

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 21, 2022 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
Kevin Meaker	Councilor
Deborah Magaro Dolan	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; Cody Kelly, Onondaga County Legislator.

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 Meaker made a motion to approve the minutes of the March 7, 2022 Town Board meeting. Motion was seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried. Councilor Hess abstained due to his absence.*

Cancellation and/or requested adjournments.

None

Correspondence:

Ute Wood was present and asked the Town Board if they were able to contact the engineers and developers of Orange Commons regarding the ongoing issues that have not been resolved. Supervisor Ulatowski said that they are trying to involve them and force them to make an appearance to resolve the issues. Councilor Meaker asked if we still hold bond for them. Robert Germain said that he did not know off

the top of his head. There was a brief discussion on if the Town should make the improvements and seek the funds from the developer.

REGULAR MEETING:

Zone Change (PH) – Town Board Case # 1171 - CHICK-FIL-A:

A public hearing to consider the application of **BOHLER ENGINEERING**, for a Zone Change for a **CHICK-FIL-A** on South Bay Road, from **R-10 to LuC-2, Tax Map No. 118.-01-02.0** consisting of +/- .25 acres of land was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Tim Freytag of Bohler Engineering was present with Dave Everett and Kevin Wilks. Mr. Freytag began by explaining that the applicant is proposing a second Chick-Fil-A in the Town of Clay. The site is at the intersection of Taft and South Bay Road consisting of four lots; two lots are in the Town of Clay and the other two lots are in the Village of North Syracuse and before the Village Board. The applicant is proposing demolition of the existing Basil Leaf Restaurant, which is solely located in the Town of Clay, and the garage located in the Village of North Syracuse. The four parcels total 1.3 acres. One acre is in the Town of Clay, and .3 are in the Village of North Syracuse. The parcels in the village are Commercial Zones and the two parcels in the Town of Clay are zoned LuC2. Councilor Young asked if the applicant has to coordinate two site plan approvals in two different municipalities. Mr. Freytag said that they were coordinating with both.

The applicant continued, the proposed Chick-fil-A will be drive thru/take out only. There will be no inside seating or dining. There will be two drive thru lanes. Traffic will exit onto East Taft Road (right turn only or full access onto South Bay Road). There are spaces for stacking of 26 vehicles (13 each lane) which the applicant states will keep the stacking within the parcel. Should the zone change be granted, the applicant will also need to obtain variances for setbacks for the front and side yards. Councilor Meaker asked if there were any other residential zoned properties heading south on Route 11 to McDonalds. There are not; they are all commercially zoned parcels.

Councilor Bick stated that the Chick-fil-A in Cicero (further north on Route 11) consistently has traffic backed up onto Route 11, sometimes to Circle Drive. He stated that this intersection is busy already and asked how the applicant plans to mitigate the traffic so that we don't end up with a similar situation in Clay. Councilor Meaker interjected that this site will not have a Home Depot, Wegmans, Starbucks, Marshalls and others using the same egress.

Phil Cleary said that he believes this will be too much for the area. He added that there is the school, the district offices and the bus garage all within a small area around this parcel.

Supervisor Ulatowski said that he would refer this to Planning Board for review. Councilor Hess made a motion to adjourn the public hearing to **April 4, 2022 at 7:47 PM**. Motion was seconded by Councilor Bick.

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

Zone Change (PH) – Town Board Case # 1172 – CLAY VOLUNTEER FIRE DEPARTMENT INC:

A public hearing to consider the application of **IANUZI & ROMANS LAND SURVEYING, P.C.** for a Zone Change for the **CLAY VOLUNTEER FIRE DEPARTMENT INC. (STATION 3)**, located at **8129 Caughdenoy Road (at the corner of Mirage Lane)**, from **Government District to R-15 One-Family Residential District**, part of **Tax Map Nos. 075.-01-02.1 and 075.-01-02.2** consisting of +/- .84 acres of land was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Tim Coyer of Iannuzi and Romans began by distributing maps to the Town Board members only. He explained that the applicant is seeking a zone change for a 110' perimeter strip of land owned by the Clay Volunteer Fire Department which will be combined with an existing parcel to give the applicant road access. The parcel will be divided into Lot 1 and Lot 2. Lot 1 is where the Fire House is located and Lot 2 will be combined by the applicant for a new home construction with necessary road frontage.

Councilor Young asked why the Clay Volunteer Fire Department (CVFD) is seeking this zone change. Tim Shaughnessy said that the applicants, Bradley and Sarah Morien approached them and asked to purchase the undeveloped portion of the parcel. Councilor Pleskach asked who the applicant actually is. The Moriens are actually the applicants; however, the owner of the property would need to apply for the zone change. The purchase would be contingent on the zone change. Councilor Hess asked about future growth in the Town of Clay and a need for expansion of the Fire Department. CVFD President Shaughnessy said there is room for future expansion.

Don Wiseman of 8108 Maple Road said that the property is pretty wet. He continued that he is not against the zone change but would like to see the drainage issues addressed. Supervisor Ulatowski said that he will look at this with the Town Engineer.

Howard Shandler of 6 Mirage Lane voiced concerns that the proposed development will saturate the leech fields. He continued that the lot is 3' lower than the adjacent lots and should be raised to meet the firehouse. Mr. Shandler explained that the excessive drainage problems forced his pool to float up and added that removing all of the trees on the parcel will only make the drainage worse. He concluded by saying that he was very disappointed by this application.

Supervisor Ulatowski said that he would refer this to Planning Board for review. Councilor Hess made a motion to adjourn the public hearing to **April 4, 2022 at 7:51 PM**. Motion was seconded by Councilor Pleskach.

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

ZONE CHANGE (PH) – Town Board Case # 1157 – CLAY MARKETPLACE (PDD):

A public hearing to consider the application for a Zone Change from RC-1, Regional Commercial District to PDD (Planned Development District). Said project to be known as **CLAY MARKETPLACE**, located on the Northeast corner of **NYS Route 31 and Henry Clay Blvd, Tax Map No. 045.-01-02.1**. Consisting of a total of 14.9 acres, comprised of ninety-six (96) apartment units, in two (2) three-story buildings, and commercial sites consisting of ±30,000 square feet of retail, restaurant and office space was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Alex Wisnewski of LJR Engineering was present on behalf of the applicant. Mr. Wisnewski passed out maps to the Town Board members only. He explained that the parcel is 14.9 acres that will be developed as mixed use. This application was first introduced in late 2020. Mr. Wisnewski continued that they are proposing 3 (three) commercial retail use buildings, and three story apartments consisting of 96 units (36 single units and 60 double units) at the corner of Route 31 and Morgan Road. The parcel will have a buffer to Pine Plain Cemetery. They plan to construct the PDD in 3-4 phases in about 3-4 years once started. The commercial build out would be part of Phase I. There was a discussion about the process; Mr. Wisnewski said that they had been working with the Planning Board on a concept plan. Councilor Young said that he would like to see the plan. Mr. Wisnewski said that he had given out the plan; no one on the Town Board has it. Mr. Wisnowski said that he would get a copy to the Town Board members and the Town Clerk for the official file; he asked if an emailed copy would be ok? Councilor Young said that the Clerk must have a printed copy for the file.

Councilor Magaro-Dolan asked what the proposed apartments will rent for. Mr. Wisnewski said market rate for 1-bedroom is \$1,200.00/month and 2-bedroom \$1,600.00/month. He continued that the commercial will support the area as well as the PDD. He added that there will be small businesses not large retail although they do not have tenants yet.

Councilor Pleskach asked about road renovations. Mr. Wisnewski said that there are noted traffic issues and the consultant recommended left-turn lanes with the advanced green north and south. Several residents asked about improvements to Route 31. Mr. Wisnowski said that improvements were made by the State on 31; however, they neglected Henry Clay Boulevard. He continued that the proposed advanced green left-turn should clear some of the stacking and increase the level of

service. Councilor Hess asked if the traffic improvement would take place in Phase I?

Councilor Young asked if the client owns the property. Mr. Wisnowski said that the client is under contract and has paid a great amount of fees. Councilor Bick asked if the parcel was zoned R-Apt as that would require a minimum of 6500 (actual 6000) square feet for 1-bedroom apartments.

Many residents from the Newbury and Orange Commons Developments were present to speak out against the approval of the PDD. Most were concerned with the traffic that will be generated with this development.

Claire Callahan of Newbury Woods asked why the Town Board would consider this application when the *Northern Land Use Study* suggests a lower density for this area. Supervisor Ulatowski explained that the study was written to be flexible and allow approval of an application that will improve the quality of the Town of Clay. He continued that when this was adopted 13 years ago, it was developed to be a guide. The applicant has been working with the Planning Board for almost two years.

Councilor Young asked if the entire parcel was zoned commercial (RC-1) and what could be built there. Commissioner Territo said RC-1 would allow a shopping center, personal service, hospital, motel, clinic, theater and several other uses.

There was a lengthy discussion about the increase to the traffic and the traffic study that was completed. A resident asked if the traffic study could be expanded to consider the other developments.

Supervisor Ulatowski said that he would like to revisit the studies that we have and stated Mr. Wisnewski should get the concept plan to the Town Board for review as well.

Councilor Hess made a motion to adjourn the public hearing to **April 4, 2022 at 7:55 PM**. Motion was seconded by Councilor Pleskach.

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

Appointment – Zoning Board of Appeals:

Councilor Pleskach moved the adoption of a resolution appointing **Vivian Mason** as Zoning Board of Appeals member, to fill the seat previously held by Deborah Magaro-Dolan. Said term to expire **December 31, 2025**. Motion was seconded by Councilor Hess.

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

Fire Hydrants (3) (A) - Clay Consolidated Water District:

Councilor Meaker moved the adoption of a resolution **approving** the installation of three (3) fire hydrants in the existing O395 **Clay Consolidated Water District** as proposed on OCWA Map File No. 1842, authorizing the Supervisor to execute the OCWA fire hydrant application. Fire Hydrant No. 15161 (230' North of Lynnville Way), Fire Hydrant No. 15162 (645' North of Lynnville Way) and Fire Hydrant No. 15163 (+/- 150' East of Mediator Way); OCWA Project No. 9004085. The Developer, Michael Bragman Jr., will pay for the hydrant installation in conjunction with the 8" water main extension. The Town will be notified when the hydrant is in service, and will be billed the annual hydrant maintenance rate, which is currently \$76.74 per hydrant per annum. Motion was seconded by Councilor Magaro-Dolan.

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

Agreement - National Grid (temporary easement release):

Councilor Meaker moved the adoption of a resolution allowing the Town of Clay to temporarily release easement rights to National Grid in connection with the installation of a gas line that would serve the proposed White Pine Project. The easement rights would be granted during the construction/installation and would encompass the area between the existing right-of-way for utilities boundary and the green line on Exhibit A. The pipeline will be installed within the existing right-of-way boundaries; no permanent easement is required. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 6 and Noes – 0. *Motion carried. Councilor Hess abstaining due to employment.*

Agreement – TOWN of CLAY & JACOBS LAND SURVEYING:

Councilor Hess moved the adoption of a resolution approving the proposed Topographic Survey and Mapping Agreement between the **TOWN OF CLAY** and **JACOBS LAND SURVEYING** for land located at 9604 Black Creek Road, Clay, New York, known as **PROJECT GREEN**. Said agreement shall not exceed Two Thousand Four Hundred dollars (\$2,400.00). Motion was seconded by Councilor Pleskach.

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

Agreement – TOWN of CLAY & KENNY GEOTECHNICAL ENGINEERING SERVICES, PLLC:

Councilor Hess moved the adoption of a resolution approving the proposed Geotechnical Investigation Services Agreement between the **TOWN OF CLAY** and **KENNEY GEOTECHNICAL ENGINEERING SERVICES, PLLC**, for land

located at 9604 Black Creek Road, Clay, New York, known as **PROJECT GREEN**. Said agreement shall not exceed Four Thousand Eight Hundred Forty dollars (\$4,840.00). Motion was seconded by Councilor Meaker.

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

Project/Sewer – (CPH) THE FARMSTEAD SEWER DISTRICT EXTENSION – CONTRACT NO. 1.:

Councilor Hess moved an adoption of a resolution calling a public hearing on **April 4, 2022**, commencing at **7:35 P.M.** local time, to consider a Petition for the creation of a sewer district within the Town of Clay to be designated and known as “**THE FARMSTEAD SEWER DISTRICT EXTENSION**” and for the construction and acquisition of a sewer system therein to be designated and known as “**THE FARMSTEAD SEWER DISTRICT EXTENSION – CONTRACT NO. 1.**” Motion was seconded by Councilor Magaro-Dolan.

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

Project/Drainage – (CPH) THE FARMSTEAD DRAINAGE DISTRICT EXTENSION – CONTRACT NO. 1.:

Councilor Meaker moved an adoption of a resolution calling a public hearing on **April 4, 2022**, commencing at **7:38 P.M.** local time, to consider a Petition for the creation of a drainage district within the Town of Clay to be designated and known as “**THE FARMSTEAD DRAINAGE DISTRICT EXTENSION**” and for the construction and acquisition of a sewer system therein to be designated and known as “**THE FARMSTEAD DRAINAGE DISTRICT EXTENSION – CONTRACT NO. 1.**” Motion was seconded by Councilor Magaro-Dolan.

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

Project/Water – (CPH) THE FARMSTEAD WATER SUPPLY DISTRICT EXTENSION.:

Councilor Magaro-Dolan moved an adoption of a resolution calling a public hearing on **April 4, 2022**, commencing at **7:41 P.M.** local time, to consider a Petition for the creation of a water supply district within the Town of Clay to be designated and known as “**THE FARMSTEAD WATER SUPPLY DISTRICT EXTENSION.**” Motion was seconded by Councilor Meaker.

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

**Project/Lighting- (CPH) THE FARMSTEAD LIGHTING DISTRICT
EXTENSION.:**

Councilor Magaro-Dolan moved an adoption of a resolution calling a public hearing on **April 4, 2022**, commencing at **7:44 P.M.** local time, to consider a Petition for the creation of a lighting district within the Town of Clay to be designated and known as **“THE FARMSTEAD LIGHTING DISTRICT EXTENSION.”** Motion was seconded by Councilor Meaker.

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

Adjournment:

The meeting was adjourned at 9:21 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