

APPROVED

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 21st of July, 2014 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Robert L. Edick	Deputy Supervisor/Councilor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Joseph A. Bick	Councilor
Jim Rowley	Councilor
Eugene Young	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Doug Wickman	Town Engineer

ABSENT:

None

ALSO PRESENT:

Judy Rios – Administrative Assistant to the Supervisor, Lisa Vincitore – Secretary to the Town Attorney, Rob Bick – Assessor, Tom Weaver – Highway Superintendent

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 Bray moved the adoption of a resolution to **Approve** the Minutes of the June 16, 2014 Town Board Meeting. Motion was seconded by Councilor Bick.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that item number 12 on the agenda will be adjourned.

Correspondence:

Supervisor Ulatowski asked if anyone wished to address the Board on any items not on the agenda.

Joe Mastroianni of Winterpark Drive said that he and some of his neighbors appeared before the Town Board back in May to bring up the stormwater drainage

problems that they are having in their development. Mr. Mastroianni explained that he was not there to rehash the concerns described in May but to express his dismay at the lack of resolution regarding this.

He continued that the Highway Department did come out to evaluate the road and they explained that they will install catch basins. Mr. Mastroianni said that in his opinion the road needs to be milled down and repaved and that the proposed drains would merely be a waste of Town money. He added that the road is flat and without crowning the problem will remain. Mr. Mastroianni said that this problem did not exist before the gutters were paved over.

Supervisor Ulatowski explained that the Town Engineer and Highway Superintendent had both decided that drains will be installed to reduce the ice build up until the road can be built up and repaved. He added that unfortunately there is no money in the budget for the project this year. Doug Wickman, Town Engineer, explained that this process is tried and proven effective. Tom Weaver, Highway Superintendent explained that they need to control the water runoff first and reprofile the road later.

Supervisor Ulatowski explained that this new methodology is what is being used in the new developments. He thanked Mr. Mastroianni for his continued patience.

REGULAR MEETING:

R-14-96 Zone Change (SEQR) – Town Board Case # 1060 - MCFARLAND DEVELOPMENT, LLC AND RICHARD ZDYB:

Councilor Bick moved the adoption of a resolution that the application of **MCFARLAND DEVELOPMENT, LLC AND RICHARD ZDYB, FOR A ZONE CHANGE from LuC-2 Limited Use for Restaurants and HC-1 Highway Commercial to NC-1 Neighborhood Commercial District** to allow for a retail and auto-parts store on properties located at **7386 Oswego Road, Tax Map Nos. 104.-03-05.1 and 104.-03-06.0**, 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 Edick.

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

R-14-97 Zone Change (A) – Town Board Case # 1060 - MCFARLAND DEVELOPMENT, LLC AND RICHARD ZDYB:

Councilor Bick moved the adoption of a resolution approving the application of **MCFARLAND DEVELOPMENT, LLC AND RICHARD ZDYB, FOR A ZONE**

CHANGE from LuC-2 Limited Use for Restaurants and HC-1 Highway Commercial to NC-1 Neighborhood Commercial District to allow for a retail and auto-parts store on properties located at **7386 Oswego Road, Tax Map Nos. 104.-03-05.1 and 104.-03-06.0**. Motion was seconded by Councilor Rowley.

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

R-14-98 Excavation Permit (SEQR) - Richard Riccelli and Syracuse Sand & Gravel, LLC:

Councilor Young moved the adoption of a resolution that the application for the renewal and expansion of an excavation permit application made by **Richard Riccelli and Syracuse Sand & Gravel, LLC** to meet the DEC approval of 59.3 acres on property located at **Black Creek Road, Tax Map No. 039.-03-01.1**, is an unlisted action with a completed EAF and involves no other permit granting agency outside the Town, except the *Department of Environmental Conservation (DEC)*. The proposed project will not have a significant effect on the environment and therefore does not require the preparation of an EIS, because an EIS has been approved by the DEC. Motion was seconded by Councilor Bick.

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

R-14-99 Excavation Permit (A) - Richard Riccelli and Syracuse Sand & Gravel, LLC:

Councilor Young moved the adoption of a resolution **approving** the application for the renewal and expansion of an excavation permit application made by **Richard Riccelli and Syracuse Sand & Gravel, LLC** to meet the DEC approval of 59.3 acres on property located at **Black Creek Road, Tax Map No. 039.-03-01.1**, conditioned on the following: Applicant will post acceptable security with the Town of Clay in the amount of \$100,000.00 to insure performance of the following (as stated in a letter from the applicant dated 7/14/2014) by applicant:

- 1.) A large sign will be posted on the property (with the approval of the Planning Board).
- 2.) Combination lock will placed on entrance gates to secure access to the mine. The lock combination numbers will be forwarded to the Town for the Town's use (in the event of an emergency situation) once locks are in place.
- 3.) Landscaping will be done to visibly improve those areas where mining operations have been completed.
- 4.) Syracuse Sand and Gravel, LLC will provide annual proof that a required bond is in place.

Additionally, the applicant will provide proof annually to the Town of Clay that said acceptable securities are still in effect. Motion was seconded by Councilor Bray.

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

Zone Change (PH/Adj.)- Town Board Case # 1062- ANDREW AUGISTINOS:

A public hearing to consider the application of **ANDREW AUGISTINOS FOR A ZONE CHANGE from R-10 One Family Residential District to O-1 Neighborhood Office District;** to allow for a small office located at **4976 West Taft Rd, Tax Map No. 116.-01-02.0** was opened by the Supervisor; proof of publication and posting was provided by the Town Clerk.

Tim Coyer of Ianuzzi and Romans spoke on behalf of the applicant. Mr. Coyer began by explaining that the parcel is surrounded by the PDD. Currently it is being used as rental property, however the property owner has not been able to rent it as a residential property. The applicant is requesting a Zone Change to attract a tenant, possibly an Accounting office that would generate minimal pedestrian traffic.

Supervisor Ulatowski asked if the access to the parcel is from Taft Road. The applicant said that it is adding that there is full access. The Supervisor added that the structure is very close to the road. Mr. Coyer stated that the arterial setbacks are behind the property, adding that the building will not be expanded. There is an existing small parking lot. He continued that this parcel would be ideal for an attorney or an accountant's office.

There was a discussion about the driveway and the probability of a conversion from a residential drive to a commercial drive.

Councilor Rowley reiterated, the parcel R-10 is a non-conforming O-2 that could not be built today. He asked if there will be adequate parking and if there was a possibility of paving anymore of the lot. Hal Romans said that could pave more. He added that the applicant has had difficulty finding a tenant in the current R-10 zoning. Mr. Romans said that the Planning Board will oversee the landscaping.

Commissioner Territo asked the Board if they have a copy of the comments from the Onondaga County Planning Board. Several Board members stated that they had not received them.

Supervisor Ulatowski said that he would refer this case to the Planning Board for review and recommendation.

Local Law No. 1 of the Year 2014 – Amending Chapter 230 Entitled “Zoning”:

A public hearing to consider proposed **Local Law No. 1 of the Year 2014** to amend **Chapter 230** entitled **“Zoning”** by adding **Section 230-17C (2)(e)(7)** to

allow for **MOTOR VEHICLE STORAGE WITH A TOWN BOARD SPECIAL PERMIT** located within the I-1 zoning district, was opened by the Supervisor; proof of publication and posting was provided by the Town Clerk.

Commissioner Territo began by explaining that the intention is to add the definition 'Motor Vehicle Storage' to the I-1 section of the Zoning Code. He asked Robert Germain if the Town of Clay could limit the type or condition or number etc. Mr. Germain said that it could with a Special Permit.

Supervisor Ulatowski asked if there were any questions or comments; hearing none he **closed** the public hearing.

Special Permit (PH) - Town Board Case # 1064- SHARKEY'S ECLECTIC SPORTS LOUNGE, LLC:

No action

Special Permit (PH/Adj.) - Town Board Case # 1063- MCDONALD'S CORPORATION AND COR ROUTE 31 COMPANY, LLC:

A public hearing to consider the application of **MCDONALD'S CORPORATION AND COR ROUTE 31 COMPANY, LLC FOR A SPECIAL PERMIT pursuant to section 230-13A. (2) (e)** to remodel the building and improve the drive-thru of the existing restaurant located at **3869 State Route 31, Tax Map No. 021.-01-13.1.**

Owen Speulstra an Engineer with Bohler spoke on behalf of the applicant. Mr. Speulstra began by explaining that he had been before the Board last month and since that time they have received a favorable recommendation from the Planning Board. He explained that the applicant wishes to make improvements to the drive-thru but that overall the site will remain similar. The drive thru will be two lanes side by side converging into one lane adding that this will be more efficient. In addition, they will remodel the existing structure giving it a cleaner look. He continued that this new style is reflected in the restaurant on Route 11 in Cicero.

Councilor Weaver asked if there will be more traffic on the west side of the parcel. Mr. Speulstra said that there will but there will not be any parking there.

Rob Bick, Town Assessor asked about the percent of increase of revenue they are estimating based on the enhancement to the property. Mr. Speulstra said that he really wasn't sure, maybe 800-900 thousand? He said that he really did not have those numbers and that this question has not been asked in the past.

Councilor Bick said that he would like to see that estimate prior to making a decision. There was some chatter and Councilor Young said that he did not see how that would affect the decision. Supervisor Ulatowski said that he was going to **close** the public hearing.

R-14-95 Bid Advertisement (AWARD)- BAYBERRY SUBDIVISION POROUS PAVEMENT PROJECT:

Councilor Bick moved the adoption of a resolution awarding a contract for the **BAYBERRY SUBDIVISION POROUS PAVEMENT PROJECT (HUMMINGBIRD LANE and INDIGO PATH) to Salt Springs Paving Company** for the low bid of **\$415,203.75**; said amount being the lowest responsible bid, and further authorizing the Supervisor to execute any and all documents therefore.

Supervisor Ulatowski explained that the money for this project comes from the Counties' *Save the Rain Project* (utilizing green infrastructure). Motion was seconded by Councilor Edick.

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

R-14-95 Release of Securities - WATERHOUSE LANDING SUBDIVISION:

Councilor Weaver moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **100%** of the original amount posted for Highway Construction Guarantee by **COMBAT CONSTRUCTION, INC.** for **WATERHOUSE LANDING SUBDIVISION, SECTION 2 (Millstream Drive, 1274 lf)**. The roads have been completed in accordance with Town Highway Specifications. Motion was seconded by Councilor Bick.

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

R-14-95 Authorization/Agreement – STROPP APPRASIALS:

Councilor Bray moved the adoption of a resolution authorizing the expense of **\$14,350.00** for appraisal reports to **ERIKSEN E. STROPP, of STROPP APPRASIAL**, for trial purposes in the matter of: **WEGMANS FOOD MARKET (“WEGMAN’S”) vs. THE TOWN OF CLAY** of properties located at **4979 W. Taft Road, 7519 Oswego Road, and 3955-3959 Route 31**, and of the vacant land to the rear of the Route 31 property in the Town of Clay, **Tax Map Nos. 107.-20-01.1, 093.-04-08.1 and 021.-01-05.3** in the amount of **\$14,350.00**; and authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Weaver.

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

R-14-95 Agreement (A) – BRINKS:

Councilor Edick moved the adoption of a resolution renewing a contract with Brinks Incorporated of Syracuse, NY, an armored vehicle service for the transport of money and securities for a term of one year at the rate of **\$31.20 per hour**, commencing **August 20, 2014** and terminating **August 31, 2015**, and authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Bray.

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

R-14-95 Appointment – CLAY VOLUNTEER FIRE DEPARTMENT, INC:

Councilor Young moved the adoption of a resolution approving the appointment of **Robert Bliven** and **Cody Spadaro** as volunteer members of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Weaver.

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

R-14-95 EPA/Army Corp of Engineers-CLEAN WATER ACT–(Opposing):

Councilor Rowley moved the adoption of a resolution opposing the **U.S. Environmental Protection Agency (EPA)** and the **Army Corps of Engineers (ACE)** expansion of Federal control under **Clean Water Act** as proposed; and authorizing the Supervisor to execute the necessary document therefore. Motion was seconded by Councilor Bick.

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

R-14-95 Agreement - 2014 Onondaga County Workplan:

Councilor Edick moved the adoption of a resolution approving an Agreement between the **County of Onondaga** and **Town of Clay** for financial assistance with **highway construction projects** and the execution of agreements in connection with supporting and enhancing the **2014 Onondaga County Workplan**; and further authorizing the Supervisor to execute the necessary documents therefore. Said amount not to exceed \$200,000.00.

Supervisor Ulatowski explained that this is money allocated for highway projects in the Town of Clay and that the Town is appreciative for the assistance that the County is providing. Motion was seconded by Councilor Weaver.

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

R-14-95 Authorization/ Project - COUNTRY MEADOW SECTION H & I DISTRICTS:

Councilor Weaver moved the adoption of a resolution authorizing the Supervisor to enter into an Agreement on behalf of the Town with **GROUP ONE DEVELOPMENT, LLC** for the construction/development of **COUNTRY MEADOW SECTION H & I DISTRICTS**. Motion was seconded by Councilor Bray.

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

R-14-95 Release of Securities - WATERHOUSE LANDING SUBDIVISION:

Councilor Edick moved the adoption of a resolution, pursuant to the written recommendation of the Town Engineers in their letter dated **July 18, 2014**, authorizing the release of the securities withheld for **WATERHOUSE LANDING SUBDIVISION** as follows:

\$5,431 to \$0 security posted for the repair and maintenance; Waterhouse Landing Sewer District, Contract No. 1

\$5,431 to \$0 security posted for the repair and maintenance; Waterhouse Landing Drainage District, Contract No. 1

\$5,000 to \$0 security posted for overland drainage; Waterhouse Landing Drainage District, Contract No. 1

Motion was seconded by Councilor Bick.

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

R-14-95 Policy - Section §167-6 Solicitors/ Peddlers / Issuance of License:

Councilor Young moved the adoption of resolution formally stating the official policy of the Town of Clay with regard to obtaining a Background Check for **Solicitors/Peddlers Permit/Certificates of Compliance** (sought by profit and/or not for profit) in the Town of Clay. After careful consideration and research regarding the Town Clerks determination, as outlined in Section §167-6 **Issuance of license** [Town Clerk to issue or deny] of the Town of Clay Code; the applicant for such license shall pay a **fee of \$10.00 per solicitor**. The fee will be used **for the**

purpose of a background check to ascertain if the applicant meets the requirements to conduct trade or business for which the license is being approved. Upon the adoption of this Resolution, the Town Clerk shall request the background check once a release form and a \$10.00 fee is collected from each applicant for all Solicitor/Peddler Permits and Certificates of Compliance. Fees collected are a direct parallel to the fee charged to the Town of Clay by the vendor. Motion was seconded by Councilor Weaver.

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

Special Permit (CPH) Town Board Case # 1065 - MCFARLAND DEVELOPMENT, LLC AND RICHARD ZDYB:

Councilor Bick moved the adoption of a resolution calling a public hearing **August 18, 2014**, commencing at **7:35 P.M.**, local time, to consider the application of **MCFARLAND DEVELOPMENT, LLC AND RICHARD ZDYB FOR A SPECIAL PERMIT pursuant to 230-16 A. (2) (d) [4] of the Town Code** to allow for the construction of a 6,831 square foot auto parts store on part of properties located at **7386 Oswego Road, Tax Map Nos. 104.-03-05.1 and 104.-03-06.0**; currently Zoned NC-1. Motion was seconded by Councilor Edick.

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

Special Permit (CPH) Town Board Case # 1066 - SUPERIOR SELF STORAGE, LLC:

Councilor Bray moved the adoption of a resolution calling a public hearing **August 18, 2014**, commencing at **7:38 P.M.**, local time, to consider the application of **SUPERIOR SELF STORAGE, LLC FOR A ZONE CHANGE from RA-100 Residential Agricultural District to HC-1 Highway Commercial District** to allow for a self-storage facility on property located at **4356 Route 31, Tax Map No. 059.-01-13.1**. Motion was seconded by Councilor Weaver.

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

Project/Sewer – (CPH) COUNTRY MEADOW SEWER DISTRICT, EXTENSION NO. 1, CONTRACT NO. 3 – LATERAL:

Councilor Edick moved the adoption of a resolution calling a public hearing **August 18, 2014**, commencing at **7:41 P.M.**, local time, to consider a Petition for the extension of a sewer district within the Town of Clay to be designated and known as **“COUNTRY MEADOW SEWER DISTRICT”** and for the construction and acquisition of a sewer system therein to be designated and known as **“COUNTRY MEADOW SEWER DISTRICT, EXTENSION NO. 1, CONTRACT NO. 3 - LATERAL.”** (Country Meadow District). Motion was seconded by Councilor Bick.

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

Project/Drainage – (CPH) COUNTRY MEADOW DRAINAGE DISTRICT, EXTENSION NO. 1, CONTRACT NO. 3 – LATERAL:

Councilor Edick moved the adoption of a resolution calling a public hearing **August 18, 2014**, commencing at **7:44 P.M.**, local time, to consider a Petition for the extension of a drainage district within the Town of Clay to be designated and known as “**COUNTRY MEADOW DRAINAGE DISTRICT**” and for the construction and acquisition of a drainage system therein to be designated and known as “**COUNTRY MEADOW DRAINAGE DISTRICT, EXTENSION NO. 1, CONTRACT NO. 3 - LATERAL.**” (Country Meadow District). Motion was seconded by Councilor Bick.

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

Special Permit (CPH) Town Board Case # 1067 - THOMAS AND KAREN TEBIDOR:

Councilor Rowley moved the adoption of a resolution calling a public hearing **August 18, 2014**, commencing at **7:47 P.M.**, local time, to consider the application of **THOMAS AND KAREN TEBIDOR FOR A SPECIAL PERMIT pursuant to Sections 230-13A. (2) (e) [8] and 230-20E. (2) of the Town Code** to allow for an outside boiler on property located at **3544 Bonstead Road, Tax Map No. 016.-01-31.6**; currently zoned **RA-100**. Motion was seconded by Councilor Bick.

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

Adjournment:

The meeting was adjourned at 8:27 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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

Jill Hageman-Clark
Jill Hageman-Clark RMC, Town Clerk