

**TOWN OF MANLIUS  
PLANNING BOARD MINUTES  
JULY 8, 2013**

**APPROVED**

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, Richard Rossetti, Thomas Byrnes, Ann Kelly and Joseph Lupia. Also present were Attorney Timothy Frateschi and Town Engineer Douglas Miller.

Also Present: Dan Barnaba, Joe Phillips, Bill Camperlino, Dave Stringer, Dave O'Brien, Attorney Neil Germain, Attorney Wendy Kinsella, Bob Theis, Elizabeth & Richard Evans, Benita Rogers, Ellen McGrew, Mary & Tom Ryan, Phyllis & Nick Carr, John Hefti and Garry Nichols.

The Pledge of Allegiance was recited.

Member Moliski made a motion, seconded by Member Rossetti and carried unanimously (Chairman Gilbert abstained as he was not present at that Meeting) to approve the Minutes of June 10, 2013.

**Eldan Homes, Inc., Westside South Eagle Village Rd. Across From Peck Hill Rd., Manlius, NY  
Tax Map #117.3-01-25.1 & 25.5**

**Continued Phase 2, Section 18, Mallards Landing, 2nd Amended Final Subdivision Map**

Dan Barnaba, owner of Eldan Homes, Inc, submitted an Amended Final Plan, Mallards Landing Phase 2, Section 18 dated January 9, 2013, revised June 10, 2013 by Phillips & Associates Surveyors, File No. 2730.028.

Mr. Barnaba stated that the Amended Plan shows some extended Lot Lines in various sections of the Subdivision Plan.

He spoke about two significant concerns that were brought up at the last Meeting; the Road Cut, which he believes that he has met the concerns of the Board, Stormwater and Stormwater Management, which they are proposing some mitigation above and beyond what he's obligated to do and Architecture, he's very sensitive to those issues.

Attorney Frateschi asked Mr. Barnaba if he intended to have Architectural Design Covenants in the HOA agreement?

Mr. Barnaba replied, absolutely.

Attorney Frateschi stated so, you just don't know what they look like, but would they be similar to Section 17?

Mr. Barnaba stated that they could be. He would be happy to take a look at that and make sure that they are as comprehensive as they need to be but they don't address new

construction with respect to new construction, it's a matter of their Architectural Committee by contract.

Dave O'Brien, Architectural Review Committee submitted a packet dated July 1, 2013 of Mallards Landing including an Ariel view, renderings in concept form of Section 18A & 18B and two home designs.

He stated that Mallards Landing consists of five different Neighborhoods; the Cottages, Villas, Parade of Homes, newly proposed Bungalow's (Section 18A) and the newly proposed Crane Brook (Section 18B).

In reference to the Bungalow's, which will be developed in two phases, he showed and explained the placement of the homes and how they sit in the density of the homes in relation to the new product that they might want to put in. He spoke about the two designs of the homes, 2100 to 2300 sq. ft. and that sometimes there are up to five designs. He takes three things into consideration; the placement and design of the homes and landscaping.

Attorney Frateschi asked if he heard that they would be working with three to five different Plans?

Mr. O'Brien replied that he's not sure.

Attorney Frateschi asked that when you say Plans, do you mean Floor Plans?

Mr. O'Brien replied, correct.

Attorney Frateschi asked, but the outer shell is going to look similar?

Mr. O'Brien replied that he doesn't think so. The shape will be similar, but a little bit of a variety.

Attorney Frateschi asked if the shape of the houses will all be similar so you'll know that you're in the Bungalow's versus the Villas or the Cottages?

Mr. O'Brien replied, correct. He stated that they don't have any colors yet and the Cottages are approx. 2400 sq. ft.

Attorney Frateschi stated that the big concern raised at the last Meeting had to do with the spacing of the houses and how close they would be to existing houses. Clearly looking at this Plan (Bungalow's), there is an example of where the Cottages are and it doesn't appear to him that there is much difference in terms of spacing than the Cottages. The spacing and size of the house is not significantly different.

Mr. Barnaba spoke about consistency throughout Mallards Landing.

Member Lupia, referring to the 1533 sq. foot home at 144 Gadwall Lane, asked, do the current Homeowners have an expectation or are they entitled to one that houses will be similarly situated to the type of homes that they have and if so what steps can be taken so smaller houses like that are not put up in the middle of a development that you think is going to be 2100 to 2300 sq. ft.

Mr. Barnaba replied that in Section 17 of Mallards Landing they specifically didn't put a sq. footage restriction/ limitation on the product before they built it. In some of the other Sections in Mallards Landing there are sq. footage minimums/restrictions. When he develops property he considers that, sq. footage restrictions, in the deed covenants.

Member Moliski asked, will there be for this conception?

Mr. Barnaba replied that he hadn't contemplated it and there is no reason why there can't as long as he believes that the sq. footage restrictions allows him to reach as broad of a market appeal as he might need, 2100 sq. ft. might be a high restriction, maybe 1600 sq. ft. He believes that the Cottages without the side addition is 1800 sq. ft.

Member Moliski stated that Mallards Landing started out as a neighborhood and has become a community because there are so many different homes there and she sees the Bungalow's fitting. What she heard at the last Meeting was the character of the neighborhood. She drove through Mallards and a lot of the homes were very nice. In reference to the Architectural design there were a few of them that had a garage door that was very very plain. Putting on a carriage house garage door, attention to detail with windows and things like that compensate for having a smaller product if it fits within the character of the neighborhood in terms of quality.

Member Crossett stated that he felt that Section 18A fits nicely and looks pretty good with all things considered.

Mr. O'Brien explained and showed the placement of the homes, Colonial style type in Crane Brook, Section 18B, which will be developed in three phases. He pointed out the existing tree line at the entrance, how far back the first house is giving it a feeling of reacquisition. It's 300 or 400 ft. before the first house starts and it's a large lot. If he was the Architect he would address massing, privacy, curb appeal, orientation, where the sun comes up and goes down in designing these homes, he doesn't have a product for this yet.

Member Kelly asked Mr. O'Brien if he was going to be the Architect on this project?

Mr. O'Brien replied, probably not, but he's not sure.

Mr. O'Brien stated that there is a lot of common area in here.

Member Byrnes stated that one of the comments was that it not being connected to Ring-Necked Path coming in from South Eagle Village Road.

Mr. Barnaba stated that his preference would be to keep it connected with a sense of transition but he did consider terminating that Cul-de-Sac. Generally when they get more than 1,000 ft. of road they don't terminate with a Cul-de-Sac.

Attorney Frateschi stated that it's probably because their standards to have a Cul-de-Sac of that length without any ability to get out if there is an emergency, it's a safety issue.

Member Rossetti asked where the engineering stands?

Engineer Miller replied that the engineering hasn't been finalized.

Mr. Barnaba felt that the engineering on the road cut is done and the preliminary Stormwater design work has been done. Pending approval, contract drawings would be submitted to the Town Engineer for approval commencement of construction.

Chairman Gilbert stated that in reference to the name of the street, it seems to him that there would be some value to Crane Brook Street being named that or something that identifies that community as an address that separates it from a different kind of community on Ring-Necked Path.

Attorney Frateschi stated that the County will have the say in deciding if this will be a different Road for 911 purposes, they have the final say.

Member Crossett stated that this is the Section that gives him fits because those 32 Lots going out to South Eagle Village Road, 16 or 17 of them have frontage of 70 ft. or less, which is one of the concerns of the existing residents in the Ring-Necked Path area. When they go out they're just going to look at house, house, house, house, and house. How in God's name are you going to do a privacy treatment when you've got that many houses in that small of a space? How are you going to mask that to make it look anything other than what it is?

Mr. O'Brien replied that when he designs the placement of homes, he addresses the placement of the windows going in different directions. Certain elements like that create privacy.

Member Crossett stated that that takes care of him talking to the neighbor next-door, window to window, but what about the people who drive in and out of there, how are they not going to see something like Ackerman Avenue in the University section in the City of Syracuse where it's house, house, house, house, how are you going to get away from that?

Mr. O'Brien replied that he's not sure that he understands the question.

Member Crossett stated that when somebody drives in or out from South Eagle Village Road they're looking at a row of houses that look terribly close together, because they are close together and close to the road and that's one of the things that they are objecting to is that it doesn't fit with the character integrity of the neighborhood that they enjoy, it is a big difference, so how are you going to mask the presentation for people when they're are driving through there so that that effect isn't there?

Mr. O'Brien stated that there are things that you can do. If the road is straight that's different. If the road curves or turns you're not seeing them all at the same time. Also, placing houses not equal, not flush with one another gives you flexibility to do that as well. Also, the way that the house is shaped so it creates a certain look.

Member Crossett stated that to the best of his knowledge a 60 foot Lot is a 60 foot Lot, how much can you do?

Mr. O'Brien replied, not necessarily, it's the way that it is planned.

Mr. Barnaba stated that the average frontage on the Ring-Necked Path Lots is 78.5 ft.

Member Crossett stated that you told us that before, that's great. You've got a couple of big lots in there, but if you actually look at the lots and count them up you've got probably half of those 32 lots are 70 ft. or less with lot frontage.

Attorney Frateschi asked if they were talking about Section 18B?

Mr. Barnaba and Member Crossett replied, yes.

Attorney Frateschi stated that there are a couple of things to think about on this Plan for 18B. One is the concerns that were raised by the residents at the last Meeting really related to how their property is going to be affected by new homes. This Board can think about whether they want to make a distinction between this which is really amongst all the other homes that are built in Mallards Landing and this Section which is really separated from the homes especially when these are some homes here that would be affected but as you've been told there is at least 400 ft. from this home to this home and 300 ft. from this home to this home and there is some space here that could serve as a demarcation area to separate this from the rest of Mallards Landing. If a person wants to buy a house here they know what they're getting when they look at the Subdivision lines. So, if he's coming in and buying his house, he knows that there are houses here, so maybe this is the product that he wants. He is less concerned with the people that are buying these houses because they know what they are going to get. He is more concerned with the existing residents and how it's going to affect them.

Member Kelly stated that after listening and talking with Mr. O'Brien she knows that what he is going to come up with and it's going to look right even if they're small lots.

Attorney Frateschi stated that that seems to be the theme here after listening to the Board Members. If everybody that is here talking tonight does what they say they're going to do, we're fine, but we have no guarantees. So, how do we build in certain conditions and certain ways that we can assure that what is being told and said tonight is actually going to be provided when the houses are going to be developed. He had a discussion earlier this week with Attorney Neil Germain, Attorney for the property owners in the existing homes on Ring-Necked Path and Gadwall about could we put some conditions that would be satisfactory to the residents so that we can assure that what is being said tonight is going to be introduced into reality when the project is developed.

Attorney Neil Germain, Attorney for HOA #2, representing concerned Homeowners and himself stated that in 2006 the Stringer Plan was approved and the adjacent Homeowners relied on that Map, there it is and now we're looking to amend that Plan. Also, note that Eldan Homes when they bought were aware of that Plan too. What we are looking for now is some kind of protection to protect the integrity of the neighborhood. Here's what we've heard; when you ask some questions about architectural and those things, there aren't any covenants in that Section and the answer that you get was well there is an Architectural Control Committee, but it's all controlled by the developer, Eldan Homes. They change it and do whatever they want, it provides absolutely no protection to your neighboring land owners. Your Architectural Pictures are great, he would love to see some of that built but you don't have assurance that it is going to be built. You ask a question, well is 60 ft. not 60 ft. and you get the answer not really, that doesn't sound credible to him, 60 ft. is 60 ft. as far as he knows. What they're really looking for here is some reasonable protection that would work for the developer and the neighboring land owners. He believes that you would have protection in place that work for both parties. He doesn't think that they are so adverse that something couldn't be worked out. Sit down and work something out that's acceptable for everyone concerned. The neighbors clearly do have a concern, they bought expecting that and what they're getting, what has been proposed is radically different from what was anticipated to be right next to their homes. The neighbors are looking for some amount of protection to be built into this and he hasn't really heard sufficient protection for the actual land owners who are adjacent to it. He has heard, we might build this, he (Dave O'Brien) might be the Architect, maybe it will look like that, 60 ft. isn't necessarily 60 ft. without covenants or restrictions there's nothing for them to enforce.

Attorney Frateschi asked Attorney Germain, isn't it true that there are no cross covenants between Sections?

Attorney Germain replied, he believes so.

Attorney Frateschi stated okay, so it makes it more difficult in terms of how you're going to develop his Section.

Attorney Germain replied, exactly, he was only using the covenants to illustrate a point.

Attorney Frateschi stated that he has a sense of what everybody is looking for. He thinks that we can come up with some reasonable conditions that would be acceptable to everybody. What everyone is saying makes a lot of sense. How do we make sure that in the future that what is being said tonight is actually followed?

Attorney Germain stated that that's all that we're looking for is some reasonable assurance to the neighbors that could actually be enforced.

Attorney Frateschi stated that we cannot have covenants that cross covenant his Section with your Sections.

Mr. Barnaba replied, we can.

Attorney Frateschi stated that if you're willing to do that, great.

Mr. Barnaba stated that he's willing to listen to what Mr. Germain has to say.

Mr. Barnaba wants to clarify when he said 60 ft. There's a building convection where he identifies the width of a Lot at the street line and the width of a Lot at the building line, it's considerably different.

Discussion ensued in reference to the matter of conditions.

Mr. Barnaba stated that he proposes that this is a private matter between Associations, covenants that he may be inclined to put over the property, as opposed to a governmental matter.

The Board discussed their reviewing the architectural aspects of the development.

Attorney Frateschi stated that he thinks the Board has a right to determine a scheme for an area especially when one has already been established.

Mr. Dave Stringer stated that he wants the Board to fully understand that the contract that exists between Mr. Barnaba, his brother and himself calls for architectural approval from an Architectural Board that consists of three people. Dave O'Brien is the head of that Board and anything that you do outside of that has nothing to do with what they do on the front end. We are going to continue to do what we have always done. He's pleased with what Dave

O'Brien has come up with, with Dan Barnaba and Mr. Barbagos.

Attorney Frateschi stated that if there is going to be a discussion he would like to be involved so he can understand what's happening. Most of what we're talking about is architectural, which are going to be in covenants and not in the Subdivision approval.

Mr. Barnaba and Attorneys Germain and Frateschi will meet to possibly work out some specific conditions that will satisfy the neighbors and the Planning Board.

### **Other Business**

**William Camperlino, Highbridge St., Fayetteville, NY Tax Map #093-01-05.1**

#### **Recommendation To The Town Board-Zone Change From CA To R-5**

William Camperlino, owner, applicant and President of Turnwood Development Corp. submitted a Sketch Plan and a Proposed Zone Change of Lot 2, Garden Park, Phase 1 Amended dated May 23, 2013, revised June 20, 2013, both by Ianuzi & Romans Land Surveying, P.C, File No. 435.058.

Mr. Camperlino gave a brief presentation and history of the property regarding his Zone Change request. He is proposing to build 7 Duplexes with a total of 14 single attached townhouses, which will be for sale. Possibly, this would be a great place to buy a duplex for people that have a significant other at the existing ClareBridge facility.

He stated that Gramercy Circle (The entrance to ClareBridge) is a Private Road and the Town didn't want to turn that into a Public Road until there was a second use (Lot 2). The Road does need some work completed in order to bring it up to Town specs. He talked about the grading of the site and the slopes.

Member Rossetti asked Attorney Frateschi that since the Roadway is part of Lot 1, would the applicant have to return for a Subdivision?

Attorney Frateschi replied, correct.

The Board has a problem with the stability of the steep slope, it could be a disaster given the right conditions, trees get cut down and floods. It may be contrary to the Code to build that close to a steep slope.

Tom Byrnes stated that the minimum setback is 25 ft. per the Code, but this slope needs some serious engineering.

Mr. Camperlino stated that nobody wants to build something dangerous and that he would get Engineers involved.

He stated that his purpose tonight is to get the Boards' reception on the Zone change.

Member Rossetti questioned why R-5.

Attorney Frateschi stated that this is the only zoning, R-5 which will allow this concept, multiple family housing. He said that the question is do 7 Duplex Buildings make sense on this site.

Board response; Member Kelly, no. Member Byrnes, maybe 5 and Member Rossetti, won't get 7.

Attorney Frateschi stated that it is incumbent on the Board to explain to Mr. Camperlino that even if the Board says yes we are okay with R-5 it is going to be a significant dedication part to engineering. It is a difficult property.

Mr. Camperlino stated that he has carried this for 25 years, there is a significant investment here and it has got to make some economic sense to him.

Member Byrnes stated that this is a gravel pit and there is a certain minimum slope that you have to meet and this doesn't, there are regulations.

Mr. Camperlino read some parts of past Town Board Minutes regarding the reclamation of the quarry.

Member Byrnes stated that he looks at that as a safety precaution.

Attorney Frateschi stated that this is a completely different issue. What you're facing here is a Planning Board that is going to have to make a decision on the construction of residential homes near a steep slope and they are going to base that decision on engineering.

Mr. Camperlino stated that he will get more engineering information and return to the Board with it.

With there being no other business, Member Rossetti made a motion, seconded by Member Byrnes and carried unanimously to adjourn the Meeting at 8:35 PM.

Respectfully submitted,  
Barbara A. Smith, Clerk