

**TOWN OF MANLIUS
PLANNING BOARD SPECIAL MEETING MINUTES
February 29, 2016**

APPROVED

The Town of Manlius Planning Board met in the Town Hall at 6:00 PM with Chairman Susan Moliski presiding and the following Members were present: Ann Kelly, Joseph Lupia, Fred Gilbert, Mike LeRoy and Walt Neuhauser. Also present were Attorney Timothy Frateschi and Town Engineer Douglas Miller.

Absent: Don Crossett

Also Present: Mike & Ellen McGrew, Bill Olin

The Pledge of Allegiance was recited.

Minutes

Member Kelly made a motion, seconded by Member Lupia and carried unanimously to approve the minutes of February 22, 2016.

Pete Fietta, PO Box 449, Fayetteville, New York 13066
Excavation, Grading and Filling Permit – North Burdick Street
Tax Map # 086.-00-02.1

Attorney Frateschi reminded the Board that there are 2 applications on the agenda tonight regarding Excavation, Grading and Filling Permits, one for Peter Fietta, which is directly across from the Resort Lifestyle Communities site, to fill in portions of the Northern pond; and the other for JK Tobin to fill and grade an adjacent parcel with the soil from the Lifestyle Resort parcel.

Before the Board opens the Public Hearing, Attorney Frateschi recommend that the Board go through the Short Environmental Assessment Form to make a determination for SEQR purposes.

This application was sent to Onondaga County for their review. On February 24, 2016, The Onondaga County Planning Board met and sent back the following recommendations:

1. The Applicant must contact the Onondaga County Department of Transportation to coordinate the location of the temporary driveway to North Burdick Street and to obtain a Permit.
2. The temporary driveway must be removed when the fill portion of the project is completed.
3. The Town must submit a SWPPP report and any other drainage studies to the Onondaga County Department of Transportation early in the planning process.

Furthermore, North Burdick Street must be kept free of debris, mud, dirt and any construction materials and the Applicant shall control dust and the Town and Applicant are advised to ensure all necessary permits are obtained from State, Federal and any other municipal agencies for any alterations for drainage to existing wetlands on the site.

Attorney Frateschi and Engineer Miller agreed that it is their understanding that a temporary driveway is not being constructed. The Applicant has not asked the Town for a temporary driveway. Engineer Miller stated that there is already an existing fill road.

Attorney Frateschi stated that Part 2 of the Environmental Assessment Form needs to be done.

Attorney Frateschi reviewed the 11 questions in Part 2 of the EAF with the Board and the Board agreed unanimously that the action would have no or a small impact on the environment. The EAF was filled out accordingly.

Member Kelly made a motion, seconded by Member Gilbert and carried unanimously to issue a Negative Declaration under SEQR and authorize the Chairperson to sign the short EAF.

Member Gilbert made a motion, seconded by Member Kelly and carried unanimously to waive the reading of the Public Hearing notice.

Member Lupia made a motion, seconded by Member Kelly and carried unanimously to open the Public Hearing at 6:11pm.

1. Bill Olin – Kennedy Street – has flooding concerns as it relates to the Village. It was explained that the fill would go into the norther pond and will not have any impact on grading or filling that would impact the Village property.
2. Mike McGrew – Not opposed to the dirt being moved; the houses that are currently boarded up should be torn down.

Attorney Frateschi stated that the Code Enforcement Office would have to determine that the houses are a health and safety hazard before they can be torn down. Engineer Miller will have the Code Officer check on the houses again to be sure that they are properly secured.

3. Ellen McGrew – the houses are an eyesore.

Member Gilbert made a motion, seconded by Member Kelly and carried unanimously to close the Public Hearing at 6:20pm.

Engineer Miller stated that everything looks to be fine except for 2 items:

1. There was a written sedimentation control plan however it doesn't note the Fietta project, it notes a different project and it should be changed to this project.
2. We need some type of contours or some type of general statement as to what the limits of fill may be.

Attorney Frateschi has prepared a resolution for this project. The concerns from Engineer Miller will be added to the resolution.

IN THE MATTER
Of
The Application of PETER FIETTA for
approval pursuant to Chapter 155-30 of the
Town of Manlius Code

RESOLUTION APPROVING
EXCAVATION, GRADING
AND FILL PERMIT

The **TOWN PLANNING 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 29th day of February, 2016, at 6:00 p.m. The special meeting was called to order by Susan Moliski, Chairman, and the following were present, namely:

Susan Moliski	Chairman
Frederick Gilbert	Member
Ann Kelly	Member
Joseph Lupia	Member
Walter Neuhauser	Member
Michael LeRoy	Member

WHEREAS, application has been made to the Town Planning Board (the "Board") by Peter Fietta (the "Applicant") for the purpose of placing fill into a non-regulated pond (the "Northern Pond") on a 100 acre property he owns on N. Burdick Street across from Medical Center Drive, tax map 086-02-02.1 (the "Property");

WHEREAS, the fill for this Application is coming from the recently approved Lifestyle Resort Project, which is directly across the road from the Property;

WHEREAS, the Lifestyle Resort Project requires the removal of substantial amounts of soil from that site, which has been trucked off of the site through Town roads and Village of Fayetteville roads;

WHEREAS, the Town is in receipt of a letter, dated February 3, 2016, from the Army Corp of Engineers that indicates the pond on the Property that the Applicant intends to fill is not regulated by the Army Corp of Engineers Applicant;

WHEREAS, the Applicant has testified that the purpose of filling a portion of the pond is to improve the shoreline of the pond, feather it out so that it is shallower and the slope is more gradual and to prevent kids from jumping from the Quarry ledge into deep water;

WHEREAS, the Planning Board of the Town of Manlius has reviewed the application and on February 29, 2016 held a public hearing on the Application at which time all persons in interest and citizens desiring to be heard had an opportunity to be heard;

WHEREAS, the Onondaga County Planning Department, by Resolution dated February 24, 2016 made several recommendations for modification of the Application and conditions for approval;

WHEREAS, the Planning Board considered each of those recommendations at its February 29, 2016 special meeting;

WHEREAS, the Board has declared itself the lead agency on this unlisted action under SEQR and after reviewing the Environmental Assessment Form has issued a negative declaration under SEQR for the following reasons: (1) removing the trucks from Town and Village of Fayetteville roads will lessen traffic and lessen the wear and tear on public roads; (2) placing the fill into the Norther Pond will not affect any other waterways per the letter from the Army Corp of Engineers; (3) leveling out the shoreline of the Northern Pond will improve the safety concerns raised by the Applicant;

WHEREAS, the Engineer for the Town has reviewed the Application and determined that it meets the Town's standards for an Excavation and Fill Permit;

NOW, THEREFORE, the Town of Manlius Planning Board makes the following findings:

1. Removing heavy trucks from the Town and Village roads is a desirable public outcome from a traffic and wear and tear standpoint;
2. The removal of a significant amount of fill from the Lifestyle Resort Project to the Property will accomplish 1. above because of its close proximity to the Property;
3. The Applicant's testimony before the Planning Board to provide a gradual slope into the North Pond improves the North Pond and improves the safety of the North Pond;
4. All work will be completed under a Sit Specific Storm Water Pollution Prevention Plan completed by a New York State Registered Engineer.

NOW, THEREFORE, the Town of Manlius hereby **DETERMINES, RESOLVES and APPROVES** the Application as presented; and be it further

RESOLVED, that the Applicant shall follow the terms and conditions set forth in the Application with the following conditions:

1. A stormwater pollution and prevention plan must be in place and approved by the Town Engineer before work can be commenced;
2. The limits of the fill area will have to be outlined and approved by the Town Engineer;
3. The Board recommends that the Applicant remove or repair the two existing houses on the property.

I, LISA BEEMAN, Clerk of the Town of Manlius Planning Board, DO
HEREBY CERTIFY that the preceding Resolution was duly adopted by the Town Planning
Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 29th
day of February, 2016; that said Resolution was entered in the minutes of said meeting; that I
have compared the foregoing copy with the original thereof now on file in my office; and that the
same is a true and correct transcript of said Resolution and of the whole thereof.

I HEREBY CERTIFY that all members of said Board had due notice of said
meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of
the Town of Manlius, this 29th day of February, 2016.

DATED: February 29, 2016
Fayetteville, New York



Lisa Beeman
Clerk of the Town of Manlius
Planning Board
Onondaga County

Member Gilbert made a motion, seconded by Member Neuhauser and carried unanimously to
approve the written resolution for an Excavation, Grading and Filling Permit by Peter Fietta as
modified by the Engineers conditions set forth above and with the additional condition that the
Applicant consider the removal of the houses.

JK Tobin Construction Company, INC., 5146 Jamesville Road, Jamesville, NY 13078
Excavation, Grading and Filling Permit – 5538 North Burdick Street
Tax Map # 086.-02-07.1

Attorney Frateschi stated that Part 2 of the Environmental Assessment Form needs to be done.

Attorney Frateschi reviewed the 11 questions in Part 2 of the EAF with the Board and the Board
agreed unanimously that the action would have no, or, a small impact on the environment. The
EAF was filled out accordingly.

Member Kelly made a motion, seconded by Member Neuhauser and carried unanimously to

issue a Negative Declaration under SEQR and to authorize the Chairman to sign the short EAF.

Member Gilbert made a motion, seconded by Member LeRoy and carried unanimously to waive the reading of the Public Hearing notice.

Member Lupia made a motion, seconded by Member Gilbert and carried unanimously to open the Public Hearing at 6:27pm.

There being no person to speak for or against the permit, Member Kelly made a motion, seconded by Member Gilbert and carried unanimously to close the Public Hearing at 6:28pm.

Attorney Frateschi has prepared a resolution for this project. The concerns from Engineer Miller will be added to the resolution.

IN THE MATTER

Of

**The Application of JK TOBIN for approval
pursuant to Chapter 155-30 of the Town of
Manlius Code**

**RESOLUTION APPROVING
EXCAVATION, GRADING
AND FILL PERMIT**

The **TOWN PLANNING 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 29th day of February, 2016, at 6:00 p.m. The special meeting was called to order by Susan Moliski, Chairman, and the following were present, namely:

Susan Moliski	Chairman
Frederick Gilbert	Member
Ann Kelly	Member
Joseph Lupia	Member
Walter Neuhauser	Member
Michael LeRoy	Member

WHEREAS, application has been made to the Town Planning Board (the "Board") by J.K. Tobin Construction Co., Inc. (the "Applicant") for the purpose of filling

and grading approximately 2 acres of a 4.2 acre lot located at 5538 North Burdick Street, tax map 086-02-07.1 (the "Property");

WHEREAS, the fill for this Application is coming from the recently approved Lifestyle Resort Project, which is in close proximity to the Property;

WHEREAS, the Lifestyle Resort Project requires the removal of substantial amounts of soil from that site, which has been trucked off of the site through Town roads and Village of Fayetteville roads;

WHEREAS, the Applicant has testified that the purpose of filling and grading the Property is to make the land more even on the Property and to improve its drainage;

WHEREAS, the Planning Board of the Town of Manlius has reviewed the application and on February 29, 2016 held a public hearing on the Application at which time all persons in interest and citizens desiring to be heard had an opportunity to be heard;

WHEREAS, the Onondaga County Planning Department, by Resolution dated February 24, 2016 made several recommendations for modification of the Application and conditions for approval;

WHEREAS, the Planning Board considered each of those recommendations at its February 29, 2016 special meeting;

WHEREAS, the Board has declared itself the lead agency on this unlisted action under SEQR and after reviewing the Environmental Assessment Form has issued a negative declaration under SEQR for the following reasons: (1) removing the trucks from Town and Village of Fayetteville roads will lessen traffic and lessen the wear and tear on public roads; (2) leveling the Property will make it more valuable and will improve the consistency of drainage for the Property;

WHEREAS, the Engineer for the Town has reviewed the Application and determined that it meets the Town's standards for an Excavation and Fill Permit;

NOW, THEREFORE, the Town of Manlius Planning Board makes the following findings:

1. Removing heavy trucks from the Town and Village roads is a desirable public outcome from a traffic and wear and tear standpoint;
2. The removal of a significant amount of fill from the Lifestyle Resort Project to the Property will accomplish 1. above because of its close proximity to the Property;
3. The Applicant's testimony before the Planning Board to improve the Property by filling in low spots and improving the uniformity of the drainage is in the best interests of the Applicant and the Town;
4. All work will be completed under a Site Specific Storm Water Pollution Prevention Plan completed by a New York State Registered Engineer.
5. The Board would like the Applicant to consider the removal or repair of the two existing houses that are on the site.

NOW, THEREFORE, the Town of Manlius hereby **DETERMINES, RESOLVES and APPROVES** the Application as presented; and be it further

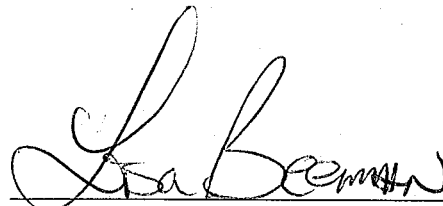
RESOLVED, that the Applicant shall follow the terms and conditions set forth in the Application and any additional conditions required by the State, County or the Engineer for the Town.

I, LISA BEEMAN, Clerk of the Town of Manlius Planning Board, DO
HEREBY CERTIFY that the preceding Resolution was duly adopted by the Town Planning Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 29th day of February, 2016; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I **HEREBY CERTIFY** that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Manlius, this 29th day of February, 2016.

DATED: February 29, 2016
Fayetteville, New York



Lisa Beeman
Clerk of the Town of Manlius
Planning Board
Onondaga County

Member Lupia made a motion, seconded by Member Kelly and carried unanimously to approve the resolution prepared by the Planning Board attorney to issue the Excavation, Grading and Filling Permit for JK Tobin Company.

OTHER BUSINESS

With there being no further business, Member Gilbert made a motion, seconded by Member LeRoy and carried unanimously to adjourn the Regular Meeting at 6:29pm.

Respectfully submitted,
Lisa Beeman, Clerk