

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
April 12, 2021**

APPROVED

The Town of Manlius Planning Board convened with the members live streaming from their homes and in accordance with the Executive Order of the Governor to assure compliance with the Open meetings Law. Chairperson Joseph Lupia presided, and the following Members were present: Fred Gilbert, Ann Kelly, Mike LeRoy, Arnie Poltenson, Richard Rossetti and Valerie Beecher. Also, present were Attorney Jamie Sutphen and Town Engineer Douglas Miller.

Also, Present: Tom Oot, Christian Hill, Melanie Nicotra, Jodi Hunt, Teddy Epstein, Brandon Jacobson, David Muraco

The Pledge of Allegiance was recited.

Minutes

Member Rossetti made a motion seconded by Member LeRoy and carried unanimously to approve the minutes of March 22, 2021.

Falck Renewables, One Bridge Street, Suite 11, Irvington, NY 10533

Special Use Permit & Site Plan Amendment – Solar Array

8507 Green Lakes Road, Fayetteville, NY 13066

Tax Map # 082.-02-15.1

Teddy Epstein and Jodi Hunt spoke on behalf of Falck Renewables. Mr. Epstein said that the applicant would like to address the number of years that the Planning Board put on the Special Use Permit. In this case they would like an additional period of 25 years added to the Special Use Permit and the reason is to make the revenue back on the project.

Chairman Lupia asked Mr. Epstein about the planting of the trees. Mr. Epstein said they would like to change the date of the tree plantings from April 30, 2021 to December 31, 2021.

Attorney Sutphen stated that the renewal of the Special Use Permit in 15 years cannot be arbitrary and capricious.

Member Beecher asked how long the life of these particular solar panels may be? Mr. Epstein said between 35 and 40 years.

Conversation ensued regarding the planting of the trees (Evergreens) along the property.

Member Rossetti made a motion, seconded by Member Kelly and carried to approve the motion as submitted and reviewed by the Board in advance and to approve a

change in timeframe for the Special Use Permit for a period of Fifteen (15) years to expire April 12, 2036 with the following conditions:

1. The Applicant must Apply for a Building Permit within 1 year.
2. The Applicant must complete the project in 2 years.

This motion also includes the planting of the Evergreen trees no later than December 31, 2021. The resolution as attached hereto was adopted unanimously.

Falck Renewables, One Bridge Street, Suite 11, Irvington, NY 10533
Special Use Permit & Site Plan Amendment – Solar Array
5062 North Eagle Village Road, Manlius, NY 13104
Tax Map # 098.-01-15.0

Teddy Epstein and Jodi Hunt spoke on behalf of Falck Renewables. Mr. Epstein said that the applicant would like to address the number of years that the Planning Board put on the Special Use Permit. In this case they would like an additional period of 25 years added to the Special Use Permit and the reason is to make the revenue back on the project.

Mr. Epstein would also like to change the date of the planting of the trees. Mr. Epstein said they would like to change the date of the tree plantings from April 30, 2021 to December 31, 2021.

Member Rossetti made a motion, seconded by Member LeRoy and carried to approve the motion as submitted and reviewed by the Board in advance and to approve a change in timeframe for the Special Use Permit for a period of fifteen (15) years to expire April 12, 2036 with the following conditions:

1. The Applicant must Apply for a Building Permit within 1 year.
2. The Applicant must complete the project in 2 years.

This motion includes the planting of the Blue Spruce trees no later than December 31, 2021. The resolution as attached hereto was adopted unanimously..

Brolex Properties – 5912 North Burdick Street, East Syracuse, NY 13057
PUBLIC HEARING - Subdivision and Site Plan – Freeman Estates – 12 Lots – 7430
Highbridge Road, Fayetteville, NY 13066
Tax Map # 101.-02-02.1

Member Gilbert made a motion, seconded by Member Rossetti and carried unanimously to declare the Town of Manlius Planning Board Lead Agency for SEQR.

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 Planning Board made additional findings as follows and as set forth on the EAF as follows: *The applicant has presented storm water calculations, road profiles and relevant traffic information.*

The applicant will not disturb a substantial part of this lot; in fact, 17 +/- Acres of a 22 +/- acre parcel will remain forever undeveloped and undisturbed, and the wetlands will remain undisturbed.

The applicant has presented evidence the traffic from this development will not adversely affect the free flow of traffic on Route 92 and the NYS DOT has approved the road cut entry onto Route 92. The 12 lots present an insignificant amount of additional traffic to flow onto Route 92 from this single-entry point on a public road cul-de-sac.

Any Storm water issues are all mitigable and will be finalized upon the final approval of the SWPPP with the Town Engineer.

The Applicant has presented HOA documents providing for maintenance of common areas and attendant covenants. Environmental concerns relating to perpetual maintenance of the common areas will be mitigated upon subdivision approval wherein this Board will require a covenant to burden each property such that, in the event the HOA does not maintain the property, resulting in fines or other charges being assessed to the HOA, and the HOA does not satisfy same, the individual lots/homeowners will be responsible for same. This will be a covenant that will run to the benefit of the Town of Manlius.

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

Member Gilbert made a motion, seconded by Member Kelly and carried unanimously to waive the reading of the Public Notice.

Member Beecher asked what the difference in the plans are from the first submission until now. She noticed the plans went from duplexes, senior living, patio homes and now we are looking at single family homes. Attorney Sutphen explained how the density calculations were made and noted that when an applicant comes in with a cluster development, the Applicant must show what can be built on the property per the zoning code as it exists. Under the R-2 zoning, there was less density allowed, under the R-3 there is more density allowed. The R-3 allowed greater density and slightly more homes than the R-2 zone would have allowed.

Member Kelly made a motion, seconded by Member Rossetti and carried unanimously to open the Public Hearing at 7:25pm.

1. Mark Miller – Thatchwood Drive – asked if the area known as greenspace on the property will be public or private? Mr. Miller suggested that this is an area that has been utilized by the public and would be beneficial if the public could enjoy it. Mr. Oot noted this is private land and will be owned by the HOA. Mr. Miller asked about donating the land to the Town for

residents to use. Mr. Oot said that would be up to the HOA at a future date.

Hearing nothing further from the Public, Member Kelly made a motion, seconded by Member LeRoy and carried unanimously to close the Public Hearing at 7:32pm.

Conversation ensued regarding covenants and HOA information.

The Board must table Application until April 26, 2021 pending receipt of comments from the Onondaga County Planning Board.

G&T Properties, PO Box 411, Fayetteville, NY 13066
PUBLIC HEARING – Site Plan – Proposed Storage Facility - 7030 Manlius Center Rd, East Syracuse, NY 13057
Tax Map #'s 062.-04-6.1 & 062.-04-6.2

Member Gilbert made a motion, seconded by Member Rossetti and carried unanimously to declare the Town of Manlius Planning Board Lead Agency for SEQR.

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

Member Rossetti made a motion, seconded by Member Gilbert and carried unanimously to waive the reading of the Public Notice.

Member LeRoy made a motion, seconded by Member Poltenson and carried unanimously to open the Public Hearing at 7:41pm.

Hearing nothing from the Public, Member Kelly made a motion, seconded by Member Poltenson and carried unanimously to close the Public Hearing at 7:42pm.

Member Rossetti asked Mr. Hill if he has gotten the DOT approval for the curb cut? Mr. Hill said not yet, they are in discussions with them. He has sent them the revised plans that include the new location of the driveway. Member Rossetti would like the approval of the Planning Board contingent on the approval of the curb cut from the DOT.

Engineer Miller will review the SWPPP with Mr. Hill but does not anticipate any issues. Member Gilbert made a motion, seconded by Member LeRoy and carried unanimously to approve the Site Plan for a Storage Facility for G&T Properties located at 7030 Manlius Center Road, East Syracuse, NY 13057

Melanie Nicotra – 7075 North Manlius Road, Kirkville, NY 13082
PUBLIC HEARING – Site Plan – Proposed Greenhouse – 7550 Collamer Road,
East Syracuse, NY 13057
Tax Map # 038.-03-18.4

Chairman Lupia stated that the Onondaga County Planning Board will not allow a driveway onto Route 298 (Collamer Road). The only access to the property will be along Schepps Corners Road. The applicant had a new map drawn up and the new map has been circulated to the Board Members.

Member Gilbert made a motion, seconded by Member LeRoy and carried unanimously to waive the reading of the Public Notice.

Member Kelly made a motion, seconded by Member Rossetti and carried unanimously to open the Public Hearing at 7:47pm.

Hearing nothing from the Public, Member Kelly made a motion, seconded by Member Beecher and carried unanimously to close the Public Hearing at 7:48pm.

Engineer Miller asked Ms. Nicotra if she has gotten permission for a driveway off of Schepps Corners Road? It was a condition from the DOT. Ms. Nicotra said yes. Chairman Lupia said that the motion would be contingent on the driveway approval from the DOT on Schepps Corners Road.

Member Kelly made a motion, seconded by Member Rossetti and carried unanimously to approve the Site Plan for a Greenhouse for Melanie Nicotra located at 7550 Collamer Road, East Syracuse, NY 13057.

David Muraco, Empire Management – 4306 E. Genesee Street, DeWitt, NY 13214
Zone Change Recommendation (RA to RM) – Proposed Real Estate Office – 112
South Burdick Street, Fayetteville, NY 13066
Tax Map # 092.-07-02.1

Member Rossetti recused himself due to a potential conflict of interest.

David and Louis Muraco, Applicants, stated that they would like to turn the current home on the property into a Real Estate Office. There is a current covenant on the property that states when the property is done being used as a conference center and housing for out-of-Town guests, the property reverts back to the RA Zoning. He is requesting the zoning be change to RM. He has no intentions of changing the structure or building anything on the property, he will restore the home.

Attorney Sutphen said if the Town Board approves the Zone Change then the Applicant will come back to Planning Board for Site Plan Approval. Mr. Muraco said he submitted an accurate survey and does not see why he would have to return to the Planning Board if no changes would be made. Attorney Sutphen and Engineer Miller will do a Codes analysis of the RM zone to see if what is proposed meets code and then a determination will be made as to what is required if anything, for Site plan approval.

Member Kelly made a motion, seconded by Member Beecher and carried unanimously to send a positive Zone Change (RA to RM) recommendation to the Town Board.

Member Rossetti re-joined the meeting.

Other Business

Chairman Lupia stated that the Town Board has been interviewing firms for a Town Engineer. Question is what is the Planning Board doing? The Planning Board is not looking to change Engineering firms and would very much like to stay with Miller Engineering. The Planning Board is satisfied with all the services that they are receiving from Miller Engineering.

Chairman Lupia stated that in relation to Woodland Hills Subdivision (Hoag Lane), the Town Attorney has heard from everyone on the Planning Board in regard to their thoughts about the project. The Town Attorney and the Town Engineer are working on consolidating all of the comments and concerns from the members and will be incorporating them into a written resolution. The Board wants the public and the Applicant to understand that the Board intends to give informed decision and they want the public to know what the basis for the decision, there is no question as to where the Board is coming from and basis for the Board's decision. As soon as the Board has something in writing, the Board will be scheduling a final vote relative to the subdivision application. Attorney Sutphen said that this will be a final SEQR determination.

With there being no further business, Member Gilbert made a motion, seconded by Member Poltenson and carried unanimously to adjourn the Regular Meeting at 8:05 pm.

Respectfully submitted,
Lisa Beeman, Clerk

Resolution for Special Permit upon application of EF NY CDG 002 LLC, Applicant (Green Lakes Solar Array)

Whereas, the Planning Board of the Town of Manlius ("Planning Board)" passed a resolution at its regular Planning Board meeting held on August 10, 2020 to allow the Applicant to be granted a Special Permit to construct an addition to the existing Solar Array - Large Solar Photovoltaic Energy System in accordance with the Plans as presented to the Town Planning Board as part of its Application for Site Plan approval and Special Permit for premises at 8507 Green Lakes Road in the Town of Manlius (Tax map # 082.-02-15.1) (The "Project"); and

Whereas, a Special Permit was so issued on August 10, 2020, and

Whereas, the Applicant and Planning Board agree that certain corrections and modifications are required to the previously issued Special Permit, and

Whereas, the Planning Board has received the referral of the Onondaga County Planning Board dated March 31, 2021 finding no significant intercounty impacts from the Project, and

Whereas the Planning Board has reviewed the requests of the Applicant for revisions to the Special Permit as part of this Application, and

Whereas the documents under consideration include the Permit Approval Set prepared by Tetra Tech dates May 4, 2020 including a PE stamp from Brian Seilski and a Landscaping Plan prepared by Tetra Tech dated March 2, 2021; and

Whereas, the Board has heretofore issued a negative SEQRA declaration for the "Project" dated July 27, 2020.

Now therefore, the Planning Board hereby resolves as follows:

1. The negative SEQRA declaration of this Board remains in full force and effect as the modifications herein are primarily ministerial in nature.
2. The name of the applicant for the project is correctly noted as EF NY CDG 002 LLC, and not Falck Renewables and the Special Permit should so reflect the correct name.
3. The Site Plan Approval granted by the Planning Board on August 10, 2020 remains in full force and effect for the Project and the Project shall be constructed in accordance therewith except that the evergreen trees shall be planed ion accordance with the plan dated March 9, 2021 by Tetra Tech.
4. The Planning Board Resolution for Special Permit dated August 10, 2020 is modified and replaced in its entirety with the within.

5. A Special Permit is hereby granted to EF NY CDG 002 LLC for the Project as above described.

A. The Special Permit and use allowed pursuant thereto, including the existing portion of the Solar Array on the parcel shall be for a term of fifteen (15) years from the date the Certificate of Completion is issued from the Town for the Project and may thereafter be renewed. Nothing herein shall in any manner limit the Town's right to enforce any condition at any time in the case of Non-compliance.

B. Applicant shall have one year from the date hereof to pull building/construction permit from the Town, and the applicant shall complete the project within two years after pulling the permit, at which time the Certificate of Completion is issued.

C. Trees shall be planted on the parcel along the perimeter of Green Lakes Road of a species which will provide screening from the roadway of the Solar Array site. Trees shall be planted as soon as feasible and no later than December 31, 2021.

Resolution for Special Permit upon application of EF NY CDG 001 LLC, Applicant (North Eagle Village Solar Array)

Whereas, the Planning Board of the Town of Manlius (“Planning Board)” passed a resolution at its regular Planning Board meeting held on August 10, 2020 to allow the Applicant to be granted a Special Permit to construct an addition to the existing Solar Array - Large Solar Photovoltaic Energy System in accordance with the Plans as presented to the Town Planning Board as part of its Application for Site Plan approval and Special Permit for premises at North Eagle Village Road in the Town of Manlius (Tax map # 098-01-15.0) (The “Project”); and

Whereas, a Special Permit was so issued on August 10, 2020, and

Whereas the Applicant and Planning Board agree that certain corrections and modifications are required to the previously issued Special Permit, and

Whereas, the Planning Board has received the referral of the Onondaga County Planning Board dated March 31, 2021 finding no significant intercounty impacts from the Project, and

Whereas the Planning Board has reviewed the requests of the Applicant for revisions to the Special Permit as part of this Application, and

Whereas the documents under consideration include the Permit Approval Set prepared by Tetra Tech dates May 4, 2020 including a PE stamp from Brian Seilski and a Landscaping Plan prepared by Tetra Tech dated March 12, 2021; and

Whereas, the Board has heretofore issued a negative SEQRA declaration for the “Project” dated July 27, 2020.

Now therefore, the Planning Board hereby resolves as follows:

1. The negative SEQRA declaration of this Board remains in full force and effect as the modifications herein are primarily ministerial in nature.
2. The name of the applicant for the project is correctly noted as **EF NY CDG 001 LLC**, and not Falck Renewables and the Special Permit should so reflect the correct name.
3. The Site Plan Approval granted by the Planning Board on August 10, 2020 remains in full force and effect for the Project and the Project shall be constructed in accordance therewith.
4. The Planning Board Resolution for Special Permit dated August 10, 2020 is modified and replaced in its entirety with the within except the blue spruce trees shall be planted in accordance with the plan dated March 9, 2021 by Tetra Tech.

5. A Special Permit is hereby granted to EF NY CDG 001 LLC for Project as above described.

A. The Special Permit and use allowed pursuant thereto, including the existing portion of the Solar Array on the parcel shall be for a term of fifteen (15) years from the date the Certificate of Completion is issued from the Town for the Project and may thereafter be renewed. Nothing herein shall in any manner limit the Town's right to enforce any condition at any time in the case of Non-compliance.

B. Applicant shall have one year from the date hereof to pull building/construction permit from the Town, and the applicant shall complete the project within two years after pulling the permit, at which time the Certificate of Completion is issued.

C. Trees shall be planted by the Applicant on the property of Neighboring Parcels along Townsend Road being premises owned by 1) Winschel, at 5190 Townsend Road, and 2) Young, at 5212 Townsend Road in planted accordance with the plan referred to at #3 above. The trees shall be planted no later than December 31, 2021.

With respect to this condition, in as much as the trees are planted on property not owned by the applicant, the applicant will be under no obligation for future maintenance of the trees, except if the planted trees do not survive for at least 18 months beyond the date of the planting (except in the event of a force majeure) any non-living tree shall be re-planted by the applicant.

D. Applicant to submit to Town proof of neighbors' consent to planting plan herein, which may be an affidavit from the Applicant.