

**TOWN OF MANLIUS  
PLANNING BOARD MINUTES  
JANUARY 13, 2014**

**APPROVED**

The Town of Manlius Planning Board met in the Town Hall at 7:00 PM with Acting Chair Susan Moliski presiding and the following Members were present: Richard Rossetti, Ann Kelly and Joseph Lupia. Also present was Attorney Wendy Kinsella.

Not In Attendance: Chairman Fred L. Gilbert and Members Crossett and Byrnes.

Also Present: David Stringer, John Dunkle, James Trasher, Mark Abrawski, John Hefti and Ellen & Mike McGrew.

The Pledge of Allegiance was recited.

**Minutes:** Member Rossetti made a motion, seconded by Member Lupia and carried unanimously to approve the Minutes of December 9, 2013.

**Organizational Meeting for 2014**

The Town Board re-appointed Fred L. Gilbert for Chairman of the Planning Board and Richard Rossetti as a Planning Board Member for a period of 7 years expiring December 2020.

Member Rossetti made a motion, seconded by Member Kelly and carried unanimously to appoint Harris Beach, PLLC as Attorney for the Planning Board.

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

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

Member Rossetti made a motion, seconded by Member Kelly and carried unanimously to accept and approve the Planning Board 2014 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 also approved the Application Filing Deadline Schedule.

**Saab Defense & Security USA LLC, 7031 Schepps Corners Rd., E. Syracuse, NY  
Amended Site Plan Tax Map #038-03-18.1**

James Trasher, Engineer for CHA submitted a Survey dated 2-1-2010 by Cottrell Land Surveyors, P.C., I.D. 38-2-18.1, Site Plan dated 12-27-2013 by CHA, Project No. 27741, Tower Design dated 10-31-2013, 11-21-2013 and 12-17-2013 by Ehresmann Engineering, Inc., J.O. 89470, Sheet C01, Self-Supporting Tower, Sheet E01, Spread Footing Foundation, Sheet E03, Tower Grounding, Sheet E04, Tower Lighting, 15 Pages of Tower Technical Data dated 11-1-2013, Geotechnical

Evaluation Report dated 11-11-2013 by Dente Engineering and a picture of a constructed Tower.

Mr. Trasher of CHA, representing the applicant stated that the proposal is to construct a 40 foot high Radar Testing Tower on a 20' X 20' concrete Pad that will be in close proximity to the existing building and will be surrounded by a chain link fence. Site improvements are limited to the removal of 2 parking spaces to install the Tower, striping of 2 parking spaces and a 6 foot wide additional strip of asphalt to maintain the drive aisle. Drainage and hours of operation will remain the same.

Mark Abrawski, Director of Engineering for Saab spoke about the Tower Antenna, Radar Testing procedures and a time table.

Acting Chair and Attorney Kinsella stated that they had spoken with Town Engineer Miller and that he didn't have any issues with this project.

#### **SEQR**

It was noted for the record that SEQR had previously been done on the approved Site Plan.

After a discussion, Member Kelly made a motion, seconded by Member Lupia and carried to waive holding a Public Hearing for the Amended Site Plan because it is not a significant change.

Attorney Kinsella requested that Town Engineer Miller submit a Memo, for the file, stating that he has no issues with the project and that it isn't a significant change.

Member Kelly made a motion, seconded by Member Rossetti and carried to approve the Saab Defense & Security USA LLC Amended Site Plan as submitted.

**Eldan Homes, Inc., North at Gadwall Lane, East of Ring-Necked Path & West of South Eagle Village Rd., Manlius, NY**

**Mallards Landing, Final Plan, Section 18-A Tax Map #117.3-01-25.5**

**&**

**Eldan Homes, Inc., North end Ring-Necked Path, Manlius, NY**

**Mallards Landing, Final Plan, Phase 2, Section 18C Tax Map # 117.3-01-25.1**

David Stringer and John Dunkle, with authorization from Dan Barnaba, Eldan Homes, Inc. submitted a Preliminary Phasing Plan, Phase 2, Sec. 18, Final Plan, Phase 2, Sec. 18-A-1 and a Final Plan, Phase 2, Sec. 18-C all dated December 22, 2013 by D.W. Hannig L.S., P.C.

Also submitted into the file was a 5 page Engineering Memo dated January 9, 2014 from Miller Engineering dated.

Mr. Stringer and Mr. Dunkle displayed a color coded Phasing Map that outlined Sections 18A, B

and C and stated that nothing has changed except the coloring of the Sections.

Mr. Stringer stated that Mr. Barnaba had Section A and B approved. Since that time he and Mr. Barnaba reached an agreement where he would take back the land in Section A and C and that he will develop them. There was a request to show the phasing:

Section 18-A-1 10 Lots

Section 18-A-2 10 Lots

Sections B-1, 2 and 3 approx. 10 Lots in each Section

Section 18-C 2 Lots

With a total of 52 Lots

Member Rossetti stated for the record that this Board approved Section 18 only.

Mr. Stringer stated that he has moved forward with the Contract Engineering Plans for Section 18-A-1 that consists of 10 Lots. It is his intention that once the Contract Drawings and engineering are approved by the Town Board and Miller Engineering they will start site development that will include all of the storm sewer construction for that Section.

Contract Drawings have done by John Dunkle and sent to Doug Miller. Mr. Miller has made some comments and they are trying to work out some issues.

This Section, 18A ties into the Cottages and into the HOA off of Ring-Necked Path. There will be a Condo HOA set-up for Section 18A and probably one for 18B that Mr. Barnaba has agreed to.

He wanted to talk to the Board about three things and refresh everyone's memory in reference to the Map on zoning and phasing that the Board stated that they never received.

First request that the Engineering Contract Drawings for Section 18A, can proceed and be approved by the Town Board without having Contract Drawings for 18B being done.

Request that some codes per Section 127-19, Design Standards requirement, additional 25 feet setbacks from certain easements to be waived for particular lots.

Request that a driveway be allowed to be constructed, Lot 28, Section 18C over a Wetland buffer.

He also requested that when all of this is done and they get their Contract Drawings approved that the Chairman be allowed to sign the Subdivision Map so that they can proceed.

Mr. Dunkle displayed a color coded Easement Map.

He stated that this development was created under 278 Clustering which basically says that you can throw out everything; Lot coverage, Lot frontage and Setbacks, so theoretically there are no standards that need to be adhered to here. Mr. Miller has pointed out some that do deviate from the developer standards and Subdivision laws and he is going to point them out and ask the Board to endorse them.

Member Rossetti asked, and then what we approved doesn't comply with the current regulations?

Mr. Dunkle responded that it doesn't have to completely.

Attorney Kinsella gave some background. In Section 17, when it came to building on the last couple of Lots, the Code Enforcement Officer asked if he could issue Building Permits for these houses because they didn't comply with the 25 foot easement setback. By approving all of Section 17 you indirectly did approve them, otherwise they wouldn't be buildable Lots. In order for that not to come up in the future she and Mr. Miller meet with Mr. Dunkle and requested that he let the Board know what they are exactly approving.

Town Code Section 127-19, Design Standards states that any building envelope has to be located at least 25 feet away from any edge of any proposed easement of record.

He is seeking relief from this Code for Section 18A, Lots 19, 20, 7, 8, 13 and 14, Section 18B, Lots 6, 7, 23, 24 and as they are adjacent to a 30 foot wide easement for water and sewer. All of these with the exception of Lots 7 and 8 have access from the Road. He felt that 10 feet is a reasonable request for some of the scenarios.

Attorney Kinsella stated that a list was requested in advance because it was difficult to read what had been submitted, which that list is still needed. Mr. Miller agreed in theory with Mr. Dunkle, but said that it depends on how deep the water and sewer lines are and make sure that an excavator can get in there. It needs approval from Miller Engineering.

He is also seeking relief from Section 127-19, Design Standards that states that no building envelope will be located within 25 feet of the Wetland and none of these are. However, they are proposing to construct a driveway, Pond and some of the Drainage facilities within those 25 feet. In reference to the proposed driveway on Lot 28 in Section 18C it is coming off of the hammerhead that will cross over the Wetland buffer. He's not sure if relief is needed because there is no structure.

In reference to Section 18A they are seeking complete relief.

Member Rossetti stated and the Board agreed that conceptually it looks good and sounds reasonable but is subject to engineering approval.

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Member Rossetti asked who has title to Section 18?

Mr. Stringer responded that as of today Eldan Homes does, but it is in the process for him to take back Sections 18A and C.

He stated that he understands the Planning Board condition that when Section 18 is developed that one Stormwater analysis is needed to be done for all of Section 18.

Mr. Dunkle displayed a Plan and explained where Craine Brook goes through the site, pointed out the tributary to Craine Brook that comes from other sections. He showed where they had built 2 little Ponds in Section 17. When they develop Section 18A they can take the existing Pond, intercept part of Craine Brook and bring it into a Detention Pond. It's not on Craine Brook; it's the tributary to Craine Brook. This will happen as a part of Section 18A. He has designed it and it will actually reduce the flows coming out of the watershed by 40 to 50 percent from what they are today.

They are asking for the development of Section 18A and that they are going to build the Pond up front as part of this Section.

He stated that Section 18B and C are totally isolated from that.

They are seeking some relief so that all of the engineering for Section 18A can be approved without the need to complete the engineering for Section 18B and C, as they are not going to affect Craine Brook at this time.

He pointed (on the displayed Map) that Section 18 is part of an 81 acre watershed area that flows through into the proposed big Pond.

Section 18B and C are hydrologically separated from Craine Brook and separate from Section 18A.

They are requesting that the Board allows them to proceed with the engineering for Section 18A, as long as it includes the proposed large Pond, without completing the engineering for Section 18B.

The Board stated again that it is subject to engineering approval.

Member Rossetti expressed his concern with 18 from the get go, which he brought up when the Board was approving 18. He wants to make sure that those Ponds get built according to whatever the specifications are supposed to be before we start issuing Building Permits.

Member Rossetti asked if that Pond is going to be built on some common area from Section 17?

Mr. Dunkle stated, now we are going to get to who owns it and who is going to take care of it. He displayed a color coded Ownership Map and stated that all of these colors are all different forms of ownership. He showed the outline of the proposed Pond space that is owned by three different entities.

Light Blue-Common land owned by the Phase 17-Condo

Dark Green-Common area for Section 18

Grey Area-Backyards of lots

Member Rossetti asked, so you can put easements on that part (Grey Area)?

Mr. Dunkle responded yes.

Member Rossetti asked in reference to the Light Blue and Green areas, are they different HOA'S or is it a Master HOA?

Mr. Dunkle responded that they will be different HOA'S.

Mr. Stringer stated that they already have the easements to go on Section 17. Easements have been recorded for Section 18A for them to build this and we own this.

Member Rossetti asked, but do you have the easement on 17 to build the Pond? He stated that the reason that he is asking all of these questions is because he wants to make sure that what you are promising can be built.

Mr. Dunkle in reference to the color coded Ownership Map talked about the different HOA's and their liability including the Pond, Common Areas, Easements, backyards and permanent Roadways.

Attorney Kinsella stated that the HOA and Condo documents will be looked at to set up some type of reserve fund, not only for the capital expense if something fails but also an amount for inspections and etc.

Mr. Stringer stated that there is a constant \$5,000.00 reserve in the operating budget in the Condo Section of 18.

Mr. Dunkle was asked if the Detention Pond that shows in Section 18C is going to be built with Section 18C?

Mr. Dunkle responded that yes it is.

Mr. Stringer stated that it is really intended for the Condos in Section 18B and that Section 18B

will maintain it.

Mr. Dunkle stated the Pond will be 6 to 8 feet deep and will be a wet Pond with safety benches.

Mr. Dunkle talked about a possible OCWA issue. There is an existing water line that flows through Sections A, B and C that was installed in the 1980's. They are developing pretty close to it in Section 18A so Mr. Miller suggested that the Plan be submitted to OCWA for comments or possible conflicts, which they did. The question was if OCWA wanted them to relocate the water line and if anymore easements or setbacks are needed. Any relocation is in the existing easements so no further easements would be necessary.

Member Rossetti stated that per the Planning Board Minutes of August 26, 2013 certain conditions (Notes) were to be placed on the Final Map and that it hasn't been done.

Mr. Dunkle responded that it would be done and that he will submit his relief requests and engineering responses in writing.

Mr. Stringer asked that after the engineering and Contract Drawings are signed by the Town Board can the Chairman sign the Final Map?

With there being no other business, Member Rossetti made a motion, seconded by Member Lupia and carried unanimously to adjourn the Meeting at 8:00 PM.

Respectfully submitted,  
Barbara A. Smith, Clerk