

**JANUARY 19TH, 2011**

At the Regular and Organizational Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 19<sup>th</sup> of January 2011 at 7:30 P.M., there were:

**PRESENT:**

Damian M. Ulatowski	Supervisor
Robert L. Edick	Deputy Supervisor/Councilor
Clarence A. Rycraft	Councilor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Joseph A. Bick	Councilor
Bruce N. Johnson	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert M. Germain	Town Attorney
Ron DeTota	Town Engineer

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 Bray moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on **January 3<sup>rd</sup>, 2011**. Motion was seconded by Councilor Johnson.

Ayes-7 and Noes-0. *Unanimously carried.*

**CORRESPONDENCE:**

None

**CANCELLATION AND/OR REQUESTED ADJOURNMENTS:**

Supervisor Ulatowski stated that COR - Ver Plank LLC, had requested an adjournment.

**Zone Change (SEQR) -Town Board Case No. 1022 - THE SALVATION ARMY and G. DAVID BURDICK:**

Councilor Bick moved the adoption of a resolution that the application of **THE SALVATION ARMY and G. DAVID BURDICK** for a change of zone from **LuC-1 Limited Use District for Gasoline Services** to **HC-1 Highway Commercial** on property located at **3906 Brewerton Road, Tax Map No. 118.-01-07.1** and from **LuC-1 Limited Use District for Gasoline Services**

and **RC-1 Regional Commercial District** to **HC-1 Highway Commercial**, on property located at **3818 Brewerton Road, Tax Map No. 118.-01-08.1** 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 on an EIS. Motion was seconded by Councilor Edick.

Ayes-7 and Noes-0. *Unanimously carried.*

**Zone Change (A) -Town Board Case No. 1022 - THE SALVATION ARMY and G. DAVID BURDICK:**

Councilor Bick moved the adoption of a resolution approving the application of **THE SALVATION ARMY and G. DAVID BURDICK** for a change of zone from **LuC-1 Limited Use District for Gasoline Services** to **HC-1 Highway Commercial** on property located at **3906 Brewerton Road, Tax Map No. 118.-01-07.1** and from **LuC-1 Limited Use District for Gasoline Services** and **RC-1 Regional Commercial District** to **HC-1 Highway Commercial**, on property located at **3818 Brewerton Road, Tax Map No. 118.-01-08.1** Motion was seconded by Councilor Edick.

Councilor Bray commented that the Planning Board had given a favorable recommendation for this zone change adding that they have also recommended that the two lots involved be combined. This will be done administratively. Supervisor Ulatowski agreed and welcomed them to the Town.

Ayes-7 and Noes-0. *Unanimously carried.*

**Local Law No. 1 of the Year 2011 - Chapter 230 entitled 'ZONING', Adding definitions to the I-1 & I-2 Zoning District-Commercial Nursery and Commercial Greenhouse:**

A public hearing to consider proposed local law to be entitled **Local Law No. 1 of the Year 2011** amending **Chapter 230**, entitled '**ZONING**', **Sections 230-17C I-1 Industrial District, paragraph (2)(e) and 230-17D. I-2 Industrial District**, paragraph (2)(e) by adding to such paragraphs **Commercial Nursery and Commercial Greenhouse** and renumbering accordingly to the Code of the Town of Clay was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk. The purpose of this amendment would permit **Commercial Nursery and Commercial Greenhouse** in the I-1 and I-2 zoning districts by Town Board Special Permit approval.

Mark Weiss was present to speak in favor of this proposed Local Law. Mr. Weiss began by explaining that he lives at 4913 State Route 31 and his wife has had a greenhouse/nursery business but recently became aware that this was not allowed per the current code. She could produce the plants but potential customers were not allowed to drive up to purchase them. Mr. Weiss appeared before the *Zoning Board of Appeals* to apply for a variance. However due to the severe regulations he was unable to obtain a variance.

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Councilor Bray agreed with this Local Law adding that this is a non-invasive use of our Industrial Zone.

Chuck Mangan addressed the Board and read the following statement:

*"Mr. Supervisor and Councilors, I Chuck Mangan, am a resident of the Town of Clay and I am part of the Zoning Board of Appeals. I am in favor of amending this local law concerning Industrial districts. I believe that it would make good use of now under utilized land.*

*During the last six months we have had two cases where residents in Industrial Zones wanted a variance from our Board to allow commercial nurseries or greenhouses. Our Board thoroughly investigated the situations. Our entire Board felt that the commercial nursery use was a good one. However we could not come up with a legal way to grant the variances.*

*I have been authorized by the other Board members to speak for them on this issue. All are in favor of this change. They include:*

*Art Fennhahn*

*Karen Liebi*

*Mark Smith*

*Gene Young*

*Also, Vivian Mason, our former Town Clerk who participates in our meetings, is in favor of this change.*

*Thank you."*

Russ Mitchell added that he is part of the Clairmont/ Four Seasons Home Owners Association, and is glad to see the land more utilized. He added that he applauds the Board for this action.

Supervisor Ulatowski thanked everyone.

Councilor Johnson moved the adoption of a resolution to refer this case to the Planning Board and adjourn this public hearing to **February 7, 2011 at 7:44 P.M.** Motion was seconded by Councilor Edick.

Ayes-7 and Noes-0. *Unanimously carried.*

**Local Law No. 2 of the Year 2011 - Chapter 22 entitled 'ETHICS', Sections 22-5, 22-6 & 22-14:**

A public hearing to consider proposed local law to be entitled **Local Law No. 2 of the Year 2011** amending **Chapter 22** entitled **'ETHICS', Sections 22-5 Rules with respect to conflicts of interest; 22-6 Standards applying to all Town Employees; and 22-14 Powers**, to make improvements to the Code of Ethics of the Town of Clay to comply with recommendations by NYS Comptroller was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Robert Germain, Legal Counsel for the Town, began by explaining that most of the towns in NY were audited last year. The Town of Clay passed with flying colors but a few minor changes were needed. This amendment is just complying with the State Audit.

Supervisor Ulatowski asked if there were any questions. Hearing none, he closed the Public Hearing.

**Zone Change (PH) Town Board Case No. 1020 - COR VER PLANK ROAD COMPANY, LLC:**

A public hearing to consider the application of **COR VER PLANK ROAD COMPANY, LLC**, for a change of zone from **RA-100 RESIDENTIAL AGRICULTURAL DISTRICT** to **RESIDENTIAL R-15 DISTRICT**, on part of Tax Map No. 021.-01-2.3 consisting of 77.19± acres of land, located on Ver Plank Road and part of Tax Map No. 021.-01-03.4 being land located at 3950 Ver Plank Road and from **R-APT APARTMENT DISTRICT** to **RESIDENTIAL R-15 DISTRICT** on part of Tax Map No. 021.-01-2.3 consisting of 10.88± acres of land located on Ver Plank Road (Adjourned to this date and time at the January 3rd, 2010 Town Board Meeting.) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

The applicant requested an adjournment.

Councilor Bick made a motion to adjourn this Public Hearing to **February 7<sup>th</sup>, 2011 at 7:41 P.M.** Motion was seconded by Councilor Edick.

*Ayes-7 and Noes-0. Unanimously carried.*

**Securities (release) - WATERHOUSE LANDING SUBDIVISION, SECTION NO. 1:**

Councilor Edick moved the adoption of a resolution, pursuant to the written recommendation of the Town Engineers, authorizing the release of the security posted to guarantee the completion of the construction of the overland drainage facilities within the **WATERHOUSE LANDING SUBDIVISION, SECTION NO. 1** from **\$25,000.00** to **\$5,000.00** to the developer **COMBAT CONSTRUCTION, INC.** Motion was seconded by Councilor Weaver.

*Ayes-7 and Noes-0. Unanimously carried.*

**Traffic and Vehicles (D) - No Left Turn/ No Right Turn - Josephine Street:**

Councilor Bray moved the adoption of a resolution denying amendment of **CHAPTER 211 TRAFFIC AND VEHICLES ORDINANCE, SECTION 211-9 PROHIBITED TURNS AT INTERSECTION – SCHEDULE VI (§211-39)** of the Town of Clay Municipal Code to designate and provide for **NO LEFT TURN FROM BELMORE DRIVE AS IT INTERSECTS WITH JOSEPHINE STREET AND NO RIGHT TURN OFF CHESTNUT**

**STREET AS IT INTERSECTS WITH JOSEPHINE STREET and the installation of the necessary signs therefore.** Motion was seconded by Councilor Rycraft.

Ayes-7 and Noes-0. *Unanimously carried.*

**Zone Change (CPH) Town Board Case No. 1034 - MARIE C. GRAVINA, EXECUTRIX TO THE ESTATE OF EUGENE C. GRAVINA and MAPLERIDGE PROPERTIES, LLC:**

Councilor Johnson moved the adoption of a resolution calling a public hearing **February 7th, 2011**, commencing at **7:38 P.M.**, local time, to consider the application of **MARIE C. GRAVINA, EXECUTRIX TO THE ESTATE OF EUGENE C. GRAVINA** and **MAPLERIDGE PROPERTIES, LLC**, for a change of zone from **RC-1 Regional Commercial District** to **R-APT Apartment District** on property located at **4816 Buckley Road (Tax Map No. 096.-11-03)**. Motion was seconded by Councilor Bray.

Ayes-7 and Noes-0. *Unanimously carried.*

**Bid Advertisement - For the Purchase of MULTIPURPOSE EXCAVATOR, 2007 OR NEWER, CARRIER MOUNTED, SINGLE ENGINE FOR USE BY THE TOWN OF CLAY HIGHWAY DEPARTMENT:**

Councilor Weaver moved the adoption of a resolution authorizing the advertisement of bids for the purchase of **MULTIPURPOSE EXCAVATOR, 2007 OR NEWER, CARRIER MOUNTED, SINGLE ENGINE FOR USE BY THE TOWN OF CLAY HIGHWAY DEPARTMENT**. Said bids to be received until **February 3rd, 2011 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bray.

Ayes-7 and Noes-0. *Unanimously carried.*

**Adjournment:**

The meeting was adjourned at 8:00 P.M. upon motion by Councilor Bray and seconded by Councilor Weaver.

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