

# TOWN OF ONONDAGA

## Planning Board

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### Meeting Conducted at 7:30 p.m. January 22, 2018

#### Present:

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

Chairman Malfitano called the Planning Board to order at 7:32 p.m. noting that Mr. Baker and Ms. Campbell are excused.

#### **Crown Point Extension Section 2**

Mr. Robert DeForest of Cordelle Development Corporation appeared before the Town Planning Board seeking final approval for Crown Point Extension Section 2. He indicated that the issue concerning the WEPP offsets was cleared up and communicated to Mr. Perrine. Mr. DeForest then provided a document to Ms. Bell containing language for the protective covenants. He noted that Ms. Bell wanted a letter regarding the National Grid easement that crosses over the road on Providence Drive and he provided her with a letter from his surveyor indicating that they intend to convey an easement to National Grid reserving the right to the use of the property to clear, construct and maintain a road under the wires that will be dedicated to the Town.

Chairman Malfitano asked Ms. Bell if the surveyors believe that the trimming easements do not directly affect this property. Ms. Bell replied that they don't know. She read from the letter dated January 17, 2018, stating, "There are 3 easements that possibly pertain to the power line but they are not sufficiently defined to assure all concerned that in fact the dedicated easement crosses this property. None of the 3 prescribes any width other than trim. The 3<sup>rd</sup> makes no mention of trim rights."

Chairman Malfitano noted that there are 2 or 3 easements and there is a question of whether they directly affect property. There is an existing line that is known about and it is documented in the form of an existing easement. Chairman Malfitano asked if a new easement was granted for Section 3. Mr. DeForest responded that on the filed map there is a 30 foot easement along the east-west line. Chairman Malfitano asked if it is showing on the plan currently being reviewed. Mr. DeForest responded that it is. Chairman Malfitano explained that ultimately the fee is going to be conveyed to the Town and if it is to be a newly documented easement they can grant the easement and reserve the right of the grantor to clean up the issue about the right to use the land for road purposes, to operate, maintain and transfer rights of the road and other utilities. If done in that way there would not be a need for the consent document. Ms. Bell agreed. Chairman Malfitano advised this can be dealt with by the time they have to provide the

title report which is 60 days after the final plan, according to subdivision regulations. The alternate plan subdivision regulations state that after the final approval of the plat by the Planning Board, within 60 days the sub-divider shall submit to the Town or its designee the title policy. This can be a condition that it is resolved to the satisfaction of the Town on the documentation.

Chairman Malfitano referenced the minutes from the January 8, 2018, Planning Board meeting noting the question about Providence Way and the elimination of the old hammerhead right-of-way. He inquired if that was subdivided in the prior application. It was noted that it was previously subdivided. Chairman Malfitano stated that the right to extinguish that easement and for Mr. DeForest to convey the split right-of-way back to the adjoining property owners is therefore a non-issue.

Chairman Malfitano noted a first impression issue explaining that this is the first subdivision that we have had where there are new roads and improvements constructed that we have faced a stage where we would ever sign and consent to filing a final subdivision map and all the improvements are not complete. The improvements that are not complete include that National Grid has not even started the gas and electric lines. Chairman Malfitano indicated that he had conversations with Mr. Kevin Gilligan and Supervisor Andino about this because it was contemplated that all the infrastructure and all the utilities would be in place. On one hand the position was advanced that we should not be granting any final approval until that is done and there was further subsequent discussion of what the risk is to the Town especially in light of the amount of money already spent to do everything but that, such as roads and the other infrastructure. The town attorney said we may want to visit changing or clarifying our subdivision regulations. In the interim it was discussed to possibly consider that we might allow the final approval to be given and the map filed subject to conditions, one of which would be that the Planning Board would pick a date by which all of the infrastructures including but not limited to storm, sanitary, roads have been installed. The infrastructure for electric and gas has not even commenced and that if it isn't installed and operational by X date, the approval is deemed null and void. That condition will be part of the resolution and will also be placed as a note on the map. The second condition might be that the developer is responsible for any items of compliance and correction dealing with the SWPPP obligations, and any subsequent building permits that are issued, the Town accepts no liability or risk for, and finally no certificates of occupancy will be issued until such time as the infrastructure is operational including the pump station being operational. Mr. Fuller asked if the applicant knew when they would begin. Mr. DeForest replied that he has no control over National Grid. Mr. Fuller asked if they have proposed a schedule and Mr. DeForest replied that they have not and he added that they have had his money since August. Mr. Fuller mentioned that there is one additional condition. Chairman Malfitano agreed explaining that is for an individual grading plan to be submitted for Lot 51. Chairman Malfitano asked Mr. DeForest if he is prepared to accept the conditions. Mr. DeForest responded yes.

Ms. Bell stated that if Mr. DeForest is ultimately granting a 30 foot wide easement to National Grid, should the final plan be amended to show it? Currently it ends at Providence Drive. Chairman Malfitano noted that Yokefield Place is future access to Gallinger Drive. He asked if it will be dedicated to the Town. Mr. DeForest does not know but noted that it will be grass and sloped less than 10% for the National Grid right of way. Chairman Malfitano asked, for this subdivision, what is going to be dedicated to the Town in terms of roadway. He continued noting Providence Drive, Graywing Drive and Powderhorn, but added that it looks like the road does not go down to Yokefield Place connection. Mr. DeForest advised that it doesn't. Chairman Malfitano asked what is going to be the limit at the beginning, is it going to be the edge of the curbs. Mr. DeForest responded stating whatever the Town wants. Chairman Malfitano noted that the lines need to be extended across the road to the other side. Mr. Fuller asked what will happen to Yokefield Place. Chairman Malfitano explained that it connects to

another piece of land. Mr. Fuller asked who owns the land. Chairman Malfitano stated it is an old private drive called Gallinger Drive off of Barker Hill. Mr. DeForest added that the reason is because the Town wanted emergency access off Gallinger. Mr. Perrine added that Yokefield appears to be a 60 foot right-of-way as it is drawn and the Town is taking the point of putting a utility easement for a swale and a culvert on the east side against the Baker piece. Mr. Perrine asked if it would make sense to bring the power line easement to the subdivision property boundary and deal with it now. Chairman Malfitano continued the discussion with Mr. DeForest referencing directly to the plan.

Mr. Fuller asked what we are considering as a reasonable date to have the rest of the infrastructure in place. Mr. DeForest suggested that 90 days would be sufficient. He added that there is no control over National Grid and there is no control over OCWA.

Chairman Malfitano noted that this was in preparation for making a motion granting final approval for Crown Point Extension Section 2. He then dictated the conditions.

Chairman Malfitano made a motion seconded by Mr. Fuller, to waive further public hearing, grant final approval for Crown Point Extension Section 2 based upon a plan prepared by Cottrell Land Surveyors, P. C., last revised January 3, 2018, ratify and reaffirm the prior SEQR findings of November 14, 2005, and grant approval subject to the following listed conditions:

1. The submission of an individual lot grading plan for Lot 51;
2. If the width of the easement to be granted for the existing National Grid power line (which is proposed at 30-feet) changes, the Developer shall have to amend the Final Plan and any final map that is to be filed with the Onondaga County Clerk's Office;
3. The Developer shall extend the grant of any proposed easement to National Grid eastward beyond the limits of Lot 65 to encompass the road to be offered for dedication to the Town and the lands shown as Yorkfield Place such that the easement shall extend to the eastern most boundary of land owned by Cordelle Development, the applicant;
4. All of the improvements and infrastructure, other than the top course of the road, but including the installation of any of the electrical and gas infrastructure by National Grid, must be installed no later than June 30, 2018 and a note shall be placed on the final map indicating that failure to install such improvements by that date shall make Amended Final Plan approval null and void;
5. The Developer shall be responsible for compliance with the SWPPP requirements in conjunction with the National Grid utility work and shall revise the SWPPP to reflect same;
6. Any building permits issued by the Town shall be issued with the understanding that the Town of Onondaga assumes no risk for the grant of those permits due to lack of the electrical and gas infrastructure; and
7. No certificates of occupancy, temporary or permanent, shall be issued unless and until the electric and gas infrastructure has been installed and is operational and until the pump station, located at the end of Powderhorn Lane, is also operational.

With all in favor, the motion passed unanimously.

Chairman Malfitano noted for the record that a 3 mile review is not required. Ms. Bell indicated that the resolution would be filed in the Clerks Office within 5 days. Chairman Malfitano asked that the resolution be emailed to him as well because a note to that affect has to go on the map that is ultimately going to be filed.

## **Killmore Subdivision – Re-Subdivision of Lot 3b**

Mr. Jay Holbrook appeared before the Planning Board regarding Lot 3b of the Killmore Subdivision. He explained the Lot 3b, which includes a house, was purchased by Mr. Polge who also owns the adjacent property. Mr. Polge would like to subdivide out 3.8 acres of Lot 3b, including the house, for his mother and then add the balance of the lot to his property.

Chairman Malfitano stated that the proposal, for the record, is that Lot 3b that today consists of approximately 12.89 acres is going to be subdivided to leave a lot of approximately 334 feet of frontage on the road and the balance of frontage and land to the west will be conveyed to the adjoining property owner of what is now called Lot 7 which was previously a part of Lot 3c of the Killmore Subdivision. The remaining land will be combined with Lot 7 and a recombined deed filed with the County Clerk at a point in the future. The Planning Board accepted the proposal for discussion purposes.

The name of the subdivision is Re-subdivision of the Lot 3b of the Killmore Subdivision. The lots will be labeled Lot 3b-1 and Lot 3b-2, with 3b-2 being conveyed to and combined with Lot 7 which was previously Lot 3c.

## **Hallinan Meadows**

Mr. Hal Romans appeared before the planning with a plan dated April 24, 2017. Referencing the plan, Mr. Romans noted that the easement was changed to 30 feet wide along Autumn Ridge and the building line was changed along Howlett Hill to reflect the new code of 50 feet. Notes were added that also appear on the grading plan along with the addition of a legend. A note was also added related to the FEMA permit that is being filed as part of the project. Mr. Romans stated that this is on the City of Syracuse Planning Commission agenda for January 29, 2018, for a 3 mile review. Mr. Romans has an email from the city stating that the only thing that they are looking for is the OCWA sanitary sewer information and the infiltration offset and they just got an email that states the requirement will be 2 rain dishes which have been ordered. The location for the rain dishes is not known.

Regarding National Grid, Mr. Romans stated that according to his client the full design is completed and received, the easement requirements are complete and the nonrefundable electrical fees are paid, the security requirements are executed by their bank and National Grid is supposed to be getting back to them with a schedule for a pre-construction meeting.

Regarding the SWPPP, Mr. Romans stated that he communicated in an email to Chairman Malfitano about the mulching and seeding. The rock that is stored on Lots 18 and 10 will be used to construct the entrance monument and any remaining rock will be removed from the site. He continued regarding top soil, noting that there was an email from Mr. Ben Vincent to his client about sufficient good topsoil being available for each home site and it was confirmed by the developer that he will implement the plan to have topsoil for everyone.

Mr. Romans referred to Mr. Perrine's review of the grading, noting that in his letter there are 7 lots that at the building line look like they are a foot low with one of them (Lot 11) being approximately 24 inches low at the building line. Mr. Romans stated that it should be noted that it is within a foot when you get to the back of the building envelope. He also noted that looking at the size of the footprints of the houses shown on the plan; they are relatively small, 40 x 50, but if it was a traditional basement it would generate about 300 yards of material or one half to two thirds of that for a walkout basement.

Chairman Malfitano stated that the question that arose from reading the letter is that they had

discussion that resulted in agreement that a number of the lots, as of the end of November or early December, had not been filled and graded in accordance with the grading plan and that subsequent activity was going to take place and supposedly that was going to happen through imported stuff and allotted topsoil. Chairman Malfitano continued noting that the concern is that we still don't have review documentation or certification to the Planning Board stating that all of the lots in question are filled and/or grading in accordance with the grading plan because Mr. Perrine's letter of January 17<sup>th</sup> talks about measurement at the building setback line. Chairman Malfitano indicated he has visited the building site and it appears Lot 1 – 5 basically are not filled to the grading plan and are only filled only to the building setback line which creates an open question.

Chairman Malfitano stated that the expectation is that we still need confirmation that the grading plan has been implemented in accordance with the approved grading plan and there will not be further progress until we know that it has been done and any shortages have been addressed before we talk about it again. Chairman Malfitano added that the anticipation is that they will be slightly low because there will be spoils, but the point is if we don't have the grading as it was there will not be spoils to distribute because you are starting from a shortage. Mr. Romans advised that they can provide that but there are probably a few lots that they will have to bring up some.

Mr. Bragman addressed the Planning Board asking if any of the Lots are substantially low or substantially not conforming with the grading contours. Mr. Romans responded that at the building line it would be 7 that Mr. Perrine called out in his letter but at the backs it might be 1 and 2. There was additional discussion as to which lots are low and Chairman Malfitano noted it is all covered in Mr. Perrine's letter which caused the question to be raised. Mr. Perrine stated that for his analysis he looked at the shots that Mr. Romans provided at the back of the cookie cutter house and he looked at the shots across the lot. Looking back he wished he took his letter even further to provide the conclusion of his analysis for those as well.

Mr. Bragman asked if there is a format that Mr. Perrine and the Planning Board could agree on tonight. Chairman Malfitano responded that we need a review and written representation from the Town Engineer that they have done the examination as such and that this subdivision has been constructed and graded substantially in accordance with the grading plan previously approved. He added that it can be noted that we understand that the elevation can be slightly under because the final grading will be accomplished by spoils. The Planning Board does not believe the applicant is within that level of tolerance on a number of lots and it has to be reconfirmed.

Chairman Malfitano noted that the second issue is regarding spreading straw over the snow. Mr. Bragman responded that there is an inspector that comes out a few times a week. They would like to go to a winter schedule which would allow one inspection per month. He believes his inspector is very conservative and knowing there were some thaws coming, wanted them to stabilize the site. Given the short window of time, which the inspector said is very consistent with the DEC manual, once the snow gets to approximately 6-8 inches he wanted them to mulch it and they have done that and documented it. Chairman Malfitano said that it was not seeded. Mr. Bragman responded that it was seeded and mulched. Chairman Malfitano asked when it was seeded. It was noted that it was seeded when the hay was put down with a can of seed put in with it. Chairman Malfitano explained that typically the seed would be put down and then the hay put over it. Mr. Bragman responded that his inspector wanted them to do it when there was snow on the ground knowing that there would be more snow on top and they did it under his direction and supervision.

Chairman Malfitano stated that there may have been a stop work order if the Codes Officer was

available because the construction plans talk about seeding and mulching. Chairman Malfitano added that he understands the winter schedule, but typically seeding is supposed to be done by an October timeframe and not in January and throw it on top of snow. When Mr. Vincent returns he will visit the site and Chairman Malfitano does not think the Town will consider that seeded and mulched the way it is supposed to be. Mr. Bragman noted that his inspector directed them to do it and he spoke with him this evening and he is happy to talk to Mr. Vincent or Chairman Malfitano.

Chairman Malfitano stated that in an email from Mr. Romans it was noted that seeding and mulching was done in consultation with the project engineer and SWPPP inspector. He asked who the project engineer is. Mr. Bragman noted that the SWPPP inspector is Richard Abbott. Mr. Perrine believes that was an error because they did not consult with C&S regarding the seeding. Mr. Bragman noted he consulted with Mr. Perrine as Town Engineer about a winter schedule and noted that his inspector would not allow them to go to winter conditions.

Chairman Malfitano stated that the notes that have been added are consistent with what was discussed, the 3 mile review is in progress and the other issues are the grading and what we are willing to accept on the stabilization. There may be additional conditions pertaining to the lack of electric and gas services. Mr. Bragman asked for clarification regarding stabilization. Chairman Malfitano responded that he cannot provide a date noting that the codes officer who is the SWPPP officer is on vacation. He added that what the SWPPP inspector required may be winter stabilization but is probably not interpreted as seeding and mulching for the purpose of the construction plans. Mr. Bragman asked if it is feasible that they could move to a final plan in the winter. Chairman Malfitano stated that he cannot answer that until they speak with Mr. Vincent. He suggested working on the grading issues and noting they will get down to a more finite set of issues.

### **Old Towne Estates Subdivision**

Mr. Hal Romans presented a revised sketch for Old Towne Estates Subdivision. He noted that the center road was removed completely after considering the grading plan and the amount of material that would be required to be moved. To reduce the impact they have taken out 10 to 12 lots and the road. The revised sketch shows a 69 lot subdivision. The lots on the hill are very large and can remain untouched and in proceeding with the project they believe they will still have the same number of storm water management areas on Lots 5, Lot 13 and Lots 38 and 39 where the power lines comes through and potentially on Lot 50. There are still two connections to Skyland Meadows and the main connector to Cleveland road. Mr. Romans stated that this project is trying to be the 2019 Parade of Homes noting that the lots in red will be the Parade of Homes sites. The change in the plan will dramatically reduce the amount of material to be moved and the impact on the site. All of the lots are at least 20,000 square feet and some are larger.

Chairman Malfitano asked where the detention will drain or outfall to. Mr. Romans responded that is preliminary, but looking at the outflow it will drain to the adjacent property and because of the reduction to the plan it will possibly make that pond smaller. Chairman Malfitano noted that if there will be an outfall or spillway issue, where will it end up? Mr. Romans will be sure to determine. Mr. Perrine added that the southerly basin drains to a federal wetland and then drains to Commissary Creek.

Referring to the sketch, Mr. Romans noted a line on the plan that is a farm lot line. There was discussion about the utility line and Mr. Romans made note that Skyland Meadows Section 2 was amended. Chairman Malfitano noted that there is an encroachment in the easement in that section.

Mr. Romans explained that in reducing the number of lots they believe they have improved the plan with bigger lots. Chairman Malfitano suggested that there may be areas that will be designated as no disturb areas on some of the lots.

Chairman Malfitano noted, in summary, that Mr. Romans presented a revised sketch plan dated January 10, 2018, which shows a reduced number of lots from the prior sketch plan and which the Planning Board believes is some level of improvement but there is still additional evaluation to be done on the drainage and they will come back with a more updated plan when they progress with their work.

**Planning Board Minutes**

As there was no quorum present, the minutes of the January 8, 2018, Planning Board meeting will be reviewed on February 12, 2018.

A motion was made by Mr. Fuller, 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 9:09 p.m.

Respectfully submitted,

Melinda L. Mayer  
Secretary