

APPROVED

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 6th of September, 2017 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
Naomi R. Bray	Councilor
Jim Rowley	Councilor
Eugene Young	Councilor
David Hess	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning & Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

William C. Weaver	Councilor
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OTHERS PRESENT:

Russ Mitchell and Hal Henty; Members of the Planning Board, Ryan Pleskach; Member of the Zoning 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 Hess made a motion to approve the minutes of the August 21, 2017 meeting. Motion was seconded by Councilor Rowley.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that he knew of no items to be adjourned.

Correspondence:

Supervisor Ulatowski asked if anyone wished to address the Board on any items not on the agenda. Lisa Greenia of Boulia Drive explained that her road needs to be repaved. She continued that the road around hers have been repaved however her road has not been repaved or resurfaced in 20 + years. Supervisor Ulatowski explained that there is a method to deciding which streets are due. He continued

that there is a five year paving plan based on a study by Cornell. He suggested that Ms. Greenia leave her phone number with the Clerk and he would research when her street will be repaved.

REGULAR MEETING

Special Permit (SEQR) Town Board Case # 1115 - EMPOWER FEDERAL CREDIT UNION:

Councilor Hess moved the adoption of a resolution that the application of **EMPOWER FEDERAL CREDIT UNION FOR A SPECIAL PERMIT** to allow for three (3) additional drive-thru ATM's and a 633 sq. ft. addition to the existing building for additional offices, pursuant to **Section 230-16 A. (2) (D) [5]** on property located at **7670 Morgan Rd., Tax Map No. 087.-01-35.1**, consisting of approximately 2.06± 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 seconded by Councilor Bick.

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

Special Permit (A) Town Board Case # 1115 - EMPOWER FEDERAL CREDIT UNION:

Councilor Hess moved the adoption of a resolution **approving** the application of **EMPOWER FEDERAL CREDIT UNION FOR A SPECIAL PERMIT** to allow for three (3) additional drive-thru ATM's and a 633 sq. ft. addition to the existing building for additional offices, pursuant to **Section 230-16 A. (2) (D) [5]** on property located at **7670 Morgan Rd., Tax Map No. 087.-01-35.1**, consisting of approximately 2.06± acres of land. Motion seconded by Councilor Bick.

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

Zone Change (SEQR) Town Board Case # 1116 - REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP.:

Councilor Bray moved the adoption of a resolution that the application of **REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP. FOR A ZONE CHANGE** from **HC-1 Highway Commercial** to **LuC-1 Limited use for Gasoline Services & NC-1 Neighborhood Commercial** to allow for proposed Expressmart gas station, convenience store (with drive thru) & car wash on vacant land located on the southwest corner of **NYS Route 31 & Lawton Rd., Tax Map No. 077.-34-17.1**, 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 of an EIS. Motion seconded by Councilor Hess.

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

Zone Change (D) Town Board Case # 1116 - REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP.:

Councilor Bray moved the adoption of a resolution **denying** the application of **REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP. FOR A ZONE CHANGE** from **HC-1 Highway Commercial** to **LuC-1 Limited use for Gasoline Services & NC-1 Neighborhood Commercial** to allow for proposed Expressmart gas station, convenience store (with drive thru) & car wash on vacant land located on the southwest corner of **NYS Route 31 & Lawton Rd., Tax Map No. 077.-34-17.1**. Motion seconded by Councilor Hess.

Ayes - 5 and Noes -1. *Motion carried. Councilor Rowley voting No.*

SPECIAL PERMIT (SEQR) Town Board Case # 1117 - REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP.:

Councilor Bick moved the adoption of a resolution that the application of **REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP. FOR A SPECIAL PERMIT** to allow for a drive thru, pursuant to **Section 230-16 D. (2) (E) [1]** on property located at **NYS Route 31 & Lawton Rd., Tax Map No. 077.-34-17.1**, consisting of approximately 9.57 ±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 seconded by Councilor Hess.

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

SPECIAL PERMIT (D) Town Board Case # 1117 - REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP.:

Councilor Bick moved the adoption of a resolution **denying** the application of **REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP. FOR A SPECIAL PERMIT** to allow for a drive thru, pursuant to **Section 230-16 D. (2) (E) [1]** on property located at **NYS Route 31 & Lawton Rd., Tax Map No. 077.-34-17.1**, consisting of approximately 9.57 ±acres of land. Motion seconded by Councilor Hess.

Ayes - 5 and Noes - 1. *Motion carried. Councilor Rowley voting No.*

Local Law No. 2 of 2017 (SEQR) – Chapter 230-11 entitled TERMS DEFINED:

Councilor Young moved the adoption of a resolution that proposed **LOCAL LAW NO. 2 OF 2017** amending **Chapter 230-11** entitled “**Terms defined,**” by amending **Section 230-11C. ‘Perimeter landscape strip’** adding “stormwater management and water quality facilities are allowed within the front yard portion of the perimeter landscape strip” to the end of the third sentence to the Code of the Town of Clay, 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 seconded by Councilor Bray.

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

Local Law No. 2 of 2017 (A) – Chapter 230-11 entitled TERMS DEFINED:

Councilor Young moved the adoption of a resolution **approving** proposed **LOCAL LAW NO. 2 OF 2017** amending **Chapter 230-11** entitled “**Terms defined,**” by amending **Section 230-11C. ‘Perimeter landscape strip’** adding “stormwater management and water quality facilities are allowed within the front yard portion of the perimeter landscape strip” to the end of the third sentence to the Code of the Town of Clay, and to be included in the Town of Clay Municipal Code. Motion seconded by Councilor Bray.

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

Traffic & Vehicles/ Stop Sign(s) (PH) – RED BARN ACRES SUBDIVISION:

A public hearing to consider proposed amendment of **CHAPTER 211**, entitled “**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 front left corner, if facing property located at 130 Red Barn Circle, stopping traffic heading west on Red Barn Circle; **one (1) stop sign** to be installed on the southwest corner of Red Barn Circle at Buckley Road; and **one (1) stop sign** to be installed on the northeast corner of Hyland Drive at Buckley Road (**Red Barn Acres Subdivision**); and provide for the installation of the necessary signs therefore was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski explained that when the subdivision was built no stop signs were added to the site plan by the developer. Normally a petition from the residents would be required to allow a new stop sign(s) but there are none and the subdivision

intersects a busy road. Councilor Bray agreed that normally this is added to the site plan.

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

Local Law No. 3 of 2017 (PH) – Chapter 230-20F entitled Patio, Backyard, Garage and/or Estate Sale Permitted:

A public hearing to consider proposed **LOCAL LAW NO. 3 OF 2017 TO AMEND CHAPTER 230** entitled “ZONING,” **Section 230-20** ‘Land uses and Structures’ by adding **230-20F** entitled “**Patio, Backyard, Garage and/or Estate Sale Permitted**” to the Code of the Town of Clay, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Mark Territo, Commissioner of Planning and Development explained that there have been resident issues regarding garage sales. This Local Law will not require residents to obtain a permit however they will be limited to four (4) per year. Complaints will require date stamped photos. Additionally, the sale must be used merchandise only; new merchandise will fall under retail sales and must operate under such zoning. Hours of operation and signage will also be limited. This stems from numerous complaints from neighbors.

Mike Banks of Oriole Path asked for clarification as to the meaning of side yard and if the sale must be contained within the garage. Mr. Territo explained that some of the wording only pertains to corner lots. Supervisor Ulatowski said that Counsel will clear up the wording to make it more understandable.

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

Bond Resolution/Purchase/Highway - TWO (2) 2018 WESTERN STAR 4700SB TANDEM AXLE PLOW/DUMP TRUCKS:

Councilor Hess moved the adoption of a resolution authorizing the issuance of bonds in the amount of **\$465,000.00** for the purchase of **TWO (2) 2018 WESTERN STAR 4700SB TANDEM AXLE PLOW/DUMP TRUCKS FOR USE BY THE HIGHWAY DEPARTMENT**. Motion seconded by Councilor Rowley.

Supervisor Ulatowski explained that this is standard practice and that the vehicles are in a rotation schedule to extend the life of the equipment.

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

Appointment – CLAY VOLUNTEER FIRE DEPARTMENT, INC.:

Councilor Young moved the adoption of a resolution approving the appointment of **Mackenzie Nicol** as a Bunk-In member for the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion seconded by Councilor Bray.

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

Appointment - MOYERS CORNERS FIRE DEPARTMENT INC.:

Councilor Young moved the adoption of a resolution approving the appointment of **Bryce Schoonover, Ryan Harding and Timothy Hartley** as Bunk-In members of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 1; Noah Farrell, Daniel Fuller, Kenneth Ulrich and Zack Wheelock** as Bunk-In members of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 2;** and **Matthew Artus and Anthony Vivenzio** as Bunk-In members of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 4.** Motion seconded by Councilor Hess.

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

Agreement (amendment)(A) OSWEGO INDUSTRIES for JANITORIAL/CLEANING SERVICES IN THE CLAY TOWN HALL:

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to execute an Amendment to the existing Agreement with **OSWEGO INDUSTRIES** for **JANITORIAL/CLEANING SERVICES IN THE CLAY TOWN HALL** for an additional one (1) year period and shall commence October 1, 2017 and terminate September 30, 2018, and further authorizing the Supervisor to execute the necessary documents therefore. The Amendment shall be approved as to form and content by the Town Attorney. Motion was seconded by Councilor Hess.

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

Agreement/ Authorization - ENERGETICS INCORPORATED (EV charging station / NYSERDA):

Councilor Rowley moved the adoption of a resolution approving and authorizing the Supervisor to enter into an Agreement on behalf of the **Town of Clay** with **Energetics Incorporated** to support the installation of an electric vehicle (**EV**) **charging station** in our municipality through New York Energy Research Development Authority (NYSERDA) Cleaner, Greener Communities (CGC) Program, and further authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Bick.

Supervisor Ulatowski explained this is a great opportunity for the Town of Clay to pledge support for alternative energy and making the town eligible for additional grant money from NYSEERDA.

Ayes - 6 and Noes -0. Motion carried

Agreement - CICERO-CLAY SNOW OWLS/ TOWN of CLAY:

Councilor Rowley moved the adoption of a resolution confirming that the Town of Clay does not object to the **CICERO-CLAY SNOW OWLS** having snow trails on a strip of land owned by **Niagara Mohawk Power Corporation, d/b/a National Grid**, which runs through the Town of Clay for the purpose of a snowmobile trail and authorizing the Supervisor to execute the necessary document therefore. Motion was seconded by Councilor Bick.

Ayes - 6 and Noes -0. Motion carried

Zone Change – (CPH) Town Board Case # 2018 LAKER DEVELOPMENT GROUP, LLC AND AILEEN SCHMIDT:

Councilor Bray moved the adoption of a resolution calling a public hearing **September 18, 2017**, commencing at **7:38 P.M.**, local time to consider the application of **LAKER DEVELOPMENT GROUP, LLC AND AILEEN SCHMIDT FOR A ZONE CHANGE** from **RA-100 Residential Agricultural District** to **RC-1 Regional Commercial District** to allow for future development of commercial and retail spaces on vacant land located at **3820-3848 State Route 31, Tax Map No. 053.-01-19.1**, consisting of approximately 6.049± acres of land. Motion was seconded by Councilor Hess.

Ayes - 6 and Noes -0. Motion carried

Zone Change – (CPH) Town Board Case # 2019 HUMANE CNY:

Councilor Bick moved the adoption of a resolution calling a public hearing **September 18, 2017**, commencing at **7:41 P.M.**, local time to consider the application of **HUMANE CNY for a ZONE CHANGE** from **R-10 One-Family Residential District** to **RA-100 Residential Agricultural District** to allow for renovations to the existing site and building facilities located at **4915 ½ W. Taft Rd., Tax Map No. 107.-21-54.0**, consisting of approximately 2.73± acres of land. Motion was seconded by Councilor Rowley.

Ayes - 6 and Noes -0. Motion carried.

Adjournment:

The meeting was adjourned at 7:58 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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

Jill Hageman-Clark RMC / Town Clerk