

April 4, 2011

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 4<sup>th</sup> of April, 2011 at 7:30 P.M., there were:

**PRESENT:**

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

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 Weaver moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on **March 21, 2011**. Motion was seconded by Councilor Bray.

Ayes-5 and Noes-0 (Councilors Edick and Bick abstained due to absence at the March 21<sup>st</sup> 2011 meeting. *Motion carried.*

**Zone Change (PH) - Town Board Case # 1020 - COR VERPLANK ROAD COMPANY, LLC:**

A public hearing to consider the application of **COR VERPLANK ROAD COMPANY, LLC**, for a change of zone from **RA-100 RESIDENTIAL AGRICULTURAL DISTRICT** to **RESIDENTIAL R-15 DISTRICT**, on part of **Tax Map No. 021.-01-02.3** consisting of **77.19±** acres of land, located on **Ver Plank Road** and part of **Tax Map No. 021.-01-03.4** being land located at **3950 Ver Plank Road** and from **R-APT APARTMENT DISTRICT** to **RESIDENTIAL R-15 DISTRICT** on part of **Tax Map No. 021.-01-02.3** consisting of **10.88±** acres of land located on **Ver Plank Road**. Adjourned to this date and time at the March 7th, 2011 Town Board Meeting.

Supervisor Ulatowski stated that the applicant has requested an adjournment to **May 16, 2011 at 7:35 P.M.**

**Zone Change (PH) - Town Board Case # 1023 -MICHAELS FARM, LLC:**

A public hearing to consider the application of MICHAELS FARM LLC, for a change of zone on **part of Tax Map No. 069.-01-05.1** from **RA-100 Residential Agricultural District** to **R-SR Senior Residence District, LUC-1 Limited Use for Gasoline Services District** and **R-10 One-Family Residential District** on property located at **8097 Morgan Road**; and on **part of Tax Map Nos. 081.-29-01.0** from **RA-100 Residential Agricultural District** to **R-10 One-Family Residential District** on property located at **8073 Morgan Road** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Hal Romans was present for the applicant. He began by explaining that the applicant wishes to build senior housing with some small retail and a gas station on the parcel of land located at **8073 & 8097 Morgan Road**. There will be about 56 lots between the rail road tracks and Bordeaux Ave. depending on the necessary modifications for drainage. The development will be pedestrian friendly and have interconnection between commercial and residential.

Mr. Romans said that the wetland issues will be completed through the *ARMY CORP OF ENGINEERS* and the *DEPARTMENT OF ENVIRONMENTAL CONSERVATION*.

Many residents are concerned about the current drainage problems and fear that the new construction will only make the problem worse.

Joe VanWie of 8050 Morgan Road asked if Mr. Oot had done a drainage study of his side of the road. Mr. Romans stated that the Mr. Oot was not involved and that the Town of Clay drainage standards are stringent and that the New York State standards will also be adhered to.

There was great concern regarding the proposed retail and gas station. Lana Phan of Bordeaux Ave. asked if a Walgreens would go in there. Mr. Romans said that typically Walgreens stores are approximately 14,000 square feet and the maximum for the retail will be 2000 to 2500 square feet.

Supervisor Ulatowski reminded everyone that this is very early in the preliminary stage and that the public is part of the process. At this point a resident asked, who should their questions be directed to? The Supervisor stated that they could contact his office at *supervisor@townofclay.org*.

Ken Burd of 8149 Morgan Road said that he did not want a gas station on the NE side of Waterhouse and Morgan Roads. Several other residents agreed stating that there is no need for another gas station in this area.

Carri Prue of 4327 Cross Creek Dr. stated that she was adamantly opposed to this plan and that the residents do not need additional commercial and senior housing next to their community. She continued that they would like to see the original plans intact, only allowing single family housing.

Pete Catanzaro of 4320 Cross Creek Dr. voiced his concerns regarding the wetlands flooding and would like to see an unbiased drainage study. He also said that there are 13 gas stations in a three mile radius and does not see a need for another. Mr. Catanzaro brought up many of his concerns and ended by saying that they hope that the Board will reject this. Supervisor Ulatowski thanked him for his comments.

Jason Richardson of 8168 Bordeaux Ave. was concerned with the additional traffic that will be generated. One of the residents stated that he wanted neighbors not apartments.

Carri Prue thanked the board for hearing the residents adding that they have major concerns.

Supervisor Ulatowski thanked them for coming and expressing their concerns. He stated that he understands that they are very passionate about this and addressing the concerns is part of the process. He added that he would adjourn this until after the Planning Board makes a recommendation.

Councilor Edick made a motion to **adjourn** this public hearing to **May 2, 2011 at 7:38 P.M.** Motion was seconded by Councilor Bray.

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

*Supervisor Ulatowski said that he would open the next three public hearings and hear them together.*

**Project (sewer) (PH) - CLAY NORTH APARTMENTS SEWER DISTRICT, CONTRACT NO. 1:**

A public hearing to consider a Petition for the creation of a sewer district within the Town of Clay to be designated and known as "**CLAY NORTH APARTMENTS SEWER DISTRICT**", and for the construction of a lateral sewer district therein to be designated and known as "**CLAY NORTH APARTMENTS SEWER DISTRICT, CONTRACT NO. 1**", (Clay North Apartments – NYS Route 31) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

**Project (drainage) (PH) - CLAY NORTH APARTMENTS DRAINAGE DISTRICT, CONTRACT NO. 1:**

A public hearing to consider a Petition for the creation of a drainage district within the Town of Clay to be designated and known as "**CLAY NORTH APARTMENTS DRAINAGE DISTRICT**", and for the construction and acquisition of a lateral drainage district therein to be designated and known as "**CLAY NORTH APARTMENTS DRAINAGE DISTRICT, CONTRACT NO. 1**", (Clay North Apartments – NYS Route 31) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

**Project (water) (PH) - GASKIN ROAD WATER SUPPLY DISTRICT, EXTENSION NO. 2:**

A public hearing to consider a Petition for the creation of a water supply district within the Town of Clay to be designated and known as "**GASKIN ROAD WATER SUPPLY DISTRICT, EXTENSION NO. 2**", (Clay North Apartments – NYS Route 31) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Alex Wisniewski of LJR Engineering was present for the applicant. Mr. Wisniewski began by stating that the applicant has received site plan approval for the project. The applicant is proposing to connect their system to an existing sanitary sewer main that is located on the adjacent Kohl's property. However, in order for this to be accomplished the Town will need to take title of the existing sanitary sewer main on Kohl's property. The Board was told by Mr. Wisniewski that the applicant for this project, COR Development, also owns the property Kohl's is located on and if the Board is willing COR would dedicate the sanitary sewer to the town. Mr. DeTota responded that his firm had met on site with the County to televise the sanitary sewer main and inspect it. They found it to be in satisfactory condition and feel it would be reasonable for the Town to accept and take title of it if it is the Board's decision to do so. The County Health Department said that public sewers have satisfactory capacity for this project.

The proposed storm water management facility consists of a traditional wet pond that would address the increase in storm water volume and discharge rate due to the proposed development and provide the necessary water quality volume to meet both the Town and NYSDEC SPDES Phase II permit requirements.

Mr. Wisniewski continued that the new water district will be extended to the property line thus encompassing the entire property. The proposed water system improvements will be owned and maintained by the Onondaga County Water Authority (OCWA).

Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

**ONONDAGA COUNTY COMMUNITY DEVELOPMENT DIVISION (PH):**

A public hearing to solicit from Town of Clay residents their comments and input regarding the use of funds by the Town of Clay with respect to the applications for funding filed with **ONONDAGA COUNTY COMMUNITY DEVELOPMENT DIVISION** for the year **2011** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

The Supervisor began by explaining that the reason for the public hearing is to discuss the projects to be considered for available Community Development funds. The funds will be used for the repaving of Gaskin Road from Route 57 almost to Route 31. He continued that in the past the money would be divided to complete several projects however due to the complexity of this project and the expense involved this year the money will be used for this project.

Russ Mitchell, president of the Clairmont Homeowners Association, said that he was concerned with the cost of repaving and the products involved and that we should look into cutting cost where we can.

June Baycura of Bayberry said that she would like to see some work on the Main Street project adding trees and addressing parking.

Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

**Contract/Agreement (amending) - COUNTY OF ONONDAGA, CONTRACT NO. 22408 and THE TOWN OF CLAY:**

Councilor Edick moved the adoption of a resolution approving an amendment to the contract between the County of Onondaga, Contract No. 22408 – Sheriff's Department and the Town of Clay amending the "Compensation Section" to strike paragraph 3 thereof and substitute the following: "The amount set forth in Appendix C for administrative overhead is 5.0% of total wages and benefits, excluding overtime costs, as set forth in paragraphs 1 and 2. The amount paid by the Town will be adjusted to 5.0% of the wages and benefits as determined in paragraphs 1 and 2 and at such time as said amounts are adjusted." Appendix C is amended to strike "Administrative Overhead: Fixed at 9.2% of total wages and benefits (excluding overtime costs)" and to substitute therefore the following: "Administrative Overhead: Fixed at 5.0% of total wages and benefits (excluding overtime costs)." This amendment does not change the overtime exclusion from those administrative charges and further authorizing the Supervisor to execute such contract. Subject to approval by the Town Attorney, as to form and content. Motion was seconded by Councilor Johnson.

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

**Agreement - (A) CIBRO Remediation and Demolition Project:**

Councilor Johnson moved the adoption of a resolution approving the proposal submitted by **C & S Companies** for Engineering Services with respect to the **CIBRO Remediation and Demolition Project** for Basic Services as set forth in Exhibit “A” Scope of Services of said proposal of fees not to exceed **\$17,500.00**, subject to approval by the Town Attorney as to form and content. Motion was seconded by Councilor Weaver.

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

**Project (sewer) (A) - CLAY NORTH APARTMENTS SEWER DISTRICT, CONTRACT NO. 1:**

Councilor Bick moved the adoption of a resolution approving the creation of a sewer district within the Town of Clay to be designated and known as “**CLAY NORTH APARTMENTS SEWER DISTRICT**”, (Clay North Apartments – NYS Route 31) and approving the proposed dedication and easement of the private sewer line (approximately 500 feet) currently on the property after satisfactory inspection, subject to legal approval. Motion was seconded by Councilor Edick.

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

**Project (drainage) (A) - CLAY NORTH APARTMENTS DRAINAGE DISTRICT, CONTRACT NO. 1:**

Councilor Bick moved the adoption of a resolution approving the creation of a drainage district within the Town of Clay to be designated and known as “**CLAY NORTH APARTMENTS DRAINAGE DISTRICT**”, (Clay North Apartments – NYS Route 31). Motion was seconded by Councilor Bray.

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

**Project (water) (A) - GASKIN ROAD WATER SUPPLY DISTRICT, EXTENSION NO. 2:**

Councilor Bick moved the adoption of a resolution approving the creation of a water supply district within the Town of Clay to be designated and known as “**GASKIN ROAD WATER SUPPLY DISTRICT, EXTENSION NO. 2**”, (Clay North Apartments – NYS Route 31). Motion was seconded by Councilor Bray.

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

**Special Permit (CPH) Town Board Case # 1027 - MARK V. WEISS:**

Councilor Weaver moved the adoption of a resolution calling a public hearing **May 2nd, 2011**, commencing at **7:35 P.M., local time**, to consider the application of **MARK V. WEISS** for a **SPECIAL PERMIT TO ALLOW A COMMERCIAL NURSERY AND COMMERCIAL GREENHOUSE FOR THE RETAIL SALE OF PERENNIAL PLANTS** on property located at **4913 New York State Route 31, Tax Map Nos. 046.01-27.0 and 046.-01-25.0**. Motion was seconded by Councilor Bray.

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

**Settlement - Eileen Reisinger:**

Councilor Johnson moved the adoption of a resolution approving a settlement of a union grievance filed on behalf of **Eileen Reisinger** regarding payment of additional compensation upon retirement and payment of the negotiated settlement in the amount of \$1,400.00 and authorizing the supervisor to execute any documents necessary to complete same. Motion was seconded by Councilor Edick.

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

**Adjournment:**

The meeting was adjourned at 9:25 P.M. upon motion by Councilor Bray, and seconded by Councilor Edick. Ayes-7 and Noes-0. *Motion carried.*