

**VILLAGE OF MANLIUS  
BOARD OF TRUSTEES  
November 22, 2016 Regular Meeting**

**PRESENT:** Mayor Whorrall; Trustees Pilewski, and McGrew.

**ABSENT:** Trustee Abdo-Rott & Trustee Pfeiffer

**OTHERS:**

Rick James, Village Attorney; Martha Dygert, Administrator/Clerk; David Haase, MFD; Matt Napierala, Michael & Jackie Silberberg; Lisa Lucken, Mark-Paul Serafin, Jim & Korie Allen, Dan Sullivan, Scott Harlander, Lynda Mason, Lisa Brennan, Kate Manahan, Jason Brandy Grasso, Laurel Mulvihill, Katherine Mulvihill; Rich, Helen, Allison & Nicole Jarvi; Charles Prior, Edward Hartnett, Molly Hartnett, Arthur & Hedy Shedd; Ken Foresti; Vicky Speno; Damien Russell; Andrew Speno; Denn & Moyra Bunger; William & Mary McRae; Rich DeGuida, MRB Group; Barbara Grisley Monsour; Jean, Tristan & Jennifer Moore; Jill Lane and Janet Schuster.

Mayor Whorrall opened the meeting at 7:00 p.m. in the Auditorium at Village Centre. The Pledge of Allegiance was recited and he welcomed those present.

**PUBLIC HEARING – Zone Change Application – 240 W Seneca St (Limestone Commons)**

On motion by Trustee McGrew, seconded by Trustee Pilewski to open the public hearing on the proposed Zone Change adjourned from the November 8, 2016 meeting..

**Motion Carried 3-0**

Mayor Whorrall asked if either Mr. Napierala or Mr. Silberberg wished to give an overview of the project to refresh both the Board and the public on what is being proposed by the owner/developer.

Mr. Napierala outlined the approvals needed and answered questions that had been posed by the public at the November 8, 2016 meeting.

- Limestone Commons Plaza is a 10-acre parcel inclusive of the existing car wash. The applicant is proposing to subdivide approximately 1.6 acres on the west end and ask for the zone change of the new parcel from C-1 to R-M.
- Outlined the zoned districts currently surrounding this parcel.
- Stated that the footprint is essentially the same as the existing with some extension in size however the footprint of the existing pavement will be slightly reduced along the edge that abuts the Creek.
- Stated that this parcel is outside the FEMA 100-year floodplain.
- Discussed I & I (Infiltration and Inflow) – that the existing infrastructure in the Meadowbrook area likely has I&I issues that, if addressed, could assist with alleviating some of the problems that the neighbors in the Brookhill N&S areas are experiencing.
- Stated that the owner/developer will be required to create a plan that will reduce flow to the property and will likely mitigate some of the runoff.
- The proposed project is in an area where there is a tree line and fence and that the new construction will not adversely impact the “view shed” greater than what exists currently.
- The owner/developer will not seek access from the property onto Brookhill Dr N.
- Project will provide two (2) parking spaces per unit.
- Proximity to Limestone Creek and potential environmental impacts of the project with regard to the proposed footprint of the development will not have a greater impact than what exists there currently.
- Traffic impacts – gave a synopsis of the AM & PM peak additional flows from the site based on the proposed project and advised that NYSDOT would likely ask that an impact study be completed.

Mayor Whorrall stated that communications have been received by the Board which are now on file with the Clerk to be added to the minutes of the meeting.

Mayor Whorrall gave the opportunity for those present who wished to speak in favor of the project however there was no one wishing to speak in favor of the project.

Mayor Whorrall then gave the opportunity for those present who wished to speak against the project and the following meeting attendees spoke:

**Arthur Shedd, 4603 Brookhill South** – *(Clerk received written comments prior to meeting, as well)*

In his opening statement, Mr. Shedd stated that the Board could expect to hear testimonies from neighboring residents opposed to this project, who will explain their experiences with regard to flooding and property damage. He further posed the following concerns:

- Pointed out that there are several local ordinances which are especially relevant to this issue.
- Disagrees with the engineer's statement that there will be a 2000 gal offset
- Plans available to the public are based on an old FEMA insurance rate map and the new maps are dated November 4, 2016. He is unsure whether these plans are outdated, based on the new maps.
- Ordinances pertinent: §87-12(a), §87-12(b)
- Quoted minutes of the OCPB Resolution Z-16-384
- Structures located within the floodplain will pose a security risk in that public safety personnel will be limited in their ability to access the site.
- Feels that the Village should require that the long EAF should be completed.
- The need for a full storm water pollution prevention plan would be required for development on this site, as required by the NYSDEC standards.
- Feels that a photographic simulation should be submitted to portray the impact to the landscape.

**Denn Bunger – 4582 Brookhill South**

Pointed out that a statement was made that this project would mitigate some of the flow and he disagrees. There exists a drainage issue in the area and this would not create the drainage problem but will, in his opinion, make it worse.

**Ed Hartnett – 4583 Westbrook Circle**

Asked if an easement wasn't granted, how would the residents access Route 173. Mr. Silberberg stated that as he owns the entire parcel, he would ensure that there were cross-easements in place.

Mr. Hartnett stated that even though the project doesn't have a substantially larger footprint, a two-story multi-residential structure is significantly larger than a single-story car wash and doesn't feel that this proposed development fits in with the character of the neighborhood.

**Jill Lane – 4613 Brookhill North**

Ms. Lane stated that she agrees with all that the other speakers have presented and is strongly opposed to this project. She then read a statement outlining the reasons she and her husband chose to live on Brookhill Drive; the quality of life for her and her family which would be negatively impacted by the proposed development and the water damage issues they have experienced in the past resulting in property loss. She also is concerned about the parking and the increased traffic onto Rte 173.

She presented some pictures to the Clerk and the Board showing the current drainage issues and later in the meeting showed a video of the sewer backup into her basement.

**Jean Moore – 4617 Brookhill North**

Ms Moore sought to refute the claim by the developer that the view from the neighboring properties wouldn't be impacted and she then showed a picture of the view from her kitchen window where she can clearly see the carwash and from other rooms she can see into the bays and with a taller building, the new tenants in the proposed development would be able to look into her windows.

**Jim & Korie Allen – 4605 Brookhill North** *(submitted an e-mail to Clerk & Board prior to meeting)*

Mr. Allen stated that he agrees with all the other residents' concerns. Mrs. Allen gave an overview of the flood when her children were young and how difficult it was for personnel to come to the aid of the neighborhood. She showed the Board pictures of August & September of 2004 and the flooding surrounding their property and the property where the carwash is located.

Mrs. Allen stated that the tree line that was outlined by the developer to be providing a screen to the neighbors is not what it once was. Some of the trees have come down in storms and there is a clear line of sight to the commercial property now. She further stated that for the past 22 years they have worked with the Serafins to maintain the easement area between their

properties; that this was done as a “neighborhood gesture” so that the residents could have clear access to the commercial property.

They are concerned about the potential for children to come through and use the Brookhill neighborhood to play and ride bicycles. They currently have fishermen in April come through their property access the creek and are afraid with 14 new dwelling units proposed that this will increase.

**Hedy Shedd – 4603 Brookhill South**

Stated her property also borders the easement and that their privacy is impacted by people crossing through the easement area. The possibility for the increase of travel by people that they are not familiar with is very unsettling.

**Charles Prior – 4605 Brookhill South**

Stated that he is an engineer by trade and showed a picture of the Floodplain map and the impact of a flood on the proposed project – essentially would be creating an island that would be difficult to access if an 100-year flood were to occur.

**Brandy Grasso – 4621 Brookhill North**

Stated that not only would there be a visual impact due to the size of the building but also that there would be an increase in the number of dumpsters; issues relating to existing noise ordinances; the privacy fence does not extend along the entire line and the existing evergreens to not afford substantial privacy. She also stated a concern over the potential for a decrease in resale values for the affected properties.

**Mike Luckens – 4604 Brookhill South**

Pointed out that currently there are serious issues with some catch basins and has seen a “geyser-like” effect when there are heavy rains.

**Mark-Paul Serafin – 4609 Brookhill North**

Reminded the Board that due to flooding in the early ‘80’s, residents had to be evacuated by rowboat. The Town of Manlius development has adversely affected the neighborhoods downstream and currently Limestone Creek is “maxed out” and any further development would only add to the existing problem.

**Kate Manahan – 4598 Brookhill North**

Is concerned with all those issues already stated and further wanted to add that increased multi-residential housing in the F-M School District will not be beneficial to the district.

**Dan Sullivan – 4609 Brookhill South**

Moved here from the Midwest and knows that buildings should not be built on or near a floodplain.

Attorney for the Village stated that the Village Board is not ready to vote on this issue and will need to wait until the January 10, 2017 regular meeting. Mrs. Dygert stated she would notify the neighborhood again when the issue was to be put on the meeting agenda so that they would be aware. Mayor Whorral stated that several members of the Board have walked the site to visually inspect the conditions.

Mr. Napierala stated that the project team is available to answer all questions, in writing and is here for input and for discussions but wanted to clarify that it is not the obligation of the developer to correct the issues that existed prior to this proposal and it might be worthwhile for the Village to try and mitigate some of the existing issues.

**Close Public Hearing**

Motion by Trustee McGrew, seconded by Trustee Pilewski to close the public hearing. Motion Carried 3-0

**COMMUNICATION – Manlius Fire Co**

A communication received, submitted by Secretary Brandon Lynch, notifying the Board of the following changes to the membership:

Chad Karkowski – Resignation  
Mike Heinz – Leave of Absence  
April Naugle – New Member  
Matt Meidenbaur – New Member  
Deryck Arnold – New Member

**Motion to approve the membership changes as outlined made by Trustee Pilewski, seconded by Trustee McGrew.**  
**Motion Carried 3-0**

#### **MINUTES**

The minutes of the October 24, 2016 Special Meeting; the minutes of the November 8, 2016 Regular Meeting and the November 1, 2016 Planning Board meeting were presented to the Board for review. **Motion by Trustee Pilewski, seconded by Trustee McGrew to approve the meeting minutes as submitted.**  
**Motion Carried 3-0**

#### **DEPT REQUISITIONS**

##### **Fire/EMS**

- Dival Safety & Supply      Face pieces      Cost: \$1378.89  
**Motion by Trustee McGrew, seconded by Trustee Pilewski to approve the Dival Requisition as submitted.**  
**Motion Carried 3-0**

#### **ABSTRACTS**

A copy of Abstract #010 was received and reviewed by the Board in the amount of \$386,399.32. **Motion to approve made by Trustee Pilewski, seconded by Trustee McGrew for the General Fund Abstract and order the claims paid.**

DISCUSSION: Trustee Pilewski asked about the purchase of Christmas lights. Mrs. Dygert stated that these were lights purchased to decorate three additional trees. Mr. McGrew asked about voucher #713 Manlius Motor Works. It appears that this was for repairs found when the vehicle was inspected. Mr. McGrew to check with Fire Chief to make sure procedures were followed.

**Motion Carried 3-0**

A copy of Abstract #809 for the Capital Fire Station Project was reviewed by the Board. **Motion to approve made by Trustee Pilewski, seconded by Trustee Pfeiffer to approve the Fire Station abstract in the amount of \$19,588.75 and order the claims paid.**

**Motion Carried 3-0**

A copy of Abstract #308 Trust and Agency was reviewed by the Board. **Motion to approve made by Trustee Pilewski, seconded by Trustee Pfeiffer to approve the abstract in the amount of \$333.55 and order the claims paid.**  
**Motion Carried 3-0**

#### **DEPARTMENT REPORT**

**DPW – written report submitted.**

##### **Administrator –**

**Spade & Trowel Garden Club – Gazebo Reservation** – The Spade & Trowel Garden Club have submitted a request to reserve the Gazebo Park for their Annual Perennial Plant Sale on Saturday, May 20, 2017. **Motion to approve made by Trustee Pilewski, seconded by Trustee McGrew.**  
**Motion Carried 3-0**

**Health Insurance Change – Retiree (May)** – As the Village Board adopted, via resolution, the requirement for Medicare-eligible retirees to transfer to the Medicare Blue PPO policy through Excellus upon reaching the age of eligibility, and that the retiree having met the age requirement in March 2016 but has failed to submit the required enrollment form, Mrs. Dygert is asking for Board approval to send a letter advising the retiree that the POMCO policy will be canceled effective January 1, 2017. **Motion by Trustee Pilewski seconded by Trustee McGrew to authorize the Village Administrator to draft a letter to retiree, sent via certified mail, outlining impending cancellation of POMCO insurance policy.**  
**Motion Carried 3-0**

##### **Surplus Truck – FD “Mini” 1992 Ford Brush Truck**

**Motion by Trustee McGrew, seconded by Trustee Pilewski to allow the transfer of the 1992 Ford Brush Truck from the Fire Department to the Village DPW and further authorize the Administrator to obtain title and registration for this vehicle.**  
**Motion Carried 3-0**

#### **TRUSTEE REPORTS**

**Trustee Pilewski** – Gave the October Court report.

**Trustee McGrew** – Stated that he and Trustee Pilewski met with the Fire Chief to go over some outstanding issues.

#### **ATTORNEY REPORT** – Attorney James gave updates to the Board on the following:

- Uncle Bob’s – Title Policy and Bond amount.

**Uncle Bob's Storage – Bond Amount**

**Motion by Trustee McGrew, seconded by Trustee Pilewski to accept the bond in the amount of \$3740, based on recommendation by MRB Group, for soil erosion and stabilization plan, subject to review and approval of the language by Village Attorney.**  
**Motion Carried 3-0**

- Sprint – After several attempts has not received any response and asked the Board to agree to putting this in an inactive file along with the Upstate University contract agreement.
- H2M/Pacheco-Ross – is waiting for H2M to submit proof of continuous insurance coverage from 10/1/2016.

**MAYOR REPORT**

- F-M School Board/Government Dinner – December 12, 2016 at Eagle Hill MS.
- Mackenzie Hughes Holiday celebration to be held on December 1<sup>st</sup> from 5-8 at the Century Club.
- Village of Fayetteville Christmas party on December 9<sup>th</sup> from 6-9 at the FSC.
- Legislative Priorities Meeting update. Distributed a packet of information to the Board.
- NYCOM Legislative Conference – encouraged Board attendance on February 12-14<sup>th</sup>.
- NYCOM – received letter asking the Village to designate a representative to act as liaison and legislative spokesperson on behalf of the Village to maximize participation for Villages and Cities.

**NYCOM Representative – Village of Manlius, Dygert**

Motion by Trustee Pilewski, seconded by Trustee McGrew to accept Mayor Whorral's recommendation and appoint Administrator Dygert as spokesperson and liaison for NYCOM.  
**Motion Carried 3-0**

- Burger King/Carrol's Corp – based on past discussions regarding an agreement with Carrol's and the lack of communication received, Mayor Whorral advised Supt Sherwood NOT to maintain the area of the Burger King parking lot that has been the subject of discussion until he hears from management. He was then contacted by a representative of Carrol's Corp to discuss.
- Mayor's Association – at the last Mayor's Association meeting, the Village Mayors heard an update on the Consensus proposition and how the County Executive plans on circumventing the County Legislature and gaining approval by circulating petitions. Encouraged the other Board members to make an attempt to attend these meetings occasionally, if possible. The next meeting will be in January at the Hotel Syracuse.
- Fire Station Update – had a Fire Facilities meeting to discuss the purchasing of equipment/furniture for the rooms and looked at all the room layouts.

**Public Forum**

A resident suggested sending notifications for leaf pickup schedules.

**ADJOURN**

Motion by to adjourn the meeting made by Trustee Pilewski and seconded by Trustee McGrew. **Motion Carried 3-0**

*The meeting was adjourned at approximately 9:00 p.m.*

Respectfully submitted by,

Martha Dygert  
Administrator/Clerk