

Approved

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 15th of September, 2014 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
Joseph A. Bick	Councilor
Eugene Young	Councilor
James Rowley	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
John Marzocchi	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

None

OTHERS PRESENT:

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 Edick moved to **Approve** the Minutes of the September 3rd, 2014 Town Board Meeting. Motion was seconded by Councilor Bick.

Ayes-6 and Noes-0. Motion carried. Councilor Bray abstained due to her absence at that meeting.

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that items number 6 & 9 will not be heard as the applicants have both requested adjournments.

Correspondence:

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

Joyce Cerrito a resident on Bayberry Circle, said that she would like to address the Board on several items, two of which are associated with the *MOES Restaurant* on Route 57,

backing up to the homes on Bayberry Circle. She began that the fence separating the restaurant and the residential homes is in disrepair and low in height. Commissioner Territo explained that he has researched this because of complaints from the residents. He found that when the original application was approved for the *Friendly's Restaurant* in the 1960's, a fence separating the residential from the commercial lot was a condition. It was also stated that the fence must be maintained, however there was no stipulation about the height of the fence.

Mrs. Cerrito continued that the dumpster enclosure was not high enough and that the top of the dumpster was visible to the neighbors. She said that it is enclosed but it is not a pleasant view.

She said that the drainage on Bayberry Circle is still a problem. She said that there is a catch basin at 18 Bayberry Circle but that is the only one on that side between house number 18 and 56. She continued that there are several on the other side of the road but the drainage is a problem on the even side creating a lot of standing water. Supervisor Ulatowski said that he and Mr. DeTota will take a field trip during a rain storm to check out the drainage issues.

Mrs. Cerrito said that there is also an issue with people speeding on Bayberry Circle.

Councilor Edick asked the Commissioner if the Town Code addresses the height of the dumpster enclosure. He added that he thought that it should be a minimum of 6' high of solid construction and that the dumpster should not be in view. The Commissioner agreed but added that it is not required.

Supervisor Ulatowski said that he will reach out to them in hopes that they will be a good neighbor. Mrs. Cerrito said that she spoke with the fellow in charge during construction and he was resistant adding that he did not want to put any more money into the project.

Councilor Edick asked if the lighting was a problem and Mrs. Cerrito said that it was not an issue.

REGULAR MEETING:

Zone Change (PH) – Town Board Case # 1068 – RIVERWALK ASSOCIATES, INC.:

The applicant requested an adjournment. Councilor Edick made a motion to **adjourn** the public hearing to the October 6th, 2014 Town Board meeting at 7:35 P.M. Motion was seconded by Councilor Rowley.

Ayes-7 and Noes-0. *Unanimously carried.*

Special Permit (PH/Adj.) Town Board Case # 1066 - SUPERIOR SELF STORAGE, LLC:

A public hearing to consider the application of **SUPERIOR SELF STORAGE, LLC FOR A ZONE CHANGE** from **RA-100 Residential Agricultural District** to **HC-1 Highway Commercial District** to allow for a self-storage facility on property located at **4356 State Route 31, Tax Map No. 059.-01-13.1**, was opened by the Supervisor.

Hal Romans, surveyor and planner for the applicant began by explaining that the applicant received a positive referral from the Planning Board as well as a permit from the DEC (*Department of Environmental Conservation*). Mr. Romans continued that HC-1 is an appropriate use for this parcel. He said that if in the future, the owner chose to change the use for this parcel, they would need to come before the board again and obtain site plan approval.

Mr. Romans explained that the largest building will be climate controlled and the remaining buildings will be regular storage. The parcel will be fenced in and access will be gained with a pass for established renters 24 hours a day. The climate controlled building will also house one small office with a bathroom. There will be no impact on the wetlands. Supervisor Ulatowski asked about lighting and Mr. Ben Kay stated that there will be LED flood lights.

Supervisor Ulatowski asked if there were any more questions; hearing none he **closed** the public hearing. Mr. Kay asked if the Board could make a decision at this meeting so that they could begin work. Supervisor Ulatowski explained that the Board normally closes the hearing and makes a decision at the next meeting. Mr. Kay said that he would like to press ahead, perhaps beginning the SWPPP (*Storm Water Pollution Prevention Plan*) process with Ron DeTota. Councilor Young asked when the next meeting is. Supervisor Ulatowski said that the next meeting is on October 6, 2014. Councilor Young suggested that the Board would have a better opportunity to review this case if they waited, as is customary, until the next meeting to make a decision. Councilor Bray concurred adding that she has missed the past hearing and would like the opportunity to review. Supervisor Ulatowski said that he agreed and that the decision will be made at the next meeting.

Special Permit (PH/Adj.) Town Board Case # 1067 - THOMAS AND KAREN TEBIDOR:

A public hearing to consider the application of **THOMAS AND KAREN TEBIDOR FOR A SPECIAL PERMIT** pursuant to **Sections 230-13A. (2) (e) [8]** and **230-20E. (2) of the Town Code** to allow for an outside boiler on property located at **3544 Bonstead Road, Tax Map No. 016.-01-31.6**; currently zoned **RA-100**, was opened by the Supervisor.

Supervisor Ulatowski explained that this item was reviewed extensively at the last meeting. Water will be heated outside and pumped into the home for heat. Councilor Bick asked how many acres the Tebidors have. Commissioner Territo said approximately 30 acres. Councilor Young asked if the code specified how many acres the applicant must have for an outside furnace. Commissioner Territo looked it up in the Town Code and stated that they must have three acres. Supervisor Ulatowski asked if there were any more questions; hearing none he **closed** the public hearing.

Special Permit (PH/Adj.) - Town Board Case # 1064- SHARKEY'S ECLECTIC SPORTS LOUNGE, LLC:

The applicant requested an adjournment. Councilor Edick made a motion to **adjourn** the public hearing until October 20th, 2014 at 7:35 PM. Motion was seconded by Councilor Bray.

Ayes-7 and Noes-0. *Unanimously carried.*

R-14-120 Appointment - Board of Assessment Review:

Councilor Bray moved the adoption of a resolution appointing **Mary Lou DesRosiers**, to the **Board of Assessment Review** for a term of five years. Said term to expire **September 30, 2019**. Motion was seconded by Councilor Rowley.

Ayes-7 and Noes-0. *Unanimously carried.*

R-14-121 Release of Securities (A) - HARKE FARMS SUBDIVISION:

Councilor Edick moved the adoption of a resolution, pursuant to the written recommendation of the Town Engineers in their letter dated **September 9, 2014**, authorizing the release of the securities withheld for **HARKE FARMS SUBDIVISION** from **\$70,000.00** to **\$45,000.000** security posted for the repair and maintenance; Harke Farms Drainage District, Contract No. 1. Motion was seconded by Councilor Bick.

Ayes-7 and Noes-0. *Unanimously carried.*

Adjournment:

The meeting was adjourned at 7:55 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

Ayes-7 and Noes-0. *Unanimously carried.*