

Approved

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 2nd of April, 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; Chairman of the Planning Board, Hal Henty; Member 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 Bick made a motion to approve the minutes of the **March 19, 2018** meeting. Motion was seconded by Councilor Hess.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that items numbered 12, 13, 14, 15, 16 and 17 on the agenda will not be heard tonight.

Correspondence:

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

Marco Marzocchi, attorney for the Widewaters project asked why they are not moving on this application at this time. The Supervisor explained that they are still

looking into the pending application with the ZBA. Mr. Marzocchi said that the conceptual variance is not relevant to the special permit. Supervisor Ulatowski asked Robert Germain, legal counsel to respond. Mr. Germain said that it is the Town Boards decision to address the pending agenda item based on the outstanding variance issue or any other concerns.

Tom Parisi asked if the work session (Ordinance 2017-01 prohibiting parking for campers and boats) discussed at the March 5, 2018 meeting had been rescheduled. Supervisor Ulatowski said that it has not been rescheduled at this time.

The camera man from Channel 3 news asked why item number 14 would not be heard and why number 12 was withdrawn. Supervisor Ulatowski explained that they will not move on 14 until they clarify some items and number 12 was withdrawn because it was incorrectly put on the agenda.

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

Councilor Meaker moved the adoption of a resolution that 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, 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 Hall.

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

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

Councilor Meaker moved the adoption of a resolution **approving** 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. Motion was seconded by Councilor Pleskach.

Ayes – 4 and Noes – 2. *The Clerk asked for a roll call vote and it went as follows:*

Councilor Meaker – Yes

Councilor Hall – Yes

Supervisor Ulatowski – Yes

Councilor Bick – No

Councilor Hess – No

Councilor Pleskach – Yes

Motion carried.

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

Councilor Pleskach moved the adoption of a resolution that proposed **Ordinance 2018-02** amending **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, 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 require the preparation of an EIS. Motion was seconded by Councilor Hess.

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

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

Councilor Pleskach moved the adoption of a resolution **approving** proposed **Ordinance 2018-02** amending **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. Motion was seconded by Councilor Hess.

Ayes – 5 and Noes – 1. *Motion carried. Councilor Bick voting no.*

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

Supervisor Ulatowski moved the adoption of a resolution continuing the public hearing considering 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**. The matter was adjourned to this date and time from the March 19, 2018 meeting to allow for a recommendation of the Town Planning Board. The Town Planning Board has recommended this Board approve the Special Permit as requested.

Craig Kowadla, applicant, began by giving a brief overview of the project adding that the proposed building is 5800 square feet utilizing 3 of the nearly 9-acre parcel. He continued that it is similar to the two existing Brooklyn Pickle Restaurants. They will employ 20-25 people. The restaurant will be built in the former greenhouse area. There are no other tenants at this time.

There was a discussion on the generous number of parking spots indicated with regard to the recommendation from the Onondaga County Planning Board’s suggestion to reduce the number of spaces or “consider the opportunities for shared parking as a part of full build out”. Mr. Kowadla said that in his experience more available parking is better for business.

In addition, the OCPB recommends revising the site plan by removing the front parking and locating the proposed building closer to the right-of-way. Mr. Kowadla asked how much is required for the front set back. Commissioner Territo responded 70’ from the center line.

Supervisor Ulatowski asked when the demolition would take place and what structures would be involved. Mr. Kowadla said that there is an agreement to purchase the property and once the Special Permit is granted, Mr. Camperlino will complete the demolition of the parcel. He added that he is not yet the owner of the property.

Councilor Bick said that it appears that the OCPB is doing Town planning through County recommendations. Councilor Hess agreed with Councilor Bick and added that he would like to see a cross connection to the North Medical Center.

Councilor Hall asked Mr. Germain how the Town could override the OCPB’s recommended modifications. Mr. Germain responded “with a simple majority”.

All questions and comments exhausted, Supervisor Ulatowski **closed** the public hearing, adding that a decision will be made at a future meeting.

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

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

No Action.

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

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

No Action.

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

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

Withdrawn at the request of the applicant.

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

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

No one was present for the applicant. Supervisor Ulatowski **adjourned** the public hearing to **April 16th 2018 at 7:35 PM.**

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. (Adjourned to this date and time from the March 19, 2018 Town Board Meeting) was opened by the Supervisor.

Brett Linsey of Amerco was present and began by distributing a packet to the Board members and some of the public.

Supervisor Ulatowski asked why the applicant wishes to place 10 vehicles facing Route 57. Mr. Linsey said it helps customers to realize they are there which products are available. There was a long and conflicting discussion about the necessity of the vehicles parked at the edge of the parcel nearest to the street.

Councilor Hess asked how many vehicles are parked at the Taft Road location. Mr. Linsey said at least 16 but closer to 20. Councilor Hess said he drives by daily and it

appears to be more like 7 or 8. Mr. Linsey suggested that they meet and count them together. Councilor Bick said that there are 19 trucks when he looked it up online.

Mr. Linsey inquired why the Town Board was concerned with the parking at the road citing that they “don’t limit Davidson Ford”, they didn’t limit Fucillo for parking vehicles in that lot. Councilor Meaker said that it impairs visibility of other tenants in the plaza.

Nancy Kinertz suggested that they have a pretty good business on Route 11 without having vehicles being parked out front. She asked if that impaired rentals. Mr. Linsey said that it did not because of the visibility from 481. Ms. Kinertz continued that the landscape of Route 57 is changing and it looks like Erie Boulevard instead of the densely populated residential area that it is.

Supervisor Ulatowski **closed** the public hearing.

Bid Advertisement - CONSTRUCTION OF WATER SYSTEMS SERVICE INSTALLATIONS & REPAIRS FOR WATER DISTRICTS:

Councilor Hess moved the adoption of a resolution authorizing the advertisement of bids for the **CONSTRUCTION OF WATER SYSTEMS SERVICE INSTALLATIONS & REPAIRS FOR WATER DISTRICTS WITHIN THE TOWN OF CLAY**. Said Bids to be received until **April 27, 2018 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bick.

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

Adjournment:

The meeting was adjourned at 8:07 P.M. upon motion by Councilor Bick and seconded by Councilor Hess.

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

Jill Hageman-Clark RMC / Town Clerk