

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 18th of June, 2012 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
Bruce N. Johnson	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

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 Edick moved the adoption of a resolution to **Approve** the Minutes of the **June 4th, 2012** Town Board Meeting. Motion was seconded by Councilor Bick.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that the items relating to Ordinances 1 and 2 of the year 2012 and Local Law 2 of the year 2012 will not be heard at this meeting.

Correspondence:

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

No one responded.

REGULAR MEETING:

Special Permit (SEQR) Town Board Case # 1039 - ROBERT ALUZZO and 3567 RTE. 31:

Councilor Young moved the adoption of a resolution that the application of **ROBERT ALUZZO and 3567 RTE. 31, LLC** for a **SPECIAL PERMIT TO ALLOW PROPERTY TO BE USED AS A "GYM", - INDOOR RECREATION – PARTICIPANT** on property located at **3567 State Route 31, Clay, New York, Tax Map No.019.-02-29.1.** 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 Weaver.

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

Special Permit (A) Town Board Case # 1039 - ROBERT ALUZZO and 3567 RTE. 31:

Councilor Young moved the adoption of a resolution approving the application of **ROBERT ALUZZO and 3567 RTE. 31, LLC** for a **SPECIAL PERMIT TO ALLOW PROPERTY TO BE USED AS A "GYM", - INDOOR RECREATION – PARTICIPANT** on property located at **3567 State Route 31, Clay, New York, Tax Map No.019.-02-29.1.** Motion was seconded by Councilor Johnson.

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

Zone Change (PH) - Town Board Case # 1038 - VITO BARLETTA, and NORTH CENTRAL ASSEMBLY OF GOD:

A public hearing to consider the application of **VITO BARLETTA, and NORTH CENTRAL ASSEMBLY OF GOD** for a change of zone from **R-10 One-Family Residential District** to **R-SR Senior Residence District** on part of property located at **7421 Buckley Road, Tax Map No. 107-05-01.1** and **on part** of **7463 Buckley Road, Tax Map No. 096.-37-28.0** was opened by the Supervisor, proof of posting and publication was furnished by the Town Clerk.

Hal Romans and Vito Barletta presented. Mr. Barletta began by introducing himself and giving some back ground. He continued by explaining that he is proposing housing for seniors on Buckley Road just north of the Briarledge development. He is proposing 130 suites that will range in size from 900 to 1200 square feet. Each unit will have two bedrooms, two bathrooms, washers and dryers, fireplaces and central air conditioning. The amenities will include trash room, banquet room, exercise room and theater. There will be elevators and garages.

Mr. Barletta expressed that this will be geared to active seniors and will not have any assisted living space. He is proposing senior support services which may include a bank or barber and beauty shop or deli. He added that he was not sure if these services would be within the main building or a free standing structure outside.

Mr. Romans stated that the development would likely take place to the north and east of the parcel, to lessen the impact on the residents to the south and the west. He went on to explain that

Gordon Stansbury has completed a traffic impact study during morning and evening peak hours (7:15-8:15 A.M. and 4:30-5:30 P.M.) and that study revealed *no noticeable impact*.

Mr. Barletta provided a petition that he circulated to the residents directly adjacent to the anticipated senior housing, asking if they were agreeable to the reclassification of zone as applied for. Most of the residents were agreeable with two "not sure" and two against it.

Supervisor Ulatowski asked what percentage of the parcel will be occupied by the building. Mr. Romans replied that 65-70% will be built however; the applicant is exploring the possibility of utilizing green infrastructure. He added that the stormwater drains toward the road and they are considering porous pavement for the asphalt.

Supervisor Ulatowski asked about the cost of the units. Mr. Romans said approximately \$900-\$1000 per month. Councilor Bray asked if they would be privately financed and they will. Councilor Johnson asked Mr. Barletta if this was his first senior housing project. Mr. Romans stated that it is, but the applicant has been researching it for awhile. Councilor Johnson asked if the parking garages have been figured into the total number of spaces and they have.

There was a discussion about the senior support services and whether they will be located inside the building or in a separate building. Kathy Mueller suggested that the services be located within the building, decreasing the chance of community use of the resident based services, adding that if it is visible as a separate building it will no longer be for the seniors.

Supervisor Ulatowski asked if there were any additional questions or comments. Hearing none he **adjourned** the public hearing until **July 16, 2012 at 8:11 P.M.**

Traffic & Vehicles (Stop Signs) (PH) - LONA LANE, LYLE DRIVE, FUCHSIA PATH, LILITH LANE, LOLA DRIVE AND JUSTIN DRIVE:

A public hearing to consider the amendment of **CHAPTER 211 TRAFFIC AND VEHICLES ORDINANCE, SECTION 211-12 STOP INTERSECTIONS –SCHEDULE IX (§ 211-42)** of the Town of Clay Municipal Code to designate and provide for **STOP SIGNS on LONA LANE and LYLE DRIVE** at both the north and south approaches from Lyle to Lona; on **LYLE DRIVE** and on **FUCHSIA PATH**; on **LYLE DRIVE** and **LILITH LANE**; on **LILITH LANE** and **LOLA DRIVE**; on **LOLA DRIVE** and **LYLE DRIVE**; and on **JUSTIN DRIVE** and **FUCHSIA PATH**; and the **installation of the necessary signs therefore.**

Don Mueller was present to discuss the request for nine (9) Stop Signs in the Country Meadow subdivision. Mr. and Mrs. Mueller submitted a petition signed by the residents, requesting a reduction of speed to 15 MPH in the development in addition to the stop sign request.

Supervisor Ulatowski read the recommendation from the Highway Department and the Town Constable and they concurred that five (5) Stop Signs should be installed. He added that the request for a 15MPH was denied as 30 MPH is the lowest speed allowed with the exception of a school zone.

Councilor Bray asked if the Town Engineer reviewed the site plan for the new construction and designated Stop Signs prior to the completion of the development. Mr. DeTota said that it was many years ago that it was discussed. Councilor Bray said that she would like to go on record suggesting that the spots be predicated prior to the opening of a development. Supervisor Ulatowski agreed, adding that it should be addressed as the neighborhood grows, not after. Councilor Bick asked Commissioner Territo if the Stop Signs are indicated on the Site Plan and they are not.

Jennifer Hines said that there are problems with the lack of Stop Signs in conjunction with the school bus stops. She added that her child must go a long way and wait at Fuchsia Path and Justin Drive, an intersection that does not have a traffic control device. Supervisor Ulatowski looked into the request and at the map and stated that he would like to further review this request.

Mrs. Mueller said that the traffic coming from the original section of Country Meadows, cuts through and speeds through the neighborhood. Supervisor Ulatowski said that the Stop Signs will not stop people from speeding. Ms. Hines agreed that excessive speed is a problem, adding that there are no Speed Limit signs in the development.

Russ Mitchell suggested Yield signs. Councilor Bick suggested Children at Play signs. Councilor Weaver said that Speed Limit Signs can be posted at the entrance to developments.

Supervisor Ulatowski said that he would look into Children at Play signs and having law enforcement patrol to discourage speeding through the neighborhood.

Supervisor Ulatowski asked if there were anymore questions or comments. Hearing none he **closed** the public hearing.

Ordinance 1 of the Year 2012 (amend) Chapter 78 - BRUSH, GRASS, RUBBISH AND WEEDS:

Councilor Edick made a motion to adjourn the public hearing to **July 16, 2012 at 8:02 P.M.** Motion was seconded by Councilor Bray.

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

Ordinance 2 of the Year 2012 (amend) Chapter 216 - VEHICLES, ABANDONED, JUNKED OR INOPERATIVE:

Councilor Edick made a motion to adjourn the public hearing to **July 16, 2012 at 8:05 P.M.** Motion was seconded by Councilor Bray.

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

Local Law No. 2 of 2012 (PH) - Chapter 86 entitled "BUILDING, UNSAFE":

Councilor Edick made a motion to adjourn the public hearing to **July 16, 2012 at 8:08 P.M.**
Motion was seconded by Councilor Bray.

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

CIBRO DEMOLITION PROJECT (A) – PHASE 2 - Change Order:

Councilor Bray moved the adoption of a resolution approving the Change Order # 2 with respect to the **CIBRO DEMOLITION PROJECT – PHASE 2** in an amount; estimated not to exceed an additional **\$960.98**, which covers unforeseen costs during the **STABILIZATION OF CONTAMINATED SOILS RECENTLY EXPOSED ONSITE**, and authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Weaver.

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

Agreement - CanTeen:

Councilor Bick moved the adoption of a resolution to waive **\$5,634.00** State Aid for 2012 from the **Youth Services Grant** to the Town of Cicero for the **CanTeen** and authorizing the Supervisor to execute the necessary form therefore.

Supervisor Ulatowski explained that this is derived from Grant money from the State each year. He added that he feels that it is money well spent. Motion was seconded by Councilor Edick.

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

Appointment - CLAY VOLUNTEER FIRE DEPARTMENT:

Councilor Young moved the adoption of a resolution approving the appointment of **DAVID GONZALEZ** as a volunteer member of the **CLAY VOLUNTEER FIRE DEPARTMENT**. Motion was seconded by Councilor Bray.

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

Street Lights - COUNTRY MEADOW SUBDIVISION:

Councilor Weaver moved the adoption of a resolution approving the installation of seven (7) 100W high pressure fixtures on 16' fiberglass embedded pole for **LILITH LANE** within the **COUNTRY MEADOW SUBDIVISION** at an estimated annual cost for said underground lighting fixtures being **\$2,066.05**. Motion was seconded by Councilor Bick.

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

Appointment - Americans with Disabilities Act (ADA) Coordinator:

Councilor Bick moved the adoption of a resolution appointing **WAYNE MORRIS** as the **Americans with Disabilities Act (ADA) Coordinator** in the Town of Clay. Motion was seconded by Councilor Bray.

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

Agreement / Authorization - HYLAND GARDENS SUBDIVISION:

Councilor Edick moved the adoption of a resolution authorizing the Supervisor to enter into an Agreement on behalf of the Town with **SOUTHWEST BUCKLEY PROPERTIES, LLC**, for the construction/development of **HYLAND GARDENS SUBDIVISION**. Motion was seconded by Councilor Weaver.

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

Agreement / Authorization - RED BARN ACRES SUBDIVISION:

Councilor Edick moved the adoption of a resolution authorizing the Supervisor to enter into an Agreement on behalf of the Town with **SOUTHWEST BUCKLEY PROPERTIES, LLC**, for the construction/development of **RED BARN ACRES SUBDIVISION**. Motion was seconded by Councilor Weaver.

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

CLAY CONSOLIDATED HYDRANT AND WATER SUPPLY DISTRICT NO. 1 (CPH):

Councilor Young moved the adoption of a resolution calling a public hearing **July 16th, 2012**, commencing at **7:41 P.M.**, local time, to consider consolidating certain existing hydrant and water supply districts located within the Town of Clay, County of Onondaga and State of New York to be designated and known as "**CLAY CONSOLIDATED HYDRANT AND WATER SUPPLY DISTRICT NO. 1.**" **Motion** was seconded by Councilor Weaver.

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

Project - Drainage (CPH) - HYLAND GARDENS DRAINAGE DISTRICT, CONTRACT NO. 1:

Councilor Johnson moved the adoption of a resolution calling a public hearing **July 16th, 2012**, commencing at **7:44 P.M.**, local time, to consider a Petition for the creation of a drainage district within the Town of Clay to be designated and known as "**HYLAND GARDENS DRAINAGE DISTRICT**" and for the construction and acquisition of a lateral drainage system therein to be designated and known as "**HYLAND GARDENS DRAINAGE DISTRICT, CONTRACT NO. 1**". (Hyland Gardens Subdivision) Motion was seconded by Councilor Bick.

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

Project - Sewer (CPH) - FAY ROAD SEWER DISTRICT:

Councilor Johnson moved the adoption of a resolution calling a public hearing **July 16th, 2012**, commencing at **7:47 P.M.**, local time, to consider a Petition for the construction and acquisition of a lateral sewer system located within the **Fay Road Sewer District** to be designated and known as "**FAY ROAD SEWER DISTRICT, CONTRACT NO. 3 LATERAL**" (Hyland Gardens Subdivision). Motion was seconded by Councilor Bick.

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

Project - Drainage (CPH) - RED BARN ACRES DRAINAGE DISTRICT:

Councilor Young moved the adoption of a resolution calling a public hearing **July 16th, 2012**, commencing at **7:50 P.M.**, local time, to consider a Petition for the creation of a drainage district within the Town of Clay to be designated and known as "**RED BARN ACRES DRAINAGE DISTRICT**" and for the construction and acquisition of a drainage system therein to be designated and known as "**RED BARN ACRES DRAINAGE DISTRICT, CONTRACT NO. 1**". (Red Barn Acres Subdivision) Motion was seconded by Councilor Weaver.

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

Project - Water (CPH) - RED BARN ACRES WATER SUPPLY DISTRICT:

Councilor Young moved the adoption of a resolution calling a public hearing **July 16th, 2012**, commencing at **7:53 P.M.**, local time, to consider a Petition for the creation of a water supply district within the Town of Clay to be designated and known as "**RED BARN ACRES WATER SUPPLY DISTRICT**" and for the construction and acquisition of a water supply system therein to be designated and known as "**RED BARN ACRES WATER SUPPLY DISTRICT**". (Red Barn Acres Subdivision) Motion was seconded by Councilor Weaver.

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

Project - Sewer (CPH) - BEAR ROAD SEWER DISTRICT:

Councilor Young moved the adoption of a resolution calling a public hearing **July 16th, 2012**, commencing at **7:56 P.M.**, local time, to consider a Petition for the construction and acquisition of a lateral sewer system located within the **Bear Road Sewer District** to be designated and known as "**BEAR ROAD SEWER DISTRICT, CONTRACT NO. 33 LATERAL**." (Red Barn Acres Subdivision) Motion was seconded by Councilor Weaver.

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

Local Law No. 3 of 2012 (CPH) - Chapter 105 entitled "SCHEDULE OF FEES":

Councilor Edick moved the adoption of a resolution calling a public hearing July 16, 2012 commencing at 7:59 P.M., local time, to consider proposed **Local Law No. 3 of the Year 2012** to amend **Chapter 105** entitled "**SCHEDULE OF FEES**" by adding to **Chapter 78** entitled

‘Brush, Grass, Rubbish, & Weeds’, Section 78-6, Work done by the Town; Chapter 86 entitled ‘Buildings, Unsafe’, **Sections 86-12D Emergency Work done by the Town; Section 86-15 Assessment Lien; and Chapter 216** entitled ‘Vehicles, Abandoned, Junked, or Inoperative’, **Section 216B Removal Procedures**, legal costs and a \$150.00 administrative fee to the Code of the Town of Clay. Motion was seconded by Councilor Bray.

Ayes-6 and Noes-1. *Motion carried. Councilor Bick voted no.*

Adjournment:

The meeting was adjourned at 8:30 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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