

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 3rd, 2022 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
Eugene Young	Councilor
Ryan Pleskach	Councilor
Kevin Meaker	Councilor
Deborah Magaro-Dolan	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
John Marzocchi	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

David Hess	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 September 19, 2022 Town Board meeting. Motion was seconded by Councilor Meaker.

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

Cancellation and/or requested adjournments:

None.

Correspondence:

There was no correspondence.

REGULAR MEETING:

Zone Change (PH/Adj.) – Town Board Case # 1171 - CHICK-FIL-A:

A public hearing to consider the application of **BOHLER ENGINEERING**, for a Zone Change for a **CHICK-FIL-A** on South Bay Road, from R-10 to LuC-2, **Tax Map No. 118.-01-02.0** consisting of +/- .25 acres of land (adjourned from the August 15, 2022 Town Board meeting).

Supervisor Ulatowski opened the public hearing and asked if there was anyone present to speak on behalf of the applicant; there was no response. The Supervisor asked the Commissioner if the applicant had attended the last scheduled Planning Board meeting. They had not.

Supervisor Ulatowski **closed** the public hearing.

Project/Water (PH) – WOODARD EXTENSION NO. 4 WATER DISTRICT:

A public hearing to consider a Petition for the extension of the town’s water supply system to serve the Pack Rat Storage Facility located within the Town of Clay’s **“WOODARD EXTENSION NO. 4 WATER DISTRICT”** and for the construction and acquisition of a water system therein to be designated and known as **"WOODARD EXTENSION NO.4 WATER DISTRICT, CONTRACT NO. 50 - LATERAL”**, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Alex Wisnewski was present to speak on behalf of the applicant. He explained that a 12” main will drain to Wetzel Road. He continued that this would allow future connection onto Henry Clay Boulevard. The town will take over the facility.

Supervisor Ulatowski asked if this will drain into the retention pond and swale on Wetzel Road. Mr. Wisnewski said that the swale wraps around the stormwater facility to a 36” culvert. Councilor Meaker thanked Mr. Wisnewski for offering this improvement to the town.

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

IQBAL-GEORGE Residence - Special Permit (PH) - Town Board Case #1174:

A public hearing to consider a Petition for a Special Permit pursuant to Section 230-13 A.(2)(e)[7] to allow for a two-family dwelling located at **8394 Maple Road, Tax Map No. 062.-02-16.0**. Property is located in the RA-100 Residential Agricultural district was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Melissa Cherubino, attorney for the applicant, began explaining that the applicant is seeking to subdivide a 10 acre parcel. There would be one shared drive. The proposed back parcel would be 7.645 acres and the single family home would be south east portion of this parcel. The two-family home would be constructed on the proposal remaining 2.311 acre (new parcel) for both in-laws. Each unit will be 1200 square feet. A 1/3 acre

buffer is proposed behind (abutting the Farmstead tract). Each home will have public water and storm water will be handled by a culvert under the driveway.

Supervisor Ulatowski asked what would happen in the future when the family breaks up; an easement would need to be obtained to gain access. He asked if this subdivision were not granted would the applicant continue to build the single family home or a two family.

Councilor Young asked for clarification as to why the Special Permit is required for this application. Commissioner Territo explained that the Special Permit is required to construct a two-family dwelling.

Several residents were in attendance and inquiring if, there were more duplexes planned, and if these would be rentals. The applicant is proposing this for both sets of in-laws. Other residents were concerned with the duplex in their back yard, loss of privacy and the potential for more multi-family rentals. One resident explained that this would back up to their backyard; they have children and a pool and are concerned with the type of people that would move into a rental. Councilor Bick explained that the Iqbals' are good neighbors.

Another resident asked about the shared driveway and the proposed width. He would like to see the driveway narrower, giving less of the appearance of a road.

Councilor Young suggested that the duplex that the applicant is proposing is smaller than a single family home that could be built on the same parcel. Another resident said that he does not want to look at that structure.

Councilor Magaro-Dolan asked if there had been a recent zone change to that area. The Commissioner explained that the zone change was to the north to RA-100 for the construction of the Farmstead tract. Councilor Young asked if the board could place the condition (if approved) that they build as the plans submitted. Commissioner Territo concurred stating that they could restrict the footprint, done in a resolution. There were additional comments about trees and lighting along the driveway.

Supervisor Ulatowski said that he would refer this to the Planning Board.

Councilor Bick made a motion to **adjourn** the public hearing to **October 17, 2022 at 7:44 P.M.** Motion was seconded by Councilor Meaker.

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

Project/Water (SEQR) – WOODARD EXTENSION NO. 4 WATER DISTRICT:

Councilor Pleskach moved the adoption of a resolution that the Petition for the extension of the town's water supply system to service the Pack Rat Storage Facility, located within the Town of Clay's "**WOODARD EXTENSION NO. 4 WATER DISTRICT**" and for the construction and acquisition of a water system therein to be designated and known as "**WOODARD EXTENSION NO.4 WATER DISTRICT, CONTRACT NO. 50 – LATERAL,**" 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.*

Project/Water (A) – WOODARD EXTENSION NO. 4 WATER DISTRICT:

Councilor Pleskach moved the adoption of a resolution **approving** the extension of the town’s water supply system to service the Pack Rat Storage Facility, located within the Town of Clay’s **“WOODARD EXTENSION NO. 4 WATER DISTRICT”** and for the construction and acquisition of a water system therein to be designated and known as **“WOODARD EXTENSION NO.4 WATER DISTRICT, CONTRACT NO. 50 – LATERAL.”** Motion was seconded by Councilor Bick.

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

Project/Securities (posting) THE FARMSTEAD SUBDIVISION SECTION NO. 6:

Councilor Bick moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of sewer and drainage facilities located within **THE FARMSTEAD SUBDIVISION SECTION NO. 6**, (The Farmstead Sewer District, Contract No. 2, The Farmstead Drainage District Extension, Contract No. 1) and the construction of said facilities having been completed in accordance with the Plans and Specifications thereof; the Town Engineers having certified that the facilities have been satisfactorily completed and that the developer post the following security as shown under correspondence by the Town Engineers’ under date of September 30, 2022: **Maintenance Guarantee - \$11,624 (Sewer \$6,132 and Drainage \$5,492); Overland Drainage - \$6,000; Highway - \$45,836; Monument Deposit - \$1,350; Parkland Contributions - \$12,000; Additional Engineering Fees - \$7,200;** and any other unpaid fees that may be owed by the Town of Clay for engineering, legal and/or administrative fees; and further contingent upon the developer having complied with all the requirements set forth in an Agreement between the Town of Clay and **MAPLE ROAD ASSOCIATES, INC.**, that the Town accept title to such facilities. Motion was seconded by Councilor Pleskach.

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

Project/Easement – THE FARMSTEAD SUBDIVISION SECTION NO. 6:

Councilor Bick moved the adoption of a resolution accepting easements for sewer and drainage facilities located within **THE FARMSTEAD SUBDIVISION SECTION NO. 6**, (The Farmstead Sewer District, Contract No. 2 and The Farmstead Drainage District Extension, Contract No. 1) all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated **January 27, 2022**. Motion was seconded by Councilor Pleskach.

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

Project/Warranty, Deed etc. – THE FARMSTEAD SUBDIVISION SECTION NO. 6:

Councilor Bick moved the adoption of a resolution accepting a Warranty Deed, Dedication, Application and Release of damages for the roads in Section Six (6) located within **THE FARMSTEAD SUBDIVISION SECTION NO. 6; from MAPLE ROAD ASSOCIATES, INC.**, (Lepinske Farm Place, Mediator Way and Cooper Trade Place all having Permeable Shoulders). Motion was seconded by Councilor Pleskach.

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

Budget 2023 – TOWN OF CLAY TENTATIVE BUDGET :

Town Clerk presents the **2023 TOWN OF CLAY TENTATIVE BUDGET** to the Town Board Members pursuant to Town Law.

LOCAL LAW NO. 1 of the YEAR 2023 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C:

Councilor Meaker moved the adoption of a resolution calling a public hearing **October 17, 2022**, commencing at **7:35 p.m.**, local time, to consider adding a proposed Local Law to be entitled **“LOCAL LAW NO. 1 OF THE YEAR 2023 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C”** to the code of the Town of Clay. Motion was seconded by Councilor Magaro-Dolan.

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

LOCAL LAW NO. 3 of the YEAR 2022 repealing Chapter 80 and Chapter 81 replacing with new Chapter 80 entitled Building Code Administration:

Councilor Meaker moved the adoption of a resolution calling a public hearing **October 17, 2022**, commencing at **7:38 p.m.**, local time, to consider proposed **LOCAL LAW NO. 3 OF THE YEAR 2022**, repealing the present **CHAPTER 80** entitled “Building Code Administration” and **CHAPTER 81** entitled “Building Construction,” and adding a new **CHAPTER 80** entitled “Building Code Administration” to the Code of the Town of Clay. Motion was seconded by Councilor Magaro-Dolan.

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

LOCAL LAW NO. 4 of the YEAR 2022 amending CHAPTER 105 entitled Fees:

Supervisor Ulatowski moved the adoption of a resolution calling a public hearing **October 17, 2022**, commencing at **7:41 p.m.**, local time, to consider proposed **LOCAL LAW NO. 4 OF THE YEAR 2022**, to amend **CHAPTER 105** entitled “Fees” to the Code of the Town of Clay. Motion was seconded by Councilor Meaker.

Ayes – 6 and Noes – 0. *Motion carried. (There was a brief discussion about the number and year of this Local Law to be corrected if deemed so, at the next meeting).*

Appointment - (alternate) ZONING BOARD OF APPEALS:

Councilor Young moved the adoption of a resolution appointing **DENNIS LYONS** as Alternate Zoning Board of Appeals member. Said term to expire **December 31, 2022**. Motion was seconded by Councilor Meaker.

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

Misc. – Donation to the Can-Teen:

Councilor Meaker made a motion to give the **Can-Teen \$5,000.00**. Motion was seconded by Councilor Magaro –Dolan.

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

Adjournment:

The meeting was adjourned at 8:23 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