

**Approved**

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 16<sup>th</sup> of July, 2018 at 7:30 P.M., there were:

**PRESENT:**

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
David Hess	Councilor
Eugene Young	Councilor
Ryan Pleskach	Councilor
Kevin Meaker	Councilor
Brian Hall	Councilor
Krissy Alpuerto	Deputy Town Clerk/ Secretary
Mark V. Territo	Commissioner of Planning and Development
John Marzocchi	Town Attorney
Ron DeTota	Town Engineer

**ABSENT:**

Jill Hageman-Clark	Town Clerk
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**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 June 18<sup>th</sup>, 2018 meeting. Motion was seconded by Councilor Bick.

Ayes~6 and Noes~0. Councilor Pleskach abstained due to his absence from the June 18<sup>th</sup> meeting. *Motion carried.*

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski stated that #20 on the agenda (Labor Agreement between the Teamsters Local Union 317 and Town of Clay Clerical and Office Employees) would not be discussed tonight due to unresolved issues.

**Correspondence:**

Supervisor Ulatowski asked if anyone wished to address the Board on any items not on the agenda. Jean Needle of 2 Inglesid Lane stated that she was there

representing her son, Timothy Needle as he had not arrived yet regarding the Zone Change at 5307 West Taft Road. Supervisor Ulatowski explained that it was on the additional agenda which would be discussed at the end of the meeting. He stated that the applicant would need to be present and that they would not be reopening the public hearing.

**REGULAR MEETING**

**Special Permit (SEQR) (A) – Town Board Case # 1130 B. SCOTT GILLESPIE:**

Councilor Bick moved the adoption of a resolution that the application for **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 Lumber Way, Tax Map No. 114.-02-22.3**, 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 seconded by Councilor Hess.

Ayes~7 Noes~0

*Motion carried.*

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

Councilor Bick moved the adoption of a resolution approving 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 Lumber Way, Tax Map No. 114.-02-22.3**.

Motion seconded by Councilor Hess.

Ayes~7 Noes~0

*Motion carried.*

**Project (sewer) (PH) – FOX WIDEWATERS SEWER DISTRICT:**

Public hearing 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.”** Proof of publication and posting was furnished by the Deputy Town Clerk.

Ron DeTota of C and S Engineers presented the process and the formation of the Fox Widewaters Sewer District. He explained that there would be construction of 1800 linear feet on the north side of Route 31. The 3 entities involved are Nelson Associates, LLC, James M. Donegan and Widewaters Farrell Road Company, LLC., and the sewer would be extended to service all 3 of these entities at no cost to

taxpayers. They are currently going through the bonding process. Mr. DeTota explained that it's at audit and control and has gone out to bid. He also stated that this project will benefit the residents as they may be able to link into the sewer in the future. Supervisor Ulatowski concluded that all three (3) parties are in agreement with this project. He then asked if there were any additional questions or comments; hearing none he **closed** the public hearing.

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

Public hearing to consider 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. Proof of publication and posting was furnished by the Deputy Town Clerk.

Alex Wisnewski presented on behalf of LJR Engineering regarding 4850 Buckley Road, the former Gravina's Nursery site. They are proposing construction of apartment development consisting of 60 upscale units. They have a conceptual plan and would interconnect in the development. The property is owned and managed by the Alberici's. They are 3 story structures and similar to the existing apartment buildings. They would have elevators. A community room would possibly be incorporated in the project. Supervisor Ulatowski asked if they would stay out of the easement and Mr. Wisnewski explained that the easement on the western side of the property is a NIMO easement.

Storm water would be retained and there are 2 potential storm sewer connections. Councilor Bick asked about curb cuts. Councilor Young asked about a reverse subdivision and Mr. Wisnewski explained that the Alberici's wish to have 3 separate developments. Councilor Hess asked for a map and Mr. Wisnewski provided one to all of the Town Board Members.

Supervisor Ulatowski then asked if there were any residents present that wished to ask any questions about this project. Marsha Ramirez of 7714 Fitzpatrick Drive, was concerned about the amount of vegetation that had grown up due to the dumping and runoff from Gravina's in the past that has affected their drainage and is causing problems. Supervisor Ulatowski suspects that the proposed project will help with the drainage problems. Mr. Wisnewski also explained that there will be a swale and that regrading will help the drainage issues. Mrs. Ramirez also expressed concerns about privacy due to the 3 story apartments and Mr. Wisnewski said that the proposed garages will provide a buffer. He also explained that all of these comments and concerns will be addressed by the Planning Board. Councilor Pleskach asked if the storm water retention would be located between the properties and Mr. Wisnewski explained that natural grading is the challenge & will determine where the storm water retention is located. James Schoolcraft of 4985 Woodmark Drive stated that he is concerned with trees that line the back of his property as they

provide him a very private backyard. He is afraid that the buffer will be destroyed. Mr. Wisnewski explained that he was aware of Mr. Schoolcraft's property and said that because of where his property was situated, the majority of the buffer would be maintained.

Hearing no further comments or concerns, Supervisor Ulatowski referred the application to the Planning Board for review and recommendation.

Councilor Hess mad a motion to adjourn the public hearing to the **August 20<sup>th</sup>, 2018** Town Board meeting at **7:44 p.m.** Councilor Bick seconded the motion.

Ayes~7 Noes~0 *Motion carried.*

**Special Permit (PH) – Town Board Case # 1133 - J.P.B. FIRE SERVICES, INC. AND RAILROAD, LLC:**

Public hearing to consider the application of **J.P.B. FIRE SERVICES, INC. AND RAILROAD, LLC FOR A SPECIAL PERMIT** pursuant to **Sections 230-17 C. (2) (e) [1] & 230-17 C. (2) (e) [6]** to allow for a trucking terminal and motor vehicle sales (limited) at the existing warehouse to be used for logistical assembly, servicing, temporary storage and limited sales of fire apparatus on land located at **4675 Burr Drive, Tax Map No. 115.-01-24.2**, consisting of approximately 1.41± acres of land. Proof of publication and posting was furnished by the Deputy Town Clerk.

Tony Caruso, attorney for JPB Fire Services, Inc., presented for the applicant. John and Juliane Breh are the owners of JPB Fire Services and have applied for a special use permit on Burr Drive off of Vine St. Nothing needs to be built or changed on this property; they are in compliance with the current zoning. This property has a warehouse/office space and they specialize in fire services including fire truck service and repair. They currently do work at fire stations. The warehouse on this property would allow them to repair the fire trucks at their facility. Trucks that are ordered online could then be delivered to their location and fabricated on site. The property allows for 30 parking spaces. This business will not affect property values. Councilor Hall asked about painting of the trucks. Mr. Caruso explained that they do not paint on the premises, so therefore there are no fumes. There will be no flashing lights as testing is done inside. The property consists of 2.1 acres; 1.4 acres are located in the Town of Clay and 0.6 acres are located in the Town of Salina. All of the buildings are located in the Town of Clay.

Councilor Young inquired if the fire trucks would be left outside at all and it was explained that the trucks are only out during the daytime hours so they are well monitored as the fire trucks do not lock and it would be unsafe to leave them unattended in the evening hours. Councilor Young also asked about fire equipment sales and Juliane Breh stated that sales were made only occasionally from their location. She explained that they are more of a distributor than retail sales.

Councilor Hess asked if they serviced via the thruway or if they just serviced local fire stations. They stated that they cover a 100-mile radius. Councilor Hess expressed that he thought the location had perfect access for them as it is close to the NYS Thruway. Councilor Pleskach commended their efforts. Supervisor Ulatowski wished them luck. He then asked if there were any additional questions or comments; hearing none he **closed** the public hearing and concluded that there was no need to refer this case to the Planning Board.

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

Public hearing to consider 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. Proof of publication and posting was furnished by the Deputy Town Clerk.

Chris Brunelle, VP of Byrne Dairy presented the application for a zone change from HC-1 to LUC-1. Mr. Brunelle explained that they will use only 4.3 acres of the land and the rest of the land will remain vegetated. They are proposing a gas station and car wash in addition to the Byrne Dairy store on this site. Plumley Engineering have created their design and he believes that they will meet or exceed the requirements for the LUC-1 zone change. The proposed design is very similar to the store they just opened by the NYS Fairgrounds. The lighting plan is done and they will be using 100% LED lights. They will have 39 parking spaces. There will be a dumpster enclosure and it will be located toward the rear. They will have a need for 2 drives; one separate for food delivery and one separate for gas delivery. Mr. Brunelle stated that the property line to the store is 610 feet.

Supervisor Ulatowski asked if they would be leasing to any other business' (ie. Dunkin' Donuts, Subway, etc.) Mr. Brunelle stated that they will not be leasing and will exclusively sell Byrne Dairy products. Supervisor Ulatowski then asked about their hours of operation and was told that they will be open 365 days a year, 24 hours a day, 7 days a week including the car wash. Mr. Brunelle explained that the car wash would have doors at both ends and would include an outdoor vacuum facility with 6 parking spaces. There will be 10 double sided gas pumps and 20 fueling stations which will all be under a canopy.

Councilor Bick asked how close they would be located to the nearest neighbor and he was told at least 620 feet. Councilor Young asked about the 2+ acres north of the property that will never be used and was wondering if they would be willing to offer a covenant. Mr. Brunelle believed that he could provide something in writing.

Councilor Pleskach asked if there would be any electric charging stations available and there will not be. He also stated that he is in favor of the Byrne Dairy store;

however, is not thrilled with the idea of the gas station and car wash. Mr. Brunelle explained that it would not be economically feasible to not have a fueling station facility and they have not done a stand-alone store in 20+ years. People stopping for fuel is what brings them into the store. Councilor Meaker inquired about ingress and egress and Mr. Brunelle stated that they are hoping for no restrictions and that full access has been requested from the Onondaga County D.O.T. They have been given no indication that there will be any restrictions with turning yet.

Hearing no further comments or concerns, Supervisor Ulatowski referred the application to the Planning Board for review and recommendation.

Motion made by Councilor Hess to adjourn the public hearing to the **August 20<sup>th</sup>, 2018** Town Board meeting at **7:47 p.m.** Councilor Bick seconded the motion.

Ayes~7 Noes~0 *Motion carried.*

**Project (sewer) (A) – FOX WIDEWATERS SEWER DISTRICT:**

Councilor Hess moved the adoption of a resolution approving the creation of a sewer district within the Town of Clay to be designated and known as **“FOX WIDEWATERS SEWER DISTRICT.”**

Motion seconded by Councilor Bick

Ayes~7 Noes~0 *Motion carried.*

**Project (sewer) (acquire facilities) (A) – FOX WIDEWATERS SEWER DISTRICT:**

Councilor Hess moved the adoption of a resolution that is in the public interest that the Town of Clay approve the construction and acquire the public facilities located within the **FOX WIDEWATERS SEWER DISTRICT** in accordance with the terms and conditions of a certain Agreement entered into between the Town of Clay, **Nelson Associates, LLC, James M. Donegan** and **Widewaters Farrell Road Company, LLC** for the construction of the **FOX WIDEWATERS SEWER DISTRICT.**

Motion seconded by Councilor Bick.

Ayes~7 Noes~0 *Motion carried.*

Bob Scalione, attorney for Nelson Associates, thanked the Board and expressed that he appreciated their assistance with the formation of the sewer district. Supervisor Ulatowski acknowledged the cooperation of the 3 entities involved that led to this point in the process.

**Bid Award (renew) - JANITORIAL/CLEANING SERVICES FOR THE TOWN OF CLAY TOWN HALL BUILDING AND SENIOR CENTER:**

Councilor Meaker moved the adoption of a resolution that pursuant to New York State Finance Law, Article 11, the Town of Clay will renew its contract with **OSWEGO INDUSTRIES** and accepts the proposal amount offered with services provided for **JANITORIAL/CLEANING SERVICES FOR THE TOWN OF CLAY TOWN HALL BUILDING AND SENIOR CENTER**.

Motion seconded by Councilor Pleskach.  
Ayes ~7 Noes~0 *Motion carried.*

**Authorization/ Agreement (A) - JANITORIAL/CLEANING SERVICES FOR THE TOWN OF CLAY TOWN HALL BUILDING AND SENIOR CENTER:**

Councilor Meaker moved the adoption of a resolution authorizing the Supervisor to execute an agreement with **JANITORIAL/CLEANING SERVICES FOR THE TOWN OF CLAY TOWN HALL BUILDING AND SENIOR CENTER** with **OSWEGO INDUSTRIES** for **\$24,023.23** for a term of one (1) year, commencing October 01, 2018 and terminating September 30, 2019 with an option to renew under the same terms and conditions for two (2) additional one year periods, and upon written consent of both parties. The agreement shall be approved as to form and content by the Town Attorney.

Motion seconded by Councilor Hall.  
Ayes~7 Noes~0 *Motion carried.*

**Authorization/Agreement(A)-INFORMATION TECHNOLOGY SERVICES AND INFRASTRUCTURE UPDATE OF ALL NETWORKED DEVICES with NetManageIT**

Councilor Hall moved the adoption of a resolution authorizing the Supervisor to execute an amendment to the existing agreement for **INFORMATION TECHNOLOGY SERVICES AND INFRASTRUCTURE UPDATE OF ALL NETWORKED DEVICES** with **NetManageIT** for a term of one (1) year with an option to renew under the same terms and conditions for three (3) additional one (1) year periods and upon written consent of both parties. The agreement shall be approved as to form and content by the Town Attorney.

Motion seconded by Councilor Pleskach.  
Ayes~7 Noes~0 *Motion carried.*

**Authorization – Sanitary Sewer Connection (A) – 8302 Provo Drive:**

Councilor Hall moved the adoption of a resolution authorizing a **SANITARY SEWER LATERAL CONNECTION**, pursuant to the written request of Mr. Salil Gupta, Moyers Corners, LLC (the property owner of the Seneca Office Park), to a **TOWN OF CLAY SANITARY SEWER MAIN** located adjacent to **8302 Provo Drive, Tax Map No. 067.-11-01.2**. The construction of said connection will be at no cost to the Town of Clay. The property owner agrees to pay all costs (Town and private) associated with the sanitary sewer connection as well as the Town of Clay Operation and Maintenance charges as annually assessed, and the County Sanitary District charges. The property owner further agrees to pay all annual Town and County charges thereafter. This resolution is contingent upon receipt of \$700.00 for engineering, legal and administrative fees from Mr. Gupta.

Motion seconded by Councilor Bick.  
Ayes~7 Noes~0 *Motion carried.*

**Authorization (extend water) (A) – 8118 Lawton Road:**

Councilor Pleskach moved the adoption of a resolution pursuant to the written request of Mr. Przemyslaw Koziol (the property owner), to be included within the adjacent existing **TOWN OF CLAY UNIFORM WATER DISTRICT** for property located at **8118 Lawton Road, Tax Map No. 078.-01-06.1**. The property owner proposes to have a water service extended to serve their property. The cost of said water service extension will be at no cost to the Town of Clay. The property owner agrees to pay all costs (Town and private) associated with the water service extension as well as the Town of Clay and the County Water District charges. The property owner further agrees to pay all annual Town and County charges thereafter.

Motion seconded by Councilor Hess.  
Ayes~7 Noes~0 *Motion carried.*

**Authorization (A) – Drainage Easement (abandonment) – 8273 Mantova Drive:**

Councilor Young moved the adoption of a resolution approving the termination of a drainage easement on property located at **8273 Mantova Drive, Tax Map No. 077.-14-03.0** (Kimberly LaGoy, property owner) as shown on a map prepared by Ianuzi & Romans Land Surveying, P.C., dated March 8, 1982, (Cherry Estates Subdivision, Section No. 5, Lot No. 508), and authorizing the Supervisor to execute a Termination of Easement form subject to execution by the landowner. The landowner will bear the responsibility and costs associated with the execution of this document. This resolution is in response to the request by the landowner. The Town Engineer and Planning Department have determined the easement no longer serves any legitimate governmental purpose.

Motion seconded by Councilor Hess.

Ayes~6 Noes~1 (Councilor Meaker-opposed) *Motion carried.*

**RESOLUTION –(A) Abandonment of a portion of EXECUTIVE DRIVE:**

Councilor Meaker moved the adoption of a resolution for the abandonment of a portion of Executive Drive:

**Whereas**, the application of JGB Properties for a subdivision creating lots A and D as well as conforming lot C according to a map made by Ianuzi and Romans, P.C. dated August 4th, 2017 pending approval by the Town Planning Board subject to necessary approvals by the Town Board, and,

**Whereas**, the Town of Clay is the owner of a portion of roadway known as “Executive Drive” and,

Whereas, the map and plan call for the dedication of a portion of "Executive Drive" to the Town of Clay for use by the Town Highway Department and others, and,

**Whereas**, the map and plan also call for the abandonment of a portion of the existing property currently owned by the Town of Clay, and,

**Whereas**, the Town is in receipt of a petition for the abandonment of a portion of the former roadway pursuant to Highway Law Section 205 and legal descriptions for the new roadway dedication and,

**RESOLVED**, the Town hereby approves acceptance of the proposed dedication subject to the approval of the Town Attorney as to the form and content of dedication documents, and,

The Town hereby approves the partial abandonment as described subject to the approval of the Town Attorney as to form and content of the abandonment documents. This resolution authorizes the Supervisor and Town Attorney to execute any documents that may be required to facilitate this action.

Motion seconded by Councilor Hess.

Ayes~7 Noes~0 *Motion carried.*

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

Councilor Hall moved the adoption of a resolution calling a public hearing **August 20, 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 “**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).

Motion seconded by Councilor Pleskach.  
Ayes~7 Noes~0 *Motion carried.*

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

Councilor Hess moved the adoption of a resolution calling a public hearing **August 20, 2018**, commencing at **7:38 P.M.**, local time 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).

Motion seconded by Councilor Bick.  
Ayes~7 Noes~0 *Motion carried.*

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

Councilor Hess moved the adoption of a resolution calling a public hearing **August 20, 2018**, commencing at **7:41 P.M.** local time, to consider the petition of a 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.**

Motion seconded by Councilor Bick.  
Ayes~7 Noes~0 *Motion carried.*

**ZONE CHANGE – Town Board Case # 1125 JOSEPH LIGOCI, JR. and TIMOTHY NEEDLE – ALLSTATE INSURANCE OFFICE:**

Councilor Pleskach moved the adoption of a resolution to consider the request of the applicant to revote on the application for **JOSEPH LIGOCI, JR. AND TIMOTHY NEEDLE FOR A ZONE CHANGE** from **R-10 One Family Residential District** to **O-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.

Motion seconded by Councilor Meaker.  
Ayes~6 Noes~0 (Councilor Bick-abstained) *Motion carried.*

**ZONE CHANGE- (SEQR) (A) – Town Board Case # 1125 JOSEPH LIGOCI, JR. and TIMOTHY NEEDLE – ALLSTATE INSURANCE OFFICE:**

Councilor Pleskach moved the adoption of a resolution that the application for **JOSEPH LIGOCI, JR. AND TIMOTHY NEEDLE FOR A ZONE CHANGE** from **R-10 One Family Residential District** to **O-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, 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 seconded by Councilor Meaker.

Ayes~5 Noes~1 (Councilor Hess-opposed) (Councilor Bick-abstained)

*Motion carried.*

**ZONE CHANGE- (A) – Town Board Case # 1125 JOSEPH LIGOCI, JR. and TIMOTHY NEEDLE – ALLSTATE INSURANCE OFFICE:**

Councilor Pleskach moved the adoption of a resolution approving the application of **JOSEPH LIGOCI, JR. AND TIMOTHY NEEDLE FOR A ZONE CHANGE** from **R-10 One Family Residential District** to **O-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.

Motion seconded by Councilor Meaker.

Ayes~5 Noes~1 (Councilor Hess-opposed) (Councilor Bick-abstained)

*Motion carried.*

**Adjournment:**

The meeting was adjourned at 8:40 P.M. upon motion by Councilor Bick and seconded by Councilor Pleskach.

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

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Kristine Alpuerto / Deputy Town Clerk