

## Transcription: WEBEX Clay Town Board Meeting: 6-1-2020

**Speaker 1:** Board is now in session. I'm going to ask the those in attendance to please rise for the Pledge of Allegiance.

[All took part in the Pledge].

**Speaker 1:** I'm going to go through our agenda for some administrative things for the moment that won't require any participation, either from residents or from presenters and then we'll move into the structure of the meeting itself, at which time I will give some kind of direction as to how that will work. That will hopefully make this an experience that we'll all be able to accomplish what we're looking for, in getting answers, so bear with us, please. I'm looking for an approval of the minutes of the May 4 2020 Town board meeting.

**Speaker 2:** I so move.

**Speaker 1:** We have a motion. Do we have a second?

**Speaker 3:** Second.

**Speaker 1:** Any questions from the board? All those in favor?

**Board Members:** Aye. Opposed? Motion is carried.

**Speaker 1:** I have no correspondence to report. However, I do have a cancellation from the agenda for any of you who have copies of it, or access to copies of it. Number 11. We were going to move into adoption to call a public hearing on June 15 and the applicant has asked that this be postponed pending them getting some answers to questions they have in order to bring it to a public hearing, so that will not be heard tonight, excuse me will not be moved tonight, and in anticipation of a June 15 public hearing, so that will come off the agenda in total. That said, I'd like to move now to the meeting itself. This would be item number 6, a public hearing and I will read that for those who do not have paperwork to know that is calling in.

**Speaker 2:** Mr. Supervisor, it is not time to call the public hearing yet. I have 7:35.

**Speaker 1:** Okay. Yes. To be technical, I was just informed that I've got another minute to wait before calling this hearing as it is a 7:35 hearing. So bear with us for a second. I'll turn it over to my assistant here to go over some procedures as to how we can recognize both presenters and residents. If they have questions. Go ahead, Judy.

**Speaker 3:** Yes, right now we have everybody on mute, once the hearing has been presented, we will open it up and unmute those that have called in so that you will have a chance to speak or ask questions. Thank you.

**Speaker 1:** And how we want to do that is, you will have the ability to unmute yourself if you're on by video and if you would just say, Mr. Supervisor or Madam Secretary, or whatever, just so we can recognize you. We will call your name and then you'll be able to ask your question or make your comment. Okay, and bear with us, it's new to all of us, but we should be able to, to work through it. And we reached a time.

**Speaker 1:** Okay, I've been given the notification from my clerk that we now can open the hearing. So number 6 is a public hearing to consider the application of MVAH Holding, LLC and Faith Journey United Methodist Church as successors by merger to Trinity United Methodist Church for a zone change for the construction of two three-story, 24 unit apartment buildings, including associated parking and site improvements located at 8396 Morgan Road text map number 060.-01-05.1. Okay speaking on behalf of the applicant, I would I want to kick it off with Joe Palumbo. The field is yours to make a presentation.

**Speaker 2:** Thank you. Joe Palumbo here, I have with me, Trey Barbour and Brian Slevar on conference as well.

**Speaker 1:** Could you speak up please?

**Speaker 2:** Yes, Joe Palumbo with Carmina-Wood Morris from New York. With me is, can you hear me?

**Speaker 3:** I can't hear you.

**Speaker 1:** Joe, can you turn the volume up a little bit more? We're unable to hear you. Or speak louder?

**Speaker 2:** Yeah. My microphone is unmuted.

**Speaker 1:** You are off mute.

**Speaker 2:** How about now?

**Speaker 1:** It's about the same. I have to be honest.

**Speaker 2:** Yeah, I turned my mic all the way up right before we did this.

**Speaker 1:** He did. Okay. Ours is all the way up. I believe.

**Speaker 1:** We could try and use the microphone.

**Speaker 4:** I don't know. Maybe. We haven't tried that we could all try and see what happens.

**Speaker 1:** Joe, can you try to say that again?

**Speaker 2:** Yes. Can you hear me now?

**Speaker 1:** I can hear you. I'm not sure the others can hear you.

**Speaker 2:** How about now? Is that better?

**Speaker 1:** It's a little bit better? Yes.

**Speaker 2:** Okay, I've got my mic cranked all the way up here, I think, yes. Let's see if I could go here, how about now?

**Speaker 1:** Now we can hear you, go ahead.

**Speaker 2:** Jim Palumbo I am currently with Morris, Trey Barbour with MVAH Partners, and Brian Slevar with Morris as well. Trey is here, he's going to give you a quick rundown on the project, and then we'll be here for questions if you have any. Go ahead, Trey.

**Speaker 4:** Can you guys hear me? Okay? Yeah.

**Speaker 4:** Okay, terrific. Thanks everyone for hosting us and having this hearing today. I know it's a little difficult, as you said, we're all doing the best that we can here. So, I'll try to be as brief as possible so we can answer as many questions as we can. As Joe said, I'm Trey Barbour, Senior Vice Chair with MVAH Partners, I am based in Pittsburgh, Pennsylvania, and MVAH Partners is a multistate, multifamily housing developer. We do wholesaling in about 17 different states. And you know, are excited to be looking at a project in, New York and in Clay, specifically. The project is, as was mentioned, is two buildings consisting of 48 units. And we have 96 parking spaces. It's a mix of one, two and three bedroom units that are going into this development itself and we'll get into a little bit of the details of the construction, if that's pertinent and comes up, but the development itself is: We have about a 15 acre parcel of land and really, we're only developing on about four acres of that parcel and right to the land will be preserved. The project itself will be LEED certified developments and we'll have you know, all the modern amenities that you see will have some community room space in for residents and fitness facilities. As well there will be walking trails around the site and a playground for residents. The total project cost is about \$15.5 million. Trying to think if there's anything else to really go over on that aspect of it. It's a very, very simple, very classic design that we're doing with the site itself. It's going to be tucked in back off of Morgan Road. Those are some of the generals of the project and who we are, if you want to ask any specific questions or would like to have Brian talk a little bit about the architecture, he can do that. You know, the site itself as was mentioned, we're about a mile from the mall, and about a mile and a half (or so) where you guys are sitting at that town hall. Right down from 31. That's generally what the project is itself. There was a presentation that was emailed over. I don't know if you guys have access to that, but it gives you a little bit more detail, and understanding of how it lays out on the side, and how the design actually looks, but we do have a copy of the proposal of the drawings.

**Speaker 1:** I have a question is there currently a church on that property?

**Speaker 4:** So the site itself is actually and there's a church and a worship center that are kind of on either side of the property. We're in the woods that are in between those two facilities. So the church itself is part of the purchase, they just happen to own the land. But, we're building in between those two sites, so the site we're building on is currently vacant. It's just woodlands and there's a creek running at the back and some wetlands that are throughout the area, but we're not developing the church site itself. They're continuing to own that.

**Speaker 1:** And will they still be running the church?

**Speaker 4:** It's my understanding that the church is going to stay in operation. This is just leftover property that they has not been used over the last few years.

**Speaker 1:** Okay, and how many acres is the site that you're looking at?

**Speaker 4:** So the site that we're looking to purchase is 15 acres, we're only developing on four. For instance, if I lived in the middle of the site, the rest of the site will be maintained as woods and as you see it now.

**Speaker 2:** Will you need a new curb cut off of Morgan Road for this?

**Speaker 4:** Yes, yes access that goes in there. Joe can probably speak more to that process. But yeah, we need access into the site. We will have an entry road that goes into the site back to where the buildings are, which are set off of Morgan, you know, back about 50 feet or so.

**Speaker 1:** Okay. Any other questions from board members?

**Speaker 5:** Yes, Councilor Bick. It looks like this encroaches on the wetland there.

**Speaker 4:** So we had a wetland determinant completed in the fall and what we've determined is where we are building on the design that you have, we are not within the wetlands area. We're going through that process now with the state agencies. But we've done our best to stay out of the wetland, so currently, we are not developing within the wetlands. There's a little peninsula of land on that four acre site that I was referring to that juts out so it's, as of right now, with the designs that we're looking at. We are not looking to be encroaching in any of the wetlands or developing any of the wetlands, that as they are now they will remain. This is the only place you could possibly capture.

**Speaker 1:** That is true. Yeah, this is really the only the only portion of those 15 acres it could be developed.

**Speaker 5:** Thank you, Mr. Supervisor.

**Speaker 1:** Anyone else from the board have a question for the applicant.

**Speaker 6:** Mr. Supervisor?

**Speaker 1:** Councilor Meaker, got it, just raise your voice up a little Councilor Meaker. Go ahead.

**Speaker 6:** Is there a local rep.? I tried to drive by the site and I struggled with the map, and looking from the road is that actually where it is? Is there a local rep that can actually get me a better idea of where this action is going to go back there?

**Speaker 4:** We can we can try to arrange something. I'm sorry, our architects and engineers are in Buffalo and I'm in Pittsburgh, but we can definitely arrange something over the next couple of weeks to come up there. You know, each week Pennsylvania is loosening restrictions for working from home and I think New York is doing that as well. So, once we're able to do that we can definitely meet you out at the site. But, the site is essentially all of the woods that are in between which there's a church then there's a house and then there's another church facility at the other end it's kind of the area in between, right across north of old Meadow Road.

**Speaker 6:** Is there someone available that may be able to drive in?

**Speaker 4:** Yeah, we can we can look to arrange that and get back to you.

**Speaker 1:** Hold on. Let me ask a question of our Commissioner of Planning. Are you familiar with the site enough to show Councilor Meaker? [Commissioner nods yes]. Okay, we think we can do it internally with our representative from the Planning Board to take our Councilor there.

**Speaker 4:** Absolutely. Let me know if that's not able to happen and we'll figure out a way to make it happen.

**Speaker 1:** Okay. Okay. Any anyone else from the board? You have a question for the applicant?

**Speaker 7:** Mr. Supervisor?

**Speaker 1:** Yes, Councilor Hess.

**Speaker 7:** My only question at this point is what are the calculations of how many homes we can fit at a site or has an exact calculation been performed?

**Speaker 4:** There's only about four acres at work.

**Speaker 7:** Got a little bit of a little bit of trouble hearing that, can it be repeated?

**Speaker 1:** The question being asked here was how many individual home sites could be built on the property? We're wondering if anyone knew that.

**Speaker 4:** Joe may be able to speak to that, but I would guess not that many.

**Speaker 7:** Okay.

**Speaker 4:** I will say that we actually hadn't gone through the calculation for that at this point.

**Speaker 1:** Okay, thank you, Joe. Any other questions from board members? Is there anyone else from your organization that would like to comment further before we open it up to the public?

**Speaker 4:** Not from here, we do have our architect here in case there are any questions about how the buildings are going to lay out so that's Brian Slevar. If there's a question that pops up to that, I'll refer to him and then you can unmute him he can answer those questions.

**Speaker 1:** Okay, give me just a second here. I want to recognize the public. Is there anyone from the public that would like to speak? If you would unmute yourself if you're at a computer and let me know who you are and I will recognize, you know. Caller 1? [no comment]. Caller 3, can you hear us?

**Speaker 8:** I'm on a phone so I cannot unmute myself.

**Speaker 1:** I understand, absolutely. Would you state your name and any question, thereafter?

**Speaker 8:** Patrick Galvin.

**Speaker 1:** Thank you. And, do you have a question for the applicant.

**Speaker 8:** Yeah, I live on Sweetmill Lane and let me just start this off by saying I didn't find out about this until Thursday, and I didn't even receive a letter in the mail because I'm within the 200 plus mark of this whole thing. I had no time to research it, look into it, or go up to the town

hall. And I didn't even know who received my email because I was told I had to call back on Monday. They hadn't received anything as of Friday evening. So has anyone considered a traffic application to this? With Amazon going in here between **apple and fold Mehta**, we have trouble getting out of the road on busy evenings or morning as it is. Now you're going to add an average of 72 cars coming out of there at any given time?

**Speaker 1:** I appreciate your question, however, I didn't make it clear when I started this meeting, this is just the first stage of the process that will happen over several meetings. So, I do appreciate your input, we will take it down and determine if a traffic study is needed together with the applicant. By no means will any vote be taken at this meeting. This meeting is only to acquaint us all as to exactly what the applicant's looking for so that we as a town board can do our due diligence and look further at the property. So, you're coming in at a perfect time asking your questions. I appreciate it and we'll make sure that they're addressed before any decisions are made.

**Speaker 8:** I know this is probably your first board meeting since COVID-19 back and we've all been busy with that. It's very difficult to research it, make an appointment to sit there at town hall to look at any information that you do have on this so I can make an informed decision. **I am wanting to be affected Hear that entryway or did pop back directly across the street for me.**

**Speaker 1:** We do have your email and that will be part of the record. We'll make sure that those questions are addressed throughout the process as well. I can only apologize for the inconvenience of this, but in no way can I control what's going on. I'm trying to do the best I can and I appreciate your support. But I will make sure you're items are addressed. I want to make sure that this is fair to everyone out there, you do have a voice in this whole thing. We can continue to take any comments that you have until a decision is made and that's not going to happen for a while.

**Speaker 8:** Alright, thank you.

**Speaker 1:** You're welcome. Is there anyone else who would like to address the board from the public? We're going to unmute callers and go down the list accordingly. Hi caller 4, state your name and if you have a comment, please let me know comment. [no comment]. Number 5. Caller number 5, do you have a question or comment? [no comment]. Caller number 6, question or comment?

**Speaker 9:** Hello, can you hear me?

**Speaker 1:** Yes, we can hear you. If you would give us your name, please.

**Speaker 9:** Yes, my name is Christine Duff, I also sent an email. I do not want apartments behind us. We have a lot of nice wildlife back there and our road,, the traffic is getting loud. It's going to make this even louder and we can't even sit in our backyard and enjoy our backyards right now. It's gonna only get worse.

**Speaker 1:** We do have your email. What was the last name again please?

**Speaker 9:** Duff.

**Speaker 1:** Duff? Oh, I'm sorry, yes we do have your email, I just verified with the clerk.. Do you have a specific question for the applicant?

**Speaker 9:** The traffic. I don't want them widening the road coming into my backyard.

**Speaker 1:** Alright, we will log that. Any other questions?

**Speaker 9:** No.

**Speaker 1:** Okay, we're going to move to the next caller. Thank you. We're on caller 7. Any question or comment. [no comment]. Caller number 8, any question or comment? [no comment]. Now we're looking at Davis Yohe. Do you have a question or comment on this project?

**Speaker 10:** No, I don't thank you

**Speaker 1:** No, Okay. Thank you. Next, Joseph Desiderio. Question or comment?

**Speaker 11:** No comment on this item.

**Speaker 1:** Okay. I thank you all. At this time, I'd like to adjourn this public hearing. Mr. Germain if you're on, do you have a date and time to adjourn?

**Speaker 12:** Okay, at the next meeting, which would be June 15 at 7:35.

**Speaker 13:** So moved.

**Speaker 14:** Second.

**Speaker 1:** And Brian seconded, okay. All those in favor?

**Board Speaker:** Aye.

**Speaker 1:** Motion is carried. Thank you.

**Speaker 1:** Public hearing to solicit from Town of Clay residents their comments and input regarding the use of funds by the Town of Clay with respect to the applications for funding filed with Onondaga County Community Development for the year 2020.

**Speaker 2:**

**Speaker 1:** Public hearing to consider proposed Local Law number 3 of the year 2020, enacting a one-year temporary moratorium on the consideration, approval, and development of any and all commercial solar array installations and commercial solar utility substations within the Town of Clay for a period of one (1) year from the active date of the local law, or sooner if new legislation amending the policy or code of the Town of Clay addressing commercial solar array permitting and installations is enacted. The purpose of this local law will be to stay all actions until the presentation/passage of amended town policy and code provisions dealing with proposed new commercial solar utility substations are approved. It is the intent of the local law

to specifically exempt existing applications as of the date of the public hearing as well as any and all non-commercial residential applications.

**Speaker 1:** To clarify, we are looking for guidelines as to where solar projects of a commercial nature would best fit in the Town of Clay. To be honest, we've had a flurry of applications come at us and we want to make sure that they're appropriately placed. So our best thought was to do some due diligence on this and to establish a committee of residents and business people and have the ability to set aside funds should we need a consultant to assist us in assessing all of the areas in the Town of Clay that are potential sites for solar projects, and determine which of those would best meet the needs of not only the applicant, but respect the residents in and around those are solar commercial operations. That's really the intent of this project, to basically put a pause on this so as to speak, understand and digest what's before us and move forward with a plan that is consistent with input from residents, business owners, commercial operators, and the town and have that guided by a professional for consulting purposes, so we can come up with a policy or a code that works for all of us. That's kind of my summary. Would anyone from the board like to add to that or question the direction of it?

**Speaker 2:** Mr. Supervisor.

**Speaker 1:** Yes, Councilor Young.

**Speaker 2:** We might also want to consider if this passes, that during the year, the size, and number of acres, in particular, are mentioned.

**Speaker 1:** I think that is a worthy note. I'll make sure the clerk has that in her record. I want to remind and advise the residents, this is commercial and does not impact individual homeowners who want to put commercial, excuse me, to put solar arrays on their rooftop, or in their backyards. This is for commercial solar projects only, at this particular we are considering. Any other questions from board members? Yes, Councilor Hess?

**Speaker 3:** I'm in favor of this, just so we can get a better grasp on it. My comment is, if these solar arrays aren't substations then they are really generating stations, which aren't even interval. I think that's the only thing I have to say is, is that we want to make sure that if it's a generating station that's what it is.

**Speaker 1:** They're not substations. Again, I'm having the clerk, put that into her notes. So that makes sure that we're proceeding.

**Speaker 3:** Okay. Very good.

**Speaker 1:** Anyone else from the board?

**Speaker 4:** Mr. Supervisor, this is Councilor Bick.

**Speaker 1:** Yes, Councilor Bick.

**Speaker 4:**

**Speaker 1:** Okay. Any other questions? Caller 10, any questions for the board on the commercial solar? [no comment]. Caller 11, do you have a commercial solar question comment. [no comment]. Caller 12, question comment on the solar? [no comment]. Caller Davis Yohe, any question or comment on the solar? [no comment]. Joseph Desiderio, any comment or question?

**Speaker 5:** Yes. Can you hear me Mr. Supervisor?

**Speaker 1:** Yes, I can hear you. Go ahead.

**Speaker 5:** Great. Thank you. First, thank you for the opportunity to speak. We certainly appreciate what the Town of Clay is doing and quite frankly a few towns in Nevada County and others locally are dealing with this same issues as it relates to certain proposals. My name is Kurt Stroman, I am an in-house counsel to P. Drescher. Co 7526- 3546 on Morgan Road. We own the former Cooper Crouse Hinds facility on Morgan Road. We've been engaged in commercial solar development from that facility through one of our companies Warner Energy for awhile since about 2003/2004. We've worked with the town's advancement for the very progressive move with the challenge made a few years ago to a ground-mount solar array behind the fine Town Hall, I guess would be the best way to say it. So, two things, number one, we have recently submitted an application to the town related to the development of a five mega-watt solar facility on our property. So obviously, you know, this proposal has the potential to potentially have negative implications for us as it relates to that proposal. So, that's part of the reason for our interest. The other part of it is that, you know, we have been located in the town for a long time, we've done a lot of business, we own multiple businesses that operate out of the Town of Clay. We've always appreciated the fact that the town's been very progressive-related to the work that we've done at our facility. You know, we've done some pretty interesting and unique projects from everything from winter turbines to solar arrays and years ago before a lot of people were doing ground mount solar. And the proposal that we have in front of the town right now we've submitted an application for a five mega-watt facility is really a community solar development. And it would be a fed through a substation as required by National Grid from our property, it would not serve the buildings on the property, but it would be a community solar development, as many of the ones that are in front of the town right now are proposed to be. We obviously, you know, feel like being located in the industrial zone portion of the town. And with a proposal that puts our proposal or development far at the rear of our property out of the view of even anyone to be quite frank with you. You know, we felt like we were doing what we could to try to mitigate any concerns. And in related to this proposal, I guess I would just say we, you know, we've done a lot of development, software development all over the country and we've been involved with towns before where they introduced moratoriums on solar development. I can remember when towns were introducing moratoriums on, you know, residential solar development, and also commercial solar development. We've kind of been through all those phases. And I guess the only comment that I would really like to share with the town is just that, you know, we just hope that the town continues to be progressive as a relates to the proposed development of solar. Solar is a very passive use of the land, especially in industrial zones, like where we are located, you know, there's far worse things that could potentially be developed on these properties. Solar is a very passive use of the property. It's not very intensive at all, and has very minimal effects on you know, any adjoining neighboring, you know, uses. So we just hope that the town can stay the fact that, you know, the current applications are in front of the town, obviously, we'd like to be able to potentially proceed, we certainly can understand the concern and then the need to want to know what you're doing. And, you know, Tom's always been very diligent and thorough in the way that they've conducted business before. We don't expect that there would be anything less than that, or as it relates to any, you know, currently proposed

project and as you said, go through the process, learn from experts learn from people that have done this before. And, you know, quite frankly, we have done it before. We'd like to partner with the town and help the town as you work to develop this, you know, whatever language it is, whatever codes you may be looking at, because, again, we've encountered this, quite frankly, in many, many jurisdictions all over the country. So again, thank you for the time and that's our comment.

**Speaker 1:** Thank you Mr. Stroman. I will be conferring with counsel on behalf of the Board as was read in the public hearing notice, it says it is the intent of the local law to specifically exempt existing applications. So, we will have to look at yours as well as any others that have come in to see how they would be impacted by this. I'm certainly not here to make an interpretation one way or another. But that's one of the reasons I want to involve counsel and any other consultants. Just to make sure we're respecting the process that we eventually hope to put in place. So, I will not be closing this hearing. But, I will be convening a commission in the next couple of weeks to start addressing some of these concerns, so that we can continue this hearing at our next meeting, and hopefully move forward from there. I appreciate your patience, and ask for your indulgence as we consider this again over. Alright, Mr. Germain again, do we have a date and time?

**Speaker 6:** Is one year mandatory? Why are we considering one year?

**Speaker 1:** The paperwork reads at least one year, it would be shorter than that, but at least one year. Mr. Germain are you still with us?

**Speaker 7:** I am, can you hear me?

**Speaker 1:** We can yes, go ahead. We just need a date and time.

**Speaker 7:** 7:44 next meeting.

**Speaker 1:** Okay, thank you. So I'm going to look for a resolution to adjourn to this date and time.

**Speaker 8:** I make the motion.

**Speaker 1:** Do we have a second?

**Speaker 9:** Second.

**Speaker 1:** Motion second, thank you very much. Moving right along, I'm sorry, all in favor? Opposed? Motion is carried.

**Speaker 1:** Alright next we have a Public hearing to consider proposed Local Law No. 4 of the year 2020 amending section 230-17 D. (2)(b) by adding item [10] Public Self-Storage Facility to the I-2 District to the Code of the Town of Clay. In the purpose of learning a little bit more about this, I'm going to ask our Planning Commissioner to give us a background on this please.

**Speaker 2:** [Inaudible]

**Speaker 1:** Okay, any questions from Board Members? I'll sweep through the public, caller 10 any question or comment on this public hearing? Caller 11? Davis Yohe? Joseph Desiderio?

**Speaker 3:** In favor.

**Speaker 1:** Okay, thank you, appreciate that. That's all, alright then I'm ready to close the hearing.

**Speaker 1:** Move the adoption of a resolution authorizing the application to Onondaga County Community Development for the year 2020.

**Speaker 2:** I make the motion.

**Speaker 3:** Second.

**Speaker 1:** Motion second, thank you very much, all in favor? Opposed? Motion is carried. Councilor Young?

**Speaker 4:** I move we adjourn the meeting.

**Speaker 1:** We have a motion, all those in favor?

**Speakers:** Aye.

**Speaker 1:** Meeting adjourned. Mr. Germain thank you very much for participation and attendance and to the audience and public I thank you as well.

Total recording: (45:53)