

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 May, 2012 at 7:30 P.M., there were:

PRESENT:

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

ABSENT:

Damian Ulatowski	Supervisor
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The meeting was called to order by Deputy Supervisor Edick at 7:30 P.M. All present joined in the Pledge of Allegiance.

Approval of Minutes:

Councilor Bick moved the adoption of a resolution to **Approve** the Minutes of the May 7th 2012 Town Board Meeting. Motion was seconded by Councilor Johnson.

Ayes-6 and Noes-0. *Motion carried.*

Cancellation and/or requested adjournments.

None

Correspondence:

Deputy Supervisor Edick referred to Ms. Rathburn's inquiry regarding the pick up of debris on Earth Day. He explained that the Highway Superintendent looked into the collection and it was completed.

He continued by addressing the concerns outlined by Mr. Thomas Collins of 8312 Provo Drive. He stated that the Town Engineer, the Highway Superintendent and Deputy Supervisor Edick had met at the site to assess the situation with the retention ponds and the excessive debris. Deputy Supervisor Edick reiterated that the retention basins were constructed for a complete build out. As far as the debris is concerned, the Codes Office did evaluate and cited the owner on the debris. They

will return this week and give an additional citation if the grass has not been maintained. The Commissioner of Planning and Development will follow up.

Deputy Supervisor Edick then asked if anyone wished to address the Board on any items not on the agenda.

Wendy Beattie-Cappa of Grange Road explained that the neighbor at 4859 Grange Road has flood lights that shine directly into her bedroom. She added that she has been in contact with the planning department. Ms. Beattie-Cappa stated that she would like to be contacted by someone to rectify this situation. She submitted a letter further explaining her discomfort as well as a copy of the code section 140-4 highlighting item E-4.

No one else addressed the board on any items that are not on the agenda.

REGULAR MEETING:

Zone Change (SEQR) - Town Board Case # 1032 EAGLEWOOD ASSOCIATES, INC. and THE ESTATE OF DOROTHY LEPINSKE, DAVID LEPINSKE, EXECUTOR:

Councilor Weaver moved the adoption of a resolution that the application of **EAGLEWOOD ASSOCIATES, INC. and THE ESTATE OF DOROTHY LEPINSKE, DAVID LEPINSKE, EXECUTOR** for a change of zone from **RA-100 Residential/Agricultural District** to **R-15 One-Family Residential** on properties located on **Maple Road, Tax Map No. 063.-01- 05.0** consisting of **108.09± acres** and **4834 Grange Road, Tax Map No. 063.-01-06.0**, consisting of **32.64±.acres** is a Type I Action with a completed Long Form EAF and Traffic Study (by previous action of this Board a DEIS was not required). The proposed project will not have a significant effect on the environment. Motion was seconded by Councilor Bray.

Ayes-6 and Noes-0. *Motion carried.*

Zone Change (A/D) - Town Board Case # 1032 EAGLEWOOD ASSOCIATES, INC. and THE ESTATE OF DOROTHY LEPINSKE, DAVID LEPINSKE, EXECUTOR:

Councilor Weaver moved the adoption of a resolution approving the application of **EAGLEWOOD ASSOCIATES, INC. and THE ESTATE OF DOROTHY LEPINSKE, DAVID LEPINSKE, EXECUTOR** for a change of zone from **RA-100 Residential/Agricultural District** to **R-15 One-Family Residential** on properties located on **Maple Road, Tax Map No. 063.-01- 05.0** consisting of

108.09± acres and 4834 Grange Road, Tax Map No. 063.-01-06.0, consisting of **32.64±.acres**. Motion was seconded by Councilor Johnson.

Ayes-6 and Noes-0. *Motion carried.*

Zone Change (PH) - Town Board Case # 1033 Farone and Son Funeral Home and Red Barn Country, LLC:

A public hearing to consider the application of **FARONE & SON FUNERAL HOME** and **RED BARN COUNTRY, LLC** for a change of zone from **R-10 One Family Residential District** to **NC-1 Neighborhood Commercial District** on property located at **7353± Buckley Road, Tax Map No. 107.-05-46.1.**, was opened by the Deputy Supervisor. Proof of publication and posting was furnished by the Town Clerk. (Adjourned to this date and time at the 05-07-12 Town Board Meeting).

Deputy Supervisor Edick began by saying that he would like to close the public hearing tonight.

Hal Romans, Joe Farone, Robert Ventre and Gordan Stansbury were present on behalf of the applicant.

Mr. Stansbury began by explaining that he wished to address the traffic questions and concerns that were raised at earlier meetings.

Mr. Stansbury said that the findings from counting traffic at two separate funerals are consistent with the estimate of traffic that would be generated.

There was a lengthy discussion about the traffic and drainage. Many of the residents spoke out against this zone change, noting their concerns about the traffic and drainage. Denise Murray produced pictures from a funeral at the Pirro Funeral Home further south on Buckley Road. Ms. Murray pointed out the large number of cars at this funeral.

Deputy Supervisor Edick asked if there were any more questions, hearing none he **closed** the public hearing.

Meeting Dates (cancellations and rescheduling):

Councilor Bick moved the adoption of a resolution **cancelling** the **November 5th, 2012 Town Board Meeting** and rescheduling same for **Wednesday, November 7th, 2012**, due to accommodating the Onondaga County Board of Elections, in setting up for **Election Day, November 6th, 2012**. Motion was seconded by Councilor Bray.

Ayes-6 and Noes-0. *Motion carried.*

Fire Hydrants - Gaskin Road Water Supply District, Extension No. 1:

Councilor Young moved the adoption of a resolution authorizing the installation of a fire hydrant in the **Gaskin Road Water Supply District, Extension No. 1** and authorizing the Supervisor to execute the OCWA fire hydrant application for **Rivers Pointe Apartments**, a.k.a Clay North Apartments, (Hydrant No. 13006). Motion was seconded by Councilor Weaver.

Ayes-6 and Noes-0. *Motion carried.*

Agreement - LIVERPOOL CENTRAL SCHOOL DISTRICT:

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 year and shall extend from **June 25th, 2012** thru **August 25th, 2012**, at a cost of approximately **\$2,986.25**. Motion was seconded by Councilor Bray.

Ayes-6 and Noes-0. *Motion carried.*

Zone Change (CPH) - Town Board Case # 1038 - VITO BARLETTA:

Councilor Bray moved the adoption of a resolution calling a public hearing **June 18th, 2012** commencing at **7:35 P.M.**, local time 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**. Motion was seconded by Councilor Bick.

Ayes-6 and Noes-0. *Motion carried.*

**Traffic & Vehicles (Stop Signs) (CPH) - LONA LANE, LYLE DRIVE
FUCHSIA PATH, LILITH LANE, LOLA DRIVE and JUSTIN DRIVE:**

Councilor Johnson moved the adoption of a resolution calling a public hearing **June 18th, 2012** commencing at **7:38 P.M.**, local time, 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. Motion was seconded by Councilor Bick.

Ayes-6 and Noes-0. *Motion carried.*

Ordinance No. 1 of 2012 - Chapter 78 entitled "BRUSH, GRASS, RUBBISH AND WEEDS":

Councilor Johnson moved the adoption of a resolution calling a public hearing **June 18th, 2012**, commencing at **7:41 P.M.**, local, to consider proposed **Ordinance 2012-01** to amend **Chapter 78** entitled "**BRUSH, GRASS, RUBBISH AND WEEDS**", by adding to **Section 78-6, Work done by town;** to include any legal and administrative fees to such section and to add such fee amount to **Chapter 105 Schedule of Fees** to the Code of the Town of Clay. Motion was seconded by Councilor Bray.

Ayes-5 and Noes-1. Councilor Bick- Opposed. *Motion carried.*

Ordinance No. 2 of 2012 - Chapter 216 entitled "VEHICLES, ABANDONED, JUNKED OR INOPERATIVE":

Councilor Johnson moved the adoption of a resolution calling a public hearing **June 18th, 2012**, commencing at **7:44 P.M.**, local, to consider proposed **Ordinance 2012-02** to amend **Chapter 216** entitled "**VEHICLES, ABANDONED, JUNKED OR INOPERATIVE**" by adding to **Section 216-3B. Removal Procedure** - to include any legal and administrative fees to such section and to add such fee amount to **Chapter 105 Schedule of Fees** to the Code of the Town of Clay. Motion was seconded by Councilor Bray.

Ayes-5 and Noes-1. Councilor Bick- Opposed. *Motion carried.*

Local Law No. of the Year 2012 (CPH) - Chapter 86 entitled "BUILDING, UNSAFE":

Councilor Bray moved the adoption of a resolution calling a public hearing **June 18th, 2012**, commencing at **7:47 P.M.**, local, to consider proposed **Local Law of the Year 2012** to amend **Chapter 86** entitled "**BUILDING, UNSAFE**" by adding to **Section 86-12 D. Emergency Work done by town** and to **Section 86-15 Assessment and lien**, to include any legal and administrative fees and to add such fee amount to **Chapter 105 Schedule of Fees** to the Code of the Town of Clay. Motion was seconded by Councilor Weaver.

Ayes-5 and Noes-1. Councilor Bick- Opposed. *Motion carried.*

Authorization - Length of Service Award Program ("LOSAP"):

Councilor Young moved the adoption of a resolution authorizing additional funding of the **Length of Service Award Program ("LOSAP")** for **Clay Volunteer Fire Department, Moyers Corners Fire Department** and the **Clay portion of the Village of North Syracuse Fire Department** firefighters pursuant to a written Determination of the U.S. Equal Employment Opportunity Commission dated January 9th, 2009 (EEOC Charge Number 525-2008-00676, et. l.) which established that although the Town of Clay complied with the LOSAP laws as written by the State Legislature and adopted in 1991, additional benefits for firefighters who reached age 62 and continued to earn the requisite credits are owed by the Town to the firefighters. The EEOC has been supplied with a list of eligible firefighters, years and benefit analysis. Accordingly, the Town intends to pay additional funds to the LOSAP insurance carrier ("VFIS"-Volunteer Fire Insurance Services) for the additional benefits and interest over a five (5) year period until the back benefits are paid. The Town Attorney has requested a release from the EEOC. This resolution also further authorizes the Supervisor and/or Town Clerk as administrator to execute documents and take any other necessary action to resolve this claim and matter. Motion was seconded by Councilor Bick.

Ayes-6 and Noes-0. *Motion carried.*

Authorization - Cluster Development - COR VERPLANK ROAD COMPANY LLC:

Councilor Johnson moved the adoption of a resolution that the Town of Clay Town Board authorizes the Town of Clay Planning Board to consider and process an application for a cluster development.

WHEREAS an application for Preliminary Plat approval currently pending, and known as **COR VERPLANK ROAD COMPANY LLC**, which application proposes a total of 90+/- acres comprised of 107 residential building lots on a parcel of land located west of Route 481, south side of Ver Plank Road, and north of COR Center (Tax Map No.: 021.-01-02.3), and

NOW, THEREFORE, BE IT RESOLVED that the said application be and the same hereby is referred to the Planning Board of the Town of Clay for its examination and approval pursuant to the Town of Clay Zoning Code.

Councilor Bray asked how many homes will be clustered and how many will be in the R-15 zone. Mr. Romans said that there are 107 clustered and 116 in the R-15 non-clustered plan. Councilor Bray noted that the reduction in the number of residential sites in the clustered plan was acceptable and that she favored passing

the cluster proposal on to the Planning Board. She pointed out that although the cluster proposal followed the standards and dimensions of an R-10 zoning classification the site remains within the R-15 zoning classification.

She stated that in the course of the presentation the applicant had made reference to creating a *HOA (Home Owners Association)* that will take ownership of the open land within the site. She added that approval of the plan be contingent upon the HOA condition and that compliance be encouraged.

Councilor Edick added that he would like to make sure that there are berms in place with lush trees. He also stated that he would like the driveways to be complete.

Councilor Johnson added the following conditions to the Resolution:

That the **OPEN SPACE** will be maintained by the **HOA (HOME OWNERS ASSOCIATION)** and at no time will become the responsibility of the TOWN OF CLAY and

That the Planning Board will require appropriate planting on the berm.

Motion was seconded by Councilor Young.

Ayes-6 and Noes-0. *Motion carried.*

Adjournment:

The meeting was adjourned at 8:26 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

Ayes-6 and Noes-0. *Motion carried.*