

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
JANUARY 26, 2015**

APPROVED

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

Also Present: Jason Zion, Alex Hebert, Dan Barnaba, Jennifer & Liam Glesson, Roger Wheland, Chris Corfield, Ellen & Mike McGrew, Rod Ives, Anne Baitshotts, Michael Yemi and John Dunkle.

Not in Attendance: Members Gilbert and Lupia,

The Pledge of Allegiance was recited.

Minutes: Member Moliski made a motion, seconded by Member Kelly and carried unanimously to approve the Minutes of 12-22-2014. The Minutes of 1-12-2015 will be held until the next Meeting.

Christine P. Hebert, North Manlius Road, Kirkville, NY

Public Hearing-Preliminary 3 Lot Subdivision

Tax Map #040-02-02.1

Alex Hebert explained the 3 Lot Subdivision proposal.

Member Crossett made a motion, seconded by Member Moliski and carried unanimously to waive the reading of the Legal Notice calling for this Public Hearing that was published in the Eagle Bulletin on January 21, 2015.

Member Kelly made a motion, seconded by Member Moliski and carried unanimously to open the Public Hearing.

Anne Baitshotts, 7089 N. Manlius Road and Michael Yemi-Questioned about the property being in the Flood Plains, where will the drainage go, are they going to have septic and are they going to build up.

Attorney Frateschi summarized the proposal. This is a 54 acre parcel, 1 Lot consisting of 2.6 acres with a proposed home, 1 lot consisting of 3 and 1/2 acres with a proposed home and 1 Lot consisting of 48.85 which is not going to be developed at this point. The Map show 571 feet from the Baitshotts property. The applicant has indicated that the two homes will have Septic Systems.

Attorney stated to Engineer Miller from a drainage standpoint we are talking about 2 homes being built and it appears that there is more than sufficient space on the 48.85 acres to drain

those 2 Lots into the Wetlands and that drainage shouldn't be a problem.

Engineer Miller responded that that is his opinion also.

Member Kelly made a motion, seconded by Member Moliski and carried unanimously to close the Public Hearing.

Read and entered into the file was the Onon. Co. Planning Board Resolution, Case # S-14-98 dated 12-30-2014.

NOW THEREFORE BE IT RESOLVED, that the Onon. Co. Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local Board approval of the proposed action:

1. Per the Onon. Co. DOT, access to N. Manlius Rd. for proposed Lots 2 and 3 will be determine by the availability of sight distance, and the applicant is required to obtain a permit for any proposed driveways and prior to any proposed work within a county road R-O-W.
2. The Onon. Co. Health Dept. must approve any existing or proposed septic system for all lots less than 5 acres prior to Department endorsement of this Subdivision Plan.

The Board also offered One Comment.

The applicant agrees with the conditions.

The applicant has submitted the Agricultural Data Statement.

It was noted for the record that per section 127-33 (10) of the Town of Manlius Code, notification to neighbors within 500 feet of the proposed Subdivision has been received.

SEQR

Member Kelly made a motion, seconded by Member Crossett and carried unanimously that the Planning Board assumes Lead Agency.

Member Kelly made a motion, seconded by Member Crossett and carried unanimously that this is an Unlisted Action.

The Planning & Development Staff and Town Engineer Miller reviewed the Short Environmental Assessment Form and filled out Part 11 and provided it to the Planning Board. Based on the application, the information provided by the applicant, and the Board's personal knowledge of the site, it's zoned properly, there will be no significant increase in traffic, drainage or noise.

Therefore the Board determined that this proposal will not have a significant environmental impact. Based on the foregoing analysis and the Board's personal knowledge of the site, Member Kelly made a motion, seconded by Member Moliski and carried unanimously to issue a Negative Declaration under SEQRA.

Mr. Yemi stated that he is concerned about the Wetlands.

Attorney Frateschi stated that the Wetlands will not be disturbed.

Member Kelly made a motion, seconded by Member Crossett and carried unanimously to approve the Christine P. Hebert 3 Lot Preliminary Subdivision dated 12-22-2014 and is to be re-dated 1-26-2015.

Member Crossett made a motion, seconded by Member Moliski and carried unanimously to waive holding a Public Hearing for the Final Subdivision Map because it is substantially the same if not identical as the Preliminary Subdivision Map.

Member Moliski made a motion, seconded by Member Crossett and carried unanimously to approve the Christine P. Hebert 3 Lot Final Subdivision Map, to be dated 1-26-2015 and for the Chairman to sign the Final Map.

Manlius Veterinary Hospital, 8160 Man-Caz Rd., Manlius, NY
Amended Site Plan-One Story +/-2,229 Sq. Ft. Addition
Tax Map #113.1-01-01.0

Rod Ives of Napierala Consulting, representing the applicant submitted a Site Plan dated 1-9-2015, Project No. 14.1377 by Napierala Consulting Professional Engineers, P.C., Sheets C-1, Title Sheet, Sheet C-2, Existing Condition Plan, Sheet C-3, Layout Plan, Sheet C-3.1, Lighting Plan, Sheet C-4, Grading Plan and Sheet C-5, Detail Sheet. Also submitted were Plans from Whelan & Curry Construction Services, Inc. dated 1-9-2015, Job Num: 18433, Sheet A-1, Floor Plan, Sheet A-2, Elevations and Sheet A-3, Elevations.

Mr. Ives stated that the proposal is to construct a one-story +/-2,229 sq. ft. Addition to the existing Veterinary Office and Hospital. He referred to this as Amendment #2 because they had a larger, two-story, project approved on 4-14-2014 that they didn't build.

There is 3,375 sq. ft. of impervious area, the 4-14-2014 Plan was 3,600 sq. ft. They have eliminated the grading, the 4-14-2014 Plan they were removing the fill. They are pushing out the Parking Lot, for more parking and sidewalk, which will change the width to about 5 ft. and make the Parking Lot about 4 ft. bigger. This is in conformance with the Town Code. There will be additional runoff from the existing condition but far less than was approved on 4-14-2014.

Attorney Frateschi stated that the question before this Board is whether or not if the change that the applicant is proposing is significant enough to hold another Public Hearing from the 4-14-2014 Public Hearing that was held and approved as it relates to this Plan. Is this proposal materially different from the one that was already considered. Is there enough of a change that another Public Hearing should be held.

After a Board discussion, the Board response was no. They determined that the Plan before them tonight will have less of an impact than the Plan that was approved on 4-14-2024. Another Public Hearing is not necessary.

Member Kelly made a motion, seconded by Member Crossett and carried unanimously to waive holding a Public Hearing.

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

Member Crossett made a motion, seconded by Member Moliski and carried unanimously to refer this application to Miller Engineering for review for a fee of \$1200.00.

Roger Whalen stated that he is a little surprised that there needs to be further review because they took the problems away from it, they are doing exactly what the Town wanted in reference to the Parking Lot and the drainage issues has been reduced to almost nothing.

Attorney Frateschi stated that we have our Engineer review it from the Towns' perspective to confirm what you're saying.

The applicant will return to the 2-23-2015 Planning Board Meeting.

Radisson Associates/Eldan, S. Eagle Village Rd, Manlius, NY

Mallards Landing Final 18B Tax Map #117.3-01-25.1

&

Radisson Associates/Eldan, End of Ring-Necked Path, Manlius, NY

Mallards Landing Final 18C Tax Map #117.3-01-25.1

Dan Barnaba, owner and applicant submitted Individual Building Envelopes dated 1-13-2015 by Phillips & Associates, P.C. for Lots 7-8-11-12-13-14-16-22 & 23 with waivers noted, Building Envelope Plan for Section 18B, an overview of Requested Waivers from Manlius Subdivision Regulations 127-19 for 18B, 26 Lots and 18C, 2 Lots, Final Plan, Section 18B dated 9-28-2013 revised 1-16-2015 and a Final Plan, Section 18C dated 11-11-2014 revised 1-16-2015.

Mr. Barnaba stated that they have had some correspondence with the Town Engineer who said with the exception of what may come out of tonight's Meeting that the Engineering Review is complete.

Mr. Miller stated that about two months ago a submission was submitted by the applicant. He has done a general review, but has not done a complete review until the Board approves the Subdivisions. Generally speaking the engineering that has been submitted looks to be in compliance with all of the regulations, but is not complete because the Final Subdivision is not approved. He should be able to do that in a short time frame.

Chairman Rossetti asked Mr. Miller if he hasn't done that because the Subdivision hasn't been approved and engineering may change?

Mr. Miller stated that he has reviewed a lot of it.

Attorney Frateschi stated to the Board that they have Sections 18B & 18C before them for Amended Final Subdivision approval. There have been many Meetings over the course of the last couple of months. The issues before the Board tonight are issues that relate to the SWPPP, which have been reviewed by the Town Engineer who believes that the SWPPP meets the regulations/requirements of the State Dept. of Environmental Conservation. Mr. Miller stated that that is accurate. From a drainage standpoint it has been reviewed and it looks acceptable. This has nothing to do with the Final Subdivision Plan it has to do with the Construction Drawings which is going on in a parallel path.

The more pressing issues are the applicants' request of the Board waiving certain requirements for buffers from the Wetland and Utility Easements.

At the last Meeting Chairman Rossetti had said that there were going to be Standard Buffers and the Board seemed to be comfortable with those Standard type of buffer areas that would be acceptable.

Member Kelly asked Engineer Miller if he was happy with the new setbacks.

Mr. Miller stated that the setback for buffers are a decision of the Board.

Chairman Rossetti explained what his buffer proposal was about. Then the applicant applied that and found out that that worked on 18 of the 28 Lots, which included the 2 Lots in 18C under those Standard Buffers. The applicant then asked for some relief on 10 other Lots, some were acceptable and some were not.

Mr. Barnaba stated that what they have been working on the 10 conditions that included making some modifications to the engineering drawings. They re-designed two basins to give them access all the way around the basins and then updated the Subdivision Plan. The Subdivision Map dated 1-16-2015 and the engineering drawings should match.

There are two Ponds on the property, one in the northeast corner. Regardless of the change in it the lot next to it, Lot 30 is so large they can accept the impacts. The other Pond that butts up against Lots 11 & 12 are so shallow the only way a house could fit on Lot 11 is if the house is kicked as far as possible to the right, Lot 12 the house is kicked as far as possible to the left.

They took the drainage easement that they originally proposed and moved it 10 more feet further into the back of the Lot. In exchange for that they asked for all 25 feet of relief from the Board so they could work right up to that new drainage easement which is 10 more feet into the Lot.

As he reads the Town Resolution it states that there will be 5 feet of that additional 10 feet of waiver on Lot 12.

Attorney Frateschi stated so instead of it being right on the proposed drainage easement the Planning Board is saying a 5 foot buffer is requested.

Mr. Barnaba in reference to the Draft Resolution went through some technical items with the Board that would be corrected; Members present, Tax Parcel numbers, 117.3-01-19.1 is Common Area and on Page 2, Crane Landing is Crane Brook.

Attorney Frateschi for the record explained what the waivers are. Number 7 on Page 6 lists all of the Standard waivers which will apply to Lots 1-6-9-10-17 thru 21 and 24 thru 26, Section 18B and Lots 29 & 30 in Section 18C. That leaves 10 Lots that the applicant is requesting individual waivers on.

Lot 6 even though there's no waivers required, the applicant has to re-delineate the Wetlands to make sure that the Wetland that is shown is actually where it is supposed to be.

Lot 7 waivers from the drainage easement was based on Chairman Rossetti's review and discussions that he had wasn't comfortable with a 0 setback from buffer. We understand that the drainage easement is going to go away because the pipe is going to be removed.

Mr. Barnaba stated not quite. The Water Authority is going to go away but there's still a new pipe.

Attorney Frateschi stated that he miss spoke and that Mr. Barnaba is correct.

Mr. Barnaba stated that the Water Authority is going to abandon the existing pipe and run the water down S. Eagle Village Rd into the front of the Subdivision. Part of his Subdivision design they are piping some of the water that's coming off of S. Eagle Village Rd to the property and putting that there is a new drainage easement.

Attorney Frateschi stated that the common theme through all of this is: the Board okay with the construction being closer to the Utility Easements but not okay with construction being right on the Drainage Easements. Is that accurate?

Chairman Rossetti stated that that is accurate.

Mr. Barnaba stated that he thinks that what he interrupted was just stay 5 feet away from this.

Attorney Frateschi stated yes and it would be Lots 7-12 and 14.

Chairman Rossetti stated that his thoughts on that is that it depends on the width of the easement. Right now that easement between Lots 7 & 6, he thinks is 30 feet. He might not necessarily have a problem with that but he knows if that goes away and you put a pipe or whatever in and it narrows he thought 5 feet. You have overhangs on the roofs which he doesn't want in the easements either. If it's 15 feet wide and you have to get a piece of equipment in there you can't be worried about running into people's roofs.

Member Kelly asked if Lots 6 & 7 are in the Wetlands.

Chairman Rossetti stated yes. Attorney Frateschi stated yes, Federal Wetlands which do not require

Mr. Barnaba stated that there are Wetlands that encroach those properties but the Building Envelopes present plenty of room for a house to be built.

Mr. Barnaba stated that he can accept every one of these but the one that is challenging is Lot 12 because the drainage easement moved closer into the back of that Lot and they want the ability to work right up against it. Keeping in mind that we didn't expand the width of the Pond, we created a shelf back there so a piece of equipment can operate on in case we have to do maintenance on the Pond.

Attorney Frateschi stated that his issue with that is that Lot 12 is a pretty big Lot. There's a lot less area to build on Lots 6 & 7, buildable Lots, even with a Wetland going through them than there would be on Lot 12 even with a 5 foot buffer from the drainage easement.

Mr. Barnaba stated that Lots 6 & 7 are deceiving because there is so much frontage. Although Lot 12 looks like it has a lot of frontage, all of the left hand half of that Lot is going to do is allow for a side loading garage. He stated that he maybe can get it to work with that.

Chairman Rossetti stated that the Board in no way has approved the individual Maps similar to the Resolution. The Resolution and the Maps with the the waivers were sent out for information purposes and discussion and the Board hasn't voted on either one of them.

Attorney Frateschi stated that the Resolution that was presented to the Board and the applicant, which takes into account the concerns of professional and the Chairman, but ultimately this Board has to approve the waivers and they don't have to approve them as they sit on paper today.

Attorney Frateschi asked the Board Members and Mr. Barnaba if they had read the Draft Resolution.

A Board discussion ensued in reference to the Draft Resolution.

Member Moliski stated that she had read it and from her perspective she was happy with the amount of work that went into it and it makes sense to her. So, if Mr. Barnaba can make it work she has nothing more to add.

Mr. Barnaba stated that he doesn't want to inundate you with procedures, but if you were to approve the Subdivision Plan tonight without any of the waivers being approved we could proceed. The Lots may not be buildable as he would like. If you were inclined to approve it with the Resolution as written up he can go back in the case where there's 2, 3 or 4 denied he can see if those new waivers still work and no Builder is going to be seeking a Building Permit from the Codes Office for another 2 or possibly 3 months. In that time he can come back in reference to amending the Resolution.

Attorney Frateschi discussed the Resolution in reference to drainage. The Preliminary Plan was already approved without Section 127-19 requirements. This is a completely different Plan, so he doesn't think that the argument that you don't need to meet Section 127-19. He felt that you do have to meet Section 127-19, but this Preliminary Subdivision was approved pre Section 127-19 being adopted by the Town Board.

Chairman Rossetti stated that he went through the Lots and that He is comfortable with the way that the Lots ended up as far as the buffers go and the way that the Resolution was drafted.

Member Kelly addressed her concern in reference to more flooding on S. Eagle Village Rd. to Engineer John Dunkle.

Mr. Dunkle explained that concern to her and stated that the flooding on S. Eagle Village Rd. is because of a culvert which is a Town Issue.

Mr. Barnaba stated to Member Kelly that the Engineers have worked out a Phasing requirement for construction and that the two Ponds are going to be built first.

Member Kelly stated that she is more comfortable with it now.

Member Crossett and Attorney Frateschi talked about this being a precedent.

Members Moliski, Crossett, Kelly and Chairman Rossetti stated that they are okay with the Draft Resolution.

Mr. Barnaba stated that He is also okay with the Draft Resolution as it is.

Member Moliski made a motion, seconded by Member Crossett and carried unanimously to approve the Draft Resolution with conditions and waivers approving the Final Subdivision for Section 18B and the Final Subdivision for 18C and approve the Chairman to sign the Final Maps.

Attorney Frateschi will change the Resolution from Draft to Final and make the changes that Mr. Barnaba mentioned. The Board will need a new Final Subdivision For 18B & 18C, dated 1-26-2015 that has to be titled Phase 2, AKA Crane Brook, Section 18B and Phase 2, AKA Ring-Necked Path, Section 18C.

With there being no other business, Member Crossett made a motion, seconded by Member Kelly and carried unanimously to adjourn the Meeting at 8:10 PM.

Respectfully submitted,
Barbara A. Smith, Clerk