

May 16, 2011

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 16th of May, 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 Bray moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on **May 2nd, 2011**. Motion was seconded by Councilor Edick.

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

Cancellations and/or requested adjournments:

COR Ver Plank Road Company, LLC.

Correspondence/ Other Business:

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

Janet Rathburn began by explaining that the parking at the YMCA is still an issue. She continued that the members are parking on Wetzel Road when there is no more available parking. She asked when the "NO PARKING" signs will go up and when they will be enforced. She added that overflow parking was also parking at the park on Henry Clay Boulevard and was told by a "Y" employee that this is where

they should park. Ms Rathburn asked if there were any liability issues for the Town if parking continues on town property.

Supervisor Ulatowski said that he is meeting with the *County Department of Transportation (DOT)* and will address this further once he has had the opportunity to investigate.

Joyce Cerrito of Bayberry Circle brought up the mound of dirt behind Bayberry Plaza with regard to the teens using skate boards and creating a dangerous situation with the traffic on this busy street.

Supervisor Ulatowski said that he would call the owner of the Plaza.

Susan Williams also of Bayberry suggested signs within the Bayberry Community indicating the sections of Bayberry. These signs will be similar to neighborhood watch signs.

Councilor Johnson said that residents may not know what area they are in and he is concerned about the small lettering on the sign.

Supervisor Ulatowski said that the Board will discuss it at the next work session.

Special Permit (SEQR) - Town Board Case # 1027 - MARK WEISS:

Councilor Bick moved the adoption of a resolution that 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**, 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 on an EIS. Motion was seconded by Councilor Edick.

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

Special Permit (A) - Town Board Case # 1027 - MARK WEISS:

Councilor Bick moved the adoption of a resolution approving 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 Johnson.

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

Zone Change (PH/Adj) - Town Board Case # 1020 - COR VER PLANK ROAD COMPANY, LLC:

A public hearing to consider the application of **COR VER PLANK 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.-01-2.3** 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.-01-2.3** consisting of **10.88± acres of land located on Ver Plank Road**. Adjourned to this date and time at the April 4th, 2011 Town Board Meeting.

Supervisor Ulatowski stated that the applicant requested an adjournment.

Zone Change (PH) - Town Board Case # 1025 - AFFORDABLE SENIOR HOUSING OPPORTUNITIES OF NEW YORK, INC., RONALD H. POST, ALISON G. POST:

A public hearing to consider the application of **AFFORDABLE SENIOR HOUSING OPPORTUNITIES OF NEW YORK, INC., RONALD H. POST, ALISON G. POST** and **LIVERPOOL CENTRAL SCHOOL** for a change of zone from **RA-100 Residential Agricultural District** and **HC-1 Highway Commercial District** to **R-SR Senior Residence District** on part of **8565± Morgan Road**, part of **Tax Map No. 055.-01-14.1** and part of **Tax Map No. 055.-01-13.1** being vacant property on Morgan Road was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk. Adjourned to this date and time at the April 18th, 2011 Town Board Meeting.

Hal Romans of Ianuzi and Romans was present for the applicant. Mr. Romans began by explaining that the applicant is proposing senior housing in the southwest corner of Morgan Road and State Route 31. The property to the rear is owned by the Liverpool Central School District. The property to the front is owned by Ronald and Alison Post. Access will be from Morgan Road with no future plans for a Zone Change for the property to the east. The Supervisor asked about access from Route 31 and there will be none. The County Department of Transportation stated that there are no issues with traffic and that Senior Housing provides low impact at peak hours.

The housing will be 120, 3 story one bedroom units with a community area. The average age is 70. The developer is currently constructing the Senior Residences in the Town of Salina.

Councilor Edick asked about the trees and buffering. Mr. Romans stated that they do not intend to clear cut the property and that the applicant is in favor of preserving as much of the vegetation as possible.

Joyce Cerrito said that at 70 years old most residents will drive, furthermore this area is not conducive to walking. Mr. Romans said that they have the ability to construct what the Town will require. Ms. Cerrito also asked about the possibility of a green area.

Councilor Bray stated that under the Senior Zoning Code it must be stated that residency is limited to retirees, 62 years and older and that it is not indicated on the plan. Mr. Romans said that the applicant is proposing strictly living space.

Dorothy Heller said that she can't imagine seniors living in such a busy traffic area. Mr. Romans said that perhaps other areas will be developed making it more walkable. Councilor Bray said that she would like to see a traffic analysis.

Janet Rathburn asked about the possibility of cleaning up the dilapidated house at the corner of Morgan Road near Route 31. Supervisor Ulatowski asked Commissioner Territo if he would look into enforcing a commercial clean up of that location.

Supervisor Ulatowski **adjourned** the public hearing to **June 20, 2011 at 7:35 P.M.**

Authorization/ Agreement - LIVERPOOL CENTRAL SCHOOL DISTRICT and the TOWN OF CLAY:

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to execute a Lease Agreement between the **LIVERPOOL CENTRAL SCHOOL DISTRICT** and the **TOWN OF CLAY** with regard to the use of the school's facilities for the Town's Athletic Program for the current school year and shall extend from **June 25th, 2011** thru **August 26th, 2011**, at a cost of approximately **\$2,650.00**, subject to additions or deletions of programs which will fall under this agreement. Motion was seconded by Councilor Weaver.

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

Special Permit - (CPH) - Town Board Case # 1029 MARIO MIRRA and TKORZ, ENTERPRISES, LLC:

Councilor Edick moved the adoption of a resolution calling a public hearing **June 20th, 2011**, commencing at **7:35 P.M., local time**, to consider the application of **MARIO MIRRA and TKORZ, ENTERPRISES, LLC** for a **SPECIAL PERMIT TO USE 2,754 SQ. FT. OF PAVED ASPHALT DIVIDED INTO 18 LEGAL PARKING SPACES FOR AUTO SALES** on part of property located at **7190 Buckley Road, Tax Map Nos. 117.-02-47.0**. Motion was seconded by Councilor Bick.

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

SALES TAX APPORTIONMENT/ ONONDAGA COUNTY:

Councilor Johnson moved the adoption of a resolution requesting that Onondaga County pay all of the Sales Tax Apportionment to the Town of Clay in cash, effective January 1, 2012. Motion was seconded by Councilor Bray.

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

Authorization/ Purchase:

Councilor Bray moved the adoption of a resolution approving the purchase of property located at 8856 Gaskin Road consisting of 2.16 ± acres, including all adjacent property owned by seller **Michael J. Meyers**, in an amount not to exceed \$172,000.00 and authorizing the Supervisor to execute any and all necessary documents therefore. Motion was seconded by Councilor Rycraft.

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

Agreement (A) Inter Municipal Outside User Agreement:

Councilor weaver moved the adoption of a resolution approving the "**Inter Municipal Outside User Agreement**" between the **Town of Clay** and the **Town of Salina** allowing for the connection and maintenance of some sanitary and storm sewers adjacent to the Town of Salina systems for eventual transmission to the Onondaga County trunk sewers. The agreement anticipates inclusion of **Inverness Gardens Section No. 1** and adjacent lands to the existing Salina facilities. The agreement establishes some new construction, metering and monitoring guidelines, necessitated by newly implemented environmental requirements, as well as base use fees. New construction in the area must comply with new regulations (such as the use of double flush toilets, etc.) and pass inspection before issuance of any Town Certificates of Occupancy. Motion was seconded by Councilor Bray.

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

Adjournment:

The meeting was adjourned at 8:28 P.M. upon motion by Councilor Bray and seconded by Councilor Bick. Ayes-7 and Noes-0. *Motion carried.*