

APPROVED

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 5th of March, 2018 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
David Hess	Councilor
Brian Hall	Councilor
Kevin Meaker	Councilor
Ryan Pleskach	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

Eugene Young	Councilor
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OTHERS PRESENT:

Russ Mitchell and Hal Henty; Chairman and Member 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 February 5th, 2018 meeting. Motion was seconded by Councilor Pleskach.

Ayes – 6 and Noes – 0. *Motion carried.*

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that he knew of no requests for adjournments.

Correspondence:

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

Tom Parisi of 5264 Medasano Circle began by thanking the Board for their service and introducing his wife and daughter. He continued, explaining that he was present to discuss temporary parking for campers and boats with regard to the Ordinance that was passed last year prohibiting it. He also asked about the

upcoming hearings for Ordinances 2018-01 and 2018-02. Supervisor Ulatowski explained that tonight the public hearings for the new Ordinances are just being called. He continued that an upcoming work session is being planned to discuss and review Ordinance 2017-01 and perhaps strengthen or modify the code. Mr. Parisi asked if this would be a public meeting; Supervisor Ulatowski said that it will be a work session but open to the public. Mr. Parisi asked how he would know about the session. It will be published in the Post Standard and on the Town of Clay website. Councilor Hess said that he would contact Mr. Parisi regarding the date and time once it had been scheduled.

Nancy Kinnert of Plum Hollow Circle asked about the Audit on the December 4th 2017 meeting. Supervisor Ulatowski said that he would look into it and discuss it at the next meeting once he had the opportunity to research it with the Comptroller. She expressed concern over control that money is not stolen.

REGULAR MEETING

SPECIAL PERMIT (PH) – Town Board Case # 1122 - WIDEWATERS FARRELL ROAD II COMPANY, LLC:

A public hearing to consider the application of **WIDEWATERS FARRELL ROAD II COMPANY, LLC FOR A SPECIAL PERMIT** pursuant to **Section 230-16C. (2) (e) [2]** to allow for two (2) separate drive-in services located on vacant land at **Tax Map No. 020.-01-05.1**, consisting of approximately 42.69± acres of land was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Marco Marzocchi spoke on behalf of the applicant. Mr. Marzocchi began by explaining the traffic pattern for the two proposed drive-thru services. He explained that they will enter from the north portion of the parcel and there will be ample room for stacking; the sign board will not really be visible from Route 31. There was a brief discussion pointing out the traffic pattern. Mr. Marzocchi when asked, would not disclose who the tenants were.

There being no more questions or comments, Supervisor Ulatowski referred this to the Planning Board for review and recommendation.

ZONE CHANGE (PH) – Town Board Case # 1123 - TIM QUIRK AND THE SUMMIT FEDERAL CREDIT UNION:

A public hearing to consider the application of **TIM QUIRK AND THE SUMMIT FEDERAL CREDIT UNION, AS SUCCESSOR TO SYRACUSE POLICE FEDERAL CREDIT UNION FOR A ZONE CHANGE** from NC-1 Neighborhood

Commercial District to LuC-2 Limited Use Commercial District to construct (renovate existing structure) and operate an Abbott's Frozen Custard Store located at **4336 Wetzel Road, Tax Map No. 086.-07-04.2**, consisting of approximately .05± acres of land was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Daniel Burges and Tim Quirk were present. Mr. Burges began by explaining that the applicant wishes to construct an Abbotts Frozen Custard in the former Summit Federal Credit Union. The applicant is proposing year round business with hours from 9 AM to 10 PM in the summer. There will be seating inside and seasonal seating outside. A dumpster with enclosure will be constructed.

Councilor Bick asked what other uses would be allowed in an LuC2 zone. Commissioner Territo responded that it will be limited to restaurant or bar use.

Nancy Kinnert expressed concern over the nearby high school, the high traffic and the possibility of inexperienced or distracted drivers. She asked if the parking would be facing the building or near the tables and suggested parking in the rear instead.

Being there were no further questions or comments, Supervisor Ulatowski referred this to the Planning Board for review and recommendation.

Special Permit (PH) – Town Board Case # 1124 - AMERCO REAL ESTATE COMPANY:

A public hearing to consider the application of **AMERCO REAL ESTATE COMPANY FOR A SPECIAL PERMIT** pursuant to **Section 230-16C. (2) (e) [6]** to allow for the rental of U-Haul's on land located at **8015 Oswego Road, Tax Map No. 080.-01-01.0**, consisting of approximately 48.24± acres of land.

Brett Lindsay was present on behalf of the applicant. Mr. Lindsay began by explaining that the applicant purchased the property in December at auction. The property was desirable because of the zoning (zoned for storage). The applicant is seeking a Special Permit to allow Truck Rental in addition to storage. The location is in the former Price Chopper location. Mr. Lindsay pointed out on the map where it would be. He continued that they plan to park the trucks in the parking lot near the road. Supervisor Ulatowski said that he was not in favor of the visibility of the vehicles from the street. He added that they hope to eventually obtain the previous K-Mart location for possible climate control vehicle storage.

Councilor Hall asked how many vehicles they will have. Mr. Lindsay replied under 20; continuing that there are 12-18 at the Teal Avenue. Councilor Pleskach said that he does not think he would be in favor of this application because of the number of locations in close proximity. Mr. Lindsay explained that there is a demand for

them. Mike La Point of Perrugia Lane agreed adding that he has used U-Haul and had to go to Lysander.

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

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

Councilor Hess moved the adoption of a resolution approving a Highway Work Permit between the **Town of Clay** and the **New York State Department of Transportation**, whereas said Permit is issued and used by the **Town of Clay** in connection with work affecting the Right-of-Way of a State Highway; pursuant to Article 3, Section 52 of State Highway Law and Section 1220-c of the Vehicle and Traffic Law; and further authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried.*

Agreement- North Syracuse Fire Department (amendment) 2018:

Councilor Hess moved the adoption of a resolution approving an amendment to the 2018 Agreement between the North Syracuse Fire Department and the Town for fire protection services whereby changes to the existing language in the contract are necessary to have a separate disbursement directly to the Fire Association. Contingent upon approval as to form and content by the Town Attorney. Motion was seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried.*

Agreement (Facility Encroachment) – CSX Transportation, Inc.:

Councilor Hall moved the adoption of a resolution authorizing the Supervisor to execute the Facility Encroachment Agreement as required by CSX Transportation, Inc. on behalf of the Town as part of the Route 31 Sanitary Sewer Extension. Contingent upon review and approval as to form and content by the Town Engineers and Town Attorney. Motion was seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried.*

Agreement/ Contract (A) - TOWN OF CLAY LANDFILL POST CLOSURE ENVIRONMENTAL MONITORING PROGRAM:

Councilor Hall 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 **2018** 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 **\$22,298**. Motion was seconded by Councilor Hess.

Ayes – 6 and Noes – 0. *Motion carried.*

ONONDAGA COUNTY COMMUNITY DEVELOPMENT 2018 (Authorizing Application):

Councilor Bick moved the adoption of a resolution authorizing the application to **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2018**. Motion was seconded by Councilor Hess.

Ayes – 6 and Noes – 0. *Motion carried.*

Supervisor Ulatowski explained that this is an annual application that the Town of Clay applies for, to obtain funds for projects for low income neighborhoods. Typically, the monies are used to improve roads.

Easement/ Abandonment (partial)(A) – 4969 Surrey Lane:

Councilor Meaker moved the adoption of a resolution approving the partial abandonment of a drainage easement located on property known as 4969 Surrey Lane in the Town of Clay, to the owners, Michael and Mary C. Smith, pursuant to the Planning Board approval of the partial abandonment of the easement shown on map as “Exhibit A,” and authorizing the Supervisor to execute the necessary instrument therefore. Contingent upon receipt and approval of a legal description for said release of easement by the Town Engineers and as to form and content by the Town Attorney. Motion was seconded by Councilor Hall.

Ayes – 4 and Noes – 2. *Councilor Meaker stated that he was voting no and was not sure that the clerk had heard this (the clerk had not heard his no vote). The Clerk took a roll call vote and it went as follows:*

- | | |
|---------------------------|--------------------------|
| Councilor Meaker - No | Councilor Hall - Yes |
| Supervisor Ulatowski -Yes | Councilor Bick - Yes |
| Councilor Hess - No | Councilor Pleskach – Yes |

Motion carried.

TRAFFIC & VEHICLES ORDINANCE SECTION §211-29 (CPH):

Councilor Pleskach moved the adoption of a resolution calling a public hearing **March 19**, commencing at **7:35 P.M.**, local time to consider proposed **Ordinance 2018-01** amending **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **§211-29** entitled “**Parking of certain motor vehicles and trailers prohibited in residential districts**” by deleting the words “maximum gross unladen vehicle weight” and replacing with “gross vehicle weight rating and/or gross combined weight rating” in subparagraph D of this section. Motion was seconded by Councilor Hess.

Ayes – 6 and Noes – 0. *Motion carried.*

TRAFFIC & VEHICLES ORDINANCE SECTION §211-1 (CPH):

Councilor Pleskach moved the adoption of a resolution calling a public hearing **March 19**, commencing at **7:38 P.M.**, local time to consider proposed **Ordinance 2018-02** amend **CHAPTER 211**, entitled **TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION §211-1 “Definitions”** of the Town of Clay Municipal Code by adding the definitions in Subparagraph B “Gross Vehicle Weight Rating (GVWR)” and “Gross Combined Weight Rating (GCWR)” to the Town Code. Motion was seconded by Councilor Hess.

Ayes – 6 and Noes – 0. *Motion carried.*

ONONDAGA COUNTY COMMUNITY DEVELOPMENT 2018 (CPH):

Councilor Bick moved the adoption of a resolution calling a public hearing **March 19, 2018**, commencing at **7:41 P.M.**, local time, to solicit from Town of Clay residents their comments and input regarding the use of funds by the Town of Clay with respect to the applications for funding filed with **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2018**. Motion was seconded by Councilor Pleskach.

Ayes – 6 and Noes – 0. *Motion carried.*

Project/ Sewer (CPH) - FOX WIDEWATERS SEWER DISTRICT, CONTRACT NO. 1:

Councilor Hess moved the adoption of a resolution calling a public hearing **March 19, 2018**, commencing at **7:44 P.M.**, local time to consider a Petition for the creation of a sewer district within the Town of Clay to be known as “**FOX WIDEWATERS SEWER DISTRICT**” and for the construction and acquisition of a sewer system therein to be designated and known as “**FOX WIDEWATERS SEWER DISTRICT**,”

CONTRACT NO. 1.” Motion was seconded by Councilor Pleskach.

Ayes – 6 and Noes – 0. *Motion carried.*

Special Permit (CPH) – Town Board Case # 1126 CRAIG KOWADLA and JAMES CAMPERLINO – BROOKLYN PICKLE:

Councilor Meaker moved the adoption of a resolution calling a public hearing **March 19, 2018**, commencing at **7:47 P.M.**, local time to consider the application of **CRAIG KOWADLA (ANVIL & SONS, LLC)** and **W. JAMES CAMPERLINO (RED BARN COUNTRY, LLC)** for a **SPECIAL PERMIT** pursuant to **Section 230-16B. (2) (e) [2]** to allow for the construction of a new **Brooklyn Pickle Restaurant** located at **7175 Buckley Road**, part of **Tax Map No. 117.-01-06.1 & 07.0** consisting of approximately 1.26± acres of land. Motion was seconded by Councilor Pleskach.

Ayes – 6 and Noes – 0. *Motion carried.*

Assessment/ Certiorari - HD DEVELOPMENT OF MARYLAND:

Councilor Bick moved the adoption of a resolution authorizing and approving the settlement of the New York State Supreme Court Tax Certiorari action (Index Nos. 2013EF173, 2014EF2800, 2015EF3023, 2016EF2811, 2017EF3008) titled **HD DEVELOPMENT OF MARYLAND v. Town of Clay**, for property located at 3831 State Route 31 in Clay bearing Tax Map No. 021.-01-17.0 by reducing the Assessments of the parcel pursuant to the proposed **Stipulation of Settlement and Order** attached hereto, with a total Town refund liability to the Petitioner not to exceed \$9,547.35 subject to final audit and a full waiver of statutory interest by the Petitioner for all years with RPTL 727 applied in accordance with the terms and conditions as stated in the proposed memorandum attached and authorizing the Supervisor and Town Attorney to execute any and all documents necessary to complete this matter. Motion was seconded by Councilor Hess.

Ayes – 6 and Noes – 0. *Motion carried.*

Adjournment:

The meeting was adjourned at 8:29 P.M. upon motion by Councilor Bick and seconded by Councilor Pleskach.

Ayes – 6 and Noes – 0. *Motion carried.*

Jill Hageman-Clark RMC / Town Clerk