

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 4, 2024 at 7:30 P.M., there were:

PRESENT:

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

ABSENT:

David Hess	Councilor
Luella Miller	Councilor

OTHERS PRESENT:

Russ Mitchell, Planning Board Chairman; Hal Henty, Planning Board Member and Ed Wisnowski, Zoning Board Chairman.

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 February 5, 2024 Regular Town Board Meeting. Motion was seconded by Councilor Pleskach.

Ayes – 4 and Noes – 0. *Motion carried. Supervisor Ulatowski abstained due to his absence at the meeting.*

CORRESPONDENCE:

None

CANCELLATIONS and/or REQUESTED ADJOURNMENTS:

None

REGULAR MEETING

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

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

Speaking on behalf of the applicant was Tim Coyer of Ianuzi and Romans. Mr. Coyer began by explaining that the applicant is trying to extend the building in the rear of the parcel to add service bays and extra spaces for cars. They are currently leasing property to store excess vehicles.

Supervisor Ulatowski asked if they will add additional lighting; they will. Councilor Bick asked where the property will drain. Mr. Coyer said that it will drain to the existing drain to the west. Mr. Bick asked for clarification on where it will eventually drain. Mr. Coyer said that he will look into it.

Supervisor Ulatowski said that he would refer this to the Planning Board for recommendation, Councilor Bick made a motion, seconded by Councilor Pleskach to **adjourn** the public hearing to **April 1, 2024 at 7:35 PM**.

Ayes – 5 and Noes – 0. *Motion carried.*

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

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

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

SPECIAL PERMIT (PH) Town Board Case # 1199 - QP2 PROPERTIES, LLC (coffee shop/cafe):

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

Alex Wisnowski of LJR Engineering was present to speak on behalf of the applicant. He began by explaining that both applications are within the approved PDD located at the NE corner of Route 31 and Henry Clay Blvd. Mr. Wisnowski continued, that there is a proposed, two story

mixed use (bank) building in the SW portion of the parcel and a proposed medical/office/café located in the center of the southern portion of the parcel; both will have drive thru service located on the west side of the building with traffic following a counter clockwise direction to exit. Mr. Wisniewski said that they have a tenant interested in the spot for the café/coffeeshop.

Mr. Wisniewski explained that the Site Plan has been amended to add the drive thru services therefore necessitating a Special Permit. The applicant will make necessary improvements to the intersection and the traffic study revealed that there will be a slight increase in traffic.

Supervisor Ulatowski said that the easternmost building has been constructed and asked if there is a tenant. Mr. Wisnowski said that no leases have been signed. Councilor Young asked about the amount of traffic that will be generated by the café and is concerned about the traffic for the drive thru, adding that it's not unusual to see 20-30 cars in line at Dunkin Donuts. Councilor Magaro-Dolan asked how many cars can stack. Mr. Wisnowski said approximately 16 cars will stack. He added that the interested tenant is Café Kubal and encouraged the board to see the traffic flow at the Sweetheart Corner café. Councilor Young said that he is concerned with the patrons exiting the retail and cars circling to exit the drive thru. Councilor Young asked for the actual numbers from the existing Café Kubal in North Syracuse. Mr. Wisnowski said that he will get those numbers.

Supervisor Ulatowski referred both applications to the Planning Board for recommendation. Councilor Bick moved the adoption of a resolution **adjourning both applications to April 1, 2024 at 7:38 and 7:41 PM**. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

Franchise Renewal/Spectrum – (PH/Adj.):

A public hearing to consider the proposed ten (10) year franchise renewal agreement between the Town of Clay and **Spectrum Northeast, LLC**, an indirect subsidiary of Charter Communications. **(ADJOURNED FROM THE 01/03/24 & 02/05/24 TB MEETING)**

Supervisor Ulatowski said that this is an agreement that renews every ten years. There are no changes. There were no questions or comments and he **closed** the public hearing.

SPECIAL PERMIT (PH/Adj.) Town Board Case #1196 – GOUGUEN DRIVE REALTY, LLC:

A public hearing to consider the application of **GOGUEN DRIVE REALTY, LLC.**, for a Special Permit pursuant to Section 230-17 E.(2)(a)[4] - Bulk Processing Facility, to allow for a Concrete Batch Plant on land located at **7835 Goguen Drive, Tax Map No. 087.-01-08.1** consisting of +/- 6.24 acres of land. **(ADJOURNED FROM THE 02/05/24 TB MEETING)** was opened by the Supervisor.

Christopher Dambach began by introducing Geoff Hillenbrand of Plumley Engineering and Fred Samel, his business partner. He then reiterated, from the last meeting, an introduction about himself and giving his background to the board and residents.

Mr. Dambach said that he is projecting 25-30 new employees at an average salary of \$40.00 an

hour. Mr. Hillenbrand said that they were before the Planning Board in 2022 for a contractors service yard and were given a favorable recommendation. He continued that the footprint will remain unchanged and the stormwater has been completed; they are waiting for the final permit. He further explained that noise will be negligible, and they have obtained an air facility permit and a wastewater discharge permit. They have submitted a lighting plan and conducted a Full EAF; no additional impervious surfaces will be created, and public utilities will be extended to serve this facility. All material storage bunkers will be constructed on top of existing impervious surfaces as well as a three-bay lagoon for the pretreatment of wastewater prior to discharge into the County system.

There was discussion regarding concrete vs cement and the applicant distributed a comparison between Concrete Batch Plant and Cement Manufacturing. Many residents were concerned with the amount of dust that will be generated, Mr. Dambach said that the amount of dust will be negligible. Councilor Magaro-Dolan asked how much noise will be generated. The applicant said that 30' away will be equivalent to a vacuum cleaner. She asked if persons working in the plant would need ear protection. According to OSHA, hearing protection is required for employees exposed to 85 dB or louder daily and this includes concrete batch plants. Traffic is estimated at 5 trips per hour.

Supervisor Ulatowski opened the floor to resident questions.

Dan Bucci of Dominion Parkway asked how they determined the analysis if the plant is not up and running, what type of equipment did they base the figures on? Is everything indoors? What type of filtration and who monitors it? Mr. Dambach explained that the production is indoors and that the filtration system is self-cleaning, however the gauges are monitored by humans; annual certification is required.

Jim Cook of Bainbridge Drive asked if the noise study considered the noise generated from trucks backing up. Mr. Dambach said that the beeping from the trucks are a safety requirement from OSHA, however, there will be a pull through so that the trucks are not required to backup.

John Borkland of Alexis Drive inquired if the level of demand increased would new equipment be added/upgraded and would future expansion require another board review.

Dr. Robert Draker of Plum Hollow said that he has no concerns with this application but it seems reasonable to repeat the studies once this plant is up and running.

Resident from Four Seasons asked if there are more modern plants with similar equipment that can be studied for a closer comparison. Mr. Dambach said that there is a plant in Perth Amboy, NJ with similar equipment. Councilor Young asked about the plant on Northern Boulevard. They have older equipment.

Bonnie Kohler asked if they will exit onto Henry Clay Boulevard. Mr. Dambach said that depends on where they are going. She asked how the materials will get to the plant. They will be

trucked in and placed in the bays. Cement will be blown into the Silo where there is a dust collector.

Mark, on Morgan Road, asked if the trucks will be covered and they will, the yard will be maintained, and they are proposing a truck wash system that will completely power wash the trucks with clean water, the water will be reclaimed, treated and reused.

Rebecca Fuller of Rita Road, asked about the cumulative effect of industry on parks and homes. She continued that she is not opposed to good paying jobs but at what cost.

Jonathan Anderson of Bainbridge Drive asked people to look at Texas, where the industrial water and air quality have declined due to lack of monitoring. He urged people to look into existing plants and research the effect that it has on the community.

Ray Svoboda from New Hope North explained that he is concerned, his property backs up to Henry Clay Boulevard and the amount of dust and dirt that currently ends up all over their yard and home is disturbing.

Mary Long of Joyce Place asked where Mr. Dambach lives and he said off Hopkins Road in the Town of Salina. She remarked that he doesn't even live in the Town. She asked what the noise would be at the plant. What will the policy be if a machine goes down. Mr. Samel explained that not all 5 chambers would go down at the same time. She asked about the response to routinely monitoring. Mr. Samel stated that it is an investment, and the machinery will be maintained.

Janet Rathburn began by explaining that this application is not completely indoors, but partially enclosed. Mr. Dambach said that the trucks drive thru the building. She asked if the Town has a plan in place? She asked about a flow test for water and who would provide service; OCWA. Ms. Rathburn asked the applicant, why were the trees taken down and what type of screening or landscaping will they provide.

Councilor Bick made a motion to **adjourn** the public hearing to **April 1, 2024 at 7:47 PM**. Motion was seconded by Councilor Young.

Ayes – 5 and Noes – 0. *Motion carried.*

Franchise Renewal – (A) SPECTRUM NORTHEAST, LLC:

Councilor Pleskach moved the adoption of a resolution (approving/denying) a ten (10) year franchise renewal agreement between the Town of Clay and **Spectrum Northeast, LLC**, an indirect subsidiary of Charter Communications and authorizing the Supervisor to execute all necessary documents on behalf of the Town. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

Special Permit (CPH) Town Board Case #1201 – TULLY’S GOOD TIMES:

Councilor Pleskach moved the adoption of a resolution calling a public hearing on **March 18, 2024**, commencing at **7:35 P.M.**, local time to consider the application of **TULLY’S GOOD TIMES** for a Special Permit pursuant to Section 230-16B.(2)(e)[2] – Restaurant, and Section 230-16B.(2)(e)[7] – Drive-Thru, on land located at **3567 Route 31, Tax Map No. 019.-02-29.1** to allow for a drive-thru restaurant. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

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

Councilor Pleskach moved the adoption of a resolution calling a public hearing on **March 18, 2024**, commencing at **7:38 P.M.**, local time to consider the application of **S&G ACQUISITIONS** for a Zone Change from O-1 Neighborhood Office District to LuC-2 Limited Use District to allow for an event space and commissary kitchen on land located at **5570 Caughdenoy Road, Tax Map No. 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. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

ONONDAGA COUNTY COMMUNITY DEVELOPMENT for the year 2024 (CPH):

Councilor Bick moved the adoption of a resolution calling a public hearing on **March 18, 2024**, commencing at **7:41 P.M.**, local time to solicit from Town of Clay residents their comments and input regarding the use of funds by the Town of Clay with respect to the applications for funding filed with **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2024**. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

Special Permit (CPH) Town Board Case # 1202 - JUSTIN’S CANINE CAMPUS:

Councilor Magaro-Dolan moved the adoption of a resolution calling a public hearing on **March 18, 2024**, commencing at **7:44 P.M.**, local time to consider the application of **JUSTIN’S CANINE CAMPUS** for a Special Permit pursuant to Section 230-16C.(2)(e)[14] – Animal Care/Training Facility, on land located at **Clay Common’s, Oswego Road, Tax Map No. 066.-01-48.4** to allow for a dog daycare. Motion was seconded by Councilor Pleskach.

Ayes – 5 and Noes – 0. *Motion carried.*

Lighting (1) – Mill Brook Road:

Councilor Magaro-Dolan 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 at the dead-end of Mill Brook Road as shown on a sketch provided by National Grid. The estimated annual cost for the lighting fixtures is \$310.20. Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried.*

Intergovernmental Agreement (A) Onondaga County:

Councilor Bick moved the adoption of a resolution approving the proposed **INTERGOVERNMENTAL AGREEMENT** between the Town of Clay and Onondaga County Soil and Water Conservation District for tree planting and authorizing the Supervisor to sign necessary documents. Motion was seconded by Councilor Marago-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

Hydrants (2) (A) Bonstead Road:

Councilor Pleskach moved the adoption of a resolution **approving** the installation of two (2) fire hydrants in the existing L395 Clay Consolidated Water District as proposed on OCWA Map File No. 837, authorizing the Supervisor to execute the OCWA fire hydrant application. Fire Hydrant No. 15246 (Bonstead Road – 2,150' West of Maider Road) and Fire Hydrant No. 15247 (Bonstead Road – 600' East of Horseshoe Island Road), OCWA Project No. 4230012. OCWA will install the hydrants at no charge to the Water District then bill the Water District the annual hydrant standard rate, \$255.08 per hydrant per annum for 30 years. After 30 years, the Town will be billed the lower maintenance rate of \$87.86 per hydrant per annum. Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried.*

Bid Advertisement (A) New Town Hall Roof:

Councilor Young moved the adoption of a resolution authorizing the advertisement of re-bids for a **New Town Hall Roof** 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. (local time) on March 22, 2024**, and then at said time publicly opened and read

aloud. Specification and drawings may be obtained from Syracuse Blueprint Co., Inc., 825 E. Genesee St. Syracuse, New York. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

EMPLOYER MANDATORY HEALTH EMERGENCY PLAN (reauthorizing):

Councilor Young 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 the Governor on September 7, 2020, and requires A public employers to create plans to protect employees and contractors in the event of another A 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 Pleskach.

Ayes – 5 and Noes – 0. *Motion carried.*

LABOR AGREEMENT BETWEEN THE TEAMSTERS LOCAL UNION 317 and TOWN OF CLAY HIGHWAY WORKERS :

Councilor Bick moved the adoption of a resolution approving the **LABOR AGREEMENT BETWEEN THE TEAMSTERS LOCAL UNION 317 and TOWN OF CLAY HIGHWAY WORKERS** for the term commencing **January 1, 2024, to December 31, 2026**, and authorizing the Supervisor to execute the same. Motion was seconded by Councilor Pleskach.

Ayes – 5 and Noes – 0. *Motion carried.*

Drainage Easement – 4213 INVERRARY DRIVE:

Councilor Young moved the adoption of a resolution approving the amendment of the drainage easement at the request of the property owner, **CHRISTOPHER ZAJAC**, located at **4213 INVERRARY DRIVE, Tax Map No. 068.-19-09.0** as shown on a map prepared by Lehr Land Surveyors, D.P.C., dated December 15, 2023, and authorizing the Supervisor to execute a Amendment of Easement form subject to execution by the property owner. The property owner shall bear the responsibility and all costs associated with the execution of this document subject to Town Attorney approval as to form and content. In the alternative, we hereby authorize the Town Attorney to issue a non-enforcement letter. Motion was seconded by Councilor Pleskach.

Ayes – 5 and Noes – 0. *Motion carried.*

Adjournment:

The meeting was adjourned at 9:35 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried.*


Jill Hageman-Clark – Town Clerk/RMC