

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
September 11, 2017**

APPROVED

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

Also Present: Mike & Ellen McGrew, Bill Camperlino, Jim Damica, Sandy Kuther, Benita Rogers, Sharon Lindberg, Pam Sullivan, Stella & John Penizotto, Jim Kelly, Christine Smith, Even Smith, Faye Klein.

The Pledge of Allegiance was recited.

Minutes

Member Kelly made a motion seconded by Member Crossett and carried unanimously to approve the minutes of August 28, 2017. Member Neuhauser abstained.

William Camperlino, 1208 James St., Syracuse, NY 13203

Continued - 2-Lot Subdivision – Sweet Rd. – East side of Sweet Rd; North of NYS Rte. 173

Tax Map # 108.-02-18.0

Mr. Camperlino gave the Board a brief overview of the project.

Chairman Lupia stated that the Board had heard from 7 citizens regarding the project and that the Board had asked Attorney Frateschi to prepare a resolution based on the Board discussion and the comments from the audience.

Attorney Frateschi read the conditions in the resolution that are to be put on the map. (Please see the attached resolution).

Mr. Camperlino stated that the language on the map should be the language that Attorney Frateschi discussed with Mr. Camperlino's Attorney. He said that his attorney is not in town and he doesn't know if the resolution that was just read affects it and what has to be changed on the map.

Attorney Frateschi said that the resolution recites the current state of affairs in the Town of Manlius for this property. He told Mr. Camperlino that he can discuss it with his attorney but ultimately if this is what the Planning Board wants on the map.

Chairman Lupia said that there are 2 options for Mr. Camperlino to consider. Option number 1 is to postpone this subdivision approval until you have had adequate time to talk to your attorney or option 2 is to proceed with the resolution as prepared by the Town Attorney and which satisfies the Planning Board's concerns related to ensuring all future buyers understand the covenants that are in place.

Attorney Frateschi asked Mr. Camperlino if he disputes the fact that the area is a Critical Environmental Area. Mr. Camperlino said no. Attorney Frateschi said that should be labeled on the map.

Mr. Camperlino said that he has no problem labeling the map with the Critical Environmental Area language, he does however have a problem with the other language that was written in the resolution.

Attorney Frateschi again went over the individual comments in the resolution. He asked Mr. Camperlino if he had a problem with "Lot 1 and Lot 2 that this lot is subject to the protective covenants to the benefit of the Town of Manlius that were filed in the Onondaga County Clerk's Office Book 2906 page 27 and the decision of the New York State Appellate Division, 4th Department 78 A.D. 3rd 1674 (2010), is there a problem with that language, that recognizes that these 2 properties are subject to the protective covenants. Mr. Camperlino said that he did have a problem with that language.

Attorney Frateschi stated that he would like the following notation on Lot 1, which is the lot that is being sold, "this is a non-buildable lot per resolution of the Town of Manlius Planning Board and shall be kept in its natural state". Mr. Camperlino said that he has a problem with that. Attorney Frateschi asked why he had a problem with that. Mr. Camperlino said because it may cancel his contract with the buyer, it's not in his contract. Mr. Frateschi stated that the sale of Lot 1 to a land trust so that it would remain in its natural state was the entire basis for Mr. Camperlino's request for the subdivision. If this is no longer the case, then the entire subdivision and its environmental impacts should be re-assessed.

Member Kelly said that it should stay this way and if he needs more time to talk to his attorney, then his closing will be delayed even longer.

Member Gilbert said that the main reason that the Board wants this language on the map is because often times people don't do their research about particular properties and 50 years from now there will be a whole new group looking at this project and that it is good to have it on the map.

Mr. Camperlino said that he would like the Board to move forward with the project in front of them tonight.

Member LeRoy asked whether tonight's date should be added to the condition regarding the non-buildable lot (Lot 1). The Board unanimously agreed that the date should be added.

Member Kelly made a motion seconded by member Gilbert and carried unanimously to approve the resolution for a preliminary subdivision as written by the Town Attorney with the inclusion of a date on the resolution regarding the non-buildable lot (Lot 1).

Discussion ensued regarding also providing final subdivision approval. Mr. Camperlino indicated that he would also like final subdivision approval to be granted tonight since the preliminary plat and the final plat are identical.

Member Kelly made a motion seconded by Member LeRoy and carried unanimously to waive the Final Subdivision Public Hearing because the final subdivision plat is identical to the preliminary subdivision plat that was just approved.

Member Kelly made a motion, seconded by Member Neuhauser and carried unanimously to approve the Final Subdivision Map with the same terms and conditions as set forth in the Resolution prepared by the Town Attorney and on the Preliminary Subdivision Map presented.

Tetrattech – 1200 Scottsville Rd., Rochester, New York 14624

Continued – Solar Farm Array - 8507 Green Lakes Road, Manlius, NY 1310

Tax Map # 082.-02-15.1

At the previous Planning Board meeting the Board asked Attorney Frateschi to prepare a Resolution for the Solar Farm Array on Green Lakes Road.

Attorney Frateschi prepared the Resolution to the Boards satisfaction.

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

Shining Stars Daycare Center, 4595 Enders Road, Manlius, NY 13104

Amended Site Plan – Shining Stars Daycare, 4595 Enders Rd. Manlius, NY 13104

Tax Map # 114.-01-31.0

John Penizotto stated that the turnaround at the entrance of the building is only 16 feet, the concrete sidewalks have already been poured. There was a mix up between their Architect and their Engineer. It was supposed to be 24 feet in the turn around and drive through areas. 16 feet is not enough to allow cars to get around any vehicle that may be parked at the entrance. Also, the applicant's believe a wider turn radius will allow emergency vehicles to get easier.

Member Gilbert made a motion, seconded by Member Neuhauser and carried unanimously to waive the Public Hearing for the Amended Site Plan. The Board asked Mr. Penizotto to re-date the map for tonight's meeting, make the turnaround and drive through lane(s) 24' and raise or bevel the area marked in the light brown on the site plan to distinguish it from any walkway. The Planning Board wants to discourage any pedestrians from walking in this area, especially since the sidewalks and raised curbing are going to be removed. The applicant said he agreed and will work with the engineers to ensure that the formerly curbed area will discourage pedestrian access.

Member Kelly made a motion, seconded by Member LeRoy and carried unanimously to approve the Amended Site Plan.

Other Business

Raymond Mann – 609 Oneida St., Chittenango, NY 13037

Set Date for Public Hearing – Division of Land – Pierson Rd., Fayetteville, 13066

Tax Map # 082.-01-35.1

Chairman Lupia told the Board that Mr. Mann had brought in a subdivision map indicating the 2 separate lots. He feels that the map is sufficient and that the Board was probably in a position to set a date for a Public Hearing.

Member Gilbert made a motion, seconded by Member LeRoy and carried unanimously to hold a Public Hearing on September 25, 2017 at approximately 7:05pm.

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

Respectfully submitted,
Lisa Beeman, Clerk