

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the June 5, 2023 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
Eugene Young	Councilor
David Hess	Councilor
Ryan Pleskach	Councilor
Kevin Meaker	Councilor
Deborah Magaro-Dolan	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; 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 May 15, 2023 Regular Town Board meeting. Motion was seconded by Councilor Magaro-Dolan.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that item numbers 6, 7 and 10 will not be heard as they have requested adjournments and or withdrawal.

Correspondence:

There was no correspondence.

REGULAR MEETING:

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

ADJOURN TO JULY 17, 2023, TOWN BOARD MEETING PER APPLICANT REQUEST.

Councilor Hess Made a motion to **adjourn** the public hearing to **July 17, 2023** at **7:35 PM**. Motion was seconded by Councilor Pleskach.

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

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

APPLICANT REQUESTED TO WITHDRAW APPLICATION VIA EMAIL, MONDAY, MAY 15, 2023.

SPECIAL PERMIT (PH) – Town Board Case # 1185 - AMY MILES/EQUIPMENT SHARE:

A public hearing to consider the application **AMY MILES/EQUIPMENT SHARE**, for a Special Permit located at **SEC Dey Road and Edgecomb Drive, Tax Map No. 105.-02-02.1**, pursuant to Section 230-17C.(2)(e)[3] to allow for Motor Vehicle Rental on ±8.9 acres of land was opened by the Supervisor; proof of posting and publication was furnished by the Town Clerk.

Amy Miles, architect for the applicant was present. She explained that they are requesting the Special Permit to rent construction motor vehicles. She explained that the company, Equipment Share, is based in Arkansas and this will be the fifth store so far. They plan for 20 more in the next two years. She continued, that this is similar to the Hertz Construction Rentals and the current zoning meets the code.

Councilor Meaker asked if the construction equipment qualified as motor vehicles as they are not registered with DMV. Councilor Bick said that this looks like an industrial use in an industrial zone. Councilor Magaro-Dolan said that NYS Department of Transportation qualifies *Motor Vehicles* as any car, truck, motorcycle, etc. Councilor Meaker agreed that the construction equipment does not fall under the definition. Commissioner Territo said that the Code of the Town of Clay allows

this use with a Special Permit at the discretion of Code Enforcement. There was a lengthy deliberation on the definition of motor vehicle.

Councilor Young asked how many pieces of equipment will be available for rental. Ms. Miles explained that they will have 200-2000 pieces on the large 8.9 acre site; they will be stored inside the shaded area on the map and they will have 20-25 employees. Customers will rent on the website and pick-up the equipment or have it delivered. Councilor Young asked if there is any business currently providing this service in the Town of Clay. There are currently two, Herc Rentals and Sunbelt.

Supervisor Ulatowski asked if there were any qualifications of training to rent equipment. Councilor Bick suggested that they likely need proof of insurance.

Rob Bick, Town Assessor, asked if they were going to seek a PILOT agreement. Ms. Miles said she did not know about that.

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

LOCAL LAW NO. 1 OF THE YEAR 2023 (PH)(amending) Chapter 230:

A public hearing to consider adding a proposed Local Law to be entitled “**LOCAL LAW NO. 1 OF THE YEAR 2023**” to amend **CHAPTER 230** entitled “**ZONING**” by amending Section §230-22C. (1) (c) [1] [a] [i] adding the words “and Community Center” after religious institutions and to strike the word “and” before religious institutions to said section of the Code of the Town of Clay was opened by the Supervisor; proof of posting and publication was furnished by the Town Clerk.

Commissioner Territo explained that the purpose of this Local Law is to include Community Centers or not-for-profits to be eligible for electronic message signs. He continued that the VFW at 5366 Caughdenoy Road is seeking such a sign and it makes sense that this be included.

Commander Edward Szczesniak of the VFW Post 951 said that he supports this and thanked the board for consideration.

All questions and comments having been heard; the Supervisor **closed** the public hearing.

ZONE CHANGE – (PH/Adj.) – Town Board Case # 1181 - POPEYES/LIBERTY RESTAURANTS DEVELOPMENT:

ADJOURN TO SEPTEMBER 6, 2023, TOWN BOARD MEETING PER APPLICANT REQUEST.

Councilor Hess made a motion to **adjourn** the public hearing to **September 6, 2023** at **7:35 PM**, Motion was seconded by Councilor Pleskach.

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

Councilor Bick left the room.

Agreement/Authorizing - Donahoe Group for Clay Park Central Restroom Facility:

Councilor Young moved the adoption of a resolution authorizing the Supervisor to enter into a **Professional Services Architectural Agreement** with **Donahoe Group**, to provide architectural services to create a specification book with bidding instructions for the Clay Park Central Restroom Facility. Specification Book and Bid Documents not to exceed **\$7,800.00** plus any additional fees incurred by the Architect, his employees, and sub-consultants in the interest of the project. Motion was seconded by Councilor Meaker.

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

Easement (drainage)(abandonment) - 3885 State Route 31:

Councilor Meaker moved the adoption of a resolution approving the abandonment of a 25-foot-wide drainage easement at the request of the property owner, **Clay Quad West, LLC**, located at **3885 State Route 31, Tax Map No. 021-01-3.1** as shown on a map prepared by Ianuzi & Romans Land Surveying, P.C, dated May 23, 2023, and authorizing the Supervisor to execute a Termination of Easement form subject to execution by the property owner. The property owner shall bear the responsibility and all costs associated with the execution of this document. This resolution is in response to the request of the property owner challenging the necessity for this easement. The Town Engineer has determined the easement does not perform its original intent and is no longer needed. It would be reasonable for the Town Board to consider the property owner's request. Motion was seconded by Councilor Magaro-Dolan.

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

Agreement/Contract – Master Plan and Comprehensive Plan:

There was NO ACTION.

REVISED Sexual Harassment and Prevention Policy(A):

Councilor Meaker moved the adoption of a resolution accepting a **REVISED Sexual Harassment and Prevention Policy** issued by New York State Department of Labor and New York State Division of Human Rights. This new policy will be incorporated with the Town of Clay’s policies and issued accordingly to all employees, along with New York State compliant harassment training annually. Motion was seconded by Councilor Magaro-Dolan.

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

Agreement - Onondaga County Community Development Block Grant Program:

Councilor Hess moved the adoption of a resolution of the Town’s participation in the renewal of a Joint Agreement between the Town of Clay and Onondaga County for purposes of the Community Development Block Grant Program and the HOME Investment Partnership Program. Said resolution will be renewed for a three-year period including federal fiscal years 2024, 2025 and 2026. Motion was seconded by Councilor Pleskach.

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

Councilor Bick returned.

LOCAL LAW NO. 2 OF THE YEAR 2023 (CPH)(amending) Chapter 230:

Councilor Pleskach moved the adoption of a resolution calling a public hearing June 20, 2023, commencing at 7:35 P.M., local time to consider proposed **LOCAL LAW NO. 2 OF THE YEAR 2023** to amend Chapter 230 entitled “ZONING” by amending Section §230-11C. Terms Defined to add and amend definitions for such classification to the Code of the Town of Clay.

IT IS PROPOSED TO ENACT by the Town Board of the Town of Clay, County of Onondaga as follows:

SECTION 1. It is proposed to amend Chapter 230 entitled “ZONING” Section §230-11C by adding the following:

E-COMMERCE OR DELIVERYS RETAIL USE

An activity characterized by the sale of goods directly to the consumer or business through off-site delivery service. Typically, have no or limited in-person sales or service. Delivery by business or via a third party is primarily used.

SECTION 2. It is proposed to amend Chapter 230 entitled “ZONING” Section §230-11C by amending the following:

RETAIL USE

An activity primarily characterized by the on-premise or delivery sales and display of goods and services to the consumer and businesses; the use may contain areas for related accessory uses. Examples include uses commonly referred to as: “department stores,” “hardware stores,” “grocery stores,” “boutiques,” “craft shops,” “appliance repair shops,” “video rental stores” and “personal service uses” (defined separately in this code). Excluded are the following principal uses: restaurants; gasoline service stations; motor vehicle sales, service or rental; and outdoor retail sales, display or service. Motion was seconded by Councilor Hess.

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

ADDITIONAL AGENDA

Authorization – Signs:

Councilor Magaro-Dolan moved the adoption of a resolution authorizing the Highway Superintendent, Joseph Nicoletti, to sign and execute necessary documents with the New York State Department of Transportation in reference to the Town of Clay Gateway Sign installation on behalf of the Supervisor, Damian Ulatowski. Motion was seconded by Councilor Meaker.

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

Supervisor Ulatowski explained that for the past three years he has been trying to get the state to allow the town to install signs welcoming people to the Town of Clay at four of the boundaries. The state has finally agreed.

LOCAL LAW No. 3 of the YEAR 2023 (CPH) (amending) Chapter 230-16C:

Councilor Meaker moved the adoption of a resolution calling a public hearing **June 20, 2023**, commencing at **7:38 P.M.**, local time to consider proposed **LOCAL LAW NO. 3 OF THE YEAR 2023** amending Chapter 230 entitled “ZONING” by amending Section 230-16C.(2)(e) to add new item [14] “ANIMAL CARE/TRAINING

FACILITY” with a Town Board Special Permit to said section of the Code of the Town of Clay. Motion was seconded by Councilor Magaro-Dolan.

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

Certiorari (A) - Great Northern Holdings, LLC:

Councilor Young moved the adoption of a resolution authorizing and approving the settlement of the New York State Supreme Court Tax Certiorari actions entitled **Great Northern Holdings, LLC v. The Assessor of the Town of Clay et. al (Index Nos. 006215/2021 and 005368/2021)** concerning Tax Map No. 028.-01-40.4 for property located at 4155 State Route 31 in Clay (Great Northern Mall) by reducing the assessment for 2022 from \$631,500 (FMV 18,907,186.00) to \$400,800 (FMV \$12,000,000.00), reducing the assessment for 2023 from \$581,400 (FMV 19,510,067) to \$357,600 (FMV \$12,000,000.00). The proposed settlement includes payment/back credit from County of refunds due in an amount not to exceed \$25,438.99 on behalf of the Town, all in accordance with the terms and conditions as stated in a proposed Stipulation & Judicial Order attached hereto. This resolution also authorizes the Supervisor and Town Attorney to execute any and all documents necessary to complete this matter. Motion was seconded by Councilor Bick.


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

Councilor Hess thanked the Assessor for a job well done.

Adjournment:

The meeting was adjourned at 8:05 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

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



Jill Hageman-Clark RMC / Town Clerk