

APPROVED

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 19th 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
John Marzocchi	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

Eugene Young	Councilor
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OTHERS PRESENT:

Joe Grispingo; Code Officer, Russ Mitchell, Hal Henty; Chairman and Member of the Planning Board, Jim Rowley County Legislator & 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 Bick made a motion to approve the minutes of the March 5th, 2018 meeting. Motion was seconded by Councilor Hess.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that item number 9 on the agenda will not be heard and that it will be re-advertised for a future date and time.

Correspondence:

Supervisor Ulatowski explained that before he opened the floor to questions or comments on any items not on the agenda, County Legislator Rowley would like to speak about what is happening at the County level.

Legislator Rowley began by explaining that the County voted to purchase the bottom two floors of the Galleries. He continued that he voted against this because he felt that it was not a good investment due to the term of the lease and the additional eight years it would take to break even.

Mr. Rowley further explained that he supported Dr. Gupta's reappointment as Health Commissioner. He continued that they are also working on Dog Laws in extreme weather. He concluded by explaining that the next session will focus on supporting an effort to expand FOIL provisions.

Supervisor Ulatowski thanked Legislator Rowley for taking the time to keep us informed as to what is happening in the County Legislature.

Supervisor Ulatowski said that at the previous meeting a resident had asked about the audit(s) that the Town of Clay voluntarily contracts for. This is done to maintain transparency for the town and ensure open government for the residents. He continued that the recommendation made in the December 2016 audit (at the December 4th 2017 meeting) for segregated staffing is not feasible without hiring additional staff to accommodate it. He added that the addition of staff for this reason would not be fiscally responsible. The Supervisor concluded that the second item suggested in the audit dealing with disbursements to accounting is currently underway in conjunction with the new software that the town has installed.

Nancy Kinertz of Plum Hollow said that she was the one who raised the question at the March 5th meeting. She continued that she is concerned with the news reports of money being siphoned and would hate to see the Town of Clay end up on the wrong end of a news story. Supervisor Ulatowski concurred adding that the Town of Clay is addressing the recommendations while continuing to be fiscally responsible.

Supervisor Ulatowski said that he would open the next two hearings together.

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

A public hearing to consider revised proposed **Ordinance 2018-01** 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 “gross unladen vehicle weight in excess of 10,000 pounds” and replacing with “Gross Vehicle Weight Rating (GVWR) in excess of 14,000 pounds” in subparagraph D of this section; and

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

A public hearing to consider revised 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)]” to the Town Code, were opened by the Supervisor; proof of publication and posting were furnished by the Town Clerk.

Joe Grispino, Code Officer for the Town gave a brief presentation outlining the changes made from the original amendment to the Town of Clay Code to the revised amendment. He explained that this stemmed from ambiguous language in the original wording. The revision changes the wording and definition from 10,000 pounds of gross unladen weight to gross vehicle weight rating (GVWR) in excess of 14,000 pounds. He continued that this rating is an industry rating and is listed inside the driver’s door making it easy to identify. Vehicles in excess of the rating do not include ½ ton, ¾ ton or 1 ton pickup trucks.

Several of the Board members asked about specific trucks such as Town pickup trucks, Cable trucks and Tool trucks and such. Officer Grispino explained that it all relies on the GVWR. He concluded that commercial operations in residential areas are subject to zoning violations however this does not apply when receiving or providing services.

Many residents were present to voice their discontent with the amendment, failing to realize that this is a more lenient revision to the current ordinance. Councilor Meaker asked Officer Grispino if he had researched the way this is addressed in other towns. Officer Grispino said that the Town of Salina has a maximum GWR of 7,000 pounds making it more restrictive than the Town of Clay.

Many of the residents were still unhappy with the revisions however some residents were glad for the clarification in the language; still others brought up concerns with tractor-trailers left running all night in residential neighborhoods. Some residents asked about enforcement. Officer Grispino explained that the Codes Office does not nor do they intend to randomly look for violations. Appearance tickets will be issued on a complaints basis. Some residents felt that this was an unfair way of pitting neighbors against each other while others felt that it should not be up to neighbors to complain, Code Officers should be out looking for violations.

Some of the residents thanked the Town Board and Officer Grispino for clarifying this. Supervisor Ulatowski explained that this is why the public hearing process is an effective tool to allow questions and comments and allow everyone a different perspective. Supervisor Ulatowski **closed** the public hearing.

ONONDAGA COUNTY COMMUNITY DEVELOPMENT 2018 (PH):

A public hearing 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 the **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2018**, was opened by the Supervisor; proof of publication and posting were furnished by the Town Clerk.

Supervisor Ulatowski began by explaining that the Town of Clay is awarded funds for development purposes for low income neighborhoods and this is typically dedicated to paving projects. The neighborhoods are qualified by census reports. They are looking to maintain the town road for the Westminster Apartments. Councilor Meaker asked if this was actually considered low income and it is.

A resident asked about using the funds for park maintenance. Supervisor Ulatowski explained that there is money from Parks and Rec funding allocated for the parks.

Supervisor Ulatowski **closed** the public hearing.

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

NO ACTION (will be re-advertised for a future date)

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

A public hearing 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, was opened by the Supervisor; proof of publication and posting were furnished by the Town Clerk.

Ed Barry Architect for the project began by explaining that the applicant will construct an entrance directly across from Dolshire Drive that will serve as a road to the parcel and the future development to the rear. This is shown on the conceptual rendering. There will be no access from the residential neighborhood however they are proposing a sidewalk to the adjoining medical center.

Stormwater will be routed away from the building to the existing retention pond. Supervisor Ulatowski asked if there is an agreement in place with Mr. Camperlino regarding the retention adding that the third party must provide stormwater facilities onsite if the agreement (with Mr. Camperlino) falls through.

The applicant is proposing 125 parking spaces which exceeds the minimum required as well as 34 booths and counter seating for dining in. they will have limited outdoor

seasonal seating. They are proposing a dumpster enclosure and adequate LED lighting.

Some residents spoke out in favor of this application; some others voiced concerns regarding additional traffic, including two neighboring business owners who inquired about traffic studies.

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

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 **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 were furnished by the Town Clerk.

Marco Marzocchi was present on behalf of the applicant; he said that the application has not changed since the March 5th meeting. Mr. Marzocchi said that the majority of the Planning Board gave a favorable recommendation, adding that one member voted against this related to the necessary variance.

There were no questions or comments so Supervisor Ulatowski **closed** the public hearing.

ZONE CHANGE (PH/Adj.) – 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 Wetzels Road, Tax Map No. 086.-07-04.2**, consisting of approximately 0.50± acres of land, was opened by the Supervisor.

Tim Quirk, applicant and Daniel Burgess, attorney were present. Mr. Quirk began by explaining that they had been before the Planning Board and discussed the setbacks and the parking in addition to other concerns raised at the Town Board meeting. Mr. Quirk explained that they do not need the entire retail space and do

not anticipate the need for as much parking. He explained that they generally have four employees and some of those will be students walking to work.

Several residents again raised concerns with traffic and student drivers. Councilor Hess asked who owns the chain link fence; the school owns the fence. Supervisor Ulatowski observed that there is not an abundance of space for seating.

One resident asked if the applicant had reached out to the school district to discuss safety issues. Another resident asked about the possibility of integrating special needs students for employment. Mr. Quirk said that the plan is to employ 50% special needs. Supervisor Ulatowski asked if there were any additional questions or comments; hearing none he **closed** the public hearing.

Special Permit (PH/Adj.) – 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 was opened by the Supervisor.

No one was present on behalf of the applicant; the Supervisor adjourned the public hearing to **April 2nd, 2018 at 7:38 PM.**

ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING PLAN (A):

Councilor Hess moved the adoption of a resolution authorizing amendment to the **ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING PLAN** for the Town of Clay. Motion was seconded by Councilor Bick.

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

LABOR AGREEMENT BETWEEN THE TEAMSTERS LOCAL UNION 317 and TOWN OF CLAY HIGHWAY WORKERS (A):

Councilor Hess moved the adoption of a resolution **approving** the **LABOR AGREEMENT BETWEEN THE TEAMSTERS LOCAL UNION 317 and TOWN OF CLAY HIGHWAY WORKERS** for the term commencing January 1, 2018 to December 31, 2020, and authorizing the Supervisor to execute same. Motion was seconded by Councilor Pleskach.

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

Release of Securities (100%) – MAPLE PARK:

Councilor Pleskach moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **100%** of the original amount posted for Highway Construction Guarantee by **JMG, INC.** for **MAPLE PARK (Greenberry Drive 1,148 lf)**. The roads have been completed in accordance with Town Highway Specifications and are officially accepted into the Town of Clay Highway inventory. Motion was seconded by Councilor Bick.

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

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

Councilor Meaker moved the adoption of a resolution **approving** the installation of two (2) fire hydrants in Riverwalk, Section No. 3, 2nd Amended, and authorizing the Supervisor to execute the OCWA fire hydrant application. **Fire Hydrant Nos. 14358 & 14359, OCWA Project No. 9003919.** (The Developer, Riverwalk Associates). Motion was seconded by Councilor Pleskach.

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

ZONE CHANGE (CPH) – Town Board Case # 1125 JOSEPH LIGOCI, JR. and TIMOTHY NEEDLE – ALLSTATE INSURANCE OFFICE:

Councilor Hall moved the adoption of a resolution calling a public hearing **April 2, 2018**, commencing at **7:35 P.M.**, local time, to consider the application of **JOSEPH LIGOCI, JR. AND TIMOTHY NEEDLE FOR A ZONE CHANGE** from **R-10 One Family Residential District** to **0-1 Neighborhood Office District** to allow for an **ALLSTATE INSURANCE OFFICE** in the existing residence located at **5307 W. Taft Road, Tax Map No. 113.-01-22.0**, consisting of approximately 0.36± acres of land. Motion was seconded by Hess.

Ayes – 5 and Noes – 0 and 1- abstaining. *Councilor Bick abstained as this is his Insurance Agent. Motion carried.*

Adjournment:

The meeting was adjourned at 9:56 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