

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 21, 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.

(Virtually) APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 21st of December, 2020 at 7:30 P.M., there were:

PRESENT:

- | | |
|--------------------|--|
| Damian Ulatowski | Supervisor |
| 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 (Virtually) |
| Ron DeTota | Town Engineer (Virtually) |

ABSENT:

- | | |
|----------------|-----------------------------|
| Joseph A. Bick | Deputy Supervisor/Councilor |
| Robert Germain | Town Attorney |

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 December 7th, 2020 meeting. Motion was seconded by Councilor Hall.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that item number 10 on the agenda, a public hearing (CNY Property Holdings) would not be heard.

Correspondence:

There was no correspondence.

REGULAR MEETING:

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

Councilor Hall moved the adoption of a resolution that the application of **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**” is an unlisted action with a completed EAF and involves no other permit granting agency outside of 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.*

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

Councilor Hall moved the adoption of a resolution **approving** the application of **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**”. Motion was seconded by Councilor Meaker.

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

MOBILE HOME LICENSE 2021 (CPH):

Councilor Hess moved the adoption of a resolution calling a public hearing **January 4, 2021**, commencing at **7:35 P.M.**, local time to consider the application of **CASUAL ESTATES, LLC D/B/A MADISON VILLAGE MOBILE HOME COURT**, for the renewal of the license for the year **2021**. Motion was seconded by Councilor Young.

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

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

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

Mr. Gillespie began by explaining that they will lease the property for HVAC and general sales. They will repair any vehicles that are returned requiring such. They will not be used as a motor vehicle repair shop. Councilor Young asked the Commissioner of Planning and Development if MV repair is allowed with a special permit; Commissioner Territo replied that they can repair their own vehicles, the special permit is required for rentals. Commissioner Territo explained that they will be before the Planning Board on January 11, 2021 for a Contractors Yard adding that the applicant is not consumer focused.

Both Councilors Pleskach and Meaker were in favor of the application adding that it is a good use for the location.

Councilor Hess made a motion to refer this to the Planning Board and adjourn the public hearing to **January 4, 2021 at 7:38 P.M.** Councilor Young seconded.

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

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 **January 4, 2021 at 7:41 PM.** Motion was seconded by Councilor Meaker.

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

Authorization – Transfer of Appropriations:

Councilor Meaker moved the adoption of a resolution authorizing the transfer of appropriations and amending the 2020 Town of Clay Budget in various funds to provide monies for 2020 expenditures. Motion was seconded by Councilor Hess.

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

Authorization – Transfer of Appropriations:

Councilor Meaker moved the adoption of a resolution approving an agreement between the **Superintendent of Highways** and the Members of the Town Board for the expenditure of monies in the Town of Clay for the fiscal year ending **December 31, 2020.** Motion was seconded by Councilor Hess.

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

Agreement (A) - TEAMSTERS LOCAL 317 and TOWN OF CLAY CLERICAL WORKERS:

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

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

Zone Change (Review & Referral/ Planning Board) - LAN-DEV ASSOCIATES, LLV, INC CLAY MARKETPLACE PRELIMINARY PDD CONCEPT PLAN:

Councilor Hess moved the adoption of a resolution that the Town of Clay Town Board refer the proposed **LAN-DEV ASSOCIATES, LLV, INC CLAY MARKETPLACE PRELIMINARY PDD CONCEPT PLAN** as submitted on a map dated October 28, 2020 to the Town of Clay Planning Board.

WHEREAS an application has been received for a PDD-Planned Development District to be known as **Clay Marketplace**, which application proposes a total of 14.95 acres comprised of residential (96 apartment units), and mixed retail/office/restaurant, and the condition that only one half of the apartments, or 48 units maximum, can be constructed until 50% of the commercial portion has been built. If there is no commercial activity, no further apartment units can obtain building permits.

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 its 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 Meaker.

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

Additional Agenda

Certiorari – JR&R II, LLC c/o Runnings:

Councilor Young moved the adoption of a resolution authorizing and approving the settlement of the New York State Supreme Court Certiorari actions (Index Nos. 6344/2018, 5916/2019 and 4038/2020 entitled **JR&R II, LLC c/o Runnings v. The Assessor of the Town of Clay et. al effecting** Tax Map No. 21.00-1-6.4 for the property located at 3949 State Route 31 in the Town of Clay (Runnings Store)

reducing the assessment of the parcel 21.00-1-6.4 from \$300,400 for the year 2018 to \$273,650, for the year 2019 from \$300,400 to \$240,000 and for the year 2020 from \$300,400 to \$217,250. This settlement includes a full waiver of statutory interest by the Petitioner for all years with a RPTL 727 “increase freeze” applied in accordance with the terms and conditions stated in the proposed Stipulation of Settlement shall be made in an amount not to exceed \$10,000.00. This resolution also authorizes the Supervisor and Town Attorney to execute any and all documents necessary to complete this matter and for the Town to pay all proportionate share of legal expenses associated with obtaining a professional appraisal. Motion was seconded by Councilor Pleskach.

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

Supervisor Ulatowski stated that this completes the agenda items; he asked if anyone wished to address the Town Board on anything not covered in the meeting. There being no questions or comments, he **closed** the Town Board Meeting.

Adjournment:

The meeting was adjourned at 7:49 P.M. upon motion by Councilor Young and seconded by Councilor Meaker.

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

Jill Hageman-Clark RMC / Town Clerk

**Note: as the Supervisor was disconnecting the virtual meeting a caller came on the line; the Supervisor tried to reconnect but was unable.*