

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 1, 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 Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried. Councilor Pleskach abstaining due to absence.*

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski said that items 9, 10 and 12 will not be heard. The application for Tully's Tenders will be adjourned because the Planning Board has adjourned it and not given a recommendation.

**Correspondence:**

There was no correspondence.

**REGULAR MEETING:**

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. (ADJOURNED FROM THE 3/4/24 MEETING) was opened by the Supervisor.

Tim Coyer of Ianuzi and Romans was present on behalf of the applicant and began by explaining that there are no changes to the plan and the Planning Board gave a favorable recommendation.

Supervisor Ulatowski asked how many new parking spots would be provided. There will be 120 new spots to park vehicles on site.

Councilor Bick asked where the water will drain. Mr. Coyer said that it will drain to the north, not across Route 31.

Councilor Hess asked if the access easement will be extended; Mr. Coyer said that they will do that.

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

*Supervisor Ulatowski said that he would open both public hearings together.*

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

A public hearing to consider the application **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**. (ADJOURNED FROM THE 3/4/24 MEETING)



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

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.** (ADJOURNED FROM THE 3/4/24 MEETING)

Alex Wisnewski explained that they are proposing a drive thru service window on both the proposed bank, and the Café Kubal. He continued that they received a positive recommendation from the Planning Board. He explained that there are no changes from the previous hearing. Mr. Wisnewski stated that he sat at the existing Café Kubal on March 8<sup>th</sup> from 7:10 AM to 8:30 AM (peak hours) and counted 27 cars; 14 of the 27 using the drive-thru. He concluded that the traffic study suggested 50-53 peak for the new location making this a fair and accurate estimation. Mr. Wisnewski added that the Dunkin Donuts had a larger line.

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

**Franchise Renewal – (A/D) SPECTRUM NORTHEAST, LLC:**

No Action.

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

**\*Planning Board adjourned to 4/24;** Councilor Young made a motion to adjourn the public hearing to **May 6, 2024 at 7:35 P.M.** Motion was seconded by Councilor Magaro-Dolan.

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

**SPECIAL PERMIT (PH/Adj.) Town Board Case #1196 – GOGUEN 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 2/5/24 & 3/4/24 TB MEETING)

Supervisor Ulatowski opened the public hearing explaining to the vast and vocal crowd that the applicant would give a brief overview. The Town Board and the public will then have the opportunity to ask questions. He asked that people try not to be redundant.

James Trasher of CHA began by explaining that he was newly involved with this application and that the purpose tonight was for him to collect questions to be researched and answered at a later hearing. He continued that he does not have an abundance of technical comments or answers and plans to research the application to give well studied answers. The residents were unreceptive to this answer.

Supervisor Ulatowski asked for clarification as to the difference between a batch plant, concrete and cement. Geoff Hillenbrand of Plumley Engineering explained that no heat is used in a batch plant; cement is made by heating limestone and concrete, which emits greenhouse gases. No fossil fuels are released in a batch plant and only minimal dust. Many residents balked at this statement. The Supervisor asked about the height of the proposed structure. Mr. Trasher said 50' or less; he is working with the manufacturer. There was a discussion as to whether the structure is enclosed either fully or partially.

Councilor Hess thanked the residents for coming; both those in favor and those opposed to the application. He asked the applicant if they will seek a height variance if the structure does not meet the code. He added that he would like to see the DEC Permit.

Councilor Young asked to be walked through the process. Mr. Hillenbrand explained that the (dry) sand and limestone is placed in the hopper, then to a conveyor belt, water and cement are then added. Councilor Young asked if the conveyor is fully enclosed. Mr. Hillenbrand said only over the top and it then travels to a second conveyor to a hopper where it is mixed (that is fully enclosed), then dumped into a chute (enclosed) into trucks. Many residents began loudly protesting. One resident asked if they had permission to begin making concrete before the permit was granted. Another resident asked if they had applied to construct this business anywhere else and been denied.

Many residents spoke out primarily in opposition to the application, stating concerns with infrastructure, increased traffic, decrease in property values, noise



and air quality. One resident asked who will monitor the air quality; the DEC is responsible for that. Another resident asked if the Special Permit could be revoked if the applicant does not adhere to guidelines. It can after a violation has been issued and the violation has not been corrected. It will go through the legal process ending with revocation of the Special Permit.

Councilor Hess made a motion to adjourn the public hearing to **May 6, 2024 at 7:38 PM**. Motion was seconded by Councilor Bick.

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

**Franchise Renewal – (A/D) SPECTRUM NORTHEAST, LLC:**

No Action.

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

Councilor Magaro-Dolan moved the adoption of a resolution **approving** 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 Young.

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

**Special Permit (PH) Town Board Case # 1202 - JUSTIN'S CANINE CAMPUS:**

Councilor Magaro-Dolan moved the adoption of a resolution **approving** 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 Bick.

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

**Contract - TOWN OF CLAY LANDFILL POST CLOSURE ENVIRONMENTAL MONITORING PROGRAM:**

Councilor Pleskach 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 2024 in compliance with the DEC Regulations for the **TOWN OF CLAY LANDFILL POST CLOSURE ENVIRONMENTAL MONITORING PROGRAM**. Said services not to exceed the sum of \$9,200.00. Motion was seconded by Councilor Magaro-Dolan.

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

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

Councilor Hess moved the adoption of a resolution calling a public hearing on April 15, 2024, commencing at 7:35 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 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. Motion was seconded by Councilor Magaro-Dolan.

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

**Bid Award - Town of Clay New Town Hall Roof:**

Councilor Hess moved the adoption of a resolution awarding the bid for the **Town of Clay New Town Hall Roof**, and authorizing the Supervisor to execute a contract with **Pulver Roofing**, the lowest responsible bidder in the amount of **\$494,000.00**. The Agreement shall be approved as to form and content by the Town Attorney. Motion was seconded by Councilor Magaro-Dolan.

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

**Agreement - ALL CITY MANAGEMENT SERVICES:**

Councilor Young moved the adoption of a resolution authorizing the Supervisor to execute an Agreement with **ALL CITY MANAGEMENT SERVICES** for

providing School Crossing Guard Services for a one (1) year period; to commence on or around July 1, 2024, to June 30, 2025 (2024/2025 school year). This agreement may be renewed under the same terms for two (2) additional school years (2025-2026 and 2026-2027) upon written consent by both parties. The Town agrees to pay for the services rendered pursuant to the Agreement, the sum of Thirty-Two Dollars and Three Cents (\$32.03) per hour of guard service to be provided. The cost of providing One Thousand, Nine Hundred Eighty (1,980) hours of service shall not exceed Sixty-Three Thousand Four Hundred Twenty 00/100 Dollars (\$63,420.00), and further authorizing the Supervisor to execute the necessary documents therefore. The Agreement shall be approved as to form and content by the Town Attorney. Motion was seconded by Councilor Magaro-Dolan.

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

**Adjournment:**

The meeting was adjourned at 9:31 P.M. upon motion by Councilor Young and seconded by Councilor Magaro-Dolan.

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

  
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Jill Hageman-Clark RMC / Town Clerk