

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the October 16th, 2023 at 7:30 P.M., there were:

PRESENT:

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

ABSENT:

Jill Hageman-Clark	Town Clerk
David Hess	Councilor

OTHERS PRESENT:

Russ Mitchell, Planning Board Chairman, Robert Bick, Town Assessor.

Councilor Young left the podium @ 7:30 p.m.

The meeting was called to order by Supervisor Ulatowski at 7:32 P.M. All present joined in the Pledge of Allegiance.

Approval of Minutes:

Councilor Bick made a motion to approve the minutes of the October 2, 2023, Town Board meeting. Motion was seconded by Councilor Meaker.

Ayes – 5 and Noes – 0. *Motion carried.*

Cancellation and/or requested adjournments:

None.

Councilor Young returned to the podium @ 7:33 p.m.

Correspondence:

Supervisor Ulatowski asked if anyone wished to address the Board on any items not on the agenda. There was no correspondence.

REGULAR MEETING:

Budget – (IH) – TENTATIVE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2024:

An informational hearing to consider the **TENTATIVE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2024** was opened by the Supervisor. He began by reading the attached Budget Message for the year 2024. Comptroller Paula Caron presented a power point presentation regarding the budget. The tax rate for the Town residents will remain the same, as it has for the last four years. Recent grants totaling more than \$4.3 million dollars help offset the 3% increase from 2023. A spreadsheet of the 2024 preliminary budget (attached) was also included in the presentation. There being no questions or comments; Supervisor Ulatowski closed the hearing.

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

Regarding 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**.

Supervisor Ulatowski opened the public hearing. Councilor Pleskach began reading the Town of Clay FINDINGS AND DECISIONS.

TOWN OF CLAY BOARD
FINDINGS OF FACTS AND CONCLUSIONS

Applicant: JUNTAO YAN/DANIELLE FABRIZIO & DAVID CHRISTINE
Type: Change of Zone from RA-100 Residential Agricultural District to R-APT Apartment District.
Property: 7310 Oswego Road, Tax Map No. 114.-01-38.0

General Issue Summary:

The subject property under consideration consists of one tax parcels totaling approximately +/- 10.59 acres of land located at 7310 Oswego Road. The site is a wooded parcel with a single-story structure and improvements. The property is currently zoned RA-100, allowing for the development of single-family homes with larger lot sizes. The site has frontage on Route 57 /Oswego Road, and anticipated access is located there.

The applicant is proposing a zone change from Residential R-100 to a multi-family apartment zone R-APT to allow for the development of a high-density apartment complex on the site.

The EAF filed July 11th, 2023, does not indicate the density of the proposed apartment complex, but the proposed plan showed approximately seventy (70) units.

Public Hearings Conducted:

The Town of Clay conducted public hearings addressing the application for a zone change and potential use of the property as an apartment complex. Minutes from the public hearing are available from the Town Clerk or on the Town website.

Some members of the public (among other concerns considered by the Board) expressed the following issues of note:

1. Traffic issues including but not limited to impact on local roads, stacking and lowering of service levels at intersections.
2. The protection of the highly residential areas near the subject property. The property is already zoned for large lot residential homes, and the density of the current zoning is preferable.
3. Increased noise, light and air pollution.
4. Decreased property values for single family homes in the area.

FINDINGS

1. This application for a zone change is properly classified as an Unlisted Action for the purpose of SEQRA compliance.
2. During the application process, the Town Board investigated and scoped the potential environmental impacts in accordance with the filed and duly considered EAF Long Form. A copy of the EAF Long Form is attached.
3. We acknowledge receipt of the GML Recommendation Report of the

Onondaga County Planning Department dated 8/9/23 (OCPB Case #Z-23-210). Notably, the County advised the Town the site is not served by public water and sewer. A copy of the County Planning Recommendation is attached.

4. The property is not currently served with either public water or sewer service. We were advised the Woodward Pump Station that would serve the site if connected to public sewer service is currently at capacity, and no additional wastewater can be accepted there at this time. We Find there is currently insufficient capacity at the pump station to handle a large density project. Accordingly, this project cannot be built at this time, and therefore should not be approved.

5. We Find the Town Board prefers the RA-100 zoning that is currently in place for this property to dense apartment development and use. We believe dense residential use of the property is inappropriate and incompatible with the surrounding area. We prefer the property be developed for single-family homes according to our zoning regulations for RA-100. Development of the property for single-family homes according to our regulations would present less stress on the already at capacity wastewater systems and add less traffic to an already congested road network.

6. We also believe and Find the Town must conserve land that is zoned for lower density residential the intended use for the future. We find there are currently many apartments in the Town and want to encourage the development of single-family homes in this area.

7. We also note the Town is currently in the process of completing a new comprehensive plan, and we expect future use of this property may be addressed in the new plan. In the meantime, we Find approving a large density and large capacity project on this property at-this-time is inappropriate.

8. The majority of the evidence produced indicates the proposed project will negatively impact residents in proximity to the project area in a far greater capacity than the overall public in the Town. The proposed high-density development of the property is inappropriate for the area, and tax public facilities that are already at capacity. The potential impacts of the project as proposed cannot be sufficiently mitigated, and therefore we find the project as proposed is unacceptable.

CONCLUSION

The Town Board hereby adopts these findings and finds evidence of definable potential specific harm sufficient to deny the requested zone change. Simply stated, this is not a proper site for a multi-building apartment development.

Councilor Pleskach moved the adoption of a resolution to **deny** the application. Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 1. *Councilor Meaker voting No, Motion carried.*

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

Tim Coyer was present on behalf of the applicant and explained that there were no changes from the original PUD plan and the entrances. The proposal is for 99 units for seniors 55 and older. Supervisor asked for clarification if it was a Planned Unit Development (PUD) or a Planned Development District (PDD). Mr. Coyer confirmed it was PDD.

Supervisor also inquired if the maximum height was 35 feet, and the number of floors. Mr. Coyer stated that the units would be 30 feet; five feet difference and would be three floors.

Councilor Bick inquired about the status of Tidal Wave Auto Spa. Supervisor Ulatowski confirmed application has been withdrawn. Councilor Bick also asked if the PDD could be modified for a Senior Apartment application. After discussions with Robert Germain, Mr. Coyer said this process would be the cleaner avenue.

Councilor Meaker asked about a residential parcel on the drawing, and if it was part of the change. Mr. Coyer confirmed that it was not.

Councilor Magaro-Dolan asked if no zone change, would there be the same curb cuts approved by the Board.

Vera Jenkins of Lobelia Lane stated that the residents were promised buffers behind WellNow and between their properties ten years ago, and nothing has happened. To date, there is still nothing. She also had concerns about the height being three-

stories, and if that would be too high for the area. There was discussion that WellNow is currently 23 feet, and the allowance is up to 30 feet.

Residents, Barbara & John Ryan inquired if there would be any additional curb cuts for this project. There was also discussion of the right-in/right-out on Taft Road and increase of traffic. Mr. Ryan asked if WellNow was aware of this project, as their driveway would be utilized.

Resident, Linda Miller liked the idea of the apartment proposal, and noted that there would be less crime than commercial buildings. She and her daughter stated that it would be more pleasing than vacant buildings. Councilor Young commented that you would be looking at the back of the buildings facing towards West Taft Road, and it would change the total ambiance. Councilor Meaker discussed the other approved uses of PDD, such as restaurants, and these would require a Special Permit for a drive-thru. Councilor Magaro-Dolan stated it could be a two-story plaza, and original PDD was 30 feet. Supervisor Ulatowski said that the Board needs to balance the pros and cons of the proposal, as expectations differ. He stated that his decision was not leaning either way. Councilor Pleskach asked if the application were to be approved, what would be the timeline. Per applicant, it would be in two-phases.

There was a discussion regarding what the structures will look like and which direction they will face; in addition, if there are any similarities to buildings that exist in the Town now. The applicant will provide renderings at the next Town Board meeting. Councilor Pleskach made a motion to **adjourn to November 8, 2023, at 7:35 p.m.** Motion was seconded by Councilor Bick.

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

LOCAL LAW NO. 4 (PH) OF THE YEAR 2023 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C:

A Public hearing to consider the application to consider adding a proposed Local Law to be entitled “**LOCAL LAW NO. 4 OF THE YEAR 2023 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C**” to the code of the Town of Clay.

Supervisor Ulatowski began by explaining that this is a precaution taken each year, to exceed the 2% tax cap that was enacted in 2012. Once again, the Town has not exceeded the tax cap and is proposing a 0% increase for the 2024 Budget. He

explained that this will be rescinded at a later meeting. Supervisor Ulatowski **closed** the public hearing.

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

A public hearing 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** (adjourned from the October 2, 2023, Town Board meeting) was opened by the Supervisor. The existing parcel currently has two different zoning districts.

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

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

A public hearing 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 (adjourned from the October 2, 2023, Town Board meeting) was opened by the Supervisor. The existing parcel currently has two different zoning districts.

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

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

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

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

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

Councilor Pleskach moved the adoption of a resolution **approving** 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 Bick.

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

LOCAL LAW NO. 5 OF THE YEAR 2023 (PH) – Amending Chapter 163:

A Public hearing to consider **LOCAL LAW NO. 5 OF THE YEAR 2023** to amend Chapter 163 entitled “Parks and Recreation” by amending Section 163-6 entitled “Prohibited uses and activities,” adding Section 163-6 (O) Smoking: Smoke and vaping free zones.

- A. Tobacco or marijuana smoking and/or vaping and tobacco or marijuana use shall be prohibited in all Town-owned buildings owned, leased, used, operated, or maintained by the Town of Clay or any department of the Town of Clay (hereinafter "Town building"), without exception.
- B. Tobacco or marijuana smoking (or vaping) and tobacco or marijuana use in any form shall also be prohibited within 30 feet of any Town building not located in a park, recreation area or playground.
- C. Tobacco or marijuana smoking (and vaping) and tobacco or marijuana use of any type shall be prohibited in all Town-owned parks, playgrounds, and recreation areas.
- D. The Town Board further determines and declares that all Town-owned parks, recreation areas and playgrounds shall be designated as tobacco-free and marijuana-free zones.

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

There was a discussion on whether, or not an amendment to the code would be possible, adding marijuana to the prohibited uses and activities in the parks or if a

new sub-section (O) to Chapter 163. There was also a discussion about who would enforce this. Councilor Meaker suggested someone reach out to the Sheriffs office to see if they could enforce this. Supervisor Ulatowski suggested that more research was necessary prior to issuing a decision.

Councilor Pleskach moved the adoption of a resolution **adjourning** the public hearing to **November 8, 2023, at 7:50 PM**. Motion was seconded by Councilor Magaro-Dolan.

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

Budget – TENTATIVE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2024 (A):

Councilor Bick moved the adoption of a resolution **approving** the **TENTATIVE BUDGET** as proposed or modified, for the Town of Clay for the year **2024** as the **TOWN OF CLAY PRELIMINARY BUDGET** for the fiscal year commencing **January 1, 2024**. Motion was seconded by Councilor Magaro-Dolan.

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

2024 SPECIAL DISTRICTS BUDGET (CPH):

Councilor Bick moved the adoption of a resolution calling a public hearing **November 8, 2023**, commencing at **7:38 p.m.**, local time, to consider the adoption of the proposed **2024 Special Districts Budget for the Town of Clay**. Motion was seconded by Councilor Magaro-Dolan.

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

2024 FIRE PROTECTION BUDGET (CPH):

Councilor Bick moved the adoption of a resolution calling a public hearing **November 8, 2023**, commencing at **7:41 p.m.**, local time, to consider the adoption of the proposed **2024 Fire Protection Budget for the Town of Clay**. Motion was seconded by Councilor Magaro-Dolan.

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

2024 UNIFORM WATER BUDGET (CPH):

Councilor Bick moved the adoption of a resolution calling a public hearing on

November 8, 2023, commencing at **7:44 p.m.**, local time, to consider the adoption of the proposed **2024 Uniform Water Budget for the Town of Clay**. Motion was seconded by Councilor Magaro-Dolan.

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

2024 PRELIMINARY BUDGET (CPH):

Councilor Bick moved the adoption of a resolution calling a public hearing **November 8, 2023**, commencing at **7:47 p.m.**, local time, to consider the adoption of the proposed **2024 Preliminary Budget for the Town of Clay**. Motion was seconded by Councilor Magaro-Dolan.

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

BID ADVERTISEMENT (A) – Green Education Center:

Councilor Young moved the adoption of a resolution authorizing the advertisement of bids for a **Green Education Center** located at **9604 Black Creek Road, Brewerton, New York** – funding provided through Dormitory Authority of the State of New York (DASNY) and the American Rescue Plan Act (ARPA). Said bids to be received at the Town of Clay Town Clerk's Office located at 4401 State Route 31, Clay, New York, until **11:00 a.m. (local time) on November 1, 2023**, and then at said time publicly opened and read aloud. Specification and drawings may be obtained from Syracuse Blueprint Co., Inc., 825 E. Genesee St., Syracuse, New York. Motion was seconded by Councilor Bick.

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

STREET LIGHTS (4) CARRIAGE C LED LIGHT FIXTURES – (A) – Wildflower Subdivision:

Councilor Bick moved the adoption of a resolution authorizing the installation of four (4) Carriage C LED light fixtures to be installed on a 14' fiberglass embedded poles within the **Wildflower Subdivision**, as shown on a sketch provided by National Grid. The estimated annual cost for these underground lighting fixtures is \$1,240.80. Motion was seconded by Councilor Pleskach.

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

STREET LIGHT (1) 8W LED ROADWAY LIGHT FIXTURE – (A) - Hollyshire Way and Henry Clay Blvd.:

Councilor Meaker moved the adoption of a resolution authorizing the installation of one (1) 48W LED roadway light fixture to be installed on the corner of **Hollyshire Way and Henry Clay Blvd.**, as shown on a sketch provided by National Grid. The estimated annual cost for this roadway lighting fixture is \$116.86. Motion was seconded by Councilor Magaro-Dolan.

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

SETTLEMENT – (A) – GLENN EASTMOND, 101 CASTLE ROAD, NORTH SYRACUSE, NY:

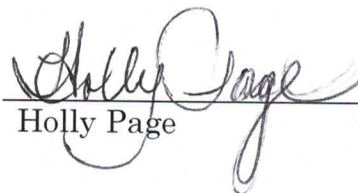
Councilor Meaker moved the adoption of a resolution approving a proposed settlement of \$5,000.00 to Mr. Glenn Eastmond, 101 Castle Road, North Syracuse, New York, for repairs to a sanitary sewer lateral connection. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 6 and Noes – 0. *Motion carried. (This is to settle a claim from 2021.)*

Adjournment:

The meeting was adjourned at 8:37 p.m. upon motion by Councilor Young and seconded by Councilor Bick.

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



Holly Page