

Approved

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 20th of March, 2017 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Jim Rowley	Councilor
Eugene Young	Councilor
David Hess	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Neal Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

None

OTHERS PRESENT:

Russ Mitchell & Hal Henty; Members of the Planning Board, Rob Bick; Assessor & Dorothy Heller; Town Historian.

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 Hess made a motion to approve the minutes of the March 6th, 2017 meeting. Motion was seconded by Councilor Bick.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that item numbered 9 on the agenda will not be heard.

Correspondence:

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

Nick Rizzo of Becker Road began by asking the Supervisor if he could meet with him after the meeting; Supervisor Ulatowski said that he would stay and meet with him.

Mike LaPointe, another Town resident asked if the Town had any plans for the Zombie Houses. Supervisor Ulatowski explained that they are trying to reach a solution with the banks to mitigate this issue. Mr. LaPointe suggested looking to Dewitt to see what they have done.

REGULAR MEETING

Zone Change (PH) Town Board Case # 1111 - FRANCIS FIORITO:

A public hearing to consider the application of **FRANCIS FIORITO FOR A ZONE CHANGE** from **NC-1 Neighborhood Commercial & RA-100 Residential Agricultural** to **LUC-1 Limited use for Gasoline Services** to allow for the construction of a 5,800 sq. ft. Fastrac Convenience Store and fuel dispenser island on the north east corner of **State Route 31 and Morgan Road**, located at **4291, 4297 & 4303 State Route 31 and 8606, 8598 & 8618 Morgan Road, Tax Map No. 029.-01-21.1, 22, 23.1, 24, 25, 34 & part of 27**; consisting of approximately 1.8± acres of land was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Matt Naperella, Christian Hill and Francis Fiorito were present. Mr. Napaerella explained that the applicant is requesting a zone change to allow for gas station services for property that is currently zone neighborhood commercial and residential/agricultural. They are proposing an 8 pump Fastrac Gas Station/ Convenience store. They are intending right in/ right out only from State Route 31 and one full access drive from Morgan Road. They are showing 32 parking spaces on the rendering and will need a variance for the required 42 parking spaces in the Town of Clay Code.

The applicant is also proposing drive thru service; he continued that the trend is going to quick and convenient service that can be obtained from not leaving their car and says that this is a fifty year investment.

If this application is granted, the applicant will have the existing buildings demolished; that include a beauty salon, auto sales and repair and two residential homes the applicant will also need to obtain several other variances mostly pertaining to setbacks. Mr. Hill showed a picture of the new Fastrac in Elbridge explaining that this is the new prototype that will be constructed here if the zone change is granted.

Councilor Rowley asked Ron DeTota about the sewers; he explained that it would go to the Oak Orchard Sewage Plant. Councilor Hess asked about perhaps increasing the parcel size to mitigate some of the required variances. Mr. Fiorito explained that he does not own the properties to the north and the east.

Supervisor Ulatowski explained that he would open the floor to questions, adding that in light of the size of the crowd here he would request that residents limit it to questions only and try not to repeat a question that their neighbor asked. He added that he would give the opportunity for comments later.

Paul Parsons from Morgan Road (parcel adjacent to the north of the application) asked about water collection. Mr. Naparella said that they have not fully vetted the SWPPP – the mitigation of the quality or quantity but will be working with the Town Engineer. He continued that the DEC will require that the new construction not adversely impact the adjoining properties. Supervisor Ulatowski agreed adding that the DEC will set the standards.

Anthony Tarzia from Sweet Mill Lane voiced his concerns about the traffic that this would generate adding that the impact from holiday shoppers would only exacerbate this problem. Supervisor Ulatowski explained that the applicant will need to have a traffic impact study done. He also reminded that the traffic from Rt. 31 would be limited to right in right out only. There was a discussion about the trip generation, peak, spikes and syncro analysis. Cindy Redhead asked if they would widen the road to accommodate the traffic congestion. The Town Engineer explained that Onondaga County DOT would make that determination. There was a discussion about the traffic flow around for the drive thru which will be 2 lanes wide.

Ruth Koch of Morgan Road explained that there are three other Fastrac's in the area and three other gas stations on Rt. 31. She added that she would like to see Euclid remain a hamlet. She continued that Mr. Fiorito owns 15 of the 20 properties in the Hamlet of Euclid. Mrs. Koch said that she would much rather see this become a medical building. Mr. Parsons agreed that Euclid should remain a hamlet.

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

Councilor Bick made a motion to **adjourn to** April 13, 2017 at 7:41 PM. Motion was seconded by Councilor Hess.

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

Mr. Germain **corrected**, **April 3, 2017 at 7:41 PM**; motion to amend was made by Councilor Hess, seconded by Councilor Bray.

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

ZONE CHANGE (PH/Adj.) – Town Board Case # 1106 - HILARY DONOHUE (GROUP ONE DESIGN, LLC PROPERTY) & BRYAN SOTHERDEN (SIDE TRACK ENTERPRISES, LLC):

A public hearing to consider the application of **HILARY DONOHUE (GROUP ONE DESIGN, LLC PROPERTY) & BRYAN SOTHERDEN (SIDE TRACK ENTERPRISES, LLC) FOR A ZONE CHANGE** from **I-2 INDUSTRIAL** to **HC-1 HIGHWAY COMMERCIAL** to allow for more flexibility of use for the current property located at **4975 State Route 31, Tax Map No. 046.-01-16.1**; consisting of approximately 1.473± acres of land (Adjourned to this date and time from the March 6, 2017 Town Board Meeting); was opened by the Supervisor.

Hilary Donohue began by explaining that the applicant is proposing to renovate the existing structure to be used as a tap room. The room will be used for tasting NYS Craft Beers. There will be primarily retail use. The applicant also wishes to continue to host the Farmers Market outside of the building and maintain the apartments within the building (upstairs). The applicant wishes to honor the leases until they expire. She explained that this business will provide 5 new jobs. In addition the applicant will need to obtain area variances.

Supervisor Ulatowski asked for clarification about the “Tap Room”. Ms. Donohue explained that they wish to provide a relaxing atmosphere where they will sample and promote craft brewing. She continued that Governor Cuomo is supportive of this type of expansion and is willing to give funding. She explained that they will offer prepackaged finger type foods (not to be prepared onsite) and added that this is not a bar or restaurant. The customer may purchase the beer but not consume on site.

There was a long discussion about the variances and the zoning; many of the Town Board Members questioned the change of zone to such an intense use adding that if this application was approved and the business turned over or went out, the Town would be vulnerable as to what type of business could go in.

Councilor Bick added that there is no “Tap Room” zoning. Councilor Bray explained that HC-1 was the only zoning flexible enough to allow the retail use for the Tap Room and outside sales for the Farmers Market.

Many residents were at the meeting to support this application, and add positive comments about the applicants themselves. Several stated the area has become run down and this could begin a revitalization of the hamlet. The board members said that they have also actively tried to update the area with improvements to the Senior Center and the Historical Park.

Many of the residents presented the Town Clerk with letters supporting the Sotherdens and this application.

Supervisor Ulatowski **closed** the public hearing.

Zone Change (PH/Adj.) Town Board Case # 1110 – EVERGREEN FAMILY LIMITED PARTNERSHIP:

A public hearing to consider the application of **EVERGREEN FAMILY LIMITED PARTNERSHIP FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **RC-1 Regional Commercial** to allow future commercial expansion along the route 31 corridor located at **3728-3744 State Route 31, Tax Map No. 053.-01-15.1, 16.1 & 17.1**; consisting of approximately 4.67± acres of land. (Adjourned to this date and time from the March 6, 2017 Town Board Meeting).

Brian Bouchard of CHA Engineering was present of behalf of the applicant. Mr. Bouchard began with a brief overview. The applicant wishes to absorb the parcel with the existing Davidson parcels to the west. There is no tenant at this time.

Councilor Bray asked if Mr. Trasher (who was present at the last meeting) had submitted an application to combine the parcels. Mr. Bouchard explained that he was not aware of the discussion of the application.

Supervisor Ulatowski **closed** the public hearing.

Agreement (A) – New York State Department of Transportation:

NO ACTION

Fire Hydrant(s) (3) - Treeline Manor Apartments:

Councilor Young moved the adoption of a resolution authorizing the installation of three (3) fire hydrants in the existing Clay Consolidated Water Supply District and authorizing the Supervisor to execute the OCWA fire hydrant application. (Hydrant & Fire Service, Treeline Manor Apartments). Motion was seconded by Councilor Bick.

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

Fire Hydrant(s) (3) - Country Meadow Subdivision, Section No. 1:

Councilor Young moved the adoption of a resolution authorizing the installation of three (3) fire hydrants in the Clay Consolidated Water Supply District and authorizing the Supervisor to execute the OCWA fire hydrant application. (Country Meadow Subdivision, Section No. 1). Motion was seconded by Councilor Bick.

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

Fire Hydrant(s) (3) - Orange Commons Subdivision, Section No. 3:

Councilor Young moved the adoption of a resolution authorizing the installation of three (3) fire hydrants in the Clay Consolidated Water Supply District and authorizing the Supervisor to execute the OCWA fire hydrant application. (Orange Commons Subdivision, Section No. 3). Motion was seconded by Councilor Bick.

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

Fire Hydrant(s) (3) - Wildflower Subdivision, Section Nos. 1 & 2:

Councilor Young moved the adoption of a resolution authorizing the installation of three (3) fire hydrants in the Clay Consolidated Water Supply District and authorizing the Supervisor to execute the OCWA fire hydrant application. (Wildflower Subdivision, Section Nos. 1 & 2). Motion was seconded by Councilor Bick.

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

Fire Hydrant(s) (3) - Riverwalk Subdivision, Section No. 3A:

Councilor Young moved the adoption of a resolution authorizing the installation of a fire hydrant in the existing Riverwalk Water Supply District and authorizing the Supervisor to execute the OCWA fire hydrant application. (Riverwalk Subdivision, Section No. 3A). Motion was seconded by Councilor Bick.

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

Fire Hydrant(s) (3) - Harke Farms Subdivision, Section No. 2:

Councilor Young moved the adoption of a resolution authorizing the installation of a fire hydrant in the Clay Consolidated Water Supply District and authorizing the Supervisor to execute the OCWA fire hydrant application. (Harke Farms Subdivision, Section No. 2). Motion was seconded by Councilor Bick.

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

Appointment (A) - CLAY VOLUNTEER FIRE DEPARTMENT, INC:

Councilor Bick moved the adoption of a resolution approving the appointment of Javier Garcia, Michael Redhead and Cameron Shaughnessy as volunteer members of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Rowley.

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

CONTRACT – C & S ENGINEERS, INC.:

Councilor Rowley moved the adoption of a resolution authorizing the Supervisor to execute a contract with **C & S ENGINEERS, INC.**, for professional services to be rendered for the year **2017** in compliance with the DEC Regulations for the **TOWN OF CLAY LANDFILL POST CLOSURE ENVIRONMENTAL MONITORING PROGRAM**. Said services not to exceed the sum of **\$22,975.00**. Motion was seconded by Councilor Hess.

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

Ordinance No. 1 of 2017 (CPH) - CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE - “Parking of certain motor vehicles and trailers prohibited in residential districts”:

Councilor Hess moved the adoption of a resolution calling a public hearing **April 3, 2017**, commencing at **7:35 P.M.**, local time, to consider the proposed **Ordinance 2017-01** amending **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **§211-29 “Parking of certain motor vehicles and trailers prohibited in residential districts”** by deleting the words “on any Town highway or right of way” in subparagraph A. and adding a new subparagraph B. “No tractor-trailer cab or trailer (trailer is defined as a vehicle not propelled by its own power drawn on the public highway by a motor vehicle) regardless of length shall be parked on any Town highway or right of way,” and to be included in the Town of Clay Municipal Code. Motion was seconded by Councilor Bick.

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

Zone Change (CPH) Town Board Case # 1112 - REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP.:

Councilor Rowley moved the adoption of a resolution calling a public hearing **April 3, 2017**, commencing at **7:38 P.M.**, local time, to consider the application of **REROB, LLC AND KELLY-TOBIN DEVELOPMENT, CORP. FOR A ZONE CHANGE** from **HC-1 Highway Commercial** to **LUC-1 Limited use for Gasoline Services** to allow for a proposed ExpressMart gas station, convenience store and car wash on vacant land on the southwest corner of **State Route 31 & Lawton Road, Tax Map No. 077.-34-17.1**; consisting of approximately 3.7 ±acres of land. Motion was seconded by Councilor Bick.

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

Adjournment:

The meeting was adjourned at 9:20 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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

Jill Hageman-Clark RMC / Town Clerk