

Approved

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 4th of April, 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
Eugene Young	Councilor
David Hess	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning & Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

William C. Weaver	Councilor
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OTHERS PRESENT:

Russ Mitchell and Hal Henty; Members of the Planning Board and Lisa Vincitore; Secretary to the Town Attorney.

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 March 21, 2016 meeting. Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried. Supervisor Ulatowski abstained due to his absence at that meeting.*

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that there will be no cancellations or adjournments.

Correspondence:

Supervisor Ulatowski asked if anyone wished to address the Board on any items not on the agenda. There were no comments.

REGULAR MEETING

R-16-86 Zone Change (Findings) – Town Board Case # 1068 – RIVERWALK ASSOCIATES, INC.:

Councilor Young moved the adoption of a resolution adopting the SEQR and General Findings related to the application (as amended) of **RIVERWALK ASSOCIATES, INC. seeking a ZONE CHANGE from RA-100 Residential Agricultural District to R-15 Residential District** to allow for residential development located at **5112 & No Number Guy Young Road, Tax Map No. 041.-03-42.0**. The Town Board has reviewed and duly considered all aspects of the proposed Project and Findings and hereby adopts the Findings in their entirety. A copy of the Findings shall be filed with the Town Clerk and posted on the Town website. The Findings shall also be incorporated into all decisions of this Board by reference. Motion was seconded by Councilor Hess.

Ayes – 6 and Noes – 0. *Motion carried.*

R-16-87 Zone Change (SEQR)(amended) – Town Board Case # 1068 – RIVERWALK ASSOCIATES, INC.:

Councilor Young moved the adoption of a resolution that the application (as amended) of **RIVERWALK ASSOCIATES, INC. FOR A ZONE CHANGE from RA-100 Residential Agricultural District to R-15 Residential District** to allow for residential development located at **5112 & No Number Guy Young Road, Tax Map No. 041.-03-42.0**; is an unlisted action with a completed EAF and involves no other permit granting agency outside the Town. The Town Board scoped potential environmental impact considerations and requested the applicant submit several studies for review. In addition, we considered all relevant aspects and potential impacts of the proposed project and adopted comprehensive SEQRA and general findings that are incorporated into this resolution by reference. 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 Bick.

Ayes – 6 and Noes – 0. *Motion carried.*

R-16-88 Zone Change (A) – Town Board Case # 1068 – RIVERWALK ASSOCIATES, INC.:

Councilor Young moved the adoption of a resolution that after careful consideration of the issues and the adoption of comprehensive SEQR and General Findings, the Town approves the application (as amended) of **RIVERWALK**

ASSOCIATES, INC. FOR A ZONE CHANGE from RA-100 Residential Agricultural District to R-15 Residential District to allow for residential development located at **5112 & No Number Guy Young Road, Tax Map No. 041.-03-42.0**. Motion was seconded by Councilor Bray.

Ayes – 6 and Noes – 0. *Motion carried.*

Local Law No. 2 of the Year 2016 amending Chapter 230 “ZONING” (PH):

A public hearing to consider proposed **Local Law No. 2 of the Year 2016** amending **CHAPTER 230 “ZONING”** of the Town Code to amend **§230-22 Signs** by adding to **§230-22 B.** two new definitions and replacing the definition of Electronic Message Boards, and adding **§230-22C.(1)(c) Special Permit Uses** and to be included in the Town of Clay Municipal Code. (Adjourned to this date and time from the March 7, 2016 Town Board Meeting) was opened by the Supervisor.

Mark Territo gave a brief overview adding that the only change from the previous hearing is that there is clarification regarding the definition of a ‘site’ and it is now referred to as the site instead of the tax parcel for the purpose of electronic signage. Supervisor Ulatowski asked if everything else is consistent. Mr. Territo said that it is. There being no questions or comments; the Supervisor **closed** the public hearing.

Zone Change (PH/Adj.) - Town Board Case # 1091 - NELSON ASSOCIATES, LLC and ROUTE 31 PARTNERSHIP:

A public hearing to consider the application of **NELSON ASSOCIATES, LLC AND ROUTE 31 PARTNERSHIP FOR A ZONE CHANGE from RA-100 Residential Agricultural to HC-1 Highway Commercial** to allow for FOX automotive dealership on vacant land located at **3687 State Route 31 and the parcel immediately to the north, Tax Map Nos. 020.-01-05.3 & 06.1** consisting of approximately 7.04 ± acres of land. (Adjourned to this date and time from the March 21, 2016 Town Board Meeting) was opened by the Supervisor.

Joe Durant of TDK gave a brief overview of the plan. He explained that the parcel is on Route 31 near Moyers Corners. Supervisor Ulatowski asked if there would be full access. Mr. Durant said that they are proposing full access but are waiting for the final word from County DOT. He added that he had been to a meeting with Councilor Hess and representatives from Widewaters. They are showing an easement to the northwest portion of the parcel to connect.

Councilor Bray asked about the two small parcels. Mr. Scalione, Attorney for the applicant explained that they had offered to purchase Mr. Donegan’s parcels

however they were unable to agree on a price. Mr. Scalione explained that he had made several attempts to facilitate the purchase of the Donegan parcels continuing through the weekend, with no response from the Donegans.

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

Zone Change (PH) – Town Board Case # 1093 - NORTH SYRACUSE LODGING GROUP, LLC:

Public hearing to consider the application of **NORTH SYRACUSE LODGING GROUP, LLC FOR A ZONE CHANGE** from **R-TH Residential Townhome** to **RC-1 Regional Commercial and R-TH Residential Townhome** to allow commercial and townhome use on vacant land located on **Pepperidge Way, Tax Map No. 055.-01-01.1**; consisting of approximately 16.22± acres of land. (Adjourned to this date and time from the March 21, 2016 Town Board Meeting).

James Trasher of CHA Engineering gave an overview of the application adding that Mr. Bouchard had presented at the previous meeting. He explained that the zone change for a proposed hotel would not warrant traffic improvements. He continued that the stormwater would be improved to meet current standards.

Supervisor Ulatowski asked about the town houses depicted in the plan. Mr. Trasher explained that they are just depicted as part of a full build out. He continued that the applicant has no interest in constructing town houses and if they are to be built in the future, that portion will be sold and developed by someone else. The buffer that they are proposing is 7.468 acres.

Bruce Swift of Sugar Pine Circle asked how many floors the hotel will have and Mr. Trasher said three or four. He added that the Hampton Inn directly across the street has four stories which is standard. Mr. Swift asked what hotel it would be. Mr. Trasher said Marriot. Mr. Swift also asked if resolution R-15-84 which was passed May 18, 2015 granting a zone change site plan without a road connecting to Sutcliffe Drive will remain in place. Supervisor Ulatowski assured him that it will.

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

Zone Change (PH/Adj.) - Town Board Case # 1090 - THE WIDEWATERS GROUP INC. and JULIA LA SALLE:

Public hearing to consider the application of **THE WIDEWATERS GROUP INC. AND JULIA LA SALLE FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **RC-1 Regional Commercial** for a proposed retail development on vacant land located at **3715 State Route 31, Tax Map Nos. 020.-01-05.1 & 05.2**; consisting of approximately 46.12 ± acres of land.
(Adjourned to this date and time from the March 21, 2016 Town Board Meeting).

Marco Marzocchi attorney for the applicant explained that they will connect to the west changing the plan as depicted in **Exhibit A**. Mr. Marzocchi asked that the hearing be closed and a decision be made.

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

R-16-89 **Contract - TOWN OF CLAY LANDFILL POST CLOSURE ENVIRONMENTAL MONITORING PROGRAM:**

Councilor Hess 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 **2016** 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 **\$24,073.00**. Motion was seconded by Councilor Rowley.

Ayes – 6 and Noes – 0. *Motion carried.*

R-16-90 **Agreement (Amendment) - ALL CITY MANAGEMENT SERVICES, INC.:**

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to execute an Amendment to the existing Agreement with **ALL CITY MANAGEMENT SERVICES, INC.**, for providing **School Crossing Guard Services** for a period of time which commences July 1, 2016 and terminating June 30, 2017 (2016/17 school year), and for such term thereafter as agreed upon. The Town agrees to pay for the services rendered pursuant to the Agreement, the sum of **Twenty Dollars and Ninety Eight Cents (\$20.98)** per hour of guard service to be provided. The cost of providing **One Thousand, Nine Hundred Eighty (1,980) hours** of service shall not exceed **Forty-One Thousand, Five Hundred Forty Dollars (\$41,540.00)**, and further authorizing the Supervisor to execute the necessary documents therefore. The Amendment shall be approved as to form and content by the Town Attorney. Motion was seconded by Councilor Hess.

Ayes – 6 and Noes – 0. *Motion carried.*

R-16-91 **Zone Change (SEQR) - Town Board Case # 1090 - THE WIDEWATERS GROUP INC. and JULIA LA SALLE:**

Councilor Bray moved the adoption of a resolution that the application of **THE WIDEWATERS GROUP INC. AND JULIA LA SALLE FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **RC-1 Regional Commercial** for a proposed retail development on vacant land located at **3715 State Route 31, Tax Map Nos. 020.-01-05.1 & 05.2;** consisting of approximately 46.12 ± 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 – 6 and Noes – 0. *Motion carried.*

R-16-92 **Zone Change (A) - Town Board Case # 1090 - THE WIDEWATERS GROUP INC. and JULIA LA SALLE:**

Councilor Bray moved the adoption of a resolution approving the application of **THE WIDEWATERS GROUP INC. AND JULIA LA SALLE FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **RC-1 Regional Commercial** for a proposed retail development on vacant land located at **3715 State Route 31, Tax Map Nos. 020.-01-05.1 & 05.2;** consisting of approximately 46.12 ± acres of land. This zone change is granted upon the execution of a Development Agreement in a form and content that is acceptable to the Town Attorney between the applicant and the Town of Clay containing language confirming the applicant has reserved a 60 (sixty) foot stub road to be located near the north west corner of the applicants parcel generally as shown on the accompanying map (**Exhibit A**) for purposes of connecting the subject parcel to lands to the west of the subject parcel and eventually to County Route 57, when development is contemplated on said lands to the west. The purpose of this condition is to insure proper planning for public infrastructure and the Town Planning Board is hereby instructed to consider the creation of future easements and ingress/egress connection rights to properties to the west of the subject parcel in all future site plan considerations of adjacent or nearby parcels to avoid impermissible segmentation. No site plan approval per the land in question shall be granted until the agreement and contingencies are met. Motion was seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried.*

R-16-93 **Zone Change (SEQR) - Town Board Case # 1091 - NELSON ASSOCIATES, LLC and ROUTE 31 PARTNERSHIP:**

Councilor Rowley moved the adoption of a resolution that the application of **NELSON ASSOCIATES, LLC AND ROUTE 31 PARTNERSHIP FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **HC-1 Highway Commercial** to allow for FOX automotive dealership on vacant land located at **3687 State Route 31 and the parcel immediately to the north, Tax Map Nos. 020.-01-05.3 & 06.1** consisting of approximately 7.04 ± 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 – 6 and Noes – 0. *Motion carried.*

R-16-94 **Zone Change (A) - Town Board Case # 1091 - NELSON ASSOCIATES, LLC and ROUTE 31 PARTNERSHIP:**

Councilor Rowley moved the adoption of a resolution approving the application of **NELSON ASSOCIATES, LLC AND ROUTE 31 PARTNERSHIP FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **HC-1 Highway Commercial** to allow for FOX automotive dealership on vacant land located at **3687 State Route 31 and the parcel immediately to the north, Tax Map Nos. 020.-01-05.3 & 06.1** consisting of approximately 7.04 ± acres of land. This zone change is granted upon the execution of a Development Agreement in a form and content that is acceptable to the Town Attorney between the applicant and the Town of Clay containing language confirming the applicant has reserved a 60 (sixty) foot stub road to be located near the north west corner of the applicants parcel generally as shown on the accompanying map (**Exhibit A**) for purposes of connecting the subject parcel to lands to the west of the subject parcel and eventually to County Route 57, when development is contemplated on said lands to the west. The purpose of this condition is to insure proper planning for public infrastructure and the Town Planning Board is hereby instructed to consider the creation of future easements and ingress/egress connection rights to properties to the west of the subject parcel in all future site plan considerations of adjacent or nearby parcels to avoid impermissible segmentation. No site plan approval per

the land in question shall be granted until the agreement and contingencies are met. Motion was seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried.*

Adjournment:

The meeting was adjourned at 8:11 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried.*

Supervisor Ulatowski and Councilor Bray both commended Councilor Hess on his extensive work on the Nelson and Widewaters cases, facilitating a meeting to work out the details for all of the parties involved.

Jill Hageman-Clark, RMC Town Clerk