allowable use. He said that shopping centers, drive in, retail; restaurants are all allowable uses in the HC-1 zone.

The coffee shop would be located on the east side of the parcel and the bank would be on the west side. He continued that there would be ample circulation around the building on the ring road. He discussed the landscape buffer and the stormwater management area adding that they must complete water quality testing.

Supervisor Ulatowski asked if the egress onto Lawton Road currently exists. Mr. Napierala said that it does not, but he plans to place it directly across from the existing road on the east side. The Supervisor asked if there were renderings of the drive thru(s). Mr. Napierala said that they will be on the site plan along with the elevations when they before the Planning Board. Councilor Young said that he could not visualize the drive thru and asked that the map revised be to indicate this.

Councilor Bick asked if they are proposing right in and right out onto Route 31 as the existing road to the development. Mr. Napierala said that they are proposing full access, however if they restricted it to right-in, right-out they would comply.

Ron DeTota said that they may have to increase the stormwater management to accommodate new data.

Councilor Young asked about the traffic flow adding that it is not mapped out and they will not act on this until it is outlined.

Erika Rossman of 5515 Tobin Path asked if they are proposing a gas station. Mr. Napierala said yes. Councilor Young asked if that was allowed. Mr. Napierala said that it is an allowable use in the HC-1 in a Shopping Plaza. Councilor Young asked the Commissioner to read the definition of a shopping center from the Town Code. There was a discussion about what if the gas station was constructed and the other proposed businesses were not. The applicant would be required to construct all.

Sara Villanave of 5516 Wyandra Drive asked why in 2017, when a gas station was proposed for this site, it would have required a zone change and now this application is seeking a special permit. In 2017 the applicant was proposing a gas station/ carwash; this application is for two drive-in businesses (bank and coffee shop) in a proposed “shopping center”. Gas stations are allowed in the shopping center as long as the applicant complies with the requirements.

Supervisor Ulatowski asked what this shopping center would look like in addition to the two proposed drive-thrus’ and the gas station (which is not clearly depicted on the map). Mr. Napierala said maybe a tax office, Chinese takeout, small restaurant, retail... Supervisor Ulatowski stated that there was no mention of a gas station in Mr. Napierala’s presentation. He continued, that the applicant should provide a better rendition of the project.

Supervisor Ulatowski said that he would adjourn the public hearing to give the applicant the opportunity to update the map. Councilor Hess made a motion to **adjourn** both public hearings to **November 6, 2024, at 7:35 and 738 PM**. Motion was seconded by Councilor Magaro-Dolan.

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

### **LOCAL LAW NO. 3 OF THE YEAR 2024 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN A GENERAL MUNICIPAL LAW SECTION 3-C:**

A public hearing to consider adding a proposed Local Law to be entitled “**LOCAL LAW NO. 3 OF THE YEAR 2024 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN A GENERAL MUNICIPAL LAW SECTION 3-C**” to the code of the Town of Clay was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski explained that this is a precautionary measure taken each year by the Town Board, in case the budget exceeds the state imposed 2% tax cap. In the 13 years that this law has been in effect, the Town of Clay has not exceeded it. There being no questions or comments, the Supervisor **closed** the public hearing.

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

A public hearing to consider 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 Clay was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Dave Shoppfer, architect for the project began by explaining that they applicant had been there before, and they are resubmitting the application with some changes. They have added parking spaces and extended the circulation to allow for more stacking. The retail portion of the building will now be office use. The new plan allows for stacking of 10 vehicles at the order window and 14 vehicles at the pickup window and 14 tables for inside dining. The curb cut stays the same.

Councilor Pleskach said that he loves Tully’s and enjoys watching a game and getting tenders but thinks that this is not a good location for this busy business. He continued that he would be more inclined to approve this if it was right-in, right-out only.

Gordon Stansbury, explained that State DOT found the only alteration to the roadway would be to extend the left turning lane and make it a multiuse lane. He said that they conducted several analyses of this area and they felt that this would have a minimal impact on the traffic. Councilor Pleskach asked if they had considered what this would look like in 5 or 10 years, after the construction of Great Northern, Micron, growth in Lysander and all of the new apartment complexes. Mr. Stansbury said that they do not do analysis factoring in projected growth.

Councilor Hess asked if they had considered widening the egress to allow both right and left exits. Mr. Stansbury explained that the State DOT will not allow duel lane egress at an unsignalized exit.

All questions and comments having been heard; the Supervisor **closed** the public hearing.

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

A public hearing to consider 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 Clay was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Patrick VanBeveren, Executive Director, spoke on behalf of this application. This parcel is zoned for office use and they are seeking zoning for medical office use. They will provide services for people with Parkinson's. They will provide services including PT, OT, activities and other services as needed. This is a local group and they are 501(c)(3), not for profit.

Councilor Bick explained that this group purchased the building from St. Joseph's, Mr. Bicks employer. He continued that he will not vote on this but is familiar with the parcel. He explained that it was used for medical in the past and this use would be consistent.

Councilor Pleskach asked why this application was before them if it was used for medical previously. He asked if there would be any changes to the outside of the building and there would not.

Supervisor Ulatowski closed the public hearing.

*Supervisor Ulatowski said that he would open all of the Red Barn Districts together.*

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

A public hearing to consider a Petition for a lighting district within the Town of Clay to be known as **"RED BARN EXTENSION LIGHTING DISTRICT"**.

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

A public hearing to consider a Petition for a drainage district within the Town of Clay to be known as **"RED BARN EXTENSION DRAINAGE DISTRICT"**.

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

A public hearing to consider a Petition for a sewer district within the Town of Clay to be known as **“RED BARN EXTENSION SEWER DISTRICT”**.

### **Project/Water (PH) - RED BARN EXTENSION WATER DISTRICT:**

A public hearing to consider a Petition for a water district within the Town of Clay to be known as **“RED BARN EXTENSION WATER DISTRICT”**.

Steve Calocerinos, spoke on behalf of the applicant. He gave a brief overview explaining that the applicant is proposing a cul-de-sac on the existing stub street with 17 lots.

The developer is proposing the establishment of the Red Barn Extension Lighting District to provide lighting for 17 single-family residential lots. The lighting will utilize underground wiring installed by National Grid, at no cost to the Town.

The developer will construct approximately 1,028 linear feet of 12-inch and 15-inch diameter storm sewers, along with a stormwater management basin that will serve 17 single family homes.

The drainage will be constructed by the developer and conveyed to the Town at no cost. There will be an annual charge of \$114.00 per unit in 2024.

The developer will construct approximately 683 linear feet of 8-inch diameter sanitary sewers, four manhole covers and 6-inch diameter service laterals. The proposed cost of construction is \$75,000.00 to serve 17 single family homes.

The annual charge to the Onondaga County Sanitary District for the transmission and treatment of sewage is \$445.44 per unit in 2024. There is an additional annual charge of \$30.00 per unit to the Town of Clay consolidated sewer district and an annual sewer charge of \$95.57 per unit to the Town of Salina. This fee is for 2024.

The water will be provided by OCWA and the cost to connect to the Red Barn Subdivision, will be paid by the developer.

Councilor Hess asked if the Developer plans to have a grassy area in the middle of the cul-de-sac as in the existing cul-de-sac? He continued that the Highway Superintendent was not happy about that as it makes plowing difficult. Mr. Calocerinos said that they would comply with whatever the Highway Superintendent prefers.

There being no more questions or comments, the Supervisor **closed** the public hearings.

### **2025 TOWN OF CLAY PRELIMINARY BUDGET (A):**

Councilor Magaro-Dolan moved the adoption of a resolution **approving** the **TENTATIVE BUDGET** as proposed or modified, for the Town of Clay for the year **2025** as the **TOWN OF CLAY PRELIMINARY BUDGET** for the fiscal year commencing **January 1, 2025**. Motion was seconded by Councilor Pleskach.

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

### **2025 TOWN OF CLAY SPECIAL DISTRICTS BUDGET (CPH):**

Councilor Magaro-Dolan moved the adoption of a resolution calling a public hearing **November 6, 2024**, commencing at **7:35 p.m.**, local time, to consider the adoption of the proposed **2025 Special Districts Budget for the Town of Clay**. Motion was seconded by Councilor Hess.

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

### **2025 TOWN OF CLAY FIRE PROTECTION BUDGET (CPH):**

Councilor Magaro-Dolan moved the adoption of a resolution calling a public hearing **November 6, 2024**, commencing at **7:38 p.m.**, local time, to consider the adoption of the proposed **2025 Fire Protection Budget for the Town of Clay**. Motion was seconded by Councilor Young.

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

### **2025 TOWN OF CLAY UNIFORM WATER BUDGET (CPH):**

Councilor Magaro-Dolan moved the adoption of a resolution calling a public hearing **November 6, 2024**, commencing at **7:41 p.m.**, local time, to consider the adoption of the proposed **2025 Uniform Water Budget for the Town of Clay**. Motion was seconded by Councilor Young.

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

### **2025 TOWN OF CLAY PRELIMINARY BUDGET (CPH):**

Councilor Magaro-Dolan moved the adoption of a resolution calling a public hearing **November 6, 2024**, commencing at **7:44 p.m.**, local time, to consider the adoption of the proposed **2025 Preliminary Budget for the Town of Clay**. Motion was seconded by Councilor Young.

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

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

Councilor Pleskach moved the adoption of a resolution calling a public hearing on **November 6, 2024**, commencing at **7:47 P.M.**, local time 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 & West Taft Road, Tax Map No. 107.-12-60.1**, consisting of +/- 1.862 acres of land. Motion was seconded by Councilor Hess.

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

**LOCAL LAW 4 of the YEAR 2024 (CPH) to amend Section 154-4 H – Prohibited Noise:**

Councilor Bick moved the adoption of a resolution calling a public hearing **November 6, 2024**, commencing at **7:50 P.M.**, local time to consider proposed **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. Motion was seconded by Councilor Hess.

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

**Oswego Industries – Amend Contract:**

Councilor Young moved the adoption of a resolution amending the Town of Clay's Custodial Contract with **Oswego Industries, Inc.** start date to November 4, 2024, and allowing the Supervisor to execute the necessary documents as required. Motion was seconded by Councilor Pleskach.

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

**HYDRANTS (12) (A/D) – CLAY CONSOLIDATED WATER DISTRICT:**

Councilor Magaro-Dolan moved the adoption of a resolution **approving** the installation and proposed location of twelve (12) hydrants (Hydrant Nos.: 15263, 15264, 15265, 15266, 15267, 15268, 15269, 15270, 15271, 15272, 15273, 15274) in the existing O395 Clay Consolidated Water District as proposed on OCWA letter dated December 28, 2023. Motion was seconded by Councilor Pleskach.

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

**HYDRANTS (12) (Authorizing Payment) – CLAY CONSOLIDATED WATER DISTRICT:**

Councilor Magaro-Dolan moved the adoption of a resolution authorizing payment for the installation of twelve (12) hydrants (Hydrant Nos.: 15263, 15264, 15265, 15266, 15267, 15268, 15269, 15270, 15271, 15272, 15273, 15274) in the existing O395 Clay Consolidated Water District as follows:

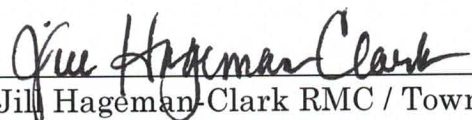
OCWA can install the hydrants and bill the Water District for the actual cost of installation, \$165,000.00. The Water District will then be billed the annual maintenance rate for the hydrant, which is currently \$87.86 per hydrant per annum. Motion was seconded by Councilor Pleskach.

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

**Adjournment:**

The meeting was adjourned at 8:51 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