

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 September, 2012 at 7:30 P.M., there were:

**PRESENT:**

Damian M. 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
Mark V. Territo	Commissioner of Planning and Development
John Marzocchi	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 Weaver moved the adoption of a resolution to **Approve** the Minutes of the September 5<sup>th</sup>, 2012 Town Board Meeting. Motion was seconded by Councilor Edick.

Ayes-7 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.

Tom Spornyck of Lark Path in Bayberry asked about the recent paving in Irongate and specifically on Forestbrook Drive. Mr. Spornyck said that the new paving and gutters look very nice but was disappointed as to why that neighborhood was done and some of the roads in Bayberry only received oil and gravel. He continued that he had made several attempts to contact the Town to inquire about this and his calls were not returned. Supervisor Ulatowski explained that he has received

several letters with this same inquiry and he did follow up with the Highway Superintendent; Tom Weaver. Mr. Weaver explained to the Supervisor that the oil and gravel were put down as a preventative measure and that there is a long term plan of which roads will be paved based on need and severity of road condition as reviewed by the highway department. He further stated that the cost of the gravel and oil is 1/3 of the cost of repaving. Councilor Weaver, former Highway Superintendent agreed by adding that the gutters were constructed by the developers when the neighborhoods were first established. He finished by stating that new technology suggests no curb gutters with drains.

**REGULAR MEETING:**

*Supervisor Ulatowski said that he would open all four of the public hearings for the Maple Park Subdivision together.*

**Project(Sewer) (PH) - MAPLE PARK SUBDIVISION:**

A public hearing to consider a Petition for the creation of a sewer district within the Town of Clay to be designated and known as "**MAPLE PARK SEWER DISTRICT**" and for "**MAPLE PARK SEWER DISTRICT, CONTRACT NO. 1**", (Maple Park Subdivision) was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

**Project(Drainage) (PH) - MAPLE PARK SUBDIVISION:**

A public hearing to consider a Petition for the creation of a drainage district within the Town of Clay to be designated and known as "**MAPLE PARK DRAINAGE DISTRICT**" and for the construction and acquisition of a drainage system therein to be designated and known as "**MAPLE PARK DRAINAGE DISTRICT, CONTRACT NO. 1**", (Maple Park Subdivision) was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

**Project(Water) (PH) - MAPLE PARK SUBDIVISION:**

A public hearing to consider a Petition for the creation of a water supply district within the Town of Clay to be designated and known as "**MAPLE PARK WATER SUPPLY DISTRICT**" and for the construction and acquisition of a water supply system therein to be designated and known as "**MAPLE PARK WATER SUPPLY DISTRICT**", (Maple Park Subdivision) was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

**Project(Lighting) (PH) - MAPLE PARK SUBDIVISION:**

A public hearing to consider a Petition for the creation of a lighting district within the Town of Clay to be designated and known "**MAPLE PARK LIGHTING DISTRICT**", (Maple Park Subdivision) was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Elise Pikarski of LJR Engineering was present on behalf of the applicant. Ms. Pikarski began by explaining that the sanitary sewers for 19 lots will flow to the treatment plant at Oak Orchard and will be dedicated to the Town at no cost.

She continued that the 900 linear feet of storm sewers, also to be dedicated will empty into Mud Creek and Maple Road.

Domestic water and hydrants will be charged at \$6.49 per lot.

National Grid is the lighting supplier. The lighting will be underground at a rate of \$74.96 per lot. Ms. Pikarski asked if there were any questions; there were none.

Supervisor Ulatowski **closed** the public hearing.

**Zone Change (PH) - LAKEWOOD DEVELOPMENT, LLC:**

A public hearing to consider the application **LAKEWOOD DEVELOPMENT, LLC** and **RICHARD L** and **ARLENE DE SOCIO** for a change of zone from **RA-100 Residential Agricultural District** to **R-SR Senior Residence District** on property located at **8198 Soule Road, Tax Map No. 068.-29-22** was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Hal Romans, surveyor and Sue Kimmel were present for the applicant. Mr. Romans began by explaining that the applicant is requesting a zone change for the parcel located on Soule Road, surrounded on three sides by Strawberry Runne development. If the zone change is granted, the applicant will develop a 35 unit senior housing complex. The units will be comprised of a mix of 2 story apartments and townhouses with parking in the middle. The applicant is proposing a 25 to 40 foot buffer with a setback. There will be one curb cut that will replace the three existing curb cuts and a retaining wall. The County Planning Board reported that they do not feel that there will be any significant implications, but they made comments recommending a Stormwater Pollution Prevention Plan (SWPPP) also make contact with the Onondaga County Department of water Environment Protection to determine sewer availability and capacity, in addition to other recommendations.

Gene Young asked if the applicant would need to obtain any variances. Mr. Romans stated that they would need to obtain a variance for the lot size. He explained that the code requires a lot size of not less than 5 acres for Senior Residence District and they are proposing development on a lot of 3.8 acres. The age requirement is 62 years or older for everyone living in the senior housing. The housing is considered affordable and not subsidized, explained Ms. Kimmel. She continued explaining that there is no portion paid by the government, and that the resident must meet criteria for eligibility.

Many residents spoke out against this application stating their concerns with drainage, traffic and impact on the wetlands. Sue Raycraft asked why this location was chosen.

There was some banter between the neighbors and Mr. DeSocio, the property owner. Supervisor Ulatowski reminded them that this was an opportunity for questions not criticisms on either side.

Others, including Karen Troendle, were concerned about the potential for decreased property values and asked the Board to deny this application. Tom Burket was concerned about the possibility of residents being able to look from the second story into his home. Mr. Romans explained that the proposed buffer should allow privacy for existing residents as well as new residents. Diane Browning, retired mayor of the Village of North Syracuse explained that there were concerns when the Toll Road Senior Housing was proposed for the village. She added that this has been a wonderful addition to the village and there is a waiting list for residence.

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

Councilor Bick made a motion to **adjourn** the public hearing to **October 1, 2012 at 7:41 P.M.** Motion was seconded by Councilor Bray.

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

**Zone Change (PH) Town Board Case # 1043 - MICHAELS FARMS, LLC:**

A public hearing to consider the application **MICHAELS FARMS, LLC** for a change of zone from **RA-100 Residential Agricultural District** to **R-SR Senior Residence District, LuC-1 Limited Use District for Gasoline Services** and **NC-1 Neighborhood Commercial District**, on part of property located at **8097 Morgan Road, Tax Map No. 096.-01-05.1** and from **RA-100 Residential Agricultural** to **R-SR Senior Residence District** and **NC-1 Neighborhood Commercial District** on part of property located at **8073 Morgan Road, Tax Map No. 081.-29-01.0** was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Hal Romans was present for the applicant. He began by explaining that they are proposing 400 units of senior housing to be situated on Morgan Road south of the Fairway development. They are also proposing small commercial development as allowed in the R-SR zoning as well as a proposed gas-station as part of the road connection. The traffic would enter from Fairway East Road and Morgan Road with no access from Bordeaux Drive. The project would be constructed in phases beginning with the residential housing. Mr. Romans stated that the development of a gas station will allow revenue for the future widening of Morgan Road adding that strictly residential development will not generate the amount of income to allow for this expansion. Mr. Romans said that the new road will be directly across from Waterhouse Road and that it could be a signalized intersection.

Bob Mearon of Cross Creek Drive said that he is strongly opposed and has circulated a petition among the neighbors agreeing that this application should be denied. He continued that they are opposed to the extension to Fairway Drive and the proposal of multiunit dwellings. Mr. Mearon submitted his petition.

A man voiced his concern for a gas station on an already busy road. Mr. Romans responded that the commercial development would be for senior support services such as an office for an accountant or attorney, perhaps a beauty salon and or a barber shop and they are not ruling out a convenience store with a gas station.

The discussion continued regarding drainage, traffic and similar concerns as outlined in the previous public hearing. Many neighbors spoke out in opposition of this application.

Supervisor Ulatowski stated that the petition spoke volumes about the residents' opposition to the proposed zone change and application. He continued that he would refer this to the Planning Board for review and recommendation.

Councilor Edick made a motion to **adjourn** the public hearing to **October 15, 2012 at 7:35 P.M.** Motion was seconded by Councilor Bick.

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

*Several residents approached and asked to sign the petition. Town Clerk returned the petition to Mr. Mearon and told him to resubmit it once he was done circulating it.*

**Special Permit (PH) Town Board Case # 1042 - PLUS REAL ESTATE, LLC:**

A public hearing to consider the application of **PLUS REAL ESTATE LLC** for a **Special Permit to Allow a Medical Office** on part of building located at **7449 Morgan Road, 104.-03-15.5** was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Bob Ventre was present on behalf of the applicant. Mr. Ventre began by explaining that the application for a special permit is to allow for medical offices in the existing office zone. There are three addresses and two buildings. There will be no change in the exterior of the buildings. On the third parcel there is no building but one may be built at a later date with the approval of the Planning Board and will remain office space. There is ample parking. Supervisor Ulatowski asked if the vacant spot is paved and it is not. He also asked if there is one common owner for the three parcels and there is.

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

**Local Law No. 4 of the Year 2012 (PH) - Chapter 230 entitled "ZONING":**

A public hearing to consider proposed **Local Law No. 4 of the Year 2012** to amend **Chapter 230** entitled "**ZONING**" by repealing the present **§230-26F. Cluster development** and adding a new **§230-26 F** to be entitled "**Cluster development**"; in order to conform with recent changes in the NYS Stormwater Management Design Manual and other requirements, to the Code of the Town of Clay was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Commissioner Territo explained that this application is in response to the new stormwater regulations and the purpose of the Local Law is to establish procedures with regards to Cluster Development.

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

**Project(Sewer) (A) - MAPLE PARK SUBDIVISION:**

Councilor Bick moved the adoption of a resolution approving the creation of a sewer district within the Town of Clay to be designated and known as “**MAPLE PARK SEWER DISTRICT, CONTRACT NO. 1.**” (Maple Park Subdivision). Motion was seconded by Councilor Johnson.

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

**Project(Drainage) (A) - MAPLE PARK SUBDIVISION:**

Councilor Bick moved the adoption of a resolution approving the creation of a drainage district within the Town of Clay to be designated and known as “**MAPLE PARK DRAINAGE DISTRICT, CONTRACT NO. 1.**” (Maple Park Subdivision). Motion was seconded by Councilor Edick.

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

**Project(Water) (A) - MAPLE PARK SUBDIVISION:**

Councilor Bick moved the adoption of a resolution approving the creation of a water supply district within the Town of Clay to be designated and known as “**MAPLE PARK WATER SUPPLY DISTRICT.**” (Maple Park Subdivision). Motion was seconded by Councilor Johnson.

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

**Project(Lighting) (A) - MAPLE PARK SUBDIVISION:**

Councilor Bick moved the adoption of a resolution approving the creation of a lighting supply district within the Town of Clay to be designated and known as “**MAPLE PARK LIGHTING DISTRICT.**” (Maple Park Subdivision). Motion was seconded by Councilor Edick.

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

**Project (acquire public facilities) (A) - MAPLE PARK SUBDIVISION:**

Councilor Bick 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 “**MAPLE PARK SUBDIVISION**” (Maple Park Sewer District, Contract No. 1, and Maple Park Drainage District, Contract No. 1) in accordance with the terms and conditions of a certain Agreement entered into between the Town of Clay and the developer **JMG, INC. and GROUP ONE DEVELOPMENT, LLC**. Motion was seconded by Councilor Johnson.

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

**STORMWATER AND EDUCATION COMPLIANCE ASSISTANCE PROGRAM:**

Councilor Edick moved the adoption of a resolution supporting participation in the Central New York Regional Planning & Development Board’s year-5 **STORMWATER AND EDUCATION COMPLIANCE ASSISTANCE PROGRAM** and authorizing the Supervisor to act on behalf of the Town of Clay and execute any and all documents necessary with regard to said matters. In line with the recommendations of the CNY Stormwater Coalition Finance Committee, the CNY RPDB (Regional Planning & Development Board) has adopted a **FLAT FEE STRUCTURE to simplify the municipal budgeting process. AT \$3,600, PER MUNICIPALITY, this rate reflects shared costs for common services provided equally to all participating municipalities regardless of size or population.** The funds will be available to the Board no later than **January 31, 2013** to complete the project, and a certified copy of this resolution will be prepared and sent to the Board no later than **October 1, 2012**. Motion was seconded by Councilor Johnson.

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

**Appointment - BOARD OF ASSESSMENT REVIEW:**

Councilor Weaver moved the adoption of a resolution appointing **Anne Stenham** to the **BOARD OF ASSESSMENT REVIEW** for a term of five (5) years beginning **10/1/2012** and ending **9/30/2017**. Motion was seconded by Councilor Bray.

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

**Agreement/ TOWN OF CLAY AND ONONDAGA COUNTY/ Henry Clay Pump Station:**

Councilor Johnson moved the adoption of a resolution approving a **PERMIT AGREEMENT** between the **TOWN OF CLAY AND ONONDAGA COUNTY** for permission to install a **sewer line for sanitary sewer purposes** across the County Force Main Right-Of-Way, for access to the **Henry Clay Pump Station** to better serve future development anticipated near

Grange Road, in the Town Of Clay, and authorizing the Supervisor to execute any and all necessary documents therefore. Motion was seconded by Councilor Bray.

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

**Project - Final Plans (A) - MAPLE PARK SUBDIVISION:**

Councilor Bick moved the adoption of a resolution approving the **Final Plans** for the “**MAPLE PARK SUBDIVISION**” (Maple Park Sewer District, Contract No. 1, Maple Park Drainage District, Contract No. 1, Maple Park Water Supply District, and the Maple Park Lighting District) and authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Edick.

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

**Local Law No. 5 of the Year 2012 (CPH) - TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C”:**

Councilor Young moved the adoption of a resolution calling a public hearing **October 1, 2012**, commencing at **7:38 p.m.**, local time to consider adding a proposed Local Law to be entitled “**LOCAL LAW NO. 5 OF THE YEAR 2012 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C**” to the code of the Town of Clay. Motion was seconded by Councilor Bray.

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

**Adjournment:**

The meeting was adjourned at 10:25 P.M. upon motion by Councilor Bray and seconded by Councilor Weaver.

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