

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
AUGUST 12, 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: Donald Crossett, Richard Rossetti, Thomas Byrnes, Ann Kelly and Joseph Lupia. Also present were Attorney Wendy Kinsella and Town Engineer Douglas Miller.

Not In Attendance: Member Susan Moliski.

Also Present: VDC & Joseph Bergovec, Ellen & Mike McGrew, Cecelia Clark, John Hefti, Bob Theis, Abel Erdman, Dan Barnaba, Dave O'Bryan, Raymond Sylvester, Garry Nichols, Thomas Piascik and Attorney Joseph DeMari.

The Pledge of Allegiance was recited.

Minutes: Member Rossetti made a motion, seconded by Member Lupia and carried unanimously to approve the Minutes of July 8, 2013 with the correction on Page 4, last paragraph, Ackerson should read Ackerman.

Member Kelly made a motion, seconded by Member Crossett and carried unanimously to approve the Minutes of July 22, 2013.

**Cecelia Clark, East Richmond Road, East Syracuse, NY
Public Hearing-Betty Sacco Trust 2 Lot Preliminary Subdivision Section 1
Tax Map #065-01-30.0**

Cecelia Clark, applicant submitted a Betty Sacco Trust 2 Lot Preliminary Subdivision Map Section 1 dated July 22, 2013 and a Betty Sacco Trust 2 Lot Final Subdivision Map dated August 12, 2013, Job No. 1030 both prepared by J.R.L. Land Surveying. Per the Planning Boards request Lot 2 is marked Unbuildable and the house and the wording for the Septic have been removed from the Maps.

The Board and the applicant discussed and looked at the Betty Sacco Trust paperwork that stated Cecelia Clark is Trustee.

Member Rossetti made a motion, seconded by Member Kelly to waive the reading of the Legal Notice calling for this Public Hearing that was published in the Eagle Bulletin on August 7, 2013.

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

Joe Bergovec, 7319 Richmond Road E.-His concerns are about drainage and the development

on the other side of his property that has caused flooding. He has just found out about this proposal and would like to consult with an Engineering firm to see what they would do with the drainage and how it would affect his property before any decision is made.

The Board looked at the Map to see where his property is located and stated that Lot 1 is Buildable and Lot 2 is Unbuildable.

Raymond Sylvester, 7268 Richmond Road E.-He owns 3 acres of land with a Barn on it across the street from his house. He wanted to know if any impact study had been done because if she is going to put houses in here (Pointing to a section of the Map) it's a swamp.

The Board replied that that isn't her property and explained where the property was within the Subdivision and the property lines of the Subdivision.

A lengthy discussion ensued with Mr. Sylvester disagreeing with the location/angles of the Subdivision property lines and his property line.

Attorney Kinsella asked Mr. Sylvester what his concern is regarding what the applicant is trying to do?

Mr. Sylvester replied nothing really, he has no objection to what she's trying to do as long as everybody is on the same page and that this is marked properly and the way that you've been looking at this, it's not.

Attorney Kinsella asked Mr. Sylvester, so you think that the Surveyor is incorrect?

Mr. Sylvester replied that he knows that the Surveyor is incorrect because he just had it surveyed. He continued to disagree about the Map. The construction or whatever goes on he doesn't want all of that in his parking area.

Another discussion ensued between Mr. Sylvester and Cecelia Clark.

Attorney Kinsella explained that if there is a property line dispute or if the Surveyor is incorrect where your Barn is on her property that's between the two property owners. We have a certified Subdivision Map that is showing from the deeds where the lines are and all that we're doing is a paper Subdivision.

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

It was noted for the record that the Neighbor Notification had been received.

SEQR

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

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

The Planning & Development Staff and Town Engineer Douglas Miller reviewed the Short Environmental Assessment Form and filled out Part II and provided it to the Planning Board. Based on the application, the information provided by the applicant, the Board's personal knowledge of the site, that this is an allowable use, a 2 Lot Subdivision. 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 Rossetti made a motion, seconded by Member Byrnes and carried unanimously to issue a Negative Declaration under SEQRA.

Member Byrnes made a motion, seconded by Member Crossett and carried unanimously to approve the Betty Sacco Trust 2 Lot Preliminary Subdivision Section 1 dated July 22, 2013, Job No. 1030 by J.R.L. Land Surveying.

Member Rossetti made a motion, seconded by Member Kelly and carried unanimously not to hold a Public Hearing for the Final Subdivision Map because it is identical to the Preliminary Subdivision Map.

Member Byrnes made a motion, seconded by Member Crossett and carried unanimously to approve the Betty Sacco Trust 2 Lot Final Subdivision Section 1 dated August 12, 2013, Job No. 1030 by J.R.L. Land Surveying and authorize the Chairman to sign the Final Map.

The applicant was informed that the Chairman will not sign the Final Map until the \$400.00 Parkland Fee is received.

**The Church of Jesus Christ of Latter-Day Saints, 5070 N. Eagle Village Road, Manlius, NY
Amended Site Plan-Pavilion & Playing Field**

Tax Map #098-01-17.0

Tom Piascik, representing the applicant submitted Contract Drawings, Sheets CS001, Cover Sheet, CS100, Site Plan, CS600, Playing Field Details, A101, Pavilion Plan, Elevations and Notes and A102, Pavilion Plan, Elevations and Details dated July 16, 2013, Project Number 1163 by Piascik Engineering.

Mr. Piascik stated that the proposal is to construct a 60' X 30' open Pavilion with inside lighting and an exterior drinking fountain towards the rear of the parking lot and a small, approx.

40,000 sq. foot playing field with a backstop that will be for Church Members so there will not be an increase in traffic.

SEQR

It was noted for the record that SEQR was previously done on the original Site Plan.

Member Lupia made a motion, seconded by Member Rossetti and carried unanimously to waive holding a Public Hearing because these are minor changes to the original Site Plan.

Member Lupia made a motion, seconded by Member Rossetti and carried unanimously to approve the Church of Jesus Christ of Latter-Day Saints Amended Site Plan and Contract Drawings for a Pavilion and Playing Field dated July 16, 2013 by Piascik Engineering as submitted.

Eldan Homes, Inc., Westside South Eagle Village Rd. Across From Peck Hill Rd., Manlius, NY Continued-Phase 2-Section 18 Mallards Landing 2nd Amended Final Subdivision Tax Map #117.3-01-25.1 & 25.3

Dan Barnaba, owner of Eldan Homes submitted an Amended Final Plan, Mallards Landing, Phase 2, Section 18 dated January 9, 2013, revised July 29, 2013 by Phillips & Associates Surveyors, File No. 2730.028.

Mr. Barnaba stated that they are proposing not to extend Ring-Necked Path, reduce the number of Lots from 52 to 50, Lot 49 & 50 (Estate Lots) are oversized Lots that will be accessed through Private Drives off of a Turnaround for a Town owned portion of that Road. The Detention Basins were reshaped slightly intended to keep the same volume of water treated that was reviewed by his Engineer, John Dunkle. The waterline is in, the sewer has to be constructed/extended from Ring-Necked Path through the front of the Subdivision. Gas and Electric is at the end of Ring-Necked Path which there will be easements if necessary.

There will be 6 Phases and the Loops would be built in two parts. The two Estate Lots, 49 & 50 have the ability of being a Phase in of themselves. They have broken up the other access into 3 Phases, which may be constructed individually or two at a time.

There are 2 Ponds built in Section 17C and they are proposing one new one off of Mandarin Cr. by the double Cul-de-Sac, with two more facilities, totally 3 Ponds.

Member Rossetti asked if Section 17C is completed?

Mr. Barnaba replied that the work is done.

Member Lupia asked what the purpose of the common area is?

Mr. Barnaba replied that the property will be placed in different HOA'S, just a means of owning the property so that the Developer, individual Homeowner or the Town doesn't have to own it. It's unbuildable so it will act as a buffer.

Member Kelly inquired about the engineering.

Engineer Miller stated that at this time in reference to the Plan he has talked with Engineer John Dunkle about the Stormwater Plan and the R-O-W on South Eagle Village Road. The Highway Superintendent has discussed the Cul-de-Sac as being a part of the common space areas.

Mr. Barnaba stated that according to the previous Town Attorney Timothy Frateschi, referring to the length of the Cul-de-Sac, that there is no prohibition in the Town Code relating to the length of a single access Road. He suspects from the entrance to the front end of the Cul-de-Sac is about 1100 ft.

The Board asked Mr. Barnaba if there was going to be an emergency exit from the new Cul-de-Sac through the big Lots, is that still going to be possible?

Mr. Barnaba replied that it hasn't been designed for an emergency exit.

Mr. Barnaba stated that what he is asking for tonight is an approval of the Plan and then the engineering would be done in Sections. He will have the engineering reviewed for the double Cul-de-Sacs first because that engineering is about 80% done. He is going to give the Town some type of access to the Ponds for maintenance.

Member Byrnes inquired in reference to Mr. Dunkle's presentation (At a past Meeting) about capturing some flow from the Cottages that goes directly to Craine Brook into the Detention Pond.

Mr. Barnaba replied that right now in Section 17C there is a Detention Facility and that he is proposing a Detention Facility in Section 18A. There is a tributary that's caught by a Catch Basin that bisects the 2 Ponds, so they will catch the tributary in either Basin or the combination of the two so they can detain that water longer than it is currently being detained. Right now it bypasses the Basin and gets right to Craine Brook.

The Cul-de-Sacs (18A) will have a grass interior, no blacktop, and what they treat that with might have something to do with their Stormwater Plan. They will be owned and maintained by the HOA.

The Board inquired when a Stormwater Management Plan should be in place.

Mr. Barnaba stated that he wouldn't even propose a Stormwater Plan until he submits the Drawings to the community. He wants Board approval on the Plan and then he would get engineering approval on a Section by Section basis. They are not planning on building anything until the Engineering Review is done and the SWPPP is submitted to the Town Engineer for review.

Member Rossetti asked if the Section 17C Subdivision Plan has been filed?

Mr. Barnaba replied that yes it has.

Mr. Barnaba talked about having on the average 7 1/2 foot side yard Setbacks leaving 15 ft. between houses. It is unlikely that there will be shared driveways.

Mr. Barnaba stated that procedurally what he is asking is that this Board votes on an Amended Final Plan for Section 18. The Map would be unsigned and not filed and then he would proceed to develop this property in Sections, getting an Engineer Review and approval from the Town Engineer and the Town Board for construction and as each Section is constructed, come to the Planning Board Chairman for a signature of the Map. Then after the infrastructure is built, substantially built, and file that portion of the Map with the County, filed in Phases.

Member Kelly asked Engineer Miller if he is comfortable with this?

Engineer Miller replied that he thinks that we will need Legal and Engineering upfront. On the left hand side with the Phases that the Developer wants to do, all the sewers are going to have to be in as you go backwards.

Mr. Barnaba stated that he doesn't disagree with that.

Attorney Joe DeMari of Germain & Germain Law Firm spoke in reference to a letter from Neil Germain dated August 6, 2013 stating that the modified Plan from Mr. O'Bryan dated July 13, 2013, which he stated matches the Plan dated July 29, 2013 does meet with the expectations of the Mallards Landing HOA #2.

The above referenced Letter was read and entered into the record.

Member Rossetti made a motion, seconded by Member Kelly and carried unanimously to waive holding a Public Hearing for the Amended Final Plan, Mallards Landing, Phase 2, Section 18 because the changes are minor and are a result of community concerns of the June 10, 2013 Public Hearing.

Member Rossetti stated that he is concerned with how long will the project go along before the Detention Pond is built.

John Hefti, 9129 Stratus Circle-Stated that years ago this Board approved Burkes Pond which was going to bring development flow of 240 down to 40 and we have concerns about that. We would like to see that in these Plans with some kind of Pond because we're still seeing flooding, nothing has changed that

much. He is concerned with Maps that are put together that don't have this additional Pond on it because there is going to be other builders out there that are going to look at what this says without a Pond and everybody is moving forward.

Mr. Barnaba stated that Burkes Pond couldn't be constructed/placed in a Wetland. There is another Pond shown on this Map, we just haven't shown how we're going to intersect the flow yet. That will be done at the Engineering stage.

Mr. Hefti stated that four years ago the Board approved a Pond to mitigate all of the flooding. They didn't say it was this developer, they said before development. He and the residents of Falcon View would like to see something at this stage where the Pond is going to be before we get down to August of next year.

Chairman Gilbert stated that the SWPPP is the document that will show that we haven't constructed anything that will cause any more water runoff from the site than what was there originally. We have compensated with more drainage Detention Basins.

Mr. Barnaba stated that he cannot build anything without Town and Engineering review and approval.

The Board requested that the applicant put the Phasing on the Map, Manlius Fire Dept. review and input of the Plan and Engineering details of the Cul-de-Sacs.

Engineer Miller will contact the Fire Dept. for their review and input.

Attorney DeMari stated that if the Fire Dept. determines that a change/s are needed regarding the Cul-de-Sacs he will review that.

The applicant will return to the August 26, 2013 Planning Board Meeting.

With there being no other business, Member Rossetti made a motion, seconded by Member Crossett and carried unanimously to adjourn the Meeting at 8:20 PM.

Respectfully submitted,
Barbara A. Smith, Clerk