

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the June 3, 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 and Paul Graves, 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 Hess made a motion to approve the minutes of the Regular Town Board meeting May 6, 2024. Councilor Pleskach said that there is a correction regarding the approval of the April 15th Minutes correcting the Ayes to read 5 and seconded the motion as corrected.

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

Cancellation and/or requested adjournments.

See below.

Correspondence:

REGULAR MEETING

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

*****APPLICANT REQUESTS TO BE ADJOURNED TO 6/17 MEETING*****

Councilor Bick moved the adoption of a resolution **adjourning** the public hearing to **July 15, 2024 at 7:35 P.M.** Motion was seconded by Councilor Hess.

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 2/05/24, 3/04/24, 4/01/24, 5/06/24 TB MEETING)**

Supervisor Ulatowski opened the public hearing and outlined the ground rules for the meeting. He explained that the applicant will first give a power point presentation, the Board will have the opportunity to ask questions and then the public will have the opportunity ask questions and make comments. He asked that everyone be respectful and give each person the opportunity to speak.

James Trasher of CHA began by doing the power point presentation, and giving an overview of the site. He continued that this application is for a bulk processing facility and if approved they would appear before the Planning Board. He showed renderings of the contractor yard and the tree coverage.

Peter from Aztec Conic explained that he has over 30 years in the industry and discussed the cleanliness of the process of making concrete. He continued showing an example of a ready mix concrete plant and outlined the process of using water, aggregate, and cement. He explained that this process is not dustless, however, the water does reduce the amount of dust.

There was a discussion about the equipment that would be used, including a ground hopper and closed conveyors. They also plan to wash trucks on-site to reduce the dust.

An Air Quality Study was conducted and discussed, stating that Kodak, Corning and Bristol Meyers Squib provided more emissions than projected for this application. They surmised “that it would have a negligible impact on health”. There was a lengthy discussion about the plant studied in N.J. and why a study could not be provided for locations similar to this located in NYS. The information provided

suggest that for a “controlled” batch plant there is a negative impact (0.8) and an “uncontrolled” plant the impact would be about 22,958. There is an Egyptian study and the Supervisor said that he would put it on the Town of Clay website. Residents asked who would oversee to make sure that the air quality system was working efficiently. How would the wind contribute to the distribution of dust. And, are there any studies on the cumulative effect on the health and welfare of those in the vicinity over time.

Several residents asked if this is being constructed to provide concrete for Micron and if so, what will happen to the plant after Micron is built.

There was a discussion about the noise and the applicant states that there will be a maximum of 84 decibels and that it would be 54/53 at the nearest residence. Councilor Pleskach said that elevation makes a difference. A resident asked why they have not included the truck noise in the noise study. Another noted that the noise will be louder in the winter without the buffer of trees.

Gordon Stansbury was present to go over the Traffic Impact Study. He explained that they predict a standard 100 vehicles per hour and that does not necessitate a study. They don't see a concern regarding gaps in traffic.

Josh Werbeck, attorney for the applicant said that we really need this both professionally and personally to allow development. He continued that for decades, the industrial park has provided manufacturing for developers. He said that this plant will be beautiful, and it will stimulate the community.

Several residents and Board members had questions and concerns about the traffic, ranging from all vehicles will exit and enter the plant on Wetzel Road, a two lane road with a Railroad crossing (that extends to cross both Morgan Road and Henry Clay Boulevard) to a discrepancy in the number of trucks including the delivery trucks not included in the calculations.

Councilor Bick asked Ron DeTota, Town Engineer, if the “504” trips per day will degrade the town roads. Mr. DeTota said that Wetzel Road is substandard for today's roads, and double the heavy duty truck traffic volume will impact Morgan Road, Wetzel Road and Henry Clay Boulevard in route to Route 31, Route 81 and Route 481.

Councilor Hess asked about the height, if it would be below the 50' maximum. The applicant said that it will be 49' 11". He said that the applicant did not comply with

the provisions of the 2022 Site Plan; continuing, that the applicant said that it was to wet to complete for 19 months.

Councilor Pleskach asked about the Quality Air EPA threshold. He continued that the applicant's team has grown quite a bit since the first hearing as well as the information provided, 50 trucks were originally predicted daily, now they are saying 504 truck trips. He continued that he had read every page of the reports and the EAF form has significantly changed from 2% to 7.9%. Mr. Trasher countered that the applicant didn't understand all that he needed to do.

Many residents took a turn to speak out in opposition, another petition was submitted, and they cited many reasons for their opposition. They spoke for several hours stating the following concerns.

- Traffic
- Strain on the Roads
- Health and Safety
- Air Quality
- Increase in Noise
- Fear of Non-Compliance
- Fiberglass (in concrete)
- Decrease in property values
- Abandoned business
- Dust and Dirt (increase)
- Distrust (of applicant)

A resident implored the Town Board to protect the community, stating that the vast majority of the room is against this.

Another resident stated that the applicant is required to get a special permit because it is not zoned for this use. They are seeking an exception to well thought zoning and the benefits should outweigh the risks. He concluded that the needs of many outweigh the needs of a few.

Supervisor Ulatowski said that he would **close** the public hearing and that a decision would be rendered at a later meeting. Many residents were adamant, asking when this would happen. Supervisor Ulatowski committed to making a decision after seeking the findings at the next meeting.

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

*****APPLICANT REQUESTS TO BE ADJOURNED TO 6/17 MEETING*****

Councilor Bick moved the adoption of a resolution **adjourning** the public hearing to **July 15, 2024 at 7:38 P.M.** Motion was seconded by Councilor Hess.

Ayes – 6 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 **June 17, 2024**, commencing at **7:35 P.M.** local time, to consider 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.*

Zone Change (CPH) – Town Board Case #1205 – Laurel Springs Zone Change:

Councilor Pleskach moved the adoption of a resolution calling a public hearing on **June 17, 2024**, commencing at **7:38 P.M.** local time, to consider the application of **LAUREL SPRINGS ZONE CHANGE** for a Zone Change from HC-1 Highway Commercial District to R-SR Senior Residential District to allow for Senior Housing on land located at **W. Taft Road, Tax Map No. 107.-18-12.0** consisting of +/- 4.74 acres of land. Motion was seconded by Councilor Magaro-Dolan.

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

Zone Change (CPH) – Town Board Case #1206 – TRAIN HARD FITNESS I, LLC:

Councilor Pleskach moved the adoption of a resolution calling a public hearing on **June 17, 2024**, commencing at **7:41 P.M.** local time, to consider application of **TRAIN HARD FITNESS I, LLC.**, for a Zone Change from NC-1 Neighborhood Commercial District to R-7.5 One-Family Residential District to allow for creation of

a residential lot on land located at **8180 Oswego Road, Tax Map No. 067.-01-03.1** consisting of +/- .29 acres of land. Motion was seconded by Councilor Magaro-Dolan.

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

ZONE CHANGE (CPH) – Town Board Case #1207 ALLEN ROAD ZONE CHANGE:

Councilor Hess moved the adoption of a resolution calling a public hearing on **June 17, 2024**, commencing at **7:44 P.M.** local time, to consider the application of **ALLEN ROAD ZONE CHANGE**, for a Zone Change from R-10 One-Family Residential District to O-1 Neighborhood Office District to allow for a small company office on land located on **Allen Road, Tax Map No. 112.-07-11.5** consisting of +/- 1.53 acres of land. Motion was seconded by Councilor Magaro-Dolan.

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

ZONE CHANGE (CPH) – Town Board Case #1208 WEGMANS (GREAT NORTHERN)/WEGMANS FOOD MARKETS, INC.:

Councilor Hess moved the adoption of a resolution calling a public hearing on **June 17, 2024**, commencing at **7:47 P.M.** local time, to consider the application of **WEGMANS (GREAT NORTHERN)/WEGMANS FOOD MARKETS, INC.**, for a Zone Change from Rec-1 Recreation District to RC-1 Regional Commercial District to allow for future development on land located at **3955-3959 NYS Route 31, Tax Map No. 02.-01-05.6** consisting of +/- 24.40 acres of land. Motion was seconded by Councilor Magaro-Dolan.

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

Special Permit (CPH) - Town Board Case #1209 – Goguen Drive Reality, LLC:

NO ACTION

Authorization – Payment for Event Hosted by Micron:

Councilor Magaro-Dolan moved the adoption of resolution authorizing payment of \$133.80 to Micron Technology, Inc. for the fair market value of participation in a dinner event hosted by Micron in Syracuse. The Town was represented at the event by Supervisor Ulatowski. In order to comply with legal restrictions prohibiting acceptance of gifts and to avoid any hint of impropriety, the Town hereby resolves to

fully pay the cost associated with attendance at the event. Motion was seconded by Councilor Hess.

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

BID Advertisement – Town of Clay’s Custodial Contract:

Councilor Bick moved the adoption of a resolution authorizing the advertisement of bids for **CUSTODIAL SERVICES FOR CLAY TOWN HALL**, 4401 State Route 31, Clay, NY. Contract services from **JULY 1, 2024 – JUNE 30, 2025**. Said bids to be received at the Office of the Purchasing Director, County of Onondaga, 421 Montgomery Street, Syracuse, New York, until 2:00 P.M., local time on June 20, 2024. A pre-bid meeting will be held on **June 7, 2024 – 2:00 P.M.** at **CLAY TOWN HALL**. Motion was seconded by Councilor Hess.

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

Appointment (A) – Town Historian:

Councilor Hess moved the adoption of a resolution appointing **JEFFREY SNOW** as Town Historian. Said term to expire December 31, 2024. Motion was seconded by Councilor Pleskach.

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

Lease Agreement (A) TOWN OF CLAY and ABUNDANT SOLAR POWER, INC.:

Councilor Magaro-Dolan moved the adoption of a resolution approving a lease agreement between the **TOWN OF CLAY** and **ABUNDANT SOLAR POWER, INC.**, and authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Young.

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

Settlement Agreement - Seritage SRC Finance LLC:

Councilor Bick moved the following **SETTLEMENT RESOLUTION:**

WHEREAS, in 2019, 2020 and 2021, Seritage SRC Finance LLC (“Petitioner”) commenced tax assessment review proceedings against the Town of Clay, Onondaga County, New York, seeking a reduction in the assessed value of property it owns in the Town of Clay, which is identified as tax map parcel 028.-01-40.5; and

WHEREAS, the Town filed an Answer and Demands for Discovery and proceeded to defend the action; and

WHEREAS, the Board believes that settlement in this matter is in the best interest of the Town; and

NOW, THEREFORE, BE IT RESOLVED by the Town of Clay Board as follows:

Section 1. The Board hereby authorizes the Town Attorney to settle the tax assessment proceedings with Petitioner with Town refunds not to exceed \$49,000.00 and for reduction of the assessed value of the property identified as tax map parcel 028.-01-40.5 pursuant to the proposed settlement listed in the attached memo.

Section 2. The Town Finance Department is authorized, permitted and is directed to pay refunds to Petitioner (or Petitioner’s agent) in an amount not to exceed \$49,000.00 (subject to final audit), without further action of this Board.

Section 3. The proposed settlement includes payment of refunds due in an amount not to exceed \$49,000.00 on behalf of the Town, as well as a full waiver of statutory interest by the Petitioner, all in accordance with the terms and conditions as stated in a proposed Stipulation & Order of Settlement. This resolution also authorizes the Supervisor and Town Attorney to execute any and all documents necessary to complete this matter. Motion was seconded by Councilor Magaro-Dolan.

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

Adjournment:

The meeting was adjourned at 10:41 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