

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 18, 2024 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
Eugene Young	Councilor
David Hess	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:

Ryan Pleskach	Councilor
Luella Miller	Councilor

OTHERS PRESENT:

Russ Mitchell, Planning Board Chairman; Hal Henty, Planning Board Member; Ed Wisnowski, Zoning Board Chairman and Michael McCarthy, Town Constable.

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 Hess made a motion to approve the minutes of the March 4, 2024, Regular Town Board meeting. Motion was seconded by Councilor Magaro-Dolan.

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

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski said that item number 7 on the agenda would not be heard as there was a discrepancy regarding the Tax Map number. Onondaga County GIS program showed a different map number than the number provided by the applicant.

Many residents in attendance were upset that they were not notified. Supervisor Ulatowski explained that the issue was only realized late this afternoon, adding that it had been put on the Town Website. He apologized profusely and explained that the correct Tax Map Number will be advertised and called at the meeting on April 1, 2024 and hearing will be at the meeting on April 15, 2024.

**Correspondence:**

Janet Rathburn provided a letter for the Town Board to the Clerk for distribution.

**REGULAR MEETING:**

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

A public hearing to consider the application of **TULLY'S GOOD TIMES** for Special Permits 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 restaurant and a drive-thru.

Dave Schlosser, architect for the applicant, was present. He explained that they are proposing a Tully's Tenders Drive Thru facing Route 31 to the south. The existing curb cut will serve both the Carwash next door and this parcel. There will be no change to the footprint and Tully's will occupy the western portion of the building, the second tenant has not been. There is parking for 50-59 vehicles. The building is 5028 SF, 2832 SF will be used for this application and the remaining 2196 SF for a retail/office tenant. Mr. Schlosser continued that a Traffic Impact Study will be conducted as required by Onondaga County Planning.

Mr. Schlosser said that this will be similar to the Oswego Tully's Tenders drive thru, not the Tully's Restaurants with a full menu and a large dine in service. They are proposing about 50 seats for dine in, no bar and a "watered down menu". Hours of operation will be from 11:45 AM to 10:00 PM, seven days a week. Parking will be in the rear and the front with some additional diagonal parking on the west side near the buffer abutting the funeral home.

The drive thru will circle the building counterclockwise and the window will be on the west side of the building. Mr. Schlosser said that the projected time in the line will be 4 minutes, using the Oswego location for example. There is stacking for 8 vehicles. He explained that the food is cooked ahead and the limited menu is similar to the Tully's menu at the NYS Fair.

There was discussion about the traffic flow as well as the access from Route 31 and heading east when leaving the site. Kathy Rode of River Road said that she is very concerned by the traffic and the lack of traffic control devices. Midge, from Kimbrook agreed, adding that this will also impact the traffic on Theodolite and through the Tops parking lot that is already full of potholes.



Supervisor Ulatowski referred this to the Planning Board for review and recommendation. Councilor Young made a motion to **adjourn** the public hearing to **April 1, 2024 at 7:51 P.M.** Motion was seconded by Councilor Magaro-Dolan.

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

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

NO ACTION

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

A public hearing 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.

Supervisor Ulatowski said that this opportunity for funding is available yearly. He is suggesting that again this year, we use the grant money for paving projects within the town. He added that remaining monies should be used for repairs to the Senior Center. There were no comments or questions, so the Supervisor **closed** the public hearing.

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

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

Tim Coyer of Ianuzi and Romans was present on behalf of the applicant, and began by explaining that the applicant is proposing the construction of an outparcel to the west of the existing plaza. The new building will be used exclusively and be setback from the existing building 50' away. There is ample parking in front of the proposed building. This will utilize the existing infrastructure. There will be a play area for owners to drop off dogs for a full or half day of play. They will offer daycare and grooming for up to 75 dogs in multiple rooms. There will be 8 employees and the hours will be from 6:30 AM to 6:30 PM Monday through Friday. There will be no boarding and no cats. There were no additional questions or comments.

Supervisor Ulatowski said that this seems straight forward and **closed** the public hearing.

**Authorization – Senate Appropriations Community Project Federal Funding Grant (CPF FY25):**

Councilor Hess moved the adoption of a resolution authorizing the Supervisor to apply for a Senate Appropriations Community Project Federal Funding Grant (CPF FY25) with Senator Charles Schumer’s Office and Senator Kirsten Gillibrand’s Office in the amount of 15,000,000.00. Said grant would be utilized to acquire property located at 4531 State Route 31, Clay, New York, and for the construction of a new Highway Garage. Motion was seconded by Councilor Magaro-Dolan.

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

**Franchise Renewal – (CPH) SPECTRUM NORTHEAST, LLC:**

Councilor Hess moved the adoption of a resolution calling a public hearing on **April 1, 2024**, commencing at **7:44 P.M.**, local time to consider granting a cable television franchise agreement by and between the Town of Clay and **Spectrum Northeast, LLC**, an indirect subsidiary of Charter Communications. A copy of the agreement is available for public inspection during normal business hours at the Town Clerk’s office, 4401 State Route 31, Clay, New York. Motion was seconded by Councilor Bick.

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

**Bid Advertisement - ADA Compliant Restroom and Concession Facility:**

Councilor Young moved the adoption of a resolution authorizing the advertisement of re-bids for a new ADA Compliant Restroom and Concession Facility at Clay Park Central, 4821 Wetzel Road, Liverpool, NY – funding provided through Dormitory Authority of the State of New York (DASNY), Onondaga County Community Development Block Grant (OCDBG) and 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 **3 p.m. (local time) on April 12, 2024**, and then at said time publicly opened and read aloud. A pre-bid meeting is scheduled at Clay Park Central, 4821 Wetzel Road, Liverpool, NY at **11:00 a.m. on March 26, 2024**. Specifications and drawings may be obtained from Syracuse Blueprint Co., Inc., 825 E. Genesee St., Syracuse, NY. Motion was seconded by Councilor Magaro-Dolan.

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

**Judicial Audit (A) Fiscal Year ending December 31, 2023:**

Councilor Young moved the adoption of a resolution that the Town of Clay does hereby accept the **Judicial Audit** of the Town for the Fiscal Year ending December 31, 2023. Motion was seconded by Councilor Magaro-Dolan.



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

**EMERGENCY AGREEMENT - Clay Park Central**

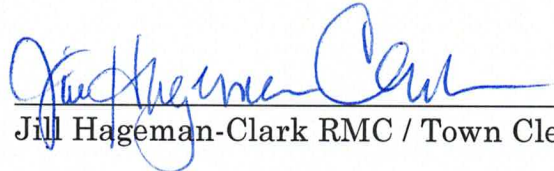
Councilor Hess moved the adoption of a resolution authorizing the Supervisor to enter into an **EMERGENCY AGREEMENT** with **CASINELLA EXCAVATING**, to furnish and install 500± linear feet of 2” CTS piping and make (2) two connections to the existing line located at Clay Park Central, 4821 Wetzel Road, in the amount of \$6,300.00 per day and materials in the amount of \$1,200.00 plus the cost of any fittings and related couplings. Motion was seconded by Councilor Bick.

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

**Adjournment:**

The meeting was adjourned at 8:28 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