

## **APPROVED**

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the August 18, 2025, at 7:30 P.M., there were:

### **PRESENT:**

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

### **ABSENT:**

Deborah Magaro-Dolan	Councilor
David Tessier	Interim Commissioner Plan & Development

### **OTHERS PRESENT:**

Hal Henty and Paul Graves, Planning Board Members; Marie Gianone, Planning Board Secretary; Joe Nicoletti, Highway Superintendent and Mike McCarthy, Town Constable.

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 Pleskach made a motion to approve the minutes of the July 21, 2025 Regular Town Board Meeting. Motion was seconded by Councilor Bick.

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

### **CORRESPONDENCE:**

Supervisor Ulatowski asked if anyone wished to address the Board on anything not on the agenda.

Caitlin and Jarrett Winders of 200 Old Cove Road addressed the Board regarding noise and vibrations from Sharkey's. Ms. Winders explained that they are expecting

their first child in a few weeks and they are deeply concerned about the noise and effect on their baby.

Ms. Winders explained that they have spoken with Joe Grispino, Commissioner of Code Enforcement, and are trying to work this out. She continued that the Commissioner said that concerts are not legal at the location and to be in compliance, Sharkey's would need to apply for a special permit from the Town Board. They implored the Board to deny the application if applied for. (see full letter attached).

Supervisor Ulatowski said that he would research this and try to come to a fair resolution. The Town Clerk will reach out when information is available.

**CANCELLATIONS and/or REQUESTED ADJOURNMENTS:**

None

**REGULAR MEETING**

**ZONE CHANGE (SEQR) – Town Board Case # 1232 – MARC LEBIEDZINSKI:**

Councilor Bick moved the adoption of a resolution regarding the application of Town Board Case #1232: **MARC LEBIEDZINSKI** for a Zone Change from R-15 One-Family Residential to R-40 One-Family Residential on land located at **7985 Morgan Road, Tax Map No. 081.-29-06.0**, consisting of +/- 3.09 acres, 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 Capria.

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

**ZONE CHANGE (A) – Town Board Case # 1232 – MARC LEBIEDZINSKI:**

Councilor Bick moved the adoption of a resolution **approving** Town Board Case #1232: **MARC LEBIEDZINSKI** for a Zone Change from R-15 One-Family Residential to R-40 One-Family Residential on land located at **7985 Morgan Road, Tax Map No. 081.-29-06.0**, consisting of +/- 3.09 acres (R-15 One-Family



Residential does require sewer, whereas R-40 One-Family Residential does not require sewer). Motion was seconded by Councilor Capria.

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

**Special Permit – (SEQR) Town Board Case # 1220 - GOGUEN DRIVE REALTY, LLC.:**

Councilor Bick moved the adoption of a resolution regarding the application of Town Board Case #1220: **GOGUEN DRIVE REALTY, LLC.**, for a Special Permit

pursuant to **Section 230-17E.(2)(a)[6] S-1 Special Use District**, to allow for bulk storage of a 1,000 gallon fuel tank within the contractors service yard, when not in use, located at **7835 Goguen Drive, Tax Map No. 087.-01-08.1**, consisting of +/- 6.24 acres of land. The property is located in the I-1 Industrial 1 District, 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 Wisnowski.

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

**Special Permit – (A) Town Board Case # 1220 - GOGUEN DRIVE REALTY, LLC.:**

Councilor Bick moved the adoption of a resolution **approving** Town Board Case #1220: **GOGUEN DRIVE REALTY, LLC.**, for a Special Permit pursuant to **Section 230-17E.(2)(a)[6] S-1 Special Use District**, to allow for bulk storage of a 1,000 gallon fuel tank within the contractors service yard, when not in use, located at **7835 Goguen Drive, Tax Map No. 087.-01-08.1**, consisting of +/- 6.24 acres of land. The property is located in the I-1 Industrial 1 District. Motion was seconded by Councilor Young.

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

**Franchise Agreement (PH) VERIZON NEW YORK Inc.:**

A public hearing to consider granting of a five (5) year cable television franchise renewal agreement by and between the **Town of Clay** and **Verizon New York Inc.**

Supervisor Ulatowski explained that every five years the town enters into an agreement with Verizon for cable TV service, to renew or accept the 5% fee to the Town of Clay.

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

**SPECIAL PERMIT (CPH) – Town Board Case # 1233 – DAVID WICKHAM:**

A public hearing to consider Town Board Case #1233: **DAVID WICKHAM** for a Special Permit pursuant to Section 230-13 A.(2)(e)[7] to allow for a two (2) family dwelling on land located at **5180 Orangeport Road, Tax Map No. 042.-01-24.3**, consisting of +/- .64 acres of land. The property is located in the RA-100 Residential Agricultural district, was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Paul Smyth, attorney for the applicant was present, as was the applicant. The applicant resides in Hanover, PA and purchased the property in 1984 as a three-unit structure. The property was originally constructed in 1970 and no building permit were found.

The applicant wishes to bring the structure into compliance as a two-unit dwelling. They are proposing no exterior modifications but will modify the interior to address code violations. The applicant has been paying taxes for three-unit dwelling.

Supervisor Ulatowski asked legal counsel if he had any comments. Mr. Germain concurred; the applicant is just trying to bring this into compliance.

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

**Traffic & Vehicles (Stop Signs)(12) (PH) - amendment to Traffic and Vehicles Ordinance – Chapter 211 Section 211-12 and 211-42 – Richardson, Northfield, Twin Elms and Tallmadge Roads:**

A public hearing 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 designate and provide for three (3) stop signs to be installed at the intersection of **Northfield Drive and Tallmadge Road** creating a three-way stop; three (3) stop signs to be installed at the intersection of **Northfield Drive and**



**Twin Elms Lane** creating a three-way stop; three (3) stop signs to be installed at the intersection of **Tallmadge Road and Richardson Drive** creating a three-way stop; and three (3) stop signs to be installed at **Twin Elms Lane and Richardson Drive** creating a three-way stop, and installation of the necessary signs therefore was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Joseph Nicoletti, Highway Superintendent began by explaining that he spent several hours in this neighborhood assessing the traffic. He continued that NYS does not allow the use of Stop Signs to control speed. Town Constable, Mike McCarthy concurred adding that in his vast experience in law enforcement, he has found that excessive use of Stop Signs encourages motorists to speed up between signs. He continued that Stop signs are intended to determine right-of-way not to control speed.

Several residents from the neighborhood were in attendance to share complaints about excessive speed and people ‘cutting through’ the neighborhood to avoid construction and the intersection. Another resident explained that the visibility around a bend and a hill creates a dangerous situation.

Councilor Bick asked about accident data. Councilor Pleskach suggested speed bumps and how they have worked in the Fairways neighborhood. Superintendent Nicoletti said that they have worked well and have not been an issue with the snowplows.

Supervisor Ulatowski said that he has a liaison at the Sheriffs Department, and he will ask them to monitor the situation. Councilor Capria suggested that they monitor it once school is in session.

Councilor Bick made a motion to **adjourn** the public hearing to **September 25, 2025, at 7:35 PM.** Motion was seconded by Councilor Young.

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

*Supervisor Ulatowski said that he would open both McDonald’s hearings together.*

**SPECIAL PERMIT (PH/Adj.) – Town Board Case # 1224 – MCDONALD’S USA, LLC:**

A public hearing to consider the application of Town Board Case #1224: **MCDONALD’S USA LLC.**, for a Special Permit pursuant to Section 230-16 C. (2)€[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. The property is located in the RC-1 Regional Commercial District and LuC-1 Limited Use for Gasoline Services districts. *(Adjourned from the 04/07/2025, 05/05/2025, 06/02/2025 & 07/21/2025 Town Board meetings)*

~and~

**ZONE CHANGE (PH/Adj.) – Town Board Case # 1231 – MCDONALD’S USA, LLC:**

A public hearing to consider the application of Town Board Case #1231: **MCDONALD’S USA, LLC.**, for a Zone Change from LuC-1 Limited Use District for Gasoline Services to RC-1 Regional Commercial District on land located on portion of **4979 West Taft Road, Tax Map No. 107.-20-01.1**, consisting of +/- 1.269 acres of land. Property is currently split zoned; application is intended to make the zoning of the parcel consistent throughout. *(Adjourned from the 07/21/2025 Town Board meeting)* were opened by the Supervisor.

Joe Fratescchi, attorney for the applicant was present and began explaining that the zone change portion of the application will “clean-up” the parcel by making it consistent. He continued that the McDonald’s Corporation has said that they want to be a good neighbor and if they can’t make the board and the residents happy, they will not reapply for this parcel.

Gordon Stansbury, Traffic Consultant with GTS, said that he would discuss the traffic study completed by GTS (applicants’ study) and the study by C&S (the towns study). There was a lengthy discussion about the different results and how they were performed.

The major difference was the GTS study presumed that the majority of the traffic would exit via the signal and the C&S study suggested that the majority would exit onto Cedar Post, avoiding the signal. Additionally, the C&S study chose a larger scope, encompassing traffic from busy intersections. Whereas the GTS study focused entirely on the area directly abutting the parcel.



Councilor Pleskach said that Mr. Stansbury performed a more general study and C&S used a more specific study (restaurant). Mr. Stansbury said that the C&S study was conducted using data from Florida.

Residents spoke about their concerns including traffic flow, snow removal, emergency vehicle response and tractor trailers. Also, how businesses in the plaza and Merril Farms residents will be affected.

One resident that lives off Taft Road on Hollywood Circle spoke on how difficult it is for her to exit onto Taft Road as it is and is concerned what the added traffic will do. Another resident that lives on Cedar Post said that if all traffic is funneled to the traffic light as Mr. Stansbury is suggesting, she will need to make a left turn onto Taft Road and another left turn onto Cedar Post.

Mr. Frateschi repeated the applicant is agreeable if the town and residents do not want the McDonald's in this location and they will not reapply for this parcel, He said they want to be a good neighbor and will seek other sites in the Town of Clay. He continued, they have done their due diligence and hired the best team to try to accommodate the residents, he reminded the residents that any applicant has the right to attempt this process. Wegmans lot is chaos, he concluded, adding that if it were feasible they would have put a light in at Cedar Post Road.

Supervisor Ulatowski **closed** the public hearing and reminded that a decision will likely come at the next meeting.

**SPECIAL PERMIT (CPH) – Town Board Case # 1234 – NORTHERN CREDIT UNION:**

Councilor Capria moved the adoption of a resolution calling a public hearing on **September 3, 2025**, commencing at **7:35 P.M.**, local time, to consider the application of Town Board Case #1234: **NORTHERN CREDIT UNION**, for a Special Permit pursuant to Section 230-15B.(2)(e)[2] – Bank/Credit Union & Section 230-15B.(2)(e)[4] – Drive-in Service, to allow for construction of a Credit Union with drive-thru ATMs on land located at **5004-5008 West Taft Road, Tax Map No. 116.1-01-04.1 & 116.1-01-05.0**, consisting of +/- 2.54 acres of land. The property is located in the O-2 Office District. Motion was seconded by Councilor Wisnowski

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

**ZONE CHANGE (CPH) – Town Board Case # 1235 – RICH FAMILY SUBDIVISION:**

Councilor Wisnowski moved the adoption of a resolution calling a public hearing on **September 3, 2025**, commencing at **7:38 P.M.**, local time, to consider the application of Town Board Case #1235: **RICH FAMILY SUBDIVISION**, for a Zone Change from RA-100 Residential Agricultural District to R-10 One-Family Residential District on land located at **8100 & 8101 Oasis Lane, Tax Map Nos. 074.-01-12.1 & 074.-01-12.6**, consisting of +/- 14.125 acres of land, to allow for creation of four (4) new lots. Motion was seconded by Councilor Young.

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

**MISC – PREVAILING WAGE ADJUSTMENT:**

Councilor Wisnowski moved the adoption of a resolution approving a prevailing wage adjustment to the custodial services contract with Oswego Industries, Inc., a division of New York State Industries for the Disabled (NYSID), for cleaning services at the Town of Clay Town Hall, 4401 State Route 31, Clay, NY. In accordance with New York State Labor Law §220 and updated prevailing wage rates issued by the New York State Department of Labor, the total annual contract amount will increase from \$47,762.14 to \$50,742.26 (\$4,228.52 per month), effective July 1, 2025. The Town Supervisor is authorized to execute all necessary documents to implement this adjustment. Motion was seconded by Councilor Young.

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

**BID AWARD - New Roof for the Town of Clay Highway Department:**

Councilor Pleskach moved the adoption of a resolution awarding the bid for a New Roof at the Town of Clay Highway Department offices, located at **4483 State Route 31, Clay, New York** and further, authorize the Supervisor to execute a contract with **A-1 Construction**, the lowest responsible bidder, in the amount of **\$158,400.00**. The Supervisor is further authorized to execute any and all contracts and documents necessary to complete this transaction. Motion was seconded by Councilor Bick.

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



**ARPA FUNDING – Boiler Replacement:**

Councilor Pleskach moved the adoption of a resolution authorizing the Supervisor to transfer **American Rescue Plan Act (ARPA)** Obligated Funding in the amount of **\$129,360.00** to the General Capital Fund for the Town Hall Boiler Replacement Project and transfer Obligated funding in the amount of **\$293,100.00** to the General Capital Fund for the Installation of Field Lights at Clay Park North. Motion was seconded by Councilor Bick.

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

**ARPA FUNDING – Various Park Improvements:**

Councilor moved the adoption of a resolution authorizing the Supervisor to transfer **American Rescue Plan Act (ARPA)** Interest Funds in the amount of **\$96,663.05** to the to the General Capital Fund for Tennis & Pickle Ball Court Renovation and transfer funding in the amount of **\$11,056.00** to the to the General Capital Fund for

the Clay Park Central Restroom Project and transfer funding in the amount of **\$156,750.00** to the General Capital Fund for the Installation of Field Lights at Clay Park Central. Motion was seconded by Councilor Bick.

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

**HYDRANT (A) – (No. 15402) 4398 State Route 31:**

Councilor Capria moved the adoption of a resolution (approving/denying) the installation of one (1) fire hydrant in the existing O451 Euclid-Grange Water Supply District as proposed on OCWA Map File No. 762, sheet 5A, authorizing the Supervisor to execute the OCWA fire hydrant application. **Fire Hydrant No. 15402 (4398 State Route 31), Project No. 9004210.** The Developer, Trinity Church, will pay for the hydrant installation in conjunction with the 6" Fire Service installation. The Town will be notified when the hydrant is in service, and will be billed the annual hydrant rate, which is currently at \$92.96 per hydrant per annum. Motion was seconded by Councilor Pleskach.

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

**ETHICS COMMITTEE (A) Audit Report:**

Councilor Wisnowski moved the adoption of a resolution accepting the **Financial Disclosure Audit** report completed and provided by the Town Clerk and Board of Ethics Committee for the year **2025**. Motion was seconded by Councilor Young.

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

**Adjournment:**

The meeting was adjourned at 9:03 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



My name is Caitlin Winders and this is my husband Jarrett Winders, we live at 200 Old Cove Road, Liverpool NY 13090.

We are here to plead our case regarding Sharkey's bar and grill. We live close by over a half mile away and 3-4 times a week they have concerts for hours where we can hear the music and feel the vibrations for the entirety of the concert at our house. We have been in contact with the chief code enforcer for the Town of Clay Joseph Grispino and he expressed to us that Sharkey's has been having these concerts illegally as they have been doing so without a permit for years. Joseph took over the position in January and he currently has Sharkey's in court regarding them doing these concerts illegally and the disruption they cause.

The noise and vibrations from the concert are audible inside our home and cause headaches and sleep disruption. I am 38 weeks pregnant and have major concerns how this will impact our newborn being able to sleep. Sleep is one of the main methods for proper growth and development and these concerts will negatively impact this. We only moved into the house in November and I already wish we had the means to move again, no one should have to feel this way in their own home.

Specifically referencing the town code, Sharkey's is routinely above the noise threshold limits which is 45 dBA steady state and 65 dBA transient. To verify this we have used our own decibel meter and can consistently measure 95+ decibels at Sharkey's during events. In addition to this limit the code also states in 152-4D that "Noise associated with the use or operation of any radio, phonograph or use of any musical instrument in such a manner or with such volume so as to disturb the repose of persons in any dwelling, hotel or other residence, and in no event in excess of the noise level limits set forth in Table 1 hereof". I already mentioned that Sharkey's is above the limits in table 1 but even if they were not, they still violate this section as the volume disturbs us and the neighbors.

In terms of exceptions and permits, the code also states in 152-5 that "The Commissioner of Planning and Development may issue, at his or her discretion, a special permit to allow noise levels above the stated levels to permit a charitable activity or special event of unusual interest to be conducted by a not-for-profit or public service organization or by the town government. Such special permit shall be issued for a period of time of not more than 12 hours, nor for more than three consecutive days." Sharkey's does not qualify for this exception as they are a for profit business and not part of the town government. Even if they were, this exception cannot be granted for more than 3 consecutive days and Sharkey's has concerts Thursday-Sunday consistently. And as I stated earlier they have been having these concerts without the proper permits for years.

Joseph Grispino informed us that for Sharkey's to make these concerts legal they would need to come before the town board and be granted a special permit. We are asking that if/when they decide to come before you all that you please deny these permits as these concerts are against the code book and disrupts the well being of those in the surrounding areas. We also ask you to provide any necessary support to your chief code enforcement officer as he is currently

prosecuting them in court. The fine is \$250 per offense or up to 15 days of jail time, Sharkey's knows this and does not care as they make much more than \$250 per concert, so something needs to change here. We feel that a business that has been operating illegal concerts for the past numerous years should not be granted these permits. We only moved in last year but the previous code enforcer had told our neighbors there was nothing he would do about Skarkey's when they have reported noise complaints in the past. We humbly ask you to address this issue as us and our neighbors should be able to enjoy living in our homes. I greatly appreciate your time and consideration.