

MINUTES
TOWN BOARD
August 13, 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:

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

The following Town Officers were present:

Steven Primo, Attorney for the Town	Allison A. Edsall, Town Clerk
Fran Marlowe, Manlius Police Chief	Rob Cushing, Highway Superintendent
Ann Oot, Town Manager	

Other persons attending:

Doug Miller, Engineer for the Town, Ellen & Mike McGrew, Manlius. Fred Gilbert, Martha Tuttle, Gregg Tripoli, Jackie Jarvis-Manor, Cheryl Schotz, John McCann, Judy & Jerry Dardzinski, Lou VanWie, Mike & Emily Woloszyn, Rick Wharton, Josh & Sarah Wright, Marty Butts, Chris Fowler, Jane Lorraine, Rachel McLean, Rich Rossetti,

1. The Pledge of Allegiance

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

2. Approval of Minutes – July 23, 2014

Councilor Marnell made a motion, seconded by Councilor Marzola, to approve the minutes of July 23, 2014 as submitted by Town Clerk Edsall.

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

Nayes: 0

All in Favor.

Motion Carries.

3. Approval of Abstract # 15

Councilor Marzola made a motion, seconded by Councilor Green, to approve Abstract # 15 as submitted by Town Clerk Edsall.

	TOWN OF MANLIUS	
	Fund Summary	
	Abstract # 6 - 2014	
<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$142,414.20
B	General Fund Town	\$ 1,883.60
CM1	Police Trust	\$ 3,215.00
DA	Highway Fund Townwide	\$ 7,649.29
DB	Highway Fund Town	\$208,595.29
SD3	Consolidated on Sewer District	\$ 4,256.00
SL1	Overhead Lighting	\$ 1,810.22
SL2	Underground Lighting	\$ 2,121.66
SL3	Entry Lighting	\$ 97.93
SL4	Garden Park Lighting	\$ 595.81
SL5	Ratnaur Bridge Lighting	\$ 2,684.82
SR1	Manlius Trash District	\$ 82,020.05
SR2	Manlius Res Brush District	\$ 12,011.60
SS1	Manlius Con Sewer District	\$ 2,707.66

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

Nayes: 0

All in Favor.

Motion Carries.

4. Local Law 2014-2 - Residential Transitional – Text Amendment New Zoning District – Public Hearing Continued.

Supervisor Theobald reviewed the Rules of Decorum for a public hearing.

Attorney Primo stated that he has made modifications to the draft RT (Residential Transitional) Local Law 2014-2 in response to comments that he received from the Planning Board and the Town Board. Attorney Primo reviewed the Planning Board's role in the special permit application process. A special permit application would initially go before the Planning Board who will render an advisory opinion to the Town Board. The Town Board then renders a decision on the special permit application with any special conditions set forth by the Town Board. The special permit then goes back to the Planning Board for site plan approval according to the Town Code and any conditions or restrictions the Town Board set for that special permit.

Attorney Primo stated that at prior meetings there was concern expressed over what uses would be permitted under the special permitting section of the RT zone and more specifically a concern regarding the restrictions pertaining to restaurants as an allowed use in the RT zone. The issue of what uses would be permitted by a special permit in the RT zoning classification is a policy decision of the Town Board.

Supervisor Theobald reopened the public hearing at 7:07pm.

Kyle Doan, 187 W. Seneca St. Manlius, stated that he owns the property that triggered this zone change process. The Town Board and the Planning Board do not relinquish control with this zone change. The Boards can still control the future of that area and can still control whether or not a fast food style restaurant could open in that area.

Attorney Primo stated that the Town Board, in considering this zone change, has been directed to not consider the proposed use for the property located at 187 W. Seneca St. From a planning perspective this zone change makes sense. The Town Board will have a lot of control over what is permitted in this zoning classification with the special use permit process.

Mr. Doan stated that he supports the approval of the new zoning on that property (187 W. Seneca Tnpk.). The residential use of that property is very limited as there is a dog groomer next door and a strip mall across the street. This area has more of a commercial feel to it.

Racheal McLean, Manlius, stated that she is in favor of the proposed zone change. This property (187 W. Seneca Tnpk.) is not being used to its fullest potential. Ms. McLean stated that she supports a change like this in the Town of Manlius. The Village can be business friendly and there is a way for this project to work. Ms. Mclean stated that she would like to see Lune Chocolat move forward.

Attorney Primo stated that if the Town approves the zone change the applicants would have to then apply for a special permit and follow the special permitting process.

Cheryl Schotz, Jamesville, stated that she would really like to see the Town embrace opening small businesses in the Town of Manlius. Lune Chocolat is a wonderful growing business that needs the space to grow even more.

Greg Tripoli, Onondaga Historical Association, stated that he is in favor of the zone change. Mr. Tripoli stated that his organization has collaborated with with Lune Chocolate in the past to produce historical chocolates. Lune Choclat are great entrepreneurs who help support one of the oldest cultural organizations in Onondaga County.

Supervisor Theobald stated that this public hearing is about a zone change and the last thing that the Town is against is businesses opening in the Town of Manlius. This discussion tonight is not about Lune Chocolat but rather it is about why this corridor (W. Seneca Tnpk.) which is currently zoned RM (Residential Multi-use) should be changed to a more lenient Residential Transitional zoning. There are two other RM zoned areas in the Town of Manlius and those other RM zoned properties do not have the same look, size and fit as the RM zoned corridor on W. Seneca Tnpk. Lune Chocolat was instrumental in bringing this (W. Seneca Tnpk.) corridor to the attention of the Town Board. The Town Board is trying to change this corridor (W. Seneca Turnpike) to RT zoning so that businesses like Lune Chocolat could apply for a special use permit in that RT zoning.

Jonathan Wright, 158 W. Seneca Tnpk., stated that he is in favor of the zone change. Mr. Wright stated that he lives in that corridor and a more flexible use of those properties would benefit the area (W. Seneca Tnpk.). The only property along that corridor that is an eyesore is a private residence.

Councilor Marnell made a motion to close the public hearing. The motion was not seconded because discussion ensued regarding what the next step in the local law process would be.

Ms. McLean asked what the Town Board requires in order for this process to move forward.

Attorney Primo stated that it is not unusual for the local law process to take the amount of time that this has. This local law addressed the creation of a new zone, a zone change and addressed the Town's special permit process. This local law has been reviewed and revised several times.

Discussion ensued regarding whether or not the Town Board should vote without all of the Town Councilors present.

Councilor Giordano stated that he believes that local law 2014-2 is spot zoning and that this area should be rezoned commercial. The RT zoning is going to set a precedent and open the Town up in other RM zoned areas that the Town has fought hard to preserve.

Attorney Primo stated that he is concerned that if this area was rezoned commercial a developer could purchase the properties, demolish everything and put up a McDonalds.

Councilor Marnell stated that he believes that this corridor should be rezoned Commercial. Councilor Marnell made a motion to rezone three properties (187 W. Seneca Turnpike, the dog groomer and the insurance company) in the Town along W. Seneca Tnpk. Commercial. The motion was not seconded.

Attorney Primo stated that this is not spot zoning.

Councilor Giordano stated that approval of this RT Zoning does not guarantee that Lune Chocolat will be able to open their business. Councilor Giordano stated that the Town should rezone those parcels Commercial and that would make the process easier for the applicant.

Councilor Green stated that she strongly supports local businesses in the Town of Manlius and she cannot stress enough how important it is that government and private enterprises work together. Councilor Green stated that this property (187 W. Seneca Tnpk.) is very unique and the Town has the opportunity for a very creative business to stay in Manlius. Councilor Green stated that this discussion has been going on for a long time, residents have been notified and there has not been one negative comment from the public as to why this zone should not be created. Councilor Green stated that she respects the Planning

Board immensely and the Town Board has addressed the concerns brought forward by the Planning Board.

Attorney Primo stated that if the Town Board would like to change the properties to a Commercial zoning classification then the Town Board will have to follow the process.

Supervisor Theobald stated that he is concerned that if these properties are rezoned Commercial it is going to have an adverse effect on the neighbors in the area.

Councilor Marzola stated that he is not in favor of a Commercial zone change in that corridor (W. Seneca Tnpk.) Councilor Marzola stated that he feels that the RM zoning is difficult to administer because it is so succinct. There have been a lot of changes since the RM zoning classification was created and the RM zoning is so specific. Councilor Marzola is against rezoning the parcels in that area Commercial.

Councilor Marnell withdrew the motion to rezone the parcels in the Town along the W. Seneca Tnpk. to a Commercial zoning classification.

John McCann, Manlius, stated that if this law is passed or if the property is rezoned Commercial the applicant might change their mind. Mr. McCann asked what it takes for the Town Board to pass this local law. Attorney Primo stated that the majority of the Town Board must vote in favor of passing the local law.

Sara Wright, 158 W. Seneca St, Manlius, stated that she is fully in favor of rezoning this area (W. Seneca Tnpk.) to the RT zone. There is a dollar store across the street from this area (W. Seneca Tnpk.). Mrs. Wright stated that she is in favor of supporting local businesses and she hopes that the Town is not making it too hard for businesses to move into the Town of Manlius.

Attorney Primo stated that this zoning will not allow anything like a Dollar Store to open in the RT zoning classification.

Tom Schepp, Manlius, stated that if there are no open questions amongst the Town Board members, the Town Board should vote.

Mike McGrew, Manlius, stated that the Town could leave the zoning RM and the Town could have the applicant apply for a variance. Mr. McGrew reviewed the RM zoning classification and stated this application is very close to residential. Discussion ensued as to whether the Lune Chocolat business could open under the current zoning as a bed and breakfast.

Councilor Marnell made a motion, seconded by councilor Giordano, to close the public hearing at 7:50 pm in the matter of Local Law 2014-2 – Text Amendment – New Zoning District – Residential Transitional.

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

Nayes: 0

All in Favor.

Motion Carries.

Supervisor Theobald entered a letter of support from Town Councilor Loeffler regarding the creation of the RT zoning classification, the rezoning of the parcels along the W. Seneca Tnpk. corridor and amending the special permitting process.

Supervisor Theobald entered a letter of support from Town Resident Vicki Feldman into the record. Ms. Feldman stated that she is in favor of the new zoning along the W. Seneca Tnpk. corridor.

Councilor Cassalia stated that the decisions that the Town Board makes today have a lasting impact in the future. Councilor Cassalia discussed the role of local government in the community and stated that there must be balance between maintaining control and encouraging and supporting local businesses. Councilor Cassalia stated that he has tremendous support for the Planning Board and did not take their opinion lightly. There is negligible risk in the future regarding this zone change and there is no use of the property currently.

SEQR

Attorney Primo stated that this is an unlisted action and the Town Board can elect to do an uncoordinated review as their or no other involved agencies.

Councilor Marnell made a motion, seconded by Councilor Giordano to declare the Town of Manlius lead agency, issue a negative declaration and declare the matter of Local Law 2014-2 – Text Amendment – New Zoning District – Residential Transitional an unlisted action with an uncoordinated review for SEQRA purposes.

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

Nayes: 0

All in Favor.

Motion Carries.

Councilor Marzola made a motion, seconded by Councilor Green, to pass Local Law 2014-2 – Text Amendment – New Zoning District – Residential Transitional.

Ayes: Supervisor Theobald, Councilor Marzola, Councilor Cassalia, Councilor Green

Nayes: Councilor Giordano, Councilor Marnell 4-2.

Motion Carries.

The Town Board took a 5 minute recess and reentered regular session at 8:06 p.m.

5. Townwide Trash & Brush District

Attorney Primo discussed the history of the formation of the trash and brush districts in the Town of Manlius. The majority of the Towns do not offer an opt out option in their

trash and brush districts. The opt out option is difficult to administrate and eliminating the opt out option will actually cause the overall district costs to go down.

Discussion ensued regarding the opt out option for the trash and brush districts in the Town of Manlius.

The Town Board tabled the matter for Attorney Primo to draft a resolution regarding the elimination of the opt out option in the trash and brush districts in the Town of Manlius.

6. Set Date – Trash & Brush Bid

Conversation ensued regarding the preparation and the distribution of the trash and brush bid packets.

Councilor Giordano made a motion, seconded by Councilor Green, to authorize the Town Clerk to publish the Trash and Brush bid advertisement for the collection and disposal of brush and the collection and disposal of refuse, rubbish, garbage and recyclables in the Town of Manlius for a bid opening on September 10, 2014 at 2 pm at the Town of Manlius Town hall.

7. Set Date – Public Hearing – Fayetteville Fire Contract

Councilor Marnell made a motion, seconded by Councilor Green, to set a date for the public hearing on October 22, 2014 at 7:05 pm in the matter of the 2015 Fayetteville Fire Contract with the Town of Manlius.

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

Nayes: 0

All in Favor.

Motion Carries.

8. Set Date – Public Hearing – Manlius Fire Contract

Councilor Marzola made a motion, seconded by Councilor Giordano, to set a date for the public hearing on October 22, 2014 at 7:10 pm in the matter of the 2015 Manlius Fire Contract with the Town of Manlius.

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

Nayes: 0

All in Favor.

Motion Carries.

9. Set Date – Public Hearing – Minoa Fire Contract

Councilor Green made a motion, seconded by Councilor Marzola, to set a date for the public hearing on October 22, 2014 at 7:05 pm in the matter of the 2015 Minoa Fire Contract with the Town of Manlius.

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

Nayes: 0 All in Favor. Motion Carries.

10. Set Date – Local Law 2014-3 Overriding Property Tax Cap

Councilor Marnell made a motion, seconded by Councilor Marzola to set a date for a public hearing on August 27, 2014 at 7:05 pm in the matter of Local Law 2014-3 overriding the Property Tax Cap for the 2015 Fiscal Year.

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

Nayes: 0 All in Favor. Motion Carries.

11. Professional Fees – Fee Schedule Examples

Attorney Primo stated that he will create a fee deposit schedule with the Engineer for the Town and present those fees at the next Town Board Meeting.

12. Correspondence/New Business

- A) Highway Superintendent – No New Business
- B) Planning & Development – No New Business
- C) Attorney

Attorney Primo stated that an additional amendment has been drafted for the Hope for Heather agreement with the Town of Manlius, the Village of Minoa and the hope for Heather Nonprofit Organization. Attorney Primo reviewed the amendment and recommended approval of the amendment.

Councilor Giordano made a motion, seconded by Councilor Marzola to authorize the Supervisor to sign the August 2014 amendment to the Hope for Heather agreement between the Village of Minoa, the Town of Manlius and the Hope for Heather nonprofit organization.

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

Nayes: 0

All in Favor.

Motion Carries.

Attorney Primo stated that the report for the unsafe building proceeding for the building at 8760 Andrus Road Manlius NY 13057 has been signed by the Code Enforcement Officer. The Town Board can proceed to the next step in the unsafe building proceedings pursuant to Chapter 63-2 of the Town of Manlius Code and adopt the report and authorize service of notice to the owner.

Councilor Giordano made a motion, seconded by Councilor Marzola to adopt the unsafe building report for 8760 Andrus Rd Manlius NY in its entirety as prepared by the code enforcement officer and authorize service on the owners of the property located at 8760 Andrus Rd Manlius NY.

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

Nayes: 0

All in Favor.

Motion Carries.

D) Town Clerk

Town Manager Oot presented budget transfers for work performed by the Highway Department in Drainage District #3.

Councilor Marzola made a motion, seconded by Councilor Marnell, to transfer \$6,028.36 from SD3.5.8540.400 Drainage Contractual to DB0.5.5110.478 General Repairs Drainage for work performed by the highway department in Drainage District #3.

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

Nayes: 0

All in Favor.

Motion Carries.

E) Police Chief

F) Town Board

Councilor Green reported that she attended Hon. Robert O'Leary's court night recently and the court was very busy and run efficiently.

G) Supervisor

Supervisor Theobald entered a letter into the record from Town Historian Barbara Rivette thanking Highway Superintendent Cushing for his help in maintaining the Town Cemeteries after the recent wind storm.

Councilor Marnell made a motion, seconded by Councilor Marzola, to hold a joint meeting of the Manlius Town Board and the Zoning Board of Appeals on Thursday, August 28, 2014 at 7pm at Manlius Town Hall.

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

Nays: 0 All in Favor. Motion Carries

Councilor Marnell left the meeting at 9:20 pm.

A brief discussion took place regarding the joint meeting of the Town Board and the Zoning Board of Appeals.

There being no further business to come before the Board, upon motion duly made by Councilor Giordano and seconded by Councilor Loeffler, the Board unanimously voted to adjourn the Regular Session at 8:53 p.m.

Submitted by:

Steven Primo
Attorney for the Town