

Approved

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 21st of March, 2016 at 7:30 P.M., there were:

PRESENT:

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:

Damian Ulatowski	Supervisor
------------------	------------

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 Deputy Supervisor Bick 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 March 7th, 2016 meeting. Motion was seconded by Councilor Rowley.

Ayes – 6 and Noes – 0. *Motion carried.*

Cancellation and/or requested adjournments.

Deputy Supervisor Bick said that items 7 on the agenda will not be heard tonight.

Correspondence:

Deputy Supervisor Bick asked if anyone wished to address the Board on any items not on the agenda.

Jim Iannuzzo of Caughdenoy Road explained that there is stormwater drainage backing up between VerPlank Road and Clay Park. He continued that when he

approached the Town of Cicero they explained that they do not have a problem. Mr. Iannuzzo said that he contacted the Town of Clay Highway Department and they have come out twice. Mr. Iannuzzo said that the Highway Department was very helpful however they were not able to get to the problem, a suspected beaver dam. He continued that he knows someone with a helicopter and charges \$490.00 per hour to go up to check it out but the pilot suggested that since this a Town and County issue, perhaps the Onondaga County Sheriff's Department may take Air One up at no cost to the Town.

Councilor Rowley asked the Town Engineer if he could look into this. Ron DeTota asked if he could access it by land. Mr. Iannuzzo said that it is ¼ to ½ mile from Clay Park and suggested a kayak.

Deputy Supervisor Bick said that he would talk to Tom Weaver. Mr. Iannuzzo said that he had spoken to him twice and he had been very helpful.

REGULAR MEETING:

Zone Change (PH) – Town Board Case # 1093 - NORTH SYRACUSE LODGING GROUP, LLC:

A public hearing to consider the application of **NORTH SYRACUSE LODGING GROUP, LLC FOR A ZONE CHANGE** from **R-TH Residential Townhome** to **RC-1 Regional Commercial and R-TH Residential Townhome** to allow commercial and townhome use on vacant land located on **Pepperidge Way, Tax Map No. 055.-01-01.1**; consisting of approximately 16.22± acres of land was opened by the Deputy Supervisor; proof of publication and posting was provided by the Town Clerk.

Brian Bouchard of CHA Engineering was present on behalf of the applicant. He began by orienting the public to the location of the parcel and the egress off of Route 31 at Red Lobster. He mentioned other surrounding businesses and continued by explaining that the applicants' intent is to construct a hotel on a portion of the parcel. He said that the plan depicted (showing a full build out) is a conceptual plan.

Deputy Supervisor Bick asked if the applicant planned to connect to the residential neighborhood to the south. Mr. Bouchard said that the applicant does not wish to make that connection. The Deputy Supervisor asked how many rooms they are proposing and they said that there will be 112 rooms. Deputy Supervisor Bick then asked Commissioner Territo what other uses are allowed in RC-1 zoning. There was a discussion about the uses that include Retail, Shopping Center, Office, Restaurant, Hospital, Storage, Night Club etc.

Councilor Rowley asked if there is any other zoning that permits the construction of a hotel. Commissioner Territo explained that hotels are permitted in HC-1 with a Special Permit.

Councilor Young asked that the applicant provide the Town Board with maps at future hearings. He also asked if the applicant owned the parcel or would purchase if the zone change was granted. Mr. Bouchard said that the applicant is the owner of the parcel.

Councilor Bray asked if the applicant would consider making a connection with the Town of Clay property to connect with Soule Road. Councilor Bray said that she is concerned about the capacity of commercial traffic on Carling Road if connection was not made to Soule Road.

Deputy Supervisor Bick read a letter from Bruce Swift asking that a connection not be made to Sutcliffe. Mr. Swift was unable to attend the public hearing but wanted to express his concerns.

Liz DeRose of Underbrush Trail explained that the Pinegate Community does not want a connection to Sutcliffe Drive. Deputy Supervisor Bick explained that the applicant is not proposing a connection. Ms. DeRose asked if the Town Board could make the approval contingent on not connecting to Sutcliffe Drive. The Deputy Supervisor explained that the applicant would need to offer that, the Town could not make it a condition of approval.

Dylan Rodner asked what hotel. Mr. Bouchard said that it will be a Marriott Towne Place Suites. It will be 4 stories high (the same as the Hampton Inn across the street). Mr. Bouchard explained that the drainage is already in place.

Ms. DeRose asked if the applicant would construct a berm or privacy fence to separate the residential from the commercial. Mr. Bouchard explained that the Town of Clay is diligent about perimeter strips, landscaping and buffers and that the applicant is willing to work with the Town and address these concerns during the Site Plan process.

One of the residents explained that the stormwater would not accommodate the new construction. Mr. Bouchard explained that the stormwater regulations are mandated by the state.

Councilor Bray made a motion to **adjourn** the public hearing to **April 4, 2016 at 7:47 P.M.** Motion was seconded by Councilor Hess.

Ayes – 6 and Noes – 0. *Motion carried.*

Councilor Bray asked that the applicant bring some type of map for the Board Members. Deputy Supervisor Bick added that there should be less detail (not a conceptual full build out).

Zone Change (PH/Adj.) - Town Board Case # 1091 - NELSON ASSOCIATES, LLC and ROUTE 31 PARTNERSHIP:

The applicant requested an adjournment.
Councilor Hess made a motion to **adjourn** the public hearing to **April 4, 2016 at 7:44 P.M.** Motion was seconded by Councilor Rowley.

Ayes – 6 and Noes – 0. *Motion carried.*

Zone Change (PH/Adj.) - Town Board Case # 1090 - THE WIDEWATERS GROUP INC. and JULIA LA SALLE:

A public hearing to consider the application of **THE WIDEWATERS GROUP INC. AND JULIA LA SALLE FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **RC-1 Regional Commercial** for a proposed retail development on vacant land located at **3715 State Route 31, Tax Map No. 020.-01-05.1 & 05.2;** consisting of approximately 46.12 ± acres of land. (Adjourned to this date and time from the March 7, 2016 Town Board Meeting).

Marco Marzocchi, legal counsel and Tim Coyer, surveyor; were present on behalf of the applicant. Mr. Marzocchi began by explaining that there are no changes from the last meeting. He added that he won't repeat the entire dialogue and requested that the public hearing be closed at this meeting. Councilor Rowley asked if the applicant had talked with the neighbors regarding a connection. Mr. Marzocchi indicated that they had not and do not plan to meet however they were all meeting the next day to discuss the parcels.

Deputy Supervisor Bick asked Mr. Marzocchi if this is the only plan why is he attending the meeting the next day. Mr. Marzocchi explained that they have worked diligently with the Town and the County DOT on this plan. He continued that they have done what was asked, adding that they cannot provide access or driveways to all. Mr. Marzocchi explained that they worked with Davidson to align the driveways. Mr. Marzocchi said that the plan can be modified to slide the connecting driveway to the north or south but not to the out parcel.

Councilor Bray stated that the Town Board must represent the public interest for the entire town.

Councilor Hess asked if the applicant would consider sliding the access road to the north, connecting to the northwest corner of the Nelson property.

Councilor Bray made a motion to **adjourn** the public hearing to **April 4, 2016 at 7:50 P.M.** Motion was seconded by Councilor Young.

Ayes – 6 and Noes – 0. *Motion carried.*

R-16-79 **Street Lights (A) Taft Road (portion):**

Councilor Young moved the adoption of a resolution authorizing all 100w HPS lights to be upgraded to 250w HPS from the Allen Road and Taft Road intersection to the Taft Road and Brewerton Road intersection. In addition, all mast arms are to be changed to 16' Aluminum arms to get lighting over the four lane roadway. The estimated annual cost for the increased illumination of 12 lights within the Town Overhead District (LT245) is **\$1,208.16**. Motion was seconded by Councilor Rowley.

Ayes – 5 and Noes – 0. *Motion carried. Councilor Hess abstained.*

R-16-80 **Agreement (A) – New York State Department of Transportation:**

Councilor Weaver moved the adoption of a resolution approving the annual Highway Work Permit between the **Town of Clay** and the **New York State Department of Transportation**, whereas said Permit is issued and used by the **Town of Clay** in connection with work affecting the Right-of-Way of a State Highway; pursuant to Article 3, Section 52 of State Highway Law and Section 1220-c of the Vehicle and Traffic Law; and further authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Hess.

Ayes – 6 and Noes – 0. *Motion carried.*

R-16-81 **ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING PLAN(A):**

Councilor Hess moved the adoption of a resolution authorizing an amendment to the **ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING PLAN** for the Town of Clay to include the year 2019 per a letter by the Town Highway Superintendent dated March 16, 2016. Motion was seconded by Councilor Rowley.

Ayes – 6 and Noes – 0. *Motion carried.*

R-16-82 **Appointment – MOYERS CORNERS FIRE DEPARTMENT, INC.:**

Councilor Young moved the adoption of a resolution approving the appointment of **Evan Jones and Jessica White** as volunteer members of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 1; Jeremiah Piescik** as a volunteer member of the **MOYERS CORNERS FIRE DEPARTMENT, INC – STATION 3;** and **Nate Burke** as a volunteer member of the **MOYERS CORNERS FIRE DEPARTMENT, INC – STATION 4.** Motion was seconded by Councilor Weaver.

Ayes – 6 and Noes – 0. *Motion carried.*

R-16-83 **Agreement (A) – TYLER TECHNOLOGIES, Inc.:**

Councilor Rowley moved the adoption of a resolution authorizing the Town Supervisor to enter into a License and Service Agreement with **Tyler Technologies, Inc.** to install and maintain a financial software application, subject to the approval of the Town Attorney as to form and content. Motion was seconded by Councilor Bray.

Ayes – 6 and Noes – 0. *Motion carried.*

R-16-84 **Bond (A) – Financial Software:**

Councilor Rowley moved the adoption of a resolution authorizing the issuance of an amount not to exceed \$86,000 bonds for the installation of a financial software system for the Town of Clay. Motion was seconded by Councilor Hess.

Ayes – 6 and Noes – 0. *Motion carried.*

BID ADVERTISEMENT - INFORMATION TECHNOLOGY SERVICES/EQUIPMENT UPGRADES FOR THE TOWN OF CLAY TOWN HALL BUILDING:

No Action

R-16-85 **Certiorari Action - BARNES AND NOBLE #2197:**

Councilor Young 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 **BARNES AND NOBLE #2197 vs. THE TOWN OF CLAY, et al, Tax Map No. 055.-01-01.2** on property located at **3956 State**

Route 31, Clay, NY, reducing the assessment value to \$2,200,000 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 \$3,500. 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 Hess.

Ayes – 6 and Noes – 0. *Motion carried.*

Adjournment:

The meeting was adjourned at 8:25 P.M. upon motion by Councilor Bray and seconded by Councilor Hess. Councilor Bray wished everyone a Happy Easter.

Ayes – 6 and Noes – 0. *Motion carried.*

Jill Hageman-Clark, RMC Town Clerk