

May 17, 2010

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 17th of May, 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 May 3rd, 2010. Motion was seconded by Councilor Edick, after he clarified his statement at the last meeting as follows.

Councilor Edick clarified that the Town has used the money that they receive back from the county sales tax as a credit for the residents' towards the property taxes, collected by the County. Further more the Town is working within a budget and the County should be doing the same.

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

Cancellations and/or requested adjournments:

None

Proclamation-BATTALION CHIEF STEPHEN ZAFERAKIS / MOYERS CORNERS FIRE DEPARTMENT:

Councilor Edick moved the adoption of a resolution recognizing BATTALION CHIEF STEPHEN ZAFERAKIS of the MOYERS CORNERS FIRE DEPARTMENT, for his heroic act of service and compassion on March 28th, 2010, when responding to a two vehicle accident at the intersection of Oswego Road and Provo Drive; and

WHEREAS, initial reports indicated one severely damaged vehicle had an unconscious male, semi-conscious female and the unknown status of an infant inside; and

WHEREAS, Battalion Chief Zaferakis arrived within one minute of the initial dispatch, assessed the scene and was alerted by witnesses that an infant was in the car. Zaferakis then crawled through the already shattered rear window of the vehicle and found an unconscious male in the back seat lying face down. Zaferakis later determined that the unconscious male was actually the vehicle's operator who had been ejected from the driver's seat and thrown into the back; and

WHEREAS, Chief Zaferakis, with the help of Deputy Chief E.J. Stevens, the second to arrive on the scene, carefully maneuvered the male back into the driver's seat where he would later be extricated by Moyer's Corners Rescue Company 4. Chief Zaferakis then reported hearing what sounded like a faint cry; and

WHEREAS, moving the male revealed an infant who had been restrained in a backseat child restraint facing the rear of the window prior to the collision. While Chief Zaferakis was moving the unconscious male from the child seat he could no longer hear the child crying; and

WHEREAS, Chief Zaferakis quickly determined that the infant was not only unconscious, but not breathing, the Chief then up righted the infant's car seat and, while maintaining cervical spine stabilization with two fingers, brought the child's neck into a neutral position. The child then began taking full and deep breaths, and within minutes had good color, was crying and acting much more oriented to its surroundings and was rendered treatment by Rescue Company 4 and NOVA crews, then transported to Upstate Pediatric Hospital and expected to make a full recovery.

NOW, THEREFORE, BE IT RESOLVED, that the members of the Clay Town Board on behalf of themselves and the community want to publicly acknowledge their gratitude and appreciation to BATTALION CHIEF STEPHEN ZAFERAKIS for his efforts, service and commitment to the community.

Councilor Edick stated that he was proud to present the proclamation to Chief Zaferakis. Both he and Supervisor Ulatowski thanked Chief Zaferakis and the other volunteers for the hard work and the service that they provide to the community.

OTHER BUSINESS:

Janet Rathburn, of Pompton Knolls, asked if she could address the Board regarding an ongoing issue with the traffic and parking at the YMCA.

Supervisor Ulatowski stated that there is adequate parking per Planning Department specifications.

Ms. Rathburn continued that there have been parking problems since 2003.

The Supervisor suggested to the Commissioner of Planning and Development that perhaps the County would place no parking signs along Wetzel Road, (as it is a County Road) to discourage parking. Councilor Edick suggest that perhaps an option may be for the league sports to use the park (parking) facilities as additional spaces.

Commissioner Territo said that he would contact the County.

Special Permit (SEQR) FORTH TROMBLEE DENTAL ASSOCIATES, PLLC:

Councilor Bick moved the adoption of a resolution that the application of FORTH TROMBLEE 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), 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 Johnson.

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

Special Permit (A) FORTH TROMBLEE DENTAL ASSOCIATES, PLLC:

Councilor Bick moved the adoption of a resolution approving the application of FORTH TROMBLEE 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 Johnson.

Ayes-7 and Noes-0. Unanimously carried.

Zone Change (PH/ADJ) 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) Adjourned to this date and time at the April 19th, 2010 Town Board Meeting. Applicant has requested an adjournment. Councilor Bray made a motion to adjourn to June 7th, 2010, at 7:53 P.M.. Motion was seconded by Councilor Edick.

Ayes-7 and Noes-0. Unanimously carried.

Special Permit (PH/ADJ) DRIVE THRU AT PANERA BAKERY:

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). Adjourned to this date and time at the April 19th, 2010 Town Board Meeting. The applicant has requested an adjournment due to the adjournment of the recommendation from the Planning Board. Councilor Edick made a motion to adjourn to June 7, 2010 at 8:00 P.M. Councilor Bray seconded the motion.

Ayes-7 and Noes-0. Unanimously carried.

Project/ Drainage/Sewer (A) COUNTRY MEADOW SUBDIVISION, SECTION "G":

Councilor Weaver moved the adoption of a resolution that it is in the public interest that the Town of Clay

approve the construction and acquire the public facilities located within COUNTRY MEADOW SUBDIVISION, SECTION “G”, (Country Meadow Sewer District, Extension No. 2, Contract No. 3 Lateral and Country Meadow Drainage District, Extension No. 2, Contract No. 3 Lateral) in accordance with the terms and conditions of a certain Agreement entered into between the Town of Clay and the developer GROUP ONE DEVELOPMENT, LLC. Motion was seconded by Councilor Edick.

Ayes-7 and Noes-0. Unanimously carried.

Community Development – ONONDAGA COUNTY EMPIRE ZONE (Amendment):

Councilor Johnson moved the adoption of a resolution supporting and concurring with the Onondaga County Empire Zone to amend the Empire Zone to encourage industrial and commercial development in the Town of Clay to include the following properties as shown on a list provided by the Office of Economic Development. Motion was seconded by Councilor Edick.

Councilor Bray stated that she wished to clarify that there will be no exception of town taxes for the properties listed in this Community Development initiative.

Sara Hall asked if the properties were within the Industrial Park, and they are.

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

<u>Tax Parcel No.</u>	<u>Address</u>
115.-01-18.8	4611 Crossroad Park Dr.
114.-02-12.4	Morgan Place
115.-02-18.0	7143 Henry Clay Blvd.
116.-01-01.4	7140 Henry Clay Blvd.
116.-01-01.6	Executive Drive
114.-02-02.2	Morgan Road
116.-01-01.3	7150 Henry Clay Blvd
116.-01-01.5	Executive Drive
115.-02-08.0	1150 Vine Street
116.-01-01.1	Executive Drive
115.-01-23.1	Vine Street
114.-02-05.1	7176 Morgan Road
114.-02-04.0	4529 Crown Road
114.-02-04.1	Crown Road
114.-02-03.2	4601 Crown Road
114.-02-07.0	4510 Morgan Place
114.-02-08.0	4522 Morgan Place
114.-02-24.0	Morgan Place
114.-02-08.1	Morgan Place
114.-02-06.0	7196 Morgan Road
114.-02-09.2	4558 Morgan Place

115.-01-24.1	4724 Burr Drive
114.-02-09.1	4560 Morgan Place
114.-02-10.2	4580 Morgan Place
115.-01-21.1	7189 Henry Clay Blvd.
114.-02-10.1	4573 Morgan Place
115.-01-19.2	7245 Henry Clay Blvd.
115.-01-19.1	4567 Crossroads Park Drive
115.-01-18.3	4600 Crossroads Park Drive
115.-01-18.4	4615 Crossroads Park Drive
115.-01-18.7	4626 Crossroads Park Drive
115.-01-18.9	4604 Crossroads Park Drive
115.-01-26.0	4610 Crossroads Park Drive
115.-01-25.0	4616 Crossroads Park Drive
114.-02-12.3	4591 Morgan Place
115.-01-18.6	4580 Crossroads Park Drive
115.-01-09.0	4629 Crossroads Park Drive
115.-01-08.0	4635 Crossroads Park Drive
115.-01-13.1	4696 Crossroads Park Drive
115.-01-15.2	Crossroads Park Drive
115.-01-15.1	7281 Henry Clay Blvd.
115.-01-07.0	4641 Crossroads Park Drive
115.-01-10.1	4642 Crossroads Park Drive
115.-01-11.2	4660 Crossroads Park Drive
115.-01-11.1	4662 Crossroads Park Drive
115.-01-12.1	4682 Crossroads Park Drive
115.-01-13.0	4698 Crossroads Park Drive
115.-01-03.0	4657 Crossroads Park Drive
115.-01-02.2	4699 Crossroads Park Drive
115.-01-01.2	4701 Crossroads Park Drive
115.-01-01.1	4705-4713 Crossroads Park Drive
115.-01-14.2	Crossroads Park Drive
115.-01-14.3	Crossroads Park Drive
115.-01-14.1	7327 Henry Clay Blvd
115.-01-06.0	4645 Crossroads Park Drive
115.-01-04.0	4655 Crossroads Park Drive
115.-01-05.0	4651 Crossroads Park Drive
115.-01-18.2	Henry Clay Blvd
114.-02-03.1	Morgan Road
115.-01-18.1	4724 Burr Drive
115.-01-17.1	4630 Crossroads Park Drive
114.-02-23.0	Morgan Road (part)

Authorization/Services -NORTH EAST APPRAISALS & MANAGEMENT COMPANY:

Councilor Bick moved the adoption of a resolution authorizing the Town Attorney to engage the services of **North East Appraisals & Management Company** to prepare the necessary appraisal with respect to the tax certiorari action, MBC Enterprises, LLC vs. the Town of Clay at a sum not to exceed Summary appraisal report - \$3,000.00 - \$4,000.00 and/or Self Contained Appraisal Report (inclusive of the above fee) – Not to exceed \$8,750.00, as set forth in said proposal dated April 21, 2010 and further authorizing the Supervisor to execute same. Councilor Bick further explained that the town will only be responsible for 50% of the cost for the service, the school district will absorb the other 50%. Motion was seconded by Councilor Johnson.

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

Project - TOCCO VILLAGIO:

Councilor Bray moved the adoption of a resolution that the Town Board of the Town of Clay refers the TOCCO VILLAGIO PROPOSED RESIDENTIAL DEVELOPMENT CONCEPT PLAN as submitted by JOLU DEVELOPMENT CO., on a map dated December 7th, 2009 revised April 5th, 2010, to the Town of Clay Planning Board.

WHEREAS an application has been received for a PDD-Planned Development District to be known as TOCCO VILLAGIO, which application proposes a total of 40.06 acres comprised of residential (54 units of townhouses, 192 units of apartments), and offices (27,750 sq. ft.)

NOW, THEREFORE, BE IT RESOLVED that the said application be and the same hereby is referred to the Town Planning Board of the Town of Clay for its review and comment pursuant to the Town of Clay Zoning Code, and for its review and recommendation as to the possible environmental significance of the project pursuant to the New York State Environmental Quality Review Act. Motion was seconded by Councilor Rycraft.

Ayes-6 and Noes-1. *Motion carried.*

Councilor Johnson was opposed.

Special Permit – Town Board Case # 1015 (CPH) GARY SPRING – TIMBERVIEW FORESTRY MANAGEMENT, INC.:

Councilor Rycraft moved the adoption of a resolution calling a public hearing June 7th, 2010, commencing at 7:36 P.M., local time, to consider the application of GARY SPRING and TIMBERVIEW FORESTRY MANAGEMENT, INC., for a Special Permit to Operate a U-Haul Rental Facility, on part of the existing Spring Storage Park, located at 7733 Henry Clay Boulevard, part of Tax Map No. 187.-01-21.1. Motion was seconded by Councilor Weaver.

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

Project (Sewer) (CPH) - INVERNESS GARDENS PLANNED DEVELOPMENT DISTRICT:

Councilor Weaver moved the adoption of a resolution calling a public hearing June 7th, 2010, commencing

at 7:38 P.M., local time, to consider a petition for the construction and acquisition of a lateral sewer system within the Bear Road Sewer District, to be designated and known as "BEAR ROAD SEWER DISTRICT, CONTRACT NO. 32 LATERAL", (Inverness Gardens Planned Development District). Motion was seconded by Councilor Rycraft.

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

Project (Drainage) (CPH) - INVERNESS GARDENS PLANNED DEVELOPMENT DISTRICT:

Councilor Johnson moved the adoption of a resolution calling a public hearing June 7th, 2010, commencing at 7:41 P.M., local time, to consider a Petition for the creation of a drainage district within the Town of Clay to be designated and known as "INVERNESS GARDENS DRAINAGE DISTRICT" and for the construction and acquisition of a lateral drainage system therein to be designated and known as "INVERNESS GARDENS DRAINAGE DISTRICT, CONTRACT NO. 1 LATERAL", (Inverness Gardens Planned Development District). Motion was seconded by Councilor Bick.

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

Project (Water) (CPH) - INVERNESS GARDENS PLANNED DEVELOPMENT DISTRICT:

Councilor Bick moved the adoption of a resolution calling a public hearing June 7th, 2010, commencing at 7:44 P.M., local time, to consider a Petition for the creation of a water supply district within the Town of Clay to be designated and known as "INVERNESS GARDENS WATER SUPPLY DISTRICT", (Inverness Gardens Planned Development District). Motion was seconded by Councilor Bray.

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

Project (Lighting) (CPH) - INVERNESS GARDENS PLANNED DEVELOPMENT DISTRICT:

Councilor Bray moved the adoption of a resolution calling a public hearing June 7th, 2010, commencing at 7:47 P.M., local time, to consider a Petition for the creation of a lighting district within the Town of Clay to be designated and known as "INVERNESS GARDENS LIGHTING DISTRICT", (Inverness Gardens Planned Development District). Motion was seconded by Councilor Rycraft.

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

**Special Permit (CPH) NIAGARA MOHAWK POWER CORP., d/b/a NATIONAL GRID/
ELECTRIC SUBSTATION EXPANSION:**

Councilor Rycraft moved the adoption of a resolution calling a public hearing June 7th, 2010, commencing at 7:50 P.M., local time, to consider the application of NIAGARA MOHAWK POWER CORP., d/b/a

NATIONAL GRID., for a PUBLIC UTILITY SPECIAL PERMIT, Pursuant to Section 230-27 I.(2)(e)[1] [a] of the Clay Code, FOR AN ELECTRIC SUBSTATION EXPANSION located on Ver Plank Road (a/ k/a by National Grid as 8811 Caughdenoy Road), being part of Tax Map No. 047.-01-12.0. Motion was seconded by Councilor Edick.

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

Special Permit (CPH) BAYBERRY PLAZA/ DRIVE-THRU FOR KINNEY DRUGS:

Councilor Edick moved the adoption of a resolution calling a public hearing June 21st , 2010, commencing at 7:35 P.M., local time, to consider the application of BAYBERRY PLAZA, for a SPECIAL PERMIT TO CONSTRUCT AND OPERATE A 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 Bick.

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. *Motion carried.*

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