

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. September 24, 2018

Present:

Marc Malfitano, Chairman
David Baker
Alfred Fuller
James Mahaney
Nadine Bell, Attorney
Bill Perrine, Engineer

Chairman Malfitano called the Planning Board to order at 7:31 p.m. noting that Ms. Campbell is excused from the meeting.

Velasko Village - Section 2

Mr. Sal Sciuga, Jr., on behalf of Sciuga Builders, appeared before the Planning Board to review the preliminary plan for Velasko Village Section 2. There was discussion of adjustments needed to the rear yards. It was agreed upon that the adjustment would bring the undisturbed area in the rear yards to 45 feet.

Mr. Perrine's comment from a letter dated September 24, 2018, also addressed the garage floor elevation for Lot 26 that will be below the roadway elevation and will slope up to the road within the road right of way and then to a low point before sloping back up again to a southerly facing garage opening. The recommendation is that the Codes Enforcement Officer and Highway Superintendent review the individual lot grades on Lots 24-26 for conformance with the Town's subdivision regulations before issuing driveway permits and/or Certificates of Occupancy.

Chairman Malfitano asked Mr. Perrine for clarification. Mr. Perrine responded that Town Code requires a grade in the road right of way between 2 to 10% which couldn't be achieved and is currently lower than the road. He stated that the proposal shows coming from the concrete gutter and coming up 2% in the road right of way and going back down to a low point out in front of the garage. There was further discussion and it was noted that 2% from the garage slab out to the road cannot be accomplished. Mr. Perrine noted that Lots 38 – 40 are acceptable but Lots 24 – 26 are close and his comment to the Town to check it is advisory.

Chairman Malfitano asked if that note should be added to the plan. Additionally, he noted that on the grading plan Lot 26 looks like a side load garage which is supposed to address, in part, how the slope is going to be. Referring to the proposed lot grades, Chairman Malfitano commented that going up and then back down will make the pitch go down even steeper which

he questioned as making the most sense. Mr. Perrine agreed and also noted that it is difficult to decipher from the plan. Chairman Malfitano stated that therefore the comment regarding the lot grading should appear on the subdivision plan, the plan by Ianuzi and Romans.

Chairman Malfitano suggested that the last sentence of Mr. Perrine's comment should be used as the note on the plan; It is recommended that the Codes Enforcement Officer and Highway Superintendent review the individual lot grades on Lots 24-26 for conformance with the Town's subdivision regulations before issuing driveway permits and/or Certificates of Occupancy. Mr. Perrine asked if the code should also be sited on the plan. Chairman Malfitano responded to not include the code.

Chairman Malfitano referenced in the comment letter, the comment pertaining to the SWPPP Amendment. It was noted that the final approval needs to be signed. Mr. Perrine suggested that the three items in his comment letter pertaining to the SWPPP Amendment should be conditions. Chairman Malfitano agreed.

Referring to the Ianuzi and Romans plan, Chairman Malfitano noted that it states that a temporary utility easement will be terminated. Mr. Sciuga explained that in the original layout the detention was located in the south eastern corner but to continue the roadway it had to be moved down. Chairman Malfitano noted that they are putting in a micro-pool in accordance with the grading and erosion control plan, but he is not comfortable calling it temporary and it can only go away if and when other parts of Lot 500 are developed that would provide an alternate drainage area to the south that would include capacity for drainage for the 6 lots. If that is built and constructed and accepted by the Town then the applicant could petition the town to discontinue the area of easement.

Chairman Malfitano asked Mr. Perrine if it is his intention that the plan be approved contingent on the comments. Mr. Perrine responded that he anticipated a possible approval and if the Planning Board is in agreement with that he is as well. Chairman Malfitano then stated the conditions.

Mr. Fuller then made a motion seconded by Mr. Baker, to accept the amended preliminary plan for Section 2 of Velasko Village last revised July 2, 2018, prepared by Ianuzi and Romans, including the construction drawings as listed below and also subject to the following listed conditions; and ratify and reaffirm the prior SEQR determination:

1. The area of non-disturbed to the rear of Lots 38-40 shall be adjusted to 45 feet, as measured from the rear lot line.
2. A note shall be added to the Ianuzi and Romans subdivision plan that states :

The Codes Enforcement Officer and Highway Superintendent should review the individual lot grades for Lots 24-26 to confirm conformance with the Town Subdivision Regulations before issuing driveway permits or certificates of occupancy.

3. The following steps for completion of the SWPPP Amendment are required:
 - The Notice of Intent (NOI) needs to be signed by the Owner.
 - An MS4 SWPPP Acceptance Form needs to be prepared and submitted to the Town's Stormwater Management Officer prior to final approval for construction.

- All certification forms included within the SWPPP need to be signed prior to final approval for construction. These forms include the Owner, SWPPP Preparer, and Contractor Certifications.
4. A note shall be added to the subdivision plan and the grading and erosion control plan regarding the area labeled as “temporary utility easement” for drainage improvements to the effect that:

If and when further sections of the Velasko Village subdivision, as shown on the Preliminary Plan to the south of Section 2, are developed and a future detention area to the south is constructed which future detention area has capacity to include the stormwater runoff for Lots 24 - 26 and 38 – 40, as confirmed by drainage calculations submitted to and accepted by the Town Engineer, and the stormwater runoff for such lots is redirected to such new detention basin, then the owner of the property on which the “temporary utility easement “ is constructed may petition the Town Of Onondaga for elimination of the improvements and a release of the easement granted to the Town of Onondaga for the “temporary utility easement” area.

Contract Drawings (as prepared by W-M Engineering, DPC)

- Cover Sheet, dated August 24, 2018
- B805-1G, General Plan, dated June 11, 2018, last revised August 24, 2018
- B805-1S, Plan and Profile, Sanitary Sewer System – Jupiter Inlet Way, dated June 11, 2018, last revised August 24, 2018
- B805-1DS, Details, Sanitary Sewer System & Road System, dated June 11, 2018, last revised August 24, 2018
- B805-1D, Plan and Profile, Storm Sewer System – Jupiter Inlet Way, dated June 11, 2018, last revised September 10, 2018
- B805-1DD, Details, Storm Sewer System, dated June 11, 2018, last revised August 24, 2018
- B805-1EC, Plan, Grading and Erosion Control, dated June 11, 2018, last revised September 24, 2018
- B805-1DE, Details, Extended Detention and Erosion Control, dated June 11, 2018, last revised September 10, 2018
- Stormwater Pollution Prevention Plan (SWPPP) Amendment, Velasko Village Section 2, dated August, 2018
- Preliminary Plan, Velasko Village Section No. 2, dated July 2, 2018, as prepared by Ianuzi & Romans Land Surveying, P.C.

McLusky Orchards Subdivision

Having received the affidavit of publication of the Notice of Public Hearing dated September 16, 2018, Chairman Malfitano called the public hearing to order. Mr. Jeff Schultz, surveyor for McLusky Orchards, provided a preliminary plan for the McLusky Orchards Subdivision.

Mr. Schultz presented a proposed plan for a 2 lot subdivision of a parcel of approximately 79.28 acres with Lot A being 16.7 acres and Lot B being 62 acres. Having reviewed the plan, Mr. Perrine provided a note regarding the location of the proposed turnaround and concerns of the applicant.

Mr. Schultz explained that the applicant is concerned because the turnaround is not at the end

of the pavement. He noted that the turnaround easement is approximately 54 feet by 95 feet and the end of pavement is not clearly defined. The applicant is concerned that it will interfere with the location of his apple cages and farm equipment. Chairman Malfitano noted that this is a road by use, and they want the easement to be beyond the edge of building improvements and it seemed that the location originally determined coincides with the western edge of the existing barn building, and based on viewing the property on Google Maps, is beyond the trees. There was review of the image on Google Maps and discussion as to the location of the easement. Mr. Perrine pointed out that the easement would line up with the furthest west point of the building. Mr. Schultz explained that his client is concerned because it is his business back in that area and someone could park back there and disturb his property. Chairman Malfitano commented that it is currently a public road by use and someone could come up there the way it is now as well.

Chairman Malfitano clarified if the easement is located at the furthest edge of the building then the hammerhead would not affect the trees at all. Mr. Schultz noted it would be past the actual end of pavement. The legal end of the road is not defined. Based on conversations with Mr. Wheatley, Mr. Perrine stated that town trucks currently turnaround in the gravel. Chairman Malfitano noted that the Town has a prescribed easement and there is no metes and bounds description. Chairman Malfitano stated that if Mr. Schultz needs to go back to his client to obtain signoff, the Planning Board can defer the decision. Chairman Malfitano noted in summary, that the applicant wanted to move the easement to the east somewhere along the line of the existing farm buildings, and the Planning Board, after viewing aerial maps, wants it to begin along the line that is an extension of an imaginary north/south line from the western end of the building and in doing so there is no intention of impacting the existing trees on the map.

There being no further comments, Chairman Malfitano declared the public hearing closed. The Planning Board has not received a response to the referral to the County. This matter is scheduled for continued review at the October 8, 2018 Planning Board meeting. Chairman Malfitano advised that a revised map should be provided to Mr. Perrine for review and comment.

Zavaglia Subdivision

Mr. Steve Calocerinos on behalf of the applicant, Mr. Cosimo Zavaglia, asked the Planning Board to approve a proposed supplement or substitution of the trees for the Zavaglia Subdivision. Mr. Calocerinos provided a copy of a letter to Mr. Vincent containing catalog information of the types of trees being considered, one being the arborvitae which are shown on the plan, and the other being a spruce which is what they are looking to replace the arborvitae with. A copy of the original approved plan was provided which specified 78 arborvitae staggered with 12 foot spacing along Route 173. The applicant is seeking to substitute the species of tree is because the specification shown on the plan isn't typically used for evergreens. He explained that they are typically not ordered in a 3-6 inch caliper and the height shown is 8 feet which for arborvitae is difficult to obtain. Additionally, Mr. Calocerinos explained that arborvitae are not drought tolerant or deer tolerant.

Mr. Calocerinos stated that the spruce trees the applicant is proposing are both drought and deer tolerant with a spread of 10 to 15 feet in 5 to 10 years, while the spread for arborvitae is typically 5 to 6 feet when full grown. He also noted that some types of arborvitae have a larger spread but they are not as common to this area. Chairman Malfitano commented that the approved trees were proposed by the client's consultant at the time, the Town did not specify arborvitae. Additionally, this plan was approved in 2011. Chairman Malfitano also stated that going back in the file; correspondence shows some indication that there were other construction

improvements in the subdivision done in 2012 and there was additional discussion back and forth 3 years later pressuring the applicant to do the top coat. The utility improvements also had to have been completed in 2012 and now 6 years later the applicant is seeking to change the species of tree. Chairman Malfitano also commented as to not knowing why the Town has not taken the securities in total after more than 6 years.

Mr. Calocerinos responded that the Town may have been asking that the trees be put in. The applicant went to the nursery and tried to get the trees based on the plan but was unable to and then asked Mr. Calocerinos to try and get a plan with a substitution that they could obtain. Chairman Malfitano noted that the Town has not started the one year warranty on the pavement because according to the highway agreement it doesn't begin until all of the improvements are substantially completed. He additionally commented what assurance do we have, if the Planning Board agrees to the modification, that it will get done. Mr. Calocerinos replied that he believes but is not certain the applicant wants the one year warranty period to start. He is not speaking for the applicant, but noted that the applicant conveyed to him that he is anxious to get the trees and put them in.

Mr. Fuller agreed that arborvitae are not a good choice but noted that at one point they called for an evergreen buffer of 6 foot spruce. Chairman Malfitano responded noting that is what was typically in the code, actually a double row of conifers is typical. Looking at the original plan brought by Mr. Calocerinos, it was presented by Keplinger who are landscape architects. They are the ones who proposed it and the Planning Board accepted their recommendation. Chairman Malfitano questioned, do we accept another change over 6 years after the binder course was installed which was in June of 2012. He asked how the Planning Board would like to proceed. Mr. Fuller asked if the plan would have to be changed if the Planning Board agrees to the substitution. Chairman Malfitano responded that he does not see it on the filed plan but believes it to be part of the grading plan and therefore the applicant would not have to amend the filed map but it would be considered an amendment to that page on the construction drawings and there would have to be a condition or timeframe added.

Mr. Fuller noted that he prefers the spruce rather than arborvitae and he agreed that it has taken a long time to get the trees in. Chairman Malfitano asked what spacing is being proposed. Mr. Calocerinos responded that they are proposing 20 feet alternating rows but the prior spacing was 12 feet based on the spread of arborvitae typically being 5 to 6 feet versus 15 to 20 feet for spruce. Chairman Malfitano asked if the Planning Board agrees to this what will be the deadline for planting of the trees. Mr. Calocerinos responded that by the end of the year would be fine and he believes the applicant would be fine with the end of the year as the deadline. Chairman Malfitano responded that he will recommend that if the trees are not in the Town should take all securities.

Chairman Malfitano stated that before the Planning Board is a proposal to amend what is now called the Layout and Planting Plan Phase 1, Plan L-3A, dated September 19, 2018, to indicate the line of evergreen trees that were required and continue to be required along the basin areas and other portions along the Route 173 border. There was review of the plan and it was noted that the proposal was overlaid onto the original plan. Chairman Malfitano, to avoid inconsistency, asked that the applicant amend the section detail and show the proper species and planting details, and secondly note that the trees have to be planted, installed and accepted by the Town Engineer by December 31, 2018, failing which it is our recommendation that the Town will take steps to take the remaining securities and undertake this work itself. Mr. Perrine suggested a more strict date such as November 1 or November 15 because if the Town were to entertain a one year warranty period, when it is revisited one year from now it would be nice to see November as opposed to January for the final closeout.

Chairman Malfitano responded that the assumption is that the one year warranty will not start until the trees have been planted and Mr. Perrine signs off. Mr. Perrine agreed. Chairman Malfitano clarified that Mr. Perrine is asking that the installation and inspection date be moved up to November 30th to avoid winter months. Mr. Perrine agreed noting that after signoff it takes approximately one month to enter into the one year warranty period. Mr. Baker asked Mr. Perrine if he is comfortable with November 30th as the deadline. Mr. Perrine responded that he agrees with everything the Chairman said and does not intend to complicate things, however, after signoff it takes approximately one month for the legal documents to be prepared for resolutions to enter the one year warranty period and the developer's attorney has to prepare an affidavit of no liens, so even if the trees are in by November 1st or 15th, the one year warranty period will not start until most likely the end of December or January. He added that this is a Town Board issue and maybe the one year warranty period could wait and start in the spring.

Mr. Fuller asked if there is a specification as to how late they can plant. Mr. Perrine, while not being a landscape expert, responded that in late fall before the frost. Chairman Malfitano responded that timing of frost is unpredictable and if the trees go in this week or next week it would be an ideal time but if they are not being planted then there needs to be an outside date by which we say there is a default and the Town then takes the securities to do the required work as the Town sees fit. Mr. Baker suggested that the deadline should be November 1, 2018. Mr. Calocerinos responded that a November 30, 2018, deadline could be met.

Chairman Malfitano made a motion to approve the change of tree species and the spacing as identified on the Layout and Planting Plan Phase 1, Plan L-3A, prepared by Steve S. Calocerinos, P.E. dated September 19, 2018, with the addition that the planting details be modified to reflect proposed species and spacing and that the applicant is required to undertake this work with due diligence such that the installation of trees is completed and signed off by the Town Engineer on or before November 15, 2018, failing which it is the Planning Board's recommendation that the Town Board promptly take all necessary steps to utilize the securities being held by the Town for the purpose of completing the work. Mr. Baker seconded the motion. With all in favor it passed unanimously.

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 September 10, 2018, meeting. The motion passed with all in favor.

A motion was made by Mr. Mahaney, 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 8:46 p.m.

Respectfully submitted,

Melinda L. Mayer
Secretary