

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
April 10, 2017**

Draft

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

Absent: Chairman Susan Moliski

Also Present: Mike & Ellen McGrew, Gary Billy, Neil Ondrako, Julia Standish, Cindy Phillips, Liz Morgenthien, John Palmer, Trish Stegeman

The Pledge of Allegiance was recited.

Minutes

The minutes of March 27, 2017 were tabled until the next meeting.

Eagleview Development, 7519 Morgan Road, Liverpool, NY 13090
Site Plan - Subdivision 16 Lots – Reserve at Bishop Brook, E. Seneca Tnpk &
Hyde Road
Tax Map # 115.-05-07.3

Acting Chairman Gilbert stated that at the last Planning Board meeting, the Board asked Attorney Frateschi to draft a resolution pertaining to the Eagleview Development/Reserve at Bishop Brook to include all the concerns and issues raised by the Board and the neighboring residents.

Attorney Frateschi stated that the Board received a letter from Attorney Paul Curtin stating that he has been retained by some of the neighbors on Vassar Drive. Mr. Curtin has asked the Board to hold off on approving the resolution. His main issue is that this project was not referred to the Onondaga County Planning Board for their review. In fact this project was referred to the Onondaga County Planning Board in 2006. At that time Onondaga County Planning Board gave a negative recommendation so the Board would have to approve the project by a majority plus one vote, which the Board did in 2006.

Attorney Frateschi said that he didn't believe that there were any legal requirement or statutory requirement to send it back to Onondaga County for their review. However, the Planning Board did send it back to the Onondaga County Planning Board and they have reviewed it. In a letter dated February 15, 2017, they said that instead of a negative recommendation like last time, they determined that this project will not have any County wide impact and that the Town of Manlius Planning Board is free to act at its discretion. They did include 3 modifications, all of which are acceptable to the Board:

1. Work with the State DOT to make sure that the access meets all of its

- requirements.
2. Stormwater Pollution Prevention Plan (SWPPP)
 3. And they have recommended a deed restriction for open space on the land which was something this Board was considering anyway.

The other issue Mr. Curtin raised was the possibility of the wetlands on the property. Based on the Town's review there are no designated DEC wetlands on the property, there also are no Army Corp of Engineers wetlands on the property. Chairman Gilbert, who has expertise in this area, agreed.

Mr. Curtin's letter also referenced the blasting and the post and pre-surveying which the Planning Board believes will be required under the blasting license.

Attorney Frateschi read the "resolved" part of the resolution. (*Please see the full resolution attached*)

Member Kelly made a motion seconded by Member Neuhauser and carried unanimously to approve the resolution prepared by Attorney Frateschi.

OTHER BUSINESS

With there being no further business, Member Kelly made a motion, seconded by Member LeRoy and carried unanimously to adjourn the Regular Meeting at 7:10 pm.

Respectfully submitted,
Lisa Beeman, Clerk

IN THE MATTER

of

**The Application of Eagle View Development,
LLC for review of preliminary subdivision
approval for the real property located at New
York State Route 173 and Hyde Road – Tax
Map No. 115-5-07.3**

**RESOLUTION DETERMINING
ANY CHANGE IN
ENVIRONMENTAL IMPACT
OF PREVIOUS PRELIMINARY
APPROVAL OF SUBDIVISION**

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 10th day of April, 2017, at 7:00 p.m.

The meeting was called to order by Frederick L. Gilbert, Acting Chairman, and the following were present, namely:

Walter Neuhauser	Member
Donald Crossett	Member
Ann Kelly	Member
Joseph Lupia	Member
Michael LeRoy	Member

The following resolution was moved by Ann Kelly, seconded by Walter Neuhauser and unanimously adopted:

WHEREAS, an application by Eagle View Development, LLC (the “Applicant”) for approval of a sixteen (16) lot subdivision was made to the Planning Board in January 2005 on a 14 +/- acre parcel of land situated at the corner of N.Y.S. Route 173 and Hyde Road, tax map number 115-5-7.3 (the “Property”); and

WHEREAS, the original preliminary subdivision plan (circa 2005) had proposed a new extension to Penny Lane, that paralleled Vassar Drive and would have had intersections at Hyde Road, Penny Lane and at Woodbox Road; and

WHEREAS, in 2006, after the Planning Board raised concerns regarding traffic congestion that would have been created on Hyde Road because of its proximity to NYS Route 173, the Applicant submitted a “cluster development” plan and new subdivision map that eliminated the proposed Penny Lane extension and moved the ingress/egress from Hyde Road to NYS Route 173, thus isolating the traffic to the proposed subdivision (the “Reserve at Bishop Brook Preliminary Plan”);

WHEREAS, the Town Board at its December 28, 2005 meeting authorized the Planning Board to consider cluster development on this Property under Town Law Section 278;

WHEREAS, Manlius Zoning Board of Appeals granted Applicant an area variance in February 2005 to permit 16 lots in this proposed subdivision for the reasons set forth in its findings;

WHEREAS, the Planning Board held a public hearing on the proposed Reserve at Bishop Brook Preliminary Plan on April 24, 2006 and heard comments from the public on the impacts of this subdivision on the community;

WHEREAS, on May 22, 2006, at its regularly scheduled meeting, the Planning Board reviewed the Long Environmental Assessment Form and issued a negative declaration under the State Environmental Review Act for the reasons set forth in the meeting minutes of May 22, 2006 (said Long Form Environmental Form being attached hereto);

WHEREAS, the Reserve at Bishop Brook Preliminary Plan, dated May 17, 2006, by Ianuzi & Romans, P.C., titled Preliminary Subdivision, The Reserve at Bishop Brook (f/k/a

Eagle View Subdivision "O"), Part of Farm Lot No. 88- Town of Manlius (File Number: 1164.006) (the "Preliminary Subdivision Map" or "Reserve at Bishop Brook Preliminary Plan") was approved by the Planning Board on May 22, 2006;

WHEREAS, as part of the approval, the Planning Board passed a resolution in 2006 that made several findings that are set forth as follows:

RESOLVED AND DETERMINED, that the Planning Board finds that the Preliminary Subdivision Map as proposed is significantly improved over the original Preliminary Subdivision Plan in that: (1) the clustering of lots provides significantly more open space and recreation area to the development and to the community; (2) moving the entrance from Hyde Road to New York State Route 173 eliminates concerns initially raised by residents of the Eagle Hill Subdivision about traffic backing upon on Hyde Road and additional through traffic being placed on an extended Penny Lane; (3) the screening provided on the Preliminary Plan along Bishop's Brook will substantially eliminate any visual impacts of residents situated on Vassar Drive; and

BE IT FURTHER RESOLVED AND DETERMINED, that the Planning Board finds that based on the information provided by the Applicant, the comments made during the public hearing and Letter Report dated May 11, 2006 by Barton & Loguidice, P.C. to Bryan Gazda, the Town's Director of Planning & Development, the Applicant has sufficiently demonstrated that the impact of stormwater run-off from the site will be mitigated as not to adversely impact neighboring properties and, will, in fact, improve the existing drainage problems by retaining water on site for a longer period than currently exists; and

BE IT FURTHER RESOLVED AND DETERMINED, that the Planning Board adopts the recommendations set for the in the Barton & Loguidice, P.C. Letter Report dated May 11, 2006 and will require the Applicant to undertake each recommendation, or provide a plan to undertake such recommendation, before Final Subdivision Approval is granted;

BE IT FURTHER RESOLVED AND DETERMINED, that the Planning Board finds that based on the study provided by the Applicant to the Planning Board by O'Brien & Gere, the traffic generated from the proposed Subdivision development will not have a significant impact on traffic in this area;

BE IT FURTHER RESOLVED AND DETERMINED, that the Onondaga County Planning Board's determination to reject the Preliminary Subdivision Plan is based on lack of information about the area and lot coverage variance granted by the Town's Zoning Board of Appeals as set forth above and therefore its determination is hereby overridden by a supermajority vote;

BE IT FURTHER RESOLVED AND DETERMINED, that the Planning Board finds that based on the Full Environmental Assessment form submitted by the Applicant, the comments provided by the public during the public hearing, and the aforesaid reports to the Planning Board about drainage and traffic, the development as set forth on the Preliminary Subdivision Plan will not have a significant environmental impact on the community and therefore issues a negative declaration under the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED AND DETERMINED, that the Planning Board finds that concerns raised by the Town of Manlius Environmental Council have been sufficiently addressed by letter dated May 5, 2006 from Applicant's attorney to Mr. John D. Loosemann, Chairman of the Town of Manlius Environmental Council

WHEREAS, the Applicant did not pursue development of the Reserve at Bishop Brook Preliminary Subdivision Plan or seek final subdivision approval from 2006-2016;

WHEREAS, in January 2017, the Applicant resumed its pursuit of the development of the Reserve at Bishop Brook Preliminary Plan and requested the opinion of the Engineer for the Town and the Attorney for the Town regarding the necessary steps to move the development forward;

WHEREAS, after consulting with the Chairman of the Planning Board, it was agreed that the Planning Board should re-visit the environmental impact determination that was made in 2006 to determine if the environmental circumstances surrounding the development have substantially changed so that Planning Board's Negative Declaration should be revisited;

WHEREAS, Planning Board held a public hearing on February 27, 2017, for the purpose of hearing from the neighboring property owners to inform its decision on any substantial changes in the environmental significance of the development;

WHEREAS, on March 13, 2017, the Town Supervisor, at the request of several concerned neighbors, held an informal meeting with neighbors, Town officials, the Planning Board Chairman, the Engineer for the Town, the Attorney for the Town and the Applicant to answer and address any questions about the legal status of the project and its environmental impacts;

WHEREAS, the concerns identified during the public hearing and the informal meeting were: (i) ensuring that the approved 2006 Stormwater Pollution and Prevention Plan was

accurate and reflects the current state of the NYS DEC regulations, and that it reflected the existing vegetation and trees and that the existing vegetation and trees stay in place, to the extent possible; (ii) the impact of “blasting” that may be required to dig basements and utilities on the neighboring properties; (iii) the effect of clearing trees on potential endangered species on the Property;

WHEREAS, the Syracuse-Onondaga County Planning Board reversed its 2006 recommendation to disapprove the Reserve at Bishop Brook Preliminary Plan and stated in its 2017 referral that the Reserve at Bishop Brook Preliminary Plan will have no significant county-wide impact and made several recommendations to the Planning Board, which the Planning Board hereby adopts;

WHEREAS, by letter, dated March 4, 2017 to the Town Supervisor, several residents expressed concerns about the Reserve at Bishop Brook Preliminary Plan;

WHEREAS, on March 8, 2017, the Applicant’s engineer provided a letter that addressed the concerns raised by the neighbors;

WHEREAS, by letter dated March 24, 2017, the Applicant’s engineer further supplemented his March 8, 2017 letter to address concerns and issues raised at the informal meeting of the neighbors (the March 8 and March 24 letters collectively referred to as the “Applicant’s Engineer’s Letters”);

NOW, THEREFORE, be it

RESOLVED THAT THE PLANNING BOARD MAKES THE FOLLOWING FINDINGS AND DETERMINATIONS:

1. The findings and determinations of the Planning Board in its 2006 approval resolution, set forth above, are hereby re-affirmed;

2. The Applicant's Engineer's Letters substantially address all of the concerns raised by the neighbors and the Planning Board accepts the answers provided, which answers partially forms the basis of this Resolution, and which Applicant's Engineer's Letters are incorporated herein;

3. The negative declaration issued by the Planning Board in 2006 should not be disturbed and remains effective for the following reasons: (i) the Applicant's engineer, the Town's Engineer and, according to information provided at the informal meeting on March 13, 2017, the neighbor's engineer, have determined that the 2006 Stormwater Pollution and Prevention Plan is still accurate and meets all NYS DEC requirements for storm water run-off and quality; (ii) the Applicant will take all steps necessary and required by the NYS DEC to mitigate impacts on endangered species if trees on the Property need to be removed, as set forth in the Applicant's Engineer's Letter; (iii) the Planning Board will require that the Applicant file a conservation easement over that portion of the Property identified on the subdivision map as "open" or "green" space required under the "cluster development" plan – said easement requiring that all existing vegetation and trees stay in place and not be disturbed unless the vegetation or trees are dead; (iv) it is the opinion of the Planning Board, based on the information provided at the informal meeting on March 13, 2017, that "blasting" for basements and utilities is better from an environmental standpoint than "hoe ramming" or other similar construction techniques because: (a) it is done by a licensed professional who is required to do a pre-blast and post-blast survey of the area; (b) the licensed professional is insured for any damage caused by the blasting; (c) blasting methods keep the ambient materials to a minimum by placing matts over the blasting area; (d) the matts and depth of the blast keep the decibel levels to a minimum;

(e) the duration of the blasting for the development is far less than what would be needed if “ram hoeing” was used;

NOW, THEREFORE, BE IT RESOLVED THAT, there has been no showing that the environmental impacts of the Reserve at Bishop Brook Preliminary Plan is significantly different from 2006 to 2017 and therefore the 2006 Negative Declaration stands; and be it

FURTHER RESOLVED, that the 2006 preliminary subdivision approval of the Reserve at Bishop Brook Preliminary Plan is still in full force and effect; and be it

FURTHER RESOLVED, that after considering all the factors set forth herein, the Planning Board will not withdraw the 2006 preliminary subdivision approval.

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 at a regular meeting of the Board duly called and held on the 10th day of April, 2017; 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 the Planning Board 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 Planning Board, this 10th day of April, 2017.

DATED:

April 10th, 2017
Fayetteville, New York

A handwritten signature in cursive script that reads "Lisa Beeman". The signature is written in black ink and is positioned above a horizontal line.

Lisa Beeman
Clerk of the Town of Manlius Planning
Board
Onondaga County, New York