

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 3rd, of June, 2013 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Robert L. Edick	Councilor /Deputy 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

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 Edick moved the adoption of a resolution to **Approve** the Minutes of the May 20th, 2013 Town Board Meeting. Motion was seconded by Councilor Bray.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that the public hearing for Michaels Farm will be adjourned at the request of the applicant.

Correspondence:

Supervisor Ulatowski asked if there was anyone present from Lawdon Street. Several residents stated that they were. The Supervisor continued that he, the Deputy Supervisor, former and current Highway Superintendents and some of the Town Board members had visited the street to look into the concerns brought up at the previous meeting regarding the condition of the road.

Councilor Weaver, former Highway Superintendent, said that the street is not that bad overall and recommended repair instead of completely repaving.

Deputy Supervisor/Councilor Edick concurred adding that many of the streets in the town are in greater need of repaving and that probably each of the roads in the town could be repaved however the cost of paving is very high. He added that the pot holes have already been repaired.

Supervisor Ulatowski explained that he had gone separately to assess the condition of the road and the pot holes had already been repaired. He said that the repair had been scheduled previously. He also agreed that the complete repavement did not seem to be a priority at this time as there are other roads in more need. He continued that during his conversation with the Highway Superintendent the suggestion was made to apply a surface application. This has been successful in other areas such as one of the streets in Bayberry. He said that he and the Highway Superintendent will consider this as time and money allow, perhaps by year end. The Supervisor then provided the list of roads that are scheduled to be paved this year. They include, *Fortuna Parkway, Cedarpost Road, Virgo Course, Canvassback Drive, Falcon Drive, Shoveler Lane and Hazlehurst Ave.* He added that Hazlehurst is in massive need of repair. Supervisor Ulatowski said that this list will appear on the Town website.

One of the residents asked about the potholes near Allen Road on Lawdon Street adding that he is not satisfied with the way they are repaired.

Another resident asked about a weight limit stating that a resident on the street has a business. The Supervisor asked Mark Territo, Commissioner of Planning and Development to look into the Code regarding this business.

Another resident asked about the drainage. Councilor Weaver explained that the residents on Lawdon are not in a drainage district and do not pay taxes for this.

Another resident said that the drainage ditches were filled in when the sewers were put in. Supervisor Ulatowski said that he would have one contact person meet with Ron DeTota, Town Engineer, to address the drainage issues. He added that the Town Clerk would keep the contact information for Mr. Wayne Barnes of 117 Lawdon Street. Mr. Barnes agreed providing his phone number and work schedule for the Clerk and adding that the best time to assess this would be during a storm. Supervisor Ulatowski said that he would set it up with Ron DeTota.

Joyce Cerrito of Bayberry Circle said that at the Bayberry Community Association meeting it was brought to the attention of the residents that there is a group of boys on skateboards and bicycles that are breaking into unlocked cars and stealing money. She said that this is referred to as *The Game*. Apparently this is also happening in other neighborhoods. She then said that there have also been some complaints about an older man with a young boy breaking into garages in Bayberry. She added that she thought the two types of burglaries were unrelated.

REGULAR MEETING:

Traffic and Vehicles (Stop Sign)(SEQR) – Amendment to Traffic & Vehicles Ordinance - Chapter 211 Section 211-12 and 211-42 – WHITE TAIL PATH and GUY YOUNG ROAD:

Councilor Weaver 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,” SCHEDULE IX, SECTION 211-42**, to designate and provide for **ONE (1) STOP SIGN** to be installed at the northwest corner of **WHITE TAIL PATH** where it intersects with **GUY YOUNG 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-7 and Noes-0. *Motion carried.*

Traffic and Vehicles (Stop Sign)(A) – Amendment to Traffic & Vehicles Ordinance - Chapter 211 Section 211-12 and 211-42 – WHITE TAIL PATH and GUY YOUNG ROAD:

Councilor Weaver moved adoption of a resolution approving amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SCHEDULE IX, SECTION 211-42**, to designate and provide for **ONE (1) STOP SIGN** to be installed at the northwest corner of **WHITE TAIL PATH** where it intersects with **GUY YOUNG ROAD**; and the installation of the necessary sign therefore. Motion was seconded by Councilor Bray.

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

Zone Change (SEQR) – Town Board Case # 1052 - RICHARD F. CHRISTIANA:

Councilor Edick moved the adoption of a resolution that application of **RICHARD F. CHRISTIANA** for a **CHANGE OF ZONE** from **O-1 Neighborhood Office** to **NC-1 Neighborhood Commercial**, to allow for the commercial use of a building on property located at **7924 Oswego Road, Tax Map No. 081.-12-43.0**, 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 Bick.

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

Zone Change (A) – Town Board Case # 1052 - RICHARD F. CHRISTIANA:

Councilor Edick moved the adoption of a resolution approving the application of **RICHARD F. CHRISTIANA** for a **CHANGE OF ZONE** from **O-1 Neighborhood Office** to **NC-1 Neighborhood Commercial**, to allow for the commercial use of a building on property located at **7924 Oswego Road, Tax Map No. 081.-12-43.0**. Motion was seconded by Councilor Bick.

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

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

Councilor Bray made a motion to **adjourn** this public hearing to July 15th 2013 at 7:35 P.M. Motion was seconded by Councilor Bick.

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

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

A public hearing to consider 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**. (Adjourned to this date and time from the May 6, 2013 Town Board Meeting) was opened by the Supervisor.

Craig and Colleen Buck were present. They began by explaining that they are trying to obtain a Zone Change to better market their property to a potential buyer. Mrs. Buck said that they wish to convey to the Town, that portion of the property to allow accessibility on Capricorn Drive and through traffic from Dampier Circle. Supervisor Ulatowski assured her that if the access is granted that the Town will look into any provisions to connect the road in question. He then asked about the additional land for the right of way or easement that will be necessary for the completion of the road. The Bucks agreed that it is acceptable.

In closing, Mr. and Mrs. Buck said that they will convey lands for the purpose of public highway connection subject to legal approval.

Supervisor Ulatowski asked if there were any questions or comments. Mark Harrington of Dampier Circle said that he was present on behalf of the neighbors on Dampier Circle to voice the opposition to a NC-1 zone. He said that the neighbors don't have a problem with an O-1 or an O-2 zone but are opposed to any commercial development for this parcel. Councilor Edick asked if any of the

other neighbors were present. Mr. Harrington said that he didn't know if they were aware of the meeting. Councilor Edick asked Mark Territo if the neighbors were notified of this meeting. Mr. Territo said that all of the neighbors within a 100' radius were indeed notified. Councilor Edick then asked Mr. Harrington how he knew of the meeting and he said that he had received a letter. Again Mr. Harrington said that they are supportive of an O-1 or an O-2 but not NC-1.

Supervisor Ulatowski asked if there were any additional comments, hearing none he **closed** the public hearing.

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

A public hearing to consider 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 was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Cheesa and Israel DaVila of Farmstead Road were present in support of this Stop Sign request and petition. They began by stating that they are requesting a three way stop at the intersection of Blumer and Farmstead Roads. They said that there is a blind spot and a great deal of distance between the existing stop signs. People flying down the street, texting and children playing cause a dangerous situation. Supervisor Ulatowski said that the Highway Superintendent had not commented on this request at this time however the Town Constable has recommended that this request be denied based on his evaluation upon investigation of traffic at said intersection.

Supervisor Ulatowski asked if there were any questions or comments. Hearing none he said that he would **close** the public hearing and a decision would be made at a later date based also on the recommendation of the Highway Superintendent.

YOUTH SERVICES GRANT / CANTEEN(A):

Councilor Bick moved the adoption of a resolution to waive \$5,634.00 in State Aid for 2013 from the Youth Services Grant to the Town of Cicero for the Canteen and authorizing the Supervisor to execute the necessary form therefore. Motion was seconded by Councilor Edick.

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

RED BARN ACRES SUBDIVISION (A) Final Plans:

Councilor Bray moved the adoption of a resolution approving the **Final Plans** for the **RED BARN ACRES SUBDIVISION** (Bear Road Sanitary Sewer District, Contract No. 33 Lateral, Red Barn Acres Drainage District, Contract No. 1, and Red Barn Acres Water Supply District) and authorizing the Supervisor to execute the necessary forms therefore. (Contract Documents) Motion was seconded by Councilor Weaver.

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

Project/Securities (posting)(A) - NORTHFORK SECTION NO. 3 SUBDIVISION:

Councilor Johnson moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of drainage facilities located within **NORTHFORK SECTION NO. 3 SUBDIVISION** (Northfork Drainage District, Contract No. 1 Lateral No.2) and the construction of said facilities having been completed in accordance with the previously approved Plans and Specifications thereof; the Town Engineers having certified that the facilities have been satisfactorily completed and that the developer post the following securities: **\$35,000.00** to guarantee the cost of completing the **Overland Drainage Facilities and Grading** requirements as shown on the list provided by the Town Engineers under correspondence dated May 29, 2013; **\$10,228 Maintenance Guarantee; \$63,504 Highway Construction Guarantee; \$1,800.00 Monument Deposit; \$7,500.00 Parkland Contribution; as well as any additional fees required for legal, engineering and administrative fees (current and/or future for this project);** and further contingent upon the developer having complied with all the requirements set forth in an Agreement between the Town of Clay and **GROUP ONE DEVELOPMENT, LLC**, that the Town accept title to such facilities. Motion was seconded by Councilor Bick.

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

Project/ Easement(A) - NORTHFORK SECTION NO. 3 SUBDIVISION:

Councilor Young moved the adoption of a resolution accepting the on-site easements for drainage facilities located within **NORTHFORK SECTION NO. 3 SUBDIVISION** from **GROUP ONE DEVELOPMENT, LLC**, all as shown on a Final Plan prepared by Ianuzi and Romans Land Surveying, P.C., dated April 17, 2012, last revised October 18, 2012. Motion was seconded by Councilor Weaver.

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

**Project / Warranty, Deed etc.(A) - NORTHFORK SECTION NO. 3
SUBDIVISION:**

Councilor Young moved the adoption of a resolution accepting a **Warranty Deed, Dedication, Application and Release of damages** for a Town Highway located within **NORTHFORK SECTION NO. 3 SUBDIVISION** from **GROUP ONE DEVELOPMENT, LLC.** (Appaloosa Trail 2,268'), all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated April 17, 2012, last revised October 18, 2012. Motion was seconded by Councilor Weaver.

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

NORTHERN LAND USE STUDY (CIH):

Councilor Bray moved the adoption of a resolution calling an informational hearing **June 17, 2013**, commencing at **7:44 P.M.**, local time, 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 in the Town Clerk's Office. Motion was seconded by Councilor Weaver.

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

Securities/ Release (A) RIVERWALK SUBDIVISION Section No. 1:

Councilor Edick moved the adoption of a resolution authorizing the release of the monument fees deposited with the Town of Clay on March 26, 2012, for the **RIVERWALK SUBDIVISION Section No. 1** in the amount of **\$900.00** to **RIVERWALK ASSOCIATES, INC.**, for **monuments** as required on the Final Plans. Pursuant to a LETTER FROM Hal R. Romans of **IANUZI and ROMANS LAND SURVEYING, P.C.**, dated **May 17, 2013**, whereby he certifies that the concrete control monuments were placed at the locations as shown on the Final Plan. Motion was seconded by Councilor Bick.

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

Adjournment:

The meeting was adjourned at 8:15 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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