

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 10, 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 7:30 p.m.

McLusky Orchards Subdivision

Chairman Malfitano noted that an application for the McLusky Orchards Subdivision has been submitted and fees paid. Ms. Bell is in receipt of the perimeter description and stated that the required agricultural notices had been sent out. Chairman Malfitano noted that Part 1 of the Short Environmental Assessment Form was completed and signed by the applicant, James McLusky and dated August 31, 2018.

The Short Environmental Assessment Form 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 County referral will be submitted and a public hearing on this matter is scheduled for September 24, 2018.

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. Chairman Malfitano asked whether Mr. Sciuga brought the constructions drawings. Mr. Sciuga responded that he did not bring a copy of the contract drawings but they were provided to Mr. Perrine. Mr. Perrine noted there are still some minor outstanding items such as the finished floor elevations and a couple of minor issues with the SWPPP. Mr. Sciuga noted that he only has finished garage floor elevations and he was not aware he needed to add the actual finished floor elevations. Mr. Perrine explained that there are a few that show the garage floor elevation to be lower than the road and he suggested that they should be equal to or higher. Mr. Sciuga asked if he was referring to the west side and Mr. Perrine confirmed that to be correct. Mr. Perrine noted that this was the first time he had seen the preliminary final plan.

Chairman Malfitano noted that he had been in contact with Mr. Vincent regarding the SWPPP issue and it was acceptable. Mr. Perrine noted that Mr. Sciuga is amending the SWPPP from Section 1 as part of the larger plan of development.

Mr. Sciuga explained that the plan is showing the undisturbed area to be 35 feet; however, he originally thought it was 40 feet. He asked the Planning Board for direction as to the appropriate size for the undisturbed area. Chairman Malfitano responded that it depends on the shape of the lot. He suggested the option of making the undisturbed areas 5 feet less than they currently are shown, for example, a lot that currently shows 50 feet of undisturbed area could be adjusted to 45 feet. Mr. Sciuga noted that for some of the grading on that side for lots 40, 39 and 38, they will be into that further so he was suggesting 40 feet. Chairman Malfitano explained that there is no covenant filed and at the time of the original plan it was an overgrown area that was left undisturbed. Chairman Malfitano asked the members of the Board if there were any concerns with adjusting the undisturbed area to 40 feet. Ms. Campbell asked if there could be a gradual decrease rather than going directly from 50 feet to 40 feet. There was discussion about the area in question and a hill that is currently there that will need to be cut back and the fill brought across the street to bring up the other side.

Mr. Perrine noted that one of his comments is that there is some discrepancy as to whether Ianuzi and Romans are going to show the grades or Bill Morris, as Engineer, was going to show the grades. There will need to be something back there for storm water, a buffer and aesthetics. Mr. Perrine asked if there is anything preventing residents from clearing trees to make their back yard bigger since there is not a covenant. Mr. Sciuga stated that technically anything they do landscaping-wise is supposed to go back to the home owners association because there are existing covenants that restrict that.

Since Mr. Perrine was not able to thoroughly review the construction drawings, Chairman Malfitano suggested creating a list of the open issues.

Mr. Sciuga clarified that both garage and first floor elevations need to be shown. Chairman Malfitano asked how far below the grade of the road it is at 630, 632 and 633. Mr. Perrine responded that Lot 24 shows the garage at 632 and the road is at approximately 631 or 631.5 which he commented may be acceptable, and the garage elevation at Lot 25 is 630.5 and the road is also at 630.5. He suggested that there be a general comment indicating a 2% minimum. The following open issues were determined.

1. Request Bill Morris to look at the toe of slope and determine if the undisturbed area should be 40 or 45 feet from the rear line;
2. Re-evaluate first floor elevations and garage elevations at Lots 24 to 26 and bring to the level of the road at a minimum;
3. Review the preliminary plan;
4. Identify with a note on the plan any lots that will have a hung sewer.

Mr. Perrine will continue review of the plan and provide a comment letter. Chairman Malfitano added that when City Planning did the 3-mile review they reviewed the whole proposed subdivision so sign-off should not pose a problem.

The matter of Velasko Village, Section 2, will be carried over to the September 24, 2018, Planning Board meeting for preliminary plan and construction drawing approval

Patrick & Barbara Collins - ZBA Referral – Special Permit Review

Additional information was received regarding the ZBA referral for a special permit review to add a porch and handicapped ramp on the front of the house at 5087 S Onondaga Road, Nedrow, Chairman Malfitano noted that the picture from Google Earth that the Planning Board viewed during the August 27, 2018, Planning Board meeting was not a current picture and a porch has been added to the front of the house, without a permit, since the time of the picture. He further noted that the proposed ramp has already been completed without a permit.

Chairman Malfitano commented on the challenge of reviewing ZBA referrals without having complete information. He then noted that the town code regarding special permits states that prior to the ZBA holding a public hearing and after a determination of environmental significance has been made under the

provisions of the State Environmental Quality Review Act, the Zoning Board shall transmit to the Planning Board of the Town of Onondaga, the application for the special permit and all related documents.

Chairman Malfitano noted that in this case the Planning Board cannot find evidence that there has been a SEQR determination made. He suggested that further review be deferred until the requirements are met and further information for consideration is received.

Mr. Mahaney shared that he has learned that the applicant's elderly mother had fallen in her home and had to immediately move into the applicant's house which she could not access without a wheelchair ramp. Chairman Malfitano responded that the Planning Board presumed there was an immediate need for the wheelchair ramp. He met with the codes enforcement officer and a member of the ZBA regarding this matter and noted the challenge of determining the facts and the timeline of the modifications made to the house without prior approval. It was also noted that the ramp does not come out any further than the porch.

There being no further comments or questions, Chairman Malfitano then dictated a response to the Zoning Board of Appeals with the Planning Board's comments and recommendation. A copy is attached hereto.

Planning Board Minutes

A motion was made by Ms. Campbell, seconded by Mr. Mahaney, that after minor changes, the Board approve and accept the meeting minutes of the August 27, 2018, meeting. The motion passed with Mr. Mahaney abstaining.

A motion was made by Mr. Mahaney, 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 8:10 p.m.

Respectfully submitted,

Melinda L. Mayer
Secretary

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September 10, 2018

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

Re: Special Permit Review - Patrick & Barbara Collins, 5087 S. Onondaga Road

Dear Chairman Elleman and Members of the Board:

We acknowledge that you have referred this matter back to the Planning Board for further consideration and along with updated photos.

We do, however, note that Section 285-39 (C)(2) states that:

Prior to the hearing, and after a determination of environmental significance has been made under the provisions of the State Environmental Quality Review Act, the Zoning Board shall transmit to the Planning Board of the Town of Onondaga, the application for the special permit and all related documents.

We have identified that although the applicant submitted a Short Environmental Assessment Form with Part 1 completed, there is no evidence that we can find that Parts 2 and 3 of the Short Environmental Assessment Form have been completed by the Zoning Board. Nor are we aware of any formal environmental determination that has been made by the Zoning Board in accordance with 6NYCRR Part 617 and that such determination was made in open meeting.

Therefore it is our belief that until that requirement of the Zoning Code is complied with; we are going to defer any further consideration of this application.

We would hope that in the future that for all applicable referrals the conditions precedent specified in the Zoning Code have been complied with because the Planning Board's time to review does not start until these steps have been completed.

Very truly yours,

Marc A. Malfitano

Marc A. Malfitano, Chairman
Town Planning Board

cc Cheryl Hammond