

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 18th of November, 2019 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
David Hess	Councilor
Eugene Young	Councilor
Brian Hall	Councilor
Ryan Pleskach	Councilor
Kevin Meaker	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

None

OTHERS PRESENT:

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 Hess made a motion to approve the minutes of the November 6th, 2019 meeting. Motion was seconded by Councilor Bick.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that items numbered 11 and 12 will be adjourned at the request of the applicant.

Correspondence:

Supervisor Ulatowski explained that he was not sure that anyone was present regarding the inadequacies of speed on Maider Road but the Highway Superintendent and the Town Constable will review it and make a recommendation to the Town Board to resolve this issue.

The Supervisor acknowledged Girl Scout Troop 10005 and thanked them for being in attendance.

He then asked if anyone wished to address the Board on any items not on the agenda. No one responded.

REGULAR MEETING:

Special Permit (SEQR) – Town Board Case # 1147 - MARC FERNANDEZ/RENT-A-RIDE:

Councilor Hall moved the adoption of a resolution that the application of **MARC FERNANDEZ/RENT-A-RIDE FOR A SPECIAL PERMIT** pursuant to **Section 230-16 B. (2) (e) [6]** to allow for motor vehicle rental services located at **8402 Oswego Road, Tax Map No. 053.-01-07.1**, 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 – 7 and Noes – 0. *Motion carried.*

Special Permit (A) – Town Board Case # 1147 - MARC FERNANDEZ/RENT-A-RIDE:

Councilor Hall moved the adoption of a resolution **approving** the application of **MARC FERNANDEZ/RENT-A-RIDE FOR A SPECIAL PERMIT** pursuant to **Section 230-16 B. (2) (e) [6]** to allow for motor vehicle rental services located at **8402 Oswego Road, Tax Map No. 053.-01-07.1**. Motion was seconded by Councilor Young.

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

Special Permit (SEQR) – Town Board Case # 1142 – DG NEW YORK CS, LLC:

Councilor Hess moved the adoption of a resolution that the application of **DG NEW YORK CS, LLC** for a **UTILITY SUBSTATION SPECIAL PERMIT** pursuant to **Section 230-27 I. (2) (e)** to allow for a solar energy storage facility located at **4363 Ver Plank Road, Tax Map Nos. 030.-01-05.1 & 030.-01-03.0**, 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 # 1142 – DG NEW YORK CS, LLC:

Councilor Hess moved the adoption of a resolution **approving** the application of **DG NEW YORK CS, LLC** for a **UTILITY SUBSTATION SPECIAL PERMIT** pursuant to **Section 230-27 I. (2) (e)** to allow for a solar energy storage facility located at **4363 Ver Plank Road, Tax Map Nos. 030.-01-05.1 & 030.-01-03.0**. Motion was seconded by Councilor Bick.

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

Special Permit (PH/Adj.) – Town Board Case # 1144 – BORREGO SOLAR SYSTEMS INC. & DONALD J. GABOR:

A public hearing to consider the application of **BORREGO SOLAR SYSTEMS, INC. AND DONALD J. GABOR FOR A UTILITY SUBSTATION SPECIAL PERMIT** pursuant to **Section 230-27 I. (2) (e)** to allow for solar development located at **8150 Morgan Road, Tax Map No. 070.-01-07.1**. (Adjourned to this date and time from the October 21, 2019 Town Board Meeting).

Emily Flannigan spoke on behalf of the applicant. She gave a brief overview of the project and outlined changes from the previous hearing including reducing the number of poles from 10 to 2 and the possibility of moving the utility access to Norcross Drive.

Supervisor Ulatowski asked about the proximity to the new daycare facility. This application is to be constructed around the parcel. Ms. Flannigan said that the solar arrays will be fenced in with an Evergreen buffer outside the fence.

Councilor Bick asked if they were making any accommodations for wildlife especially deer. Ms. Flannigan said they are not adding that experience shows that the deer tend to stay out of the fenced areas.

There was a discussion about a public turn around on Norcross. Councilor Hess said he is concerned about truck traffic through the development (Norcross Drive). Supervisor Ulatowski said that it would be also helpful for the snow plow to turn around and the applicant should talk to the property owner.

Councilor Pleskach said that typically he is in favor of solar projects but feels this attractive parcel would be better utilized for residential homes and may be inclined to vote against this.

Mr. Bird said that he and his wife live across from this property, she for 79 years and while they would prefer to see the land farmed they would still rather have residential homes to a solar farm.

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

Special Permit (PH/Adj.) – Town Board Case # 1145 – OMNI NAVITAS HOLDINGS, LLC AND GEORGE YOUNG:

Councilor Hess made a motion to adjourn the public hearing to **December 16th, 2019 at 7:35 PM.** Motion was seconded by Councilor Bick.

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

Special Permit (PH/Adj.) – Town Board Case # 1146 – TJA CLEAN ENERGY FOR A UTILITY SUBSTATION SPECIAL PERMIT:

Councilor Hess made a motion to adjourn the public hearing to **December 2nd, 2019 at 7:38 PM.** Motion was seconded by Councilor Hall.

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

Special Permit (PH) – Town Board Case # 1148 - CHICK-FIL-A, INC. AND RAYMOUR & FLANNIGAN FURNITURE, LLC:

A public hearing to consider the application of **CHICK-FIL-A, INC. AND RAYMOUR & FLANNIGAN FURNITURE, LLC** for a **SPECIAL PERMIT** pursuant to **Section 230-16C. (2) (e) [2]** to allow for a drive-in service located at **4000 State Route 31, Tax Map No. 055.-01-03.1** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Speaking on behalf of the applicant were Tim Freitag of Bohler Engineering, the property owner of the Raymour and Flannigan parcel and the legal counsel for the applicant.

Mr. Freitag began by explaining the 6400 square foot existing building will be demolished and the newly constructed building will be 5000 square feet. They are proposing 102 seats inside and 16 seats outside. A canopy will cover the drive through ordering and also the meal pick up. There are 65 proposed parking spaces although 75 are required by the Town of Clay Code and they are applying for a variance. The dual lane drive thru can stack 26 vehicles at a time. They will increase the landscaping and extend the sidewalks. The drive thru service and parking will be one direction. The trash enclosure will be located at the north end of the parcel, landscaped, built into the hill and be hidden from Route 31. The applicant will also seek a variance for the front yard accessory structure (trash enclosure). The proposed trip generation shows an increase of 24 trips during peak time, Saturday evening. The applicant explained that there are five variances that they will apply for; the two aforementioned applications and a) drive aisle width for one way from 20' to 18';

b) parking space width from 20' to 18' and c) asking for 4 wall signs (two allowed by the Town Code).

Councilor Bick asked if they were held to the code for the 75 required parking spaces could they come up with the spots? Mr. Freitag said that the green space would take a hit.

Councilor Hess said that he was not comfortable with the pedestrian walk and the disabled parking crossing the double lane drive thru. He said that he felt they could come up with a better plan. He continued that he is quite familiar with the Cicero Chick-fil-A and the parking, as well as the drive thru are a mess. He said that he is pleased that they are removing the S curve between this parcel and Smokey Bones. Mr. Freitag said that constructing a second Chick-fil-A will reduce the demand placed on the Cicero Restaurant and typically a second store will not produce as well as a first store.

Councilor Young added his concerns regarding the drive thru and the number of cars that this project will attract.

Ruth Koch of Morgan Road said she is a fan of Chick-fil-A and hopes that the issues can be worked out. She added that she has visited them in several states and the ones in the south function well.

There being no more questions or comments, Supervisor Ulatowski **adjourned** the public hearing and referred it to the Planning Board for recommendation.

Councilor Hess made a motion to **adjourn** the public hearing to **December 16th, 2019 at 7:38 PM**. Motion was seconded by Councilor Bick.

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

Grant/ Recreation- New York State Office of Children and Family Services:

Councilor Pleskach moved the adoption of a resolution authorizing the application for funding for the **New York State Office of Children and Family Services for the year 2019** in the amount of **\$6,284**; and further authorizing the Supervisor to apply for and execute an Inter-Municipal Agreement with Onondaga County, on behalf of the Town of Clay, for **Youth Recreation Grant Funding for the year 2019**. Motion was seconded by Councilor Hess.

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

Highway Work Permit (A)

Councilor Meaker moved the adoption of a resolution approving a Highway

Work Permit between the **Town of Clay** and the **New York State Department of Transportation**, whereas said Permit is issued and used by the **Town of Clay** in connection with work affecting the Right-of-Way of a State Highway; pursuant to Article 3, Section 52 of State Highway Law and Section 1220-c of the Vehicle and Traffic Law; and further authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Pleskach.

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

Agreement (Lease) - ABUNDANT SOLAR POWER (C1) LLC:

Councilor Young moved the adoption of a resolution authorizing a Solar Lease Agreement with **ABUNDANT SOLAR POWER (C1) LLC**.

WHEREAS, the Town of Clay has been working collaboratively with the Central New York Regional Planning and Development Board (CNY RPDB) since 2015 on the Municipal Collaborative Solar Procurement Project also known as the “Solarize CNY Initiative”; and

WHEREAS, in 2015, Governor Cuomo launched the Community Distributed Generation Initiative, which set forth a community solar model so that multiple customers could join together to share the benefits of solar power; and

WHEREAS, the Town of Clay site at 3473 Maider Road has been identified as an underutilized parcel that would provide ample space and location for a community solar project; and

WHEREAS, Abundant Solar Power(C1) LLC (“Abundant”), the developer selected by the CNY RPDB, now proposes to lease approximately 45 acres of land from the Town, which is located at 3473 Maider Road in order to locate a 7 MWh dc community solar array; and

WHEREAS, the proposed Lease includes the following terms:

(1) The term of the Lease will begin immediately and end in 25 years with the option to renew by Abundant for two additional 5 year terms;

(2) Abundant will be responsible for the removal of the solar array and all other equipment on the Town’s property at the end of the lease. Abundant has agreed to provide the Town with a bond in the amount necessary for said removal; and

WHEREAS, on March 18, 2019, the Town Board classified the project as a Type I Action under SEQRA and issued a negative declaration;

WHEREAS, on March 28th, 2019, the Board caused correspondence be distributed to the identified involved agencies and interested agencies requesting consent to serve as lead Town Board acting as lead agency, and requesting their comments about the Project;

WHEREAS, the Board of the Town Of Clay (the "Town Board") published notice of a public hearing regarding this matter noticed and conducted a A public hearing regarding this matter on April 1, 2019; and

WHEREAS, each involved and interested agency either gave its written consent to the Town Board acting as lead agency for the SEQRA review Of the Project or did not Object; and

WHEREAS, the Town Board referred the Project to the Onondaga County Planning Board “OCPB”) pursuant to New York State General Municipal Law 239-m, and at its April 3, 2019 meeting, OCPB resolved to take no position on the project and had no further comments for the Town Board regarding the Project; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Clay Town Board does hereby approve a Solar Lease Agreement with Abundant Solar Power (C1) LLC, which is attached hereto and incorporated herein; and

BE IT FURTHER RESOLVED that the Supervisor is authorized to sign any and all documents in order to finalize the Solar Lease Agreement and carry out the purposes of this resolution.

Motion was seconded by Councilor Bick.

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

ADDITIONAL AGENDA:

Local Law No. 4 of the Year 2019 (CPH):

Councilor Bick moved the adoption of a resolution calling a public hearing **December 2, 2019**, commencing at **7:41 P.M., (corrected from agenda 7:38)** local time, to consider adding a proposed Local Law to be entitled “**LOCAL LAW NO. 4 OF THE YEAR 2019** amending **CHAPTER 230** entitled “**ZONING**” by amending **Section 230-23 D.** to add new item **(8)** to said section of the Code of the Town of Clay. Motion was seconded by Councilor Hess.

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

Adjournment:

The meeting was adjourned at 8:46 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

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

Jill Hageman-Clark RMC / Town Clerk