

MINUTES
TOWN BOARD
April 22, 2015

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
Vincent Giordano, Councilor
Karen Green, Councilor
Richard Rossetti, Councilor

The following Town Officers were present:

Tim Frateschi, 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. Hayleigh Gowans, Eagle Bulletin, Lucy Gallery, East Syracuse. Kathy Bennett, Syracuse. K. Marini, Manlius. Jon & Alisa Landis, Manlius. Kathleen Best, Manlius. Anthony & Gisella Mortelliti, Manlius. John Jaconsk, Manlius. Allen Olmsted, Manlius. Janet Bleier, Manlius. Annette Giordano, Manlius. Sarah Berman, Manlius. Deborah Smith, Manlius. Lou VanWie, Kirkville. Vladimir Sirotkin, Manlius. Mira Krendel, Manlius. Ann Luffred, Fayetteville. Mitzi MacDermott, Fayetteville. MaryPat Cox, Fayetteville. Kim & John Paul, Oneida. Guy VanBaalen, Manlius. Cindy Phillips, Manlius. Elina Khmelkova, Manlius. Brian Wiedeman, Manlius. Cindy Hustad, Manlius. Walter & Kelly Menz, Manlius. Jack Blight, Manlius. Andy Fiorini, Manlius. Dan Barnaba, Liverpool. YiFan Oiu, Manlius.

The Pledge of Allegiance

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

Oath of Office - Police Officer John Paul

Chief Marlowe introduced John Paul, a new Police Officer with the Town of Manlius Police Department. Town Clerk Edsall gave Mr. Paul the Oath of Office.

Councilor Loeffler made a motion, seconded by Councilor Marzola, to hire John Paul as a Town of Manlius Police Officer effective 04/22/2015.

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

Nayes: 0

All in Favor.

Motion Carries.

Approval of Minutes – April 8, 2015

Councilor Marnell made a motion, seconded by Councilor Rossetti, to approve the minutes of April 8, 2015 as submitted by Town Clerk Edsall.

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

Nayes: 0

All in Favor.

Motion Carries.

Approval of Abstract # 8

Councilor Marzola made a motion, seconded by Councilor Loeffler, to approve Abstract # 8 as submitted by Town Clerk Edsall.

	TOWN OF MANLIUS	
	Fund Summary	
	Abstract # 8 - 2015	
<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$63,436.84
B	General Fund Town	\$ 1,779.92
DA	Highway Fund Townwide	\$34,831.57
DB	Highway Fund Town	\$ 159.60
HA	Landfill Capital Fund	\$ 1,120.00
SR2	Manlius Res Brush District	\$ 8,965.15
SS1	Manlius Con Sewer District	\$ 348.79
TA2	Trust & Agency - Other	1,260.00

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

Nayes: 0

All in Favor.

Motion Carries

Run for the Fallen Authorization

Councilor Marnell made a motion, seconded by Councilor Loeffler, to authorize the Supervisor to sign the Road Usage Approval Form for the Run for the Fallen on June 12, 2015.

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

Nayes: 0

All in Favor.

Motion Carries.

Resort Lifestyle Communities – Special Permit

Attorney Frateschi reviewed the draft special permit for the proposed facility. Attorney Frateschi stated that he codified all of the suggestions and comments from the Town Board. Attorney Frateschi stated that the approval of the special permit is based on the site plan that was presented to the Town Board and if the site plan for the proposed project substantially changes the Town Board can review the matter. Attorney Frateschi stated that the special permit contains a sunset clause which stipulates that the project must be completed within 30 months.

Town Engineer Miller stated that the Applicant has contacted the Town regarding the proposed parking at the facility. Town Engineer Miller stated that the Town will continue to work with the Applicant to get a basis of design for the site. Town Engineer Miller stated that he is a proponent of land banking.

Discussion ensued regarding the process of land banking. Attorney Frateschi reviewed the condition of the draft special permit that requires the Applicant to land bank 50 parking spots on the remnant parcel. Attorney Frateschi stated that the Town Board can set a limit as to how long the Applicant must hold the land bank.

Councilor Rossetti stated that the Applicant has stated that it will take 18 months from certificate of occupancy to reach 80 % occupancy.

Councilor Loeffler stated that the land bank should be held on the adjacent parcel. Councilor Loeffler discussed land banking for parking spaces and questioned whether 50 parking spaces were too many.

Councilor Giordano stated that the proposed project is the first project in New York State for Resort Lifestyle Communities and the Applicant will need space for snow removal.

Matt Napierala, Napierala Engineering, stated that the Applicant feels strongly that 166 parking spaces is already overkill. Mr. Napierala stated that Maple Downs, a similar facility, has 64 parking spaces for 115 units and does not have any issues with parking. Mr. Napierala stated that the Applicant is proposing 1.27 parking spaces per unit.

Mr. Napierala stated that the Applicant and their real estate representatives are going to try and continue to market the remnant parcel. Mr. Napierala stated that encumbering the remnant parcel would hinder the marketing of the remnant parcel.

Kathy Bennett, Attorney for the Applicant, asked the Town Board to consider allowing the Applicant to land bank the parking offsite (at North East Medical Center).

Ms. Bennett stated that the Applicant has spoken with a company to contract for offsite snow removal.

Mr. Napierala stated that the Applicant is willing to negotiate with North East Medical Center representatives about offsite banking for parking. Mr. Napierala stated that developing the remnant parcel is going to require a shuttle for parking.

Councilor Marnell stated that he had asked the Applicant whether or not this project required the development of the remnant parcel. Councilor Marnell stated that the Applicant was very clear that the remnant parcel did not need to be developed in order to move forward with proposed project.

Mr. Napierala stated that the Applicant wants to have the ability to market the remnant parcel.

Councilor Marnell asked why the Applicant cannot wait 18 months to market the parcel?
Councilor Marnell asked if there are any current plans for developing the remnant parcel?

Mr. Napierala stated that the Applicant is actively marketing the remnant parcel. Ms. Bennett stated that the Applicant does not want the remnant parcel tied up for 4 years.

Councilor Rossetti stated that when the Applicant was before the Planning Board the Planning Board also asked if the remnant parcel would be developed.

Councilor Loeffler stated that the special permit clearly states that any future development of the remnant parcel will have a high threshold (to allow development of the remnant parcel). Councilor Loeffler stated that it will be difficult for the Applicant to develop the property because of the conditions of the special permit.

Discussion ensued regarding the SEQRA process at the Planning Board and that the Planning Board relied on the fact that there were no current plans to develop the remnant parcel during the SEQRA process.

Ms. Bennett stated that the Planning Board used the idea that there were no immediate plans to develop the property during the SEQRA process.

Councilor Loeffler stated that if the Town intends that the remnant parcel is never going to be developed then the Town should add a condition to the special permit that states that the remnant property can never be developed.

Attorney Frateschi stated that there was a process that the Planning Board went through to determine the environmental significance of the development for the property.

Attorney Frateschi stated that the Town is not asking the Applicant to forego develop the remnant parcel. Attorney Frateschi stated that the Town is asking the Applicant to hold the land in case the Town feels that the site requires more parking. This makes logical sense, considering the concerns raised by the Board.

Ms. Bennett requested that the Applicant have the option to negotiate with North East Medical Center for offsite parking.

Councilor Marzola asked how difficult it would be for the Applicant to put parking on the remnant parcel.

Mr. Napierala stated that the extra parking would require a shuttle service or other access by a vehicle.

Councilor Loeffler stated that the project was proposed as a tight fit on the property. Councilor Loeffler stated that the Town Board should change the zoning on the remnant parcel if the Town Board feels that it (the remnant parcel) should remain forever wild.

Supervisor Theobald stated that it appears that there is a buyer interested in the remnant parcel.

Ms. Bennett stated that the Applicant wants the ability to develop the property.

Councilor Rossetti asked if there were any current ongoing negotiations with a potential buyer for the remnant parcel. Ms. Bennett stated that she is not aware of any negotiations.

Councilor Marnell asked if a financial hardship would be created if there were provisions placed upon the remnant parcel.

Conversation ensued regarding the land banking of the remnant parcel. Conversation ensued regarding how long it would take for the project to be completed. Conversation ensued regarding the length of time the remnant parcel would be used as a land bank for additional parking.

Attorney Frateschi reviewed the revisions to the special use permit conditions. Attorney Frateschi stated that the special permit condition regarding land banking would be as follows; after review by the Town Engineer, 166 parking spaces for the immediate site may not adequately accommodate the Facility. As a result, the Special Permit requires the Applicant to land bank (leave undisturbed land) for 50 parking spots on the Remnant Parcel and hold them in reserve for a period of 18 months from the issuance of a certificate of occupancy to determine if the parking is adequate, or, until the Town Engineer has been satisfied that sufficient parking exists as set forth on the existing Site Plan. In the alternative, if the Applicant can provide adequate off-site parking to the satisfaction of the Planning Board during site plan review, the Planning Board may alter or dispose of the condition for on-site “banked parking” as provided in this Condition 11.

Mr. Napierala agreed to the revisions as outlined by the Attorney for the Town.

Councilor Rossetti made a motion, seconded by Councilor Loeffler, to approve the special permit as amended as outline in the resolution prepared by the Attorney for the Town.

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

Nays: 0

All in Favor.

Motion Carries.

IN THE MATTER

Of

**The Application of LIFESTYLE RESORT for
a Special Permit Pursuant to Chapter 155,
Section 155-12 and 155-27 of the Town of
Manlius Code**

**RESOLUTION APPROVING
SPECIAL PERMIT**

The **TOWN BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, on the 22nd day of April, 2015, at 7:00 p.m. The meeting was called to order by Edmond J. Theobald, Supervisor, and the following were present, namely:

Edmond J. Theobald	Supervisor
Nicholas J. Marzola	Councilor
Vince Giordano	Councilor
Karen Green	Councilor
John R. Loeffler	Councilor
David Marnell, Sr.	Councilor
Richard Rossetti	Councilor

The following resolution was moved, seconded and adopted with the following vote:

Edmond J. Theobald	_____ Aye _____
John Loeffler	_____ Aye _____
Nick Marzola	_____ Aye _____
Vince Giordano	_____ Aye _____
David Marnell, Sr.	_____ Aye _____
Karen Green	_____ Aye _____
Richard Rossetti	_____ Aye _____

WHEREAS, RESORT LIFESTYLE COMMUNITY (the “RESORT LIFESTYLE COMMUNITY” or the “Applicant”) has proposed the construction of a three story, fifty-two foot tall, 65,775 sq. ft. building (the “Building”) on a 12.15 acre parcel of currently vacant land (the “Land”), situated at the northwestern corner of the intersection of Burdick Street and Medical Center Drive;

WHEREAS, the Applicant proposes to construct the Building, which will be used as an independent senior living complex for persons age 55 and older, to include

130 living units, a common area for dining services, recreational area and other ancillary residential services (the “Project” or the “Facility”);

WHEREAS, the proposed site work includes the construction of access drives, parking lots that will provide 166 parking spaces for cars, including 3 multiple-car covered garages, storm detention facilities, multiple retaining walls, internal sidewalks, landscaping and utility connections for sanitary, water, gas and electric, as detailed on that certain site plan, prepared by NAPIERALA CONSULTING PROFESSIONAL ENGINEER, P.C. (the site plan package, entitled Resort Lifestyle Communities is identified as Project No. 14-1342, dated November 7, 2014 and consists of the following: Cover Sheet (C-001), General Notes (C-002), Existing Conditions Survey (C-100), Zoning Compliance Plan (C-150), Erosion and Sediment Control Plan (C-200), Layout Plan (C-300), Grading Plan (C-400), Grading Plan – West Detail (C-401), Grading Plan – East Detail (C-402), Utility Plan (C-500), Landscape Plan (C-600), Lighting Plan (C-700), Site Details (C-800), Site Details (C-801-805) hereinafter referred to as the “Site Plan” or the “Site Plan Package” – the Site Plan is incorporated and made part of this Resolution);

WHEREAS, the Applicant has also provided the Town Board with a binder consisting of the Application for Special Use Permit and Site Plan and various sections outlining the Project and reports detailing storm water management, traffic studies, elevations and illustrations of the buildings, photo simulations of the Project, and responses to questions raised by the Planning Board (the “Application Binder”, which is incorporated and made part of this Resolution);

WHEREAS, on March 27, 1996, after an exhaustive environmental review process for the Medical Center East Project (“Medical Center East”) which is situated on

property that originally included the Land, the Town Board of the Town of Manlius issued a 46 page finding statement pursuant to the SEQRA which accepted the Final Environmental Impact Statement and ancillary documents (the “Medical Center East EIS”) and allowed the construction of the Medical Center East complex;

WHEREAS, a component of the Medical Center East EIS considered a possible future expansion (“Possible Future Expansion”) of the Site that would include a generic 100 unit nursing home facility and two generic 50,000 sq. ft. medical support facilities (page 2 of the Medical Center East EIS) on the Land;

WHEREAS, based on the information provided by the Applicant, the Project will have an equivalent, if not less, of an environmental impact than the Possible Future Expansion considered in the Medical Center East EIS;

WHEREAS, on January 8, 2015, the Planning Board referred the Action to the Syracuse/Onondaga Planning Board (“SOCPA”) under Section 239-m of the General Municipal Law and on January 21, 2015, SOCPA recommended the following Modifications to the proposed action prior to approval: (i) complete a Traffic Impact Study for full build out to meet the County Department of Transportation requirements and contact the County Department of Transportation to determine the scope of the study; (ii) obtain a permit from the County Department of Transportation prior to any work being undertaken in its right-of-way;

WHEREAS, on February 23, 2015, the Manlius Planning Board (the “Planning Board”), as the Lead Agency, determined that the Project would not have a significant environmental impact under the State Environmental Review Act and made a

positive recommendation for the approval of a Special Permit with the following

conditions:

1. The Town Board directs the Applicant to obtain site plan approval from the Planning Board, if, and when, the Special Use Permit is issued;
2. That, during the site plan approval process, the Planning Board use the R-5 land use planning restrictions as a guide to the development of the Site;
3. That the Town Board require the Applicant to provide proof that the Project will be restricted to “Senior Housing” as set forth in the Application and that in the event that restriction is ever lifted by the Applicant, the Applicant will be required to immediately notify the Town Board and the Town Board may revoke the Special Use Permit at its discretion or, it may immediately provide for a further restriction as it relates to the title on the Property;
4. The Town Board should consider requiring the Applicant to create a right turn only lane on Medical Center East Drive to access the Project and should also consider improving the egress from the Site to make room for additional queuing in the median of Medical Center Drive;
5. The Town Board should require the Applicant to meet all of the recommendations that are set forth in the SOCPA Resolution of January 21, 2015.
6. The Town Board should require the Applicant to provide a detailed snow plowing and removal plan as part of the Special Use Permit or as a condition of Site Plan approval.

WHEREAS, the Town Board held a public hearing on the application for a Special Permit on March 25, 2015 at which time the public had an opportunity to present evidence and comments either in favor or against the Application;

WHEREAS, the concerns raised at the public hearing were mainly related to traffic, drainage, view shed changes and further development of the 4.5 acre vacant property on the upper tier (the “Remnant Parcel”);

WHEREAS, Napierala Consulting has responded to the comments from the public by letter, dated April 6, 2015, and those responses partially form the basis for the findings and decision set forth herein;

WHEREAS, each member of the Town Board is personally familiar with the Premises and has reviewed the application for the purpose of determining whether the Premises is appropriate for the Project and the decision set forth below is based on this personal familiarity with the Premises and the surrounding area which includes a 4 story medical center, commercial bank (“Americu Bank”), a regional shopping center (“Towne Center”) and a residential subdivision (“Starlight Heights”) and the information presented at the public hearing and in the Application and in the record;

WHEREAS, the Town Board must find that all of the following standards and conditions have been satisfied before it can issue a Special Permit:

- (a) The use possesses characteristics that will blend desirably with the neighboring properties and will secure the objectives of this chapter.
- (b) The location, size of the use and structure, nature and intensity of the operations involved, size of the site in relation to it and the location of the site with respect to the streets giving access to it are such that it will be in harmony with the orderly development of the district.
- (c) The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair their value.
- (d) The use shall not conflict with any master plan or part thereof.
- (e) The proposal will not significantly impair the safety of the general public nor unreasonably increase traffic congestion.
- (f) The proposal will not significantly increase the possibility of nuisance or noise from the site.
- (g) The proposal provides for adequate parking in accordance with the provisions of § 155-31.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board has reviewed the SEQRA determination of the Planning Board and agrees in total with its finding and determination that the Project will not have a significant environmental

impact based on the information provided and the conditions set forth in this Special Permit Resolution;

RESOLVED, that the proposed special use is allowed under Town Code Section(s) 155-12 and 155-27 with a special permit because it is in a Restricted Agricultural District, which District allows homes for elderly adults, which definition the Board hereby finds and determines the Project meets, as a use after the issuance of a Special Permit;

RESOLVED, that the Town Board of the Town of Manlius determine, finds and declares as follows:

1. The recommendation of the Planning Board is hereby largely accepted by the Town Board and partially forms the basis for this decision;

2. The use possesses characteristics that will blend desirably with the neighboring properties and will secure the objectives of the Town Code of the Town of Manlius for the following reasons:

a. The Project is similar in nature and scope to the type of project contemplated by the Town Board when it approved the Medical Center East project in 1994, as set forth in the SEQRA resolution approved at that time;

b. The Project is both a residential and commercial project which blends with the existing community character of Towne Center, the Medical Center East, the Americu Bank and Starlight Height's;

c. The Applicant has taken steps, at the recommendation of the Planning Board, to ensure that the architectural features, colors and landscaping blend with the character of existing buildings in the surrounding area;

- d. The placement and configuration of the Project on the Land makes its visual impact from the homes at Starlight Heights minimal since only 2 side views of the homes will overlook the Project and the rear views of the Starlight Heights homes will not materially be affected by the Project;
 - e. The RA District allows all uses permitted in an R3 District which includes homes for elderly residents with a Special Permit and in keeping with case law developed in New York State such an allowance is tantamount to a finding that the use is in harmony with the orderly development of the RA District;
3. The location, nature and height of the buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings (except as set forth in the Special Permit conditions related to the Remnant Parcel) or impair their value because the Parcel is properly zoned for the use proposed and the 12.15 acres can accommodate the Building and by this Special Permit Resolution the Town Board is directing the Applicant to obtain final site plan approval from the Planning Board to ensure the Project meets the Town's standards for development;
 4. The use does not conflict with any master plan or part thereof because the Town has zoned the property RA and housing for the elderly is a contemplated and allowed use in the RA District and, as set forth in 2a above, this is the type of facility contemplated when the Medical Center East project was approved.
 5. Based on the Town's experience, the traffic studies provided by the Applicant and the conditions set forth in the Special Permit, the proposal will not significantly impair the safety of the general public nor unreasonably increase traffic because the Project is for "elderly" housing, which type of facility generate less traffic and

because the Applicant will provide community transportation to the residents of the Facility.

6. The proposal will not significantly increase the possibility of nuisance or noise from the site because the construction period is approximately 15 months and the conditions placed on the Special Permit will mitigate the concerns raised by neighboring properties.

7. Based on the site plan presented by the Applicant and the conditions set forth in the Special Permit, adequate parking is available on the 12.15 acre parcel and overflow parking may be required on the Remnant Parcel as set forth on the conditions set forth below.

and be it further

RESOLVED AND ORDERED, that the Applicant be, and hereby is, granted a Special Permit pursuant to the provisions of Section 155-27 of the Town of Manlius Code for the purpose of operating an senior (fifty-five and older) living facility; and be it further

RESOLVED AND ORDERED, that the approval is based on the Site Plan Package that has been submitted to the Town and the Town Board reserves the right to reconsider this Special Permit approval in the event there are any significant changes to the Site Plan Package;

RESOLVED AND ORDERED, that the Special Permit shall be issued by the Town Clerk upon the agreement in writing by the Applicant to the conditions imposed by Special Permit (see attached), and which conditions form the basis for the grant of

approval of the Special Permit, and those terms and conditions are incorporated and made part of this Resolution.

SPECIAL PERMIT

Pursuant to a Resolution of the Town Board of the Town of Manlius on the Application of LIFESTYLE RESORT COMMUNITY (the “Applicant”) which Resolution was passed at a regular meeting of the Town Board of the Town of Manlius, held on April 22, 2015, permission is hereby granted to Applicant, effective upon the mutual execution of this Permit, to construct a senior living facility for people over the age of fifty-five (55) on the approximately 12.5 acre parcel located at northwestern corner of N. Burdick Street & Medical Center Drive, Fayetteville, NY.

This Permit will continue in full force until terminated by the Town Board for breach of one or more of the conditions pursuant to which it is granted, and the implementation thereof will be in accordance with the following conditions:

1. The Special Permit and the uses allowed pursuant thereto shall be for a term of seven (7) years, through June 30, 2022.
2. This Special Permit shall be transferable as set forth in Section 155-27(G) of the Town of Manlius Code.
3. Site plan approval must be sought and authorized by the Planning Board before a building permit can be issued, but the Town Board declines to impose or require the Planning Board to use R-5 dimensional requirements during the site plan process because those dimensional requirements are not practical for this Facility, as explained by the Applicant’s attorney at the March 25, 2015 Town Board meeting.
4. A stormwater pollution and prevention plan shall be submitted by the Applicant and approved by Town’s Engineer before a building permit can be issued.

5. A construction plan shall be developed and presented to the Office of Planning and Development and be approved by the Office of Planning and Development before any building permits are issued.
6. Construction shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. to mitigate the impact of noise on the neighboring properties.
7. Blasting as a means of foundation preparation or construction shall be prohibited.
8. A right-turn-only lane from Medical Center Drive will not be required as part of the Special Permit. However, the Planning Board may require further conditions related to traffic through the site plan process. At a minimum, the Applicant, within two (2) years of the issuance of a Certificate of Occupancy, or at 90% occupancy, whichever is sooner, shall undertake a traffic study to confirm the actual traffic movements in and out of the Facility. If those movements are substantially different (as determined by the agreement of the Town Highway Superintendent and the Town Engineer) from what was provided to the Town Board, additional road improvements, at Applicants sole cost and expense, may be required, which may include, but not be limited to, an exclusive right turn only lane and/or improvements to the median between the Ameircu Bank and the Facility.
9. The Applicant shall excavate the shoulder along the south western corner of the Parcel along Medical Center Drive to allow for greater site distance for traffic leaving Medical Center East and the motorist leaving the Facility. The extent of the excavation shall be determined by the Planning Board and Highway Superintendent during the Site Plan Approval Process.
10. The Applicant shall widen the intersection on the Land at Medical Center Drive and N. Burdick Street to allow for greater turning radius for tractor trailers and larger vehicles, as determined by the Planning Board and the Highway Superintendent during site plan approval process.

11. After review by the Town Engineer, 166 parking spaces for the immediate site may not adequately accommodate the Facility. As a result, the Special Permit requires the Applicant to land bank (leave undisturbed land) for 50 parking spots on the Remnant Parcel and hold them in reserve for a period of 18 months from the issuance of a certificate of occupancy to determine if the parking is adequate, or, until the Town Engineer has been satisfied that sufficient parking exists as set forth on the existing Site Plan. In the alternative, if the Applicant can provide adequate off-site parking to the satisfaction of the Planning Board during site plan review, the Planning Board may alter or dispose of the condition for on-site “banked parking” as provided in this Condition 11.
12. Approval of the Project will severely restrict the development of the Remnant Parcel in that drainage has been engineered so that the parcel to be developed cannot accept additional water flow from the Remnant Parcel, and therefore, this Town Board is inclined to disapprove development of the Remnant Parcel unless the Town engineer is satisfied drainage can be sufficiently accommodated for both sites.
13. While the findings of the Town Board indicate that the visual impact of the Project will not have a material impact on the homes in Starlight Heights, any further development of the Remnant Parcel will have a material impact the homes in the Starlight Height development, and, therefore, this Town Board is inclined to disapprove development of the Remnant Parcel unless a proposed developer can show that the visual impacts will be minimal.
14. The Applicant shall develop a snow removal plan that shall be acceptable to the Office of Planning & Development before any building permits are issued.

15. The approval is based on the Facility having no more than 130 apartment style units occupied by residents who have reached the age of fifty-five (55). The Facility shall be, and remain, an independent living facility, meaning that medical aids and/or staff shall not be provided at the Facility (except for emergency aid). The Applicant shall provide the Attorney for the Town all covenants that restrict the housing to people who reach the age of fifty-five (55) and over, and this Special Permit authorization can be withdrawn by the Town Board, at its discretion and immediately, if the Facility is in violation of these covenants or if the Town Board, upon finding and determining that the Facility is allowing housing for who have not reached the age of fifty-five (55) or the Facility is not an independent living facility.
16. A trash management plan shall be in place and reviewed and accepted by the Planning and Development staff before building permits are issued.
17. If any condition contained herein is determined to be in violation of any law, such condition shall be automatically removed from this Special Permit but shall not affect the effectiveness of any other condition contained herein.
18. Each of the conditions contained herein have been carefully considered as a means of addressing concerns raised by the Town and residents and if the Applicant is in violation of any one condition, or multiple conditions, the Town reserves the right to withdraw this Special Use Permit, at its discretion.
19. This Special Permit shall expire if the Applicant does not receive a Certificate of Occupancy within thirty (30) months of site plan approval by the Planning Board.

The Applicant, by the acceptance of this special permit, agrees to all of the above terms and conditions, and in the event that she shall fail for any reason to perform any of the said terms and conditions on her part to be performed, this special permit can be revoked.

Allison Edsall, Town Clerk
Town of Manlius

Onondaga County, New York

Correspondence/New Business

A) Community Agenda

Supervisor Theobald reviewed the rules of decorum for community agenda items.

David Smith, Eagle View Neighborhood, stated that the neighborhood is concerned about the proposed Crane Brook development. Mr. Smith stated that the neighbors are aware that this (development) process has been going on for a long time. Mr. Smith stated that he attended a meeting for the development of Mallards Landing years ago. Mr. Smith stated that the neighbors would like more done during the notification process (for proposed developments). Mr. Smith discussed the notification process and stated that neighbors that would be directly affected by a development should be contacted directly. Mr. Smith stated that the neighbors (in Eagle View) are concerned about the plans for drainage, how the proposed detention basins will be maintained going forward and are hoping to preserve a natural buffer between the developments.

Kathy Best, Eagle View Development, thanked the Town, specifically Town Engineer Miller and Town Attorney Frateschi for their attention to the matter. Mrs. Best reviewed the Town of Manlius section of the code, related to development that states that any new development should not have an effect on adjacent lands. Mrs. Best stated that the same concern applies to existing neighborhoods when other developments are being planned.

Mrs. Best stated that there was an increase in the amount of water in the neighborhood (Eagle View) when the parking lot (Mallards Landing) was developed. Mrs. Best stated that there has been huge attention to detail (during the development process) and she appreciates the many stages of development that the drainage plan has gone through. Mrs. Best presented the Town Board with photos of the land between her property and the Crane Brook Development. Mrs. Best presented the Town Board with drawings and diagrams from the proposed Crane Brook development. The photos, drawings and diagrams are on file in the Town Clerk's Office.

Guy Vanbaalen, Eagle View Development, stated that the neighbors are concerned about the design and aesthetics of the detention pond. Mr. Vanbaalen stated that the current detention pond has garbage in it and there is no foliage. Mr. Vanbaalen asked if there is going to be any aeration in the pond as ponds can attract bugs? Mr. Vanbaalen asked who is going to perform routine maintenance and non-routine maintenance of the detention pond? Mr. Vanbaalen asked if there will be maintenance agreement and contracts and who will fund the regular maintenance of the detention ponds? Mr. Vanbaalen asked if there would be legal remedies if those detention ponds are not maintained? Supervisor Theobald thanked the residents for attending the meeting and presenting their concerns.

Councilor Loeffler stated that he would like to review the notification process at the Town Board and the Planning Board. Councilor Loeffler stated that he would like to mitigate the situation as best that the Town can for both sides.

Attorney Frateschi stated that the developer has been very responsive and cooperative to date regarding meeting with the neighbors. Attorney Frateschi stated that the Town Engineer will arrange another informal meeting with the developer and the neighbors.

B) Highway Superintendent – No New Business

C) Planning & Development – No New Business

D) Attorney – No New Business

E) Town Clerk – No New Business

F) Police Chief – No New Business

G) Town Board

H) Supervisor

Councilor Marzola made a motion, seconded by Councilor Marnell, to accept the Supervisor's monthly report for March 2015 as presented.

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

Nays: 0 All in Favor. Motion Carries.

There being no further business to come before the Board, upon motion duly made by Councilor Green and seconded by Councilor Loeffler the Board voted unanimously to adjourn regular session at 8:44 pm

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

Nays: 0 All in favor. Motion Carries.

Respectfully Submitted by:

Allison Edsall
Town Clerk