

May 3, 2010

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 3rd 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 Johnson moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on April 19th, 2010. Motion was seconded by Councilor Bray.

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

**Cancellations and/or requested adjournments:**

None

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

Councilor Bick stated that in 2009 the Town of Clay had 12 million dollars of tax revenue that was used to credit property taxes, if the county passes the proposal to retain the sales tax from the town there will be a substantial increase to the residents in the form of the property taxes. Councilor Bick implored the residents to let the County Legislators know that they should refuse this.

Councilor Edick agreed adding that the Town Board keeps their budget and so should the County.

Councilor Bray stated that she totally agrees.

Supervisor Ulatowski said that the proposal exists to abolish our tax credits and the numbers are staggering

and thanked the public for listening.

Supervisor Ulatowski then addressed the residents from the Briarledge Development/ Buckley Road area, stating that if they were there for the Public Hearing, it is not scheduled until the 17th of May, 2010. There was some confusion, and the neighbors had handed out a news letter inviting neighbors to the meeting on May 3rd. 2010. Supervisor Ulatowski stated that the correct date is May 17th, 2010 at 7:35 PM.

**Zone Change (SEQR) SPELL BOUND HOLDINGS, INC.:**

Councilor Johnson moved the adoption of a resolution that 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), 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 Edick.

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

**Zone Change (A) SPELL BOUND HOLDINGS, INC.:**

Councilor Johnson moved the adoption of a resolution approving 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). Motion was seconded by Councilor Bray.

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

**Special Permit (PH) FORTH TROMBLEE DENTAL ASSOCIATES, PLLC:**

Public hearing to consider 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) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk. Adjourned to this date and time at the April 5th, 2010 Town Board Meeting.

Ray Scruton, architect, was present for the applicant and began by stating that the applicant wishes to construct a single story office building for a husband and wife dental team. When asked, Mr. Scruton stated that to the best of his knowledge no other dentists will be in the practice.

David Opdyke of Troop 117, inquired as to where the parking will be located. It will be located in the front and side of the building. Supervisor Ulatowski stated that the Onondaga County Planning Board has given a favorable recommendation.

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) PANERA BREAD / DRIVE THRU:**

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. Adjourned to this date and time at the April 19th, 2010 Town Board Meeting.

Tony Disanza of Panera Bread presented. He began by explaining that the applicant has revised the traffic flow to facilitate the comments from the last hearing. Councilor Bick supported the revisions.

Debra Scripa suggested a one-way traffic flow adding that she had been there the past weekend.

David Opdyke, asked how many cars they expected to stack up. Mr. Disanza stated that they figured 8-10. Mr. Opdyke suggested a pull away area to keep the traffic flowing. Janet Rathburn stated that it is difficult enough to enter and exit without a drive-thru. Councilor Johnson said that the map was illegible and asked the applicant to point out the drive-thru on the map. Joyce Cerrito said that she likes the modifications to the original plan but feels that there should be designated waiting spaces so that there aren't any backups. Supervisor Ulatowski echoed her concerns with regard to the backup.

Councilor Johnson inquired as to if the applicant is expecting an increase or decrease in customers, adding that he is concerned with the possibility of an increase in customer traffic.

Mr. Opdyke stated that he feels that this will add a bottle neck to an existing bottle neck. He also asked if the neighboring A&W or Kentucky Fried Chicken will be affected.

Councilor Rycraft stated that he is not comfortable with the current map as it is inadequate and should show some semblance of the site plan. Councilor Johnson agreed.

Supervisor Ulatowski suggested that the applicant lay out the new design on a site plan, showing reserved parking to alleviate backups in the drive-thru. Councilor Edick agreed adding that the proposed drive-thru and side parking are a safer alternative than the drive-thru currently used by McDonalds.

Councilor Edick moved to adjourn this hearing until May 17, 2010 at 7:38 PM. Motion was seconded by Councilor Bick.

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

**Project/ Sewer (PH) COUNTRY MEADOW SEWER DISTRICT, EXTENSION NO. 2:**

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"). Adjourned to this date and time at the April 19th, 2010 Town Board Meeting.

**Project/ Sewer (PH) COUNTRY MEADOW DRAINAGE DISTRICT, EXTENSION NO. 2:**

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"). Adjourned to this date and time at the April 19th, 2010 Town Board Meeting.

Supervisor Ulatowski opened both Country Meadow Public Hearings together.

Elsie Pikarski of L.J.R. Engineering presented on behalf of the applicant.

Supervisor Ulatowski asked if the applicant had addressed the problems that necessitated an adjournment of the last Public Hearing. Ron DeTota stated that the applicant has shown diligence as far as addressing the comments as well as some concerns that were not mentioned. Councilor Johnson stated that he hopes that this will not happen again. Mr. DeTota stated that revisions were in order to comply with town standards. David Opdyke inquired about the swails to Mud Creek. Ms. Pikarski explained that it will be designed so that excess water will not increase the level in the catch basins. Ron DeTota stated that it may decrease the impact on existing issues adding that it is designed for a 100 year storm.

Debra Scripa asked if this property is located near Lawton Road. She inquired as to the price of the homes and they would be in the \$200,000.00 range. She stated that we do not need new homes when there are vacant homes already. Supervisor Ulatowski stated that there is a demand for these homes and the property owner/developer is entitled to use the land. John Russo, developer for the property stated that this project has been done in phases and there is still a demand. The Supervisor added that this process also insures that the developer is building to town code. Ms. Scripa then asked about the effect this will have on the wildlife. Councilor Edick stated that the developers are required to convey parks and green areas to the town to preserve wildlife. Councilor Bray stated that forty years ago, the Town of Clay had the foresight to purchase the land that comprises the Hamlin Marsh. Supervisor Ulatowski added that the town has more parkland than any other town in the county. Ms. Pikarski stated that the wetlands cannot be touched per the Army Corp of Engineers. Susan Rouix asked if there will be houses backing up to the wetlands and if so will the property owners be informed that they cannot use fertilizer on the protected wetlands. Mr. DeTota said that they will and that the DEC and Army Corp of Engineers will enforce it.

Mr. Bruce Bresodola inquired about the storm water, adding that his property floods because of the previous section of development. Mr. Bresodola stated that his pond is up 3' since the trees were removed and asked the board to come out and inspect his lot.

Supervisor Ulatowski said that he will close the Public Hearing and decision will be made pending inspection of the Bresodola property. Mr. Bresodola respectfully requested that the hearing be left open so that he could FOIL the Army Corp. of Engineers. Supervisor Ulatowski stated that there will be a site visit

prior to the next meeting.

John Russo, developer for the project stated that he wished to be present at that visit. Councilors Edick and Weaver, Ron DeTota and Commissioner Territo also wish to join the Developer and the Supervisor on the visit.

**Project/ Sewer COUNTRY MEADOW SEWER/DRAINAGE DISTRICT, EXTENSION NO. 2:**

No action taken.

**Agreement/ Community Development (A) CIBRO SITE DEMOLITION:**

Councilor Bray moved the adoption of a resolution approving and further authorizing an agreement between the County of Onondaga, Department of Community Development and the Town of Clay for the CIBRO SITE DEMOLITION – 3414 MAIDER ROAD, said site is a former CIBRO asphalt plant, and bulk storage terminal, being next to Three Rivers Point, in an amount not to exceed \$141,906.00; and further authorizing the Supervisor to execute any and all documents therefore. Motion was seconded by Councilor Rycraft.

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

**Authorization – Contractual/Town Engineers:**

Councilor Bick moved the adoption of a resolution authorizing the Town Engineers to prepare a map, plan and description for the proposed CAUGHDENROY ROAD SEWER DISTRICT using only property tax mapping information, prepare project cost estimate and attend an informational meeting with property owners to discuss the project and the estimated cost, all at a cost not to exceed \$1,500.00. If the project proceeds the cost will be reimbursed by the property owners involved. If the project does not proceed the cost would be paid by the Town in accordance with the usual district formation process. Motion was seconded by Councilor Edick.

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

**Zone Change (CPH) 8879 OSWEGO ROAD:**

Councilor Johnson moved the adoption of a resolution calling a public hearing June 7th, 2010, commencing at 7:35 P.M., local time to consider on motion of the Town Board, a change of zone on the following properties – 8879 Oswego Road -, Tax Map No. 017.-01-02.1, consisting of 1.57 acres from RA-100 Residential Agricultural District to PDD Planned Development District; Oswego Road, Tax Map No. 017.-01-02.2, consisting of 1.6 acres from RA-100 Residential Agricultural District to PDD Planned Development District; Oswego Road - Tax Map No. 017.-01-02.3, consisting of 1.43 acres from R-10 One-Family Residential District to PDD Planned Development District; 8885 Oswego Road - Tax Map No. 017.-01-01.1, consisting of 0.2 acres from RA-100 Residential Agricultural District to PDD Planned Development District; 8865 Gaskin Road – Tax Map No. 017.-02-01.0 consisting of 0.6 acres from R-10

One-Family Residential District to PDD Planned Development District; 3382 Maider Road – Tax Map No.: 017.-03-01.0 consisting of 0.2 acres from RA-100 Residential Agricultural District to PDD Planned Development District; 3384 Maider Road – Tax Map No.: 017-03-2.0, consisting of 0.1 acres from RA-100 Residential Agricultural District to PDD Planned Development District; 3428 Maider Road – Tax Map No.: 017.-03-10.0 consisting of 1.83 acres from RA-100 Residential Agricultural District and I-2 Industrial 2 District to PDD Planned Development District; 3414 Maider Road – Tax Map No. 017.-03-09.1, consisting of 10.83 acres from RA-100 Residential Agricultural District to PDD Planned Development District; Maider Road – Tax Map No. 017.-03-09.2 consisting of 0.6 acres from RA-100 Residential Agricultural District to PDD Planned Development District; 3473 Maider Road – Tax Map No. 017.-03-11.0, consisting of 45.0 acres from RA-100 Residential Agricultural District to PDD Planned Development District; Maider Road - Tax Map No.: 017.-03-12.0, consisting of 5.20 acres from RA-100 Residential Agricultural District to PDD Planned Development District and Maider Road - Tax Map No. 016.-01-03.1, consisting of 7.35 acres from I-2 Industrial 2 District to PDD Planned Development District. Motion was seconded by Councilor Weaver.

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

Councilor Bray stated that there was a typing error in the unapproved minutes regarding the date and time of the Red Barn Country, LLC hearing and that it will need to be corrected.

Denise Murray of 7451 Waxwood Circle asked if there was supposed to be a hearing on the 3rd of May 2010. It was explained that the error was in the unapproved minutes, that are only distributed to the Town Board, Town Attorney and the Commissioner of Planning and Development, therefore the residents would not have been aware of the error and that it will be corrected in the Approved Minutes of the Town Board of April 19th , 2010.

### **Adjournment:**

The meeting was adjourned at 8:58 P.M. upon motion by Councilor Bray and seconded by Councilor Rycraft.

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

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