

At the Regular Meeting of the Town Board, **Town of Clay, Onondaga County**, held at the Town Hall, 4401 State Route 31, Clay, New York on the 7th of April, 2014 at 7:30 P.M., there were:

PRESENT:

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

ABSENT:

Robert L. Edick	Deputy Supervisor/Councilor
William C. Weaver	Councilor

OTHERS PRESENT:

Hal Henty Planning Board Member and David Hess, Planning Board Chairman, and John Perkins, Chief of the Moyers Corners Fire Department.

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 Bick moved to **Approve** the Minutes of the March 17th, 2014 Town Board Meeting. Motion was seconded by Councilor Rowley.

Ayes-4 and Noes-0. *Motion carried. Supervisor Ulatowski abstained due to his absence for that meeting.*

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that he knew of no cancellations or adjournments.

Correspondence:

Supervisor Ulatowski asked if there was anyone present that wished to address the Board on anything **not** on the agenda. Several hands were raised and Frank Laifer of 203 Brookhaven Road approached the Board and said that he would like the Town to pay the \$72.00 vet bill to have tarvia removed from his dogs paw. Mr. Laifer said that the loose rock and asphalt became imbedded in his dogs paw while walking him. He added that in all his years he has not seen such a "chintzy" paving job. He said that he should not have to take the Town to "small claims court" or perhaps he will just take the vet fee off his tax bill.

Ron Planty of 215 Rebecca Street said that he has lived there for 46 years and this is the worst he has ever seen. He continued that the gravel, stones and rocks have damaged his house, yard and hardwood floors.

Diane Nigro of 210 Lynnhaven Drive said that the road is a dust field adding that they were told last year that it will be two years before paving is performed. Supervisor Ulatowski said that it has been planned from the start that the paving will be done in the spring. Ms. Nigro continued that she had called each board member and only Councilors Bray and Edick returned her calls and she thanked them. Councilor Young stated that he had called but gotten no answer. She suggested that perhaps she hadn't answered because it was a blocked number.

Harold Slate of 205 Fletcher Drive said that the roads are worse now that the drain was put in. The drain doesn't work and the culvert under the driveway has collapsed.

Daniel Cappa of 101 Fletcher Drive said that each time he has contacted the highway department they have been arrogant, do not respond to emails or letters and when he asked the highway secretary she responded "read the letter".

Catherine Herrmann expressed her concern with the dust and dirt generated by vehicles adding that her child has asthma and was recently hospitalized because of it.

Laura Williams of 112 Rebecca Street asked if the Town Board had recently seen the roads. She went on to say that she cannot use her snow blower, her Harley, ride her bike or walk her dogs.

Joseph Fladd of 208 Lynnhaven Drive exclaimed repeatedly that the roads have been paved poorly, worst job ever and how horrible it is for the community.

Supervisor Ulatowski began explaining that the roads mentioned were not originally in the plans however after some calls, once the Board looked into it they decided to save the condition while staying within a set budget. He continued that he could give the residents whatever they would like however the cost would be reflected in the taxes. He continued that the method that the highway department is using makes sense ecologically as well as economically. Supervisor Ulatowski pointed out that the Town of Clay has maintained a stable tax base in the community. He continued that when this process is complete that he is sure that the residents will find it to be suitable. This process is tried and true he continued adding that this process had been used for the main thoroughfare in the Bayberry community on busy roads with superior results. The Supervisor explained that he sympathized with the residents and hoped that they would see the process through.

Ron DeTota, Town Engineer briefly explained the process adding that this is a cost efficient method of road maintenance.

Several other residents echoed similar complaints and concerns. Supervisor Ulatowski suggested that the residents select a representative to meet with the

Supervisor and others from the town to inspect the issues brought forth. Katherine Herrmann said that she would be the contact for the residents. Supervisor Ulatowski agreed adding that they would set up a time to meet. Ms. Herrmann appealed to the Board to complete this project as soon as possible after the asphalt plants open for the season.

Supervisor Ulatowski asked the residents for patience, explaining that the highway department is doing the best possible job to take care of the problems to the town roads after a very difficult season. He ended by stating that a meeting will be set up with Ms. Herrmann.

(update: a meeting was scheduled for the 9th of April with Ms. Herrmann, the Supervisor, Highway Superintendent and several Town officials.)

Regular Meeting

ZONE CHANGE (PH/adj.) – Town Board Case # 1057 - 3910 BREWERTON ROAD, L.P.:

A public hearing to consider the application of **3910 BREWERTON ROAD, L.P. FOR A ZONE CHANGE** from **LuC-1** Limited Use for Gasoline Services to **NC-1** Neighborhood Commercial **to allow for Retail use in an existing plaza at 3910 Brewerton Rd, Tax Map No. 118.-01-06.1** was opened by the Supervisor.

Supervisor Ulatowski asked if there was anyone present on behalf of the applicant.

Jack Rotondo gave a quick synopsis of the case. He explained that they had submitted a building permit for *Bathfitters* that was denied. Prior to this application, there was a *Video King* (movie rental), a meat market and a hairdresser. He added he wasn't quite sure how long ago it had been used for gasoline services.

Councilor Bray said that the *Planning Board* recommended site plan approval be a condition of the zone change approval. Councilor Young asked if they would interpret the NC-1 use. Commissioner Territo explained that the interpretation is for the use of the property as a warehouse or retail use.

Supervisor Ulatowski **closed** the public hearing.

Special Permit (PH) Town Board Case # 1059 - RAMZI ABDEL-AZIZ:

A public hearing to consider the application of **RAMZI ABDEL-AZIZ FOR A SPECIAL PERMIT TO ALLOW FOR A TWO-FAMILY DWELLING** pursuant to **Section 230-13 A.(2)(e)[7]** on property located at located at 4993 State Route 31, **Tax Map No. 046.-01-13.1**. was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski asked if there was anyone present on behalf of the applicant. Commissioner Territo said that the applicant was not present.

Councilor Rowley moved to **adjourn** this public hearing to the **April 21st, 2014** meeting at **7:35 P.M.** Motion was seconded by Councilor Bick.

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

R-14-79 Release of Securities - RIVERWALK SUBDIVISION, SECTION NO. 1:

Councilor Rowley 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. 1 (White Tail Path, 1035 lf and Wolf Tree Path, 200 lf)**. The roads have been completed in accordance with Town Highway Specifications. Motion was seconded by Councilor Bick.

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

R-14-80 ZONE CHANGE (SEQR)– Town Board Case # 1057 - 3910 BREWERTON ROAD, L.P.:

Councilor Bick moved the adoption of a resolution declaring the application of 3910 **BREWERTON ROAD, LP** seeking a zone change from [LuC-1] Limited Use for Gasoline Services to Neighborhood Commercial [NC-1] to allow for retail use in an existing plaza at 3910 Brewerton Road, Tax Map No. 118.-01-06.1 is an unlisted action involving no permit granting authorities outside the Town. The action will not have a negative effect on the environment and therefore does not require the preparation or submission of a draft environmental impact statement. Motion was seconded by Councilor Rowley.

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

R-14-81 ZONE CHANGE (A) – Town Board Case # 1057 - 3910 BREWERTON ROAD, L.P.:

Councilor Bick moved the adoption of a resolution **approving** the application of **3910 BREWERTON ROAD, LP** for a zone change from LUC-1 Limited Use for Gasoline Services to NC-1 Neighborhood Commercial to allow for a retail use in an existing plaza at 3910 Brewerton Road, Tax Map No. 118.-01-06.1. This application is strictly contingent upon the applicant applying for and obtaining an acceptable site plan from the Planning Board. Motion was seconded by Councilor Rowley.

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

Adjournment:

The meeting was adjourned at 8:36 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