

Approved

At the Regular Meeting of the Town Board, **Town of Clay, Onondaga County**, held at the Town Hall, 4401 State Route 31, Clay, New York on the 19th of May, 2014 at 7:30 P.M., there were:

PRESENT:

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| Damian Ulatowski | Supervisor |
| Robert L. Edick | Deputy Supervisor/Councilor |
| Naomi R. Bray | Councilor |
| William C. Weaver | Councilor |
| Joseph A. Bick | Councilor |
| Eugene Young | Councilor |
| James Rowley | Councilor |
| Jill Hageman-Clark | Town Clerk |
| Mark V. Territo | Commissioner of Planning and Development |
| Robert Germain | Town Attorney |
| Mike Frateschi | Town Engineer |

ABSENT:

None

OTHERS PRESENT:

Russ Mitchell, Planning Board Member; Dorothy Heller, Town Historian & Rob Bick, Town Assessor.

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 May 5th, 2014 Town Board Meeting. Motion was seconded by Councilor Weaver.

Ayes-6 and Noes-0. Motion carried. Councilor Rowley abstained due to his absence at that meeting.

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that he knew of no cancellations or requests for adjournments.

Correspondence:

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

Geoffrey Graeff of Chancery Lane asked the Town Board if they'd had the opportunity to research changing the code to require the ice cream truck to turn off the music when it is stopped. Councilor Edick began by explaining that there are certain rights

that the vendors have and such a change may be an infringement of their rights by impeding their ability to sell their product.

The Town Clerk spoke up to say that the Skippy Ice Cream Vendor had been contacted after the last meeting to inform them that they are not operating within the laws of the Town of Clay as they have not obtained a Solicitors Permit. The Clerk added that solicitors in the Town have been a problem with complaints from residents regarding four (4) different illegal solicitors in the past week and ending with a call to the Sheriff's Department. Mr. Graeff said that the Skippy Ice Cream truck is still out as well as another ice cream vendor. The Clerk said that she would call the vendor again and that the resident(s) can also call the Sheriffs Non-Emergency number @ 425-2111.

Joe Mastroianni of Winterpark Drive distributed maps and photographs to the Town Board depicting the drainage issues in his neighborhood. He began by explaining that his neighborhood had the concrete gutters but they were paved over at some point; as a result the water pools into the road creating slush and ice and hazardous winter conditions. Mr. Mastroianni explained that he has contacted the highway department each year for the past four years and was told that they were on the list for the next year. Several other residents also expressed their concerns for safety and frustrations. Supervisor Ulatowski expressed his appreciation on how prepared Mr. Mastroianni was and the homework that he did. He added that he and the Highway Superintendent will look further into this.

Zone Change (PH) – Town Board Case # 1060 - MCFARLAND DEVELOPMENT, LLC AND RICHARD ZDYB:

A public hearing to consider the application of **MCFARLAND DEVELOPMENT, LLC AND RICHARD ZDYB, FOR A ZONE CHANGE from LuC-2 Limited Use for Restaurants and HC-1 Highway Commercial to NC-1 Neighborhood Residential District** to allow for a retail and auto-parts store on properties located at **7386 Oswego Road, Tax Map Nos. 104.-03-05.1 and 104.-03-06.0** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Alex Wisnewski was present on behalf of the applicant and began by explaining where the proposed project is located. He explained that the parcel is on Route 57 near Belmont Village and the Rite Aid Drug Store. He said that the traffic light is right into the parking lot. The applicant will combine two parcels if the zone change is granted, and demolish the existing structure and build a 6800 s/f Advanced Auto Store. The current zoning will not allow for any retail and the applicant suggested that this is the “best fit for this parcel”. He continued that they still need a special permit and asked for guidance with this process.

Commissioner Territo explained that the applicant must obtain the zone change prior to making application for the special permit.

Councilor Edick said that he'd love to see all of the parcels interconnect so that they all have access to the traffic light, adding that this would improve the traffic on Rt. 57.

Councilor Young asked how many variances they would need. Mr. Wisnewski explained that the applicant only needs one variance for a side yard setback to allow for parking on the southern portion of the lot. He confirmed this with Commissioner Territo.

Supervisor Ulatowski said that he would adjourn this case and refer it to the Planning Board.

Excavation Permit (PH/Adj.) - Richard Riccelli and Syracuse Sand & Gravel, LLC:

A public hearing to consider the renewal and expansion of an excavation permit application made by **Richard Riccelli and Syracuse Sand & Gravel, LLC** to meet the DEC approval of 59.3 acres on property located at **Black Creek Road, Tax Map No. 039.-03-01.1**. (Adjourned to this date and time from the May 5, 2014 Town Board Meeting) was opened by the Supervisor.

Mr. Frederick Micale, legal counsel and Mr. Richard Riccelli, owner of the business, were present. Mr. Riccelli asked if anyone had any questions. Supervisor Ulatowski thanked him and said that the Board does have some questions. Councilor Weaver asked about the condition that the property will be left in once the mining is completed. Mr. Riccelli said that they have submitted plans to the DEC for reclamation, adding that there will be ponds and wildlife. Councilor Weaver asked about a fence and the applicant said that they will not have a fence adding that the DEC will not allow it without prior approval. Councilor Weaver said that the area is pretty desolate and does not want it to become a junk yard once the excavation is completed. Mr. Riccelli said that the law enforcement agencies have been excellent about patrolling the area for vandalism. Councilor Rowley also voiced his concerns about the potential for dumping as he is familiar with this area. Councilor Edick asked if there was enough room to build homes on the property. Mr. Riccelli said that of the 100 acre parcel, 65 acres are water.

The discussion turned to the ponds and the depth. Mr. Riccelli said that the ponds are at least 20' deep therefore not creating a haven for mosquitoes, adding that the ponds are fully stocked with fish. Councilor Young asked if there is no inflow/outflow of water where are the fish coming from and the applicant said that he DEC is stocking it.

Supervisor Ulatowski read a letter from a resident asking questions about the effect that it will have on nearby rivers and streams to which Mr. Riccelli explained that the DEC will ensure that the wetlands remain undisturbed.

Councilor Edick asked if the applicant mines with chemicals or explosives and they do not they utilize excavation practices.

Supervisor Ulatowski asked Mr. Riccelli if they could provide additional copies of the maps that were submitted with the application, so that the Town Board could review them. Mr. Riccelli said that he would get the maps for the board.

Supervisor Ulatowski asked if there were any more questions; hearing none he **closed** the public hearing and thanked the applicant.

R-14-85 Appointment - CLAY VOLUNTEER FIRE DEPARTMENT, INC.:

Councilor Weaver moved the adoption of a resolution approving the appointment of **Clark Sponable** and **Gregory Feal** as volunteer members of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Bray.

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

R-14-86 Project/ Easement – (A) –WILDFLOWER SUBDIVISION:

Councilor Edick moved the adoption of a resolution accepting a conservation easement of approximately 124.8 ± acres in the **WILDFLOWER SUBDIVISION** from **BEAVER HILL REALTY, LP, Tax Map No. 043.-01-15.4;** and authorizing the Supervisor to execute the necessary document therefore. Motion was seconded by Councilor Bick.

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

Adjournment:

The meeting was adjourned at 8:30 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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

Jill Hageman-Clark RMC, Town Clerk