

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the November 8th, 2023 at 7:30 P.M., there were:

PRESENT:

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

David Hess	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 October 16, 2023, Town Board meeting. Motion was seconded by Councilor Meaker.

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

Cancellation and/or requested adjournments:

Supervisor Ulatowski said that items 6 and 22 will not be heard. Item 6 is for The Vicksburg Estates LLC/River Grove Apartments and said that they will be in front of the Planning Board for review and recommendation on November 15, 2023.

Correspondence:

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

REGULAR MEETING:

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

Councilor Bick made a motion to adjourn the Public Hearing (at the request of the applicant) to **November 20, 2023 at 7:35 PM**. Motion was seconded by Councilor Meaker.

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

Supervisor Ulatowski explained that Paula Caron, Comptroller, would give a brief overview on the 2024 Budget items listed below.

2024 SPECIAL DISTRICTS BUDGET (PH):

A public hearing to consider the adoption of the proposed **2024 Special Districts Budget for the Town of Clay** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

2024 FIRE PROTECTION BUDGET (PH):

A public hearing to consider the adoption of the proposed **2024 Fire Protection Budget for the Town of Clay** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

2024 UNIFORM WATER BUDGET (PH):

A public hearing to consider the adoption of the proposed **2024 Uniform Water Budget for the Town of Clay** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

2024 PRELIMINARY BUDGET (PH):

A public hearing to consider the adoption of the proposed **2024 Preliminary Budget for the Town of Clay** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Ms. Caron gave a brief PowerPoint presentation for budget hearings. She began by explaining that the special districts budget involves trash, sewer, drainage, water (outside the town water area), lighting and hydrant districts. The total tax for the special districts is 9.1 million with an increase of .69 %.

Brewerton, Caughdenoy, Clay, Moyers Corners and North Syracuse (split in 1/3 with the Village and the Town of Cicero) comprise the Town of Clay Fire Districts. The cost for LOSAP has increased by 2%, the overall budget is increased by 4.57% and the increase will be approximately \$.83 per 1,000 of assessed value.

The Uniform Water Budget serves 5,500 residents on the western side of the Town of Clay. The amount that OCWA charges the town for water has increased, however, the new meters that have been installed have helped to recoup money and the town has a good fund balance.

Ms. Caron concluded that the Preliminary Budget shows an increase of .28% essentially a negligible increase of \$.04 per 1,000 of assessed value and again, providing a Town Budget well below the New York State 2% tax cap while continuing to provide all of the services to our residents.

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 was opened by the Supervisor. **(ADJOURNED FROM THE 10/16/23 TOWN BOARD MEETING)**

Tim Coyer of Ianuzi and Romans was present on behalf of the applicant. He began by explaining that the Planning Board did not give a favorable recommendation. The applicant previously planned to construct a three-story Senior apartment complex. He said that they have modified the plan to only construct a two story complex. This is the only change at this time.

Supervisor Ulatowski asked if it made sense to add *senior housing* to the description of a PDD or just to change the PDD. If it is zoned R-Senior, then going forward it would need to remain senior residential. There was a lengthy discussion about which was the best way to go and if R-Senior was added to allowed uses in a PDD it could affect all PDDs going forward.

They are proposing 16 units in each building for a total of 96. The main building with the pool has been eliminated to offset the loss of the third floor apartments. Someone asked if there were renderings of the proposed buildings. Mr. Coyer said that there are not, but he would have them for the next meeting. Councilor Young asked if the applicant had a builder interested at this time. Mr. Coyer said they did not. He asked how they could provide renderings without a builder.

Councilor Young asked for more information about the outcome at the Planning Board. Mr. Henty (member) and Mr. Mitchell (chairman) both said that the Planning Board voted unanimously in opposition of this application. Commissioner Territo agreed.

There was a great deal of discussion about the renderings and the decision to proceed with the zone change vs. adding senior housing to allowed uses of the PDD.

Councilor Meaker suggested that it might be nicer for the potential builder to have the option. Linda Miller said that there is someone interested but they are intimidated by the lengthy process involved. She continued that there had been another interested party that decided against this because of the amount of time involved.

The discussion returned to the renderings and the hope of something that would complement the existing homes; in addition, many residents were present and overwhelmingly desired to see the renderings of what is being proposed. The residents were agreeable to the proposal of two-story senior housing with some additional information on what this will look like. There were a few questions about age restrictions (55 and up) and the number of bedrooms (1-2).

Councilor Young asked the residents if they liked this application. Many residents said that they know that eventually something is going to be built there and this is less invasive than other uses.

Supervisor Ulatowski said that he would like the applicant to provide renderings and clarification from legal and planning regarding the zone change or amending the PDD.

Councilor Young made a motion to **adjourn** the public hearing to **November 20, 2023 at 7:38 PM**. Motion was seconded by Councilor Meaker.

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

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:

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. **(ADJOURNED FROM THE 10/16/23 TOWN BOARD MEETING)** was opened by the Supervisor.

Councilor Meaker asked if anyone had reached out to the Sheriffs Department. He also asked about the consequences if violation occurs. There was a brief discussion about enforcement. Supervisor Ulatowski said that more research needs to be done prior to deciding. Councilor Meaker asked if this could just be added to the current policy. Councilor Young asked what they are voting on. Councilor Bick said that perhaps it will not come to a vote if there is not enough interest. There was a discussion about policy vs. law and enforcement.

Supervisor Ulatowski said this requires more research prior to a vote. Councilor Bick made a motion to adjourn to **December 4, 2023 at 7:35 PM**. Motion was seconded by Councilor Magaro-Dolan.

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

Transfer of Appropriations 2024 Budget:

Councilor Bick moved the adoption of a resolution **amending the 2024 Preliminary Budget** by increasing the Appropriation Account B8010.1 from \$15,664 to \$17,488 and increasing the Appropriation Account B8020.1 from \$39,238 to \$43,809 and reducing the Appropriation Account B8020.4 from \$98,500 to \$92,500. Motion was seconded by Councilor Magaro-Dolan.

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

2024 SPECIAL DISTRICTS BUDGET (PH):

Councilor Bick moved the adoption of a resolution approving and adopting the proposed **2024 Special Districts Budget** for the Town of Clay. Motion was seconded by Councilor Young.

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

2024 FIRE PROTECTION BUDGET (PH):

Councilor Bick moved the adoption of a resolution approving and adopting the

proposed **2024 Fire Protection Budget** for the Town of Clay. Motion was seconded by Councilor Magaro-Dolan.

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

2024 UNIFORM WATER BUDGET (PH):

Councilor Bick moved the adoption of a resolution approving and adopting the proposed **2024 Uniform Water Budget** for the Town of Clay. Motion was seconded by Councilor Magaro-Dolan.

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

Fire Hydrants (4) Farmstead Section 7:

Councilor Young moved the adoption of a resolution authorizing the installation of four (4) fire hydrants to be installed in conjunction with an 8” Water Main Extension for the Farmstead, Section 7, and authorizing the Supervisor to execute the OCWA fire hydrant application. Fire Hydrant Nos. 15250, 15251, 15252 & 15253, OCWA Project No. 9004148. Motion was seconded by Councilor Meaker.

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

2024 ANNUAL BUDGET (A):

Councilor Magaro-Dolan moved the adoption of a resolution approving and adopting the **PRELIMINARY BUDGET** as proposed, as the **TOWN OF CLAY ANNUAL BUDGET** for the fiscal year commencing **January 1, 2024**. Motion was seconded by Councilor Meaker.

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

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

Councilor Young moved the adoption to rescind proposed Local Law “**LOCAL LAW NO. 4 OF THE YEAR 2023 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C,**” from the code of the Town of Clay. Motion was seconded by Councilor Meaker.

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

STORMWATER AND EDUCATION COMPLIANCE ASSISTANCE PROGRAM (A):

Councilor Young moved the adoption of a resolution supporting participation in the Central New York Regional Planning & Development Board's year (12) **STORMWATER AND EDUCATION COMPLIANCE ASSISTANCE PROGRAM** and authorizing the Supervisor to act on behalf of the Town of Clay and execute any and all documents necessary with regard to said matters. In line with the recommendations of the CNY Stormwater Coalition Finance Committee, the CNY RPDB (Regional Planning & Development Board) has adopted a flat fee structure to simplify the municipal budgeting process. At **\$3,600.00** per municipality, this rate reflects shared costs for common services provided equally to all participating municipalities regardless of size or population. The funds will be available to the Board no later than **January 31, 2024**, to complete the project, and a certified copy of this resolution will be prepared and sent to the Board no later than **November 30, 2023**. Motion was seconded by Councilor Magaro-Dolan.

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

Senior Center Capital Project (funding) – Onondaga County Department of Adult and Long Term Care Services:

Councilor Young moved the adoption of a resolution authorizing an Agreement for funding of a **Senior Center Capital Project** with the Onondaga County Department of Adult and Long-Term Care Services in the amount of **\$31,526.16** awarded to the Town; and further authorizing the Supervisor to execute any necessary documents on behalf of the Town of Clay. This funding is for an outdoor social recreational area for the Senior Center located at 4948 State Route 31, Clay, NY. Motion was seconded by Councilor Meaker.

Ayes – 5 and Noes – 0. *Motion carried. Supervisor Ulatowski explained that this was an initiative from the Recreation Department to obtain grant funding for senior programs at no cost to the Town Residents.*

New Signage (4) Onondaga County Department of Transportation (truck routes):

NO ACTION

REVISION PDD (A) – Town Board Case # 1157 – CLAY MARKETPLACE:

Councilor Meaker read:

Whereas, the Clay Marketplace Planned Development District maintains a PDD Project Narrative detailing allowed uses and procedures for the development and use of the property located at NYS Route 31 & Henry Clay Blvd in the Town, and,

Whereas, any changes to the originally approved PDD Project Narrative originally dated December 3rd, 2021 must be approved by the Town of Clay Board to become effective, and,

Whereas, the Applicant Lan-Dev Associates, LLC has proposed revisions of the PDD Project Narrative for the project and has provided the Town Board with copies of the proposed amendments/revisions to the PDD Project Narrative last revised October 17th, 2023, and,

Whereas, the Town of Clay finds it is in the best interest of the Town and our citizens to allow for an amendment of the underlying PDD Project Narrative as described in the October 17th, 2023 revision, it is hereby:

Resolved, the Town of Clay approves and accepts the PDD Project Narrative revised October 17, 2023, and the revised Narrative shall serve as the formal Project Description from the date of this adoption. *(Revised PDD can be found at www.townofclay.org)*

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		

Ayes – 4 and Noes – 1. *Motion carried.*

BID ADVERTISEMENT (A) – Green Education Center:

Councilor Bick moved the adoption of a resolution awarding a contract for the **Green Education Center** located at **9604 Black Creek Road, Brewerton, New York** within the Town of Clay to **R.A. Smith Construction and Design** for a bid not to exceed **\$34,370.00**. They were the sole bidder that met all requirements. No bids were received during the bidding process on two previous occasions.

The Foundation is being built and framing must be completed prior to winter weather setting in.

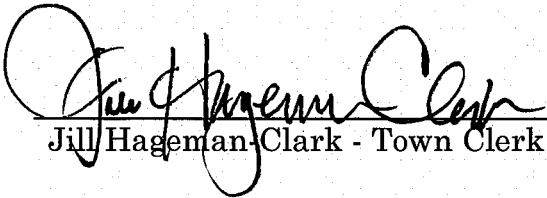
The Town also considers this an emergency application. Motion was seconded by Councilor Magaro-Dolan.

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

Adjournment:

The meeting was adjourned at 9:05 p.m. upon motion by Councilor Young and seconded by Councilor Bick.

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



Jill Hageman-Clark - Town Clerk RMC