

APPROVED

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 2nd, of March, 2015 at 7:30 P.M., there were:

PRESENT:

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

ABSENT:

William C. Weaver	Councilor
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OTHERS PRESENT:

Russ Mitchell – Planning Board Member; 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 Edick moved to **Approve** the Minutes of the February 2nd, 2014 Town Board Meeting. Motion was seconded by Councilor Bick.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that the Riverwalk public hearing will be adjourned at the request of the applicant.

Correspondence:

None

REGULAR MEETING:

R-15-47 Zone Change (SEQR) – Town Board Case # 1073 - COR VER PLANK ROAD COMPANY, LLC:

Councilor Edick moved the adoption of a resolution that the application of **COR VERPLANK ROAD COMPANY, LLC FOR A ZONE CHANGE** from **R-15 Residential District** to **R-APT Apartment District** to allow for an apartment complex located on **Ver Plank Road & Dell Center Drive**, part of **Tax Map Nos. 021.-01-19.1 & 021.-01-02.3**; and consisting of approximately 58.32 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 Rowley.

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

R-15-48 Zone Change (A) – Town Board Case # 1073 - COR VER PLANK ROAD COMPANY, LLC:

Councilor Edick moved the adoption of a resolution approving the application of **COR VERPLANK ROAD COMPANY, LLC FOR A ZONE CHANGE** from **R-15 Residential District** to **R-APT Apartment District** to allow for an apartment complex located on **Ver Plank Road & Dell Center Drive**, part of **Tax Map Nos. 021.-01-19.1 & 021.-01-02.3**; and consisting of approximately 58.32 acres of land. Motion was seconded by Councilor Rowley.

Ayes-3 and Noes-3. Supervisor Ulatowski asked the Town Clerk to take a Roll Call Vote and it went as follows:

Councilor Young – No	Councilor Bray – No
Supervisor Ulatowski – Yes	Councilor Edick – Yes
Councilor Bick – No	Councilor Rowley – Yes
(Councilor Weaver –Absent)	

Motion failed.

ONONDAGA COUNTY COMMUNITY DEVELOPMENT FUNDING (PH):

A public hearing to solicit from Town of Clay residents their comments and input regarding the use of funds by the Town of Clay with respect to the applications for funding filed with **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2015** was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski began by explaining that Onondaga County will provide \$50,000.00 in grant monies to the Town of Clay for low income projects. He continued that in light of the amount of money allotted, the Board recommended that the funds be used for paving projects in low income areas within the town, meeting the criteria for the grant money. He reminded that this winter has been particularly difficult and the repaving will be costly.

Supervisor Ulatowski asked if anyone would like to comment or make a suggestion other than the Town Boards recommendation; no one commented.

The Supervisor **closed** the public hearing.

Zone Change (PH) – Town Board Case # 1074 - BANK OF AMERICA:

A public hearing to consider the application of **BANK OF AMERICA FOR A ZONE CHANGE** from **RA-100 Residential Agricultural District** to **O-2 Office District** to allow for a Drive-up ATM Kiosk on vacant land located on **State Route 31, Tax Map No. 053.-01-20.1**, between the railroad tracks and Lowe's; consisting of approximately 0.5± acres of land was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Matthew Welch of Stonefield Engineering was present to speak on behalf of the applicant. Mr. Welch began by explaining that the triangular shaped parcel is situated to the west of Lowes on the south side of State Route 31. Bank of America will not own the property but lease the property and the majority of the parcel will remain undeveloped.

Currently the parcel is zoned residential/agricultural, however the applicant wishes to change the current zoning and construct a kiosk with right in, right out access only. They are proposing stacking for seven (7) vehicles and will adhere to NYS Bank Safety Standards for lighting. Supervisor Ulatowski asked about the time of the lights and they will remain on from dusk to dawn as outlined in the rules for banking. They are proposing a monument sign as well as "EXIT" and "ENTER" signs.

Councilor Rowley asked about the setbacks for O-2 and they are 165' from the center line. Councilor Rowley voiced his concern with the visibility of the kiosk in regards to the busy traffic on Route 31. Mr. Welch said that typically patrons will be familiar with the location as they are regular bank customers.

Councilor Bick asked the Commissioner if the applicant will need to apply for any variances and he indicated that they would.

Councilor Bray asked about the size of the structure. Mr. Welch said that it will be 11' tall by 8'. Councilor Bray asked if the applicant could provide a color rendering

when he returns before the Town Board. Supervisor Ulatowski said that he would like to see a topo map also. Councilor Bick concurred adding that it will provide a better visual.

Jeff Tunetti of 3666 Redhead Terrace stated that the Bank of America at the corner of Route 31 and Route 57 has been vacated and wondered why the applicant is proposing another building with only right in, right out access such a short distance away. Mr. Welch said that the kiosk needs less management.

Rob Bick asked Mr. Welch if he had obtained permission for a curb cut from *County D.O.T.* Mr. Welch said that they have an approved conceptual plan on file.

Supervisor Ulatowski asked if there were any more questions or comments; hearing none he said that he would refer this to the Planning Board for review and recommendation.

Zone Change (PH) – Town Board Case # 1075 - ASSOCIATED GROUP SERVICES, INC.:

A public hearing to consider the application of **ASSOCIATED GROUP SERVICES, INC., FOR A ZONE CHANGE** from **RA-100 Residential Agricultural District, O-2 Office District & R-TH Townhouse District** to **RC-1 Regional Commercial District** to allow for a Car Dealership and other associated commercial uses on properties located at **3652, 3694, 3702, 3706, 3712, 3720 State Route 31, Tax Map Nos. 053.-01-09.1, 10.1, 11.1, 12.1, 13.1 & 14.1;** consisting of approximately 31.6± acres of land was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Hal Romans was present on behalf of the applicant. Mr. Romans began by explaining that the applicant is proposing a car dealership to the north of the parcel and a solar farm to the south with the power lines dividing the parcel. There will be two accesses to the dealership from State Route 31. The driveway closer to the intersection of Route 57 and State Route 31 will provide right in and right out access only with the other drive providing full access. Mr. Romans said that the Onondaga County Referral did not suggest that a light would be needed at the full access drive. Supervisor Ulatowski asked how far from the intersection the right in right out drive will be. Mr. Romans said 550' from the intersection adding that DOT may require a gap analysis.

The applicant suggested that there will be perimeter landscaping for the retail car use as required by the zoning code. Councilor Bick asked how many spaces will be provided for inventory. Mr. Romans was not sure. Councilor Rowley asked about the lighting adding that currently there is a dealership in Cicero with lighting so intense that it can be seen from outer space. Mr. Romans good naturedly explained that it would not be so intense adding that Clay has a better code.

Councilor Rowley asked about drainage issues. Mr. Romans explained the applicants engineer will work with the town engineer regarding stormwater.

Councilor Bray asked if the applicant will need to obtain special permits or variances and Mr. Romans stated that they will not.

Mr. Romans explained that the solar farm is part of a dome shaped piece that abuts a stub street. There will be no change to that area. Mr. Romans continued that the solar farm will provide 80% electricity to the businesses and there will be no access. The existing trees and brush will provide a buffer to the residential homes.

Kevin Hanlon of Junco Trail explained that he is one home away from the proposed solar farm and is concerned with the close proximity to the residential homes. Mr. Hanlon asked if it was necessary to propose so many solar panels. There was a discussion about the buffer and Mr. Romans said that the buffer will be 50' adding that he prefers trees to fencing. Mr. Hanlon added that some of the neighbors go south for the winter and are unable to be present.

Several residents voiced concerns about this proposal, ranging from decreased property values to concern with glare from the solar panels. Several residents were concerned with possible drainage issues. Others were concerned that they may connect to an existing stub street.

Mr. Romans explained that there will be no glare from the solar arrays. He added that the grading will be addressed to insure that there are no drainage issues adding that the wetlands will not be disturbed and vegetation must be mitigated prior to development. Mr. Romans continued that it has been proven that commercial development does not lower property values.

Mr. Romans concluded by saying that the applicant has two existing projects in Rome and Watertown like this proposal that are successful. He added that he will bring aerials to the next meeting.

Supervisor Ulatowski said that he would refer this to the Planning Board for recommendation.

Zone Change (PH) – Town Board Case # 1076 - MARK BROSH:

Public hearing to consider the application of **MARK BROSH FOR A ZONE CHANGE** from **I-2 Industrial District** to **R-40 One-Family District** to allow for future development on vacant land located on **VerPlank Road, Tax Map No. 043.-01-10.1**; consisting of approximately 1.95± acres was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Hal Romans was present on behalf of the applicant. He began by explaining that Mr. Brosh wishes to contract with a builder to construct a single family home in the 1.95 acre lot that is currently zoned for industrial development. Mr. Romans said that if the change of zone is granted for R-40 the applicant would not need to apply for a variance.

Ray Florczyk explained that he owns the property to the west and north of this parcel. He continued that there are currently drainage issues and that the parcel in question is always wet. Mr. Florczyk also stated that the applicant would need a raised bed for septic. Mr. Romans said that they could not disrupt the natural flow of water adding that there should be some grading but the applicant can work with Mr. Floczyk and Commissioner Territo.

Mike Cerelli of 4851 VerPlank Road said that he also has had issues with drainage and Mr. Romans said that he would be included in the meeting.

Supervisor Ulatowski said that he would refer this application to the Planning Board for recommendation.

**Project (drainage)(PH) - WILDFLOWER DRAINAGE DISTRICT,
CONTRACT NO. 1:**

Supervisor Ulatowski said that he would open all 3 of the Wildflower public hearings together.

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 “**WILDFLOWER DRAINAGE DISTRICT**” and for the construction and acquisition of a drainage system therein to be designated and known as “**WILDFLOWER DRAINAGE DISTRICT, CONTRACT NO. 1.**” (Wildflower Subdivision) was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Project(water supply)(PH) - WILDFLOWER WATER SUPPLY DISTRICT:

A public hearing to consider a Petition for the creation of a water supply district within the Town of Clay, and for the construction and acquisition therein, to be designated and known as “**WILDFLOWER WATER SUPPLY DISTRICT.**” (Wildflower Subdivision) was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Project (lighting)(PH) - WILDFLOWER 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 “**WILDFLOWER LIGHTING**”

DISTRICT.” (Wildflower Subdivision) was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Dan Barnaba, Developer, spoke regarding the three projects. He began by explaining that Wildflower is a cluster subdivision containing 38 lots and developed in phases. Mr. Barnaba continued that they met all of the zoning requirements. There is a detention pond in the north east corner of the parcel. All drainage is either overland swales or piped drainage.

Councilor Bray asked Ron DeTota, Town Engineer if he found this satisfactory and he did.

The water and the lighting are standard, and are added as the homes are built.

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

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

Councilor Bray made a motion to adjourn the public hearing at the request of the applicant to March 16, 2015 (time to be set). Motion seconded by Councilor Bick.

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

Licenses and Permits (PH) - CASUAL ESTATES (MOBILE HOME COURT) LLC, d/b/a MADISON VILLAGE:

A public hearing to consider the application of **CASUAL ESTATES, LLC D/B/A MADISON VILLAGE MOBILE HOME COURT**, for the renewal of its license for the year **2015**.

(Adjourned to this date and time from the February 2, 2015 Town Board Meeting) was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski asked if anyone was present on behalf of the applicant. Rebekah Zajac, manager for the property began by explaining that they have been making progress. To date, they have demolished 4-5 homes in disrepair and added 5 new homes. They plan to continue by adding an additional 10-15 in the summer. Supervisor Ulatowski asked about the landscape (buffer Route 57) that was discussed last year. Ms. Zajac explained that it is “on hold” until they can determine what will happen with the abandoned Cam’s Pizza lot. Ms. Zajac explained that the park has added new lots for new homes adding that there are 851 possible sites and they are currently 53% full. The Supervisor asked how many vacant or abandoned homes and Ms. Zajac responded that there were 25 two

months ago however they have filled 10 last month. She added that there is a combination of privately owned and rented homes.

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

R-15-49 ONONDAGA COUNTY COMMUNITY DEVELOPMENT for the year 2015(A):

Councilor Rowley moved the adoption of a resolution authorizing the application to **ONONDAGA COUNTY COMMUNITY DEVELOPMENT for the year 2015.** Motion was seconded by Councilor Bick.

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

R-15-50 ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING PLAN(A):

Councilor Rowley moved the adoption of a resolution authorizing amendment to the **ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING PLAN.** Motion was seconded by Councilor Bick.

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

R-15-51 Project (drainage)(A) - WILDFLOWER DRAINAGE DISTRICT, CONTRACT NO. 1:

Councilor Bick moved the adoption of a resolution approving the creation of a drainage district within the Town of Clay to be designated and known as **“WILDFLOWER DRAINAGE DISTRICT, CONTRACT NO. 1.”** Motion was seconded by Councilor Rowley.

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

R-15-52 Project(water supply)(A) - WILDFLOWER WATER SUPPLY DISTRICT:

Councilor Bick moved the adoption of a resolution approving the creation of a water supply district within the Town of Clay to be designated and known as **“WILDFLOWER WATER SUPPLY DISTRICT.”** Motion was seconded by Councilor Rowley.

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

R-15-53 Project(lightning)(A) - WILDFLOWER LIGHTING SUPPLY DISTRICT:

Councilor Bick moved the adoption of a resolution approving the creation of a lighting district within the Town of Clay to be designated and known “**WILDFLOWER LIGHTING DISTRICT.**” Motion was seconded by Councilor Rowley.

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

R-15-54 Project (acquire public facilities) - WILDFLOWER SUBDIVISION:

Councilor Bick moved the adoption of a resolution that it is in the public interest that the Town of Clay approve the construction and acquire the public facilities located within the **WILDFLOWER SUBDIVISION** (Wildflower Drainage District, Contract No. 1, Wildflower Water Supply District, and Wildflower Lighting District) in accordance with the terms and conditions of a certain Agreement entered into between the Town of Clay and the developer **BEAVER HILL REALTY, LP.** Motion was seconded by Councilor Rowley.

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

R-15-55 Project (A) (Final Plans) - WILDFLOWER SUBDIVISION:

Councilor Bick moved the adoption of a resolution approving the **Final Plans** for the **WILDFLOWER SUBDIVISION** (Wildflower Drainage District, Contract No. 1, Wildflower Water Supply District, and Wildflower Lighting District) and authorizing the Supervisor to execute the documents necessary therefore. Motion was seconded by Councilor Rowley.

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

R-15-56 Licenses and Permits (A) - CASUAL ESTATES (MOBILE HOME COURT) LLC, d/b/a MADISON VILLAGE:

Councilor Young moved the adoption of a resolution approving the application of **CASUAL ESTATES, LLC D/B/A MADISON VILLAGE MOBILE HOME COURT** for the renewal of its license for the year **2015.** Motion was seconded by Councilor Bray.

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

R-15-57 Agreement/Authorization - D’ARCANGELO & CO., LLP:

Councilor Rowley moved the adoption of a resolution approving a contract with **D’ARCANGELO & CO., LLP**, for audit purposes covering the records and

procedures of the Town Justices of the Town of Clay for the year ended December 31, 2014; and authorizing the Supervisor to execute the necessary document therefore. Said services not to exceed \$2,000.00. Motion was seconded by Councilor Edick.

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

R-15-58 Agreement/Authorization - ARMORY ASSOCIATES, LLC:

Councilor Rowley moved the adoption of a resolution approving a contract with **ARMORY ASSOCIATES, LLC**, for the purposes of Accounting and Reporting by Employers for Post employment Benefits other than Pensions for the Town of Clay; and authorizing the Supervisor to execute the necessary document therefore. Said Agreement shall continue until the completion of the fiscal year ending 2017 actuarial report and not to exceed \$6,800.00. Motion was seconded by Councilor Bick.

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

R-15-59 Appointment – Zoning Board of Appeals:

Councilor Young moved the adoption of a resolution appointing Edward Wisnowski as a member of the **Zoning Board of Appeals** to fill the unexpired term of Anne Stenham. Said term to expire December 31, 2017. Motion was seconded by Councilor Bick.

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

R-15-60 Zone Change (CPH) – Town Board Case # 1077 - THE MUFALE LIMITED PARTNERSHIP:

Councilor Bray moved the adoption of a resolution calling a public hearing **March 16, 2015**, commencing at **7:35 P.M.**, local time to consider the application of **THE MUFALE LIMITED PARTNERSHIP** for a **ZONE CHANGE** from **R-7.5 One-Family Residential District** to **R-TH Townhouse District** to allow for the construction of townhouses on vacant land located at **3946 State Route 31, on part of Tax Map No. 055.-01-01.1**; consisting of approximately 10.926± acres of land. Motion was seconded by Councilor Edick.

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

R-15-61 Zone Change (CPH) – Town Board Case # 1078 - STEWART'S SHOPS CORP. AND PITCHER HILL ASSOCIATES:

Councilor Bray moved the adoption of a resolution calling a public hearing **April 20, 2015**, commencing at **7:35 P.M.**, local time to consider the application of **STEWART'S SHOPS CORP. AND PITCHER HILL ASSOCIATES** for a **ZONE CHANGE** from **R-APT Residential Apartment District** to **RC-1 Regional Commercial District** to construct a Stewart's Shop with self serve gas and other permitted uses on vacant land located at the southeast corner of **Buckley and Bear Roads, Tax Map No. 097.-01-08.1**; consisting of approximately 9.02± acres of land. Motion was seconded by Councilor Rowley.

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

Adjournment:

The meeting was adjourned at 9:19 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

Ayes-6 and Noes-0. *Unanimously carried.*

Jill Hageman-Clark RMC, Town Clerk