

## APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 21<sup>st</sup> of June, 2021 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; Hal Henty, Planning Board; Debbie Magaro-Dolan, Zoning Board of Appeals; Rob Bick, Town Assessor and Cody Kelly, 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 Hess made a motion to **approve** the minutes of the June 7<sup>th</sup>, 2021 Town Board Meeting. Motion was seconded by Councilor Hall.

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

### **Cancellation and/or requested adjournments.**

### **Correspondence:**

Supervisor Ulatowski asked if anyone wished to address the Board on any items not on the agenda and added that it had come to his attention that the website mentions a Town Board meeting on July 5<sup>th</sup> and the correct date for July is the 19<sup>th</sup>. He said that the website will reflect the correction and apologized for any confusion.

He added that despite correspondence circulated to residents in the Pitcher Hill area, there will be NO VOTE on the Hinerwadle application this evening. The

supervisor explained that we are in the process of public hearings to provide dialogue between the developer, the Town Board and the residents. Questions will be answered and comments will follow. Typically, after the public hearings are exhausted, the hearings are closed and a decision is rendered at the next or a later meeting.

**REGULAR MEETING:**

**LOCAL LAW NO. 3 OF THE YEAR 2020 (SEQR)(amendment/extension):**

Councilor Young moved the adoption of a resolution that the proposed three (3) month extension to **LOCAL LAW NO. 3 OF THE YEAR 2020** (originally set to expire July 20, 2021) is an unlisted action for the purpose of SEQRA compliance. The proposed extension will not have a significant effect on the environment, and therefore does not require the preparation of an EIS. Motion was seconded by Councilor Hess.

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

**LOCAL LAW NO. 3 OF THE YEAR 2020 (A)(amendment/extension):**

Councilor Young moved the adoption of a resolution **Approving** a three (3) month extension to **LOCAL LAW NO. 3 OF THE YEAR 2020** (originally set to expire July 20, 2021). The purpose of said law is to provide an extension of the temporary moratorium against the consideration of any and all applications for solar utility substations, building permits, and other development for as yet unpermitted commercial solar energy related requests to allow time for the Town Board to further investigate and study issues related to the development of the Town’s commercial solar policy, and for the receipt and implementation of formal recommendations for corresponding changes to the Town Code, laws, rules or policy. This law does not apply to existing permitted uses, nor does it apply to individual residential solar installations, and industrial zoned parcels. Motion was seconded by Councilor Meaker.

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

**Special Permit (PH) - Town Board Case # 1164 - ANTHONY DANIELE, DANIELE FAMILY COMPANIES, LLC.:**

A public hearing to consider the application of **ANTHONY DANIELE, DANIELE FAMILY COMPANIES, LLC., FOR A SPECIAL PERMIT** pursuant to Section 230-16B(2)(e)[3] allow for an Automobile Car Wash facility (Royal Car Wash), on land located at **7376 Oswego Road, Tax Map No. 104.-03-04.1.** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

David Cox (Civil Engineer) and Anthony Daniele were present for this application. Mr. Cox began by explaining that they propose to demolish the existing building and close some of the existing curb cuts leaving only one for egress onto Oswego Road (Route 57); there will be free vacuum stations after using the automatic carwash. They are proposing stacking for 40 cars.

Currently there are no Royal Car Wash businesses in the area, the closest being in Canandaigua or Victor and are more prevalent in Rochester and Buffalo. They will have car wash services only. Hours will typically be 7 or 8 AM until 9 PM (8 PM on Sundays). Vehicles will enter the pay lanes and continue to the automatic wash. There will be no hand drying or tipping and interior vacuuming will be completed by the patron. The entire process is estimated to have about a 2-3 minute turn around.

Mr. Daniele explained that they will not typically generate additional traffic on Route 57 as this is not a destination trip. They will require no variances as they have been working with planning to avoid them. There will be someone on site for emergencies and to guide traffic.

Councilor Hess asked if they could increase the effectiveness of the blowers to decrease the chance of ice. Mr. Cox explained that there is enough space to the exit that there will be little or no water. In addition, they are proposing heated pavement. The water will runoff to the sanitary sewers and the products used are biodegradable (sewer friendly) and non-harmful to the environment. They approximate that they will use an average of 12,000 gallons of water per day.

Supervisor Ulatowski said that he would refer this to the Planning Board for review and recommendation.

Councilor Hess made a motion to **adjourn** the public hearing to **July 19, 2021 at 7:38 P.M.** Motion was seconded by Councilor Hall.

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

**Special Permit (PH) – Town Board Case #1165 - SOUTH VERPLANK ROAD SOLAR, VP ROAD SOLAR, LLC.:**

A public hearing to consider the application of **SOUTH VERPLANK ROAD SOLAR, VP ROAD SOLAR, LLC., FOR A SPECIAL PERMIT** pursuant to Section 230-27I.(2)(e) to allow for a Utility Substation, on 81.75 acres of land, located at **4936+/- Verplank Road, Tax Map No. 047.-01-09.1.** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

**Special Permit (PH) – Town Board Case #1166 - NORTH VERPLANK ROAD SOLAR, VP ROAD SOLAR, LLC.:**

A public hearing to consider the application of **NORTH VERPLANK ROAD SOLAR, VP ROAD SOLAR, LLC., FOR A SPECIAL PERMIT** pursuant to Section 230-27I.(2)(e) to allow for a Utility Substation, on 22.99 acres of land, located at **0 Verplank Road, Tax Map No. 047.-01-07.0.** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski said that he would open both public hearings together. Caryn Mlodzianowski from Bohler Engineering, Kevin O'Neil and Pedro Rodrieguez from VP Solar were present. Ms. Mlodzianowski began by explaining that they are proposing a 5mw ± array on the parcel to the north and the parcel to the south. The arrays will track the sun making them more efficient. They are lower in stature therefore reducing glare. The vegetation will be removed only for installation and there will be a minimal disturbance. This location is desirable because of the close proximity to the neighboring National Grid substation. They will provide a buffer (and a safety fence) to the residential properties and will have a shared access for maintenance, which will be limited to mowing. They will reseed with a low volume grass involving little or no mowing.

The applicant has been working with the neighbors to alleviate any concerns. Additionally they are working with the FAA for the nearby airport.

Councilor Hall asked if there will be battery storage. Mr. Rodrieguez explained that for 6 months, they will be staging and there will be no storing after completion. Supervisor Ulatowski asked if the landscape buffer followed the property line. There was a discussion as to whether or not additional setbacks will be required; they will not. Additionally the question was asked, if there was a requirement of one mile spacing between the two-5MW arrays. Supervisor Ulatowski said that he would research this.

Rick Dallmann a resident on VerPlank Road asked for confirmation that this project would not look like the existing solar arrays down further on VerPlank. The applicant said that the Town has required a Landscaping Bond.

Renee Frantell asked about the Moratorium and why it does not apply to Industrial zoned parcels. Councilor Hall explained that it is less invasive than other uses. One resident asked why there are so many applications for solar farms. Supervisor Ulatowski explained that the Governors Green Initiative includes 50% renewable energy by 2025, 70% by 2030 and 100% by 2040.

A resident asked about a mow schedule adding that the solar farm down the road has yet to be mowed. Mr. O'Neil said that the seeding mix that will be used is slow growing and will not require a lot of maintenance. He asked what made this location so prime. Mr. O'Neil explained that the location of the substation and the flat land make it ideal for this project.

Another resident asked if the applicant has any other solar farms in the area. Mr. Rodriguez said that there are none existing however there are proposals. Currently they have solar farms in Massachusetts, Connecticut and New Jersey.

There was a discussion about the wild life and how they will be impacted by the construction and placement of the arrays. One resident suggested that perhaps they can raise small animals to maintain the vegetation.

Supervisor Ulatowski said that he was going to adjourn the public hearing and refer this to the Planning Board for recommendation and the residents will have another opportunity to weigh in on this application. A woman asked if the residents will be notified. She continued that posting it in the paper was not a good way to inform people. He explained that it is also on the Town website. Another resident suggested putting signs on the property adding that no one reads the minutes. Someone suggested social media to advertise.

Councilor Hess made a motion to **adjourn** both public hearings to **July 19, 2021 at 7:41 PM and 7:44 PM**. Motion was seconded by Councilor Bick.

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

**ZONE CHANGE (PH/Adj.) – Town Board Case # 1160 - CTV, LLC.:**

A public hearing to consider the application of **CTV, LLC.**, for a **ZONE CHANGE** for **Hinerwadel's Grove, 5300 West Taft Road, from LuC-2 and R-10 to RC-1 and R-APT, Tax Map Nos. 117.-09-23.0, 117.-09.24.0, 117.-09.25.0 and 117.-10-01.0**, consisting of 30.3± acres of land (adjourned to this date and time from the June 7<sup>th</sup> 2021 Town Board Meeting) was opened by the Supervisor.

Steve Calocerinos began by giving a brief overview of what was presented at the previous meeting. There are four parcels and they are proposing an automotive store a 48,000 square foot grocery store (unnamed) and 64 units of two story apartments. Also present were, David Kimmel from Two Plus Four Management Company and Gordon Stansbury from GTS Consulting.

Mr. Stansbury began by explaining that they are proposing right in only eastbound with no exit and a full access at the proposed O'Rilley Auto Parts Store. He extensively explained the process for the traffic study explaining counts, gap data, speed data and sight distance adding that it takes approximately 30-35 seconds to be able to turn left to enter into traffic on Taft Road. Several residents began laughing. He suggested that the addition of another traffic light on Taft Road will historically reduce the speed of the traffic which was clocked at an average of 45-47 mph.

Mr. Stansbury said that Taft Road is a pretty flat road and sight distance is excellent. He gave a brief overview of the accidents that have occurred on Taft Road, over 220 in the past three years. Most were fender benders, 20% had injuries and

one fatality. He projected the additional traffic generated will not greatly impact the traffic and may even allow residents from side streets easier access onto Taft Road. However, Pine Tree Drive, Dormar Drive, Rockland Drive and Hazelhurst Ave may drop from an E grade to an F during peak traffic hours.

Councilor Young asked if they will widen the road. They will widen it on the Hinerwadle parcel to accommodate the signal and turning lane.

James Warren of Fay Park Drive said adding a light, 3 owners, 2 commercial spaces and existing road rage on Taft Road does not make a good situation. He continued, what if the commercial development fails. He surmised that it is nuts to think that the additional traffic will not be an issue.

Paul Graves on Hibiscus Drive said Hazelhurst Avenue is the worst at peak and adding a light at Rockland will only add to the problem.

Many other residents spoke out in opposition of this application; some because of the traffic others because of the “affordable housing” and others for a variety of reasons.

David Kimmel of Two Plus Four Management Company explained that the apartments are not low income, they are affordable housing. He continued that their targeted audiences are teachers, nurses aides and other working people not McDonald’s workers. One resident asked if they had a lottery for the apartments. Mr. Kimmel said that they do, residents will fill out an application and names will be chosen by lottery using bingo balls giving each applicant a fair chance. One resident asked who pays the full rental price then.

There were some residents from Wally Road that were concerned about the traffic around the proposed grocery store and the tractor-trailers that will essentially be in their back yards. They also asked why the applicant will not release the name of the proposed grocery store. Lorraine Van said that originally the big box store was 40,000 square feet and now it’s 48,000 square feet and why the mystery on the store name.

Again many residents spoke out in opposition asking the Town Board to deny this application.

Councilor Hess made a motion to adjourn the public hearing to **July 19, 2021 at 7:47 PM.** Motion was seconded by Councilor Meaker.

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

**Contract/Agreement (extension) – OSWEGO INDUSTRIES, INC.:**

Councilor Hall moved the adoption of a resolution allowing the Supervisor to approve a sixty (60) day extension to the current Custodial Contract with **Oswego Industries, Inc.** for cleaning services at the Town of Clay Town Hall Building and

Highway Department Facility. Said extension will be under the same terms and conditions. Motion was seconded by Councilor Young.

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

**Special Permit (CPH) – Town Board Case # 1167 – CLASSY CHASSY/KIMBROOK ROUTE 31 DEVELOPMENT, LLC:**

Councilor Meaker moved the adoption of a resolution calling a public hearing **July 19, 2021**, commencing at **7:35 P.M.**, local time, to consider the application of **CLASSY CHASSY/KIMBROOK ROUTE 31 DEVELOPMENT, LLC.**, for a **SPECIAL PERMIT** pursuant to Section 230-16C.(2)(e)[3] to allow for an Automobile Car Wash on +/-1.50 acres of land, located at **3610 NYS Route 31, Tax Map No. 052.-02-11.6**. Motion was seconded by Councilor Bick.

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

**Adjournment:**

The meeting was adjourned at 10:14 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

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

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Jill Hageman-Clark RMC / Town Clerk