

Approved

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 5th of September, 2018 at 7:30 P.M., there were:

PRESENT:

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

ABSENT:

None

OTHERS PRESENT:

Russ Mitchell, Chairman of the Planning Board; Hal Henty, Planning Board Member; Joe Grispino, Code Officer and 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 **August 20th, 2018** Town Board Meeting and the **August 16th, 2018** Special Meeting. Motion was seconded by Councilor Bick.

Ayes-6 and Noes-0. *Motion carried. Supervisor Ulatowski abstained due to his absence.*

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that he knew of no adjournments.

Correspondence:

Supervisor Ulatowski asked if Pat or George DeLong were present, they were not. He then asked if anyone wished to address the Board on anything not on the agenda. A lady resident stated that she was from the Willowstream neighborhood and

wanted to complain of the horrible odor. Supervisor Ulatowski explained that he was made aware of the situation by the DeLongs and wanted to let them know that he had reached out to the Highway Superintendent who had investigated and located rancid water by the tracks. The Supervisor continued that C&S Engineers will be looking into this on behalf of the Town.

Supervisor Ulatowski said that he would like to encourage the residents to read the article in the Star Review regarding “Solar Wars”. He explained that the Town of Clay hosted a press conference on August 28th to urge the Governor to return to net metering. Recently, the Governor switched to VDER which is a more confusing formula and favors the interests of the utility companies over those of the energy consumers. The Supervisor explained that net metering is more consumer friendly and an easier method to calculate credit for kilowatt hours of energy produced by Solar Arrays. He encouraged residents to familiarize themselves with this and to reach out to the Governor to restore the net metering method and make solar power accessible and affordable to utilize alternative energy.

ZONE CHANGE – (SEQR) Town Board Case # 1132 ALBERICI GENERAL CONTRACTORS/ RAVADA HILL APTS – Phase 3:

Councilor Hall moved the adoption of a resolution that the application for **ALBERICI GENERAL CONTRACTORS FOR A ZONE CHANGE FROM RC-1 Regional Commercial District to R-APT Apartment** to allow for the construction of residential apartments with associated site improvements on vacant land located at **4850 Buckley Road, Tax Map No. 096.-11-04.0**, consisting of approximately 8.68± 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 – 7 and Noes – 0. *Motion carried.*

ZONE CHANGE – (A) Town Board Case # 1132 ALBERICI GENERAL CONTRACTORS/ RAVADA HILL APTS – Phase 3:

Councilor Hall moved the adoption of a resolution **approving** the application of **ALBERICI GENERAL CONTRACTORS FOR A ZONE CHANGE FROM RC-1 Regional Commercial District to R-APT Apartment** to allow for the construction of residential apartments with associated site improvements on vacant land located at **4850 Buckley Road, Tax Map No. 096.-11-04.0**, consisting of approximately 8.68± acres of land. Motion was seconded by Councilor Hess.

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

ZONE CHANGE – (SEQR) Town Board Case # 1134 THOMAS POTTER (SONBYRNE SALES, INC.) AND CHRISTIAN BRUNELLE:

Councilor Meaker moved the adoption of a resolution that the application for **THOMAS POTTER (SONBYRNE SALES, INC.) AND CHRISTIAN BRUNELLE FOR A ZONE CHANGE FROM HC-1 Highway Commercial District to LUC-1 Limited Use for Gasoline Services** to allow for the construction of a Byrne Dairy retail store, fueling facility without car wash on vacant land located at **4739 Buckley Road, Tax Map No. 088.-01-17.2**, consisting of approximately 6.76 ± 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 Hall.

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

ZONE CHANGE – (A) Town Board Case # 1134 THOMAS POTTER (SONBYRNE SALES, INC.) AND CHRISTIAN BRUNELLE:

Councilor moved the adoption of a resolution **approving** the application of **THOMAS POTTER (SONBYRNE SALES, INC.) AND CHRISTIAN BRUNELLE FOR A ZONE CHANGE FROM HC-1 Highway Commercial District to LUC-1 Limited Use for Gasoline Services** to allow for the construction of a Byrne Dairy retail store, fueling facility and car wash on vacant land located at **4739 Buckley Road, Tax Map No. 088.-01-17.2**, consisting of approximately 6.76 ± acres of land. Motion was seconded by Councilor Hall.

Councilor Young requested that the Clerk take a roll count vote and it went as follows:

Councilor Meaker	- Aye	Supervisor Ulatowski	- Aye
Councilor Hall	- Aye	Councilor Bick	- Aye
Councilor Young	- No	Councilor Hess	- Aye
Councilor Pleskach	- No		

Ayes – 5 and Noes – 2. *Motion carried.*

Ordinance 2018-03 (PH) (amending) CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE, §211-29 entitled “Parking of certain motor vehicles and trailers prohibited in residential districts”:

A public hearing to consider proposed **Ordinance 2018-03** amending **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **§211-29** entitled **“Parking of certain motor vehicles and trailers prohibited in residential districts”** by repealing subparagraphs A. through D. and replacing

with new subparagraphs A. through F. of this section was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski opened the public hearing on Ordinance 2018-03 explaining that a Blue Ribbon Commission had been established to respectfully debate issues concerning this dilemma. The following modifications are to be considered:

A. No motor vehicle or trailer (“trailer” is defined as a vehicle not propelled by its own power, drawn on the public highway by a motor vehicle), **except as provided in paragraph C**, over 22 feet long, or tractor-trailer cab, regardless of length, shall be parked in any residential district.

B. No tractor-trailer cab or trailer, or recreational vehicle, regardless of length, shall be parked on any Town Highway or right-of-way.

C. Recreational vehicles defined as: boats, campers, motorhomes, horse trailers, **snowmobile trailers**, and stock car trailers, **and the like**, shall not be used in connection with any business endeavor, may be stored in the owner’s residentially zoned property, provided that:

- i. No more than 1 recreational type vehicle more than 22 ft in length shall be parked on any residential lot simultaneously.
- ii. Recreational type vehicles shall not be parked or stored outdoors in the front yard in any residential district, except in an established driveway. Driveway defined as: **a hardened portion of the lot, connected to a road and improved with material that is used to form the hard surface (such as stone, tar, or concrete, but is not wood), that provides for driving and parking on the lot.**
- iii. Such vehicles are no closer than fifteen (15) feet to the edge of road pavement
- iv. No such vehicle shall be used as living quarters.
- v. In no case shall any recreational type vehicle or trailers of any description be parked between the sidewalk, if any, and the paved portion of the street, or across any sidewalk

D. Recreational type vehicles parked or stored in residential lots must be ready for highway use.

Ready for highway use means:

- i. The vehicle, if applicable, is properly licensed, registered, inspected, and insured;
- ii. The vehicle is on wheels or jacking system;
- iii. The vehicle is attached to the site only by quick-disconnect-type utilities and security devices, and;
- iv. Has no attached additions.

E. No commercial or business vehicle with a Gross Vehicle Weight Rating (GVWR) in excess of 14,000 pounds, and no racing or stock cars shall be parked outdoors in any residential district.

F. Notwithstanding any provisions of this chapter to the contrary, the aforesaid prohibitions do not apply to temporary parking of commercial or delivery vehicles actively in the process of delivering items to, or servicing, a property in the Town.

Councilor Young asked if everyone understood what was just read. A young lady stood and said she did not. Councilor Pleskach explained that last year, in response to resident complaints the Town of Clay unintentionally made the ordinance very restrictive causing distress to residents. In response, Supervisor Ulatowski

established a Commission to be Chaired by Councilor Pleskach to communicate with residents affected one way or another by the revisions to the ordinance.

Councilor Young asked why they were recommending that the vehicle be 15' from the road. Councilor Pleskach explained that if the oversized vehicle is parked close to the roadway it significantly decreases visibility.

Councilor Pleskach said that another noteworthy change is the definition of driveway which now indicates that it is to be constructed of stone, tar or concrete making it a hard surface (not wood). There was some debate about where the driveway could be placed; Supervisor Ulatowski added that typically that would be perpendicular to the front of the house. There was a lengthy discussion as to if the vehicle was to be stored on the side of the house would it be necessary to have the paved or hard surface or not. There was some confusion and it seems that it does. In addition, there was confusion as to if a corner lot had one or two front yards. A resident complained of the cost to pave or put down stone or concrete and the Supervisor said that they would offer a stay of one year to be compliant – no tickets will be issued.

A resident asked about loading and unloading and if a ticket would be issued for being parked in the driveway for short term loading. The Supervisor said that a common sense approach would be best adding that he encouraged residents to find common ground and be courteous to each other. He explained that there are so many variables and unique circumstances that each issue could not be addressed. Another resident asked about having company visit and park their trailer in her driveway, adding that she already has one of her own parked. The Supervisor said that it would constitute a violation. Perhaps they could park it elsewhere while visiting. The resident said that they live in the trailer while visiting which also will be a violation. She asked about a variance or a special permit (short term) and didn't feel that it was any different than a campground. Someone explained that it was not a campground that it was a residential neighborhood. Councilor Meaker explained that if some were to live in the camper/ trailer in the driveway what would stop them from using it as an Airbnb.

Supervisor Ulatowski said that he was pleased with the efforts of the Blue Ribbon Commission and felt that some common ground had been found and were moving in the right direction.

Tom Parisi asked if the punishment for violation could be adjusted to fit the crime. There was a discussion about the fines and jail time associated with each occurrence. Mr. Parisi asked if jail time could be removed and if any fines could just be paid by mail. Once again the conversation turned to policing this. The Supervisor explained that the Codes Department does not go out actively seeking violations; it is their

position to respond when a complaint is made. Joe Grispino concurred adding that he has enough to do without pursuing violations.

Supervisor Ulatowski said that this was good dialogue. Councilor Bick made a motion to adjourn the public hearing to **September 17, 2018 at 7:41 P.M.** Motion was seconded by Councilor Hess.

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

Supervisor Ulatowski said that he would open the next two public hearings together.

Project (sewer) (PH) - NORTH END COMMONS SEWER DISTRICT, CONTRACT NO. 1.:

Public hearing to consider a Petition for the creation of a sewer district within the Town of Clay to be known as “**NORTH END COMMONS SEWER DISTRICT, CONTRACT NO. 1**” and for the construction of a sewer system therein to be designated and known as “**NORTH END COMMONS SEWER DISTRICT, CONTRACT NO. 1.**” (North End Commons). (Adjourned to this date and time from the August 20, 2018 Town Board meeting).

Project (drainage) (PH) - NORTH END COMMONS DRAINAGE DISTRICT, CONTRACT NO. 1.:

Public hearing to consider a Petition for the creation of a drainage district within the Town of Clay to be known as “**NORTH END COMMONS DRAINAGE DISTRICT, CONTRACT NO. 1**” and for the construction of a drainage system therein to be designated and known as “**NORTH END COMMONS DRAINAGE DISTRICT, CONTRACT NO. 1.**” (North End Commons). (Adjourned to this date and time from the August 20, 2018 Town Board meeting).

Supervisor Ulatowski asked if there was anyone present to speak on behalf of the applicant. Town Engineer Ron DeTota said that it was his understanding that this was temporarily on hold at the request of the applicant.

No Action

TERMINATION of COVENANTS & RESTRICTIONS (PH) - GEORGIAN COURT ENTERPRISES, LLC and the TOWN OF CLAY:

A public hearing to consider the proposed Termination of Covenants and Restrictions Agreement by and between **GEORGIAN COURT ENTERPRISES, LLC** and the **TOWN OF CLAY** on part of land located at **4376-4412 Georgian Court, Tax Map No. 104.-03-12.0.** (Adjourned to this date and time from the August 20, 2018 Town Board Meeting) was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Hal Romans, Surveyor was present on behalf of the applicant. He began by explaining that the applicant had begun this process in 2016; at that time the Planning Board recommended that the applicant request a move of the existing covenant to accommodate the construction of an additional 27 one bedroom or 24 two bedroom units. The existing covenant will be relocated to the north and the zone change will move forward. The newly amended covenant will restrict to 99 total units.

Councilor Pleskach asked if the existing stormwater would accommodate 99 units. Mr. Romans said no but that they will address it during the Site Plan process. Supervisor Ulatowski asked if anyone had any additional questions; hearing none he **closed** the public hearings.

TERMINATION of COVENANTS & RESTRICTIONS (SEQR) - GEORGIAN COURT ENTERPRISES, LLC and the TOWN OF CLAY:

Councilor Hess moved the adoption of a resolution that the proposed Termination of Covenants and Restrictions Agreement by and between **GEORGIAN COURT ENTERPRISES, LLC** and the **TOWN OF CLAY** on part of land located at **4376-4412 Georgian Court, Tax Map No. 104.-03-12.0**, 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 on an EIS. Motion was seconded by Councilor Bick.

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

TERMINATION of COVENANTS & RESTRICTIONS (A) - GEORGIAN COURT ENTERPRISES, LLC and the TOWN OF CLAY:

Councilor Hess moved the adoption of a resolution **approving** the proposed Termination of Covenants and Restrictions Agreement and approving a new easement by and between **GEORGIAN COURT ENTERPRISES, LLC** and the **TOWN OF CLAY** on part of land located at **4376-4412 Georgian Court, Tax Map No. 104.-03-12.0**. Motion was seconded by Councilor Bick.

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

Agreement- CENTRAL NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS:

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to renew the existing Agreement with the **CENTRAL NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS** for an additional two quarters for the year 2018 for the treatment of animals on behalf of the **TOWN OF CLAY**,

and execute the necessary document therefore. Motion was seconded by Councilor Hess.

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

Intermunicipal Outside User Agreement - Tocco Villaggio, LLC:

Councilor Pleskach moved the adoption of a resolution approving an **Intermunicipal Outside User Agreement** between the Town of Clay, Town of Cicero and **Tocco Villaggio, LLC** for sewer services for the Tocco Villaggio project through the Clay Tocco Villaggio Sanitary Sewer District. The Tocco Villaggio project consists of 269 residential and 3 commercial units located in both the Town of Clay and the Town of Cicero. The project was approved by the Town of Clay and Town of Cicero subject to a satisfactory Intermunicipal Outside User Agreement. The agreement calls the owner to construct and maintain private portions of the sanitary sewer facilities on the property with a connection to the Clay lines, with later transmission through Cicero to the Onondaga County trunk system with ultimate disposal at the County's Oak Orchard sewage treatment plant. No additional connections shall be allowed without express approvals from the Town of Clay and Town of Cicero. The Town of Clay shall assess the Developer and the Developer shall pay the Town all applicable unit charges based upon use formulas detailed in the agreement. The Town of Clay shall include any and all charges generated by the Town of Cicero by the project on the Clay tax bill, and the Cicero charges shall be included into the Tocco Villaggio Sanitary Sewer Special District Budget by the Town of Clay for each next fiscal year. This resolution also acknowledges Germain & Germain, LLP represented both the Town of Clay and the Town of Cicero with regard to the review of the draft agreement, and this resolution also approves the granting of a written Conflict Waiver to the law firm as proposed. A copy of the Waiver and Intermunicipal Agreements have been provided to the Boards for review. This resolution authorizes the Supervisors of both Towns to execute the Waiver agreement and Intermunicipal Agreement as well as any other documents that may be necessary to complete this transaction. This approval is strictly subject to the approval of the Town engineers as to form and content. Motion was seconded by Councilor Hall.

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

Agreement - CICERO-CLAY SNOW OWLS / TOWN of CLAY:

Councilor Hall moved the adoption of a resolution confirming that the Town of Clay does not object to the **CICERO-CLAY SNOW OWLS** having snow trails on a strip of land owned by Niagara Mohawk Power Corporation, d/b/a National Grid, which runs through the Town of Clay for the purpose of a snowmobile trail and authorizing

the Supervisor to execute the necessary document therefore. Motion was seconded by Councilor Bick.

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

ZONE CHANGE - (CPH) Town Board Case # 1095 - GEORGIAN COURT ENTERPRISES, LLC and FERNANDO VONA:

Councilor Meaker moved the adoption of a resolution calling a public hearing **September 17, 2018**, commencing at **7:35 P.M.**, local time, to consider the application of **GEORGIAN COURT ENTERPRISES, LLC and FERNANDO VONA for a ZONE CHANGE from RA-100 Residential Agricultural to R-Apt Residential Apartment** to allow for future construction of two apartment buildings on vacant land located on **Belmont Drive, Tax Map No. 104.-03-11.0**, consisting of approximately 3.76± acres of land. Motion was seconded by Councilor Pleskach.

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

ZONE CHANGE - (CPH) Town Board Case # 1135 – RED BARN COUNTRY LLC/ LANDS of TROMBLEY:

Councilor Hess moved the adoption of a resolution calling a public hearing **September 17, 2018**, commencing at **7:38 P.M.**, local time, to consider the application of **RED BARN COUNTRY, LLC, KEITH W. FOX AS TRUSTEE OF THE LINDA TROMBLEY IRREVOCABLE TRUST, and LAND YACHTS, LLC for a ZONE CHANGE from R-10 One-Family Residential District to HC-1 Highway Commercial** on two (2) smaller parcels in order to combine with a larger project (Red Barn Acres), on vacant land located at **110 Red Barn Acres and lands adjacent to Red Barn Acres, Tax Map No. 117.-01-11.0** Motion was seconded by Councilor Hall.

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

ADDITIONAL AGENDA

Agreement- LABOR AGREEMENT BETWEEN THE TEAMSTERS LOCAL UNION 317 and TOWN OF CLAY CLERICAL and OFFICE EMPLOYEES:

Councilor Bick moved the adoption of a resolution **approving** the **LABOR AGREEMENT BETWEEN THE TEAMSTERS LOCAL UNION 317 and TOWN OF CLAY CLERICAL and OFFICE EMPLOYEES** for the term commencing January 1, 2018 to December 31, 2020, and authorizing the Supervisor to execute same. Motion was seconded by Councilor Pleskach.

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

PDD – PDM ESTATES, LLC/ UR-ban Villages:

Councilor Young moved the adoption of a resolution that the Town Board of the Town of Clay refer the Ur-ban Villages proposed Planned Development District concept plan as submitted by **PDM ESTATES, LLC** to the Town of Clay Planning Board.

WHEREAS an application has been received for a **Planned Development District (PDD)** to be known as **UR-ban Villages**, which application proposes a total of 44.72± acres comprised of residential (475 units of apartments) and a maximum of 60,000 sq. ft. of commercial, divided into a maximum of 26 spaces.

NOW, THEREFORE, BE IT RESOLVED that the said application be and the same hereby is referred to the Town Planning Board of the Town of Clay for its review and comment pursuant to the Town of Clay Zoning Code, and for its review and recommendation as to the possible environmental significance of the project pursuant to the New York State Environmental Quality Review Act.

THIS MOTION also instructs the **Planning Board** to consider as follows: No Freestanding Commercial Buildings will be allowed.

Motion was seconded by Councilor Hess.

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

Adjournment:

The meeting was adjourned at 8:52 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

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

Jill Hageman-Clark RMC / Town Clerk