

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 July, 2015 at 7:30 P.M., there were:

PRESENT:

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
Gloria Wetmore	Deputy Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Lisa Vincitore	Legal Secretary
Ron DeTota	Town Engineer

ABSENT:

Jill Hageman-Clark	Town Clerk
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OTHERS PRESENT:

Russ Mitchell and Hal Henty, Planning Board Members; Krissy Alpuerto, Deputy Town Clerk; 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 moved to **Approve** the Minutes of the June 15, 2015 Town Board Meeting. Motion was seconded by Councilor Bick.

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

Cancellation and/or requested adjournments.

None

Supervisor Ulatowski announced a Special Town Board Meeting to be held on August 6, 2015 to award the bid for the crossing guard contract.

Correspondence:

Supervisor Ulatowski asked if anyone wished to address the Town Board on any items not on the agenda. There were none.

Supervisor Ulatowski pointed out a slight error in numbering of the agenda items, number 21 should have been a continuation of number 20. He apologized for any confusion.

R-15-102 Zone Change (SEQR) Town Board Case #1078 STEWART’S SHOPS CORP. AND PITCHERHILL ASSOCIATES:

Councilor Bick moved the adoption of a resolution that the application of **STEWART’S SHOPS CORP. AND PITCHERHILL 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, 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 seconded by Councilor Hess.

Ayes-7 and Nays-0. Motion carried.

R-15-103 Zone Change (D) Town Board Case #1078 STEWART’S SHOPS CORP. AND PITCHERHILL ASSOCIATES:

Councilor Bick moved the adoption of a resolution denying 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**. Motion Seconded by Councilor Rowley.

Ayes-7 and Nays-0. Motion carried.

R-15-104 Special Permit SEQR (A) Town Board Case # 1080 BRIAN’S TOWING AND GARY SPRING:

Councilor Hess moved the adoption of a resolution that the application of **BRIAN’S TOWING AND GARY SPRING FOR SPECIAL PERMIT** pursuant to Section 230-17C.(2)(e)[7] of the Town Code to allow for motor vehicle storage on property located at **7707 Henry Clay Boulevard, Tax Map No. 087.-01-46.1**; currently zoned I-1 industrial, 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 seconded by Councilor Bick.

Ayes-7 and Nays-0 Motion carried

R-15-105 Special Permit (A) Town Board Case # 1080 BRIAN’S TOWING AND GARY SPRING:

Councilor Hess moved the adoption of a resolution approving the application of **BRIAN'S TOWING AND GARY SPRING FOR SPECIAL PERMIT** pursuant to Section 230-17C.(2)(e)[7] of the Town Code to allow for motor vehicle storage on property located at **7707 Henry Clay Boulevard, Tax Map No. 087.-01-46.1**; currently zoned I-1 industrial. Motion seconded by Councilor Bick.

Ayes-7 and Nays-0 Motion carried

Special Permit (PH-ADJ) Town Board Case # 1081 RYAN CHURCHILL AND OLIVIA HOLDING, LLC:

Public hearing to consider the application of **RYAN CHURCHILL AND OLIVIA HOLDING, LLC FOR A SPECIAL PERMIT** pursuant to Section 230-16C.(2)(E)[2] of the Town Code to allow for a drive-thru for proposed Sonic Restaurant located at **3808 Route 11 & 5431 South Bay Road Tax Map Nos. 118.-01-10.0 & 118.-01-10.1**; currently Zoned RC-1.(adjourned to this date and time from the June 15, 2015 Town Board Meeting) was opened by the Supervisor.

Ryan Churchill spoke on his behalf, the drive thru was modified as per County DOT requirement, the drive thru will now stack 17 cars. The description has been revised on the plan. There was a discussion on the right in right out only on US Route 11. All the other businesses on Route 11 have full access. The Town Board would like to see full access; Supervisor Ulatowski said that the Town Board has serious concerns about the right in right out only. Mr. Churchill is continuing to work with the State DOT to rectify the situation.

Supervisor Ulatowski **closed** the public hearing, this case will be adjourned to the **August 6, 2015 Special Town Board Meeting.**

Special Permit (PH-ADJ) Town Board Case # 1082 ASSOCIATED GROUP SERVICES, INC., ROUTE 31/57 CO., LLC AND AILEEN SCHMIDT

Public hearing to consider the application of **ASSOCIATED GROUP SERVICES, INC., ROUTE 31/57 CO., LLC AND AILEEN SCHMIDT FOR A SPECIAL PERMIT** pursuant to Section 230-16C.(2)(E) [3], [4], [5] of the Town Code to allow for an Automobile Car Wash Facility, Motor Vehicle Sales and Motor Vehicle Service on part of 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.** (Adjourned to this date and time from the June 15, 2015 Town Board Meeting) was opened by the Supervisor.

Hal Romans of Ianuzi and Romans was present for the applicant. There was an adjustment to the bailout lane, changed to 33 ft. from 40 ft. Fifty (50) parking spaces were eliminated to increase drainage; there are still 856 spaces when only 442 are required by the Code. The solar panels on the roof tops will only have an 8 inch lift at one end. This is within the height requirement for HC-1. The Supervisor asked Mr. Romans if all 4 houses on Rt. 31 would be eliminated, Mr. Romans said yes they would and all but 1 is vacant.

Supervisor Ulatowski **closed** the public hearing, this Case will be adjourned to the August 6, 2015 Special Town Board Meeting.

R-15-106 Amendment (A)- Orange Commons Lighting District

Councilor Bray moved the adoption of a resolution authorizing the Supervisor to execute an Amendment to the existing Agreement with **KRDD Clay, LLC** to authorize the construction of certain development facilities (Orange Commons Lighting District) as specified in a petition from **Plumley Engineering, P. C.** dated **May 6, 2015**, to serve lands owned by the developer and/or others located within a tract of land known as **ORANGE COMMONS SUBDIVISION**. Motion seconded by Councilor Weaver.

Ayes-7 and Nays-0 Motion carried

R-15-107 Bid (A- Re-advertisement) ROOF REPAIRS TO THE EUCLID STORAGE BUILDING IN THE TOWN OF CLAY:

Councilor Weaver moved the adoption of a resolution authorizing the re-advertisement of bids for **ROOF REPAIR TO THE EUCLID STORAGE BUILDING IN THE TOWN OF CLAY**. Said bids to be received at the Office of the Purchasing Director, County of Onondaga, 421 Montgomery Street, Syracuse, New York, until **2:00 P.M.**, local time on **August 18, 2015**. The **Superintendent of Highway** will hold a pre-bid meeting on **August 4, 2015** in the Town of Clay Town Hall Conference Room at **10:00 A.M.** Motion seconded by Councilor Bray.

Ayes-7 and Nays-0 Motion carried

R-15-108 Bid (A-Re-advertisement) TO FURNISH ADULT CROSSING GUARDS FOR THE 2015-2016 SCHOOL YEAR:

Councilor Rowley moved the adoption of a resolution authorizing the re-advertisement of bids **TO FURNISH ADULT CROSSING GUARDS FOR THE 2015-2016 SCHOOL YEAR**, for approximately **thirty-six (36) weeks**, for the **TOWN OF CLAY**. Said bids to be received at the Office of the Purchasing Director, County of Onondaga, 421 Montgomery Street, Syracuse, New York, until **2:00 P.M.**, local time on **August 4, 2015**. Motion seconded by Councilor Hess.

Ayes-7 and Nays-0. Motion carried

R-15-109 Approve Payment (A) Suburban Save the Rain Program Bayberry Porous Pavement Project at Hummingbird and Indigo Paths.

Councilor Rowley moved the adoption of a resolution accepting and approving the payment application by Salt Springs Paving Corp. for payment no. (1) for the **Suburban Save the Rain**

Program Bayberry Porous Pavement Project at Hummingbird and Indigo Paths. The Town Engineer reviewed this request and finds it acceptable; and authorizing the Supervisor to execute such payment in the amount of \$101,217.60. Motion seconded by Councilor Bick.

Ayes-7 and Nays-0. Motion carried

R-15-110 Approve Payment (A) Suburban Save the Rain Program Bayberry Porous Pavement Project at Hummingbird and Indigo Paths.

Councilor Rowley moved the adoption of a resolution accepting and approving the payment application by Salt Springs Paving Corp. for payment no. (2) for the **Suburban Save the Rain Program Bayberry Porous Pavement Project at Hummingbird and Indigo Paths.** The Town Engineer reviewed this request and finds it acceptable; and authorizing the Supervisor to execute such payment in the amount of \$239,651.44. Supervisor Ulatowski added that this project was of no cost to the Town as the monies were awarded through a Grant. In addition, the project came in under budget and ahead of schedule. Motion was seconded by Councilor Bick.

Ayes-7 and Nays-0. Motion carried

R-15-111 Agreement-(A) RIVERWALK SUBDIVISION SECTION NO. 3:

Councilor Young moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of sewer, drainage and water supply facilities located within the **RIVERWALK SUBDIVISION SECTION NO. 3**, (Riverwalk Sewer District, Contract No. 1; Riverwalk Drainage District, Contract No. 1) and the construction of said facilities having been substantially 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 July 16, 2015: **Overland Drainage Facilities - \$75,000.00; Maintenance Guarantee - \$21,788.00** (\$11,732.00 Sewer and \$10,056.00 Drainage); **Highway - \$71,960.00; Monument Deposit - \$1,800.00; Parkland Contributions - \$15,000.00; Future Engineering/Inspection Fees - \$8,000.00;** and any other unpaid fees that may be owed by 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 **RIVERWALK ASSOCIATES, INC.**, that the Town accept title to such facilities. Motion was seconded by Councilor Bick.

Ayes-7 and Nays-0. Motion carried

R-15-112 Easements (A) RIVERWALK SUBDIVISION SECTION NO. 3:

Councilor Young moved the adoption of a resolution accepting easements for sewer and drainage facilities located within **RIVERWALK SUBDIVISION SECTION NO. 3**,

(Riverwalk Sewer District, Contract No. 1, and Riverwalk Drainage District, Contract No. 1) all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated **August 20, 2014, last revised July 16, 2015**. Motion seconded by Councilor Rowley.

Ayes-7 and Nays-0 Motion carried

R-15-113 PROJECT/WARRANTY DEED (A) RIVERWALK SUBDIVISION SECTION NO. 3; RIVERWALK ASSOCIATES, INC.;

Councilor Young moved the adoption of a resolution accepting a Warranty Deed, Dedication, Application and Release of damages for the roads located within **RIVERWALK SUBDIVISION SECTION NO. 3**; from **RIVERWALK ASSOCIATES, INC.**, (Beaver Watch Path, Spotted Turtle Run and Wood Duck Path all having Permeable Shoulders). Motion seconded by Councilor Rowley.

Ayes-7 and Nays-0 Motion carried

R-15-114 PROJECT/SECURITIES (A) COUNTRY MEADOW SUBDIVISION SECTION H.

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, drainage and water supply facilities located within the **COUNTRY MEADOW SUBDIVISION SECTION H**, (Country Meadow Sewer District Extension No. 1, Contract No. 3 - Lateral; Country Meadow Drainage District Extension No. 1, Contract No. 3 - Lateral) and the construction of said facilities having been substantially 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 July 16, 2015: **Overland Drainage Facilities - \$80,000.00; Maintenance Guarantee - \$20,347.00** (\$11,280.00 Sewer and \$9,067.00 Drainage); **Highway - \$68,712.00; Monument Deposit - \$2,700.00; Parkland Contributions - \$16,000.00; Future Engineering/Inspection Fees - \$9,000.00**; and any other unpaid fees that may be owed by 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 **J.M.G., INC.**, that the Town accept title to such facilities. Motion seconded by Councilor Rowley.

Ayes-7 and Nays-0 Motion carried

R-15-115 PROJECT/EASEMENT(A) COUNTRY MEADOW SUBDIVISION SECTION H.

Councilor Bick moved the adoption of a resolution accepting easements for sewer and drainage facilities located within **COUNTRY MEADOW SUBDIVISION SECTION H**, (Country Meadow Sewer District Extension No. 1, Contract No. 3 - Lateral, and Country Meadow Drainage District Extension No. 1, Contract No. 3 - Lateral) all as shown on a Final Plan

prepared by Ianuzi & Romans Land Surveying, P.C., dated **September 24, 2014**, last revised **October 27, 2014**. Motion seconded by Councilor Hess.

Ayes-7 and Nays-0 Motion carried

R-15-116 PROJECT/WARRANTY DEED (A) COUNTRY MEADOW SUBDIVISION SECTION H; J.M.G., INC.

Councilor Bick moved the adoption of a resolution accepting a Warranty Deed, Dedication, Application and Release of damages for the roads located within **COUNTRY MEADOW SUBDIVISION SECTION H**; from **J.M.G., INC.**, (Fuchsia Path, Justin Drive, Johanna Drive and Silvia Path all having Permeable Shoulders) Motion seconded by Councilor Hess.

Ayes-7 and Nays-0. Motion carried

R-15-117 Creation/Lighting District(CPH) ORANGE COMMONS LIGHTING DISTRICT:

Councilor Bray moved the adoption of a resolution calling a public hearing **August 17, 2015**, commencing at **7:38 P.M.**, local time to consider a Petition for the creation of a lighting district within the Town of Clay to be designated and known as **“ORANGE COMMONS LIGHTING DISTRICT,”** (Orange Commons Subdivision). Motion seconded by Councilor Weaver.

Ayes-7 and Nays-0. Motion carried

R-15-118 Special Permit (CPH) Town Board Case # 1084 SOS REAL ESTATE HOLDING COMPANY, LLC:

Councilor Hess moved the adoption of a resolution calling a public August 17, 2015 commencing at **7:41 P.M.**, local time to consider the application **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. Motion seconded by Councilor Rowley.

Ayes-7 and Nays-0 Motion carried

Adjournment:

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

Ayes-7 and Nays-0. Motion carried

Gloria J. Wetmore, Deputy Town Clerk