

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 September, 2016 at 7:30 P.M., there were:

PRESENT:

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| Damian Ulatowski | Supervisor |
| 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:

None

OTHERS PRESENT:

Russ Mitchell, Hal Henty; members of the Planning Board, Lisa Vincitore; Secretary to the Town Attorney & 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 Hess made a motion to approve the minutes of the September 7th, 2016 meeting. Motion was seconded by Councilor Rowley.

Ayes – 6 and Noes – 0. *Motion carried. Councilor Bick abstained due to his absence at that meeting.*

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that item #10 (an appointment for the Board of Assessment Review) would not be heard.

Correspondence:

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

Several residents approached the Town Board to discuss an ongoing issue in the Fairway Development.

Rose Ann Epilito began by explaining that a neighbor on Beehive Circle has been running an ongoing garage sale since May. She continued that there have been 24 garage sales this year, causing an increase to traffic, blocked driveways, difficulty for mail delivery and trash collection.

Kathleen DeLitta said they had come before the Town Board to protest the ongoing garage sales seven years ago, adding that they thought that it had been resolved but it is back in full swing. Ms. DeLitta explained that the Sheriffs are there each week and this is a waste of time.

Kelly Riley began by explaining that she shares a driveway with the homeowner that has the ongoing garage sales. She continued that she is often unable to park in her driveway because “customers” are parked there. She often hears the neighbor say things such as “Welcome to my consignment boutique” as she rolls out commercial retail racks.

Jonathan Tate explained that “customers” are often aggressive or rude, filling and blocking driveways. He added that the homeowner has a large inventory in her basement and that this is more of a home based retail business than a garage sale. He explained that he would like to see the Town of Clay draft legislation limiting garage sales or have a Code Officer follow up on this home based business.

Kelly Riley submitted a petition to the Town Clerk along with photos and copies of garage sale laws for the villages of East Syracuse and Liverpool; also submitted was information from the Department of Taxation and Finance for *Sales From Your Home (At Home Businesses, Garage Sales, etc.)* as well as copies of the petition for each Town Board member.

Supervisor Ulatowski said that he remembered when this issue came before the board in 2008. He explained that at this time he does not have an answer. He said that he would follow up on it with the Town Board and the Town Attorney; if this is actually a home based business it would be a code violation without the proper approvals. He asked the residents to give them a little time so that due process could be given. Kelly Riley gave her name and number to the Town Clerk to be the designated contact.

Supervisor Ulatowski asked if anyone else wished to discuss something not on the agenda.

John Irwin of Cherry Estates explained that he had been before the board last year after the Highway department had damaged the tract marker with the snow plow. He explained that the marker had been replaced but it is not identical to the other existing marker. Supervisor Ulatowski interjected that he remembered Mr. Irwin

and his request. He continued that he had authorized repair of the damages only. Mr. Irwin explained that the repaired marker is a different color brick and he would like them to match. Supervisor Ulatowski explained that the tract marker is 35 years old and was established by the developer; the Town of Clay has more than fulfilled its obligation. He added that he does not support spending Town funds and if a precedent is set, all of the developments would expect the Town to maintain and repair tract markers. Mr. Irwin persisted that the mason tore down the damaged marker and said that he had authorization. He explained that they are *radically different*. Supervisor Ulatowski said that the color is somewhat different and no further repairs will be done.

Dave Meade of Irongate thanked the Town Board for the approval for the one STOP sign, stating that perhaps the Town would approve a SLOW sign for the southwest intersection. Supervisor Ulatowski said that the decision was based on the expertise of the Highway Superintendent and the Town Constable and is not prepared to make traffic decisions adding that he is happy to look at it.

REGULAR MEETING

R-16-162 Local Law No. 6 of the Year 2016 – (SEQR) – Zoning - 'FLOOD DAMAGE PREVENTION':

Councilor Young moved the adoption of a resolution of proposed **Local Law No. 6 of the Year 2016**, repealing the present **CHAPTER 112**, entitled '**FLOOD DAMAGE PREVENTION**' and adding new **CHAPTER 112** entitled '**FLOOD DAMAGE PREVENTION**' to comply with the Department of Environmental Conservation floodplain management requirements of the National Flood Insurance Program to the Town Code of the Town of Clay 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 Bick.

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

R-16-163 Local Law No. 6 of the Year 2016 – (A) – Zoning - 'FLOOD DAMAGE PREVENTION':

Councilor Young moved the adoption of a resolution **approving** proposed **Local Law No. 6 of the Year 2016**, repealing the present **CHAPTER 112**, entitled '**FLOOD DAMAGE PREVENTION**' and adding new **CHAPTER 112** entitled '**FLOOD DAMAGE PREVENTION**' to comply with the Department of Environmental Conservation floodplain management requirements of the National Flood Insurance Program to the Town Code of the Town of Clay. Motion was seconded by Councilor Bick.

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

Supervisor Ulatowski opened the next two items together as they are both the same applicant.

ZONE CHANGE (PH) – Town Board Case # 1100 - JAMES DONEGAN (NYS Route 31):

A public hearing to consider the application of **JAMES DONEGAN FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **NC-1 Neighborhood Commercial** to allow for neighborhood commercial use located on **State Route 31, Tax Map No. 020.-01-05.4**; consisting of approximately 1.07± acres of land.

ZONE CHANGE (PH) – Town Board Case # 1101 - JAMES DONEGAN (NYS Route 31):

A public hearing to consider the application of **JAMES DONEGAN FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **NC-1 Neighborhood Commercial** to allow for neighborhood commercial use located on **State Route 31, Tax Map No. 020.-01-14.5**.

No action was taken as there was no one present on behalf of the applicant. Councilor Bray made a motion to adjourn both public hearings to **October 3rd, 2016** at **7:35 PM** and **7:38 PM**. Motion was seconded Councilor Hess.

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

Appointment – Board of Assessment Review:

No Action

R-16-164 Easement (A) Accepting Right of Way – Becker Road (John Kleis):

Councilor Rowley moved the adoption of a resolution approving the acceptance of a right-of-way drainage easement and a drainage easement abandonment on property located at 4755 Becker Road (John Kleis property owner) as shown on a map prepared by Ianuzi & Romans Land Surveying, P.C., dated August 17, 2016, and authorizing the Supervisor to execute the necessary instrument therefore.

Contingent upon receipt and approval of a legal description for said release and relocation of easement by the Town Engineers and as to form and content by the Town Attorney. Motion was seconded by Councilor Hess.

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

R-16-165 Project (sewer & drainage) – ORANGE COMMONS SUBDIVISION PHASE No. 2B:

Councilor Bick moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of sewer and

drainage facilities located within the **ORANGE COMMONS SUBDIVISION PHASE NO. 2B**, (Orange Commons Sewer District, Contract No. 1 and Orange Commons Drainage District, Contract No. 1) and the construction of said facilities having been completed in accordance with the Plans and Specifications thereof; the Town Engineers having verified that the facilities have been satisfactorily completed and that the developer post the following security as shown under correspondence by the Town Engineers' under date of September 13, 2016: **Overland Drainage Facilities - \$0; Maintenance Guarantee - \$29,336** (\$18,053 Sewer and \$11,283 Drainage); **Highway - \$76,832; Monument Deposit - \$2,250; Parkland Contributions - \$25,500; Future Engineering/Inspection Fees - \$3,000.00**; and any other unpaid fees that may be owed to the Town of Clay for engineering, legal and/or administrative fees; and further contingent upon the developer having complied with all the requirements set forth in an Agreement between the Town of Clay and **KRDD CLAY, LLC**, that the Town accept title to such facilities. Motion was seconded by Councilor Hess.

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

R-16-166 Project / Easement – ORANGE COMMONS SUBDIVISION PHASE No. 2B:

Councilor Hess moved the adoption of a resolution accepting easements for sewer and drainage facilities located within **ORANGE COMMONS SUBDIVISION PHASE No. 2B**, (Orange Commons Sewer District, Contract No. 1, and Orange Commons Drainage District, Contract No. 1) all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated **August 2, 2016**. Motion was seconded by Councilor Rowley.

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

R-16-167 Project/ Warranty, Deed etc. - ORANGE COMMONS SUBDIVISION PHASE No. 2B:

Councilor Bray moved the adoption of a resolution accepting a Warranty Deed, Dedication, Application and Release of damages for the roads located within **ORANGE COMMONS SUBDIVISION PHASE No. 2B**; from **KRDD CLAY, LLC**, (McNamara Drive, Duany Avenue and Melo Circle all having Permeable Shoulders). Motion was seconded by Councilor Hess.

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

R-16-168 Project (drainage) - THE ESTATES AT WILDFLOWER SUBDIVISION SECTION NO. 2:

Councilor Bick moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction of drainage facilities located within **THE ESTATES AT WILDFLOWER SUBDIVISION SECTION NO. 2**, (Wildflower Drainage District, Contract No. 1) and the construction of said facilities having been completed in accordance with the Plans and Specifications thereof; The Town Engineers having verified that the facilities have been satisfactorily completed and that the developer post the following security as shown under correspondence by the Town Engineers' under date of September 14, 2016: **Overland Drainage Facilities - \$0; Maintenance Guarantee - \$6,316 (Drainage); Highway - \$27,916; Monument Deposit - \$1,350; Parkland Contributions - \$6,000;** and any other unpaid fees that may be owed to the Town of Clay for engineering, legal and/or administrative fees; and further contingent upon the developer having complied with all the requirements set forth in an Agreement between the Town of Clay and **WILDFLOWER CLAY, LP**, that the Town accept title to such facilities.

Dan Barnaba developer for the property asked if the Town of Clay might consider waiving the Parkland fee as he has constructed a large conservation easement. Supervisor Ulatowski said that he is uncomfortable making this decision at this time. He suggested pulling this item from the agenda so that the Board has time to review and discuss the possibility of waiving the fee. He said that he did not know off hand if this practice had occurred in past projects and would like to research it. Ron Detota said that the Riverwalk project has 3 times more conservation easement and trail walks but still paid the parkland fees adding that this would set a precedent; he added that Orange Commons had also paid the parkland fees. Supervisor Ulatowski said that he would pull this item and review it however; Mr. Barnaba said that he would rather pay the fee and submit a request later. Supervisor said that he would entertain the request if Mr. Barnaba submitted one in writing.

Motion was seconded by Councilor Hess.

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

R-16-169 Easement (drainage) – (A) THE ESTATES AT WILDFLOWER SUBDIVISION SECTION NO. 2:

Councilor Hess moved the adoption of a resolution accepting easements for drainage facilities located within **THE ESTATES AT WILDFLOWER SUBDIVISION SECTION NO. 2**, (Wildflower Drainage District, Contract No. 1) all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated **July 7, 2016**. Motion was seconded by Councilor Rowley.

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

**R-16-170 Project/ Warranty, Deed etc. - THE ESTATES AT WILDFLOWER
SUBDIVISION SECTION NO. 2:**

Councilor Young moved the adoption of a resolution accepting a Warranty Deed, Dedication, Application and Release of damages for the road located within **THE ESTATES AT WILDFLOWER SUBDIVISION SECTION NO. 2** from **WILDFLOWER CLAY, LP, (Hollyshire Way having Permeable Shoulders)**. Motion was seconded by Councilor Hess.

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

R-16-171 Authorization – PET WASTE DISPOSAL STATION GRANT:

Councilor Young moved the adoption of a resolution approving the application to consider participating in the Pet Waste Disposal Station Grant opportunity, and authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Rowley.

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

Adjournment:

The meeting was adjourned at 8:15 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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

Jill Hageman-Clark RMC / Town Clerk