

July 18, 2011

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 July, 2011 at 7:30 P.M., there were:

PRESENT:

Damian M. Ulatowski	Supervisor
Robert L. Edick	Deputy Supervisor/Councilor
Clarence A. Rycraft	Councilor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Joseph A. Bick	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert M. Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

Bruce N. Johnson	Councilor
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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 Bick moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on **June 20, 2011**. Motion was seconded by Councilor Bray.

Ayes-5 and Noes-0 Abstain-1 Motion carried.

Councilor Edick abstained due to his absence at the last meeting.

Correspondence/ Other Business:

Supervisor Ulatowski asked if anyone wished to address the Board on anything that is not on the agenda.

Russ Mitchell president of Clairmont/Four Seasons Homeowners Association stated that the residents in trash district 5 are still having some problems with the trash company with such things as entering the neighborhood prior to 6 A.M. Trash cans and recycle bins left in the street and gutters. Items being dropped in the street and left. Items not taken and thrown into the yards.

Mr. Mitchell also brought up an issue that a neighbor had with a contractor hired by the town to work on the drainage easement. The contractors worked in the residents' yard altering the sump pump connection and not notifying the resident as to what they were doing. The Supervisor agreed that this was not a good practice and that the homeowner will be notified in the future.

Jeff Harrington stated that the pot holes on Route 31 are in need of repair. Councilor Weaver stated that Route 31 is a State road therefore not maintained by the Town.

Dave Arnold of Horseshoe Island Road applauded the Town on the paving of Horseshoe Island Road with the exception of the big dip 1/4 mile past the bridge. Supervisor Ulatowski said that he will look into this.

Janet Rathburn stated that she was there to make her monthly YMCA complaint. Supervisor Ulatowski explained that it is on the agenda.

Regular Meeting:

Special Permit (SEQR) - STEPHANIE MATTHEWS:

Councilor Edick moved the adoption of a resolution that the application of **STEPHANIE MATTHEWS FOR A SPECIAL PERMIT TO ALLOW ANIMAL BOARDING AND BREEDING** on property located at **8539 Oswego Road, Tax Map No. 019.-02-18.1**, 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 on an EIS. Motion was seconded by Councilor Bick.

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

Special Permit (A) - STEPHANIE MATTHEWS:

Councilor Edick moved the adoption of a resolution approving the application of **STEPHANIE MATTHEWS FOR A SPECIAL PERMIT TO ALLOW ANIMAL BOARDING AND BREEDING** on property located at **8539 Oswego Road, Tax Map No. 019.-02-18.1**. Motion was seconded by Councilor Bray.

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

Supervisor Ulatowski stated that there will be no action on the next two hearings.

Special Permit (SEQR) - MARIO MIRRA and TKORZ, ENTERPRISES, LLC :

No Action

Special Permit (A/D) - MARIO MIRRA and TKORZ, ENTERPRISES, LLC :

No Action

Zone Change (SEQR) - AFFORDABLE SENIOR HOUSING OPPORTUNITIES OF NEW YORK, INC., RONALD H. POST, ALISON G. POST and LIVERPOOL CENTRAL SCHOOL:

Councilor Weaver moved the adoption of a resolution that the application of **AFFORDABLE SENIOR HOUSING OPPORTUNITIES OF NEW YORK, INC., RONALD H. POST, ALISON G. POST and LIVERPOOL CENTRAL SCHOOL** for a change of zone from **RA-100 Residential Agricultural District** and **HC-1 Highway Commercial District** to **R-SR Senior Residence District** located at **8565± Morgan Road**, part of **Tax Map No. 055.-01-14.1** and part of **Tax Map No. 055.-01-13.1** being vacant property on Morgan Road, 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 on an EIS. Motion was seconded by Councilor Bray.

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

Zone Change (A) - AFFORDABLE SENIOR HOUSING OPPORTUNITIES OF NEW YORK, INC., RONALD H. POST, ALISON G. POST and LIVERPOOL CENTRAL SCHOOL:

Councilor Weaver moved the adoption of a resolution approving the application of **AFFORDABLE SENIOR HOUSING OPPORTUNITIES OF NEW YORK, INC., RONALD H. POST, ALISON G. POST and LIVERPOOL CENTRAL SCHOOL** for a change of zone from **RA-100 Residential Agricultural District** and **HC-1 Highway Commercial District** to **R-SR Senior Residence District** on part of **8565± Morgan Road**, part of **Tax Map No. 055.-01-14.1** and part of **Tax Map No. 055.-01-13.1** being vacant property on Morgan Road. Motion was seconded by Councilor Bray.

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

Zone Change (PH/Adj.) - COR VERPLANK ROAD COMPANY, LLC:

A public hearing to consider the application of **COR VERPLANK ROAD COMPANY, LLC**, for a change of zone from **RA-100 RESIDENTIAL AGRICULTURAL DISTRICT** to **RESIDENTIAL R-15 DISTRICT**, on part of **Tax Map No. 021.-01-2.3** consisting of **77.19± acres of land**, located on **VerPlank Road** and being part of **Tax Map No. 021.-01-03.4** being land located at **3950 VerPlank Road** and from **R-APT APARTMENT DISTRICT** to **RESIDENTIAL R-15 DISTRICT** on part of **Tax Map No. 021.-01-2.3** consisting of **10.88± acres of land** located on **Ver Plank Road**. Adjourned to this date and time at the May 16th, 2011 Town Board meeting.

Supervisor Ulatowski said that the applicant had requested an adjournment.

Zone Change (PH/Adj.) RED BARN COUNTRY, LLC:

A public hearing to consider the application of **RED BARN COUNTRY, LLC**, for a change of zone from **HC-1 Highway Commercial District** to **NC-1 Neighborhood Commercial District** on part of property located at **7165 Buckley Road**, and being part of **Tax Map No 117.-01-06.3** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Zone Change (PH/Adj.) RED BARN COUNTRY, LLC:

A public hearing to consider the application of **RED BARN COUNTRY, LLC**, for a change of zone from **R-7.5 One-Family Residential District** and **R-10 One Family Residential District** to **HC-1 Highway Commercial District** on part of properties located at **7165 & 7191 Buckley Road**, and being part of **Tax Map Nos. 117-01-06.1 and 117.-01-6.3** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk. Supervisor Ulatowski stated that he would open both public hearings together as recommended by the Town Attorney.

Hal Romans, surveyor and planner for the applicant began by explaining that the applicant wishes to create a road through the property zoned R-7.5. The applicant is proposing a subdivision in the currently zoned HC-1 therefore necessitating a change of zone to NC-1 neighborhood commercial. The R-7.5 will be changed to HC-1 to allow a roadway and to join the surrounding properties such as the Medical Center and the existing HC-1. The plan is to build commercial retail in the front of the parcel eventually splitting into four lots.

Mr. Romans explained that the stormwater facility will be to the back with the sewer service similar to that of Inverness Gardens and Jewel Manor. The residential housing will be constructed on the rear portion of the property currently zoned R-10. He added that the residential portion will be constructed first and the commercial development will follow.

Supervisor Ulatowski asked if there will be any demolition of the existing structures. Mr. Romans stated that there will be and that the houses will need to come down prior to the construction of the road. Several residents inquired about the drainage and the impact that it will have on the residents in neighboring Salina. Mr. Romans stated that the design engineer's purpose is to insure that the stormwater runoff will not be greater than that prior to development. He continued that the regulations are stricter since March of this year and that the full SWPPP (Stormwater Pollution Prevention Plan) will be reviewed by C&S Engineers. Mr. Romans suggested that the residents come to the Planning Board meeting on the 27th of July where this will be further discussed. Rick Cradin of Victoria Park inquired about a traffic control device as traffic is already problematic in this area. Mr. Romans stated that the applicant is waiting for results from the *County Department of Transportation*.

Dave Arnold of Horseshoe Island Road congratulated the applicant on a great presentation but added that he is concerned with the environmental study as this was a vegetable farm and would like to see some soil samples taken prior to development.

Supervisor Ulatowski asked if there were any more questions. Hearing none he adjourned the public hearing until after the applicant had gone before the planning board, adding that any additional maps and information should be brought to the next hearing.

Councilor Edick made a motion **adjourning** these public hearings to **August 15, 2011 at 7:41 and 7:44 P.M.** Councilor Bray seconded the motion.

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

Project(drainage) - WALGREENS DRAINAGE DISTRICT:

A public hearing to consider a petition for the creation of a drainage district within the Town of Clay to be designated and known as **“WALGREENS DRAINAGE DISTRICT”** and for the construction and acquisition of a drainage system therein to be designated and known as **“WALGREENS DRAINAGE DISTRICT, CONTRACT NO. 1.”** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Alex Wisnewski was present for the applicant. Mr. Wisnewski explained that the stormwater will be piped to the pond on Allen Road. Supervisor Ulatowski asked if the existing pond drains anywhere. Mr. Wisnewski said that it is essentially pervious. Councilor Bick asked if there was a possibility of the water draining out onto Allen Road if the pond filled. Councilor Weaver asked if the water level has been checked to see if it is functional adding that it seems that it should be checked. Ron DeTota said that he has worked with Clough Harbor in the past where there have been concerns and discussions regarding effective drainage. Dave Arnold added that the soil is very sandy there.

Supervisor Ulatowski asked if there were any additional questions. Hearing none he closed the hearing.

Hydrants - NEWBURY WOODS WATER SUPPLY DISTRICT:

Councilor Edick moved the adoption of a resolution authorizing the installation of five (5) fire hydrants in the **NEWBURY WOODS WATER SUPPLY DISTRICT** and authorizing the Supervisor to execute the OCWA fire hydrant application (Newbury Woods). Motion was seconded by Councilor Bick.

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

Hydrant - INVERNESS GARDENS WATER SUPPLY DISTRICT:

Councilor Edick moved the adoption of a resolution authorizing the installation of a (1) fire hydrant in the **INVERNESS GARDENS WATER SUPPLY DISTRICT** and authorizing the Supervisor to execute the OCWA fire hydrant application (Inverness Gardens). Motion was seconded by Councilor Bick.

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

Deed/Highway - LAWTON ROAD:

Councilor Bray moved adoption of a resolution accepting Deed from **KELLY-TOBIN DEVELOPMENT CORPORATON** being lands conveyed for highway purposes and designated as **LAWTON ROAD** as shown on a Conveyance Plan as prepared by Ianuzi & Romans Land Surveying, P.C., dated November 29, 2010. Motion was seconded by Councilor Weaver.

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

Agreement/ Abandonment of Land - KELLY-TOBIN DEVELOPMENT CORPORATION:

Councilor Bray moved the adoption of a resolution approving and authorizing the abandonment and release of a portion of certain lands to **KELLY-TOBIN DEVELOPMENT CORPORATION** being part of Crabtree Lane all as shown on a Conveyance Plan as prepared by Ianuzi & Romans, Lands Surveying, P.C., dated November 29th, 2010. Motion was seconded by Councilor Weaver.

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

Standard Work Day Reporting for Elected and Appointed Officials (Amended):

Councilor Bick moved the adoption of a resolution approving and authorizing the addition of two elected officials Town Justice Brian Lauri and Town Board Member Robert L. Edick to the Standard Work Day and Reporting Resolution Continuation Form RS 2417-B and filing with the Office of the New York State Comptroller and Local Retirement System. Motion was seconded by Councilor Bray.

Ayes-5 and Noes-0 and Abstain-1 *Motion carried. Councilor Edick abstained.*

Agreement (amended) Central New York Stormwater Coalition:

Councilor Bick moved the adoption of a resolution approving the Amendment to the Memorandum of Agreement for the Central New York Stormwater Coalition, which amends the agreement that commenced on January 1, 2011 and terminate on

December 31, 2012, unless extended, and authorizing the Supervisor to execute same. Subject to approval as to form and content by the Town Attorney. Motion was seconded by Councilor Bray.

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

Agreement(sewer) (A) - Henry Clay Pump Station:

Councilor Bick moved the adoption of a resolution approving a Permit between the County of Onondaga and Town of Clay granting permission to and authorizing the installation of a sewer force main within County property (Henry Clay Pump Station), pursuant to the Terms and Conditions of said agreement between the Town and Group One Development for construction of facilities within Newbury Woods Subdivision, and that the Town of Clay shall own and maintain such facilities upon acceptance of title by the Town from the developer and authorizing the Supervisor to execute same. Subject to approval as to form and content by the Town Attorney. Motion was seconded by Councilor Edick.

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

Project (drainage)(A) - WALGREENS DRAINAGE DISTRICT:

Councilor Weaver moved the adoption of a resolution approving the creation of a drainage district within the Town of Clay to be designated and known as “**WALGREENS DRAINAGE DISTRICT.**” Motion was seconded by Councilor Bick.

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

Project (drainage)(SEQR) - WALGREENS DRAINAGE DISTRICT:

Councilor Weaver moved the adoption of a resolution that it is in the public interest that the Town of Clay approve the construction and acquire the public facilities located within **WALGREENS PROJECT – TAFT AND BUCKLEY ROAD SITE** (Walgreens Drainage District, Contract No. 1) in accordance with the terms and conditions of a certain Agreement entered into between the Town of Clay and the developer **CHARLES L. HAFNER, CAC REALTY ASSOCIATES and HAFNER REALTY, LLC.** Motion was seconded by Councilor Edick.

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

Traffic & Vehicles (amending Chapter 211):

Councilor Bray moved the adoption of a resolution, on motion of the Town Board, calling a public hearing **August 15th, 2011**, commencing at **7:35 P.M.**, local time, to consider Amendment of Chapter 211, Traffic and Vehicles Ordinance of the Town

of Clay by amending Section 211.18 Parking Prohibited at All Times, and Section 211.47 Schedule XIV Parking Prohibited at All Times to designate No parking on either side of Wetzel Road from Henry Clay Boulevard to Majestic Drive and the installation of the necessary signs therefore. Motion was seconded by Councilor Rycraft.

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

Assessment & Taxation/Certiorari - MBC ENTERPRISES, LLC:

Councilor Bick moved the adoption of a resolution approving the proposed settlement of a certiorari action entitled **MBC ENTERPRISES, LLC vs. TOWN OF CLAY, ET AL**, for the tax years 2006, 2007, 2008, 2009 and 2010 by reducing the assessment from \$1,260,776.0 to \$1,116,800 for 2006; from \$1,314,607.00 to \$1,172,640.00 for 2007; from \$1,341,743.00 to \$1,228,480.00 for 2008; from \$1,354,167.00 to \$1,284,320.00 for 2009 and from \$1,354,167.00 to \$1,284,320.00 for 2010 and that the assessment on the property shall be maintained on the tentative and final assessment roles of the Town of Clay for 2011, 2012 and 2013 at a figure equivalent to \$1,100,000.00, multiplied by the final state equalization rate; if petitioner fails to maintain such assessment at the figure equivalent to \$1,100,000.00 multiplied by the final equalization rate for the assessment year in question; petitioner shall have the right to restore the 2006, 2007, 2008, 2009 and 2010 proceedings; and further that any party to these proceedings may make an application to any Justice of this Court, upon notice to the other parties herein, for any other, further and different relief as may be necessary and proper to enforce or construe the provisions if the Stipulation and Order of Settlement; and said Stipulation and Order of Settlement hereby constitutes and represents full settlement of the proceedings. Motion was seconded by Councilor Bray.

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

Adjournment:

The meeting was adjourned at 8:44 P.M. upon motion by Councilor Bray and seconded by Councilor Bick. Ayes-6 and Noes-0. *Motion carried.*