

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
APRIL 23, 2012**

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, and Joseph Lupia Jr. Also present were Attorney Timothy Frateschi and Director of Planning & Development David W. Tessier.

Not in Attendance: Member Kelly.

Also Present: Cynthia & Michael Hare, Thomas Harig, Danielle Carr, Ronald Hill, Mike & Ellen McGrew and A. Burhans.

The Pledge of Allegiance was recited.

Minutes: Member Byrnes made a motion, seconded by Member Crossett and carried unanimously (Members Moliski, Rossetti and Chairman Gilbert abstained as they were not present at that Meeting) to approve the Minutes of April 9, 2012.

Chairman Gilbert thanked Members Moliski and Crossett for being Acting Chairs in his absence.

Thomas Harig, 7153 East Genesee St., Fayetteville, NY

Public Hearing-Site Plan Accessory Use Permit

Insurance Agency Office Tax Map #085-06-08.1

Tom Harig, applicant gave an overview of his proposal for a 738.50 Sq. Foot Insurance Agency Office with 4 Parking Spaces, and there will be himself and one employee.

The following applies to all 4 of Thomas Harig's Site Plan Accessory Use Permit Applications:

Submitted was a Site Plan dated March 30, 2012, revised April 23, 2012, Sheet No. C-1, drawn by DP/D. Carr showing a change to the proposed parking; Front 1 10'X20' space with an 8 foot wide handicap accessibility, 10 spaces in the rear with a larger parking area and also the corrected turning radius.

Read and entered into the file was a Site Plan Review dated April 17, 2012 by Miller Engineering with the following Comments:

1. Drywell applications are recommended allowable uses for roof leaders and roof runoff per the NYS Storm Water Design Manual. Dry wells are not recommended for storm water retention facilities
2. No calculations for pre development and post development storm water runoff has been proposed by the applicant

3. Lot coverage calculation indicates 39% of the lot covered with impervious material
12,300 sf/ 31,532 sf
4. Parking on the site is cramped
 - a. Back lot requires more than the 15' shown between the 90 degree and parallel parking
 - b. Parking spots vary from 8 feet wide to 10 feet wide throughout the site
 - c. Circular entrance drive has an effective drive lane of 8 feet+/- and a choke point at the easterly side of the parking point of less than 8 feet
 - d. Existing planting bed extends into drive lanes for site access
 - e. Ingress and Egress is required in one direction, current layout of car direction is problematic
 - f. Handicap location does not meet ADA requirements

The applicant attended the ZBA Meeting of April 19, 2012 for 2 Area Variances, Lot Coverage of 41.6%, allowed 35% and 15 Parking Spaces, 21 required:

ZBA Member KP Kelly made a motion, seconded by Member McIntosh to table the application to the next Meeting, May 17, 2012 when the Planning Board can get the Zoning Board more information.

ZBA Chairman Forest added an Addendum to the motion: Additional information needed by the Zoning Board of Appeals as follows: drainage issues, parking issues, handicap accessible parking and the total number of parking spaces and a determination on parking for apartments and businesses, and the Town Engineers Report.

The Onondaga County Planning Board Resolutions, that applies to all 4 of Thomas Harig's Site Plan Accessory Use Permit Applications, dated April 18, 2012 for Case # Z-12-141 and Case # Z-12-142, Insurance Agency Office, Case # Z-12-143 and Case #Z-12-144, Elizabeth Hill Interior Decorator Office, Case # Z-12-153 and Case # Z-12-155, 2nd Floor Apartment, Case # Z-12-156 and Case # Z-12157, Rear Apartment (Up & Down) was read and entered into the file:

NOW THEREFORE BE IT RESOLVED, that the Onon. Co. Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action: (The Resolution also included 3 Comments)

The applicant must contact Betsy Parmley (315-428-4382) at the NYSDOT to review highway access and to coordinate and entrance-and exit-only driveway configuration.

The applicant stated that the intent is for a one way in and out driveway and will contact Betsy Parmley.

Attorney Frateschi presented a background review of 7153 E. Genesee St. Mr. Harig purchased the property in 2006 and came before this Board and got approval for an Accessory

Use Permit for an Insurance Office and at that time he had two occupied Apartments in the building. He is here tonight to get an extension of the granted Accessory Use Permit for his Insurance Agency Office, the Apartments which were in the building and would be granted for the first time an Accessory Use Permit, they have been grandfathered and in place. We are now trying to get everything in the building properly approved that we know of so that we can move forward with the site. The new use is the Elizabeth Hill Interior Decorator Office. Three of the four uses have been going on, and there is no change to the outside of the building.

A short discussion ensued between the Board and Danielle Carr, Landscape Architect in reference to the Miller Engineering Review; existing planting bed, the four front parking spaces, calculations, drywells and drainage on the site.

Member Rossetti made a motion, seconded by Member Crossett and carried unanimously carried to waive the reading of the Legal Notice calling for this Public Hearing that was published in the Eagle Bulletin on April 18, 2012.

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

With there being no comments from the Public, Member Rossetti made a motion, seconded by Member Byrnes and carried unanimously to close the Public Hearing.

Thomas Harig, 7153 East Genesee St., Fayetteville, NY

Public Hearing-Site Plan Accessory Use Permit

Elizabeth Hill Interior Decorator Office Tax Map #085-06-08.1

Tom Harig, applicant gave an overview of the proposal for an 810 Sq. Foot Elizabeth Hill Interior Decorator Office with 5 Parking Spaces and three employees.

Previously entered Miller Engineering Review, Onon. Co. Planning Board Resolutions, ZBA Meeting Motion dated April 19, 2012 and the Site Plan dated March 30, 2012 and revised April 23, 2012 apply to this application.

Member Byrnes made a motion, seconded by Member Crossett and carried unanimously to waive the reading of the Legal Notice calling for this Public Hearing that was published in the Eagle Bulletin on April 18, 2012.

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

With there being no comments from the Public, Member Rossetti made a motion, seconded by Member Crossett to keep the Public Hearing open. **Ayes:** Members Rossetti, Crossett and

Lupia. **Nays:** Members Byrnes, Moliski, and Chairman Gilbert.

Vote deadlocked

Member Rossetti withdrew his motion and Member Crossett withdrew his second.

Further discussion ensued regarding the Public Hearing.

Member Byrnes made a motion, seconded by Member Moliski to close the Public Hearing.

Ayes: Members Byrnes, Moliski, Crossett, Lupia and Chairman Gilbert. **Nays:** Member Rossetti.

Motion Carries

Thomas Harig, 7153 East Genesee St., Fayetteville, NY

Public Hearing-Site Plan Accessory Use Permit

2nd Floor Apartment Tax Map #085-06-08.1

Tom Harig, applicant gave an overview of his proposal for a 1358.25 Sq. Foot 2nd Floor Apartment with 4 Parking Spaces, 7 required.

Previously entered Miller Engineering Review, Onon. Co. Planning Board Resolutions, ZBA Meeting Motion of April 19, 2012 and the Site Plan dated March 30, 2012 and revised April 23, 2012 apply to this application.

Member Lupia made a motion, seconded by Member Rossetti and carried unanimously to waive the reading of the Legal Notice calling for this Public Hearing that was published in the Eagle Bulletin on April 18, 2012.

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

With there being no comments from the Public, Member Rossetti made a motion, seconded by Member Moliski and carried unanimously to close the Public Hearing.

Thomas Harig, 7153 East Genesee St., Fayetteville, NY

Public Hearing-Site Plan Accessory Use Permit

Rear Apartment (Up & Down)

Tom Harig, applicant gave an overview of his proposal for an 841.50 Sq. Foot Rear Apartment (Up & Down) with 2 Parking Spaces, 5 required.

Previously entered Miller Engineering Review, Onon. Co. Planning Board Resolutions, ZBA Meeting Motion of April 19, 2012 and the Site Plan dated March 30, 2012 and revised April 23, 2012 apply to this application.

Member Rossetti made a motion, seconded by Member Moliski and carried unanimously to waive the reading of the Legal Notice calling this Public Hearing that was published in the Eagle Bulletin on April 18, 2012.

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

With there being no comments from the Public, Member Moliski made a motion, seconded by Member Rossetti and carried unanimously to close the Public Hearing.

SEQR For All 4 Of Thomas Harig's Site Plan Accessory Use Permit Applications

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

Member Byrnes made a motion, seconded by Member Moliski 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, there will be one 810 Sq. Foot Office added, the uses that are being requested by the applicant aren't going to create any traffic issues, there will be additional impervious ground created, although less than an acre is being disturbed the Engineer will review and approve the Stormwater Plan. 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 Byrnes made a motion, seconded by Member Rossetti and carried unanimously to issue a Negative Declaration under SEQRA.

Board discussion ensued. Member Rossetti felt that he hasn't had time to study the revised Site Plan that was submitted tonight. Member Byrnes stated that the three uses have been there and only one new use is being added and that the parking is in the rear. Member Moliski stated that it is existing, very little is changing and that the property has been improved. Member Lupia stated he believes that the number of uses is affecting the residential character of the neighborhood, it is turning the residential area into a commercial development and therefore is opposed to the Elizabeth Hill Decorator Office.

The Board stated that in reference to the proposed addition, it is on the Site Plan for purposes of Lot Coverage percentage. If the applicant wants to change the handicap ramp and relocate the front handicap space to the rear, the applicant will have to return to the Planning Board.

The applicant stated the west wing including the porch will be restored, useable space, but the structure will not change.

Recommendation To The Town Of Manlius Zoning Board Of Appeals

Member Moliski made a motion, seconded by Member Rossetti, Member Lupia abstained and the Motion carried 5-0 to recommend to the ZBA approval of the following Area Variances:

Lot Coverage Up To 41.6%

Reduce The Required 7 Parking Spaces to 4 for the 2nd Floor Apartment

Reduce The Required 5 Parking Spaces To 2 for the Rear Apartment (Up & Down)

Reduce The Size Of The 4 Front Parking Spaces From The Required 10' X 20' to 8' X 20', to avoid additional paving

Conditions of approval for all 4 of Tom Harig's Site Plan Accessory Use Permits:

Building Setback Line is to be removed from the Site Plan

Existing Signage is to be shown on the Site Plan

Miller Engineering approval

ZBA Variances granted

Member Byrnes made a motion, seconded by Member Crossett to approve all 4 of Tom Harig's Site Plan Accessory Use Permits.

After a Board discussion, Member Byrnes withdrew his motion and Member Crossett withdrew his second.

Member Lupia made a motion, seconded by Member Moliski to approve the Tom Harig Insurance Office, including the above mentioned conditions. **Ayes;** Members Lupia Moliski, Crossett, Byrnes, and Chairman Gilbert. **Nays;** Member Rossetti.

Motion Carries

Member Moliski made a motion, seconded by Member Byrnes to approve the Elizabeth Hill Interior Decorator Office, including the above mentioned conditions. **Ayes;** Members Moliski, Byrnes, Crossett, and Chairman Gilbert. **Nays;** Members Lupia and Rossetti.

Motion Carries

Member Byrnes made a motion, seconded by Member Moliski to approve Tom Harig's 2nd Floor Apartment, including the above mentioned conditions. **Ayes;** Members Byrnes, Moliski, Crossett, Lupia, and Chairman Gilbert. **Nays;** Member Rossetti.

Motion Carries

Member Crossett made a motion, seconded by Member Byrnes to approve Tom Harig's Rear

Apartment (Up & Down), including the above mentioned conditions. **Ayes;** Members Crossett, Byrnes, Moliski, Lupia, and Chairman Gilbert. **Nays;** Member Rossetti.

Motion Carries

Michael Hare, 7026 N. Manlius Rd., Kirkville, NY

Continued Recommendation To The Town Board-Special Permit

Instinctive Guardians Service Dogs-Dog Kennel Tax Map #040-01-03.0

Michael Hare, applicant submitted a Site Plan S-1 dated December 12, 2011, revised April 1, 2012 by Pitcher Architect, pllc showing 3 Phases, paved parking, fencing, 2 Kennels, a Training Barn and an underground Septic System.

He explained how and who he trains dogs for. He went to school in Florida and is a certified Trainer in New York. He has 5 dogs on site, with 2 dogs in the Kennel and the others in the house.

The Board stated that their issues are the acceptance by the neighbors, noise, smell and things involved with a Dog Kennel.

The Board asked Mr. Tessier if there had been any recent complaints and he replied no.

Mr. Pitcher explained the Septic System for the Kennels and stated that there is nothing by regulation or standard design.

The Board discussed the 3 Phases, the number of dogs, noise, training and the Training Center, fencing, breeding, boarding and that this is an allowable use upon the issuance of a Special Permit by the Town Board.

Member Crossett made a motion, seconded by Member Moliski, (Member Lupia abstained, because he was not on the Board when the applicant presented) and the Motion carried 5-0 to recommend approval of a Special Permit based on Site Plan S-1 dated December 12, 2011, revised April 1, 2012 by Pitcher Architect, pllc with the following conditions:

Stockade Fence to monitor sound to be completed before construction of Phase 1

Sound must be monitored

Any dogs bred on site will be used as training dogs

The site will not be used for breeding dogs for sale

Associate dogs with Phases:

Phase 1-Kennel for 10 dogs-should include tank and septic field

Phase 2-Training Center Building-no training until completed

Phase 3-Kennel for 10 dogs

Maximum of 20 dogs on site

Limit the number of trees removed from the site to the area of construction

Retain existing trees and shrubs for sound attenuation
Special Permit should require proper visual screening
Prohibit facility from being a boarding business

Other Business

Chairman Gilbert informed the Board of the County Training Session that is to be held on June 7, 2012.

With there being no further business, Member Rossetti made a motion, seconded by Member Lupia and carried unanimously to adjourn the Meeting at 8:59 PM.

Respectfully submitted,
Barbara A. Smith, Clerk