

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 July, 2013 at 7:30 P.M., there were:

PRESENT:

Robert L. Edick	Deputy Supervisor/Councilor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Joseph A. Bick	Councilor
Bruce N. Johnson	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
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The meeting was called to order by Deputy Supervisor Edick at 7:30 P.M. All present joined in the Pledge of Allegiance.

Approval of Minutes:

Councilor Bick moved the adoption of a resolution to **Approve** the Minutes of the June 17th 2013 Town Board Meeting. Motion was seconded by Councilor Bray.

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

Cancellation and/or requested adjournments.

Deputy Supervisor Edick said that items 8 and 11 on the agenda will not be heard.

Correspondence:

None

REGULAR MEETING:

Zone Change (SEQR)- Town Board Case # 1051 - CRAIG AND COLLEEN BUCK:

Councilor Johnson moved the adoption of a resolution that the application of **CRAIG AND COLLEEN BUCK**, for a **CHANGE OF ZONE** from **RA-100 Residential Agricultural District** to **NC-1 Neighborhood Commercial**

District on property located at **8180 Oswego Road, Tax Map No. 067.-01-03.1** 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.*

Zone Change (A)- Town Board Case # 1051 - CRAIG AND COLLEEN BUCK:

Councilor Johnson moved the adoption of a resolution approving the application of **CRAIG AND COLLEEN BUCK**, for a **CHANGE OF ZONE** from **RA-100 Residential Agricultural District** to **NC-1 Neighborhood Commercial District** on property located at **8180 Oswego Road, Tax Map No. 067.-01-03.1**. Subject to attorney approval as to form, content and scope of proposed roadway extension and any necessary easements offered to the Town by the applicant. Motion was seconded by Councilor Bick.

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

Zone Change (PH/Adj.) – Town Board Case # 1050 – MICHAELS FARM, LLC:

The applicant has requested an adjournment to the September 16th, 2013 meeting.

Special Permit (CPH) – Town Board Case # 1054 Yelann Momot of BERGMANN ASSOCIATES and SUNOCO, INC. (R&M):

A public hearing to consider the application of **Yelann Momot** of **BERGMANN ASSOCIATES** and **SUNOCO, INC. (R&M)** for a **SPECIAL PERMIT TO ALLOW FOR A DRIVE THRU** pursuant to **Section 230-16 D. (2) (e) [1]** as part of a proposed project to remove the existing car wash building at the Sunoco fuel station located at **8450 Oswego Rd, Tax Map No. 053.-01-8.2;** and to construct an **A-Plus convenience store** with a food tenant.

Jeff Bauer and Brian Burri were present for the applicant. Mr. Burri began by explaining that they are proposing full access from the north eastern driveway onto Route 31. The new building will replace the existing car wash and will be 3775 square feet total. There will be a **Dunkin' Donuts** (take out only) that will utilize 600 square feet of the space. The comments from Onondaga County Planning Board recommended that the applicant attempt cross connection with a neighboring parcel. Mr. Burri said that they plan to address connection with the Laundromat, allowing for full access onto Route 57.

Deputy Supervisor Edick asked how many parking spaces will be provided. Mr.

Burri said that with the additional curb cut there will be 27 spaces. Deputy Supervisor Edick then asked the Commissioner of Planning and Development if this meets the requirements for the square footage of the building. After a quick deliberation with the Town Engineer and Town Attorney, Mr. Territo stated that he would need to look further into this for exact calculations as the new map had just been distributed.

Councilor Bray asked about the County's recommendation for a drainage study. The applicant said that they will address the concerns adding that they will only disturb under an acre, adding that the impervious surface will increase approximately 3000 square feet.

Deputy Supervisor Edick asked if the Planning Board would be making a recommendation regarding this application. Mr. Territo said that the Town Board has the option to refer the special permit to the Planning Board however the applicant will also need separate Site Plan approval from that board. Deputy Supervisor Edick said that he would refer this special permit to the Planning Board for comments.

Councilor Bick made a motion to **adjourn** this public hearing to **August 19, 2013** at **7:38 P.M.** Motion was seconded by Councilor Young.

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

ABANDONMENT (PH) - OPAL DRIVE:

A public hearing to consider a **FORMAL ABANDONMENT** of a portion of an undeveloped paper road described as an unpaved portion of **OPAL DRIVE**, between **MERCURY CIRCLE** and the residential parcel, **Tax Map No. 116.-01-08.2**, and consisting of approximately 5,300± square feet of land from a portion of Lot No. 89 located in the **JEWEL MANOR TRACK** was opened by the Deputy Supervisor; proof of publication and posting was furnished by the Town Clerk. The proposed abandonment would release the Town's option to build a roadway over a portion of the reservation to the adjoining land owners, to the centerline of the former proposed roadway. Subject to any necessary easements.

Douglas Mahr was present on behalf of John St. Denis. Mr. St. Denis does not have access to his property and is requesting that the Town deed it to him. Mr. Mahr stated that the neighbors, Mr. Cerillo and Mr. Patel support Mr. St. Denis's request (Mr. Patel was present). There was a lengthy discussion about who would abandon and deed the property to Mr. St. Denis. He added that they do not want to disturb Mr. Patels driveway. Robert Germain, Town Attorney explained that the town wants to protect each of the property owners. Mr. Mahr said that he would like to know how to advise Mrs. Cerillo. Deputy Supervisor Edick said that he would **close** the public hearing and a decision will be made at a later meeting.

Special Permit (PH) – Town Board Case # 1053 - MICHAEL BELL:

The applicant has requested an adjournment to the August 19th, 2013 meeting.

ABANDONMENT (A/D) - OPAL DRIVE:

Deputy Supervisor Edick said that the Town Board will not be making a decision at this time.

DESIGNATION for SERVICE of NOTICE OF CLAIM:

Councilor Young moved the adoption of a resolution approving registration with the New York State Office of the Secretary of State for a "**Designation for Service of Notice of Claim**" pursuant to the newly amended **Section 53** of the New York General Municipal Law. The purpose of this resolution is to be in compliance with the newly amended law that allows for electronic filing of **Notice of Claim Forms** that are a litigation pre-requisite with the New York Secretary of State as substituted legal service. Motion was seconded by Councilor Weaver.

Ayes-4 and Noes-2. Motion carried. Councilors Johnson and Bick were opposed.

APPOINTMENT (A) TOWN OF CLAY FIRE DEPARTMENT, INC:

Councilor Young moved the adoption of a resolution approving the appointment of **ERIC FRITZ** as a volunteer member of the **TOWN OF CLAY FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Bray.

Ayes-6 and Noes-0. Motion carried.

Authorization/Project – FARMSTEAD SUBDIVISION:

Councilor Weaver moved the adoption of a resolution authorizing the Supervisor to Enter into an agreement on behalf of the Town with **MAPLE ROAD ASSOCIATES, INC**, for the construction/development of **THE FARMSTEAD SUBDIVISION.** Motion was seconded by Councilor Bray.

Ayes-6 and Noes-0. Motion carried.

Project – Drainage (CPH) THE FARMSTEAD DRAINAGE DISTRICT:

Councilor Weaver moved the adoption of a resolution calling a public hearing **September 4, 2013**, commencing at **7:35 P.M.**, local time, to consider a Petition for the creation of a drainage district within the Town of Clay to be designated and known as "**THE FARMSTEAD DRAINAGE DISTRICT**" and for the construction and acquisition of a drainage system therein to be designated and known as "**THE FARMSTEAD DRAINAGE DISTRICT, CONTRACT NO. 1.**" (The Farmstead Subdivision). Motion was seconded by Councilor Bray.

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

Project – Sewer (CPH) THE FARMSTEAD SEWER DISTRICT:

Councilor Johnson moved the adoption of a resolution calling a public hearing **September 4, 2013**, commencing at **7:38 P.M.**, local time, to consider a Petition for the creation of a sewer district within the Town of Clay to be designated and known as "**THE FARMSTEAD SEWER DISTRICT**" and for the construction and acquisition of a sewer system therein to be designated and known as "**THE FARMSTEAD SEWER DISTRICT, CONTRACT NO. 1.**" (The Farmstead Subdivision). Motion was seconded by Councilor Bick.

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

Project – Water (CPH) THE FARMSTEAD WATER SUPPLY DISTRICT:

Councilor Bray moved the adoption of a resolution calling a public hearing **September 4, 2013**, commencing at **7:41 P.M.**, local time, to consider a Petition for the creation of a water supply district within the Town of Clay to be designated and known as "**THE FARMSTEAD WATER SUPPLY DISTRICT**" and for the construction and acquisition of a water supply system therein to be designated and known as "**THE FARMSTEAD WATER SUPPLY DISTRICT, CONTRACT NO. 1.**" (The Farmstead Subdivision). Motion was seconded by Councilor Weaver.

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

Project – Lighting (CPH) THE FARMSTEAD LIGHTING DISTRICT:

Councilor Bray moved the adoption of a resolution calling a public hearing **September 4, 2013**, commencing at **7:44 P.M.**, local time, to consider a Petition for the creation of a lighting district within the Town of Clay to be designated and known as **"THE FARMSTEAD LIGHTING DISTRICT, CONTRACT NO. 1."** (The Farmstead Subdivision). Motion was seconded by Councilor Weaver.

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

Agreement (revised) 2013-2014 TOWN OF CLAY AND LIVERPOOL CENTRAL SCHOOL DISTRICT:

Councilor Bick moved the adoption of a resolution revising the **2013-2014 Facilities Use Agreement** between the **TOWN OF CLAY** and **LIVERPOOL CENTRAL SCHOOL DISTRICT** to include additional Insurance coverage for sexual abuse and molestation; and authorizing the Supervisor to execute the necessary form therefore. Motion was seconded by Councilor Bray.

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

ONONDAGA COUNTY MULTI-JURISDICTIONAL ALL-HAZARD MITIGATION PLAN:

Councilor Bick moved the adoption of a resolution adopting the **Onondaga County Multi-Jurisdictional All-Hazard Mitigation Plan.**

WHEREAS, all of Onondaga County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Onondaga County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Onondaga County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the **Town Board** of the **Town of Clay**:

- 1) Adopts in its entirety, the Onondaga County Multi-Jurisdictional All-Hazard Mitigation Plan (the “Plan”), and also serves as an update to the Town of Clay Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

Deputy Supervisor Edick explained that Supervisor Ulatowski, Vici Rinefierd in the highway department and others have worked diligently to keep this plan up to date.

Russ Mitchell asked if this replaces the Town’s plan. Deputy Supervisor Edick clarified that the County has a plan and the Town of Clay has their own plan in place.

Motion was seconded by Councilor Bray.

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

TOWN OF CLAY NORTHERN LAND USE STUDY (completion):

Councilor Bray moved the adoption of a resolution acknowledging the completion of the **TOWN OF CLAY NORTHERN LAND USE STUDY**. Motion was seconded by Councilor Weaver.

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

Councilor Bray added that she wished to recognize the enormous amount of work and volunteer hours that have gone into this study. She continued by thanking the Planning Board the Planning Department and others that have worked tirelessly on this.

Deputy Supervisor Edick concurred adding that Councilors Bray, Weaver and Young also worked assiduously to turn out this great plan.

Adjournment:

The meeting was adjourned at 8:07 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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