

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
NOVEMBER 26, 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, Ann Kelly and Joseph Lupia. Also present were Attorney Timothy Frateschi and Town Engineer Douglas Miller.

Also Present: Chris Kozub, Ed Kiplinger, Attorney John Langey, Ken & Mary Wagner, Jim Lighton, LLS, Andrew Kaufman, Ronald Chapman, Cathy Byrnes, Albert & Marisa Ovadias, John Hefti and Garry Nichols.

The Pledge of Allegiance was recited.

Minutes: Member Rossetti made a motion, seconded by Member Kelly and carried unanimously (Member Lupia abstained as he was not present at that Meeting) to approve the Minutes of October 22, 2012.

Snooks Pond Development, LLC, 5001 Highbridge St., Fayetteville, NY

Amended Excavation, Grading & Filling Permit Application

Public Hearing-Tax Map #101-01-30.0 & Including Tax Map Parcels #101-01-31.2 & 32.0

Attorney Frateschi gave a brief background of this project from 2008 to present. The Stop Work Order is still in place but portions of it were lifted.

Attorney John Langey stated that this is a separate Tax Parcel that was acquired by the applicant. They are seeking approval for the storing of materials. There is an existing road cut that was approved by the County in 2008.

Member Kelly asked that when the property, where the dirt pile is, was purchased was it put into the deed with the other property?

Attorney Langey replied that no these are separate parcels.

Ed Keplinger of Keplinger Freeman Associates submitted an Overall Site Plan, L-1, Site Grading & Planting Plan, SW-1 and Stormwater Pollution Prevention Plan, SW-2 dated November 2, 2012 by Keplinger Freeman Associates, Landscape Architecture & Land Planning.

Mr. Keplinger stated that the previously submitted Plan dated October 10, 2012 is obsolete. The Plan dated November 2, 2012 is to build a Berm with a three to one slope, 15 to 20 feet higher than Highbridge Street, as it progresses to the west it gets to be 30 to 35 feet, it's about 250 feet away, it will be planted with a lot of landscaping, it will be half as narrow as existing pile, it is approx. 240 feet in length and part of what is there will remain.

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Town Engineer Douglas Miller stated the engineering has not been reviewed.

Member Rossetti asked that if the engineering is approved how does the Board know that it was built that way, with no inspections, from a stability standpoint?

Mr. Keplinger replied that three to one is a stable slope.

Member Kelly asked if all of the fill came from the Pond?

Mr. Keplinger replied that the majority of it did.

Member Lupia stated that the Plan shows the top height as 541 feet and asked what is the top height of that Berm currently?

Chris Kozub replied that he doesn't have the exact survey of Rte. 92 in relation to what the road elevation is.

Member Lupia stated he is trying to conceptualize what it looks like today compared to the Final Plan.

Mr. Keplinger stated that it is pretty close to the natural grade on the west side of the Berm of 540 feet, in the range of the height of the driveway.

Mr. Kozub stated that there is nothing more to add.

Member Byrnes asked if there is a completion date?

Mr. Keplinger replied that they will be sloping the ground through the Winter stabilizing it with straw or other methods and in the Spring it will be top soiled, seeded and planted.

Member Lupia asked at what point would the temporary truck entrance be removed?

Mr. Kozub replied that that would be one of the last things to be done.

Member Rossetti asked if the SWPPP for the entire site has to be amended?

Attorney Langey replied that no not under the rules, because it is a separate parcel. There is no regulation that requires that.

Mr. Miller stated that a new SWPPP for the entire site or amend the existing SWPPP is going to be one of his comments. It is probably easier to amend the existing SWPPP.

Attorney Langey stated that it is his understanding that they are doing a SWPPP just on the one particular parcel.

Mr. Kozub stated that that was the intent.

Attorney Frateschi asked if everything flows to the east?

Mr. Keplinger stated that it's mixed. It's sort of down the center of the ridge, some water drains down to a low spot and ends up in the culvert under Highbridge Street and the rest of the water drains off to the southeast.

Discussion ensued in reference to the Plan being labeled Sweet Road when it's Highbridge Street.

Mr. Kozub stated that he will change it from Sweet Road to Highbridge Street.

Member Kelly made a motion, seconded by Member Moliski and carried unanimously to waive the reading of the Legal Notice calling for this Public Hearing that was published in the Eagle Bulletin on November 21, 2012.

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

Andrew Kaufman, 7313 Wakefield Dr. stated that he is the adjacent property on the northeast side. He is concerned about the slope of the excavated area. When the top of that existing mound was relocated it was mostly dumped on the back end of his property line and his neighbors' and they were not expecting that to happen and all of a sudden there was a huge mound. He was wondering if the elevation of the slope there, which is certainly steeper than three to one pitch is going to be stable or have erosion problems.

Member Kelly asked him if he was to the west of the driveway?

Mr. Kaufman replied that he is on the northwest side of the Rte. 92 driveway.

Attorney Frateschi asked, you're concerned about spoils that were placed where?

Mr. Kaufman replied basically southeast of my property line.

Albert Ovadias, 7319 Wakefield Dr. stated along the entranceway down the driveway from Rte. 92.

Marisa Ovadias, 7319 Wakefield Dr. stated that a significant amount of the brush was ripped up and a Berm has been built that they started a week or two ago.

Chairman Gilbert asked if it was piled temporarily next to your property?

Mr. Kaufman stated that he doesn't know if it's temporary because there are plantings in it,

which suggests to him that it is permanent.

Attorney Frateschi stated that that would not affect the existing SWPPP on the property. The issue is by moving it from here to over there, does it conform to the existing SWPPP, which is what needs to be understood. Is that your question?

Mr. Kaufman replied that he doesn't know anything about the SWPPP. His concern, is that mound of dirt subject to erosion that is going to damage his property.

Attorney Frateschi stated that that should be addressed in the SWPPP.

Mr. Miller agreed, yes the current SWPPP.

Mr. Kaufman stated that the main issue that he came to discuss is the Flag Pole. We are on top of a hill further up from the new development and have an excellent view of the horizon and the sunrise. When the Flag Pole went up basically it rises a good 15 to 20 feet above the tree line and it's huge. When we look out of our house at any time it's all that we see is that huge Flag. It ruins the natural view from his property and he fears that that will affect property values of his home because the view is one of the reasons he bought his home. He can understand having a Flag that would be with the scale of the home, but that Flag Pole is so large it's like there's a government building behind our property.

Mr. Ovadas stated that when they first started the project, actually before the property was sold, he met with the NYS Highway Dept. about trying to build up a Berm along Rte. 92, extending a Berm that was already started. Basically he was trying to see if he could get a Berm put in over there. They gave him permission to do that so when they were working on the Pond he asked them if there was any extra dirt to put over there. Now here's this opportunity of the extra dirt was there and he just wants to know if there's any way that that can be addressed.

Mrs. Ovadas just wants to echo Mr. Kaufman's sentiments in reference to the Flag Pole because she went through the Ordinance briefly, she's not an Attorney, but she thinks that there is a lot of room for interpretation. She believes that it is not in keeping with the aesthetics of the area, the proportion of the house and the view. They also face the same direction and is one of the reasons they built there.

Attorney Frateschi asked, which section of the Code are you referring to, do you remember?

Mrs. Ovadas replied that no she doesn't know specifically. She went on to the Town Website and found the Codes and searched Flags, Poles and other similar type words and found no specifics.

Attorney Frateschi stated that he didn't think there is any Town regulation for Flag Poles.

Mrs. Ovadias stated that what she did see was a section clearly referencing that there is room for interpretation and that things be held within the aesthetics of the area.

Chairman Gilbert stated that this Public Hearing has to do with the Excavation, Grading & Filling Permit.

Hearing no more comments from the Public, Member Kelly made a motion, seconded by Member Rossetti and carried unanimously to close the Public Hearing.

Attorney Frateschi stated that in reference to the Flag Pole there is no provision of our Code other than height of structures, which would deal with that issue. What he thinks that Mrs. Ovadias was referring to are those areas of the Code that deal with Site Plan or Subdivision approval and making sure that new lots that are being built on or new Site Plans or Special Use Permits fit within the community character of that area. This is not a Site Plan, this is a Single Family home built on a conforming lot that was not subdivided, pre-existed and it's governed simply by a Building Permit. We are dealing with an Excavation, Grading & Filling Permit on this property and making sure that the drainage properly works and the aesthetics for screening purposes of that property properly work, so he doesn't really think the issues of the Flag Pole is in front of this Board. He doesn't think that we have authority under the Code to address that issue because there is nothing in there that says how tall a Flag Pole can be or how big a Flag can be.

Attorney Langey agrees with Attorney Frateschi, that that is the correct interpretation.

Mrs. Ovadias apologized if they brought issues this evening that were not on the original Agenda but the reason that they are here is because they spoke with Mr. Theobald last week to express her discontent with the hours of construction and he invited us to come to this Meeting.

Attorney Frateschi replied, that's fine.

The Onondaga County Planning Board Resolution dated November 14, 2012 was read and entered into the file:

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATION(S) to the proposed action prior to local board approval of the proposed action:

1. Per the Onon. Co. DOT, the applicant obtained an access permit for one driveway on Highbridge Street (109019) and all access must be from this approved driveway.

2. The NYSDOT has determined that the applicant must complete a drainage study of Stormwater Pollution Prevention Plan (SWPPP) to meet Department requirements verifying that the proposed development would not create additional stormwater runoff into the State's drainage system and is required to first contact the Department to determine the scope of the study; the applicant must submit the drainage study to the Department for approval and complete any appropriate mitigation as may be determined by the Department.
3. The NYSDOT has determined that the applicant must contact Shamin Zubair at 315-428-4065 and submit a site plan to the Department.

The applicant agreed and will comply with the Modifications of the Onon. Co. Planning Board Resolution.

Mr. Keplinger stated that he has been in contact with Mr. Zubair. He is requesting three copies of the Site Plan plus the Drainage Report. He wants to make sure/confirm that this project is not going to have a negative impact on any drainage facilities related to NYS Rte. 92, about half of this site drains to that culvert.

The Board and Engineer Miller requested an Amended/Updated SWPPP for the entire site.

Mr. Miller and Mr. Keplinger will visit the site and see what needs to be updated including the three parcels.

Attorney Langey stated that they would look at that, tonight is the first time he heard of that information. The original thought was that the SWPPP that was going to be prepared was for the recently acquired parcel.

Attorney Frateschi stated that it has to work with the rest of the site, water doesn't recognize parcel lines.

The Board requested an Engineering Review.

Member Moliski stated that she would like the new issue looked at for stability, the Berm over by the Wakefield properties.

Mr. Miller stated that the Amended/Updated SWPPP will address that issue.

The applicant stated that they will look at this issue.

Member Kelly asked that when it's done is it going to be 15 or 20 feet when you're driving up Highbridge Street?

Mr. Keplinger replied around 15 feet but less than 20 feet at Highbridge, but the bottom of the slope has been pulled back a good 20 to 30 feet from the Road.

Chairman Gilbert asked that with all of the placement of cover close to the Highway what kind of a wildlife impact would it have on wildlife population that close to traffic, is it going to attract more animals compared to the way that it is now?

Attorney Langey replied that it wouldn't any more than any other land disturbance would in any other given opportunity. They will look at that, but his sense is that because of the way that they are pulling it back and flattening out that area there would be room, just like now for deer crossing or other animals. It will not be right up against the Road, sufficient room for driver avoidance.

Member Rossetti asked if the drainage before this mound went into place, was it all going down toward Sweet Road (Highbridge Street) or was it going toward Rte. 92, where was it going?

Mr. Keplinger replied actually all of the runoff, Rte. 92 is the high point, and it's not going to affect the road with any runoff from this project. The drainage patterns are from northwest to southeast. There's an embankment where the two houses existed and the water drains down Sweet Road into a culvert. As you go further down Sweet Road it drains along the shoulder.

Member Rossetti stated that if he heard him right, most of the water before this mound was put in is basically going to flow in the same direction.

Mr. Keplinger replied, exactly.

Attorney Frateschi stated that from what he hears, conceptually nobody has a significant issue with the way that the Berm, as proposed, looks. No decision can be made on the Excavation, Grading & Filling Permit until the Town Engineer reviews the SWPPP issues.

The Board stated that yes they agree with that.

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Was done with the original Excavation, Grading & Filling Permit in 2008 and that this is an addition to that. The SHPO historic concern has been addressed per their revised letter dated May 10, 2012 and these locations are on the Survey per Mr. Keplinger. It will have some effect on the drainage which will be reviewed by the Town Engineer.

Therefore the Board determined that this Amendment will not have a significant environmental impact from an aesthetic standpoint.

Based on the foregoing analysis and the Board's personal knowledge of the site, Member Byrnes made a motion, seconded by Member Crossett and carried unanimously to issue a Negative Declaration under SEQRA.

The applicant will return to the December 10, 2012 Planning Board Meeting.

Other Business

Thomas Potter Warehouse Expansion, Amended Site Plan to add 1,100 Sq. Feet to an existing 4,000 Sq. Foot Cold Storage Building.

After a Board discussion, Member Rossetti made a motion, seconded by Member Moliski and carried unanimously not to refer the Amended Site Plan to the Onondaga County Planning Board because it is not a material change to the existing Site Plan.

Member Rossetti made a motion, seconded by Member Moliski to hold a Public Hearing for the Amended Site Plan on December 10, 2012 at approx. 7:10 PM. **Ayes:** Chairman Gilbert, Members Rossetti, Moliski, Crossett, Kelly and Lupia. **Nay:** Member Byrnes. **Motion Carries.**

With there being no other business, Member Rossetti made a motion, seconded by Member Crossett and carried unanimously to adjourn the Meeting at 7:55 PM.

Respectfully Submitted
Barbara A. Smith, Clerk