

Approved

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 15th of August, 2016 at 7:30 P.M., there were:

PRESENT:

Joseph A. Bick	Deputy Supervisor/Councilor
Naomi R. Bray	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

ABSENT:

Damian Ulatowski	Supervisor
David Hess	Councilor
William C. Weaver	Councilor

OTHERS PRESENT:

Russ Mitchell and Hal Henty; members of the Planning Board & Dorothy Heller; Town Historian.

The meeting was called to order by Deputy Supervisor Bick at 7:30 P.M. All present joined in the Pledge of Allegiance.

Approval of Minutes:

Councilor Bray made a motion to approve the minutes of the July 18th, 2016 meeting. Motion was seconded by Councilor Bick.

Ayes – 4 and Noes – 0. *Motion carried.*

Cancellation and/or requested adjournments.

Deputy Supervisor Bick said that item 11 on the agenda, *Syracuse Brick House Inc. D/B/A Syracuse Behavioral Healthcare and 1914 Teall Avenue Associates* will not be heard as the applicant has withdrawn the application.

Proclamation:

Deputy Supervisor Bick said that he would like to present Nathan Hanes with a plaque thanking him for his dedication and hard work on the Two Little Libraries at

the Town of Clay Community Garden. The library contains second hand books. The Proclamation went as follows:

PROCLAMATION

AT A REGULAR MEETING of the Town Board of the Town of Clay, held on the 18th day of **July 2016**, the following resolution was duly adopted:

WHEREAS, Nathan Michael Haines is a graduate of Cicero North Syracuse High school and a member of Boy Scout Troop 204 for 10 years; and

WHEREAS, Nathan enjoys lacrosse, reading, writing and music, and has been an active member of his community and church group his entire life and completed a National Youth Training Program and plans to attend the University of Northwestern Ohio for high performance auto mechanics; and

WHEREAS, Nathan has earned the rank of Eagle Scout which is the highest rank attainable in the Boy Scouting program of the Boy Scouts of America and requires earning at least 21 merit badges and demonstrating Scout Spirit through the Boy Scout Oath and Law, service and leadership; and

WHEREAS, Nathan designed and constructed for his final Scout project two “Little Libraries” at the Town of Clay Community Garden for the second hand book literacy program to be used by children and adults for years to come; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Clay on behalf of themselves and the community wish to publicly acknowledge and congratulate Nathan on attaining the rank of Eagle Scout and offer their best wishes and success in all of his future endeavors.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the Town of Clay to be affixed at Town Hall this 18th day of **July**, in the year of our Lord, **TWO THOUSAND SIXTEEN.**

Damian M. Ulatowski, Supervisor

Correspondence:

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

Alan Travis of 4291 Ironwood Circle asked about the abandoned cars issue. He explained that he had been at a meeting several months ago and brought up the issue of abandoned or junk cars. He continued that when he brought this problem up many months ago at a Town Board Meeting he was told that a new Local Law would be passed to address this. Mr. Travis said that he was directed to supply names and or addresses of violators to the Code Enforcement Officer. Mr Travis said that he had done so but the issue has not been resolved. Deputy Supervisor Bick said that he would look into this and let Mr. Travis know how it will be handled. Mr. Travis gave the Clerk his phone number and Deputy Supervisor Bick said that the Town would follow up.

REGULAR MEETING

R-16-133 Zone Change (SEQR) – Town Board Case # 1094 - NEW COURT STREET, LLC:

Councilor Rowley moved the adoption of a resolution that the application for **NEW COURT STREET, LLC FOR A ZONE CHANGE** from **NC-1-Neighborhood Commercial** to **I-1 Industrial** to allow for a retail/office building located at **8531 Oswego Road, Tax Map No. 019.-02-18.3**; consisting of approximately 5.24± 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 Deputy Supervisor Bick.

Ayes – 4 and Noes – 0. *Motion carried.*

R-16-134 Zone Change (A) – Town Board Case # 1094 - NEW COURT STREET, LLC:

Councilor Rowley moved the adoption of a resolution approving the application of **NEW COURT STREET, LLC FOR A ZONE CHANGE** from **NC-1-Neighborhood Commercial** to **I-1 Industrial** to allow for a retail/office building located at **8531 Oswego Road, Tax Map No. 019.-02-18.3**; consisting of approximately 5.24± acres of land. Motion was seconded by Deputy Supervisor Bick.

Ayes – 4 and Noes – 0. *Motion carried.*

Special Permit – NICHOLS, LD,LLC (PH) Town Board Case # 1099:

A public hearing to consider the application of **NICHOLS, LD, LLC FOR A SPECIAL PERMIT** pursuant to **Section 230-16 B. (2)(E)[13]** for an outdoor stage for recreation and special events on land located at **7240 Oswego Road, Tax Map No. 114.-01-32.0**; consisting of approximately 1.8± acres of land.

Hal Romans and Jim Nichols were present. Hal began by explaining that the area used to be used for outdoor seating. He continued that there are no changes to anything else on the site plan. Deputy Supervisor Bick asked if he needed to refer this to the Planning Board for recommendation; Commissioner Territo said that is optional. Deputy Supervisor Bick said that he would **close** the public hearing. Councilor Bray added that the County comments were not relevant.

Traffic & Vehicles (PH) – TWO (2) ADDITIONAL STOP SIGNS – Forestbrook Drive and Deerfield Road:

A public hearing to consider the amendment of **CHAPTER 211, 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 **TWO (2) ADDITIONAL STOP SIGNS** to be installed at the corners of **Forestbrook Drive** and **Deerfield Road** to make a three-way stop; and the installation of the necessary signs therefore.

Deputy Supervisor Bick asked if anyone was present on behalf of this request. Dave Mead spoke on behalf of the Irongate Homeowners Association. He explained that there is currently one STOP sign at the three way intersection and they are requesting two more. Mr. Mead added that there have been several near misses. Deputy Supervisor Bick read the recommendations from the Town Constable and the Highway Superintendent, both recommending only one additional sign. Deputy Supervisor Bick asked if there were any questions or comments; hearing none, he **closed** the public hearing.

Zone Change (PH/Adj.) – Town Board Case # 1095 - GEORGIAN COURT ENTERPRISES, LLC AND FERNANDO VONA:

A public hearing to consider the application of **GEORGIAN COURT ENTERPRISES, LLC AND FERNANDO VONA FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **R-APT Residential Apartment** to allow for future construction of two apartment buildings on vacant land located on **Belmont Drive, Tax Map No. 104.-03-11.0**; consisting of approximately 3.76± acres of land. (Adjourned to this date and time from the July 18, 2016 Town Board Meeting).

Hal Romans was present on behalf of the applicant. Mr. Romans explained that they had been before the Planning Board and received a favorable recommendation.

He added that they have delineated the wetlands and show 24 units. Access would be from the east of Georgian Court. All development would be to the north of the wetlands as shown on the third map. Mr. Romans explained that the applicant would prefer that the third map be used. This map is also preferred by the residents. The stormwater has been modified and will not be developed. There was a lengthy discussion and some confusion about relocation of the area protected by the covenant and density. A resident asked if the applicant could come back and try to build on the protected area in the future and Mr. Romans explained that it would interfere with the density. Deputy Supervisor Bick asked Mr. Germain if there would need to be another public hearing to abandon the covenant. Mr. Germain said that there would. Councilor Young asked why the applicant might not come back seeking an area variance. Mr. Romans explained that there would be no more density and there would be a restrictive covenant (not allowing any building construction). The discussion revolved around density and the covenant. Councilor Young asked Mr. Romans if he would amend the application to reflect Plan B (new building would be constructed behind the old buildings). Deputy Supervisor Bick **closed** the public hearing.

Zone Change (PH) – Town Board Case # 1097 - SYRACUSE BRICK HOUSE, INC. D/B/A SYRACUSE BEHAVIORAL HEALTHCARE AND 1914 TEALL AVENUE ASSOCIATES:

Withdrawn at the request of the applicant.

Zone Change (PH/Adj.) ABC ESTATES, LLC FOR A ZONE CHANGE from RA-100 Residential Agricultural to R-APT Residential Apartment:

A public hearing to consider the application of **ABC ESTATES, LLC FOR A ZONE CHANGE from RA-100 Residential Agricultural to R-APT Residential Apartment** to allow for the construction of two (2) apartment buildings plus required infrastructure and garages located at **7374 & 7368 Henry Clay Blvd., Tax Map No. 106.-04-13.0 & 106.-04-14.0**; consisting of approximately 1.54± acres of land. (Adjourned to this date and time from the July 18, 2016 Town Board Meeting).

Brian Bouchard of CHA Engineers began by explaining that they are in the same situation as the previous hearing; the applicant wishes to construct additional apartments. Mr. Bouchard explained that they show 24 units but in reality there will probably be 12. He explained that they have the same issue with density that Georgian Court has. He continued that after the last meeting, Mr. Trombly, an adjoining property owner offered to sell a piece of property and they are currently pursuing that transaction. Deputy Supervisor Bick asked if there were any questions or comments; hearing none he **closed** the public hearing.

Local Law No. 5 of the Year 2016 amending Chapter 230 entitled ‘ZONING’:

A public hearing to consider proposed **Local Law No. 5 of the Year 2016**, amending **Chapter 230**, entitled **‘ZONING,’** amending **Section 230-17C.(2)(E)** to add new item [8] **“HOSPITAL/CLINIC”** with a Town Board Special Permit to said section of the Code of the Town of Clay was opened by the Deputy Supervisor; proof of publication and posting was furnished by the Town Clerk.

Deputy supervisor Bick explained that this amendment to the local law is related to the *Brick House* application and would enable them to apply for a Special Permit instead of a full Zone Change. He asked if there were any questions or comments; hearing none he **closed** the public hearing.

R-16-135 Appointment - Substitute Constable:

Deputy Supervisor Bick moved the adoption of a resolution appointing **Robert Capria** to fill the unexpired term of **Timothy Snyder** as **Substitute Constable**. Said term to expire **December 31, 2016**. Motion was seconded by Councilor Rowley.

Ayes – 4 and Noes – 0. *Motion carried.*

R-16-136 Appointment - MOYERS CORNERS FIRE DEPARTMENT, INC.:

Councilor Young moved the adoption of a resolution approving the appointment of **Brian Burkle, Jr.** as a volunteer member of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 2**. Motion was seconded by Councilor Rowley.

Ayes – 4 and Noes – 0. *Motion carried.*

R-16-137 Appointment - MOYERS CORNERS FIRE DEPARTMENT, INC.:

Councilor Young moved the adoption of a resolution approving the appointment of **Dakotah Smith, Matthew Artus** and **Daniel Fuller** as Bunk-in students of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 1**; **Anthony Vivenzio** as Bunk-in student of the **MOYERS CORNERS FIRE DEPARTMENT, INC – STATION 2**; **Bryce Schoonover** and **Noah Farrell** as Bunk-in students of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 3** and **Ryan Harding** as Bunk-in student of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 4**. Motion was seconded by Councilor Rowley.

Ayes – 4 and Noes – 0. *Motion carried.*

R-16-138 Purchase/ Finance(A) - Accounting Module/ Tyler Technologies:

Councilor Rowley moved the adoption of a resolution approving the purchase of a Project Accounting Module to supplement the Town's existing Incode software system. This purchase is necessary for the continued professional operation of the accounting software package and pursuant to the recommendation of the Commissioner of Finance. The cost of the package as quoted from **Tyler Technologies** is **\$5,065.00, with a recurring fee of \$891.00**. This resolution also authorizes the Supervisor to execute the Software Quotation form and any other documents necessary to complete the transaction. Motion was seconded by Deputy Supervisor Bick.

Ayes – 4 and Noes – 0. *Motion carried.*

R-16-139 Purchase/Highway - TWO (2) 2017 WESTERN STAR 4900SB TANDEM AXLE PLOW/DUMP TRUCKS FOR USE BY THE HIGHWAY DEPARTMENT:

Councilor Bray moved the adoption of a resolution approving the purchase of **TWO (2) 2017 WESTERN STAR 4900SB TANDEM AXLE PLOW/DUMP TRUCKS FOR USE BY THE HIGHWAY DEPARTMENT** for a sum not to exceed Four Hundred Sixty Three Thousand, Four Hundred Forty Six and 00/100 (\$463,446.00) Dollars, under **Onondaga County Truck Bid No. 7823**. (Contractor - Tracey Road Equipment). Councilor Bick noted that these items had been budgeted for. Motion was seconded by Deputy Supervisor Bick.

Ayes – 4 and Noes – 0. *Motion carried.*

R-16-140 Purchase/Highway - 2016 NEW HOLLAND C238 TRACK STEER LOADER FOR USE BY THE HIGHWAY DEPARTMENT:

Deputy Supervisor Bick moved the adoption of a resolution approving the purchase of **ONE (1) 2016 NEW HOLLAND C238 TRACK STEER LOADER FOR USE BY THE HIGHWAY DEPARTMENT** for a sum not to exceed Sixty Six Thousand, Five Hundred Ninety Seven and 00/100 (\$66,597.00) Dollars, under **Onondaga County Truck Bid No. 7823 and NYS OGS Bid No. P6B22792**. (Contractor - Tracey Road Equipment). Motion was seconded by Councilor Rowley.

Ayes – 4 and Noes – 0. *Motion carried.*

R-16-141 Bond Resolution/ Purchase/ Highway - TWO (2) 2017 WESTERN STAR 4900SB TANDEM AXLE PLOW/DUMP TRUCKS and ONE (1) 2016 NEW HOLLAND C238 TRACK STEER LOADER FOR USE BY THE HIGHWAY DEPARTMENT:

Councilor Bick moved the adoption of a resolution authorizing the issuance of bonds in the amount of \$503,043 to pay for the purchase of **TWO (2) 2017 WESTERN STAR 4900SB TANDEM AXLE PLOW/DUMP TRUCKS and ONE (1) 2016 NEW HOLLAND C238 TRACK STEER LOADER FOR USE BY THE HIGHWAY DEPARTMENT**. Motion was seconded by Councilor Rowley.

Ayes –4 and Noes – 0. *Motion carried.*

R-16-142 Local Law No. 6 of the Year 2016, (CPH)repealing the present CHAPTER 112, entitled 'FLOOD DAMAGE PREVENTION' and adding new CHAPTER 112 entitled 'FLOOD DAMAGE PREVENTION':

Councilor Young moved the adoption of a resolution calling a public hearing **September 7, 2016, commencing at 7:35 P.M.**, to consider proposed **Local Law No. 6 of the Year 2016**, repealing the present **CHAPTER 112**, entitled **'FLOOD DAMAGE PREVENTION'** and adding new **CHAPTER 112** entitled **'FLOOD DAMAGE PREVENTION'** to comply with the Department of Environmental Conservation floodplain management requirements of the National Flood Insurance Program to the Town Code of the Town of Clay. Motion was seconded by Deputy Supervisor Bick.

Ayes – 4 and Noes – 0. *Motion carried.*

R-16-143 Local Law No. 7 of the Year 2016, (CPH)amending Chapter 230, entitled 'ZONING,' amending Section 230-17 C.(2)(E):

Deputy Supervisor Bick moved the adoption of a resolution calling a public hearing **September 7, 2016, commencing at 7:38 P.M.**, to consider proposed **Local Law No. 7 of the Year 2016, amending Chapter 230**, entitled **'ZONING,'** amending **Section 230-17 C.(2)(E)** to add new item [9] **“ANIMAL CARE/TRAINING FACILITY”** with a Town Board Special Permit to said section of the Code of the Town of Clay. Motion was seconded by Councilor Rowley.

Ayes – 4 and Noes – 0. *Motion carried.*

Adjournment:

The meeting was adjourned at 8:27 P.M. upon motion by Councilor Bray and seconded by Deputy Supervisor Bick.

Ayes – 4 and Noes – 0. *Motion carried.*

Jill Hageman-Clark, RMC Town Clerk