

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the January 22, 2025, at 7:30 P.M., there were:

PRESENT:

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| Damian Ulatowski | Supervisor |
| Joseph Bick | Deputy Supervisor/Councilor |
| Eugene Young | Councilor |
| Ryan Pleskach | Councilor |
| Deborah Magaro-Dolan | Councilor |
| David Capria | Councilor |
| Jill Hageman-Clark | Town Clerk |
| Neil Germain | Town Attorney |

ABSENT:

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| David Tessier | Interim Commissioner Plan & Development |
| Ron DeTota | Town Engineer |

OTHERS PRESENT:

Russ Mitchell, Planning Board Chairman; Hal Henty and Paul Graves, Planning Board Members. Edward Wisnowski, Zoning Board Chairman.

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 Young made a motion to approve the minutes of the January 13, 2025 Regular Town Board Meeting. Motion was seconded by Councilor Bick.

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

CORRESPONDENCE:

None

CANCELLATIONS and/or REQUESTED ADJOURNMENTS:

None

REGULAR MEETING

Licenses and Permits (A) - CASUAL ESTATES (MOBILE HOME COURT) LLC, d/b/a MADISON VILLAGE:

Councilor Pleskach moved the adoption of a resolution **approving** the application of **CASUAL ESTATES LLC, d/b/a MADISON VILLAGE MOBILE HOME COURT**, for the renewal of its license for the year 2025. Said approval is contingent on fees for renewal being received. Motion was seconded by Councilor Young.

Ayes – 6 and Noes – 0. Motion carried. The Town Clerk confirmed that payment has been received.

SPECIAL PERMIT (PH/Adj.) (DENIED) – Town Board Case #1210 McDonald’s USA, LLC:

A public hearing to consider the application of **Town Board Case #1210: MCDONALD’S USA, LLC.**, for a Special Permit pursuant to Section 230-16C.(2)(e)[2] Drive-In Service to allow for a McDonald’s restaurant with a drive-thru on land located at **4979 Taft Road, Tax Map No. 107.-20-01.1**, consisting of +/-1.43 acres of land on a proposed lease parcel. The property is located in the RC-1 Regional Commercial and LuC-1 Limited Use districts. *(Adjourned from the 8/19/2024, 9/4/2024, 10/21/2024 & 11/6/24 Town Board meeting)* was opened by the Supervisor. Supervisor Ulatowski asked if there was anyone to speak on behalf of the applicant.

No one was present.

Councilor Young moved the adoption of a resolution that the application for Town Board Case #1210 is considered abandoned and **denied** due to five adjournments. Legal counsel agreed with this motion. Motion was seconded by Councilor Pleskach.

Ayes – 6 and Noes – 0. Motion carried – Special Permit Denied.

Project/Sewer – (PH) DELTA SONIC SEWER DISTRICT:

A public hearing to consider a Petition for a sewer district within the Town of Clay to be known as “**DELTA SONIC SEWER DISTRICT CONTRACT NO. 1**” was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Matthew Oates with Delta Sonic was present to speak on behalf of this application. He explained that they will extend the 24” sewer line in front of Delta Sonic to meet the existing manhole cover in front of Panera Bread. After construction they will dedicate it to the town.

Councilor Young asked if Delta Sonic is the only owner in this sewer district and if they plan to extend past the property line for future owners. The applicant said that is the plan. He asked if the other landowners need to vote on it. Legal said that they do not as it will be in the Right-Of-Way. Councilor Young asked if it will be constructed under the railroad tracks. Mr. Oates said that it will be constructed under the train tracks and paid for completely by the applicant.

Joe Nappi, a resident, asked where this parcel was located and wanted to know why the town needs another carwash. The applicant said that it is located in front of the Kohls Store on Route 31.

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

Special Permit – (PH) Town Board Case # 1220 - GOGUEN DRIVE REALTY, LLC.:

A public hearing to consider the application of Town Board Case #1220: **GOGUEN DRIVE REALTY, LLC.**, for a Special Permit pursuant to **Section 230-17E.(2)(a)[6] S-1 Special Use District**, to allow for bulk storage of an empty 1,000 gallon fuel tank within the contractors service yard, when not in use, located at **7835 Goguen Drive, Tax Map No. 087.-01-08.1**, consisting of +/- 6.24 acres of land. Property is located in the I-1 Industrial 1 District, was opened by the Supervisor; proof of publication and posting were furnished by the Town Clerk.

Ben, a representative from CHA Consulting, spoke on behalf of this application. He began by explaining that he wanted to clarify that the request is to store on site a **full 1,000-gallon tank**. The application states “CHA, on behalf of the applicant, is pleased to submit the following special permit application for Bulk Storage to allow a 1,000-gallon tank at 7835 Goguen Drive and the storage of smaller empty fuel tanks within the contractors service yard when not in use at construction site.” The application continues by outlining the standards of proof for a special permit and how they are addressed. The speaker explained that they are storing empty tanks that are being used for the excavators for the I-81 construction project. He continued that there will typically be 2-3 empty tanks on site.

There was a discussion regarding the S1 Special Permit. The applicant stated that he was advised to apply for the Special Permit by the former Commissioner of Planning. Councilor Pleskach said that the S1 Special Permit was not appropriate for this Parcel. He also asked if the permit was granted, would the tanks be stored outside or inside. Counselor Magaro-Dolan asked how large the extra tanks are and how many are there. The applicant responded that they will be outside and there will typically be 2-3 empty tanks on site at a time. Councilor Magaro-Dolan asked how often the tanks will be filled. The applicant said once a week.

Supervisor Ulatowski said that he was concerned about the small tanks being left to the elements and also about possible vandals, adding that he would feel better if there were some securities in place such as locking caps and/or housing for them.

Councilor Young asked for clarification regarding the allowed S1 use district which is not allowed in the I-1 district even with a Special Permit.

Councilor Capria asked if they were storing any other liquids, for example oil, etc. They are not.

Councilor Young asked what the restrictions are regarding storing tanks underground. There was a discussion about stored underground tanks such as with a fueling station as well as above ground tanks. Councilor Bick stated

that all of the regulations regarding hazardous materials is under the jurisdiction of the DEC and the applicant is required to follow the DEC Regulations.

Ralph Turner said that he is concerned for the safety of the residents regarding spill damage, storage of tanks, above ground storage, proximity to schools and neighborhoods. He wondered who will monitor the applicant and what preventative measures he is taking to ensure the safety of the residents. Jason Spagnola said that the guidelines regarding storage tanks can be found in the OSHA Regulations numbered 1926.152 section(c) regarding the storage and piling of tanks.

Janet Rathburn provided information from the DEC with regard to what they have on file for this parcel as well as an Appearance Ticket dated March 12, 2024, for a code violation. There was a question as to whether or not the applicant will need a permit to transport HazMat's.

Mark Orr said that he is concerned about the empty tanks and corrosion, vapor fumes, contamination and fire explosions from toxic substances he concluded by stating that this applicant was the same applicant that was crushing concrete without proper authorization.

Supervisor Ulatowski said that he would refer to the Planning Board for review and recommendation and that the Town Board would further research new information regarding this.

Councilor Pleskach moved the adoption of a resolution **adjourning** the public hearing to **March 3, 2025 at 7:38 PM**. Motion was seconded by Councilor Young.

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

TRAFFIC and VEHICLES (Stop Signs – 2 additional) (PH)(A) – Mediator Way and Weller Hall Place:

A public hearing to consider the amendment of **CHAPTER 211**, entitled **TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to install two additional stop signs at the northern intersection of Mediator Way and Weller Hall Place (one on Mediator Way heading north and one on Weller-Hall heading west), and installation of the necessary signs therefore. (*Adjourned from the 1/13/2025 Town Board meeting*) was opened by the Supervisor.

Councilor Pleskach spoke on behalf of this application, explaining that the original request was for two Stop Signs at the intersection of Weller Hall and Mediator Way at the intersection directly off Maple Road. When Councilor Pleskach and Highway Superintendent researched it, they concluded that the intersection of Weller Hall and Mediator Way to the north also would benefit from stop signs and recommended **three stop signs** on this intersection as well. Additionally, the Town Constable also recommended a **three-way stop**.

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

Councilor Pleskach moved the adoption of a resolution **approving** three (3) Stop Signs at the northern intersection of Mediator Way and Weller Hall Place, creating a three-way stop and the installation of the necessary signs, therefore. Motion was seconded by Councilor Magaro-Dolan.

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

LOCAL LAW NO.1 OF THE YEAR 2025 (formerly known, and approved as LOCAL LAW NO. 3 OF THE YEAR 2024):

Councilor Bick moved the adoption of a resolution calling a public hearing on **February 3, 2025**, commencing at **7:50 P.M.**, local time, to consider proposed **LOCAL LAW NO. 1 OF THE YEAR 2025** (formerly known, and approved as **LOCAL LAW NO. 3 OF THE YEAR 2024**), amending Section 152-4 H. –

Prohibited Noises, to add: Noise from construction and demolition activity in Industrial 2 (I-2) Districts is exempt from this section, and this section does not apply to activity in Industrial 2 (I-2) zones. Previous Local Law was inadvertently passed under Section 154-4 H., which does not exist.

Councilor Bick said that he took sole responsibility for the error adding that he is in favor of this and will enthusiastically support this as we make amendments to facilitate construction and progress for our community. Motion was seconded by Councilor Young.

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

Release of Securities – SUPERIOR WASTE REMOVAL:

Councilor Magaro-Dolan moved the adoption of a resolution releasing Performance Securities deposited with the Town of Clay by Superior Waste Removal for Trash and Brush Districts in the amount of \$27,142.11. Motion was seconded by Councilor Young.

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

Adjournment:

The meeting was adjourned at 8:21 P.M. upon motion by Councilor Young and seconded by Councilor Magaro-Dolan.

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



Jill Hageman Clark RMC / Town Clerk