

Approved

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 18th of August, 2014 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
William C. Weaver	Councilor
Jim Rowley	Councilor
Eugene Young	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Doug Wickman	Town Engineer

ABSENT:

Robert L. Edick	Deputy Supervisor/Councilor
Naomi R. Bray	Councilor
Joseph A. Bick	Councilor

ALSO PRESENT:

Dorothy Heller – Town Historian and Russ Mitchell- Planning Board Member, 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 Rowley moved the adoption of a resolution to **Approve** the Minutes of the July 21, 2014 Town Board Meeting and the June 11, 2014 Special Town Board Meeting. Motion was seconded by Councilor Young.

Ayes-4 and Noes-0. *Motion carried.*

Cancellation and/or requested adjournments.

None

Correspondence:

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

No one responded.

REGULAR MEETING:

R-14-101 Local Law No. 1 of the Year 2014 (SEQR) – Amending Chapter 230 Entitled “Zoning”:

Councilor Young moved the adoption of a resolution that proposed **Local Law No. 1 of the Year 2014** to amend **Chapter 230** entitled “**Zoning**” by adding **Section 230-17C (2) (e) (7)** to allow for **MOTOR VEHICLE STORAGE WITH A TOWN BOARD SPECIAL PERMIT** located within the I-1 zoning district 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 of an EIS. Motion was seconded by Councilor Rowley.

Ayes-4 and Noes-0. *Motion carried.*

R-14-102 Local Law No. 1 of the Year 2014 (A)– Amending Chapter 230 Entitled “Zoning”:

Councilor Young moved the adoption of a resolution **approving** the application of proposed **Local Law No. 1 of the Year 2014** to amend **Chapter 230** entitled “**Zoning**” by adding **Section 230-17C (2) (e) (7)** to allow for **MOTOR VEHICLE STORAGE WITH A TOWN BOARD SPECIAL PERMIT** located within the I-1 zoning district. Motion was seconded by Councilor Rowley.

Ayes-4 and Noes-0. *Motion carried.*

R-14-103 Special Permit (SEQR) - Town Board Case # 1063- MCDONALD'S CORPORATION AND COR ROUTE 31 COMPANY, LLC:

Councilor Rowley moved the adoption of a resolution that the application of **MCDONALD'S CORPORATION AND COR ROUTE 31 COMPANY, LLC FOR A SPECIAL PERMIT pursuant to section 230-13A. (2) (e) of the Town Code** to remodel the building and improve the drive-thru of the existing restaurant located at **3869 State Route 31, Tax Map No. 021.-01-13.1**, 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 of an EIS. Motion was seconded by Councilor Young.

Ayes-4 and Noes-0. *Motion carried.*

R-14-104 Special Permit (A) - Town Board Case # 1063- MCDONALD'S CORPORATION AND COR ROUTE 31 COMPANY, LLC:

Councilor Rowley moved the adoption of a resolution approving the application of **MCDONALD'S CORPORATION AND COR ROUTE 31 COMPANY, LLC FOR A SPECIAL PERMIT pursuant to section 230-13A. (2) (e) of the Town Code** to remodel the building and improve the drive-thru of the existing restaurant located at **3869 State Route 31, Tax Map No. 021.-01-13.1**. Motion was seconded by Councilor Young.

Ayes-4 and Noes-0. *Motion carried.*

Special Permit (PH) Town Board Case # 1065 - MCFARLAND DEVELOPMENT, LLC AND RICHARD ZDYB:

A public hearing to consider the application of **MCFARLAND DEVELOPMENT, LLC AND RICHARD ZDYB FOR A SPECIAL PERMIT pursuant to 230-16 A. (2) (d) [4] of the Town Code** to allow for the construction of a 6,831 square foot auto parts store on part of properties located at **7386 Oswego Road, Tax Map Nos. 104.-03-05.1 and 104.-03-06.0**; currently Zoned NC-1 was opened by the Supervisor; proof of publication and posting was provided by the Town Clerk.

Alex Wisnewski of LJR Engineering was present on behalf of the applicant. Mr. Wisnewski reiterated from the previous meeting that the applicant also wishes to combine two parcels. The applicant has gained the zone change and now wants to obtain the special permit. He continued that the applicant will not significantly change the footprint of the existing structure. The current building will be demolished and the new building will be slightly smaller. Mr. Wisnewski said that the applicant tried to make the existing structure work but was unsuccessful. There are existing utilities available and the parking meets code.

Joyce Cirrito asked if the Advanced Auto on Route 31 and 57 will remain open. Mr. Wisnewski said that she had asked this at the previous meeting and he was not sure that it is an Advanced Auto store. Ms. Cirrito said that she feels that this is pertinent to approval.

Supervisor Ulatowski said that he will **close** the public hearing.

Special Permit (PH) Town Board Case # 1066 - SUPERIOR SELF STORAGE, LLC:

A public hearing to consider the application of **SUPERIOR SELF STORAGE, LLC FOR A ZONE CHANGE from RA-100 Residential Agricultural District to HC-1 Highway Commercial District** to allow for a self-storage facility on property located at **4356 Route 31, Tax Map No. 059.-01-13.1**. was opened by the Supervisor; proof of publication and posting was provided by the Town Clerk.

Tim Coyer of Ianuzi and Romans was present on behalf of the applicant. Mr. Coyer gave a brief explanation of where the proposed project will be constructed. He began by explaining that this parcel has been vacant for a long time and is currently zoned RA- 100; the lot is 3.2 acres and meets the HC-1 requirements.

Supervisor Ulatowski asked how many storage units the applicant is proposing and Mr. Coyer explained that they are proposing four (4) 30' x 100' buildings(200 units) as well as a 9000 square feet of climate controlled (100) units. The climate controlled units will be heated in the winter and air-conditioned in the summer. There will also be a small office with a bathroom. The applicant is proposing 24 hour access for customers only. There is a 100 foot *DEC* wetland buffer to the side yard.

The Supervisor asked if the applicant plans to build in stages. Ben McKay, also present for the applicant explained that the intent is to build it all at once. There was a request for a sketch of the proposed driveway also asking if that will occur in the one or two lane section of Route 31. The applicant added that the D.O.T. (*Department of Transportation*) does not require a traffic study.

Supervisor Ulatowski said that he will refer this application to the **Planning Board for review and recommendation.**

Project/Sewer – (PH) COUNTRY MEADOW SEWER DISTRICT, EXTENSION NO. 1, CONTRACT NO. 3 – LATERAL:

A public hearing to consider a petition for the construction and acquisition of a lateral sewer system within the **COUNTRY MEADOW SEWER DISTRICT, EXTENSION NO. 1** within the Town of Clay, to be designated and known as “**COUNTRY MEADOW SEWER DISTRICT, EXTENSION NO. 1, CONTRACT NO. 3 - LATERAL.**” (Country Meadow District) was opened by the Supervisor; proof of publication and posting was provided by the Town Clerk.

Supervisor Ulatowski said that he would open both public hearings together.

Project/Drainage – (PH) COUNTRY MEADOW DRAINAGE DISTRICT, EXTENSION NO. 1, CONTRACT NO. 3 – LATERAL:

A public hearing to consider a Petition for the construction and acquisition of a lateral drainage system within the **COUNTRY MEADOW DRAINAGE DISTRICT, EXTENSION NO. 1** within the Town of Clay, to be designated and known as “**COUNTRY MEADOW DRAINAGE DISTRICT, EXTENSION NO. 1, CONTRACT NO. 3 - LATERAL.**” (Country Meadow District) was opened by the Supervisor; proof of publication and posting was provided by the Town Clerk.

Supervisor Ulatowski opened both public hearings. Alex Wisnewski spoke on behalf of the applicant. He began by explaining that there are 60 residential lots in section F and that 4700 linear feet of sewer will link into section D. Mr. Wisnewski continued that the applicant is in receipt of a letter from the County grandfathering them in for use of the

Oak Orchard treatment plant. Ron DeTota agreed that the Town will need verification of capacity.

Jim Rowley asked Mr. DeTota if there were drainage issues at one point and he confirmed that there were near the basins at existing properties. He added that the Highway Department has improved the channel.

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

Special Permit (PH) Town Board Case # 1067 - THOMAS AND KAREN TEBIDOR:

A public hearing to consider the application of **THOMAS AND KAREN TEBIDOR FOR A SPECIAL PERMIT pursuant to Sections 230-13A. (2) (e) [8] and 230-20E. (2) of the Town Code** to allow for an outside boiler on property located at **3544 Bonstead Road, Tax Map No. 016.-01-31.6**; currently zoned **RA-100** was opened by the Supervisor; proof of publication and posting was provided by the Town Clerk.

Mr. and Mrs. Tebidor spoke on their own behalf. They explained that they are proposing an outside boiler for the purpose of heating their home. The unit will be placed 100' from the home and will be wood fired. They continued that this is the newest and greenest product on the market and it fulfills all of the insurance requirements.

Supervisor Ulatowski asked if it will be piped underground and it will. It will be a closed system. Presently they are heating with propane and it has become very expensive.

Councilor Weaver explained that this is very effective and that several residents in close proximity to the Town Hall are currently using this system.

Councilor Rowley asked the Commissioner of Planning and Development how many applications had the Town received for this type of application. The Commissioner said that this is the first one.

The County gave the application a positive referral.

Supervisor Ulatowski said that he will refer this application to the Planning Board for review and recommendation.

Special Permit (PH) - Town Board Case # 1064- SHARKEY'S ECLECTIC SPORTS LOUNGE, LLC:

A public hearing to consider the application of **SHARKEY'S ECLECTIC SPORTS LOUNGE, LLC FOR A SPECIAL PERMIT** on vacant land **pursuant to Section 230-13A. (2) (e)** for recreational use on part of properties located at **7240 Oswego Road, Tax**

Map Nos. 114.-01-32, 114.-01-34 and 114.-01-37 was opened by the Supervisor; proof of publication and posting was provided by the Town Clerk.

Jim Nichols, owner of the facility was present. Mr. Nichols began by explaining that he purchased an adjoining parcel to his property with the intent to offer Bocce Ball Leagues in addition to the current leagues already offered at his establishment. The proposed Bocce field will be located in a roped off area to the west of the existing volleyball courts. There will be no additional lighting and there is a thick hedge surrounding it on the north portion of the parcel. The State Liquor Authority approved the serving of alcohol.

Supervisor Ulatowski asked about the hours that the Bocce leagues would operate and Mr. Nichols replied from 5 – 8:30 PM weekdays and perhaps Saturdays. The Supervisor said that he has some concerns with the liability associated with the outside sales of alcohol.

Councilor Young asked for a sketch of the parcel with the proposed Bocce area.

Councilor Rowley asked about the two residential parcels in front of the proposed Bocce area and the effect that the proposed application will have on them. Mr. Nichols explained that he had purchased them.

Supervisor Ulatowski said that he would like clarification about the parcel and recommended that Mr. Nichols seek help from Mr. Coyer and/or Commissioner Territo adding that he will leave the public hearing open.

Councilor Rowley made a motion to **adjourn** to **September 15, 2015 at 7:35 P.M.** Motion was seconded by Councilor Young.

Ayes-4 and Noes-0. *Motion carried.*

Zone Change (PH/Adj.)- Town Board Case # 1062- ANDREW AUGISTINOS:

A public hearing to consider the application of **ANDREW AUGISTINOS FOR A ZONE CHANGE from R-10 One Family Residential District to O-1 Neighborhood Office District;** to allow for a small office located at **4976 West Taft Rd, Tax Map No. 116.-01-02.0** was opened by the Supervisor; proof of publication and posting was provided by the Town Clerk.

Tim Coyer was present on behalf of the applicant. Mr. Coyer began by reiterating some of the highlights from the past meeting. He explained that this parcel is across from the Wegmans on Taft Road. The Planning Board recommended approval. Some of the asphalt will be removed and will still allow for the required number of parking spaces. The applicant is proposing full access from Taft Road; current drive way is 16' and they will increase it to 24'.

Supervisor Ulatowski said that the building has two stories and asked if the applicant will be utilizing both floors. Mr. Coyer said that they will be using the first floor to conduct business and perhaps the second floor for storage only. There was a brief discussion about sewer hookup and the outcome is that they will not be on sewers as they are not currently available.

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

R-14-105 **FINAL PLANS (A) - COUNTRY MEADOW SUBDIVISION, SECTIONS H & I:**

Councilor Weaver moved the adoption of a resolution approving the **Final Plans** for the **COUNTRY MEADOW SUBDIVISION, SECTIONS H & I** (Country Meadow Drainage District, Extension No. 1, Contract No. 3 – lateral & Country Meadow Sewer District, Extension No. 1, Contract No. 3 – lateral) and authorizing the Supervisor to execute the necessary documents therefore. (Contract Documents). Motion was seconded by Councilor Rowley.

Ayes-4 and Noes-0. *Motion carried.*

R-14-106 **Project (acquire public facilities) - COUNTRY MEADOW SUBDIVISION, SECTIONS H & I:**

Councilor Weaver moved the adoption of a resolution that is in the public interest that the Town of Clay approve the construction and acquire the public facilities located within the **“COUNTRY MEADOW SUBDIVISION, SECTIONS H & I”** (Country Meadow Drainage District, Extension No. 1, Contract No. 3 – lateral & Country Meadow Sewer District, Extension No. 1, Contract No. 3 – lateral) in accordance with the terms and conditions of a certain Agreement entered into between the Town of Clay and the developer **GROUP ONE DEVELOPMENT, LLC**. Motion was seconded by Councilor Rowley.

Ayes-4 and Noes-0. *Motion carried.*

R-14-107 **Project/Drainage – (A) COUNTRY MEADOW DRAINAGE DISTRICT, EXTENSION NO. 1, CONTRACT NO. 3 – LATERAL:**

Councilor Young moved the adoption of a resolution approving the construction and acquisition of a lateral drainage district within the Town of Clay to be designated and known as **“COUNTRY MEADOW DRAINAGE DISTRICT, EXTENSION NO. 1, CONTRACT NO. 3 – LATERAL.”** (Country Meadow Subdivision). Motion was seconded by Councilor Weaver.

Ayes-4 and Noes-0. *Motion carried.*

R-14-108 Project/Sewer – (A) COUNTRY MEADOW SEWER DISTRICT, EXTENSION NO. 1, CONTRACT NO. 3 – LATERAL:

Councilor Young moved the adoption of a resolution approving the construction and acquisition of a lateral sewer district within the Town of Clay to be designated and known as “**COUNTRY MEADOW SEWER DISTRICT, EXTENSION NO. 1, CONTRACT NO. 3 – LATERAL.**” (Country Meadow Subdivision). Motion was seconded by Councilor Weaver.

Ayes-4 and Noes-0. *Motion carried.*

R-14-109 Agreement (amendment) - JANITORIAL/CLEANING SERVICES IN THE CLAY TOWN HALL:

Councilor Rowley moved the adoption of a resolution authorizing the Supervisor to execute an Amendment to the existing Agreement with **GDI SERVICES, INC., MATRIX DIVISION** for **JANITORIAL/CLEANING SERVICES IN THE CLAY TOWN HALL** for an additional one (1) year period and shall commence October 1, 2014 and terminate September 30, 2015; and further authorizing the Supervisor to execute the necessary documents therefore. The Amendment shall be approved as to form and content by the Town Attorney. Motion was seconded by Councilor Young.

Ayes-4 and Noes-0. *Motion carried.*

R-14-110 Agreement (A) – CICERO-CLAY SNOW OWLS:

Councilor Rowley moved the adoption of a resolution confirming that the Town of Clay does not object to the **CICERO-CLAY SNOW OWLS** having snow trails on a strip of land owned by **Niagara Mohawk Power Corporation, d/b/a National Grid**, which runs through the Town of Clay for the purpose of a snowmobile trail and authorizing the Supervisor to execute the necessary document therefore. Motion was seconded by Councilor Weaver.

Ayes-4 and Noes-0. *Motion carried.*

R-14-111 Release of Securities (50%) – HARKE FARMS SUBDIVISION:

Councilor Weaver moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **50%** of the original amount posted for Highway Construction Guarantee by **COR VERPLANK ROAD CO., LLC** for **HARKE FARMS SUBDIVISION (Dell Center Drive, 733 lf; Hallston Drive, 948 lf and Harke Lane, 454 lf)**. Gravel, gutters, binder and top are in

place in accordance with Town Highway Specifications. Motion was seconded by Councilor Young.

Ayes-4 and Noes-0. *Motion carried.*

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

Councilor Young moved the adoption of a resolution calling a public hearing **September 15, 2014**, commencing at **7:35 P.M.**, local time, 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.** Motion was seconded by Councilor Rowley.

Ayes-4 and Noes-0. *Motion carried.*

R-14-112 Assessment/ Certiorari - ECKERD CORPORATION/RITE AID CORPORATION:

Councilor Young moved the adoption of a resolution authorizing and approving the settlement of the certiorari action commenced against the Town pursuant to RPTL Article 7 entitled **ECKERD CORPORATION/RITE AID CORPORATION vs. THE TOWN OF CLAY, et al, Tax Map No. 115.-01-21.1** on property located at **7189 Henry Clay Blvd., Clay, NY**, reducing the assessment from **\$76,500.00 to \$68,975.00 for Tax Year 2007, Index No.: 4237-2007**, from **\$76,500.00 to \$67,580.00 for Tax Year 2008, Index No.: 5839-2008**, from **\$76,500.00 to \$66,960.00 for Tax Year 2009, Index No.: 4898-2009** and from **\$76,500.00 to 65,016.00 for Tax Years 2010-2013, Index Nos.: 3801-2010, 4156-2011, 3602-2012 and 3709-2013. Tax Map No. 115.-01-19.2** on property located at **7245 Henry Clay Blvd.**, reducing the assessment from **\$485,200.00 to \$376,542.00 for Tax Year 2007, Index No.: 4237-2007**, from **\$485,200.00 to \$368,927.00 for Tax Year 2008, Index No.: 5839-2008**, from **\$485,200.00 to \$365,542.00 for Tax Year 2009, Index No.: 4898-2009**, from **\$485,200.00 to \$341,173.00 for Tax Years 2010-2013, Index Nos.: 3801-2010, 4156-2011, 3602-2012 and 3709-2013. Tax Map No. 087.-01-05.2** on property located at **4577 Buckley Road**, reducing the assessment from **\$143,150.00 to \$134,835.00 for Tax Year 2007, Index No.: 4237-2007**, from **\$143,150.00 to \$132,108.00 for Tax Year 2008, Index No.: 5839-2008**, from **\$143,150.00 to \$130,896.00 for Tax Year 2009, Index No.: 4898-2009**, from **\$143,150.00 to \$127,440.00 for Tax Years 2010-2013, Index Nos.: 3801-2010, 4156-2011, 3602-2012 and 3709-2013.** The Real Property Tax Law Section 727 does apply to this settlement agreement and is based upon the 2013 Revised Assessment. The total refunds due from the Town for the seven year period for all matters is in an amount not to exceed \$59,800.00 without statutory interest. This resolution also authorizes the Town Supervisor and Town Attorney to execute any necessary documents to complete this settlement including but

not limited to the proposed Stipulation and Consent Order. Motion was seconded by Councilor Rowley.

Ayes-4 and Noes-0. *Motion carried.*

Adjournment:

The meeting was adjourned at 8:40 P.M. upon motion by Councilor Rowley and seconded by Councilor Young.

Ayes-4 and Noes-0. *Motion carried.*

Jill Hageman-Clark RMC, Town Clerk