

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
October 23, 2023**

APPROVED

The Town of Manlius Planning Board hybrid meeting in-person and virtual live streaming with Chairperson Joseph Lupia presiding and the following members present: Ann Kelly, Richard Rossetti, Valerie Beecher, Judy Salamone and Erin Reynolds. Also, present were Attorney Jamie Sutphen and Planning Board Engineer Douglas Miller and Highway Superintendent Rob Cushing.

In-Person Attendees: Vincent Ryan, Tom Douglas, Sue Oliver, David Brittain, Nick Agrippino, Alice Massa and Unreadable name.

Virtual Attendees: Jessica Truman Aouad, Tom Poitras, Warren Linhart, Gary Slutzky

Absent: Member Poltenson

The Pledge of Allegiance was recited.

Minutes

Member Rossetti made a motion, seconded by Member Salamone and carried unanimously to approve the minutes of September 11, 2023.

**Time:6:31PM - Shadi & Jessica Aouad – 7147 East Genesee Street, Fayetteville, NY 13066
Initial Presentation – Site Plan and Accessory Use Permit – Mental Health Counseling -
Same Address - Tax Map # 085.-06-09.0**

Due to a potential conflict of interest, Attorney Sutphen recused herself from this matter.

Jessica Aouad was present viz Zoom and spoke on behalf of the application. She stated that there will be 3 offices with 3 Therapists with 1 person per therapist unless it is couples therapy for mental health counseling.

Chairman Lupia asked what days of the week and what the hours would be. Ms. Aouad said Monday through Friday typically 9-5 maybe 6pm, depending on the need.

Member Reynolds is concerned about parking. She asked if the applicant is going to remove the garage? Ms. Aouad said yes and they have more options for parking. Member Reynolds would like to see a full site plan.

Highway Superintendent Cushing stated that the parking is too close to Route 5. Parking should be at least 40 – 50 feet off of the intersection.

Engineer Miller suggested that the applicant look at the Code 155-20 with regards to lot coverage in the RM Zone and Site Plan (155-28) review.

The Board tabled the matter until further information is received.

Attorney Sutphen re-entered the meeting.

Time:6:44PM - Accessory Use Permit Renewal - Miranda Mohabir – Doctors Office 8295 Cazenovia Road, Manlius, 13104 Tax Map # 117.-01-05.0

Chairman Lupia stated that the Board has received a memo from the Code Officer stating that there have been no complaints or changes to the original Accessory Use Permit and he recommends a renewal for 7 years.

Member Reynolds made a motion, seconded by Member Kelly and carried unanimously to approve the Accessory Use Permit renewal for a period of 7 years, to expire on October 24, 2030.

Time:6:46PM - Woodland Hills Subdivision (Hoag Lane Development) - Work Session - 5280 Hoag Lane, Fayetteville, NY 13066 - Tax Map # 104.-01-39.2

Vincent Ryan and Tom Douglas were present and spoke on behalf of the Application.

Conversation ensued about stormwater with Highway Superintendent Cushing.

Highway Superintendent Cushing stated that he cannot accept the drawings as submitted. He would like to see a separate set of drawings in regard to drainage.

Mr. Douglas stated that they will break down the drainage plan into drawings that include grading plans and drainage options. Mr. Douglas stated that they will do whatever the Town is telling them to do. He will submit everything in the form of an email and then the Board will tell them what to do. He stated that he does not know what the Board wants them to do. Chairman Lupia stated that putting things in writing is an excellent way of communicating.

Mr. Ryan stated that he has forwarded the HOA documents to the Attorney and he is ready to answer any questions.

Mr. Ryan stated that the next submission will consist of grading and stormwater plans.

The Board tabled the matter for further information.

Time:7:30PM - Recommendation to Town Board to Amend the RT Zone to allow for sales of Cannabis

The Board spoke at length regarding the proposed amendment to the RT Zoning regarding the sale of Cannabis. The following is a collective list of issues raised by the Planning Board.

1. The law needs more study - needs more detail.
2. Definition into "retail" including cannabis - it shouldn't be there - could open to it just being retail anywhere. Needs to be fixed.
3. To tame a treatment of the subject matter. Should be treated similar to liquor sales. How far from churches, schools, residential etc. should be specifically in the Town statute. The "law" that the State has proposed for this is not sufficient for the needs of this Board and the Town local law needs to state specifics and what is right for our community.

4. Should not be in same sentence as residential. This is RT - The RT is right next to residential. It is meant to be transitional between Business and residential - the Village is residential.
5. The 30-day window is unclear - how many in a year, etc.
6. Pop-up shops should not be permitted as a temporary fix to this important matter. If they are not ready for an actual store not good for Residential Transitional on a temporary basis.
7. Notices be sent to neighbors specifically within 500 Feet of this district.
8. Operating Permit is not the appropriate method for this use -
9. General comment - a public hearing should not be called until comments from this Board are received by the Town Board.

Member Rossetti made a motion, seconded by Member Salamone and carried unanimously to send a negative recommendation to the Town Board that the Cannabis Law in its present form not be passed.

Time: 8:02PM - Other Business

1. Chairman Lupia stated that past Planning Board Member Mike McGrew passed away. He stated that Mike had been a board member for 2 years and attended Planning Board meetings on a regular basis and he thoroughly enjoyed his time on the Board.
2. Chairman Lupia stated that the Planning Board was asked to attend a Special Meeting with the Town Supervisor regarding the Twin Ponds project. The Planning Board had heard the project and sent a recommendation, which included specific comments about the project, to the Town Board. He stated that he attended the meeting, and wanted to apologize for walking out, but walked out of the meeting due to it being a violation of state law and the open meetings law, the Planning Board had a quorum and that Town leadership failed to see that there was a breach of the law. It caused concern as to whether or not the Planning Board is being listened to by the Town Board. A few years ago, he was asked to be a Member of the committee that would hire new Town Engineers. The committee (John Deer, Katelyn Kriesel and Joe Lupia) interviewed different firms, he gave 2 recommendations to the Board: 1. Keep the existing Town Engineers; 2. Under no circumstance should they hire the firm out of Saratoga. They hired the Engineering firm out of Saratoga, that did not work out well and the firm is no longer with the Town of Manlius. A couple months ago, he received correspondence from the Deputy Supervisor stating that they (the Town Board), had just hired a new Engineering firm, LaBella, out of Rochester and that LaBella would be available to help the Planning Board with Engineering issues, he informed them under no circumstances would the Planning Board meet with the new Engineer, the Planning Board has an Engineer that we are totally satisfied with. This Board has been affronted by the Town Board, the Bowman Road Solar Project was before this board, a public hearing was held and there were 166 neighbors that did not want this project to move forward, the Town Board took the project away from this Board and passed a new law saying that they and only they were in charge of the Bowman Road Solar project. The Planning Board had 2 specific issues that could not be addressed, 1. Screening and 2. Safety, specifically emergency vehicle access. Apparently safety is not a concern of the Town Board and

that was recently shown when the Police Chief brought to the Board the use of FLOCK cameras, and the Multi-Municipal Response Agreement, the Town Board did not approve of the cameras or the agreement, instead Town Board removed the Chief of Police. The Town Supervisor will not tell you that the Police Chief did not resign, he was forced out. NA Attorney out of Rochester, NY was hired and paid thousands of dollars to have the Chief removed. The State Police issued a statement saying that they would not support the Town Supervisor any further because he does not have the safety of our citizens at hand. He was hired by the Town 54 years ago, full time, serving on the Zoning Board and Planning Boards for the better part of 16 years, he cannot remain on a Board where the opinions of the Board are ignored, that they (Town Board) work around the Board, they don't want to hear what the Board has to say they will just pass what they want. He appreciates everything that the Planning Board has done. He can no longer work for a Town that refuses to take what the Planning Board has to say seriously. With all that being said, his term as Chairman ends on December 31, 2023, he will not seek renewal of the term. His term on the Board as a member ends in a little more than 2 years, he will not continue with this Town under the current leadership. Effective December 31, 2023, he will be resigning as Chairman and a member of the Planning Board. The previous Supervisor was in constant contact, the current Supervisor has no communication whatsoever.

The Board agreed that Chairman Lupia will be missed and are sad to see him go.

Member Rossetti asked Chairman Lupia to reconsider resigning.

With there being no further business, Member Rossetti made a motion, seconded by Member Kelly and carried unanimously to adjourn the Regular Meeting at 8:15pm.

Respectfully submitted,
Lisa Beeman, Clerk