

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the December 16, 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
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

Luella Miller	Councilor
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OTHERS PRESENT:

Russ Mitchell, Chairman of the Planning Board; Hal Henty, Member of the Planning Board were present.

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 Magaro-Dolan made a motion to approve the minutes of the December 2, 2024, Regular Town Board Minutes. Councilor Young seconded the motion.

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

Cancellations and/or requested adjournments:

None

Correspondence:

Each member of the Town Board thanked Councilor Hess for his many years of service, his expertise, congeniality, selfless service, and friendship to the entire town, and wished him well in his retirement.

REGULAR MEETING

Supervisor Ulatowski opened both the Mirabito cases together.

SPECIAL PERMIT (PH) – Town Board case # 1212 - MIRABITO ENERGY PROJECTS/KELLY-TOBIN DEVELOPMENT CORP.:

A public hearing to consider the application of **Town Board Case #1212: MIRABITO ENERGY PROJECTS/KELLY-TOBIN DEVELOPMENT CORP.**, for a Special Permit pursuant to Section 230-16 B.(2)(e)[7] – Drive-in Service to allow for a drive-thru coffee shop on land located at **Route 31 at Lawton Road, Tax Map No. 077.-34-17.1** consisting of +/-9.57 acres of land. The property is located in the HC-1 Highway Commercial District. (ADJOURNED FROM THE 10/21/2024 & 11/18/2024 TOWN BOARD MEETING) was opened by the Supervisor.

SPECIAL PERMIT (PH) – Town Board case # 1213 - MIRABITO ENERGY PROJECTS/KELLY-TOBIN DEVELOPMENT CORP.:

A public hearing to consider the application of **Town Board Case #1213: MIRABITO ENERGY PROJECTS/KELLY-TOBIN DEVELOPMENT CORP.**, for a Special Permit pursuant to Section 230-16 B.(2)(e)[7] – Drive-in Service to allow for a drive-thru bank on land located at **Route 31 at Lawton Road, Tax Map No. 077.-34-17.1** consisting of +/-9.57 acres of land. The property is located in the HC-1 Highway Commercial District. (ADJOURNED FROM THE 10/21/2024 & 11/18/2024 TOWN BOARD MEETING) was opened by the Supervisor.

Matt Napierala of Kelly Tobin, Chris Lynch and Jason Mirabito were present for the applications. Mr. Napierala explained that at the October hearing there was a question about what the project is. He continued that it was a shopping center but they are proposing fuel service in addition to the bank, coffee shop and another business.

There was a discussion about allowed uses in HC-1 and shopping center is included however a special permit is required for each drive-thru service. The applicant said that they are proposing a convenience store, a bank with a drive thru, a Dunkin Donuts, a Subway Sandwich shop and fueling. There is the possibility of another retail parcel in the future. Mr. Napierala said that they are not trying to hide anything, and these are all allowable uses by the Planning Board site plan.

Mr. Napierala continued by outlining the proposed traffic flow pattern beginning with the entrance from Route 31 circulating south to the drive-thru window on the left side of the parcel (depicted in yellow on the map). He continued with the second path (pink pattern) which is two one-way lanes that will merge into one at the order board. The entrance off Lawton Road (shown on the map in green) travels

counterclockwise and to merge (with the pink path and later the yellow path). He continued, there is stacking for nine (9) vehicles, which exceeds code requirements.

Councilor Young asked for clarity regarding the traffic flow patterns, as well as the access from Route 31. The applicant is proposing full access on and off Route 31. Chris Lynch, Architect, stated that the traffic study conducted by Gordon Stansbury, stated “No notable or significant impact and no accident history.”

Supervisor Ulatowski asked if the traffic leaving the ‘Dunkin Donuts’ drive-thru would exit the parcel by Lawton Road or Route 31. There was a great deal of discussion about the traffic flow and access on and off Route 31. When questioned about left turns entering and exiting Route 31, the applicant reiterated that the traffic study allows this. The applicant added that NYS DOT has not evaluated or responded yet.

Councilor Pleskach asked if they had considered the anticipated growth at this time. He continued that the last report from GTS Consulting only projected one years growth and asked if this was the same projection. The applicant did not know. Councilor Pleskach explained that with the anticipated growth with Micron and other projects on Route 31 the study should consider more than one years growth.

Mr. Lynch gave a brief overview of the buildings. They are proposing single-story brick/stone block. The Dunkin Donuts, Convenience store and Subway will all be housed in the same building. The NBT Bank will be a single lane for the teller with no outside ATM.

Councilor Young asked if there is a bailout lane. Mr. Napierala said that it is open so the vehicles could exit the lane.

Supervisor Ulatowski asked if the applicant would move forward with this project if one or both the drive-thru’s were not approved. The applicant said that they hope to get both approved but would not necessarily abandon the project if they did not.

Councilor Hess asked if the applicant has considered right-in, right-out only onto Route 31 if the State DOT denies the full access.

Jeremy Rossman of Tobin Path asked about the fueling area for the 18-wheelers to fill the gas tanks. Mr. Napierala explained that the fueling area tanks will be at the North-East portion of the parcel and be done no more than once a day.

Erika Rossman, Tobin Path, asked if any of the businesses operate 24 hours a day. Jason Mirabito stated they will not. Ms. Rossman asked if there was a landscape plan to protect the privacy of the residents to the south. Mr. Mirabito said that they have, however there is no screening depicted for the residents. Councilor Pleskach asked, if this application was approved would the applicant be willing to construct a berm; they said that they would consider it.

There was discussion about the access from Lawton Road and concern for the increased traffic on the narrow road. The applicant stated that there is no plan to expand the road or extend the curbs. Some residents expressed concerns with the weight that would travel on Lawton Road and wondered if there was a weight restriction.

Scott Arnold of Wyandra Drive expressed his concern with the amount of stacking for this project. Others were concerned about the loss of privacy or the future growth and unknown possible future tenants. Some of the residents suggested only one of the drive-thru's be approved.

Supervisor Ulatowski said that he would refer both cases to the Planning Board for review and referral. Councilor Hess made a motion to **adjourn** the public hearing for Case # 1212 to **February 3, 2025 at 7:35 PM**. Motion was seconded by Councilor Bick.

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

Councilor Hess made a motion to **adjourn** Case #1213 public hearings to **February 3, 2025 at 7:38 PM**. Motion was seconded by Councilor Pleskach.

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

The Supervisor opened both of the Summit Federal Credit Union hearings together.

ZONE CHANGE (PH) - Town Board Case # 1216 - THE SUMMIT FEDERAL CREDIT UNION:

A public hearing to consider the application of **Town Board Case #1216: THE SUMMIT FEDERAL CREDIT UNION TAFT ROAD BRANCH** to consider a Zone Change from R-APT Apartment District and R-10 One-Family Residential District to NC-1 Neighborhood Commercial District and R-APT Apartment District to allow for an construction of a Summit Federal Credit Union on land located at **5047 West Taft**

Road, Tax Map No. 107.-12-59.0 & West Taft Road, Tax Map No. 107.-12-60.1, consisting of +/- 1.862 acres of land. (ADJOURNED FROM THE 11/06/2024 & 11/18/2024 TOWN BOARD MEETING) was opened by the Supervisor.

SPECIAL PERMIT (PH) - Town Board Case # 1217 - THE SUMMIT FEDERAL CREDIT UNION:

A public hearing to consider the application of **Town Board Case #1217: THE SUMMIT FEDERAL CREDIT UNION** for a Special Permit, pursuant to Section 230-16 A.(2)(e)[5] Drive-in Service, to allow for two (2) lanes of drive-thru tellers and ATM services on land located at **5047 West Taft Road, Tax Map No. 107.-12-59.0, & West Taft Road, Tax Map No. 107.-12-60.1**, consisting of +/-1.86 acres of land. The property is located in the NC-1, Neighborhood Commercial district was opened by the Supervisor.

Ben Wolfling was again present for the applicant. He began by distributing maps that better depicted what the applicant is trying to do. He continued that the Planning Board gave a favorable recommendation for the Zone Change.

The special permit is for a two-teller lane drive-thru and the traffic would enter and exit from Taft Road and Cedar Post Road. The building will be 100-130' from Cedar Post Road and no traffic study has been submitted. Councilor Young said that he would prefer no access to Cedar Post Road; Councilor Pleskach said that he would be happier with a right-in, right-out only onto Taft Road adding that he didn't think they could make a left, crossing a double solid line.

Supervisor Ulatowski closed the Public Hearing for the Zone Change (case # 1216) and referred the Special Permit (case #1217) to the Planning Board.

Councilor Hess made a motion to adjourn the Special Permit (#1217) to **February 3, 2025 at 7:41 PM**. Motion was seconded by Councilor Pleskach.

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

ZONE CHANGE (CPH) – Town Board Case # 1218 - SENECA SAVINGS FINANCIAL FACILITY:

A public hearing to consider the application of **Town Board Case #1218: SENECA SAVINGS FINANCIAL FACILITY** for a Zone Change from RA-100, Residential Agricultural District to O-2 Office with Highway Overlay Zone District, to allow for

construction of a financial institution on land located at **5332 State Route 31, Tax Map No. 051.-01-11.1**, consisting of +/-2.69 acres.

Jesse Plumley was present on behalf of the applicant. The parcel is located on the south side of Route 31 between Sterns Road and Burnet Avenue and was formerly a landscaping and mulch business. Councilor Hess asked why the applicant is seeking a zone change from O-2 instead of HC-1. The applicant said that they would require variance(s) with the HC-1 zoning. The applicant said that he would seek a special permit for a drive-thru service if the zone change was granted. They plan to use the existing driveway for full access.

Supervisor Ulatowski referred the public hearing to Planning Board for review and referral.

Councilor Hess made a motion to **adjourn** the public hearings to **February 3, 2025 at 7:44 PM**. Motion was seconded by Councilor Young.

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

ZONE CHANGE (CPH) – Town Board Case # 1219 - MARC LEBIEDZINSKI:

A public hearing to consider the application of **Town Board Case #1219: MARC LEBIEDZINSKI** for a Zone Change from RA-100, Residential Agricultural District to R-15, One-Family Residential District on property located at **7985 Morgan Road, Tax Map No. 081.-29-06.0**, consisting of +/-3.09 acres of land, 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 distributing maps to some of the people. He briefly explained that the applicant is requesting a zone change to construct a garage/barndominium on a parcel that abuts the RR tracks on Morgan Road. There is currently an existing residence, and the applicant wishes to add a second one.

The use meets code, and no variances are required. The applicant will sub-divide making two separate parcels.

Councilor Bick asked if the parcel was large enough for septic and Ron DeTota said that it was, that it was specifically designed for septic.

Supervisor Ulatowski referred the public hearings to Planning Board for review and referral.

Councilor Hess made a motion to **adjourn** the public hearing to **February 3, 2025** at **7:47 PM**. Motion was seconded by Councilor Magaro-Dolan.

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

Licenses and Permits (CPH) – CASUAL ESTATES (MOBIL HOME COURT) LLC, d/b/a/ MADISON VILLAGE:

Councilor Pleskach moved the adoption of a resolution calling a public hearing on **January 6, 2025**, commencing at **7:35 P.M.**, local time, to consider the application of **CASUAL ESTATES, LLC D/B/A MADISON VILLAGE MOBILE HOME COURT**, for the renewal of its license for the year **2025**. Councilor Young seconded the motion.

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

Traffic and Vehicles (CPH) – STOP SIGNS (2) FARMSTEAD SUBDIVISION:

Councilor Pleskach moved the adoption of a resolution calling a public hearing on **January 6, 2025**, commencing at **7:38 P.M.**, local time, to consider the amendment of **CHAPTER 211**, entitled **TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to install two additional stop signs at the northern intersection of Mediator Way and Weller Hall Place (one on Mediator Way heading north and one on Weller-Hall heading west), and installation of the necessary signs therefore. Councilor Young seconded the motion.

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

INTERMUNICIPAL WASTEWATER AGREEMENT (A) – ONONDAGA COUNTY

Councilor Pleskach moved the adoption of a resolution approving and authorizing the Supervisor to enter into an Intermunicipal Wastewater Agreement with **ONONDAGA COUNTY** to provide maintenance services of public sanitary sewers, pump stations and treatment facilities on behalf of the Town of Clay and in accordance with Local Law No. 1 of the year 2011; and further authorizing the Supervisor to execute the necessary documents, therefore. Councilor Hess seconded the motion.

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

Project/Water (accept title) – RAT PACK STORAGE, INC.:

Councilor Young moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of a water supply facility located within **PACK RAT STORAGE, INC.**, (Woodard Extension No. 4 Water District – Contract No. 50-lateral) and the construction of said facilities having been completed in accordance with the Plans and Specifications thereof; the Town Engineers having verified the developer having complied with all the requirements set forth in an Agreement between the Town of Clay and **PACK RAT STORAGE, INC.**, that the Town accept title to such facilities. Councilor Magaro-Dolan seconded the motion.

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

Project/Water (accept Right-of-Way) – RAT PACK STORAGE, INC.:

Councilor Young moved the adoption of a resolution accepting a right-of-way for water facilities located within **PACK RAT STORAGE, INC.**, (Woodard Extension No. 4 Water District – Contract No. 50-lateral) all as shown on R.O.W. Map No. 594 prepared by Ianuzi & Romans Land Surveying, P.C., dated **October 25, 2024**. Councilor Magaro-Dolan seconded the motion.

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

Bid Award - Boiler/HVAC System:

Councilor Magaro-Dolan moved the adoption of a resolution approving the contract for installation of a new **Boiler/HVAC System** for the main Town Hall located at 4401 State Route 31, Clay, NY and authorizing the bid award to **HMI** for the bid of **\$344,200.00**; said amount being the lowest responsible bid, and further authorizing the Supervisor to execute any and all documents therefore. Councilor Young seconded the motion.

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

Professional Service Agreement with Baker Tilly Advisory Group, LP (A) Recruitment:

Councilor Bick moved the adoption of a resolution allowing the Supervisor to enter into a **Professional Service Agreement with Baker Tilly Advisory Group, LP** for Executive Recruitment purposes to fill the vacant Commissioner of Planning and Development position, and further authorizing the Supervisor to execute the necessary documents, therefore. Professional Service fee ranges \$29,500 - \$35,000, plus reimbursable expenses as agreed upon.

Councilor Pleskach read the following statement.

The decision to engage a professional search firm is a strategic investment in the Town of Clay's future, particularly at this pivotal moment in our community's history. With Micron's transformative growth and its potential to reshape our economy and infrastructure, it is more important than ever to have the right leadership in place to guide our planning and development efforts.

This role is critical to ensuring we maximize the opportunities ahead from managing rapid development to fostering sustainable growth that benefits all residents. Hiring a professional search firm demonstrates our commitment to investing in ourselves and our community. We owe it to the people of Clay to find the most qualified leader-someone with the vision, expertise, and leadership to help us achieve our full potential.

Research shows the **mis-hiring can cost 15 times the employees annual salary** in lost productivity, rehiring costs, and missed opportunities (*Who: The A Method for Hiring*). For a position of this magnitude, the potential consequence of hiring the wrong candidate far outweigh the cost of a professional search process. A search firms proven methodology will ensure a rigorous and unbiased evaluation of candidates, helping us to identify someone who not only meets the technical requirements but also aligns with our values and understands the unique needs of our town.

This is about more than filling a position-it's about seizing the moment. Microns arrival presents once-in-a-generation opportunities for economic growth, innovation, and community development. By hiring a professional search firm, we are taking proactive steps to ensure we have the best possible leadership to manage these changes and help the Town of Clay reach its full potential.

The fee represents less than **1% of the long-term economic impact** this role will have on our community. We are worth this investment, and this is the kind of commitment we must make to ensure Clay thrives in this exciting new chapter.

Councilor Hess seconded the motion.

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

BUDGET APPROPRIATIONS (A) (transfer of funds):

Councilor Magaro-Dolan moved the adoption of a resolution authorizing the transfer of appropriations and amending the 2024 Town of Clay Budget in various funds to provide monies for 2024 expenditures. Councilor Young seconded the motion.

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

ARPA FUNDING (A) (appropriation):

Councilor Pleskach moved the adoption of a resolution authorizing the Supervisor to transfer **American Rescue Plan Act (ARPA)** funding in the amount of \$10,450.00 to the General Capital Fund for Town Hall Improvements and transfer funding in the amount of \$6,758.75 to the General Capital Fund for the Town Hall Roof Installation Project and transfer funding in the amount of \$27,178.50 to the General Capital Fund for the Town Hall Boiler Replacement Project and transfer funding in the amount of \$276,987.95 to the to the General Capital Fund for Tennis & Pickle Ball Court Renovation and transfer funding in the amount of \$166,489.25 to the to the General Capital Fund for the Clay Park Central Restroom Project and transfer funding in the amount of \$6,000.00 to the Uniform Water Fund for Water Repairs. Councilor Hess seconded the motion.

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

Retirement – Town Supervisor:


Councilor Hess moved the adoption of a resolution authorizing Supervisor Damian M. Ulatowski to collect his New York State Pension. The Supervisor has reached eligibility for and applied to receive his pension benefit from the NYS Retirement System, retiring effective December 18, 2024, pursuant to NYS Retirement rules and regulations. Motion was seconded by Councilor Bick.

Ayes - 5 and Noes – 0. *Motion carried. Supervisor Ulatowski abstained.*

Adjournment:

The meeting was adjourned at 9:00 P.M. upon motion by Councilor Young and seconded by Councilor Magaro-Dolan.

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


Jill Hageman-Clark – Town Clerk