

NOTE: Please Take Notice that the Town of Clay, in response to the continuing emergency circumstances caused by the Covid-19 pandemic and consistent with the NYS Governor’s Executive Orders, including but not limited to, Executive Order 202.1, shall conduct its Special Town Board Meeting on December 7, 2020 commencing at 7:30 p.m. and to be held at Clay Town Hall. The public will not be allowed to attend the meeting due to the COVID guidelines. Further, the public is encouraged to offer its comments in writing to the town by email communications to the town clerk at townclerk@townofclay.org no later than December 7, 2020 at 10:00 a.m. All comments will be entered into the record and distributed to all board members. Fax communications will also be accepted and may be sent to (315) 622-7259. Mailed comments should be sent to: Town Clerk, Town of Clay at 4401 State Route 31, Clay, NY 13041. All meetings of the town will be recorded and later transcribed. The transcriptions will be made available on line upon review.

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 7th of December, 2020 at 7:30 P.M., there were:

PRESENT:

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

ABSENT:

- Eugene Young Councilor

Others Present Virtually:

- Judy Rios Administrative Assistant
- Christian Brunelle Applicant/ Sonbyrne Sales
- Hal Henty Planning Board

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 any comments (virtual) could be made by using the raised hand icon on the computer. He asked that respondents speak slowly as there is a lag. He thanked everyone for their patience and cooperation and began the meeting.

Approval of Minutes:

Councilor Hess made a motion to approve the minutes of the November 16th, 2020 meeting. Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried. Councilor Hess abstained.*

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that all items will be heard tonight.

Correspondence:

There was no correspondence.

REGULAR MEETING:

ZONE CHANGE (SEQR) – Town Board Case # 1154 - SONBYRNE SALES, INC.:

Councilor Hess moved the adoption of a resolution that the application of **SOYBYRNE SALES, INC., and EARL WHITE JR. & PATRICIA WEBER as TRUSTEES of EARL WHITE SR. TRUST and CANDACE HOLTSBERY** for a **CHANGE of ZONE from I-1 Industrial District to LUC-1 Limited Use for Gasoline Services District** on properties located at **7426, 7434 & 7440 Morgan Rd. Clay, Tax Map Nos. 105.-01-08.0, 09.0, 10.0 & 11.1**, 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 Meaker.

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

ZONE CHANGE (A) – Town Board Case # 1154 - SONBYRNE SALES, INC.:

Councilor Hess moved the adoption of a resolution **approving** 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. Motion was seconded by Councilor Pleskach.

Councilor Hess asked if the resolution should be amended to include that the applicant would be responsible for all upgrades to Steelway Boulevard. Mr. Bruenelle said that he did not want to accept responsibility for the entire road.

There was a brief conversation and some deliberation; Councilor Hess amended the resolution by adding that the applicant will *provide the necessary improvements to Steelway Boulevard to support the project for a New Byrne Dairy Retail Store, Car Wash and Fueling Facility.* Motion was seconded by Councilor Pleskach.

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

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

Councilor Hall moved the adoption of a resolution that the application of **North East Battery& Alternator, LLC**, for a **SPECIAL PERMIT to Allow Storage of Batteries for Wholesale Purposes** pursuant to **Section 230-17E. (2)(a)[4]&[5]** at the existing warehouse located at **4632 Crossroads Park Dr., Tax Map No. 115.-01-17.1**, 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 – 5 and Noes – 0. *Motion carried. Councilor Hess abstained.*

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

Councilor Hall moved the adoption of resolution **approving** 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**. Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried. Councilor Hess abstained.*

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

A public hearing 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.

Commissioner Territo began by explaining that this is essentially a Code Amendment.

Doug Wojick from Liverpool Village Animal Hospital read a lengthy statement that he had sent to the Town Board Members in support of this application. The Town Clerk asked that Mr. Wojick send it to her as well, so that she may use the comments in her minutes. He basically explained that pet ownership has increased and they plan to use this as a “well clinic” for dogs, cats and other domestic pets. He

is not proposing any overnight, training or outdoor time. He concluded that they will not generate any more noise than the previous occupant.

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

Zone Change (PH/Adj.) – Town Board Case # 1156 – CNY Property Holdings:

No Action

Councilor Hess moved the adoption of a resolution rescheduling the public hearing to **December 21, 2020 at 7:41 PM.** Motion was seconded by Councilor Bick.

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

Release of Securities – NORTH END COMMONS (\$25,000 TO \$0.):

Councilor Pleskach moved the adoption of a resolution pursuant to the written recommendation of the Town Engineers in their letter dated **December 1, 2020**, authorizing the release of securities withheld for **North End Commons** as follows:

North End Commons Drainage District (Overland Drainage), Contract No. 1;
from **\$25,000 to \$0.**

Motion was seconded by Councilor Hess.

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

Meeting Date Change (A):

Councilor Pleskach moved the adoption of a resolution cancelling the **January 18, 2021** Town Board Meeting and rescheduling same to **Wednesday, January 20, 2021** commencing at **7:30 P.M.**, local time, due to the Martin Luther King Holiday. Motion was seconded by Councilor Hess.

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

Meeting Cancellation (A):

Councilor Meaker moved the adoption of a resolution cancelling the **February 15, 2021** Town Board Meeting, due to President's Day and due to the annual Association of Towns meeting. Motion was seconded by Councilor Bick.

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

AUDIT- Judicial (2019) (A):

Councilor Meaker moved the adoption of a resolution that the Town of Clay does hereby accept the Judicial Audit of the Town for the Fiscal Year ended **December 31, 2019**. Motion was seconded by Councilor Bick.

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

Agreement – OCRRA (2-Year):

Councilor Meaker moved the adoption of a resolution authorizing the Supervisor to enter into a two (2) year Hauler Agreement with Onondaga County Resource Recovery Agency (**OCRRA**) for use of the Solid Waste Management System Facilities, and to execute the necessary document therefore. Motion was seconded by Councilor Bick.

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

SPECIAL PERMIT (CPH) – TOWN BOARD CASE # 1158 – B. SCOTT GILLESPIE (4-5 LUMBER WAY, LLC):

Councilor Hess moved the adoption of a resolution calling a public hearing **December 21, 2020**, commencing at **7:35 P.M.**, local time, to consider the application of **B. SCOTT GILLESPIE (4-5 LUMBER WAY, LLC) FOR A SPECIAL PERMIT** pursuant to **Section 230-17 C. (2) (e) [3]** to allow for motor vehicle rental, on land located at **4 Lumber Way, Liverpool, Tax Map No. 114-02-22.3**. Motion was seconded by Councilor Meaker.

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

ADDITIONAL AGENDA

Agreement (A) - TEAMSTERS LOCAL 317 and TOWN OF CLAY HIGHWAY DEPARTMENT:

Councilor Bick moved the adoption of a resolution **approving** the **LABOR AGREEMENT BETWEEN THE TEAMSTERS LOCAL UNION 317 and TOWN OF CLAY HIGHWAY WORKERS** for the term commencing January 1, 2021 to December 31, 2023, and authorizing the Supervisor to execute same. Motion was seconded by Councilor Pleskach.

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

Adjournment:

The meeting was adjourned at 8:01 P.M. upon motion by Councilor Bick and seconded by Councilor Meaker.

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

Jill Hageman-Clark RMC / Town Clerk