

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 5<sup>th</sup> of March, 2012 at 7:30 P.M., there were:

**PRESENT:**

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

**ABSENT:**

William C. Weaver	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 Bray moved the adoption of a resolution to **Approve** the Minutes of the **February 6<sup>th</sup>, 2012** Town Board Meeting. Motion was seconded by Councilor Edick

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

**Cancellation and/or requested adjournments.**

None

**Correspondence:**

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

No one responded.

**REGULAR MEETING:**

**Local Law No. 1 of the Year 2012 (SEQR)Chapter 230 entitled Zoning, Section 230-11:**

Councilor Bick moved the adoption of a resolution that the application of proposed local law to be entitled "**LOCAL LAW NO. 1 OF THE YEAR 2012 to Amend Chapter 230 entitled "ZONING", Section 230-11 Terms defined, paragraph C** to add the term, **Motor Vehicles Sales Limited**, and to amend **Sections 230-16B. (2)(e); 230-16C.(2)(e); 230-16D.(2)(e); 230-17C.(2)(e)** and renumber categories accordingly in order to allow indoor sales of **Motor Vehicles Sales (Limited)** with a Special Permit to the Code of the Town of Clay", 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-6 and Noes-0. *Motion carried.*

**Local Law No. 1 of the Year 2012 (A)Chapter 230 entitled Zoning, Section 230-11:**

Councilor Bick moved the adoption of a resolution approving proposed **LOCAL LAW NO. 1 OF THE YEAR 2012 to Amend Chapter 230 entitled "ZONING", Section 230-11 Terms defined, paragraph C** to add the term, **Motor Vehicles Sales Limited**, and to amend **Sections 230-16B. (2)(e); 230-16C.(2)(e); 230-16D.(2)(e); 230-17C.(2)(e)** and renumber categories accordingly in order to allow indoor sales of **Motor Vehicles Sales (Limited)** with a Special Permit to the Code of the Town of Clay. Motion was seconded by Councilor Edick

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

**Zone Change (PH)Town Board Case # 1032 - EAGLEWOOD ASSOC. INC.:**

A public hearing to consider the application of **EAGLEWOOD ASSOCIATES, INC.** and **THE ESTATE OF DOROTHY LEPINSKE, DAVID LEPINSKE, EXECUTOR** for a change of zone **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.

Hal Romans, Mike Bragman Sr. and Mike Bragman Jr. were present for the applicant. Mr. Romans began by explaining that this property is located on the Lepinske farm. The project is cosponsored by the Bragmans' and David Lepinske.

The proposal will also include a request to allow clustering. In addition the applicant is proposing significant green space which will allow for less highway and infrastructure.

Mr. Bragman Sr. gave a brief background. He began by explaining that the property had been owned by Ferdinand 'Bud' Lepinske, an 84 year resident of the Town of Clay. Mr. Lepinske had been very involved with the town on many levels, therefore Mr. Bragman continued, it is essential to protect the integrity of the land by planning for so much green space.

Mr. Bragman continued by giving an overview of the Bragman Companies, which were created in 1986. He added that they have developed over 1,000 home sites in the northern properties.

Mr. Bragman continued by explaining that they are proposing no access from Grange Road and that there will be a buffer of green space along Grange Road. The Lepinske homestead will remain and there will be additional green space. The Town will determine where the "clustering" will take place and the Board will participate in the various phases of the project.

The traffic study is complete and being reviewed by the County Department Of Transportation. Mr. Romans provided a density report based on 226 lots at R-15. The applicant is proposing 225 homes and estimating that it will take 6-8 years for completion of the project. Mr. Romans continued that the homes will be on sanitary sewers. There will be a large amount of green space and maintain the look of the homestead.

Supervisor Ulatowski asked how much of the parcel will be green space. Mr. Romans stated approximately 24% or 35 acres. The green space will not be parks that will require maintenance and the maintenance will be provided by the developer and later to be taken over by the home owners as outlined in a simple Home Owners Association.

Supervisor Ulatowski asked about the access points and Mr. Romans stated that the plan shows three but it may be reduced to two.

Councilor Edick inquired about the roads and if they had looked into using some material other than concrete gutters. Mr. Bragman Jr. stated that there are pilot projects that are deleting the concrete gutters instead using kick ups or asphalt tip ups or nothing at all. He added that it is burdensome and costly to do spot replacements. Mr. Romans added that they will work with the Town suggesting perhaps pervious pavement on the outside to allow for better drainage.

There was a discussion about the green space reiterating that the green space will not be a park or ball field but more of a natural preserve. Councilor Bray asked them to clarify that it will never be the Towns responsibility to maintain. Again it was stated that the green space will initially be maintained by the developer and later by the HOA.

David Barclay of 8530 Maple Road asked about the size of the lots. Mr. Romans stated that the average lot size is 15,000 square feet but with the clustering the lot size is reduced to 10,000 square feet with a significant amount of green space adding that Mr. Barclays lot will be surrounded by green space.

Cathy Deboer of 4827 Grange Road asked about the drainage adding that there is currently flooding from the Lepinske property. Mr. Romans explained that the new DEC storm water regulations insist that new drainage systems must be designed to improve current drainage conditions. Mr. Detota gave a brief synopsis of storm water management. Councilor Edick concurred adding that typically properties have better drainage after new development.

Chuck Cappa of 4855 Grange Road asked about the possibility of hooking up to sewers. Mr. Romans stated that they will be on septic at this point.

Councilor Johnson explained that the developer is requesting a zone change and it is up to the discretion of the Town Board to determine if clustering is an appropriate use for this parcel. Then it will go to the Planning Board to plan the details. Mr. Johnson explained that there will be many public hearings that the residents can get involved in throughout this process.

Sherry Gates asked how many feet deep the green space will be. Mr. Bragman said that it will be a minimum of 200' to a maximum of 500' adding that they are eager to work with the residents and urged them to contact him as well as checking out other projects.

Supervisor Ulatowski asked if there were anymore questions, hearing none he adjourned the public hearing to March 19, 2012 at 7:38 P.M.

**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.-01-2.3** consisting of **77.19±** acres of land, located on **VerPlank Road** and being part of **Tax Map No. 021.-01-03.4** being land located at **3950 VerPlank 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 VerPlank Road**. (Adjourned to this date and time at the January 18th, 2012 Town Board Meeting) was opened by the Supervisor. Proof of publication and posting was furnished by the clerk.

Kate Johnson was present for the applicant. Ms. Johnson began by explaining that they have resolved the issues that were brought up in the previous meetings. The zone change and clustering will provide a transition from the commercial to residential to less dense residential. In addition there will be a buffer that will allow for green space. There will be no connection to VerPlank Road as the County DOT will not allow connection at this time. There will be 32% green space that will be maintained by COR Development. The applicant stated that there will be landscaping along VerPlank Road. This will be a pedestrian friendly environment with walking trails that will be maintained by COR.

Mary Hall-Fisk of VerPlank Road expressed her concerns regarding the water flow onto her property. She continued that the livestock regularly drinks from the water that flows to her property and is concerned with the chemicals that may be contaminating her animals, adding that the water should be contained at the other side of the road.

Alex Wisnewski explained that with the new state and federal guidelines, better measures must be taken for storm water. He added that such development in conjunction with the Clean Water Act promotes water improvement (water quality and quantity).

Supervisor Ulatowski asked if there were anymore questions and there none.

Councilor Bray made a motion to adjourn this public hearing until March 19, 2012 at 7:41 P.M. Motion was seconded by Councilor Bick.

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

**ONONDAGA COUNTY COMMUNITY DEVELOPMENT DIVISION for the year 2012 (PH):**

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 **2012** was opened by the Supervisor. Proof of publication and posting was furnished by the clerk.

Supervisor Ulatowski began by explaining that the town has been granted \$50,000.00 for reconstruction of some of the town roads in low income

neighborhoods. These include: Belmont Drive, Candle Light Lane, Candle Light Circle and Arlington Circle.

Supervisor Ulatowski explained that funding for paving of other roads comes from the general fund. He asked if there were any questions or comments. Hearing none he closed the public hearing.

**BOARD of ELECTIONS - County of Onondaga Division of Purchase:**

Supervisor Ulatowski stated that the Board would not move on this item at this time as they were investigating it further.

**Bid Advertisement - DEMOLITION OF THE HOUSE ONLY, LOCATED AT 9604 BLACK CREEK ROAD, BREWERTON, NEW YORK(TOWN OF CLAY):**

Councilor Edick moved the adoption of a resolution authorizing the advertisement of bids for the **DEMOLITION OF THE HOUSE ONLY, LOCATED AT 9604 BLACK CREEK ROAD, BREWERTON, NEW YORK – (TOWN OF CLAY)**. Said Bids to be received at the Office of the Purchasing Director, County of Onondaga, 421 Montgomery Street, Syracuse, New York 13202, until two (2) o'clock P.M., (local time) on **March 30th, 2012, at 2:00 P.M.**, local time. Motion was seconded by Councilor Bick

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

**Appointment - Lead Agency/Onondaga County :**

Councilor Edick moved the adoption of a resolution appointing the County of Onondaga as Lead Agency with respect to the **Demolition of the House Only, located at 9604 Black Creek Road, Brewerton, New York- (Town of Clay)**. Motion was seconded by Councilor Bick

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

**Agreement/Authorization - SHARED MUNICIPAL SERVICE INCENTIVE:**

Councilor Johnson moved the adoption of a resolution authorizing an **Application For A New York State Shared Municipal Services Incentive Grant To Offset Expenses Incurred By Onondaga County In The Implementation Of Shared Purchasing Services With Various Municipal Subdivisions, And Authorizing The Supervisor To Enter Into Agreements To Implement This Resolution**. Motion was seconded by Councilor Bick

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

**Bond Resolution - Refunding:**

Councilor Young moved the adoption of a **Refunding Bond Resolution**, pursuant to Section 90.00 or 90.10 of the Local Finance Law of Refunding Bonds of the Town of Clay, Onondaga County, New York, to be designated substantially “Public Improvement Refunding (Serial) Bonds”, and providing for other matters in relation thereto and the payment of the Bonds to be refunded thereby. Supervisor Ulatowski elaborated that by renegotiating the bonds held by the town will save the town \$690,000.00 over the next 17 years. Motion was seconded by Councilor Bray.

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

**Authorization/Agreement - TOWN OF CLAY LANDFILL POST CLOSURE ENVIRONMENTAL MONITORING PROGRAM:**

Councilor Edick moved the adoption of a resolution authorizing the Supervisor to execute a contract with **C & S ENGINEERS, INC.**, for services to be rendered for the year **2012** in compliance with the DEC Regulations for the **TOWN OF CLAY LANDFILL POST CLOSURE ENVIRONMENTAL MONITORING PROGRAM**. Said services not to exceed the sum of **\$22,082.00**, which amount includes an estimated **\$11,968.00** for laboratory testing. Motion was seconded by Councilor Johnson.

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

**Appointment - MOYERS CORNERS FIRE DEPARTMENT:**

Councilor Young moved the adoption of a resolution approving the appointment of **ANDREW CHRISTIANSEN – STATION 2** and **JOSHUA BUCHALSKI** and **DEREK NATOLI – STATION 4** as volunteer members of the **MOYERS CORNERS FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Edick.

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

**Agreement - GROUP ONE DEVELOPMENT, LLC, /NORTHFORK SECTION NO. 2 PHASE 2 SUBDIVISION:**

Councilor Bray moved the adoption of a resolution approving and authorizing the Supervisor to enter into an Agreement on behalf of the Town with **GROUP ONE DEVELOPMENT, LLC**, for the development of **NORTHFORK SECTION NO. 2 PHASE 2 SUBDIVISION**. Motion was seconded by Councilor Johnson.

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

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

Councilor Johnson moved the adoption of a resolution calling a public hearing **April 2nd, 2012**, commencing at **7:35 P.M.**, local time, 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**. Motion was seconded by Councilor Edick.

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

**Project/Drainage (CPH) Northfork Section No. 2 Phase 2 Subdivision:**

Councilor Bray moved the adoption of a resolution calling a public hearing **April 2nd, 2012**, commencing at **7:38 P.M.**, to consider a petition for the construction and acquisition of a lateral drainage system located within the Northfork Drainage District within the Town of Clay to be designated and known as **Northfork Drainage District, Contract No. 2 Lateral** within the **Northfork Section No. 2 Phase 2 Subdivision**. Motion was seconded by Councilor Young.

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

**Zone Change (CPH) Town Board Case # 1035 - Kristin Purcell:**

Councilor Johnson moved the adoption of a resolution calling a public hearing **April 2nd, 2012**, commencing at **7:41 P.M.**, local time, to consider the application of **Kristin Purcell** for a change of zone from **RA-100 Residential/Agricultural District** to **O-1 Office District** on property located at **7897 Oswego Road, Tax Map No. 080.-01-07.0**. Motion was seconded by Councilor Bick.

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

**Project/Securities (posting) - WALGREEN'S PROJECT - TAFT AND BUCKLEY ROADS SITE:**

Councilor Young moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of drainage facilities located within **WALGREEN'S PROJECT - TAFT AND BUCKLEY ROADS SITE** (Walgreen's Drainage District, Contract No. 1) and the construction of said facilities having been completed in accordance with the Plans and Specifications thereof; the Town Engineers having certified that the facilities have been satisfactorily completed and that the developer post the following security **\$1,000.00 Maintenance Guarantee**; and **\$600.00 for Future Engineering**

**Inspection Fees and \$650.00 for administrative fees any current unpaid fees that may be owed to the Town of Clay** for engineering, legal and administrative fees and further contingent upon the developer having complied with all the requirements set forth in an Agreement between the Town of Clay and **CHARLES L. HAFNER, CAC REALTY ASSOCIATES, and HAFNER REALTY, LLC**, that the Town accept title to such facilities. Motion was seconded by Councilor Bray.

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

**Project/ Easement - WALGREEN'S PROJECT – TAFT AND BUCKLEY ROAD SITE:**

Councilor Young moved the adoption of a resolution accepting the easement for drainage facilities located within the **WALGREEN'S PROJECT – TAFT AND BUCKLEY ROAD SITE** from **CAC REALTY ASSOCIATES** and/or

**CHARLES L. HAFNER** all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated **September 13, 2005**, last revised **February 04, 2009**, and further a Declaration of Easement from **CAC REALTY ASSOCIATES** and/or **CHARLES L. HAFNER** for cross easements for said lots, ingress and egress to and from Allen Road, West Taft Road and Buckley Road, which public highways are adjacent to one or both of said lots. Motion was seconded by Councilor Bray.

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

**Adjournment:**

The meeting was adjourned at 9:28 P.M. upon motion by Councilor Bray and seconded by Councilor Edick.

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