

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 17th of June, 2013 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 |
| John Marzocchi | Town Attorney |
| Ron DeTota | Town Engineer |

ABSENT:

| | |
|-----------------|-----------------------------|
| Robert L. Edick | Deputy Supervisor/Councilor |
|-----------------|-----------------------------|

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 June 3rd 2013 Town Board Meeting. Motion was seconded by Councilor Bray.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski explained that items 6 and 7 of the agenda would not be heard as there are details to be handled before a decision is reached.

Correspondence:

Supervisor Ulatowski then asked if anyone wished to address the Board on anything not on the agenda.

A resident from Lawdon Street stood up and stated that he was here to discuss the drainage and condition of the road on Lawdon Street again. He asked why there is nothing in the minutes regarding the interaction between the residents and the Town Board. Councilor Bick held up the newly approved minutes and showed where the commentary from the last meeting was listed. The clerk added that it is

very difficult to add the comments into the minutes when the residents do not give names and addresses and talk at the same time.

Supervisor Ulatowski said that he is aware of the condition and is still looking into possible resolutions.

Wayne Barnes of Lawdon Street said that he was waiting for someone to walk the street with him. Supervisor Ulatowski responded that the Town Engineer had been there to inspect it and take pictures. He added that he will talk to the County regarding the pothole where Allen Road and Lawdon Street intersect. The Supervisor explained that he has been diligent about trying to solve this but he does not have a complete answer. Mr. Barnes pressed, adding that he will be present at each of the meetings until a solution or answer is reached. The Supervisor added that there most likely will be a surface application of pavement but could not give an exact date. Mr. Barnes stated, “they won’t know when it will be done until it’s done then?” The Supervisor said that it will be scheduled by the Highway Superintendent.

Mr. Barnes said that the drainage is also still a concern. Councilor Weaver said that perhaps a drainage district could be created to address the drainage problems. Supervisor Ulatowski agreed adding that they should talk to neighbors about the creation of a drainage district and the cost involved. Again Mr. Barnes asked when this would take place and the Supervisor said that it could be months. The Engineers will need to do an analysis and there are currently other projects scheduled.

REGULAR MEETING:

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

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

Not heard at this time.

Traffic and Vehicles (Stop Sign)(SEQR) – Amendment to Traffic & Vehicles Ordinance - Chapter 211 Section 211-12 – Blumer Road:

Councilor Young moved the adoption of a resolution that amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SECTION 211-42, SCHEDULE IX**, to designate and provide for **TWO (2) STOP SIGNS** to be installed at the northeast and southwest corners of **FARMSTEAD ROAD** where it intersects with **BLUMER ROAD** is a type 2 action and 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 Bray.

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

Traffic and Vehicles (Stop Sign)(D) – Amendment to Traffic & Vehicles Ordinance - Chapter 211 Section 211-12 – Blumer Road:

Councilor Young moved the adoption of a resolution **denying** amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SECTION 211-42, SCHEDULE IX**, to designate and provide for **TWO (2) STOP SIGNS** to be installed at the northeast and southwest corners of **FARMSTEAD ROAD** where it intersects with **BLUMER ROAD**; and the installation of the necessary signs therefore. Motion was seconded by Councilor Bray.

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

One of the residents from the neighborhood asked what their recourse was at this point. Supervisor Ulatowski said that the Highway Superintendent and the Constable had both recommended denial.

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

A public hearing to consider the application of **MICHAEL BELL FOR A SPECIAL PERMIT TO ALLOW FOR A CAMPGROUND** pursuant to **Section 230-13 A. (2) (e) [6]** on part of property located at **10152 Caughdenoy Road, Tax Map No. 039.-02-6.1**, consisting of 39.34± acres of land was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Hal Romans, Tim Coyer and Michael Bell were present on behalf of this application. Mr. Romans began by explaining that the applicant wishes to build a campsite on a 79 acre parcel utilizing 35.9 acres. Each of the sites will be 2,000 square feet although the New York State Camp Regulations requires 1,500 square feet. There will be one entrance and 62 RV campsites with an area for future tent sites along the river. There will be a 75' setback from the road to screen the campground. Mr. Romans continued that the applicant has researched this for awhile.

There will be sanitary sewers to drain to a septic tank and leach field and water will be supplied by OCWA. There will be mowed areas for recreation including walking trails and volleyball. This campground will be owner operated and be constructed in phases beginning with the high spot to the north east of the parcel. There will be bath houses and rest rooms to the south of the parcel. This will not be a year round operation and there will not be storage of the RVs on the site.

Councilor Young asked if the applicant would object to a *Seasonal Special Permit* and limit the use to 6 months. The applicant said that they would consider it. Councilor Weaver asked if the sites would have power. Mr. Romans said that each site will be on a gravel pad and have its own power, water and sewer.

Councilor Bray read the County Referrals, outlining the modifications:

1. The applicant must obtain a commercial driveway permit from the Onondaga County Department of Transportation and must contact the Department for site distance review.
2. The Onondaga County Department of Transportation has determined that the applicant is required to submit ITE Trip Generation Figures and a gap analysis at AM/PM peak hours for full build-out relating to the proposed action to meet Department requirements and to submit it to the Department for approval; the applicant must complete any appropriate mitigation as may be determined by the Onondaga County Department of Transportation.
3. The Onondaga County Department of Transportation has determined that the applicant must complete a drainage study or Stormwater Pollution Prevention Plan (SWPPP) to meet Department requirements verifying that the proposed development would not create additional stormwater runoff into the County's drainage system and is required to first contact the Department to determine the scope of the study; the applicant must submit the drainage study to the Department for approval and complete any appropriate mitigation as may be determined by the Department.
4. This campground will be regulated by the Onondaga County Health Department, and the proposal must conform with all current State Sanitary Code requirements.
5. The site must be connected to the public water system per the Onondaga County Health Department.

The Board offers the following comment:

The Onondaga County Water Authority (OCWA) recommends that the municipality and/or applicant contact OCWA's Engineering Department early in the planning process to determine water availability and service options, obtain hydrant flow test information, evaluate backflow prevention requirements, and/or request that the Authority conduct hydrant flow testing to assess fire flow availability.

The Supervisor then opened the floor for questions. Greg Tweedy of 409 Riviera Drive began by saying that this appears to be a trailer park not a campground. He

continued, that he owns his own development company and is in the process of developing luxury town houses however if this campground application is approved he will not continue his plans for development. Mr. Tweedy continued that this is not a good use and could not see what the attraction would be.

Councilor Young asked Commissioner Territo if this was a permitted use. Mr. Territo said that yes, outdoor recreation is a permitted use and would fall into this classification as there is no zone for RV Parks in our code. Supervisor Ulatowski said that he would like to research this further.

Sharon Isyk said that her home is across from the proposed park and is concerned about noise, fires, lights and security for the area. Dick Isyk added that there will be the potential for coyotes with the additional trash.

Tom Mafri of Riviera Drive asked where the children will go to school. He then asked when the last RV Park was in existence in Onondaga County.

Ann Isyk asked what incentive was Mr. Bell offering to potential campers; bands, live entertainment? She continued, stating that the current is strong and people aren't familiar with the dam making it a dangerous spot for fishing.

Ray Willis, an agent for the Caughdenoy Marina asked if this incorporates State land. Hal Romans said that the State owns up to the land but not the land involved. Mr. Willis asked if the Special Permit will require *full site plan review* and then he asked for copies of all of the paperwork involved. Supervisor Ulatowski explained that one of the objectives is to satisfy the neighbors and work with the County while entertaining the applicant's request.

Several Residents expressed concern about an RV Park not really being a Recreational Use as outlined in the RA-100 Zoning, adding that it is more like a Trailer Park. One Resident said that she would rather see all tent sites. Mr. Tweedy said that the proposed screening is insufficient he would like more screening of the site and not with seedling but with mature trees/shrubs. He added that there should be no sales or servicing of the RVs. Residents voiced concerns over septic and smells as well as the size of the RVs and campers that would utilize this site.

Mr. Tweedy asked if an Environmental Impact Statement is required. Mark Territo said that the applicant submitted the required Environmental Assessment Form with the application, but an Environmental Impact Statement is generally not required unless the Board deems it necessary. He also stated that the Special Permit does not require Planning Board Site Plan approval; only the authorization from the Town Board. Mr. DeTota agreed adding that any concerns should be addressed as part of the Special Permit request since there will be no further Site Plan approvals required. Councilor Young said that he wanted to review the conditions for the Special Permit. Supervisor Ulatowski concurred adding that he would research it further and let Mr. Romans know what is needed before the next meeting.

Supervisor Ulatowski opened the next two public hearings together.

Project (sewer)(PH) - ALLEN ROAD SEWER DISTRICT:

A public hearing to consider a Petition for the construction and acquisition of a lateral sewer system within the **ALLEN ROAD SEWER DISTRICT** to be designated and known as "**ALLEN ROAD SEWER DISTRICT, CONTRACT NO. 29 LATERAL.**" (Buckley Meadow and Buckley Woods Subdivisions) was opened by the Supervisor. Proof of publication and posting was provided by the Town Clerk.

Project (drainage)(PH) - BUCKLEY MEADOW DRAINAGE DISTRICT:

A public hearing to consider a Petition for the creation of a drainage district within the Town of Clay to be designated and known as "**BUCKLEY MEADOW DRAINAGE DISTRICT**" and for the construction and acquisition of a drainage system therein to be designated and known as "**BUCKLEY MEADOW DRAINAGE DISTRICT, CONTRACT NO. 1.**" (Buckley Meadow and Buckley Woods Subdivisions) was opened by the Supervisor. Proof of publication and posting was provided by the Town Clerk.

Hal Romans was present on behalf of the applicant. Mr. Romans said that the applicant wishes to add 670' of sanitary sewer to the Allen Road Sewer District. The stormwater facility will serve the two subdivisions. The proposed facility will drain to the north ultimately to Mill Brook.

Councilor Bick asked why the two subdivisions are served by the Allen Road sewer district. Ron DeTota explained that this district encompasses a large area and this will be the 29th improvement or contract within the district. Supervisor Ulatowski asked if there were any further questions, hearing none he **closed** the public hearing.

NORTHERN LAND USE STUDY (IH):

Informational hearing to solicit comments on the Town of Clay **DRAFT NORTHERN LAND USE STUDY**. The purpose of the Northern Land Use Study (NLUS) is to guide Town planners and officials in planning future land use development, generally north of Route 31. The Northern Land Use Study will be available on the Town of Clay website and also at the Town Clerk's Office.

Mark Territo, Commissioner of Planning and Development for the Town of Clay began by giving a brief introduction and background into this study. He stated that the study has been in the works since 2005 and has been changed four times within that time frame. Mr. Territo explained that originally the plan encompassed all areas north of State Route 31 but has been modified to address areas generally

north of VerPlank Road. Additionally, this study encourages clustering and focuses on protecting the river front and wetlands.

Ron DeTota, Town Engineer, said one of the objectives of this study is to maintain and preserve valuable land such as wooded areas and reduce the footprint of development. Clustering will also assist the town in reaching the NYSDEC goal of bettering water quality. Mr. DeTota said that by preserving the hydrologic features of the land and limiting grading there will be less sediment that could potentially be deposited in the town's waterways. Mr. DeTota continued that the Study promotes flexible, innovative designs which are typically more aesthetically pleasing.

Supervisor Ulatowski asked, "What size does a lot have to be to accommodate a standard sanitary subsurface disposal system?" Mr. DeTota explained that it is dictated by the Onondaga County Health Department. The Onondaga County Health Department highly recommends a minimum lot size of 40,000 square feet. He added that the Study took into consideration this recommendation.

Councilor Bray said that the Town is in sync with the County's Sustainable Study adding that the Committee met with County Officials and Mr. DeTota to discuss stormwater components and how to minimize their impact.

Mr. Gabor asked about sewers and if Cicero is serviced by the Oak Orchard treatment plant. There was a discussion about what areas are served by what treatment plants. Supervisor Ulatowski said that he was not familiar with the exact boundaries. Supervisor Ulatowski asked if there were any further questions, hearing none he **closed** the informational hearing.

Agreement/ Authorization - SOUTHWEST BUCKLEY PROPERTIES, LLC:

Councilor Weaver moved the adoption of a resolution authorizing the Supervisor to enter into an Agreement on behalf of the Town with **SOUTHWEST BUCKLEY PROPERTIES, LLC**, for the construction/development of Buckley Meadow and Buckley Woods Subdivisions. Motion was seconded by Councilor Bray.

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

Project (sewer)(A) ALLEN ROAD SEWER DISTRICT:

Councilor Weaver moved the adoption of a resolution approving the construction and acquisition of a lateral sewer system within the **ALLEN ROAD SEWER DISTRICT**, and for the construction and acquisition of a sewer system therein to be designated and known as "**ALLEN ROAD SEWER DISTRICT, CONTRACT NO. 29 LATERAL.**" (Buckley Meadow and Buckley Woods Subdivisions). Motion was seconded by Councilor Johnson.

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

Project (drainage)(A) - BUCKLEY MEADOW DRAINAGE DISTRICT:

Councilor Johnson moved the adoption of a resolution approving the creation of a drainage district within the Town of Clay to be designated and known as **"BUCKLEY MEADOW DRAINAGE DISTRICT"** and for the construction and acquisition of a drainage system therein to be designated and known as **"BUCKLEY MEADOW DRAINAGE DISTRICT, CONTRACT NO. 1."** (Buckley Meadow and Buckley Woods Subdivisions). Motion was seconded by Councilor Bick.

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

Project (acquire public facilities)- BUCKLEY WOODS/BUCKLEY MEADOW SUBDIVISIONS:

Councilor Johnson moved the adoption of a resolution that it is in the public interest that the Town of Clay approve the construction and acquire the public facilities located within the **"BUCKLEY WOODS/BUCKLEY MEADOW SUBDIVISIONS"** (Allen Road Sewer District, Contract No. 29 Lateral, Buckley Woods Drainage District, Contract No.1) in accordance with the terms and conditions of a certain Agreement entered into between the Town of Clay and the developer **SOUTHWEST BUCKLEY PROPERTIES, LLC**. Motion was seconded by Councilor Bick.

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

Final Plans (A)-BUCKLEY WOODS/BUCKLEY MEADOW SUBDIVISIONS:

Councilor Johnson moved the adoption of a resolution approving the **Final Plans** for the **"BUCKLEY WOODS/BUCKLEY MEADOW SUBDIVISIONS"** (Allen Road Sewer District, Contract No. 29 Lateral, Buckley Woods Drainage District, Contract No.1) and authorizing the Supervisor to execute the documents necessary therefore. Motion was seconded by Councilor Bick.

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

Appointment (A) – Moyers Corners Fire Department, Inc.:

Councilor Bick moved the adoption of a resolution approving the appointment of **Ryan Crowell** as a volunteer member of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 1; Gregory Hart** as a volunteer member of the **MOYERS CORNERS FIRE DEPARTMENT, INC – STATION 2; Steven Parker, Austin White, Colden White** and **Scott Wilkinson** as volunteer members of the **MOYERS CORNERS FIRE DEPARTMENT, INC – STATION 3; and Sean Benz, Nick Bittel, Jeremy Corsaro, Mark Germano and Kipper**

Gingrich as volunteer members of the **MOYERS CORNERS FIRE DEPARTMENT, INC – STATION 4**. Motion was seconded by Councilor Johnson.

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

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

Councilor Bray moved the adoption of a resolution calling a public hearing **July 15, 2013**, commencing at **7:38 P.M.**, local time, 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 **APlus convenience store** with a food tenant. Motion was seconded by Councilor Young.

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

ABANDONMENT (CPH) - OPAL DRIVE:

Councilor Bick moved the adoption of a resolution calling a Public Hearing for **July 15, 2013**, commencing at **7:41 P.M.**, local time, 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**. 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. Motion was seconded by Councilor Johnson.

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

Adjournment:

The meeting was adjourned at 9:07 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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