

Approved

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 18th of July, 2016 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
Naomi R. Bray	Councilor
Jim Rowley	Councilor
David Hess	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

William C. Weaver	Councilor
Eugene Young	Councilor

OTHERS PRESENT:

Russ Mitchell and Hal Henty; Members of the Planning Board, Lisa Vincitore; Secretary to the Town Attorney & 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 20th, 2016 meeting. Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried.*

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that items numbered 6 and 8 on the agenda are adjourned at the request of the applicants.

Correspondence:

Supervisor Ulatowski asked if anyone would like to address the Town Board on anything not on the agenda. No one spoke at this time.

REGULAR MEETING

Zone Change (PH/Adj.) – Town Board Case # 1095 - GEORGIAN COURT ENTERPRISES, LLC AND FERNANDO VONA:

Councilor Bick made a motion to adjourn the public hearing to **August 15, 2016 at 7:41 P.M.** Motion was seconded by Councilor Bray.

Ayes – 5 and Noes – 0. *Motion carried.*

Zone Change (PH) ABC ESTATES, LLC FOR A ZONE CHANGE from RA-100 Residential Agricultural to R-APT Residential Apartment:

A public hearing to consider the application of **ABC ESTATES, LLC FOR A ZONE CHANGE from RA-100 Residential Agricultural to R-APT Residential Apartment** to allow for the construction of two (2) apartment buildings plus required infrastructure and garages located at **7374 & 7368 Henry Clay Blvd., Tax Map No. 106.-04-13.0 & 106.-04-14.0;** consisting of approximately 1.54± acres of land was opened by the Supervisor; proof of posting and publication was furnished by the Town Clerk.

James Trasher was present on behalf of the applicant. Mr. Trasher began by distributing a sketch plan to the Town Board. He explained that the applicant is not proposing any access to Henry Clay Boulevard. The sketch shows 24 units but may only be 12-18 units. Supervisor Ulatowski asked if the parcel is 1.54 acres; Mr. Trasher corrected that the parcel is actually 1.551 acres according to Ianuzi and Romans. There was a discussion about the density with regard to the number of units. Mr. Trasher gave a brief explanation of the formula for figuring out the density. Councilor Rowley asked if this is legal. Commissioner Territo assured that it is adding that Ravada Hill Apartments did the same thing by using the existing complex plus the new parcel to achieve the required density. Bob Trombley of 7386 Henry Clay Boulevard explained that he owns the property adjacent on Henry Clay adding that he doesn't know what density requires but he is willing to sell. Mr. Trasher said that he may get a call tomorrow. Mr. Trasher reiterated that the sketch shows 24 units but 12 are more likely.

Supervisor Ulatowski asked if there were any more questions; hearing none he said that he would refer this application to the Planning Board for review and referral.

Councilor Bick made a motion to adjourn the public hearing to **August 15, 2016 at 7:47 P.M.** Motion was seconded by Councilor Hess.

Ayes – 5 and Noes – 0. *Motion carried.*

Zone Change (CPH) – Town Board Case # 1097 - SYRACUSE BRICK HOUSE, INC. D/B/A SYRACUSE BEHAVIORAL HEALTHCARE AND 1914 TEALL AVENUE ASSOCIATES:

Councilor Hess made a motion to adjourn the public hearing to **August 15, 2016 at 7:44 P.M.** Motion was seconded by Councilor Bray.

Ayes – 5 and Noes – 0. *Motion carried.*

Zone Change (PH) – Town Board Case # 1094 - NEW COURT STREET, LLC:

A public hearing to consider the application of **NEW COURT STREET, LLC FOR A ZONE CHANGE** from **NC-1-Neighborhood Commercial** to **I-1 Industrial** to allow for a retail/office building located at **8531 Oswego Road, Tax Map No. 019.-02-18.3**; consisting of approximately 5.24± acres of land. (Adjourned to this date and time from the June 20, 2016 Town Board Meeting) was opened by the Supervisor.

Again James Trasher spoke on behalf of the applicant. Mr. Trasher explained that they had been to the Planning Board for referral since the last appearance before the Town Board. The Planning Board had suggested that a traffic study be completed and Mr. Trasher distributed copies of the study to the Town Board.

Supervisor Ulatowski asked if there were any changes from the original plan. Mr. Trasher explained that the stormwater is now located where the contractor area was originally. Now the contractor area will be closed in with an 8' stockade fence and border the stormwater management area. Mr. Trasher stated that the sheds that are currently scattered all over the parcel will now be confined to a 100' by 100' "pre-manufactured product sales area". Councilor Bray asked about retail sales adding that retail sales are not allowed in I-1 zoning. There was a discussion about whether it is actually retail sales or wholesale and it was determined that this use does not fit the definition of wholesale. Mr. Trasher explained that the site would mainly be used for storage with a small area remaining for the sales of the manufactured sheds. The Supervisor asked Mr. Germain if this is allowed. Mr. Germain suggested that there may be similar situations existing in the Town. Councilor Bick asked if wholesale sales are allowed in the Industrial zone. Mr. Germain explained that within manufacturing sites it is considered incidental sales. Mr. Territo agreed adding that commercial activity occurs within manufacturing if the product is made at that site. There was a discussion about amending the code or spelling out that incidental sales are allowed for manufacturing.

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

R16-129 Agreement – KONE - Elevator Maintenance Agreement:

Councilor Hess moved the adoption of a resolution authorizing the Supervisor to execute an Elevator Maintenance Agreement between the Town of Clay and KONE, Inc. at an amount of \$900.00 annually, for a term of (5) five years, and further authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried.*

R16-130 Special Permit – NICHOLS, LD (CPH) Town Board Case # 1099:

Councilor Bick moved the adoption of a resolution calling a public hearing **August 15, 2016**, commencing at **7:35 P.M.**, local time to consider the application of **NICHOLS, LD, FOR A SPECIAL PERMIT** pursuant to **Section 230-16 B. (2)(E)[13]** for an outdoor stage for recreation and special events on land located at **7240 Oswego Road, Tax Map No. 114.-01-32.0**; consisting of approximately 1.8± acres of land. Motion was seconded by Councilor Hess.

Ayes – 5 and Noes – 0. *Motion carried.*

R16-131 Traffic & Vehicles (CPH) – TWO (2) ADDITIONAL STOP SIGNS – Forestbrook Drive and Deerfield Road:

Councilor Rowley moved the adoption of a resolution calling a public hearing **August 15, 2016**, commencing at **7:38 P.M.**, local time to consider the amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to designate and provide for **TWO (2) ADDITIONAL STOP SIGNS** to be installed at the corners of **Forestbrook Drive and Deerfield Road** to make a three-way stop; and the installation of the necessary signs therefore. Motion was seconded by Councilor Hess.

Ayes – 5 and Noes – 0. *Motion carried.*

R16-132 Local Law No. 5 of the Year 2016, amending Chapter 230, entitled ‘ZONING’, (CPH):

Councilor Bick moved the adoption of a resolution calling a public hearing **August 15th, 2016**, commencing at **7:50 P.M.**, to consider proposed **Local Law No. 5 of the Year 2016, amending Chapter 230, entitled ‘ZONING’**, amending **Section 230-**

17 C.(2)(e) to add new item **[8] “HOSPITAL/CLINIC”** with a Town Board Special Permit to said section of the Code of the Town of Clay. Motion was seconded by Councilor Hess.

Ayes – 5 and Noes – 0. *Motion carried.*

Adjournment:

The meeting was adjourned at 8:07 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried.*

Jill Hageman-Clark, RMC Town Clerk