

## *Approved*

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 20<sup>th</sup> of January, 2016 at 7:30 P.M., there were:

### PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Jim Rowley	Councilor
Eugene Young	Councilor
David Hess	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:

Russ Mitchell and Hal Henty; members of the Planning Board, Karen Liebi; Zoning Board Member and Dorothy Heller; Town Historian.

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 moved to **Approve** the Minutes of the January 4<sup>th</sup>, 2016 Town Board Meeting. Motion was seconded by Councilor Bick.

Ayes – 6 and Noes - 0. *Motion carried. Councilor Bray abstained due to her absence.*

### **Cancellation and/or requested adjournments.**

Supervisor Ulatowski stated that item number 9 – Riverwalk will be adjourned due to a change in the application.

### **Correspondence:**

Supervisor Ulatowski asked if anyone wished to address the Board on any item not on the agenda. There was no response.

### **REGULAR MEETING:**

**R-16-46 Local Law No. 1 of the Year 2016 amending Chapter 105 entitled “Fees,” §105-4 Schedule of fees, Chapter 81 entitled “Building Construction(A):**

Councilor Rowley moved the adoption of a resolution approving **AMENDED Local Law No. 1 of the Year 2016 amending Chapter 105 entitled “Fees,” §105-4, Schedule of fees, Chapter 81 entitled “Building Construction,” excluding any changes for residential construction §81-12 Mobile Home: Installation in mobile home court, Chapter 144 entitled “Mobile Home Courts,” §144-11B; Chapter 167 entitled “Peddling and Soliciting,” §167-12(B) Additional fees, and Chapter 230 entitled “Zoning,” § 230-9 Penalties for offenses; enforcement, by amending, increasing and adding new fees to the Code of the Town of Clay. Motion was seconded by Councilor Hess.**

Ayes -6 and Noes -1. (Councilor Bick voting no.) *Motion carried.*

*Supervisor Ulatowski said that he would open the next two public hearings together.*

**Project – Drainage (PH) ASSOCIATED GROUP 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 “**ASSOCIATED GROUP DRAINAGE DISTRICT**” and for the construction and acquisition of a drainage system therein to be designated and known as “**ASSOCIATED GROUP DRAINAGE DISTRICT, CONTRACT NO. 1,**” (Davidson Subdivision) was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk. Supervisor Ulatowski said that he would open the next two public hearings together.

**Project – Sewer (PH) GASKIN ROAD SEWER DISTRICT, EXTENSION NO. 1:**

A public hearing to consider a Petition for the construction of a lateral sewer system within the **GASKIN ROAD SEWER DISTRICT, EXTENSION NO. 1** and for the construction and acquisition of a sewer system therein to be designated and known as “**GASKIN ROAD SEWER DISTRICT, EXTENSION NO. 1, CONTRACT NO. 22 – LATERAL.**” (Davidson Subdivision) was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

James Trasher was present on behalf of the applications. He began by explaining that this project is near Lowes on Route 31. The applicant will create drainage for stormwater. The ponds will be dedicated to the Town. The easements for the sanitary sewers will be off Junco Trail. Both will be reviewed by the Town Engineer. Supervisor Ulatowski asked Mr. DeTota if the projects have been constructed up to Town specs.

Councilor Bray asked about the impact on Black Brandt Road. Mr. DeTota explained that the improvements will be made, and there is a 24” pipe to the south which will divert the runoff.

The catch basin that is there currently is not effective but going forward it will be dryer due to the decreased capacity.

Karen Liebi asked about the paved portion of the parcel indicating her concern for the additional burden on drainage due to the vast area of non-porous pavement. Mr. Trasher explained that it is not yet complete and it will be addressed.

Supervisor Ulatowski asked if there were any more questions; hearing none he both **closed** the public hearings.

**Zone Change (PH/Adj.) – Town Board Case # 1068 – RIVERWALK ASSOCIATES, INC.:**

Councilor Bick moved to adjourn the public hearing to March 7<sup>th</sup>, 2016 at 7:35 P.M. Motion was seconded by Councilor Hess.

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

**WOODSIDE COMMERCIAL, LLC TO AMEND INVERNESS GARDENS PDD LANGUAGE(PH):**

A public hearing to consider the application of **WOODSIDE COMMERCIAL, LLC TO AMEND INVERNESS GARDENS PDD LANGUAGE TO AMEND THE PROJECT PLAN** for commercial use on proposed lot C-2 to allow for motor vehicle services on land located at **4938 West Taft Road, Tax Map No. 116.1-01-01.1**; consisting of approximately 1.2 ± acres of land. (Adjourned to this date and time from the December 21, 2015 Town Board Meeting).

Michael Bragman Sr. and Michael Bragman Jr. presented. Mr. Bragman gave a brief overview of the project and what was discussed at the December 21<sup>st</sup> meeting. He explained that an updated Traffic Study will be completed at the end of the week and that County DOT is receptive to making the proposed right in, right out (near the Simons Agency) to full access. Mr. Bragman explained that they have taken the residents comments and tried to address them and tailor the plan to their comments. He continued that they have changed the parallel road to be further from the traffic light at the request of the County DOT. Some of the residents explained that they do not like where the entrance to the parallel road is now. Mr. Bragman responded that he is willing to change it.

Bob Trombly of 4929 West Taft Road explained that he has difficulty backing out of his driveway now. He continued that he is concerned with the noise that will be created from this business.

John Austin of 4933 West Taft Road said that his car was hit and totaled backing out onto Taft Road. Mr. Bragman explained that Mavis is a less intense use than some others allowed in the PDD.

Siobhan Dispenza of 4993 Astilbe Path said that she hopes the traffic study will be conducted at the busiest time. Mr. Bragman Jr. said that typically it is conducted in the morning and the evening weekdays.

Jeremy Hawa of 4944 Wintersweet Drive asked if the Town Board would vote on it tonight. Supervisor Ulatowski explained that the hearing will remain open until the traffic study has been completed and questions are answered. Mr. Hawa asked who has the final say, Town or County. The Supervisor explained that the Town Board makes a decision based partially upon the input from the residents, the County and the Planning Board.

Joe Malorzo of 4964 Wintersweet Drive voiced his concern with the decrease in property values. The topic returned to the access road and where it will intersect with Wintersweet and the general consensus was to keep it where it was, closer to the traffic light.

Dan Faraci of 4973 Astilbe stated that he expected that the PDD would stay as it was approved and suggested that if this use is allowed why wouldn't the applicant return to try for another business? He added that he did not like it. Supervisor Ulatowski again explained that this is how the system works, when a person wishes to apply for a zone change or a special permit they go through the public hearing process which allows for input from all those who wish to be heard. Councilor Young said that it is more than a zone change it is breaking a contract.

Richard Cavallaro of 4876 Astilbe Path began by thanking the Town Board for hearing the residents. He continued that the map indicated a possible build out showing retail, bank and restaurant however the applicant has no tenants. He continued that they had presented a petition. Mr. Cavallaro then complained that the minutes from the previous hearing (Mavis) were not thorough enough. He suggested that if this use is allowed it will "have a domino effect". He suggested that if Mr. Bragman was unable to fill the retail space that he may return and ask for another parcel to be amended.

One of the residents asked if the Town Board would vote on this tonight. Supervisor Ulatowski explained that the public meeting is closed and normally it is voted on at the next meeting. He then asked the Supervisor if the vote was in private and the Supervisor explained that the vote is always done in the public forum at the Town Board meeting. The Supervisor reiterated that this is all a part of the process and all of the information will be factored into the decision. He added that he would adjourn the public hearing pending the traffic study.

Councilor Bick made a motion to **adjourn** the public hearing to **February 1<sup>st</sup>, 2016 at 7:56 P.M.** Motion was seconded by Councilor Hess.

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

**Zone Change (PH) - Town Board Case # 1091 - NELSON ASSOCIATES, LLC and ROUTE 31 PARTNERSHIP:**

A public hearing to consider the application of **NELSON ASSOCIATES, LLC AND ROUTE 31 PARTNERSHIP FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **HC-1 Highway Commercial** to allow for **FOX Automotive Dealership** on vacant land located at **3687 State Route 31 and the parcel immediately to the north, Tax Map No. 020.-01-05.3 & 06.1** consisting of approximately 7.04 ± acres of land was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Joe Durand of TDK Engineering explained that the applicant wishes to rezone the parcel 1300' east of the intersection of Routes 57 and 31. This parcel is across from the Davison project which was recently rezoned RC-1. He continued that Sharon Chevrolet wants to build a 1600 square foot showroom on the parcel. He added that this should be pretty straight forward; the proposed overlay is twice the required amount. They are working with Clough Harbor for the wetlands, traffic and drainage, in addition to Davison. There is a 24" culvert for the sewer and it will tie into Rt. 31 sewers. The applicant will create a sewer district. The applicant will need a variance for the required 400' frontage; currently the frontage is 397.02'. Wetland studies and Archeological studies have been completed and they are working with the Army Corp of Engineers.

Supervisor Ulatowski asked if there will only be one building and there will.

Karen Liebi asked if this proposed project will align with the traffic light. Mr. Durand explained that the wetlands make this prohibitive adding that there will be some necessary mitigation. He added that they must "clean up" the drainage, adding that the wetlands have probably doubled since the map was made.

Supervisor Ulatowski asked if there will only be one access. The applicant explained that they are proposing full access for two parcels. Councilor Hess asked about interconnection and Mr. Durand said no especially to the east due to the wetlands. Councilor Bray explained that coordinated roadways on Route 31 have been very successful adding that she hopes that this applicant and Widewaters will consider it.

Ted Kriese of Cato, expressed his concern about the size of the parcel and amount of pavement and the impact on the wetlands adding that back in the 1980's they raised the fill 5-7'.

Supervisor Ulatowski asked if there were any additional questions or comments; hearing none he said that he would refer this to the Planning Board for review and recommendation.

Councilor Bick made a motion to adjourn the hearing to March 7<sup>th</sup>, 2016 at 7:38 P.M. Motion was seconded by Councilor Hess.

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

**Zone Change (CPH) - Town Board Case # 1090 - THE WIDEWATERS GROUP INC. and JULIA LA SALLE:**

A public hearing to consider the application of **THE WIDEWATERS GROUP INC. AND JULIA LA SALLE FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **RC 1 Regional Commercial** for a proposed retail development on vacant land located at **3715 State Route 31, Tax Map No. 020.-01-05.1 & 05.2**; consisting of approximately 46.12 ± acres of land was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Marco Marzocchi, Attorney and Tim Coyer, Planner and Surveyor for the applicant were present. Mr. Coyer began by explaining that currently the 46 acre site is zoned Residential/ Agricultural and the applicant is seeking a change to Regional Commercial. He added that the COR project to the east is RC-1. The applicant is conceptually proposing 4 outparcels for retail or fast food on both sides of the driveway in addition to the 90,000 SF retail space at the north end of the parcel. Supervisor Ulatowski asked if the applicant has a tenant for the large retail parcel. Mr. Coyer said that there is some interest in the space, but no one definite yet. Mr. Coyer explained that the drive will line up with the drive across the street and will be signalized. He added that State DOT approved the egress; 2 in and 4 out. The sewer and water will be along Route 31. There is a culvert by the rail road tracks. The sewer will run in front of the existing Key Bank.

Councilor Bray expressed that she hopes that they can make an access and reduce the stress on Route 31. Councilor Weaver discussed the stormwater. Councilor Hess asked if the applicant plans on developing the small triangle portion to the north east. Mr. Coyer explained that the applicant would not wish to have traffic crossing the rail road tracks but would consider placing a cell tower or such there.

Supervisor Ulatowski asked if there were any additional questions or comments; hearing none he said that he would refer this to the Planning Board for review and recommendation.

Councilor Hess made a motion to adjourn the hearing to March 7<sup>th</sup>, 2016 at 7:41 P.M. Motion was seconded by Councilor Bray.

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

**R-16-47 Mobile Home License 2016 (A):**

Councilor Hess moved the adoption of a resolution approving the application of **CASUAL ESTATES LLC D/B/A MADISON VILLAGE MOBILE HOME COURT** for the renewal of its license for the year **2016**. Motion was seconded by Councilor Bray. Supervisor Ulatowski added that the applicant has done a great job making the mobile home park more attractive all the time.

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

**R-16-48** **Project/Contract (Final Plans) – (A) GASKIN ROAD SEWER DISTRICT, EXTENSION NO. 1:**

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to enter into a contract on behalf of the Town and approve **final plans** for **ASSOCIATED GROUP SERVICES, INC.**, for the construction/development of the **GASKIN ROAD EXTENSION NO. 1 SEWER DISTRICT; CONTRACT NO. 22 - LATERAL**. Motion was seconded by Councilor Hess.

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

**R-16-49** **Street Lights - Soule Road and the Route 481:**

Councilor Weaver moved the adoption of a resolution authorizing the installation of a 400w high pressure fixture to be installed on an aluminum pole to help illuminate the intersection of **Soule Road and the Route 481 Southbound on-ramp**. The estimated annual cost for the underground lighting fixture which is not located within a lighting district is **\$878.36**. Motion was seconded by Councilor Bick.

Ayes -6 and Noes - 0. Councilor Hess abstained. *Motion carried.*

**R-16-50** **SPECIAL PERMIT (Utility Substation)(CPH) Town Board Case # 1092 - SYRACUSE SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS:**

Councilor Young moved the adoption of a resolution calling a public hearing **February 1, 2016**, commencing at **7:53 P.M.**, local time, to consider the application of **SYRACUSE SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS** for a **UTILITY SUBSTATION SPECIAL PERMIT** pursuant to Section No. 230-27 I. (2) (e) of the Town Code to allow for a 27' wireless communications tower and associated improvements on property located at **1136 Vine Street, Tax Map No. 115.-02-04.0**, currently zoned **R-APT**. Motion was seconded by Councilor Rowley.

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

**Adjournment:**

The meeting was adjourned at 9:25 P.M. upon motion by Councilor Bray and seconded by Councilor Weaver.

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

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Jill Hageman-Clark, RMC Town Clerk