

TOWN OF ONONDAGA

Planning Board

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MARC A. MALFITANO, Chairman
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JAMES MAHANEY
4934 Horizon Terrace
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Meeting Conducted at 7:30 p.m. February 12, 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

Jay Holbrook appeared before the Planning Board on behalf of the applicant of the Re-subdivision of Lot 3B of Killmore Subdivision. The applicant proposes to subdivide Lot 3B into two separate lots, Lot 3B1 which includes a house, and Lot 3B2 which will be combined with the adjacent Lot 7 of the re-subdivision of Lot 3C of the Killmore subdivision by recombined deed of metes and bounds.

Chairman Malfitano asked for clarification of how far back the lot goes. Mr. Holbrook indicated that the property line is the center line of the brook. Mr. Holbrook said the final plan will show the tie distance and variable.

A Short Environmental Assessment Form dated February 8, 2018, was reviewed and completed. A motion was made by Mr. Fuller and Seconded by Mr. Baker 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 March 12, 2018.

It was noted that Mr. Perrine will prepare a comment letter.

Cleveland Heights

Mr. Steven Calocerinos, President of Calocerinos Engineering PLLC, appeared before the Planning Board on behalf of the applicant. He noted that the applicant sought approval from the Town Board for a clustering, but they were not in favor of that plan. A new plan was presented for informational purposes and Mr. Calocerinos noted that they have not yet fully developed the grading plan but the road profiles are well developed. They are proposing an existing 70 acre site with gravity sewers feeding to the adjacent property. Mr. Calocerinos is currently in discussions with the owner of the adjacent property to obtain an easement for the sewer. A road connecting the adjacent parcel is shown for reference purposes as it may be laid out in the

future, however, at this time there is no plan for a road but to construct a dead end with a hammerhead at the end of the applicant's property or a hammerhead that will be on the adjacent property and they are seeking authorizations from the owner of that property to do that.

Chairman Malfitano suggested noting that area with dashed lines or in some way to avoid confusion. Ms. Campbell asked if the area to the right of the hammerhead is individual lots. Mr. Calocerinos advised they are but have not been subdivided yet. Ms. Campbell also inquired about a shaded area across the plan which Mr. Calocerinos indicated are wetlands on the adjacent property that were delineated more than 10 years ago and as they move forward will have to be re-delineated. Chairman Malfitano clarified it is federally regulated, not state regulated. Mr. Calocerinos noted that a new report will be prepared and submitted to the Army Corps of Engineers. Ms. Campbell asked who the property owner is and Mr. Calocerinos responded that it is LOK Development LLC.

Chairman Malfitano explained that there may need to be a no disturb area easement as the plan progresses because the existing width of the wetland area varies and there may need to be a hard line on some of the lots so it is identifiable. He asked if the lot sizes are preliminary and Mr. Calocerinos responded that they are but the lots are conforming in size even though a few are oddly shaped.

Ms. Campbell noted the lots shown on Cleveland Road and asked if there would be curb cuts on each lot on Cleveland Road. Mr. Calocerinos responded that since they previously came before the Planning Board with similar plans the number of lots on Cleveland Road has been cut in half and they are now all greater than one acre. He explained that the topography doesn't allow that area to be tied in with the rest of the subdivision and the developer is still trying to get some lots in that area. He also noted that in comparison with the other side of Cleveland Road, the proposed plan has larger lots with fewer driveway cuts. Chairman Malfitano then referenced the minutes of the April 10, 2017, Planning Board meeting which stated that Lots 86 and 93 are acceptable and the others are not. Mr. Calocerinos stated that the developer is trying to maximize the number of sites. The Chair advised that the additional lots on Cleveland Road are not acceptable.

Chairman Malfitano asked for the status of the utilities easement for the sewer line. Mr. Calocerinos stated that the property owners are agreeing to provide an easement and the agreement between the two parties is still being worked out. He does not believe there is anything preventing it from moving forward. He added that the property owner has seen the current plan and the location of the proposed hammerhead and sewer plan. Chairman Malfitano asked if this issue is at the same point as it was last year. Mr. Calocerinos responded that the property owners have met with the applicant and are now willing to move forward. Chairman Malfitano stated that the Planning Board would not be in a position to consider preliminary approval until such time as there is an easement in place. He added that the alternative choice is a pump station that would be in a different location and would change the plan in terms of the sewers and where they would connect. There was discussion of the possible inter-connect of the neighborhoods. Mr. Perrine noted that at some point on Skyland Meadows the sewer jumps over to the east side of Cleveland Road and runs down the back of the homes and at some point to the north of the subdivision there are parallel sewers, one in the road and one in the rear. Mr. Perrine will work with Mr. Calocerinos on the sewer plan. Mr. Perrine added that it would be worthwhile to confirm the capacity. Chairman Malfitano responded that they would need a capacity letter and a water letter and they need to determine where the sewer will connect on Hillock.

Mr. Fuller said that he thought they were cutting the lots back as compared to the prior plan and he is concerned with the number of lots along Cleveland. Mr. Calocerinos stated that he will work with the developer on that. Mr. Fuller noted that Lots 100 and 101 and asked if there are

sewers there. Mr. Calocerinos responded that they do not have sewer there but they are large enough to have septic. Chairman Malfitano stated that if the lots are in the sewer district, then connection is mandated. Mr. Calocerinos does not know if there are sewers that are reasonably available on those lots. Chairman Malfitano noted that those lots are unacceptable based on the previous review. Mr. Perrine stated that there are three lots on Broad Road that are on septic that he was reviewing with the Code Enforcement Officer and he questioned if local law differs from state law in terms of horizontal distance to a public sewer.

Mr. Baker referenced a note on the plan that states access not permitted to Cleveland Road. Mr. Calocerinos responded that the note is a carryover from Ianuzi and Romans' plan. Chairman Malfitano referenced the code for property in the R1 District and determined that lots with public water and sanitary sewer require 100 feet and other lots require 200 feet in terms of frontage. Lots with both public water and sanitary are required to be 20,000 feet minimum lot area and all other lots are required to be a minimum of 2 acres. Therefore Lots 100 and 101 are not big enough.

There was discussion of land elevations. Mr. Calocerinos noted on the plan the location for the proposed detention basin which he stated is in the lowest point. Chairman Malfitano asked for clarification on the plan and there was discussion as to where the sewers would drain for particular lots. It was noted that the grading plan and the storm water plan are still being developed. Chairman Malfitano asked where the stream from the overflow point goes. Mr. Calocerinos responded that it follows through the adjacent property and where there is an existing pond that outlets to an existing stream. Chairman Malfitano stated that at a minimum the Planning Board will need to see some drainage easement where the outfall is on the other land and need to see where it goes to.

Ms. Campbell noted on the diagram P101, there is a hashed line that triangulates the detention/retention basin and asked if that is going to be a separate lot. Mr. Calocerinos responded that it is going to be an easement.

Chairman Malfitano asked for further comments. It was noted that Lots 100 and 101 do not meet code. Ms. Campbell commented that there are already a lot of curb cuts on Cleveland Road. Chairman Malfitano advised that the Planning Board needs to see more detail and he suggested that Mr. Calocerinos talk with his client about obtaining the easement that is at least 30 feet wide for the sewer and a drainage easement along the back. Mr. Perrine asked if for the sewer there should be a temporary utility easement in case the road goes through, or a regular utility easement. Chairman Malfitano responded that it should be a permanent easement.

Tabitha Creek – Section G2

Noting that the Board may recall Cosimo Zavaglia appearing before them last year regarding Tabitha Creek Section G2, Steve Calocerinos explained that this subdivision was approved in 2007 with a different developer. A plan was presented showing 29 lots which would be developed in 2 phases, the first being a continuation of Strickland Drive. Mr. Calocerinos advised that a portion of the sewers were already installed at the intersection of Colburn and Strickland and are dry sewers in the ground that do not go anywhere and do not connect to the sewers in Limehill. The final map was filed for Section G2 and they are shown as building lots. Mr. Calocerinos explained that Mr. Zavaglia is trying to determine the easiest way to get some of these lots developed and then move forward with the rest of the subdivision. He continued noting that the last time they appeared before the planning board they discussed the issues that probably stopped the project the first time around which is the stream that comes through basically dissecting the property and requiring the need for a stream crossing permit. Mr. Calocerinos indicated that the DEC had tentatively approved the stream crossing permit but indicated in their approval that it was not final until they had signoff by the Army Corps of

Engineers because they had Army Corps of Engineers wetlands on the site. Mr. Calocerinos speculates that due to the amount of area the wetlands encompassed and the significant cost and change to the design the prior developer walked away from the project.

Chairman Malfitano asked how far the current development has gone. Mr. Calocerinos responded that Colburn comes up and connects to Strickland and he believes there is a temporary storm water basin near Lot 97 or 98 and he doesn't know the extent that they are constructed. Chairman Malfitano asked for clarification that Lots 138, 149 and 150 are not building lots today, to which Mr. Calocerinos responded that they are building lots today and the sewer laterals have been installed but the sewers they are supposed to tie in don't go anywhere.

Chairman Malfitano referenced the plan and asked, of the shaded area in Phase 1, what is built out. Mr. Calocerinos responded that he does not believe any lots are built out. Chairman Malfitano asked specifically if Lots 138, 149 and 150 are part of an approved subdivision. Mr. Calocerinos responded that the map was filed and those are individual lots, however, he believes that a building permit would not be granted for those lots because the sewer service is not available to the lots. Chairman Malfitano asked where the sewer currently stops and Mr. Calocerinos replied that it stops at the downhill side of the intersection of Colburn and Strickland and there is a manhole installed there but it does not go anywhere else. It is his belief that it was done so the road could be put in and it was based on the original design. Chairman Malfitano reiterated that the laterals are in to those lots and those lots are part of a filed map, so technically if someone came in they could get a permit on some of those lots. Mr. Perrine responded, if and only if, the public sewer main continues down stream, which he does not believe to be the case. Mr. Calocerinos noted that it is intended to continue down Strickland Drive. Chairman Malfitano asked which way it is intended to flow and Mr. Calocerinos responded that it will flow down towards Limehill. He continued noting that it is his belief the last manhole on Colburn is at Lot 153 or 154. Mr. Perrine confirmed that the sewers go east and hit Manorhill and then go down to the north.

Mr. Calocerinos stated that they can get the stream crossing permit even if they know the developer will have to disturb other wetlands down the road, but then the problem is that the Army Corps of Engineers will want to see where the additional wetlands are and upon continuation of the project what they will be impacting down the road. Chairman Malfitano asked how the applicant knows the new layout isn't going to affect the same wetlands. Mr. Calocerinos responded that it will but it will impact wetlands to a significantly lesser degree and there will be significant financial impact to the ultimate development of the project. Upon discussing with their consultant on the wetlands, there is belief that they will be able to get a permit down the road to do what they are planning to do but it will take time.

Alternative A and Alternative B plans were presented. Mr. Calocerinos explained that there are 29 lots in Section G2 and 87 for the remaining of the subdivision for a total of 116 lots. The layout shows a continuation of Strickland Drive to a cul-de-sac and eliminating the stream crossing. This would allow them to complete the first phase of Section G2 without a permit. Then they would come back and do the next connection into Breckenridge and do the permits as they go with the intent still being to connect into the sewers in Limehill. There is a permit they can apply for allowing them to construct utilities through wetlands. On the original plan the sewer was designed to go under the stream. Mr. Fuller asked if the dark areas on the plan are the wetlands, which Mr. Calocerinos confirmed. Mr. Fuller asked where the proposed sewer will cross the wetlands. Mr. Calocerinos stated it will come from Limehill subdivision into the site and he referenced the location on the plan and adding they would be eliminating an extension from Strickland Drive to Breckenridge. Chairman Malfitano asked for clarification. Mr. Calocerinos stated it is not going to connect to Strickland Drive anymore. Chairman Malfitano referenced the old plan noting that people who wanted to go out to West Seneca Turnpike could

have gone Strickland Drive to Tabitha Creek Drive and then out, but now more people will go a longer road down to Colburn Drive and others traffic will go through Breckenridge. He noted that connecting the neighborhoods has always been on the plans, including the Breckenridge plan; however, the proposed change could increase the likelihood of the proposed volume of traffic going through the Breckenridge neighborhood. Mr. Calocerinos commented that he believes the destination will dictate who will go in what direction. He stated that the new layout reduces the number of lots to 78 lots from 116 therefore losing 38 lots.

Ms. Campbell noted that there are quite a bit of delineated wetlands and asked if there is a plan for that area. Mr. Calocerinos responded that in all likelihood that will be worked out with the Army Corps of Engineers and it will be placed in a conservation easement although part will be used for storm water. Chairman Malfitano asked if you can discharge into those and Mr. Calocerinos confirmed yes. Mr. Calocerinos noted that they looked at maintaining part of the road layout from the prior plan with a road going through and connecting to Strickland Drive, but it would be too narrow to have lots on both sides of the road and it would be double the amount of road footage for the number of lots you can get. Chairman Malfitano stated that effectively the applicant will still have to get a stream crossing permit. Mr. Calocerinos agreed that when they begin developing that area they will.

Chairman Malfitano noted that a revised preliminary plan is still needed as the plan is back at the same situation with at least two locations for a stream crossing permit and unless that is in hand it is the same situation. Additionally some of the lots are in question, such at Lot 49 and Lot 24. Mr. Calocerinos responded that they would be proposing wetland impacts in those areas, but this plan significantly reduces the impacts that would have occurred with the prior plan. The intent would be to get the impact to wetlands to the extent that the lots would be viable and they do not see any problem getting the permit for the crossing necessary to maintain the road layout. The first goal is to complete the cul-de-sac.

Ms. Campbell commented that this subdivision is a grander plan and building it piecemeal is one thing but designing it piecemeal defeats the purpose of the grand subdivision plan. Mr. Calocerinos responded that the layout that was done before is not feasible. Chairman Malfitano added that he is not comfortable amending the plan, knowing the issues, unless the crossing permits are available/issued for the road crossings of what is now an unnamed road. He also noted that Mr. Zavaglia wanted to do this last year, converting Section G into Phases 1 and 2, which is a different variation of the same question. Mr. Calocerinos stated that he understands the Board's concerns; however, he noted that the developer has gone to the expense of having the entire site delineated to help determine what the ultimate impacts will be.

Mr. Calocerinos asked the Board if they would be willing to consider communication from the Army Corps of Engineers based on a pre-application stating that they understand the future layout of the project and they believe they can negotiate crossings with the developer at some point in time when they are ready to apply for that. Chairman Malfitano responded that if a permit is granted, permits are good for 5 years. He continued stating that the applicant knows more but the condition of this plan is tied to a new road layout and extending a sewer line through the wetland areas which will also be needed for the Strickland cul-de-sac so having the permits, Mr. Zavaglia would know the crossings are accommodated and he would have 5 years to do it. Chairman Malfitano stated that he is not comfortable approving a small part of the plan and leaving the rest to be designed in the future.

Ms. Campbell added that now the property is delineated; there are several lots that are significantly impacted by the wetlands. Mr. Calocerinos responded that most of the lots are large enough in size that there is more than enough unencumbered land to build a house. Ms. Campbell specifically noted Lots 24, 25, and 27 are impacted and she suggested making changes to the plan now and come back with a preliminary plan that is going to work and can be

built accordingly. Chairman Malfitano, agreeing with Ms. Campbell, asked that they come back with a plan that reflects what is realistic as opposed to presenting a plan that will require modifications. Mr. Calocerinos asked if the roadway plan is acceptable. Chairman Malfitano responded that it will work unless and until the people of Breckenridge come in. Mr. Calocerinos stated that he does not believe there is another feasible way and they are trying to maintain the intent of the original layout with the connection to Breckenridge. Mr. Fuller asked how many lots were on the original design that theoretically would have gone to Strickland. Mr. Calocerinos responded that it would have been basically all of Section G2 that would have utilized Strickland Drive which was 29 lots and it is now 16 lots. Mr. Fuller asked about the 7 connection to Breckenridge and Mr. Calocerinos stated that they are reducing the number of lots by 38. Chairman Malfitano stated that the Planning Board is hesitant to modify the preliminary plan without a high confidence level of what alternative plan is going to work for the road crossings, the DEC, and the Army Corps of Engineers.

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 January 8, 2018, meeting. The motion passed with Chairman Malfitano and Ms. Campbell abstaining.

A motion was made by Chairman Malfitano, seconded by Mr. Fuller, that after minor changes, the Board approve and accept the meeting minutes of the January 22, 2018, meeting. The motion passed with Mr. Baker and Ms. Campbell abstaining.

A motion was made by Chairman Malfitano, 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 9:15 p.m.

Respectfully submitted,

Melinda L. Mayer
Secretary