

July 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 July 19, 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 **June 21st, 2010**. Motion was seconded by Councilor Weaver.

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

Correspondence

Energy Grant Report.

No Action taken.

Mike D'Onofrio of Look Kinney Circle asked about the possibility of closing off the connection between Dahlia Circle and Look Kinney Circle. He stated that most of the traffic is driving thru and is concerned because of the number children playing in the streets.

Supervisor Ulatowski said that he will propose this to the highway department and see if this is a feasible request.

Mr. D'Onofrio continued by adding that he had grown up in that neighborhood and the street was only to be used for construction. Supervisor Ulatowski said that he would pass this on to the Highway Superintendent.

Francis Socia of 8464 Henry Clay Boulevard inquired about the connection of water for the residents on Henry Clay Boulevard. Ms. Socia said that seven years ago a regular water district was created and they

were told that they would be able to connect. She continued by adding that they had contacted Senator DeFrancisco regarding the New York State Water Drinking Fund and was told that there are funds available. She stated that at least one well tested positive for e-coli.

Supervisor Ulatowski said that there is a process to obtain funds adding that he had already met with the Town Engineers regarding this. He further explained the process stating that the funding cycle runs from October to October and the economics of the area are taken into consideration. The Supervisor added that low income areas are normally the recipient of this grant money. Ms. Socia stated that she and others are willing to contribute for the future water connection. Supervisor Ulatowski said that he will look into this.

Cancellations and/or requested adjournments:

None

Special Permit (SEQR) GARY SPRING and TIMBERVIEW FORESTRY MANAGEMENT, INC.:

Councilor Johnson moved the adoption of a resolution that 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. 087.-01-21.1**, 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-7 and Noes-0. *Unanimously carried.*

Special Permit (A) GARY SPRING and TIMBERVIEW FORESTRY MANAGEMENT, INC.:

Councilor Johnson moved the adoption of a resolution approving 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) - NEWBURY WOODS SEWER DISTRICT:

A public hearing to consider a petition for the creation of a sewer district within the Town of Clay to be designated and known as "**NEWBURY WOODS SEWER DISTRICT**", and for the construction and acquisition of a lateral drainage system therein to be designated and known as "**NEWBURY WOODS SEWER DISTRICT CONTRACT NO. 1**", (Newbury Woods Subdivision) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Project (drainage) - NEWBURY WOODS DRAINAGE DISTRICT:

A public hearing to consider a petition for the creation of a drainage district within the Town of Clay to be designated and known as "**NEWBURY WOODS DRAINAGE DISTRICT**", and for the construction and acquisition of a lateral drainage system therein to be designated and known as "**NEWBURY WOODS DRAINAGE DISTRICT CONTRACT NO. 1**", (Newbury Woods Subdivision) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Project (water) - NEWBURY WOODS WATER SUPPLY DISTRICT:

A public hearing to consider a Petition for the creation of a water supply district within the Town of Clay to be designated and known as "**NEWBURY WOODS WATER SUPPLY DISTRICT**", (Newbury Woods Subdivision) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Project (lighting) - NEWBURY WOODS LIGHTING DISTRICT:

A public hearing to consider a Petition for the creation of a lighting district within the Town of Clay to be designated and known as "**NEWBURY WOODS LIGHTING DISTRICT**", (Newbury Woods Subdivision) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk. Supervisor Ulatowski opened all four Public Hearings together.

Alex Wisniewski of LJR Engineering was present for Group One Development. He began by explaining that the sewers will include the Walrus Subdivision (Nice~N~Easy) adding that they will be conveyed to the Town at no cost to the Town. The sewers will pump to the Oak Orchard Pumping Station.

Mr. Wisniewski continued by explaining that the drainage will be constructed and dedicated to the Town at no cost.

The water for the Newbury Woods Subdivision will be supplied by OCWA (Onondaga County Water Authority).

National Grid will establish the cost for lighting at an estimated cost of \$70.00 per lot.

Councilor Bray asked about the potential for water connection for residents such as Ms. Socia. Mr.

Wisniewski stated that the water will extend to the front of the Walrus property. Supervisor Ulatowski asked about the possibility of neighboring residents connecting if they are willing to pay the cost. He then asked Ron DeTota to determine the cost.

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 (drive-thru)(PH) - Town Board Case #1014 - BAYBERRY PLAZA:

A public hearing to consider 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 was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk. Adjourned to this date and time at the June 21st, 2010 Town Board Meeting.

Joe Janowski, property owner was present. Mr. Janowski began by showing a diagram of the proposed drive thru for the new Kinney's Drug Store. One of the greatest concerns is the stacking of cars in an already busy parking lot. June Baycura, a resident of Bayberry, added that there is a lot of cut thru traffic in Bayberry so that motorists can avoid John Glenn Boulevard.

Mike Banks, also a Bayberry resident stated that he thinks that a drive thru would be beneficial in the community.

Susan Williams, another resident agreed that the traffic is an issue but also mentioned that there will need to be proper screening for home owners. She added that there will be the added inconvenience of lights, noise, and other commotion and wants a commitment from Mr. Janowski that the property values will not be diminished.

Joyce Cerrito stated that she is not opposed to the proposed drive thru, but is concerned with the safety for

automobile and pedestrian traffic. Supervisor Ulatowski suggested a yield sign. Councilor Bick suggested a pedestrian crossing and cross walk.

Councilor Bray asked about the estimated number of cars. Mr. Janowski said he estimated 4 cars per hour would use the drive thru. Councilor Bray stated that she thought that estimate was a little low as she lives near the Taft Road Kinney Drug Store and this does not appear to be an accurate estimate. Supervisor Ulatowski stated that the Planning Board recommended approval for this application and the Onondaga County Planning Department is concerned with the traffic safety.

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.

Mr. Janowski asked if the Board could render their decision tonight. Supervisor Ulatowski stated that they would not.

Zone Change (PH) - Town Board Case #1012 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. Adjourned to this date and time at the June 21st, 2010 Town Board Meeting.

Bill Camperlino and Gary Hafner presented. Mr. Camperlino began by explaining that he had three site plans showing three different scenarios. In addition, he also produced a picture of an office building in that was approved and never constructed in the town of Manlius.

He continued by adding that a new traffic study had been conducted and that it stated there would be no noticeable impact, low overall delays per D.O.T. (Department of Transportation) and no impact to intersections.

Supervisor Ulatowski asked if this was a new study and Mr. Camperlino stated that it was completed July 16th 2010, he added that the overall volume was back data from the County D.O.T., but the traffic count had been performed by Mr. Hafner. Councilor Bick stated that Mr. Camperlino should have used a traffic study performed by a counter that did not have an interest in this development and zone change.

Councilor Rycraft suggested that the applicant consider an O-1 Office District. Mr. Camperlino said that this was not a feasible option because it will be too restrictive, adding that he is just looking for approval until he has a tenant. Councilor Edick said that there were still drainage issues to be addressed, there is not a tenant at this time and perhaps the Public Hearing should be closed until a user is identified. Supervisor Ulatowski agreed with Councilor Edick. He also asked Mr. DeTota, if the mitigation plan and the traffic analysis performed in 2005 were sufficient in his professional opinion, for this zone change. Mr. DeTota stated that he did not. He added that the construction would add three times the run off that currently exists. Councilor Johnson agreed as well.

Mr. Camperlino stated that he would be happy to retract his application and build residential homes.

Councilor Bray said that she was uncomfortable with the accuracy of this traffic study. She added that she was disappointed that Mr. Camperlino could not supply the Board with meaningful information as to the potential tenant and without that information perhaps the application is premature.

Mr. Camperlino stated that he was withdrawing the application for this zone change.

Supervisor Ulatowski closed this public hearing

Bid Award - JANITORIAL/ CLEANING SERVICES OF THE NEW CLAY TOWN HALL:

Councilor Edick moved the adoption of a resolution awarding a contract for **JANITORIAL/CLEANING SERVICES OF THE NEW CLAY TOWN HALL** to Matrix LLC for the low bid of \$18,950.00. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Bick.

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

Bid Award - GPS CELLULAR TRACKING SYSTEM FOR VEHICLES OWNED BY THE TOWN OF CLAY:

Supervisor Ulatowski said that there will be **NO ACTION** on this case as a result of bid closure/ results received today.

Street Lights - WELLER CANNING ROAD:

Move the adoption of a resolution authorizing the installation of a 250 watt high pressure sodium light overhead fixture on pole **167-3** on **WELLER CANNING ROAD** as shown on the map provided by National Grid. The estimated annual cost of **\$247.14** is to be charged to the overhead account of the **CLAY CONSOLIDATED LIGHTING DISTRICT**.

Supervisor Ulatowski said that there will be **No Action** on this case due to the fact that the information was just received and further research was needed.

Appointment/ Personnel - ACCOUNT CLERK 1:

Councilor Edick moved the adoption of a resolution appointing **JOY BROWN** on a provisional basis to the position of **Account Clerk 1** in the Finance Department of the Town of Clay as shown on form **P-300 - Onondaga County Department of Personnel New Position Duties Statement**. Employee is aware that she must take and pass the exam, and be reachable on the list, in order to be promoted permanently to said position. Motion was seconded by Councilor Johnson.

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

Project (Final Plans) - WALRUS COMMONS, f/k/a NICE 'n' EASY – ROUTE 31 PROJECT:

Councilor Bick moved the adoption of a resolution approving the **Final Plans** for the **WALRUS COMMONS, f/k/a NICE 'n' EASY – ROUTE 31 PROJECT** (Nice 'N' Easy Drainage District, Contract No. 1) and authorizing the Supervisor to execute the necessary forms therefore. Motion was seconded by Councilor Weaver.

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

Securities/ Project - WALRUS COMMONS, f/k/a NICE 'n' EASY – ROUTE 31 PROJECT:

Councilor Bick moved the adoption of a resolution that the Town of Clay having conducted a public hearing to consider the construction and acquisition of drainage facilities located within **WALRUS COMMONS, f/k/a NICE 'n' EASY – ROUTE 31 PROJECT** (Nice 'N' Easy Drainage District, Contract No. 1) and the construction of said facilities having been completed in accordance with the Plans and Specifications thereof; the Town Engineers having certified that the facilities have been satisfactorily completed and contingent upon the developer having complied with all the requirements set forth in an Agreement between the Town of Clay and **WALRUS ENTERPRISES, LLC** that the Town of Clay accept title to such facilities. Motion was seconded by Councilor Bray.

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

Easement/ Project - WALRUS COMMONS, f/k/a NICE 'n' EASY – ROUTE 31 PROJECT:

Councilor Bick moved the adoption of a resolution accepting a right of way and easement for the drainage facilities located within **WALRUS COMMONS, f/k/a NICE 'n' EASY ROUTE 31 PROJECT** (Nice 'n' Easy Drainage District Contact No. 1) from **WALRUS ENTERPRISES, LLC**, as approved by the Town Engineers. Motion was seconded by Councilor Johnson.

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

Fire Hydrants (2) - Country Meadow Water Supply District (Country Meadow Section G Subdivision):

Councilor Edick moved the adoption of a resolution approving the installation of two (2) fire hydrants in **Country Meadow Water Supply District (Country Meadow Section G Subdivision)** and authorizing the Supervisor to execute the OCWA fire hydrant application. Hydrant Nos. 12643 and 12644 – OCWA Project Number 9003533. Motion was seconded by Councilor Weaver.

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

Standard Work Day and Reporting for Elected and Appointed Officials:

Councilor Bray moved the adoption of a resolution that the Town of Clay hereby establishes standard work days for elected and appointed officials who choose to participate in the New York State Retirement System, and will report the days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by the officials to the Town Clerk of the Town of Clay, all as shown on a resolution to be filed in the Town Clerk's Office. Motion was seconded by Councilor Weaver.

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

Councilor Bick stated that he wanted to go on record pointing out that not all officials participate in the retirement system, including most members of this board.

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

Councilor Weaver moved the adoption of a resolution calling a public hearing **August 16th, 2010**, commencing at **7:35 P.M.**, local time, 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). Motion was seconded by Councilor Bray.

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

Special Permit (CPH) - Town Board Case # 1018 - MC DONALD'S USA, LLC, and WEGMANS ENTERPRISES, INC.:

Councilor Johnson moved the adoption of a resolution calling a public hearing **August 16th, 2010**, commencing at **7:38 P.M.**, local time, 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 **093.-04-08.2**, pursuant to **Section 230-16 C. (2)(e)[2]** of the Code of the Town of Clay. Motion was seconded by Councilor Bick.

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

Adjournment:

The meeting was adjourned at 9:22 P.M. upon motion by Councilor Bray and seconded by Councilor Bick. Ayes-7 and Noes-0. *Motion carried.*

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REGULAR MEETING OF THE TOWN BOARD - July 19, 2010

Town of Clay

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