

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. June 26, 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 7:30 p.m.

Sonbyrne Sale, Inc. (4815 & 4821 W. Seneca Turnpike and 4848 East Avenue)

Mr. Christian Brunelle appeared before the Planning Board for a continuation of the West Seneca Turnpike Overlay District review and Special Permit review. Mr. Brunelle presented a plan last revised June 20, 2017, which he explained had minor changes including; labeling of two existing trees on the east property line, the double row of conifers under the canopy has been moved out from under the canopy of mature trees, the pedestrian sidewalk is now 5 feet wide (1 foot wider) to meet Overlay District requirements and the universal standard. Mr. Brunelle explained that the hashing noted on the sidewalks represents new sidewalks which are all ADA compliant. The chain link fence in the back by the stormwater management area was not labeled as such on the prior plan and is now labeled as a 4 foot high chain link fence.

Chairman Malfitano asked why there is a chain link fence in that area. Mr. Brunelle responded that there will likely be standing water in the stormwater management area because it will have an impervious surface and per SWPPP it is required to be enclosed. Chairman Malfitano questioned why there would be an impervious surface. Mr. Perrine, Planning Board Engineer, responded that they are proposing a wet pond.

Mr. Brunelle continued explaining the modifications to the plan and noted that the existing store is more clearly identified near the proposed fuel canopy and the setback line is also more easily visible. Flush curbing along the front of the store is now shown on the plan and the double row of trees has been modified to fit with one of the rows on top of the 10 foot high wall.

Chairman Malfitano referenced the list of documents provided by Mr. Brunelle and there was discussion of the lighting plan which Mr. Brunelle indicated is the current revised light plan and the prior version had not been provided to the Planning board.

Chairman Malfitano advised that the focus for this meeting is responding to the Special Permit

and the West Seneca Turnpike Overlay District referrals noting that the drainage review has not yet been started for the Site Plan Review. Referencing the list of submittals from Mr. Brunelle, Chairman Malfitano noted that the two Appel Osborn plans contain revised dates of June 20, 2017 rather than June 12th.

Chairman Malfitano read from notes he had prepared as the basis of a letter to the Zoning Board of Appeals (copy attached hereto) and invited comments from the Planning Board. In response to questions, Mr. Brunelle provided specific distances and dimensions as Chairman Malfitano proceeded to outline the proposed letter. Copy attached hereto.

Mr. Fuller made a motion, seconded by Ms. Campbell, to make a positive referral back to the Zoning Board of the Special Permit conditions under 285-26 as set forth in our letter of this date. With all in favor, the motion passed unanimously.

Ms. Campbell made a motion that we have reviewed the application under the 285.32 West Seneca Turnpike design overlay criteria and we make a positive recommendation back in accordance with our comments as more specifically set forth in our letter to the Zoning Board of this date. Mr. Baker seconded the motion which passed with all in favor.

Chairman Malfitano noted that the Town Planning Board has also received a Site Plan referral on this matter. A drainage analysis and initial site plan comments from Mr. Perrine are needed to proceed with the referral. Chairman Malfitano stated that there had been a reference to the berm on the back of the stormwater facility being 13 feet high which is a concern.

The Site Plan Referral for this matter is scheduled for the July 10, 2017, Planning Board meeting.

The Ledges at Howlett Hill (Harris Road/Howlett Hill Road)

Mr. Paul Curtin, on behalf of Mr. Fred Martino, appeared before the Planning Board noting that since the last meeting with the Planning Board they have been working through a consent agreement with National Grid and have had several conference calls with their counsel. They have an agreement in place which he believes will satisfy concerns that the Town had raised.

Mr. Curtin continued, noting that the preliminary plan had been modified as required by the Planning Board including eliminating Lots 1 through 8 comprising Section 1; stormwater retention is in place, the crossing of the National Grid right-of-way has been achieved and the plan has been modified accordingly.

Chairman Malfitano asked who the National Grid agreement in final form has been submitted to. Mr. Curtin responded that it has been signed by Mr. Martino and sent to counsel for National Grid and the agreement has been reviewed and approved by Ms. Nadine Bell, Planning Board Attorney.

Ms. Campbell asked when this matter was last before the Planning Board. It was noted that this matter was last on the Planning Board agenda of June 13, 2016. At that meeting it was referred to as Howlett Hill Landing. Mr. Curtin stated that it is The Ledges at Howlett Hill Landing.

Chairman Malfitano noted that a key issue for this project is a set of covenants/maintenance agreement by an association because of the private roads. Mr. Curtin responded that there will be private roads that will be owner maintained by an association. The interior loop road will be a dedicated road and everything off that will be private. Mr. Curtin stated that the plan will be submitted to the Town for review prior to the approval of the first section of the subdivision and

having Town approval on a preliminary basis allows him to go forward with the whole plan. Chairman Malfitano clarified that it is a contingent preliminary plan and Mr. Curtin agreed and stated that the disclosure is going to be made under the guise of an offering plan. Chairman Malfitano indicated that the only road to be maintained by the Town are the entrance road and Canyon Ridge Road and the rest of it is to be maintained by the developer on a to-be-determined basis.

Chairman Malfitano asked if the Town Board granted the zone change. Ms. Bell responded that they had. Mr. Curtin stated that the plan has been laid out pursuant to zoning. Chairman Malfitano questioned whether it is PRC because PRC is tied to a specific plan with a specific layout, and with the elimination of Section 1 the applicant should go back to the Town Board to submit the revised plan which now reflects the reduction in density and the layout. Mr. Curtin asked for clarification if this will amend the resolution. Ms. Bell responded that it will amend the local law. Chairman Malfitano further clarified stating that since it was approved and local law is based upon a plan of a specific date that pre-dates this revision, it is considered a major revision. Mr. Curtin asked how this would be initiated and Ms. Bell responded, by letter.

Chairman Malfitano asked if there is anything else outstanding. Mr. Perrine responded that in reading his minutes from the June 13, 2016, meeting a lot had been covered including the preliminary drainage plan with the applicant's engineer, the SWPPP needed to be updated, the Section 1 boundary for the preliminary plan should accurately reflect all utility and easements for sewer water drainage for layout purposes and the covenant and maintenance agreement being tied to a future resolution.

Mr. Bill Morris, Project Engineer, addressed the Planning Board noting he was planning to submit a revised SWPPP after the preliminary approval. Mr. Perrine commented that all the common areas outside the "envelope" lots should be owned and maintained by the Home Owners Association and guidelines for maintenance from the NYS Stormwater Manual should be attached to said covenants and maintenance agreement.

Chairman Malfitano asked if these will be zero lot line or building envelopes and the shaded areas will be the lots. Mr. Curtin responded building envelopes and the shaded areas are the structures. Chairman Malfitano asked if the shaded areas will be fee simple and Mr. Curtin said they will be.

There was discussion of lot lines and examination of the plan. Chairman Malfitano asked if when doing a section (Section 6 will be first) how will the lots be delineated and will there be a bigger scale plan for each section plan. Mr. Curtin responded that there will be a plan for each section showing easements and utilities.

There was discussion regarding a stub road located on the plan. Chairman Malfitano indicated it should be part of the dedicated road. Mr. Curtin responded that it could be deeded. Mr. Morris added that the only question is which gets developed first. Chairman Malfitano stated that the hammerhead has to be built. Mr. Curtin added that it does not serve any of the homes in the subdivision it is his opinion that the Town would develop that consistent with the balance of the roadways as opposed to having a roadway to nowhere. Chairman Malfitano noted that the developer is required to build to his property line and add a hammerhead. If the road is not connected in the future then there is a plow turnaround.

Ms. Campbell asked what the plan is for road construction now that they are starting with Section 6. There was discussion and Chairman Malfitano noted that road construction plans would show on a section plan. Mr. Fuller noted that the present zoning and date of approval should be noted on the plan.

Chairman Malfitano stated a list of potential contingencies:

1. The plan reference needs to change to reflect the current zoning and the date that was granted.
2. We need a revised final SWPPP that confirms the drainage assumptions that have been made to date as part of the layout of this plan.
3. All of the lands which are shown in white as common areas will be maintained by a developer or an association created by a developer. All the common areas will be deeded to and maintained by a home owners' association created by the developer documentation of which will be submitted to the Town and the association created and put into record prior to start of construction and the association will have a right of assessment in order to provide for the maintenance for the common areas.
4. All of the shaded areas around each of the units, while they may be proposed as fee ownership will be the land areas and landscaping will be maintained by the association.
5. The perimeter road labeled as Canyon Ridge will ultimately be dedicated and become a normal Town road. All the other roadways and driveways will be private roadways and will be maintained by the Association.
6. All the drainage facilities will be subject to a private maintenance agreement to be entered into between the developer and the Town.
7. The preliminary plan is subject to a needed amendment to the PRC local law to reflect the deletion of the units in what would have been Section 1.
8. Receipt of a signed agreement with National Grid for the road crossing under their power line.

Chairman Malfitano stated that if the applicant is starting with Section 6, any improvements that need to be made that are part of the first section but offsite, such as the roadway, basin, sewers, also need to be shown. The lands and all the necessary documents have to be dedicated to the town as part of the first section.

Ms. Bell inquired if this has been referred to the County Planning Board since it is located on a county road. It was noted that the only change on the plan has been the reduction in density. Ms. Bell suggested that the prior SEQR be ratified and reaffirmed. Mr. Perrine noted, going back to his notes from 2014, that updated letters from OCWA and OCWEP on capacity were needed. Mr. Perrine also asked if approval for the curb cut on Howlett Hill Road has been secured from DOT. Mr. Curtin responded that he believes it had been received.

Mr. Perrine noted that from a timing standpoint, he believes there will have to be blasting for utilities. He asked Chairman Malfitano if that would be required as part of the preliminary plan and Chairman Malfitano indicated that it would be part of the section plan so we have more detail.

Mr. Morris stated that it was previously discussed that the drainage plan has to be submitted to the City of Syracuse because it is part of the Harbor Brook watershed and the City of Syracuse wants to make sure it will not have an adverse impact on the retention basin. Chairman Malfitano noted that the applicant is responsible for making that submission.

Returning to discussion regarding whether or not a referral to the County Planning Board has been made, Chairman Malfitano noted it could have been done at the time of the subdivision but without the complete file to review it cannot be determined. Mr. Curtin stated that it is his recollection that there was a public hearing which was closed with no comment and it was referred by this Board to the County with benign normal comments such as those regarding drainage.

Chairman Malfitano stated that this matter will be on the July 10, 2017, Planning Board agenda. He asked that Ms. Bell and Mr. Curtin review their files for what has been done in terms of the referral and if there is a preliminary plan.

Mr. Fuller asked if the sections will continue to be labeled as they are. Mr. Martino agreed that the sections can be renumbered. Chairman Malfitano reaffirmed that the scope of Section 6 will be beyond the Section and including all of the necessary improvements such as stormwater drains.

Ms. Campbell asked for verification of the name of the development noting that previously it was referred to as Howlett Hill Landing. Chairman Malfitano noted that it is the Ledges at Howlett Hill.

Planning Board Minutes

A motion was made by Mr. Mahaney, seconded by Mr. Baker, that after minor changes, the Board approve and accept the meeting minutes of the June 12, 2017, meeting. The motion passed unanimously.

A motion was made by Ms. Campbell, 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 9:15 p.m.

Respectfully submitted,

Melinda L. Mayer
Secretary

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4934 Horizon Terrace
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June 26, 2017

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

Re: Sonbyrne Sales, Inc., 4815 and 4821 West Seneca Turnpike and 4848 East Ave

Dear Chairman Elleman:

We have reviewed the application of Sonbyrne Sales, Inc. for referral to the Planning Board under Sections 285-26 derived from the application under the OHB District Section 285-11.1, and 285-32 West Seneca Turnpike design Overlay requirement of the Town of Onondaga Zoning Code. The applicant has submitted numerous documents for consideration and review. For consistency of the record these documents are listed on Schedule A attached hereto and made a part hereof (the Submissions”).

With regard to the Special Permit requirements for service stations and convenience stores with food service under Section 285-26 we find as follows:

1. The lot size is in compliance as being in excess of 20,000 and with a minimum frontage of 150 feet. The size of this lot is 113,051 square feet with 306 feet of frontage on West Seneca Turnpike.
2. The lot is served by public water on West Seneca Turnpike.
3. Proposed fuel pump canopies are shown as being beyond the minimum zoning setbacks and are no less than 113 feet 6 inches from the front center line and 136 feet from the east line.
4. Entrance and exit driveways do not affect any rear lot line. The West Seneca Turnpike entrance /exit drive is at least 56 feet from the east lot line. The Velasko Road entrance/exit is 157 feet from the intersection with the West Seneca Turnpike lot line. This driveway is actually on a side lot line. The Code section is confusing as to whether this attempts to preclude a side entrance/exit.
5. Plans confirm that fuel storage is underground and the vents are 84.5 feet from the lot line, in excess of the 25 feet minimum,
6. There are no accessory buildings (enclosed with walls and a roof).

7. With regard to signs, and separate from the requirement of Section 285-26 B(10), we wish to suggest that any approval confirm that no additional signs in the form of banners, flags or paper signs will be permitted separate from the submitted pylon of maximum 32 sq. ft. and the one building sign.
8. While the enclosed dumpster area may be an “accessory facility” it is not in violation at 15 feet from the lot line because the closest lot line is not a residential lot.
9. We acknowledge a revision of the plans showing a double row of conifer trees along the east property line, east of and at grade level and not on top of a retaining wall. We have suggested that such new trees not be placed under the canopy of the 2 large diameter shade trees on the adjoining lot.

Landscaping under this section must also be reviewed consistent with the requirements of Section 285-28 where a nonresidential use adjoins a residential district. This is the case where the Sonbyrne lot abuts a residential district property along a portion of the northern boundary. A line of trees is proposed along this property line, but removed from the back of the building because of the location of the stormwater facility. While these trees may screen adjoining residential properties, the location of the rear of the building and the elevation of the building above a retaining wall will not be screened as currently proposed. The northwest lot line abutting the Senior Center parking lot, by code, requires continuation of a tree buffer. The ZBA should confirm a revision of the plans to that effect.

We suggest that all landscaping be required to be maintained in good condition with replacements made and replanted as necessary and that such requirement be made a continuing covenant of applicant as a part of any private stormwater maintenance agreement entered into between the Town and the applicant.

We leave it to the Zoning Board to confirm the conformance with 285-11.1 285-26 (B) requirements. Based on the foregoing and the submissions, we find the application in general conformance with the special permit requirements.

Based on the Submissions we find the applicant in general conformance with the special permit requirements.

With respect to the referral under the West Seneca Turnpike design overlay requirements we make the following comments:

The building as shown on the plans reflect a unique configuration, while reflecting the applicant’s identity, they pay deference to the unique character of the area in terms of massing and color selections. There is a consistency to the color palettes which ties the facility together.

Landscaped areas and the addition of sidewalks to the building provide scale to what is otherwise an automobile focused use.

Mechanical areas are to the rear and not readily visible as best as possible.

Signs as proposed appear to be in conformance with the sign code. Monument structure is in excess of the maximum recommended 10 feet.

Landscaping is generally in conformance. We wish to confirm that the shade trees along the West Seneca Turnpike and Velasko Road frontages , which are specifically shown on the plans, whether they be within any right of way or not will be maintained and or replaced as necessary. Such trees should not be allowed to be trimmed back for additional visibility to the building or use.

Open stormwater detention facilities should be maintained in a neat and sightly condition with grass mowed regularly to avoid weed and other plant growth.

Site lighting has been reduced from levels previously proposed; we were advised, to a level of not greater than 13 lumens on average under the fuel canopy as confirmed by a report dated June 8, 2017.

Based on the Submissions we find the applicant in general conformance with the West Seneca Turnpike design overlay requirements.

Very truly yours,

Marc A. Malfitano, Chairman
Town Planning Board

cc: Thomas P. Andino, Town Supervisor
Cheryl Hammond

(Schedule A)

Town of Onondaga Planning Board
June 12th, 2017 Submittals

Byrne Dairy – Onondaga Hill Project Narrative – 1 page

Appel Osborne – Site Plan SK-1 Dated 6/20/2017

Appel Osborne – Planting Plan SK-2 Dated 6/20/2017

Building Elevations – Architect Robert O. Eggleston
Project: 12134, Dated 20, April 2017, 1 of 2 and 2 of 2

Exterior Lighting Plan – Red Leonard Associates
RL-0953-S1-R9, Dated 6/8/2017, 8 pages

Aerial Views – Red Leonard Associates
4815 West Seneca Turnpike, Syracuse, NY 13206, 3 pages

Sonbyrne Sales, Inc. – Proposed Onondaga Hill, Byrne Dairy Store, Town
Of Onondaga packet – 10 pages