

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. November 27, 2017

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.

Leubner Subdivision

Mr. Leubner appeared before the Planning Board seeking final approval of a subdivision of the property at 4974 Cedarvale Road. Chairman Malfitano noted that the response from the referral to the County Planning Board regarding the Leubner Subdivision, dated November 15, 2017 was received indicating no significant inter-community or county-wide implications. The response did, however, make reference to the FEMA map that shows a portion of the site is within the 100-year floodplain. Mr. Leubner stated he did not know specifically what portion of the property they were referring to. Chairman Malfitano advised that he could come to the Codes Office and view the flood maps.

Chairman Malfitano then read the following information from the County Planning Board resolution: the current FEMA Flood Insurance Rate Maps (FIRM) indicate that a portion of the site is located within the 100-year floodplain, which may require elevation of structures and other mitigation; the Onondaga County Hazard Mitigation Plan has identified flooding as one of five primary natural hazards of local concern.

Chairman Malfitano noted that the Planning Board is pointing out that to the extent that in the future the applicant should propose any structure on any portion of this land, he needs to be aware that a portion of it is in the floodplain. He reiterated that the County Planning Board concluded that there is no significant impact. Chairman Malfitano noted that the Planning Board has a letter from the Town Engineer stating that the plan last revised October 6, 2017, has been reviewed.

Chairman Malfitano then made a motion to grant preliminary plan approval, waive further public hearing, grant final approval, and reaffirm the SEQR determination for the R. J. Leubner Subdivision based upon a map prepared by JRL Land Surveyors, PLLC, dated October 6, 2017. Mr. Fuller seconded the motion and with all in favor it passed unanimously.

Chairman Malfitano advised that copies of the plans should be stamped by the Health Department, signed by all parties and dropped off at the Town Hall for his signature. The applicant can then proceed with the 3 mile review with the city. Chairman Malfitano stated that the Onondaga County Clerks Office will not accept the map without the City Planning Commission sign-off. Once the map is filed with the County Clerks Office, the applicant can implement the deeds.

Michael R. Jones, 4166 W. Seneca Turnpike – Zoning Board Referral for West Seneca Turnpike Overlay Review

Mr. Michael Jones appeared before the Planning Board regarding the property at 4166 W. Seneca Turnpike which is located approximately where Harris Road meets W. Seneca Turnpike. Mr. Jones stated that his property is adjacent to the property owned by Arthur Eipp and was formerly part of that property. He purchased the lot approximately two years ago and since then the area variance has expired. He is now seeking an area variance because of limited road frontage.

Chairman Malfitano asked if this was part of a subdivision or if the prior owner split up the lot. Mr. Jones indicated that the prior owner had split up the lot. It is Mr. Jones' understanding that the area variance was granted in 2006 and when it expired Mr. Eipp applied for another variance which has now expired since Mr. Jones purchased the property. Ms. Campbell asked if Mr. Jones knew when the lot was split up. He responded that he did not.

Chairman Malfitano stated that a variance was granted in 2014 by the Zoning Board and upon review of the recitals it does not appear that the property was subdivided. Referencing the information, he noted that the applicants at the time, Arthur and Elizabeth Eipp purchased the lot in 1993 thinking it was a legal building lot when it was actually an illegal subdivision. They went to the Zoning Board and were granted a variance. Chairman Malfitano clarified that Mr. Jones is now seeking to renew the variance. Ms. Campbell asked if the variance is because there is not enough road frontage. Chairman Malfitano responded that the road frontage is 160 feet and should be 225 feet.

Mr. Fuller asked if it is the applicant's intent to build on the property. Mr. Jones replied that it is his intent to build a single family country farm house of approximately 2,000 square feet. Renderings of the house plan were provided. Chairman Malfitano asked if the applicant is proposing to put the house back 260 feet from the street line and no closer. Mr. Jones responded in agreement. Mr. Baker asked if the property is 2.25 acres total and Mr. Jones responded that it is. Chairman Malfitano asked if the house will be on a septic. Mr. Jones responded that it has already been tested and the septic has been designed, however it has not yet been submitted to the Codes Office. Chairman Malfitano asked when the lot was purchased. Mr. Jones noted he purchased it in March of 2015. Chairman Malfitano asked if the applicant has a curb cut permit. He replied that he does and there is currently a gravel driveway.

Chairman Malfitano referenced the application for review under the West Seneca Turnpike Overlay District, of a single family home of approximately 2,000 square feet. The applicant proposes and represents that it will set back not less than 260 feet from the street line and the plan renderings are dated October 10, 2017. There is public water and the house will be on a septic. Chairman Malfitano made a motion to approve it under the terms of the West Seneca Turnpike Design Overlay District. Ms. Campbell seconded the motion and it passed with all in favor.

Bistrovich Re-Subdivision, 171-173 & 175 Leonard Avenue

Edwina Schleider, attorney for the applicants, appeared before the Planning Board with the applicants, Kenneth and Marlene Bistrovich, and Kevin and Lorie Eastman. Ms. Schleider explained that the addresses of the three lots are 171, 173 and 175 Leonard Avenue. The purpose of the application is to subdivide 173 Leonard Avenue which is a vacant lot owned by the Bistrovich's and located between the Bistrovich and Eastman residential properties. The Eastman property consists of Lot 60 and Lot 61 which have been combined. Chairman Malfitano clarified that the applicants want to subdivide Lot 62 and allocate one portion to 175 Leonard Avenue and one portion to 171 Leonard Avenue. Ms. Schleider noted that 173 Leonard Avenue has a separate deed and is owned by Kenneth and Marlene Bistrovich. 171 Leonard Avenue also has a separate deed and is owned by Kenneth and Marlene Bistrovich and their children.

Chairman Malfitano asked if the only improvements on Lot 62 are a driveway and garage. It was noted that previously there was also a house on the property but it was torn down. Mr. Perrine confirmed that the property is zoned R-3. Chairman Malfitano stated that the side yard setback in R-3 is the total of 17.5 feet but a minimum of 7.5 on any one side and therefore when the property is combined it will be in compliance as the shed on Lot 63 will have a side setback of at least 10 feet

Chairman Malfitano asked Mr. Perrine to begin his comment letter. It was noted that this is a re-subdivision of Lot 62 and will be approved contingent upon the subdivided lots (Lot 62a and Lot 62b) being conveyed to the applicants' Lots, 61 and 63, and metes and bounds revised combined deeds will be filed.

A Short Environmental Assessment Form dated November 17, 2017, was reviewed and completed. A motion was made by Mr. Baker and Seconded by Mr. Mahaney accepting the Short Environmental Assessment Form, declaring the matter an unlisted action and a negative declaration was issued. With all in favor the motion passed unanimously. A public hearing on this matter will be scheduled for December 11, 2017.

Hallinan Meadows - Howlett Hill Road

Michael Bragman, Sr., and Hal Romans appeared before the Planning Board to continue the prior discussion regarding grading plans at Hallinan Meadows. Mr. Romans advised the Planning Board that the rock at Lot 19 has been removed placing the rock along the storm drain pond. Chairman Malfitano replied that he visited the site as recently as today and it appeared the rock was still present. Mr. Bragman responded that they had removed the rock from the foundation footprint and pool footprint but are leaving a square in the front running from the build line to the berm. Joe Mueller from JK Tobin General Contracting confirmed that all of the rock from the building footprint to the pool footprint in Lot 19 has been removed except for rock located from the front of the build line to the berm. He also indicated that rock was placed in the berm and covered with top soil leaving no rocks showing. Chairman Malfitano asked if it is consistent with the grading plan and Mr. Mueller confirmed that it is.

Mr. Romans advised that there was placement of rock along the storm drainage pond berm in the back. Mr. Bragman said that it was suggested that some rock be placed along the back berm for landscape purposes and to provide a demarcation line. He also noted that he determined 4 or 5 rocks that are at the base of the berm that need to be moved out because of

the swale.

Chairman Malfitano explained that the idea was that the rock would be semi buried and placed end-to-end to create a shelf and a clear demarcation line as opposed to being placed spread out. Mr. Mueller replied that it may have been a misunderstanding and explained that the rocks placed are all level and placed into the berm. He also added that he has removed most of the rock. Mr. Bragman said that the way it was described is not the way he translated it to Mr. Mueller.

Chairman Malfitano stated that a number of the lots today are not graded up to the level shown on the plans. Mr. Bragman advised that topography will be done on the lots in the next couple of days allowing them to report accurately as to how each lot meets the grading plan. It is his belief that there are 5 or 6 lots that will need additional fill but it is manageable. He further explained that many of the lots are filled and if taken into consideration the spoilage that will come up as a result of foundation excavation, it is their belief that the amount of fill will be manageable at approximately 100-300 yards for each of the 6 lots. Mr. Bragman also noted that they understand that if there is still a need after using the spoils, that it is their obligation to fill it. He asked the Planning Board respectfully to take this into consideration so as not to disrupt all the grading that is done. Mr. Bragman believes that this will be verified with the topography work which he would like to do after the ground freezes. He would like the Planning Board to consider including in the security structure 6 six lots and add a note to the map that they would have to be filled before a CO is issued.

The plan was reviewed and Chairman Malfitano noted there may be at least 7 lots subject to verification that are not graded up to the level shown on the plans. He stated that under the requirements of the standard subdivision or the modified subdivision regulations is the obligation that the improvements are completed in accordance with the plans and specifications subject only to a minor or trivial punch list. The suggestion that this will be addressed with a security should be discussed with the Town Board and they will give the Planning Board guidance as whether to accept it because currently it is unclear if the code gives the Planning Board flexibility to approve a substantially complete plan and give final approval on that basis. Chairman Malfitano stated that he believes the applicant's goal is to get the grading plan resolved and then seek final approval at the next Planning Board meeting. The applicant confirmed this. Chairman Malfitano advised that the applicant should get some sense from the Town Board as to whether they will accept that form of guarantee that includes the improvements not yet being complete in accordance with the plans including the grading plans. Chairman Malfitano added, that in addition to the punch list items from Mr. Perrine that needs to be addressed. Mr. Bragman advised that they have reviewed the punch list and believe the items will be complete this week.

Mr. Romans continued explaining the items addressed since the last Planning Board meeting and advised that the rock piles have been disposed of. Chairman Malfitano noted on the plan areas he saw rock. Mr. Mueller stated that they are outside the building footprints. He also added that they dug some test holes last week for a builder on Lots 12, 7 and 8. Mr. Romans advised that some rock was disposed of along Howlett Hill in the area that is in front of the building lot. Mr. Bragman added that the rock along Howlett Hill from the entrance west has been disposed of and added that there still needs to be some fill there because of the swale.

There was discussion as to the grading plan and the wording in regards to "no blasting" and the basement sub grades and basement finish floor elevations with Mr. Romans noting that if the grading plan is followed there is no need for any additional blasting and there can be a note that says basement sub grade and floor elevation has to be held. He added that finish floor may vary slightly from the plan because not every house plan has a constant 9 foot differential.

Chairman Malfitano stated that the following notes should be added to the plan:

- No further blasting may be done on any Lot without the prior written approval of both the Town Board and the Planning Board of the Town of Onondaga.
- Any change to the stated finished floor elevations (“FF”) as shown on this grading plan and/or the Final Plan shall be subject to the submission of an individual revised lot grading plan and the approval of the Codes Officer.
- Developer shall not cause any unsuitable fill material, blasting spoils or large rocks to be placed in designated building footprint envelopes or within 30 feet of the rear of any designated building footprint envelope.
- Fill has been placed on a number of lots in areas below basement finished floor (“BFF”) and basement sub grade (“BSG”) elevations as shown on the grading plans and the Final Plan. Buyers assume the risk of fill and settling risks. The Town of Onondaga makes no representation as to the suitability of placed fill as to sufficient compaction or as structural support.

Mr. Romans verified if these notes are required on the final plan. Chairman Malfitano responded that they are and also have to be on the grading plan. He also requested that a legend be added defining acronyms being used.

Michael Bragman, Sr., asked both Michael Bragman, Jr. and Joe Mueller if they both agree that they can comply with the required notes stated previously. Both parties agreed. Mr. Romans confirmed back that the four notes and the legend will be placed on both the final plan and the grading plan.

There was further discussion and it was noted that everything will be mulched with hay mulch and seeded. Mr. Bragman, Jr. stated that if it is filled to the grading plan as shown here today, then every person that digs a foundation will have excess of material throughout the whole site. Generally they substantially fill towards the grading plan knowing there is going to be backfill spoils. This final grading plan is the finished product, when the house is built, when the yards are in, and the top soil spread. Mr. Romans added that reality is, when grading is done the house footprint is going to be about 2 or 3 feet low, assuming that the foundation is coming out. Mr. Bragman, Jr. said they would like to leave the sites low because the basements will generate some fill. Chairman Malfitano responded that he believes right now it isn't filled at all. Mr. Bragman responded that for Lots 1, 2 and 3 that is correct. Chairman Malfitano referenced the area that is not filled yet and therefore has no spoils.

Mr. Bragman, Jr. responded that they don't want the Planning Board or the Town Board to say that before the final plan is approved, it must be filled to the grading plan. Mr. Bragman, Sr. stated that everyone on their side of the table understands that they are required to fill to the grading plan and that is their intention and the Planning Board's requirement, and it is written into their contracts with the buyers. There is no intention to do anything but that. Mr. Bragman, Jr. added, but when it is a finished product. Mr. Bragman, Sr. clarified that what they are candidly asking is that if through security or whatever note is put on the appropriate instrument, they could be given the opportunity not to fill until it freezes and the topography work is done. Ms. Campbell asked why it had to be frozen. Mr. Bragman responded if they go in now they would tear everything up. If they wait until the ground freezes they can drive on the frozen land to dump more fill without damaging the grading that has already been done.

Chairman Malfitano stated that they are not talking just about what happens when and if basements are dug. The applicant has already stated that they have to bring fill in from the outside to this site. Mr. Bragman noted 100-300 yards of fill. Chairman Malfitano explained that the applicant is going to do the topography and have it evaluated by Mr. Perrine, but has already asked if what they have to do at a later date can be compensated for by securities. Chairman Malfitano stated that the Planning Board is not in a position to tell the applicant that the Town will accept securities for completion of that scope. He advised that the applicant has to go before the Town Board for approval of that because the Planning Board does not have discretion under the code to approve the final plan until the improvements are done in accordance with the plans.

Chairman Malfitano stated that the question before the Planning Board is if they want to accept the amended grading plan subject to the notes. He added that they are relying on the representation that the rock is not in the areas discussed. Chairman Malfitano noted having an approved grading plan originally dated April 5, 2017, to a revised grading plan dated June 29, 2017, subject to the addition of the stated notes and the legend, which go on the grading plan and the final plan.

Mr. Mueller stated that there is rock that they will have to dig to this grade, adding that there is dig-able rock. He said that they will pull rock out of these basements that did not have to be blasted. Chairman Malfitano clarified asking, by natural condition there is rock in there? Mr. Mueller responded that there is. Chairman Malfitano stated that has not been the issue. The issue is where the applicant has placed rock as fill in any of the lots within those designated areas. There is no concern with digging rock naturally; the concern is that there were places where unsuitable fill was placed in order to raise the grade. Mr. Romans asked to clarify that the grading plan (JD103), road profile sheet (JD301) and storm sewer profile (JD302) are all dated June 29, 2017.

Chairman Malfitano made a motion to approve the revised grading plan (JD103), the road profile sheet (JD301) and storm sewer profile (JD302), all with a revision date of June 29, 2017, subject to a legend for the defined terms and the addition of the four notes stated above. Ms. Campbell seconded the motion, and with no further discussion it passed with all in favor.

Mr. Bragman, Jr. asked procedurally regarding the final plan, if they should see the Planning Board prior to the Town Board. Chairman Malfitano responded that normally they would go to the Planning Board first and then the Town Board regarding the securities, but in this case they should go to the Town Board before they come to the Planning Board.

Old Towne Estates Subdivision - East Side of Cleveland Road

Michael Bragman, Sr., Michael Bragman, Jr., and Hal Romans appeared before the Planning Board to present a sketch plan for a subdivision called Old Towne Estates located on the east side of Cleveland Road, with Skyland Meadows Drive to the north. The development will connect with Cleveland Road and also at Skyland Meadows at Kelsey Lane and Cindy Lane. There are approximately 68.6 acres with the plan showing 79 lots. Mr. Romans noted that some of the lots are larger than usual; specifically on the south side of the property the lots are 164 feet wide to accommodate the steep grade.

Mr. Romans stated that the project has an existing power line that comes through diagonally and the plan shows a proposed storm facility on either side of it. He pointed out that lots 16, 17 and 18 are large lots as the power lines come through the lots. Chairman Malfitano asked if there is an easement and Mr. Romans said there is an easement and they will seek permission to have the road and the storm facility cross the easement as was done in Skyland Meadow Farms.

Mr. Romans explained that phasing will begin at the Cleveland Road side and the first section of lots will be those at Road A. There was discussion of the size of the lots. Mr. Romans stated that he has had an engineer do a preliminary grading plan to see what would happen if they held conventional lots, but as a result he reduced the lot count and widened out the lots on the south and deepened other lots to allow for gradual grading.

Mr. Fuller inquired about the sewer connections. Mr. Romans explained that the sewers connect in multiple places noting a sewer line at Skyland Meadows and picking up the existing sewer on Cindy Lane as well. Mr. Romans noted that when he submitted the plan the engineer was still doing a revision on the utilities so that will be modified for the next meeting. Michael Bragman, Jr. stated that they were made aware of some of the challenges close by with other properties so they authorized the engineer to do sewer capacity studies for this site and found that they are able to serve this full site with sanitary sewer. Chairman Malfitano asked if there is a pump station needed or a risk of one. Mr. Romans replied that there is no need for one.

Mr. Romans referenced one archeological sensitive area on the plan and advised that they will stay 50 feet away from that area as recommended. That will be a do not disturb area and there will be a covenant for that area stating that it cannot be disturbed. Mr. Bragman, Jr. added that he has received clearance with SHPO on that matter and he will provide all correspondence to the Planning Board. Ms. Campbell noted her concern about the traffic and cars coming out in the morning and back in during the afternoon.

Chairman Malfitano noted his concern for the lots having power lines in the front yard. Mr. Romans stated that in the adjacent development there are also power lines in front and back yards. He added that it made sense to have them in the front yards because it is not a tower but a wooden pole and the lots were made larger as the tradeoff. Ms. Campbell asked if they could have driveways under those easements and Mr. Romans responded that they can. He noted that they will be seeking approval for the road crossing and the driveway crossings from National Grid and the deed for the easement states it allows for crossing by vehicles subject by a review of the plan by them.

Chairman Malfitano noted the plan is showing hammerheads on the adjoining property. Mr. Romans explained that they have approached owners, Skyland Meadow Farms, Inc., and Hanson, and they both seem receptive but they still have to get something in writing.

Chairman Malfitano noted that some of the lots have steep grade and Mr. Bragman responded that they made the lots there 164 feet wide to accommodate the slope. Mr. Romans added that he adjusted the road to gain an additional 30 feet into the building envelope area providing at least a 100 foot depth from the building line to an easement off the back, like a cut off swale. He referred to the plan noting the easement across the back and the cut off swale at the top of the slope. He continued explaining that from that swale to the building line is an approximately 110 feet area that is relatively flat. Mr. Perrine stated that from the back of the house grade was approximately 2% back to the rear yard swale and then goes up the hill noting that they will have to chase grade all the way to the property line to blend it in. Mr. Romans stated that it will not be greater than a 3 on 1 slope and in some cases it will be a 4 on 1. He added that the grading plan is still being flushed out but by bringing the road 30 feet over and by shifting one of the cross roads to the ridge line, it changed their profiles. The preliminary plan will be ready to present at the next Planning Board meeting.

Mr. Romans noted the wet basins on the plan and Chairman Malfitano asked where they will outfall. Outfalls were noted and discussed. Mr. Bragman, Jr. added that there were some test holes done over the summer which were witnessed by the design engineer and it was determined that these would be wet ponds.

Mr. Bragman, Sr. advised the Planning Board that November 27th at 5:00 p.m. was the deadline for the Home Builders Association application for the 2019 Parade of Homes. He took the liberty of submitting an application for this project with the clear understanding that the application will not be valid unless the appropriate boards of the Town of Onondaga indicate that it is acceptable for them to go forward. He also noted that there were three applications, one being his and the other two being in the County of Madison, the Harbor Lights project and the Pools Brook project.

Planning Board Minutes

A motion was made by Mr. Fuller, seconded by Mr. Mahaney, that after minor changes, the Board approve and accept the meeting minutes of the November 13, 2017, meeting. The motion passed unanimously.

A motion was made by Ms. Campbell, 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 9:50 p.m.

Respectfully submitted,

Melinda L. Mayer
Secretary