

**APPROVED**

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 17<sup>th</sup> of April, 2017 at 7:30 P.M., there were:

**PRESENT:**

Damian Ulatowski	Supervisor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Jim Rowley	Councilor
Eugene Young	Councilor
David Hess	Councilor
Jill Hageman-Clark	Town Clerk
Cindy Beckhusen	Deputy Com. Planning and Development
John Marzocchi	Town Attorney
Ron DeTota	Town Engineer

**ABSENT:**

Joseph A. Bick	Deputy Supervisor/Councilor
Mark V. Territo	Commissioner of Planning and Development

**OTHERS PRESENT:**

Russ Mitchell & Hal Henty; Members of the Planning Board & 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 Bray made a motion to approve the minutes of the April 3<sup>rd</sup>, 2017 meeting. Motion was seconded by Councilor Rowley.

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

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski said that items numbered 9 and 11 will be adjourned.

**Correspondence:**

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

Kathleen DeLitta of Beehive Circle approached the Town Board to discuss the ongoing garage sale on Beehive. Ms. DeLitta explained that they had come before the Town Board last year (September 19, 2016) to make them aware of an ongoing “garage sale” on her street. At that time several residents came and agreed that this

was a problem with an increase of traffic and on street parking as well as one neighbor had “shoppers” parking in her driveway, submitting pictures. There was a discussion at that time as to whether this was a garage sale or an at home occupation therefore requiring a special permit.

Supervisor Ulatowski said that he would meet with the Clerk, and his staff to follow up and contact Ms. DeLitta.

Ms. DeLitta asked about the consequences if the resident did not comply with any violation that she were to receive. Supervisor Ulatowski said that there would be court appearances and possible fines.

### **REGULAR MEETING**

#### **SPECIAL PERMIT (PH) Town Board Case # 1109 - KIMBROOK ROUTE 31 DEVELOPMENT, LLC:**

*Supervisor Ulatowski said that since it was now 7:41, he would open all three of the Kimbrook Route 31 Development applications together. Legal Counsel agreed that this would be acceptable.*

A public hearing to consider the application of **KIMBROOK ROUTE 31 DEVELOPMENT, LLC/RITE AID PHARMACY FOR A SPECIAL PERMIT** pursuant to **Section 230-16 C. (2) (e) [2]** to allow for a drive thru for a proposed Rite Aid Pharmacy on land located at **3566 State Route 31**, part of **Tax Map No. 052.-02-11.1**; consisting of 1.605± acres of land.  
(Adjourned to this date and time from the March 6, 2017 Town Board Meeting).

#### **Zone Change (PH/Adj.) Town Board Case # 1108 - KIMBROOK ROUTE 31 DEVELOPMENT, LLC:**

A public hearing to consider the application of **KIMBROOK ROUTE 31 DEVELOPMENT, LLC FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **RC-1 Regional Commercial** to allow for a proposed 11,115 square foot Rite Aid Pharmacy on land located at **3566 State Route 31, Tax Map No. 052.-02-11.1**; consisting of approximately 1.29± acres of land. (Adjourned to this date and time from the March 6, 2017 Town Board Meeting).

#### **ZONE CHANGE (PH/Adj.) Town Board Case # 1107 - KIMBROOK ROUTE 31 DEVELOPMENT, LLC:**

A public hearing to consider the application of **KIMBROOK ROUTE 31 DEVELOPMENT, LLC FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **RC-1 Regional Commercial** to allow for a proposed 11,115 square

foot Rite Aid Pharmacy on land located at **3578 State Route 31, Tax Map No. 052.-02-11.2**; consisting of approximately .38± acres of land. (Adjourned to this date and time from the March 6, 2017 Town Board Meeting).

Supervisor Ulatowski opened all three cases together. Paul Curtain; Attorney and Tim Coyer; Surveyor, were present on behalf of the applicant. Mr. Coyer began by distributing maps and giving a brief overview adding that the building and the drive-thru have been shifted 3' from the previous map. He explained that there will be one signaled entrance to the parcel and a rear entrance (un-signalized). There is stacking for five cars in the drive thru.

Councilor Young asked for clarification regarding the access on the old plan versus the new plan and Mr. Coyer pointed it out on the map.

Councilor Rowley asked if the applicant had been given a favorable recommendation by the Planning Board. Mr. Curtain replied that the Planning Board had recommended approval of the Zone Change. Councilor Rowley asked if the applicant was going to submit for a reverse subdivision to make one large parcel. Mr. Curtain said that the applicant will submit a lot line adjustment to combine the parcels. There was a little confusion and the Deputy Commissioner of Planning explained that a lot line adjustment will be done administratively and it will combine the parcels.

Councilor Hess asked if the fence was depicted on the map and it was.

Supervisor Ulatowski **closed** the public hearing adding that any approving resolutions should include the language that the applicant will combine the parcels.

**LOCAL LAW NO. 2 OF 2017 (PH) amending Chapter 230-11:**

Councilor Rowley made a motion to **adjourn** the public hearing to **May 1<sup>st</sup>, 2017 at 7:41 P.M.** pending further review by the Town Board. Motion was seconded by Councilor Hess.

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

**ZONE CHANGE (PH/Adj.) – Town Board Case # 1106 - HILARY DONOHUE (GROUP ONE DESIGN, LLC PROPERTY) & BRYAN SOTHERDEN (SIDE TRACK ENTERPRISES, LLC):**

A public hearing to consider the application **HILARY DONOHUE (GROUP ONE DESIGN, LLC PROPERTY) & BRYAN SOTHERDEN (SIDE TRACK ENTERPRISES, LLC) FOR A ZONE CHANGE** from **I-2 Industrial** to **NC-1 Neighborhood Commercial** to

allow for more flexibility of use for the current property located at **4975 State Route 31, Tax Map No. 046.-01-16.1**; consisting of approximately 1.473± acres of land was opened by the Supervisor.

Hillary Donohue explained that the applicant has modified the application by requesting a less intense change of zone. Supervisor Ulatowski regarded that this was a much better fit for the area. He continued that he hopes that this is the catalyst for other small “hamlet” appropriate type businesses and added that he recommends that since the applicant was before the Planning Board previously that they forgo it at this time. He said that he would like to close the public hearing but added that in opposition to what was stated on social media, this would not be the final meeting.

Councilor Bray stated that she is receptive to this application for a zone change to neighborhood commercial (NC-1) and feels that it is more beneficial in preserving the integrity of the hamlet. She continued that this has also been a good example of the ‘town and residents’ working together. Councilor Bray continued that the Town of Clay is fortunate to have two farmers markets within its boundaries, each one paying an annual fee of \$50.00 to bring fresh vegetables to the residents. Councilor Bray concluded by suggesting that the Town of Clay waive the permit fee for the two farmer’s market sites.

Supervisor Ulatowski **closed** the public hearing adding that there would not be another recommendation from the Planning Board required. He thanked the applicant for the pioneering effort.

**Zone Change (PH/Adj.) Town Board Case # 1111 - FRANCIS FIORITO:**

Councilor Rowley made a motion to **adjourn** the public hearing to **May 1<sup>st</sup>, 2017 at 7:38 P.M.** at the request of the applicant. Motion was seconded by Councilor Hess.

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

**Contract (audit) (A) – D’ARCANGELO & CO., LLP:**

Councilor Hess moved the adoption of a resolution approving a contract with **D’ARCANGELO & CO., LLP**, for audit purposes covering the records and procedures of the Town of Clay for the year ended December 31, 2016; and authorizing the Supervisor to execute the necessary document therefore. Said services not to exceed \$16,700.00. Motion was seconded by Councilor Rowley.

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

**Adjournment:**

The meeting was adjourned at 8:25 P.M. upon motion by Councilor Bray and seconded by Councilor Hess.

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

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Jill Hageman-Clark RMC / Town Clerk