

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. October 8, 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 7:30 p.m.

McLusky Orchards Subdivision

Mr. Jeff Schultz, surveyor for McLusky Orchards, appeared before the Planning Board seeking approval for the McLusky Orchards Subdivision, a 79.28 acre parcel that is being divided into 2 parcels, with Lot A being 16.7 acres and Lot B being 62 acres. Mr. Schultz provided a plan that was revised to show the turnaround easement located to the west even with the most westerly part of the barn as the Planning Board requested. Ms. Bell noted that she was provided with the legal description of the easement and the information was given to the Town Engineer who confirmed that the metes and bounds are as they are shown on the map.

Chairman Malfitano asked if it is a perimeter description or if it is off a center line. Mr. Perrine responded that you can read the description off the map and it begins at the center line of the road and references Lot 2A which was a prior subdivision and comes down the center line of McLusky Road and then starts around the perimeter of the hammerhead. Chairman Malfitano asked if the width is indicated on each side of the center line from the point of Lot 2 to the turnaround. Mr. Schultz responded that he did not describe the width of the road, just the turnaround. Chairman Malfitano reviewed the plan and it was determined that the road is 49.5 feet wide with 24.75 feet on each side of the center line. Chairman Malfitano suggested that Mr. Schultz add wording to describe that the easement is 24.75 feet on each side of the center line on McLusky Road.

Chairman Malfitano asked if Ms. Bell has given Mr. Schultz an easement agreement. Ms. Bell responded that she will provide Mr. Schultz with a copy of the form.

Mr. Malfitano was in receipt of the response from the County Planning Board referral from their meeting of September 26, 2018. The response notes that parcel "B" may contain NYS freshwater wetland; the site is located over, or immediately adjoining, a principal aquifer; may contain the Indiana bat or it's associated habitat; and the site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the NYS Historic Preservation Office archaeological site inventory. The

Onondaga County Planning Board determined that the proposed subdivision will have no significant adverse inter-community or county-wide implications.

Chairman Malfitano then made a motion to grant preliminary approval, waive further public hearing, grant final approval and ratify and reaffirm the prior SEQR determination for the McLusky Orchards Subdivision based on a plan prepared by Jeffrey A. Schultz, Land Surveying and Mapping, PLLC, last revised September 28, 2018; subject to the delivery of an easement in a form acceptable to the Town Attorney for the road-by-use which is identified as McLusky Road and also on the condition that parcel B, since it doesn't have full frontage, is not an approved building lot and subject to the condition that it be combined with what is identified as Lot 1, Map #10579, Tax Map #064.-01-7.1, and that a recombined deed with a perimeter description of the 2 lots be filed with the County Clerk's Office within 30 days of the subdivision approval. Mr. Fuller seconded the motion and with all in favor it passed unanimously.

Green Hills Manor Section 2A

Mr. Steve Calocerinos of Calocerinos Engineering, PLLC appeared before the Planning Board on behalf of the applicant, Mike Decker, for Green Hills Manor. He noted that the project was originally put together by Al Adams and has since been taken over by Mr. Decker who is seeking to complete the subdivision which was originally approved in 2008. Copies of the approved construction drawings were provided along with a phase plan to be used to implement the project. Mr. Calocerinos explained that this is an affordable housing project located in Nedrow in the Dorwin Springs Subdivision. He is seeking approval to move forward with the plans as they were approved noting that if any standards have been changed they would conform to current standards.

Chairman Malfitano noted that in reviewing the plans he found that the lot size is smaller than the code requirement. He found that the Town Board had granted 278 Approval to modify the size of the lots. He added that the plans, as presented, are consistent with the prior process. It was also noted that Mr. Adams had done the lots on the Leonard Avenue and Derek Avenue portion previously and this was the remaining land. Chairman Malfitano stated that, as was done before, the pavement width is 22 feet instead of 26 feet. Additionally, it was also agreed with concurrence of other town officials at the time of the preliminary plan that the cul-de-sac radius could be reduced from 60 feet to 50 feet.

Chairman Malfitano noted that the applicant is proposing a phasing plan that cannot work for code reasons. The code states that all lots have to have frontage across the entire lot width. He noted that will work for the proposed Lots 9, 10 and 24 within the proposed subsection but it will not work for Lots 14 and 15. Chairman Malfitano added that the road will need to come across the front of Lot 15 and the same in front of Lot 14 with a hammerhead in the Phase 2 part. At a minimum the road has to come across the lot frontage.

Chairman Malfitano asked Mr. Perrine if he needs to verify that the SWPPP is still active. Mr. Perrine responded that he believes the fees have been paid every year. Mr. Adams noted he has records confirming that the fees have been paid. The records will be provided to Mr. Perrine.

Mr. Perrine asked for confirmation that the applicant will move forward under the storm water design that was done with the preliminary plan. Chairman Malfitano agreed. Chairman Malfitano noted that the preliminary design had concrete gutters and so did the portion of the other sections that were built. Mr. Calocerinos confirmed that there will also be concrete gutters in this phase of the project. Chairman Malfitano asked for the current status of the National Grid easement. Mr. Calocerinos responded that there is an easement and he will contact National Grid to confirm if anything has changed. Chairman Malfitano asked Ms. Bell if an easement has been granted to the Town. Ms. Bell advised that she could not locate the file but added that the Town requires consent from National Grid. Mr. Calocerinos added that there was a storm sewer through the property from the end of Elton Avenue to the end of Derek Avenue and he believes it was installed but the easement was never recorded. Chairman Malfitano noted having information from Mr. Perrine stating that portions of the Town's future right of way shares some of

the same areas as the Grid easement. Chairman Malfitano stated that since the road will be built over the Grid easement we need consent from National Grid. Ms. Bell will provide information to Mr. Calocerinos to assist with this process.

Mr. Perrine noted that the prior subdivision plat has not yet been filed. Mr. Calocerinos and the applicant confirmed it has not been filed. Mr. Adams also stated that the easement for the storm sewer was drafted and sent to the Town's attorney but he does not believe it was ever recorded. Chairman Malfitano noted that Ms. Bell will look into this matter further and may need to expand the consent. Chairman Malfitano asked if there is an updated abstract of title. The applicant responded that he is not certain and will look into it. Chairman Malfitano commented that it may provide evidence that the new easement is going to go over part of an existing easement so that when the other consents are sought the reference can be incorporated.

Chairman Malfitano asked that the applicant modify the plan for the road or the phasing. Mr. Calocerinos asked if the Board would object to swapping the phasing and doing Phase 2 first. Chairman Malfitano responded that conceptually he would not. There was discussion of the slope, extending the sewer line and the placement of a manhole. In terms of water, Mr. Adams also noted that there is a hydrant on Elton Avenue approximately 300 feet before the road ends and another hydrant on Lot 26 at the corner of Leonard and Derek. Chairman Malfitano asked about the storm sewer. Mr. Calocerinos responded that the storm sewer and storm water management will be constructed in its entirety no matter which phase is constructed first and they will go to the storm water pond located in the back of Phase 3.

Chairman Malfitano stated that whatever the applicant configures as the phase, it has to include the utilities and storm water and access to it. Additionally the Planning Board will minimally need consent from National Grid. Mr. Perrine will look into the permits and check the contract drawings for any Town standards that may have changed.

Ron Chrysler (2 Lot Subdivision)

Ron Chrysler, the owner of 12 acres located at Seal Road and S. E. Townline Road, appeared to present a proposed plan to subdivide 2 acres of the property off the end for his daughter to build a house. Chairman Malfitano asked if the lot containing the applicant's house is a separate lot. Mr. Chrysler responded that the property is one lot. The applicant proposes that the subdivided lot would front on S. E. Townline Road and the driveway would be located on Seal Road far enough from the corner for safe sight distance in both directions. It was noted that there would be a well and septic system. Ms. Campbell asked what the frontage is on Seal Road. Mr. Chrysler responded that it is 198 feet. Chairman Malfitano noted that the lot fronts on two roads. He also noted that the minimum road frontage is 200 feet. Mr. Chrysler explained that the proposed driveway is located on S. E. Townline Road because he does not believe they will achieve 500 feet sight distance on Seal Road which is what he was required to have when his house was built. Mr. Fuller asked what the speed limit is and Mr. Chrysler responded 45 miles per hour.

Chairman Malfitano explained that there needs to be a minimum of 2 acres for lots that do not have public water and sewers and there needs to be a minimum of 200 feet of road frontage. To avoid the need for a variance, it was discussed that the house could face one road and the driveway can be on another road. The Planning Board reviewed the sketch plan and conceptually agreed to apply to carve out the lot on the corner of Seal Road and S. E. Townline Road of not less than 2 acres with the frontage to face Seal Road. It was noted that the applicant should speak with County DOT for a driveway permit application, obtain a perc test and apply for a septic permit, then make formal application and pay the required fees. The county issued septic permit must be presented prior to final approval.

Patrick & Barbara Collins - ZBA Referral

Additional information was received regarding the ZBA referral for a special permit review to add a porch and handicapped ramp on the front of the house at 5087 S Onondaga Road, Nedrow. A SEQR determination and a copy of the minutes from the September 18, 2018, ZBA meeting which included a motion to complete the Short Environmental Assessment Form and issue a negative declaration was received. It was noted that the ZBA will continue this procedure moving forward.

It was also noted that the applicant has put a porch on the front of the house and completed the handicapped ramp in front without a building permit from the Town. Upon the Planning Board's initial review for the special permit this information was not known and it was recommended that the applicant could construct the handicapped ramp on the side of the house to avoid further encroachment on the setback.

Chairman Malfitano noted that no updated survey was provided to the Planning Board or other information as to what has been built and what the setback is. Ms. Campbell asked if the Planning Board is being asked to review something that has already been built. Chairman Malfitano responded yes, also noting that it was built without any permits at all. Chairman Malfitano noted that we had a map before that showed a porch that the applicant added on without the Town's knowledge and it was verbally understood that the ramp did not stand out further than the porch. The picture provided by the Town, however, shows otherwise.

There was discussion as to the review and recommendation. Chairman Malfitano suggested that at a minimum the Zoning Board should require an as-built survey be submitted. The Zoning Board will make its determination; however, the Planning Board feels it is appropriate to note that the applicant took the law into his own hands and proceeded without the permit extending further into the setback area. The Planning Board believes this could have been accomplished by building the ramp on the side of the house; however the applicant decided otherwise. Points to be raised in the response to the Zoning Board were reviewed.

Chairman Malfitano then dictated a response to the Zoning Board of Appeals with the Planning Board's comments. A copy is attached hereto.

Planning Board Minutes

A motion was made by Mr. Fuller, seconded by Mr. Baker, that after minor changes, the Board approve and accept the meeting minutes of the September 24, 2018, meeting. The motion passed with Ms. Campbell abstaining.

A motion was made by Mr. Mahaney, seconded by Ms. Campbell, 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 8:45 p.m.

Respectfully submitted,

Melinda L. Mayer
Secretary

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JAMES MAHANEY
4934 Horizon Terrace
Syracuse, NY 13215

October 9, 2018

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

Re: Special Permit Review - Patrick & Barbara Collins, 5087 S. Onondaga Road

Dear Chairman Elleman and Members of the Board:

We have received the additional referral of this application.

We appreciate the completion of the Short Environmental Assessment Form and evidence of the resolution of the Zoning Board on September 18, 2018. We hope that this procedure is complied with on a consistent basis for other special permit applications as is the requirement of the Town Zoning Code.

As to the merits, we have a picture taken during some point in the construction process for the ramp located at 5087 S. Onondaga Road. We also have a copy of a further modification of a survey plan which shows the ramp in a location inconsistent with the photograph. That is, the ramp on the drawing is of further encroachment of the front yard setback.

We have also become aware that the applicant completed this construction without the issuance of any permits of the Town of Onondaga and we suggest this be referred to the Codes Officer for some enforcement action.

We believe that this accommodation could have been constructed along the side of the house as we originally had reviewed this application without interference with the front yard setback. Factually the applicant has done otherwise and we believe the applicant has exacerbated the setback issue further. What the Board decides to do with it given the complexity and the non-compliance is within the Zoning Board's discretion.

Very truly yours,

Marc A. Malfitano

Marc A. Malfitano, Chairman
Town Planning Board

cc Cheryl Hammond
Ben Vincent, Code Enforcement Officer