

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the July 19, 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 and Hal Henty; Planning Board Member and Cody Kelly; Onondaga County Legislator and Rob Bick; Town Assessor.

Supervisor Ulatowski called the meeting to order 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 21<sup>st</sup>, 2021 Town Board meeting. Motion was seconded by Councilor Hall.

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

**Cancellation and/or requested adjournments.**

None

**Correspondence:**

None

**REGULAR MEETING:**

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

A public hearing 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** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Tim Coyer from Ianuzzi and Romans was present on behalf of the applicant. Mr. Coyer began by explaining that the applicant is proposing a carwash at the southwest corner of Route 57 and Route 31; formerly Cam's Pizza, Dougs Fish Fry and a host of other businesses.

They are not proposing any new curb cuts but will utilize the existing ones. He continued that they have received the Onondaga County Planning Board comments regarding screening or buffering the vacuum stations.

Supervisor Ulatowski asked about the stacking of vehicles. Mr. Coyer said that they will accommodate stacking for 37 vehicles. Patrons will enter the building through one lane funneling in from the three lanes stacking. Supervisor Ulatowski asked why there are 23 vacuuming stations. Jeff Arnold, with Classy Chassy explained that there are free vacuums (in a gated area) for the carwash customers.

They are proposing to repurpose the existing building and an addition for a total length of 146.5'. There will be a reclamation system for 65-80% of the runoff water.

Councilor Hall asked if this parcel is part of Kimbrook Plaza. Mr. Coyer explained that it is an outparceling the plaza. There was a discussion about the condition of the road entering the development from the plaza. Councilor Meaker pointed out that a major portion of the roadway is impassable.

A resident from Pine Ridge Circle in North Syracuse asked if you become a member could you just go to vacuum without the carwash. Mr. Arnold said that the gate would be opened to allow access for members. They would monitor this.

Pete Smith of Oswego Road and owner of Four Seasons Car Wash explained that there are a number of existing car washes in the area, listing Davidson and Niagara with close proximity. He continued that he is concerned with the amount of water being consumed and impact on the infrastructure. Mr. Coyer explained that the applicant has taken steps to preserve and reuse the water. Alan Marzullo supporter of Four Seasons car wash asked the applicant if they could prove that they were working to preserve and reclaim the water.

Several others in attendance spoke in favor of denying this application; many of them employees and supporters of Four Seasons Car Wash.

Supervisor Ulatowski **closed** the public hearing.

**Special Permit (PH/Adj.) - 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** (adjourned to this date and time from the June 21, 2021 Town Board meeting) was opened by the Supervisor.

Anthony Daniele and David Cox were present. Supervisor Ulatowski asked Mr. Daniele to refresh us on what happened at the last meeting. He began that the Onondaga County Planning Board recommended modifications to the proposal prior to any approval. These include a single exit lane a Stormwater Pollution Prevention Plan (SWPPP), traffic data and a lighting plan. Additionally, they commented on landscaping and sidewalks.

There was a discussion about moving the building back to be more into compliance with the Town Code.

The applicant said that this is an express tunnel, patrons spending 2.5-3 minutes on the conveyor. There will be no drying and free vacuum stations for car wash customers. There is no retail. There is room for stacking of 40 vehicles. There is a water reclamation system that will reclaim about 50% of the water. The products that they use are EPA friendly. They will utilize Town of Clay water and can remediate on site to remove ice salt and sand before the water travels into the sewers.

Councilor Meaker asked if what they are proposing is a similar model to the existing buildings in Victor and Tonawanda. Mr. Daniele said that it is identical.

Supervisor Ulatowski asked about the hours of operation and they will be 7 AM to 9 PM.

Again, there were several supporters and employees of Four Seasons Car Wash seeking denial of this application.

Amanda Angotti asked about the effect that this would have on the neighbors in the apartment complexes and the Super 8 Motel. She asked if they were notified of this hearing. The Commissioner of Planning and Development, Mark Territo, explained that all residents within 200' of the parcel are notified by mail.

Councilor Pleskach asked about the decibel level that will be generated. Mr. Cox said that generally the noise will not exceed 60-75 decibels typically less than the sound of traffic.

Pete Smith explained that he has been a resident in the area for many years and is deeply invested in this community. He continued that he is concerned with the additional traffic on an already busy road adding that a no left turn will not be adhered to. There will be more accidents and alternate routes taken effecting small businesses on Route 57. He added that for as long as he could remember there has always been a restaurant on this site and feels that it should continue to be so. He asked the Town Board to deny this application.

Supervisor Ulatowski **closed** the public hearing.

**Special Permit (PH/Adj.) – 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** (adjourned to this date and time from the June 21, 2021 Town Board meeting) was opened by the Supervisor.

**Special Permit (PH/Adj.) – 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** (adjourned to this date and time from the June 21, 2021 Town Board meeting) was opened by the Supervisor.

Supervisor Ulatowski opened both public hearings together. Steve Wilson of Bohler Engineers began by stating that the applicant appeared before the Planning Board and received a positive recommendation. This is not a community solar project, however; they will offer it to the town meters. Both the north and south sets of arrays will be fenced separately. A landscape buffer will isolate the articulating 9' panels.

Councilor Pleskach asked if the panels could be relocated north to fill in the gap. Mr. Wilson explained that the existing wetlands would prohibit that location, adding that when he spoke with residents; they prefer the plan as it is. Councilor Pleskach asked about the airport. They have received FAA approval. He added that the existing area is dedicated to the National Grid substation making it a more desirable location for this project.

Craig Horseman of VerPlank Road explained that he had just moved last year from a housing development and is concerned about the noise that this project will generate. Kevin O'Neil of Seaboard Solar explained that the noise generated is

similar to that of a dishwasher running. He asked which neighbors were notified. Mr. O'Neil said almost everyone was notified.

Another resident asked if the Town would be maintaining this property, adding that there is nothing worse than a non-maintained solar farm. The applicant said that they will subcontract for landscaping and maintenance. He then asked about a decommission plan and it will be submitted with the site plan review.

Another resident asked how it benefits the Town. Supervisor Ulatowski explained that the benefit is tax revenue. Councilor Hess added that he thinks it is \$11.00 on \$100.00.

Maureen Matthews of Burnet Road asked about an Infrastructure Improvement Plan adding that she would like a copy to share with her neighbors. Supervisor Ulatowski said that he thought she was referring to the Northern Land Use Study, adding that the NLUS does not pertain to Industrial zoned parcels. She asked when the zone change took place and Commissioner Territo confirmed that it has been zoned industrial since at least 1969.

Another resident asked if the residents do not directly benefit, why would the Town consider this application? Supervisor Ulatowski explained that the Governor's Green Initiative requires 50% renewable energy by 2025.

All questions and comments satisfied, Supervisor Ulatowski **closed** the public hearing.

**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 21<sup>st</sup>, 2021 Town Board Meeting) was opened by the Supervisor.

Steve Calocerinos gave a brief overview of the project; there are four parcels currently zoned LuC-2 and R-10. The applicant wishes to change the zone to RC-1 and R-Apt to accommodate 64-65 units of affordable housing, a 7500 square foot O'Riellys Auto Parts Store and a 48,000 square foot (unnamed) grocery store.

They are proposing a traffic signal at Rockland Drive and Taft Road to allow access into the parcel. There will be a left turn in for westbound traffic, eastbound traffic will be right turn in only. Sewer and water exist on the property and they will construct buffers around the perimeter adding to the current vegetation. The traffic study was submitted and reviewed at the last public hearing on June 21, 2021.

Many residents voiced concerns regarding the already heavy traffic on Taft Road and the limited access from the side streets. One resident expressed his concern about the additional traffic generated on the poorly scoring side streets to avoid the traffic on Taft Road. Shannon Knapp of Dormar Drive said that this will have a negative impact, adding that the Planning Board unanimously provided a negative recommendation at the May 26, 2021 Planning Board Meeting. There was also concern regarding the affordable housing, many residents worried about the impact they would provide. David Kimmel insisted that these are not subsidized or income based, they are affordable. A long discussion again ensued regarding the difference between the two.

Many residents asked the board not to approve this application adding that the public hearings have been exhausted.

Supervisor gave all in attendance the opportunity to comment and **closed** the public hearing. He explained that that the decision may or may not be forthcoming at the August 18, 2021 meeting but residents can check the agenda for that meeting on the Town of Clay website.

**Hydrants – (A) Clay Consolidated Water District:**

Councilor Pleskach moved the adoption of a resolution **approving** the relocation of two (2) fire hydrants in the existing **Clay Consolidated Water District** as proposed on OCWA Map File No. 132, sheet 02 for **Bear Road Elementary School** and authorizing the Supervisor to execute the OCWA fire hydrant application (North Syracuse Central School District). **Fire Hydrant Nos. 4377 & 4378, OCWA Project No. 9004031.** The Developer, North Syracuse Central School District, will pay for the hydrant relocations. The Town will be notified when the hydrants are in service, and then will be billed the annual hydrant maintenance rate, which is currently \$73.04 per hydrant per annum. Motion was seconded by Councilor Hess.

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

**Sewer Connection - Ms. Nikki Gross:**

Councilor Hall moved the adoption of a resolution authorizing a **SANITARY SEWER CONNECTION**, pursuant to the written request of **Ms. Nikki Gross**, to a **TOWN OF CLAY SANITARY SEWER MAIN** in proximity to her property which is located at **4624 Wetzel Road, Tax Map No. 087.-01-09.0**. The construction of said connection will be at no cost to the Town of Clay. The property owner agrees to pay all costs (Town and private) associated with the sanitary sewer connection as well as the Town of Clay Operation and Maintenance charges as annually assessed, and the County Sanitary District charges. The property owner further agrees to pay all annual Town and County charges thereafter. As required by Town Code, monies in the amount of \$700.00 to cover engineering, legal and administrative fees was

paid via check on July 2, 2021, by the property owner. Motion was seconded by Councilor Bick.

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

**Audit – Judicial 2020:**

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, 2020. Motion was seconded by Councilor Bick.

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

**Audit – Town 2020:**

Councilor Hess moved the adoption of a resolution accepting the **Town Audit** for the Fiscal Year ended December 31, 2020. Motion was seconded by Councilor Bick.

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

**Appointment (A) – MOYERS CORNERS FIRE DEPARTMENT, INC.:**

Councilor Young moved the adoption of a resolution approving the appointment of **JOSHUA WOODWORTH, JOSIAH DUNNING, TAY SOLAZZO, NICKOLAI GUL AND MAJDA RAYAH** as members of the **MOYERS CORNERS FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Hess.

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

**Additional Agenda**

**Certiorari – Oswego Road:**

Councilor Pleskach moved the adoption of a resolution authorizing and approving the settlement of the New York State Supreme Court Tax Certiorari action (Index No. 0061182/2021 et. al.) entitled **Oswego Road v. Town of Clay** effecting Tax Map No. 85.0-1-2.1 located on Oswego Road property by reducing the assessment for the 2021 tax year to a Fair Market Value of \$71,565.00 with no refunds and RPTL 727 applied in accordance with the terms and conditions as stated and authorizing the Supervisor and the Town Attorney to execute any and all documents necessary to complete this matter. Motion was seconded by Councilor Hess.

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

**Zone Change (PDD) – Town Board Case #1157 - CLAY MARKETPLACE/  
LAN-DEV ASSOCIATES, LLC:**

Councilor Meaker moved the adoption of a resolution that the Town Board of Clay accepts the recommendations of the Planning Board for the **CLAY MARKETPLACE** concept plan, as submitted by **LAN-DEV ASSOCIATES, LLC.**, as well as shown on the map, dated October 28, 2020, last revised April 13, 2021, to reflect a Planned Development District (PDD).

**WHEREAS**, a Concept Plan was received for a Preliminary Planned Development District (PDD) 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**. Amended Concept Plan consists of a total of 14.9 acres (the Town Board is waiving the 25 acre Minimum requirement) comprised of ninety-six (96), three-story apartment units, and a commercial site consisting of ±30,000 square feet of retail, restaurant and office space; and

**NOW THEREFORE, BE IT RESOLVED** that the said application be and the same hereby is referred to the Town Planning Board of the Town of Clay for Project Plan review and comment pursuant to the Town of Clay Zoning Code, and for its review and recommendation as to the possible environmental significance of the project pursuant to the New York State Environmental Quality Review Act.

Motion was seconded by Councilor Young.

Supervisor Ulatowski asked for a roll call vote, it went as follows:

Councilor Meaker – Aye	Councilor Hall – Aye
Councilor Young – Aye	Supervisor Ulatowski – Aye
Councilor Bick – No	Councilor Hess – Aye
Councilor Pleskach – No	

Ayes – 5 and Noes – 2. *Motion carried.*

**Adjournment:**

The meeting was adjourned at 9:40 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



**REGULAR MEETING OF THE TOWN BOARD – July 19<sup>th</sup>, 2021**

Town of Clay

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