

APPROVED

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 19th of October, 2015 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
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OTHERS PRESENT:

Russ Mitchell & Hal Henty – Planning Board Members; John Shehadi – Town Comptroller; Casey Jordan – County Legislator (Legislative District 14); Dorothy Heller – Town Historian, Lisa Vincitore – Secretary to the Town Attorney and Rob Bick – Town Assessor.

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 October 5, 2015 meeting. Motion was seconded by Councilor Rowley.

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

Cancellation and/or requested adjournments.

Deputy Supervisor Bick explained that agenda items numbered 11, 12, 13 and 15 will be adjourned.

Correspondence:

Deputy Supervisor Bick explained that the Town Historian, Dorothy Heller would give a brief presentation. Ms. Heller began by explaining that she has been hosting guests from Australia who are researching their genealogical roots in the Town of Clay. They discussed the history of Hiram Valerio and in the end how he brought democracy to Canada.

REGULAR MEETING:

TENTATIVE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2016

(IH):

Deputy Supervisor Bick said that the informational hearing would be **adjourned** to the **November 4th, 2015** meeting at **7:33 P.M.**

R-15-178 Zone Change (SEQR) – Town Board Case # 1086 - NICHOLS LD, LLC:

Councilor Young moved the adoption of a resolution that the application of **NICHOLS LD, LLC FOR A ZONE CHANGE** from **HC-1 Highway Commercial, RA-100 Residential Agricultural & R-TH Townhouse** to **REC-1 Recreation**, to allow for a Sports Complex on vacant land located at **7240 Oswego Road, Tax Map Nos. 114.-01-32.0, 114.-01-33.0, 114.-01-34.0 & 114.-01-37;** consisting of approximately 7.76± 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 Bray.

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

R-15-179 Zone Change (A) – Town Board Case # 1086 - NICHOLS LD, LLC:

Councilor Young moved the adoption of a resolution approving the application of **NICHOLS LD, LLC FOR A ZONE CHANGE** from **HC-1 Highway Commercial, RA-100 Residential Agricultural & R-TH Townhouse** to **REC-1 Recreation**, to allow for a Sports Complex on vacant land located at **7240 Oswego Road, Tax Map Nos. 114.-01-32.0, 114.-01-33.0, 114.-01-34.0 & 114.-01-37;** consisting of approximately 7.76± acres of land. Motion was seconded by Councilor Bray.

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

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

Councilor Hess moved to **adjourn** the public hearing to **December 7, 2015 at 7:35 P.M.** Motion was seconded by Councilor Rowley.

Special Permit (PH/adj.) – Town Board Case # 1084 - SOS REAL ESTATE HOLDING COMPANY, LLC:

A public hearing to consider the application of **SOS REAL ESTATE HOLDING COMPANY, LLC FOR A SPECIAL PERMIT** pursuant to Section No. 230-18 of the Town Code to allow for site development on vacant land for a 2-story Medical Office Building on property located at **8324 Oswego Road, Tax Map No. 054.-01-49.1**, currently zoned PDD. (Adjourned to this date and time from the September 21, 2015 Town Board Meeting) was opened by the Deputy Supervisor.

Joe Bisegno and Brian Casey were present on behalf of the applicant. Mr. Bisegno began by explaining that the applicant desires to build a 2 story building housing Syracuse Orthopedics, on the first floor there will be clinical and therapy spaces as well as the main entrance; there will be other related medical on the second floor (no tenants yet). He continued that the façade will be residential blending with the surrounding buildings. They are proposing a stone veneer.

Alex Wisnewski, site engineer on the project discussed the wetlands and showed where they are delineated on the plan in addition to the floodway. He discussed the stormwater management and the new SPDES regulations. He explained that there are 306 proposed parking spaces and some reserved. They are showing a curb cut onto Shoveler Lane and another right in right out onto Route 57. There is a landscape buffer.

Councilor Rowley asked if the County Department of Transportation has approved the Rt. 57 curb cut. Mr. Wisnewski explained that the County DOT will not review until the special permit is authorized.

Deputy Supervisor Bick asked if there was a tenant for the second floor. There is not. He asked if they would limit the tenant to medical and they will. There was a lengthy discussion about the traffic study and when it should be completed. The applicant would like to do the study after they have been approved for the special permit however some of the Town Board members felt that the traffic study should be completed prior to approval or denial.

Councilor Young asked about the need for a special permit in a PDD.

Commissioner Territo explained that when this PDD was approved (in the 1970's) a special permit was required for a Medical Facility only.

Mr. Wisnewski again asked about the Town Board granting the special permit prior to investing in the traffic study. Deputy Supervisor Bick and Councilor Rowley

disagreed whether the meeting should be closed or adjourned. Deputy Supervisor Bick said that he wanted to see the traffic study prior to closing the public hearing and Councilor Rowley explained that he thought that there was plenty of information provided already.

Deputy Supervisor Bick made a motion to adjourn the public hearing to **November 4, 2015 at 7:56 P.M.** Motion was seconded by Councilor Bray.

Ayes – 3 and Noes – 3. Motion failed.

Councilor Young stated that he wished to change his vote.

Deputy Supervisor Bick made a motion to adjourn the public hearing to **November 4, 2015 at 7:56 P.M.** Motion was seconded by Councilor Bray.

Ayes – 4 and Noes – 2. *Motion passed.*

Deputy Supervisor Bick	Voting	Yes
Councilor Bray	Voting	Yes
Councilor Weaver	Voting	Yes
Councilor Rowley	Voting	No
Councilor Young	Voting	Yes
Councilor Hess	Voting	No

LOCAL LAW NO. 2 OF THE YEAR 2015 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C (PH):

Deputy Supervisor Bick said that he would adjourn this public hearing along with the informational hearing, adding that due to the pending bid for the trash and brush an accurate budget could not be determined.

Councilor Bray moved to **adjourn** the public hearing to **November 4, 2015 at 7:47.** Motion was seconded by Councilor Hess.

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

Project/sewer (PH) - CLAY SHOPPING CENTER SEWER DISTRICT CONTRACT NO. 2 – LATERAL:

Deputy Supervisor Bick said that he would adjourn this meeting so that this application could be thoroughly reviewed. Councilor Hess made a motion to **adjourn** the public hearing to **November 4, 2015 at 7:50 P.M.** Motion was seconded by Councilor Rowley.

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

Zone Change (PH/adj.) – Town Board Case # 1085 - STEWART'S SHOPS CORP. AND PITCHER HILL ASSOCIATES:

The applicant requested an adjournment. Councilor Hess made a motion to **adjourn** the public hearing to **November 4, 2015 at 7:53 P.M.** Motion was seconded by Councilor Rowley.

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

R-15-180 Zone Change (PH) – Town Board Case # 1087 MAPLERIDGE, LLC:

Deputy Supervisor Bick opened a public hearing to consider 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; proof of publication and posting was furnished by the Town Clerk.

Hal Romans, surveyor for the applicant, explained that the parcel is landlocked and the applicant wishes to combine it with the adjoining parcel to subdivide and combine into 1 tax parcel to meet the density requirements for the Ravada Hill Apartments. There would be no change to the site plan, no change to the stormwater and no increase in the amount of pavement.

Dave Sorensen of Fitzpatrick Drive explained that he has been mowing this parcel for the past 20 years. He continued that prior to that, kids used to go into the brush and do drugs. He said that maintaining the overgrown brush has alleviated this issue. He explained that he would be willing to continue to mow this area and is concerned about it becoming overgrown again. Mr. Romans suggested that Mr. Sorensen talk to the Alberici's regarding this.

Deputy Supervisor Bick said that he would refer this to the Planning Board.

Councilor Bray made a motion to **adjourn** the public hearing to **November 16, 2015 at 7:35 P.M.** Motion was seconded by Deputy Supervisor Bick.

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

TENTATIVE BUDGET 2016 as the TOWN OF CLAY PRELIMINARY BUDGET:

No Action.

R-15-181 INDEPENDENT AUDIT of the Town of Clay:

Councilor Hess moved the adoption of a resolution that the Town of Clay does hereby accept the Independent Audit of the Town for the Fiscal Year ending December 31, 2014. Motion was seconded by Deputy Supervisor Bick.

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

R-15-182 LOAN AGREEMENT(A) – CLAY VOLUNTEER FIRE DEPARTMENT (purchase):

Councilor Weaver moved the adoption of a resolution approving a **Loan Agreement** between the **CLAY VOLUNTEER FIRE DEPARTMENT, INC., AND MANUFACTURERS AND TRADERS TRUST COMPANY** for the purchase of two (2) Sutphen Pumper Trucks in the amount of **\$1,241,290** plus interest. The sole purpose of the aforesaid approval is for the exclusion from federal income taxation of the interest payable under the Loan Agreement. The obligations of the Fire Company will not be a debt of the State of New York or the Town of Clay, nor shall either bear any liability therefore. Motion was seconded by Councilor Hess.

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

R-15-183 Appointment(A) - CLAY VOLUNTEER FIRE DEPARTMENT, INC.:

Councilor Young moved the adoption of a resolution approving the appointment of **Joseph Feldman** as a volunteer member of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Rowley.

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

R-15-184 Appointment (A)- CLAY VOLUNTEER FIRE DEPARTMENT, INC.:

Councilor Young moved the adoption of a resolution approving the appointment of **Jessica Dominguez** as an Out-of-District volunteer member of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Rowley.

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

R-15-185 Grant/Justice Department – Authorization/ Application:

Councilor Rowley moved the adoption of a resolution authorizing **Judge Gosch** and **Judge Lauri** to make the necessary applications for a grant from New York State for the **JUSTICE COURT ASSISTANCE PROGRAM** and the execution therefore. Motion was seconded by Deputy Supervisor Bick.

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

Adjournment:

The meeting was adjourned at 8:30 P.M. upon motion by Councilor Bray and seconded by Deputy Supervisor Bick.

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

Jill Hageman-Clark, RMC Town Clerk