

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
June 12, 2017**

APPROVED

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, Don Crossett, Joe Lupia, Mike LeRoy and Walt Neuhauser. Also present were Town Engineer Douglas Miller and Randy Capriotti, Director of Code Enforcement.

Also Present: Ellen & Mike McGrew, Richard Rossetti, Stella Penizotto, Paul Curtin, Tom Oot

The Pledge of Allegiance was recited.

Minutes

Member Neuhauser made a motion seconded by Member LeRoy and carried unanimously to approve the minutes of May 22, 2016

Oot Brothers, 5912 North Burdick Street, East Syracuse, NY 13057

Final Approval – Phase 4 Megnin Farms 11 Lot Subdivision – NYS Route 5

Tax Map #

Tom Oot appeared before the board asking for Final approval for Megnin Farms Phase 4, an 11-Lot subdivision. There is 1 more Phase that has preliminary subdivision approval (Phase 5) and that will be developed soon. Final Subdivision will be required on Phase 5.

As was approved during the preliminary subdivision process, Lot 46 is a larger, irregular shaped lot which was arranged that way because George Aspinall is the intended purchaser. This lot will be adjacent to his landscaping business on NYS Rt. 5. As a condition of preliminary subdivision approval, Mr. Oot needs to prepare a deed restriction that will give declare that the back portion of the lot will be forever wild/greenspace and the house will be built in line with the other houses in the subdivision. This deed restriction must be for the benefit of the Town of Manlius and has to be filed with the subdivision map.

He stated that the blacktop was going down tomorrow and that the Highway agreements will be forwarded to the Town Clerk.

Member Neuhauser made a motion, seconded by Member LeRoy and carried unanimously to waive holding a Public Hearing.

Before the motion was made, Attorney Frateschi stated that he would like a covenant put on Lot 46, the back of the property shall stay forever wild and that it should be written on the Final subdivision map.

Member Kelly made a motion, seconded by member Crossett and carried unanimously to approve the Final Subdivision Map entitled Phase 4- Megnin Farms at Poolsbrooke dated 07-15-16 with no revisions; prepared by SeGuin Land Surveying, P.L.L.C.; Project # 14033A, with the condition that before the map is signed by the Chairman, the

Attorney for the Planning Board shall be presented with the deed restriction outlined above for Lot 46 and that deed restriction be placed on the subdivision map and the deed covenant be filed simultaneous to the Final Subdivision.

Adam Anderson and Eve DeRosa – 7805 Clearwater Circle, Manlius, NY 13104
Recommendation to Town Board – for a Zone Change from RA & R4 to RA at the
end of Quarry Rd. and Farley Lane
Tax Map # 110.-03-12.1

The Applicants were not in attendance.

Attorney Frateschi explained to the Board that the Town Board is looking for a recommendation from the Planning Board for a Zone change for the end of Quarry Rd. and Farley Lane.

Attorney Frateschi stated that Lot 1 will be a buildable lot and Lot 2 will remain forever wild, it will not be built on.

Member Kelly made a motion, seconded by Member LeRoy and carried unanimously to send a positive recommendation to the Town Board to allow a Zone change from RA & R4 to RA for both Lot 1 and Lot 2 as long as the covenant that Lot 2 will remain forever wild.

Other Business

A. Shining Stars Daycare Center

Paul Curtin, Attorney was there representing the applicant. He sent a letter to the Planning Board (*on file in the Planning and Development Office*) asking for the 2 Single-Family homes to be left standing until the new Daycare Facility is built. He said that the house straddling Lot 2 is not in the way and it is still being occupied. On Lot 1 the house is still occupied and it is their collective understanding that the house, on Lot 1, along with the existing Daycare center must come down within 120 days of the issuance of a Temporary C/O for the Occupancy of the new Facility.

Randy Capriotti, Director of Code Enforcement said that it was his understanding that before construction started on the new Daycare center, the two houses must come down.

The Board collectively agreed that it was their understanding that both houses were to come down before any permits were to be issued.

Attorney Frateschi stated that this Planning Board does not have the authority to grant relief from Code violations. The house on Lot 2 straddles 2 property lines and it is in violation of the Town of Manlius Code. You cannot have a house that sits on 2 Lots simultaneously. The other issue is that we have the existing daycare and the house that sits on one lot that also is a violation of the Town Code. You cannot have two primary uses on one lot (a residential property and a day care center).

Attorney Frateschi said that there should have been agreements in place

regarding the houses and the existing daycare center that stated when the buildings would come down and the access agreements.

Rich Rossetti, Town Board Member, stated that he thinks that there needs to be a cross easement now for Lot 1 in place.

Director Capriotti said that to accommodate the Applicant in the transition of constructing the new day care center, he would be willing to hold off on enforcing against the violations for the houses as long as the house on Enders Road is removed by September 1, 2017 and the house on Route 92 is removed by November 1, 2017. The non-enforcement is subject to written agreements begin in place. If this doesn't happen, a stop work order will be issued.

The Applicant plans to open the new Daycare Facility on November 1, 2017. The old day care center and all of the pavement will have to be removed and the lot will be seeded within 120 days of issuance of a temporary permit for the new day care center.

With there being no further business, Member Crossett made a motion, seconded by Member Neuhauser and carried unanimously to adjourn the Regular Meeting at 7:34pm.

Respectfully submitted,
Lisa Beeman, Clerk