

## **APPROVED**

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the August 21<sup>st</sup>, 2023, at 7:30 P.M., there were:

**PRESENT:**

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

**ABSENT:**

Jill Hageman-Clark	Town Clerk
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**OTHERS PRESENT:**

Joe Nicoletti, Highway Superintendent, Rob Bick, Town Assessor, Russ Mitchell, Planning Board Chairman; Hal Henty, Planning Board Member.

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

Ayes – 6 and Noes – 0. *Councilor Magaro-Dolan abstained due to absence at the July 17, 2023, meeting. Motion carried.*

**Cancellation and/or requested adjournments:**

None.

**Correspondence:**

Supervisor stated that the additional agenda item regarding the Quit Claim Deed to Robert Aluzzo/Oswego Road, LLC would not be heard this evening. He then asked if anyone wished to address the Board on any items not on the agenda.

Councilor Bick raised the issue of the recent approval of tax breaks given by OCIDA (Onondaga County Industrial Development Agency) for the apartment project planned for the northeast corner of Route 31 and Henry Clay Blvd. Councilor Bick stated that he opposes any tax relief for this project and Supervisor Ulatowski concurred as he also opposes any tax break having to do with residential development because it doesn't create as many jobs as industrial development would. Both Supervisor Ulatowski and Councilor Bick agreed that this should not be a PILOT project.

Mike Redhead from Clay Fire Department addressed the board to thank the Highway Dept. for their support during the record rainfall that occurred on August 7<sup>th</sup>, 2023.

Daniel Rendino of 8398B Shallowcreek got up to speak about the major flooding in his neighborhood on the evening August 7<sup>th</sup>. He reported that all the corner properties in his area flooded and had several feet of water in their residences. He stated that he was appreciative of the fire department response; however, when the fire trucks came down the street, the force of the wake from the truck caused their garage doors to blow in. So far, insurance has denied all claims and they have lost everything. He is concerned with being able to heat their homes due to furnaces being destroyed and the cooler weather approaching.

Supervisor Ulatowski stated with confirmation from Joe Nicoletti, that our highway department responded to twenty-one 911 calls that evening with a crew of 12 guys. Highway Superintendent Joe Nicoletti mentioned that conditions of the drains were checked and clear. Supervisor Ulatowski urged that claims should be filed to the Town with as much documentation as possible to support the claim of losses. He is working closely with the county to see which areas can be declared disaster areas. Supervisor Ulatowski stated that he is personally working extremely hard to get relief to the residents who were deeply affected by this flooding event. He said that the Town of Clay does not have the resources to directly help but he was doing everything he could to access the resources that can.

Councilor Pleskach explained FEMA protocol and that a certain amount of damage must be reached in order to ascertain disaster relief. He went on to explain that if/when a disaster declaration is made, it will cover what was destroyed as it was at the time it was damaged. *(ie. if an item is 10 years old at the time of damage, the cost of a 10-year-old item will be covered. The cost of a brand-new item will not be covered.)*

Councilor Meeker stated that the "Notice of Claim" form that residents need to fill out and file with the Town Clerk is available on the Town website.

Mr. Rendino also mentioned a property on Shallowcreek that is a rental owned by a slumlord where oil got dumped during the flood. This problem added insult to injury as the oil mixed with the water and therefore spread to the surrounding residents.

Code enforcement has been contacted regarding this problem property and little has been done to help out.

Deborah Gebhardt of 8405A Bramblebush reported that she was also deeply affected by the storm and had significant damage to her property. She presented pictures of that evening and the damage to her property (ie. whole yard under water, damage to her motorcycle, washer, dryer, water up to the stairs in the main level of her home). She stated that she can not afford to fix the damage done by this storm and she is looking for help! Her basement was completely flooded and even her first level was as well. She said that her dehumidifier has been running 24/7 since the storm.

Tom Kenyon spoke on behalf of his daughter, Kathleen Kenyon who lives at 4068 Elaine Circle. Mr. Kenyon expressed concerns about the drainage on Elaine Circle. Highway Superintendent Joe Nicoletti stated that they fixed the corner drain & that it was put in last year. There are 8 drains in the area, and they can't get the water out fast enough. The Town can't afford to do the whole street. Councilor Meeker asked Ron DeTota, Town Engineer, about alternative solutions. Ron stated that they will evaluate situations in each location and work with Highway. Ron went on to explain how the water problems are addressed.

Vinnie Hollopeter of 4287 Amblerwood Lane got up to speak on behalf of Barbara Dixon of 8405 Lace Bark Lane who was there with him. He spoke regarding the ongoing drainage issues Barbara has in her yard, especially since the night of the storm. He mentioned the junction box in the back of her property and stated that there is still water in the trench behind her house. They are asking for help from the highway department and from code enforcement. Vinnie said that there is a neighbor who backs up to Barbara's property & lives on Golden Larch that is releasing water from his sump pump, and it feeds directly into her yard. Barbara mentioned that she had pictures of the problem on her phone, and she was advised to email them to the Town Supervisor. Councilor Meeker asked Highway Superintendent Joe Nicoletti if that is allowed. Joe stated that he has sent Tom Reisinger, his drainage foreman, to check it out. Councilor Meeker then asked Planning Commissioner, Mark Territo, if this situation is a code violation and Mark answered that it depends on where the easement is. Councilor Hess asked if the retention ponds have been checked and specifically asked the Highway Superintendent to check the ponds in Strawberry Farms.

### REGULAR MEETING:

### ZONE CHANGE (PH) – Town Board Case # 1187 - MORGAN ROAD STORAGE/KRAFT REAL ESTATE, LLC.:

A public hearing to consider the application of MORGAN ROAD STORAGE/KRAFT REAL ESTATE, LLC., for a Zone Change from O-2 Office to HC-1 Highway Commercial, to allow for a public storage facility on land located at

**Morgan Road and Piccadilly Square, Tax Map No. 104.-03-13.1** consisting of ±2.2 acres of land, was opened by the Supervisor.

Tim Coyer spoke on behalf of the applicant, Mr. Kraft, for this project. They are proposing public storage units for this location. He stated that this location is a good fit because of the proximity to the apartments and it could potentially be used by the apartment residents and be beneficial to them. Supervisor Ulatowski asked how many units were planned and Mr. Coyer answered 124 units and it would be lit 24 hours/day. Councilor Young asked what is located behind the proposed site and Mr. Coyer responded, to the west is the apartment buildings. Councilor Young also asked about any offices east of Morgan Rd. and there is an industrial park kitty corner from Byrne Dairy, and it is all industrial across the street. Councilor Hess stated that there is no HC-1 in that whole area. Mr. Coyer said that they will put a covenant in on the property to alleviate any concerns.

Supervisor Ulatowski referred this proposed Zone Change to the Planning Board.

**SPECIAL PERMIT (PH) – Town Board Case # 1188 - JAMES RANALLI III/RANALLI GENERATIONS LLC:**

A public hearing time to consider the application of **JAMES RANALLI III/RANALLI GENERATIONS LLC.**, for a Special Permit pursuant to Section 230-16 C.(2)(e)[15], E-Commerce or Delivery use, to allow for pharmaceutical warehouse on land located at **4155 State Route 31, Tax Map No. 028.-01-40.5** consisting of 12 +/- acres of land, was opened by the Supervisor.

James Trasher presented the proposed plan for a 70,000 square foot medical E-commerce site for pharmaceutical sales/distribution on behalf of the applicant. He stated that they would like to be in and operational by October and they are asking for the Town Board's blessing. He declared that the storm damaged roof will be fixed promptly and before opening.

Councilor Pleskach asked if they would be applying for a cannabis license and Mr. Trasher answered "No". He then stated it would be strictly mail-order distribution of pharmaceutical drugs and the warehouse would consist of an office space and racking. Councilor Young stated he was confused about how the mail ordering would work and asked how they would mail order a drug to him. Pat DiMauro stood up when asked by Mr. Trasher to explain the operational procedures of the distribution of the drugs. He explained that they are federally certified and accredited to ship to a closed-door facility. They have 2 websites where online orders can be placed by pharmacies and that they distribute the pharmaceutical drugs directly to the pharmacies. They **do not** have pharmacists onsite; therefore, they are unable to distribute the pharmaceuticals directly to the consumer. They strictly distribute to pharmacies *only*. They are essentially like Amazon because all their

ordering is done online and distributed from the warehouse. They are “a drug store for the drug stores.”

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

**SPECIAL PERMIT (A) – Town Board Case # 1188 - JAMES RANALLI III/RANALLI GENERATIONS LLC:**

Councilor Pleskach moved the adoption of a resolution approving the application of **JAMES RANALLI III/RANALLI GENERATIONS LLC.**, for a Special Permit pursuant to Section 230-16 C.(2)(e)[15], E-Commerce or Delivery use, to allow for pharmaceutical warehouse on land located at **4155 State Route 31, Tax Map No. 028.-01-40.5** consisting of 12 +/-acres of land as applied for. Motion was seconded by Councilor Hess.

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

**SPECIAL PERMIT (SEQR) – Town Board Case # 1188 - JAMES RANALLI III/RANALLI GENERATIONS LLC:**

Councilor Pleskach moved the adoption of a resolution that the application of **JAMES RANALLI III/RANALLI GENERATIONS LLC.**, for a Special Permit pursuant to Section 230-16 C.(2)(e)[15], E-Commerce or Delivery use, to allow for pharmaceutical warehouse on land located at **4155 State Route 31, Tax Map No. 028.-01-40.5** consisting of 12 +/-acres of land is an Unlisted Action for the purpose of SEQRA compliance, requiring no permit granting authority outside the Town. The proposed action will not have a negative effect on the environment, and therefore does not require a Draft Environmental Impact Statement. Motion was seconded by Councilor Hess.

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

**SPECIAL PERMIT (PH/Adj.) – Town Board Case # 1186 - PIZZA HUT/JAMES D. SMITH ARCHITECT:**

A public hearing to consider the application of **PIZZA HUT / JAMES D. SMITH ARCHITECT**, for a Special Permit pursuant to Section 230-16C.9(2)(e)[2] – Drive-In Service, to allow for a restaurant with a drive-thru on land located at **7365 Oswego Road, Tax Map No. 104.-02-09.2.** (ADJOURNED FROM THE JULY 17, 2023, TOWN BOARD MEETING), was opened by the Supervisor. There was no one

present to represent the applicant; therefore, the public hearing was adjourned once more to September 6<sup>th</sup> meeting at 7:35 p.m. Councilor Hess stated that the applicant may be confused on how this works and that someone should reach out to notify them of the adjournment.

**ZONE CHANGE (CPH) – Town Board Case # 1189 - JUNTAO YAN/DANIELLE FABRIZIO & DAVID CHRISTINE:**

Councilor Pleskach moved the adoption of a resolution calling a public hearing **September 6, 2023**, commencing at **7:38 P.M.** local time to consider the application of **JUNTAO YAN/DANIELLE FABRIZIO & DAVID CHRISTINE** for a Zone Change from RA-100 Residential Agricultural District to R-APT Apartment District, to allow for development of multi-family housing on land located at **7310 Oswego Road, Tax Map No. 114.-01-38.0** consisting of +/- 10.59 acres of land. Motion was seconded by Councilor Hess.

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

**ZONE CHANGE (CPH) – Town Board Case # 1193 - VICKSBURG ESTATES, LLC. / RIVER GROVE APARTMENTS:**

Councilor Meeker moved the adoption of a resolution calling a public hearing **September 6, 2023**, commencing at **7:44 P.M.** local time to consider the application of **VICKSBURG ESTATES, LLC. / RIVER GROVE APARTMENTS** for a Zone Change from R-TH Town House District to R-SR Senior Residence District, to allow for construction of approximately 124 mixed Town House and Apartment Units on land located at **3696 Gaskin Road, Tax Map No. 065.-01-15.1** consisting of +/- 27.5 acres of land. Motion was seconded by Councilor Magaro-Dolan.

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

**SPECIAL PERMIT (CPH) CARLEEN HALSEY/AMERCO REAL ESTATE COMPANY:**

Councilor Magaro-Dolan moved the adoption of a resolution calling a public hearing **September 6, 2023**, commencing at **7:47 P.M.** local time to consider the application of **CARLEEN HALSEY/AMERCO REAL ESTATE COMPANY** for Special Permit pursuant to Section 230-16 C.(2)(e)[9] –Indoor Recreation, to allow for a Roller-Skating Rink on land located at **8015 Oswego Road, Unit 2, Tax Map No. 080.-01-01.0**. Motion was seconded by Councilor Meeker.

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

**ZONE CHANGE (CPH) – Town Board Case # 1191- WOODSIDE COMMERCIAL, LLC. / INVERNESS GARDENS SENIOR APARTMENTS:**

Councilor Young moved the adoption of a resolution calling a public hearing **September 6, 2023**, commencing at **7:50 P.M.** local time to consider the application of **WOODSIDE COMMERCIAL, LLC. / INVERNESS GARDENS SENIOR APARTMENTS** for a zone change from PDD, Planned Development District, to R-SR, Senior Residence District, to allow for construction of Senior Apartments on land located at **4938 West Taft Road, Tax Map No. 116.1-01-01.1** consisting of +/- 6.65 acres of land. Motion was seconded by Councilor Magaro-Dolan.

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

**Street Lights (21) (A) Farmstead Section 5 and 6 and Riverwalk Section 5:**

Councilor Hess requested that the adoption of a resolution authorizing the installation of twenty-one (21) Carriage B LED light fixtures to be installed on 16' fiberglass embedded poles within Farmstead Sections 5 and 6 and Riverwalk Section 5, as shown on a sketch provided by National Grid *be tabled* at this time. He stated that the light fixtures for this area would be *Carriage C LED* lights not Carriage B LED therefore the pricing could very well be different and not what was initially estimated at \$6,078.45.

**Release of Securities (100%) - THE FARMSTEAD SUBDIVISION SECTION 3:**

Councilor Bick moved the adoption of a resolution pursuant to the written recommendation of the Superintendent of Highways, authorizing the release of 100% of the original amount posted for Highway Construction Guarantee by **MAPLE ROAD ASSOCIATES, INC.** for **THE FARMSTEAD SUBDIVISION SECTION 3** (Dorothy's Garden Place, Mediator Way, Weller Hall Place). The roads have been completed in accordance with Town Highway Specifications and are officially accepted into the Town of Clay Highway inventory. Motion was seconded by Councilor Hess.

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

**Release of Securities (100%) - THE FARMSTEAD SUBDIVISION  
(Sewer/Drainage):**

Councilor Bick moved the adoption of a resolution pursuant to the written recommendation of the Town Engineer, authorizing the release of 100% of the original amount posted for **THE FARMSTEAD SEWER DISTRICT, CONTRACT NO. 1**, from \$14,325.00 to \$0.00 and **THE FARMSTEAD DRAINAGE DISTRICT, CONTRACT NO. 1** from \$8,262.00 to \$0.00. Motion was seconded by Councilor Magaro-Dolan.

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

**Miscellaneous Resolution—Labeling of Town Highway Vehicles:**

Councilor Meeker moved the adoption of a resolution approving and instructing the Town Highway Department to label all highway vehicles with appropriate decals and lettering, on the door of the vehicle to make them easily identifiable to the public. This resolution also approves any and all reasonable expenses associated with this action. Motion as seconded by Councilor Dolan.

Supervisor Ulatowski asked for a Roll Count Vote for this item and a discussion ensued. Councilor Bick asked Supervisor Ulatowski if he had the ability to enforce this policy with the highway department without doing a resolution. Supervisor Ulatowski stated that *he does* have that authority. Councilor Meeker asked Highway Superintendent Joe Nicoletti if his truck was labeled. Joe answered that all the foreman trucks had been labeled in the last two weeks but stated that his truck is not labeled.

Councilor Magaro-Dolan – Aye

Councilor Meeker – Aye

Councilor Young – Aye

Supervisor Ulatowski – No

Councilor Bick – No

Councilor Hess – No

Councilor Pleskach –No

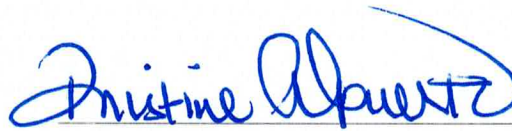
Ayes – 3 and Noes – 4. *Motion Denied.*



**Adjournment:**

The meeting was adjourned at 8:41 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

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



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Kristine Alpuerto