

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 20th, 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
Jill Hageman-Clark	Town Clerk
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

Mark V. Territo	Commissioner of Planning and Development
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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 June 5, 2023 Town Board meeting. Motion was seconded by Councilor Hess.

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

Cancellation and/or requested adjournments:

None.

Correspondence:

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

REGULAR MEETING:

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

Councilor Hess moved the adoption of a resolution that the application of **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, 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 Bick.

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

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

Councilor Hess moved the adoption of a resolution **approving** the application of **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. Motion was seconded by Councilor Bick.

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

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

Councilor Meaker moved the adoption of a resolution that 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 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 – 7 and Noes – 0. *Motion carried.*

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

Councilor Meaker moved the adoption of a resolution **approving “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. Motion was seconded by Councilor Magaro-Dolan.

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

ZONE CHANGE – (SEQR) – Town Board Case # 1180 - ROUTE 31 WIDEWATERS:

Councilor Meaker moved the adoption of a resolution that 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 No. 020.-01-05.1 and 020.-01-05.2.** 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. (NO ACTION WAS TAKEN AT MAY 15, 2023, TOWN BOARD MEETING) Motion was seconded by Councilor Hess.

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

ZONE CHANGE – (A) – Town Board Case # 1180 - ROUTE 31 WIDEWATERS:

Councilor Meaker moved the adoption of a resolution **approving** 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 No. 020.-01-05.1 and 020.-01-05.2.** (NO ACTION WAS TAKEN AT MAY 15, 2023, TOWN BOARD MEETING) Motion was seconded by Councilor Hess. *Councilor Pleskach Confirmed, the split zone would be Apartments in the rear and Commercial in the front.*

A roll count vote went as follows:

Councilor Meaker – Aye	Councilor Magaro-Dolan – Aye
Councilor Young – Aye	Supervisor Ulatowski – No
Councilor Bick - No	Councilor Hess – Aye
Councilor Pleskach – Aye	

Ayes – 5 and Noes – 2. *Motion carried.*

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

Councilor Magaro-Dolan moved the adoption of a resolution that 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 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 Meaker.

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

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

Councilor Magaro-Dolan moved the adoption of a resolution **approving** 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 Meaker.

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

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

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

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 §230-11 C. by adding the following:

E-COMMERCE OR DELIVERY ~~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 §230-11 C. 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.

Councilor Hess said that this is necessary to make the code current. Councilor Bick said that this is an excellent addition.

Councilor Pleskach said that the word retail should be deleted from the “**E-COMMERCE OR DELIVERY ~~RETAIL~~ USE.**” Councilor Young agreed that the word “retail” should be removed to read; **E-COMMERCE OR DELIVERY USE.**

There was a brief discussion and it was decided to amend the wording as reflected. Supervisor Ulatowski **closed** the public hearing.

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

Councilor Meaker made a motion and retracted it to vote on this public hearing at this time.

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

Councilor Young moved the adoption of a resolution that proposed **amended** Local Law to be entitled “**LOCAL LAW NO. 2 OF THE YEAR 2023**” to amend **CHAPTER 230** entitled “**ZONING**” by amending Section §230-11C to said section of the Code of the Town of Clay 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 Bick.

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

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

Councilor Young moved the adoption of a resolution **approving** “**LOCAL LAW NO.**

2 OF THE YEAR 2023” as amended. Motion was seconded by Councilor Magaro-Dolan.

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

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

A public hearing 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.

Councilor Bick explained that this is an added use to the commercial zone. There were no questions or comments; the Supervisor **closed** the public hearing.

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

Councilor Bick moved the adoption of a resolution calling a public hearing July 17, **2023**, commencing at 7:38 P.M. local time, at which time the Town Board will consider 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**. Motion was seconded by Councilor Pleskach.

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

Contract/Authorization - LAND USE STUDY:

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to enter into a professional services contract with **LaBella Associates** for creation of a **TOWN of CLAY LAND USE STUDY** for the Town of Clay, said contract not to exceed **\$200,000.00**. Motion was seconded by Councilor Hess.

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

Transfer Funds/ARPA (A) – Gaskin Road Infrastructure:

Councilor Meaker moved the adoption of a resolution authorizing the Supervisor to transfer **American Rescue Plan Act (ARPA)** funding in the amount of

\$780,066.02 to the General Capital Fund for the Gaskin Road Infrastructure Repairs project. Motion was seconded by Councilor Magaro-Dolan.

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

LEASE AGREEMENT (A) LIVERPOOL CENTRAL SCHOOL DISTRICT and the TOWN OF CLAY:

Councilor Pleskach moved the adoption of a resolution authorizing the Supervisor to execute a **LEASE AGREEMENT** between the **LIVERPOOL CENTRAL SCHOOL DISTRICT** and the **TOWN OF CLAY** with regards to the use of the school's facilities for the Town's Athletic Sports Programs for the current year which shall extend from June 26, 2023, to August 25, 2023, at a cost to not exceed \$3,098.50. Motion was seconded by Councilor Meaker.

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

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

Councilor Pleskach moved the adoption of a resolution calling a Public Hearing **July 17, 2023**, commencing at **7:41 PM**, local time 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**. Motion was seconded by Councilor Bick.

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

Adjournment:

The meeting was adjourned at 8:08 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

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


Jill Hageman-Clark RMC / Town Clerk

