

**Approved**

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 3<sup>rd</sup> of April, 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
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

**ABSENT:**

None

**OTHERS PRESENT:**

Russ Mitchell & Hal Henty; Members of the Planning Board & 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 20<sup>th</sup>, 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 number 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.

**REGULAR MEETING**

**Zone Change (SEQR) Town Board Case # 1110 – EVERGREEN FAMILY LIMITED PARTNERSHIP:**

Councilor Rowley moved the adoption of a resolution that the application for **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** 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 Hess.

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

**Zone Change (A) Town Board Case # 1110 – EVERGREEN FAMILY LIMITED PARTNERSHIP:**

Councilor Rowley moved the adoption of a resolution approving 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. Motion was seconded by Councilor Hess.

Councilor Bray explained that according to the Commissioner of Planning and Development, the applicant submitted the application late this afternoon to combine the parcels.

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

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

A public hearing to consider 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.

Councilor Rowley explained that this is basically clarification to an amendment to the Town of Clay Code. He continued that the wordage as previously adopted can be interpreted as only the road right of way and will be changed to clarify the intent. Councilor Rowley added that this would not prohibit an owner from parking a utility trailer on his own property; the intent is not to make it cumbersome for a resident to make a living.

Joe Grispingo, Code Officer for the Town of Clay applauded Councilor Rowley for giving a good explanation of the application. He added that with the new wording this will be much easier to enforce.

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

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

A public hearing 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 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.

Alex Wisnewski was present on behalf of the applicant. He began explaining that the applicant is requesting a zone change for the southwest corner of Lawton Valley Hunt. The parcel is 9.6 acres zoned HC-1 and the applicant is requesting LUC-1 for 3.7. There is an established curb cut on Route 31 and the applicant is not proposing another one on Route 31. The ExpressMart, car wash and drive thru would be constructed on the 3.7 acre parcel if the zone change is granted. The applicant will still need to obtain a special permit for the highway overlay.

Councilor Bray asked if the road would dead end into the HC-1. Mr. Wisnewski said that it would therefore not allow access to the residential neighborhood; he said that the applicant may allow pedestrian access but no vehicular access.

One resident said that a gas station is not a service to the community. Another remarked that there are no barriers and that the business would be 24 hours a day 7 days a week adding that they had paid extra for a premium lot. He continued that there are teenagers pitching cigarettes over their stockade fence, motorcycles and “tunage” from Rt. 31.

A resident from 5556 Wyandra Drive said that the proposed development looks like it is close to the pond/ drainage easement that the kids play hockey on. She added

that the developer told them that there would be a fountain there. This resident explained that they maintain the property well beyond their property line. She asked how the applicant proposes to maintain the integrity of the parcel. Mr. Wisnewski explained that there is an easement of 250'; he continued by explaining all of the different things that could go into the parcel without a zone change such as Retail use, Theater, Outdoor retail sales, Personal service use, Shopping center and service, Office building, Public self-storage facility, Day-care center, Bank/credit union, Medical office or Instructional Facility; some residents said that they would rather see any of these options over what is being proposed. Mr. Wisnewski explained that they would situate the structure as far from the residential as possible.

One resident asked how many neighborhoods about a gas station. Another voiced concern about carbon monoxide and clean air. Supervisor Ulatowski explained that the applicant must comply with environmental regulations. One resident said that she cleans up the pond every spring and wondered if the Town of Clay would maintain it. Councilor Young reminded that at this point we are just looking at the zone change. Councilor Bray added that many of the points made by residents will be addressed at the Planning Board.

A resident from Bingley Lane asked what will happen 20 years from now when the business is abandoned. Mr. Wisnewski said that there are rules and regulations regarding underground tanks and remediation.

Other residents spoke out in opposition to this zone change. Supervisor Ulatowski explained that no decision will be made tonight this is a multi-step process. He continued that he would send this application to the Planning Board for review and recommendation. A resident asked if they would be notified by mail of that hearing. Supervisor Ulatowski asked Commissioner Territo when they would be before the Planning Board. Commissioner Territo said April 12<sup>th</sup>, 2017. The Supervisor explained that they publish the agenda on the Town of Clay website and the residents should check for future meetings.

Councilor Hess made a motion to **adjourn** the public hearing to **May 1<sup>st</sup>, 2017** at **7:35 P.M.** Motion was seconded by Councilor Bick.

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

**Zone Change (PH/Adj.) Town Board Case # 1111 - FRANCIS FIORITO:**

Councilor Bick made motion to adjourn the public hearing to April 17, 2017 at 7:50 P.M. Motion was seconded by Councilor Hess.

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

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

Councilor Young moved the adoption of a resolution that 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,” 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 Hess.

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

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

Councilor Young moved the adoption of a resolution approving 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 Hess.

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

**Appointment – MOYERS CORNERS FIRE DEPARTMENT:**

Councilor Bick moved the adoption of a resolution approving the appointment **Courtney Butera, Michael Davison, Jessica Futrell and Gary Johnson** as volunteer members of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 1; Christopher Burdick and Blayne Fabianek** as volunteer members of the **MOYERS CORNERS FIRE DEPARTMENT, INC – STATION 2; Daniel McManus** as a volunteer member of the **MOYERS CORNERS FIRE DEPARTMENT, INC – STATION 3; and Justin Bailey, Brandon Broader** and

**Zachary Paparo** as volunteer members of the **MOYERS CORNERS FIRE DEPARTMENT, INC – STATION 4**. Motion was seconded by Councilor Hess.

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

**Fire Hydrant (1) – Morgan Meadows Subdivision:**

Councilor Hess moved the adoption of a resolution authorizing the installation of one (1) fire hydrant in the existing Morgan Road Water Supply District and authorizing the Supervisor to execute the OCWA fire hydrant application. (Morgan Meadows Subdivision). Motion was seconded by Councilor Rowley.

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

**Fire Hydrant(s) (3) - Orange Commons Subdivision, Section Nos. 2 & 3:**

Councilor Hess 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 Nos. 2 & 3). Motion was seconded by Councilor Bray.

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

**Contract (audit) (A) – D’ARCANGELO &CO., LLP:**

Councilor Rowley moved the adoption of a resolution approving a contract with **D’ARCANGELO & CO., LLP**, for audit purposes covering the records and procedures of the Town Justices of the Town of Clay for the year ended December 31, 2016; and authorizing the Supervisor to execute the necessary document therefore. Said services not to exceed \$2,000.00. Motion was seconded by Councilor Hess.

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

**Agreement/Amendment - ALL CITY MANAGEMENT SERVICES, INC.:**

Councilor Young moved the adoption of a resolution authorizing the Supervisor to execute an Amendment to the existing Agreement with **ALL CITY MANAGEMENT SERVICES, INC.**, for providing **School Crossing Guard Services** for a period of time which commences July 1, 2017 and terminating June 30, 2018 (2017/18 school year), and for such term thereafter as agreed upon. The Town agrees to pay for the services rendered pursuant to the Agreement, the sum of **Twenty One Dollars and Sixty Cents (\$20.98)** per hour of guard service to be provided. The cost of providing **One Thousand, Nine Hundred Eighty (1,980) hours** of service shall not exceed **Forty-Two Thousand, Seven Hundred Sixty-**

**Eight and 00/100 Dollars (\$42,768.00)**, 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 Hess.

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

**LOCAL LAW NO. 2 OF 2017 (CPH) amending Chapter 230-11:**

Councilor Hess moved the adoption of a resolution calling a public hearing **April 17, 2017**, commencing at **7:44 P.M.**, local time, to consider proposed **LOCAL LAW NO. 2 OF 2017** amending **Chapter 230-11** entitled **“Terms defined,”** by amending **Section 230-11C. ‘Perimeter landscape strip’** adding “stormwater management and water quality facilities are allowed within the front yard portion of the perimeter landscape strip” to the end of the third sentence to the Code of the Town of Clay. Motion was seconded by Councilor Rowley.

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

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

Councilor Bray moved the adoption of a resolution calling a public hearing **April 17, 2017**, commencing at **7:47 P.M.**, local time, 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 **NC-1 Neighborhood 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. Motion was seconded by Councilor Hess.

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

**Adjournment:**

The meeting was adjourned at 8:42 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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

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Jill Hageman-Clark RMC / Town Clerk