

TOWN OF MANLIUS		
Fund Summary		
Abstract # 6 - 2019		
CODE	FUND	TOTALS
A	General Fund Townwide	\$ 39,467.52
B	General Fund Town	\$ 2,747.54
DA	Highway Fund Townwide	\$ 65,488.46
DB	Highway Fund Town	\$ 4,605.05
SD3	Consolidated Drainage # 3	\$ 3,460.34
SR1	Manlius Trash District	\$ 101,874.89
SR2	Manlius Res Brush District	\$ 11,600.00
SS1	Manlius Con Sewer District	\$ 942.79

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Rossetti, Councilor Marzola, Councilor Bollinger, Councilor Giordano, Councilor Green

Nayes: 0

All in Favor.

Motion Carries.

Wellington Commons – Zone Change Request R1 to CA, 7262 E. Genesee St., Fayetteville NY (tax map # 092.-06-05.2)

Paul Curtain, Attorney for the Applicant, stated that the applicant is requesting a zone change for the property commonly known as the Wellington House. Mr. Curtain stated that the Wellington House has been operating for over 30 years on a commercial basis for catering, wedding and events of that nature. Mr. Curtain stated that the property, owned by Tom Thomas, is 11.62 acres and is currently zoned (R-1) Residential 1.

Mr. Curtain stated that the original zone change application was submitted requesting that the zone be changed to (CA) Commercial A and the applicant would like to change that request to (NS) Neighborhood Shopping.

Mr. Curtain discussed the zoning classifications of the nearby properties. Mr. Curtain stated that the Craftsman Inn (immediately to the East) is zoned CA and Towne Center (across the street) is zoned Regional Shopping District (RS). Mr. Curtain stated that the nearby corridor has been zoned to allow for transitional uses. Mr. Curtain stated that the applicant would like the property rezoned to allow for uses under NS and the site is contiguous to shopping, restaurant and hospitality.

Mr. Curtain stated that one of the key points of what the applicant is proposing is to preserve the principal portion of the Wellington House on the site. Mr. Curtain stated that the house will be preserved so that the historic significance will be protected, and the visual impact will be reduced.

Mr. Curtain stated that, under the current zoning classification of R-1, it is not feasible or desirable to break the property up into lots. Mr. Curtain stated that the owner is retired, and the Wellington House has discontinued operations for a sustained period of time. Mr. Curtain stated

that he will submit a letter to the Town Clerk officially amending the application to request the NS zoning classification.

Supervisor Theobald stated that he is concerned about the neighborhood behind the Wellington House and the street behind it (Dabney Lane). Supervisor Theobald stated that the homes behind the parcel are very close and he is very concerned about how close the project would be to the neighbors.

Mr. Curtain stated that the developer (Devin Del Pos) has been in touch with the neighbors. Mr. Curtain stated that Mr. Del Pos has made a proposal to the neighbors that he would purchase their homes for the current appraised value. Mr. Curtain stated that the purchase proposal would be for the duration of the project and the neighbors could sell their homes for a set price at any time. Mr. Curtain stated that the developer is trying to mitigate any financial impact to the neighbors.

Councilor Marzola asked for clarification on the zoning classification of the property. Mr. Curtain stated that the tax map shows the property is zoned R-1.

Councilor Marzola asked if the developer currently owns the property? Mr. Curtain stated that the property is under contract.

Councilor Marzola asked Attorney Frateschi to review the allowed uses in the NS zoning classification. Attorney Frateschi read aloud the allowed uses, after site plan approval from the Planning Board, in the NS zoning classification.

Attorney Frateschi stated that the applicant is proposing a grocery store, but what the applicant is presenting is not necessarily what will be approved. Attorney Frateschi stated that the Town Board must consider all of the allowed uses and requirements of NS, because all of those uses would be allowed should the Town Board change the zoning.

Councilor Marzola asked Mr. Curtain why the applicant changed their request to NS from CA? Councilor Marzola asked Mr. Curtain if the change was because the usage desired fell under NS zoning classification or did the applicant change their plans from a use allowed in CA zoning classification?

Mr. Curtain state that the applicant wanted to shrink the scope of uses and the CA zoning classification was too broad. Mr. Curtain stated that anything the applicant was proposing would fall under the NS zoning classification without the necessity of variances and would comply with the setbacks.

Councilor Loeffler reviewed the NS zoning classification. Councilor Loeffler stated that the proposal butts right up against the property line and Mr. Curtain has indicated that the developer has voluntarily made offers to the neighbors. Councilor Loeffler asked Mr. Curtain if the applicant has considered plans that were not so intense and not so crowded into the spot that keeps in the spirit of the NS zoning classification?

Mr. Curtain stated that he believes that whatever the developer would propose, on a site plan review, would accommodate (the spirit of the NS zoning classification). Mr. Curtain stated that what would be proposed would be less than what the allowable square footage would be.

Councilor Loeffler asked if the square footage would be based upon a total allowable intensity? Councilor Loeffler stated that part of the process is to make sure that there is minimum disruption. Councilor Loeffler stated that offer of buying neighboring properties is counter to that (minimum disruption).

Mr. Curtain stated any impact, perceived or otherwise, that the contiguous property owners would have would be mitigated by purchasing their property at full market price. Mr. Curtain stated that, it is the intention of the applicant, to make sure that property owners do not have a negative financial impact. Mr. Curtain stated that there is enough site distance for adequate buffering to minimize site impact, if there is any.

Councilor Loeffler asked what the applicant was planning for the Wellington House? Mr. Curtain stated that the Wellington House will be relocated onsite wherever it best fits.

Supervisor Theobald stated that there has been some discussion to move the Wellington House towards Mott Road.

Councilor Loeffler asked if the intent is to re-locate and re-use the Wellington House? Mr. Curtain answered yes.

Councilor Green asked if the Wellington House would be used for a restaurant or catering services? Mr. Curtain stated it would probably not be used for a restaurant or catering services. Mr. Curtain stated that the cost to pick up and move the Wellington House is significant given the age of the house and the type of construction. Mr. Curtain stated that the developer may be open to a community type use for the Wellington House.

Councilor Green asked what the plans are for the other structures on the property? Mr. Curtain stated that the other structures would be torn down.

Councilor Rossetti asked what the response from the homeowners (that have received offers to purchase their homes) has been? Mr. Curtain stated that Mr. Del Pos has spoken with one of the property owners and they have requested that Mr. Del Pos have the property appraised.

Councilor Marzola stated that the current site plan has an ingress and egress from route 5? Councilor Marzola asked if the ingress and egress would be moved to the back of the property if Mr. Del Pos purchases the 3 contiguous homes on the back of the parcel. Mr. Curtain answered no and those properties would remain.

Councilor Rossetti stated that the applicant has indicated that Mr. Del Pos would resell the homes he purchases.

Councilor Marzola asked if the intent is to demolish the 3 homes that Mr. Del Pos has offered to purchase? Mr. Curtain answered no.

Supervisor Theobald asked if the developer has spoken with the homeowners across the street that would be facing the property on the South side (on Dabney Lane)? Mr. Curtain answered no.

Supervisor Theobald stated that he visited Dabney Lane and he believes that in order to create a visual buffer the developer will need to put up unbelievable buffers so that no one can see anything.

Mr. Curtain stated that there are existing structures that are not going to be raised, there is a roofline that is 30 feet high and there is existing landscaping. Mr. Curtain stated that additional landscaping can be placed and there is adequate room to do all of that. Mr. Curtain stated that by not disturbing the structures in the back there will be a buffer.

Supervisor Theobald stated that that a grocery store wall or a restaurant wall would be visible. Supervisor Theobald stated that the tree line is very thin and you can see all the way to Genesee St. from Dabney Lane.

Mr. Curtain stated that the developer could bring in trees to mitigate the visual impact. Mr. Curtain stated that the comments being discussed are things that can be scoped out at the Planning Board. Mr. Curtain stated that Mr. Del Pos has worked in other communities and always does what he says he will do.

Councilor Loeffler discussed a corridor study from 1993 that affected the Residential Multiple Use (RM) zoning along that corridor. Councilor Loeffler stated that the policy references preservation of the houses on the South side of the street. Councilor Loeffler stated that while the policy has not been actively monitored, because there have not been a lot of zone changes in the area, the policy is what the corridor is based upon.

Councilor Bollinger asked about the wetlands along the edge of the property near Kimry Moor. Mr. Curtain stated that the developer will probably not touch the wetlands at all.

Councilor Bollinger stated that the way it currently appears, the entry to the property is proposed to be constructed where the water currently is. Councilor Bollinger stated that she does not see how the water/wetlands will not be touched. Councilor Bollinger stated that this is a concern that should be part of the site plan and she does not want the water redirected in such a way that it damages other properties.

Mr. Curtain stated that there will be a Stormwater Pollution Prevention Plan (SWPPP) that is directed by the State. Mr. Curtain stated that the Town Engineer will be active on that matter.

Councilor Loeffler asked if the grocery store would be a 24-hour facility because the code is silent on the hours of operation. Mr. Curtain stated that he cannot answer that question yet.

Supervisor Theobald stated that neighbors had expressed concerns regarding noise when the Wellington House was running. Supervisor Theobald stated that the Wellington House did what they needed to do to keep the noise down.

Mr. Curtain stated that the Wellington House had a good relationship with the neighbors.

Councilor Green asked how much parking is proposed? Mr. Curtain stated that parking is a code issue that will be worked out with input and direction from the Planning Board. Mr. Curtain stated that the proposal would have to conform with the code and based on what the developer is proposing there would be adequate space. Mr. Curtain stated that the proposal will have to comply with Town Code.

Attorney Frateschi stated that the Planning Board will make the decision on the site plan and the Planning Board cannot regulate the hours of operation for a business.

Mr. Curtain stated that other jurisdictions have regulated the hours of delivery in the site plan.

Attorney Frateschi stated that the Planning Board cannot regulate the hours of operation for a business. Attorney Frateschi stated that the courts are very hesitant to allow any board to tell a business how to operate. Attorney Frateschi stated that under a special permit, which would not be relevant for this proposal, the town could regulate hours of operation. Attorney Frateschi reviewed the special permit requirements for the NS zoning classification.

Attorney Frateschi stated that, the consideration before the Town Board is whether or not to refer the zone change application to the Planning Board for input on whether or not the Planning Board believes a zone change is appropriate.

Councilor Bollinger made a motion to refer the Wellington Commons Zone Change Request to change the zoning from R1 to NS at the property located at 7262 E. Genesee St., Fayetteville NY (tax map # 092.-06-05.2) to the Planning Board for a recommendation.

No second was made.

Discussion

Attorney Frateschi stated that the Town Board should make the applicant aware of their feelings on the project.

Supervisor Theobald stated that he believes that growth in the Town of Manlius is important to the economics of the community and the tax base. Supervisor Theobald stated that he has considered the nature of the surrounding area, including the zoning classifications of the nearby properties. Supervisor Theobald discussed the corridor policy and the traffic issues. Supervisor stated that he would like to keep the property as it currently is.

Councilor Marzola asked for clarification on the Planning Board's role in the zone change application process.

Attorney Frateschi stated that a zone change request is purely discretionary and in order to change the zoning on a parcel the town would have pass a local law. Attorney Frateschi stated that subdivisions, site plans and special use permits are not discretionary and if the applicant meets certain criteria then the applicant is allowed to develop their own property within the limits set forth in the Town Code. Attorney Frateschi stated that there is no requirement for the Town Board to change the zoning classification on a parcel. Attorney Frateschi reviewed the zone change application process.

Councilor Loeffler stated that the Town Board has sent referrals to the Planning Board that are favorable and not favorable. Councilor Loeffler stated that the applicant must judge whether or not they would like to proceed based on the conversation at the Town Board meeting. Councilor Loeffler stated that he is interested in what the Planning Board would have to say but he has a lot of concerns about the request to change the zoning.

Councilor Loeffler stated that he believes that the property can support some commercial use but the current proposal is shoehorned in. Councilor Loeffler discussed the proposal by the developer to purchase the neighboring properties. Councilor Loeffler stated that he is concerned that the homeowners may feel forced to sell their homes with the shadow of the proposed development hanging over them.

Councilor Loeffler stated that he would want the zone change to only be on part of the parcel and create a large buffer. Councilor Loeffler stated that he would be willing to let the application go to the Planning Board on a purely advisory basis because he has a lot of concerns. Councilor Loeffler stated that the applicant should be aware that he has a lot of concerns and questions about this proposal.

Councilor Rossetti asked if the homeowners could negotiate the purchase price of their home with the developer. Mr. Curtain stated that anything is negotiable, but he cannot negotiate with the Town Board on behalf of the homeowners.

Mr. Curtain stated that the developer has a heightened sensitivity to any impact this project might have on the contiguous properties. Mr. Curtain stated that the developer is being open, not callous and is addressing those concerns.

Councilor Loeffler stated that there will be many requirements that would need to be met if he was to ever support the zone change and the agreements with the homeowners would be one of the requirements. Councilor Loeffler stated that he is questioning the timing of the proposal.

Mr. Curtain asked the Town Board to refer the zone change application to the Planning Board so the process can move forward, and the Town can bring in the opinions of the other planners. Mr. Curtain stated that he is requesting due process and openness. Mr. Curtain stated that if there are concerns, he would like the opportunity to identify the concerns and address them. Mr. Curtain stated that the SEQR process will flush out some of the concerns.

Councilor Marzola discussed the character of the corridor and the corridor policy that is in place near the Wellington House. Councilor Marzola stated that he would like the Town Board to submit a list of questions to the developer before the process moves forward to a referral to the Planning Board. Councilor Marzola stated that he has fundamental property concept questions about what is or what may happen should a zone change be granted. Councilor Marzola stated that the question has been raised as to whether or not the developer would entertain the idea of rezoning a smaller portion of the parcel. Councilor Marzola stated that he would like to know if the developer is open to the smaller rezoning concept before the project is sent to the Planning Board.

Councilor Rossetti stated he would like the Town Board to work through all of their questions and concerns prior to the referral to the Planning Board.

Councilor Green stated that when she served on the zoning board, the discussion was always about preserving the character of the neighborhood (near the Wellington House). Councilor Green stated that she has concerns and would like to maintain the residential character in that area. Councilor Green stated that the Wellington House is a remarkable jewel and the whole corridor is a beautiful area.

Councilor Giordano stated that he has concerns for the homeowners living in the neighborhood (of the Wellington House). Councilor Giordano stated that he feels as though some of the homeowners were told that they would have to move or they will have a building in their back yard. Councilor Giordano stated that he is concerned for the neighbors across the street who would have to look at the project and the town is trying to stay away from that kind of a lifestyle in that area. Councilor Giordano stated that he is concerned that the water in the area of the proposed development will be displaced into the nearby neighborhoods. Councilor Giordano stated that he is not prepared to send this to the Planning Board and that he is concerned for the homes in the area.

Supervisor Theobald asked for clarification on whether the homeowners were offered assessed value or appraised value. Mr. Curtain stated that the homeowners were offered appraised value and the sale would be at arms length with full transparency.

Supervisor Theobald stated that Councilor Bollinger has made a motion to send the project to the Planning Board and no second has been made yet.

Discussion ensued regarding procedure and Councilor Bollinger stated that there was no second to her motion and the Town Board moved directly to discussion.

Councilor Loeffler reviewed the discussion that has occurred amongst the Town Board.

Attorney Frateschi asked the applicant if they would like to rework the proposal and if the applicant would consider rezoning a smaller portion of the parcel?

Mr. Curtain stated that he would like the Town Board to continue the discussion to the next Town Board meeting to allow the developer to make some assessment to determine what else could be done with the site. Mr. Curtain stated that things in the Town of Manlius have changed and the Wellington House was single family home for a period of time. Mr. Curtain stated that the corridor study addresses how the corridor is changing and how difficult it is to encourage people to live and raise their families on a four-lane highway. Mr. Curtain stated that the RM zoning allowed for transitional uses while maintaining the integrity of the existing structures. Mr. Curtain stated that the RM zoning created an economic vehicle to allow the structures to remain and the visual landscape to remain unchanged. Mr. Curtain stated that the parcel is an 11-acre site that is larger than nearby parcels that are zoned commercial. Mr. Curtain stated that something will happen with this structure and it has already been renovated. Mr. Curtain stated that there are not many people that will have the financial wherewithal to revisit this site especially sitting next to commercial properties.

Attorney Frateschi asked when the Craftsman was commercially zoned? Councilor Green stated that the Craftsman was rezoned in the eighties.

Councilor Loeffler stated that the Town is trying to manage change as best they can. Councilor Loeffler stated that the Town has an obligation to the people in the area to make sure that what is developed makes sense for the area. Councilor Loeffler stated that he does not want the property to die where it is. Councilor Loeffler stated that he does not want to say that the zoning will not be changed, but he wants to make sure that the zoning is managed in a way that is fair to both parties.

Devin Del Pos, Developer, stated that he lived in the Town of Manlius for a year and grew up in this area. Mr. Del Pos stated that he would greatly appreciate a list of questions from the Town Board so that he can address those concerns. Mr. Del Pos stated that he sent letters out to the three homeowners that immediately abutted the property because they are the properties that would be the most affected. Mr. Del Pos stated that reason they chose the NS zoning classification over the CA zoning classification is because NS zoning has a lot of requirements associated with that zone specifically related to neighborhoods. Mr. Del Pos stated that the context of NS zoning is intended to be adjoining a neighborhood. Mr. Del Pos discussed the zoning of nearby parcels. Mr. Del Pos stated that NS zoning is smaller scale and is meant to be next to neighborhoods and respect those neighborhoods.

Councilor Bollinger amended her original motion to send the zone change application to the Planning Board.

Councilor Bollinger amended the original motion as follows:

Councilor Bollinger made a motion, seconded by Councilor Rossetti, to table the Wellington Commons Zone Change Request to change the zoning from R1 to NS at the property located at 7262 E. Genesee St., Fayetteville NY (tax map # 092.-06-05.2) to the next meeting.

Discussion: Attorney Frateschi stated that the Town Board will be submitting its questions and concerns to the developer. Attorney Frateschi stated that if the size of the zone change is reduced it will affect the allowable size of the structure that could be constructed.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Rossetti, Councilor Marzola, Councilor Bollinger, Councilor Giordano, Councilor Green

Nayes: 0

All in Favor.

Motion Carries

Good Energy Presentation

Edward Carey, Good Energy and the New York Municipal Energy Program (NYMEP), gave a brief history of the NYMEP. Mr. Carey stated that the basic concept of the program is that the Town will aggregate the energy use charges all of its residents for the purchase of energy without a contract. Mr. Carey stated that one of the benefits of the program is that if a resident chooses to leave the program there will be no penalty because there is no contract and it is municipally backed.

Mr. Carey discussed other counties in the state that are participating in this program. Mr. Carey stated that the City of Syracuse is considering this program and the Village of Minoa already participates.

Javier Barrios, Good Energy and the New York Municipal Energy Program, discussed the process the Town would undertake if it was to participate in the NYMEP. Mr. Barrios stated that the Town of Manlius would pass a local law to be presented to the utility company to allow data to be obtained that would give Good Energy an estimate of any potential savings.

Mr. Barrios stated that Good Energy is a Community Choice Aggregation Administrator approved by the Public Service Commission. Mr. Barrios stated that Good Energy is not the supplier but rather the administrator of the program.

Conversation ensued regarding the process that would take place in order for the Town of Manlius to engage the services of Good Energy to go out to bid for energy.

Councilor Marzola asked Mr. Barrios who Good Energy purchases their energy from? Mr. Barrios stated that Good Energy purchases energy from a registered S Corporation.

Discussion ensued regarding the following:

- How the energy rates are calculated and how residents can opt in and out of the program
- How the public will be notified of the program and where the information will be displayed on a resident's utility bill.
- Other competitors in the business and the size of their competitors.

Attorney Frateschi asked what would happen to residents' rates once they are enrolled in the program? Mr. Barrios stated that the rate should be reduced for residents but he cannot say by how much until the bid results have been returned.

Conversation ensued regarding how the rate reductions are calculated. Conversation ensued regarding the other municipalities that are participating in the program.

Councilor Giordano asked where the energy is supplied from? Mr. Barrios discussed the different suppliers that provide energy.

Councilor Rossetti asked if the rate will go up and down during the contract year? Mr. Barrios stated that the contracts will be short and the rate will remain the same. Discussion ensued regarding the role that Good Energy has between the supplier and the customer.

Councilor Green asked for clarification on who would handles issues during a disaster? Mr. Barrios stated that the town would continue to work with National Grid in the event of a disaster.

Discussion ensued regarding the notification process to residents that would notify residents that they could opt out of the program. Discussion ensued regarding how the rates are calculated.

Councilor Loeffler asked for clarification on what will happen at the end of the term of the contract. Mr. Barrios discussed the process that would take place once the original contract ends and stated that the opt out / opt in process would take place again.

Mr. Barrios discussed future legislation that could be passed giving municipalities access to very low energy rates.

Bill Brazil, Village of Minoa, stated that the Village of Minoa participates in NYMEP. Mayor Brazil stated that this program offers a direct savings to the residents in the Village of Minoa and he is very excited to be able to help residents save money on their energy bill. Mayor Brazil stated that there is no administrative duties required from the Village of Minoa besides promoting the program. Mayor Brazil stated that all of the villages in the Town of Manlius will be participating in this program and the Town of Manlius residents will want to participate too.

Conversation ensued regarding how the residents will be notified of the program.

No action was taken on the matter.

Set Date Public Hearing – Local Law 2019-3 Small Cell Regulation

Attorney Frateschi presented a draft local law to create Chapter 129 of the Town of Manlius code Small Cell Regulation. Attorney Frateschi presented draft design standards.

Councilor Loeffler stated that he believes there will be a general education component to the regulation of small cells. Town Clerk Weber stated that there is a presentation on the town website with information on small cell regulations.

Councilor Bollinger made a motion, seconded by Councilor Rossetti, to set a date for a public hearing on April 24, 2019 at 6:35 pm in the matter of Local Law 2019-3 creating Chapter 129 of the Town of Manlius.

Discussion: Conversation ensued regarding whether or not the Town Board should approve the design standards separately from the local law. The Town Board decided to review the design standards for approval at the next town board meeting.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Rossetti, Councilor Marzola, Councilor Bollinger, Councilor Giordano, Councilor Green

Nayes: 0 All in Favor. Motion Carries.

Recreation Department Request for Budget Transfer

Councilor Green made a motion, seconded by Councilor Marzola to approve a budget transfer of \$2500 from the Recreation Program Expenses Line A00.5.7310.410 to the Recreation-Seminars/Conference Line A00.5.7310.402.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Rossetti, Councilor Marzola, Councilor Bollinger, Councilor Giordano, Councilor Green

Nayes: 0 All in Favor. Motion Carries.

Correspondence/New Business

A) Highway Superintendent – No New Business

B) Planning & Development

Director Capriotti stated that he will be attending mandatory training next week.

C) Attorney – No New Business

D) Town Clerk – No New Business

Town Manager Oot presented a budget modification for the police department.

Councilor Loeffler made a motion, seconded by Councilor Marzola to approve a budget modification to increase revenue account A004.3389.310 (SLETPP Grant) in the amount of \$8098.76 and increase expenditure account A005.3120.447 (Garage Supplies) in the amount of \$8098.76 for reimbursement for expenditures related to the 2016 and 2017 SLETPP Grant awards.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Rossetti, Councilor Marzola, Councilor Bollinger, Councilor Giordano, Councilor Green

Nayes: 0 All in Favor. Motion Carries.

There being no further business to come before the Board, upon a motion duly made by Councilor Loeffler and seconded by Councilor Rossetti the Board voted unanimously to adjourn regular session at 8:47 PM to enter executive session to discuss contract discussions and discuss the employment history of a certain individual.

Ayes: Supervisor Theobald, Councilor Loeffler, Councilor Rossetti, Councilor Marzola, Councilor Giordano, Councilor Bollinger, Councilor Green

Nays: 0

All in favor.

Motion Carries.

Respectfully Submitted by:

Allison A. Weber
Town Clerk

EXECUTIVE SESSION MEETING MINUTES

**Executive Session
March 13, 2019**

Upon motion duly made by Councilor Giordano and seconded by Councilor Loeffler, the Board unanimously agreed to close Executive Session and re-enter Regular Session.

The Town Board Re-entered Regular Session at 9:28 p.m.

There being no further business to come before the Board, upon motion duly made by Councilor Marzola and seconded by Councilor Loeffler, the Board unanimously voted to adjourn the Regular Session at 9:28 p.m.

Submitted by:
Ann Oot
Town Manager