

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
FEBRUARY 25, 2013**

DRAFT

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

Not in Attendance: Member Rossetti.

Also Present: Thomas Oot, Edward Chase, Wally McRae and Ellen & Mike McGrew.

The Pledge of Allegiance was recited.

Minutes: Member Moliski made a motion, seconded by Member Crossett and carried unanimously to approve the Minutes of December 10, 2012.

Organizational Meeting for 2013.

The Town Board re-appointed Fred L. Gilbert for Chairman of the Planning Board and Susan Moliski as a Planning Board Member for a period of 7 years expiring December 31, 2019.

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

Member Kelly made a motion, seconded by Member Crossett 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 appoint Miller Engineering as the Planning Board Engineer.

Member Moliski made a motion, seconded by Member Lupia and carried unanimously to accept and approve the Planning Board 2013 Meeting Schedule, which states that the Board will meet on the 2nd and 4th Mondays at 7:00 PM and the Board also approved the Application Filing deadlines.

**McRae Construction, 8141 Broadfield Road, Manlius, NY
2 Lot Preliminary Subdivision Tax Map #113-01-21.0**

Edward Chase, owner and Wally McRae, applicant submitted a 2 Lot Preliminary Subdivision Map dated January 10, 2013 by Cottrell Land Surveyors, P.C. consisting of Lot 1, .995 acres with 200' of Road Frontage and Lot 2, .746 acres and 150' of Road Frontage.

Attorney Frateschi explained the Subdivision proposal. Lot 1 has an existing Metal Barn that would remain and Lot 2 is a vacant parcel which would be a conforming building Lot for a house

if there are sewers and an Area Variance for Lot Area.

Mr. Miller stated that Lot 2 is not on sewers but shows a proposed 15' Sewer Easement.

Attorney Frateschi stated that we cannot create a Lot without confirmation of sewer and confirmation that it is in a Sewer District and it's able to be hooked-up to sewers.

The Board requested a letter from an Engineer, to be submitted to Attorney Frateschi or Engineer Miller that can certify that Public Sewer would be provided for these two sites.

Mr. McRae stated that he has some drawings from an Engineer showing that Public Sewer access is available.

Mr. Chase stated that when he purchased the property 18 years ago he created a Sewer District with the Board for this property and that it is supposed to be tied into Shadow Rock.

Mr. Miller stated that he has informed the applicant that Lot 2 is a non-conforming Lot and requested him to provide documentation that the sewer would be installed. Even with sewers Lot 2 would need an Area Variance for Lot Area because under R-A zoning a Lot with sewers requires 40,000 sq. ft. of Lot Area and Lot 2 only has 32,500 sq. ft. Also, the existing Lot is a non-conforming use in an R-A District because there is no primary structure so you would be subdividing a non-conforming Lot. You would be creating two non-conforming Lots.

Attorney Frateschi, correct. You would be creating two non-conforming Lots without the Variance for Lot 2. The non-conformity would exist on Lot 1 with the Barn because it's a non-conforming use.

Member Lupia asked the applicant about the adjacent Lot 3 on the east side of this proposal that is also a non-conforming, non-buildable Lot, owned by the same owner, that is not a part of this proceeding, but why wouldn't it be a part of it?

Mr. McRae replied that he's trying to keep it simple and buy the one Lot and divide it into two because his interest is in the Barn primarily and also building a house next to the Barn.

Member Lupia stated that with that parcel to the east together with this parcel, if it were to be divided you would have two proper Lots.

Mr. McRae replied that we might apply for a Variance on the other one.

Attorney Frateschi stated that that is a good point and that the ZBA would be interested in that concept. They are probably going to ask questions about the adjacent Lot because if there is a way that you can create buildable Lots rather than have non-conforming Lots, that is what the

Town would prefer.

Mr. McRae stated that he thinks that it is a win win situation because you'll get two houses instead of one and you'll get more taxes and it might be the best use of that property on Broadfield. A lot of people want to live in the neighborhood, but not on a main road.

Member Kelly asked the applicant if he's putting in two Lots or three Lots?

Mr. McRae replied that right now he is trying to subdivide one Lot into two Lots but eventually he would like to purchase the Lot to the east and see if he can build a house there too.

Member Kelly asked who he would purchase that from?

Mr. McRae replied Mr. Chase.

ZBA RECOMMENDATION.

After a Board discussion Member Kelly made a motion, seconded by Member Crossett and carried unanimously to refer this application to the Zoning Board of Appeals with NO RECOMMENDATION.

**Megnin Farms at Poolsbrooke, Genesee Tpk., Chittenango, NY
Amended 91 Lot Preliminary Subdivision, From 5 Phases to 4 Phases
Tax Map #082-02-05.0**

Tom Oot, Managing Member submitted an Amended 4 Phase Preliminary Subdivision Map dated February 8, 2013. The original Preliminary Subdivision Map was approved with 5 Phases.

Mr. Oot stated that at the time of the approval for 5 Phases they didn't really know what direction that the Sanitary Sewers were going, but knew that they went to the north. Based on the way that the sewers have worked out they are proposing to combine Phases 3, 4 and 5 into Phase 3 and 4 and eliminate Phase 5. All of the remaining Green Space would be in Phase 3, the next Phase to be developed. Phase 3 consists of Lots 19-25, 47-61 and Green Space Lots 86 and 87. Phase 4 consists of Lots 26-46.

The Board and the applicant discussed the upper Wet Pond Detention Basin that is in Phase 3. Mr. Oot would prefer to move that Basin to Phase 4 because it would service the 4th Phase not the 3rd.

Member Moliski made a motion, seconded by Member Byrnes and carried unanimously to approve the Megnin Farms at Poolsbrooke Amended 4 Phase Preliminary Subdivision Map dated February 8, 2013 with a change to show the upper Wet Pond Detention Basin to the east on Lot 86 will be a part of Phase 4 instead of Phase 3.

It was noted for the record that SEQR was done on the entire project and that the re-phasing will not have a significant environmental impact.

Other Business

Attorney Frateschi informed the Board that he received the decision on the Suburban Park Article 78. Judge DeJoseph dismissed Dave Muraco's claim against the Town. He found that the Planning Board acted properly in rejecting the Site plan and Subdivision application amendments.

Chairman Gilbert reminded the Board of the Onondaga County Planning Federation's Training Session on March 14, 2013.

With there being no other business, Member Crossett made a motion, seconded by Member Byrnes and carried unanimously to adjourn the Meeting at 7:24 PM.

Respectfully submitted,
Barbara A. Smith, Clerk