

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the February 3, 2025, at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph Bick	Deputy Supervisor/Councilor
Eugene Young	Councilor
Ryan Pleskach	Councilor
Deborah Magaro-Dolan	Councilor
David Capria	Councilor
Edward Wisnowski	Councilor
Jill Hageman-Clark	Town Clerk
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

David Tessier	Interim Commissioner Planning & Development
---------------	---

OTHERS PRESENT:

Russ Mitchell, Planning Board Chairman; Hal Henty and Paul Graves, Planning Board Members.

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 January 22, 2025 Regular Town Board Meeting. Motion was seconded by Councilor Magaro-Dolan.

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

CORRESPONDENCE:

None

CANCELLATIONS and/or REQUESTED ADJOURNMENTS:

Town Board Cases #1212 and #1213 (Both Mirabito cases) both requested adjournments.

Appointment - Town Board Councilor:

Councilor Young moved the adoption of a resolution appointing **Edward Wisnowski** as Town Board Councilor to fill the unexpired term of Luella Miller. Said term to expire **12/31/2027**. Motion was seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried. Mr. Wisnowski was sworn in and signed the Oath of Office and took a seat on the bench.*

REGULAR MEETING

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

Councilor Pleskach moved the adoption of a resolution regarding 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, 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 Young.

Ayes – 7 and Noes – 0. *Motion carried.*

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

Councilor Pleskach moved the adoption of a resolution **denying 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. Motion was seconded by Councilor Magaro-Dolan.

A roll count went as follows:

Councilor Wisnowski - abstain
Councilor Young – Aye
Deputy Supervisor Bick – Aye
Councilor Capria – Aye

Councilor Magaro-Dolan – Aye
Supervisor Ulatowski - Aye
Councilor Pleskach – Aye

- Each Councilor citing reasons for denial including,
- Proximity to residential
- Close intersection
- Lack of buffer
- Amount of traffic
- Unsignalized intersection at Cedar Post
- Mixed use
- Create hazardous traffic in Wegmans parking lot

Ayes – 6 and Noes – 0. *Motion to deny carried. Councilor Wisnowski abstained.*

Project/Sewer – (A) DELTA SONIC SEWER DISTRICT:

Councilor Pleskach moved the adoption of a resolution **approving** the Petition for a sewer district within the Town of Clay to be known as “**DELTA SONIC SEWER DISTRICT CONTRACT NO. 1**”. Motion was seconded by Councilor Young.

Ayes – 7 and Noes – 0. Motion carried.

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

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 & 12/16/2024 Town Board meeting*) ***The Applicant Requested an adjournment.***

Councilor Pleskach moved the adoption of a resolution to **adjourn** the public hearing to **March 3, 2025 at 7:41 PM.** Motion was seconded by Councilor Young.

Ayes – 7 and Noes – 0. *Motion carried.*

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

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 & 12/16/2024 Town Board meeting)* **The Applicant Requested an adjournment.**

Councilor Pleskach moved the adoption of a resolution to **adjourn** the public hearing to **March 3, 2025 at 7:44 PM**. Motion was seconded by Councilor Bick.

Ayes – 7 and Noes – 0. *Motion carried.*

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

No Action based on the DENIAL of Town Board Case # 1216 Summit Federal Zone Change.

ZONE CHANGE (PH) – 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. *(Referred to Planning Board, Adjourned to 2/3/2025 from 12/16/2024 Town Board meeting)* was opened by the Supervisor.

Jeff Plumley of Plumley Engineering spoke on behalf of the applicant. He began by explaining that they were before the Town Board on December 16, 2024 and before the Planning Board on January 3, 2025 where they received a favorable recommendation.

Mr. Plumley explained that this parcel is on the south side of Route 31 where the former Clifton Recycling was located. He said that they will construct the building along with public facilities, new stormwater and new septic.

Councilor Magaro-Dolan asked if they are proposing a drive thru. The applicant said if the zone change is approved, they will seek a Special Permit. Councilor Capria asked if this will all be new construction, and it will be.

There being no further questions or comments; the Supervisor **closed** the public hearing.

ZONE CHANGE (PH/Adj.) – 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. *(Referred to Planning Board, Adjourned to 2/3/2025 from 12/16/2024 Town Board meeting)* was opened by the Supervisor.

Pat Reynold of Ianuzi and Romans gave a brief overview explaining that the applicant plans to subdivide the parcel into two lots.

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

LOCAL LAW NO.1 OF THE YEAR 2025 (formerly known, and approved as LOCAL LAW NO. 3 OF THE YEAR 2024):

A public hearing to consider proposed **LOCAL LAW NO. 1 OF THE YEAR 2025** (formerly known, and approved as LOCAL LAW NO. 3 OF THE YEAR 2024), amending Section 152-4 H. – Prohibited Noises, to add: Noise from construction and demolition activities in Industrial 2 (I-2) Districts are exempt from this section, and this section does not apply to activity in Industrial 2 (I-2) zones. Previous Local Law was inadvertently passed under Section 154-4 H., which does not exist, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski began by explaining that this Local Law was passed at the end of 2024. Inadvertently, the section of the Town of Clay Town Code was misnumbered. The number that was listed does not exist.

The Supervisor stated, “We previously passed this change, but determined we had to re-do it due to a transposition error. The correct Section is 152(4)(h). Somehow it was later written as 154(4)(h), so we need to correct it.

As you all know, the Town of Clay, our engineers and experts have been engaged in new planning initiatives like the new comprehensive plan etc., and we are trying to

get ahead of the plan to host what officials from the County and Micron say will be one of the largest economic development initiatives in the Country.

We understood early on that some of our Town Code Sections were intended for smaller projects and just did not fit a massively scaled project. In our initial discussions, we were told the construction at the project site could last many years. It was obvious we would need to make some changes, and as we have been saying all along, and amendments to the Noise Ordinance during construction is one of the necessary changes.

Section 152(4)(h): Noise associated with the erection, excavation, demolition, alteration or repair of any building or other construction, reconstruction, or demolition activity other than between 7:00 a.m. and 7:00 p.m. on weekdays, or between 8:00 a.m. and 5:00 p.m. on Saturday, except in the event that a finding of urgent necessity in the interest of public welfare or safety may be made by the Commissioner of Planning and Development who shall then issue a permit to allow such activity. Such permit may be requested for a period of three days or less while the emergency continues.

Obviously, three days will not work here. Once the construction starts, we do not want to delay it and want it to continue until the project is built to limit inconvenience and impacts for our residents as much as possible.

1. We thought about the best way to accomplish the goal. First, it is important to understand we believe Micron can meet the I-2 Noise standards during operations. Here, we are only talking about construction noise.
2. The I-2 Zone in the Town is very isolated, and almost exclusively at the White Pines Industrial Park. It's a small pocket within the Town. That lead to the concept we previously passed of just exempting the I-2 Zone during construction.
3. The proposal is to add the following language to 152(4)(h): **Noise from construction and demolition activity in Industrial 2 (I-2) Districts is exempt from this section, and this section does not apply to activity in Industrial 2 (I-2) zones."**

The Supervisor continued:

1. The Town of Clay is anticipating hosting one of the largest economic development projects in the history of the Country. Accordingly, we are working to review and amend some of our Code sections related to the I-2 Industrial zone to make sure we can legally accommodate the project, while continuing to protect our citizens.

2. During our review we discovered some of our Code sections would not accommodate a large-scale construction and manufacturing project like the one proposed.
3. Specifically, although we believe Micron will be able to comply with the allowable noise ordinance levels for the I-2 zone during eventual operations, there is no way they could comply during the construction phases.
4. Our old ordinance allowed temporary construction noise, did not allow work to be performed on some dates and times, and contained only short-term waiver process.
5. Based on input from both Micron representatives and the Federal Government, we anticipate the construction phase of the project will last several years. The Town does not want to delay the project and associated inconvenience for our residents, and we wish to have it completed as soon as possible.
6. We decided to change the noise ordinance to exempt construction noise only with regard to the I-2 zone. This will allow the project to be built in the shortest time possible.
7. Clay has limited land that is zoned I-2 and the vast majority is located at the industrial park. We were careful not to change our ordinance for the other zones, as we want to maintain the current allowable levels for residents.
8. We are trying to balance the responsibility of hosting a huge economic development project with the continued protection of our residents.
9. We are continuing to review and update our Code sections, and there may be more necessary changes in the future.

Councilor Bick reiterated that this is a necessary step in the progress for the Town.

Councilor Magaro-Dolan confirmed that this will apply to construction and demolition only. Daily operations must comply with standard restrictions.

A woman asked if they anticipate an increase in traffic during the construction phase.

Janet Rathburn asked if this is unlimited time frame or noise.

Mike LaPointe suggested that the construction phase could last 10-20 years; he asked if they will be working all night? Mr. LaPointe said that he lives in Cherry Heights and is concerned about the noise for an undetermined amount of time. He asked about the possibility of sound barrier walls during the construction phase.

Councilor Pleskach said that he is in favor of the barriers and has reached out to NYS Department of Transportation regarding possible placement of barriers on Rt 481 and Rt 31. He added that they have been resistant but will reach out again and suggest barriers for this project.

There was a brief discussion about some limits on when the construction could occur and the possibility of sound barriers. Supervisor Ulatowski said that he is open to restricting activities if they are not compliant and is open to sound barriers.

A woman asked when construction will begin. The Supervisor said that is unknown.

Mike LaPointe suggested that the Local Law be delayed and asked if the majority of the Board is in agreement regarding the possibility of sound barrier walls and overseeing the construction and demolition phase to ensure compliance.

Councilors Magaro-Dolan, Pleskach and Capria all agreed that this will be reviewed on an ongoing basis. Councilor Bick said that he saw no reason for a delay.

There being no additional questions or comments, the Supervisor **closed** the public hearing. *Note: Comments opposing this Local Law were emailed to the Town Clerk and are added to the file and are available upon request at the Town Clerks office.*

ZONE CHANGE (CPH) – Town Board Case # 1221 – LAUREL SPRINGS
ZONE CHANGE:

Councilor Pleskach moved the adoption of a resolution calling a public hearing on **March 3, 2025**, commencing at **7:35 P.M.**, local time, to consider the application of **Town Board Case #1221: 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. *(Previously denied under Town Board Case #1205 on August 19, 2024)* Motion was seconded by Councilor Young.

Ayes – 7 and Noes – 0. *Motion carried.*

Purchase/Highway - ONE (1) JOHN DEERE 624 P-TIER WHEEL LOADER:

Councilor Magaro-Dolan moved the adoption of a resolution approving the purchase of **ONE (1) JOHN DEERE 624 P-TIER WHEEL LOADER FOR USE BY THE HIGHWAY DEPARTMENT** for a sum not to exceed Two Hundred Eighty-Five Thousand Dollars and 00/100 (\$285,000.00), under **NYS OSG CONTRACT #PC70139; SOURCEWELL CONTRACT #032119-JDC**. Motion was seconded by Councilor Young.

Ayes – 7 and Noes – 0. *Motion carried.*

BOND RESOLUTION - Purchase/Highway - ONE (1) JOHN DEERE 624 P-TIER WHEEL LOADER:

Councilor Magaro-Dolan moved the adoption of a **BOND RESOLUTION** in the amount of \$285,000.00 for the purchase of **ONE (1) JOHN DEERE 624 P-TIER**

WHEEL LOADER FOR USE BY THE HIGHWAY DEPARTMENT. Motion was seconded by Councilor Bick.

Ayes – 7 and Noes – 0. *Motion carried.*

Purchase/Highway - TWO (2) 2025 WESTERN STAR 47X, CUMMINS X12 500HP PLOW TRUCKS:

Councilor Capria moved the adoption of a resolution approving the purchase of **TWO (2) 2025 WESTERN STAR 47X, CUMMINS X12 500HP PLOW TRUCKS FOR USE BY THE HIGHWAY DEPARTMENT** for a sum not to exceed Six Hundred Eighty-Five Thousand Dollars and 00/100 (\$685,00.00), under **ONONDAGA COUNTY CONTRACT #0010914.** Motion was seconded by Councilor Magaro-Dolan.

Ayes – 7 and Noes – 0. *Motion carried.*

BOND RESOLUTION - Purchase/Highway - TWO (2) 2025 WESTERN STAR 47X, CUMMINS X12 500HP PLOW TRUCKS:

Councilor Capria moved the adoption of a **BOND RESOLUTION** in the amount of \$685,000.00 for the purchase of **TWO (2) 2025 WESTERN STAR 47X, CUMMINS X12 500HP PLOW TRUCKS FOR USE BY THE HIGHWAY DEPARTMENT.** Motion was seconded by Councilor Magaro-Dolan.

Ayes – 7 and Noes – 0. *Motion carried.*

Fire Hydrants – Two (2) (Devitt Circle) (A) – CLAY CONSOLIDATED WATER DISTRICT:

Councilor Young moved the adoption of a resolution **approving** the installation of two (2) fire hydrants in the existing O395 Clay Consolidated Water District as

proposed on OCWA Map File No. 1831, sheet three (3), authorizing the Supervisor to execute the OCWA fire hydrant application. Fire Hydrant No. 15303 – Devitt Circle (+/- 130' North of Red Barn Circle) and Fire Hydrant No. 15304 – Devitt Circle (+/- 735' North of Red Barn Circle). The Developer, Dan Bargabos, will pay for the hydrant installations in conjunction with the 8" water main extension. The Town will be notified when the hydrants are in service, and then will be billed the annual hydrant maintenance rate, which is currently \$92.96 per hydrant per

annum. Motion was seconded by Councilor Bick.

Ayes – 7 and Noes – 0. *Motion carried.*

Appointment – Zoning Board Chair:

Councilor Pleskach moved the adoption of a resolution appointing **Vivian Mason** as Zoning Board of Appeals Chairperson to fill the unexpired term of Edward Wisnowski. Said term to expire **12/31/2025**. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 7 and Noes – 0. *Motion carried.*

Adjournment:

The meeting was adjourned at 8:15 P.M. upon motion by Councilor Young and seconded by Councilor Magaro-Dolan.

Ayes – 7 and Noes – 0. *Motion carried.*



Jill Hageman-Clark RMC / Town Clerk