

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, 2012 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Joseph A. Bick	Councilor
Bruce N. Johnson	Councilor
Eugene Young	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

Robert L. Edick	Deputy Supervisor/Councilor
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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 moved the adoption of a resolution to **Approve** the Minutes of the March 19th 2012 Town Board Meeting. Motion was seconded by Councilor Young.

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

Cancellation and/or requested adjournments.

None

Correspondence:

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

Janet Reilly of 7531 Sugarwood Lane addressed the Town Board about the proposed bar in Sugarwood Plaza. She stated that she circulated a petition against a bar in the neighborhood plaza. Ms. Reilly continued that there is an ice cream stand, pizza parlor and karate studio and she and the others feel that this is not a good use for this space.

Commissioner Territo stated that the zoning allows for a bar/restaurant. Supervisor Ulatowski agreed that this is an allowed use in this zoning.

Ms. Reilly submitted the petition.

REGULAR MEETING:

Zone Change (PH) - Town Board Case # 1033 - Farone & Son Funeral Home and Red Barn Country, LLC:

A public hearing to consider the application of **Farone & Son Funeral Home and Red Barn Country, LLC** for a change of zone from **R-10 One Family Residential District** to **NC-1 Neighborhood Commercial District** on property located at **7353± Buckley Road, Tax Map No. 107.-05-46.1** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Hal Romans, surveyor and Robert Ventre, legal council were present on behalf of the applicant. Mr. Ventre began by explaining that the applicant is requesting a zone change from R-10 to NC-1 on the 3.5 acre parcel located on Buckley Road south of the Briarledge Road. He continued that there is a mixed use neighborhood from Taft Road to Bear Road that includes several offices, several churches and residential; adding that this fits the neighborhood. Mr. Ventre explained that the proposed funeral home will have 80 parking spaces and that the building will be single story with a residential façade. There will be no parking on Buckley Road and an officer will direct traffic during calling hours.

Joe Farone stated that his family has been in the funeral business for generations adding that the number of visitors for funerals has declined over the past few years. He stated that the processions may even slow the traffic on Buckley Road.

Robert Ventre stated that the residents had concerns with the two stories proposed in past applications for zone changes for this parcel. He continued that there could be a covenant placed on this parcel, that there could only be a one story building on this parcel. He continued that there will be only one driveway providing access to Buckley Road.

The applicant has completed a traffic study and Gordon Stansbury was present to speak on behalf of this project. He began by stating that typically with a development of this size a traffic study is not completed. However, a full study was completed on Tuesday June 28, 2011 from 7:00 A.M. to 9:00 A.M. and from 4:00P.M. to 6:00 P.M. Mr. Stansbury continued stating that they increased the count by 20% to account for school vacation. He added that there are significant gaps in traffic. There was a long discussion about the traffic and the study.

Supervisor Ulatowski read a letter from Ann Visloski a resident that is concerned with the drainage. Ms. Visloski stated that the back yards flood now and she is aware that there are several sheds and fences in the drainage easement. She is concerned that the new construction will further increase the existing drainage.

Ron DeTota explained that today's standards insure that new construction will not add to existing problems and may even improve them.

Councilor Bick asked what other types of services are allowed in NC-1 and they include personal services, small retail, bank, credit union and day care.

Councilor Johnson asked how many calling hours would take place at one time. Mr. Farone said no more than two.

Silvio Salvagni of 517 Rita Drive asked if there would be a crematorium at the site adding that he was concerned about the stench. Mr. Farone explained that you cannot have a crematorium and funeral home together.

Mr. Davenport of 5031 Briarledge Road voiced his concern about an increase of mosquitoes with the addition of a drainage pond.

Several residents said that at rush hour traffic is very backed up or at a complete stand still. Others voiced concerns about drainage.

Supervisor Ulatowski noted that this application has generated a great deal of interest adding that the board will review the traffic study and adjourn the hearing.

Councilor Bick made a motion to **adjourn** the public hearing to **April 16, 2012 at 7:38 P.M.** Motion was seconded by Councilor Bray.

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

Project/Drainage (PH) Northfork Section No. 2 Phase 2 Subdivision:

A public hearing to consider a petition for the construction and acquisition of a lateral drainage system located within the Northfork Drainage District within the Town of Clay to be designated and known as **Northfork Drainage District, Contract No. 2 Lateral** within the **Northfork Section No. 2 Phase 2 Subdivision** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Mr. DeTota said that the stormwater and swales are acceptable for this project.

Supervisor Ulatowski **closed** the public hearing.

Zone Change (PH) Town Board Case # 1035 - Kristin Purcell:

A public hearing to consider the application of **Kristin Purcell** for a change of zone from **RA-100 Residential/Agricultural District** to **O-1 Office District** on property located at **7897 Oswego Road, Tax Map No. 080.-01-07.0** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Hal Romans was present for the applicant. Mr. Romans began by explaining that the applicant wishes to change the zone from RA-100 to O-1 to allow an office in the existing building to be used by Michael Graham Construction.

Supervisor Ulatowski asked if there would be any construction materials. Mr. Romans said that there will not be any storage, drainage or construction materials, this will be an office for a roofing business.

Councilor Bray pointed out that the applicant received a recommendation from the Onondaga County Planning Board to disapprove on the basis that the wetlands are not delineated. Mr. Romans said that he would look into this.

Supervisor Ulatowski said that he would refer this to the Planning Board and adjourn this public hearing. Councilor Bray made a motion to **adjourn to April 16, 2012 at 7:44 P.M.** Councilor Johnson seconded the motion.

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

Zone Change - (PH) Town Board Case # 1032 - EAGLEWOOD ASSOCIATES, INC. and THE ESTATE OF DOROTHY LEPINSKE, DAVID LEPINSKE, EXECUTOR:

A public hearing to consider the application of **EAGLEWOOD ASSOCIATES, INC. and THE ESTATE OF DOROTHY LEPINSKE, DAVID LEPINSKE, EXECUTOR** for a change of zone from **RA-100 Residential/Agricultural District to R-15 One-Family Residential** on properties located on **Maple Road, Tax Map No. 063.-01- 05.0 consisting of 108.09± acres and 4834 Grange Road, Tax Map No. 063.-01-06.0, consisting of 32.64±.acres** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk. (Adjourned to this date and time at the March 19th, 2012 Town Board Meeting.)

Hal Romans was present for the applicant. Mr. Romans began by explaining that the applicant had received a positive referral from the Onondaga County Department of Transportation. The New York State DOT said that they would like to see further analysis. They suggested that perhaps closing the connection to Route 31 at either the East or West portion of Van Hosen Road or perhaps only allowing right in.

Wendy Cappa of Grange Road asked about the possibility of a traffic light.

Councilor Bray moved the adoption of a resolution to **adjourn to May 7, 2012 at 7:35 P.M.** Councilor Johnson seconded the motion.

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

Zone Change - (PH) Town Board Case # 1020 - COR VERPLANK ROAD COMPANY, LLC:

A public hearing to consider the application of COR VERPLANK ROAD COMPANY, LLC, for a change of zone from RA-100 Residential Agricultural District to R-15 One-Family Residential District on part of Tax Map No. 021.-01-2.3 consisting of 77.19± acres of land, located on VerPlank Road and being part of Tax Map No. 021.-01-03.4 being land located at 3950 VerPlank Road and from R-APT Apartment District to R-15 One-Family Residential District on part of Tax Map No. 021.-01-2.3 consisting of 10.88± acres of land located on VerPlank Road was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk. (Adjourned to this date and time at the March 19th, 2012 Town Board Meeting).

Kate Johnson and Alex Wisnewski were present for the applicant. Kate Johnson began by recapping the previous hearings. Stating that the applicant wishes to rezone 88 acres to R-15 and clustering. They have been before the Planning Board on several occasions and have received a positive recommendation. Additionally the Onondaga County Planning Board has stated No Position. There are no environmental concerns with the traffic or sewer.

Ms. Johnson stated that they are proposing a Home Owners Association to handle minor repairs, future maintenance and preserve capacity with regards to stormwater issues. There will be a restrictive covenant in each deed stating that budget can be met prior to purchase.

Mary Hall-Fisk asked about the overland drainage adding that she is concerned for her live stock. Ms. Hall-Fisk continued that she has hired an environmental engineer to study the drainage. Mr. Wisnewski discussed the drainage and flow. There was a lengthy discussion about the drainage and the wetlands. Ms. Hall-Fisk asked for wetland delineation. Ms. Johnson said that she would mail her one. Supervisor Ulatowski said that they will not make a decision at this meeting however he will close the public hearing.

Commissioner Territo added that this public hearing is only for the zone change and that the applicant must still apply for clustering as a part of the subdivision process. They will need authorization form the Town Board to do this.

Supervisor Ulatowski concurred adding that he was **closing** the public hearing on the zone change from RA-100 to R-15.

Project/ Drainage (Final Plans) (SEQR) - NORTHFORK SECTION NO. 2 - PHASE 2 SUBDIVISION:

Councilor Bray moved the adoption of a resolution that it is in the public interest that the Town of Clay approve the construction and acquire the public facilities located within **NORTHFORK SECTION NO. 2 PHASE 2 SUBDIVISION** (Northfork Drainage District, Contract No. 2 Lateral) in accordance with the terms and conditions of a certain Agreement entered into between the Town of Clay and **GROUP ONE DEVELOPMENT, LLC**. The Developer must

post second half of legal, engineering and administrative fees, as well as road inspection fees. Motion was seconded by Councilor Young.

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

Project/ Drainage (Final Plans) (A) - NORTHFORK SECTION NO. 2 - PHASE 2 SUBDIVISION:

Councilor Weaver moved the adoption of a resolution approving the **Final Plans** for the **NORTHFORK SECTION NO. 2 - PHASE 2 SUBDIVISION** (Northfork Drainage District, Contract No. 2 Lateral) and authorizing the Supervisor to execute the necessary forms therefore. (Contract documents) Motion was seconded by Councilor Young.

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

Lighting (A) RIVERWALK SUBDIVISION/ GUY YOUNG ROAD and WHITE TAIL PATH:

Councilor Young moved the adoption of a resolution authorizing the installation of five (5) 100 watt high pressure fixtures be installed on 14' fiberglass embedded poles using 100w fixtures to illuminate the developed portion of **RIVERWALK SUBDIVISION**. The estimated annual cost for the underground lighting fixtures is **\$1,475.00**. It is also recommended to install a **150w HPS** light on **Guy Young Road, Pole 39-1**, to help illuminate the intersection of **GUY YOUNG ROAD** and **WHITE TAIL PATH**, as shown on a corrected map provided by National Grid. The estimated annual cost for this intersection light is **\$161.90**. Motion was seconded by Councilor Weaver.

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

Special Permit (CPH) - Town Board Case # 1037 MORELANDIGANS, LLC JEFFREY and MARY JANE IPPOLITI:

Councilor Bick moved the adoption of a resolution calling a public hearing **April 16th, 2012**, commencing at **7:47 P.M.**, local time, to consider the application of **MORELANDIGANS, LLC JEFFREY** and **MARY JANE IPPOLITI** and for a **SPECIAL PERMIT FOR OUTDOOR RECREATION WITH BOTH SPECTATORS AND PARTICIPANTS** on property located at **7260 Oswego Road, Tax Map No. 114.-01-32**. Motion was seconded by Councilor Johnson.

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

Assessment/Certiorari (Settlement) - Knowledge Learning Center:

Councilor Bick moved the adoption of a resolution approving the settlement of Tax Certiorari action entitled **Knowledge Learning Center v. Board of Assessment Review and Assessor of**

the Town of Clay, et al. Tax Map No. 054.-01-02.2 on property located at **3737 Canvasback Drive** in the Town of Clay for the year 2009/10; 2010/11 and 2011/12. The settlement reduces the assessment from \$74,700.00 to \$64,800.00 for each of the aforesaid tax years. Said refund not to exceed \$1,500.00, this resolution also authorizes the execution of the proposed Stipulation of Settlement by counsel. Motion was seconded by Councilor Weaver.

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

Zone Change (Appointing Lead Agency/ SEQR) - Town Board Case # 1032 - EAGLEWOOD ASSOCIATES INC.:

Councilor Johnson moved the adoption of a resolution declaring the Town Board of the Town of Clay as the Lead Agency for the purpose of **SEQR** for the application of **EAGLEWOOD ASSOCIATES INC.** Motion was seconded by Councilor Bick.

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

Zone Change (SEQR) - Town Board Case # 1032 - EAGLEWOOD ASSOCIATES INC.:

Councilor Johnson moved the adoption of a resolution declaring that the application of **EAGLEWOOD ASSOCIATES INC.** a Type 1 Action with a completed Long Environmental Assessment Form. The applicant has presented a traffic study. The project does not require the preparation of a D.E.I.S. Motion was seconded by Councilor Bick.

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

Adjournment:

The meeting was adjourned at 10:07 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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