

DISTRIBUTION LIST

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Manlius Historical Society
Minoa Library
John Regan

May 4, 2009

**JOINT PUBLIC
HEARING –
ANNEXATION
PETITION**

Upon due notice to all members of the Village Board and Town Board of the Town of Manlius, a joint Public Hearing was held on Monday, Monday, May 4, 2009 at 7:00 p.m. at the Municipal Building, 240 N. Main Street, Minoa, NY. The purpose was to consider the Annexation Petition submitted by New Plan East, LLC for the properties located at 6439 & 6441 Schepps Corners Road (N. Main Street) and Tax Map Numbers 055.-01-39.0 and 055.-01-40.0.

PRESENT: VILLAGE OF MINOA

Mayor Donovan
Trustee Brazill
Trustee Champagne
Trustee Cronk
Trustee Theobald
Clerk/Treasurer Snider
Attorney Steven Primo

TOWN OF MANLIUS

Supervisor Mark Tetley
Councilman John Curtis
Councilwoman Sandra Schepp
Councilman Paul Susco
Town Clerk Allison Edsall
Town Attorney Don Martin

ALSO PRESENT: Karen Abbott, Scott Abbott, Eric Christensen, Marlene Christensen, Chris Beers, John Sears, Tom Reitano, Fire Chief Patrick Flannery, David Muraco (New Plan East, LLC), and Ron Ronaldo (New Plan East, LLC)

ABSENT: **VILLAGE OF MINOA** – None
TOWN OF MANLIUS – Councilman John Loeffler,
Councilman David Marnell, and Councilman Nicholas Marzola

PURPOSE OF PUBLIC HEARING Mayor Donovan called the joint Public Hearing with the Town of Manlius to order at 7:04 p.m. for the purpose of reviewing the Annexation Petition as submitted by New Plan East, LLC for the properties located at 6439 & 6441 Schepps Corners Road (N. Main Street) and Tax Map Numbers 055.-01-39.0 and 055.-01-40.0.

Mayor Donovan said the first order of business was to decide who would preside over the Public Hearing. Mayor Donovan and Supervisor Tetley agreed that Mayor Donovan would preside over the Public Hearing.

A motion was made by Trustee Cronk and seconded by Trustee Champagne that Mayor Donovan would preside over the Public Hearing regarding the Annexation Petition for the public's interest. All in favor. Motion carried.

A motion was made by Councilman Curtis and seconded by Councilwoman Schepp that Mayor Donovan would preside over the Public Hearing regarding the Annexation Petition for the public's interest. All in favor. Motion carried.

Mayor Donovan said the purpose of the meeting is to determine the overall affect of the Annexation Petition for the Village of Minoa and the Town of Manlius

PROOF OF PUBLICATION

NOTICE OF
JOINT PUBLIC HEARING

VILLAGE OF MINOA/TOWN OF MANLIUS

PLEASE TAKE NOTICE that a Joint Public Hearing will be held by the Board of Trustees of the Village of Minoa and the Town Board of the Town of Manlius on the 4th day of May, 2009, at 7:00 P.M., at the Village of Minoa Municipal Building located at 240 North Main Street, Minoa, New York 13116, to consider the Petition of New Plan East, LLC, requesting certain territory situate in the Town of Manlius and described as Tax Parcel Nos. 055.-01-39.0 and 055.-01-40.0 on the Town Tax Map, be annexed to the Village of Minoa, pursuant to New York State General Municipal Law Article 17.

All interested parties will be given an opportunity to be heard at that time. A copy of the Petition, together with a map showing the territory to be annexed from the Town of Manlius into the Village of Minoa, is on file at the Village of Minoa Clerk's Office and the Town of Manlius Clerk's Office, and is available for inspection during normal business hours.

BY ORDER OF THE VILLAGE BOARD:
BOARD:

s/Suzanne M. Snider

Suzanne M. Snider, Village Clerk

BY ORDER OF THE TOWN

s/Allison A. Edsall

Allison A. Edsall, Town Clerk

The above legal notice was mailed to all properties located within a 500 ft. radius of the proposed annexed properties and was posted in the Post Standard newspaper, as well as around the Village of Minoa.

PRESENTATION

Mayor Donovan introduced David Muraco of New Plan East, LLC to describe his Annexation Petition.

Mr. Muraco said the project is known as 6441 Schepps Corners Road (N. Main Street) and is approximately thirteen (13) acres that consist of two different lots, which he plans on combining the properties into one lot at a later date. The proposed project is to build an apartment complex with twenty-four (24) units at the rear of the property in Phase I and proposed commercial development in the front of the property for Phase II. Mr. Muraco said the reason behind the annexation request is for sewer services, which he does not currently have with the property located in the Town of Manlius. He said an agreement could possibly be reached for sewer services with the Village of Minoa, but for financing purposes, the banks need the properties to have sewer services that are not dependent upon agreements.

Mr. Muraco said that he has applied for a Restore NY Grant application through the Village of Minoa that is dependent upon the properties being annexed into the Village of Minoa. He said that he had always planned on annexing the properties with the permission of the Town of Manlius and the Village of Minoa. He said the grant opportunity was the impetus for moving forward quickly. Mr. Muraco said the property is currently in a dilapidated state that consists of four buildings which includes a single family home and an old garage.

BOARD COMMENTS

Mayor Donovan opened up meeting to entertain comments and/or questions from the Boards.

Councilman Curtis asked if the currently established buildings would remain and if there was a gas tank on the property. Mr. Muraco said all of the buildings would be demolished and there was not a gas tank on the property. Councilman Curtis asked if anyone currently resided on the property and Mr. Muraco said there was a month-to-month renter currently residing in the single family home and they are using the other buildings for business storage.

Councilwoman Schepp asked Mr. Muraco to outline the borders of the property and Mr. Muraco said the property borders the Minoa Elementary School and a small strip of their property is still within the Town of Manlius. Mr. Muraco said the property is

approximately 2,600 linear feet deep and exceeds the school property. Mr. Muraco said they only plan to utilize half of the property because the rear property is wooded and has the potential to get wet. Mr. Muraco said the front portion of the property has the same topography as the school.

Councilwoman Schepp asked for clarification on the proposed apartments and Mr. Muraco said there would be three (3) different buildings with eight (8) units in each building. Mr. Muraco said the proposed drawing may need to be tweaked for engineering and has been confirmed by Naparella Consulting that they will be able to mitigate any water retention areas. Mr. Muraco said approximately eight (8) acres will be affected.

Trustee Champagne asked for clarification of the three proposed buildings in the front of the property. Mr. Muraco said there have been commercial possibilities in the past in the Village of Minoa that have been withdrawn over the years and would not be built on speculation.

Attorney Primo reminded the Boards that they are only considering the Annexation Petition and as Mr. Muraco's projects are presented to the Board they will be referred to the Planning Boards and reviewed diligently by the Village Engineers.

Trustee Champagne asked if the properties would be exposed to the Minoa Elementary School and Mr. Muraco said there would be a buffer between the properties.

Supervisor Tetley asked if the ESM School District property that is between the Minoa Elementary School that is still located within the Town of Manlius could be annexed into the Village of Minoa. Mayor Donovan said that it would be the responsibility of the ESM School District to submit an Annexation Petition and does not see that property being developed, so he doesn't see that the ESM School District would have a need to move forward with an annexation request on that piece of property.

Supervisor Tetley asked who would be responsible for the MS4 requirements. Mayor Donovan said the Village of Minoa would be responsible for monitoring all MS4 activities.

Councilwoman Schepp asked if the apartment buildings would be limited to three (3) and how many entrances would be required. Mr. Muraco said there would only be one entrance down the left hand property line that would go through the commercial buildings and back to the three apartment buildings. Mr. Muraco said the property

would be maintained and is expected to move forward over the next 5-10 years and hopefully sooner if the Restore NY grant is approved.

PUBLIC COMMENTS Eric Christensen, 61 Windebank Lane, Minoa, asked how far the proposed property is from the Minoa Elementary School and Mr. Muraco said that based on using the entrance to the school as a guideline, it is approximately 200-300 feet.

Councilman Curtis asked if they plan to create a barrier between the school and the apartment buildings. Mr. Muraco there would probably be a natural barrier.

Scott Abbott, 136 Helfer Lane, Minoa, how far does the property go back? Mr. Muraco said that there is approximately 2,500 – 2,600 linear feet back. Mr. Abbott said that his property backs up to his property and there has historically been a problem with water drainage in that area, so what were there plans to alleviate water issues due to building and will it add to the drainage problems? Mr. Muraco said there will be engineering requirements that will install water management that should alleviate and/or help the current water problems.

Mayor Donovan said that Minoa Farms is a good example of water management by installing collection ponds that have alleviated water problems that move from the west and that it is New York State law that the Village of Minoa makes sure that the developer maintains proper drainage.

Marlene Christensen, 61 Windebank Lane, Minoa, asked if there were any other properties that are hooked up the WWTF that are not located in the Village of Minoa. Mayor Donovan said the Village of Minoa currently handles the sewers for the ESM School District and have taken over the bus garage, Woodland Elementary School, Pine Grove Middle School, and ESM High School due to a DEC consent order they received and could not maintain. Mayor Donovan said there is an annual sewer contract with the ESM School District. Mayor Donovan said they are proud of their state of the art WWTF that has had visitors from as far away as China to review the plant and that Steve Giarrusso, WWTF Operator, has done an excellent job by increasing its capacity. Mayor Donovan said they have been approached repeatedly to join in the sewer system and they have been denied.

Mrs. Christensen asked if there were other reasons why they wanted to annex the property into the Village of Minoa, such as the Codes Enforcement being less stringent than the Town of Manlius or other reasons. Mayor Donovan said the big impetus is that the property has been available for development, but there hasn't been any investment because they typically require a traffic count and the Village of Minoa does not have a traffic count because it's a bedroom community. Mayor

Donovan said that he cannot answer for Mr. Muraco on this matter. Mayor Donovan said that in response to the stringency of the Codes requirement that the Village of Minoa is stricter, as the Town of Manlius has more space and the Village has smaller properties that need to be reviewed more often. Mayor Donovan assured Mrs. Christensen that the proposed property would not be reviewed lightly and that the property owner would require sewer services and therefore, should contribute to the tax liability as a Village property owner.

Trustee Brazill said that it was the property owner who initiated the annexation request and the potential for grant approval through the Restore NY grant initiative.

Mayor Donovan said there were two applicants for the Restore NY grant and part of the grant stimulus would provide an opportunity for the Village to gain some tax base, which would also help the town. He said the proposed buildings are in poor shape and are currently empty and will transform into viable apartment buildings styled after the apartments that exist in Suburban Park.

Mrs. Christensen asked what happens to the property if the grant does not go through and Mr. Muraco said that he will follow through with the annexation and be a property owner in the Village of Minoa. Mrs. Christensen asked what the zoning would be and Attorney Primo said Mr. Muraco would have to seek the appropriate zoning for his project, as the property comes into the Village of Minoa automatically as the strictest zoning.

Mr. Abbott asked if there was a Letter of Credit in place and Mr. Muraco said he has approval for financing in place as part of the grant application process.

Mrs. Christensen asked when the grant would be approved and Mayor Donovan said the approval and/or denial is expected in July 2009.

Mr. Muraco said that other apartments were built in Minoa before he had an opportunity and due to supply and demand, it is now a good time to move forward with the apartment buildings. Mr. Muraco said that at least six (6) of the units would be mixed use for home occupation use. He said that he has worked on these buildings in the past and have been successful with a mixed use project. Mayor Donovan said the grant application encouraged mixed use projects.

Trustee Theobald asked again if the project would be consistent with Suburban Park and Mr. Muraco said yes, they would be consistent.

Chris Beers and John Sears arrived at 7:29 p.m.

John Sears, 103 S. Main Street, Minoa, asked if Mr. Muraco would move forward if the grant was not approved and Mr. Muraco said yes, but would take a bit longer without the grant and if the grant is approved they can move forward late this summer.

Attorney Primo asked Mr. Muraco if he was the owner of New Plan East, LLC, which is the owner of both properties and Mr. Muraco said yes.

Attorney Primo asked if the current tenant has the option to buy the single family home they currently reside in and Mr. Muraco said they are on a month-to-month lease and do not have the option to buy.

Marlene Christensen said she had concerns about tenants coming and going in an apartment that was so close to the school. Attorney Primo said the Boards were only deciding on the Annexation Petition and not building designs and that her concerns could be addressed better when design plans are submitted.

Mr. Sears asked what would happen to the buildings on the property and Mr. Muraco said the buildings would be torn down. Mr. Sears said that it would be a good idea for the high school students to dismantle the building, rebuild it and/or possibly donate it to the Village of Minoa. Mr. Muraco said that he had a good suggestion and would consider the idea.

**COMMENTS FROM
THE VILLAGE AND
TOWN BOARDS**

Let the record show that there were no further comments or questions from the Village Board or Town Board.

**PUBLIC HEARING
CLOSED**

VILLAGE OF MINOA

A motion was made by Trustee Theobald and seconded by Trustee Brazill to close the Public Hearing for the Annexation Petition submitted by New Plan East LLC at 7:39 p.m. All in favor. Motion carried.

TOWN OF MANLIUS

A motion was made by Councilwoman Schepp and seconded by Councilman Susco to close the Public Hearing for the Annexation Petition submitted by New Plan East LLC at 7:39 p.m. All in favor. Motion carried.

Respectfully submitted,

Suzanne M. Snider

Suzanne M. Snider

Village Clerk/Treasurer