

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
JANUARY 12, 2015**

APPROVED

The Town of Manlius Planning Board met in the Town Hall at 7:00 PM with Chairman Richard Rossetti presiding and the following Members were present: Susan Moliski, Ann Kelly and Joseph Lupia. Also present were Attorney Timothy Frateschi and Town Engineer Douglas Miller.

Not in Attendance: Members Gilbert and Crossett.

Also Present: Dan Barnaba, Dave Youlen, Joe Phillips, Ellen & Mike McGrew, Robert Dewey, Matt Napierala, Nancy Quigg, John Dunkle and Attorney Kathleen Bennett.

The Pledge of Allegiance was recited.

Minutes: The Minutes of 12-22-2014 will be held until the next Meeting.

2015 Organizational Meeting

The Town Board appointed Richard Rossetti Chairman of the Planning Board for a period of 1 year.

Member Moliski made a motion, seconded by Member Kelly and carried unanimously to appoint Frateschi Law Firm as Attorney for the Planning Board.

Member Kelly made a motion, seconded by Member Lupia and carried unanimously to appoint Miller Engineering as the Planning Board Engineer.

Member Kelly made a motion, seconded by Member Lupia and carried unanimously to appoint Barbara A. Smith as the Planning Board Clerk.

Member Kelly made a motion, seconded by Member Moliski and carried unanimously to accept and approve the Planning Board 2015 Meeting Schedule, which states that the Board will meet on the 2nd and 4th Mondays of the Month at 7:00 PM and the Board approved the Application Filing Deadline Schedule.

Resort Lifestyle Communities, North Burdick St., Fayetteville, NY

Continued-Referral of Special Permit From The Town Board & Preliminary Site Review Tax Map #086-01-03.6

Matt Napierala, representing the applicant submitted Memorandums entitled Parking Demand/Justification, TAB 10, Retaining Wall Systems, TAB 11, SEQRA Long Form EAF-Part 2 Information, TAB 3 and 2 Fire Truck Maneuvers, Northern and Southern, TAB 7.

Chairman Rossetti stated that in order to move this forward a SEQR determination has to be made, a recommendation to the Town Board in reference to the Special Permit and then Site Plan.

The Board discussed Part 2 of the EAF, 3 Comments/ Questions:

Category 3 Item K Wastewater Treatment Facility

Applicant response: No

Board- Wants a letter, enough capacity

Category 9 Travel

Applicant response: Visible, No or small impact

Board - Provide Visual Elevations-information

Category 13 Transportation

Applicant response: Used the 7th Edition 255 Continuing Care to determine the Trip Generation

Board-Updated to 9th Edition and should be 252 Senior Adult Housing

Applicant response-Will review and respond

Mr. Napierala spoke about the review he did in reference to the FDIS (1995) that was done when the NE Medical Center was put together. He stated that an Adult Care Facility similar in size and scope to the one being proposed was part of the NE Medical Center Plan.

Chairman Rossetti stated that he has spoken to Highway Superintendent Rob Cushing and he has concerns with people turning into the Complex from the thru lane. Mr. Cushing believes a dedicated right turn into the site will be helpful.

Discussion ensued in reference to the use of the Building under the Special Permit if it fails or gets sold.

Attorney Frateschi stated that he would need something that defines that this is a Home for Elderly Adults. because this is what the calculations and engineer assumptions are based on. He also stated that part of the recommendation that this Board will make to the Town Board as a condition of Special Permit approval will be Site Plan approval by this Board.

Chairman Rossetti stated that a probable condition will be that snow removal will be off site. Also needed will be Elevations with colors for the Town Board and Engineering for the Site Plan and photo simulations.

Attorney Frateschi stated that the 3 SEQRA concerns brought up tonight and the Elevations will have to be submitted and reviewed by this Board before a SEQRA determination can be made. Before a recommendation can be made to the Town Board for a Special Use Permit, SEQRA

must be completed.

Attorney Bennett clarified the steps with Attorney Frateschi.

Chairman Rossetti stated to Mr. Napierala that if the requested materials were submitted to the Planning & Development by Friday, January 16, 2015 they would be placed on the January 26, 2015 Agenda.

It was noted for the record that this application has been referred to the Onon. Co. Planning Board.

Radisson Associates/Eldan, S. Eagle Village Rd., Manlius, NY
Mallards Landing, Final Section 18B Tax Map #117.3-01-25.1
&

Radisson Associates/Eldan, End of Ring-Necked Path, Manlius, NY
Mallards Landing, Final Section 18C Tax Map #117.3-01-25.1

Dan Barnaba, Owner and applicant submitted 2 Building Envelope Plans, Section 18B, 2 Building Envelope Plans, Section 18C, dated 12-11 & 12, 2014, File No: 2730.38 by Phillips & Associates Surveyors, P.C. and an Overview of Requested Waivers from Manlius Subdivision Regulation 127-19.

Mr. Barnaba stated that he is requesting waivers from the Town of Manlius Section 127-19. He stated that he provided individual Lot Maps so the Code Enforcement Officer could refer to them when Building Permits are applied for. He is also asking the Board to approve the Final Plans for Sec. 18B, 26 Lots and 18C, 2 Lots.

Also, if the Town Engineer recommends that the Contract Drawings and design work has been reviewed, it's ready for the Town Supervisors' approval and signature.

Chairman Rossetti stated that he highlighted, as discussed with Mr. Barnaba, Lots of the requested waivers so the Board could see the scope of what the applicant was looking for. He read the checklist of 10 (Standard Waivers) items dated January 7, 2015 and it was entered into the file.

Attorney Frateschi stated that Section 127-19 is a local Law of the Town of Manlius, not a State Law. These are Buffers that the Town wanted to put in place and the Planning Board can waive them if they want to based on certain findings in 127-19D. The applicant is requesting relief from our local code.

Member Kelly asked if 10 feet from a Wetland was enough?

Engineer Miller stated that there isn't a correct or wrong answer in reference to the distance

from a Wetland buffer. Town Code gives acceptable buffers and they can be waived.

Mr. Barnaba stated that these are Federal Wetlands and they do not have any buffer distance under Federal Law unlike DEC Wetlands that do require buffers.

Mr. Barnaba stated that in reference to the Checklist; some of the modifications would probably work. But, probably a half dozen cases, without the full relief that they requested they may lose the ability to fit any house or maybe a house that the Parade Builders has already designed. If you build closer to the road, build a house of any size it appears that the neighborhood is crowded. A road around the Basin is the first time he has seen that comment. Side yard setbacks of 7 feet, he will have to review. In reference to the access easement between Lots, to access the drainage and conservation easement on the northern boundary, he asked how wide would it have to be? It's 10 feet wide and straddles the line and is within the setback requirement. Any wider may be tricky and he will have to review of what Lots to put it in.

Engineer Miller stated that their other access easement is 20 feet that they provided was just a dedicated easement.

Mr. Barnaba stated possibly between Lots 19 and 20 to access the conservation and drainage easement on the northern boundary.

The question was raised about sump pumps and the availability in these houses?

Mr. Barnaba stated that sump pumps are a standard practice of the builders and they will be put in place.

Mr. Barnaba stated that the Lots that he immediately wants to make available for construction are Lots 7-19.

Parking for the Parade of Homes was briefly discussed. Any such parking will require an Excavation, Grading, and Filling Permit.

Mr. Barnaba asked Mr. Miller if he felt that they were close on the design review?

Mr. Miller replied that he hasn't reviewed the Amended SWPPP.

Chairman Rossetti stated that the Map and the engineered Map do not agree for the Pond and other areas.

Mr. Barnaba stated that he could do his review and come up with a new Plan.

Attorney Frateschi stated to Mr. Barnaba that if he could meet the conditions/standards on the Map and the Contract Drawings are going to match the Subdivision Drawings.

Mr. Barnaba agrees except the roadway around the Pond is a deal breaker. He doesn't think that he can do it and it would set him back.

Engineers Miller and Dunkle will work this out.

Mr. Youlen talked about the access around the Pond in Section 17C.

Other Business

Christine P. Hebert, North Manlius Rd., Kirkville, N

Preliminary 3 Lot Subdivision Tax Map #040-02-02.1

Attorney Frateschi stated that the Board needs to set a date for a Public Hearing and if there are no concerns/issues, the Board will ratify the Preliminary approval and grant Final approval (12-22-2014).

Member Kelly made a motion, seconded by Member Moliski and carried unanimously to hold a Public Hearing on Monday, January 26, 2015 at approx. 7:05 PM for the Christine P. Hebert 3 Lot Subdivision.

Robert Dewey, 6296 Costello Parkway, Minoa, NY

Referral of Special Permit From The Town Board-Build a Residential Garage in an Industrial Zone Tax Map #070-01-14.0

Robert Dewey, applicant explained that he wants to construct a Residential Garage in an Industrial Zone.

Attorney Frateschi explained why Mr. Dewey is in front of this Board and the Special Permit procedure.

Member Moliski made a motion, seconded by Member Lupia and carried unanimously to recommend to the Town Board approval of a Special Permit to construct a Residential Garage in an Industrial Zone.

Member Joseph Lupia

Member Lupia stated that he is a little concerned because in the last two Meetings we have had matters that were not on the Agenda and applicants came and spoke to us with some discussions. Are we coming close to crossing the line relative to Public Meetings when they come in off of the Agenda? He is asking counsel whether we are crossing any lines?

Attorney Frateschi replied that Town Law doesn't require you to have an Agenda. There's nothing that requires you to have an Agenda. The only thing that has to be noticed are Public

Hearings which have to be noticed That's the only provision in Town Law that talks about what can and cannot be heard at a Public Meeting. Traditionally it is at the Chairman's' discretion to hear somebody who might want to speak on a Planning Board matter. There's nothing illegal or incorrect about putting something on even if it's not on the Agenda. It is a matter of if you are prepared to hear something that just comes in on the day of the Meeting. So, we are here, we listen, we are not prepared to take any action, you are uncomfortable because they are pressuring you to take action on something that you don't know anything about, I agree with you.

With there being no further business, Member Lupia made a motion, seconded by Member Kelly and carried unanimously to adjourn the Meeting at 8:40 PM.

Respectfully submitted,
Barbara A. Smith, Clerk