

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the April 15, 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, Planning Board Chairman; Hal Henty, Planning Board member.

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 Regular Town Board meeting. Motion was seconded by Councilor Hess. Councilor Bick added that the resident correspondence should be attached.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that there are no requests for adjournments.

Correspondence:

There was no correspondence.

REGULAR MEETING:

ZONE CHANGE (SEQR) Town Board Case #1197 - NELSON ASSOCIATES ZONE CHANGE/SHARON CHEVROLET:

Councilor Hess moved the adoption of a resolution that the application of **NELSON ASSOCIATES ZONE CHANGE/SHARON CHEVROLET** for a Zone Change from RA-100 Residential Agricultural District to HC-1 Highway Commercial District to allow for an expansion of existing auto dealership on land located at **3687 State Route 31, part of Tax Map No. 020.-01-14.4**, consisting of +/- 1.87 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 Bick.

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

ZONE CHANGE (A) Town Board Case #1197 - NELSON ASSOCIATES ZONE CHANGE/SHARON CHEVROLET:

Councilor Hess moved the adoption of a resolution **approving** the application of **NELSON ASSOCIATES ZONE CHANGE/SHARON CHEVROLET** for a Zone Change from RA-100 Residential Agricultural District to HC-1 Highway Commercial District to allow for an expansion of existing auto dealership on land located at **3687 State Route 31, part of Tax Map No. 020.-01-14.4**, consisting of +/- 1.87 acres of land. Resolution contingent on Town Attorney approval of cross access easement being filed. Motion was seconded by Councilor Bick.

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

SPECIAL PERMIT (SEQR) Town Board Case # 1198 - QP2 PROPERTIES, LLC (bank):

Councilor Pleskach moved the adoption of a resolution that the application of **QP2 PROPERTIES, LLC** for a Special Permit to allow for a drive-in bank service pursuant to Section 230-18 G.(1)(b) – Site Plan Special Permit, on land located at **4591 NYS Route 31, Tax Map No. 045.-01-02.1.**, 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 # 1198 - QP2 PROPERTIES, LLC (bank):

Councilor Pleskach moved the adoption of a resolution **approving** the application of **QP2 PROPERTIES, LLC** for a Special Permit to allow for a drive-in bank service pursuant to Section 230-18 G.(1)(b) – Site Plan Special Permit, on land located at **4591 NYS Route 31, Tax Map No. 045.-01-02.1**. Motion was seconded by Councilor Hess.

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

SPECIAL PERMIT (SEQR) Town Board Case # 1198 - QP2 PROPERTIES, LLC (coffee shop/café):

Councilor Pleskach moved the adoption of a resolution that the application of **QP2 PROPERTIES, LLC** for a Special Permit to allow for a drive-in coffee shop/cafe pursuant to Section 230-18 G.(1)(b) – Site Plan Special Permit, on land located at **4595 NYS Route 31, Tax Map No. 045.-01-02.1**, 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 # 1198 - QP2 PROPERTIES, LLC (coffee shop/café):

Councilor Pleskach moved the adoption of a resolution **approving** the application of **QP2 PROPERTIES, LLC** for a Special Permit to allow for a drive-in coffee shop/cafe pursuant to Section 230-18 G.(1)(b) – Site Plan Special Permit, on land located at **4595 NYS Route 31, Tax Map No. 045.-01-02.1**. Motion was seconded by Councilor Hess.

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

Zone Change (PH) Town Board Case #1200 - S&G ACQUISITIONS:

A public hearing to consider the application of **S&G ACQUISITIONS** for a Zone Change from O-1 Neighborhood Office District to LuC-2 Limited Use District for Restaurants, to allow for an event space and commissary kitchen on land located at **5570 Caughdenoy Road, Tax Map No. 079.-05-73.1 f/k/a 079.-05-73.0**, consisting of +/- 6.5 acres of land, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Lauren Baron, legal counsel for the applicant and Erica and Brian Scott, applicants, were present to speak on behalf of this application. Ms. Baron began by explaining that the applicants wish to make internal and external renovations to the existing barn and add landscaping to the parcel as well as a buffer. They are not proposing a change to the footprint of the structure however they will remove the 'bump out'. The silo will remain but not be used as with the garage.

The applicant is proposing vegetation to buffer and act as a sound barrier and to clean up the parcel. The two-story building is approximately 4,000 square feet total over two stories. They are proposing the majority of the first floor will be used for kitchen/commissary and the second floor would be the event venue with some overflow on the first floor. They are planning for 70 vehicles and a maximum capacity of 150 people. They project 27-28 events annually, with hours between 9AM and 10 PM Thursday thru Saturday (primarily); with parking located on the north side and the rear of the parcel. When asked about a traffic study, the applicant said that they have not conducted one.

Many residents were present to speak out in opposition of the application, citing concerns with increased traffic, drainage and the wetlands, displacement of wildlife, impaired drivers, noise and decrease in property values. A resident asked if they would erect tents for overflow. The Scotts said that there really isn't enough area to place tents due to the wetlands. They added that they will remove additional gravel and use stone to improve drainage.

Councilor Young asked if the zone change was granted and the applicant decided to run a restaurant instead, would this be possible, and could the Town Board impose a restriction on what could go into the parcel. Legal counsel explained that a covenant could be offered by the applicant. Councilor Young asked if they could do this without owning the parcel. Mr. and Mrs. Scott said that they have contracted to buy the parcel, contingent on the zone change.

Many more residents spoke angrily against this, one asking the Board why they would entertain this application. The Town Clerk explained to the residents, that by law, the Town Board has a responsibility to entertain any application submitted and paid for by an applicant. Many more questions and comments were heard, primarily regarding traffic and safety. Another resident asked if this would reduce the property values. Supervisor Ulatowski said that he would reach out to the Town Assessor. There was a discussion regarding the parking and where the parking would be located.

Supervisor Ulatowski said that he would **adjourn** the hearing to **May 20, 2024 at 7:35 PM**. Based on a motion by Councilor Bick and seconded by Councilor Magaro-Dolan. (The applicant will be before the Planning Board).

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

**Special Permit (CPH) – Town Board Case #1204 - BREW TEAM NY, LLC.
(Coffee shop drive-thru service):**

Councilor Magaro-Dolan moved the adoption of a resolution calling a public hearing on **May 6, 2024**, commencing at **7:41 P.M.**, local time, 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. Motion was seconded by Councilor Bick.

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

ONONDAGA COUNTY COMMUNITY DEVELOPMENT (funds)(A):

Councilor Magaro-Dolan moved the adoption of a resolution approving the use of funds filed with **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the five (5) year plan, beginning in the year **2025**. Motion was seconded by Councilor Bick.

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

Traffic & Vehicles/STOP Signs (CPH) – Dell Center Drive and Hallston Drive:

Councilor Bick moved the adoption of a resolution calling a public hearing on **May 6, 2024**, commencing at **7:44 P.M.**, local time, to consider the 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 designate and provide for three (3) stop signs to be installed at the intersection of Dell Center Drive at Hallston Drive, to make a three-way stop; and the installation of the necessary signs therefore. Motion was seconded by Councilor Hess.

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

RESOLUTION – Energy Benchmark Requirements – Municipal Buildings:

Councilor Pleskach moved the adoption of a resolution (surmising) establishing energy benchmarking requirements for certain municipal buildings; Motion was seconded by Councilor Magaro-Dolan.

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

WHEREAS, buildings are the single largest user of energy in the State of New York; the poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Clay is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town of Clay Town Board desires to use Building Energy Benchmarking, a process of measuring a building’s energy use, tracking that use over time, and comparing performance to similar buildings, to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Clay and

WHEREAS, as such the Town of Clay Town Board desires to establish procedure or guideline for Town of Clay staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted and imposed as active and affirmative financial internal control procedures of the Town of Clay;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Clay that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Town of Clay Clerk’s Office.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 1 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1 every year, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1 each year for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 4(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town of Clay including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

TOWN OF CLAY RESOLUTION AUTHORIZING A PUBLIC HEARING RELATED TO THE RESTORE NY GRANT PROGRAM - ROUND 8:

WHEREAS, the Clay Town Board (hereafter “Town Board”), after due consideration, has determined that it is desirable and in the public interest to submit an application to Empire State Development Corporation for a Restore NY Communities Initiative Program grant; and

WHEREAS, the application process for the Restore NY Communities Initiative Program requires that a public hearing must be held to provide information regarding the proposed Great Northern Mall Redevelopment Project and to solicit public input; and

NOW THEREFORE BE IT RESOLVED, by the Members of the Town Board: That the Town Clerk is hereby authorized to publish a Notice of Public Hearing to be held on **May 6, 2024**, commencing at **7:47 P.M.**, local time, at the Town Hall to provide an opportunity for the Town of Clay to accept comment on the property listed in the Property Assessment List, whereon the existing structures are proposed to be demolished and/or reconstructed.

On a motion by **Councilor Pleskach** seconded by **Councilor Magaro-Dolan**, the foregoing Resolution was adopted on a vote of **6 - Ayes, 0 - Nays** and **0 - Absents**. The Town Supervisor declared the Resolution adopted.

DATED: April 15, 2024

Bid Award – (A) ADA Compliant Restroom and Concession Facility:

Councilor Hess moved the adoption of a resolution awarding the bid for Town of Clay New **ADA Compliant Restroom and Concession Facility**, and authorizing the Supervisor to execute a contract with **SJ Thomas Co.Inc.**, the lowest responsible bidder in the amount of **\$607,723.00**, for **General Contracting; Postler & Jaeckle Corp.**, the lowest responsible bidder in the amount of **\$83,134.00**, for **Plumbing & Mechanical**; and **Huen Electric, Inc**, the lowest responsible bidder in the amount of **\$41,730.00**, for **Electrical**. In the event the Town, in its sole discretion, finds it necessary or desirable to execute change orders for the purchase of additional materials or services from the contactors noted above, this resolution also approves and authorizes the Town to pay additional expenditures of up to 10% of the overall contact costs for change orders. The Supervisor is authorized to execute any and all contacts and documents necessary to complete this transaction. Motion was seconded by Councilor Magaro-Dolan.

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

Adjournment:

The meeting was adjourned at 8:50 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