

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 18, 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:

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 Magaro-Dolan made a motion to approve the minutes of the September 6, 2023 Regular Town Board meeting. Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried. Councilors Meaker and Hess abstained.*

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that there are no requests for adjournments.

Correspondence:

Supervisor Ulatowski announced the retirement of Constable Michael McCarthy effective September 25, 2023.

The Supervisor then asked if anyone wished to address the board on anything not on the agenda. David Gauthier of Wildcreek said that he was present to ask about the “mill & fill” process for repaving. It asked what it means and if it will affect the drainage.

Supervisor Ulatowski said that he is trying to preserve the gutters that are not in need of a lot of repair, generally the newer neighborhoods. He explained that the cost of replacing the concrete gutters is \$250.00 to \$350.00 per linear foot and in a town with over 175 miles of roadway, and gutters on both sides, the cost is prohibitive. In cases where the gutters are beyond repair, a porous material is used to allow better drainage.

Several other residents spoke out in favor of preserving the gutters and even seeking to pay to replace them when necessary. Supervisor Ulatowski said perhaps they will look into a gutter fund for repairs to the gutters as needed. This would appear as a line item on the taxes and require a majority (of the affected neighbors) to make it happen.

Janet Rathburn said that her development has been paved and that the gutters were paved over. She reported that the drainage is better using this method. Ms. Rathburn also asked if they create a “fund” for gutters, would she be required to pay into it even though she no longer has the gutters? The Supervisor explained only the residents that have gutters would be paying into the fund for them.

Fred Ashley of 7537 Plum Hollow Circle brought up drainage issues, adding that his property is at the low spot and it is a problem. He said that he has contacted the town and this has not yet been resolved. Councilor Pleskach said that he had received an email and asked for pictures but didn't receive any. Joe Nicoletti said that he would be at Mr. Ashleys' house the next day to see what can be done to resolve this.

Supervisor Ulatowski thanked the residents for taking time to come and make the Town Board aware of their concerns.

Councilor Hess asked the Town Constable and the Highway Superintendent to look into the parking situation on Shallowcreek and Bramblebush adding that there is a Lowes truck that is often parked on the corner overnight creating a dangerous situation. He added that there is a bus stop.

Councilor Meaker said that the Gaskin Road project has been completed and it is excellent. The only suggestion he had would be to add striping after the curve. Joe Nicoletti said that he would look into it.

Cancellations and/or requested adjournments.

Supervisor Ulatowski said that he knew of no requests for adjournments or cancellations.

REGULAR MEETING:

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

Councilor Meaker moved the adoption of a resolution that 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.**, 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 Young.

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

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

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

A roll count vote went as follows:

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

Ayes – 6 and Noes – 1. *Motion passed to deny the request; sighting the following reasons: the location is too close to the Red Cross Building, Aldi and Speedway;*

Stacking is almost impossible; Great concept, wrong location; Trust the review and recommendation of the Planning Board.

ZONE CHANGE (PH/Adj.) – 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, (adjourned at the September 6, 2023 meeting) was opened by the Supervisor.

Steve Calocerinos gave a brief overview, explaining that they are proposing a 7 unit apartment complex on ±10.59 acres of land. Water is available, however, sewers are not. He reiterated that they are looking to possibly connect to the development across Route 57 (Old Cove) rather than connecting to Quick Fill to the north, as you would need to pump uphill. There is a pumping station in the Town of Clay.

Councilor Pleskach asked how many units and Mr. Calocerinos replied that they are proposing approximately 70 units 1,2 and 3 bedrooms spread out over four buildings. One of the vacant homes in the front will be taken down. Councilor Meaker said that he believes that the surrounding properties are not residential. Councilor Magaro-Dolan confirmed, there is a dental office and a hairdresser.

There being no additional questions or comments, Supervisor Ulatowski **closed** the public hearing.

ZONE CHANGE (PH/Adj.) – 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 (adjourned from the August 21, 2023, Town Board meeting), was opened by the Supervisor.

Tim Coyer spoke on behalf of the applicant. Pat Kraft was also present. Mr. Coyer began by explaining that the applicant is proposing storage units for the existing

apartment complex. He continued that the Planning Board did not give a favorable recommendation and agreed with the Onondaga County Planning Board comments. Mr. Kraft said that they are willing to file covenant listing only self storage.

Councilor Hess asked if the applicant will need to obtain at least 6 area variances to construct this facility as drafted. Mr. Coyer said that they may reconfigure and that will alleviate some of the variances. Councilor Hess said that they will still require one variance. Mr. Coyer explained that the proposed configuration would allow for a blank wall and be less noticeable. He also added that they are proposing fencing and landscaping.

There being no additional questions or comments, Supervisor Ulatowski **closed** the public hearing.

ZONE CHANGE (CPH) – Town Board Case # 1194 – DONALD R. & CAROLYN J. CLARK IRREVOCABLE TRUST/CLARK-BURROWS:

Councilor Hess moved the adoption of a resolution calling a public hearing **October 2, 2023**, commencing at **7:41 P.M.** local time, to consider the application of **DONALD R. & CAROLYN J. CLARK IRREVOCABLE TRUST/CLARK-BURROWS SUBDIVISION** for a Zone Change from RA-100 Residential Agricultural District to R-7.5 One-Family Residential District, for land located at **6 Jay Path, Tax Map No. 094.-21-46.1**. The existing parcel currently has two different zoning districts. Motion was seconded by Councilor Pleskach.

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

ZONE CHANGE (CPH) – Town Board Case # 1195 – DONALD R. & CAROLYN J. CLARK IRREVOCABLE TRUST/CLARK-BURROWS:

Councilor Pleskach moved the adoption of a resolution calling a public hearing **October 2, 2023**, commencing at **7:44 P.M.** local time, to consider the application of **DONALD R. & CAROLYN J. CLARK IRREVOCABLE TRUST/CLARK-BURROWS SUBDIVISION** for a Zone Change from RA-100 Residential Agricultural District to O-2 Office District, to allow for land located at **6 Jay Path, Tax Map No. 094.-21-46.1**, to be combined with an existing O-2 parcel. Motion was seconded by Councilor Magaro-Dolan.

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

Securities (release) - Harke Farms Section No. 1:

Councilor Pleskach moved an adoption of a resolution reducing the withheld overland securities for **Harke Farms Section No. 1** from \$45,000 to \$0. (COR Verplank Road Company, LLC: Harke Farms Drainage District Contract No. 1). Motion was seconded by Councilor Hess.

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

Sewer Connection (sanitary)(A) - Jeff Carkner:

Councilor Young moved the adoption of a resolution authorizing a sanitary sewer lateral connection, pursuant to the written request of **Jeff Carkner (property owner), Tax Map No. 114.-02-08.0**, to the existing sanitary sewer main located along Morgan Place. The associated construction will be at no cost to the Town of Clay. The property is located within the Woodard Sewer District. The property owner agrees to pay all costs (Town and private) associated with the sanitary sewer lateral connection as well as the Town of Clay Operation and Maintenance charges annually assessed for one unit (residential use) and the County Sanitary District charges. The property owner further agrees to pay all annual Town and County charges thereafter. Motion was seconded by Councilor Meaker.

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

Appointment (A) – TOWN CONSTABLE:

Councilor Hess moved the adoption of a resolution appointing Michael McCarthy as **Constable** effective October 2, 2023, through December 31, 2023. Motion was seconded by Councilor Magaro-Dolan.

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

Adjournment:

The meeting was adjourned at 8:39 P.M. upon motion by Councilor Young and seconded by Councilor Pleskach.

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


Jill Hageman-Clark RMC / Town Clerk