

APPROVED

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 6th of October, 2014 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
Jim Rowley	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:

None

ALSO 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 Rowley moved to **Approve** the Minutes of the September 15th, 2014 Town Board Meeting. Motion was seconded by Councilor Edick.

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

Cancellation and/or requested adjournments.

Correspondence:

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

REGULAR MEETING:

The Town Clerk presented the **2015 TOWN OF CLAY TENTATIVE BUDGET** to the Town Board.

Supervisor Ulatowski explained that this is the first draft of the 2015 budget for the Town of Clay.

R-14-122 Special Permit (SEQR) Town Board Case # 1067 - THOMAS AND KAREN TEBIDOR:

Councilor Bick moved the adoption of a resolution that the application of **THOMAS AND KAREN TEBIDOR FOR A SPECIAL PERMIT pursuant to Sections 230-13A. (2) (e) [8] and 230-20E. (2) of the Town Code** to allow for an outside boiler on property located at **3544 Bonstead Road, Tax Map No. 016.-01-31.6**; currently zoned **RA-100**; 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-7 and Noes-0. *Motion carried.*

R-14-123 Special Permit (A) Town Board Case # 1067 - THOMAS AND KAREN TEBIDOR:

Councilor Bick moved the adoption of a resolution **approving** the application of **THOMAS AND KAREN TEBIDOR FOR A SPECIAL PERMIT pursuant to Sections 230-13A. (2) (e) [8] and 230-20E. (2) of the Town Code** to allow for an outside boiler on property located at **3544 Bonstead Road, Tax Map No. 016.-01-31.6**; currently zoned **RA-100**. Motion was seconded by Councilor Rowley.

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

R-14-124 Special Permit (SEQR) Town Board Case # 1066 - SUPERIOR SELF STORAGE, LLC:

Councilor Edick moved the adoption of a resolution that the application **SUPERIOR SELF STORAGE, LLC FOR A ZONE CHANGE from RA-100 Residential Agricultural District to HC-1 Highway Commercial District** to allow for a self-storage facility on property located at **4356 Route 31, Tax Map No. 059.-01-13.1**, 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-7 and Noes-0. *Motion carried.*

R-14-125 Special Permit (A) Town Board Case # 1066 - SUPERIOR SELF STORAGE, LLC:

Councilor Edick moved the adoption of a resolution **approving** the application of **SUPERIOR SELF STORAGE, LLC FOR A ZONE CHANGE** from **RA-100 Residential Agricultural District** to **HC-1 Highway Commercial District** to allow for a self-storage facility on property located at **4356 Route 31, Tax Map No. 059.-01-13.1**. Motion was seconded by Councilor Rowley.

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

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

A public hearing to consider the application of **RIVERWALK ASSOCIATES, INC. FOR A ZONE CHANGE** from **RA-100 Residential Agricultural District** to **R-15 Residential District**; to allow for residential development located at **5112 & No Number Guy Young Road, Tax Map Nos. 041.-03-36.1, 40.0, 41.1, 42.0 & 50.0**. was opened by the Supervisor; proof of posting and publication was provided by the Town Clerk.

Mike Bragman and Hal Romans were present to articulate about this application. Mr. Bragman began with a power point program depicting the parcel and the proposed project. He explained that also present were Greg Card and Ray Brooks, who are also owners of some of the properties and have contracted with the Bragman Companies to develop this parcel. He added that Stephan Riccito is involved in the zone change application however he has no immediate plans to develop.

Mr. Bragman also said that he would like to dispel the rumors and set the record straight regarding the number of home sites proposed. He began by saying that the Syracuse News Papers reported that there will be 450 homes built. The attorney retained by the neighbors reported 385 homes were planned. Mr. Bragman continued that the reality is 165 residential homes will be constructed. He continued that the Northern Land Use Study was “accepted or acknowledged” by the Town of Clay, not necessarily adopted as the map for the northern portion of the Town. Mr. Bragman explained that the Town of Clay has indicated, as has the County, that sewers are advised in a more densely populated area. This will be more efficient and cost effective. He added that there are no plans for any further burden on the infrastructure such as a pump station. Mr. Bragman continued that in his experience, clustering is not an option as it is not economically feasible. The Riverwalk development has many lots well over an acre. He cited the reasons as

lack of demand for smaller lots, preservation of green spaces adding that there is an extensive walking trail in Riverwalk. Mr. Bragman showed pictures of the trail depicting the “unique vegetation”. He added that he knew that this is a traumatic change for the adjacent property owners that have enjoyed the luxury of having green space however the property owner is committed to selling this land.

Mr. Bragman explained that the OCPB (*Onondaga County Planning Board*) recommended that the public have access and visibility to the quarry and the pond. Mr Bragman says that the applicant does not feel that it should have public access but that it should be private for the adjoining home owners. He continued that they are interested in preserving the historic integrity of the land. Mr. Bragman added that he Bragman Companies has been developing home sites for 23 years and they will do their best to please the Town of Clay and the residents.

Supervisor Ulatowski asked about the pond and if it is all within the Card property. Mr. Bragman explained that part of it is on the Card property and the part is on the adjacent property. He added that he wants the pond to be the property of the residential lots involved and he is proposing **no public access**.

The Supervisor asked if the zone change is requested for the entire 127 acre parcel. Mr. Bragman explained that the zone change is for the entire parcel however, the piece owned by Mr. Ruscitto will not be developed at this time.

Councilor Bick said that he would like to see the pond delineated on the map.

Supervisor Ulatowski explained that no decisions will be made at this meeting; this will be the first of several meetings. He then opened the floor to residents for questions.

Joe Lotito of 5113 Orangeport Road had questions regarding the septic/sewers and the probability of odor emitting from raised beds.

Amanda Pugh of Shady Pond Drive said that she is concerned about the proposed development because she raises horses. She asked why Mike Bragman Jr. was not present. She said that she had heard that they will redistrict schools with the added residents. Supervisor Ulatowski explained that his staff had contacted the Central Square School District as well as the North Syracuse School District and that redistricting can happen at any time for any reason but both indicated that there are no current plans for redistricting. Ms. Pugh added that she is concerned for the endangered species adding that this application if approved will, exhaust wild life and vegetation.

Scott Montani explained that he is the steward of the land trust property, he added that the pond borders the trail and they expect little or no influx.

Dale Lawton asked why the pond was not on the map. Supervisor said that everyone agrees that the pond should be on the map for the next meeting adding that this is the first rendering.

Melissa Reale of 5080 Guy Young Road explained that she is an organic farmer and has fruit, produce and livestock and wanted to know who will protect the farm environment. She added that she has already had a problem with children feeding the livestock and has seen an increase in traffic.

Ray Brooks of 5065 Orangeport Road explained that when he bought his property 15-18 years ago, he bought it with the intention of developing it and living there himself. He explained that he does not need to obtain financing. He continued that the development will help the Village of Brewerton that is in the revitalization phase. He added that he has a business in the village and wants to see the Village prosper. He explained that any property owner can petition for a zone change and go through the process.

There were several other questions and comments such as who will keep the public from the pond? One resident asked “Who is buying these homes when millions of people are leaving NY”? Supervisor Ulatowski explained that over the past year over 500 homes sold in the Town of Clay.

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

Councilor Bick made a motion to **adjourn** the public hearing to **November 5th at 7:47 P.M.** Motion was seconded by Councilor Edick.

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

Zone Change (PH) – Town Board Case # 1069 - LOK DEVELOPMENT, LLC:

A public hearing to consider the application of **LOK DEVELOPMENT, LLC** for a **ZONE CHANGE** from **RA-100 Residential Agricultural District** to **R-10 Residential District**; to allow for single-family residential development on properties located at **8073 & 8079 Morgan Road, Tax Map Nos. 069.-01-05.1 & 081.-29-01.0.** was opened by the Supervisor; proof of publication and posting was provided by the Town Clerk.

Hal Romans was present on behalf of the applicant. Mr. Romans began by explaining that this is the parcel that was before the board last year for a zone change for a senior residence. He said that this applicant wishes to develop single family residential homes. Mr. Romans showed the conceptual layout depicting a full build out. The stormwater will drain to the south of the parcel. Supervisor Ulatowski asked if the applicant is planning to have the road come out across from Waterhouse Road. Mr. Romans said that the developer may connect to the Cross Creek development to the north, improving the chances of a connection to Waterhouse Road.

Dave Morgan of Morgan Road asked about turning lanes for Morgan Road. Mr. Romans said that the County DOT would have to approve them. He also asked about the delineation of the wetlands on the map. Mr. Romans explained that some of the lots are larger to accommodate the wetlands.

There was a discussion about the easements. Mr. Sauro of 8743 Morgan Road said that he is concerned about the potential danger to children, adding his concern that teenagers may be tenting and having camp fires on the property and asked the Supervisor if the Town can handle this without a town police department.

Supervisor Ulatowski said that he is confident about the adequacy of the police coverage for the town adding that he has direct contact.

Supervisor Ulatowski said that he will adjourn this public hearing and send the applicant to the Planning Board for recommendation.

Councilor Edick made a motion to **adjourn** the public hearing to **November 5th at 7:50 P.M.** Motion was seconded by Councilor Bick.

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

R-14-126 **COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 2, 3 & 4:**

Councilor Weaver moved the adoption of a resolution authorizing the advertisement of bids for the **COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 2, 3, AND 4** within the Town of Clay. Said Bids to be received until **November 5, 2014 at 11:00 A.M.**, local time. Motion was seconded by Councilor Edick.

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

R-14-127 **COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 5, 7 & 8:**

Councilor Weaver moved the adoption of a resolution authorizing the advertisement of bids for the **COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 5, 7, AND 8** within the Town of Clay. Said Bids to be received until **November 5, 2014 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bick.

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

R-14-128 Fire Hydrant(s) (A) –Country Meadow Subdivision, Section H:

Councilor Bray moved the adoption of a resolution authorizing the installation of five (5) fire hydrants in the Clay Consolidated Water District and authorizing the Supervisor to execute the OCWA fire hydrant application. (Country Meadow Subdivision, Section H). Motion was seconded by Councilor Weaver.

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

R-14-129 Agreement/Authorization - STORMWATER AND EDUCATION COMPLIANCE ASSISTANCE PROGRAM:

Councilor Young moved the adoption of a resolution supporting participation in the Central New York Regional Planning & Development Board's year-7 **STORMWATER AND EDUCATION COMPLIANCE ASSISTANCE PROGRAM** and authorizing the Supervisor to act on behalf of the Town of Clay and execute any and all documents necessary with regard to said matters. In line with the recommendations of the CNY Stormwater Coalition Finance Committee, the CNY RPDB (Regional Planning & Development Board) has adopted a **FLAT FEE STRUCTURE to simplify the municipal budgeting process. At \$3,600.00 PER MUNICIPALITY, this rate reflects shared costs for common services provided equally to all participating municipalities regardless of size or population.** The funds will be available to the Board no later than **January 31, 2015** to complete the project, and a certified copy of this resolution will be prepared and sent to the Board no later than **October 31, 2014**. Motion was seconded by Councilor Bray.

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

R-14-130 LOCAL LAW NO. 2 OF THE YEAR 2014 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C (CPH):

Councilor Rowley moved the adoption of a resolution calling a public hearing **October 20, 2014**, commencing at **7:38 p.m.**, local time to consider adding a proposed Local Law to be entitled "**LOCAL LAW NO. 2 OF THE YEAR 2014 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C**" to the code of the Town of Clay. Motion was seconded by Councilor Edick.

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

Adjournment:

The meeting was adjourned at 9:58 P.M. upon motion by Councilor Bray and seconded by Councilor Weaver.

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

Jill Hageman-Clark RMC, Town Clerk