

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

**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, Frank Mento and Richard Rossetti. Also, present were Attorney Jamie Sutphen and Town Engineer Douglas Miller.

Other persons attending the virtual meeting: Chris Danaher, Scott Dumas, Scott Freeman, Madonna Millerschin, Jodi Hunt, Gary Mazurkowitz, Chris Bollinger, Teddy Epstein, Anthony D'Elia, Tom Douglas, Rudy Zona, Vaughn Lang, Joe Mueller.

The Pledge of Allegiance was recited.

**Minutes**

The minutes from July 27, 2020 were tabled until the next meeting.

**Chris Bollinger – 7137 East Genesee Street, Fayetteville, NY 13066**

**Public Hearing - Site Plan Amendment – Roofed Porch and Deck**

**7137 E. Genesee St. Fayetteville, NY 13066**

**Tax Map # 085.-07-11.0**

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 Rossetti made a motion, seconded by Member LeRoy 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 LeRoy and carried unanimously to waive the reading of the Public Hearing notice.

Member Gilbert made a motion, seconded by Member Poltenson and carried unanimously to open the Public Hearing at 6:38pm.

Hearing nothing from the Public, Member Rossetti made a motion, seconded by Member LeRoy and carried unanimously to close the Public Hearing at 6:39pm.

Member Kelly made a motion, seconded by Member LeRoy and carried unanimously to approve the Site Plan Amendment for a Roofed Deck and Porch for Chris Bollinger located at 7137 East Genesee Street, Fayetteville, NY 13066.

**Falck Renewables, One Bridge Street, Suite 11, Irvington, NY 10533**  
**Continued Public Hearing - Special Permit & Site Plan – Solar Array**  
**8507 Green Lakes Road, Fayetteville, NY 13066**  
**Tax Map # 082.-02-15.1**

Member Rossetti made a motion, seconded by Member LeRoy and carried unanimously to close the Public Hearing at 6:41pm.

Attorney Sutphen stated that the question the Board needs to ultimately answer is: Will the project have an adverse effect on adjacent lands, the immediate neighborhood, or on the character of the community? With this being said, Attorney Sutphen went through the Special Permit Criterion with the Board and they answered as follows:

1. Is the community protected from traffic congestion conflicts, flooding and excessive soil erosion, unnecessary noise, lighting and odors, wasteful energy use and other forms of pollution? The Board said yes.
2. Does this plan protect the community from inappropriate design and other matters of scenic and aesthetic significance? The Board said yes. Member Kelly would like to see more screening for the project.
3. Does the plan ensure the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed? The Board said yes
4. Can any adverse impact be mitigated with compliance with reasonable conditions? The Board said no
5. Does the project conform with the Towns Planning objections, for example, do we need any kind of conditions with respect to operations and are there modifications to the development proposal or design guidelines that can attach reasonable conditions to minimize impacts? The Board said yes.

Attorney Sutphen asked the Board if there were any conditions that they wanted to place on the Special Permit? Member Kelly suggested that more screening be placed along Green Lakes Road.

Member Rossetti made a motion, seconded by Member LeRoy and carried unanimously to approve the Special Permit for a Solar Array located at 8507 Green Lakes Road by Falck Renewables; with the condition that screening of some kind (trees) be placed along Green Lakes Road.

Member Rossetti made a motion, seconded by Member Gilbert and carried unanimously to approve the Site Plan for a Solar array located at 8507 Green Lakes Road by Falck Renewables.

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

Teddy Epstein stated that he spoke to the neighbors at 5190 Townsend (Mr. Winschel) and 5212 Townsend Road (Ms. Young) regarding the view and screening from their properties. Ms. Young requested 15 Blue Spruce trees be placed on her property, and they believe that is a reasonable request. Mr. Winschel requested 100 12-Foot Blue Spruce trees; they believe that 100 trees is an unreasonable request. Ron and Beth Powell at 5090 North Eagle Village Road said that they can also see the project and are in support of it.

Chairman Lupia asked the Applicant if they were willing to plant 15 mature Blue Spruce trees? Mr. Epstein said that they would like to plant something smaller than a 12ft Blue Spruce and something more affordable.

Member Poltenson thinks that it is a great idea to put the trees on the properties of the residents that will be most affected by the project. He suggested that the Applicant call Aspinall's Landscaping and ask them what they would recommend that would be hardy and native to this part of the country.

Member Rossetti made a motion, seconded by Member Kelly and carried unanimously to close the Public Hearing at 7:01pm.

Attorney Sutphen stated that the question the Board needs to ultimately answer is: Will the project have an adverse effect on adjacent lands, the immediate neighborhood, or on the character of the community? With this being said, Attorney Sutphen went through the Special Permit Criterion with the Board and they answered as follows:

1. Is the community protected from traffic congestion conflicts, flooding and excessive soil erosion, unnecessary noise, lighting and odors, wasteful energy use and other forms of pollution? The Board said yes.
2. Does this plan protect the community from inappropriate design and other matters of scenic and aesthetic significance? The Board said yes.
3. Does the plan ensure the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed? The Board said yes
4. Can any adverse impact be mitigated with compliance with reasonable conditions? The Board said yes. The viewshed and the trees that the Applicant agreed to plant.
5. Does the project conform with the Towns Planning objections, for example, do we need any kind of conditions with respect to operations and are there modifications to the development proposal or design guidelines that can attach reasonable conditions to minimize impacts? The Board said yes.

Attorney Sutphen asked the Board if there were any conditions that they wanted to

place on the Special Permit? Member Rossetti stated that he thinks there should be a number of trees be placed on the residents' property or the Applicants property, they should be planted.

Member Kelly made a motion, seconded by Member Rossetti and carried unanimously to approve the Special Permit for a Solar Array located at 5062 North Eagle Village Road by Falck Renewables; with the condition that working with the neighbors, Young and Winschels, to place Blue Spruce "mature" trees no more than 8-10 feet high and a maximum of 30 be placed on each of the nearby neighbors' property as long as the Applicant and the neighbors come to an agreement. If this cannot be done, the 30 trees would go on the property of the Applicant.

Member Rossetti made a motion, seconded by Member Gilbert and carried unanimously to approve the Site Plan for a Solar array located at 5062 North Eagle Village Road by Falck Renewables, with the condition that working with the neighbors, Young and Winschels, to place Blue Spruce "mature" trees no more than 8-10 feet high and a maximum of 30 be placed on each of the nearby neighbors' property as long as the Applicant and the neighbors come to an agreement. If this cannot be done, the 30 trees would go on the property of the Applicant.

**Sarah Williams - Village Groomer- 3370 Oran Gulf Road, Manlius, NY 13104**  
**Continued Public Hearing - Special Permit & Site Plan – Dog Grooming and**  
**Daycare – 8064 East Genesee Street, Fayetteville, NY 13066**  
**Tax Map # 090.-01-10.2**

Gary Mazurkowitz was present to represent the Applicant.

Member LeRoy made a motion, seconded by Member Rossetti and carried unanimously to close the Public Hearing at 7:31pm.

Member Rossetti asked how many parking spaces will be in the driveway. Mr. Mazurkowitz stated just 2, the others are for drop off and pick up only.

Chairman Lupia stated that the SEQR process was done at the previous meeting and asked Attorney Sutphen to go through the Special Permit Criterion with the Board.

Attorney Sutphen stated that the question the Board needs to ultimately answer is: Will the project have an adverse effect on adjacent lands, the immediate neighborhood, or on the character of the community? With this being said, Attorney Sutphen went through the Special Permit Criterion with the Board and they answered as follows:

1. Is the community protected from traffic congestion conflicts, flooding and excessive soil erosion, unnecessary noise, lighting and odors, wasteful energy use and other forms of pollution? The Board said yes

2. Does this plan protect the community from inappropriate design and other matters of scenic and aesthetic significance? The Board said yes
3. Does the plan ensure the proposed use will be in harmony with the appropriate and orderly development of the district in which it is proposed? The Board said yes
4. Can any adverse impact be mitigated with compliance with reasonable conditions? The Board said no
5. Does the project conform with the Towns Planning objections, for example, do we need any kind of conditions with respect to operations and are there modifications to the development proposal or design guidelines that can attach reasonable conditions to minimize impacts? The Board said yes

Member Rossetti made a motion, seconded by Member Poltenson and carried unanimously to approve the Special Permit for a Dog Grooming Business located at 8064 East Genesee Street by Sarah Williams; with the following condition:

1. Hours of operation should be 7:30am to 5:30pm Monday through Friday.

Member Rossetti made a motion, seconded by Member LeRoy and carried unanimously to approve the Site Plan for a Dog Grooming business located at 8064 East Genesee Street by Sarah Williams.

**5538 North Burdick Street, LLC. – 125 E. Jefferson St., Syracuse, NY 13202**  
**Continued Public Hearing- Site Plan**  
**5538 North Burdick Street, Fayetteville, NY 13066**  
**Tax Map # 086.-02-07.1**

Present for the application were Scott Dumas, Scott Freeman, Madonna Millerschein and Christian Danaher.

1. Concerned Citizen – Scott Dillingham, commercial property owner in Fayetteville
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  - 1. Asked Engineer Miller about the sewage discharge daily estimate being revised by the applicant and does the Board realize the size of this project for an RM zoned parcel? Engineer Miller said as of August 3, 2020, the Town of Manlius no longer controls their sewage system, that is a function of a lease agreement that the Town has entered into with Onondaga County, so he would recommend asking Mr. Dietman for the offset plans. The offset plans are 2 to 1 and would have to be accommodated accordingly. As for what we have seen previously, the connection was a single lateral, with a 2inch force main with a manhole. In conversations with Mr. Dietman at OCWEP, there is capacity for the proposed.
  - 2. Concerns about the Stormwater retention pond being so close to the canal and a cliff on the back of the property; concerned about children being attracted to the pond. Is there a plan from preventing mishaps?

Engineer Miller said that they are currently reviewing the SWPPP and there are requirements in the NYSDEC manual for safety benches and the like. The Applicant has also provided a plan with coordination of the Site Plan, with SHIPO and the Erie Canal.

3. Concerned about the size of the project on an RM Zoned parcel.

Member Rossetti made a motion, seconded by Member Kelly and carried unanimously to close the Public Hearing at 7:31pm.

Member Poltenson asked the Applicant about screening and trees on North Burdick Street. He suggested adding Evergreen trees to block the view of the parking lot.

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

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

Conversation ensued regarding the outside of the building, color schemes, rockwork and such. The Applicant will drop off samples to the Town Hall for Board members to look at.

Member Rossetti made a motion seconded by Member Poltenson and carried unanimously to approve the Site Plan as presented located at 5538 North Burdick Street by 5538 North Burdick Street LLC. This approval is based upon approval of the SWPPP by the Town Engineer.

**Woodland Hills Subdivision (Hoag Lane Development), 201 Solar Street,  
Syracuse, New York 13204**  
**SEQR Determination - Site Plan - 21-Lot Subdivision**  
**5290-5320 Hoag Lane, Fayetteville, NY 13066**  
**Tax Map # 104.-01-39.2**

Tom Douglas, Scott Freeman, Vaughn Lang, Joe Mueller and Rudy Zona were present to speak about the development.

Chairman Lupia stated that a response letter, new/amended maps and a SWPPP with a 3-page change, were received today by the Town in response to the letter sent by Miller Engineers. He also said that some of the Board members, including himself have not had time to review the response.

Attorney Sutphen said that tonight's SEQR determination would be based on what has already been submitted to the Board, not including the response that was submitted today since no one had to time to review it.

Attorney for the Applicant, Vaughn Lang spoke regarding the number of comments that were addressed by the applicant. His position was that 106 comments of the Engineer's letter contained "alternate facts", or items not in existence; 139 of the comments were repeated comments; 42 of the comments were already provided and 69 comments had already been stated as agreed or ok.

Member Rossetti asked Attorney Lang what alternative facts means? Attorney Lang said alternative facts are based upon assumptions that are not within the actual plans itself. He gave an example that the Muirfield Basin comments fail to take into account that water does not flow uphill because the comments suggested that the water flow would have an impact on the Muirfield basin.

Attorney Sutphen then reviewed each of the questions in Part 2 of the Long Form SEQR EAF with the Board.

With respect to the questions that were answered to have moderate to large impacts on the environment or otherwise were otherwise a point of debate of discussion, the following ensued.

Question 1 asks if the proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. The Board answered yes concerning bedrock on the site were discussed. Attorney Sutphen asked the Board (as part of the SEQR Determination) if the proposed action may involve construction on land where bedrock is exposed or generally within 5 feet of existing ground surface. The Board stated yes, it is a moderate to large impact. The Applicant stated that there was no bedrock. There is no evidence from any geological surveys that say there is bedrock in the area. The hired Chris Kenny, licensed Geotechnical Engineer, he stated that there is no bedrock. Chairman Lupia stated that he and Engineer Miller read in the report submitted by Kenny Geotechnical that there is bedrock on site.

Conversation ensued regarding the type of construction that could continue for over a year or in multiple phases. The Board said moderate to large. Attorney Sutphen asked what the construction was. Member Rossetti said that there is a hammerhead on the roadway and a temporary detention basin that they are going to build, he doesn't believe that it can be done in a one-year period, it will have to continue on in several phases to get the work done. Attorney Sutphen asked Engineer Miller if he agreed with Member Rossetti. Engineer Miller said it would appear so. There was discussion that there are schedules that indicate that the work can get done in less than a year, but there are caveats and the time frame needs to include that the house building that would carry on years after that. Attorney Sutphen asked that Board if it would be a small impact or a moderate to large impact. The Board said moderate to large impact.

The next question asked if the proposed action may result in increased erosion whether from physical disturbance or vegetation removal including from treatment by herbicides. The Board said moderate to large impact. Attorney Sutphen inquired about the increased erosion. Engineer Miller said it would be from the construction activities and

things like what the SEQR workbook says to look at would be any impacts to the onsite wetlands, the slopes that was addressed previously at 15%, and the request that the Applicant has in for a 5-acre disturbance.

With respect to other impacts on land, Engineer Miller had some comments regarding stormwater retention design impact; the cut and fill processes having an impact; and particularly regarding local underlying and low-lying geophysical topography and the Muirfield Basin. The Board said that these impacts were moderate to large.

Question 4 of the Long Form EAF asks about the Impact on Groundwater, specifically will the proposed action result in new or additional use of ground water or may have the potential to introduce contaminants to ground water or an aquifer. The Board said yes. Attorney Sutphen asked why the Board thought the answer was yes. Engineer Miller explained the impacts that would be unique to the direct infiltration into the Limestone Substrate, creating potential for ground water issues. The Board agreed that it would be a moderate to large impact.

Question 7 of the Long Form EAF asks about the Impact on Plants and Animals saying that will the proposed action result in a loss of flora or fauna. The Board said yes and Attorney Sutphen asked the supporting questions.

Question 15 of the Long Form EAF asks about the Impacts of Noise, Odor and Light asking if the proposed action will may result in an increase in noise, odors or outdoor lighting. The Board said yes and Attorney Sutphen went through the supporting questions. A sub-question of this section asked if the proposed action may produce sound above noise levels established by local regulation. The Board responded that impact was moderate to large impact. Attorney Sutphen inquired as to the noise level concerns. Engineer Miller said that the Applicant said that there would be noise levels above and beyond regulations during construction activities. Other impacts regarding noise are as follows: During construction there will be temporary intervals of noise exceeding ambient noise levels relating to typical construction noise activity; and/or noise in violation of the noise ordinance of the Town. The Board said that it would be a moderate to large impact.

Question 17 of the Long Form EAF asks about Consistency with Community Plans asking if the proposed action is not consistent with adopted land use plans. The Board said yes. Attorney Sutphen went through the supporting questions. Sub-question c asks if the proposed action is inconsistent with local land use plans or zoning regulations. The Board yes it would have a moderate to large impact, and it was discussed as to why the impact was moderate to large. The Board discussed that the plan is not consistent with Cluster development in the Town. Other impacts are as follows: Section 127-12 of Town of Manlius Code sets forth criterion for Cluster Development (278 Town Law) and project shows inconsistency with Site Plan due to

potential failure to preserve natural and scenic qualities of open lands and show benefit to the Town.

Question 18 of the Long Form EAF asks about the Consistency with Community Character saying that the proposed project is inconsistent with the existing community character. The Board answered that the project was inconsistent based upon the standards for Cluster development. Attorney Sutphen went through the supporting questions with the Board. Sub-question f asks if the proposed action is inconsistent with the character of the existing natural landscape. The Board said it would be a moderate to large impact. Other impacts the Board identified were based upon potential non-compliance with standards of Cluster Development.

Member Poltenson inquired as to the conventional plan and whether the Applicant cleared the trees before getting a final approval on their proposed cluster plan. The Chairman advised that said yes. There was discussion regarding the fact that the Town does not have jurisdiction over cutting of trees or clearing of land, except if the ground is disturbed; and in this instance it was determined that none of the stumps were removed and the ground was not disturbed.

Member LeRoy expressed concern that he has been here from day one and agrees that the board was given no indication that there was going to be any tree cutting for any reason.

Member Gilbert is concerned with that there will be a lot of disturbance around the big retention basin that is in the forever wild area.

A draft resolution had been prepared in advance of the meeting and circulated to Board members. Attorney Sutphen inquired as to whether all members had received the resolution in advance and had the advance opportunity to comment thereon. And all members answered in the affirmative.

Member Mento stated that he did review the resolution. He asked Town Engineer if the moderate to large impacts of the SEQR findings could be mitigated. Engineer Miller answered that it appeared the matters could be mitigated. Member Mento had reiterated his position that perhaps the Applicant and his team could sit down with the technical team representing the Town and determine a way to mitigate impacts without doing a positive SEQR declaration. However, he further stated that he understood given the nature of the evenings discussion, that such a meeting may not be productive.

Joe Mueller, JK Tobin Construction, for the developer spoke as to mitigation and stated that he was of the opinion that some of the questions are able to be mitigated.

Discussion regarding the proposed resolution ensued. Attorney Sutphen explained that there were 7 items that need to be addressed per the proposed positive declaration; and 3-4 are significant, and the rest are smaller. The resolution was summarized for the public and applicant as the Board was already familiar with it; and parts were read verbatim the resolution. *(Please see the resolution attached to the minutes).*

After comments by the Applicant, Chairman Lupia stated his concern that this Application has been pending for more than 2 ¾ years, soon to be 3. There have already been multiple meetings with the Applicant, several in the Town Offices and several at Counsels office. Chairman Lupia wants to move this matter forward so he thinks it is time to finish this part of the SEQR process. He expressed that this appears to be a Positive Declaration. Attorney Lang asked for a definitive understanding of the matters.

The Board agreed unanimously that the action would have a moderate to large impact on the environment. The Long Form EAF was filled out accordingly. *(The Long Form EAF is on file in the Planning and Development Office).*

Member Rossetti made a motion, seconded by Member LeRoy and carried unanimously to issue a Positive Declaration under SEQR and authorized the Chairman to sign the long form EAF. This motion also included the approval of the Resolution for Positive SEQRA declaration as attached hereto.

The vote on the motion was as follows:

1. Chairman Lupia      Aye
2. Member Gilbert      Aye
3. Member Kelly      Aye
4. Member LeRoy      Aye
5. Member Mento      Nay
6. Member Poltenson      Aye
7. Member Rossetti      Aye

### **OTHER BUSINESS**

With there being no further business, Member Gilbert made a motion, seconded by Member Rossetti and carried unanimously to adjourn the Regular Meeting at 9:58pm.

Respectfully submitted,  
Lisa Beeman, Clerk