

August 16, 2010

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 16th of August, 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 Bick moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on **July 19th, 2010**. Motion was seconded by Councilor Edick.

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

Cancellations and/or Requested Adjournments:

None

Correspondence/ Other Business:

Special Permit (SEQR) Town Board Case # 1014 -BAYBERRY PLAZA - DRIVE-IN SERVICE:

Councilor Weaver moved the adoption of a resolution that the application of **BAYBERRY PLAZA**, for a **SPECIAL PERMIT TO CONSTRUCT AND OPERATE A DRIVE-IN SERVICE (Drive-Thru) FOR KINNEY DRUGS, NEAR BLACKBERRY ROAD AT**

BAYBERRY PLAZA, on part of Tax Map No. 094.-01-08.1 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 on an EIS. Motion was seconded by Councilor Edick.

Ayes-6 and Noes-0 and 1- Abstain. (Councilor Rycraft abstained.)

Motion carried.

Special Permit (A) Town Board Case # 1014 - BAYBERRY PLAZA - DRIVE-IN SERVICE:

Councilor Weaver moved the adoption of a resolution approving the application of **BAYBERRY PLAZA**, for a **SPECIAL PERMIT TO CONSTRUCT AND OPERATE A DRIVE-IN SERVICE (Drive-Thru) FOR KINNEY DRUGS, NEAR BLACKBERRY ROAD AT BAYBERRY PLAZA**, on part of Tax Map No. 094.-01-08.1.

Motion was seconded by Councilor Edick.

Ayes-5 and Noes-1 and 1- Abstain. (Councilor Bray - Opposed. Councilor Rycraft abstained.) *Motion carried.*

Councilor Bray stated that she feels that Bayberry Plaza is an important part of Clay and would like to see it remain a viable part of the community, adding that she is concerned with the traffic and curb cut and questions the four cars per hour estimate.

Supervisor Ulatowski said that the applicant should keep the traffic from behind the building and correct the setback.

Zone Change (PH) Town Board Case # 1019 JENNIFER RICHARDSON:

Public hearing to consider the application of **JENNIFER RICHARDSON** for a change of zone from **NC-1 Neighborhood Commercial District** and **RA-100 Residential Agricultural District (former GOV)**, to **HC-1 Highway Commercial District** on properties located at **3627 State Route 31, Tax Map No. 020.-01-14.3** and on **8478 Oswego Road, Tax Map No. 020.-01-08.1** (former Moyer's Corners Fire Department property) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Mark Weiss of Weiss and Associates explained that the applicant is proposing an 11,000 square foot addition to the existing salon and day spa. The zone change will allow for the additional square footage as well as additional signage.

Supervisor Ulatowski asked about additional services that the salon will offer. There will be a barber, boutique, yoga studio, personal trainer, and couples room for spa services as well as the services presently offered. The applicant stated that she will close one curb cut, gain a new curb cut on Route 57 and have only a right in/right out turn onto NYS Route 31 as well as acquiring additional parking.

Councilor Johnson commented that he was glad that she was addressing the existing parking issues. Councilor Bray stated that she is pleased that the addition will not affect the integrity of the architecture of the building.

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) MC DONALD'S USA, LLC, and WEGMANS ENTERPRISES, INC.:

Public hearing to consider the application of **MC DONALD'S USA, LLC, and WEGMANS ENTERPRISES, INC.** for a **SPECIAL PERMIT TO OPERATE TWO DRIVE-IN SERVICES (Drive-Thru)** at **Mc Donald's Restaurant** located at **7505 Oswego Road**, being part of **Tax Map # 093.-04-08.2**, pursuant to **Section 230-16 C. (2)(e)[2]** of the Code of the Town of Clay was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Chris Boyea, Michael McLaughlin and Pat Yokes were present on behalf of McDonald's presented. Mr. Boyea began by explaining that this Mc Donald's was built in 2003 and the restaurant now does more drive thru business that sit down, therefore necessitating the additional drive thru window. He continued by adding that the traffic will flow in a one way pattern. The second menu board will help to speed up ordering and both lanes will flow back together at the pick-up window.

Mr. Boyea displayed a picture from the North Syracuse Mc Donald's that currently has this setup. Kevin Stott and Jacob Walsh said that they are familiar with this setup from the Mc Donald's by Bishop Ludden High School, adding that it is a very effective plan. Councilor Edick asked about the utility pole and the applicant stated that it belongs to National Grid and to add additional parking to that area they would need to relocate the pole and transformer.

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.

Project - SEWER - NEWBURY WOODS SEWER DISTRICT CONTRACT NO. 1:

Project/DRAINAGE - NEWBURY WOODS DRAINAGE DISTRICT CONTRACT NO. 1:

Project /WATER - NEWBURY WOODS WATER DISTRICT :

Project - LIGHTING - NEWBURY WOODS LIGHTING DISTRICT:

Supervisor Ulatowski stated that there will be no action on the Newbury Woods applications at this time.

Bid (Reject) - GPS CELLULAR TRACKING SYSTEM FOR VEHICLES OWNED BY THE TOWN OF CLAY:

Councilor Edick moved the adoption of a resolution rejecting all bids received by the Town of Clay on July 19th, 2010 for a **GPS CELLULAR TRACKING SYSTEM FOR VEHICLES OWNED BY THE TOWN OF CLAY**. Motion was seconded by Councilor Bick.

Supervisor Ulatowski stated that the bids would be rejected at this time as they did not qualify, and that they will rebid this job. Ayes-7 and Noes-0. *Motion carried.*

Bid (Readvertisement) - GPS CELLULAR TRACKING SYSTEM FOR VEHICLES OWNED BY THE TOWN OF CLAY:

Councilor Edick moved the adoption of a resolution authorizing the readvertisement of bids for a **GPS CELLULAR TRACKING SYSTEM FOR VEHICLES OWNED BY THE TOWN OF CLAY**. Said bids to be received until **September 1st, 2010 at 11:00 A.M.**, local time. Motion was seconded by Councilor Weaver. Ayes-7 and Noes-0. *Motion carried.*

Project / Lighting - WELLER CANNING ROAD:

Councilor Weaver stated that he had looked into this, and the Town does not have the right to provide lighting for private property. Supervisor Ulatowski said that he was removing this item from the agenda. Ayes-7 and Noes-0. *Motion carried.*

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

Councilor Bick moved the adoption of a resolution approving the appointment of **ANTHONY MORGAN**

at **STATION NO. 1; TREVOR GOODENOUGH, SCOTT RYAN and JAMES SCHUE** at **STATION NO. 2; ERIC ZIRBEL and RANDY LUCKETTE** at **STATION NO. 3** and **VINCENT BUTTLIGLIERI** at **STATION NO. 4**, as volunteer members of the **MOYERS CORNERS FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Weaver. Ayes-7 and Noes-0. *Motion carried.*

Appointment (A) CLAY VOLUNTEER FIRE DEPARTMENT, INC.:

Councilor Bick moved the adoption of a resolution approving the appointment of **DAVID EVANGESLISTA** and **EVAN MERULLA** as volunteer members of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Edick. Ayes-7 and Noes-0. *Motion carried.*

Amendment to INVERNESS GARDENS PROJECT PLAN:

Councilor Johnson moved the adoption of a resolution that the Town Board of the Town of Clay refer the **INVERNESS GARDENS PROJECT PLAN AMENDED**, as submitted by **IANUZI & ROMANS, P.C.**, all as shown on a Project Plan Amended, dated December 9, 2008, last revised August 12, 2010 to the Town of Clay Planning Board for intermediate modifications

WHEREAS, a Project Plan was received for a PDD Planned Development District to be known as **INVERNESS GARDENS**, which Project Plan proposed a total of 41.20 acres comprised of forty (40) residential two unit townhouses, and a commercial site consisting of a maximum of 65,500 sq. ft. ; and

WHEREAS, a proposed amendment to the Project Plan was received for the **INVERNESS GARDENS PDD**, which Project Plan Amended proposes a total of 41.20 acres comprised of nineteen (19) residential two unit townhouses and forty two (42) units of single family dwellings ranging from a minimum of 1,500 square feet to a maximum of 3,000 square feet for townhouses; from a minimum of 1,600 square feet to a maximum of 3,500 square feet for single family dwellings; and a commercial site consisting of a maximum of 65,500 sq. ft.; and

NOW, THEREFORE, BE IT RESOLVED that the proposed Project Plan Amended for **INVERNESS GARDENS PDD** be and the same hereby is referred to the Planning Board of the Town of Clay pursuant to the Town of Clay Zoning Code for its issuance of a Project Plan Amendment. Motion was seconded by Councilor Weaver. Ayes-6 and Noes-1. (Councilor Rycraft *Motion carried.*)

Sales Tax Abatement:

Councilor Bray moved the adoption of a resolution requesting that Onondaga County pay all of the Sales Tax Abatement due to the Town of Clay in cash. Motion was seconded by Councilor Edick. Ayes-7 and Noes-0. *Motion carried.*

Appointment - DEPUTY COURT CLERK:

Councilor Edick moved the adoption of a resolution appointing **MINDY CARBONARO** to the position of **DEPUTY COURT CLERK** to the Clay Town Court as shown on form **P-100 - Onondaga County Department of Personnel**. Motion was seconded by Councilor Johnson. Ayes-7 and Noes-0. *Motion carried.*

Certiorari - NEW PLAN REALTY TRUST, INC., and GALILEO APOLLO IV:

No Action Taken

Certiorari - BUCKLEY PARK, LLC:

Councilor Bick moved the adoption of a resolution approving the Stipulation of Settlement and Order discontinuing certiorari action entitled **BUCKLEY PARK, LLC, vs. THE TOWN OF CLAY, et al, Index No.: 2009-5245** for **Parcel Number 095.-01-01.0** shall remain at **\$96,800.00**; for the Tax Year **2010/2011** the assessment on the subject parcel shall be reduced from **\$96,800.00** to **\$75,000.00** and shall be maintained at **\$75,000.00** on each of the 2011, 2012 and 2013 tax assessment rolls.. The petitioner (Buckley Park, LLC) shall not challenge said assessments on the assessment rolls prepared and adopted in 2011, 2012 and 2013. In accordance with Section 727 of the Real Property Tax Law, nothing in said Order and Settlement Agreement shall prohibit the Town of Clay from changing the assessment on parcel number **095.-01-01.1** in the event additions or alterations to, or improvements on, or in the event of destruction, retirement or demolition without replacement of the improvements to said parcel which affect the taxable value of said parcel. Similarly, petitioner Buckley Park, LLC, shall not be barred from challenging and commencing proceedings to review the assessment on said aforementioned parcel in the event there has been any new assessment because of additions, alteration to or improvements, or in the event of destruction, retirements or demolition without replacement of the improvement to said parcel which affect the taxable value. Motion was seconded by Councilor Edick.

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

Adjournment:

The meeting was adjourned at 8:15 P.M. upon motion by Councilor Bray and seconded by Councilor Bick. Ayes-7 and Noes-0. *Motion carried.*

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