

January 20, 2010

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 20th of January, 2010 at 7:30 P.M., there were:

PRESENT:

Damian M. Ulatowski	Supervisor
Robert L. Edick	Deputy Supervisor/Councilor
Clarence A. Rycraft	Councilor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Joseph A. Bick	Councilor
Bruce N. Johnson	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert M. Germain	Town Attorney
Douglas R. Wickman	Town Engineer

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 moved the adoption of a resolution approving the Minutes of the Regular and Organizational Town Board Meeting held on January 4th, 2010. Motion was seconded by Councilor Edick.

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

Cancellations and/or requested adjournments:

None

Special Permit (SEOR) MICHAEL TORMEY:

Councilor Weaver moved the adoption of a resolution that the application of **MICHAEL TORMEY** for a **SPECIAL PERMIT FOR A CHANGE OF USE FROM WAREHOUSE TO TRUCKING TERMINAL** on part of premises located at **4560 Buckley Road**, (part of Tax Map No.: 095.-02-06.0), 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 Rycraft.

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

Special Permit (A) MICHAEL TORMEY:

Councilor Weaver moved the adoption of a resolution approving the application of **MICHAEL TORMEY** for a **SPECIAL PERMIT FOR A CHANGE OF USE FROM WAREHOUSE TO**

TRUCKING TERMINAL on part of premises located at **4560 Buckley Road**, (part of Tax Map No.: 095.-02-06.0). Motion was seconded by Councilor Bray.

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

Water (PH) - RATE INCREASE:

A public hearing to reopen the **2010 Town of Clay Water Budget**, in order to discuss the rate increase to the Town of Clay by Onondaga County Water Authority and to consider a **RATE INCREASE** accordingly for ten percent (10%) across the board, was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Councilor Rycraft, liaison to the Water Department, stated that the Onondaga County Water Authority (OCWA) had increased their rates by 10% necessitating an increase of same by the town.

Ed Pauline, a resident on Forestbrook Drive said that he had heard that OCWA was increasing their rates by 17%. Greg Root, Water Superintendent, corrected Mr. Pauline adding that OCWA's customer rates (residential rates) would be increased by 12% and the wholesale rates (that the town receives) will be increased by 10%. The town is charging 10% exactly the amount that they are being charged.

Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

Special Permit (PH) - WARNER ENERGY, LLC:

A public hearing to consider the application of **WARNER ENERGY, LLC**, for a **SPECIAL PERMIT for a Utility Substation to allow for the installation of a 16.96 kWp open field solar farm, pursuant to Section 230.27(1)(2)(e)** on a part of premises located at **7526 Morgan Road**, (part of Tax Map No. 105.-01-13.1). Adjourned to this date and time at the December 21st, 2009 Town Board Meeting was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Kurt Stroman, was present on behalf of Warner Energy. Mr. Stroman began by explaining that the two issues that had surfaced, were the potential for glare and the security and or safety of the panels themselves. Mr. Stroman addressed the glare issue explaining, that the angle that the panels are placed would not reflect to a vehicle. He handed out diagrams to support this. He continued by adding that if the Town Board wanted the applicant to erect a fence that they would. However, they would prefer not to, as this may impede the amount of sunlight by creating shade from the fence. He continued by adding that the panels themselves are safe, UL Approved, you could touch them without any safety issues.

Supervisor Ulatowski said that he was concerned about vandalism as far as the panels were concerned, adding that he is ok with no fence.

Councilor Bick agreed with the Supervisor that if the applicant wishes not to have a fence that would be fine.

Councilor Bray asked if the Zoning Board of Appeals process was complete. Mr. Stroman said that it was and that the applicant had obtained all of the required variances.

Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

Local Law No. 1 of the Year 2010 (PH) Chapter 230 entitled ZONING Section 230-13 :

A public hearing to consider proposed **Local Law No. 1 of the year 2010 amending Chapter 230 entitled ZONING Section 230-13 to add a new paragraph K. to be entitled R-SR Senior Residence District and Section 230-11 Terms defined** to add and/or delete definitions of words to define terms within said proposed local law to the code of the Town of Clay. The purpose of this proposed local law is to create a zone, which accommodates persons who are age 62 and above with particular living needs and to define words included therein was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk. Adjourned to this date and time at the January 4th, 2010 Town Board Meeting.

Councilor Johnson moved the adoption of a resolution **adjourning** this public hearing to **February 1st, 2010 at 7:35 P.M.** local time. Motion was seconded by Councilor Bray.

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

Supervisor Ulatowski said that he would adjourn both cases for Jolu Development until the Town Board receives more information from the applicant.

Zone Change (SEQR) - JOLU DEVELOPMENT COMPANY:

Move the adoption of a resolution that the application of **JOLU DEVELOPMENT COMPANY** for a change of zone from **R-15 One-Family Residential District** to **PDD Planned Development District** on property located on **NEW YORK STATE ROUTE 31**, (Tax Map No. 051.-01-02.1), consisting of 41.18± acres, is a Type 1 action which involves other permit granting agencies outside the Town to whom notification must be given that a lead agency must be designated within thirty (30) days. The Town Board of the Town of Clay proposes that without dissent from another agency the lead agency designated will be the Town of Clay, Town Board.

No action taken.

Move the adoption of a resolution that the Town Board of the Town of Clay refer the proposed **TOCCO VILLAGGIO PDD CONCEPT PLAN** as submitted by **JOLU DEVELOPMENT COMPANY**, on a map dated December 7th, 2009, to the Town of Clay Planning Board.

WHEREAS an application has been received for a **PDD-Planned Development District** to be known as **TOCCO VILLAGGIO** which application proposes a total of 41.18 ± acres comprised of 60 Townhouse units, 192 apartment units; and two commercial buildings.

No action taken.

License (CPH) - CASUAL ESTATES MOBILE HOME COURT:

Councilor Bick moved the adoption of a resolution calling a public hearing **March 1st, 2010**, commencing at **7:35 P.M.**, local time, to consider the application of **CASUAL ESTATES MOBILE HOME COURT** for the renewal of its license for the year **2010**. Motion was seconded by Councilor Johnson.

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

Project/Securities (posting) - WATERHOUSE LANDING:

Councilor Edick moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of drainage and sewer facilities located within **SEC. 1 ~ WATERHOUSE LANDING** (Waterhouse Landing Drainage District, Contract No. 1 and Waterhouse Landing Sewer District, Contract No. 1) and the construction of said facilities having been completed in accordance with the Plans and Specifications thereof; the Town Engineers having certified that the facilities have been satisfactorily completed. That the developer post **\$25,000.00** to guarantee the cost of completing the overland drainage facilities as outlined by the Town Engineers under date of December 23, 2009, (**posted \$25,000.00 Cert. Ck. M & T Bank 1002984624**). No Certificate of Occupancy shall be granted without each lot being inspected for compliance with the approved grading plan as well as seeding, fine grading; and regrading of swales; **\$19,140.00**, security for repair and maintenance of the drainage and sewer facilities (**posted \$19,140.00 –Official Ck. M & T Bank 100298460-6**); Highway Construction Guarantee in the amount of **\$60,860.00** (**posted \$60,860.00 – Official Ck. M & T Bank 100298461-5**); Monument Deposit of **\$1,800.00** (**posted \$1,800.00 -Official Ck. M & T Bank 100298463-3**) and Parkland Contribution in the amount of **\$18,500.00** (**posted \$18,500.00 –Teller Ck. First Niagara Bank 5545019476**). This resolution is contingent upon the developer having complied with all the requirements set forth in an Amended Agreement between the Town of Clay and **COMBAT CONSTRUCTION, LLC**, that the Town accept title to such facilities. Motion was seconded by Councilor Bick.

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

Project/Easements - SEC. 1 ~ WATERHOUSE LANDING:

Councilor Johnson moved the adoption of a resolution accepting Right-of-Ways and Easements for drainage, sewer and detention basin facilities located within **SEC. 1 ~ WATERHOUSE LANDING** (Waterhouse Landing Drainage District, Contract No. 1 and Waterhouse Landing Sewer District, Contract No. 1) from **COMBAT CONSTRUCTION, LLC**, all as shown on a map prepared by **SEGUIN LAND SURVEYING, P.L.L.C.**, of Chittenango, New York, dated September 15th, 2009, last revised December 17th, 2009. Motion was seconded by Councilor Weaver.

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

Deed/Highway - SEC. 1 ~ WATERHOUSE LANDING:

Councilor Weaver moved the adoption of a resolution accepting a Deed from **COMBAT CONSTRUCTION, LLC**, for highway purposes located within **SEC. 1 ~ WATERHOUSE LANDING**, all as shown on a map prepared by **SEGUIN LAND SURVEYING, P.L.L.C.**, of Chittenango, New York, dated September 15th, 2009, last revised December 17th, 2009. Motion

was seconded by Councilor Bray.

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

Agreement (A) GENERAL CODE:

Councilor Bray moved the adoption of a resolution approving an Agreement with **GENERAL CODE** for the annual maintenance of the **Code Book of the Town of Clay, PC Code Book and E-Code** for the year **2010** at an estimated Budget of **\$4,300.00**, and authorizing the Supervisor to execute same. Motion was seconded by Councilor Rycraft.

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

Adjournment:

The meeting was adjourned at 8:00 P.M. upon motion by Councilor Bray and seconded by Councilor Edick. Ayes-7 and Noes-0. *Unanimously carried.*