

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 1<sup>st</sup> of October, 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
Doug Wickman	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 September 17<sup>th</sup> 2012 Town Board Meeting. Motion was seconded by Councilor Young.

Ayes-7 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.

There were no questions or comments.

**Presentation of the TOWN OF CLAY TENTATIVE BUDGET:**

The Town Clerk presented the **2013 TOWN OF CLAY TENTATIVE BUDGET** to the Town Board members pursuant to Town Law.

Supervisor Ulatowski explained that this is the first opportunity that the Town Board has to review the **tentative** budget.

**Special Permit (SEQR) Town Board Case # 1042 - PLUS REAL ESTATE, LLC:**

Councilor Johnson moved the adoption of a resolution that the application of **PLUS REAL ESTATE, LLC** for a **Special Permit To Allow A Medical Office** on part of a building owned by Avon Office Park, LLC., located at **7449 Morgan Road, (being part of Tax Map No. 104.-03-15.5 – consisting of a 3,700 Sq. Ft. Non-medical office)**, and zoned O-2 office district, 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. *Motion carried.*

**Special Permit (A) Town Board Case # 1042 - PLUS REAL ESTATE, LLC:**

Councilor Johnson moved the adoption of a resolution approving the application of **PLUS REAL ESTATE, LLC** for a **Special Permit To Allow A Medical Office** on part of a building owned by Avon Office Park, LLC., located at **7449 Morgan Road, (being part of Tax Map No. 104.-03-15.5 – consisting of a 3,700 Sq. Ft. Non-medical office)**, and zoned O-2 office district. Motion was seconded by Councilor Bick.

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

**Local Law No. 4 of the Year 2012 (SEQR) - Chapter 230 entitled "ZONING":**

Councilor Bray moved the adoption of a resolution that the application of proposed **LOCAL LAW NO. 4 OF THE YEAR 2012** to amend **CHAPTER 230** entitled “**ZONING**” by repealing the present **§230-26F** and adding a new **§230-26F** to be entitled “**CLUSTER DEVELOPMENT;**” in order to conform with recent changes in the NYS Stormwater Management Design Manual and other requirements, 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 Bick.

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

**Local Law No. 4 of the Year 2012 (A) - Chapter 230 entitled "ZONING":**

Councilor Bray moved the adoption of a resolution **approving** proposed **LOCAL LAW NO. 4 OF THE YEAR 2012** to amend **CHAPTER 230** entitled “**ZONING**” by repealing the present **§230-26F** and adding a new **§230-26F** to be entitled “**CLUSTER DEVELOPMENT;**” in order to conform with recent changes in the NYS Stormwater Management Design Manual and other requirements, to the Code of the Town Of Clay. Motion was seconded by Councilor Edick.

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

**Zone Change (PH) Town Board Case # 1044 - MATTHEW J. RAHALSKI:**

A public hearing to consider the application of **MATTHEW RAHALSKI** for a change of Zone from **LuC-1 Limited Use District For Gasoline Services** to **HC-1 Highway Commercial District** at the address located at **7459 Morgan Road, Tax Map No. 104.-03-14.0**, to allow for commercial uses on the property was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Mr. Rahalski spoke on his own behalf. He began by explaining that he was seeking a zone change for the property located at 7459 Morgan Road so that Auto Body Repair could be included in the services offered. He stated that there will be no significant changes. Supervisor Ulatowski asked if the applicant planned to sell or lease the property. Mr. Rahalski said that he plans to lease and is seeking the zone change based on a prospective tenant. He added that there will be inside repairs only and that there will be a gated privacy fence to conceal automotive parts.

Councilor Johnson asked if the applicant needed to obtain a variance for the lot size and Mr. Rahalski replied that he has applied for one.

Joyce Cerito of Bayberry stated that any improvement to the parcel would be good as it has remained unused for a long time.

Supervisor Ulatowski said that he would refer it to the Planning Board for recommendation and **adjourn** it to the **October 15<sup>th</sup>** meeting at **7:35**.

A motion was made by Councilor Johnson and seconded by Councilor Bick to adjourn this public hearing until October 15, 2012 at 7:35 P.M.

**Local Law No. 5 of the Year 2012 (PH) - TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C**

A public hearing to consider adding a proposed Local Law to be entitled **“LOCAL LAW NO. 5 OF THE YEAR 2012 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C”** to the code of the Town of Clay was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski explained that this law is necessary to balance the budget with regard to the Governors 2% tax cap.

John Luck of Steppingstone Lane asked if the Town would limit the amount over the cap and if the Supervisor had searched for ways to reduce our spending. Supervisor Ulatowski answered that the budget is near the 2% mark now and that this law is precautionary. He further explained that there have been reductions in positions that are not being replaced. He added that there are many expenses that are beyond his control such as the cost for fuel and salt and the wages and benefits and that he is working to provide an efficient and responsible budget staying as close or under the 2% cap as possible.

Supervisor Ulatowski asked if there were anymore questions, hearing none he closed that public hearing.

**Zone Change (PH) - LAKEWOOD DEVELOPMENT, LLC:**

A public hearing to consider the application of **LAKEWOOD DEVELOPMENT, LLC** and **RICHARD L** and **ARLENE DESOCIO** for a change of zone from **R-100 Residential Agricultural District** to **R-SR Senior Residence District** on property located at **8198 Soule Road, Tax Map No. 068.-29-22**. (Adjourned to this date and time from the 09-17-12 Town Board Meeting) was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Hal Romans and Sue Kimmel were present to speak on behalf of this application.

Mr. Romans began by reiterating that the applicant is requesting a zone change for the purpose of 35 units of senior housing. He stated that with the requested zone change they could build 57 units but are limiting it to 35. He indicated where the snow would be stored adding that if it is not adequate it will be trucked out. The drainage will be maintained by dry swales and the lighting will not spill onto other property. He added that the 5 buildings of 3 unit townhouses as well as the 2 story apartment building will have no negative impact on the existing wetlands. Supervisor Ulatowski asked what percent of the parcel will be covered by buildings or asphalt. Mr. Romans said 50%. Councilor Bick asked what percent was covered by wetlands and Mr. Romans said that 25%. There was a discussion about the drainage that will occur through under drains under the grass.

Ms. Kimmel said that the wait list for the Toll Road apartments is 2-4 years. The apartments are not subsidized but must meet income requirements.

Sue Reycraft said that her friend lives near the Toll Road Complex and that the lighting is bothersome. Supervisor Ulatowski explained that the lighting will be addressed by the Planning Board should this application be approved. In addition if the requirements are not maintained the Codes Officer would follow up and deliver a notice of violation

Karen Kendal of Anlane Circle asked why that location was chosen by the applicant. Supervisor Ulatowski reiterated that the applicant/developer may choose the site and that it is up to the Board to entertain what is proposed and not to steer them to any specific site. Ms Kendal continued, suggesting other properties that are available. Mike Bragman Jr. interjected that there are several factors that are considered when a developer looks at a property including the cost of the parcel.

Frank Anastas of Metauro Drive asked why the newspaper said that this had been voted down. Supervisor Ulatowski stated that the Planning Board had voted 4-3 against this however it is only up to that Board to provide a recommendation to the Town Board, who ultimately decides. Mr. Anastas insisted that the newspaper stated that the Town Board had rejected it. The Supervisor stated that any decision must come from the Town Board and it will be done so in a public forum.

The residents spoke out against this zone change, especially regarding traffic, the safety of children, drainage and devalue of properties.

Supervisor Ulatowski said that he would **close the public hearing**.

**BULK STORAGE TREMINAL - PHASE 2 - release payment:**

Councilor Young moved the adoption of a resolution authorizing the Town of Clay to release and pay the moneys retained, due to Sullivan Contracting, Inc., in the amount of \$2,998.05, for asbestos remediation and building demolition at the former **CIBRO BULK STORAGE TREMINAL - PHASE 2**, located at **3414 MAIDER ROAD, TOWN OF CLAY**. Motion was seconded by Councilor Bray.

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

**Traffic & Vehicles - Stop Sign(s) (CPH):**

Councilor Bick moved the adoption of a resolution calling a public hearing **October 15, 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 **2 STOP SIGNS** to be installed at the northeast and southeast corners of **Laser Drive** where it intersects with **Dell Center Drive**; and the **installation of the necessary signs therefore**. Motion was seconded by Councilor Edick.

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

**Agreement - Hancock and Estabrook, LLP re: LOSAP Suit:**

Councilor Edick moved the adoption of a resolution hiring Hancock and Estabrook, LLC to jointly defend a suit filed in the Federal Court of the Northern District of New York State, by the Equal Employment Opportunity Commission regarding the Length of Service Award Program ("LOSAP") for firefighters. Defense efforts and costs will be shared equally by the Town of Clay, the Village of North Syracuse and the Town of Cicero in the matter and will be billed in accordance with negotiated rates defined in a letter dated September 26, 2012, from Timothy Murphy, Esq. Unfortunately, this action is necessary even though this municipality has fully cooperated with conciliation, and this Board previously agreed to settle the LOSAP issue with the EEOC. This resolution also authorizes the execution of any and all documents necessary to carry out the intent of this resolution. Motion was seconded by Councilor Bray.

Ayes-6 and Noes-1. *Motion carried. Councilor Young voted no stating that he would like to see a copy of the letter sent by Mr. Murphy.*

**Adjournment:**

The meeting was adjourned at 8:50 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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