

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the March 3, 2025, at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Eugene Young	Councilor
Ryan Pleskach	Councilor
Deborah Magaro-Dolan	Councilor
David Capria	Councilor
Edward Wisnowski	Councilor
Jill Hageman-Clark	Town Clerk
Robert Germain	Town Attorney

ABSENT:

Joseph Bick	Deputy Supervisor/Councilor
David Tessier	Interim Commissioner Plan & Development
Ron DeTota	Town Engineer

OTHERS PRESENT:

Russ Mitchell, Planning Board Chairman; Hal Henty and Paul Graves, Planning Board Members.

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 Magaro-Dolan made a motion to approve the minutes of the February 3, 2025, Regular Town Board Meeting. Motion was seconded by Councilor Young.

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

CORRESPONDENCE:

Supervisor Ulatowski asked if anyone wished to address the Board on anything not on the agenda. Mark Goettel of MCFD began that he is planning to step down and want to know what the status is for the requested increase to the LOSAP entitlement for the MCFD. He continued that they have requested an increase from \$20.00 to \$30.00 for each qualifying year of service in addition to entitlement age dropping from 62 years old to 60 years old. He said that he has reached out beginning in 2021 and has several correspondences with LOSAP regarding this but has not heard back from the Town.

Supervisor Ulatowski said that he is aware of this request and the numbers have been run twice over the past few years. The Clay VFD has also asked about this, and he will look further into this.

Councilor Young asked why the Fire Departments have not submitted this request as part of the budget process. The Supervisor explained that this is outside of budget line items, adding that it is equivalent to a pension. He added that he recently spoke with Richard Metz and will follow up with him after looking further into this.

CANCELLATIONS and/or REQUESTED ADJOURNMENTS:

Supervisor Ulatowski said that items numbered 11 (*Goguen Drive Realty LLC*) and 16 (*Service agreement*) will not be heard.

REGULAR MEETING

ZONE CHANGE (SEQR) - Town Board Case # 1218 - SENECA SAVINGS FINANCIAL FACILITY:

Councilor Pleskach moved the adoption of a resolution regarding the application of Town Board Case #1218: **SENECA SAVINGS FINANCIAL FACILITY** for a Zone Change from RA-100, Residential Agricultural District to O-2 Office with Highway Overlay Zone District, to allow for construction of a financial institution on land located at **5332 State Route 31, Tax Map No. 051.-01-11.1**, consisting of +/-2.69 acres, 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 # 1218 - SENECA SAVINGS FINANCIAL FACILITY:

Councilor Pleskach moved the adoption of a resolution **approving** Town Board Case #1218: **SENECA SAVINGS FINANCIAL FACILITY** for a Zone Change from RA-100, Residential Agricultural District to O-2 Office with Highway Overlay Zone District, to allow for construction of a financial institution on land located at **5332 State Route 31, Tax Map No. 051.-01-11.1**, consisting of +/-2.69 acres. Motion was seconded by Councilor Magaro-Dolan.

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

ZONE CHANGE (SEQR) – Town Board Case # 1219 - MARC LEBIEDZINSKI:

Councilor Capria moved the adoption of a resolution regarding the application of Town Board Case #1219: **MARC LEBIEDZINSKI** for a Zone Change from RA-100, Residential Agricultural District to R-15, One-Family Residential District on property located at **7985 Morgan Road, Tax Map No. 081.-29-06.0**, consisting of +/-3.09 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 # 1219 - MARC LEBIEDZINSKI:

Councilor Capria moved the adoption of a resolution **approving** Town Board Case #1219: **MARC LEBIEDZINSKI** for a Zone Change from RA-100, Residential Agricultural District to R-15, One-Family Residential District on property located at **7985 Morgan Road, Tax Map No. 081.-29-06.0**, consisting of +/-3.09 acres of land. Motion was seconded by Councilor Young.

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

ZONE CHANGE (PH) – Town Board Case # 1221 – LAUREL SPRINGS ZONE CHANGE:

A public hearing to consider the application of Town Board Case #1221: **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. (*Previously denied under Town Board Case #1205 on August 9, 2024*) was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

A representative of CHA spoke on behalf of the applicant. He began by explaining that they have scaled down the number of units from 71 to 60. They are proposing more community space where vendors will come in to provide services for the residents such as hair, nail and facial treatments. The vendors will serve only the residents of the senior housing. The size and cost will be market rate, and the units will have 1-2 bedrooms. All units and services will be provided in the one building. The proposed building will not be above 3 stories (under 35'). They are not proposing garages at this time but could discuss it if the Board requests it.

The age restriction is 55 plus per code. The question, what about a child of the couple or a spouse under the age of 55? The Town Board will research this.

Councilor Pleskach asked about sub-letting. The representative said that it would be written into the contract that subletting is not allowed.

Mike Brown of the MCFD asked if there is full access for the fire department. The applicant said that there would be full access.

Supervisor said that they will look into the age requirement and restrictions and referred this to the Planning Board.

Councilor Young moved the adoption of a resolution **adjourning** the public hearing to **April 7, 2025, at 7:44 PM**. Motion was seconded by Councilor Pleskach.

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

Special Permit – (PH/Adj.) Town Board Case # 1220 - GOGUEN DRIVE REALTY, LLC.:

Councilor Young moved the adoption of a resolution **adjourning** the public hearing to **April 7, 2025, at 7:41 PM**. Motion was seconded by Councilor Magaro-Dolan.

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

Supervisor Ulatowski opened both the Mirabito Cases 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. (*Adjourned from the 10/21/2024, 11/18/2024, 12/16/2024 & 2/3/2025 Town Board meetings*)

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. (*Adjourned from the 10/21/2024, 11/18/2024, 12/16/2024 & 2/3/2025 Town Board meetings*) were opened by the Supervisor.

Matt Napierala of Napierala Consulting began by explaining that Jim Ballantyne, Joe Miller and Gordon Stansbury are all present to speak on behalf of the application.

Mr. Napierala began by explaining that they have changed the traffic flow in consideration of concerns addressed by the boards. Now the access from Route 31 will be right-in, right-out only, full access to occur on Lawton Road. The access on Lawton Road has been moved to line up with Crabtree per recommended by NYS DOT.

The access to Dunkin Donuts from Route 31 will enter right in from Route 31 staying to the west side of the parcel and turning left at the southern portion to access behind the building to the order window, then traveling east, turning left to access the pickup window on the east side of the building. The traffic will then continue north past the fueling tanks to exit on Route 31 (right turn only).

To access the NBT Bank from Route 31, follow to the west (as going to Dunkin Donuts) turn left in front of the building and right Following along the west side of the building to access the window. To exit, the traffic will continue to the end of the building turning right and return to exit right onto Route 31.

To access Dunkin Donut from Lawton Road, traffic will enter at the south end of the property continue to merge with traffic entering from Route 31 and continue around the back to order and turning left to pick up order at the east side window. To exit, they will continue to the front of the building turning right (east) to circle around to exit onto Lawton Road.

To access the NBT Bank from Lawton Road, continuing to the right on the east side of the building and heading north in front of the building and turning left on the west side of the building to access the window. To exit onto Lawton Road, traffic will turn left to the south (rear) access driving lane to exit onto Lawton Road.

Mr. Napierala said that the stacking before the order board is 7 cars, with stacking for 5 cars from the order board to the pickup window. Stacking for the drive-up window at the bank is 5 cars. The lanes are 30” wide leaving ample room for bail out.

Mr. Stansbury discussed the traffic impact and the results from the NYS DOT. They are not proposing a traffic light onto Lawton Road. Councilor Young asked many cars could potentially be entering and exiting per hour. Mr. Stansbury said typically 100-150 cars getting gas and utilizing the convenience store (and Subway Sandwich shop), Dunkin Donuts typically 40-50 per hour, and the NBT Bank 10-15 per hour. Mr. Stansbury said that 3-4 cars are estimated per cycle of the traffic light.

Councilor Young was concerned about the pedestrians crossing from the fueling pumps to the store. Councilor Wisnowski said that he is concerned about the traffic and school busses at the busy times. Mr. Stansbury said that the traffic study was conducted at 7-9 AM and 4-6 PM when school was in session.

Councilor Pleskach was concerned about the 18-wheelers and other large vehicles moving around the parcel. He asked if there were any plans to widen or reinforce the road with the extra traffic that will be generated, should this pass. Mr. Napierala said that if this is approved, any reinforcement of road would be addressed at Site Plan with the Planning Board. He added that Mirabito is a good neighbor and will do what is necessary.

Councilor Young asked if the portion to the east is eventually developed into something how would it be accessed. Mr. Napierala said via the ring road. There was a brief discussion about what potentially would be constructed in that area. Mr. Napierala said that potentially a small commercial retail. Councilor Pleskach suggested that if they were going to construct a McDonalds for example, that would greatly impact the traffic study. Councilor Capria asked if the proposed NBT Bank and Dunkin Donuts will only be drive thru service. Mr. Napierala said that they will provide minimal counter service and few seats.

Councilor Magaro-Dolan asked about the renderings that she requested at the last meeting. Mr. Napierala provided pictures of the prototype. Councilor Magaro-Dolan asked again, if both applications are not approved, would the applicant still build? Mr. Napierala said that Mirabito has a long-standing partnership with Dunkin Donuts. He continued that the Planning Board felt that 2 drive thru services is too much for the parcel. He continued that if the decision to deny one results, they are in favor of allowing the Dunkin Donuts.

Mr. Napierala gave a brief history of Mirabito, stating that they started in the 1950s and have grown to 140 stores.

Councilor Young asked for perspective, how this compares to the Byrne Dairy on Buckley Road and Henry Clay Boulevard? Mr. Napierala was not familiar but said that this is the same prototype as the 1.5-acre Parish NY store, with the exception of the bank. There was a lengthy discussion about the comparison to Byrne Dairy and perspective. Mr. Napierala said that he would supply the board with a comparison. *(this was submitted and added to the file in the Clerks office on 3/7/2025).*

Richard Kyle of MCFD asked about the right-in right-out onto Route 31 and access for the Firetrucks as well as access with the building itself. The fire trucks would access the building by the ring road not the drive thru lane. Mr. Napierala said that they would be willing to meet with the Fire Chief. Mike Brown of MCFD asked where the nearest hydrant is. He also asked where large trucks will park. The applicant is proposing a 3+1 fueling area that will accommodate diesel; however, this parcel is not appropriate for tractor trailers and will have no dedicated spaces for them. All questions and comments having been heard; the Supervisor **closed** both public hearings.

SPECIAL PERMIT (CPH) – Town Board case # 1222 - SONBYRNE SALES, INC./CLAY-DOLSHIRE BYRNE DAIRY.:

Councilor Wisnowski moved the adoption of a resolution calling a public hearing on **March 17, 2025**, commencing at **7:35 P.M.**, local time, to consider the application of Town Board Case #1222: **SONBYRNE SALES, INC./CLAY-DOLSHIRE BYRNE DAIRY**, for a Special Permit pursuant to Section 230-16C.(2)(e)[7] – Gasoline Service Station, to allow for construction of a convenience store and gasoline service station on land located at 7190 Buckley Road, Tax Map No. 117.-02-47.0, consisting of +/-2.47 acres of land. Motion was seconded by Councilor Magaro-Dolan.

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

Misc. - (Reauthorizing)Public Employer Mandatory Health Emergency Plan:

Councilor Magaro-Dolan moved the adoption of a resolution allowing the Supervisor to reauthorize the Town of Clay's **Public Employer Mandatory Health Emergency Plan**. This law was signed by Governor on September 7, 2020, and requires public employers to create plans to protect employees and contractors in the event of another public health emergency declaration in NYS. The Town of Clay's plan has been developed in accordance with NYS legislation S8617B/A10832 and approved by Teamster's Local 317 on February 2, 2021. Motion was seconded by Councilor Young.

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

Service Agreement (A) Town of Clay and IMEG Corp. for Mechanical Services:

NO ACTION

Contract/Agreement (A) TOWN OF CLAY LANDFILL POST CLOSURE ENVIRONMENTAL MONITORING PROGRAM:

Councilor Young moved the adoption of a resolution authorizing the Supervisor to execute a contract with **C&S Engineers, Inc.**, for professional services to be rendered for the year **2025** in compliance with DEC Regulations for the **TOWN OF CLAY LANDFILL POST CLOSURE ENVIRONMENTAL MONITORING PROGRAM**. Said services not to exceed **\$25,500.00**. Motion was seconded by Councilor Pleskach.

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

Agreement - C&S Engineers, Inc., for Annual Groundwater Sampling, Site-Wide Inspection, and Periodic Review Report:

Councilor Young moved the adoption of a resolution authorizing the Supervisor to enter into an agreement with **C&S Engineers, Inc.**, for **Annual Groundwater Sampling, Site-Wide Inspection, and Periodic Review Report** at Marder Road Waterfront Site, NYSDEC Site No. B00015 for a lump sum fee of **\$16,000.00**. Motion was seconded by Councilor Wisnowski.

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

STORMWATER AND EDUCATION COMPLIANCE ASSISTANCE PROGRAM:

Councilor Capria moved the adoption of a resolution supporting participation in the Central New York Regional Planning & Development Board's year (18) **STORMWATER AND EDUCATION COMPLIANCE ASSISTANCE PROGRAM** and authorizing the Supervisor to act on behalf of the Town of Clay and execute any and all documents necessary with regard to said matters. In line with the recommendations of the CNY Stormwater Coalition Finance Committee, the CNY RPDB (Regional Planning & Development Board) has adopted a **FLAT FEE STRUCTURE** to simplify the municipal budgeting process. At **\$3,600.00 PER MUNICIPALITY**, this rate reflects shared costs for common services provided equally to all participating municipalities regardless of size or population. The funds

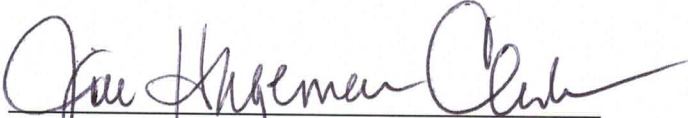
will be available to the Board upon receipt of invoice, and a certified copy of this resolution will be prepared and sent to the Board no later than April 1, 2025. Motion was seconded by Councilor Magaro-Dolan.

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

Adjournment:

The meeting was adjourned at 8:55 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