

MINUTES
TOWN BOARD
July 9, 2014

The Town of Manlius Town Board assembled at the Town Hall, 301 Brooklea Drive, Fayetteville, New York, with Supervisor Edmond Theobald presiding and the following Board members present:

	John R. Loeffler, Councilor
	David M. Marnell, Sr., Councilor
	Nicholas J. Marzola, Councilor
Absent	Jason Cassalia, Councilor
	Vincent Giordano, Councilor
	Karen Green, Councilor

The following Town Officers were present:

Courtney Hills, Attorney for the Town	Allison A. Edsall, Town Clerk
Fran Marlowe, Manlius Police Chief	Rob Cushing, Highway Superintendent
Ann Oot, Town Manager	Doug Miller, Engineer for the Town

Other persons attending:

Ellen & Mike McGrew, Manlius. Thomas Schepp, Manlius. Rich Rossetti, Manlius. Mike & Emily Woloszyn, Manlius. Rick Wharton, Manlius. Andrea Goodwater, Manlius. John McCann, Manlius. Nancy Pfeiffer, Village of Manlius Trustee.

1. The Pledge of Allegiance

Supervisor Theobald, called the meeting to order at 7:00 pm. Councilor Marnell led the Pledge of Allegiance. Supervisor Theobald welcomed everyone and thanked all for attending.

2. Approval of Minutes – June 25, 2014

Councilor Marnell made a motion, seconded by Councilor Giordano, to approve the minutes of June 25, 2014 as submitted by Town Clerk Edsall.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Marzola, Councilor Giordano, Councilor Marnell, Councilor Green

Nayes: 0

All in Favor.

Motion Carries.

3. Approval of Abstract # 13

Councilor Marzola made a motion, seconded by Councilor Loeffler, to approve Abstract # 13 as submitted by Town Clerk Edsall.

	TOWN OF MANLIUS	
	Fund Summary	
	Abstract # 13 - 2014	
<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$150,930.03
B	General Fund Town	\$ 537.34
DA	Highway Fund Townwide	\$ 9,157.50
DB	Highway Fund Town	\$160,579.48
HA	Landfill Capital Fund	\$ 3,430.00
SL1	Overhead Lighting	\$ 1,510.88
SL2	Underground Lighting	\$ 1,943.00
SL3	Entry Lighting	\$ 90.29
SL4	Garden Park Lighting	\$ 582.39
SL5	Ratnaur Bridge Lighting	\$ 2,591.76
SR1	Manlius Trash District	\$ 114.60
SR2	Manlius Res Brush District	\$ 114.60
SS1	Manlius Con Sewer District	\$ 1,334.10

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Marzola, Councilor Giordano, Councilor Marnell, Councilor Green

Nays: 0

All in Favor.

Motion Carries.

4. Public Hearing – Local Law 2014-2 – Amending Chapter 155, entitled “Zoning” of the Code of the Town of Manlius, and the adoption of a new zoning district entitled “Residential Transitional” (RT)

Courtney Hills, Attorney for the Town, gave a brief overview of the three amendments to Chapter 155 of the Town of Manlius Zoning Code that are proposed in Local Law 2014-2. Attorney Hills stated that this local law creates a new zoning district entitled Residential Transitional (RT) which is similar to Residential Multiple-use (RM). The RT zoning classification permits small scale uses by way of the special permit process that are not allowed in the RM zoning classification.

Attorney Hills stated the draft law presented includes the removal of the language regarding police powers as requested by the Town Board.

Supervisor Theobald stated that he would like to suggest adding language to the draft law regarding the preparation of food. Supervisor Theobald recommended that the language “food for human consumption” be added.

Councilor Giordano stated that the “chocolate shop” (Lune Chocolate) parcel, that started this zone change, is not on public sewer and therefore is not eligible for food preparation per regulation by the Onondaga County Health Department.

Attorney Hills stated that the sewer requirements would be reviewed during the special permit process.

Conversation ensued regarding the lack of sewer service along West Seneca Turnpike near the Village of Manlius.

Councilor Marnell made a motion, seconded by Councilor Green, to waive the reading of the public notice in the matter of the – Public Hearing – Zone Change – Amending Chapter 155, entitled “Zoning” of the Code of the Town of Manlius, and the adoption of a new zoning district entitled “Residential Transitional” (RT)

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Marzola, Councilor Giordano, Councilor Marnell, Councilor Green

Nayes: 0 All in Favor. Motion Carries.

Councilor Marnell made a motion, seconded by Councilor Marzola, to open the public hearing at 7:11pm in the matter of the - Public Hearing – Zone Change – Amending Chapter 155, entitled “Zoning” of the Code of the Town of Manlius, and the adoption of a new zoning district entitled “Residential Transitional” (RT)

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Marzola, Councilor Giordano, Councilor Marnell, Councilor Green

Nayes: 0 All in Favor. Motion Carries.

Andrea Goodwater, Manlius, asked the Town Board what parcel or parcels would be changed with this local law and would this zone change apply to all RM zoning in the Town of Manlius?

Supervisor Theobald stated that the only RM zoned corridor that will be changed is on West Seneca Turnpike near the Village of Manlius.

Fred Gilbert, Chairman of Planning Board, stated that the Planning Board did give a negative recommendation regarding this proposed local law. The Planning Board saw this zone change as spot zoning and this local law would not have come about without the specific request from the chocolate shop. That type of change creates the appearance of spot zoning.

Councilor Loeffler stated that events can trigger discussion about the current zoning in the Town of Manlius. The creation of the RT zoning classification is creating more zoning choices between commercial zoning and residential zoning.

Mr. Gilbert stated that the Town has always considered the Residential Multiple-use zone to be a buffer between the Residential zoning classification and the Commercial zoning

classification. The corridor being considered is right across the street from a shopping center and a change to Commercial makes more sense.

Councilor Marnell stated that he also agrees with the idea of changing the zoning in that corridor to Commercial instead of creating the new RT zone.

Attorney Hills stated this is not spot zoning as more than one parcel is being rezoned. Attorney Hills stated that even though one property owner will benefit more than other property owners it is not spot zoning. All of the property owners have the opportunity to benefit from this zone change.

Richard Rosetti, Planning Board, stated that he is very concerned that the proposed zone change is spot zoning. Mr. Rosetti stated that he believes that there needs to be at least 150 feet of frontage for any of those parcels (along West Seneca Turnpike) to develop something on their parcel. Many of those parcels (along West Seneca Turnpike) do not have 150 ft. of frontage and therefore only one parcel would benefit.

Attorney Hills stated that the other property owners (with less than 150 ft. of frontage) could apply for a variance.

Conversation ensued regarding the issue of frontage requirements under the current RM zoning and the proposed RT zoning.

John McCann, 21 Tyler Court, asked what triggered this zone change and asked about the location of the zone change?

Supervisor Theobald stated that a small business approached the Town and requested to serve food in a chocolate shop (Lune Chocolate) they would like to develop on an RM zoned parcel. The preparation of food is prohibited under the current RM zoning. This request did trigger the interest of the Town (to create a new zoning classification and rezone the West Seneca Turnpike Corridor). The eatery business did seem to fit that character of the corridor.

Mr. McCann discussed the history of the rezoning of the West Seneca Turnpike corridor. Mr. McCann stated that the zoning along the West Seneca Turnpike corridor was recently changed to RM for an insurance business and this is a duplication of zoning.

Rick Guartin, West Seneca Turnpike, stated that he is the last house on the street with sewer service and he believes that the lot the chocolate shop (Lune Chocolate) is requesting to develop is a very small lot for a business.

Leah Parskey, Manlius, stated that she is a small business owner and she is speaking in support of small businesses in the community.

Tom Schepp, Manlius, stated that he has spent over 30 years building in this community and the current procedure when you would like to develop is to find a parcel with zoning

that fits your business. Mr. Schepp asked if the Town was truly considering rezoning this area for one business.

Councilor Loeffler stated that the idea that the Town might add or detract from the current zoning code is not a problem to him. There is always going to be an event that triggers the Town to look into an issue and consider it. What the Town needed several years ago is not the same as what the Town needs now.

Mr. Schepp asked if the Town is going to set a precedent by rezoning this area (West Seneca Turnpike) for one business. Councilor Loeffler stated that he does not believe the Town is setting a precedent by rezoning this area (West Seneca Turnpike).

Discussion ensued regarding the history of the creation of the RM zone and the intent of the creators of that zone. Discussion ensued regarding the restrictions outlined in the proposed RT zone and the Commercial zones.

Mr. Schepp asked if the parcels were going to be rezoned in their entirety or will the first 200 feet of each parcel be rezoned? Mr. Schepp asked if the square footage requirement would apply to only the rezoned area or the entire parcel?

Attorney Hills stated that the first 200 feet will be rezoned. Attorney Hills stated that she believes the square footage requirement would apply to the entire lot.

Doug Miller, Engineer for the Town, stated that traditionally it (the square footage requirement) applies to the RM zone.

Attorney Hills stated that this (the square footage requirement) is a section of the proposed law that can be tightened up.

Mr. Schepp stated that only one lot can benefit from the zone change due to the lot sizes of the parcels that are proposed to be rezoned. If only one lot can benefit than this zone change is spot zoning.

Discussion ensued regarding the sizes of the lots that are proposed to be rezoned (West Seneca Turnpike) and the size of the lots that are RM zoned along Rte. 92.

Mr. Schepp stated that in order for anyone to develop on any of the proposed zone change parcels the owners of those parcels are going to have to apply for a variance. Mr. Schepp asked for clarification regarding what Board would be handling the variance applications.

Attorney Hills stated that the Zoning Board of Appeals has jurisdiction over variance requests.

Mr. Schepp asked what the hardship would be that an owner (of an RT zoned parcel) would apply for in order to qualify for a variance. Mr. Schepp asked if this area (along West Seneca Turnpike) was a flood plain.

Town Engineer Miller stated that he has not reviewed any plans for development on those parcels (along West Seneca Turnpike) as no applications have been submitted.

Town Supervisor Theobald stated that the Town Board is considering this zone change separately from the proposal from Lune Chocolate.

Mr. Schepp asked what the Town Boards response would be if a property owner from another RM zone applied for a zone change to the RT zoning classification. Supervisor Theobald stated that this applies only to the West Seneca Turnpike corridor because it fits the character of that particular corridor.

Councilor Loeffler stated that if a new zoning classification is created then any property owners in the Town of Manlius could apply to have their property rezoned to that zoning classification. Councilor Loeffler stated that he would not be in favor of rezoning other RM zoned parcels to this new RT zone.

Mr. Rossetti asked if the correspondence that he submitted regarding this zone change was part of the record? * A copy of Mr. Rossetti's letter is on file in the Office of the Town Clerk.

Mr. Rossetti asked if all of the owners were notified? The Town mailed out notification letters to all of the parcels and parcels located within 1000 feet of each parcel that is proposed to be rezoned.

Mr. Rossetti stated that it is always easier to take a zoning classification and make it less restrictive than to impose more restriction.

Councilor Loeffler discussed the creation of the RM zoning.

Ms. Goodwater stated that she is very concerned about the Rte. 92 corridor as it has become more commercial over time and she is concerned that other people will request this new zoning classification.

Supervisor Theobald stated that the Town Board is taking this matter very seriously and wants to have a full understanding of this zoning classification.

Mr. McCann asked for more information on the proposal from Lune Chocolate.

Mike Woloszyn, Lune Chocolate, gave a brief presentation on the proposal from Lune Chocolate for 187 West Seneca Turnpike.

Mr. Schepp asked what the difference is between a restaurant and the preparation of food? Restaurants are permitted in both Commercial A and Commercial B zoning. Attorney Hills stated that the RT zoning is for small scale businesses and she does not believe that a restaurant is a small scale business.

Councilor Loeffler stated that the definition of food preparation can be clarified further.

Attorney Hills stated that the public hearing should remain open as the Town Board has not yet received any recommendations from the Town of Manlius Planning Board and the Onondaga County Planning Board on the revised local law.

Councilor Marnell made a motion, seconded by Councilor Loeffler, at 8:07pm to continue the public hearing at the next Town Board meeting on July 23, 2014.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Marzola, Councilor Giordano, Councilor Marnell, Councilor Green

Nayes: 0 All in Favor. Motion Carries.

5. NYS Standard Workday Reporting Resolution

Councilor Marnell made a motion, seconded by Councilor Loeffler, at 8:07pm to approve the NYS Standard Workday Reporting Resolution as presented by Town Manager Ann Oot.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Marzola, Councilor Giordano, Councilor Marnell, Councilor Green

Discussion: Councilor Marzola asked for clarification of the calculations on the resolution.

Nayes: 0 All in Favor. Motion Carries.

6. Correspondence/New Business

A) Highway Superintendent

Robert Cushing, Highway Superintendent, stated that the recent round of storms caused damage to the Northeast part of the Town. The Town does not traditionally pick up brush as that is part of the brush contract with Syracuse Haulers but due to this severe weather he recommends the Town picks up debris until July 30, 2014.

Notice: Effective July 8, 2014

Northeast Corridor of the Town of Manlius Suffers Major Weather Event

- On Tuesday July 8, 2015 a significant storm passed through Central New York. Due to this weather event the Northeastern part of the Town of Manlius (From the Erie Canal North to the Townline Road to the West to Green Lakes

Road to the East to Taft Road to the North) had a significant amount of damage. There were several downed trees inside and outside of the Town and County right of ways.

- In order to assist our residents from the Northeastern part of Town with storm damage cleanup the Town of Manlius Highway Department will be collecting Brush and Tree debris from alongside the roads until July 30, 2014. After July 30, 2014 brush pickup will be provided by Syracuse Haulers and/ or private contracting companies.
- If you would like your brush and tree debris removed from the above mentioned areas please do the following :
 - o Place the debris parallel with the road
 - o All debris must be no longer than 8 ft. in length
 - o Please do not stack debris on top of hydrants, mailboxes and water shutoffs, etc.
- Once your debris is properly alongside the roadway please contact the Town of Manlius Highway Department at 315-656-3090. The Town Highway garage gates will remain open until July 30, 2014 for Town residents only to drop debris on the brush pile located at the rear of the highway garage.

Supervisor Theobald commended Highway Superintendent Cushing and the Town Highway Employees for all of their hard work during the storm cleanup. Supervisor Theobald stated that the Town roads did not suffer as much damage as the County roads due to the Highway departments hard work all year round keeping the Town right of ways clear.

B) Planning & Development – No New Business

C) Attorney – No New Business

D) Town Clerk – No New Business

E) Police Chief

Chief Marlowe stated that the Village of Manlius Department of Public Works Superintendent would like to use a retired police vehicle from the Town of Manlius Police Department.

Councilor Marzola made a motion, seconded by Councilor Marnell, to approve the sale of a retired police vehicle in the amount of one dollar.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Marzola, Councilor Giordano, Councilor Marnell, Councilor Green

Nayes: 0

All in Favor.

Motion Carries.

F) Town Board

Councilor Giordano updated the Town Board on the Village of Manlius Board meeting.

G) Supervisor

Councilor Marzola made a motion, seconded by Councilor Loeffler, to approve the hiring of Susan Gingeleski as a substitute bus driver for the summer recreation program at a rate of \$12 per hour.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Marzola, Councilor Giordano, Councilor Marnell, Councilor Green

Nays: 0

All in Favor.

Motion Carries.

7. Adjournment

There being no further business to come before the Board, upon motion duly made by Councilor Marzola and seconded by Councilor Green, the Board unanimously voted to adjourn regular session at 8:25pm

Respectfully Submitted by:

Allison Edsall
Town Clerk