

**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 October, 2015 at 7:30 P.M., there were:

**PRESENT:**

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
Naomi R. Bray	Councilor
Jim Rowley	Councilor
Eugene Young	Councilor
David Hess	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
John Marzocchi	Town Attorney
Ron DeTota	Town Engineer

**ABSENT:**

William C. Weaver	Councilor
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**OTHERS PRESENT:**

Russ Mitchell – Planning Board member; 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 moved to **Approve** the Minutes of the September 21<sup>st</sup>, 2015 Town Board Meeting. Motion was seconded by Councilor Rowley.

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

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski said that he knew of no cancellations or adjournments.

**Correspondence:**

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

Don McLaughlin explained that he would like to introduce Glenna Wisnewski of the Liverpool Library adding what an asset the Liverpool Library is. Ms. Wisnewski made a brief statement inviting residents to check out all that the library has to offer, adding that many things can be accessed from home.

Town Clerk presents the **2016 TOWN OF CLAY TENTATIVE BUDGET** to the Town Board Members pursuant to Town Law.

**REGULAR MEETING:**

**Zone Change (PH/adj.) – Town Board Case # 1086 - NICHOLS LD, LLC:**

A public hearing to consider the application of **NICHOLS LD, LLC FOR A ZONE CHANGE** from **HC-1 Highway Commercial, RA-100 Residential Agricultural & R-TH Townhouse** to **REC-1 Recreation**, to allow for a Sports Complex on vacant land located at **7240 Oswego Road, Tax Map Nos. 114.-01-32.0, 114.-01-33.0, 114.-01-34.0 & 114.-01-37**; consisting of approximately 7.76± acres of land. (Adjourned to this date and time from the September 9, 2015 Town Board Meeting) was opened by the Supervisor.

Tim Coyer of Ianuzi and Romans and Jim Nichols, applicant, were present. Mr. Coyer began by giving a brief overview of what transpired at the last meeting, adding that there are no changes since that meeting. He explained that the applicant wishes to combine several tax parcels for a sports complex. He explained that it will be used for sporting activities such as youth basketball. They will have a small snack facility/ restaurant with a limited menu and bar. The hours of operation will be Monday through Sunday hours being 7 AM to 10 PM.

Supervisor Ulatowski said that there appears to be a great deal of parking. Mr. Coyer agreed stating that they are proposing 279 total spaces; 79 reserved. He added that the gravel lot will also be used.

There was a discussion about the drainage with regard to the amount of paved surface. Mr. Coyer said that the overland drainage will be addressed in the site plan if it is approved.

Councilor Hess asked if the recently approved Bocce area will be rescinded. Mr. Coyer explained that it will as the new structure will be located on that area.

Supervisor Ulatowski asked if there were any more questions; hearing none he **closed** the public hearing.

**Zone Change (PH/adj.) – Town Board Case # 1085 - STEWART'S SHOPS CORP. AND PITCHER HILL ASSOCIATES:**

A public hearing to consider the application of **STEWART'S SHOPS CORP. FOR A ZONE CHANGE** from **R-APT Residential Apartment District** to **LUC-1 Regional Commercial District/R-APT Residential Apartment District** to construct a Stewart's Shop and fuel facility in the front portion and leave the rear portion as is, on vacant land located at the southeast corner of **Buckley and Bear**

**Roads, Tax Map No. 097.-01-08.1;** consisting of approximately 9.02± acres of land. (Adjourned to this date and time from the September 9, 2015 Town Board Meeting).

Supervisor Ulatowski opened the public hearing. Chuck Marshall of Stewarts and James Trasher from CHA Engineers presented. Mr. Trasher began by explaining that they had been before the Planning Board and received a favorable recommendation. They are still depicting three points of access for the proposed site; however, only one will be a full access driveway. Both accesses on Bear Road will be right in right out only with regards to the concerns raised by both the Town Board and the neighboring residents stated Mr. Trasher. He added that Onondaga County Planning recommended full access at the entrance furthest from the intersection of Bear and Buckley Roads based on the previous application taking into account greater probability of traffic with the additional build out.

Supervisor Ulatowski asked how much of the nine acre parcel will be developed for the Stewart's. Mr. Trasher said just over three acres and the only disturbance to the remaining property will be for stormwater. The Supervisor then asked about lighting, if the store would be illuminated when the store was closed. Mr. Marshall said that the lights will be on 30 minutes before the store opens and 30 minutes after it closes at 11 P.M. There was a discussion about what time deliveries will be made. Mr. Trasher said that all deliveries with the exception of fuel will be made during open store hours; he added that as a safety measure, fuel is typically delivered when the store is closed but the applicant would be willing to look at that as well.

Councilor Bick asked about where the entrance on Bear Road will be in relation to the curve. Councilor Bray asked about the merge lane and expressed her concern with a merge lane and an entrance in close proximity. Councilor Bick asked for clarification about where a resident traveling west on Bear Road towards the intersection of Bear and Buckley Roads would enter the parcel. Mr. Trasher explained that the resident would make a left turn onto Buckley Road from Bear and make a left turn into the parcel.

One of the residents asked for the remainder of the parcel to be “forever green”. Councilor Young asked about a deed restriction. Supervisor Ulatowski asked if the applicant was suggesting that they will only change the zone on the three acres that the “Stewart's” would be built on and the remainder of the parcel (six acres) will remain zoned for apartments. Mr. Trasher agreed that this is so. Councilor Young said that the zone change is not reflected on the map and in the application. Mr. Marzocchi agreed adding that the application should be amended. Councilor Rowley added that he would like to see the entrance on Bear Road better depicted. Supervisor Ulatowski agreed that he would like the map amended to reflect the three acre portion to be rezoned and the six acre portion to remain zoned for apartments.

Traffic and the Bear Road access was discussed more and Councilor Young asked if another traffic study would need to be done and it does not. Councilor Hess said that he was present for the County Department of Transportation's public hearing

regarding this and agreed that that it did go as Mr. Trasher had stated. Mr. Trasher agreed to get a letter from the County DOT stating that they have no issues with the traffic for this proposed application.

Several residents spoke out against the zone change mostly with regard to the traffic. One resident asked when the street sweeper would clean the parking lot and Mr. Marshall said that they will not sweep the lot. He also asked why the applicant has not offered to put up a fence.

Supervisor Ulatowski said that there are things that needed to be resolved such as the amended application and a letter from County DOT and for that reason he would leave the public hearing open.

Councilor Hess made a motion to **adjourn** the public hearing to **October 19, 2015 at 7:47 P.M.** Motion was seconded by Councilor Young.

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

**R-15-159 Easement (abandonment) - Harke Farms Subdivision Section No.1:**

Councilor Hess moved the adoption of a resolution approving the Termination of a Drainage Easement within the **Harke Farms Subdivision Section No. 1** project as shown on a map of said tract filed in the office of the Onondaga County Clerk on September 20, 2013 in book 5254 of Deeds at page 737. This termination is consistent with the approval of Harke Farm Final Plat and has been approved by the Town Attorney as to form and content. This resolution also authorizes the Supervisor to execute any and all necessary documents for recording. Motion was seconded by Councilor Bick.

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

**R-15-160 Easement (modification) - Red Barn Acres, LLC, Southwest Buckley Properties, LLC and Jonathan M. Smith:**

Councilor Young moved the adoption of a resolution approving the modification of a Grant of Right-of-Way and Easement by **Red Barn Acres, LLC, Southwest Buckley Properties, LLC and Jonathan M. Smith** to allow for a fence to be installed along and within the Right-of-Way and Easement with gates within the **Hyland Gardens Subdivision** as shown by a map entitled “Proposed Fence Agreement” prepared by Ianuzi & Romans Land Surveying, P.C. dated November 4, 2014, last revised on July 24, 2015. This resolution also authorizes the Supervisor to execute any and all necessary documents for recording. Motion was seconded by Councilor Bray.

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

**Clay Volunteer Fire Department (purchase):**

No action. Councilor Rowley said that he would like more information such as the 2016 proposed budget for the Clay Volunteer Fire Department and the debt repayment schedule.

**R-15-161 Bid Advertisement - THE COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 2, 3, AND 4:**

Councilor Bick moved the adoption of a resolution authorizing the advertisement of bids for the **COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 2, 3, AND 4** within the Town of Clay. Said Bids to be received until **October 22, 2015 at 11:00 A.M.**, local time. Motion was seconded by Councilor Rowley.

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

**R-15-162 Bid Advertisement - THE COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 5, 7, AND 8:**

Councilor Bray moved the adoption of a resolution authorizing the advertisement of bids for the **COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 5, 7, AND 8** within the Town of Clay. Said Bids to be received until **October 22, 2015 at 11:00 A.M.**, local time. Motion was seconded by Councilor Hess.

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

**R-15-163 Bid Advertisement - COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 1:**

Councilor Hess moved the adoption of a resolution authorizing the advertisement of bids for the **COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 1** within the Town of Clay. Said Bids to be received until **October 22, 2015 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bick.

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

**R-15-164 Bid Advertisement - COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 2:**

Councilor Young moved the adoption of a resolution authorizing the advertisement of bids for the **COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH,**

**GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 2**  
within the Town of Clay. Said Bids to be received until **October 22, 2015 at 11:00 A.M.**, local time. Motion was seconded by Councilor Hess.

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

**R-15-165 Bid Advertisement - COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 3:**

Councilor Bick moved the adoption of a resolution authorizing the advertisement of bids for the **COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 3** within the Town of Clay. Said Bids to be received until **October 22, 2015 at 11:00 A.M.**, local time. Motion was seconded by Councilor Hess.

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

**R-15-166 Bid Advertisement - COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 4:**

Councilor Rowley moved the adoption of a resolution authorizing the advertisement of bids for the **COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 4** within the Town of Clay. Said Bids to be received until **October 22, 2015 at 11:00 A.M.**, local time. Motion was seconded by Councilor Hess.

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

**R-15-167 Bid Advertisement - COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 5:**

Councilor Rowley moved the adoption of a resolution authorizing the advertisement of bids for the **COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 5** within the Town of Clay. Said Bids to be received until **October 22, 2015 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bick.

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

**R-15-168 Bid Advertisement - COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 6:**

Councilor Bray moved the adoption of a resolution authorizing the advertisement of bids for the **COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 6** within the Town of Clay. Said Bids to be received until **October 22, 2015 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bick.

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

**R-15-169 Bid Advertisement - COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 7:**

Councilor Hess moved the adoption of a resolution authorizing the advertisement of bids for the **COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 7** within the Town of Clay. Said Bids to be received until **October 22, 2015 at 11:00 A.M.**, local time. Motion was seconded by Councilor Rowley.

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

**R-15-170 Bid Advertisement - COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 8:**

Councilor Young moved the adoption of a resolution authorizing the advertisement of bids for the **COLLECTION & DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 8** within the Town of Clay. Said Bids to be received until **October 22, 2015 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bray.

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

**R-15-171 LOCAL LAW NO. 2 OF THE YEAR 2015 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C (CPH):**

Councilor Rowley moved the adoption of a resolution calling a public hearing **October 19, 2015**, commencing at **7:41 p.m.**, local time to consider adding a proposed Local Law to be entitled **“LOCAL LAW NO. 2 OF THE YEAR 2015 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C”** to the code of the Town of Clay.

Supervisor Ulatowski explained that this is a preliminary precaution that the Town of Clay takes yearly however he hopes that when the budget process is complete the budget will be under the Governors tax cap. Motion was seconded by Councilor Bick.

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

**R-15-172 Project/sewer (CPH) - CLAY SHOPPING CENTER SEWER DISTRICT CONTRACT NO. 2 – LATERAL:**

Councilor Bick moved the adoption of a resolution calling a public hearing **October 19, 2015**, commencing at **7:44 p.m.**, local time, to consider an amended Petition for the sewer district within the Town of Clay known as “**CLAY SHOPPING CENTER SEWER DISTRICT**” and for the construction and acquisition of a sewer system therein to be designated and known as “**CLAY SHOPPING CENTER SEWER DISTRICT CONTRACT NO. 2 – LATERAL.**” Motion was seconded by Councilor Rowley.

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

**R-15-173 Zone Change (CPH) – Town Board Case # 1087 MAPLERIDGE, LLC:**

Councilor Bray moved the adoption of a resolution calling a public hearing **October 19, 2015**, commencing at **7:47 p.m.**, local time, to consider the application of **MAPLERIDGE, LLC FOR A ZONE CHANGE** from **RC-1 Regional Commercial** to **R-APT Apartment** to add the landlocked parcel to phase 2 of the construction of the Ravada Hill Apartments located to the rear of **4850 Buckley Road, Tax Map No. 096.-11-05.0**; consisting of approximately .6± acres of land. Motion was seconded by Councilor Hess.

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

**R-15-174 (CPH) 2016 Special Districts Budget for the Town of Clay:**

Councilor Hess moved the adoption of a resolution calling a public hearing **November 4, 2015**, commencing at **7:35 p.m.**, local time, to consider the adoption of the proposed **2016 Special Districts Budget for the Town of Clay**. Motion was seconded by Councilor Rowley.

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

**R-15-175 (CPH) 2016 Fire Protection Budget for the Town of Clay:**

Councilor Young moved the adoption of a resolution calling a public hearing **November 4, 2015**, commencing at **7:38 p.m.**, local time, to consider the adoption of

the proposed **2016 Fire Protection Budget for the Town of Clay**. Motion was seconded by Councilor Bick.

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

**R-15-176 (CPH) 2016 Uniform Water Budget for the Town of Clay:**

Councilor Young moved the adoption of a resolution calling a public hearing **November 4, 2015**, commencing at **7:41 p.m.**, local time, to consider the adoption of the proposed **2016 Uniform Water Budget for the Town of Clay**. Motion was seconded by Councilor Bick.

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

**R-15-177 (CPH) Adoption of the Proposed 2016 Preliminary Budget for the Town of Clay:**

Councilor Young moved the adoption of a resolution calling a public hearing **November 4, 2015**, commencing at **7:44 p.m.**, local time, to consider the adoption of the proposed **2016 Preliminary Budget for the Town of Clay**, as the annual budget. Motion was seconded by Councilor Bray.

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

**Adjournment:**

The meeting was adjourned at 8:43 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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

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Jill Hageman-Clark, RMC Town Clerk