

Transcript December 21, 2020
Town of Clay Town Board Meeting

1

00:08:25.829 --> 00:08:31.559

Hi, this is Damian Ulatowski, Supervisor for Town of Clay. Can everybody hear me?

2

00:08:31.559 --> 00:08:36.389

Yes

3

00:08:36.389 --> 00:08:44.339

Okay, we've got a number of people on the zoom or Webex meeting tonight

4

00:08:44.339 --> 00:08:59.183

So, when you have a chance to speak, if you have the ability to unmute yourself, unmute yourself and when someone else is talking to you mute, because there's a lot of background noise that we're picking up from just shuffling around

5

00:08:59.519 --> 00:09:04.649

But, we'll make sure if you want to speak that you get recognized and you are heard

6

00:09:04.649 --> 00:09:09.028

Any questions at this point. Okay

00:09:09.028 --> 00:09:15.119

I just want to make sure I have our planning director on board here

8

00:09:16.469 --> 00:09:19.798

I'm here. You are. Okay. Good Mark

9

00:09:19.798 --> 00:09:24.208

Okay

10

00:09:24.208 --> 00:09:30.298

At this time, we're going to call the meeting to order

11

00:09:30.298 --> 00:09:34.168

The board will rise, for the pledge of allegiance

12

00:09:34.168 --> 00:09:41.099

I pledge allegiance to the flag of the United States of America

13

00:09:41.099 --> 00:09:49.859

And to the republic for which it stands, one nation under God,
indivisible with liberty and justice for all

14

00:09:54.448 --> 00:10:01.558

At this time, I'm looking for an approval of the minutes of the December
7th

15

00:10:01.558 --> 00:10:05.428

2020 regular Town board meeting

16

00:10:05.428 --> 00:10:10.078

We have a motion and a 2nd, any questions from the board

17

00:10:11.339 --> 00:10:14.969

All those in favor. Aye

18

00:10:16.019 --> 00:10:21.958

As far as correspondence goes, I have no new correspondence to report

19

00:10:21.958 --> 00:10:27.269

As for cancellations a request for an adjournment

20

00:10:27.269 --> 00:10:30.869

For those of you who have an agenda

21

00:10:30.869 --> 00:10:37.769

Number 10, which is a public hearing to consider the application of CNY
Property Holdings, LLC

22

00:10:37.769 --> 00:10:43.318

For zone change from 100 residential agricultural district

23

00:10:43.318 --> 00:10:48.749

To I-1 industrial district for the construction of a new contractor
service yard

24

00:10:48.749 --> 00:10:52.109

And 5,000 square foot storage building

25

00:10:52.109 --> 00:11:04.288

With possible office use on vacant land located at 9071 Mud Mill Road tax map number 042.-01-08.1

26

00:11:04.288 --> 00:11:15.688

excuse me dash 08.2 consisting of approximately 7.05 plus or minus acres of land, will not be heard this evening at the

27

00:11:15.688 --> 00:11:25.048

Close of business today or there about. We were notified they were looking for an adjournment so that will not be heard this evening

28

00:11:26.428 --> 00:11:29.428

That said moving on to the agenda

29

00:11:29.428 --> 00:11:33.028

Oh, I'm sorry

30

00:11:33.028 --> 00:11:39.808

Do we have a time for adjourned? Mr Germain? Are you on

31

00:11:41.729 --> 00:11:48.749

We'll go with them

32

00:11:48.749 --> 00:11:52.349

7:45

33

00:11:53.548 --> 00:12:02.788

So we have a motion, 2nd. Okay. All those in favor, opposed motion is carried

34

00:12:04.019 --> 00:12:13.798

Supervisor? Yes, Councilor Hall. I move the adoption of a resolution approving the application of local law number 7 of the year 2020 amending chapter 230 entitled zoning by amending section 230-15a.(2)(c) to add new item

35

00:12:13.798 --> 00:12:18.058

Participant has joined the meeting

36

00:12:18.058 --> 00:12:21.089
To add new item [3]

37

00:12:21.089 --> 00:12:30.328
veterinary care facility less than 5,000 square feet

38

00:12:30.328 --> 00:12:33.568
Is an unlisted action with a completed EAF and involves no other permit granting agency outside the Town. The proposed project not have a significant effect on the

39

00:12:33.568 --> 00:12:36.989
Environment and therefore does not require the preparation of an EIS

40

00:12:36.989 --> 00:12:42.058
Motion, do we have a 2nd, motion is 2nd, any questions

41

00:12:42.058 --> 00:12:45.418
All those in favor, aye, opposed

42

00:12:45.418 --> 00:12:52.288
Questions? Carried. Mr. Supervisor, yes Councilor Hall I move the adoption of a resolution approving the application of

43

00:12:52.288 --> 00:12:57.149
Local law number 7 of the year 2020 amending chapter, 230 zoning

44

00:12:57.149 --> 00:13:01.229
Entitled zoning by amending section 230-15A.(2)(c) to add new item [3]

45

00:13:01.229 --> 00:13:05.458
Veterinary care facility less than 5000 square feet

46

00:13:06.839 --> 00:13:13.019
Motion, 2nd, any questions all those in favor, aye, opposed

47

00:13:13.019 --> 00:13:25.048
Motion is carried. Mr. Supervisor, Councilor Hall. I move the adoption of a resolution calling a public hearing January 4, 2021 commencing at 7:35 p.m.

48

00:13:25.048 --> 00:13:29.668

Local time to consider the application of Casual Estates, LLC

49

00:13:29.668 --> 00:13:33.298

DbA Madison Village Mobile Home Court, for the renewal of its license for the year 2021.

50

00:13:33.298 --> 00:13:37.229

Has the participant left the meeting

51

00:13:37.229 --> 00:13:43.918

Motion, do we have a 2nd? 2nd Mr. Young? Yes

52

00:13:43.918 --> 00:13:46.948

All those in favor, aye, opposed

53

00:13:46.948 --> 00:13:55.739

Motion is carried. Okay next we have a public hearing to consider the application of B. Scott Gillespie

54

00:13:56.303 --> 00:14:10.464

4 - 5 Lumbar Way LLC for a special permit pursuant to section 230-17 C.(2) (e) [3] to allow for motor vehicle rental, on land located at 4 Lumbar Way Liverpool tax map

55

00:14:10.974 --> 00:14:12.413

Number 114.02-022.3

56

00:14:13.528 --> 00:14:20.068

Speaking on behalf of the applicant is

57

00:14:20.068 --> 00:14:27.899

Scott Gillespie. Scott the floor is yours?

58

00:14:27.899 --> 00:14:32.278

Thank you

59

00:14:33.894 --> 00:14:44.874

Mr. Gillespie, can you hold for a couple minutes? We have it listed at 7:38, we've gone a little faster than we should have, and we want to make sure that anybody that wants to call in has an opportunity

60

00:14:44.874 --> 00:14:52.494

So, we'll go on with the agenda and anything that is not public hearing related. We'll come back to you Mr. Gillespie

61

00:14:53.249 --> 00:15:00.089

No problem. Okay. Moving on to item number 11

62

00:15:01.014 --> 00:15:13.283

Mr. Supervisor, yes Councilor Meaker, I move the adoption of a resolution authorizing transfer of appropriations and amending the 2020 Town of Clay budget

63

00:15:15.178 --> 00:15:20.068

In various funds to provide monies for 2020 expenditures

64

00:15:20.068 --> 00:15:27.208

2nd. Motion 2nd, all those in favor, aye, opposed, motion is carried

65

00:15:27.208 --> 00:15:38.818

Mr. Supervisor, yes Councilor Meaker, I move the adoption of a resolution approving an agreement between the Superintendent of Highways and the members of the Town Board for the expenditure of highway monies

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00:15:38.818 --> 00:15:43.678

In the Town of Clay for the fiscal year ending, December, 31, 2020

67

00:15:43.678 --> 00:15:46.828

2nd. Motion 2nd, any questions

68

00:15:46.828 --> 00:15:51.328

All those in favor, aye, opposed, motion is carried

69

00:15:51.328 --> 00:16:00.568

Mr. Supervisor, I move the adoption of resolution approving the labor agreement between the Teamsters Local Union 317 and Town of Clay Clerical Workers

70

00:16:00.568 --> 00:16:05.219

For the term commencing January 1, 2021 to December, 31 2023

71

00:16:05.219 --> 00:16:11.818

And authorizing the Supervisor to execute, the same. Motion is 2nd, any questions

72

00:16:11.818 --> 00:16:16.168

All those in favor, aye, opposed, motion is carried

73

00:16:16.168 --> 00:16:21.719

Mr. Supervisor, yes Councilor Meaker, I move the adoption of a resolution that the Gown of Clay Town Board

74

00:16:21.719 --> 00:16:29.188

Refer the proposed Lan-Dev Associates, LLV, Inc.

75

00:16:29.188 --> 00:16:32.729

Clay Marketplace preliminary PDD

76

00:16:32.729 --> 00:16:35.849

Concept plan as submitted

77

00:16:35.849 --> 00:16:39.119

On a map dated, October, 28, 2020

78

00:16:39.119 --> 00:16:42.149

To the Town of Clay Planning Board

79

00:16:42.149 --> 00:16:45.719

Whereas an application has been received for a PDD

80

00:16:45.719 --> 00:16:49.678

Planned Development District to be known as Clay Marketplace

81

00:16:49.678 --> 00:16:58.379

Which application proposes a total of 14.95 acres comprised of residential (96 apartment units)

82

00:16:58.379 --> 00:17:03.688

And mixed retail/office/restaurant, and the condition

83

00:17:03.688 --> 00:17:08.219

That only half of the apartments, or 48 units maximum

84

00:17:08.219 --> 00:17:12.538

Can be constructed until the commercial portion

85

00:17:12.538 --> 00:17:17.308

Has begun construction

86

00:17:17.308 --> 00:17:22.739

If there is no commercial activity, no further apartment units

87

00:17:22.739 --> 00:17:27.538

Can obtain building permits. Now therefore, be it resolved

88

00:17:27.538 --> 00:17:34.528

That the said application be and the same here by, is referred to the

89

00:17:34.528 --> 00:17:43.679

Town of Clay Planning Board of the Town of Clay, for its review and comment pursuant to the Town of Clay zoning code, and for its review and recommendation

90

00:17:43.679 --> 00:17:48.358

As to the possible environmental significance of the project pursuant to the New York State Environmental Quality Review Act

91

00:17:51.689 --> 00:17:58.499

Motion. Do I have a second? Second. Thank you Mr. Meaker. Any questions?

92

00:17:58.499 --> 00:18:05.308

All those in favor, aye, opposed, motion is carried. Okay. We will go back to the

93

00:18:05.308 --> 00:18:12.388

Public hearing number 9 we were about to hear from Mr. Gillespie. So if you are ready, sir, the floor is yours

94

00:18:12.388 --> 00:18:21.179

Can you hear me now? Yes, we can. All right. Great, first of all thank you board members for hearing my application

95

00:18:21.179 --> 00:18:31.348

And I would like to wish everybody happy holidays. I've been speaking with Mark Territo and he and I have filed a special use permit request

96

00:18:31.348 --> 00:18:35.489

For a building that I own right next to my offices here at 5 Lumbar Way

97

00:18:35.489 --> 00:18:43.199

Which if, you're not familiar with it, it's in the industrial district

98

00:18:43.199 --> 00:18:47.878

It is located just off of Steelway Boulevard South

99

00:18:47.878 --> 00:18:55.138

Do south of the large waste management facility right next to my offices

100

00:18:55.138 --> 00:19:01.949

United Rentals has come to me and they're interested in the building that I have there

101

00:19:01.949 --> 00:19:05.608

For a rental location

102

00:19:05.608 --> 00:19:13.499

And they are interested in putting and leasing that facility long term for

103

00:19:13.499 --> 00:19:16.648

Large and large

104

00:19:16.648 --> 00:19:19.769

Generator, sales

105

00:19:19.973 --> 00:19:27.564

Leasing and repair facility as well as smaller construction equipment leasing

106

00:19:28.523 --> 00:19:39.683

So I'm petitioning the board today for a special use, I believe Mark correct me if I'm wrong, motor vehicle, it falls into the motor vehicle repair

107

00:19:39.989 --> 00:19:44.278

I have a question

108

00:19:44.278 --> 00:19:47.669

The wording just states motor vehicle rental not repair

109

00:19:49.169 --> 00:20:04.134

Did you hear the comment Mr. Gillespie? One of our board members was pointing out that it says just rental. It doesn't say repair

110

00:20:04.463 --> 00:20:11.183

Yes. And so this facility was designed for and what

111

00:20:11.489 --> 00:20:15.148

It is historically known for, had been a motor vehicle repair

112

00:20:15.148 --> 00:20:19.048

Facility they will be

113

00:20:19.048 --> 00:20:23.759

I'm sure when these large pieces of equipment come back off of rental

114

00:20:23.759 --> 00:20:26.939

They take them, they clean them, they service them

115

00:20:26.939 --> 00:20:32.969

They repair them, should they need to be fixed and then they go back out to rent

116

00:20:32.969 --> 00:20:36.719

You know, when you go rent something and it's been serviced and

117

00:20:36.719 --> 00:20:47.788

Typically clean, and probably the oil changed and what have you, and then the sticker says, YES, this is okay to go ahead and rent. I'm sure there'll be repair associated

118

00:20:47.788 --> 00:20:51.808

With the units that they bring in

119

00:20:52.858 --> 00:21:02.699

What does the application say Mark? The application says the description of use that I wrote was in I-1 rental seeking a facility to store

120

00:21:02.699 --> 00:21:07.499

Repair rent and distribute large portable HVAC units

121

00:21:07.499 --> 00:21:11.548

As well, as construction and roadway equipment, machinery and tools and supplies

122

00:21:11.548 --> 00:21:19.409

For the construction industry. In addition, they need a facility to house their sales team for the upstate New York market that call on contractors

123

00:21:19.409 --> 00:21:26.909

Typically, contractors will rent online and United rental would distribute from this facility and drop ship to the job sites

124

00:21:26.909 --> 00:21:30.118

As these units are rather large, however,

125

00:21:30.118 --> 00:21:33.239

Will be occasion the contractors come to the facility and rent direct

126

00:21:33.239 --> 00:21:38.219

Mark is vehicle repair

127

00:21:38.219 --> 00:21:44.939

I-1 one of the uses allowed in this zone with a special permit

128

00:21:48.868 --> 00:21:52.888

Mr. Territo, Did you did you get that question from

129

00:21:52.888 --> 00:21:58.679

Mr. Young

130

00:21:58.679 --> 00:22:04.888

Mark, are you with us?

131

00:22:04.888 --> 00:22:11.459

Can you hear it? Mark? Can you hear me? Yeah, I was. I was muted

132

00:22:11.459 --> 00:22:16.798

Okay, did you did you hear Mr Young's question?

133

00:22:16.798 --> 00:22:20.909

I did, I think I know what he's getting at

134

00:22:20.909 --> 00:22:27.628

The way we've looked at it is if a business is in industrial, or let's say, even commercial and

135

00:22:27.628 --> 00:22:32.398

They have vehicles that are their own to repair

136

00:22:32.398 --> 00:22:35.848

That's fine

137

00:22:35.848 --> 00:22:42.778

If it appears that they are to open up the business and put up a sign and say, bring your vehicles in repair and oil changes. That's different

138

00:22:42.778 --> 00:22:46.949

Are you looking at what he's doing? If so, then that's okay

139

00:22:48.239 --> 00:22:52.798

So, the special permit yes, will work with motor vehicle rental

140

00:22:52.798 --> 00:22:56.338

And you're saying that all the other things are okay

141

00:22:57.358 --> 00:23:00.959

So when we give him a special permit, it's just going to be for

142

00:23:00.959 --> 00:23:03.959

Motor vehicle rental, correct?

143

00:23:03.959 --> 00:23:09.719

Right. And he is also seeking another special permit from the planning board

144

00:23:09.719 --> 00:23:16.138

He's got a couple of things he's asking for right now. Okay. Has he been before the planning board already? Mark?

145

00:23:16.138 --> 00:23:21.838

Not yet no, that meeting is on the 13th of January. Okay so we're going to be referring that tonight

146

00:23:21.838 --> 00:23:26.939

Yep. Okay. Any other questions from the board

147

00:23:26.939 --> 00:23:33.239

Is it going to be any outside evidence reviews here

148

00:23:33.239 --> 00:23:38.729

Yeah, so that's what the meeting on the 13th is for, a contractor service yard

149

00:23:38.729 --> 00:23:44.368

Correct me if I'm wrong Mark if I said that incorrectly, I apologize

150

00:23:44.368 --> 00:23:49.348

There yeah, they will. These, this piece, these equipment are

151

00:23:49.348 --> 00:23:53.068

Are large they're usually about 6 feet long and

152

00:23:53.068 --> 00:23:56.669

longer

153

00:23:56.669 --> 00:24:02.308

6, 7 feet wide imagine a large generator a large portable HVAC unit

154

00:24:02.308 --> 00:24:08.098

So, yes, there will be exterior, interior storage via kind of a contractor service

155

00:24:11.219 --> 00:24:16.469

Yeah, this is just a quick question

156

00:24:16.469 --> 00:24:23.999

This will not be super focused. Correct? There won't be residents or people coming in and out of there, it's mostly going to be your employees

157

00:24:23.999 --> 00:24:33.028

Correct it will, it won't be any employees. there'll be a contractor so no, it is not consumer focused. I mean, if it was consumer focused, they wouldn't

158

00:24:33.028 --> 00:24:44.848

Put it way back in the middle of nowhere, it's not the intent to be consumer focused. Will they if someone comes in, will they rent something to them? I'm sure they will, but then it's not the main site

159

00:24:44.848 --> 00:24:49.769

I think it's an appropriate spot and geographically located in this, Right?

160

00:24:49.769 --> 00:24:54.298

I agree. I think it's really perfect for what they're looking to do

161

00:24:54.298 --> 00:25:00.088

Thank you any other questions, Mr. Meaker. Did you have a question?

162

00:25:00.088 --> 00:25:04.499

Yeah, I just want to say that this this seems to fit in that location

163

00:25:04.499 --> 00:25:08.249

Very well

164

00:25:08.249 --> 00:25:13.378

Okay, got it. Any other questions from the board

165

00:25:15.598 --> 00:25:21.419

Is there any question from the public on this? Now is the chance to weigh in

Silence

166

00:25:21.419 --> 00:25:28.618

Okay, there being none I'm going to refer this to planning. Do we have a motion?

167

00:25:28.618 --> 00:25:35.249

So moved, motion, 2nd, all those in favor, aye, opposed

168

00:25:35.249 --> 00:25:39.538

Great. Thank you. Mr. Gillespie. Thank you very much. Have a great holiday. Everybody

169

00:25:39.538 --> 00:25:45.689

You as well. Councilor Young do you have a question? No. Okay.

170

00:25:45.689 --> 00:25:49.138

We have an additional item

171

00:25:49.138 --> 00:25:55.138

Are you going to put it? It's on there if they have something else they want to talk about

172

00:25:55.138 --> 00:26:04.824

I can do that. Do you want me to finish up an additional item anyway? Yeah, but before I close the meeting, I will open it up

173

00:26:04.824 --> 00:26:13.314

Mr. Supervisor, yes, Councilor Young, I move the adoption of a

174

00:26:20.759 --> 00:26:26.909

Resolution authorizing and approving the settlement of the New York State supreme court certiorari actions

175

00:26:26.909 --> 00:26:33.209

Index Nos. 6344/2018, 5916/2019 and 4038/2020 entitled JR&R II, LLC c/o Runnings v. The Assessor of the Town of Clay

176

00:26:33.209 --> 00:26:36.239

Et, al effecting Tax Map number 21.00-1-6,4 for the property located at 3949 State Route 31 in the Town of Clay (Running store)

177

00:26:36.239 --> 00:26:43.169

Reducing the assessment of the parcel 21.00-1-6.4 from \$300,400, for the year 2018

178

00:26:43.169 --> 00:26:46.858

To \$273,650, for the year 2019

179

00:26:46.858 --> 00:26:55.618

To \$300,400, to \$240,000 and for the year 2020 from \$300,400

180

00:26:55.618 --> 00:27:02.249

To \$217,250. This settlement includes a full waiver of statutory interest by the Petitioner

181

00:27:02.249 --> 00:27:09.868

For all years, with a RPTL 727 increase freeze applied in accordance with the terms and conditions

182

00:27:09.868 --> 00:27:13.259

Stated in the proposed Stipulation of Settlement shall be made in an amount not to exceed \$10,000.

183

00:27:13.259 --> 00:27:16.528

This resolution also authorizes the

184

00:27:16.528 --> 00:27:22.229

Supervisor and Town Attorney

185

00:27:22.229 --> 00:27:29.699

To execute any and all documents necessary to

186

00:27:29.699 --> 00:27:32.909

Complete this matter and for the Town to pay all

188

00:27:32.909 --> 00:27:36.179

Proportionate share of legal expenses

187

00:27:36.179 --> 00:27:41.459

Associated with obtaining

188

00:27:41.459 --> 00:27:45.778

A professional appraisal

190

00:27:48.209 --> 00:27:52.378

We have a motion, 2nd, any questions

191

00:27:52.378 --> 00:27:56.368

All those in favor, aye, opposed

192

00:27:56.368 --> 00:28:06.838

Motion is carried. That completes the regular part of our agenda but as is our practice is there anyone in the public

193

00:28:06.838 --> 00:28:11.038

That may have a question they'd like to

194

00:28:11.038 --> 00:28:15.838

Ask the board that is not on tonight's agenda?

195

00:28:15.838 --> 00:28:26.038

Any questions not on tonight's agenda?

Silence

Okay. There being none. Mr. Supervisor. Yes, Councilor Young. I move to adjourn the meeting.

196

00:28:26.038 --> 00:28:38.094

Motion, 2nd, all in favor, aye, opposed. Thank you. Happy Holidays

Meeting adjourned 7:49 p.m.