

Approved

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 21st of August, 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
Jim Rowley	Councilor
David Hess	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:

OTHERS PRESENT:

Russ Mitchell and Hal Henty; Members of the Planning Board & Ryan Pleskach; Member of the ZBA and Lisa Vincitore; Secretary to the Town Attorney.

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 made a motion to approve the minutes of the July 17th, 2017 meeting. Motion was seconded by Councilor Rowley.

Ayes –6 and Noes - 0 and 1 – Abstaining. *Motion carried. Councilor Hess abstained due to his absence at that meeting.*

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that items numbered 15 and 16 on the agenda will be adjourned.

Correspondence:

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

Coleen Theiss of 4285 Carmel Drive explained that her neighbor has a manmade creek that floods her yard. She continued that he has “tapped into her sump pump.” She produced pictures and asked if the Town Board wanted to see a video. Supervisor Ulatowski said that he and the Town Engineer will go to her property to investigate the allegations. He instructed Ms. Theiss give her phone number and address to the Clerk and within the next few weeks he would plan a visit.

Supervisor Ulatowski asked if anyone else wished to address the Board. Ryan Pleskach of Long Leaf Trail asked about the trash can in the park in Pinegate. He explained that there is a sticker on it that says NO DOG WASTE and wondered if the Town put the sticker on it. Supervisor Ulatowski said that some of the parks have waste stations for pets but was not sure about this one. He explained that he would look into this.

REGULAR MEETING

Ordinance 2017-02 (SEQR) Chapter 78 “BRUSH, GRASS, RUBBISH AND WEEDS”:

Councilor Rowley moved the adoption of a resolution that proposed **Ordinance 2017-02** amending **Chapter 78 “BRUSH, GRASS, RUBBISH AND WEEDS”** of the town code §78-3 ‘Duty of Owner,’ by deleting the words “**identified as building lots, in a residential district**” and “**on the average**” in paragraph (B) from the Town of Clay municipal code 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 Hess.

Ayes – 6 and Noes – 1. *Motion carried. Councilor Bick voting No.*

Ordinance 2017-02 (A) Chapter 78 “BRUSH, GRASS, RUBBISH AND WEEDS”:

Councilor Rowley moved the adoption of a resolution **approving** proposed **Ordinance 2017-02** amending **Chapter 78 “BRUSH, GRASS, RUBBISH AND WEEDS”** of the town code §78-3 ‘Duty of Owner,’ by deleting the words “**identified as building lots, in a residential district**” and “**on the average**” in paragraph (B) from the Town of Clay municipal code. Motion was seconded by Councilor Hess.

Ayes – 6 and Noes – 1. *Motion carried. Councilor Bick voting No.*

Zone Change (PH) Town Board Case # 1115 - EMPOWER FEDERAL CREDIT UNION:

A public hearing to consider the application of **EMPOWER FEDERAL CREDIT UNION FOR A SPECIAL PERMIT** to allow for three (3) additional drive-thru ATM's and a 633 sq. ft. addition to the existing building for additional offices, pursuant to **Section 230-16 A. (2) (D) [5]** on property located at **7670 Morgan Rd., Tax Map No. 087.-01-35.1**, consisting of approximately 2.06± acres of land. (Adjourned to this date and time from the June 19, 2017 Town Board Meeting) was opened by the Supervisor.

Judy Graham from Empower FCU and Lori Cassamento, architect for the project were present to speak on behalf of the application. Ms. Cassamento began by explaining the changes that have been made to the application since the beginning. She stated that they have addressed the suggestions from the Town and the County comments. Specifically a walkway has been added for safety and one way traffic flow as well as proper signage. They will relocate an ATM from inside of the building to one of the lanes and two additional ATMs will be placed in two other lanes the furthest lane will be the access lane.

Supervisor Ulatowski asked about the increase in the size of the addition. Ms. Graham said that they are adding some offices and they will all be uniform in size. The Supervisor asked the commissioner of Planning and Development if the increased size of the addition is still consistent with the setbacks. They are. The Supervisor also asked if the ATMs will be manned and they will not.

Onondaga County Planning Board is requesting a traffic study and one or two way traffic will be determined once the study is completed and it will be done once school is back in session.

There was a lengthy discussion about the access lane and if it is wide enough to accommodate two vehicles. After much deliberation it was determined that the 14 foot lane will be adequate for a vehicle at the ATM and another to pass.

Councilor Bray asked about the recommendations from the *Onondaga County Planning Board*. Ms. Cassamento said that they require a traffic study and that will be completed the first week or so in September, once school is back in session. She continued that they will add landscaping and shrubbery however there will be nothing full and bushy so to comply with banking safety.

There was a discussion regarding the drainage capacity. Ron DeTota said that the capacity will be taken care of by WEP during the permit process.

Supervisor Ulatowski said that he was ready to close and a decision would be forthcoming pending the results from the traffic study. Councilors Rowley, Bick, Hess and Young agreed. Supervisor Ulatowski **closed** the hearing.

Supervisor Ulatowski said that he would open the next two public hearings together.

Zone Change (PH) Town Board Case # 1116 - REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP.:

A public hearing to consider the application of **REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP. FOR A ZONE CHANGE** from **HC-1 Highway Commercial** to **LuC-1 Limited use for Gasoline Services & NC-1 Neighborhood Commercial** to allow for proposed Expressmart gas station, convenience store (with drive thru) & car wash on vacant land located on the southwest corner of **NYS Route 31 & Lawton Rd., Tax Map No. 077.-34-17.1.** (Adjourned to this date and time from the June 19, 2017 Town Board Meeting) was opened by the Supervisor.

SPECIAL PERMIT (PH) Town Board Case # 1117 - REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP.:

A public hearing to consider the application of **REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP. FOR A SPECIAL PERMIT** to allow for a drive thru, pursuant to **Section 230-16 D. (2) (E) [1]** on property located at **NYS Route 31 & Lawton Rd., Tax Map No. 077.-34-17.1**, consisting of approximately 9.57 ± acres of land. (Adjourned to this date and time from the June 19, 2017 Town Board Meeting) was opened by the Supervisor.

Doug Beachel was present on behalf of the applicant; he began by giving a brief overview of the project that includes a gas station, carwash and drive-thru. Supervisor Ulatowski asked if there would be vacuum facilities at the carwash; there will . Mr. Beachel said that the car wash will be automatic and the doors will go down when the car is in the bay. The Supervisor asked if the car wash will operate 24 hours; Mr. Beachel said it will.

There was a discussion about the amount of noise and the decibels that will be generated from the car wash. Many residents were at the meeting and once again the neighbors appealed to the board to deny this application.

Supervisor Ulatowski **closed** both of the public hearings.

Local Law No. 2 of 2017 (PH) – Chapter 230-11 entitled TERMS DEFINED:

A public hearing to consider proposed **LOCAL LAW No. 2 of 2017** amending **Chapter 230-11** entitled “**Terms defined,**” by amending **Section 230-11C. ‘Perimeter landscape strip’** adding “stormwater management and water quality facilities are allowed within the front yard portion of the perimeter landscape strip” to the end of the third sentence to the Code of the Town of Clay. (Moved to this date and time from the June 19, 2017 Town Board Meeting); was opened by the Supervisor.

Mark Territo, Commissioner of Planning and Development gave a brief summary of the amendment to the Local Law to allow stormwater ponds in the front yard. Supervisor Ulatowski asked if they will be permitted in the side yard and the Commissioner responded that they will if a variance is granted. There were no other questions so the Supervisor **closed** the public hearing.

Bond – Purchase – Highway - TWO (2) 2018 WESTERN STAR 4700SB TANDEM AXLE PLOW/DUMP TRUCKS:

No Action.

Appointment – CLAY VOLUNTEER FIRE DEPARTMENT:

Councilor Young moved the adoption of a resolution approving the appointment of **Edward Alnutt** as a member of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Bick.

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

OCWA Lease and Operations (renewal):

Councilor Bray moved the adoption of a resolution approving the renewal of **OCWA Lease(s) and Operations** within the Town of Clay for the **Clay Consolidated Water District, Maple Road Water Supply District, Gaskin Road Water District Improvement No. 2** and **Water Sale Agreements**, and authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Bick.

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

Memorandum of Understanding - Inverness Gardens Commercial District:

Councilor Rowley moved the adoption of a resolution authorizing the Supervisor to enter into a **Memorandum of Understanding** between the **Town of Clay, B&B Taft Road II, LLC** and **Woodside Commercial, LLC** for the assurance that the ingress and egress to the “**Inverness Gardens Commercial District**” will be

completed during the full development of the District, and further authorizing the Supervisor to execute the necessary document therefore. Motion was seconded by Councilor Bick.

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

Sewer Lateral Connection - Goddard Development Partners:

Councilor Hess moved the adoption of a resolution authorizing a **SANITARY SEWER LATERAL CONNECTION**, pursuant to the request of **Goddard Development Partners**, (the property owner), to a **TOWN OF CLAY SANITARY SEWER MANHOLE** in the Town of Clay. The subject property is located at **7435 Oswego Road, having Tax Map No. 104-01-6.0**. The cost of construction will be at no cost to the Town of Clay. The property owner agrees to pay all costs (Town and private) associated with the sanitary sewer connection as well as the Town of Clay Operation and Maintenance charges as annually assessed, and the County Sanitary District charges. The property owner further agrees to pay all annual Town and County charges thereafter. This resolution is contingent upon receipt of \$700.00 for engineering, legal and administrative fees from Goddard Development Partners. Motion was seconded by Councilor Bick.

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

Project (accepting facilities) THE FARMSTEAD SUBDIVISION SECTION NO. 3:

Councilor Young moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of sewer, drainage, water supply and lighting facilities located within **THE FARMSTEAD SUBDIVISION SECTION NO. 3**, (The Farmstead Sewer District, Contract No. 1, The Farmstead Drainage District, Contract No. 1, The Farmstead Lighting District, Contract No.1) and the construction of said facilities having been completed in accordance with the Plans and Specifications thereof; the Town Engineers having certified that the facilities have been satisfactorily completed and that the developer post the following security as shown under correspondence by the Town Engineers' under date of August 18, 2017: **Maintenance Guarantee - \$22,497** (\$14,325 Sewer and \$8,262 Drainage); **Highway - \$56,560**; **Monument Deposit - \$1,350**; **Parkland Contributions - \$12,000**; and any other unpaid fees that may be owed by the Town of Clay for engineering, legal and/or administrative fees; and further contingent upon the developer having complied with all the requirements set forth in an Agreement between the Town of Clay and **MAPLE ROAD ASSOCIATES, INC.**, that the Town accept title to such facilities. Motion was seconded by Councilor Bick.

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

Project/sewer and drainage - THE FARMSTEAD SUBDIVISION SECTION NO. 3:

Councilor Bick moved the adoption of a resolution accepting easements for sewer and drainage facilities located within **THE FARMSTEAD SUBDIVISION SECTION NO. 3**, (The Farmstead Sewer District, Contract No. 1 and The Farmstead Drainage District, Contract No. 1) all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated **December 9, 2016**. Motion was seconded by Councilor Hess.

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

Project/ Warranty Deed etc. - THE FARMSTEAD SUBDIVISION SECTION NO. 3:

Councilor Bick moved the adoption of a resolution accepting a Warranty Deed, Dedication, Application and Release of damages for the roads in Section Three (3) located within **THE FARMSTEAD SUBDIVISION SECTION NO. 3**; from **MAPLE ROAD ASSOCIATES, INC.**, (Weller Hall Place, Dorothy's Garden Place and Mediator Way all having Permeable Shoulders). Motion was seconded by Councilor Hess.

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

Moyers Corners Fire Department, Inc. Public Hearing (amended):

Councilor Young moved the adoption of a resolution amending the date and time for a public hearing to be held by the Moyers Corners Fire Department, Inc.

WHEREAS on July 17, 2017, the Town Board of the Town of Clay approved a public hearing to be conducted by the Moyers Corners Fire Department, Inc. located at 7200 Henry Clay Blvd., Liverpool, New York, on August 7, 2017 commencing at 7:00 p.m., local time with respect to a commercial mortgage loan with M&T Bank primarily for the purpose of refinancing the existing mortgage indebtedness for the Department's Station #1 located at 8481 Oswego Rd., Baldwinsville, currently held by Chase Bank; financing renovations to the Department's Station #3 located at 7200 Henry Clay Blvd., Liverpool; and acquiring certain real property adjacent to the Department's Station #3 (the "July 17, 2017 resolution");

WHEREAS, the Board wishes to rectify the July 17, 2017 Resolution with amendments to the date and time of the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Clay, Onondaga County, New York as follows:

1. The Board hereby rectifies the July 17, 2017 Resolution; and
2. The Board amends the date and time for the public hearing in the July 17, 2017 Resolution from August 7, 2017, commencing at 7:00 p.m. to August 31, 2017 commencing at 6:00 p.m.

Motion was seconded by Councilor Bray.

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

Traffic and Vehicles Ordinance - (CPH) Stop Signs (3) - Red Barn Circle & Hyland Drive:

Councilor Hess moved the adoption of a resolution calling a public hearing **September 6, 2017**, commencing at **7:35 P.M.**, local time to consider the 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 Rowley.

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

Assessment/ Certiorari (A) - 4800 Bear Road Operating Company, LLC:

Councilor Rowley moved the adoption of a resolution authorizing and approving the settlement of the New York State Supreme Court Tax Certiorari action Index No. 2012-3709, 2013-3541, 2014-EF2611, 2015-EF2952, 2016-EF2692 and 2017-EF3013 entitled **4800 Bear Road Operating Company, LLC v. Town of Clay, 4800 Bear Road** bearing Tax Map No. 107.00-18-13 in the Town by reducing the Assessment of the parcel pursuant to the proposed Stipulation of Consent and Settlement attached here to, with a total Town refund liability to the Petitioner not to exceed \$550.00 subject to final audit and a full waiver of statutory interest by the Petitioner for all years with RPTL 727 applied in accordance with the terms and conditions as stated in the proposed memorandum attached and authorizing the Supervisor and Town Attorney to execute any and all documents necessary to complete this matter. Motion was seconded by Councilor Hess.

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

Local Law No. 3 of 2017 (CPH) – Amending Chapter 230 entitled Zoning Section 230-20:

Councilor Rowley moved the adoption of a resolution calling a public hearing on September 6th, 2017 commencing at 7:38 local time to consider proposed **Local Law 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. The general purpose of the proposed Local Law is to impose reasonable restrictions and conditions of the sale of goods in residential neighborhoods for the benefit of the public health and safety. A copy of the proposed Local Law has been provided to the Town Board members and will be posted on the Town website. Motion was seconded by Councilor Hess.

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

Adjournment:

The meeting was adjourned at 8:37 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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

Jill Hageman-Clark RMC / Town Clerk