

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 19th of November, 2012 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
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:

Robert L. Edick	Deputy Supervisor/Councilor
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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 moved the adoption of a resolution to **Approve** the Minutes of the November 7, 2012 Town Board Meeting. Motion was seconded by Councilor Johnson.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that he was not aware of any correspondence or adjournments but item 9 on the agenda will be replaced by item 2 (a correction) on the additional agenda.

Correspondence:

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

No one spoke.

REGULAR MEETING:

Traffic & Vehicles (A) PARKING PROHIBITED AT ALL TIMES:

Councilor Young moved the adoption of a resolution, on motion of the Town Board, approving Ordinance 2011-01, Amendment of Chapter 211, Traffic and Vehicles Ordinance of the Town of Clay by amending **Section 211.18 Parking Prohibited At All Times**, and **Section 211.47 Schedule XIV Parking Prohibited At All Times** to designate and provide for **PARKING PROHIBITED AT ALL TIMES** on either side of **Wetzel Road** from **Henry Clay Boulevard** to **Majestic Drive** and the installation of the necessary signs therefore. Motion was seconded by Councilor Bray.

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

Special Permit (PH) Town Board Case # 1045 - NIAGARA MOHAWK POWER CORPORATION, A NATIONAL GRID COMPANY:

A public hearing to consider the application of **NIAGARA MOHAWK POWER CORPORATION, A NATIONAL GRID COMPANY, FOR A SPECIAL PERMIT pursuant to Section 230-27 I. (2)(e)[1][a] of the Clay Code TO ALLOW FOR A UTILITY SUBSTATION** located at **4683 Wetzel Rd.** being part of **Tax Map No. 082.-01-01.0** and part of **Tax Map No. 082.-01-02.0** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Joseph McMullen was present for the applicant. He began by introducing himself and stating that he is a Bayberry resident. He outlined the area north of Wetzel Road on Henry Clay Boulevard where the proposed substation will be located. He added that there are currently transmission lines located at the property and that there will be underground distribution lines to Henry Clay Boulevard. Mr. McMullen went on to explain that there is a need for a substation and National Grid will combine two parcels to accomplish this. There are wetlands on the property that will remain predominately undisturbed. The impact will be less than 1/10th of an acre.

The substation itself is similar to the one located on East Molloy Road. There will be a security gate and a gravel road. They have addressed the Town Engineers comments regarding stormwater plan. The stormwater run off will drain to the north to Mud Creek and the Clay Marsh. There will be deed restrictions as part of the project. They are proposing screening by creating a berm and planting deciduous trees and evergreens. He added that they will only remove a few of the existing trees.

Mr. McMullen explained that this is not a Type 1 Action rather it is an Unlisted Action for SEQR Purposes but he would like the Town Board to declare themselves lead agency and notify the involved agencies; the Commissioner said that he would send out the notification letter to said agencies. He added that they must obtain a permit from County DOT for a curb cut.

If all goes as planned the substation will be up and running July of 2014.

Supervisor Ulatowski thanked Mr. McMullen for his presentation and opened the floor for questions.

Councilor Young asked about the transmission pole. Tom Canino from National Grid explained that the distribution lines are buried, and then go up a conduit to the top of the transmission poles where the lines are live.

Councilor Bick asked what areas will be served by the substation. Lysander, Cicero, Belmont and other areas stated Mr. Hopkins of National Grid.

Albert Pitts of Daphne Drive asked if the two parcels to be combined are both on the west side of the rail road tracks and they are.

Rob Bick asked what the value of the project is and Mr. McMullen said 4 to 5 million dollars.

Supervisor Ulatowski said that he would adjourn the public hearing to **12/3/2012 at 7:53 P.M.**, pending a referral from the Planning Board.

Appointment (A) - TOWN OF CLAY FIRE DEPARTMENT, INC:

Councilor Weaver moved the adoption of a resolution approving the appointment of **BLAYNE FABIANEK** as a volunteer member of the **TOWN OF CLAY FIRE DEPARTMENT, INC.**

Motion was seconded by Councilor Bick.

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

Lighting (A) - PLAYGROUND AREA of MONTERAY PARK:

Councilor Bray moved the adoption of a resolution authorizing the installation of a 400(w) high pressure fixture on an aluminum pole to help illuminate the **PLAYGROUND AREA** of **MONTERAY PARK**. The estimated annual cost for the underground lighting fixture is **\$876.36**, chargeable to **LT246 CLAY CONSOLIDATED UNDERGROUND LIGHTING DISTRICT**. In addition, there would be a one-time charge of **\$1,100.00** for the boring of **BALBOA DRIVE** to get power into the park, pursuant to a map provided by National Grid. Motion was seconded by Councilor Weaver.

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

Zone Change (CPH) - Town Board Case # 1047 - SAGEER ENTERPRISES INC. AND JOSEPHINE S. SHIPMAN:

Councilor Johnson moved the adoption of a resolution calling a public hearing **December 17, 2012**, commencing at **7:35 P.M.**, local time, to consider the application of **SAGEER ENTERPRISES INC. AND JOSEPHINE S. SHIPMAN FOR A CHANGE OF ZONE** from **O-2 Office District to NC-1 Neighborhood Commercial District** on property located at **4785 Bear Road, Tax Map No. 106.-04-06.1**, to allow for a hair salon. Motion was seconded by Councilor Bick.

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

Special Permit (CPH) - Town Board Case # 1048 - ERIC DORN and RICHMOND AVENUE ASSOCIATES:

Councilor Young moved the adoption of a resolution calling a public hearing **December 17, 2012**, commencing at **7:38 P.M.**, local time, to consider the application of **ERIC DORN and RICHMOND AVENUE ASSOCIATES, INC. FOR A SPECIAL PERMIT pursuant to Section 237.17 C. (2)(e)[1] of the Town Code** on property located at **4594 Buckley Road, Tax Map No. 095.-02-08.0**, to allow for the operation of a trucking terminal in an industrial zone. Motion was seconded by Councilor Bray.

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

Assessment/Certiorari - SAM'S REAL ESTATE BUSINESS TRUST PLAN REALTY TRUST, INC.:

Councilor Bick moved the adoption of a resolution approving the Stipulation of Settlement and Order discontinuing certiorari actions entitled **SAM'S REAL ESTATE BUSINESS TRUST PLAN REALTY TRUST, INC., vs. THE TOWN OF CLAY, et al, Index Nos.: 2010-3772, 2011-4053, and 2012-3704 for Parcel Number 021.-01-03.3** reducing the assessment for tax year **2010-11** from **\$305,500.00** to **\$233,280.00**; tax year **2011/12** reducing the assessment from **\$305,500.00** to **\$228,960.00**; tax year **2012/13** from **\$305,500.00** to **\$230,020.00**; tax year **2013/14 not to exceed \$217,000.00**. **Tax Years 2010/11 and 2011/12** shall be adjusted accordingly without any refund. Tax year **2012-13** assessment shall be adjusted to **\$230,020.00** and tax year **2013/14** shall be adjusted to **\$217,000.00**. If the assessment adjustments are not reflected on the **2013** and **2014** Town/County tax bills, petitioner shall be entitled to a refund of a portion of taxes, such portion shall be the difference in taxes based upon the unadjusted **2012/13** assessment and **2013/14** assessment and paid without interest so long as it is paid within 45 days after service of a Court Order. If any additional square footage is added to this parcel after the date of this resolution and before the taxable status date for the tax assessment roll for the tax year **2016-17**, may be adjusted. The Real Property Tax Law, Section 727 shall apply starting with the **2014-15** tax year and shall continue in **2015-16** and **2016-17** tax years only. The **2009** proceeding shall be discontinued by Stipulation of the parties once the **2013-14** tentative assessment is at a maximum of **\$217,000.00**. Motion was seconded by Councilor Bray.

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

Adjournment:

The meeting was adjourned at 8:12 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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