

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the May 1, 2023 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
David Hess	Councilor
Eugene Young	Councilor
Ryan Pleskach	Councilor
Kevin Meaker	Councilor
Deborah Magaro-Dolan	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Neal Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

None

OTHERS PRESENT:

Russ Mitchell, Planning Board Chairman; Hal Henty, Planning Board Member and Rob Bick, Town Assessor.

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 April 17, 2023 Regular Town Board meeting. Motion was seconded by Councilor Bick.

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

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski said that item number 8 on the agenda will be adjourned at the applicants request.

**Correspondence:**

Supervisor Ulatowski asked if anyone wished to address the Board on anything not on the agenda.

Glenn Eastmond said that he has been waiting since March, when he sent pictures to the Clerk for a determination on a claim for a sewer backup. Supervisor Ulatowski said that he and the Town Engineer, Ron DeTota, would make a site visit. Mr. Eastmond said that it is not necessary as the pictures show it. The Supervisor said that they would still make a site visit.

**REGULAR MEETING:**

**ZONE CHANGE – (PH) – Town Board Case # 1178 - TIDAL WAVE AUTO SPA:**

A public hearing to consider the application of **TIDAL WAVE AUTO SPA** for a Zone Change located at **5004, 5008 & 5014 West Taft Road**, from R-10 One-Family Residential District to HC-1 Highway Commercial District, to allow for an automobile carwash facility. **Tax Map Nos. 116.1-01-04.1, 116.1-01-05.0 and 116.1-01-06.0** consisting of ±3.87 acres of land was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Matt Kerwin of PJ Land Development and Randy Bebout of Bohler Engineering were present. Mr. Kerwin began by explaining that they are requesting a zone change on three parcels to develop a carwash. The company has 100 locations across the country. He continued that the company is heavily involved in fundraising for charities.

A traffic study revealed that there are approximately fourteen thousand+ cars per day passing this location. The applicant is proposing two full access entrances; one from Taft Road and one off Wintersweet Drive, across from the WellNow. They are proposing a berm to the south to buffer the parcel from the residential parcels. The business will be open during the hours of 8AM – 8PM. Chemicals will be delivered once a week and customers may pay as they go or get a membership.

Councilor Bick asked if a carwash is allowed in HC-1. Commissioner Territo said that it is and gave a brief description of other uses allowed in HC-1 such as retail use, personal service use, office, bank, theater, shopping center, storage facility, medical office and others. He added that with a Special Permit from the Planning Board they could have a hospital/clinic, nursing home, etc.

Mr. Kerwin said that they could make the berm higher, but it is currently 4' tall and added that they could alter the plan if the board wants.

There was a discussion about water reclamation, and the amount of water that will be used daily. Mr. Kerwin said that 65% of the water will be reclaimed and they will use about 18,000 gallons daily. The chemicals used for washing will be stored inside. They are not proposing any type of food service or retail, they will have an ADA compliant restroom.

Councilor Meaker asked about stacking and possible overflow traffic onto Wintersweet Drive, adding that the bend in the road will present a dangerous situation.

Councilor Young asked where the property line for the PDD ends. There was a discussion as to if parcel 1 is actually included in the PDD, and if so, could they still apply for the zone change. Commissioner Territo and Mr. Kerwin will both research this.

Councilor Hess asked if they will need to obtain any variances; Mr. Kerwin said only for signage. Councilor Hess asked about the noise from the vacuums and how far they are from the proposed berm. Mr. Kerwin estimated that they are approximately 300-400' from the berm and that they will be located under a canopy. Councilor Bick asked how many decibels of noise will the vacuums produce; Mr. Kerwin said that he would look into it and provide that information as well as the property lines for the PDD and if the application will be valid.

There was a discussion about the number of trips per day, neither Mr. Kerwin or Mr. Bebout were sure of the number. Councilor Meaker suggested that they should be able to answer that based on the profit margin. Mr. Bebout responded 200-350 cars per day.

Many residents were present to speak in opposition to the application stating reasons such as;

- Increase in traffic in a residential neighborhood
- Burdon on Infrastructure
- Close proximity to other carwashes
- Impact to the upscale neighborhood
- Increase of noise due to vacuums and radios

Hal Romans of Wintersweet Drive asked that the plan be updated to show the existing WellNow.

Erica Gallucci read a lengthy letter (emailed to the Town Councilors) reiterating the concerns identified by the residents, adding that petitions have been submitted opposing this application, concluding that they are prepared to bring this to litigation if necessary.

Supervisor Ulatowski thanked the residents for bringing their concerns to the meeting, adding that it is the responsibility of the Town Board to entertain all proposals submitted by applicants. He urged the applicant to prepare answers to the unanswered questions regarding noise and the PDD zoning, for the next meeting.

Councilor Young moved the adoption of a resolution to **adjourn** the public hearing to **June 5, 2023 at 7:35 PM**. Motion was seconded by Councilor Meaker.

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

*Supervisor Ulatowski called for a brief break at 9:05 PM; meeting resumed at 9:12 PM.*

**Special Permit – (PH) – Town Board Case # 1138 – DELTA SONIC CAR WASH SYSTEMS, INC.:**

A public hearing to consider the application of **DELTA SONIC CAR WASH SYSTEMS, INC.**, for a Special Permit located at **3627 & 3809 State Route 31, Tax Map Nos. 020.-01-01.1, 020.-01-02.1 and 020.-01-02.2**, pursuant to Section 230-16 D. (2)(e)[1] – Drive-In Service, to allow for a proposed convenience store with a drive-thru, associated with the development of a proposed Delta Sonic Car Wash facility, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Matt Oates was present to speak on behalf of the applicant and began by explaining that they are applying for special permit for a drive thru coffee franchise. There is no vendor at this time and will likely serve residents already utilizing services at the Delta Sonic. The proposed plan will allow stacking for 5 cars in the drive thru. They are only proposing coffee and doughnuts.

Councilor Young asked if the board can approve this without a named vendor. There was a brief discussion about other drive thru businesses in the town that have changed vendors without appearing before the board(s), such as Blimpie and Dunkin Donuts. Commissioner reminded that the Special Permit is for a Drive Thru Service not a specific tenant. Mr. DeTota suggested that the concept is similar to the North Syracuse Delta Sonic and the tenant is Tim Hortons. Supervisor Ulatowski said that this will compliment the business.

Supervisor Ulatowski **closed** the public hearing.

**ZONE CHANGE – (PH) – Town Board Case # 1179 - SPLASH CAR WASH 4S-BUCKLEY LLC:**

Councilor Hess moved the adoption of a resolution adjourning the public hearing at the request of the applicant to **May 15, 2023 at 7:38 PM**. Motion was seconded by Councilor Bick.

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

**ZONE CHANGE – (PH/Adj.) – Town Board Case # 1180 - ROUTE 31 WIDEWATERS:**

A public hearing to consider the application of **ROUTE 31 WIDEWATERS** for a Zone Change located at 3715 State Route 31, from RC-1 Regional Commercial District to RC-1 Regional Commercial District and R-Apt Residential Apartment District, **Tax Map Nos. 020.-01-05.1 and 020.-01-05.2.** – *Adjourned from the April 17, 2023, Town Board Meeting.*

James Trasher of CHA was present and explained that they have extended the sewers and delineated the wetlands; the Planning Board gave a favorable recommendation. Counselor Hess said that the plan is well thought out, with a goal to create access thru the Chevy Dealer, Chengarians and Widewaters. He continued that they are testing soil and ground water for any contamination as suggested at the previous meeting.

Supervisor asked if there were any additional questions or comments; hearing none, he **closed** the public hearing.

**ONONDAGA COUNTY COMMUNITY DEVELOPMENT for the year 2024 (A):**

Councilor Bick moved the adoption of a resolution **approving** the use of funds by the Town of Clay with respect to the application(s) for funding to be filed with **ONONDAGA COUNTY COMMUNITY DEVELOPMENT for the year 2024.** Motion was seconded by Councilor Hess.

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

**ZONE CHANGE (CPH) – Town Board Case # 1184 – CLIFTON EQUIPMENT /TABITHA REYNOLDS**

Councilor Meaker moved the adoption of a resolution calling a public hearing **May 15, 2023**, commencing at **7:35 P.M.**, local time, to consider the application of **CLIFTON EQUIPMENT/TABITHA REYNOLDS**, for a Zone Change located at **5334 State Route 31, Tax Map No. 051.-01-10.5**, from RA-100, Residential Agricultural District to HC-1, Highway Commercial District, on ±3 acres of land. Motion was seconded by Councilor Magaro-Dolan.

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

**Adjournment:**

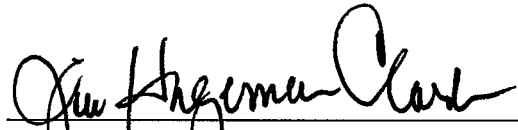
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The meeting was adjourned at 9:41 P.M. upon motion by Councilor Young and seconded by Councilor Magaro-Dolan.

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

  
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Jill Hageman-Clark RMC / Town Clerk