

APPROVED

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 4th of June, 2018 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
David Hess	Councilor
Ryan Pleskach	Councilor
Kevin Meaker	Councilor
Brian Hall	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
--------------	-----------

OTHERS PRESENT:

Russ Mitchell; Chairman of the Planning Board, Hal Henty; Member 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 May 21, 2018 meeting. Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Councilor Hall abstaining. Motion carried.*

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that he knew of no requests for adjournments.

Correspondence:

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

Julie Hyne and Sharon Devaney of Orion Path asked if there was an update on when their road would be repaved. They were told last year that they would be on the schedule for this year and were wondering what the status was. Supervisor Ulatowski said that the Town Board is aware of this, however, he does not have an exact date of when the work will begin.

Mike LaPoint said that he would like to make a comment regarding comments made by the County Legislators at the previous meeting. He continued that it was reported that the Sheriff was opposed to Adrian's Law; however, it was reported in CNY Central, that the Sheriff is supporting this and wished to note the correction.

REGULAR MEETING

Special Permit – Town Board Case # 1127 (SEQR) Niagara Mohawk Power Corporation d/b/a National Grid for a Utility Substation:

Councilor Hall moved the adoption of a resolution that the application for **NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID** for a **UTILITY SUBSTATION PERMIT** pursuant to Section 230-27 I. (2)(e) to allow for the location/configuration of 2 utility poles with voltage regulators, known as a Utica Rack on land located at **7333 Buckley Road, Tax Map No. 107.-09-01.0**, 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 Pleskach.

Ayes – 5 and Noes – 0. *Motion carried. Councilor Hess abstaining due to employment.*

Special Permit – Town Board Case # 1127 (A) Niagara Mohawk Power Corporation d/b/a National Grid for a Utility Substation:

Councilor Hall moved the adoption of a resolution **approving** the application of **NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID** for a **UTILITY SUBSTATION PERMIT** pursuant to Section 230-27 I. (2)(e) to allow for the location/configuration of 2 utility poles with voltage regulators, known as a Utica Rack on land located at **7333 Buckley Road, Tax Map No. 107.-09-01.0**. Motion was seconded by Councilor Pleskach.

Ayes – 5 and Noes – 0. *Motion carried. Councilor Hess abstaining due to employment.*

Special Permit – Town Board Case # 1128 (SEQR) Niagara Mohawk Power Corporation d/b/a National Grid for a Utility Substation:

Councilor Pleskach moved the adoption of a resolution that the application for **NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID** for a **UTILITY SUBSTATION PERMIT** pursuant to Section 230-27 I. (2)(e) to allow for the location/configuration of 2 utility poles with voltage regulators, known as a Utica

Rack on land located at **8530 Henry Clay Boulevard, Tax Map No. 061.-01-16.3**, 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 Bick.

Ayes – 5 and Noes – 0. *Motion carried. Councilor Hess abstaining due to employment.*

Special Permit – Town Board Case # 1128 (A) Niagara Mohawk Power Corporation d/b/a National Grid for a Utility Substation:

Councilor Pleskach moved the adoption of a resolution **approving** the application of **NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID** for a **UTILITY SUBSTATION PERMIT** pursuant to Section 230-27 I. (2)(e) to allow for the location/configuration of 2 utility poles with voltage regulators, known as a Utica Rack on land located at **8530 Henry Clay Boulevard, Tax Map No. 061.-01-16.3**. Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried. Councilor Hess abstaining due to employment.*

Special Permit – Town Board Case # 1129 (SEQR) Niagara Mohawk Power Corporation d/b/a National Grid for a Utility Substation:

Councilor Meaker moved the adoption of a resolution that the application for **NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID** for a **UTILITY SUBSTATION PERMIT** pursuant to Section 230-27 I. (2)(e) to allow for the location/configuration of 2 utility poles with voltage regulators, known as a Utica Rack on vacant land located at **3537 Ver Plank Road, Tax Map No. 017.-03-14.0**, 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 Hall.

Ayes – 5 and Noes – 0. *Motion carried. Councilor Hess abstaining due to employment.*

Special Permit – Town Board Case # 1129 (A) Niagara Mohawk Power Corporation d/b/a National Grid for a Utility Substation:

Councilor Meaker moved the adoption of a resolution **approving** the application of **NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID** for a **UTILITY SUBSTATION PERMIT** pursuant to Section 230-27 I. (2)(e) to allow for

the location/configuration of 2 utility poles with voltage regulators, known as a Utica Rack on vacant land located at **3537 Ver Plank Road, Tax Map No. 017.-03-14.0**. Motion was seconded by Councilor Hall.

Ayes – 5 and Noes – 0. *Motion carried. Councilor Hess abstaining due to employment.*

ZONE CHANGE (PH/Adj.) – Town Board Case # 1125 JOSEPH LIGOCI, JR. and TIMOTHY NEEDLE – ALLSTATE INSURANCE OFFICE:

A public hearing to consider the application of **JOSEPH LIGOCI, JR. AND TIMOTHY NEEDLE FOR A ZONE CHANGE** from **R-10 One Family Residential District** to **0-1 Neighborhood Office District** to allow for an Allstate Insurance Office in the existing residence located at **5307 W. Taft Road, Tax Map No. 113.-01-22.0**, consisting of approximately 0.36± acres of land. (Adjourned to this date from the May 21, 2018 Town Board Meeting) was opened by the Supervisor.

Tim Needle spoke on behalf of this project. He explained that the lawyer would no longer be representing them adding that Mr. Ligoci had a conflict and would not be at this meeting.

Mr. Needle began by explaining that he is currently the homeowner of this parcel. He said that this parcel is no longer suitable for residential, indicating the commercial uses adjacent to his property. He explained that the area has grown and traffic has increased making it dangerous for a young family with children. The traffic generated by the business directly across the street (Hinerwadels) makes it challenging to exit the driveway. Mr. Needle referenced several other businesses with similar challenges for parking such as Allegro Music. He concluded that the sale of his home as a residential property is futile; his only hope of selling the property is the proposed zone change.

Supervisor Ulatowski asked if Mr. Ligoci is proposing any alterations to the building. Mr. Needle said that the structure will remain unchanged. He then asked if variances are required. Commissioner Territo said that the applicant will need to obtain variances for front and side yards. Councilor Hess asked if it been sent to Planning for review and referral. Commissioner Territo said they gave an unfavorable recommendation. Councilor Pleskach asked how long Mr. Needle has owned the property; he responded eight years.

Nancy Kinnetz asked about the vacant lot next door. Mr. Needle said that there was a fire and that the owner is planning to build either commercial or a multi-family dwelling. Thomas Parisi asked if the applicant had evaluated the value of the property as residential verses commercial. He added that the likelihood of the

property being well maintained is better if it will be utilized as a commercial structure rather than a budget residential property.

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

Appointments (A) – MOYERS CORNERS FIRE DEPARTMENT, INC - STATION 1, STATION 2, STATION 3 :

Councilor Hess moved the adoption of a resolution approving the appointment of **James Peet** as a volunteer member of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 1**; **Anthony Vivenzio** as a volunteer member of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 2**; and **Noah Farrell** and **Mitch Goldberg** as volunteer members of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 3**. Motion was seconded by Councilor Pleskach.

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

Agreement – (modification) VetCor d/b/a CNY Veterinary Services, PLLC:

Councilor Bick moved the adoption of a resolution that the Town of Clay agrees to add a mutual indemnity clause to the existing Agreement with **VetCor of Clay LLC/New York Veterinary Services, P.C. dba CNY Veterinary Services at Animal Kingdom** to defend and indemnify the Animal Shelter against liability for any and all claims, and further hold the Animal Shelter harmless therefrom. Motion was seconded by Councilor Hess.

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

Special Permit (CPH) – Town Board Case # 1130 B. SCOTT GILLESPIE:

Councilor Bick moved the adoption of a resolution calling a public hearing **June 18, 2018**, commencing at **7:35 P.M.**, local time to consider the application of **B. SCOTT GILLESPIE FOR A SPECIAL PERMIT** pursuant to **Section 230-17 C. (2) (e) [1]** to allow for a trucking terminal on vacant land located at **4 Lumbar Way, Tax Map No. 114.-02-22.3**. Motion was seconded by Councilor Pleskach.

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

Project – Establishing Lead Agency – FOX WIDEWATERS SEWER DISRICT:

Councilor Meaker moved the adoption of a resolution of the Town of Clay, Onondaga County New York as to SEQRA Determination.

BE IT RESOLVED by the Town Board of the Town of Clay, Onondaga County, as follows:

Section 1. It is hereby determined that the Town Board adopting this resolution has declared itself to be the lead agency under the State Environmental Quality Review Act (“SEQRA”) and the regulations promulgated thereunder for purposes of determining the environmental impact of the project described in Section 3 hereof and completed a coordinated review.

Section 2. It is hereby determined that the project described in Section 3 hereof is an Unlisted Action which, as based upon the Environmental Assessment Form attached hereto and hereby determined to be a part hereof, has been determined will not have a significant adverse impact upon the environment.

Section 3. The project which is the subject of this resolution is described as follows:

Construction of sewer collection system, including original equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$600,000.

Section 4. This resolution shall take effect immediately.

Motion was seconded by Councilor Hess.

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

Project – Sewer (SEQR) – FOX WIDEWATERS SEWER DISTRICT:

Councilor Hall moved the adoption of a resolution that the Petition for the creation of a sewer district within the Town of Clay to be known as “**FOX WIDEWATERS SEWER DISTRICT**” and for the construction and acquisition of a sewer system therein to be designated and known as “**FOX WIDEWATERS SEWER DISTRICT, CONTRACT NO. 1,**” 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 Bick.

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

Mr. Scalione representing Nelson Associates, interjected that they have an appointment the next morning with Mr. Donegan (owner of the adjoining property)

and are working with Widewaters to reach an agreement. Supervisor Ulatowski thanked him for getting together for the good of the community.

Project – Sewer (A/D) – FOX WIDEWATERS SEWER DISRICT:

No Action

Project – Sewer (CPH) – FOX WIDEWATERS SEWER DISRICT:

Councilor Hess moved the adoption of a resolution calling a public hearing **June 18, 2018**, commencing at **7:35 P.M.**, local time to consider a Petition for the creation of a sewer district within the Town of Clay to be known as **“FOX WIDEWATERS SEWER DISTRICT”** and for the construction and acquisition of a sewer system therein to be designated and known as **“FOX WIDEWATERS SEWER DISTRICT, CONTRACT NO. 1.”** Motion was seconded by Councilor Bick.

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

Adjournment:

The meeting was adjourned at 8:01 P.M. upon motion by Councilor Bick and seconded by Councilor Hess.

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

Jill Hageman-Clark RMC / Town Clerk