

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the September 6th, 2023 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
Eugene Young	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:

David Hess	Councilor
Kevin Meaker	Councilor
Ryan Pleskach	Councilor

OTHERS PRESENT:

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 Bick made a motion to approve the minutes of the August 21, 2023 Town Board meeting. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 4 and Noes – 0. *Motion carried.*

Cancellation and/or requested adjournments:

Supervisor Ulatowski explained that item 6 on the agenda was withdrawn by the applicant on August 22, 2023; in addition, item 8 on the agenda for the Tidal Wave Auto Spa will not be heard as the applicant has requested an adjournment to November 20, 2023. Supervisor Ulatowski said that he does not want to adjourn it that far out as they have adjourned several times.

Correspondence:

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

Many residents from north of Route 31 areas were present to inquire about their request for public water. Jim Laratta of Manhattan Drive spoke for the group explaining that this has been a long-term request and he is looking for an update from the Town Engineer regarding this. Ron Detota said that he has researched this and showed on the map the properties without water. He continued that 20-25 years ago these were large vacant lots and were not included partially because of an 800' easement. Mr. DeTota said that he has been working with OCWA (*Onondaga County Water Authority*). He said the estimated cost to make water available to these residents is about 4.75 million for 70 parcels and would be the responsibility of the residents. He continued, that he has been seeking funding to offset the cost of bringing the water to the homes and explained that without funding the town would bond (30 years) approximately \$4,700.00 per household per year, however, if the maximum funding was granted, the cost would be approximately \$1,900.00 per house per year for 30 years. For any of this to happen, the majority would rule based upon assessed values. He urged the residents to examine their finances to see if this is a viable option.

Mr. Laratta explained that they have also presented proof of water contamination. Mr. DeTota explained that may strengthen a case for grant funding, so keep sending supporting documentation. Mr. DeTota also suggested that they reach out to Senators and Assembly people. Mr. Laratta said he had done so in the past unsuccessfully but will try again.

Supervisor Ulatowski said that they should establish a spokesman, check with neighbors and work with the Town Clerk on this. Mr. Laratta thanked them and assured him they would.

REGULAR MEETING:

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

Supervisor Ulatowski said that the applicant **withdrew** this application on August 22, 2023.

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

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

Steve Calcerinos spoke on behalf of the applicant. He gave an overview of the parcel and explained that they are proposing approximately 70 units within four buildings. There will be three buildings with eight units each and one large building with 47 units. Each building will have two stories.

The parcel is surrounded by agricultural (A-1), commercial (NC-1) and Recreational zoning to the east. They do not intend to apply for variances. Mr. Calcerinos said that they are proposing affordable market housing for seniors (or slightly below), not section 8. The buildings will be located to the north of the parcel and the units will be in an L-shaped configuration.

There was a discussion about the drainage and the possibility of a neighboring property to hook up to sewers. There was a discussion on where they will hook into the sewers either near to the existing *Quick Fill* to the north or crossing Route 57 near Old Cove Road.

Supervisor Ulatowski said that he would refer this to the Planning Board. Councilor Bick made a motion to **adjourn** this hearing to the **September 18, 2023** meeting at **7:35 PM**. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 4 and Noes – 0. *Motion carried.*

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

Councilor Bick made a motion to **adjourn** the public hearing to the **October 2, 2023** meeting at **7:35 PM**. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 4 and Noes – 0. *Motion carried.*

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

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

Tim Coyer was present on behalf of the applicant and began by explaining that this application is to change the zone from townhouse to senior resident apartments. Originally they were approved for 266 units, then they requested 200 units and they are now requesting a combination of townhouse and apartments totaling 124 units. The residences will be for age 55 and older, and no garages are proposed at this time but may be added later. A 100' buffer will separate the buildings from the river; the wetlands will not be disturbed. The development will be on a private street with an easement for the plows.

Pete Kuno of Vicksburg Place asked if these will be rentals or owner occupied? Mr. Coyer said that they are planning on renting them. He then asked if they will access through Vicksburg Place and if that will be the only access. Mr. Coyer said that they will access from both Vicksburg and Rachel Court (which runs off Vicksburg Place). Mr. Kuno asked if the applicant could reduce the age of the residents if the application is approved. Mr. Coyer explained that they cannot legally rent to a person not meeting the criteria for the approved zoning.

Julie Cooper of Whispering Woods asked if this would be low income. She added that there will be potentially 300 extra vehicles on Vicksburg Place if this is constructed. She continued that already, the traffic on Gaskin Road is ridiculous and this will only increase it. Ms. Cooper asked if they will conduct a traffic study?

Several other residents voiced concerns regarding traffic, dangerous traffic situations and accidents on Gaskin Road, possible flooding and concerns with more rentals in an already densely populated area. Supervisor Ulatowski thanked the residents for their questions and concerns. He said that they have presented compelling arguments that merit a traffic study. Councilor Bick agreed. The Supervisor explained if the zone change is approved, the Planning Board will ensure that the applicant follows the regulations. Several residents said that they are not in favor of the apartments.

Councilor Bick made a motion to **adjourn** the public hearing to **October 2, 2023** at **7:38 PM**. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 4 and Noes – 0. *Motion carried.*

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

A public hearing to consider the application of **CARLEEN HALSEY / AMERCO REAL ESTATE COMPANY** for a 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**. was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

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

Councilor Bick moved the adoption of a resolution **Approving** the application of **CARLEEN HALSEY/AMERCO REAL ESTATE COMPANY** for a **SPECIAL PERMIT** pursuant to Section 230-16C.(2)(e)[9] – Indoor Recreation, to allow for a Roller-Skating Rink on land located at **8015 Oswego Road, Unit 2, Tax Map # 080.-01-01.0**. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 4 and Noes – 0. *Motion carried.*

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

Councilor Bick moved the adoption of a resolution that the application of **CARLEEN HALSEY/AMERCO REAL ESTATE COMPANY** for a **SPECIAL PERMIT** pursuant to Section 230-16C.(2)(e)[9] – Indoor Recreation, to allow for a Roller-Skating Rink on land located at **8015 Oswego Road, Unit 2, Tax Map # 080.-01-01.0** is an unlisted action with a completed EAF and involves no other permit granting agency outside 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 Magaro-Dolan.

Ayes – 4 and Noes – 0. *Motion carried.*

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

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

Tim Coyer was present on behalf of the applicant. He began by explaining that the applicant is requesting to change the commercial portion of the PDD to Senior Residential. They are proposing 96 apartments for seniors 55 and older. Each unit is rented and they will consist of 1 and 2 bedrooms. They are proposing a pool and a club house. Mr. Coyer said that this use will be less intensive than commercial.

Councilor Bick asked Commissioner Territo if a PDD can be modified.

Commissioner Territo said that it may not be modified to eliminate the Commercial portion because the purpose of a PDD is to have mixed use and if the commercial portion is eliminated it no longer qualifies as a PDD.

One of the residents explained that she was unhappy about the three-story buildings that the applicant is proposing. Other residents agreed, adding that this will be the focal point standing higher than the residential homes and at the high point of Taft Road. Other residents said that the increase of traffic would be intense and are concerned with the egress and ingress. Other residents said that they would prefer owner occupied housing rather than rentals.

The question of legality in changing the PDD and no longer offering commercial was broached again. After a lengthy discussion, Supervisor Ulatowski said that they will research this.

Councilor Bick made a motion to **adjourn** the public hearing to **October 16, 2023 at 7:30 PM**. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 4 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 August 21, 2023 meeting.

Randy Bebout of Bohler Engineering was present on behalf of the applicant and began by explaining that they have been before the Town Board as well as the Planning Board. They have altered the original application by eliminating the bump out for a drive thru window and instead are proposing sliding door with a canopy over it. There will be no onsite orders and a slight reduction of indoor seating (from 56 to 35 seats). Parking will be in the front of the building where there is currently a green area, and the sidewalk will be extended for dine-in service. Councilor Magaro-Dolan asked about signage and stripping for the crosswalk. Mr. Bebout said that they have reworked it to Town Standards.

All questions having been heard, Supervisor Ulatowski **closed** the public hearing.

Streetlights (6)(A) Riverwalk Sections 5:

Councilor Magaro-Dolan moved the adoption of a resolution authorizing the installation of six (6) Carriage C LED light fixtures to be installed on 14' fiberglass embedded poles within **Riverwalk Section 5**, as shown on a sketch provided by National Grid. The estimated annual cost for the lighting fixtures is \$1,861.20. Motion was seconded by Councilor Bick.

Ayes – 4 and Noes – 0. *Motion carried.*

Streetlights (11)(A) Farmstead Sections 5 & 6:

Councilor Magaro-Dolan moved the adoption of a resolution authorizing the installation of eleven (11) Carriage C LED light fixtures to be installed on 14' fiberglass embedded poles within **Farmstead Sections 5 & 6**, as shown on a sketch provided by National Grid. The estimated annual cost for the lighting fixtures is **\$3,412.20**. Motion was seconded by Councilor Young.

Ayes – 4 and Noes – 0. *Motion carried.*

Streetlights (1)(A) Wetzel Road and Route 57:

Councilor Magaro-Dolan moved the adoption of a resolution authorizing the installation of one (1) 210W Roadway F LED light fixture to be installed on 20' arm on the corner of **Wetzel Road and Route 57**, as shown on a sketch provided by National Grid. The estimated annual cost for the lighting fixtures is **\$258.33**. Motion was seconded by Councilor Bick.

Ayes – 4 and Noes – 0. *Motion carried.*

TRAFFIC & VEHICLES (D) – PARKING PROHIBITED AT ALL TIMES – MARLIN DRIVE:

Councilor Bick moved the adoption of a resolution **denying** an amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Town of Clay, **SECTION 211-18 “PARKING PROHIBITED AT ALL TIMES”** to designate and provide no parking signs on **MARLIN DRIVE** adding that there is already limited parking on this street. Motion was seconded by Councilor Magaro-Dolan.

Councilor Young asked for a roll count vote and it went as follows:

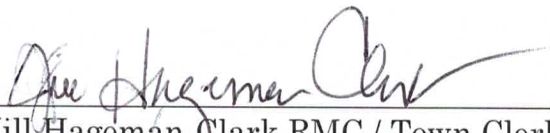
Councilor Young	Aye	Supervisor Ulatowski	Aye
Councilor Bick	Aye	Councilor Magaro-Dolan	Aye

Ayes – 4 and Noes – 0. *Motion passed to deny the request.*

Adjournment:

The meeting was adjourned at 10:03 P.M. upon motion by Councilor Young and seconded by Councilor Magaro-Dolan.

Ayes – 4 and Noes – 0. *Motion carried.*



Jill Hageman-Clark RMC / Town Clerk