

MINUTES  
TOWN BOARD  
June 24, 2020

The Town of Manlius Town Board live streaming from their homes, with Supervisor Edmond Theobald presiding and the following Board members present:

Karen Green, Councilor  
Sara Bollinger, Councilor  
Elaine Denton, Councilor  
John Deer, Councilor  
Heather Waters, Councilor  
Katelyn M. Kriesel, Councilor

The following Town Officers were present:

Tim Frateschi, Attorney for the Town	Allison A. Weber, Town Clerk
Mike Crowell, Police Chief	Rob Cushing, Highway Superintendent
Doug Miller, Town Engineer	Ann Oot, Town Manager
Randy Capriotti, Director of Codes	

**1. Introduction to Join the Virtual Town Board Meeting**

Introduction of Zoom Meeting Presenter: Brandon Jacobson, Josh Heintz, Gordon Stansbury, John Lange, John Penizotto, Stella Penizotto, Kate De La Garza.

**2. The Pledge of Allegiance**

The Town Board recited the Pledge of Allegiance. Supervisor Theobald, called the meeting to order at 6:30 pm.

**3. Approval of Minutes – May 27, 2020**

Councilor Green made a motion, seconded by Councilor Bollinger, to approve the minutes of May 27, 2020 as submitted by Town Clerk Weber.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

**4. Approval of Abstract # 12**

Councilor Bollinger made a motion, seconded by Councilor Green, to approve Abstract # 12 as submitted by Town Clerk Weber.

TOWN OF MANLIUS		
Fund Summary		
Abstract # 12 - 2020		
<u>CODE</u>	<u>FUND</u>	<u>TOTALS</u>
A	General Fund Townwide	\$ 36,701.65
B	General Fund Town	\$ 97.62
CM1	Police Trust	\$ 381.28
DA	Highway Fund Townwide	\$ 27,408.19
DB	Highway Fund Town	\$ 141,930.82
SL1	Overhead Lighting	\$ 141,930.82
SR1	Manlius Trash District	\$ 102,493.16
SR2	Manlius Res Brush District	\$ 11,672.50
SS1	Manlius Con Sewer District	\$ 306.92

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

**5. Continuation of Public Hearing – Zone Change Request submitted by Brolex Properties LLC for the property located at 7430 Highbridge Road requesting a zone change from Residential 1 (R1) to Residential 3 (R3)**

Supervisor Theobald asked Town Clerk Weber if any new comments for this application had been submitted since the last meeting. Town Clerk Weber stated she has received new comments from the public. Town Clerk Weber read comments aloud.

- Barbara Brown is opposed to the project because of the traffic especially about left-hand turns, and she is concerned that property values will go down.
- Ravine Ridge Estate residents are concerned about the traffic and esthetic to the area.
- Mark Gregman is concerned about population density, construction on the flood plain and traffic.
- Pat Mckay is concerned about the traffic pattens.
- Madilyn Bort is concerned about the traffic and that the project will be a detriment to the environment because of truck traffic and the additional traffic to and from the property.

Councilor Bollinger made a motion seconded by Councilor Denton to close the public hearing at 6:45 PM in the matter of the proposed Zone Change for 7430 Highbridge Road for Brolex Properties LLC Residential 1 (R1) to Residential 3 (R3)

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

Councilor Denton stated that the difference between R3 zoning classification is that it allows more density than the R1 zoning classification. Councilor Denton stated her concern with added density is the water runoff that may occur because the development is close to the flood plain. Councilor Denton stated that the R1 zoning classification would be a better fit for this project.

Supervisor Theobald stated that the Planning Board did discuss the density and stormwater issues and recommended the Town Board approve the zone change to R3.

Councilor Denton asked why is the Town Board considering changing the zoning to increase density with R3?

Supervisor Theobald reviewed the Planning Board recommendation from Jun 22, 2020.

- The Planning Board reviewed acreage and the size of property.
- The Planning Board looked at the types of structures and uses that are found in an R3 zoning classification and that they are consistent with the uses and character of the busy Highbridge Road corridor.
- Planning Board discussed the significance of the flood plain on-site and recommended approval adding that the R3 zoning classification is suitable for usable areas of this property.

Councilor Denton asked why would R3 be more suitable next to a flood plain? Brandon Jacobson stated the property has not been addressed in over 40 years. Mr. Jacobson stated they will have more engineering and data to manage the stormwater than when the original house was built.

Attorney Frateschi reviewed the requirements under the stormwater law. Attorney Frateschi stated that the stormwater issues will be addressed by the Planning Board during the site plan review.

Councilor Denton stated her concern with the proposed development is the topography of the land and the steep drop off.

### **SEQRA**

Councilor Bollinger made a motion, seconded by Councilor Waters to declare the Town of Manlius lead agency for SEQR purposes in the matter of the Zone Change Request submitted by Brolex Properties LLC for the property located at 7430 Highbridge Road requesting a zone change from Residential 1 (R1) to Residential 3 (R3).

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

Discussion continued about the surrounding R3 properties and if this property fit with the look and character of the area.

Code Officer Capriotti stated that the properties around this property are zoned R1 and not R3 according to the Zoning Map on file in the Office of Planning and Development. After much discussion the Town Board requested that the Office of Planning & Development research the zoning history of the parcel and surrounding areas.

Attorney Frateschi asked the applicant to define on the submitted map the requested zoning classification as it relates to the current zoning classifications of R1 and RA.

### **PART II – Short Environmental Assessment Form**

Attorney Frateschi 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 by approving the zone change request as submitted by Brolex Properties LLC for the property located at 7430 Highbridge Road to change the zoning classification from Residential 1 (R1) to Residential 3 (R3).

Councilor Bollinger made a motion, seconded by Councilor Green issue a negative declaration for SEQR purposes in the matter of submitted by Brolex Properties LLC for the property located at 7430 Highbridge Road requesting a zone change from Residential 1 (R1) to Residential 3 (R3).

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

Attorney Frateschi clarified with Mr. Jacobson that Brolex wishes to change the zoning on the entire 23 acres to R3 with a 278 Cluster. Mr. Jacobson explained that the entire lot would need to be zoned R3 for them to qualify for the 278 Cluster.

#### **6. 6:35 PM Public Hearing – Proposed Local Law Delegating Special Permits to Planning Board**

Town Clerk Weber explained that the Eagle Bulletin had experienced a technical difficulty which resulted in the public hearing notices for tonight not being published. Town Clerk Weber stated the notices have been republished for the meeting on July 8<sup>th</sup> which will fulfill the legal requirement. Town Clerk Weber suggested that the Supervisor take public comments tonight and they will be read into the official record when the public hearing is officially opened at the July 8<sup>th</sup> meeting.

Councilor Bollinger stated the proposed Local Law would streamline the process so that Special Permit and Site Plan could both be presented to Planning Board congruently.

Town Engineer Miller stated that the Planning Board is supportive of the Town Board adopting this local law.

#### **7. 6:40 PM Public Hearing – Proposed Local Law “No Parking Signs” on Hale Road**

Town Clerk Weber explained that the Eagle Bulletin had experienced a technical difficulty which resulted in the public hearing notices for tonight not being published. Town Clerk Weber stated the notices have been republished for the meeting on July 8<sup>th</sup> which will fulfill the legal requirement. Town Clerk Weber suggested that the Supervisor take public comments tonight and they will be read into the official record when the public hearing is officially opened at the July 8<sup>th</sup> meeting.

Barb Wilson (Via Facebook):

- Asked when the decision was made to put no parking signs on Palmer Rd.
- Asked if a limited number of parking spaces could be put on Palmer Rd.
- Understands that no parking signs are needed on Hale Rd. as it is a more dangerous road.
- Would like the town to consider allowing people to continue enjoying Palmer Rd.

Amber Suriani, (Zoom Attendee), stated the street at the top of the world is a public street not a private driveway and would like to see Palmer Rd. widened so it is safer for people to park. Amber stated that she does not think it is fair to prohibit people from using a public street.

Councilor Green asked how many no parking signs are be considered for Hale Rd. Superintendent Cushing stated that the Town Board will determine the number of signs.

Councilor Denton asked who owns Hale Rd.? Highway Superintendent Cushing stated that Hale Rd. is a town road by use and reviewed the definition of a town road by use.

Councilor Waters stated that through the conversations about the proposed no parking signs she has realized many people have a personal connection to this area. Councilor Waters stated that comprehensive planning is so important, to know areas in the town that people are engaged to and consider them in planning.

**8. Initial Presentation for a Zone Change Application by Penizotto Real Estate Inc. for 4581 Enders Road (tax map # 114.-01-13.1) Residential Multi-Use (RM) to Commercial A (CA)**

Supervisor Theobald gave a brief overview of the zone change request for 4581 Enders Rd.

John Langey, Attorney for the Applicant, stated that the application submitted is request a zone change from the current zoning classification of RM (Residential- Multi-use) to CA (Commercial A). Mr. Langey stated that the CA zoning classification would allow the Penizotto's to develop the land in an appropriate manner. Attorney Langey is asking the board to submit the application to the Planning Board for their recommendation.

Councilor Bollinger made a motion seconded by Councilor Waters to send the Zone Change Application by Penizotto Real Estate Inc. for 4581 Enders Road (tax map # 114.-01-13.1) Residential Multi-Use (RM) to Commercial A (CA) to the Planning Board for their recommendation.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

**9. Resolution Recognizing Pride Month**

Councilor Waters read aloud the Resolution Recognizing Pride Month and stated she wants all LGBTQIA residents to feel welcome in the Town of Manlius.

Kate De La Garza, Town resident thanked the town for considering the pride resolution. Ms. De La Garza spoke of how important it is for people from the LGBTQIA community to feel welcome in a community that was built on exclusion. Ms. De La Garza spoke of how important it is for the youth to see the Pride flag flying over Town Hall. Ms. De La Garza stated the resolution and pride flag is telling the LGTBQIA community that the Town celebrates you, that you belong here, and you are an important part of our community which is impactful.

Councilor Waters made a motion seconded by Councilor Kriesel to approve the Resolution Recognizing Pride Month in the Town of Manlius as presented.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

**10. Recreation Summer Virtual Staff**

Councilor Green made a motion seconded by Councilor Waters to approve the Recreation Departments Summer Virtual Staff as presented.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nayes: 0

All in Favor.

Motion Carries.

**11. Trash and Brush Contract Extension – One-Year Option**

Town Clerk Weber stated the one-year extension of the Syracuse Hauler Trash and Brush contract was discussed at the May 24<sup>th</sup> meeting and an official vote is needed to proceed.

Councilor Bollinger made a motion seconded by Councilor Green to extend the Trash & Brush Contract with Syracuse Haulers for an additional one-year period to expire on 12/31/2021 as submitted in the Trash and Brush bid.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

**12. Two Proposed Hydrants – Appletree Ridge & Troop K Road north of Armstrong Rd.**

Town Engineer Miller stated that Carol Ilacqua has requested a water main extension from Troop K Rd. to Appletree Ridge. The Onondaga County Water Authority will also install two water hydrants according to the state standards for fire protection.

Councilor Bollinger made a motion, seconded by Councilor Green, to authorize the Supervisor to sign the agreement as submitted by OCWA to install fire hydrant # 14629 at the intersection of Apple Tree Ridge and Troop K Rd; to install fire hydrant # 14526 at 515 North of Armstrong Rd. at the annual rate of \$73.04 per hydrant and to grant permission to OCWA to work within the towns' right of way to install an extension of the water main off Appletree Ridge.

Ayes: Supervisor Theobald, Councilor Green, Councilor Bollinger, Councilor Denton, Councilor Deer, Councilor Waters, Councilor Kriesel

Nays: 0

All in Favor.

Motion Carries.

**13. Planning Process Committee – Review of Commercial Zoning Classifications**

Councilor Bollinger stated that the Planning Process Committee has been reviewing the Commercial Zoning Classifications in the Town of Manlius. Councilor Bollinger stated that the committee has completed the review and accomplished the following:

- The language in the code has been standardized.
- The definitions in the code have been clarified.
- A chart has been created to clearly state the uses allowed in each zoning classification.
- Additional zoning classification to eliminate the use gap in the zoning classifications.

Councilor Bollinger stated that she is creating a webinar that reviews the proposed amendments that residents and town officials can view on the Town website. Councilor Bollinger would like any interested parties to watch the webinar before coming to the information meeting. Councilor Bollinger stated that a virtual information meeting will be held on July 22<sup>nd</sup> at 5 PM.

**14. Correspondence/New Business**

**15. Highway Superintendent**

Highway Superintendent stated his department is very busy with summer paving.

**16. Planning & Development – No New Business**

**17. Attorney**

Attorney Frateschi stated that the Town Board will need to have an executive session to discuss a matter under Attorney Client Privilege.

**18. Town Clerk**

Town Clerk Weber announced that there will be a Red Cross Blood Drive on Saturday June 27<sup>th</sup> from 9:00 AM to 2:00 PM at the Fayetteville United Methodist Church.

### **19. Police Chief**

Chief Crowell reported the following:

- Thanked all the members of the community for the support they have shown the Police Department.
- Inservice training has resumed in a safe manner during COVID.
- The 2019 Police Annual Report is complete and will be posted on the website.
- The department has four people out and has received two letters of resignation and one letter of retirement.

Supervisor Theobald asked if the FOIL (Freedom of Information Request) for Mr. Boyd had been processed. Chief Crowell stated the department is following the State law concerning FOIL and a five-day letter of acknowledgment was sent to Mr. Boyd.

### **20. Town Manager**

Town Manager Oot stated the reopening of Town Hall has been delayed. Staff are waiting for PPE supplies to be delivered. Town Manager Oot stated she is hoping for early July and will keep everyone updated.

### **21. Town Board**

Councilor Green stated:

- Police Captain Shafer hosted the CRC meeting on Zoom and it was well attended.
- Thanked Chief Crowell for his report at the Police Committee Meeting.
- Intermunicipal Agreement from 1985 with the Village Mayors will be looked at again.
- The Town Recreation Department has been working hard during this time and has provided a safe stay and play program that residents can participate in.

Councilor Bollinger stated they have been working on improving the accuracy of information on Ongov.net.

Councilor Deer stated that there will be 3Gi Inland Port Project, virtual public information meeting on June 25 at 5:00 PM. Councilor Deer stated a list of questions has been sent to the applicants and the Town Board is hopeful that the information meeting will provide answers.

Councilor Denton stated she did attend the Town of Manlius Police Committee Meeting earlier tonight. Councilor Denton stated she has been reviewing the Executive Order the Governor issued on police reform. Councilor Denton suggested the Town form a committee to review the Executive Order and to gather community input. Councilor Denton is hoping to have more information at the next Town Board Meeting.

Councilor Kriesel stated that representatives from the Central New York Regional Planning Board visited the proposed Town solar array site on Bowman Rd (the town landfill). Councilor Kriesel stated there is a sense of urgency to get the project moving forward to be able to take advantage of the Federal Investment Tax Credit that is due to reduce at the end of the year.

Councilor Kriesel stated she met with Code Officer Capriotti regarding dilapidated properties that are tax delinquent and those that are not tax delinquent. Councilor Kriesel stated that they are hoping to schedule an informational meeting on The NYS Stretch Code in August.

Councilor Waters thanked the Assessment Department and the Board of Assessment Review for their hard work during the Grievance process.

Councilor Waters stated she would like to gather input from the community and begin the Comprehensive Plan for the Town.

