

**APPROVED**

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 17<sup>th</sup> of November, 2014 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                                |
| Jim Rowley         | 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                            |

**OTHERS PRESENT:**

Russ Mitchell – Planning Board Member; Dorothy Heller – Town Historian; Rob Bick- Town Assessor and Lisa Vincitore – Secretary to the Town Attorney.

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 to **Approve** the Minutes of the November 5<sup>th</sup>, 2014 Town Board Meeting. Motion was seconded by Councilor Rowley.

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

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski began by stating that the application for a Zone Change submitted by Sherlyle Properties Co. will not be heard. He continued that the it was put on the website this morning, as soon as the applicant called to withdraw the request. A large number of residents exited.

**Correspondence:**

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

Kimberly Steele said that she wished to let everyone know that there will be a meeting on Tuesday November 18<sup>th</sup>, 2014 at the Town of Clay Town Hall for the Local Farmers meeting from 6-8 PM.

### **REGULAR MEETING:**

#### **Zone Change (CPH) – Town Board Case #1071 - SHERLYLE PROPERTIES CO.:**

This application was withdrawn at the request of the applicant.

#### **Special Permit (CPH) – Town Board Case # 1072 - LIVERPOOL WORLD CAR CORP. (HONDA CITY):**

A public hearing to consider the application of **LIVERPOOL WORLD CAR CORP. (HONDA CITY) FOR A SPECIAL PERMIT pursuant to Section 230-16C (2)(E)[4] of the Town Code** to allow for motor vehicle repairs at the used car lot located at **7140 Henry Clay Boulevard, Tax Map No. 116.-01-01.3.**

Dirk Oudermool, Legal Counsel for the applicant began by explaining that the owners of Honda City are applying to modify the existing building to add light automotive repairs. He continued that they will replace two windows with two overhead doors on the side of the building and add two overhead doors to the rear of the building to allow for washing and detailing of vehicles in addition to light repairs. More comprehensive repairs will be performed at the facility across the street. The applicant is not proposing any change to the footprint of the building and it will remain pretty much the same from the front of the building. He surmised that the applicant just wishes to utilize vacant space. There is to be no additional lighting. Mr. Oudermool concluded by saying that if approved the work will be completed in about a months' time.

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

#### **LOCAL LAW NO. 3 OF THE YEAR 2014 (CPH) to amend Chapter 230 entitled “ZONING” by amending Chapter 230-11C:**

A public hearing to consider the application of proposed local law to be entitled **“LOCAL LAW NO. 3 OF THE YEAR 2014 to amend Chapter 230** entitled **“ZONING”** by amending **Chapter 230-11C** by adding the word **“fences”** to **Structure, Accessory and Yard Side**, and removing **“accessory structures”** and replacing with **“fences”** to **Yard, Rear**. This local law will also amend **Section 230-20B (2)(c)** by striking the words **“a drainage easement per Section 185.20, Stormwater Drainage”** and replacing with **“any easement or right of way.”**

was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Commissioner Territo explained that the purpose of this local law is to clarify the code as it pertains to definitions and to exempt fences from setback rules. This will also serve to make easements language easier to interpret.

Councilor Bick asked if it would make it easier for the Planning Department. Mr. Territo concurred that it would. Councilor Bick then asked if it would make it more difficult for the homeowner. Mr. Territo said that it would if the homeowner was trying to erect an illegal fence.

Councilor Edick asked about replacing fences currently placed in easements. Mr. Territo explained, per the Courts ruling, fences are allowed to be repaired up to 50% of the total length without a building permit, including those in easements.

Councilor Rowley asked if fences must meet setbacks and Commissioner Territo explained that they may be constructed up to the property line, however, if an easement exists, the fence may only be constructed up to the easement line.

Muriel Prianti, a resident of Orangeport Road inquired if she would be able to construct a fence in a utility easement. Commissioner Territo stated that this could be done with a letter from the utility company granting permission.

Mr. Territo further explained that technically, currently fences need to meet setback rules and the first part of this local law will serve to exempt them from setbacks.

Councilor Bick said that he is in favor of this portion of the proposed Local Law but opposed to the second part of it regarding easements.

Supervisor Ulatowski asked Mr. Germain, legal counsel for the Town if only part of the Local Law could be approved. Mr. Germain stated that less than advertised could be approved however more than advertised could not.

Supervisor Ulatowski said that he would like to leave the hearing open pending additional information.

Councilor Edick made a motion to adjourn to **December 1<sup>st</sup>, 2014 at 7:38 P.M.** Motion was seconded by councilor Bray.

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

**Zone Change (PH) – Town Board Case # 1068 – RIVERWALK ASSOCIATES, INC.:**

A public hearing to consider the application of **RIVERWALK ASSOCIATES, INC. FOR A ZONE CHANGE** from **RA-100 Residential Agricultural District** to **R-15 Residential District**; to allow for residential development located at **5112 & No Number Guy Young Road, Tax Map Nos. 041.-03-36.1, 40.0, 41.1, 42.0 & 50.0.** (Adjourned from the November 5, 2014 Town Board Meeting).

Supervisor Ulatowski asked Mr. Bragman to present a brief overview of what transpired at the previous meeting. Mr. Bragman apologized for not being prepared to go over the application again but said that he would do his best without his notes. He began by giving a description of the 127 acre parcel and explained that 16-17 acres are wetlands. He continued that they are proposing 165 ± homes to connect to existing sanitary sewers. The sewers will be served by the Brewerton Treatment Plant, which is under capacity.

Councilor Bick asked if the lake is depicted on the map. Mr. Romans said that it is and indicated it on the map. Supervisor Ulatowski asked how large the lake is and it is 12.4 acres.

Councilor Young voiced his concerns regarding several owners and the possibility of disagreement on construction and who would have the final say. Mr. Bragman explained that if that situation occurred the Bragman Companies would but he does not foresee a problem. Councilor Young asked if the Board has seen development done this way, jointly. Mr. Bragman explained that an agreement between the various parties does exist. Robert Germain stated that he does not believe that the agreement would have any effect on the land use decision but that would be up to the Board to decide. Councilor Young indicated his hesitance with this joint development. Councilor Edick stated joint development is not uncommon in the Town of Clay and it has been successful. He continued that legal would oversee this but the question right now is about the land use.

Kimberly Steele attorney for the residents on Guy Young Road opposing this zone change asked when this agreement would be available. Mr. Bragman explained that Mr. Card is out of town at this time but could provide a copy of the agreement upon his return. Ms. Steele asked who the actual applicants are verses who the developers are and there was a brief description about this. She explained that the residents will sue and that she is trying to save Mr. Bragman a couple of thousand dollars.

Nicole Bovine asked Mr. Bragman why he is not clustering. Mr. Bragman responded that cluster configuration will not allow for development when you factor in the construction of roads, utilities etc. He continued that he believes in the process and will follow it respectfully.

Steve Flurrey of Guy Young Road asked where the egress entrances along Guy Young Road are. Mr. Romans pointed out an entrance across from Mr. Flurrey's property. Mr. Flurrey expressed his concern with headlights and increased traffic disturbing his privacy. Mr. Romans explained that if the zone change is granted all of the concerns would be addressed with the Planning Board as they handle the details.

There was a discussion regarding the lot size and the number of homes and again the subject of clustering was brought up. Mr. Bragman explained that clustering would be economically unfeasible as the charge for roads, sewers and utilities would be cost prohibitive. Mr. Bragman stated that Mr. Melvin desires to sell his property. Mr. Bragman expressed his understanding of disappointment by the residents after two decades to undergo these changes but added that he hopes if this project goes forward reasonable residents might be glad that the Bragman Companies developed in their area.

Supervisor Ulatowski said that he will allow comments from residents however, no decision will be made at this time and the public hearing will remain open after this meeting. He continued that the Board would like the applicant to provide a *Traffic Study*, a *Topographic Map* and an *Archeological Study* prior to the next public hearing. Councilor Young said that he would also like to have the opportunity to review the Agreement Letter between the parties. Mr. Bragman stated that an archeological study may take awhile and that it is very costly to have done. He added that they had it done at Inverness Gardens and it took nearly a year and cost the developer approximately \$85,000.00. He continued that customarily the reason for the archeological study is because wetlands are being disturbed which, he added, is not the case.

Supervisor Ulatowski said that he would now take comments from residents. Several residents raised their hands to read letters that they had prepared. Supervisor Ulatowski asked them to submit them and they are attached. John Hurt, a resident from Cicero asked who would be responsible for reconstructing the road and future repairs, adding that the road will need to be widened. The Supervisor explained that the traffic study will project if widening will be necessary.

Kimberly Steele surmised that this zone change will not serve to preserve open spaces.

When all residents wishing to comment had the opportunity to do so, Councilor Edick made a motion to **adjourn** the public hearing to **December 15<sup>th</sup>, 2014** at **7:38 P.M.** Motion was seconded by Councilor Bick.

Ayes – 7 and Noes – 0; *Motion carried.*

**R-14-152 COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 2, 3 & 4:**

Councilor Bick moved the adoption of a resolution awarding a contract for **COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 2, 3 AND 4** within the Town of Clay to **Bristol** for a period of **one (1) year** and being the low bid of **\$64,344.00**; said amount being the lowest responsible bid, and further authorizing the Supervisor to execute any and all documents therefore. Motion was seconded by Councilor Edick.

Supervisor Ulatowski said that this hauler bid 2/3 less than the next lowest bidder but has assured them that he will be able to deliver on this contract.

Councilor Young said that he does not believe that the hauler has enough support staff or equipment to accommodate a town of our size.

Ayes – 6 and Noes –1; *Motion carried (Councilor Young voting no for reasons stated.)*

**R-14-153 COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 5, 7 & 8:**

Councilor Bick moved the adoption of a resolution awarding a contract for **COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 5, 7, AND 8** within the Town of Clay to **Bristol** for a period of **one (1) year** and being the low bid of **\$64,672.00**; said amount being the lowest responsible bid, and further authorizing the Supervisor to execute any and all documents therefore.

Councilor Young reiterated his feelings about the award of this contract.

Ayes – 6 and Noes –1; *Motion carried (Councilor Young voting no for reasons stated.)*

**Bid Advertisement - ROOF REPAIR TO THE EUCLID STORAGE BUILDING IN THE TOWN OF CLAY:**

Item not heard. Supervisor Ulatowski said that this had been pulled from tonight's agenda.

**R-14-154 Zone Change (CPH) – Town Board Case # 1069 - LOK DEVELOPMENT, LLC:**

Councilor Edick moved the adoption of a resolution calling a public hearing **December 15, 2014**, commencing at **7:35 p.m.**, local time, to consider the application of **LOK DEVELOPMENT, LLC FOR A ZONE CHANGE** from **RA-100 Residential Agricultural District** to **R-10 Residential District**; to allow for a single-family residential development on properties located at **8073 & 8097 Morgan Road, Tax Map Nos. 069.-01-05.1 & 081.-29-01.0**. Motion was seconded by Councilor Bray.

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

**R-14-155 LOCAL LAW NO. 2 OF THE YEAR 2014 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C (RESCINDING):**

Councilor Rowley moved the adoption of a resolution calling a public hearing **December 1, 2014**, commencing at **7:35 p.m.**, local time to consider rescinding proposed Local Law to be entitled “**LOCAL LAW NO. 2 OF THE YEAR 2014 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C**” to the code of the Town of Clay.

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

**Adjournment:**

The meeting was adjourned at 9:18 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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

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Jill Hageman-Clark RMC, Town Clerk