

June 7, 2010

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 7th of June, 2010 at 7:30 P.M., there were:

PRESENT:

Damian M. Ulatowski	Supervisor
Robert L. Edick	Deputy Supervisor/Councilor
Clarence A. Rycraft	Councilor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Joseph A. Bick	Councilor
Bruce N. Johnson	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert M. 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 Bray moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on May 17th, 2010. Motion was seconded by Councilor Johnson.

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

Cancellations and/or requested adjournments:

Town The Board has not received a recommendation from the Planning Board with respect to the application of **RED BARN COUNTRY LLC**, for a change of zone on property located on Buckley Road. Applicant requests an adjournment to June 21st, 2010 at 7:41 P.M., local time.

Correspondence/ Other Business:

Zone Change (PH) Three Rivers Pointe (and Various):

A public hearing to consider on motion of the Town Board, a change of zone on the following properties – 8879 Oswego Road -, Tax Map No. 017.-01-02.1, consisting of 1.57 acres from RA-100 Residential Agricultural District to PDD Planned Development District; Oswego Road, Tax Map No. 017.-01-02.2, consisting of 1.6 acres from RA-100 Residential Agricultural District to PDD Planned Development

District; Oswego Road - Tax Map No. 017.-01-02.3, consisting of 1.43 acres from R-10 One-Family Residential District to PDD Planned Development District; 8885 Oswego Road - Tax Map No. 017.-01-01.1, consisting of 0.2 acres from RA-100 Residential Agricultural District to PDD Planned Development District; 8865 Gaskin Road – Tax Map No. 017.-02-01.0 consisting of 0.6 acres from R-10 One-Family Residential District to PDD Planned Development District; 3382 Maider Road – Tax Map No.:

017.-03-01.0 consisting of 0.2 acres from RA-100 Residential Agricultural District to PDD Planned Development District; 3384 Maider Road – Tax Map No.: 017-03-2.0, consisting of 0.1 acres from RA-100 Residential Agricultural District to PDD Planned Development District; 3428 Maider Road – Tax Map No.: 017.-03-10.0 consisting of 1.83 acres from RA-100 Residential Agricultural District and I-2 Industrial 2 District to PDD Planned Development District; 3414 Maider Road – Tax Map No. 017.-03-09.1, consisting of 10.83 acres from RA-100 Residential Agricultural District to PDD Planned Development District; Maider Road – Tax Map No. 017.-03-09.2 consisting of 0.6 acres from RA-100 Residential Agricultural District to PDD Planned Development District; 3473 Maider Road – Tax Map No. 017.-03-11.0, consisting of 45.0 acres from RA-100 Residential Agricultural District to PDD Planned Development District; Maider Road - Tax Map No.: 017.-03-12.0, consisting of 5.20 acres from RA-100 Residential Agricultural District to PDD Planned Development District and Maider Road - Tax Map No. 016.-01-03.1, consisting of 7.35 acres from I-2 Industrial 2 District to PDD Planned Development District was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Robert Germain, Attorney for the Town, gave a brief explanation of the PDD zone. He stated that in 1989 the Town began the process of purchasing the property at Three Rivers Pointe. This property encompasses 7 parcels including the former Cibro Site. The remediation work to date has been funded through Grants. The former buildings have been demolished and there is only one existing tank on a parcel. The State wants consistency, thus encouraging the town to request the PDD zone that will allow for different uses within one zone.

Councilor Bray stated that the Town has already demolished the former Three Rivers Inn. Supervisor Ulatowski added that the Town has a vision of a Hamlet within the Town of Clay. He added that the Town is applying for additional funding to move forward with this project. Councilor Bray continued by adding that this project moves slowly due to the state and environmental regulations. However this area is considered to be the brightest spot in the state for development due in part to the clean up effort. The next step includes soil remediation and demolition of the remaining tank.

Supervisor Ulatowski asked if there were any questions.

Nancy Polchlopek of Maider Road inquired as to if the Sunoco property was the old Arco Property. Mr. Germain indicated that it was adding that it had never operated but was just left to sit. He continued by stating there are code issues, however the town would still like to acquire this property.

Bob Weins of Bonstead Road asked what the State grant money was used for and for better clarification of the PDD.

Mr. Germain said that the grant money awarded by the State was used for Brownfield Remediation, specifically the spill site on the former Cibro property. He continued by adding that the PDD allows for different uses within the zone, furthermore the Planning Board is heavily involved in this very controlled process.

Jeff Renard of Bonstead Road asked if there was still a ‘vision’ of a park. Mr. Germain stated that it is not a plan yet, remediation is the first step.

Supervisor Ulatowski thanked Mr. Germain for the presentation and adjourned the public hearing pending a recommendation from the Planning Board.

Councilor Bick made a motion to **adjourn** the public hearing to **June 21, 2010 at 7:41 P.M.** Motion was seconded by Councilor Bray.

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

.S Special Permit (PH) GARY SPRING and TIMBERVIEW FORESTRY MANAGEMENT, INC.:

A public hearing to consider the application of **GARY SPRING and TIMBERVIEW FORESTRY MANAGEMENT, INC.**, for a Special Permit to Operate a U-Haul Rental Facility, on part of the existing Spring Storage Park, located at 7733 Henry Clay Boulevard, part of Tax Map No. 187.-01-21.1 was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Mark Rupprecht of CBRE presented for the applicant. He began by explaining that this application is for a new use in the Industrial Zone that will allow for the rental of U-Haul trucks. There will be no changes to the site or the structure. There will be limited hours of operation.

Supervisor Ulatowski asked how many rental vehicles they are proposing. Mr. Rupprecht said 10 or less and they will range from vans to 30' trucks depending on how many fit in the allotted space.

Jane Palla of Pompton Knolls asked if the applicant would designate the existing driveway for the rentals and they would. Mr. Rupprecht reiterated that they are not expecting a marked increase of traffic. The Supervisor agreed adding that the County also agrees as depicted in their report.

Janet Rathburn also of Pompton Knolls asked if they would retail any packing or shipping supplies. She further inquired as to if the applicant planned on expanding in the future. Mr. Rupprecht explained that there is little or no room for expansion and it is his understanding that there will be nominal supplies available.

Supervisor Ulatowski stated that this would be adjourned until the applicant has appeared before the Planning Board.

Councilor Bick made a motion to **adjourn** the public hearing to **June 21, at 7:44 P.M.** Motion was seconded by Councilor Bray.

Ayes-7 and Noes-0. Unanimously carried.

Agreement/ Sewer (PH) BEAR ROAD SEWER DISTRICT:

A public hearing to consider a petition for the construction and acquisition of a lateral sewer system within the Bear Road Sewer District, to be designated and known as "**BEAR ROAD SEWER DISTRICT, CONTRACT NO. 32 LATERAL**", (Inverness Gardens Planned Development District) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Agreement/ Drainage (PH) INVERNESS GARDENS DRAINAGE DISTRICT:

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 "**INVERNESS GARDENS DRAINAGE DISTRICT**" and for the construction and acquisition of a lateral drainage system therein to be designated and known as "**INVERNESS GARDENS DRAINAGE DISTRICT, CONTRACT NO. 1 LATERAL**", (Inverness Gardens Planned Development District) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Agreement/ Water (PH) INVERNESS GARDENS WATER SUPPLY DISTRICT:

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 "**INVERNESS GARDENS WATER SUPPLY DISTRICT**", (Inverness Gardens Planned Development District) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Agreement/ Lighting (PH) INVERNESS GARDENS LIGHTING DISTRICT:

A public hearing to consider a Petition for the creation of a lighting district within the Town of Clay to be designated and known as "**INVERNESS GARDENS LIGHTING DISTRICT**", (Inverness Gardens Planned Development District) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

The Supervisor opened all four public hearings together.

Mark Parrish of O'Brien and Gere was present for the applicant. He began by addressing the drainage. He stated that the storm water will be managed by three ponds. Supervisor Ulatowski stated that there were some questions that needed to be addressed. Mr. DeTota said that the concerns had been acknowledged. Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

Mr. Parrish then discussed the sanitary sewers, stating that they will extend to the existing sewers on Opal Drive. The sewers will be built to town specs by the developer and turned over to the Town. Mr. DeTota said that he is satisfied with the sewers.

Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

Mr. Parrish stated that only the residential lighting will be constructed at this time. National Grid will address the excess lighting in the future. Councilor Bray asked if the wires will be underground and they will.

Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

Portions of the water are within the Vine Street water district. There will be new lines to the south, the layout will be provided by Onondaga County Water Authority. They will be facilitated by the developer and conveyed to the Town. There will be a fee for hydrants.

Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

Special Permit (Public Utility) (PH) NIAGARA MOHAWK POWER CORP., d/b/a NATIONAL GRID:

A public hearing to consider the application of **NIAGARA MOHAWK POWER CORP., d/b/a NATIONAL GRID, for a PUBLIC UTILITY SPECIAL PERMIT**, pursuant to Section 230-27 I.(2) (e)[1][a] of the Clay Code, **FOR AN ELECTRIC SUBSTATION EXPANSION** located on VerPlank

Road (a/k/a by National Grid as 8811 Caughdenoy Road), being part of Tax Map No. 047.-01-12.0 was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Rob Seely and Jo Anne Gagliano, landscape architects with EDR were present for the applicant. The applicant wishes to expand the existing facility at Caughdenoy and VerPlank Roads. The proposal is for a 85' addition to the south that will house a new control building, bays and a new generator. An access road will be off of the existing drive. The drainage will not change, however the swale will be moved to the south end. The applicant is showing a buffer to the Federal Wetlands as well as a ½ acre of new wetlands. The project should be completed by late fall of 2013. The proposed control building will house the generator. The applicant continued adding that the applicant plans to expand within their own boundaries with the exception of the wetlands that will be replaced.

Councilor Weaver asked how far the generator will be placed from the residential areas. Harvey Caywood from National Grid, stated that the generator will be located 2000' from VerPlank Road and that the noise emitted from the generator will be similar to that of a tractor trailer. He added that there have only been four emergencies in the past twenty years. Councilor Bick asked how many kilowatts the proposed generator is and it is 500k.

Mr. Florczyk asked how it will impact the airport on VerPlank Road. Mr. Caywood stated it will be located 600' from the property line and 1000' from the runway; in addition there will be a 30' buffer. Supervisor Ulatowski clarified that the expansion will be on the opposite side of the road from the runway.

Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

Special Permit (PH) DRIVE THRU AT PANERA BAKERY:

A public hearing to consider the application of **PANERA BREAD** for a **SPECIAL PERMIT FOR A DRIVE THRU AT PANERA BAKERY**, located on NYS Route 31, (being part of Tax Map No. 021.-01-12.1). Adjourned to this date and time at the May 17th, 2010 Town Board Meeting was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Tony DiSanza of Panera Bread was present. He began by explaining that they had addressed all of the concerns raised by the Planning Board. These include:

Eliminate the 90 degree angle, and shrink the sign at that location.

Widen narrowest part of the drive thru from 12' to 14'.

Relocate or eliminate the preview board.

Obtain approval from the fire department.

Depict the dimensions of the bump out on the plan.

Add a stop sign at the end of the drive thru.

Eliminate the sign on the loop road.

The Planning Board recommended approval of this application.

Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

Authorizing /Agreement/ Project - INVERNESS GARDENS PLANNED DEVELOPMENT DISTRICT:

Councilor Johnson moved the adoption of a resolution authorizing the Supervisor to enter into a standard development Agreement on behalf of the Town with **WOODSIDE DEVELOPERS, INC.**, and **WOODSIDE RUNNE, LLC** for the development of **INVERNESS GARDENS PLANNED DEVELOPMENT DISTRICT**. Motion was seconded by Councilor Bick.

Ayes-7 and Noes-0. Unanimously carried.

Project/Drainage (A) INVERNESS GARDENS DRAINAGE DISTRICT:

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 "**INVERNESS GARDENS DRAINAGE DISTRICT**", (Inverness Gardens Planned Development District). Motion was seconded by Councilor Edick.

Ayes-7 and Noes-0. Unanimously carried.

Project/Water (A) INVERNESS GARDENS WATER SUPPLY DISTRICT:

Councilor Rycraft 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 "**INVERNESS GARDENS WATER SUPPLY DISTRICT**", (Inverness Gardens Planned Development District). Motion was seconded by Councilor Bray.

Ayes-7 and Noes-0. Unanimously carried.

Project/Lighting (A) INVERNESS GARDENS LIGHTING DISTRICT:

Councilor Edick moved the adoption of a resolution approving the creation of a lighting district within the Town of Clay to be designated and known as "**INVERNESS GARDENS LIGHTING DISTRICT**", (Inverness Gardens Planned Development District). Motion was seconded by Councilor Bick.

Ayes-7 and Noes-0. Unanimously carried.

Project/Sewer (A) BEAR ROAD SEWER DISTRICT:

Councilor Bray moved the adoption of a resolution that it is in the public interest that the Town of Clay to approve the construction and acquire the public facilities located within **INVERNESS GARDENS PLANNED DEVELOPMENT DISTRICT** (Bear Road Sewer District, Contract No. 32 Lateral, Inverness Gardens Drainage District, Contract No. 1 Lateral, Inverness Gardens Water Supply District and Inverness Gardens Lighting District) in accordance with the terms and conditions of a certain Agreement entered into between the Town of Clay and the developer **WOODSIDE DEVELOPERS, INC.**, and **WOODSIDE RUNNE, LLC**. Motion was seconded by Councilor Weaver.

Ayes-6 and Noes-0. Motion carried. *(Councilor Rycraft left the bench)*

Agreement – LIVERPOOL CENTRAL SCHOOL DISTRICT:

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to execute a Lease Agreement between the **LIVERPOOL CENTRAL SCHOOL DISTRICT** and **the TOWN OF CLAY** with regard to the use of the school's facilities for the Town's Athletic Program for the current school year and shall extend from June 28th, 2010 to August 31st, 2010, at a cost of approximately \$2,266.00, subject to additions or deletions of programs which will fall under this agreement. Motion was seconded by Councilor Edick.

Ayes-6 and Noes-0. Motion carried.

Project (Final Plans)(A) - COUNTRY MEADOW, SECTION "G" SUBDIVISION:

Councilor Edick moved the adoption of a resolution approving the Final Plans for the **COUNTRY MEADOW, SECTION "G" SUBDIVISION** (Country Meadow Sewer District, Extension No. 2, Contract No. 3 Lateral and Country Meadow Drainage District, Extension No. 2, Contract No. 3 Lateral) and authorizing the Supervisor to execute the necessary forms therefore, (Contract documents). Motion was seconded by Councilor Weaver.

Ayes-6 and Noes-0. Motion carried.

Project (Final Plans)(A) - INVERNESS GARDENS PLANNED DEVELOPMENT:

Councilor Weaver moved the adoption of a resolution approving the Final Plans for the **INVERNESS GARDENS PLANNED DEVELOPMENT DISTRICT** (Bear Road Sewer District, Contract No. 32 Lateral, Inverness Gardens Drainage District, Contract No. 1, Inverness Gardens Water Supply District, and Inverness Gardens Lighting District) and authorizing the Supervisor to execute the necessary forms therefore, (Contract documents), contingent upon receipt of additional legal engineering and administrative fees. Motion was seconded by Councilor Bray.

Ayes-6 and Noes-0. Motion carried.

Project/Securities (posting) - NORTHFORK SECTION NO 2 SUBDIVISION:

Councilor Johnson moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of drainage facilities located within **NORTHFORK SECTION NO 2 SUBDIVISION, PHASE 1** (Northfork 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 securities: \$20,000.00 to guarantee the cost of completing the Overland Drainage Facilities as shown on a list provided by the Town Engineers under date of May 21st, 2010, including additional topographic as built of such items of such work to be submitted to the Town Engineers for review; \$6,150.00 - one year repair and maintenance guarantee; \$46,480.00 – Highway Construction Guarantee (Appaloosa Trail - 1,660', Pavement Width 24' and Gutters – N/A); \$1,350.00 - Monument Deposit; \$4,500.00 – Parkland Contribution, as well as any additional fees required for legal, engineering and administrative fees (current and/or future for this project); 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. Motion was seconded by Councilor Weaver.

Ayes-6 and Noes-0. Motion carried.

Project/ Easement - NORTHFORK SECTION NO 2 SUBDIVISION:

Councilor Weaver moved the adoption of a resolution accepting an easement for drainage facilities located within **NORTHFORK SECTION NO 2 SUBDIVISION, PHASE 1** from **GROUP ONE DEVELOPMENT, LLC**. Motion was seconded by Councilor Edick.

Ayes-6 and Noes-0. Motion carried.

Deed/ Highway - NORTHFORK SECTION NO 2 SUBDIVISION, PHASE 1:

Councilor Edick moved the adoption of a resolution accepting a Deed from **GROUP ONE DEVELOPMENT, LLC**, for Highway purposes located within **NORTHFORK SECTION NO 2 SUBDIVISION, PHASE 1**. (Appaloosa Trail, road widening of Van Hoesen Road, and temporary easement for turn-a-round which is to terminate and be released upon construction and filing of deed for future extension of said Appaloosa Trail), all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., Licensed Land Surveyors of Liverpool, New York dated 06-11-08, last revised January 13, 2010, entitled **NORTHFORK SECTION NO 2 SUBDIVISION, PHASE 1**. Motion was seconded by Councilor Bick.

Ayes-7 and Noes-0. *Unanimously carried. Councilor Rycraft returned to the bench.*

Appointment:

Councilor Bray moved the adoption of a resolution appointing **CHARLES V. MANGAN** as **Chairman of the Zoning Board of Appeals** to fill the unexpired appointment ending December 31, 2010, of **ARTHUR FENNHAHN**, who resigned as Chairman due to health issues. Mr. Fennhahn will remain a member of the ZBA until such term expiration of 12-31-12. Motion was seconded by Councilor Johnson.

Councilor Bray added that she would like to extend the Town Boards appreciation for the many hours and more than 20 years of service that he has given in service to the Town of Clay. Supervisor Ulatowski agreed, adding that he regrettably accepts Chairman Fennhahns resignation and also wishes to thank him for his many contributions to the community.

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

Adjournment:

The meeting was adjourned at 8:40 P.M. upon motion by Councilor Bray and seconded by Councilor Johnson. Ayes-7 and Noes-0. *Carried.*

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