

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 May, 2015 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Robert L. Edick	Deputy Supervisor/Councilor
Naomi R. Bray	Councilor
William C. Weaver	Councilor (Councilor Weaver left the meeting at 7:44 P.M.)
Joseph A. Bick	Councilor
Jim Rowley	Councilor
Eugene Young	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

OTHERS PRESENT:

Russ Mitchell – Planning Board Member;

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 Bray moved to **Approve** the Minutes of the April 20th, 2015 Town Board Meeting. Motion was seconded by Councilor Bick.

Ayes - 6 and Noes - 0 and 1 – Abstaining. *Councilors Rowley abstained due to his absence at that meeting.*

Motion passed.

Cancellation and/or requested adjournments.

Correspondence:

Supervisor Ulatowski began by explaining that this is Councilor Edick's last meeting as he will be retiring from the Town Board. The Supervisor continued that Councilor Edick has been his right hand man for the past several years. He added that Councilor Edick has been an asset to the Town in many capacities and will be greatly missed. Supervisor Ulatowski read a proclamation to Councilor Edick and thanked him for his hard work and dedication. The other Town Board members also praised Councilor Edick for his efforts and commitment to the Town of Clay.

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

A man stood and explained that he was upset because he had contacted the Town Clerk and the Supervisors Office regarding snow removal by the Highway Department and independent contractors and no one had responded to his complaints. He said that he had emailed the Town Clerk on March 3, 2015 and had called the Supervisors office. He said that he contacted the Sheriffs Department and was told that there was nothing that they could do.

Supervisor Ulatowski said that he would look into this and respond to it.

After looking into this it was determined that the resident, Mr. Lou Liberatore of 4034 Plum Yew Circle had indeed sent an email and several phone messages. The email was forwarded to the appropriate departments and the phone calls were also forwarded. The Codes Officer and the Highway Departments responded to Mr. Liberatore at that time.

REGULAR MEETING:

R-15-77 Zone Change (AMENDED) (SEQR) – Town Board Case # 1073 - COR VER PLANK ROAD COMPANY, LLC:

Councilor Edick moved the adoption of a resolution that the amended application of **COR VER PLANK ROAD COMPANY, LLC FOR A ZONE CHANGE** from **R-15 Residential District** to **R-APT Apartment District** to allow for an apartment complex located on **Ver Plank Road & Dell Center Drive**, part of **Tax Map Nos. 021.-01-19.1 & 021.-01-02.3**; and consisting of approximately 58.32 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 Rowley.

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

R-15-78 Zone Change (AMENDED) (A) – Town Board Case # 1073 - COR VER PLANK ROAD COMPANY, LLC:

Councilor Edick moved the adoption of a resolution approving the **amended** application of **COR VER PLANK ROAD COMPANY, LLC FOR A ZONE CHANGE** from **R-15 Residential District** to **R-APT Apartment District** to allow for an apartment complex located on **Ver Plank Road & Dell Center Drive**,

part of **Tax Map Nos. 021.-01-19.1 & 021.-01-02.3**; and consisting of approximately 58.32 acres of land. Motion was seconded by Councilor Rowley.

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

Councilor Weaver left the meeting at 7:44 P.M.

R-15-79 Zone Change (SEQR) – Town Board Case # 1075 - ASSOCIATED GROUP SERVICES, INC.:

Councilor Bick moved the adoption of a resolution that the application of **ASSOCIATED GROUP SERVICES, INC., FOR A ZONE CHANGE from RA-100 Residential Agricultural District, O-2 Office District & R-TH Townhouse District to RC-1 Regional Commercial District** to allow for a Car Dealership and other associated commercial uses on properties located at **3652, 3694, 3702, 3706, 3712, 3720 State Route 31, Tax Map Nos. 053.-01-09.1, 10.1, 11.1, 12.1, 13.1 & 14.1**; consisting of approximately 31.6± 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 Rowley.

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

R-15-80 Zone Change (A) – Town Board Case # 1075 - ASSOCIATED GROUP SERVICES, INC.:

Councilor Bick moved the adoption of a resolution approving the application of **ASSOCIATED GROUP SERVICES, INC., FOR A ZONE CHANGE from RA-100 Residential Agricultural District, O-2 Office District & R-TH Townhouse District to RC-1 Regional Commercial District** to allow for a Car Dealership and other associated commercial uses on properties located at **3652, 3694, 3702, 3706, 3712, 3720 State Route 31, Tax Map Nos. 053.-01-09.1, 10.1, 11.1, 12.1, 13.1 & 14.1**; consisting of approximately 31.6± acres of land. Motion was seconded by Councilor Edick.

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

Zone Change (PH/Adj.) – Town Board Case # 1078 - STEWART'S SHOPS CORP. AND PITCHER HILL ASSOCIATES:

A public hearing to consider the application of **STEWART'S SHOPS CORP. AND PITCHER HILL ASSOCIATES FOR A ZONE CHANGE from R-APT Residential Apartment District to RC-1 Regional Commercial District** to

construct a Stewart's Shop with self serve gas and other permitted uses on vacant land located at the southeast corner of **Buckley and Bear Roads, Tax Map No. 097.-01-08.1**; consisting of approximately 9.02± acres of land. (Adjourned to this date and time from the April 20, 2015 Town Board Meeting) was opened by the Supervisor.

Supervisor Ulatowski explained that the Developer was present as well as the contractor. He explained that the Developer will give details about this application. Next, the Town Board will ask questions, followed by the residents. The Supervisor asked the residents to reserve comment until such a time as all questions have been addressed, probably at a later meeting.

James Trasher, contractor for the applicant began by explaining that this 9 acre parcel is currently zoned for apartments and that the surrounding zoning is for RC-1 and LuC-1, the old zoning for gas station. Mr. Trasher continued that this would not be spot zoning. He explained that the applicant is proposing the Stewarts Shop with 12 gas pumps and a small convenience store. There will be a small strip of retail, perhaps a small restaurant and a bank but there are no tenants yet only the Stewarts. The setback is between 80' and 170'. They are proposing two curb cuts onto Buckley Road and one onto Bear Road. The cut to Bear Road and the one furthest from the traffic light on Buckley will be a full access driveway with the cut on Buckley Road closer to the intersection will be right in and right out only.

Supervisor Ulatowski asked if the footprint shown on the map was a good indication of what the applicant is proposing. Mr. Trasher said that it may be altered slightly by moving the strip plaza to the back or side but this is basically what they are proposing.

There was a discussion about the hours of operation for the proposed store. Many residents were concerned with a 24 hour operation when the applicant explained that the Stewarts Shop typically operates between 4:30 AM and midnight but would consider a 24 hour operation if there was a request.

Councilor Edick asked if the retention ponds were definite where they are displayed on the plan. Mr. Trasher said that they are conceptual. There was a lengthy discussion about the drainage and the impact to the adjoining properties. There is currently a drainage easement for the New York State Department of Transportation and the Board members wanted to know if they (NYSDOT) would abandon the easement. Mr. Trasher said that they will get a permit from DOT to build over the easement and foresees better drainage for the residents as a result.

Councilor Bray asked the applicant if he had read the County Planning Boards comments regarding the one entrance that they are proposing. Mr. Trasher said that the comments were made prior to a meeting with the DOT and that the formal

comments will be made after the traffic study is completed based on all proposed uses for the site. There was a discussion regarding the rating of the levels of service that each road is assigned based upon use and safety however traffic control signals improve the ratings. Mr. Trasher reminded that this parcel is currently zoned for apartments which also will impact the traffic at the intersection. He continued that he has a sketch of an apartment use and shows 72 proposed apartments. He continued that based on the purchase price of the parcel a developer would need to construct 100 units to make a profit in addition there would be 100% new traffic trips. The Stewarts would basically attract local traffic.

Councilor Edick asked if the applicant might consider NC-1 zoning as it is a less intense use. Mr. Marshall from Stewarts explained that they would need to obtain variances if they were to seek a NC-1 zone. Councilor Edick also asked if the applicant had considered sub-dividing.

Carol Duerr of 7538 Meadow Wood Drive said that there is a tagged Niagara Mohawk easement in her yard. Supervisor Ulatowski said that he and Mr. DeTota, the Town Engineer, will take a field trip to investigate.

Lois Rescignano of 5049 Bear Road was concerned that the turn in to the parcel on Bear Road will be directly across from his driveway adding that there are currently two lanes merging and the traffic resembles a racetrack.

Other residents explained that they would prefer an NC-1 (neighborhood commercial) zoning to the proposed RC-1 (regional commercial) as the use would be limited to a less intense use.

Erik Turner of 7540 Meadow Wood Drive said that it is difficult to conceptualize when there are no known tenants for the retail portion. Supervisor Ulatowski said that the applicant is presenting the most intense use and the Planning Board will have the final say about placement on the parcel and the details. He continued that they are nowhere near making a decision at this time. Councilor Young suggested that the Board could limit the footprint however they cannot choose the tenant. Mr. Trasher said that the applicant is interested in constructing a Stewarts and will work with the Boards and neighbors.

Several other residents voiced their concerns regarding traffic and a decrease in property values. Cynthia Adamo of 7530 Meadow Wood Drive explained that she is concerned with noise, partying and an increase in crime. Paul Fisch of 5111 Coffee Tree Circle also voiced the same concerns.

Supervisor Ulatowski asked the residents to please keep to questions so as to help the developer to better understand the resident concerns and refine the plan. He continued that he will refer this to the Planning Board for review and recommendation. He said that the applicant will then return to the Town Board for a continuation of the public hearing; after all of the questions and concerns have been exhausted the public hearing will be closed. At a later meeting a decision will be made after the Town Board has had the opportunity to digest the information. Supervisor Ulatowski explained that they also need to comply with the recommendation and comments from the County and State.

Mr. Trasher explained that whether the tenant is Stewarts or an apartment complex there will be additional traffic. He continued that the rentals could be \$700.00 a month or they could be \$1500.00 a month per apartment.

Supervisor Ulatowski said that he will adjourn the public hearing pending comments from the Planning Board. Additionally he and Mr. DeTota will check out the Niagara Mohawk easement and the drainage. Councilor Edick explained that typically development improves the drainage with the detention basins. The runoff is maintained on the property and the new regulations for drainage mitigation generally improve the drainage to the adjoining properties.

Councilor Bray pointed out that Casey Jordan, the County Legislator for this area was present, adding that Casey Jordan was responsible for the installation of the new traffic light at the corner of Bear Road and Allen Road due to the volume of traffic and in response to resident comments and concerns.

Supervisor Ulatowski said that he will refer this case to the Planning Board. Councilor Rowley made a motion to adjourn the public hearing to June 1, 2015 at 7:35 P.M. Motion was seconded by Councilor Bick.

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

R15-81 Street Lights - Maple Park Subdivision:

Councilor Rowley moved the adoption of a resolution authorizing the installation of five (5) 100w high pressure fixtures to be installed on fourteen foot (14') fiberglass embedded poles using 100w fixtures to help illuminate a portion of the **Maple Park Subdivision**. The estimated annual cost for these underground lighting fixtures is **\$1,575.45**. Motion was seconded by Councilor Bick.

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

R15-82 Bid Advertisement (A) TO FURNISH ADULT CROSSING GUARDS FOR THE 2015-2016 SCHOOL YEAR:

Councilor Young moved the adoption of a resolution authorizing the re-advertisement of bids **TO FURNISH ADULT CROSSING GUARDS FOR THE 2015-2016 SCHOOL YEAR**, for approximately **thirty-six (36) weeks**, for the **TOWN OF CLAY**. Said bids to be received at the Office of the Purchasing Director, County of Onondaga, 421 Montgomery Street, Syracuse, New York, until two (2) o'clock P.M., local time on May 21, 2015. Motion was seconded by Councilor Bray.

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

Adjournment:

The meeting was adjourned at 9:07 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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

Jill Hageman-Clark RMC, Town Clerk

PROCLAMATION

AT A REGULAR MEETING of the Town Board of the Town of Clay held on the 4th day of May in the year 2015. The following resolution was duly adopted:

WHEREAS, ROBERT L. EDICK has served the Town of Clay beginning on May 9, 2003, when he was appointed to the Town Board and has served the Town of Clay in a number of important capacities as a public official, including Town of Clay INDUSTRIAL DEVELOPMENT, and most recently as Deputy Supervisor; and

WHEREAS, he has announced his retirement effective May 11, 2015; and

WHEREAS, Robert began his service as a member of the Town of Clay Town Board in 2003 and was successfully re-elected to the Town Board in 2007 and 2011; and

WHEREAS, Robert notably served as liaison to the Highway Department and the North Syracuse School District and as a manager of the Town Hall facilities. He is an advocate in pressing issues facing the Towns taxes, roads and employee benefits and also led in the efforts to write the Towns HAZARD MITIGATION PLAN. He is a member of the Syracuse Chamber of Commerce and former member of the Chamber's Government Relations Committee, and;

WHEREAS, he has been a Clay resident for 23 years and is active in the Lions Club, Kiwanis Club and Saint Rose of Lima Church and a positive influence on the Central New York community, volunteering for Meals on Wheels and other community organizations, and has been active in youth sports, including Clay Panthers Football and Seneca River South Baseball.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clay is a better place to live, work and raise a family, thanks to the efforts of **ROBERT L. EDICK** and the Town Board, on behalf of themselves and the community, want to publicly acknowledge their thanks and deep gratitude to our esteemed colleague for his many years of faithful service and commitment to the Town of Clay, and to offer their best wishes to him and his wife and his three children, in his well deserved retirement.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the Town of Clay to be affixed at the Town Hall this 4th day of **May**, in the year of our Lord, **TWO THOUSAND FIFTEEN.**

Damian M. Ulatowski, Supervisor