

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
February 10, 2020**

APPROVED

The Town of Manlius Planning Board met in the Town Hall at 6:30 PM with Chairman Joseph Lupia presiding and the following Members were present: Fred Gilbert, Ann Kelly, Mike LeRoy, and Arnie Poltenson. Also, present were Attorney Jamie Sutphen and Town Engineer Douglas Miller.

Absent: Member Mento

Also, Present: Ellen McGrew, Nick Corbishley, Kira Gridley, Matt Napierala, Jason Klaiber, Joe Woodworth, Vita DeMarchi, John Beecher, Valerie Beecher, Tony L. Waddell, Arthur Egy, William Bertrand, Kim Schwanke, Mark Berratt, Warren Linhart, Jason Klaiber, Steve Brown, Cheryl Demers, Tom & Jessica Umina, Margaret Gacek, Gene Gacek, Josh Eastman, Allison & Eric Sczerbaniewicz, Leisha Dukat, Rich Roche, Gina Godier?, Kay Lin, Edward Gridley, Christine Kelly, Paul Crescenzi, Todd LaFLamme, Dira Elzourkany?, Heather Waters, Brandon Jacobson, Tom Oot

The Pledge of Allegiance was recited.

Minutes

Member Kelly made a motion, seconded by Member LeRoy and carried unanimously to approve the minutes of January 27, 2020

**Nicholas Corbishley & Kira Gridley, 93 Collidge Road, N. Syracuse, NY 13212
PUBLIC HEARING - 2-Lot Subdivision – 5700 Townsend Road, Fayetteville, NY
13066**

Tax Map # 091.-02-26.1

Mr. Corbishley and Ms. Gridley presented their application stating that that they would like to subdivide a parcel off of the larger parcel the land so they can eventually build a single-family home.

Lead Agency for SEQR was determined at the meeting of January 27, 2020. Attorney Sutphen indicated for the record that the action is an Unlisted Action under SEQRA.

Attorney Sutphen reviewed the 11 questions in Part 2 of the EAF with the Board and the Board agreed unanimously that the action would have no, or a small impact on the environment. The EAF was filled out accordingly.

Member LeRoy made a motion, seconded by Member Poltenson and carried unanimously to issue a Negative Declaration under SEQR and authorized the Chairman to sign the short form EAF.

Member Kelly made a motion, seconded by Member LeRoy and carried unanimously to

open the Public Hearing at 6:36pm.

With there being no comment from the public, Member LeRoy made a motion, seconded by Member Gilbert and carried unanimously to close the Public Hearing at 6:37pm.

Member Kelly made a motion, seconded by Member Poltenson and carried unanimously to approve the 2-Lot Subdivision for Nicholas Corbishley and Kira Gridley, titled Corbishley-Gridley Subdivision; prepared by Cottrell Land Surveyors, P.C., dated 11-04-2019; roll 91-2-27.

WJC Works, LLC – 112 Pickard Drive, Syracuse, NY 13211

PUBLIC HEARING - Site Plan – 6985 Collamer Road, East Syracuse, NY 13057

Tax Map # 036.-01-04.0

Chairman Lupia stated that the Applicant was unable to attend the meeting. The Board heard from the applicant at the last meeting, so they are able to proceed with the SEQR declaration.

Member LeRoy made a motion, seconded by Member Poltenson and carried unanimously to declare the Planning Board Lead Agency for SEQR.

Attorney Sutphen indicated for the record that the action is an Unlisted Action under SEQRA.

Attorney Sutphen reviewed the 11 questions in Part 2 of the EAF with the Board and the Board agreed unanimously that the action would have no, or a small impact on the environment. The EAF was filled out accordingly.

Member LeRoy made a motion, seconded by Member Poltenson and carried unanimously to issue a Negative Declaration under SEQR and authorized the Chairman to sign the short form EAF.

Member Kelly made a motion, seconded by Member LeRoy and carried unanimously to open the Public Hearing at 6:40pm.

With there being no comment from the public, Member Kelly made a motion, seconded by Member LeRoy and carried unanimously to close the Public Hearing at 6:41pm.

Member Gilbert made a motion, seconded by Member Poltenson and carried unanimously to approve the Site Plan Application for WJC Works, LLC as presented; with the condition that the parking shown in the back of the building will be placed in reserve with the finding that upon advice of the Codes Enforcement Officer and review of the building uses, the parking is shown, without the reserve, is sufficient for the current proposed building uses.

Member Kelly stated that Onondaga County Planning Board would like to see some

screening or additional landscaping, along the parking lot to shade the neighbors' properties. The Board decided to pass along the recommendation from the Onondaga County Planning Board regarding screening to the Applicant.

Syracuse Signarama – 102 Headson Drive, Syracuse, NY 13214

Site Review – Sign – Manlius Academy Apartments – 4719 Kehoe Lane, Manlius, NY 13104

Tax Map # 114.-04-82.0

Todd LaFlamme, Signarama, explained to the Board that the Academy Place Apartments would like to install a new sign with more square footage because they have been receiving complaints from people not being able to locate the apartments. They would like to install a 42"x70" directional sign.

Chairman Lupia told the applicant that the sign appears to be in the New York State Right of Way and the Town Planning Board has no jurisdiction over anything in the right of way.

Attorney Sutphen asked who owns the parcel that the sign is on. Mr. LaFlamme said Manlius Acad, LLC., Michael Silverberg is his contact and a partner.

Chairman Lupia stated the following concerns:

1. The sign is on a different lot from the use it "advertises" and is also quite a distance from the apartment building.
2. The sign looks to be in the State Right of Way.

Attorney Sutphen stated that if this sign is "legal" in its current location and on a lot, and if this sign is going to be expanded in size, the applicant would have to go to the Zoning Board of Appeals for a Variance because the sign is outside the Town Code guidelines for sign size. But also, the question of the right of way and/or whether this is a non-conforming pre-existing sign/use on the property needed to be further researched.

Member Poltenson suggested re-doing the sign so that the directional arrows are larger.

Chairman Lupia suggested that this application be tabled until we hear back from the Applicant, Mr. Silverberg as to some of the questions presented.

3Gi – Central New York Inland Port, Vacant rural property to the south of Kirkville Road between Girden Rd. and Fremont Rd.

Recommendation for Zone Change

Tax Map #'s 054.-01-28.1, 054.-01-06.1, 054.-01-04.1 & 054.-01-2.1

Matt Napierala did an abbreviated overview of the proposed project and the request for a zone change which had been referred to the Planning Board from the Town Board.

Chairman Lupia asked if the Applicant had an access agreement to move across National Grid property? Mr. Napierala said yes, he would get it to the Board.

Member Kelly asked if there was an agreement with the railroad to remove the oil tanks? Mr. Napierala said that the talks with CSX are ongoing negotiations.

Conversation ensued regarding the access to the property.

Chairman Lupia stated that the Board has taken the information that was provided by the Applicant, The Onondaga County Planning Board, the Planning Boards questions and Town Engineer, Doug Miller's comments and asked the Attorney to put together a resolution. Each Planning Board member indicated that they had seen the proposed resolution in advance and had the opportunity to review and comment therein.

Attorney Sutphen summarized the content of the resolution in part regarding this project. (*The complete resolution is attached*). The final part of the resolution is as follows:

The Planning Board recommends the above issues for further study and contemplation by the Town Board. Because there are multiple items which require further information, this Board does not at this time make recommendation either for or against the Zone Change application. Ultimately, after review of the within and any other matters that are brought into the knowledge of the Town Board in this process, it is the Town Board that must determine whether a change of Zoning District, a legislative function, is in the best interest of the Town.

Member Kelly made a motion, seconded by Member Poltenson and carried unanimously to adopt the resolution as attached hereto.

Brolex Properties – 5912 North Burdick Street, East Syracuse, NY 13057
Recommendation for Zone Change – Bridle Path/Megnin Farms Apartments –
Corner of Strawmount Trail and State Route 5, Chittenango, NY
Tax Map #'s 082.-02-02 and 082.-02-03.0

Brandon Jacobson, Brolex Properties, explained to the Board that they would like a Zone Change for this property from its current mixed zoning status to R-5. He stated that they would like to provide a mixed/commercial/residential use for the property. They would like to construct 5 3-story apartment buildings, with elevators, primarily intended to serve seniors and others who can't move into the area due to price point.

Mr. Jacobson advised that the applicant hired Gordon Stansbury to do a traffic study in the area.

Chairman Lupia stated that the Board has received numerous letters from the neighboring residents regarding this project, all of which are in opposition to the zone change. Mr. Lupia expressed concern for residents who purchased homes in this area with belief that the adjacent lands would also be single-family residential.

Mr. Jacobson said that instead of trucking the soil off of the property they were planning to use it to build a berm in the rear of the property to buffer the neighbors.

Member Poltenson said that he went out and looked at the property and said that he would like to see a traffic study.

Member Gilbert has concerns about "sprawl" issues and the higher intensity living arrangements like this. He is concerned we are headed towards building more towards Green Lakes, taking away from the rural setting.

Member Kelly asked who would own the apartments? Mr. Jacobson said he and his partner will build to own it.

Member LeRoy asked about a traffic study and timeframe of the project.

There was discussion regarding the Board desiring input of neighbors and others in an informational public hearing before this Board. This would assist the Board in hearing all information before making a recommendation to the Town Board.

Member Kelly made a motion seconded by Member Poltenson and carried unanimously to hold a Public Hearing on February 24, 2020 at approximately 6:35pm at a place to be determined because of the size of the crowd.

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 7:59 pm.

Respectfully submitted,
Lisa Beeman, Clerk

In the Matter of the Application of Referral from the Town Board of Manlius to the Planning Board of the Town of Manlius relative to Zone Change application of 3 Gi CNYIP

Recommendation dated February 10, 2020

The Town Board of the Town of Manlius ("Town Board") has referred the matter of the request for zone change made by owner 3 Gi CNYIP, Inc. ("Owner/Applicant")¹ to the Planning Board of the Town of Manlius ("Planning Board") for recommendation. The proposal which was presented to the Planning Board by the applicant on January 20, 2020 seeks a zone change on *part* of two parcels owned by the Owner: 054.0-01-06.1 and 054.0-01-4.1² The exact acreage affected is to be determined, but appears to be approximately 35+/-acres.³

The Planning Board is generally charged with considering the overall orderly development of the Town in the context of actual applications brought before it. In this instance, the Town Board has asked the Planning Board to make a "recommendation" on this matter based upon its unique knowledge of planning and zoning matters within the Town.

This Board has reviewed the parcels at issue in the context of the current zoning map designations, the surrounding zoning designations, the character of the neighborhood and adjacent properties and the uses allowed in Industrial and other zoning districts of the Town. There are several matters which this Board believes deserves further study at the Town Board level and which the Town Board should consider before coming to a conclusion about a Zone Change to Industrial.

1. The applicant has stated the type of use that it would intend – primarily warehouse in nature – should the zone change to Industrial be granted. However, it is critical that the Town Board consider that any type of Industrial Use could be permitted when/if the zone change occurs. These uses could include uses far more "intense" than the warehouse use proposed. As further discussed below, the Town Board should be convinced that *any* Industrial use would be compatible with the area and be in conformance with sound orderly development of the Town.
2. In as much as the Town Board is required to hold a public hearing on a Zone Change, this Board is not inclined to hold a public hearing at this time. However, it is difficult to

¹ The Applicant on this zone change application is 3 GI CNYIP, Inc. though it is noted that the property is apparently jointly owned by 3GI Terminals, LLC. Presumably the Town Board will be assured of ownership of the parcels and that all property owners properly join in the application before any action is taken thereon.

² The application states that 4 parcels are part of this zone change application, however, two of the parcels are already zoned Industrial and are not part of the consideration of the zone change; except to the extent that parcel 054.-01-28.1 fronts on Fremont Road and is the only access the subject parcels would have directly to Fremont Road.

³ The affected tax parcels affected by the zone change consist of a total of approximately 62 acres, not the 75 acres stated in the application. The revised proposal for zone change would affect approximately 2/3 of that 62 acres.

make an informed recommendation without obtaining public input as to the reasonable concerns, impressions and comments that the public may have with respect to the zone change that would intimately affect the daily lives of property owners surrounding the property at issue. This Board suggests that such input is critical to the determination on the Zone change.

- a. There are a significant number of residential uses in close proximity to this property on both Fremont and Kirkville Roads. Indeed, the parcel is bisected on Kirkville by a residential parcel.
 - b. However, both the east and west side of the subject parcels are already zoned Industrial.
 - c. Notwithstanding the existence of some industrial in this area, would the change to Industrial of such a significantly sized parcel, unduly affect the residential and less intense commercial uses that currently surround the parcel ?
3. This Board takes note of the sense of community that is currently presented by the three schools that are in close proximity to the property at issue.
- a. Additional traffic, changes to traffic patterns and intense development of Industrial uses in close proximity to the school uses must be carefully considered by the Town Board as it reviews traffic studies and extracts public input to this application.
 - b. From a Planning standpoint, were the Town to be considering zoning districts anew, it would be likely that any Board would find that Industrial Uses directly adjacent to facilities that house children are incompatible due to the nature of activities that can be carried on in an Industrial zoned area.
4. As the Town Board considers this zone change request, this Board recommends that it is prudent for the Town Board not to be pigeon-holed into a review of just a conversion from RA to Industrial as advocated by the applicant. Rather,
- a. Should a separate/new zone, or even an overlay district be more in line with what would be compatible with this area and would encourage a lower impact industrial use; could there be a new a zone that supports only a transportation--type use?
 - b. Has the Town Board considered that if RA is not the best use of the property from an overall planning perspective or for orderly development ; would the property be better suited to any one of the 7 zoning districts which fall between the current zoning designation of RA and the least restrictive (Industrial) zoning designation of the Town.
 - c. Does the leaving of the parcels at Kirkville Road as RA, but converting the back parcels to Industrial make the overall development of this land less desirable? If the zone was changed to other than Industrial of the entirety of the parcels would other development of a non-industrial nature follow? This is surely present along much of Kirkville Road.

5. Access to this site is a primary concern that this Board suggests the Town Board consider with great caution.
- a. The applicant has removed the part of the parcel that fronts on Kirkville Road from its application for zone change. This presents a double-edged sword to the application. There can be no access to the Industrial site at all from Kirkville Road, leaving limited access to the site access through an RA parcel. The RA parcel cannot serve the Industrial site (an issue that would be further addressed upon plan approval). On the other hand, re-zoning of the part of the parcel that faces Kirkville to Industrial would surely be incompatible with the RA use that bisects the parcels' Kirkville Road facing part, and the uses on the opposite side of Kirkville.
 - b. The applicant has suggested that it has some kind of access from Girden Road, over a fee parcel owned by National Grid, then to a contingent piece owned by applicant to the parcel to be re-zoned. A request to view such access to see if it feasible has been requested but has not been presented or is forthcoming. Access from Girden Road is likely the best access to this site, if it is Industrial, but appears tenuous, at best.
 - c. Access to this site from Fremont Road is limited to two points, which points are greatly separated by intervening parcels. This limits where traffic can enter and exit the site and limits site plan options should the parcel seek site plan approval for any use.
 - d. The Fremont road accesses appear to be limited by wetland and an easement to NY transit.
 - e. The applicant has suggested that access to this site from the southerly CSX railroad site makes this site ideal for industrial development. This Board agrees that such access would change the dynamic of this application markedly. However, as the applicant stated, he has been working on this project for nearly a decade and such access has not been confirmed. It would seem imprudent at this juncture for the Town Board to consider any such potential access in its decision-making process.
6. Traffic must be carefully considered in any zone change request. The Town has been working with the East Syracuse Minoa Schools and Onondaga County Department of Transportation with regard to on-going traffic and safety concerns at the intersection of Kirkville Rd. and Fremont Rd. A high intensity traffic use such as would likely be brought forth by Industrial use, particularly of the warehouse and transportation nature presented, must be carefully studied. This is not in the current purview of this Board, but the Town Board should reflect upon same.
7. Kirkville Road and Fremont Road are Onondaga County Roads. Accordingly, the Onondaga County DOT should be consulted and coordinated with in connection with the Zone Change application and its potential affect on the County Roads.

8. Significant wetlands within the property sought to be zoned may impede industrial or other development of the area. The Town board should seek more information as to how the wetlands would impact various types of development including Industrial, or development of the sort that would be permitted by the current RA, or other zoning.
9. The comments of the Onondaga County Planning Board dated February 5, 2020 should be heeded as to further information the Town should seek in considering the Zone change. Many of the issues raised in the referral are set forth as concerns of the Board herein; in addition to several additional matters set forth in the referral.
10. This Board notes that the property at issue and some of the industrially zoned property surrounding this property has an "industrial" feel relative to other areas of the Town. This must be balanced against the issues raised herein.

The Planning Board recommends the above issues for further study and contemplation by the Town Board. Because there are multiple items which require further information, this Board does not at this time make recommendation either for or against the Zone Change application. Ultimately, after review of the within and any other matters that are brought into the knowledge of the Town Board in this process, it is the Town Board that must determine whether a change of Zoning District, a legislative function, is in the best interest of the Town.