

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 17, 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 Plan & Development
---------------	---

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 Magaro-Dolan made a motion to approve the minutes of the March 3, 2025 Regular Town Board Meeting. Motion was seconded by Councilor Young.

Ayes – 6 and Noes – 0. *Motion carried. Councilor Bick abstaining due to absence.*

CORRESPONDENCE:

None

CANCELLATIONS and/or REQUESTED ADJOURNMENTS:

None

REGULAR MEETING

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

Councilor Bick moved the adoption of a resolution regarding 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, 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.*

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

Councilor Bick moved the adoption of a resolution **approving** 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. Motion was seconded by Councilor Capria.

***** Roll Count Vote*****

Councilor Wisnowski	Aye	Councilor Magaro-Dolan	Aye
Councilor Young	Aye	Supervisor Ulatowski	Aye
Councilor Bick	Aye	Councilor Pleskach	No
Councilor Capria	Aye		

Ayes – 6 and Noes – 1. *Motion carried.*

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

Councilor Bick moved the adoption of a resolution regarding 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, 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.*

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

Councilor Bick moved the adoption of a resolution **approving** 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. Motion was seconded by Councilor Young.

***** Roll Count Vote*****

Councilor Wisnowski	Aye	Councilor Magaro-Dolan	Aye
Councilor Young	Aye	Supervisor Ulatowski	No
Councilor Bick	Aye	Councilor Pleskach	Aye
Councilor Capria	Aye		

Ayes – 6 and Noes – 1. *Motion carried.*

SPECIAL PERMIT (PH) – Town Board case # 1222 - SONBYRNE SALES, INC./CLAY-DOLSHIRE BYRNE DAIRY.:

A public hearing to consider the application of Town Board Case #1222: **SONBYRNE SALES, INC./CLAY-DOLSHIRE BYRNE DAIRY**, for a Special Permit pursuant to Section 230-16C.(2)(e)[7] – Gasoline Service Station, to allow for construction of a convenience store and gasoline service station on land located at **7190 Buckley Road, Tax Map No. 117.-02-47.0**, consisting of +/-2.47 acres of land, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Christian Brunelle spoke on behalf of this application. He began by explaining that they are proposing a Byrne Dairy store and fueling station on the parcel located west of the Clay Park South (old Tri-Town Park) on Buckley Road, south of Taft Road. The lot is the site of a former carwash and other small buildings. The three structures currently on the parcel will be demolished for the proposed construction, if approved.

The project will have 10 fueling positions. Three curb cuts, two on Buckley (one lined up with the driveway at North Med) and on Dolshire Drive. The Store will be located at the rear of the parcel. They are proposing sidewalks and arborvitae buffer. Mr. Brunelle said that if the board would like fencing, they will provide fencing; trees, they will provide trees; both, they will provide both. He continued that they are proposing a brick façade on the store to compliment the North Medical building across the street. However, if the board would like stone or something different, he is willing to accommodate.

Supervisor Ulatowski asked if the applicant has purchased the property. Mr. Brunelle said that they have not until they obtain the Special Permit. Councilor Young asked approximately how many cars they expect daily. Mr. Brunelle said about 180 per hour in the peak hours. They will provide a traffic study.

Councilor Pleskach said that he is very supportive of Byrne Dairy and they provide beautiful stores. He continued that there are many concerns with this application such as the retention pond, neighbors and that it is one of the busiest intersections in the Town of Clay. Mr. Brunelle said that there is flexibility around moving the retention pond.

Councilor Capria said that he lives close to this proposed site and is concerned about the traffic adding that it sometimes backs up to the funeral home (past Baily Road). A couple living on Dolshire explained that they are concerned because already they have trash blowing into their yard from dumpster. They are also worried about gas smell, noise and the loss of privacy.

Supervisor Ulatowski said that he will refer this to Planning for review and recommendation.

Councilor Young made a motion to **adjourn** the public hearing to **April 21, 2025** at **7:35 PM**. Motion was seconded by Councilor Pleskach.

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

ONONDAGA COUNTY COMMUNITY DEVELOPMENT FUNDS (PH):

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 and for the five (5) year plan, filed with **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2025**.

Supervisor Ulatowski explained that Community Development funds are distributed to municipalities for lower income areas. He continued that the amount is unknown. Funds have been used in recent years for paving projects as this is an unending task. The County has not indicated what the allocation will be, but past awards have been between 50 and 200 thousand dollars.

Janet Rathburn asked if the information on the amount and the projects will be available to the public. Supervisor Ulatowski said that it will be posted on the website.

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

ZONE CHANGE (CPH) – Town Board Case # 1223 – NORTHERN CREDIT UNION:

Councilor Capria moved the adoption of a resolution calling a public hearing on **April 7, 2025**, commencing at **7:35 P.M.**, local time, to consider the application of Town Board Case #1223: **NORTHERN CREDIT UNION** to allow for a Zone Change from PDD Planned Development District & R-10 Residential District to NC-1 Neighborhood Commercial District on land located at **5004-5008 West Taft Road**, Tax Map Nos. **116.1-01-04.1 and 116.1-01-05.0** to allow for construction of a Bank/Credit Union with a drive-in service on +/-2.52 acres of land. Motion was seconded by Councilor Young.

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

SPECIAL PERMIT (CPH) – Town Board Case # 1224 – MCDONALD’S USA, LLC:

Councilor Wisnowski moved the adoption of a resolution calling a public hearing on **April 7, 2025**, commencing at **7:38 P.M.**, local time, to consider the application of Town Board Case #1224: **MCDONALD’S USA LLC.**, for a Special Permit pursuant to Section 230-16 C. (2)(e)[2] – Drive in Service, to allow for a restaurant with a drive-thru on land located at **4979 W. Taft Road**, Tax Map No. **107.-20-01.1**, consisting of +/- 1.33 acres of land. Property is located in the RC-1 Regional Commercial District and LuC-1 Limited Use for Gasoline Services districts. Motion was seconded by Councilor Young.

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

STANDARD WORK DAY REPORTING:

Councilor Magaro-Dolan 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 Young.

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

Sewer Lateral Connection (A) – EMPIRE MANAGEMENT of CNY INC./BREW TEAM NY, LLC:

Councilor Pleskach moved the adoption of a resolution authorizing a sewer lateral connection, pursuant to the written request of **Empire Management of CNY, Inc./Brew Team NY, LLC**, (property owner), to the existing sewer district of Fay Road Sewer District Ley Creek Sanitary District Extension No. 1, for property located at **3906 Brewerton Road, North Syracuse, New York, Tax Map No. 118.-01-07.1**. The cost of construction will be at no cost to the Town of Clay. The property owner agrees to pay all costs (Town and private) associated with the sanitary sewer connection as well as the Town of Clay Operation and Maintenance charges as annually assess, and the County Sanitary District Charges. The property owner further agrees to pay all annual Town and County charges thereafter. This resolution is contingent upon receipt of \$700.00 for engineering, legal and administrative fees. Motion was seconded by Councilor Magaro-Dolan.

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

Certiorari Action - Ranalli Generations LLC:

Councilor Pleskach moved the adoption of a resolution authorizing and approving the settlement of the New York State Supreme Court Tax Certiorari action entitled **Ranalli Generations LLC v. Town of Clay Tax Map No. 028.-01-40.5** on property located at 4155 State Route 31 (out-parcel of Great Northern) in the Town, reducing the Assessment from **\$294,261** to **\$83,500.00** for the single tax year 2022 with total

refund liability to the Respondent Town not to exceed \$15,000.00 subject to final audit and a full waiver of statutory interest by the Petitioner for all years with RPTL 727 applied in accordance with the terms and conditions as stated in the proposed memorandum attached and authorizing the Supervisor and Town Attorney to execute any and all documents necessary to complete this matter. Motion was seconded by Councilor Bick.

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

Adjournment:

The meeting was adjourned at 8:13 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