

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 7:31 p.m. April 24, 2017

Present:

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

Chairman Malfitano called the Planning Board to order at 7:30 p.m., noting that Mr. Mahaney is excused from the meeting.

Hallinan Meadows - Howlett Hill Road

Mr. Michael Bragman, Jr. appeared before the Town Planning Board and presented an updated sketch based on the approved preliminary plan. He noted that the red line on the plan depicts a 250 foot area adjacent to any areas that will require blasting, and that 22 property owners have been identified to receive a pre-blast survey. He reported that they are anticipating 9 foundations and they have outlined the utilities that would be necessary to blast including the sanitary main. Mr. Bragman explained that as they proceed further, they may be able to hammer it out or peel out the rock, however; they want to offer a pre-blast survey to those in the determined area as a precaution even for those whose foundation is not in that area but their property is. There was discussion of the blasting radius.

Chairman Malfitano inquired if a written notice will be sent to the property owners. Mr. Robert Woodard from Woodard Blasting explained that they initially try to notify property owners in person and if they cannot make personal contact a written notification is sent to the property owner. Mr. Woodard indicated that an independent company is hired to complete the pre-blast surveys and written contact will be provided by the independent company. The Board requested that in addition to any personal contact, a written letter be sent to each property owner, with a copy provided to Ms. Nadine Bell, Planning Board Attorney.

Chairman Malfitano asked if there is a documentation process followed for those declining the pre-blast survey. Mr. Woodard confirmed that there is a specific form completed by those declining the pre-blast survey. Ms. Campbell asked how they handle a situation when they are unsuccessful in contacting a property owner. Mr. Woodard responded that if no response is received from the property owners, despite multiple notices, once the 30 day notification period has ended, the blasting company will reduce the scale distance to 50. He explained that when

working with a scaled distance of 50, no homeowner notification is required. Regardless, Mr. Woodard assured the Board that he will still monitor the property in the event of a complaint even though it is not required.

Chairman Malfitano summarized that after all notices are sent, including using certified mail, if there is no response the blasting company will scale down the charges so the impact is less and in addition to that they set up a seismograph to further monitor the impact. Mr. Baker asked if it is the second letter that is sent certified mail. Mr. Woodard responded that after notices are personally delivered to property owners; those who were not contacted will receive a notice by mail. Mr. Bragman added that a notice will be sent certified mail return receipt requested to all of the property owners.

The applicant submitted for the record the proposed project blasting plan; last revised April 16, 2017. Notices will be sent to all property owners within 250 feet of the areas designated on the plan for the building imprints or the utilities shown in red, and the Planning Board wants certified mail notices sent to all of the effected properties and provide the Planning Board Attorney with a copy of such notices. Copies of the responses should also be provided to the Planning Board Attorney.

Ms. Campbell asked if the list of property owners provided to the Board has been updated to reflect changes in blasting. Mr. Bragman noted that the original list contained 15 properties and the new list that has been provided contains 22 properties. Mr. Woodard added that they have a huge safety factor worked into the plan. Chairman Malfitano inquired as to the approximate timeframe for blasting. Mr. Bragman replied that it is anticipated for the middle of June. Chairman Malfitano asked that the Code Enforcement Office be given 24 hours notice. Mr. Woodard added that as a courtesy he also notifies local law enforcement when explosives are entering and leaving the job site. Chairman Malfitano also requested that an updated Certificate of Insurance be provided to Ms. Bell, Planning Board Attorney, prior to blasting.

Pineview Lot #62 – 2 Lot Subdivision

Mr. Jay Holbrook, Mr. Ken Bistrovich and Mrs. Marlene Bistrovich appeared before the Planning Board with a sketch plan to subdivide Lot 62, generally known as 173 Leonard Ave., located between Lot 63, which is also owned by Ken and Marlene Bistrovich, and a parcel owned by the Eastmans. The house on Lot 62 burned down and has been removed along with the foundation. The Bistrovichs are seeking to subdivide the lot and retain half of the Lot, which is to be added to their existing adjacent parcel, and the residual half is to be sold to the Eastman's. There is an existing garage and driveway on Lot 62 that will remain.

The applicants confirmed that the resulting lots, after subdivision, will be combined with the adjacent properties. Chairman Malfitano inquired as to the setback. Mr. Holbrook responded that it is approximately 5 feet. Mr. Bistrovich said that he was told the setback is supposed to be 7.5 feet but that in Nedrow it can be 75% of that distance. Chairman Malfitano advised that the zoning for these properties is R3 and the minimum setback on any one side is 7.5 feet. There was discussion as to whether or not combining the subdivided lots with the current lots will create a new lot. Ms. Nadine Bell, Planning Board Attorney noted that the Zoning Code states that the setback has to be at least 7.5 feet on one side, but the total width must be 17.5 feet. Because the Planning Board cannot authorize the creation of a non-conforming lot, Chairman Malfitano clarified that approval will be conditioned upon adding the 2 parcels that are the result of the subdivision to adjacent parcels and the filing of a recombined deed. The Board advised Mr. Holbrook that more information is needed to make a recommendation in this matter and a

variance may be needed for the rear setback. There was discussion and further review of the zoning regulations.

The Planning Board noted that it cannot start the subdivision process until a survey of the properties is provided. He further noted that conceptually the plan they are proposing is acceptable, however the survey will show the locations of any improvements. Chairman Malfitano suggested that in creating the plan for the subdivision, the lot line should be 7.5 feet away from the garage at a minimum. Ms. Bell suggested that the applicant should speak with the Code Enforcement Officer for an interpretation of the zoning regulations.

Charles Luchsinger Subdivision

Mr. Charles Luchsinger and Mr. John Cherchio appeared before the Town Planning Board with a sketch plan for a 2 lot subdivision. Mr. Luchsinger explained that he owns a 67 acre parcel on Abbey Road that is comprised of crop land and cow pasture. Mr. Cherchio's lot is adjacent to Mr. Luchsinger's property and he approached Mr. Luchsinger about the possibility of purchasing some of Mr. Luchsinger's property to increase the size of his back yard. The proposal is to subdivide 2.04 acres from the 67 acre parcel. Chairman Malfitano asked if Mr. Cherchio is willing to file a recombined deed so it becomes one lot. Mr. Cherchio replied that he would file a recombined deed.

The Board advised Mr. Luchsinger that a 2 lot subdivision is required. Chairman Malfitano referenced another property on the plan that is also adjacent to the Luchsinger's property. Mr. Luchsinger explained that he deeded that portion off to his sister in 1984 but she has since moved and it has been sold. Chairman Malfitano noted that because of the conveyance constitutes an illegal subdivision, a 3 lot subdivision is necessary to clear up the title to the property. Chairman Malfitano further noted that even though the deeded property has its own tax map number, it was never subdivided out.

Ms. Campbell asked if the lot that Mr. Cherchio currently owns was deeded out by Mr. Luchsinger. Mr. Luchsinger confirmed that it was deeded out in 1948 or 1949. Chairman Malfitano advised that there will be a note on the survey for the purpose of bringing the land records current.

Chairman Malfitano explained the subdivision process to Mr. Luchsinger, noting that a survey of the entire parcel is needed. Mr. Holbrook indicated that the farm goes all the way to Bussey Road. Chairman Malfitano clarified that the parcel being subdivided needs to be surveyed with labels for Lot 1, Lot 2, Lot 3 with a note regarding the conveyance, and Lot 4 (Mr. Cherchio's lot) with a note indicating it is a substandard lot due the less than minimum frontage, but that it will be combined and a recombined deed will be filed. Mr. Holbrook asked if the improvements on Mr. Cherchio's lot need to be part of the survey. Mr. Cherchio asked if his existing survey from the mid 90's would help. Chairman Malfitano advised that Mr. Holbrook could work off that survey to obtain dimensions. He explained to Mr. Cherchio that this will be required at the conclusion of the conveyance when he will need a metes and bounds description for his attorney to file with the County Clerks Office.

The applicant indicated that the name of the subdivision will be "Charles Luchsinger Subdivision." Chairman Malfitano advised that the applicant should complete and file the application and when they reappear before the Planning Board with the survey there will need to be a referral to the County Planning Board because Abbey Road is a county road, a public hearing will need to be scheduled, and a 3 mile limit review will also need to be done.

Burt Subdivision

Mr. Jim Burt appeared before the Planning Board with a sketch plan showing the original golf course, which was sold 2 years ago, and an adjacent farm lot that was purchased in 1975; part of which was used as a portion of the golf course and part which has remained farm land. Mr. Burt wants to subdivide the portion that is part of the golf course (approximately 2 acres) to remain with the golf course, and sell the remaining farm land to Ralph Volles.

Chairman Malfitano advised that the land needs to be surveyed so it can be conveyed by description. He added that an application and fees should be submitted to begin the process. The subdivision will be called Burt Subdivision.

Niagara Mohawk Power Corporation (dba National Grid)

Attorney Benjamin Weisel, appeared before the Planning Board representing the applicant, Niagara Mohawk Power Corporation doing business as National Grid, regarding the property at 6309 and 6301 South Salina Street. Mr. Weisel explained that since 1952 National Grid has operated a gas regulator station and associated piping on the property. Citing Town Code Section 285-13, which designates a facility used in the delivery of natural gas as use which requires a special permit, National Grid is requesting a special permit. National Grid is a public utility and for over 65 years they have operated a gas regulator station at the property and the existing station is known as Station 43. Station 43 is currently the sole provider of natural gas to 14625 homes and businesses. There is no alternative source of natural gas and National Grid has no alternative means to bring natural gas to these customers. Mr. Weisel further explained that although Station 43 is still operational, major components that were built in the 1950's and 1960's are nearing the end of their functional life, and replacement parts have become difficult to obtain. As the condition of Station 43 has deteriorated, National Grid's ability to provide safe reliable service to its customers and safety to its employees has also deteriorated. Additionally, Mr. Weisel advised that according to New York State law, both the inlet and outlet shutoff valves must now be located a minimum of 50 feet from the regulator to ensure the safe operation of the station. The current station is not in compliance and therefore Niagara Mohawk has determined that retiring and replacing Station 43 is a public necessity.

Mr. Michael Corbett, Lead Gas Engineer, further explained that they are planning to rebuild the existing station. He further noted that there is a leaking pipeline that will need to be replaced. Chairman Malfitano asked if the two lots will be combined into one parcel. Mr. Corbett replied that they will. Chairman Malfitano summarized that National Grid has purchased vacant land to the north and proposes that they combine the lots and make improvements to the existing facility. He asked if they plan to extend the existing building. Ms. Campbell asked if the lot has been purchased. Mr. Weisel responded that they have owned the parcel to the south since 1949, on which all of the existing equipment is located. He further advised that the deed for the lot to the north has been recorded today.

Mr. Corbett indicated that the existing station has 2 buildings on it; he referenced the plan noting that the red line represents the existing pipeline, with two pressure control devices for two layers of safety to prevent overpressure of the distribution system. He further explained that the pipeline has two line valves in the line itself, and they leak. The time has come to replace the equipment and they are proposing to replace the line valve with an above ground valve assembly which will allow them to feed gas both ways. During the second part of construction;

Mr. Corbett indicated they will build new pressure controlled equipment on the new land that was purchased. Mr. Corbett explained that the corporation now requires 3 levels of operational protection. Mr. Corbett advised that all piping will be thicker steel, schedule 8 which is stronger and will also be tougher and can take some minor impact, and will be coated with a 4 layer system that reduces corrosion and prolongs the life of the pipe. There will also be a state of the art heater that heats the pipe which heats the gas and reduces the pressure which can help avoid heaving.

Mr. Corbett indicated that the plan included demolishing the smaller of the two buildings. There will be a driveway off Laursen and a driveway off South Salina Street and the site will be stoned and graded. The Board asked what variances they applied for. Mr. Weisel responded that they applied for front yard, side yard and rear yard variances. He explained that in the Neighborhood Shopping District the front yard requirement is 35 feet and the new control cabinet is 18 feet from the front yard along Laursen. Chairman Malfitano asked why Laursen is being treated as the front yard instead of Salina Street. Mr. Weisel responded that it is his interpretation of the Code that for a corner lot both Laursen and Salina Street would be considered front yards. There was discussion about the interpretation of the Code. The Board opined that even with a corner lot, the primary frontage has to be one direction, and the street address is Salina Street so the applicant has more than the minimum frontage setback and therefore a variance is not needed for the front yard setback. It was discussed that the only side yard setback in this district is the side yard along a district boundary so the side yards are along the north and south sides with the rear yard to the east. There was additional discussion regarding the minimum setbacks including the rear yard setback which is determined to be 35 feet.

Chairman Malfitano agreed that there is a need for a special permit because the uses are subject to the special permit. Section 285.39, C1 a. – n. were reviewed and each section was determined to have no negative impact and based on the Planning Board's interpretation that there was no need for variances. There was continued discussion and Ms. Campbell inquired as to the primary driveway which was determined to be the driveway located on Salina Street. Mr. Baker inquired if there will be lighting. Mr. Corbett responded that there will not be lighting.

Chairman dictated a letter to the Zoning Board of Appeals. A copy of the letter 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 April 10, 2017, meeting. The motion passed unanimously.

A motion was made by Mr. Baker, seconded by Mr. Fuller, 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 9:30 p.m.

Respectfully submitted,

Melinda L. Mayer
Secretary

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April 24, 2017

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

Re: Application for a Special Permit (the "Application") to the Town of Onondaga Zoning Board of Appeals (the "ZBA") in connection with the proposed modification to the existing Gas Regulator Station located at 6309 and 6301 South Salina Street, Nedrow, NY (the "Property")

Dear Chairman Elleman:

On April 24, 2017, representatives of Niagara Mohawk Power Corporation (DBA National Grid) appeared before the Town Planning Board regarding the above referenced special permit application and made a presentation to us regarding the proposed use and changes to be made to this property. They also indicated that as of today's date they recorded the deed to complete the acquisition of property they had acquired from Joseph Rothwell and Joanne Kunz.

They indicated to us that they have applied for certain variances from the Town of Onondaga Zoning Board of Appeals. We want to share with you our interpretation of the setback requirements. After reviewing the code, we believe that the lot frontage is to be measured from Salina Street. The reason for this is two-fold. First, the existing lot fronts on Salina Street as does its driveway. Second, the lot that they acquired from Rothwell and Kunz also has a legal address fronting on Salina Street.

We looked at the lot frontage definition in the Zoning Code because of the question of, is this a corner lot? It appears to us that the determining factor is the narrowest side of the property. Based on a survey that they presented, the combined frontage along Salina Street of the two parcels is 158.44 feet. What we consider the side yard along Laursen Drive is 166.15 feet. Therefore the narrower dimension is the frontage along Salina Street which makes that the lot front. Based upon that, the rear of the property along which they propose to put new fencing and landscape screening abuts a zoning district line, however, the Neighborhood Shopping Nedrow District treats that as a side yard, when in fact in this case that is a rear yard dimension.

The Nedrow Shopping District does not have a minimum side yard setback. Therefore, the proposed control cabinet on the north side of the property and the proposed array of piping along the south side, closest to the property line that abuts the Pizza Hut, do not require a minimum setback.

Based on these interpretations, the Planning Board wants to raise the question of why there is a requirement for any variances.

Based on the presentation and our review of the conditions for special permit uses in Section 285-39 of the Zoning Code, Paragraph C1, sub A through N, we believe that the applicant has addressed each of the criteria and the Planning Board does not see any substantial impact given the fact that this is both an expansion of an existing use and this is a public utility for which great deference is given based upon the necessity of the proposed improvements.

Very truly yours,

Marc A. Malfitano, Chairman
Town Planning Board

cc: Jordan Davie, Director of Planning and Development
Cheryl Hammond
Nadine Bell, Esq.
Benjamin Weisel, Esq.