

April 19, 2010

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 19<sup>th</sup> of April 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 Bray moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on April 5, 2010. Motion was seconded by Councilor Edick.

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

**Cancellations and/or Requested Adjournments:**

None

**Correspondence:**

Supervisor Ulatowski asked if anyone wished to address the Board about anything not on the agenda.

Councilor Bick asked the Supervisor about the Sales Tax with regards to the meeting with the Board of Supervisors.

Supervisor Ulatowski stated that for the past ten years, a portion of the sales tax has been allocated back to the towns. This has been renegotiated every ten years. The portion returned to the town came in the form of a credit that has been used to offset the property taxes for the residents of the town. He continued adding that

the County Executive is suggesting that the portion returned to the town could be shared between the county (in addition to the portion already distributed to them) and the city. The second suggestion is that a portion be divided between the towns, villages and school districts. He continued that the Board of Supervisors are lobbying the County Legislature to maintain the current formula adding that John Dougherty, one of the legislators was sitting in the audience. Councilor Bray stated that if this is approved the increase could be substantial.

John Dougherty stated that he is not supporting either plan. Supervisor Ulatowski asked when the vote will take place and Mr. Dougherty said May 3<sup>rd</sup>.

Councilor Bick thanked the Supervisor and Legislator Dougherty for the information and suggested interested parties contact their legislators with their concerns.

#### **Special Permit (PH) PANERA BREAD – DRIVE THRU:**

A public hearing to consider the application of **PANERA BREAD** for a **SPECIAL PERMIT FOR A DRIVE THRU AT PANERA BAKERY**, located on NYS Route 31, (being part of Tax Map No, 021,-01-12.1) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Tony Disanzo of Panera Bread presented. The applicant is proposing a drive thru service for the existing Panera Bread Café located on Route 31. Mr. Disanzo stated there will be no reduction in the number of parking spaces.

Joyce Cerrito of Bayberry was concerned about the additional traffic that would be generated as well as the existing traffic, adding that there is a great deal of congestion.

Councilor Bray stated that she shared the same concerns adding that the drive thru window will generate additional traffic.

Supervisor Ulatowski said that he will adjourn this public hearing so the applicant can lay out some alternatives. He added that he will refer this application to the Planning Board.

Councilor Bick made a motion adjourning this Public Hearing to **May 3<sup>rd</sup>, 2010 at 7:38 P.M.** Motion was seconded by Councilor Johnson.

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

#### **Zone Change (PH) RED BARN COUNTRY, LLC:**

A public hearing to consider the application of **RED BARN COUNTRY, LLC** for a change of zone from **R-10 One Family Residential District** to **O-2 Office District** on 3.56 ± acres of vacant land located south of Waxwood Circle on the west side of **Buckley Road**, (Tax Map No. 107.-05-46.1) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Hal Romans was present for the applicant. Mr. Romans stated that the applicant could build 4-5 single family homes on this parcel without appearing before the Town Board. He continued by adding that the O-2 zone blends with the existing offices in the area. The intent would be to have a doctors office, dentists office or a daycare. They are proposing only one drive way for the entire parcel. The applicant explained that there is sewer access across the street. Mr. Romans displayed an example of a conceptual full maximum build out. He added that the existing drainage issues would be addressed. Ron DeTota stated that the area is sandy and well draining soil.

Councilor Bray asked where the curb cut will be. Mr. Romans indicated on the map adding that there will

only be one curb cut for the two buildings, so that both building will share access. Several residents from the Briarledge area as well as Buckley Road and Waxwood (across the street) were present with comments and questions. The main concerns were the drainage and the increase in traffic. Mr. Visloski stated that he has enjoyed the smells from the farm in the past and is concerned that a two story building will block the view and is concerned that the lighting will be disruptive. Ann Visloski added that she is very much against this zone change and proposed building because there are several other offices with space to rent in the area. Linda Piello, a resident on Buckley Road was concerned about the curve and explained that in the past there have been several incidences. George Hotaling said that he feels that this is the best use for this property, adding that there have been accidents but how many are due to cell phone use or texting. He said that he did not want to see more residential homes here.

Several other neighbors voiced their concerns.

Councilor Johnson stated that if this is approved the residents will still have the opportunity to be involved at the Planning Board level.

Councilor Edick asked if the buildings could be moved back so that the parking would be in the front. Mr. Romans reminded that this is conceptual.

Councilor Edick suggested that Mr. Romans meet with the neighbors and come back to the board with his findings. He added that the Town Board is referring this to the Planning Board for recommendation.

Councilor Edick made a motion to adjourn this public hearing to **May 17<sup>th</sup>** at **7:35 PM**. Motion was seconded by Councilor Bray. Ayes-7 and Noes-0. *Motion carried.*

**Project/Sewer (PH) COUNTRY MEADOW SEWER DISTRICT:**

A public hearing to consider a Petition for the construction and acquisition of a lateral sewer system located within the Country Meadow Sewer District, Extension No. 2 within the Town of Clay to be designated and known as "**COUNTRY MEADOW SEWER DISTRICT, EXTENSION NO. 2, CONTRACT NO. 3 LATERAL.**" (Country Meadow Subdivision, Section "G")

Supervisor Ulatowski stated that he would adjourn both Public Hearings for Country Meadow based on the items that need to be addressed by the developer.

**Project/Drainage (PH) COUNTRY MEADOW SEWER DISTRICT:**

A public hearing to consider a Petition for the construction and acquisition of a lateral drainage system located within the Country Meadow Drainage District, Extension No. 2 within the Town of Clay to be designated and known as "**COUNTRY MEADOW DRAINAGE DISTRICT, EXTENSION NO. 2, CONTRACT NO. 3 LATERAL.**" (Country Meadow Subdivision, Section "G")

Councilor Edick made a motion to adjourn both hearings to **May 3<sup>rd</sup>** at **7:41** and **7:44 P.M.** Motion was seconded by Councilor Johnson. Ayes-7 and Noes-0. *Motion carried.*

**Zone Change (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, adjourned to this date and time at the

March 15th, 2010 Town Board Meeting.

Dave Kimple was present for the applicant. He began by explaining that the applicant has lost the last two tenants due to the zoning of this parcel. He received a referral from the Planning Board recommending approval of this zone change. The access will be through the National grid easement.

Councilor Johnson inquired as to the size of the building and it is just over 1200 square feet.

Russ Mitchell asked how many spaces there are and the applicant stated 30. Mr. Mitchell said that it does not appear to be 30 at this time, perhaps once it is cleared out. Supervisor Ulatowski asked how many are required. Commissioner Territo stated 12.

June Baycura said that she was in favor of this zone change adding that she would love to see a bakery there.

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.

### **Onondaga Community Development (PH):**

A public hearing to solicit from Town of Clay residents their comments and input regarding the use of funds by the Town of Clay with respect to the applications for funding filed with **ONONDAGA COMMUNITY DEVELOPMENT** for the year 2010 was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski began by explaining that the awarded amount is determined by the size of the town. In past years this money was used to make improvements to Casual Estates and more recently to repave Waterhouse Road. This year the intent is to use some of the funds to make improvements to the former Cibro Site located at 3414 Maider Road. The planned work would include some demolition as well as mitigation for the contamination, removal of several structures including a boiler and garage shed in effort to eliminate some liability.

June Baycura inquired about the Main Street project that was implemented by former Supervisor Rupprecht. She added that she would like to see additional improvements including those to KOST Tire and the Salvation Army. Mrs. Baycura added that she would like to see improvements to the pedestrian flow. Supervisor Ulatowski said that he would meet with Mrs. Baycura regarding this project.

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.

### **Bid Award for Improvements to the Highway Garage (Contract A):**

Councilor Weaver moved the adoption of a resolution awarding **Contract A** for the **IMPROVEMENTS TO TOWN OF CLAY HIGHWAY GARAGE AND ADMINISTRATIVE OFFICES** to **B. HILLMAN AND SONS** for the low bid of **\$313,000.00**. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Edick. Ayes-7 and Noes-0. Motion *carried*.

### **Bid Award for Improvements to the Highway Garage Mechanical (Contract B):**

Councilor Weaver moved the adoption of a resolution awarding **Contract B** for the **IMPROVEMENTS TO TOWN OF CLAY HIGHWAY GARAGE AND ADMINISTRATIVE OFFICES** to **ERIE MECHANICAL** for the low bid of **\$132,427.00**. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Edick. Ayes-7 and Noes-0. *Motion carried*.

**ADDITIONAL COMMENTS:**

Bruce Bresdola approached the Board to address the issues with the wetlands in the Country Meadow development. He provided the board with information from the Army Corp of Engineers. Supervisor Ulatowski thanked him for his patience and the information he provided.

**Adjournment:**

The meeting was adjourned at 9:16 P.M. upon motion by Councilor Bray and seconded by Councilor Bick. Ayes-7 and Noes-0. *Motion carried*

**REGULAR MEETING OF THE TOWN BOARD – April 19, 2010**

**Town of Clay**

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