

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 November, 2020 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/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:

David Hess	Councilor
------------	-----------

The meeting was called to order by Supervisor Ulatowski at 7:30 P.M. All present joined in the Pledge of Allegiance.

Supervisor Ulatowski explained that now that we are in the Yellow Zone, we are limited to gatherings of 25 or less. We are under that now but if anyone comes in someone may need to leave to follow the guidelines.

**Approval of Minutes:**

Councilor Hall made a motion to approve the minutes of the November 4<sup>th</sup>, 2020 meeting. Motion was seconded by Councilor Bick.

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

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski stated that item #6 was withdrawn by the applicant.

**Correspondence:**

There was no correspondence.

**REGULAR MEETING:**

**ZONE CHANGE (PH/Adj.) – Town Board Case # 1153 - NJJP HOLDINGS, LLC AND JOSE VARGAS:**

A public hearing to consider the application of **NJJP HOLDINGS, LLC AND JOSE VARGAS FOR A ZONE CHANGE from O-1 Neighborhood Office District to HC-1 Highway Commercial District** to allow for a Veterinary Clinic located at **7270 Buckley Rd., N. Syracuse, Tax Map No. 112.-07-14.0**, consisting of approximately 0.9± acres of land. (Adjourned to this date and time from the October 19, 2020 Town Board Meeting). **(Withdrawn)**

**ZONE CHANGE (PH/Adj.) – Town Board Case # 1154 - SONBYRNE SALES, INC.:**

A public hearing to consider the application of **SONBYRNE SALES, INC. AND EARL WHITE, JR. & PATRICIA WEBER AS TRUSTSEES OF EARL WHITE SR. TRUST AND CANDACE HOLTSBERY FOR A ZONE CHANGE from I-1 Industrial District to LUC-1 Limited Use for Gasoline Services District** to allow for the construction of a Byrne Dairy Retail Store, Car Wash and Fueling Facility on properties located at **7426, 7434 & 7440 Morgan Road, Clay, Tax Map Nos. 105.-01-08.0, 09.0, 10.0 & 11.1**, consisting of approximately 6.95± acres of land. (Adjourned to this date and time from the October 19, 2020 Town Board Meeting) was opened by the Supervisor.

Christian Brunelle was present on behalf of the applicant. He began by explaining that there was no change since the last meeting and gave a brief overview. The Planning Board gave a favorable recommendation. They have completed a traffic study and are waiting for the results. Councilor Young said that he would like to review the DOT traffic study before voting. Councilor Pleskach asked if they plan to make any improvements to Steelway Boulevard. Mr. Brunelle said that they will review this with the Planning Board.

There being no more questions or comments; Supervisor Ulatowski **closed** the public hearing.

**Special Permit (PH) – Town Board Case # 1155 – North East Battery & Alternator, LLC:**

A public hearing to consider the application of **NORTHEAST BATTERY & ALTERNATOR, LLC FOR A SPECIAL PERMIT** pursuant to **Section 230-17E. (2)(a)[4]&[5]** to store batteries for wholesale purposes at the existing warehouse facility located at **4632 Crossroads Park Dr., Tax Map No. 115.-01-17.1**. was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Tim Frateschi spoke on behalf of the applicant. He began by saying that he wasn't sure why the applicant needs to obtain a Special Permit but Mark Territo said that

they must. Commissioner Territo explained that the way the (Town of Clay) Code is written recycling or refilling the batteries would be allowed. Mr. Frateschi said that the applicant does not intend to recycle, they would only stock sealed batteries, the filling of spent batteries would take place off site. Supervisor Ulatowski asked specifically; no manufacturing, no retail. The applicant will accept used batteries but will not refill them, they will be shipped to a reclamation center.

There was a lengthy discussion regarding the language in the Town Code and the possibility of restricting the recycling part. All present agreed on no recycling and no storage of hazardous waste. Councilor Bick asked if hazardous waste could be stored in the Industrial Zone and it can with the Special Permit. Mr. Frateschi insisted that the applicant is only interested in warehousing not recycling. Robert Germain said that if the applicant agreed, the resolution could be worded to reflect no storage of hazardous waste.

Supervisor Ulatowski **closed** the public hearing.

**Zone Change (PH) – Town Board Case # 1156 – CNY Property Holdings:**

A public hearing to consider the application of **CNY PROPERTY HOLDINGS, LLC FOR A ZONE CHANGE** from RA-100 Residential Agricultural District to I-1 Industrial District for the construction of a new contractor service yard and a 5,000 square foot storage building with possible office use on vacant land located at **9017 Mud Mill Rd., Tax Map No. 042.-01-08.2**, consisting of approximately 7.05± acres of land was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Bob Fortino, applicant began by explaining that he has owned his own business for 14 years and is looking to construct a contractor yard and perhaps a pole barn on the property he owns. He said that he will use it for food storage and electrical supply storage. Supervisor Ulatowski asked if he plans to store RVs and boats, etc. He said that he wasn't sure exactly what he will store. He said that he could have egress from both Caughdenoy Road and Mudmill Road. Councilor Bick asked if there is access to maintain the power lines; there is. Councilor Meaker asked about a secure fence and the applicant said that there is one.

Ron Sherrill of 9022 Mudmill Road said that he is opposed. He owns the farm across the street and is concerned with the increase in traffic. He continued that Great Northern Mall has increased traffic and he is worried about the danger involved with large equipment traffic. Supervisor Ulatowski said that this will be before the Planning Board for referral on Wednesday November 18, 2020.

Councilor Pleskach moved to **adjourn** the public hearing to **December 7, 2020 at 7:38 P.M.** Motion was seconded by Councilor Bick.

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

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

Councilor Young moved the adoption of a resolution approving the appointment of **Mary Anson, John Colwell, Jeff Romanick, Kristen Fedorko and Amira Busuladzic** as members of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Bick.

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

**Securities (release) – NORTH END COMMONS:**

Councilor Pleskach moved the adoption of a resolution pursuant to the written recommendation of the Town Engineers in their letter dated **November 12, 2020**, authorizing the release of securities withheld for **North End Commons** as follows:

North End Commons Sewer District, Contract No. 1; from **\$15,300 to \$0.**  
North End Commons Drainage District, Contract No. 1; from **\$29,000.00 to \$0.**

Motion was seconded by Councilor Meaker.

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

**LOCAL LAW No. 7 of the YEAR 2020 (CPH) CHAPTER 230 entitled ZONING:**

Councilor Bick moved the adoption of a resolution calling a public hearing **December 7, 2020**, commencing at **7:35 P.M.**, local time, to consider proposed **LOCAL LAW NO. 7 OF THE YEAR 2020** amending **CHAPTER 230** entitled **“ZONING”** by amending **Section 230-15A.(2)(c)** to add new item **[3] “VETERINARY CARE FACILITY- less than 5,000 square feet”** with a Planning Board Special Permit to said section of the Code of the Town of Clay. Motion was seconded by Councilor Young.

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

**STORMWATER and EDUCATION COMPLIANCE ASSISTANCE PROGRAM:**

Councilor Meaker moved the adoption of a resolution supporting participation in the Central New York Regional Planning & Development Board’s year (15) **STORMWATER AND EDUCATION COMPLIANCE ASSISTANCE PROGRAM** and authorizing the Supervisor to act on behalf of the Town of Clay and execute any and all documents necessary with regard to said matters. In line with the recommendations of the CNY Stormwater Coalition Finance Committee, the CNY RPDB (Regional Planning & Development Board) has adopted a flat fee structure to simplify the municipal budgeting process. At **\$3,600.00** per municipality, this rate

reflects shared costs for common services provided equally to all participating municipalities regardless of size or population. The funds will be available to the Board no later than **January 31, 2021** to complete the project, and a certified copy of this resolution will be prepared and sent to the Board no later than **November 30, 2020**. Motion was seconded by Councilor Young.

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

**Adjournment:**

The meeting was adjourned at 8:14 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