

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 21st of November, 2011 at 7:30 P.M., there were:

PRESENT:

Damian M. Ulatowski	Supervisor
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

ABSENT:

Robert L. Edick	Deputy Supervisor/Councilor
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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 Bick moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on **November 7th, 2011**. Motion was seconded by Councilor Bray.

Ayes-6 and Noes-0

Correspondence/ Other Business:

Supervisor Ulatowski asked if anyone wished to address the Board on anything that is not on the agenda.

No one responded.

Regular Meeting:

Zone Change (PH) - Town Board Case 1009 - JOLU DEVELOPMENT COMPANY:

A public hearing to consider the application of **JOLU DEVELOPMENT COMPANY** for a change of zone from **R-15 One-Family Residential District** to **PDD Planned Development District** on property located on **NEW YORK STATE ROUTE 31 (Tax Map No. 051.01-02.1)** was opened by the Supervisor. Proof of publication was furnished by the Town Clerk.

Amy Franco of Clough Harbour & Associates was present for the applicant. Ms. Franco began by explaining that the project will be partially in the Town of Clay and partially in the Town of Cicero. The front portion will be commercial and there will be townhomes to the west. There will be 24,000 square feet of commercial office space. The driveway will connect to Legionnaire Drive. The construction will be completed in phases, perhaps 3 to 4. Phase 1 will include the apartments, community center and pool.

Supervisor Ulatowski asked if the Cicero portion had been approved yet. Ms Franco said that it has not. He also asked about the width of the road with regard to on street parking and snow removal. Ms. Franco said that each of the town homes will have two car garages and wide driveways. In addition the roads will be constructed to town specs. Councilor Bray added that the PDD is a lengthy process and that many of these questions have been discussed at earlier Town Board or Planning Board appearances. Supervisor Ulatowski stated that the Planning Board had unanimously made a recommendation to approve this zone change.

Gerald McLean stated that he and his wife own the property adjoining to the west and that Mrs. DiMento owns another portion on Route 31. Mr. McLean said that he was neither for nor against this project. He continued that he understood that the applicant was originally planning to build single family homes on the property and now the plan is for town homes and apartments. He added that he is concerned with regard to the drainage, traffic and pumping station and the way that they will be affected by the additional residents. Josephine McLean asked how many total apartments and if the town houses will be purchased or rented. Ms. Franco said that the town homes would be for purchase.

Supervisor Ulatowski said that all of the concerns with drainage, snow removal etc. will be addressed during this process. In addition there will be a code of aesthetics that the owners will need to adhere to. He continued that the large site map has depicted storm water retention and fountains to be effective and visually pleasing.

Mr. McLean asked how many bedrooms the town houses would have. Ms. Franco said that the town homes will be a mix of 1, 2 and 3 bedrooms.

Mrs. Dimento stated that when she built her home she expected to have open spaces surrounding her and the thought of that number of apartments is ridiculous.

Mr. McLean asked if there were any provisions in place to widen the road adding that Mrs. Dimento had to build 150 feet back from the road. Ms. Franco said there are no plans to widen the road at this time.

Ryan McDermott of 5467 Alfreton Drive, asked if the applicant would be placing a traffic light at the intersection or a reduction of the speed limit. He added that he hopes that the applicant will plant trees as a barrier. Mr. McDermott added that the developer of Lawton Valley did not plant trees that were large enough to act as

a barrier to Route 31.

Councilor Weaver said that the speed on Route 31 has been reduced to 45 MPH as part of an agreement with the State.

Mr. McDermott suggested that the developer should start with the construction of the town homes instead of the apartments.

Councilor Bray reminded that the applicant is proposing 58% of the property on the Clay side will be green area.

There was more discussion about the concerns of traffic and the impact on the area including the *Cicero/Clay Transportation Study* and the *Northern Land Use Study*. Supervisor Ulatowski said that he would keep the public hearing open. He also made a recommendation that the engineer for the applicant meet with the neighbors to discuss the project and address some of their concerns. Councilor Bray agreed with his suggestion.

Councilor Bray made a motion to **adjourn** the public hearing to **December 5th, 2011 at 7:41 P.M.** Motion was seconded by Councilor Bick. Ayes-6 and Noes-0. *Motion carried.*

Local Law No. 3 of the Year 2011 (PH) Chapter 230 entitled 'ZONING':

A public hearing to consider proposed local law to be entitled "**Local Law No. 3 of the Year 2011**", to amend **Chapter 230** entitled '**ZONING**', **Section 230-22 C.(3)(f)[2] Short-duration temporary signs** by adding to [d] Grand opening, the word sign and to add a subparagraph [e] **Now Hiring Sign** to same and to further add the words "**Now Hiring Sign**", within **Section 230-22 B. Definitions** to the Code of the Town of Clay, was opened by the Supervisor. Proof of publication was furnished by the Town Clerk Adjourned to this date and time at the October 17th, 2011 Town Board Meeting.

Supervisor Ulatowski explained that the Town Code does not allow for signs regarding hiring opportunities. He added that the Local Law will allow businesses to promote hiring.

Mark Territo further explained that the Planning Board recommended that this Local Law be approved with the revision that the maximum size of the sign be 24 square feet instead of the 32 square feet as proposed. In addition they recommended that there be a 60 Day Maximum for the sign(s).

Councilor Bick said that 24 square feet would be too small. Supervisor Ulatowski agreed adding that the 32 square feet size will be more commodious. In addition they surmised that the wording *per year* be added to the 60 day maximum. This could be broken up, for example 30 days at two different times within the year,

Supervisor Ulatowski added.

He asked if there were any more questions; hearing none he **closed** the public hearing.

Bid Award - PROVIDING AND MAINTAINING A POUND/SHELTER FOR ANIMALS:

Councilor Johnson moved the adoption of a resolution awarding a 1 year contract for **PROVIDING AND MAINTAINING A POUND/SHELTER FOR ANIMALS SEIZED BY AN ANIMAL CONTROL OFFICER, OR OTHER AUTHORIZED OFFICER OR EMPLOYEE OF THE TOWN OF CLAY** to **CNY Veterinary Services, PLLC** for the low bid of \$140.00 per redemption. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Bick. Ayes-6 and Noes-0. *Motion carried.*

AGREEMENT (Escrow) - TOWN OF CLAY and WAL-MART REAL ESTATE BUSINESS TRUST:

Councilor Bick moved the adoption of a resolution approving an **ESCROW AGREEMENT** between the **TOWN OF CLAY** and **WAL-MART REAL ESTATE BUSINESS TRUST**, with regard to expenses for the proposed Supercenter Store in Clay, New York and authorizing the Supervisor to execute same. Motion was seconded by Councilor Johnson. Ayes-6 and Noes-0. *Motion carried.*

Appointment - Planning Board:

Councilor Johnson moved the adoption of a resolution appointing James A. Palumbo as a member of the Town Planning Board **effective 11/22/2011**, to fill the unexpired term of James Sharpe. **Term to expire December 31, 2012**. Motion was seconded by Councilor Bray. Ayes-6 and Noes-0. *Motion carried.*

Bid Advertisement - BUILDING DEMOLITION AT THE CIBRO BULK STORAGE TERMINAL, 3414 MAIDER ROAD, PHASE 2 – TOWN OF CLAY:

Councilor Bray moved the adoption of a resolution authorizing advertisement of bids for the **BUILDING DEMOLITION AT THE CIBRO BULK STORAGE TERMINAL, 3414 MAIDER ROAD, PHASE 2 – TOWN OF CLAY**. Said bids to be received until 11:00 A.M. local time, December **16th, 2011**. Motion was seconded by Councilor Weaver. Ayes-6 and Noes-0. *Motion carried.*

Agreement / C & S ENGINEERS, INC., with regard to the CIBRO REMEDIATION AND DEMOLITION AT THE CIBRO BULK STORAGE TERMINAL:

Councilor Bick moved the adoption of a resolution approving an Agreement between the **Town of Clay** and **C & S ENGINEERS, INC.**, with regard to the **CIBRO**

REMEDICATION AND DEMOLITION AT THE CIBRO BULK STORAGE

TERMINAL – 3414 MAIDER ROAD, PHASE 2 – TOWN OF CLAY, at a sum not to exceed **\$13,800.00** as outlined in correspondence to the Town dated October 26th, 2011 and further authorizing the Supervisor to execute same. Motion was seconded by Councilor Bray. Ayes-6 and Noes-0. *Motion carried.*

Adjournment:

The meeting was adjourned at 8:28 P.M. upon motion by Councilor Bray and seconded by Councilor Bick. Ayes-6 and Noes-0. *Motion carried.*