

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
SPECIAL MEETING
October 11, 2016
7:00pm**

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, John and Stella Penizotto, Greg Sgromo

The Pledge of Allegiance was recited.

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**

Chairman Moliski told the Board that she had just received information (a letter dated October 11, 2016, from Dunn & Sgromo Engineers, in response to Engineer Miller's letter of October 4, 2016) from the Applicant for tonight's meeting. She said that Town Engineer Doug Miller had given the Applicant a letter with various things that needed to be addressed and the response was given to the Chairman tonight.

Attorney Frateschi stated that there were still several outstanding Engineering and Legal issues that needed to be worked out. In terms of the Site Plan itself, there does not look to be any significant issues that the Planning Board had.

The Board asked Attorney Frateschi to prepare a Resolution that was based on the several meetings that have been held and the Public Hearing. The Resolution is done for the Division of Land and for the Site Plan. Is the Planning Board in a position to consider the resolution?

Attorney Frateschi reminded the Board that they did get a referral back from the Onondaga County Planning Board dated April 6, 2016 for both the Division of Land and the Site Plan. He stated that they recommend a disapproval for both the Site Plan and Division of Land. In order for this Board to approve the project you have to vote a majority plus one.

Member Kelly asked what the reasoning was behind the County disapproval.

Attorney Frateschi read into the record the County comments. The comments are for both the Division of Land and the Site Plan:

"The parcel sizes as currently proposed create significant challenges for conformance with the R-M Zoning district. The site plan presented for proposed Lot 2 shows a building and parking plan that far exceeds maximum lot coverage thresholds, as well as parking on prohibited locations. Any future stand-alone development on proposed Lot 1 is likely to encounter similar significant site planning issues. The Board further notes the driveway and parking lot circulation proposed for the two lots lacks interconnections and shared access, and the driveway shown on

proposed Lot 1 does not meet stated Town requirements.”

The Board responded to the Counties comments with the following responses:

At the time the Onondaga County Planning Board wrote their response, the above was true. Since then the Applicants have gone to the Town of Manlius Zoning Board of Appeals and a variance was granted to allow for the Lot Coverage that is being shown and for the parking in the front as being shown on the Site Plan. Therefore, Lot Coverage and parking in the front yard is no longer an issue.

That being said much of the County's concern is speculation due to the fact that the applicant does not have a Site plan for Lot 1. At this point, we only know that Lot 1 will be grassed and seeded and be a vacant lot with no impervious ground. If the Applicant comes before this Board with a new project for Lot 1 that fits within the uses of the RM Zone, the Board will consider the impacts at that time.

Lot 1 does not have any parking on it because it is going to be a vacant parcel. One of the requirements that the Board is going to make, as a condition of the approval, is a cross easement between Lot 1 and Lot 2 so that traffic can move between those lots. Attorney Frateschi said that he received today, from Attorney Paul Curtin, a draft of a proposed cross easement between the two lots. He (Attorney Frateschi) has not had a chance to go over the agreement yet.

We are only talking about a site plan for one parcel on Lot 2 because Lot 1 is going to have nothing on it.

The last portion of the County's concern has been addressed because the shared access easement has been established. One issue that has been raised is the shared parking of the two lots and the Storm water accommodations for multiple structures. It is an issue we will have to deal with when Lot 1 is developed because Lot 2 has a stand-alone Storm Water Pollution Prevention Plan (SWPPP) in place.

Based on what Attorney Frateschi read, he asked if anyone thought that the comments were still valid.

Member Gilbert said that they were all issues that were raised by the Planning Board and that the Zoning Board took care of most of them. The Board was in agreement with Member Gilbert's comments and believes the County's concerns, while valid at the time, have been addressed.

Attorney Frateschi again reminded the Board that if they did not agree with the Onondaga County Planning Boards findings, then they would have to vote as a majority plus one.

Chairman Moliski asked Engineer Miller for his thoughts.

Engineer Miller stated that he received the response to his letter and drawings just before the start of tonight's meeting. He has looked at a couple of things and he says he looks like some things have been addressed. Engineer Miller would like more time to look over everything.

Members Neuhauser and Kelly agreed that unless Doug is happy and everything is settled, they do not know how the Board can approve it. Member Neuhauser said that he wants to give Engineer Miller plenty of time to look things over and make sure they are ok.

Member Lupia asked if the Applicant had provided that Board with a timetable and agreement in writing relative to the removal of the building on Lot 1? Attorney Frateschi said that a condition in the Resolution states that it should be removed within 120 days of the issuance of the Certificate of Occupancy. Attorney Frateschi said that he would talk to Attorney Curtin because the Applicants will probably be given a Temporary CO because we want the ability to be able to rescind that Temporary CO if the buildings are not taken down within the 120 days.

Attorney Frateschi is comfortable with the fact that the Attorneys can work the couple of issues out as a condition of the Site Plan Approval. We will not be issuing any Building Permits until the issues are taken care of and this is a condition in the draft resolution.

Member Gilbert said that he is comfortable with the items before him.

Member Kelly asked Engineer Miller how he felt. He said that we should not issue any Building Permits until all the issues are resolved. It looks like a couple notes have been put on the drawings and they have been asked for several times over the course of the project. The manhole is finally on the drawings, which has been asked for several times. It appears that there has been quite a bit of detail provided.

Chairman Moliski asked what the risks are if they go ahead and grant a conditional approval based on Engineer Miller's review. If it does not go well, the Building Permits are not issued.

Attorney Frateschi said that the conditions can be clearly laid out, one being no Building Permits until all of the comments that were in Doug's letter of October 4, 2016 have been met to his satisfaction. In addition, all of the legal issues are have to be met to Attorney Frateschi's satisfaction.

Member Gilbert said that as far as the Site Plan is concerned, with the action that the Zoning Board has taken and if the Engineering works, the Board should be able to approve the project.

Member Neuhauser said that as long as Engineer Miller is comfortable with everything, he is ok with it as long as Doug does not see anything major.

Member Crossett said that the Board has approved site plans and subdivision in the past conditioned on engineering approval and he has no problem with moving ahead.

Member LeRoy said that if we do not move ahead, it impacts the Applicant in terms of the construction season.

Mr. Penizotto said that they would like to demo the houses on the property. Engineer Miller said that they should come to the office and pull the demo permits.

Member Lupia is hesitant to delegate the Planning Board's responsibilities to Doug, he can see that Doug is not settled yet and he does not know where Doug stands.

Attorney Frateschi went through the conditions of the resolution (see attached for a copy of the resolution). The Board discussed the conditions and their comments are reflected in the attached document.

Discussion ensued regarding test holes, rocks and sieve tests between Engineer Miller and Mr.

Sgromo.

Attorney Frateschi commented on the Division of Land map, done by Cottrell Land Surveyors, he would like to see Lot 2 taken off the map and the parking lot should just be vacant lot so that the maps can be filed.

Member Gilbert made a motion seconded by Member Crossett to approve the Site Plan Package and Division of Land as set forth in the draft resolution prepared by the Attorney.

Ayes: 7 Nays: 0

The Resolution passes by a count of a majority plus one, therefore the Onondaga County Resolution has been overridden.

Other Business

With there being no further business, Member Gilbert made a motion, seconded by Member LeRoy and carried unanimously to adjourn the Regular Meeting at 7:56pm.

Respectfully submitted,
Lisa Beeman, Clerk

IN THE MATTER
Of
The Application of SHINING STAR DAY
CARE for a Site Plan Pursuant to Chapter 155,
Section 155-28 of the Town of Manlius Code

RESOLUTION APPROVING
SITE PLAN AND DIVISION OF
LAND

The **TOWN PLANNING BOARD OF THE TOWN OF MANLIUS**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Manlius, located at 301 Brooklea Drive in the Village of Fayetteville, County of Onondaga, State of New York, on the 11th day of October, 2016, at 7:00 p.m. The meeting was called to order by Susan Moliski, Chairman, and the following were present, namely:

Susan Moliski	Chairman
Donald Crossett	Member
Frederick Gilbert	Member
Ann Kelly	Member
Joseph Lupia, Esq.	Member
Walther Neuhauser	Member
Michael LeRoy	Member

The following resolution was moved, seconded and adopted with the following vote:

Susan Moliski

Aye

Donald Crossett

Aye

Frederick Gilbert

Aye

Ann Kelly

Aye

Joseph Lupia, Esq.

Walter Neuhauser

Michael LeRoy

Aye
Aye
Aye

WHEREAS, J.S. PENIZOTTO REAL ESTATE INC. and SHINING STARS DAY CARE INC. (together “Applicant”) have proposed the construction of a one story, 15,995 sq. ft. building (the “New Day Care Center”) on a 4.35 acre parcel of land currently occupied by residential homes (the “Land”), situated at the northwest corner of the intersection of New York State Rt. 92 (“Cazenovia Road) and Enders Road;

WHEREAS, the Applicant has proposed to merge the existing seven (7) lots into two building lots, identified as Lots 1 and Lots 2 on that certain subdivision/division of land map, prepared by Cottrell Land Surveyors, dated November 19, 2015 (the “Division of Land”),

WHEREAS, the Applicant proposes to construct the New Day Care Center on proposed Lot 2, which will be used as a day care center to replace its existing day care center which is on Lot 1 (the “Project”), the placement of the New Day Care Center and related facilities are set forth on that certain site plan, prepared by Dunn & Sgromo Engineers, dated August 15, 2016 and revised on September 21, 2016, and entitled Site Plan, which consists of 16 sheets, numbered as follows (the “Site Plan” or the “Site Plan Package”): i) “ Contract Drawings” ii)“Penizotto Subdivision, dated 11-19-2015” iii)“General Notes dated 08-15-16 with a revision date of 09-21-16” iv)“Demolition Plan dated 08-15-16 with revision dates of 09-21-16 and 10-11-16” v)“Site Plan dated 08-15-16 with revision dates of 09-21-16 and 10-11-16” vi)“Grading

and Utility Plan Lot 1&2 dated 08-15-16 with revision dates of 09-21-16 and 10-11-16”
vii)“Grading and Utility Plan Lot 1 dated 08-15-16 with revision dates of 09-21-16 and
10-11-16” viii)“Landscape Plan and Details dated 08-15-16 with a revision date of 09-
21-16” ix)“Erosion and Sediment Control Plan dated 08-15-16 with a revision date of
09-21-16” x)“Photometric Plan dated 08-15-16 with a revision date of 09-21-16”
xi)“Stormwater Management Details dated 08-15-16 with a revision date of 09-21-16”
xii)“Erosion and Sediment Control Details dated 08-15-16 with a revision date of 09-21-
16” xiii)“Sanitary Details dated 08-15-16 with revision dates of 09-21-16 and 10-11-16”
xiv)“Storm Sewer and Water Details dated 08-15-16 with a revision date of 09-21-16”
xv)“Curbing and Sidewalk Details dated 08-15-16 with a revision date 09-21-16”
xvi)“Miscellaneous Details dated 08-15-16 with a revision date of 09-21-16”);

WHEREAS, on October 28, 2015, the Town Board rezoned Lot 2 to
Residential Mixed Use (“RM”) to accommodate the New Day Care Center;

WHEREAS, the Manlius Zoning Board of Appeals granted an area
variance for lot coverage and parking in the front yard for the reasons set forth in the
minutes of the Zoning Board of Appeals, dated May 19, 2016;

WHEREAS, the existing day care center is licensed by the State of New
York for the care of 108 children and the New Day Care Center will be licensed by the
State of New York for the care of 135 children, which the Planning Board hereby finds is
not a significant increase in the number of children and related trip generations to the
New Day Care Center;

WHEREAS, the existing day care center on Lot 1 will be removed,
including all of the impervious parking areas, upon the issuance of a Certificate of

Occupancy for the New Day Care Center, and Lot 1 will be seeded to create a grass lot at the corner of Cazenovia Road and Enders Road, suitable for further development under the RM zone and subject to further site plan approval by the Planning Board;

WHEREAS, on August 22, 2016, the Planning Board reviewed the Short Environmental Assessment Form (the "Short Form EAF") and determined the New Day Care Center would not cause any significant environmental impacts and issued a negative declaration as set forth on the Short Form EAF and in the minutes of the August 22, 2016 meeting;

WHEREAS, on August 22, 2016, the Planning Board held a public hearing to hear the public comments for and against the application for the Site Plan and the Division of Land, at which time no member of the public spoke;

WHEREAS, Miller Engineers, the Engineer for the Planning Board, sent a letter, dated October 4, 2016, to Susan Moliski, the Planning Board Chairman setting forth various outstanding issues that need to be addressed by the Applicant (the "Engineering Letter");

WHEREAS, on October 11, 2016 the Engineer for the Applicant responded to the Engineers letter and the Engineer for the Town of Manlius is in the process of considering this response;

WHEREAS, the Planning Board passed a resolution to hold a special meeting on October 11, 2016 to consider a resolution approving the Site Plan and the Division of Land applications;

WHEREAS, by resolution, dated April 6, 2016, the Syracuse Onondaga County Planning Board determined that the Site Plan and Subdivision should be

disapproved, but the Planning Board. On October 11, 2016, determined to override the Onondaga County Planning Board recommendation for the reasons set forth in the Planning Board meeting of October 11, 2016;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board makes the following findings and determinations:

1. The Project has a harmonious relationship with the existing adjacent uses in that: (i) the Land is properly zoned for a day care center, which is tantamount to a finding that the Project is acceptable in that location; (ii) the existing day care center has served the Manlius community well for many years, and the New Day Care Center will improve the child care offering by adding a modest amount of new day care slots in a new building with significantly more amenities; (iii) the building elevations presented by the Applicant show tastefully done architectural elements that have a residential “look”, as is required in RM, while also matching the surrounding commercial buildings, particularly the True Value barn look across the street; (iv) moving the ingress/egress further north on Enders Road will improve traffic congestion at the corner of Cazenovia Road and Enders Road, thus providing a safety benefit for the traveling public;
2. Interior vehicular circulation and parking have been reviewed during the Site Plan process and are adequate to meet the needs of the New Day Care Center based on the data provided by the Applicant and the Planning Board Engineer’s review;

3. The Project provided adequate landscaping, buffering and setbacks to adjacent residential districts and the F-M School District minimizing the visual impacts from neighboring properties;
4. The Site Plan process minimizes any adverse impacts of the New Day Care Center by placing several conditions of approval, as set forth below;
5. The Planning Board finds and determines that the benefit of the Project, in terms of economic development, jobs, taxes to the Town and opportunities to keep day care options available in the Town of Manlius substantially outweighs any remaining negative impacts (which are not significant) and finds that the Project is in the best interest of the Town for the reasons set forth herein;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Applicant be, and hereby is, granted Site Plan approval pursuant to the provisions of Section 155-28 of the Town of Manlius Code for the purpose of operating the New Day Care Center as set forth on the Site Plan Package with the following conditions:

- a. All of the conditions and changes set forth in the Engineering Letter, which is incorporated into, and made part of this approval resolution, shall be met before a building permit will be issued;
- b. The Applicant's attorney shall provide to the Planning Board attorney two agreements, as follows: (i) a cross-easement agreement between Lots 1 and 2, in recordable form, that authorizes internal movement of vehicles for purpose of ingress/egress between both lots; (ii) an

agreement that the Applicant, within 120 days of the issuance of a temporary certificate of occupancy to occupy the New Day Dare Center, will remove all structure and impervious elements on Lot 1 and seed Lot 1 to create a grassy vacant lot suitable for development under the RM Zone;

- c. A snow storage plan shall be developed, and approved by the Engineer for the Planning Board, before a certificate of occupancy is issued;
- d. All trash receptacles on the Land shall be enclosed and screened from any public area, and such enclosures and screening shall be approved by the Town Planning Department before a certificate of occupancy is issued;
- e. The New Day Care Center will be constructed and occupied by October 10, 2018, or the Site Plan approval contemplated herein shall be automatically considered null and void.; and be it

FURTHER RESOLVED, that the Site Plan approval is conditioned on, and contingent upon, the Planning Board Engineer approving the following engineering issues:

- 1. The SWPP conforming to Federal, State and Town law;
- 2. Applicant shall pay into an escrow account an amount deemed appropriate by the Engineer for the Town so that the Town can monitor and inspect the progress of the construction of the drainage facilities set forth in the Site Plan Package;

3. Applicant shall pay into an escrow account an amount deemed appropriate by the Engineer for the Town so that the Town can inspect the operation and maintenance records of the drainage facilities post construction; and be it

FURTHER RESOLVED, that the Division of Land is hereby approved by the Planning Board for the purpose of undertaking the Project, as set forth herein; and be it

FURTHER RESOLVED, that if the conditions set forth above are not met, the Planning Board has the right, but not the obligation, to withdraw this Site Plan approval until those conditions and contingencies are met.

I, LISA BEEMAN, Clerk of the Town of Manlius Planning Board, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Planning Board of the Town of Manlius at a special meeting of the Board duly called and held on the 11th day of October, 2016; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I HEREBY CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Manlius, this 11th day of October, 2016.

DATED: October 11, 2016
 Fayetteville, New York

A handwritten signature in cursive script, reading "Lisa Beeman", written over a horizontal line.

Lisa Beeman
Clerk of the Town of Manlius
Planning Board
Onondaga County