

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 16<sup>th</sup> of December, 2019 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
David Hess	Councilor
Eugene Young	Councilor
Brian Hall	Councilor
Ryan Pleskach	Councilor
Kevin Meaker	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

None

OTHERS PRESENT:

Russ Mitchell; Planning Board Chairman and 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.

Supervisor Ulatowski said that Judge Gosch would be swearing in the Supervisor, Town Clerk and Board Members for the upcoming terms. The members were sworn in and signed the Oath of Office Book.

**Approval of Minutes:**

Councilor Hess made a motion to approve the minutes of the December 2<sup>nd</sup>, 2019 meeting. Motion was seconded by Councilor Bick.

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

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski said that he knew of no requests for adjournments or cancellations.

**Correspondence:**

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

No one responded.

**REGULAR MEETING**

**Special Permit (PH/Adj.) – Town Board Case # 1145 – OMNI NAVITAS HOLDINGS, LLC AND GEORGE YOUNG:**

A public hearing to consider the application of **OMNI NAVITAS HOLDINGS, LLC AND GEORGE YOUNG FOR A UTILITY SUBSTATION SPECIAL PERMIT** pursuant to **Section 230-27 I. (2) (e)** to allow for a solar farm located at **9177 Caughdenoy Road, Tax Map No. 043.-01-01.0.** (Adjourned to this date and time from the November 18, 2019 Town Board Meeting) was opened by the Supervisor.

Joseph Bendelston was present and began by explaining not much had changed since they were before the Planning Board. Councilor Hess asked if there were minutes from the Planning Board meeting; Mark Territo explained that the meeting had just taken place but the Planning Board gave a favorable recommendation for this application. Councilor Pleskach asked if there was a general layout change. Mr. Bendelston explained that the eastern portion has been shrunk to condense into the center of the parcel and the arrays will shift to the west. Councilor Meaker asked the applicant to point out the changes and he did. Mr. Bendelston asked if the Board would make a decision tonight. Supervisor Ulatowski said no but if they felt they have significant understanding they would close the public hearing tonight. He added that details will be addressed during the site plan process (Planning Board). Councilor Bick asked if this parcel abuts Town property; it does.

Several residents were present to speak out in opposition of this application citing concerns with landscaping, possible health issues and general aesthetics. One resident said that he doesn't want the farming history to go away.

Supervisor Ulatowski **closed** the public hearing.

**Special Permit (PH) – Town Board Case # 1148 - CHICK-FIL-A, INC. AND RAYMOUR & FLANNIGAN FURNITURE, LLC:**

Councilor Hess made a motion to **adjourn** the public hearing as requested by the applicant to **January 22, 2020 at 7:35 P.M.** Motion was seconded by Councilor Bick.

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

**Special Permit (PH) – Town Board Case # 1149 - BARRETT PAVING MATERIALS, INC.:**

A public hearing to consider the application of **BARRETT PAVING MATERIALS, INC.** for a **SPECIAL PERMIT** pursuant to **Section 230-17 E. (2) (a) [4]** to allow for the expansion of their facility to accommodate recycling, handling, and recovery of concrete, brick, rock, asphalt pavement, and asphalt millings at **4530 Wetzel Road, Tax Map No. 087.-01-04.2.** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Peter Loyola and Norman Ward were present on behalf of the applicant. They began by giving a brief overview of the project explaining that there is a need for recycling and recovery of asphalt, rock and concrete for reuse. The process involves pulverizing and sorting for reuse. They have spoken with the County regarding roads within the County and the processing of asphalt and adding that this will evolve slowly.

The site lies within the Industrial District and the applicant states that the truck traffic will be split between I-90 and 481. The stormwater berm will define the meets and bounds; the existing vegetation will serve as a buffer. Supervisor Ulatowski asked about noise. The applicant is predicting some daytime noise but reminded that there is also noise from the adjoining rail yard. The parcel will have a gravel access road. They have a letter of jurisdiction from the Army Corp of Engineers and plan to use as much of the parcel as possible. The business will operate Monday thru Friday from 7:00 A.M. to 4:30 P.M. and from 7:00 A.M. to 3:30 P.M. Saturday. They are calculating approximately 188,000 tons of materials per year will be recycled and project 100% reuse.

They explained that they will separate and reuse asphalt and crushed concrete by separating, crushing, screening and re-crushing and converting to hard fill with a quick turnaround. Councilor Young said that this application sounds like it is for a dump. The applicant said that they will not accept materials that cannot be crushed and resold. Councilor Young maintained that this looks more like a dump; Councilor Bick said that he would like the record to reflect that he does not agree with Councilor Young's assessment of the application.

Councilor Meaker asked about the dust and noise. Mr. Ward said that there are laws in place to restrict both the noise and the dust generated adding that they will crush only when the stock piles are large enough. Mr. Loyola explained that the crushing operation is seasonal; they do not crush in the winter. They foresee potentially 25 truckloads daily.

Supervisor Ulatowski said that he will refer this to the Planning Board for review and recommendation. Councilor Hess made a motion to **adjourn** the public hearing to **January 22, 2020 at 7:38 P.M.** Motion was seconded by Councilor Bick.

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

**LOCAL LAW NO. 1 OF THE YEAR 2020 (PH) - create new Chapter 230-20 F. titled ‘Small Cell Wireless Deployment Requirements’:**

A public hearing to consider adding proposed **LOCAL LAW NO. 1 OF THE YEAR 2020** to amend the code of the Town of Clay to create new Chapter **230-20 F.** titled **‘Small Cell Wireless Deployment Requirements’** and approve the Design Standards to be included in the Town Code.

Robert Germain gave an overview of the proposed Local Law No.1 of the year 2020. He explained that he has been tasked with writing a new ordinance for 5-G telecommunications. The Federal Government will require all municipalities to conform to the FCC regulations. Councilor Young asked what happens if we refuse to comply. Mr. Germain said that any refusals will be subject to lawsuits.

The new models do not fit on the current 150’ poles requiring new locations of poles, the max height will be 50’ and fiberglass poles will not be sturdy enough to support the new equipment. The new 5-G will carry a stronger signal but for a shorter distance. This new law will regulate common carriers such as Verizon.

There was a lengthy discussion regarding location of poles on residential property, associated fees, possible roof placement and possible health effects. One resident asked if it would be helpful to contact local congressmen. Mr. Germain replied that concerns should be directed to everyone. Councilor Meaker said that he wants to make it clear that he does not agree with 5-G and the federal control of it; several of the Board Members and residents voiced agreement.

Supervisor Ulatowski **closed** the public hearing.

**Special Permit (PH/Adj.) – Town Board Case # 1146 – TJA CLEAN ENERGY FOR A UTILITY SUBSTATION SPECIAL PERMIT:**

A public hearing to consider the application of **TJA CLEAN ENERGY FOR A UTILITY SUBSTATION SPECIAL PERMIT** pursuant to **Section 230-27 I. (2) (E)** to allow for a solar farm located at **4893 Grange Road, Tax Map No. 063.-01-08.0.** (Adjourned to this date and time from the December 2, 2019 Town Board Meeting).

Steve Calicerinos and Mike Teskey were present on behalf of the applicant and began by summarizing the changes to the project as suggested by the Planning Board and National Grid. They have reduced the proposal from 5 MW to 2.2 MW as suggested by National Grid by removing some of the panels and changed others to tracking panels. In addition landscaping will allow visual screening and will be located outside of the fence. There will not be any disturbance to the wetlands with the exception of a possible roadway and will have little tree removal. The lease

agreement is for 25 years with the possibility of two 5 year extensions. At the end of the lease the applicant will remove and restore the parcel to its former condition. They are not proposing any lighting and will have minimal traffic.

Mr. Calicerinos explained that at the last meeting a question was asked about the potential health risks associated with this project; he reported that according to a study done in North Carolina there are no conclusive health effects associated with clean energy. He continued that more EMFs are emitted from a refrigerator or a microwave oven.

Councilor Young asked why after 25-35 years they would tear this all down. Mr. Calicerinos responded that after 25 years they anticipate 85% effectiveness. Councilor Young continued, asking, why would you consider a parcel adjacent to a large housing development that is not yet built out. Have you considered reaching out to the residents. Mr. Calicerinos said he did not know if the applicant had reached out to the property owners and was not even sure that the development would be fully built out.

Many residents were present to again voice their opposition to the proposed substation citing possible health effects, glare, decrease in property values, toxic issues as well as the aesthetic effect on the new and existing construction in the adjoining development.

Mike Bragman Sr., the developer for the adjoining development explained that both he and his son Mike Bragman Jr. were present to clarify that no one had reached out to them or had a conversation regarding the substation. He continued that he got his first permit for this development 6 years ago and has built 92 homes in that time. Mr. Bragman affirmed that he is zoned and approved to build 212 residential homes and he will build 212 residential homes. He said that he will preserve the natural resources as well as the historical value to this area. Mr. Bragman said that he receives 2-3 letters per week requesting to place solar on undeveloped parcels.

Supervisor Ulatowski said that he would **close** the public hearing but the applicant should provide an updated map depicting the changes made.

#### **Local Law No. 4 of the Year 2019 (PH):**

A public hearing to consider adding a proposed Local Law to be entitled “**LOCAL LAW NO. 4 OF THE YEAR 2019** amending **CHAPTER 230** entitled “**ZONING**” by amending **Section 230-23 D.** to add new item **(8)** to said section of the Code of the Town of Clay. (Adjourned to this date and time from the December 2, 2019 Town Board Meeting).

Mark Territo explained that the purpose of this is to clean up the language of the code with regard to non-conforming structures in commercial and industrial areas.

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

**Budget Transfer of Appropriations for 2018:**

Councilor Bick moved the adoption of a resolution authorizing transfer of appropriations and amending the 2019 Town of Clay Budget in various funds to provide monies for 2019 expenditures. Motion was seconded by Councilor Pleskach.

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

*Supervisor Ulatowski said that they will make this available for anyone who asks.*

**Contract/ Agreement – (C&S Engineers Inc.) – Maider Road Waterfront Site (remediation):**

Councilor Hall moved the adoption of a resolution approving a contract for \$376,300 for design, implementation and oversight of remediation efforts for the Maider Road Waterfront Site for C&S Engineers, Inc. This project will be remediated under the New York State Department of Environmental Conservation’s (NYSDEC) Environmental Restoration Program (ERP) and be funded through a (ERP) Grant, and authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Meaker.

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

**County Service Consolidated Project (sewer) – Establish Lead Agency:**

Councilor Meaker moved the adoption of a resolution that the Town of Clay agrees with the designation of Onondaga County as Lead Agency for the purpose of SEQRA compliance for the County Service Consolidated Project for operation, maintenance and capital improvement of sewer infrastructure for Municipalities within the County, and further authorize the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Bick.

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

**License Renewal - CASUAL ESTATES, LLC D/B/A MADISON VILLAGE MOBILE HOME COURT:**

Councilor Hess moved the adoption of a resolution calling a public hearing **January 6, 2020**, 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 **2020**. Motion was seconded by Councilor Pleskach.

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

*Supervisor Ulatowski asked that Jim Condon, Code Officer, reach out and ask someone to be here for the public hearing.*

**LOCAL LAW NO. 4 of the YEAR 2019 (SEQR) – CHAPTER 230 entitled ZONING Section 230-23 D:**

Councilor Pleskach moved the adoption of a resolution that the application of proposed local law to be entitled **LOCAL LAW NO. 4 of the YEAR 2019** amending **CHAPTER 230** entitled “**ZONING**” **Section 230-23 D** in said section to the Code of the Town of Clay 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 Bick.

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

**LOCAL LAW NO. 4 of the YEAR 2019 (A) – CHAPTER 230 entitled ZONING Section 230-23 D:**

Councilor Pleskach moved the adoption of a resolution **approving** proposed local law to be entitled **LOCAL LAW NO. 4 of the YEAR 2019** amending **CHAPTER 230** entitled “**ZONING**” by amending **Section 230-23 D** to add new item **(8)** to said section of the Code of the Town of Clay. Motion was seconded by Councilor Bick.

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

**Appointment (A) CLAY VOLUNTEER FIRE DEPARTMENT, INC:**

Councilor Young moved the adoption of a resolution approving the appointment of **KURT PELTIER** as a volunteer member of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Bick.

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

**Adjournment:**

The meeting was adjourned at 9:50 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

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