

**MINUTES
TOWN BOARD
November 28, 2018**

The Town of Manlius Town Board assembled at the Town Hall, 301 Brooklea Drive, Fayetteville, New York, with Deputy Supervisor John Loeffler presiding and the following Board members present:

Absent	Edmond Theobald, Supervisor
	Sara Bollinger, Councilor
	Nicholas J. Marzola, Councilor
	Vincent Giordano, Councilor
	Karen Green, Councilor
	Richard Rossetti, Councilor

The following Town Officers were present:

Jamie Sutphen, Attorney for the Town	Deborah Witzel, Deputy Town Clerk
Mike Crowell, Police Chief	Rob Cushing, Highway Superintendent
Doug Miller, Town Engineer	Ann Oot, Town Manager
Randy Capriotti, Director of Codes	

Other persons attending: Ellen & Mike McGrew, Manlius. Teresa Valenzuela, Fayetteville. William Kelsey, Kirkville. Rachel Rudiger. Pete Fietta, Fayetteville. Ann Luffred, Fayetteville. Rod Ives, Manlius. Lauren Young, Eagle Bulletin. Dawn Altmeyer, Fayetteville. Barb Henry, Fayetteville. Mark Olson, Fayetteville. Ed. Zemanick, Fayetteville.

The Pledge of Allegiance

Deputy Supervisor John Loeffler, called the meeting to order at 6:30 pm. Councilor Green led the Pledge of Allegiance. Supervisor Theobald welcomed everyone and thanked all for attending.

Moment of Silence

Deputy Supervisor Loeffler requested a moment of silence for Elaine Tummino who passed away on November 26, 2018 a former Town of Manlius employee.

Deputy Supervisor Loeffler requested a moment of silence for Brian Skinner who passed away on November 25, 2018 a former member of the Town of Manlius Tree Commission.

Approval of Minutes – November 14, 2018 - Tabled

Approval of Abstract # 22

Councilor Marzola made a motion, seconded by Councilor Rossetti, to approve Abstract # 22 as submitted by Deputy Town Clerk Witzel.

	TOWN OF MANLIUS	
	Fund Summary	
	Abstract # 22 - 2018	
<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$ 60,823.12
B	General Fund Town	\$ 120.61
DA	Highway Fund Townwide	\$ 28,530.01
SD1	Consolidated Drainage # 1	\$ 6,088.50
SL1	Overhead Lighting	\$ 2,063.55
SL2	Underground Lighting	\$ 2,213.96
SL3	Entry Lighting	\$ 107.11
SL4	Garden Park Lighting	\$ 621.87
SL5	Ratnaur Bridge Lighting	\$ 3,964.34
SR1	Manlius Trash District	\$ 98,279.87
SR2	Manlius Res Brush District	\$ 11,513.00
SS1	Manlius Con Sewer District	\$ 1,028.35

Ayes: Councilor Loeffler, Councilor Rossetti, Councilor Marzola, Councilor Bollinger, Councilor Giordano, Councilor Green

Nayes: 0

All in Favor.

Motion Carries.

6:35 PM Public Hearing – Special Permit – Fayetteville Care Group LLC, Alzheimer’s Special Care Facility, Medical Center Dr., Fayetteville NY (tax map # 086.-01-03.7)

Attorney Sutphen stated that the Planning Board has recommended that the town board approve the Fayetteville Care Group LLC, Special Use Permit. If the Town Board approves the special use permit tonight the board will then complete the SEQRA with the special use permit, then returning to planning board for further review.

Councilor Giordano made a motion, seconded by Councilor Rossetti, to waive the reading of the public notice in the matter of the – Special Use Permit – Fayetteville Care Group LLC, Alzheimer’s Special Care Facility, Medical Center Dr., Fayetteville NY (tax map # 086.-01-03.7)

Ayes: Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Bollinger, Councilor Rossetti, Councilor Marzola

Nayes: 0

All in Favor.

Motion Carries.

Rod Ives from Napierala Consulting confirmed the location of the project on the southeast corner of Avriel Dr. and Medical Center Dr. Mr. Ives confirmed that the traffic study that was part of the Resort Lifestyle Community (RLC) included updated traffic counts for the care facility as submitted to the town board.

Rachael Rudiger introduced herself to the board as representing JEA Senior Living – Fayetteville Care Group, LLC the applicant for the facility.

Councilor Rossetti asked about the updated traffic study numbers the board received. Mr. Ives stated the original traffic study for (RLC) for their special permit included the future build of the JEA Senior Living project. It was determined that there would not be enough traffic for a dedicated right lane turn off Medical Center Dr. based on that study. Mr. Ives stated that the only difference between the original plan and the present plan is the project was moved to the other side of Medical Center Dr. Mr. Ives stated that the JEA project would not be a significant impact to traffic.

Councilor Giordano asked if the traffic information is based on traffic counts from the original RLC study done for that project. Mr. Ives stated that the numbers were based on an updated traffic count done within the last two weeks, so it is current.

Councilor Marzola asked about left-hand turns crossing Medical Center Dr. Mr. Ives stated that the planning board determined that because of the low vehicle numbers this would not be an impact to Medical Center Dr.

Councilor Giordano asked about access to JEA for emergency vehicles. Mr. Ives stated there is a second entrance of deeded access to the building off Medical Center Dr. Road B. Councilor Giordano asked who would be responsible for the maintenance of the access road.

Councilor Rossetti asked why Napierala is using the 9th edition of the IDE trip generation instead of the updated 10th edition.

Attorney Sutphen stated that the applicant has provided what the Planning Board requested so far, and these are preliminary questions and there will be more information provided to the planning board as this project moves forward.

SEQRA

Attorney Sutphen reviewed Part II of the short environmental assessment form with the Town Board. The Town Board determined that each of the environmental factors would have no more than a small to moderate impact. After further discussion, the Board agreed that there would be no significant environmental impact for the special permit for Fayetteville Care Group LLC, Alzheimer's special care facility for the reasons set forth in the environmental assessment form and the discussion took place during the review of the environmental assessment form.

Councilor Giordano made a motion, seconded by Councilor Rossetti, to grant the project a negative SEQRA declaration in that there would be no significant environmental impact from the project being a Special Permit – Fayetteville Care Group LLC, Alzheimer's Special Care Facility, Medical Center Dr., Fayetteville NY (tax map # 086.-01-03.7)

Ayes: Councilor Loeffler, Councilor Rossetti, Councilor Marzola, Councilor Marnell, Councilor Giordano,

Nays: 0

All in Favor.

Motion Carries

Councilor Green made a motion, seconded by Councilor Marzola, to open the public hearing at 6:49pm in the matter of the – Special Permit – Fayetteville Care Group LLC, Alzheimer's Special Care Facility, Medical Center Dr., Fayetteville NY (tax map # 086.-01-03.7)

Ayes: Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Bollinger, Councilor Rossetti, Councilor Marzola

Mark Olson, Mayor of the Village of Fayetteville, stated that the village is in support of the care facility. Mayor Olson stated that this is a considered a high use facility which will impact the fire budget. Mayor Olson suggested that there should be a high use tax put on this type of facility, because they use more services than their taxes cover. Mayor Olson stated there has been an impact on traffic from the current improvements and thanked the town for looking at the traffic numbers and plan. Mayor Olson did present concern over the offset wastewater restrictions. Mayor Olson also mentioned there may be an INI consent order in place which would restrict new development.

Councilor Loeffler asked what the rates are for a facility of this size (66 beds) would be for ambulance service. Mayor Olson stated he believes this facility would be an increase of 60% to 75%, which would result in losing an average of \$125 per call.

Councilor Marzola asked Town Engineer Miller about the wastewater issue. Mr. Miller explained that there has to be an offset plan for wastewater for any new project. Mr. Miller stated this is handled through the office that handles SWPPP. Mr. Miller and Mr. Ives will work together on an offset plan and then the SWPPP will be reviewed and approved. Mr. Miller stated he is not aware of a consent order as stated by Mr. Olson as being accepted at this time, but stated it is in negotiation. The pending consent order will be issued from DEC at some point in time which may increase offsets from 3 - 1 to 5 - 1 and this is part of the Planning Board process. Mr. Miller also said the town is considering and has used in the past “rain dishes” in manholes prone to flooding.

Mike McGrew, Manlius stated he doesn’t believe there will be any traffic issues for this project. He does agree there will be emergency vehicle activity for this facility. He did mention concern as to whether the applicant will have enough qualified people to staff the facility.

Theresa Valenzuela, Fayetteville, stated there are 46 townhomes in the Starview Community that use Medical Center Dr. daily to get to their homes and they are concerned about an increase in traffic.

With there being no further comments from the public, Councilor Rossetti made a motion, seconded by Councilor Green, to close the public hearing at 7:05pm in the matter of the – Special Permit – Fayetteville Care Group LLC, Alzheimer’s Special Care Facility, Medical Center Dr., Fayetteville NY (tax map # 086.-01-03.7)

Ayes: Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Bollinger, Councilor Rossetti, Councilor Marzola

Nayes: 0

All in Favor.

Motion Carries.

Councilor Loeffler noted a letter the board received from Robert Janosky from the Starview Community noting his concern about how this project would impact assessment values.

Councilor Bollinger asked Rachael Rudiger from JEA to comment on their other facilities. Ms. Rudiger stated they do have RN’s on staff and any cuts or falls that happen are handled on site.

They have a passenger van that takes residents to appointments and do average 3 to 4 ambulance calls per week. If the facility is running at maximum capacity, they will have a staff of 45 working in 3, 8-hour shifts. They are considered a skilled nursing facility which means they have RN's on duty.

Councilor Loeffler asked about traffic at peak hours at full capacity; Would be 8 entering and 10 exiting? Mr. Ives stated the numbers are based on a nationwide average from the ITE (Institute for Traffic Engineering) study for care facilities. When the original study was done for the RCL the concern was the intensity of the right hand turn coming in. Mr. stated that the JEA facility will not impact the peak hour's movements along Medical Center Dr. and Burdick St. Councilor Loeffler asked if the SWPPP has been submitted. Mr. Ives stated the completed SWPPP will be presented to planning board when the project return to that board.

Discussion ensued concerning the road cut through and the rear access road and who is responsible for the maintaining this road (Road B) if this is to be used for emergency vehicles.

Attorney Sutphen asked how long the construction will take for the care facility. Ms. Rudiger stated they would need 18 months for construction

Councilor Rossetti made a motion, seconded by Councilor Bollinger, to approve the Special Permit as amended for – Fayetteville Care Group LLC, Alzheimer's Special Care Facility, Medical Center Dr., Fayetteville NY (tax map # 086.-01-03.7) and in accordance with resolution attached hereto.

Ayes: Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Bollinger, Councilor Rossetti, Councilor Marzola

Nayes: 0

All in Favor.

Motion Carries.

IN THE MATTER

Of

**The Application of Fayetteville Care Group,
LLC Special Permit Pursuant to Chapter 155,
Section 155-12 and 155-27 of the Town of
Manlius Code**

**RESOLUTION APPROVING
SPECIAL PERMIT**

The **TOWN 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 28th day of November 2018, at 6:30 p.m. The meeting was called to order by John R. Loeffler, Deputy Supervisor, and the following were present, namely:

Nicholas J. Marzola Councilor

Vince Giordano Councilor

Karen Green Councilor

John R. Loeffler Councilor

Sara Wall Bollinger Councilor

Richard Rossetti Councilor

Absent: Edmond J. Theobald Supervisor

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

Edmond J. Theobald _____ Absent _____

John Loeffler _____ Aye _____

Nick Marzola _____ Aye _____

Vince Giordano _____ Aye _____

Sara Wall Bollinger. _____ Aye _____

Karen Green _____ Aye _____

Richard Rossetti _____ Aye _____

WHEREAS, Fayetteville Care Group, LLC (the “ Fayetteville Care Group” or the “Applicant”) has proposed the construction of a one story 35,080 sf building (the “Building”) on a 3.855 acre lot which is currently part of a larger 5.379 acre parcel intended to be subdivided being also tax map number 086.-01-03,7 (the “Land”), situated in front of the Northeast Medical Center on Medical Center Drive in the Town of Manlius;

WHEREAS, the Applicant proposes to construct the Building, which will be used as special memory care facility for patients with Alzheimer’s disease and to include a 66-bed facility (the “Project” or the “Facility”);

WHEREAS, the proposed site work includes the construction of an enclosed courtyard, a network of sidewalks surrounding the building , parking on the south and east side of the building and two proposed access driveways, one each on East Med “B” Road and Medical Center Drive; to the Medical Center Drive access is shown to partially occur on the proposed 1.524 acre lot to be subdivided from the Building lot and shall include a hammerhead.. All of the within is included in the Special Permit application dated September 28, 2018 made by Applicant and containing plans and documents by NAPIERALA CONSULTING PROFESSIONAL ENGINEER, P.C. hereinafter referred to as “Site Plan” or the “Site Plan Package” – the Site Plan is incorporated and made part of this Resolution);

WHEREAS, the Applicant has also provided the Town Board with a binder consisting of the Application for Special Use Permit and Site Plan and various sections outlining the Project and reports including preliminary SWPPP, elevations and illustrations of the buildings, photo simulations of the Project, and responses to questions raised by the Planning Board (the “Application Binder”, which is incorporated and made part of this Resolution);

WHEREAS, on March 27, 1996, after an exhaustive environmental review process for the Medical Center East Project (“Medical Center East”) which is situated on property that originally included the Land, the Town Board of the Town of Manlius issued a 46 page finding statement pursuant to the SEQRA which accepted the Final Environmental Impact Statement and ancillary documents (the “Medical Center East EIS”) and allowed the construction of the Medical Center East complex;

WHEREAS, a component of the Medical Center East EIS considered a possible future expansion (“Possible Future Expansion”) of the Site and whereas an expansion occurred with included the structures and improvements on a 12.5 acre parcel: (“Lifestyle Resort”) as same were constructed pursuant to Special Permit resolution dated April 22, 2015, as amended;

WHEREAS, based on the information provided by the Applicant, the Project will have an equivalent, if not less, of an environmental impact than the Possible Future Expansion considered in the Medical Center East and Lifestyle Resort EIS documents;

WHEREAS, the Planning Board and Town Board each referred the Action to the Onondaga Planning Board (“SOCPA”) under Section 239-m of the General Municipal Law and on November 7, 2018, SOCPA recommended the following modifications and comments to this Board on the Special Use Permit:

1. The Onondaga County Department of Transportation has determined that the applicant must provide the Department with a copy of the ITE Trip Generation traffic figures and contact the Department regarding any additional traffic data requirements. Any mitigation as may be determined by the Department must be reflected on the project plans prior to municipal approval.
2. The municipality must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) and/or any drainage reports or studies to the Onondaga County Department of Transportation. Any mitigation as may be determined by the Department must be reflected on the project plans prior to municipal approval. Additional stormwater runoff into the county's right-of-way or drainage system will be prohibited.

The Board also offers the following comments:

1. The municipality is advised to ensure appropriate access agreements are in place for any shared driveways on Medical Center Drive.
2. The Board encourages the applicant to facilitate pedestrian and transit access throughout this developing node by providing additional sidewalks and crosswalk connections to adjacent parcels and the existing sidewalk infrastructure along Medical Center Drive, as part of the proposed project.
3. As the site is in close proximity to numerous amenities and dense mixed land uses, including the Village of Fayetteville, residential dwellings, senior living facilities, medical facilities and various shopping destinations, the Board encourages the Town to continue to build out pedestrian infrastructure along both sides of North Burdick Street, in coordination with the Onondaga County

Department of Transportation, as development in this area continues. The SOCPA offers its services to the Town and Village in the creation of a coordinated plan for this area.

WHEREAS, the Town Board held a public hearing on the application for a Special Permit on November 28, 2018 at which time the public had an opportunity to present evidence and comments either in favor or against the Application;

WHEREAS, the concerns raised by the public are mainly related to traffic and the effect on existing nearby residential uses;

WHEREAS, Napierala Consulting has presented a traffic analysis dated November 19, 2018 as requested by the Planning Board this Board and such documents which partially form the basis for the findings and decision set forth herein and the Special Permit requirements;

WHEREAS, each member of the Town Board is personally familiar with the Premises and has reviewed the application for the purpose of determining whether the Premises is appropriate for the Project and the decision set forth below is based on this personal familiarity with the Premises and the surrounding area which includes a 4 story medical center, commercial bank (“AmeriCu Bank”), a regional shopping center (“Towne Center”) and a residential subdivision (“Starlight Heights”) and the existing Towne Center Medical facilities and the Lifestyle Resort and information presented at the public hearing and in the Application and in the record;

WHEREAS, the Town Board must find that all of the following standards and conditions have been satisfied before it can issue a Special Permit:

- (a) The use possesses characteristics that will blend desirably with the neighboring properties and will secure the objectives of this chapter.

- (b) The location, size of the use and structure, nature and intensity of the operations involved, size of the site in relation to it and the location of the site with respect to the streets giving access to it are such that it will be in harmony with the orderly development of the district.
- (c) The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair their value.
- (d) The use shall not conflict with any master plan or part thereof.
- (e) The proposal will not significantly impair the safety of the general public nor unreasonably increase traffic congestion.
- (f) The proposal will not significantly increase the possibility of nuisance or noise from the site.
- (g) The proposal provides for adequate parking in accordance with the provisions of § 155-31.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board has reviewed the EIS of the Applicant dated September 28, 2018 on the Special Use Permit and has found that the Project will not have a significant environmental impact based on the information provided and the conditions set forth in this Special Permit Resolution;

RESOLVED, that the proposed special use is allowed under Town Code Section(s) 155-12 and 155-27 with a special permit because it is in a Restricted Agricultural District, which District allows homes for “homes for elderly adults, convalescent homes, nursing homes & similar facilities”, which definition the Board hereby finds and determines the Project meets, as a use after the issuance of a Special Permit;

RESOLVED, that the Town Board of the Town of Manlius determine, finds and declares as follows:

1. The recommendation of the Planning Board dated October 22, 2018 recommending the issuance of Special Permit is hereby largely accepted by the Town Board and partially forms the basis for this decision;

2. The use possesses characteristics that will blend desirably with the neighboring properties and will secure the objectives of the Town Code of the Town of Manlius for the following reasons:

a. The Project is similar in nature and scope to the type of project contemplated by the Town Board when it approved the Medical Center East project in 1994, as set forth in the SEQRA resolution approved at that time;

b. The Project has characteristics of both residential and commercial projects which blends with the existing community character of Towne Center, the Medical Center East, the AmeriCu Bank, Starlight Heights and the Lifestyle Resort;

c. The Applicant shall be required by the Special Permit to undergo complete site plan approval at the Planning Board which approval shall include but be limited to the Planning Board taking into consideration the comments and recommendations of SOCPA, making such requirements as are necessary and desirable to ensure that the architectural features, colors and landscaping blend with the character of existing buildings in the surrounding area;

d. The RA District allows all uses permitted in an R3 District which includes for "homes for elderly adults, convalescent homes, nursing homes & similar facilities" with a Special Permit and in keeping with case law developed in New York State such an allowance is tantamount to a finding that the use is in harmony with the orderly development of the RA District;

3. The location, nature and height of the buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair their value because the Parcel is properly zoned for the use proposed and the site can accommodate

the Building and by this Special Permit Resolution the Town Board is directing the Applicant to obtain final site plan approval from the Planning Board to ensure the Project meets the Town's standards for development;

4. The use does not conflict with any master plan or part thereof because the Town has zoned the property RA and this project use is a contemplated and allowed use in the RA District and, as set forth in 2a above, this is the type of facility contemplated when the Medical Center East project was approved.

5. Subject to such further evaluation of traffic and traffic studies by the Planning Board during its site plan review of this project, based on the Town's experience, the traffic studies provided by the Applicant to date, and the conditions set forth in the Special Permit, the proposal will not significantly impair the safety of the general public nor unreasonably increase traffic because the Project is for an Alzheimer's/memory care facility, which type of facility generates less traffic because the residents thereof do not drive, there is a small number and only occasional visitors to the Facility and any traffic will be primarily staff traveling to their employment.

6. The proposal will not significantly increase the possibility of nuisance or noise from the site because the construction period is approximately 18 months and the conditions placed on the Special Permit will mitigate the concerns raised by neighboring properties.

7. Based on the site plan presented by the Applicant and the conditions set forth in the Special Permit, adequate parking is available on the parcel; and be it further

RESOLVED AND ORDERED, that the Applicant be, and hereby is, granted a Special Permit pursuant to the provisions of Section 155-27 of the Town of Manlius Code for the purpose of operating a residential memory care facility with associated amenities for persons with Alzheimer's and related conditions requiring memory care; and be it further

RESOLVED AND ORDERED, that the approval is based on the Site Plan Package that has been submitted to the Town and the Town Board reserves the right to reconsider this Special Permit approval in the event there are any significant changes to the Site Plan Package;

RESOLVED AND ORDERED, that the Special Permit shall be issued by the Town Clerk upon the agreement in writing by the Applicant to the conditions imposed by Special Permit (see attached), and which conditions form the basis for the grant of approval of the Special Permit, and those terms and conditions are incorporated and made part of this Resolution.

SPECIAL PERMIT

Pursuant to a Resolution of the Town Board of the Town of Manlius on the Application of Fayetteville Care Group, LLC (the “Applicant”) which Resolution was passed at a regular meeting of the Town Board of the Town of Manlius, held on November 28, 2018, permission is hereby granted to applicant, effective upon the mutual execution of this Permit, to construct a one-story 35,000 square foot building to house a 66 bed memory care facility and a 41 vehicle adjacent parking lot

This Permit will continue in full force until terminated by the Town Board for breach of one or more of the conditions pursuant to which it is granted, and the implementation thereof will be in accordance with the following conditions:

1. The Special Permit and the uses allowed pursuant thereto shall be for a term of seven (7) years, from date Certificate of Occupancy is issued for the facility.
2. This Special Permit shall be transferable as set forth in Section 155-27(G) of the Town of Manlius Code.
3. Site plan approval must be sought and authorized by the Planning Board before a building permit can be issued.
4. A stormwater pollution and prevention plan shall be submitted by the Applicant and approved by Town’s Engineer before a building permit can be issued.
5. A construction plan shall be developed and presented to the Office of Planning and Development and be approved by the Office of Planning and Development before any building permits are issued.
6. Construction shall be restricted to the hours of 8:00 a.m. to 6:00 p.m. to mitigate the impact of noise on the neighboring properties.
7. Blasting as a means of foundation preparation or construction shall be prohibited.
8. The Planning Board shall further evaluate the traffic as well as access and site circulation and cut-throughs on Medical Center Dr. issues into the site including but not limited to

traffic studies supplied by the Applicant heretofore; and the Planning Board shall cause to be made such modifications, if any, as are determined to be appropriate and/or desirable upon and approaching this site and as may be compatible with this use and the surrounding uses.

9. The Applicant shall develop a snow removal plan and applicant shall provide appropriate easements and agreements as deemed necessary by the Planning Board to insure roadway B access is maintained and remains clear. Such plans and easements, agreements shall be acceptable to the Office of Planning & Development before any building permits are issued.
10. The approval is based on the Facility having no more than 66 beds. A trash management plan shall be in place and reviewed and accepted by the Planning and Development staff before building permits are issued.
11. If any condition contained herein is determined to be in violation of any law, such condition shall be automatically removed from this Special Permit but shall not affect the effectiveness of any other condition contained herein.
12. Each of the conditions contained herein have been carefully considered as a means of addressing concerns raised by the Town and residents and if the Applicant is in violation of any one condition, or multiple conditions, the Town reserves the right to withdraw this Special Use Permit, at its discretion.
13. This Special Permit shall expire if the Applicant does not receive a Certificate of Occupancy within thirty (30) months of site plan approval by the Planning Board.

The applicant, by the acceptance of this special permit, agrees to all of the above terms and conditions, and in the event that she shall fail for any reason to perform any of the said terms and conditions on her part to be performed, this special permit can be revoked.

Deborah Witzel, Deputy Town Clerk
Town of Manlius

Onondaga County, New York

The undersigned, on behalf of **Fayetteville Care Group, LLC** does hereby accept the foregoing Special Permit and agrees to perform all of the terms and conditions thereof.

By: _____
Name: _____
Title: _____

STATE OF NEW YORK)
COUNTY OF ONONDAGA) ss:

On the ____ day of _____ in the year 2018 before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individuals(s) acted, executed the instrument.

Notary Public

I, Deborah Witzel, Deputy Town Clerk of the Town of Manlius, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 28th day of November 2018; 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 28th day of November 2018.

DATED: November 28, 2018
Fayetteville, New York

Deborah Witzel
Deputy Town Clerk
of the Town of Manlius

6:40 PM Public Hearing – Austin Meadows Lighting District

Attorney Sutphen stated this is a proposal for a lighting district for Austin Meadows.

Councilor Bollinger made a motion, seconded by Councilor Rossetti, to waive the reading of the public notice in the matter of the - Austin Meadows Lighting District Under Article 12 of the Town Law.

Ayes: Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Bollinger, Councilor Rossetti, Councilor Marzola

Nayes: 0 All in Favor. Motion Carries.

Councilor Marzola made a motion, seconded by Councilor Rossetti, to open the public hearing at 7:43pm in the matter of the – Austin Meadows Lighting District Under Article 12 of the Town Law.

Ayes: Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Bollinger, Councilor Rossetti, Councilor Marzola

Nayes: 0 All in Favor. Motion Carries.

There were no members of the public who commented. Councilor Bollinger made a motion, seconded by Councilor Green, to close the public hearing at 7:43pm in the matter of the – Austin Meadows Lighting District Under Article 12 of the Town Law.

Ayes: Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Bollinger, Councilor Rossetti, Councilor Marzola

Nayes: 0 All in Favor. Motion Carries.

Councilor Rossetti made a motion, seconded by Councilor Marzola, to approve the formation of the Austin Meadows Lighting District in accordance with resolution attached hereto.

Ayes: Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Bollinger, Councilor Rossetti, Councilor Marzola

Nayes: 0 All in Favor. Motion Carries.

IN THE MATTER
Of
The formation of the Austin Meadows Lighting
District Under Article 12 of the Town Law

RESOLUTION AND ORDER
APPROVIING THE
FORMATION OF THE AUSTIN
MEADOWS LIGHTING
DISTRICT

The **TOWN 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 28th day of November 2018, at 6:30 p.m. The meeting was called to order by John R. Loeffler Deputy Supervisor, and the following were present, namely:

Karen Green	Councilor
Vincent Giordano	Councilor
John R. Loeffler	Councilor
Nicholas J. Marzola	Councilor
Richard Rossetti	Councilor
Sara Wall-Bollinger	Councilor
Absent: Edmond J. Theobald	Supervisor

The following resolution was moved, seconded and unanimously adopted:

WHEREAS, a petition for the creation of a lighting district to be known as the “Austin Meadows Lighting District” (the “District”) in the Town of Manlius, Onondaga County, New York, the said petition being dated the 13th day of June, 2018, was duly presented to the Town Board together with the necessary map and plan (the “Map” and “Plan”) attached hereto, and;

WHEREAS, an order was duly adopted by the Town Board on November 28, 2018 reciting the filing of said petition, the improvements proposed, the boundaries of the proposed district and the estimated expenses thereof and specifying November 28, 2018 at 7:50 o’clock, p.m. as the time and Town Hall as the place where the Town Board would meet to consider the petition and to hear from the public both for and against the formation of the District; and

WHEREAS, such order was duly published and posted as required by law;

WHEREAS, a hearing on the matter was held on November 28, 2018, at which time the public was allowed to speak for and against the formation of the District;

NOW, THEREFORE, in accordance with Article 12 of the New York State Town Law, upon the evidence presented at the public hearing and upon the advice and recommendation of the Engineer for the Town, this Town Board does hereby resolve as follows:

1. **RESOLVED AND DETERMINED**, that this action is an unlisted action subject to the New York State Environmental Quality Review Act. The Manlius Town Board appoints itself Lead Agency for the uncoordinated review of this action. In accordance with the regulations of the New York State Department of Environmental Conservation, the Board finds that there will be no significant adverse impact on the environment as a result of this action. The basis for this determination is that the action involves the formation of a lighting district and the proposed lights will improve the site distances at night along Enders Road and New York State Route 92;

2. **RESOLVED AND DETERMINED THAT:** (a) the petition aforesaid is signed and acknowledged or proved as required by law, and it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers and it is otherwise sufficient; (b) all the property and property owners within the proposed district are benefited thereby; (c) all the property and property owners benefited are included within the limits for the proposed district; (d) it is in the public interest to grant in whole the relief sought; and be it further

3. **RESOLVED AND DETERMINED**, that the establishment of the lighting district as proposed in said District be approved; that the improvements therein mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for in the Plan; and that such district shall be designated and known

as the “Austin Meadows Lighting District” and shall be bounded and described based on the Map attached and generally described as: (i) the intersection of Edwards Falls Road and Enders Road in the Town of Manlius; and (ii) the intersection of Austin Dr. and New York State Route 92 in the Town of Manlius; and be it further

3. RESOLVED AND DETERMINED, that the costs of the proposed street lights, and all expenses related to the cost of forming the District, be financed by National Grid, or as proposed in the Plan attached hereto; and be it further

4. RESOLVED AND DETERMINED, that the Town Clerk of this Town shall within 10 days after the adoption of this resolution file a certified copy thereof, in duplicate in the office of the State Department of Audit and Control at Albany, New York, together with an application by this Board, in duplicate for permission to create such district as provided by Town Law, Section 194, and that such application shall be executed by and in behalf of the Town Board by the supervisor of the Town.

Dated: November 28, 2018

I, DEBORAH WITZEL, Deputy Clerk, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 28th day of November, 2018; 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 28th day of November 2018.

DATED: November 28, 2018
Fayetteville, New York

**Deborah Witzel
Deputy Clerk
Town of Manlius
Onondaga County, New York**

Special Permit - Enders Rd. – Cell Tower

Mr. Jared Lusk, Nixon Peabody, stated they had presented a prior application to locate a micro cell on the top of Eagle Hill School, which was withdrawn. Because they still have a gap in service in this area, they are requesting a new location for the micro cell. This application would locate the micro cell on a National Grid pole located in a right-a-way on Enders Rd., near the school.

Board Members asked for the size of the pole and the equipment that would be attached to it.

Mr. Lusk stated they would be replacing an existing pole with a taller pole in the same location. The shroud will be 12' from the ground and will be 21.8" X 35.9" with an electric meter 8 feet from the bottom of the pole, with nothing on the ground. The equipment will be attached to the pole and at 8' and above it cannot be reached by someone on the ground.

Councilor Loeffler asked if the new micro cell has been discussed with the school. Mr. Lusk was not sure but stated the new proposal will not be located on school property.

Councilor Marzola made a motion, seconded by Councilor Giordano, to set a date for a public hearing on December 12, 2018 at 6:40 pm in the matter of the Special Use Permit application presented by Nixon Peabody LLP, Attorneys at Law for Verizon Wireless to construct and operate a micro cell to be located in the Enders Rd. (Right of Way) adjacent to 4645-4725 Enders Rd. Manlius NY.

Ayes: Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Bollinger,
Councilor Rossetti, Councilor Marzola

Nayes: 0

All in Favor.

Motion Carries.

SEQRA - Deer Management Plan

Attorney Sutphen stated that at the previous meeting the Board approved the Intermunicipal Agreement with the Village of Fayetteville for the Deer Management Plan. Attorney Sutphen

stated now the SEQRA and the adoption of the Deer Management Plan and Application for the Deer Damage Permit from the DEC need to be approved.

PART II – Short Environmental Assessment Form

Attorney Sutphen reviewed Part II of the short environmental assessment form with the Town Board. The Town Board determined that each of the environmental factors would have no more than a small to moderate impact. After further discussion, the town board agreed that there would be no significant environmental impact and issued a negative declaration for the – Special Permit - Fayetteville Care Group LLC, Alzheimer’s Special Care Facility, Medical Center Dr., Fayetteville NY (tax map # 086.-01-03.7)

Councilor Giordano made a motion, seconded by Councilor Green, to grant the project a negative SEQRA declaration finding that there are no significant negative environmental impacts from the project which is in connection with the matter of the Deer Management Plan and Application for the Deer Damage Permit from the DEC need to be approved.

Ayes: Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Bollinger, Councilor Rossetti, Councilor Marzola

Nayes: 0 All in Favor. Motion Carries

Councilor Green made a motion, seconded by Councilor Marzola to approve the Application for the Deer Damage Permit from the DEC in the matter of the Deer Management Plan in accordance with the resolution attached hereto.

Ayes: Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Bollinger, Councilor Rossetti, Councilor Marzola

Nayes: 0 All in Favor. Motion Carries

IN THE MATTER A SEQRA

**DETERMINATION RELATED TO THE
ADOPTIONS OF A DEER MANAGEMENT
PLAN AND DEER DAMAGE PERMIT
FROM THE NYS DEC**

**Resolution for
SEQRA DETERMINATION
AND APPROVAL OF
DEER MANAGEMENT PLAN**

The **TOWN 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 Village of Fayetteville, located at 301 Brooklea Drive, Fayetteville, New York, County of Onondaga, State

of New York, on the 28th day of November, 2018, at 6:30 p.m. The meeting was called to order by John R. Loeffler, Deputy Supervisor, and the following were present, namely:

Karen Green	Councilor
Vincent Giordano	Councilor
John R. Loeffler	Councilor
Nicholas J. Marzola	Councilor
Richard Rossetti	Councilor
Sara Wall-Bollinger	Councilor
Absent: Edmond J. Theobald	Supervisor

The following resolution was moved, seconded and adopted:

WHEREAS, after holding a public hearing, the Town of Manlius adopted a Deer Management Plan (the “DMP”) on November 14, 2018 to address the following issues: (1) the increase exposure to Lyme Disease within the Town; (2) the negative impacts of natural plant communities by uncontrolled deer growth in the Town; (3) the exposure to increased deer-vehicular accidents within the Town and surrounding communities; (4) property damage from white-tail deer; including, but not limited to, residential landscapes;

WHEREAS, the DMP is largely based on the experience and adoption of the Village of Fayetteville’s Deer Management Plan, which has been in existence for 3 years;

WHEREAS, the Village of Fayetteville undertook an extensive community and public review of its Deer Management Plan before its adoption, and based on the input the Town has received from the Village, the Town believes the DMP will supplement and compliment the Village’s Deer Management Plan;

WHEREAS, the intent of the DMP is limited only to defined areas adjacent to the Village of Fayetteville and is intended to be a one-year plan to make the Village's Deer Management Plan more effective;

WHEREAS, on November 23, 2015, the Village of Fayetteville undertook a State Environmental Review Act evaluation of its Deer Management Plan and issued a negative declaration under SEQRA;

WHEREAS, like the Village of Fayetteville, the Town of Manlius has filled out a New York State Department of Environmental Conservation Permit application to obtain permission to allow the USDA to cull deer in the Town of Manlius pursuant to the DMP;

WHEREAS, at the November 28, 2018 meeting, the Town Board reviewed the Short Environmental Assessment Form prepared by the Town and after filling out Part 1 and 2 of the EAF determined that the Project would not have a significant environmental impact as set forth in Part 2 of the EAF and based on the following **DETERMINATIONS AND FINDINGS** of the Town Board:

1. The Village of Fayetteville did an extensive review of the impacts of its Deer Management Plan, upon which the Town's DMP is largely based, and issued a negative declaration under SEQRA;

2. The Village of Fayetteville's Deer Management Plan, which has been in operation for the past 3 years, has not had a significant environmental impact in the area - indeed, it can be argued that it has had a positive environmental impact by reducing the exposure to Lyme Disease and vehicle-deer accidents and the preservation of various natural plant communities that are not being threatened by uncontrolled deer populations;

3. The areas of culling in the Town will be adjacent to areas already being culled by the USDA in the Village and this limited scope of culling will make the Village's Deer Management Plan more effective;

4. The culling will be done under the authority of a permit issued by the New York State Department of Environmental Conservation and with the assistance of the USDA, which both have extensive experience in deer management practices, which should have a positive environmental impact on the community;

5. The Town believes that the DMP is a modest first step in addressing health and environmental concerns raised by its residents related to Lyme Disease, deer-vehicular accidents, extensive thinning of natural plant communities by uncontrolled deer growth, and damage to landscaping and other personal property of the Town's residents;

NOW, THEREFORE BE IT

RESOLVED, that the Town Board issues a negative declaration under SEQRA based on its review of the Short Environmental Assessment Form, the Village's SEQRA negative declaration of 11-23-15, the comments from the public at the November 14, 2018 public hearing, the DRP, and its general knowledge of the areas defined in the DRP; and be it

FURTHER RESOLVED, that the Town Board ratifies and re-affirms its approval of the DMP at its November 14, 2018 meeting; and be it

FURTHER RESOLVED, that the Town Board approves the NYS Department of Environmental Conservation Application for a Deer Damage Permit, as presented at the November 28, 2018 meeting and directs the Town Clerk, with the assistance of the Attorney for the Town, to take all necessary action to file said Application.

I, DEBORAH WITZEL, Deputy Clerk, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Manlius at a regular meeting of the Board duly called and held on the 28th day of November, 2018; 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 28th day of November, 2018.

DATED: November 28, 2018

Fayetteville, New York

**Deborah Witzel
Deputy Clerk
Town of Manlius
Onondaga County, New York**

**Set Date – Public Hearing – Amending Chapter 3 of the Code of the Town of Manlius re:
Town Attorney as Officer of the Town**

Councilor Bollinger made a motion, seconded by Councilor Rossetti, to set the date of December 12, 2018 at 6:45 PM for the purpose of holding a public hearing in the Town Hall in the Town of Manlius, located at 301 Brooklea Dr., Fayetteville

Ayes: Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Bollinger, Councilor Rossetti, Councilor Marzola

Nayes: 0

All in Favor.

Motion Carries

Correspondence/New Business

A) Highway Superintendent – No New Business

B) Planning & Development – No New Business

Councilor Marzola stated he is starting the process to get the RFP out for the approved Town Audit.

Councilor Loeffler handed out information from the Planning and Zoning Committee and asked the board members to review for the next meeting.

Councilor Rossetti made a motion, seconded Councilor Marzola, to authorize Engineer Miller to prepare the bid specification for a storage building for the town to be advertised to be put out to bid.

Nayes: 0 All in Favor. Motion Carries.

Ayes: Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Bollinger, Councilor Rossetti, Councilor Marzola

Nayes: 0 All in Favor. Motion Carries.

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Ayes: Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Bollinger, Councilor Rossetti, Councilor Marzola

Nayes: 0

All in Favor.

Motion Carries.

G) Supervisor – No New Business

There being no further business to come before the Board, upon motion duly made by Councilor Loeffler and seconded by Councilor Rossetti the Board voted unanimously to adjourn regular session at 7:48 PM to enter executive session to discuss employee negotiations.

Councilor Bollinger left the meeting before executive session.

Councilor Rossetti made a motion to come out of executive session at 8:40 pm. Motion seconded by Councilor Green.

Councilor Rossetti made a motion to approve the tentative Agreement Between the Town of Manlius and the Town of Manlius Police Benevolent Association for the period January 1, 2018 - December 31, 2020. Seconded by Councilor Loeffler.

Ayes: Councilor Loeffler, Councilor Giordano, Councilor Green, Councilor Marzola, Councilor Rossetti

Nayes: 0

Absent: Supervisor Theobald, Councilor Bollinger

Motion Carries

Councilor Rossetti made a motion to adjourn. Councilor Giordano seconded. Meeting adjourned at 8:41pm.

Ayes: Councilor Loeffler, Councilor Rossetti, Councilor Marzola, Councilor Giordano, Councilor Green

Nayes: 0

All in favor.

Motion Carries.

Respectfully Submitted by:

Deborah Witzel
Deputy Town Clerk