

APPROVED

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 5th of June, 2017 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
Naomi R. Bray	Councilor
Eugene Young	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
Jim Rowley	Councilor

OTHERS PRESENT:

Russ Mitchell, Hal Henty and Brian Hall; Members of the Planning Board, Ryan Pleskach; Zoning Board Member & 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 15th, 2017 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 7 on the agenda will be adjourned.

Correspondence:

Supervisor Ulatowski asked if anyone wished to address the Board on any items not on the agenda. Marc Frascatore of Potenza Drive explained that the snow plow had knocked down the mail box again and when they replaced the post in the spring he was told that they replace about 200 posts per year. Mr. Frascatore suggested that

perhaps the plow could change the traffic pattern to plow the inside first and then do the side with the mailboxes so that the bulk of the snow would be removed with the first pass. Supervisor Ulatowski said that it was a worthwhile question and that he would look into it. He continued that mailboxes struck by snowplows are not unique to the Town of Clay; this is the norm in the northeast. There was a discussion about perhaps moving the mailboxes to the other side of the road. Mike LaPointe of Perrugia Lane explained that the post office decides where the mailboxes are placed. Mr. Frascatore explained that he is concerned with the cost to the Town, not the mailbox itself. Supervisor Ulatowski said he would look into this.

REGULAR MEETING

LOCAL LAW NO. 2 OF 2017 (PH/Adj.) amending Chapter 230-11:

A public hearing to consider proposed **LOCAL LAW NO. 2 OF 2017** amending **Chapter 230-11** entitled “**Terms defined,**” by amending **Section 230-11C. ‘Perimeter landscape strip’** adding “stormwater management and water quality facilities are allowed within the front yard portion of the perimeter landscape strip” to the end of the third sentence to the Code of the Town of Clay. (Adjourned to this date and time from the May 1, 2017 Town Board Meeting). **NO ACTION**

Councilor Hess made a motion to **adjourn** the public hearing to **August 3, 2017 at 7:35 P.M. *(Corrected at the 6/19/2017 meeting to read adjourn to August 23 at 7:44 P.M.)** Motion was seconded by Councilor Bick. *Supervisor Ulatowski explained that they are adjourning to strengthen the language for the amendment to the Town Code.*

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

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

A public hearing to consider the application of **FRANCIS FIORITO FOR A ZONE CHANGE** from **NC-1 Neighborhood Commercial & RA-100 Residential Agricultural** to **LuC-1 Limited use for Gasoline Services** to allow for the construction of a 5,800 sq. ft.

Fastrac Convenience Store and fuel dispenser island on the north east corner of **State Route 31 and Morgan Rd.**, located at **4291, 4297 & 4303 NYS Route 31 and 8606 & 8595 Morgan Road, Tax Map No. 029.-01-21.1, 22, 23.1, 24, 25, 34 & part of 27**, consisting of approximately 1.8± acres of land. (Adjourned to this date and time from the May 15, 2017 Town Board Meeting).

Councilor Hess made a motion to **adjourn** the public hearing to **June 19, 2017 at 7:47 P.M.** at the request of the applicant. Motion was seconded by Councilor Bick.

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

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

A public hearing to consider the application of **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.

Mr. Calocerinos spoke on behalf of the applicant. He began by explaining that they are seeking an amendment to the original approved special permit to store U-hauls on the property. He backtracked to explain that the original owner, Gary Spring, sold the property to Tim Mahoney and Mr. Mahoney is looking to amend the special permit to change the storage location for the U-hauls on the parcel. He continued that they will relocate the temporary storage to the north of the parcel. The new office will be built on the southern portion of the parcel. There was a discussion about the buffer and the applicant was granted a variance for the buffer.

Councilor Hess asked if there would be a larger space used and the applicant said that they will decrease the size of the storage for uhaul storage by half adding that it was not necessary to have all of that space. Councilor Bray asked if the smaller space would mean a decrease in traffic. Mr. Calocerinos said that in theory that could be true but he was not sure.

All questions being answered, Supervisor Ulatowski **closed** the public hearing.

AMENDMENT TO ONONDAGA COUNTY – DEPARTMENT OF COMMUNITY DEVELOPMENT:

Councilor Hess moved the adoption of a resolution approving amendment of Contract No. 55810, between the Onondaga County Community Development Division and the Town of Clay providing for **\$50,000.00** in funding for the 2016 Road Improvements in the **RICHARDSON TRACT PROJECT**, and authorizing the Supervisor to execute any and all documents therefore. Motion was seconded by Councilor Bick. *Supervisor Ulatowski explained that each year the Town of Clay is awarded money for road improvement projects from the Federal Government.*

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

Agreement (A) SNOW PLOW AGREEMENT BETWEEN THE COUNTY OF ONONDAGA AND TOWN OF CLAY:

Councilor Young moved the adoption of a resolution approving the renewal of the **SNOW PLOW AGREEMENT BETWEEN THE COUNTY OF ONONDAGA AND TOWN OF CLAY** for the period from October 26, 2017 through May 31, 2022. The County shall pay a flat rate per mile of \$7,287.00 in the budget year 2018, thereafter such rate shall be increased by 2% and each subsequent year where by the County shall pay a flat per mile rate of \$7,433.00 in budget year 2019, \$7,582.00 in budget year 2020, \$7,734.00 in budget year 2021 and \$7,889.00 in budget year 2022. One-half of the estimated compensation shall be paid to the town on January 31 of each contract year, and the reconciled balance shall be paid to the town by June 15 of each said contract year. In addition, the Town will receive an additional payment for any winter with above average snow and ice activity as determined by the New York State Department of Transportation severity factor for Onondaga County. And further, pursuant to any additional terms and conditions contained in the compensation paragraph and all other paragraphs of said Agreement and authorizing the Supervisor to execute same. This resolution is subject to approval as to form and content by the Town Attorney. Motion was seconded by Councilor Bray.

Ayes – 5 and Noes – 0. *Motion carried. Supervisor Ulatowski explained that this contract between the Town of Clay and Onondaga County serves to compensate the Town for removal of snow on certain town roads.*

Agreement/Authorization - STORMWATER AND EDUCATION COMPLIANCE ASSISTANCE PROGRAM:

Councilor Bick moved the adoption of a resolution supporting participation in the Central New York Regional Planning & Development Board's year 10* (**corrected from 7 on the agenda and as approved, at the next meeting 6/19/2017**) **STORMWATER AND EDUCATION COMPLIANCE ASSISTANCE PROGRAM** and authorizing the Supervisor to act on behalf of the Town of Clay and execute any and all documents necessary with regard to said matters. In line with the recommendations of the CNY Stormwater Coalition Finance Committee, the CNY RPDB (Regional Planning & Development Board) has adopted a **FLAT FEE STRUCTURE to simplify the municipal budgeting process. At \$3,600.00 PER MUNICIPALITY, this rate reflects shared costs for common services provided equally to all participating municipalities regardless of size or population.** The funds will be available to the Board no later than **January 31, 2018** to complete the project, and a certified copy of this resolution will be prepared and sent to the Board no later than **November 30, 2017**. Motion was seconded by Councilor Hess.

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

Zone Change (CPH) Town Board Case # 1115 - EMPOWER FEDERAL CREDIT UNION:

Councilor Bray moved the adoption of a resolution calling a public hearing **June 19, 2017**, commencing at **7:38 P.M.**, local time to consider the application of **EMPOWER FEDERAL CREDIT UNION FOR A SPECIAL PERMIT** to allow for three (3) additional drive-thru ATM's and a 633 sq. ft. addition to the existing building for additional offices, pursuant to **Section 230-16 A. (2) (D) [5]** on property located at **7670 Morgan Rd., Tax Map No. 087.-01-35.1**, consisting of approximately 2.06± acres of land. Motion was seconded by Councilor Bick.

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

Zone Change (CPH) Town Board Case # 1116 - REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP.:

Councilor Hess moved the adoption of a resolution calling a public hearing **June 19, 2017**, commencing at **7:41 P.M.**, local time to consider the application of **REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP. FOR A ZONE CHANGE** from **HC-1 Highway Commercial** to **LuC-1 Limited use for Gasoline Services & NC-1 Neighborhood Commercial** to allow for proposed Expressmart gas station, convenience store (with drive thru) & car wash on vacant land located on the southwest corner of **NYS Route 31 & Lawton Rd., Tax Map No. 077.-34-17.1**. Motion was seconded by Councilor Bray.

Ayes – 4 and Noes – 1. *Motion carried. Councilor Bick opposed.*

SPECIAL PERMIT(CPH) Town Board Case # 1117 - REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP.:

Councilor Hess moved the adoption of a resolution calling a public hearing **June 19, 2017**, commencing at **7:44 P.M.**, local time to consider the application of **REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP. FOR A SPECIAL PERMIT** to allow for a drive thru, pursuant to **Section 230-16 D. (2) (E) [1]** on property located at **NYS Route 31 & Lawton Rd., Tax Map No. 077.-34-17.1**, consisting of approximately 9.57 ±acres of land. Motion was seconded by Councilor Bray.

Ayes – 4 and Noes – 1. *Motion carried. Councilor Bick opposed.*

Adjournment:

The meeting was adjourned at 8:00 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