

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 December, 2015 at 7:30 P.M., there were:

PRESENT:

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| Damian Ulatowski | Supervisor |
| Joseph A. Bick | Deputy Supervisor/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:

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| Naomi R. Bray | Councilor |
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OTHERS PRESENT:

Russ Mitchell; member of the Planning Board, Lisa Vincitore; secretary to the Town Attorney, Rob Bick; Town Assessor and John Shehadi; Town Comptroller.

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 December 7th, 2015 Town Board Meeting. Motion was seconded by Councilor Bick.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski stated that he knew of no adjournments.

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-15-232 Special Permit (SEQR) – Town Board Case # 1088 - SPRING STORAGE PARK:

Councilor Young moved the adoption of a resolution that the application of **SPRING STORAGE PARK, INC. FOR A SPECIAL PERMIT** pursuant to **Section 230-17C. (2) (e) [7]** of the Town Code to allow for motor vehicle storage located at **7733 & 7739 Henry Clay Blvd., Tax Map. No. 087.-01-21.1**; consisting of approximately 6.77± acres of land 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 Bick.

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

R-15-233 Special Permit (A) – Town Board Case # 1088 - SPRING STORAGE PARK:

Councilor Young moved the adoption of a resolution approving the application of **SPRING STORAGE PARK, INC.** for a **SPECIAL PERMIT** pursuant to **Section 230-17C. (2) (e) [7]** of the Town Code to allow for motor vehicle storage located at **7733 & 7739 Henry Clay Blvd., Tax Map. No. 087.-01-21.1**; consisting of approximately 6.77± acres of land subject to the following conditions:

- **The number of motor vehicles stored at any time may not exceed 50.**

Motion was seconded by Councilor Hess.

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

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

A public hearing to consider the application of **RIVERWALK ASSOCIATES, INC. FOR A ZONE CHANGE** from **RA-100 Residential Agricultural District** to **R-15 Residential District** to allow for residential development located at **5112 & No Number Guy Young Road, Tax Map Nos. 041.-03-36.1, 40.0, 41.1, 42.0 & 50.0.** (Adjourned to this date and time from the December 7, 2015 Town Board Meeting) was opened by the Supervisor.

Mike Bragman Sr., Mike Bragman Jr., Tim Coyer, surveyor for the applicant and Greg Card were all present.

Mr. Bragman Sr. began by explaining that the plan has been modified from the original plan to reduce the number of homes from 170 residential sites to approximately 92 homes sites adding that the acreage has been reduced from 127 acres to 83. He continued that the exact number of homes depended upon the

stormwater retention. He said that they had taken into consideration the resident comments. Councilor Young asked if the Bragmans would consider a codified deed restriction on the remaining 6 acres. Mr. Bragman explained that he must protect his assets. Supervisor Ulatowski asked for clarification as to which of the three parcels the Bragmans are purchasing. Mr. Bragman explained that they are purchasing all three parcels but only developing two of them. Councilor Young asked if this application were to be granted, how the area to be developed would be depicted. Commissioner Territo stated that an amended map would be attached to the case. Mr. Germain, legal counsel agreed adding that the tax map number would be added identifying the parcel.

Supervisor Ulatowski reminded that about a year ago the Town Board informed the applicant that they want to see a grading plan, a Traffic Study, Elevation drawings and an archeological study. Since that time the Town Board has determined there is no need for an archeological study upon the advice of the Town Engineering Firm.

Kimberly Steele, attorney for the residents, asked about the 2 areas encroaching on the wetlands. Tim Coyer explained that the development may encroach on the wetlands adding that a buffer will be constructed. Ms. Steele explained that she was just pointing it out. Ms. Steele then asked if the developer knew that her client is in an agricultural district, adding that the Town of Clay Town Code requires a buffer for an agricultural district. Commissioner Territo and Mr. DeTota (Town Engineer) explained that this is not in our Code.

Ms. Steele asked Mr. Bragman what he is envisioning. Supervisor Ulatowski reminded that this hearing is only about seeking a zone change; the specifics will be discussed during the preliminary plat process before the Planning Board. Ms. Steele countered by asking if the purchase contracts have been submitted to the Town as mentioned at the 11/17/2014 meeting. There was a brief discussion and Mr. Bragman explained that after the Zone Change is granted the financials will be disclosed.

Ms. Steel then asked about the Iroquois Historical Burial Grounds and fishing grounds. Supervisor Ulatowski explained that it will be addressed during the Planning Board SEQR process adding that an Archeological study is not germane to the Zone Change process. Mr. Bragman explained that he was a history teacher and is sensitive to archaeological concerns.

Joe Lotito of 5113 Orangeport Road said that all of the neighbors want to maintain “the concept”. He continued that they are all on septic and no one is complaining. Don’t let him (Mike Bragman Jr.) use sewer and everyone will be happy. Supervisor Ulatowski reminded that Mr. Bragman has the right to be heard.

Supervisor Ulatowski said that he would **adjourn** the public hearing, adding that Mr. Bragman should provide a Traffic Study and Elevation Plan and grading Plan.

Councilor Hess made a motion to **adjourn** the public hearing until **January 20, 2016 at 7:41 P.M.** Motion was seconded by Councilor Bick.

Ayes – 6 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 was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Mike Bragman Sr., Mike Bragman Jr. and Linda Miller developers were present in addition to Chris Shoring, representative from Mavis, Tim Coyer of Ianuzi and Romans and Alex Wisnewski of LJR Engineering.

Mr Bragman Sr. began by giving a brief overview. He explained that in the PDD there is a compatible mix of residential and commercial adding that he is very proud of this project that was the site of the *2011 Parade of Homes*. Mr. Bragman continued that the commercial portion could allow offices, medical, instructional, retail, shopping center, restaurant, bank, credit union and day care without Town Board approval. Mr. Bragman stated that he had been approached by a convenience store and a fast food store with drive up service but did not feel that this would be the right business for the commercial portion of this project.

He continued that the Commercial will be compatible in design to the residential portion with perimeter landscaping to act as a buffer.

Mr. Bragman explained that Mavis had come to him about a year ago, proposing a Mavis Tire Store on the North West corner of the commercial portion with right in right out egress onto Taft Road. He continued the building would be Colonial design with a residential feel; he showed renderings. There would be no drive through bays, no rear door and no outside storage. They are projecting 7-10 employees and approximately 30 cars per day. He closed by stating that this would have less impact than many of the accepted uses.

Supervisor Ulatowski explained that a PDD incorporates residential and Commercial uses and that this is part of the process. He asked the board members if there were any questions.

Councilor Bick began by asking for clarification about which way the bays face. Mr. Bragman explained that they will face north and the rear wall will not open. The bays will face Taft Road. He continued that they would construct an access road to service the commercial portion that would run parallel to Taft Road, with a connection onto Wintersweet connecting the residential and commercial. Councilor Bick asked if the right in/ right out was approved in the PDD.

Councilor Hess said that he would like to see another full access across from Carriage Parkway with a traffic control signal adding that this would reduce the impact on the residential portion of the PDD.

Councilor Young stated (to the Commissioner of Planning and Development) that he wants to see the original final plan for the PDD as approved. He continued that it is a three step process.

- The concept is approved.
- Details are worked out with the Planning Board.
- The Town Board gives consent when it meets their approval.

He concluded that this meeting is the most crucial.

Councilor Rowley asked if there will be deliveries to the rear of the building. Mr. Shoring explained that all deliveries will be made through the front of the building, no paved areas to the rear of the building and no doors to the rear of the building. There will be stormwater and plantings for a visual buffer. He added that the building itself will help to buffer the noise from Taft Road.

Pat Seeland of 4959 Wintersweet Drive explained that there are currently issues with the drainage since the construction of the Simonz Agency. Mike Bragman Jr. explained that the applicant (Simonz Agency) wasn't able to complete it until spring. He added that the State SPEDES program places requirements to maintain the retention. Mr. Bragman Jr. stated that he will make sure that the issue is mitigated.

Joe Malorzo of 4964 Wintersweet Drive explained that since the construction of the offices there has been an increase of speeding traffic. Councilor Bick responded that regardless of the outcome for the Mavis building the road cuts have been approved as well as the access road that should relieve some of the traffic.

Dan Husted of 4962 Wintersweet Drive said that it seems like the storm drain is too high. Supervisor Ulatowski said that he and Mr. DeTota, the Town Engineer, will take a field trip to look into the drainage. Mr. Husted asked, what would stop the

Developer, in 6 months from coming back to seek an amendment of the rest of the commercial portion to the parcel. Mr. Bragman said that he has no intention of that.

Robert Giannone of 4959 Astilbe Path asked where the scrap tires are stored. Mr. Shoring said that they are kept inside of the building, stored in stacks of 100-150 and picked up as needed. He reiterated that there is no oil storage, no outside tire storage, no overnight parking and no repairs done in the parking lot.

Several of the residents asked about closing off the residential from the commercial, perhaps with a gate. There was a lengthy discussion regarding a gate and the legality and safety of such measures as well as the gate at Opal Drive that was constructed then removed. Harry Davis of 7771 Opal Drive explained that he was at the hearings discussing the original application for this PDD; he said that he was originally against the project but has come to love it, warning the resident that the gate was not all that it was meant to be adding that it was a sound decision to remove it. He continued that he is not in favor of this PDD amendment; he does not think that it is a good fit.

Jeremy Hawa of 4944 Wintersweet Drive inquired about air pollution and Mr. Shoring said that the exhaust will be inside the building very similar to your car in your garage.

The discussion again returned to if the applicant would return to ask for additional amendments if this was granted. One of the residents asked if the Town would give its word if approved that they would not amend the rest of the parcel. Supervisor Ulatowski explained that this public process allows developers and residents to discuss the project adding that it impacts the residents so they should participate. Supervisor Ulatowski said that he would adjourn the public hearing; he urged the residents to return for further dialogue. One of the residents presented the Town Clerk with a petition against approval of this application.

Councilor Young suggested that since they purchased homes in a PDD they should attend the hearing.

Councilor Hess made a motion to **adjourn** the public hearing to **January 20, 2016** at **7:44 P.M.** Motion was seconded by Councilor Rowley.

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

Local Law No. 3 of the Year 2015 amending Chapter 105 entitled Fees,” §105-4 Schedule of fees, Chapter 81 entitled “Building Construction(PH):

A public hearing to consider proposed **Local Law No. 3 of the Year 2015** amending **Chapter 105** entitled “Fees,” §105-4, **Schedule of fees, Chapter 81** entitled “**Building 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,** by amending, increasing and adding new fees to the Code of the Town of Clay was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski asked Commissioner Territo to give a brief overview. Mr Territo explained that the fee structure in the Town of Clay has not been adjusted for many years and should be aligned with the cost of living increases. He continued that the pool fees will now be a flat fee and that the mobile home fee has not been increased in many years. In addition the solicitors permit will also be increased.

Councilor Bick explained that he feels that these fees are taxes placed on the residents and that is fundamentally wrong.

Councilor Hess said that he is happy to see a parkland fee assessed for multiunit dwellings.

Councilor Rowley asked Mr. Territo if he had studied the fee in the neighboring towns. Mr Territo said that he had researched this. Mr. Rowley asked Mr. Territo to send him the research.

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

R-15-234 Appointment - CLAY VOLUNTEER FIRE DEPARTMENT, INC:

Councilor Young moved the adoption of a resolution approving the appointment of **Richard Greene** as an Out-of-District volunteer member of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Bick.

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

R-15-235 Authorization/ Amendment - ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING PLAN:

Councilor Weaver moved the adoption of a resolution authorizing amendment to the **ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING**

PLAN for the Town of Clay. Motion was seconded by Councilor Rowley.

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

R-15-236 Appointment – Board of Assessment Review:

Councilor Bick moved the adoption of a resolution appointing **DINO PACHETTO** to Board of Assessment Review for a term of five years. Said term to end September 31, 2020. Motion was seconded by Councilor Hess.

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

R-15-237 Mobile Home License 2016 (CPH):

Councilor Bick moved the adoption of a resolution calling a public hearing **January 4, 2016**, commencing at **7:35 P.M.**, local time, to consider 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 Hess. Supervisor Ulatowski asked Ms. Vincitore to contact Madison Village to send a representative to the public hearing to address any questions or concerns. Motion was seconded by Councilor Hess.

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

R-15-238 Project – Drainage (CPH) ASSOCIATED GROUP DRAINAGE DISTRICT:

Councilor Rowley moved the adoption of a resolution calling a public hearing **January 20, 2016**, commencing at **7:35 P.M.**, local time, 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). Motion was seconded by Councilor Hess.

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

R-15-239 Project – Sewer (CPH) GASKIN ROAD SEWER DISTRICT, EXTENSION NO. 1:

Councilor Hess moved the adoption of a resolution calling a public hearing **January 20, 2016**, commencing at **7:38 P.M.**, local time, 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). Motion was seconded by Councilor Rowley.

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

R-15-240 Authorization – Transfer Appropriations:

Councilor Rowley moved the adoption of a resolution authorizing transfer of appropriations and amending the 2015 Town of Clay Budget in various funds to provide monies for 2015 expenditures. Motion was seconded by Councilor Bick.

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

R-15-241 Policy (A) TOWN of CLAY VOLUNTEER FIRE DEPARTMENTS:

Councilor Hess moved the adoption of a resolution adopting a policy

WHEREAS, Town of Clay Volunteer Fire Departments conduct Bunk-In training programs for volunteer fire fighters, and,

WHEREAS, the participation of out-of-district or non affiliated candidates in the Town of Clay programs raises New York Workers Compensation liability concerns, and,

WHEREAS, the Town of Clay seeks to adopt a formal Town Policy to address the concerns, it is hereby, **RESOLVED**,

From the date of the passage of this resolution, the Town of Clay shall require receipt of written waivers for Worker's Compensation in acceptable form to be provided by the proposed program candidate's home fire department prior to approval for appointment by the Town of Clay.

Motion was seconded by Councilor Bick.

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

Adjournment:

Councilor Young explained that he had been asked by Councilor Bray to close the meeting in her absence; therefore the meeting was adjourned at 10:07 P.M. upon motion by Councilor Young and seconded by Councilor Bick. Supervisor Ulatowski wished everyone a Merry Christmas.

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

Jill Hageman-Clark, RMC Town Clerk