

Approved

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 6th of March, 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
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

None

OTHERS PRESENT:

Russ Mitchell & Hal Henty; Members of the Planning Board & 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 February 6th, 2017 meeting. Motion was seconded by Councilor Rowley.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that item(s) numbered 10, 11, 12, 13 and 16 on the agenda will be adjourned.

Correspondence:

Supervisor Ulatowski asked if anyone wished to address the Board on any items not on the agenda.

Bruce Swift, a resident on Sugar Pine Circle distributed pictures to the Town Board indicating the standing water on his road; he continued that before the Highway department paved the gutters the water drained more effectively. Mr. Swift also explained that the road has no crown further impeding the drainage of surface water. Mr. Swift suggested that the Highway department mill and resurface the entire road and crown it or mill to reclaim the gutters. Supervisor Ulatowski and Town Engineer Ron DeTota discussed the cost for maintenance of the gutters and stated that they will make a site visit to discuss alternatives. Supervisor Ulatowski asked Mr. Swift to provide his phone number to the clerk and he did.

REGULAR MEETING

State and Municipal Facilities Program (SAM)(SEQR):

Councilor Bray moved the adoption of a resolution that the application for the **State and Municipal Facilities Program (SAM)** for the construction of three (3) pavilions at Three Rivers Point 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 Bick.

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

State and Municipal Facilities Program (SAM) (A):

Councilor Bray moved the adoption of a resolution approving the **State and Municipal Facilities Program (SAM)** for the construction of three (3) pavilions at Three Rivers Point. Motion was seconded by Councilor Hess.

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

ONONDAGA COUNTY COMMUNITY DEVELOPMENT for the year 2017(PH):

A public hearing to solicit from Town of Clay residents their comments and input regarding the use of funds by the Town of Clay with respect to the applications for funding filed with the **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2017** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski began by explaining that the public hearing gives residents the opportunity to comment on the money allocated to the Town of Clay for community projects in lower income areas. As is the usual practice, the money will be used for road repair.

Ruth Koch of Morgan Road suggested that perhaps some of the money could be used to reconstruct Burnett Road as the road is in disrepair making it difficult for the 42 residences there.

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

Zone Change (PH) Town Board Case # 1110 – EVERGREEN FAMILY LIMITED PARTNERSHIP:

A public hearing to consider the application of **EVERGREEN FAMILY LIMITED PARTNERSHIP FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **RC-1 Regional Commercial** to allow future commercial expansion along the Route 31 corridor located at **3728-3744 State Route 31, Tax Map No. 053.-01-15.1, 053.-01-16.1 & 053.-01-17.1**; consisting of approximately 4.67± acres of land was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

James Trasher of CHA Engineering began by explaining that the applicant has acquired this parcel and wishes to combine it with the existing Davidson properties. He added that currently there is only one parcel left that is not owned by Davidson. Councilor Hess stated the Onondaga County Planning recommended denial of this application and wondered if they knew that this was to be combined and all owned by Davidson. Councilor Bick asked legal counsel if the Town Board could grant the zone change contingent upon the lots being combined. Mr. Germain explained that the Town cannot make that condition however the applicant can make the offer. Mr. Trasher said that he would discuss this with the applicant and show intent when submitting the application to the Planning Board.

Supervisor Ulatowski said that he would refer this to the Planning Board for review and recommendation. Councilor Bray made a motion to **adjourn** the public hearing to **March 20, 2017 at 7:41 P.M.** Motion was seconded by Councilor Bick.

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

SPECIAL PERMIT (PH) Town Board Case # 1109 - KIMBROOK ROUTE 31 DEVELOPMENT, LLC:

Councilor Bick made a motion to **adjourn** the public hearing to **April 17, 2017 at 7:35 P.M.** Motion was seconded by Councilor Bray.

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

ZONE CHANGE (PH/Adj.) – Town Board Case # 1106 - HILARY DONOHUE (GROUP ONE DESIGN, LLC PROPERTY) & BRYAN SOTHERDEN (SIDE TRACK ENTERPRISES, LLC):

Councilor Bick made a motion to **adjourn** the public hearing to **March 20, 2017** at **7:38 P.M.** Motion was seconded by Councilor Hess.

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

Zone Change (PH/Adj.) Town Board Case # 1107 - KIMBROOK ROUTE 31 DEVELOPMENT, LLC:

Councilor Bick made a motion to **adjourn** the public hearing to **April 17, 2017** at **7:38 P.M.** Motion was seconded by Councilor Hess.

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

Zone Change (PH/Adj.) Town Board Case # 1108 - KIMBROOK ROUTE 31 DEVELOPMENT, LLC:

Councilor Hess made a motion to **adjourn** the public hearing to **April 17, 2017** at **7:41 P.M.** Motion was seconded by Councilor Bray.

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

ONONDAGA COUNTY COMMUNITY DEVELOPMENT FUNDS - 2017 (A).

Councilor Rowley moved the adoption of a resolution authorizing the application to **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2017**. Motion was seconded by Councilor Bray.

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

ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING PLAN - 2017 (A).

Councilor Rowley moved the adoption of a resolution authorizing amendment to the **ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING PLAN** for the Town of Clay. Motion was seconded by Councilor Hess.

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

Highway Work Permit – TOWN OF CLAY HIGHWAY DEPARTMENT of TRANSPORTATION and NEW YORK STATE DEPARTMENT of TRANSPORTATION:

NO ACTION

Release of Securities(A) – Maple Park (75%):

Councilor Hess moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **75%** of the original amount posted for Highway Construction Guarantee by **JMG, INC.** for **MAPLE PARK (Greenberry Drive 1,148 lf)**. Gravel, gutters, binder and top are in place in accordance with Town Highway Specifications and are officially accepted into the Town of Clay Highway inventory. Motion was seconded by Councilor Bick.

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

Release of Securities(A) – Riverwalk Subdivision section No. 2 (100%):

Councilor Bick moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **100%** of the original amount posted for Highway Construction Guarantee by **RIVERWALK ASSOCIATES, INC.** for **RIVERWALK SUBDIVISION SECTION NO. 2 (Wolf Tree Path, 1026 lf, Buttonbush Place, 360 lf & Wood Duck Path, 704 lf)**. The roads have been completed in accordance with Town Highway Specifications and are officially accepted into the Town of Clay Highway inventory. Motion was seconded by Councilor Hess.

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

Application(A) - State and Municipal Facilities Program (SAM):

Councilor Bick moved the adoption of a resolution approving the application for the State and Municipal Facilities Program (SAM) for the reconstruction of bathrooms located at the Clay Park Central, and authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Hess.

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

Application(A) - Onondaga County Legislature’s Program of Aid for Infrastructure Improvements and Capital Projects within Towns:

Councilor Bick moved the adoption of a resolution approving the application for the **Onondaga County Legislature’s Program of Aid for Infrastructure**

Improvements and Capital Projects within Towns, and authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Hess.

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

Residential/Small Business Solar Permit Process for the Town of Clay(A):

Councilor Young moved the adoption of a resolution adopting a standardized **Residential/Small Business Solar Permit Process for the Town of Clay.**

WHEREAS, The New York State Energy Research and Development Authority (NYSERDA) is offering a grant of up to \$250,000 to municipalities that adopt a uniform New York State Solar Permit process, and

WHEREAS, Onondaga County can apply for this grant only with the consent and on the behalf of the Town of Clay, and

WHEREAS, The Town of Clay Code Enforcement Officer has advised the Town of Clay Town Board that the New York State uniform process is consistent and compatible with the Town of Clay Zoning Code and permitting practices; and

NOW THEREFORE BE IT RESOLVED by the Clay Town Board as follows:

1. The Town of Clay hereby fully adopts the New York State Unified Solar Permit process for NY Sun Solar Powering New York, and establishes the permit fee per the fee schedule in the Town of Clay Code Book, and
2. The Town of Clay authorizes the Town Supervisor to sign the Certification Statement upon notification of award, and
3. The Town of Clay Authorizes Onondaga County to act as their applicant and shall execute all administrative documents relating to the grant program.

Motion was seconded by Councilor Bray.

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

Zone Change (CPH) Town Board Case # 1111 - FRANCIS FIORITO:

Councilor Young moved the adoption of a resolution calling a public hearing **March 20, 2017**, commencing at **7:35 P.M.**, local time, 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 Road**, located at **4291, 4297 & 4303 State Route 31 and 8606 & 8595 Morgan Road, Tax Map No. 029.-01-21.1, 029.-01-22, 029.-01-23.1, 029.-01-24, 029.-01-25, 029.-01-34 & part of 029.-01-27**; consisting of approximately 1.8± acres of land. Motion was seconded by Councilor Hess.

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

Adjournment:

The meeting was adjourned at 8:05 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