

APPROVED

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 18th of September, 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
Eugene Young	Councilor
David Hess	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning & Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

Jim Rowley	Councilor
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OTHERS PRESENT:

Russ Mitchell and Hal Henty; Members of the Planning Board; Ryan Pleskach: Member of the Zoning 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 September 6, 2017 meeting. Motion was seconded by Councilor Bray.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that he knew of no items to be adjourned.

Correspondence:

Ryan Pleskach asked about the damaged drainage grates in Pine Gate. Supervisor Ulatowski said that he would have highway look into it.

REGULAR MEETING

Traffic & Vehicles/ Stop Signs(s)(SEQR):

Councilor Hess moved the adoption of a resolution that proposed amendment of **CHAPTER 211**, entitled “**TRAFFIC AND VEHICLES ORDINANCE**” of the Code of the Town of Clay, **SECTION 211-12 ‘STOP INTERSECTIONS,’ SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to designate and provide for **one (1) stop sign** to be installed on the front left corner, if facing property located at 130 Red Barn Circle, stopping traffic heading west on Red Barn Circle; **one (1) stop sign** to be installed on the southwest corner of Red Barn Circle at Buckley Road; and **one (1) stop sign** to be installed on the northeast corner of Hyland Drive at Buckley Road, 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 – 6 and Noes – 0. *Motion carried.*

Traffic & Vehicles/ Stop Signs(s)(A):

Councilor Hess moved the adoption of a resolution **approving** proposed amendment of **CHAPTER 211**, entitled “**TRAFFIC AND VEHICLES ORDINANCE**” of the Code of the Town of Clay, **SECTION 211-12 ‘STOP INTERSECTIONS,’ SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to designate and provide for **one (1) stop sign** to be installed on the front left corner, if facing property located at 130 Red Barn Circle, stopping traffic heading west on Red Barn Circle; **one (1) stop sign** to be installed on the southwest corner of Red Barn Circle at Buckley Road; and **one (1) stop sign** to be installed on the northeast corner of Hyland Drive at Buckley Road, and provide for the installation of the necessary signs therefore. Motion was seconded by Councilor Bick.

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

Local Law No. 3 of 2017 (SEQR) – Chapter 230-20F entitled Patio, Backyard, Garage and/or Estate Sale Permitted:

Councilor Young moved the adoption of a resolution that proposed **LOCAL LAW NO. 3 OF 2017 TO AMEND CHAPTER 230** entitled “**ZONING,**” **Section 230-20 ‘Land uses and Structures’** by adding **230-20F** entitled “**Patio, Backyard, Garage and/or Estate Sale Permitted**” to the Code of the Town of Clay, 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 Bray.

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

Local Law No. 3 of 2017 (A) – Chapter 230-20F entitled Patio, Backyard, Garage and/or Estate Sale Permitted:

Councilor Young moved the adoption of a resolution **approving** proposed **LOCAL LAW NO. 3 OF 2017 TO AMEND CHAPTER 230** entitled “ZONING,” Section 230-20 ‘Land uses and Structures’ by adding **230-20F** entitled “**Patio, Backyard, Garage and/or Estate Sale Permitted**” to the Code of the Town of Clay, and to be included in the Town of Clay Municipal Code. Motion was seconded by Councilor Bray.

Supervisor Ulatowski gave a brief overview of the restrictions reiterating what was discussed in the public hearing at the previous meeting. Mike La Point asked about action that would be taken if a violation were to occur. Kevin Meaker asked if this would impact food trucks. Commissioner Territo explained that food trucks are not addressed in the code. There was a brief discussion about the interpretation as to if one day or one weekend would constitute a (one) garage sale. Legal Counsel advised that if the Town Board wishes, adopt the resolution and amend as needed.

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

Zone Change (Withdrawn) 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 June 19, 2017 Town Board Meeting).

The applicant has withdrawn this application no further action will take place.

Zone Change – (PH) Town Board Case # 2018 LAKER DEVELOPMENT GROUP, LLC AND AILEEN SCHMIDT:

A public hearing to consider the application of **LAKER DEVELOPMENT GROUP, LLC AND AILEEN SCHMIDT FOR A ZONE CHANGE** from **RA-100 Residential Agricultural District** to **RC-1 Regional Commercial District** to allow for future development of commercial and retail spaces on vacant land located at **3820-3848 State Route 31, Tax Map No. 053.-01-19.1**, consisting of

approximately 6.049± acres of land was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Ed Keplinger of Keplinger, Freeman and Associates was present on behalf of the applicant. Mr. Keplinger began by explaining that the project is now called NORTHEND COMMONS. The parcel is located on State Route 31 between the existing Chipotle and Bank of America's ATM. The proposed access will be through the Lowes parking lot in addition to a right in right out driveway on Route 31. He added that they are working with New York State DOT and GPS Consulting.

The 6 acre parcel is former farm land; there is 1.1 acres of wetlands to the south of the parcel. Mr. Keplinger explained that they will work to minimize the impact on the wetlands. The proposal will allow for a Texas Roadhouse Restaurant, a Starbucks, retail and another restaurant as well as a medical facility. There are 4 parcels and 35 parking spaces dedicated to the medical facility and 248 spaces to be shared by the other four tenants. He continued that all utilities are available however the applicant will need to apply for two variances one for the perimeter landscape strip and the other for lot size.

Supervisor Ulatowski asked why they are subdividing the parcel. Mr Keplinger said that each tenant will own their own parcel. Councilor Hess asked if the proposed restaurant will have a drive thru; they will not, only the Starbucks will have a drive thru. There was a lengthy discussion regarding the number of necessary parking spaces. It was determined that the applicant will also need to obtain a variance for the parking.

Supervisor Ulatowski said that he will adjourn the public hearing and refer this application to the Planning Board for review and recommendation.

Councilor Bick made a motion to **adjourn** the public hearing to **October 16, 2017 at 7:38 P.M.** Motion was seconded by Councilor Hess.

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

Zone Change – (PH) Town Board Case # 2019 HUMANE CNY:

A public hearing to consider the application of **HUMANE CNY FOR A ZONE CHANGE** from **R-10 ONE-Family Residential District** to **RA-100 RESIDENTIAL AGRICULTURAL DISTRICT** to allow for renovations to the existing site and building facilities located at **4915 ½ W. Taft Rd., Tax Map No. 107.-21-54.0**, consisting of approximately 2.73± acres of land was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Cheryl Robinson Board President of Humane CNY began by explaining that they have been in the area since 1966 when they began the no kill shelter. The architect

for the project explained that his firm specializes in Animal Care Facilities. He said that they are adept in creating facilities that reduce the noise and barking that is heard outside of the building. He continued that they propose to move all of outdoor exercise and outdoor housing to areas to the west side of the parcel to reduce the noise and disturbance to the neighbors. The applicant is proposing concrete block to be used to make the building more noise proof. They will remove the existing building and the house. The house will not be replaced; the additional square footage will be similar to the total square footage including the house. Supervisor Ulatowski asked if the footprint would change and the architect said that it will be similar overall. Councilor Bray asked what is currently on the parcel to the west side of the parcel. There is an open lot with one house.

Councilor Young asked about the zone change with regards to a less intense use. Commissioner Territo discussed the setback requirements. The architect asked if a restrictive covenant would improve the desirability of the application. Robert Germain, legal counsel for the Town of Clay, explained that the applicant could offer a restrictive covenant to be filed in the Town Clerks office but the Town would not request such. The applicant added that they would have no issue with restricting the size of the building.

Councilor Bick asked if the zone change was not to take place and residential homes were to be built, how many would be allowed. Commissioner Territo said that the current zoning would allow for a small development. He continued that animal care facility is only allowed under the RA-100 or Industrial zoning and RA-100 is a less intense use. There was a discussion about the various uses that would be allowed under the RA-100 zoning. Councilor Hess pointed out that at this point it is a nonconforming use either way.

Supervisor Ulatowski opened the floor for residents to ask questions. Many residents were in attendance and were overwhelmingly opposed to the zone change. The concerns ranged from drainage issues to noise. The architect reiterated that they will install state of the art sound proofing on the walls and ceiling to prevent sound transmission.

One resident mentioned an agreement between the Humane Association and the homeowners on Peppermill Lane that was enacted many years ago and signed by Judge Alois and Joyce Goike who have both since passed. Supervisor Ulatowski said that he would research this. He added that he would adjourn the public hearing and refer this application to the Planning Board for review and recommendation.

Councilor Hess made a motion to **adjourn** the public hearing to **October 16, 2016** at **7:41 P.M.** Motion was seconded by Councilor Bray.

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

Appointment – Board of Assessment Review:

Councilor Bick moved the adoption of a resolution appointing **Anne Stenham**, to the **Board of Assessment Review** for a term of five years. Said term to expire **September 30, 2022**. Motion was seconded by Councilor Hess.

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

Adjournment:

The meeting was adjourned at 9:06 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