

**Approved**

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 16<sup>th</sup> of May, 2016 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; member of the Planning Board & 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 Hess made a motion to approve the minutes of the May 2<sup>nd</sup>, 2016 meeting. Motion was seconded by Councilor Bick.

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

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski said that there were no adjournments or cancellations.

**Correspondence:**

At this time no one spoke.

**REGULAR MEETING**

**Zone Change (PH) – Town Board Case # 1094 - NEW COURT STREET, LLC:**

A public hearing to consider the application of **NEW COURT STREET, LLC FOR A ZONE CHANGE** from **NC-1-Neighborhood Commercial** to **I-1 Industrial** to

allow for a retail/office building located at **8531 Oswego Road, Tax Map No. 019.-02-18.3**; consisting of approximately 5.24± acres of land was opened by the Supervisor; proof of posting and publication was furnished by the Town Clerk.

James Trasher of CHA Engineers spoke on behalf of the applicant. Mr. Trasher began by explaining that the applicant is proposing a zone change to allow for contractor storage to the existing business. Currently the parcel is used for shed sales. The zone change to I-1 would allow for contractor storage, assembly and retail sales. There was a brief discussion regarding other allowed uses if the zone change were granted.

Mr. Trasher continued that the applicant is proposing a fence around the contactors storage. He explained that the map shows full build out adding that they may need to increase the stormwater maintenance. Councilor Bick asked if there were residential homes bordering the parcel. Mr. Trasher said that there is a residential home with an adjoining dog kennel business. Councilor Bray asked how close this parcel was to Linda Lane. There was a discussion about the neighboring zones and after consulting the zoning map it was decided that there is one NC-1 (neighborhood commercial) parcel between this property and Linda Lane.

Supervisor Ulatowski asked why the applicant is seeking a zone change instead of a use variance. Councilor Rowley asked if the ZBA could grant a use variance and dictate the use.

Supervisor Ulatowski said that he will refer this to the Planning Board for review and recommendation. A motion was made by Councilor Rowley and seconded by Councilor Hess to adjourn the public hearing to **June 6, 2016 at 7:38 P.M.**

**Zone Change (PH) – Town Board Case # 1095 - GEORGIAN COURT ENTERPRISES, LLC AND FERNANDO VONA:**

A public hearing to consider the application of **GEORGIAN COURT ENTERPRISES, LLC AND FERNANDO VONA FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **R-Apt Residential Apartment** to allow for future construction of two apartment buildings on vacant land located on **Belmont Drive, Tax Map No. 104.-03-11.0**; consisting of approximately 3.76± acres of land was opened by the Supervisor; proof of posting and publication was furnished by the Town Clerk.

Hal Romans and Alex Wisnewski were present on behalf of the applicant. Mr. Romans began by explaining that if the wetlands can be mitigated the site plan will change and the proposed new buildings will be moved closer to the existing Georgian Court buildings and further from the Belmont Town Homes. Supervisor Ulatowski asked for clarification. Mr. Romans reiterated that the buildings will be constructed closer to the existing Georgian Court and access would be gained from Morgan Road.

There was a great deal of discussion about the wetland and the location of the proposed buildings in addition to the access. Councilor Hess asked why they would not access through Belmont. Mr. Romans explained that they would prefer not to, adding that there also will not be access off John Glenn Boulevard.

Jeremy Thomas, President of the Belmont HOA was present on behalf of the residents of Belmont Village to present some of their concerns. He asked how many units the applicant is proposing; Mr. Romans said 24 two bedroom units would be the max allowed. He explained that the residents are concerned about the additional pavement and garages and the impact that it will have on an already wet area. Mr. Romans assured the residents that any new construction is subject to environmental impact studies and mitigation.

Susan Eusepi of 4311 Belmont Drive asked how close the garages would be to the property lines and Mr. Romans said that the setback is 20' with a landscape buffer. She asked about lighting and it will be on the front of the garages (not facing Belmont). She asked about the type of landscaping. Mr. Romans explained that this is the first meeting and landscaping and such will be addressed at the Site Plan stage. Again the discussion was about stormwater and Ms. Eusepi asked who would be responsible. Supervisor Ulatowski explained that if the application is approved it will be overseen by the Developer's Engineers as well as the Town of Clay Engineers. Ron DeTota, Town Engineer addressed the concerns by explaining that they will evaluate the parcel and advise the applicant by improving and benefitting the surrounding properties.

Some residents expressed their concerns with the noise and interruptions during the construction. Margaret Cohen of 4304 Belmont Drive suggested that they should receive a tax break if their properties are negatively impacted by this application.

David Carson of 4311 Belmont Drive explained that he is concerned about pedestrian traffic, people walking and cutting through lots. Councilor Bick asked about a walkway. Mr. Carson said that there are speeding vehicles within the neighborhood. Supervisor Ulatowski said that he would discuss speed enforcement with the Sheriffs (he asked the Clerk to remind him of this). Someone asked about a traffic study with the zone change. Supervisor Ulatowski asked if he could request a traffic study.

Jeremy Thomas asked if he could submit a petition to the Town Board from residents opposing this zone change. Supervisor Ulatowski asked him to submit it to the Clerk and he did. Peg Ainsworth asked the Town Board to deny the application and not to disturb the quality of life for the Belmont residents.

Supervisor Ulatowski said that he will refer this to the Planning Board for review and recommendation. A motion was made by Councilor Bick and seconded by Councilor Hess to adjourn the public hearing to **June 6, 2016 at 7:41 P.M.**

**R16-111 Authorization/Application (A) Youth Recreation Grant Funding for the year 2016:**

Councilor Bick moved the adoption of a resolution authorizing the application for **funding for the New York State Office of Children and Family Services for the year 2016** in the amount of **\$6,284.00**; and further authorizing the Supervisor to apply for and execute an Inter-Municipal Agreement with Onondaga County, on behalf of the Town of Clay, for **Youth Recreation Grant Funding for the year 2016**. Motion was seconded by Councilor Hess.

Ayes – 7 and Noes – 0. Motion carried.

**R16-112 Authorization/Project – MORGAN MEADOWS SUBDIVISION:**

Councilor Weaver moved the adoption of a resolution authorizing the Supervisor to enter into an Agreement on behalf of the Town with **MORGAN ROAD ESTATES, LLC** for the construction/development of **MORGAN MEADOWS SUBDIVISION**. Motion was seconded by Councilor Bray.

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

**R16-113 Special Permit (CPH) Town Board Case # 1096 – FOX DEALERSHIPS:**

Councilor Young moved the adoption of a resolution calling a public hearing **June 6, 2016**, commencing at **7:35 P.M.**, local time, to consider the application of **FOX DEALERSHIPS FOR A SPECIAL PERMIT** pursuant to Section 230-16 B. (2) (e) [4] [5] of the Town Code to allow for an automobile sales and service facility on vacant land located at **3687 State Route 31, Tax Map No. 020.-01-05.3 & 06.1**; currently zoned HC-1. Motion was seconded by Councilor Bick.

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

**R16-114 Project (Drainage) (CPH)-- MORGAN MEADOWS DRAINAGE DISTRICT, CONTRACT NO. 1:**

Councilor Bray moved the adoption of a resolution calling a public hearing **June 20, 2016**, commencing at **7:35 P.M.**, local time to consider a Petition for the creation of a drainage district within the Town of Clay to be known as **MORGAN MEADOWS DRAINAGE DISTRICT** and for the construction and acquisition of a drainage system therein to be designated and known as **“MORGAN MEADOWS DRAINAGE DISTRICT, CONTRACT NO. 1,”** (Morgan Meadows Subdivision). Motion was seconded by Councilor Hess.

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

**R16-115 Project (Lighting) (CPH) – MORGAN MEADOWS LIGHTING DISTRICT:**

Councilor Hess moved the adoption of a resolution calling a public hearing **June 20, 2016**, commencing at **7:38 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 “**MORGAN MEADOWS LIGHTING DISTRICT,**” (Morgan Meadows Subdivision). Motion was seconded by Councilor Rowley.

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

**R16-116 Assessment/Certiorari - RHULE & KERR ASSOCIATES:**

Councilor Hess moved the adoption of a resolution authorizing and approving the settlement of the certiorari action commenced against the Town pursuant to RPTL Article 7 entitled **RHULE & KERR ASSOCIATES vs. THE TOWN OF CLAY, et al, Tax Map No. 105.-02-04.0 and 105.-02-02** (collectively the subject property) located at **7475 Henry Clay Blvd., Liverpool, NY**, reducing the assessment value with refunds for **Tax Years 2012/13, 2013/14, 2014/15 & 2015/16**. The total refunds due from the Town for the four year period for all matters, is in an amount not to exceed \$30,500. This resolution also authorizes the Town Supervisor and Town Attorney to execute any necessary documents to complete this settlement including, but not limited to the proposed Stipulation and Consent Order. Motion was seconded by Councilor Rowley.

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

**Adjournment:**

The meeting was adjourned at 8:45 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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

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Jill Hageman-Clark, RMC Town Clerk