

TOWN OF ONONDAGA

Planning Board

ALFRED J. FULLER
4564 Cole Road
Syracuse, NY 13215

DAVID C. BAKER
5577 Bull Hill Road
LaFayette, NY 13084

TOWN HALL
5020 Ball Road · Syracuse, NY 13215

MARC A. MALFITANO, Chairman
5155 Jupiter Inlet Way
Syracuse, NY 13215

LINDA M. CAMPBELL
4929 MacGregor Lane
Syracuse, NY 13215

JAMES MAHANEY
4934 Horizon Terrace
Syracuse, NY 13215

Meeting Conducted at 7:30 p.m. March 26, 2018

Present:

Marc Malfitano, Chairman
David Baker
Linda Campbell
Alfred Fuller
James Mahaney
Nadine Bell, Attorney
Bill Perrine, Engineer

Chairman Malfitano called the Planning Board to order at 7:32 p.m.

Killmore Subdivision – Re-Subdivision of Lot 3b

Having received proof of publication on March 18, 2018, of the notice of public hearing in the matter of Killmore Subdivision – Re-Subdivision of Lot 3b, Chairman Malfitano opened the Public Hearing.

Mr. Jay Holbrook, on behalf of the applicant, Timothy Polge, appeared before the Planning Board regarding Lot 3b of the Killmore Subdivision. Mr. Holbrook explained that the applicant is seeking to subdivide a 12.89 acre lot into one 3.83 acre lot with an existing house and the remainder, 9.06 acres, is to be merged with the lot to the south.

Chairman Malfitano clarified that Lot 3b-2 is to be combined with Lot 7 and a recombined deed is to be filed as is noted on the plans. It was noted that the response from the referral to the County Planning Board regarding the Killmore Subdivision – Re-Subdivision of Lot 3b, dated February 17, 2018, was received indicating no significant inter-community or county-wide implications.

A letter from Mr. Perrine dated February 13, 2018, was received indicating he had reviewed the plan last revised February 2, 2018. All comments were addressed on the plan. Mr. Holbrook asked if the Planning Board would waive contours. Chairman Malfitano responded that contours would be waived. There being no further comments or concerns, Chairman Malfitano declared the public hearing closed.

Chairman Malfitano then made a motion based upon a plan last revised March 8, 2018, to approve the preliminary plan for the Killmore Subdivision – Re-Subdivision of Lot 3b, waive further public hearing, grant final approval and ratify and reaffirm the SEQR determination of February 12, 2018. Ms. Campbell seconded the motion and with all in favor it passed unanimously

Hallinan Meadows

Mr. Hal Romans appeared before the Planning Board presenting a fill plan dated March 20, 2018. He noted that the entire site is now within a foot of final grade. This includes the last areas they had to deal with which were Lot 11, Lots 16, 17 and 18, specifically the back and front, and Lot 6. Mr. Romans

stated that all of the shots are plotted on the overlay of the grading plan, so the proposed contours on the plan are the actual proposed contours for the contract drawing and he noted that all shots are within a foot of contour. Mr. Perrine has reviewed the plan to confirm everything was brought up to where it should be.

Mr. Romans received an email from OCWA regarding the sanitary sewer offset that was required and stated that the rain dishes were received on February 28th and they will be utilized on November Lane in the existing section. He explained that they had the fill placed just prior to the last nor'easter and the site has been snow covered since then.

Chairman Malfitano referred to the March 23, 2018 letter containing punch list items and asked if all items were still outstanding. Mr. Romans responded that they are still outstanding because stabilization could not be done under two feet of snow. Many of the punch list items involved spreading top soil, seeding and final grading on the swales. Specifically it refers to the swale between Lots 9 and 10 and the swale behind Lot 6 which has been roughed in but has not been top soiled and seeded due to the weather change. Chairman Malfitano asked which way the swale between Lots 9 and 10 is supposed to drain. Mr. Romans responded that it is supposed to drain back. Mr. Romans clarified the location of the storm drain and the outlet.

Chairman Malfitano noted that the seeding and mulching procedure under Section 38 only applies if you are continuing to do work in the winter and that is not the final stabilization. He asked if there is the same condition on the rest of the site since we still have snow. Mr. Romans responded that it is the same condition and noted that the entire site will have to be mulched and seeded as soon as the snow melts. Chairman Malfitano had a conversation with Mr. Perrine regarding the site and Mr. Perrine suggested it would be up to the Town to decide if they want to accept the site as it is and require additional securities or not. Chairman Malfitano then stated he had contacted Supervisor Andino regarding the issue and he did not think that is something the Town Board should be doing since it is not a small punch list item. Chairman Malfitano stated that he also discussed this with the Storm Water Officer, Ben Vincent, for his interpretation because the stabilization overlaps with the SWPPP. Mr. Vincent did not consider the prior stabilization work to be complete and he advised that the snow has to melt and the ground has to stabilize some before the work can continue. The applicant agreed that the stabilization work is not complete. Chairman Malfitano explained that until this open issue can be resolved there cannot be final approval.

Mr. Romans noted that National Grid will be starting there a week from today. Chairman Malfitano noted that the Planning Board was prepared to give Hallinan Meadows the same benefit that was given to Crown Point but the difference is that the schedule did not permit this to get stabilized beforehand. There was discussion about the punch list. Chairman Malfitano asked Mr. Perrine about the item pertaining to catch basins and aprons that are cracked and asked if some have been identified that failed. Mr. Perrine replied that some were identified that failed but did not provide a list for this letter. Chairman asked how many and Mr. Perrine responded that before Christmas there were two or three that failed. He noted that will be one of the first things looked at in the spring. Mr. Perrine also noted that the only other item he considers significant is the underdrain and the infiltration basin but there will be more of a mess if they get out on the site before it is dry enough.

Ms. Campbell asked when the shots were taken. Mr. Romans said they were taken on the 20th before the snow started. Chairman Malfitano noted that Mr. Vincent advised that some of the fences had been knocked down by snowmobiles and they should be put back up. Mr. Romans asked if there is any way they could have conditional approval based upon what's done and getting the map signed off at completion. Chairman Malfitano stated not until Mr. Vincent and Mr. Perrine agree that stabilization is done. Mr. Bragman noted that is something they have to do and it is part of the SWPPP, however, he does not believe that Crown Point has been stabilized and there is no mulch on that site. Chairman Malfitano responded that they have seeded it in the fall. Mr. Bragman said he believes their site is further along than that site or some other sites. Chairman Malfitano responded that he went out to Crown Point and saw it first hand.

ZBA Referral

The application of Michael and Jennifer Goodwin at 4706 Makyes Road was referred to the Planning Board for review of a special permit to add a second story to a current garage and a variance to allow a porch to be added to the front of the house. Chairman Malfitano explained that they are short on the setback because the existing setback under the code from the right of way is 35 feet and now you add 15 feet for the overlay district. Chairman Malfitano noted he had a number of conversations with Mr. Ron Ryan on this issue in part because the overlay was modified and also because previously when a collector and an overlay was an issue the variance was granted in every instance. When the master plan was re-done it was recognized that that requirement was problematic and the master plan recommended they reduce the size of the overlay to 15 feet in addition to the applicable setback. That was adopted by the Town Board as the new standard.

This matter is here for referral due to the setback and also for a special permit for the garage because the existing house is in compliance because that side of the house is a single story and therefore the setback is a required 15 feet. If you change it to 2 stories then the required setback is 20 feet. It is on record that the applicant has been advised that if they move the 2nd story in 2 feet they will be in compliance with the setback requirement.

The applicant is also seeking to add a 6 foot porch on the front of the house. If the house is left alone they are grandfathered as a pre-existing nonconforming use, however, if they add the porch to the front they are in violation of the setback with the overlay. Chairman Malfitano noted that this is the first such request since the master plan was revised and the expectation was that this requirement be upheld.

There was some discussion regarding the referral and the overlay district requirement. Ms. Campbell noted that the front of the house is already there and she was more concerned with the addition of the porch. Chairman Malfitano clarified that the side of the house is in question and that if the addition is 2 feet shorter the side setback will be in compliance. Chairman Malfitano then dictated a letter to the Zoning Board of Appeals. A copy is attached hereto.

Planning Board Minutes

A motion was made by Mr. Baker, seconded by Mr. Fuller, that after minor changes, the Board approve and accept the meeting minutes of the February 12, 2018, meeting. With all in favor, the motion passed unanimously.

A motion was made by Mr. Fuller, seconded by Mr. Mahaney, that there being no further business to come before the Board the meeting be adjourned. The motion passed unanimously and the meeting was adjourned at approximately 8:30 p.m.

Respectfully submitted,

Melinda L. Mayer
Secretary

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March 26, 2018

Mr. John B. Elleman, Chairman
Town of Onondaga Zoning Board of Appeals
5020 Ball Road
Syracuse, NY 1325

Re: Application of Michael & Jennifer Goodwin at 4706 Makyes Road

Dear Chairman Elleman:

We have reviewed your referral on the two issues presented. With regard to the special permit, in further consultation with the Codes Office it is our understanding that if the second story southern edge is moved in 2 feet there is no further violation notwithstanding the fact that the setback on the south end is less than the currently required 20 feet. That is because the house, as constructed, is a pre-existing nonconforming structure at 18.76 feet. Present today would otherwise allow it to remain.

With respect to the area variance to allow the porch, we would recommend against granting that variance. As you know, the variance is required in large part due to the collector and Overlay District setback requirement.

The Master Plan took a careful look at this issue a year ago and noted that in practically every application for a variance where the Overlay District was applicable, variances were granted. The Master Plan Committee studied this and made a recommendation that the depth of the collector street overlay could be substantially reduced to a measurement of 15 feet over and above the setback that would otherwise be required on the applicable street. In this case that would require a total setback of 50 feet. The Town Board adopted that recommendation and made the appropriate amendments to the Zoning Code, we believe, with the expectation that it would be uniformly enforced as modified.

This is an example where the existing house before any addition complies with setback before you add the overlay. When adding the overlay the existing house would additionally require a special permit as a nonconforming structure. The choice of the applicant to propose a porch on the front is self-created and therefore we do not believe should warrant a variance for this setback requirement.

Very truly yours,

Marc A. Malfitano, Chairman
Town Planning Board

cc: Cheryl Hammond
Ben Vincent, Codes Officer