

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 16th of April, 2012 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
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
Vivian Mason	Representative for 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 Bick moved the adoption of a resolution to **Approve** the Minutes of the April 2nd, 2012 Town Board Meeting. Motion was seconded by Councilor Johnson.

Ayes-6 and Noes-0. Motion carried. Councilor Edick abstained as he was absent at the April 2nd meeting.

Cancellation and/or requested adjournments.

Supervisor Ulatowski stated that the Town Board will not move on the Asbestos Removal and Demolition of the House located at 9604 Black Creek Road as the board will further review this item.

Correspondence:

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

Bob Caella of 7352 Buckley Road expressed his concern with the overgrown brush on Bear Road between Buckley Road and Meadow Wood Drive. He continued that this impedes visibility for drivers. He also asked about the abandoned well.

Supervisor Ulatowski said the he would look into both items and let him know at the next meeting.

Mr. Tom Collins of 8312 Provo Drive asked the board about the property at the corner of Provo Drive and Oswego Road. He said that there are scum ponds and the upkeep has been terrible. The property was not developed and has not been maintained in addition the end of Provo is completely torn up. Again, the Supervisor said that he would look into this.

REGULAR MEETING:

Zone Change - (A) Town Board Case # 1020 - COR VERPLANK ROAD COMPANY, LLC:

Supervisor Ulatowski explained that he would allow Ms. Hall-Fisk's engineer to speak, as stated at the previous meeting although the public hearing is closed.

Matthew Liello an environmental engineer spoke on behalf of Ms. Hall-Fisk. He discussed the drainage with Kate Johnson of COR Development. Ms Johnson assured Mr. Liello that the design of the proposed development will be designed to mitigate any impact that the drainage runoff would have on Ms. Hall-Fisks property. She added that the design will be more detailed as the project goes forward at the planning board meetings. Mr. DeTota concurred.

Councilor Johnson moved the adoption of a resolution approving the application of COR VERPLANK ROAD COMPANY, LLC, for a change of zone from RA-100 Residential Agricultural District to R-15 One-Family Residential District on part of Tax Map No. 021.-01-2.3 consisting of 77.19± acres of land, located on VerPlank Road and being part of Tax Map No. 021.-01-03.4 being land located at 3950 VerPlank Road and from R-APT Apartment District to R-15 One-Family Residential District on part of Tax Map No. 021.-01-2.3 consisting of 10.88± acres of land located on VerPlank Road. Motion was seconded by Councilor Edick.

Roll Call was as follows:

Councilor Young - Yes

Councilor Weaver - No

Councilor Bray - Yes *(Councilor Bray went on record stating that she voted Yes with reservations as this case has often been referred to as a Cluster. Ms. Bray continued, that she is voting Yes on the Zone Change only and that she is not committing to authorization for a Cluster Development.)*

Supervisor Ulatowski - Yes

Councilor Edick -Yes

Councilor Bick - No

Councilor Johnson -Yes

Ayes-5 and Noes-2. *Motion carried.*

Special Permit (PH) - Town Board Case # 1036 of SJLS, LLC and 8220 OSWEGO ROAD DEVELOPMENT:

A public hearing to consider the application of **SJLS, LLC and 8220 OSWEGO ROAD DEVELOPMENT** for a **SPECIAL PERMIT TO ALLOW FOR A MEDICAL OFFICE** on property located at **8302 Provo Drive, Tax Map No. 067.-11-01.2** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Hal Romans was present for the applicant. The applicant is proposing a medical office which requires a special permit. There will be no structural changes to the building and no additional curb cuts. The applicant will restripe the parking lot, provide an enclosure for the dumpster and generator and add a piece to the sidewalk. Councilor Young asked if there are any code violations to the building.

Mr. Romans stated that he did not think that there are.

Councilor Edick asked what type of office was next door adding that he thought that there was a problem with existing parking. Mr. Romans said a dental office, women's health or both.

Supervisor Ulatowski said that he would refer this to the planning board and **adjourn to May 7, 2012 at 7:38 P.M.**

Zone Change (PH/Adj) - Town Board Case # 1033 - Farone & Son Funeral Home and Red Barn Country, LLC:

A public hearing to consider the application of **Farone & Son Funeral Home and Red Barn Country, LLC** for a change of zone from **R-10 One Family Residential District** to **NC-1 Neighborhood Commercial District** on property located at **7353± Buckley Road, Tax Map No. 107.-05-46.1** was opened by the Supervisor. Proof of posting and publication was furnished by the Town Clerk. Adjourned to this date and time at the April 2nd, 2012 Town Board meeting.

Hal Romans and Robert Ventre were present for the applicant. Mr. Romans began by explaining that they have been before the Planning Board and at the recommendation of the board, parking has been modified to allow for an additional 28 spaces (the planning board asked for 25 additional spaces). Additionally the County Department of Transportation reviewed the traffic impact study and said that this application will have minimal impact on the present traffic on Buckley Road.

Robert Ventre said that he is in the process of drafting the covenants for a single story structure and use; and that they will be ready for the next meeting.

Councilor Bray inquired if the traffic impact study was looking at one or two viewings. Mr. Romans said he thought two. Supervisor Ulatowski asked if Mr. Romans knew how many mourners are at other funeral home viewings. Mr. Romans said that he would look into that.

Councilor Edick said that he liked the covenants and feels that this is a good use for this parcel. Denise Murray of Waxwood Circle again voiced her concerns for the additional traffic and the safety of the children playing in the streets. She added that the neighborhoods off Buckley Road do not allow for cut through traffic.

Councilor Edick asked the residents what use they thought would be appropriate for this parcel. Ms. Murray said that she would like to see residential homes regardless of the additional curb cuts. Mark Powers agreed that he would like to see it remain residentially zoned.

Michelle Powers agreed that the traffic was a main concern in addition to the proximity to the road of the proposed building.

Michael Kawzenuk said that he is concerned with the emergency vehicles being able to respond.

Several other residents voiced concerns again regarding the traffic. Supervisor Ulatowski said that he would look into having a traffic engineer research the timing of the traffic lights. Supervisor Ulatowski added that he was waiting for a referral from the Onondaga County Planning Board as well as the Town Planning Board.

Councilor Bick made a motion to **adjourn** the public hearing to **May 7, 2012 at 7:41 P.M.** Motion was seconded by Councilor Edick.

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

(clerks note: a letter from Mr. and Mrs. Rocco Corasaniti of Jessica Drive was submitted in favor of this project and is on file in the Town Clerks Office.)

Zone Change (PH/Adj) Town Board Case # 1035 - Kristin Purcell:

A public hearing to consider the application of **Kristin Purcell** for a change of zone from **RA-100 Residential/Agricultural District** to **O-1 Office District** on property located at **7897 Oswego Road, Tax Map No. 080.-01-07.0** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk. Adjourned to this date and time at the April 2nd, 2012 Town Board meeting.

Hal Romans was present for the applicant. Mr. Romans explained that the applicant is before the Planning Board. There is a discussion regarding the wetlands and whether they are tied to the state flood rights. Mr. Romans continued

that they still need to allow some type of use for this parcel. A residential zone would not be a good use between two commercial lots. Robert Bick, Assessor of the Town of Clay, stated that the applicant has completely remolded without obtaining building permits from the Planning Department.

Mr. Romans agreed that this was the case and the applicant thought the property was zoned commercial until he was visited by a Codes Officer. Mr. Romans continued that the applicant has since met with Commissioner Territo and is under contract to purchase the parcel. Mr. Romans continued that there will be no contractors' yard, no storage, only an office where the applicant can hold meetings and make phone calls.

Supervisor Ulatowski **closed** the public hearing.

Special Permit (PH) - Town Board Case # 1037 MORELANDIGANS, LLC JEFFREY and MARY JANE IPPOLITI:

A public hearing to consider the application of **MORELANDIGANS, LLC JEFFREY and MARY JANE IPPOLITI** and for a **SPECIAL PERMIT FOR OUTDOOR RECREATION WITH BOTH SPECTATORS AND PARTICIPANTS** on property located at **7260 Oswego Road, Tax Map No. 114.-01-32.**

Hal Romans was present on behalf of the applicant. Mr. Romans explained that this parcel is located in the Town of Clay and in the Town of Salina. The applicant wishes to obtain a special permit to allow for outdoor beach volleyball. Mr. Romans explained that the applicant chose to follow the parking requirements outlined in the Town of Clay code as they are stricter than those in the Town of Salina. The applicant will add a deck and a patio as part of the proposed plan. They are proposing 219 spaces and the code requires 217. The existing gravel will be striped.

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

REQUESTS FOR PROPOSALS - BROWNFIELD OPPORTUNITY AREA STEP 2 – NOMINATION STUDY:

Councilor Bray moved the adoption of a resolution authorizing **REQUESTS FOR PROPOSALS** for the **BROWNFIELD OPPORTUNITY AREA STEP 2 – NOMINATION STUDY**. Copies of the Request for Proposals containing, introduction, project description, description of services required to complete Step 2 of the BOA, general information for vendors, submittal format and selection process are available at the Clay Town Hall, Town Clerk's Office, 4401 State Route 31, Clay, New York and on the Town of Clay website, www.townofclay.org A total of eight (8) copies of the Sealed Proposals must be received prior to **2:00 P.M.**, local

time on **May 17th, 2012**. Pre-submission inquiries regarding the Request for Proposals must be submitted by email no later than **2:00 P.M.**, on **April 27th, 2012** to Dawn M. Brocious, Administrative Assistant, Town of Clay, dbrocious@townofclay.org. Motion was seconded by Councilor Young.

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

Contract - ASBESTOS & ENVIRONMENTAL CONSULTING CORPORATION (AECC):

Councilor Bick moved the adoption of a resolution awarding a contract to **ASBESTOS & ENVIRONMENTAL CONSULTING CORPORATION (AECC)** for the estimated amount of **\$7,500.00** for the air monitoring services with respect to the **BUILDING DEMOLITION CIBRO BULK STORAGE TERMINAL 3414 MAIDER ROAD, PHASE 2** said amount being the lowest responsible bid, and authorizing the Supervisor to execute any and all documents therefore. Motion was seconded by Councilor Weaver.

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

Bid Award - ASBESTOS REMOVAL AND DEMOLITION OF THE HOUSE ONLY AT 9604 BLACK CREEK ROAD to SCANLON TRUCKING & EXCAVATING, LLC:

No Action

Project (accepting title to facilities) - NEWBURY WOODS SUBDIVISION:

Councilor Edick moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of sewer and drainage facilities located within **NEWBURY WOODS SUBDIVISION**, (Newbury Woods Sewer District, Contract No. 1 and Newbury Woods Drainage District, Contract No. 1) and the construction of said facilities having been completed in accordance with the Plans and Specifications thereof; the Town Engineers having certified that the facilities have been satisfactorily completed and that the developer post the following security, as shown under correspondence by the Town Engineers' under date of April 16, 2012: **Overland Drainage Facilities Guarantee - \$60,000.00 ; Maintenance Guarantee \$58,500.00** (\$43,500.00 Sewer and \$15,000.00 Drainage); **-\$85,596.00 Highway; Monument Deposit - \$2,700.00;, Parkland Contributions - \$17,500.00; Future Engineering/Inspection Fees - \$13,000.00; \$3,000.00 - legal and \$1,000.00 for administrative fees, and any other unpaid fees that may be owed to the Town of Clay for engineering, legal, and and/or administrative fees; 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. Additionally, the Planning Board Chairman shall not execute and release the Final Plat until the following items have been satisfactorily addressed:

- a. The sanitary sewer pump station has been tested and found to be fully operational and functioning to the satisfaction of the town engineers.
- b. The Developer or their representative install silt fence along the toe of the slope of the soil piles located on lot nos. 32-35 on the side adjacent to the town's stormwater management facility.
- c. The Developer shall provide the Town Attorney a copy of the conveyances of the open spaces containing the restrictive covenants as discussed and agreed upon in a letter from Germain & Germain, LLP, dated September 8, 2011, to David J. Damico, Esq. Copy enclosed.
- d. All identified monies and securities required to be posted are deposited with the town.

Motion was seconded by Councilor Bick.

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

Project/sewers and drainage - NEWBURY WOODS SUBDIVISION:

Councilor Young moved the adoption of a resolution accepting an easement for sewer and drainage facilities located within **NEWBURY WOODS SUBDIVISION**, (Newbury Woods Sewer District, Contract No. 1 and Newbury Woods Drainage District, Contract No. 1) all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated **October 26, 2006**, last revised **September 1, 2011**, from **GROUP ONE DEVELOPMENT, LLC**. Motion was seconded by Councilor Bick.

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

Project/sewers - LOT NO. 3 WALRUS COMMONS:

Councilor Young moved the adoption of a resolution accepting an easement for sewer facilities located within **LOT NO. 3 WALRUS COMMONS**, (Newbury Woods Sewer District, Contract No.1) as shown on Right-Of-Way Map No. 480 prepared by Ianuzi & Romans Land Surveying, P.C., dated **December 9, 2011**, from **WALRUS ENTERPRISES, LLC**. Motion was seconded by Councilor Bick.

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

Project/sewers - THE COUNTY OF ONONDAGA PROPERTY HAVING TAX ID # 062-01-05.2:

Councilor Young moved the adoption of a resolution accepting an easement for sewer facilities located within **THE COUNTY OF ONONDAGA PROPERTY HAVING TAX ID # 062-01-05.2** as shown on Right-Of-Way Map No. 475-R-1 prepared by Ianuzi & Romans Land Surveying, P.C., dated **December 27, 2011**, from **THE COUNTY OF ONONDAGA**. Motion was seconded by Councilor Weaver.

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

Project/sewers - THE JEANMARIE G. RUSSO PROPERTY:

Councilor Young moved the adoption of a resolution accepting an easement for sewer facilities located within **THE JEANMARIE G. RUSSO PROPERTY** as shown on Right-Of-Way Map No. 479 prepared by Ianuzi & Romans Land Surveying, P.C., dated **December 6, 2011**, from **JEANMARIE G. RUSSO**. Motion was seconded by Councilor Weaver.

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

Project/Warranty Deed etc. - NEWBURY WOODS SUBDIVISION:

Councilor Young moved the adoption of a resolution accepting a **Warranty Deed, Dedication, Application and Release of damages** for Town Highways located within **NEWBURY WOODS SUBDIVISION**, from **GROUP ONE DEVELOPMENT, LLC**, (Newbury Place, 2,603' - width 22' – with 2' Gutter each side and Bedford Lane, 454' - width 22' – with 2' Gutter each side). Motion was seconded by Councilor Weaver.

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

Adjournment:

The meeting was adjourned at 9:05 P.M. upon motion by Councilor Bray and seconded by Councilor Young.

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