

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the July 15, 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
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
Deborah Magaro-Dolan	Councilor

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 June 17, 2024 Regular Town Board meeting. Motion was seconded by Councilor Hess.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that item # 9 on the agenda will not be heard as the applicant *Brew Team NY, LLC*, is still working with the Planning Board.

Correspondence:

There was no correspondence.

REGULAR MEETING:

ZONE CHANGE (SEQR) Town Board Case # 1200 - S&G ACQUISITIONS:

Councilor Young moved the adoption of a resolution that 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 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 Hess.

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

ZONE CHANGE (D) Town Board Case # 1200 - S&G ACQUISITIONS:

Councilor Young moved the adoption of a resolution **denying** 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 Hess.

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

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. (ADJOURNED FROM THE 3/18/24, 04/01/24, 05/06/24 & 06/03/24 TB MEETING) was opened by the Supervisor.

Joe Frateschi, speaking on behalf of the applicant began by stating previously there were concerns regarding Tully's eventually vacating the property and another restaurant going in and suggested that the Special Permit could be conditional upon it only be a Tully's. He continued that the Planning Board had some concerns regarding the drive-thru but are not opposed to a restaurant, stating that the drive-thru will generate more traffic on an already busy road. Mr. Frateschi gave a brief overview adding that no variances are required.

Dan Giamartino explained that he purchased the property. He continued that he and his brother are the owners of Tully's and operate several Restaurants in Upstate NY.

Gordon Stansbury began by stating that the traffic study was favorable and that the proposed Tully's Drive-thru and attached small retail business will generate minor additional traffic and will have no notable impact on Route 31. A detailed traffic study had been sent, however the Town Clerk did not receive one.

Mr. Stansbury explained that they conducted the traffic study on a weekday and a Saturday at various times throughout the day. Supervisor Ulatowski asked if there were calling hours in progress during the study. Mr. Stansbury was not sure. He continued that the accident analysis over the past three years indicated no notable accident history.

There was a discussion about the diner that is proposed across the street in the plaza. Mr. Stansbury said that the State DOT recommends changing the existing 450' westbound left turning lane to 360' and allowing for 150' eastbound left turning lane to be added and the road to be restriped to reflect this.

Councilor Pleskach asked what the applicant would do if another restaurant type business wanted to go into the remaining part of the building. Mr. Giamartino said that this space would not be large enough; it would only accommodate a small retail use.

There being no additional comments or questions Supervisor Ulatowski **closed** the public hearing.

SPECIAL PERMIT (PH) Town Board Case # 1204 – BREW TEAM PUB NY, LLC:

Councilor Hess made a motion to adjourn the public hearing to **August 19, 2024 at 7:35 PM.** Motion was seconded by Councilor Young.

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

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

A public hearing 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. (ADJOURNED FROM THE 6/17/24 TB MEETING) was opened by the Supervisor.

Supervisor Ulatowski asked if there was anyone to speak on behalf of this application; there being none he **closed** the public hearing.

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

A public hearing to consider the 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. (ADJOURNED FROM THE 6/17/24 TB MEETING) was opened by the Supervisor.

Supervisor Ulatowski asked if there was anyone to speak on behalf of this application; there being none he **closed** the public hearing.

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

A public hearing to consider the application of **ALLEN ROAD ZONE CHANGE/HAFNER FAMILY TRUST**, 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 at **Allen Road, Tax Map No. 112.-07-11.5** consisting of +/- 1.53 acres of land. (ADJOURNED FROM THE 6/17/24 TB MEETING) was opened by the Supervisor.

Nolan Kokkoris, from Bond, Schoeneck and King was present to speak on behalf of the applicant. He briefly explained that what they are proposing is similar to the office park across Allen Road from this parcel. He added that they received a favorable recommendation from the Planning Board last week. He had no additional information and there were no questions or comments. Supervisor Ulatowski **closed** the public hearing.

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

A public hearing 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. 021.-01-05.6** consisting of +/- 24.40 acres of land. (ADJOURNED FROM THE 6/17/24 TB MEETING) was opened by the Supervisor.

Kim Gergan, representative for Wegmans spoke on behalf of the applicant. She began by stating that they received a favorable recommendation from the Planning Board. She continued that this will match the surrounding zoning for this area. The proposed hotel will occupy 2.5 acres in the southeast corner of the parcel and a lot line adjustment will be required.

Councilor Hess said that this makes perfect sense. Supervisor Ulatowski **closed** the public hearing.

SPECIAL PERMIT (CPH) – Town Board Case # 1210 McDONALDS USA, LLC:

Councilor Hess moved the adoption of a resolution calling a public hearing on **August 19, 2024**, commencing at **7:38 P.M.**, local time, to consider the application of **McDONALD'S USA, LLC.**, for a Special Permit pursuant to Section 230-16C.(2)(e)[2] Drive-In Service to allow for a McDonald's restaurant with a drive-thru on land located at **4979 Taft Road, Tax Map No. 107.-20-01.1**, consisting of +/-1.43 acres of land on a proposed lease parcel. The property is located in the RC-1 Regional Commercial and LuC-1 Limited Use districts. Motion was seconded by Councilor Bick.

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

BID AWARD - JANITORIAL/CLEANING SERVICES FOR THE TOWN OF CLAY TOWN HALL BUILDING:

Councilor Pleskach moved the adoption of a resolution authorizing the Supervisor to execute an agreement with and awarding the bid to **OSWEGO INDUSTRIES** for **JANITORIAL/CLEANING SERVICES FOR THE TOWN OF CLAY TOWN HALL BUILDING** for **\$44,895.06** per year to be billed on a monthly basis of **\$3,741.26** for one (1) year, commencing July 1, 2024 and terminating June 30, 2025. This agreement may be renewed under the same terms and conditions for two (2) additional one (1) year periods upon written consent of both parties. The agreement shall be approved as to form and content by the Town Attorney. Motion was seconded by Councilor Hess.

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

ARPA (American Rescue Plan Act) FUNDING:

Councilor Hess moved the adoption of a resolution authorizing the Supervisor to transfer **American Rescue Plan Act (ARPA)** funding in the amount of **\$40,040.42** to the General Capital Fund for the Clay Park Central Water Line Replacement Project and transfer funding in the amount of **\$26,735.23** to the General Capital Fund for the Project Green Education Center and transfer funding in the amount of **\$479,578.62** to the General Capital Fund for the Town Hall Roof Installation Project and transfer funding in the amount of **\$38,925.00** to the to the Consolidated Drainage Fund for the Black Brant Flooding and Drain Repair Project. Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. Motion carried. Councilor Hess and Supervisor Ulatowski thanked Councilor Bick for a job well done in helping with the Black Brant flooding issues.

STANDARD WORKDAY REPORTING:

Councilor Bick moved the adoption of a resolution that the Town of Clay hereby establishes the **STANDARD WORK DAYS** for elected and appointed officials who choose to participate in the New York State Retirement System, and will report the days worked to the New York State and Local Employee's Retirement System based on the record of activities maintained and submitted by the officials to the Town Clerk of the Town of Clay, all as shown on a resolution to be filed in the Town Clerk's office and posted on the Town of Clay website and posted on the Official Board, located at 4401 State Route 31, Clay NY 13041 for no less than 30 days after the adoption of such resolution, as required by the State Comptroller's office. Motion was seconded by Councilor Pleskach.

Ayes – 5 and Noes – 0. Motion carried.

Project - Agreement (A) THE FARMSTEAD SUBDIVISION SECTION NO. 7:

Councilor Pleskach 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. 7**, (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 July 15, 2024: **Maintenance Guarantee - \$13,077 (Sewer \$6,898 and Drainage \$6,179); Overland Drainage - \$30,000; Highway - \$47,824; Monument Deposit - \$900; Parkland Contributions - \$13,500; Additional Engineering Fees - \$7,000;** 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 Bick.

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

Project - Easements (A) THE FARMSTEAD SUBDIVISION SECTION NO. 7:

Councilor Pleskach moved the adoption of a resolution accepting easements for sewer and drainage facilities located within **THE FARMSTEAD SUBDIVISION SECTION NO. 7**, (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 **August 2, 2023**. Motion was seconded by Councilor Bick.

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

Project – Warranty Deed etc. (A) THE FARMSTEAD SUBDIVISION SECTION NO. 7:

Councilor Pleskach moved the adoption of a resolution accepting a Warranty Deed, Dedication, Application and Release of damages for the roads in Section Seven (7) located within **THE FARMSTEAD SUBDIVISION SECTION NO. 7**; from **MAPLE ROAD ASSOCIATES, INC.**, (Lepinske Farm Place and Cooper Trade Place all having Permeable Shoulders). Motion was seconded by Councilor Bick.

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

GRANT APPLICATION (A) – DASNY - SPLASH PAD:

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to execute the necessary documents for a grant application with the **Dormitory Authority of the State of New York (DASNY)** for the purchase of a Splashpad for

the **Town of Clay** to be located at **Clay Central Park, 4821 Wetzel Road, Liverpool, NY**. Motion was seconded by Councilor Pleskach.

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

Adjournment:

The meeting was adjourned at 8:21 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