

APPROVED

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 20th of April, 2015 at 7:30 P.M., there were:

PRESENT:

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

ABSENT:

Jim Rowley	Councilor
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OTHERS PRESENT:

Russ Mitchell & Hal Henty – Planning Board Members; Rob Bick – Town Assessor; Dorothy Heller – Town Historian and Lisa Vincitore – Legal Secretary.

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 Bick moved to **Approve** the Minutes of the April 6th, 2015 Town Board Meeting. Motion was seconded by Councilor Bray.

Ayes – 5 and Noes – 0 and 1 – Abstaining. Councilor Edick abstained due to his absence at that meeting. *Motion carried.*

Cancellation and/or requested adjournments.

Supervisor Ulatowski explained that COR VerPlank Road had requested an adjournment.

Correspondence:

Supervisor Ulatowski asked if anyone wished to address the Board on any items not on the agenda. No one responded.

REGULAR MEETING:

R-15-71 Zone Change (SEQR) – Town Board Case # 1074 - BANK OF AMERICA:

Councilor Young moved the adoption of a resolution that 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, 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 Edick.

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

R-15-72 Zone Change (A) – Town Board Case # 1074 - BANK OF AMERICA:

Councilor Young moved the adoption of a resolution approving 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. Motion was seconded by Councilor Weaver.

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

R-15-73 Zone Change (SEQR) – Town Board Case # 1076 - MARK BROSH:

Supervisor Ulatowski explained to Mr. Florczyk, that legal and engineering have researched this application and if the zone change is granted it will be subject to the Code of the Town of Clay with regard to Airports.

Councilor Bick moved the adoption of a resolution that the application of **MARK BROSH FOR A ZONE CHANGE** from **I-2 Industrial District** to **R-40 One-Family Residential 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 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 Edick.

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

R-15-74 Zone Change (A) – Town Board Case # 1076 - MARK BROSH:

Councilor Young moved the adoption of a resolution approving the application of **MARK BROSH FOR A ZONE CHANGE** from **I-2 Industrial District** to **R-40 One-Family Residential 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 of land, **subject to Site Plan Approval by the Town of Clay Planning Board.** Motion was seconded by Councilor Edick.

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

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

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

Councilor Bray moved to adjourn COR VerPlank Road to **May 4, 2015 at 7:45 P.M.** Motion was seconded by Councilor Bick.

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

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

A public hearing 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.

Chuck Marshall, Real Estate representative for the applicant began by explaining that Stewart's currently has one store in the Syracuse area located at the corner of Buckley and Morgan Roads on a 1.5 acre parcel. He continued that this proposed store will be located on a 9 acre parcel that has been on the market for over ten years and is currently zoned R-Apt. The other three corner lots are all zoned for commercial development and Mr. Marshall suggested that this zone change would allow for a conforming use.

Mr. Marshall continued that he presented to the Town Board the Traffic Study just prior to the meeting. He added that they will be applying for a Special Use Permit.

Mr. Marshall explained that he conducted a neighborhood meeting in November to address some of the concerns and questions that the neighbors may have. He went on to explain that most of the concerns were with traffic and odor generated from the trash. Some of the residents questioned a 24 hour business and Mr. Marshall explained that the store will operate from 4:30 A.M. to midnight. Mr. Marshall explained that currently with the R-Apt zoning an applicant could build apartments.

There was some confusion regarding a conceptual plan or site plan. Mr. Marshall said that he will provide one after the zone change is granted. Supervisor Ulatowski explained that some sort of rendering is helpful to the Town Board as well as the residents to conceptualize what the applicant is proposing. There was a great deal of discussion on what else will be on the parcel. Mr. Marshall explained that the Stewart's will be in the front of the parcel with perhaps some additional retail behind. Councilor Bick said that he had heard mention of a hotel. Mr. Germain asked if Mr. Marshall was clear on the direction that he should be going, first a site plan or rendering depicting what is being proposed. Supervisor Ulatowski gave a brief overview of the process explaining that there are typically a few visits between this Board and the Planning Board after a decision is made based upon the neighbors comments and concerns, questions raised by the Town Board and Planning Board and the proposal. He continued that petitions are accepted from the residents and will also be considered when a final decision is made. Commissioner Territo asked if the meeting with the Planning Board should be adjourned. The Supervisor agreed that it should until the Town Board has seen a conceptual plan and requested review and recommendation from that Board.

Councilor Bick made a motion to **adjourn** the public hearing to **May 4, 2015 at 7:38 P.M.** Motion was seconded by Councilor Bray.

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

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. (Adjourned to this date and time from the April 6, 2015 Town Board Meeting).

Hal Romans was present on behalf of the applicant. Mr. Romans explained that the application has been revised and the previously proposed solar panels have now been removed from the south eastern portion of the parcel. The applicant is now proposing that this portion will remain undeveloped and the solar arrays will be placed on top of the building to the north of the parcel. The undeveloped area will remain green and be used for stormwater management. Mr. Romans said that the client is willing to respond to the neighbors concerns.

Supervisor Ulatowski recapped, stating that the applicant will **never** connect to Black Brant Road, Redhead Terrace or Junco Trail. Mr. Romans concurred stating, “no, never”, adding that the impact from Route 31 traffic will not affect the residents on those roads. Councilor Young asked for clarification that there will be only two accesses and both will be on Route 31, one full access and the other (closer to the intersection of Route 31 and Route 57) will be right in and right out only. Councilor Bray asked about an archeological study adding that the finding will be provided to SHPO.

Martin Golanka of 3657 Junco Trail asked if the Town Board could approve the zone change based on the condition that the applicant will not connect to the development. Mr. Germain explained that the Town Board could not require conditions. There was a discussion about the drainage and connection to sanitary sewer.

Supervisor Ulatowski said that he would **close** the public hearing.

Zone Change (PH) – Town Board Case # 1077 - THE MUFALE LIMITED PARTNERSHIP:

A public hearing 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. (Adjourned to this date and time from the March 16, 2015 Town Board meeting).

Hal Romans was present for the applicant. Mr. Romans began by explaining that the applicant is proposing 26 two unit town homes, adding that the developer could get more units by building smaller units which is allowed by code. Mr. Romans said that he had 3 plans each depicting different access. The first plan showed a connection to both Pepperidge Way and Sutcliffe Drive allowing access to both State Route 31 and Soule Road. The second plan showed access only to Sutcliffe Drive and the Pinegate Development, the third plan showed access to only Pepperidge Way connecting to Route 31. The Planning Board favored the connection to the Pinegate Development adding that it is sensible to keep residential with residential.

The residents overwhelmingly rejected this plan adding that they wish to keep their neighborhood separate from the new development and many spoke confirming this with the main concerns being the cut through traffic and the safety of the children.

Mr Romans reiterated that the Town Homes will be upscale and owned by residents not rentals. Several residents again spoke from the power point handout that the Town Board members received from Mr. Swift, pleading on behalf of the residents of the Pinegate Development to not connect to their neighborhood. Several residents thanked the Board for the opportunity to be heard.

Supervisor Ulatowski thanked Mr. Swift for presenting the print outs from the power point and the residents for their passion and civility. He explained that a decision will not be made at this meeting but the board will consider all of the comments and concerns raised by the residents and a roll call vote will be done. Supervisor Ulatowski **closed** the public hearing.

Adjournment:

The meeting was adjourned at 9:45 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