

March 1, 2010

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 1st of March, 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
Ron Detota	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 Edick moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on February 1st, 2010. Motion was seconded by Councilor Johnson.

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

Cancellations and/or requested adjournments :

None

Correspondence:

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

Russ Mitchell, resident of the Town of Clay complimented the Highway Department for the good job that they did plowing the Four Seasons development on Friday.

Supervisor Ulatowski thanked him and added that the Supervisor's office had received additional positive comments from the residents of the community.

June Baycura added that her area of Bayberry had been taken care of as well. She continued by explaining that the sidewalks on Route 31 were not being taken care of. She said that she thought there was an ordinance regarding the sidewalks. Supervisor Ulatowski stated there is, and said he would look into it. Councilor Weaver said that it is nearly impossible to maintain the sidewalks due to the State plowing the snow onto them.

Local Law No. 1 of the Year 2010 (SEOR) entitled 'ZONING':

Councilor Johnson moved the adoption of a resolution that proposed **Local Law No. 1 of the Year 2010 amending Chapter 230** entitled '**ZONING**', **Section 230-13** adding a new paragraph **K.** to be entitled **R-SR Senior Residence District**, as revised and amended **Section 230-11 Terms defined** adding and/or deleting definitions of words to define terms within said local law 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 local law 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. *Unanimously carried.*

Local Law No. 1 of the Year 2010 (A) entitled 'ZONING':

Councilor Johnson moved the adoption of a resolution approving **Local Law No. 1 of the Year 2010 amending Chapter 230** entitled '**ZONING**', **Section 230-13** adding a new paragraph **K.** to be entitled **R-SR Senior Residence District**, as revised and amend **Section 230-11 Terms defined** adding and/or deleting definitions of words to define terms within said local law to the code of the Town of Clay. The purpose of this 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. Motion was seconded by Councilor Bray.

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

License Renewal for the Year 2010 (PH) CASUAL ESTATE MOBILE HOME COURT:

A public hearing to consider the application of **CASUAL ESTATE MOBILE HOME COURT** for the renewal of its license for the year **2010** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Commissioner Territo explained that an inspection was completed in November of 2009 at the Casual Estates Mobile Home Court. All problems were corrected by January of 2010 when the reinspection was completed. In addition there have been 36 demolitions/ removals of trailers that were not up to code. Supervisor Ulatowski concurred that this is a positive move.

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. 2 of the Year 2010 (PH) entitled "WATERFRONT CONSISTENCY LAW":

A public hearing to consider proposed **Local Law No. 2 of the Year 2010**, to consider adding a new **Chapter 226**, to be entitled "**WATERFRONT CONSISTENCY LAW**" to the Code of the Town of Clay was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk. The purpose of this proposed local law is to provide a framework for the Town of Clay to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct Town/Planning Board actions located in the waterfront area; and to assure that such actions and direct actions are consistent with the

said policies and purposes of the Local Waterfront Revitalization Program.

Councilor Bray explained that the Public Hearing is to show ongoing support for the Local Waterfront Revitalization Program (LWRP) and to protect the 27 miles of shoreline in the Town of Clay as outlined in the state requirements. All actions are coordinated and comprehensive.

June Baycura asked where the list of policies could be found. Councilor Bray stated that they are in the LWRP and that she would give Mrs. Baycura a copy.

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.

Zone Change - Town Board Case # 1007 (PH) SPELL BOUND HOLDINGS, INC.:

A public hearing to consider the application of **SPELL BOUND HOLDINGS, INC.**, for a change of zone from **RA-100 Residential Agricultural District** to **NC-1 Neighborhood Commercial District** on property located at **7337 Oswego Road**, (Tax Map No. 104.-02-22.0) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

David Kimple, Attorney for the applicant, began by explaining that the reason for the Zone Change request is to entice a tenant for this property. He continued that there have been several interested parties including a proposed bakery, however the variance process appeared daunting and the deal fell through.

Mr. Kimple added that in the past the one story, 1250 square foot property was used for a hair salon and an office.

Supervisor Ulatowski asked if there are to be any changes to the existing building and there will not. He also inquired as to how many parking spaces there are. Mr. Kimple said that there are 30 spaces.

Councilor Bray asked if there will be any requests for variances. Mr. Kimple stated that there are not any at this time and that the need will depend on the future business.

Councilor Johnson made a motion to **adjourn** this Public Hearing to **March 15, 2010 at 7:35 P.M.**, after the applicant has appeared before the Planning Board. Motion was seconded by Councilor Edick.

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

Local Law No. 3 of the Year 2010 (PH) entitled 'ZONING':

A public hearing to consider proposed **Local Law No. 3 of the Year 2010, amending Chapter 230**, entitled '**ZONING**', amending **Section 230-16 B.(2)(e)** to delete the present subparagraph [4] Motor vehicle sales, service, and rental and renumber the subparagraphs accordingly and to add subparagraphs [7] Motor vehicle service. [8] Motor vehicle sales and [9] Motor vehicle rentals to said **Section 230-16 B. (2) (e)**; amending **Section 230.16 C. (2) (e)** to delete the

present subparagraph [4] Motor vehicle sales, service, and rental and renumber the subparagraphs accordingly and to add subparagraphs [6] Motor vehicle service. [7] Motor vehicle sales and [8] Motor vehicle rentals to said **Section 230.17 C.(2)(e)**; to amend **Section 230.17 C.(2)(e)** to add subparagraph [3] Motor vehicle rental; to amend **Section 230.17 D.(2)(e)** to add subparagraph [5] Motor vehicle rental; and to amend **Section 230-11 Terms defined.** to delete the term **MOTOR VEHICLE SALES, SERVICE, RENTAL** and to add the terms **MOTOR VEHICLE RENTAL, MOTOR VEHICLE SALES, MOTOR VEHICLE SERVICE** to said section 230-17 of the Code of the Town of Clay was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk. The purpose of said proposed amendments is to clarify the terms for better application and understanding in the Code of the Town of Clay.

Commissioner Territo explained the reason for the amendment to the code is to separate the definitions making it more comprehensible and to add the definition "Motor Vehicle Rental" to the Industrial Zones.

Councilor Bick made a motion to **adjourn** this Public Hearing to **March 15, 2010 at 7:38 P.M.** Motion was seconded by Councilor Johnson.

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

Appointment (A) MOYERS CORNERS FIRE DEPARTMENT, INC.:

Councilor Edick moved the adoption of a resolution approving the appointment of **MICHAEL DARDIS** and **AMANDA STODDARD - STATION 2; TIMOTHY FARRANCE, JR.** and **SHAWN MC NAMARA - STATION 3** and **ROBERT HAMBY - STATION 4** as volunteer members of the **MOYERS CORNERS FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Weaver.

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

Appointment (A) CLAY VOLUNTEER FIRE DEPARTMENT:

Councilor Edick moved the adoption of a resolution approving the appointment of **EDWARD JACOBS**, as a Bunk-In for the **CLAY VOLUNTEER FIRE DEPARTMENT.** Motion was seconded by Councilor Bray.

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

Supervisor Ulatowski commented that it is good to see people Volunteering.

License Renewal for the Year 2010 (A) CASUAL ESTATE MOBILE HOME COURT:

Councilor Bick moved the adoption of a resolution approving the application of **CASUAL ESTATE MOBILE HOME COURT** for the renewal of its license for the year **2010.** Motion was seconded by Councilor Edick.

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

Special Permit (CPH) FORTH TROMBLEE DENTAL ASSOCIATES, PLLC.:

Councilor Bray moved the adoption of a resolution calling a public hearing **April 5th, 2010**, commencing at **7:35 P.M.**, local time, to consider the application of **FORTH TROMBLE DENTAL ASSOCIATES, PLLC**, for a **SPECIAL PERMIT FOR THE CONSTRUCTION AND OPERATION OF A MEDICAL OFFICE BUILDING** to be located at 5241 Witz Drive (Tax Map No. 112.-06-13.7). Motion was seconded by Councilor Rycraft.

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

Bid Advertisement - IMPROVEMENTS TO TOWN OF CLAY HIGHWAY GARAGE AND ADMINISTRATIVE OFFICES:

Councilor Weaver moved the adoption of a resolution authorizing the advertisement of bids for the **IMPROVEMENTS TO TOWN OF CLAY HIGHWAY GARAGE AND ADMINISTRATIVE OFFICES**. Bids to be received until **11:00 A.M.**, local time, **April 2nd, 2010**. Motion was seconded by Councilor Rycraft.

Ayes-7 and Noes-0. Unanimously carried.

Personnel - Rescinding Resolution/ Payroll Clerk:

Councilor Weaver moved the adoption of a resolution rescinding the following resolution passed by the Town Board on February 1st, 2010, due to contract issues: “Move the adoption of a resolution approving adjustment to the Town of Clay’s employee count within the **Finance Department** with the **Onondaga County Department of Personnel** by one (1) new permanent position for a **Payroll Clerk**, in accordance with the requirements of **New Position Duties Statement**, dated **February 1st, 2010**, Form P-300 rev. 7/99.” Motion was seconded by Councilor Rycraft.

Ayes-7 and Noes-0. Unanimously carried.

Empire Zone Redesignation:

Councilor Rycraft moved the adoption of a resolution that the Town Board of the Town of Clay fully supports and concurs in the submission of an application by Onondaga County for the redesignation of certain areas as an Empire Zone to include properties described as **C. SPEED, LLC**, to be located at **4465 Steelway Blvd., North, Liverpool, New York - Tax Parcel ID: 105.-01-11.3**, or portions thereof as a Regionally Significant Project, pursuant to Section 957(d) of the General Municipal Law. (See formal resolution that will be on file in the Town Clerk’s Office.) Motion was seconded by Councilor Weaver.

Ayes-7 and Noes-0. Unanimously carried.

Adjournment:

The meeting was adjourned at 7:58 P.M. upon motion by Councilor Bray and seconded by Councilor Bick. Ayes-7 and Noes-0. *Carried.*