

APPROVED

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 15th of June, 2015 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
John Marzocchi	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

None

OTHERS PRESENT:

Russ Mitchell – Planning Board Member; Dorothy Heller – Town Historian;
Rob Bick – Assessor; Hal Henty – Planning Board Member.

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 Rowley moved to **Approve** the Minutes of the June 1st, 2015 Town Board Meeting. Motion was seconded by Councilor Hess.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski explained that agenda item number 10, *Riverwalk Associates, Inc.* will be adjourned to the August 17, 2015 meeting at the request of the applicant.

Correspondence:

Supervisor Ulatowski began by explaining that he had asked National Grid to come and share information regarding the recent attention that they have gotten. Several veteran staff members were present to share their perspective on the health and safety of the community with regards to the use of the *penta poles*. Melanie

Littlejohn explained that the *penta poles* have been used by National Grid since the 1930's. Councilor Young asked if the existing poles contained penta as well. Ms. Littlejohn explained that the existing poles were erected in the 1960's and they are the same as the replacement poles with the exception of the height. The purpose of replacing the poles is to upgrade and increase reliability. The standard wood poles that have been treated with penta, a wood preservative, are most appropriate and have been authorized for use by the EPA in this manner. She continued that crews are working with these poles on a daily basis covering the United States and Canada. On occasion steel or fiberglass poles have been used however; they are not as efficient as the wood poles. Ms. Littlejohn thanked the Supervisor, the Town Board and the residents for allowing National Grid to share this information. Supervisor Ulatowski thanked them for coming adding that the Town of Clay is proactive about things that affect our community.

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

Jennifer Gascon of Arden Crest Road asked if the Town of Clay had any plans to spray for mosquitoes in the Bayberry area. She continued that the mosquitoes are the worst ever and that she and her neighbors cannot enjoy the outdoors this year. The Town Clerk said that there are mosquito dunks available in her office. These are provided by Onondaga County for the residents to place in standing water to kill mosquito larva. Gale Clarke of Finch Path stated that the Dentist on Route 57 has standing water on his property.

REGULAR MEETING:

R-15-96 Traffic & Vehicles Ordinance 1 of the Year 2015(Stop Sign)(SEQR) – Dell Center Drive, Rivers Pointe Way and Laser Drive:

Councilor Young moved the adoption of a resolution that the amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to designate and provide for **ONE (1) STOP SIGN** to be installed on the northwest corner of **DELL CENTER DRIVE** where it intersects with **RIVERS POINTE WAY** and **LASER DRIVE**, 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 Bray.

Ayes – 7 and Noes – 0. Motion carried.

R-15-97 Traffic & Vehicles Ordinance 1 of the Year 2015(Stop Sign)(A) – Dell Center Drive, Rivers Pointe Way and Laser Drive:

Councilor Young moved the adoption of a resolution approving the amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to designate and provide for **ONE (1) STOP SIGN** to be installed on the northwest corner of **DELL CENTER DRIVE** where it intersects with **RIVERS POINTE WAY** and **LASER DRIVE**; and the installation of the necessary sign therefore. Motion was seconded by Councilor Weaver.

Ayes – 7 and Noes – 0. Motion carried.

R-15-98 Special Permit (SEQR) – Town Board Case # 1079 - BANK of AMERICA:

Councilor Hess moved the adoption of a resolution that the amendment of **BANK OF AMERICA FOR A SPECIAL PERMIT** pursuant to Section 230-15B (2) [4] of the Town Code to allow for a Drive-up ATM Kiosk on vacant land located on **State Route 31, Tax Map No. 053.-01-20.1**, between the railroad tracks and Lowe’s, 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 – 7 and Noes – 0. Motion carried.

R-15-99 Special Permit (A) – Town Board Case # 1079 - BANK of AMERICA:

Councilor Hess moved the adoption of a resolution approving the amendment of **BANK OF AMERICA FOR A SPECIAL PERMIT** pursuant to Section 230-15B (2) [4] of the Town Code to allow for a Drive-up ATM Kiosk on vacant land located on **State Route 31, Tax Map No. 053.-01-20.1**, between the railroad tracks and Lowe’s. Motion was seconded by Councilor Weaver.

Ayes – 6 and Noes – 1. Motion carried. Councilor Rowley voting no.

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

Councilor Hess made a motion to **adjourn** the public hearing to **August 17, 2015** at **7:35 P.M.** Motion was seconded by Councilor Bick.

Ayes – 7 and Noes – 0. Motion carried.

Special Permit(PH) – Town Board Case # 1080- BRIAN’S TOWING:

A public hearing to consider the application of **BRIAN’S TOWING AND GARY SPRING FOR SPECIAL PERMIT** pursuant to Section 230-17C (2) (e) [7] of the Town Code to allow for motor vehicle storage on property located at **7707 Henry Clay Boulevard, Tax Map No. 087.-01-46.1**; currently zoned I-1 industrial was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Brian Antonelli began by explaining that he has nothing to do with Gary Springs business, they are two separate and unrelated businesses and that he is merely a tenant of Mr. Springs. He continued that most of the time he is working out of his Cicero office. Supervisor Ulatowski asked if he would have an issue with a limit of (5) vehicles at a time. Mr. Antonelli said that he would be satisfied with a limit of (3) three vehicles at a time. Councilor Young suggested to Mr. Antonelli that if the Special permit is granted Mr. Spring would not be eligible to store vehicles on this parcel. Councilor Hess asked Mr. Antonelli why he did not obtain a permit before as he has rented from Mr. Spring for the past two years. Mr. Antonelli said that he tried 2 years ago and is trying again now that he is renewing his lease (with an option). Councilor Bray agreed that there should be a 5 vehicle limit for storage and also asked if there is a designated portion of the parcel for use by Mr. Antonelli, within the lease agreement. Mr. Antonelli said that there is and it was recommended that he submit the lease agreement and the site plan with the area designated clearly outlined. Mr. Antonelli closed by explaining that he is most interested in the office space.

Supervisor Ulatowski asked if anyone had any additional questions or comments; hearing none he **closed** the public hearing.

Special Permit – (PH) – Town Board Case # 1081 - RYAN CHURCHILL AND OLIVIA HOLDING, LLC:

A public hearing to consider the application of **RYAN CHURCHILL AND OLIVIA HOLDING, LLC FOR A SPECIAL PERMIT** pursuant to Section 230-16C. (2)(E)[2] of the Town Code to allow for a drive-thru for proposed Sonic Restaurant located at **3808 Route 11 & 5431 South Bay Road Tax Map Nos. 118.-01-10.0 & 118.-01-10.1**; currently Zoned RC-1 was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Ryan Churchill and Adam Syzma were present on behalf of the applicant. Mr. Churchill began by explaining that they are requesting a Special Permit to operate a drive thru fast food business. They will combine two parcels and renovate the existing bank (2655 sf) and add a small addition (724 sf). The office on the South Bay Road side of the parcel will be demolished to allow for the proposed drive-thru

and parking. Mr. Churchill continued that the restaurant will seat 60 patrons inside. There will be lighted canopies for outside drive up service with spaces for 14 cars with additional take out or dine in spaces for parking. The total number of proposed parking spaces is 53 (3 Accessible) with 52 being required. The drive-thru will stack 4 car and split into two lanes.

Access will be from Route 11 and the applicant said that they will work with the County DOT regarding the existing ingress/egress. They are proposing 10% green space however they will apply for a variance from the ZBA for signs and a setback variance.

Supervisor Ulatowski asked about the hours of operation and the lighting. Mr. Churchill explained that the business would operate from 8 A.M. to 11 P.M. The lighting will be on 20' poles and stay within the Zoning Code regulations. Councilor Young reminded that the Town Board cannot close this meeting as the Onondaga County Planning Board has not submitted their comments.

Councilor Bick made a motion to **adjourn** to **July 20, 2015** at **7:35 P.M.** Motion was seconded by Councilor Hess.

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

Special Permit – (PH) – Town Board Case # 1082 – ASSOCIATED GROUP SERVICES, INC.:

A public hearing to consider the application of **ASSOCIATED GROUP SERVICES, INC., ROUTE 31/57 CO., LLC AND AILEEN SCHMIDT FOR A SPECIAL PERMIT** pursuant to Section 230-16C. (2) (E) [3], [4], [5] of the Town Code to allow for an Automobile Car Wash Facility, Motor Vehicle Sales and Motor Vehicle Service on part of properties located at **3652, 3694, 3702, 3706, 3712, 3720 State Route 31, Tax Map Nos. 053.-01-09.1, 10.1, 11.1, 12.1, 13.1 & 14.1** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Tim Hogan was present on behalf of the applicant. Mr. Hogan began by explaining that the applicant is proposing four buildings; two for auto sales one for service and one for a car wash. He explained that the wetlands are delineated as required by the Army Corp of Engineers, in addition they have granted permission to bring sanitary and water from Junco Trail. He continued that the site will be constructed in phases and phase 1 will include the public sewers and the construction of the Dealership(s) and the Car Wash. Phase 2 will include the low quality wetlands near the roadside. Mr. Hogan explained that the applicant will pay a fee in lieu of mitigation and will use higher quality wetlands on the other side. The applicant will also provide green space and a landscape plan and lighting.

Mr. Hogan said that they are proposing 996 parking spaces; 442 are required. The parking set back meets the Town Code. The one known car dealership will be a Ford dealer and the second one is not known at this time. The smaller building for the second dealership will be 21,500 square feet.

The lighting will provide no spill onto the residential homes. They are proposing 2 signs; one will be an LED sign. Councilor Young stated that there are no LED signs in our Town Code.

The landscape plan will provide durable plants. Mr. Hogan explained that they do not generally plant many trees but will plant small low shrubs. The south portion of the parcel will remain largely undisturbed.

Supervisor Ulatowski asked if the applicant is still proposing solar panels on rooftops of the building. Mr. Hogan said that they are. Councilor Hess asked about the possibility of porous pavement being used. The applicant didn't think that it was likely as the cost and durability are prohibitive.

Supervisor Ulatowski pointed out that in the renderings, the architecture for the Ford dealership is completely different from the other buildings.

Councilor Rowley asked if the water used from the car wash will be recycled. Mr. Hogan said that it will be recycled and gave a brief description of how the water from the car wash will be moderated. There was a discussion about the sewer connections that will come in from Route 31 as well as the water that is provided by OCWA.

Some of the residents voiced concerns about the possibility of increased noise and the lack of buffer in the winter. They asked about a berm of evergreens to reduce the noise and lighting in the winter. Mr. Romans said that he would look into it.

Supervisor Ulatowski said that he would **adjourn** the public hearing. Councilor Bick made a motion to **adjourn** the public hearing to **July 20, 2015 at 7:38 P.M.** Motion was seconded by Councilor Hess.

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

Zone Change (PH/Adj.) – Town Board Case # 1078 - STEWART'S SHOPS CORP. AND PITCHER HILL ASSOCIATES:

A public hearing to consider the application of **STEWART'S SHOPS CORP. AND PITCHER HILL ASSOCIATES FOR A ZONE CHANGE** from **R-APT Residential Apartment District to RC-1 Regional Commercial District** to construct a Stewart's Shop with self serve gas and other permitted uses on vacant

land located at the southeast corner of **Buckley and Bear Roads, Tax Map No. 097.-01-08.1**; consisting of approximately 9.02± acres of land. (Adjourned to this date and time from the June 1, 2015 Town Board Meeting) was opened by the Supervisor.

James Trasher and Chuck Marshall presented. Mr. Trasher began by explaining that they had been to the Planning Board and met with the County DOT. They discussed the curb cuts and the full access versus right-in right-out. The Planning Board wanted to know what types of businesses will be there. Mr. Trasher said that of course Stewarts but perhaps a bank or restaurant, nothing definite but they are willing to work with restrictions. They also discussed the drainage issues and the well that has been there since the late 1980's. Supervisor Ulatowski said that he had done a site visit to address the culvert and drainage.

Mr. Trasher said that the County DOT is recommending a turning lane into the parcel from Bear Road. Councilor Young asked if the road would be widened. Mr. Trasher said the road would only be minimally widened adding that the County suggested that between the shoulder and the center they would only need to widen it a little bit. Councilor Bray reminded that there is a lot of pedestrian and cycling traffic. She added that there is a blind curve there as well. Supervisor Ulatowski explained that he had data regarding accidents as follows: 2010 – 8, 2011 – 7, 2012 – 8, 2013 – 6, 2014 – 6 and 2015 – 4 a total of 34.

Councilor Rowley asked if the applicant would consider splitting the parcel. Mr. Trasher said they may. John Marzocchi, legal counsel said that the applicant would have to submit an amended application. Supervisor Ulatowski asked if the applicant was primarily interested in developing the Stewart's, and Mr. Trasher agreed. Erik Turner of Meadow Wood Drive said that it seemed to be a lot of back and forth and asked if there would be a vote soon. Supervisor Ulatowski said that there would be no vote at this meeting.

Mr. Trasher said that he would be willing to stipulate no 24 hour business, no drive thru with the exception of a bank. Supervisor Ulatowski said that there are many things to factor in when making the final decision; amongst those will be the Onondaga County comments.

A resident asked if they could submit a petition; and they did. David Kelly of Meadow Wood Drive expressed his concerns with the merging of the two lanes heading east on Bear Road in conjunction with a turning lane and additional traffic. He added that there is a blind curve when leaving the development and the idea of another curb cut onto Bear Road seems like a poor plan.

Carol Duere said that Stewarts plans to saturate the area and produced a Google Map depicting planned growth. She closed by stating that she felt that this is not the best fit for this parcel.

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

R-15-100 Sewer Connection (A) – 8142 Maple Road:

Councilor Bick moved the adoption of a resolution authorizing a sanitary sewer connection, pursuant to the written request of Salvatore and Theresa Arcuri, (the property owners), to the existing public sewers located on Gatewood Drive with a private force main from a grinder station for serving a proposed residence in the Town of Clay located at **8142 Maple Road, (Tax Map No. 075.-01-20.0)**. The cost of construction will be at no cost to the Town of Clay. The property owner agrees to pay all costs (Town and private) associated with the sanitary sewer connection as well as the Town of Clay Operation and Maintenance charges as annually assessed for three units per developed acre and the County Sanitary District charges. The property owner further agrees to pay all annual Town and county charges thereafter. Motion was seconded by Councilor Rowley.

Ayes – 7 and Noes – 0. Motion carried.

R-15-101 PROCLAMATION - Christopher Jordan Barth:

At A Regular Meeting of the Town Board of the Town of Clay, held on the 15th day of June 2015, the following resolution was duly adopted:

Whereas, Christopher Jordan Barth, (“Jordan”) is an honor student at Cicero North Syracuse High school and a member of Scout Troop 175 of Liverpool; and

Whereas, Jordan has been an active member of his community and church group his entire life; and enjoys snowboarding, computers and playing bass guitar; and is working at local eatery establishments to earn money for college, and

Whereas, Jordan has earned the rank of Eagle Scout which is the highest rank attainable in the Boy Scouting program of the Boy Scouts of America and requires earning at least 21 merit badges and demonstrating Scout Spirit through the Boy Scout Oath and Law, service and leadership, and

Whereas, Jordan has held leadership positions in his Scout Troop and church group including Patrol Leader and Class President, and has plans to attend Brigham Young University in Idaho and major in Computer Science, and

Now, Therefore, Be It Resolved that the Town Board of the Town of Clay on behalf of themselves and the community wish to publicly acknowledge and congratulate Jordan on attaining the rank of Eagle Scout and offer their best wishes and success in all of his future endeavors.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the Town of Clay to be affixed at Town Hall this **15th** day of **June**, in the year of our Lord, **Two Thousand Fifteen**.

Damian M. Ulatowski, Supervisor

Adjournment:

The meeting was adjourned at 9:47 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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

Jill Hageman-Clark RMC, Town Clerk