

**APPROVED**

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 February, 2018 at 7:30 P.M., there were:

**PRESENT:**

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
David Hess	Councilor
Brian Hall	Councilor
Kevin Meaker	Councilor
Ryan Pleskach	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

**ABSENT:**

Eugene Young	Councilor
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**OTHERS PRESENT:**

Russ Mitchell; Chairman of the Planning Board & Dorothy Heller; Town Historian.

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 Hess made a motion to approve the minutes of the January 17<sup>th</sup>, 2018 meeting. Motion was seconded by Councilor Pleskach.

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

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski said that he knew of no adjournments or requests for cancellations, however item number 12 would not be heard as they are researching it further and will be heard at a later meeting.

**Correspondence:**

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

Nancy Kinnetz of 7514 Plum Hollow Circle explained that she was present with her high school aged daughter as a requirement for Participation in Government class. She continued that the teacher suggested that she go to the web page to read

previous minutes. Ms. Kinnetz said that the minutes are behind and wondered when they will be current. The Town Clerk explained that she is aware of this and is unable to update the Town Clerks section of the Town of Clay webpage since the installation of new computers and software. She said that she has spoken to the IT professionals who have assured her that they are working on the Town of Clay website. She continued that she would be happy to mail any approved minutes to Miss Kinnetz.

### **REGULAR MEETING**

Supervisor Ulatowski explained that due to the posted time for the public hearing he would skip it until the posted time and proceed with the rest of the agenda.

### **Special Permit (PH/Adj.) Town Board Case # 1121 - DEVIN DAL POS LAKER DEVELOPMENT GROUP, LLC & AILEEN SCHMIDT:**

A public hearing to consider the application of **DEVIN DAL POS LAKER DEVELOPMENT GROUP, LLC & AILEEN SCHMIDT FOR A SPECIAL PERMIT** pursuant to **Section 203-16C. (2) (E) [2]** to allow for a drive thru for Starbucks, on vacant land located at **3820-3848 State Route 31, Tax Map No. 053.-01-19.1**, consisting of approximately 6.049± acres of land. (Adjourned to this date and time from the January 17, 2018 Town Board Meeting) was opened by the Supervisor.

Lisa Wennberg and Ed Keplinger of Keplinger Freeman Associates were present on behalf of the applicant. Ms. Wennberg began by going over the changes that the Planning Board suggested. Basically the traffic for the drive thru has been modified and the signage improved to better direct motorists. In addition, the island is a little wider. Overall the Planning Board gave a positive recommendation for this special permit. Councilor Hess said that he liked the improvements.

Ms. Wennberg asked if the Town Board would consider making a decision tonight as there is only one meeting in February and the applicant is anxious to begin the project. Supervisor Ulatowski agreed in light of the situation and **closed** the public hearing.

### **Standard Workday Reporting for Elected/Appointed Officials:**

Councilor Bick moved the adoption of a resolution that the Town of Clay hereby establishes the standard work days for elected and appointed officials who choose to participate in the New York State Retirement System, and will report the days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by the officials to the Town Clerk of the Town of Clay, all as shown on a resolution to be filed in the Town Clerk's Office and posted on the Town of Clay website and posted on the Official Board

located at 4401 State Route 31, Clay, NY 13041 for not less than 30 days after the adoption of such resolution, as required by the State Comptroller’s Office. Motion was seconded by Councilor Hess.

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

**Authorizing/ Agreement – KRDD CLAY, LLC:**

Councilor Hall moved the adoption of a resolution authorizing the Supervisor to enter into an Agreement on behalf of the Town with **KRDD CLAY, LLC**, (the owner of a certain piece of property situated in the Town of Clay). The Owner has agreed to make additional improvements for stormwater infrastructure as set forth in “Exhibit A” of the agreement. A performance security will be posted in the amount not to exceed \$25,000 for the completion of stormwater improvements and completion of the installation of the top course of asphalt for all roads approved in Phase I of the Orange Commons Subdivision, and further authorizes the Supervisor to execute the necessary documents therefore. The agreement shall be approved as to form and content by the Town Attorney. Motion was seconded by Councilor Pleskach.

Ayes – 5 and Noes – 1. *Motion carried. Councilor Bick voting No.*

**Hydrants (3) - North End Commons:**

Councilor Hess moved the adoption of a resolution **approving** the installation of three (3) fire hydrants in **North End Commons** and authorizing the Supervisor to execute the OCWA fire hydrant application. **Fire Hydrant Nos. 14351, 14352 & 14353, OCWA Project No. 9003917.** (The Developer, Clay Holdings, LLC). Motion was seconded by Councilor Bick.

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

**Contract - TOWN OF CLAY LANDFILL POST CLOSURE ENVIRONMENTAL MONITORING PROGRAM:**

No Action.

**Project/ Securities (posting) - COUNTRY MEADOW SUBDIVISION SECTION I:**

Councilor Pleskach moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of sewer, drainage and facilities located within **COUNTRY MEADOW SUBDIVISION SECTION I**, (Country Meadow Sewer District Extension No. 1, Contract No. 3 - Lateral; Country Meadow Drainage District Extension No. 1, Contract No. 3 -

Lateral) and the construction of said facilities having been satisfactorily completed in accordance with the Plans and Specifications thereof; the Town Engineers having verified that the facilities have been satisfactorily completed and that the developer post the following security as shown under correspondence by the Town Engineers' under date of Feb 2, 2018: **Overland Drainage Facilities - \$25,000; Maintenance Guarantee - \$17,803** (\$9,870 Sewer and \$7,933 Drainage); **Highway - \$65,520; Monument Deposit - \$900; Parkland Contributions - \$14,000; Future Engineering/Inspection Fees - \$6,000;** and any other unpaid fees that may be owed by the Town of Clay for engineering, legal and/or 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 **J.M.G., INC.**, that the Town accept title to such facilities. Motion was seconded by Councilor Hess.

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

**Project/ Easement - COUNTRY MEADOW SUBDIVISION SECTION I:**

Councilor Pleskach moved the adoption of a resolution accepting easements for sewer and drainage facilities located within **COUNTRY MEADOW SUBDIVISION SECTION I**, (Country Meadow Sewer District Extension No. 1, Contract No. 3 - Lateral, and Country Meadow Drainage District Extension No. 1, Contract No. 3 - Lateral) all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated **October 24, 2016**. Motion was seconded by Councilor Hess.

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

**Project/ Warranty, Deed etc. - COUNTRY MEADOW SUBDIVISION SECTION I:**

Councilor Pleskach moved the adoption of a resolution accepting a Warranty Deed, Dedication, Application and Release of damages for the roads located within **COUNTRY MEADOW SUBDIVISION SECTION I**; from **J.M.G., INC.**, (Coyote Drive, Justin Drive, Johanna Drive and Silvia Path all having Permeable Shoulders). Motion was seconded by Councilor Bick.

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

**SPECIAL PERMIT (CPH) – Town Board Case # 1122 - WIDEWATERS FARRELL ROAD II COMPANY, LLC:**

Councilor Meaker moved the adoption of a resolution calling a public hearing **March 5, 2018**, commencing at **7:35 P.M.**, local time to consider the application of **WIDEWATERS FARRELL ROAD II COMPANY, LLC** for a **SPECIAL PERMIT**

pursuant to **Section 203-16C. (2) (e) [2]** to allow for two (2) separate drive-in services located on vacant land at **Tax Map No. 020.-01-05.1**, consisting of approximately 42.69± acres of land. Motion was seconded by Councilor Hall.

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

**ZONE CHANGE (CPH) – Town Board Case # 1123 - TIM QUIRK AND THE SUMMIT FEDERAL CREDIT UNION:**

Councilor Meaker moved the adoption of a resolution calling a public hearing **March 5, 2018**, commencing at **7:38 P.M.**, local time to consider the application of **TIM QUIRK AND THE SUMMIT FEDERAL CREDIT UNION, AS SUCCESSOR TO SYRACUSE POLICE FEDERAL CREDIT UNION** for a **ZONE CHANGE** from **NC-1 Neighborhood Commercial District** to **LuC-2 Limited Use Commercial District** to construct (renovate existing structure) and operate an Abbott's Frozen Custard Store located at **4336 Wetzel Road, Tax Map No. 086.-07-04.2**, consisting of approximately 2.73± acres of land. Motion was seconded by Councilor Hess.

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

**SPECIAL PERMIT (CPH) – Town Board Case # 1124 - AMERCO REAL ESTATE COMPANY:**

Councilor Hess moved the adoption of a resolution calling a public hearing **March 5, 2018**, commencing at **7:41 P.M.**, local time to consider the application of **AMERCO REAL ESTATE COMPANY** for a **SPECIAL PERMIT** pursuant to **Section 203-16C. (2) (e) [6]** to allow for the rental of U-Haul's on land located at **Tax Map No. 080.-01-01.0**, consisting of approximately 48.24± acres of land. Motion was seconded by Councilor Bick.

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

**Special Permit (SEQR) Town Board Case # 1121 - DEVIN DAL POS LAKER DEVELOPMENT GROUP, LLC & AILEEN SCHMIDT:**

Councilor Pleskach moved the adoption of a resolution that the application of **DEVIN DAL POS LAKER DEVELOPMENT GROUP, LLC & AILEEN SCHMIDT FOR A SPECIAL PERMIT** pursuant to **Section 203-16C. (2) (E) [2]** to allow for a Drive Thru for Starbucks, on vacant land located at **3820-3848 State Route 31, Tax Map No. 053.-01-19.1**, consisting of approximately 6.049± acres of land, 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 Hess.

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

**Special Permit (A) Town Board Case # 1121 - DEVIN DAL POS LAKER DEVELOPMENT GROUP, LLC & AILEEN SCHMIDT:**

Councilor Pleskach moved the adoption of a resolution approving the application of **DEVIN DAL POS LAKER DEVELOPMENT GROUP, LLC & AILEEN SCHMIDT FOR A SPECIAL PERMIT** pursuant to **Section 203-16C. (2) (E) [2]** to allow for a Drive Thru for Starbucks, on vacant land located at **3820-3848 State Route 31, Tax Map No. 053.-01-19.1**, consisting of approximately 6.049± acres of land. Motion was seconded by Councilor Bick.

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

**Proposed Settlement – Agreement (A) – Niagara Mohawk Power Corporation:**

Councilor Bick moved the adoption of a resolution **approving** a proposed Settlement Agreement between the Town of Clay and Niagara Mohawk Power Corporation d/b/a National Grid regarding the permitting and placement of three (3) small utility substations (commonly known as “Utica Racks”) within the Town. National Grid currently operates three Utica Rack voltage regulators within the Town. Clay instituted legal enforcement action against Nation Grid for placing the regulators in general right of way without proper permitting pursuant to Town Code for Utility Substations. The Settlement Agreement calls for National Grid to apply for permits, and for the relocation of the Buckley Road station at National Grid’s expense. The agreement is strictly contingent upon Nation Grid obtaining all required Town and County approvals and a dismissal of the pending Court action against National Grid. This resolution also authorizes the Supervisor to execute the agreement. Motion was seconded by Councilor Hall.

Ayes – 5 and Noes – 0 and 1 – Abstaining. *Motion carried. Councilor Hess abstained due to a conflict of interest.*

**Hydrants (2) – Allen Road:**

Councilor Meaker moved the adoption of a resolution **approving** the installation of additional fire hydrants on Allen Road. **Fire Hydrant Nos. 14345 & 14346, OCWA Project No. 4170075** and authorizing the Supervisor to execute the OCWA fire hydrant application. Motion was seconded by Councilor Pleskach.

Councilor Bick asked where the hydrants will be placed. Ron DeTota looked on the map and said that one will be placed near Butterfield Drive and the other near Hafner Drive.

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

**Adjournment:**

The meeting was adjourned at 7:55 P.M. upon motion by Councilor Pleskach and seconded by Councilor Bick.

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

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Jill Hageman-Clark RMC / Town Clerk