

**APPROVED**

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 15<sup>th</sup> of May, 2017 at 7:30 P.M., there were:

**PRESENT:**

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

**ABSENT:**

None

**OTHERS PRESENT:**

Hal Henty; Member of the Planning Board, Ryan Pleskach & 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 1<sup>st</sup>, 2017 meeting. Motion was seconded by Councilor Rowley.

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

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski explained that Town Board case number 1112 was withdrawn at the request of the applicant. Furthermore, Town Board case number 1111 is adjourned at the request of the applicant.

**Correspondence:**

Supervisor Ulatowski asked if anyone wished to address the Board on any items not on the agenda. No one responded.

**REGULAR MEETING**

**Correction:** Of the Minutes dated April 17, 2017, the Kimbrook Route 31 Development, LLC Zone Change, Tax Map No. 052.-02- 11.1 is Town Board Case #1107, and Tax Map No. 052.-02-11.2 is Town Board Case #1108.

Supervisor Ulatowski asked the Town Clerk to explain the correction; and she did. Councilor Bray moved to amend the resolution as corrected. Motion was seconded by Councilor Bick.

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

**Zone Change (A/D) Town Board Case # 1112 - REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP.:**

*Withdrawn at the request of the applicant.*

**Zone Change (PH) - Town Board Case # 1113 - FARONE & SON, INC. AND CARMEN & BLASE LARROCA:**

A public hearing to consider the application of **FARONE & SON, INC. AND CARMEN & BLASÉ LARROCA FOR A ZONE CHANGE from R-10 One-Family Residential to NC-1 Neighborhood Commercial** to allow for the construction of new funeral home on property located at **4887, 4889 & 4899 West Taft Road, Tax Map No. 107.-21.49.0, 50.0 & 51.0;** consisting of approximately 6.0± acres of land was opened by the Supervisor; proof of posting and publication was furnished by the Town Clerk.

Tom Cerio and David Herkala, legal counsel for the applicant were present as well as Tim Coyer, surveyor and Joseph Farone. Mr. Cerio began by explaining that the applicant is proposing construction of a funeral home to be located on Taft Road near the Mapleridge Development. They are proposing the entrance to the left of the lot not directly across from Diamond Drive; however they are open to any recommendations. There will be 100 parking spots; 60 are required. They plan to leave the flora for the 35' landscape buffer. The surrounding parcels are zoned R-10. They will complete a lot line adjustment to combine the parcels.

Supervisor Ulatowski said that the map depicts three driveways and asked if the applicant planned to keep all three. Mr. Cerio said they are planning one full access driveway adding that Onondaga County DOT is agreeable to this.

Councilor Bick asked if residential homes were to be constructed, what the maximum build out would be. The applicant did not have that information. He also inquired

about the clearing of the trees. The applicant plans to leave as many as possible and add more to the buffer.

Councilor Young asked if they planned a garage. Mr. Cerio said that they do. Councilor Hess asked how many cars could stack in the driveway. Mr. Cerio said three but the applicant is open to consider moving the proposed building back. Councilor Hess asked if they had considered one lane in and two lanes out; he also suggested that they depict the proposed garage on the site plan.

Vincent Trichilo of Lazybrook Circle asked about the buffer adding that his property abuts the proposed funeral home. He continued that he hopes that the applicant will leave the existing flora in the buffer. The applicant agreed stating that they plan to add to it. Mr. Trichilo continued that he hopes that the applicant will reconsider the placement of the driveway so not to interfere with the traffic from Lazybrook. Virginia Bird owner of the property at 4911 W. Taft Road asked the applicant to show how far back the parking lot will go. Tim Coyer said that her property will be shown on the next plan.

Residents asked questions for nearly an hour, covering things such as the hours for the calling hours which generally run from 4-7 PM however they are projecting that they will open at 8 AM for business. Viewing rooms, there will be three. Many residents were concerned with additional traffic that would be generated.

Some residents voiced concerns that the property values will be reduced by having a funeral home near their neighborhood. Rob Bick, Assessor for the Town of Clay was on hand and answered that assessments are based on the market value, the recent sales of neighboring properties.

Many of the residents were outwardly against this application specifically for a funeral home. Supervisor Ulatowski reiterated that the application is for a zone change; a funeral home is a use that is allowed in the requested zone. He continued that this is a proposal and the Town is required to hear it, invite adjacent property owners to also hear it and at a later date make a decision based upon the information gathered. After explaining the process to the residents, Greg Clark of Harvest Lane asked if they would be notified of each meeting and the Supervisor explained that it will be on the agenda on the Town of Clay website as well as being adjourned at the meeting. He accused the Town of not giving enough time for the residents to respond. Mr. Germain contested, that the Town of Clay had given proper notice. Mr. Germain then outlined the process again.

Mr. Trichilo said that he had nothing against the Farone family but retaining the foliage means a great deal to him.

An adamant resident announced that as elected officials the Town Board should be out soliciting developers to construct residential homes not listening to an application for a zone change for a funeral home. Both Supervisor Ulatowski and Attorney Germain agreed that the Town does not and cannot solicit developers.

Supervisor Ulatowski said that he would refer this to the Planning Board for recommendation.

Councilor Hess made a motion to adjourn the public hearing to **June 19, 2017 at 7:38 P.M.** Motion was seconded by Councilor Bick.

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

**Zone Change (PH/Adj.) Town Board Case # 1111 - FRANCIS FIORITO:**

Councilor Hess made a motion to adjourn the public hearing to **June 5, 2017 at 7:38 PM.** Motion was seconded by Councilor Rowley.

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

**Appointment – HIGHWAY SUPERINTENDENT:**

Councilor Rowley moved the adoption of a resolution appointing **JOE NICOLETTI** to the position of **HIGHWAY SUPERINTENDENT** effective May 8, 2017 at a rate of \$88,000.00.

Councilor Rowley joked that means no overtime. Councilor Bick seconded the motion.

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

**Appointment - CLAY Volunteer fire Department Inc.:**

Councilor Young moved the adoption of a resolution approving the appointment of **Timothy Shaughnessy** as volunteer member of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Councilor Bray seconded the motion.

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

**LEASE AGREEMENT - LIVERPOOL CENTRAL SCHOOL DISTRICT:**

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to execute a **LEASE AGREEMENT** between the **LIVERPOOL CENTRAL SCHOOL DISTRICT** and the **TOWN OF CLAY** with regards to the use of the school's facilities for the Town's Athletic Sports Programs for the current year which shall extend from **June 26, 2017 to August 31, 2017**, at a cost of approximately **\$2,725.50**. Councilor Hess seconded the motion.

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

**Special Permit (CPH) – Town Board Case # 1114 – Store America / Emerald Management Henry Clay, LLC:**

Councilor Rowley moved the adoption of a resolution calling a Public hearing **June 5, 2017**, commencing at **7:41 P.M.**, local time to consider the application of **STORE AMERICA/EMERALD MANAGEMENT HENRY CLAY, LLC FOR A SPECIAL PERMIT** to allow for parking of rental trucks, pursuant to **Section 203-17 C. (2) (E) [3]** on property located at **7711 Henry Clay Blvd., Tax Map No. 087.-01-21.1;** consisting of approximately 6.77± acres of land. Councilor Hess seconded the motion.

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

**Adjournment:**

The meeting was adjourned at 8:44 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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

---

Jill Hageman-Clark RMC / Town Clerk