

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
June 13, 2016**

APPROVED

The Town of Manlius Planning Board met in the Town Hall at 7:00 PM with Chairman Susan Moliski presiding and the following Members were present: Fred Gilbert, Ann Kelly, Joe Lupia, Don Crossett, Mike LeRoy and Walt Neuhauser. Also present was Attorney Timothy Frateschi and Town Engineer Doug Miller

Also Present: Mike & Ellen McGrew, Roseann Lorefice, Victoria Meguid, Brian J. Kelly, George J. Lorefice, Deborah J. Kelly, Trevor Edkin, Sue Ziff, Pat Edsell, Linda DeHaas, George DeHass, Stella & John Penizotto, Lisa Speciale, James DiGristina, Anthony Catsimatides, Tom Kinslow, Bill Cross, Dan Barnaba, Garrett Bilow, William Becker, Marcella Becker, Matt Spitzmueller, Yvonne Smith, Tom Oot

The Pledge of Allegiance was recited.

Minutes

Member Gilbert made a motion, seconded by Member Kelly and carried unanimously to approve the minutes of May 23, 2016. Chairman Moliski and Member Lupia abstained, they were not at the meeting.

Garrett Bilow, 916 Park Avenue, Syracuse, NY 13204

PUBLIC HEARING - Excavating, Grading and Filling Permit - 6789 Fremont Road, E. Syracuse 13057

Tax Map # 44-01-08.1

Attorney Frateschi updated the Board by saying that there is no letter from FEMA allowing Mr. Bilow to continue with his project, meaning that he cannot construct anything in the Floodplain without this letter. Therefore, the Board must wait for this letter in order to make a decision on the project.

Engineer Miller said that Mr. Bilow submitted the FEMA acknowledgement that is required for all projects for a LOMAR through FEMA. Engineer Miller reviewed the standard form and talked to the Surveyors office and that the information was submitted directly to FEMA. Engineer Miller will reach out to Mr. Bilow and make sure the information is true and if it is, he will sign the form and submit it to FEMA.

Member Crossett made a motion, seconded by Member Neuhauser and carried unanimously to waive the reading of the Public Hearing Notice.

Member Crossett made a motion, seconded by Member Gilbert and carried unanimously to open the Public Hearing at 7:05pm.

With there being no comments from the public, Member Kelly made a motion, seconded by Member Neuhauser and carried unanimously to close the Public Hearing at 7:06pm.

The Board decided that since Mr. Bilow was not in attendance to answer questions, that they could not make a decision on the project until they received a letter from FEMA.

Mr. Bilow entered the meeting after the Public Hearing. He stated that he is still waiting to hear back from FEMA regarding the FEMA letter.

Stephen Ziff, 4686 Whetstone Road, Manlius, NY 13104
PUBLIC HEARING - Accessory Use Permit – 4686 Whetstone Road,
Manlius, NY 13104
Tax Map # 112.-02-03.0

Attorney Frateschi stated that Mr. Ziff was at the last meeting and gave several public statements about his application that indicated that he did not reside at the residence and the primary use was for his business. He also answered several questions that the Board had. The Board received many letters and comments from the public and they were presented to him. He responded to the best of his ability. Subsequent to that meeting, we have received more comments about the Accessory Use Permit. Mr. Ziff called earlier in the day and stated that he could not attend the meeting this evening. The Board will hold the Public Hearing even in his absence.

Attorney Frateschi has reviewed the code and there are several problems with this Accessory Use Permit. From a legal standpoint, the primary legal issue appears to be that the business he operates out of the house does not fit within the definition of a “professional” business. Based on his comments at the last meeting, he is operating a construction business out of the house. In his opinion, that is not a “professional” business as contemplated under the Town Code’s R1 district. The Town Code refers to physicians, attorneys and similar professional licensed by the State of New York.

Member Gilbert made a motion, seconded by Member LeRoy and carried unanimously to waive the reading of the Public Hearing Notice.

Member Kelly made a motion, seconded by Member Neuhauser and carried unanimously to open the Public Hearing at 7:12pm.

1. RoseAnn Lorifice, 4694 Whetstone Road
 - She will speak for the neighbors in the audience
 - The property is Zoned R1 and actual residency is required. According to Mr. Ziff, this is not his primary residence.
 - The business begins at 8am and ends at 5pm Monday-Friday with no activity on the weekends. This is based on observations.
 - The profession is not recognized by NYS
 - The safety of the neighborhood is in question. The car and truck overflow is in the street and prohibits the line of sight coming over and going up the hill.
 - Additional overflow parking is in the entrance to Mill Run Park. The trucks block the access to the park. (Attorney Frateschi asked how Mrs. Lorifice knew they were cars related to Mr. Ziff. She said that as she was taking pictures, she watched a truck pull into the park and pulled off the magnetic sign saying the ProVision Company on the side of the truck).

- Parking of the cars and trucks has also encroached on the neighbor's properties.
 - The neighbors would like the Board to deny the Application by Mr. Ziff.
2. Susan Ziff, Mother of the Applicant
 - She understands that there are rules and regulations
 - She understands that there are parking issues.
 - He stays at his parents' house with his daughters.
 - There are no customers coming in and out. He has a guy that stays there during the day; everyone else is out in the field.
 - As for the house upkeep, it has been painted, new garage doors and is trying to keep it up.
 - He owns the house, his mail is delivered there. He is just trying to make a living and she supports her son.
 - If the Board decides to deny the Permit, she would like the Board to consider giving him time to move the business from the house.
 3. Pat Edsell
 - Understands the situation but if someone was in her yard taking pictures, she would have called the Police, its harassment.
 - Does not believe that there was a threat – he is willing to work with the neighbors to whatever extent.
 - She does however agree that parking is an issue.
 4. George Lorifice
 - Spoke to Mr. Ziff last year and 2 days ago.
 - Not everyone hates him, its jus the situation.
 5. Trevor Edkin, 4674 Whetstone Rd.
 - Does not hate Mr. Ziff, he has never met him, lived there for only 2 months.
 - He has only seen people there 3-4 times, couple times on the weekends.
 6. Susan Ziff
 - Doesn't understand the issue
 7. Brian Kelly 4697 Whetstone Rd.
 - In his opinion, the issue is the property is Zoned R1, that means it is a single-family residential neighborhood.
 - This is not the proper profession for the Accessory Use Permit.

With there being no more comments from the public, Member Gilbert made a motion, seconded by Member Kelly and carried unanimously to close the Public Hearing at 7:34pm.

Member Gilbert makes a motion to deny the application before the Board due to the fact that according to the Accessory Use Permit, that profession is not a recognized one according the R1 code and because Mr. Ziff testified that he does not live at the residence.

Chairman Moliski asked Mrs. Ziff how long it might take Mr. Ziff to vacate the business from the property. She said ideally 6 months.

Member Gilbert made a motion seconded by Member LeRoy and carried unanimously to deny the application for and Accessory Use Permit for Mr. Stephen Ziff based on the information in the resolution prepared by Attorney Frateschi. The Board gave Mr. Ziff 60 days to discontinue his business from the property at 4686 Whetstone Rd. The Board also authorized Attorney Frateschi to send Mr. Ziff a letter regarding their decision to deny the Accessory Use Permit.

Oot Brothers, 5912 North Burdick Street, E. Syracuse, NY 13057
Re-Phase and Amend Subdivision - Megnin Farms at Poolsbrook,
NYS Route 5, Manlius, NY 13104

Tom Oot explained to the Board that he would like to Amend and re-phase the Megnin Farms Subdivision. So overall, they are changing the phasing sequence a little bit and the other change is Lot 46 has been enlarged to the south to connect to George Aspinall's property along NYS Rt. 5. George Aspinall approached Mr. Oot and would like to by the Lot 46 which is adjacent to his landscaping business. He would like to acquire Lot 46 and make it a 2 ½-acre parcel.

Conversation ensued regarding the use of Lot 46. The Board is uncomfortable approving this change since the area that is enlarged was supposed to be a common area for the entire subdivision. It is his understanding that Mr. Aspinall would like it to adjoin his landscaping business but the Board does not want houses or structures behind the homes that will be built along Quarter Horse Run. Also, the Board is concerned that access through Lot 46 to the Aspinall Landscaping business may open up the potential for further subdivision of the Aspinall Landscaping business. This should not be the result of making Lot 46 larger.

Member Gilbert made a motion, seconded by Member LeRoy and carried unanimously to waive holding a Public Hearing to Re-Phase and Amend Phase 4 of the Megnin Farms Subdivision.

Member Lupia made a motion, seconded by Member LeRoy and carried unanimously to approve the amendment and re-phasing of Megnin Farms as set forth on the preliminary subdivision map, dated May 2, 2016, project number 14023. This approval is contingent on the developer providing a covenant that any structure(s) built on Lot 46 must be built within the building envelop set forth on the previously approved preliminary subdivision plan along Quarter Horse Run and such covenant shall be prepared in recordable form upon the granting of the final subdivision approval for this Phase.

Eldan Homes, 7854 Oswego Road, Liverpool, NY
Buffer Relief – Lot 8 – 121 Crane Landing, Manlius, NY 13104
Tax Map # 117.3-01-46.0

Dan Barnaba asked the Board to modify the final buffer on Lot 8 – 121 Crane Landing, to allow 4.1 feet instead of the required 5 feet.

Member Gilbert made a motion, seconded by Member Lupia and carried unanimously to approve the Buffer relief of 4.1 feet. The Board asked Mr. Barnaba to resubmit the map with the new information regarding the buffer.

Shining Stars Daycare, Enders Road Manlius, NY 13104
Subdivision and Site Plan

Tax Map #'s 114.-01-09.0; 114.-01-10.0; 114.-01-11.0; 114.-01-12.0; 114.-01-13.0; 114.-01-14.0; 114.-01-31.0

Attorney Paul Curtin was there to represent John and Stella Penizotto.

Mr. Curtin stated that they went before the Zoning Board of Appeals and they were granted the variances for lot coverage, parking relief and parking in the front yard. They are back in front of the Planning Board to take care of all the Site Plan issues that the Board may have.

Attorney Frateschi talked to Engineer Miller about a Public Hearing for a Subdivision and that this is a merger of 7 parcels into 2 parcels, under the Town Code it is a Division of Land. This Board however has the right to hold a Public Hearing and will hold a Public Hearing due to the fact that the Code Enforcement Officer is uncomfortable doing a Division of Land and would prefer that this be considered a subdivision.

Attorney Curtin again acknowledge that upon the issuance of a Certificate of Occupancy for the new day care center, the existing building will be removed and the corner lot will be an empty lot, therefore setback issues should not be an issue. In discussing this with Doug, Mr. Curtin said that the other houses on site will be taken down as well. The only structure on the properties during the construction of the new daycare center will be the current daycare center. A phasing plan for the transition will have to be worked out.

Chairman Moliski said that a demolition plan would be great.

Anthony Catsimatides and Tom Kinslow, the architects for the project, stated that their job is to try to make the building look residential. Mrs. Penizotto wants it to have a house feel and the gym to have a barn feel. They would use clapboard siding. They would put in doors in classrooms for egress and design the gymnasium for multiple uses.

Discussion ensued regarding colors and the look of the outside of the building.

Attorney Curtin said that the items left to get to the Board are as follows:

- Landscaping Plan
- Grading Plan
- Photo Metric Plan
- Lighting Plan
- Elevation Plan on all sides

- Drainage Plan
- Material Plan
- Demo Plan for houses and one for the existing daycare
- Color Palette Plan
- Construction Plan
- And a 2 Lot Subdivision Plan

The general consensus of the Board was that the building elevations were appropriate for the area and that the barn “look” matched the True Value across the street. Mr. Curtin said that he would like some time to develop and submit the above material and the applicants will get back to the Board when it is ready to set a date for the public hearings.

Accessory Use Permit Renewals:

Dr. David Thorpe, 7211 E. Genesee St., Fayetteville, NY Tax Map #087.-07-44.0
7207 Properties, LLC, 7207 E. Genesee St., Fayetteville, NY Tax Map #087.-07-45

The Board is in receipt of a memo dated June 6, 2016 from Code Enforcement Officer Michael Jones regarding the above properties. The letter states that there are no complaints and or violations on the properties and there have been no changes since the original applications and he recommends that they be approved for a period of seven (7) years.

Member LeRoy made a motion, seconded by Member Crossett and carried unanimously to approve the above Accessory Use Permits for a period of seven (7) years, all to expire on June 13, 2023.

Other Business

With there being no further business, Member Gilbert made a motion, seconded by Member Neuhauser and carried unanimously to adjourn the Regular Meeting at 8:33pm.

Respectfully submitted,
Lisa Beeman, Clerk