

**UNAPPROVED**

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 March, 2015 at 7:30 P.M., there were:

**PRESENT:**

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

**ABSENT:**

Damian Ulatowski	Supervisor
Jim Rowley	Councilor
Eugene Young	Councilor

**OTHERS PRESENT:**

Russ Mitchell, Hal Henty – Planning Board Members; Dorothy Heller – Town Historian; Lisa Vincitore – Secretary to the Town Attorney.

The meeting was called to order by Deputy Supervisor Edick at 7:30 P.M. All present joined in the Pledge of Allegiance.

**Approval of Minutes:**

Councilor Bick moved to **Approve** the Minutes of the March 2<sup>nd</sup>, 2015 Town Board Meeting. Motion was seconded by Councilor Bray.

Ayes-4 and Noes-0. *Motion carried.*

**Cancellation and/or requested adjournments.**

Deputy Supervisor Edick said that he knows of no cancellations or requested adjournments.

**Correspondence:**

He asked if anyone wished to address the Town Board on any item not on the agenda and there were none.

**REGULAR MEETING:**

*The Deputy Supervisor explained that the public hearing could not be heard before 7:35 therefore he would continue with the rest of the agenda.*

**Zone Change (PH) – Town Board Case # 1077 - THE MUFALE LIMITED PARTNERSHIP:**

A public hearing to consider the application of **THE MUFALE LIMITED PARTNERSHIP FOR A ZONE CHANGE** from **R-7.5 One-Family Residential District** to **R-TH Townhouse District** to allow for the construction of townhouses on vacant land located at **3946 State Route 31, on part of Tax Map No. 055.-01-01.1**; consisting of approximately 10.926± acres of land was opened by the Deputy Supervisor; proof of publication and posting were provided by the Town Clerk.

Hal Romans was present on behalf of the applicant. Mr. Romans began by explaining that the applicant is requesting a zone change for a portion of the parcel currently zoned R-7.5 (residential single family homes). The applicant wishes to develop the entire parcel with Townhomes. The applicant is proposing 26 2-unit buildings. There will be two entrances, the main one being on Pepperidge Way and the secondary entrance would connect to the existing turn around at the end of Sutcliffe Drive. Mr Romans said that he would bring aerial renderings next time. Councilor Bick commented that he would like to see the connection made from Pepperidge Way to Soule Road. Mr Romans said that the County is recommending the connection be made however if the Town Board does not want it the applicant said they will not connect.

Councilor Bick then asked about parking and if there will be visitor parking. Mr. Romans explained that each unit has a two car garage with additional room for 2 wide and 2 deep in the driveway. There will be no visitor parking as the units will be owner occupied, not rentals.

There is an existing stormwater detention pond to the west of the parcel. However many residents voiced concerns regarding current flooding. Mr. Romans explained that the DEC is very involved and the new construction cannot have a negative impact.

Deputy Supervisor Edick explained that this is the beginning of the process and that there will be other meetings to discuss and perhaps modify this plan. He continued that the applicant will be before the Planning Board on March 25 at 7:30 P.M. and again before this board on April 20<sup>th</sup> at 7:41 P.M.

Jacky Conroy of 4108 Nutcracker Trail explained that she and her husband bought their home 11 years ago. They liked the idea of having a dead end neighborhood

and were led to believe that this parcel would never be developed. She continued that she was not against the construction of the townhomes however she does not wish to see the connection made to Sutcliffe Drive.

Elizabeth Jarosz of 4035 Underbrush Trail expressed her concerns with the road connection and the increase of traffic that would occur. She asked about the construction of sidewalks. She asked about a privacy fence or trees as a buffer separating the townhouses from the single family homes.

Sophia Jarosz (9 years old) said that if the road goes in she can no longer play in the road because she may get hit by a car.

Chuck DeGilormo of 4107 Nutcracker Trail asked about the size and quality of the proposed townhomes. Mr. Romans said that they will be like the townhomes constructed in Inverness Gardens across from Wegmans on Taft Road. They will be a higher end townhome with prices beginning around 190,000.00 to 200,000.00 with prices going up from there depending on the options offered. Mr. DeGilormo asked if the town homes would have basements and they would. Mr. Romans said that this would be constructed in phases, adding that he will bring photos to depict the project.

Joanne Meyers said that although she cuts through the Fairway Development every day, she does not want the connection through her neighborhood for the possibility of cutting through from Route 31 to Soule Road as she feels that this is a greater safety risk. Michael Cioci agreed that Fairway is a much better cut through, adding that the connection would be endangering the welfare of children. He continued that he is concerned that drunk drivers will use this connection as a cut through from the bars on Route 31 and this would be a liability.

Lisa Shereneto of Route 31 explained that she doesn't want the connection either; in addition she is concerned with flooding. Mr. Romans said that the applicant would hire a professional engineer. The applicants engineer would work the Town Engineer and the DEC would review the plan prior to construction. He added that typically new development is designed to improve drainage and support wildlife.

Many other residents voiced their concerns regarding the traffic if the connection is made in addition to the safety for the children that regularly play in the roads. Also concerns with drainage and many more just do not want a connection between single family homes and townhomes.

Deputy Supervisor Edick said that he and Mr. DeTota will visit the property to look into the drainage issues mentioned by the residents.

Deputy Supervisor Edick said that he would leave the public hearing open.

Councilor Bick made a motion to **adjourn** to **April 20** at **7:41 PM**. Motion was seconded by Councilor Weaver.

Ayes – 4 and Noes – 0. *Motion carried.*

*Deputy Supervisor Edick reminded the residents that this will be ongoing and the next meeting will be March 25 at 7:30 PM before the Planning Board. He also encouraged residents to check the Town of Clay website or call with questions.*

**R15-62** **Street Lights/ Project – THE FARMSTEAD, Section No. 2 Subdivision:**

Councilor Weaver moved the adoption of a resolution authorizing **NATIONAL GRID** to install eight (8) 100w high pressure fixtures be installed on fourteen foot (14') fiberglass embedded poles using 100w fixtures to help illuminate a portion of **The Farmstead Section No. 2 Subdivision**. The estimated annual cost for these fixtures is **\$2,520.72** and will be charged to the **UNDERGROUND LIGHTING DISTRICT (LT246)**. Motion was seconded by Councilor Bray.

Ayes – 4 and Noes – 0. *Motion carried.*

**Agreement (A) - OCRRA:**

*Deputy Supervisor Edick explained that this item will be tabled at this time pending further review.*

**R15-63** **Contract/ Agreement (A) Town of Clay and the New York State Department of Transportation:**

Councilor Bray moved the adoption of a resolution approving an Annual Highway Work Permit between the **Town of Clay** and the **New York State Department of Transportation**, whereas said Permit is issued and used by the **Town of Clay** in connection with work affecting the Right-of-Way of a State Highway; pursuant to Article 3, Section 52 of State Highway Law and Section 1220-c of the Vehicle and Traffic Law; and further authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Bick.

Ayes – 4 and Noes – 0. *Motion carried.*

**R15-64** **Contract - TOWN OF CLAY LANDFILL POST CLOSURE ENVIRONMENTAL MONITORING PROGRAM:**

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to execute a contract with **C & S ENGINEERS, INC.**, for professional services to be rendered for the year **2015** 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 **\$22,579.** Motion was seconded by Councilor Bray.

Ayes – 4 and Noes – 0. *Motion carried.*

**R15-65 Contract/Authorization - C & S ENGINEERS, INC (LRMP):**

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to execute a contract with **C & S ENGINEERS, INC.,** for professional services to generate and develop the **Town of Clay Local Roadway Management Program (LRMP)** for field evaluation and study of the conditions of all the Town roads. Motion was seconded by Councilor Bray.

Ayes – 4 and Noes – 0. *Motion carried.*

**Release of Securities - THE FARMSTEAD:**

**R15-66** Councilor Weaver moved the adoption of a resolution, pursuant to the written recommendation of the Town Engineers in their letter dated **March 11, 2015,** recommending the **release of the repair and maintenance securities** withheld for **THE FARMSTEAD** as follows:

- The Farmstead Sewer District, Contract No. 1 from \$21,352 to \$0.
- The Farmstead Drainage District, Contract No. 1 from \$12,393 to \$0.
- The Farmstead Drainage District, Contract No. 1 (Overland) from \$65,000 to \$30,000.

To the Developer, **MAPLE ROAD ASSOCIATES, INC.**

Motion was seconded by Councilor Bray.

Ayes – 4 and Noes – 0. *Motion carried.*

**R15-67 Certiorari - WEGMANS vs. THE TOWN OF CLAY:**

Councilor Bick moved the adoption of a resolution authorizing and approving the settlement of the certiorari action commenced against the Town pursuant to RPTL Article 7 entitled **WEGMANS vs. THE TOWN OF CLAY, et al, Tax Map No. 107.-20-01.1** on property located at **4979 West Taft Road, Clay, NY,** reducing the assessment from **\$468,775.00** to **\$434,000.00** for **Tax Year 2012/13, Index No.: 2012-4026;** and from **\$468,775.00** to **\$435,000.00** for **Tax Years 2013/14 & 2014/15, Index Nos. 2013-3974 & 2014-EF2766. Tax Map No. 093.-04-08.1** on property located at **7519 Oswego Road Clay, NY,** reducing the assessment from

**\$466,909.00 to \$460,040.00 for Tax Year 2012/13, Index No.: 2012-4023, and from \$466,909.00 to \$461,100.00, for Tax Years 2013/14 & 2014/15, Index No.: 2013-3973 & 2014-EF2765. Tax Map No. 093.-04-08.2 on property located at 7505 Oswego Road Clay, NY, with no reduction in the assessment for the Tax Years 2013/14 & 2014/15, Index No.: 2013-3973 & 2014-EF2765. Tax Map No. 021.-01-05.3 & 021.-01-05.6 on properties located at 3955 & 3848 State Route 31 also with no reduction in the assessment for the Tax Years 2012/13, 2013/14 & 2014/15, Index No.: 2012-4022, 2013-3969 & 14-EF2764.** The Real Property Tax Law Section 727 does apply to this settlement agreement in all aspects for the **2015/16 and 2017/18** tax years and is based upon the 2014 Revised Assessment. The total refunds due from the Town for the four year period for all matters, is in an amount not to exceed \$10,392.85 without statutory interest and to be paid in two annual installments of \$5,196.42 per year, with the first payment in 2015 and again in 2016. This resolution also authorizes the Town Supervisor and Town Attorney to execute any necessary documents to complete this settlement including, but not limited to the proposed Stipulation and Consent Order. Motion was seconded by Councilor Bray.

Ayes – 4 and Noes – 0. *Motion carried.*

**Adjournment:**

The meeting was adjourned at 9:19 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

Ayes-4 and Noes-0. *Motion carried.*

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Jill Hageman-Clark RMC, Town Clerk