

March 15, 2010

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 15<sup>th</sup>, of March 2010 at 7:30 P.M., there were:

**PRESENT:**

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

**ABSENT:**

Clarence A. Rycraft    Councilor

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 Weaver moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on March 1<sup>st</sup>, 2010. Motion was seconded by Councilor Bick.

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

**Cancellations and/or requested adjournments :**

**None**

**Correspondence:**

Supervisor Ulatowski asked if anyone wished to address the Board.

Zack Cook began by speaking on behalf of the *Canteen*. He expressed his gratitude for the Canteen. He added that the Canteen had helped him to become more outgoing by allowing him to participate in many activities.

Nicole Bulles agreed, adding that she enjoyed the Leadership Conference that she attended.

Nikolaus Miller stated that he had volunteered at the Town of Clay Halloween party, Meals on Wheels and the Spaghetti Dinner for the Seniors.

Jenna Ogden was also thankful for the opportunity to utilize the programs offered.

Supervisor Ulatowski thanked the teens for giving back to the community, adding how impressed he was about the entirely youth run program.

Councilor Bray asked how successful the Spaghetti Dinner was. Vince Holipe said that they had raised over \$700.00 at the Senior Center.

Again, Supervisor Ulatowski praised the youth for their efforts.

**Local Law No. 2 of the Year 2010 (SEQR) - entitled "WATERFRONT CONSISTENCY LAW":**

Councilor Bray moved the adoption of a resolution that proposed **Local Law No. 2 of the year 2010**, to consider adding a new **Chapter 226**, to be entitled "**WATERFRONT CONSISTENCY LAW**" 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 local law will not have a significant effect on the environment and therefore does not require the preparation of an EIS. Motion was seconded by Councilor Edick.

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

**Local Law No. 2 of the Year 2010 (A) - entitled "WATERFRONT CONSISTENCY LAW":**

Councilor Bray moved the adoption of a resolution approving **Local Law No. 2 of the year 2010**, adding a new **Chapter 226**, to be entitled "**WATERFRONT CONSISTENCY LAW**" to the Code of the Town of Clay . The purpose of this proposed local law is to provide a framework for the Town of Clay to consider the policies and purposes contained in the Local Waterfront Revitalization Program when reviewing applications for actions or direct Town/Planning Board actions located in the waterfront area; and to assure that such actions and direct actions are consistent with the said policies and purposes of the Local Waterfront Revitalization Program. Motion was seconded by Councilor Weaver.

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

**Zone Change (PH) - Town Board Case # 1007 SPELL BOUND HOLDINGS INC.:**

Public hearing to consider the application of **SPELL BOUND HOLDINGS, INC.**, for a change of zone from **RA-100 Residential Agricultural District** to **NC-1 Neighborhood Commercial District** on property located at **7337 Oswego Road** , (Tax Map No. 104.-02-22.0) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk. Adjourned to this date and time at the March 1st, 2010 Town Board Meeting.

The applicant requested an adjournment due to the pending appearance before the Planning

Councilor Bray moved the adoption of a resolution adjourning the Public Hearing to **April 19 2010 at 7:47 P.M.**

**Local Law No. 3 of the Year 2010 (amending Chapter 230) entitled 'ZONING':**

Public hearing to consider proposed **Local Law No. 3 of the Year 2010, amending Chapter 230**, entitled '**ZONING**', amending **Section 230-16 B.(2)(e)** to delete the present subparagraph [4] Motor vehicle sales, service, and rental and renumber the subparagraphs accordingly and to add subparagraphs [7] Motor vehicle service. [8] Motor vehicle sales and [9] Motor vehicle rentals to said **Section 230-16 B. (2) (e)**; amending **Section 230.16 C. (2) (e)** to delete the present subparagraph [4] Motor vehicle sales, service, and rental and renumber the subparagraphs accordingly and to add subparagraphs [6] Motor vehicle service. [7] Motor vehicle sales and [8] Motor vehicle rentals to said **Section 230.17 C.(2)(e)**; to amend **Section 230.17 C.(2)(e)** to add subparagraph [3] Motor vehicle rental; to amend **Section 230.17 D.(2)(e)** to add subparagraph [5] Motor vehicle rental; and to amend **Section 230-11 Terms defined.** to delete the term **MOTOR VEHICLE SALES, SERVICE, RENTAL** and to add the terms **MOTOR VEHICLE RENTAL, MOTOR VEHICLE SALES, MOTOR VEHICLE SERVICE** to said section 230-17 of the Code of the Town of Clay. The purpose of said proposed amendments is to clarify the terms for better application and understanding in the Code of the Town of Clay was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk. Adjourned to this date and time at the March 1st, 2010 Town Board Meeting.

Commissioner Territo gave a brief overview adding that the Planning Board had no issues with this proposal, however they suggested that potential applicants shall be subject to an annual review.

Councilor Bray stated that she had received comments from a Homeowners Association regarding this proposal.

Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

**Hydrants - LAWTON VALLEY HUNT WATER SUPPLY DISTRICT:**

Councilor Bick moved the adoption of a resolution approving the installation of three (3) fire hydrants in the **LAWTON VALLEY HUNT WATER SUPPLY DISTRICT** and authorizing the Supervisor to execute the OCWA fire hydrant application (Lawton Valley Hunt). Motion was seconded by Councilor Johnson.

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

**Contract - C & S ENGINEERS, INC:**

Councilor Edick moved the adoption of a resolution approving and authorizing the Supervisor to execute a contract with **C & S ENGINEERS, INC.**, for services to be rendered for the year **2010**, including subcontractors, 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 **\$22,775.00**, subject to approval by the Town Attorney as to form and content. Motion was seconded by Councilor Bick.

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

**Appointment - Planning Board:**

Councilor Johnson moved the adoption of a resolution appointing **David Hess** as a member of the Planning Board to fill the unexpired term of John C. Dougherty, said term to expire December 31, 2010. Motion was seconded by Councilor Edick.

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

**Authorization/Project - COUNTRY MEADOW SUBDIVISION, SECTION "G":**

Councilor Edick moved the adoption of a resolution authorizing the Supervisor to enter into an Agreement on behalf of the Town with **GROUP ONE DEVELOPMENT, LLC**, for the development of **COUNTRY MEADOW SUBDIVISION, SECTION "G"**. Motion was seconded by Councilor Johnson.

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

**Special Permit (CPH) - Town Board Case # 1011 PANERA BREAD:**

Councilor Bick moved the adoption of a resolution calling a public hearing **April 19, 2010**, commencing at **7:35 P.M.**, local time, to consider the application of **PANERA BREAD** for a **SPECIAL PERMIT FOR A DRIVE THRU AT PANERA BAKERY**, located on NYS Route 31, (being part of Tax Map No, 021,-01-12.1). Motion was seconded by Councilor Johnson.

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

**Zone Change (CPH) - Town Board Case # 1012 RED BARN COUNTRY, LLC:**

Councilor Johnson moved the adoption of a resolution calling a public hearing **April 19, 2010**, commencing at **7:38 P.M.**, local time, to consider the application of **RED BARN COUNTRY, LLC** for a change of zone from **R-10 One Family Residential District** to **O-2 Office District** on 3.56 ± acres of vacant land located south of **Waxwood Circle** on the west side of **Buckley Road**, (Tax Map No. 107.-05-46.1). Motion was seconded by Councilor Edick.

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

**Project (Sewer) (CPH) - COUNTRY MEADOW SECTION "G":**

Councilor Weaver moved the adoption of a resolution calling a public hearing **April 19, 2010**, commencing at **7:41 P.M.**, local time, to consider a petition for the construction and acquisition of a lateral sewer system located within the Country Meadow Sewer District, Extension No. 2 within the Town of Clay to be designated and known as "**COUNTRY MEADOW SEWER DISTRICT, EXTENSION NO. 2, CONTRACT NO. 3 LATERAL**". (Country Meadow Subdivision, Section "G") Motion was seconded by Councilor Johnson.

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

**Project (Drainage) (CPH) - COUNTRY MEADOW SECTION "G":**

Councilor Bick moved the adoption of a resolution calling a public hearing **April 19, 2010**, commencing at **7:44 P.M.**, local time, to consider a petition for the construction and acquisition of a lateral drainage system located within the Country Meadow Drainage District, Extension No. 2 within the Town of Clay to be designated and known as "**COUNTRY MEADOW DRAINAGE DISTRICT, EXTENSION NO. 2, CONTRACT NO. 3 LATERAL**". (Country Meadow Subdivision, Section "G") Motion was seconded by Councilor Weaver.

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

**Adjournment:**

The meeting was adjourned at 7:54 P.M. upon motion by Councilor Bray and seconded by Councilor Bick. Ayes-6 and Noes-0. *Motion carried.*