

Approved

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 7th of December, 2015 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Jim Rowley	Councilor
Eugene Young	Councilor
David Hess	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

None

OTHERS PRESENT:

Russ Mitchell and Hal Henty; members of the Planning Board, Lisa Vincitore; secretary to the Town Attorney and Dorothy Heller; Town Historian.

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 to **Approve** the Minutes of the November 16th, 2015 Town Board Meeting. Motion was seconded by Councilor Bick.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski stated that item number 12 on the agenda; the public hearing for Riverwalk Associates, Inc. will be adjourned at the request of the applicant.

Correspondence:

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

Ed Paolini asked the Supervisor if he had read the article in the *Star Review* regarding the report of the tax increase in the Town of Clay. He continued that he had been at the Town Board meeting on November 4th and understood that the increase was below the Governors Tax Cap therefore eliminating the need for Local Law 2 of the year 2015.

Supervisor Ulatowski agreed adding that he had seen the article himself and wondered where the reporter got her numbers and calculations. He concluded that it is clearly an unreliable source.

Councilor Rowley said that he didn't know how they had reached their (*Star Review*) conclusion. He suggested that perhaps they calculated using the levy as the only factor disregarding that the taxes are a multistep calculation. He added that it was disturbing.

Supervisor Ulatowski agreed.

REGULAR MEETING:

R-15-216 Zone Change (SEQR) – Town Board Case # 1087 MAPLERIDGE, LLC:

Councilor Bick moved the adoption of a resolution that the application of **MAPLERIDGE, LLC FOR A ZONE CHANGE from RC-1 Regional Commercial to R-APT Apartment** to add the landlocked parcel to phase 2 of the construction of the Ravada Hill Apartments located to the rear of **4850 Buckley Road, Tax Map No. 096.-11-05.0**; consisting of approximately .6± acres of land, 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 Hess.

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

R-15-217 Zone Change (A) – Town Board Case # 1087 MAPLERIDGE, LLC:

Councilor Bick moved the adoption of a resolution approving the application of **MAPLERIDGE, LLC FOR A ZONE CHANGE from RC-1 Regional Commercial to R-APT Apartment** to add the landlocked parcel to phase 2 of the construction of the Ravada Hill Apartments located to the rear of **4850 Buckley Road, Tax Map No. 096.-11-05.0**. Motion was seconded by Councilor Hess.

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

**R-15-218 Traffic & Vehicles (SEQR) – FOUR STOP SIGNS - LOBELIA DRIVE/
WINTERSWEET DRIVE; LOBELIA DRIVE/ ASTILBE PATH; ASTILBE
PATH/ WINTERSWEET DRIVE & WINTERSWEET DRIVE/ OPAL DRIVE:**

Councilor Young moved the adoption of a resolution that the amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to designate and provide for **FOUR (4) STOP SIGNS** to be installed on the northeast corner of **LOBELIA DRIVE** where it intersects with **WINTERSWEET DRIVE**, southwest corner of **LOBELIA DRIVE** where it intersects with **ASTILBE PATH**, northwest corner of **ASTILBE PATH** where it intersects with **WINTERSWEET DRIVE** and the northeast corner of **WINTERSWEET DRIVE** where it intersects with **OPAL DRIVE**; and the installation of the necessary signs therefore 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 Hess.

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

**R-15-219 Traffic & Vehicles (A) – FOUR STOP SIGNS - LOBELIA DRIVE/
WINTERSWEET DRIVE; LOBELIA DRIVE/ ASTILBE PATH; ASTILBE
PATH/ WINTERSWEET DRIVE & WINTERSWEET DRIVE/ OPAL DRIVE:**

Councilor Young moved the adoption of a resolution approving the amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to designate and provide for **FOUR (4) STOP SIGNS** to be installed on the northeast corner of **LOBELIA DRIVE** where it intersects with **WINTERSWEET DRIVE**, southwest corner of **LOBELIA DRIVE** where it intersects with **ASTILBE PATH**, northwest corner of **ASTILBE PATH** where it intersects with **WINTERSWEET DRIVE** and the northeast corner of **WINTERSWEET DRIVE** where it intersects with **OPAL DRIVE**; and the installation of the necessary signs therefore. Motion was seconded by Councilor Bick.

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

**R-15-220 Zone Change (SEQR) – Town Board Case # 1085 - STEWART'S SHOPS
CORP. AND PITCHER HILL ASSOCIATES:**

Councilor Hess moved the adoption of a resolution that the application of **STEWART'S SHOPS CORP. FOR A ZONE CHANGE** from **R-APT Apartment** to **LUC-1 Limited Use for Gasoline/R-APT Apartment** to construct a Stewart's

Shop and fuel facility in the front portion of the land consisting of approximately 3.126± acres as indicated on map prepared by CHA revised on September 9, 2015 and leave the rear portion as is, on vacant land located at the southeast corner of **Buckley and Bear Roads, Tax Map No. 097.-01-08.1**; consisting of a total of approximately 9.02± acres of land, 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 Bick.

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

R-15-221 Zone Change (A) – Town Board Case # 1085 - STEWART'S SHOPS CORP. AND PITCHER HILL ASSOCIATES:

Councilor Hess moved the adoption of a resolution approving the application of **STEWART'S SHOPS CORP. FOR A ZONE CHANGE** from **R-APT Apartment** to **LUC-1 Limited Use for Gasoline/R-APT Apartment** to construct a Stewart's Shop and fuel facility in the front portion of the land consisting of approximately 3.126± acres as indicated on map prepared by CHA, revised on **September 9, 2015** and leave the rear portion as is on vacant land located at the southeast corner of **Buckley and Bear Roads, Tax Map No. 097.-01-08.1**; consisting of a total of approximately 9.02± acres of land. Motion was seconded by Councilor Rowley.

Councilor Young asked for a Roll Call Vote and it went as follows:

Councilor Young – Voting NO
Councilor Weaver – Voting YES
Councilor Bray – Voting NO
Supervisor Ulatowski – Voting YES
Councilor Bick – Voting NO
Councilor Hess – Voting YES
Councilor Rowley- Voting YES

Ayes – 4 and Noes – 3. *Motion carried.*

Ms. Duerr, a resident from the neighborhood to the rear of the parcel suggested that there must be a super majority due to the petition submitted. After a brief conversation it was determined that the petition was submitted with the prior application (**Town Board Case # 1078**) which was **denied** on **7/20/2015**. Ms Duerr asked if the petition transferred to the new application and legal counsel explained that because this is a totally new application (the applicant changed the application, reapplied and paid the fee again) that the petition was invalid in part because the signed petition was based upon a different description and request.

Zone Change (PH/Adj.) – Town Board Case # 1068 – RIVERWALK ASSOCIATES, INC.:

This public hearing was **adjourned** at the request of the applicant. Councilor Hess made a motion to **adjourn** the public hearing to the **December 21, 2015** meeting at **7:35 P.M.** Motion was seconded by Councilor Bick.

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

Special Permit (PH) – Town Board Case # 1088 - SPRING STORAGE PARK:

A public hearing to consider the application of **SPRING STORAGE PARK, INC. for a SPECIAL PERMIT** pursuant to **Section 230-17C. (2) (e) [7]** of the Town Code to allow for motor vehicle storage located at **7733 & 7739 Henry Clay Blvd., Tax Map. No. 087.-01-21.1;** consisting of approximately 6.77± acres of land was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

James Messenger attorney for the applicant presented. Mr. Messenger began by explaining that Mr. Spring has applications before both the Town Board and the Planning Board to bring him into compliance; currently there are open violations. Mr. Messenger discussed both applications adding that there will be five other items that Mr. Spring will apply for special permits after he has satisfied the violations. The special permit will address the storage of boats, vehicles and snow mobiles currently in violation. Mr. Messenger said that the use is consistent with the surrounding industrial sites. There was a discussion of all of the various types of storage such as dumpsters and RVs, which will take place if granted.

Councilor Rowley stated that he did not agree with the Onondaga County Planning Boards request for a traffic study for this application. Commissioner Territo explained that the OCPB might not realize that this application is intended to correct a violation for business that is currently going on, not generating new traffic. Councilor Rowley stated that he did not see a need for a traffic study.

Councilor Hess asked about the dumpsters, if they were roll offs and where they would be cleaned adding that he was concerned about the smell. Mr. Messenger said that he was not sure where they will be cleaned but assured the Board that it would not be on this site. He added that they will be using the site for surplus storage only. He stated that Mr. Spring does not want an odoriferous site. Supervisor Ulatowski asked if the applicant would have a problem with the Town Board limiting the number of dumpsters stored on the site. Councilor Hess said

that he believed that the dumpsters will be addressed at the Planning Board. Mr. Messenger agreed. He added that after the applicant has secured the approval and cleared up his violations it is his intention to apply to store propane and rent u-hauls that attach without the use of a bolt on the rear of the vehicle.

Councilor Rowley reiterated that he did not see a need for a traffic study. Councilor Bray concurred adding that it is inconsistent to require a traffic study for this application but approved traffic for the Stewarts application.

Supervisor Ulatowski asked if there were any further questions or comments; hearing none he **closed** the public hearing.

R-15-222 Agreement (A) - Town of Clay and Davidson Management Group, Inc. (Associated Group Services, Inc.):

Councilor Bray moved the adoption of a resolution approving an Agreement between the **Town of Clay and Davidson Management Group, Inc.** (Associated Group Services, Inc.) to allow for the construction of a ring road and other town pre-requisites for development of the proposed commercial project on 32+/- acres of property located generally on the south-east side corner of the intersection of Route 31/Route 57 intersection in accordance with a recommendation of the Town of Clay Planning Board and authorizing the Supervisor to execute the Agreement. Motion was seconded by Councilor Weaver.

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

R-15-223 Bid Award – (A)PROVIDING AND MAINTAINING A POUND/SHELTER FOR ANIMALS SEIZED:

Councilor Young moved the adoption of a resolution awarding a **one (1)** year contract for **PROVIDING AND MAINTAINING A POUND/SHELTER FOR ANIMALS SEIZED BY A DOG CONTROL OFFICER, OR OTHER AUTHORIZED OFFICER OR EMPLOYEE OF THE TOWN OF CLAY** to **CNY Veterinary Services** for an amount equal to the bid specs as outlined by the **County of Onondaga Division of Purchase**. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Bick.

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

R-15-224 Organizational Meeting for the Town of Clay:

Councilor Hess moved the adoption of a resolution that the **Organizational Meeting for the Town of Clay** will commence at **7:00 P.M.**, local time, **January**

4, 2016, prior to the Regular Town Board Meeting. Motion was seconded by Councilor Rowley.

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

R-15-225 Meeting - Date Change:

Councilor Weaver moved the adoption of a resolution cancelling the **January 18, 2016** Town Board Meeting and rescheduling same to Wednesday, **January 20, 2016**, commencing at **7:30 P.M.**, local time due to the Martin Luther King Holiday. Motion was seconded by Councilor Bray.

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

R-15-226 Meeting - Cancellation:

Councilor Weaver moved the adoption of a resolution cancelling the **February 15, 2016** Town Board Meeting time due to President's Day and due to the annual Association of Towns meeting. Motion was seconded by Councilor Hess.

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

R-15-227 WOODSIDE COMMERCIAL, LLC TO AMEND INVERNESS GARDENS PDD LANGUAGE(CPH):

Councilor Bick moved the adoption of a resolution calling a public hearing **December 21, 2015**, commencing at **7:38 p.m.**, local time, to consider the application of **WOODSIDE COMMERCIAL, LLC TO AMEND INVERNESS GARDENS PDD LANGUAGE** for commercial use on proposed lot C-2 to allow for motor vehicle services on land located at **4938 West Taft Road, Tax Map No. 116.1-01-01.1**; consisting of approximately 1.2 ± acres of land. Motion was seconded by Councilor Rowley.

Councilor Young asked if the surrounding neighbors will be notified about the public hearing. Commissioner Territo explained that the residents in a 300' radius of the parcel will be notified by mail. Councilor Young said that he felt that the radius should be 500'.

Councilor Bick said that he did not feel that this application should be treated as any other application therefore avoiding the necessity to notify additional residents adding that the zone change will be advertised as well. Supervisor Ulatowski agreed with Councilor Bick stating that the Town should be consistent so not to set precedence. Councilor Bray suggested that it should be arbitrary based upon individual zone change applications. Mr. Germain, legal counsel, explained that

there is no specific number that must be notified by mail, the Town provides the personal notification as a courtesy.

A lengthy and spirited discussion ensued regarding which residents will actually be notified by mail. Councilor Young suggested that this could leave the Town open for a law suit if all of the residents within the PDD are not notified. Councilor Bray agreed adding that the change in the PDD concept plan affects all the residents within the PDD. She added that for a PDD the Town Code should be changed to make it standard for the residents within 500' to be notified by mail. Supervisor Ulatowski conceded that perhaps for a PDD a modification in the code would be appropriate keeping it consistent.

Councilor Young made a motion that mailed notification be sent to all residents within the PDD for the public hearings and applications. Motion was seconded by Councilor Bray.

Ayes – 6 and Noes – 1. *Motion carried. Councilor Bick voting no.*

R-15-228 Local Law No. 3 of the Year 2015 amending Chapter 105 entitled Fees,” §105-4 Schedule of fees, Chapter 81 entitled “Building Construction(CPH):

Councilor Bick moved the adoption of a resolution calling a public hearing **December 21, 2015**, commencing at **7:41 p.m.**, local time, to consider proposed **Local Law No. 3 of the Year 2015 amending Chapter 105 entitled “Fees,” §105-4 Schedule of fees, Chapter 81 entitled “Building Construction,” §81-12 Mobile Home: Installation in mobile home court, Chapter 144 entitled “Mobile Home Courts,” §144-11B; Chapter 167 entitled “Peddling and Soliciting,” §167-12(B) Additional fees, and Chapter 230 entitled “Zoning,” § 230-9 Penalties for offenses; enforcement**, by amending, increasing and adding new fees to the Code of the Town of Clay. Motion was seconded by Councilor Hess.

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

R-15-231 Release of Securities - Euclid Storage Facility Roof Replacement:

Councilor Weaver moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway by letter dated December 4, 2015 authorizing the **release of securities** withheld for the performance and inspection of the **Euclid Storage Facility Roof Replacement**, including the additional roof drains as requested and has been inspected by John Mansville, the roofing system manufacturer, and the warranty has been issued to the Town and authorizing final payment to be issued to Contractor Shafer Building Systems. The

project is completed in accordance with Town Highway Specifications. Motion was seconded by Councilor Bick.

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

Adjournment:

The meeting was adjourned at 8:21 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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

Jill Hageman-Clark, RMC Town Clerk