

Village of Canastota
Planning Board Minutes
Public Hearing

May 17, 2006

MEMBERS PRESENT: Vic J. Kopnitsky, Sandra Eaton, Terry Curtis and Monica Koehler

MEMBERS ABSENT: None

OTHERS PRESENT: See the attached Sign-in Sheet

Chairman Kopnitsky opened the Public Hearing at 7:04 p.m.

The Chairman stated that this Public Hearing is to review the Preliminary Plat on a subdivision application of Mahoney First Street, LLC for land on First Street in the Village of Canastota. The Chairman reviewed the history of the matter. The Village Board amended the zoning laws in April 2006 and an application was submitted for a Special Use Permit that was granted by the Zoning Board of Appeals. At the Planning Board's last meeting we reviewed the Preliminary Sketch Plan and scheduled this meeting for review of the Preliminary Plat. Four (4) copies of the Plat were filed with the Clerk's Office. The Plat consists of 4 sheets – Sheet 1 of 4 shows the lay-out of previously identified Phase I, Lots 1 – 15, with Lots 1 – 14 fronting on First Street; Sheet 2 of 4 shows the topography and drainage for the 8-acre parcel, identifying lots 1 – 15; Sheet 3 of 4 identifies the topography and utilities – the project includes the relocation of sewers on First Street from the North side to the South Side of First Street as the sewer on the North side is at very high elevations creating problems with the gravity sewers. The applicants proposed to move the sewers to the South side of First Street to increase the pitch of the sewer line to accommodate a tie to the sewer line going down Ravine Street. Water will be captured off from this parcel and off Will New Boulevard on the East side of the development – the engineering plans for the detention/retention pond must be supplied by the applicants. At our last meeting, we reviewed the sketch plan for compliance with Sections 190-5 and 190-8 of the Village Code and certain written requirements were made to the Sketch Plan. We will review the requirements to determine whether the Preliminary Plat complies with those requirements and to determine if we will require additional information to be supplied and submitted in connection with approval of the Preliminary Plat and with the Public Hearing on the Final Plat. The project is classified as a Major Subdivision because the number of lots is “5 or more” as defined by Village Law. As required, we reviewed the Preliminary Sketch Plan at our last meeting and will review it at this Public Hearing to determine whether to approve the Preliminary Plat. Approval of the Preliminary Plat does not constitute approval of the final subdivision. There will be additional procedures, including a second Public Hearing for the Final Plat before it can be approved. All requirements and additional information must be submitted for final approval.

The Chairman instructed Clerk/Treasurer Williams to read aloud the written conditions that were imposed at the May 3, 2006 meeting. The Preliminary Plat was reviewed for compliance with those requirements. Chairman Kopnitsky asked the applicants, who were present, for the engineer's calculations for the detention/retention basin. The applicants responded that the calculations are on Sheet 4 of 4 of the drawings and that no separate report exists now.

Chairman Kopnitsky opened the Public Hearing to the public for comment and stated that all questions were to be directed to the Planning Board and asked that only 1 person speak at a time.

Mary Adasek asked for the opportunity to look at the Plat. Chairman Kopnitsky explained that the Plat is on file in the Village Clerk's Office and that it can be reviewed there. Ms. Adasek stated that she did not know anything about this project until the ZBA meeting on May 11, 2006 and was told that this was for a use variance not a Special Use Permit. This is when the public found out about the amended Local Laws 2 of the year 2006, 3 of the year 2006 and 4 of the year 2006 allowing this use in the R-1 zone. Ms. Adasek stated that she has not had a chance to get a grasp on this project and that she wants to ask questions about the sewers and water runoff. Ms. Adasek stated that she has pictures of standing water on the property taken days before the last rain storm, is concerned about the proximity of the project to the school and has concerns about traffic. Ms. Adasek further stated that she believes there is a legal defect in the Public Notice for the amendments to the local laws as there was no time stated for the Public Hearing and that she is getting an Article 78 proceeding ready to be filed on the matter.

Chairman Kopnitsky stated that the prints are available in the Clerk's Office and that those prints needed to be and were filed more than 15 days in advance of the Public Hearing. The Chairman then took a set of the plans and propped the set against a chair so as to display a set for the people attending the meeting.

Raymond Galavotti asserted that he knew the zoning rules and that the application was illegal. Chairman Kopnitsky responded that the Village Board had changed the zoning rules. Mr. Galavotti insisted that he knew the zoning rules and that the proposal was illegal. The Chairman then asked Mr. Galavotti if the Planning Board had had a problem with Mr. Galavotti before which Mr. Galavotti confirmed. The Chairman then asked Clerk/Treasurer Williams to have an officer come down to keep order at the meeting. Clerk/Treasurer Williams excused herself from the hearing and returned to advise that Chief Zophy would be joining the meeting.

Chairman Kopnitsky, using the plan set propped on the chair for the persons in attendance to see, reviewed the plan with the public present at the hearing and advised as to the procedure that has been followed so far.

Richard Slaski asked how many units were in Phase I. The Chairman responded that there are 14 units proposed in Phase I. Mr. Slaski asked how many units are in Phase II. Chairman Kopnitsky advised that we are not dealing with Phase II right now, but that Phase II is proposed to have 12 units which would give a total of 26 proposed units on the entire parcel.

Mary Adasek stated that she feels that this is a disruption in the area and that property values may be affected. Chairman Kopnitsky asked Ms. Adasek to please direct her comments to the Board and not to the Public.

Chairman Kopnitsky explained that these concerns are not part of the criteria for which we have to review the Plat. The Planning Board's function is to review the Plat to make sure that the design of the layout does what it is supposed to do and to make sure that there is compliance with the Village Code, stating that this Board is limited to this function.

Ms. Adasek asked about compliance with SEQR and DEC regulations. Chairman Kopnitsky explained that this was preliminarily determined to be an unlisted activity in the preliminary

stages and that the Planning Board was attempting to identify any adverse activity. He reported that we will continue our SEQR review before reviewing and acting upon the Final Plat.

Ms. Adasek asked if the Planning Board would take into consideration the DEC Consent Order. Chairman Kopnitsky stated that it is his understanding that there is enough capacity for this project. He asked Ms. Adasek if she had any evidence to the contrary without response.

Ms. Adasek asked if any of the proposed project was part of wetlands. Chairman Kopnitsky advised that we have received no information stating that there are wetlands involved.

Tim Mahoney, one of the applicants, stated that their engineers have checked the property for wetlands and have found that there are no wetlands. There is a DEC master map that shows designated wetland areas and this project is not designated as a wetland area. Mr. Mahoney further stated that the drainage for the parcel will be addressed with and must be approved by the DEC. Page 4 of 4 shows that there will be less water leaving the parcel after development than there is currently.

Mary Adasek stated that she is very concerned and confused and asked if the Planning Board has any official report on the drainage calculations or if the Board has seen a written report as to how the applicants came up with the numbers.

Chairman Kopnitsky stated that we will require a copy of the engineer's report prior to approval.

John Melick asked if storm sewers are required. Chairman Kopnitsky advised that the water runoff would be controlled by a swale into the retention/detention pond.

Raymond Galavotti is concerned about lot sizes stating that the code required 85 feet for front lines.

Chairman Kopnitsky explained that the Village Board has amended the code and for this type of development, only 60 feet is required.

Chairman Kopnitsky was asked if Phase II would work the same way with approvals. The Chairman advised that the process will have to start over again before anything can be done for Phase II.

Raymond Galavotti asked where the retention basin goes. Chairman Kopnitsky advised that it exits north into the stream.

Mary Adasek is concerned about water on the property and would like to present 3 photos taken by Richard Rosello before the last rain. As it turned out, the pictures were taken after, not before, the last storm. Mr. Rosello stated that he took the photos on May 16, 2006 and stated that the photos were taken standing on the subject property.

Chairman Kopnitsky was asked how many total units will be built if Phase II goes through. The Chairman stated that there were proposed 13 total structures making up 26 total units; however, in Phase I, the only phase before the Planning Board, there are seven structures for a total of 14 units.

The applicants were asked when construction would begin and responded that construction would begin when the approval process is complete.

Richard Slaski asked why only 14 units are being shown if there will be 26 units. Chairman Kopnitsky responded that only 14 units are being addressed for Phase I before us right now.

Mary Adasek asked if the Board would be having anything to do with the structures that are being constructed. Chairman Kopnitsky responded that the structures as we understand it are approved by the ZBA by issuance of the Special Use Permit. This does not come into existence until the subdivision is finally approved. This Board deals solely with the final grades, the lines drawn and the facilities that are constructed, not with the homes that are constructed.

Chairman Kopnitsky was asked at what meeting does the traffic situation get brought up to which the Chairman responded that the ZBA should have dealt with that with the Special Use Permit. This Board will also review that when we review the EAF.

Joseph Slivinski asked what the Board is requiring for SEQR. Chairman Kopnitsky responded that a long form EAF was submitted. Mr. Slivinski stated that he believes that this Board should review traffic, size of the house on the lot and retention/detention basin, and stated that the character is not the same as the other homes in the area.

Raymond Galavotti asked where the sewer lines were on the plans that were submitted. Chairman Kopnitsky stated that they could be found on Sheet 3 of 4. Mr. Galavotti stated that he thought there was another sewer that could be used. Chairman Kopnitsky advised that this Board does not have anything to do with how the Village is going to construct and redesign the new sewer and suggested that Mr. Galavotti direct his concerns regarding the sewer construction to the Village Board.

Joel Arsenault stated that the Village is directing the applicants as to how the sewer will be installed and that the applicants are paying the bill.

Mary Adasek asked if the applicants were stating that they were paying for the sewer to be moved.

Chairman Kopnitsky asked the applicants if they are paying to move the sewer from the north to the south side. Mr. Arsenault responded that normally a developer would tap into the existing sewer line. The Village asked the developer to move the sewer at the developer's expense and the Village will pay to tie in at Will New Boulevard. The developers are paying to construct the line and the Village is paying to tie in that new line to Ravine Street and Will New Boulevard at existing lines.

Richard Rosello stated that SEQR also covers social and economic issues as well as environmental issues.

Mary Adasek asked if the SEQR review would take into consideration these other concerns.

Chairman Kopnitsky advised that this Board would review SEQR in conjunction with the final plan approval. This is a public hearing with regard to the Preliminary Plat only – this approval does not approve the subdivision and has nothing to do with anything other than the Preliminary Plat.

The Chairman asked if anyone else had any question or comment. There were none.

Motion by Sandra Eaton, seconded by Terry Curtis, to close the Public Hearing at 8:07 p.m.
Ayes: VJK, TC, SE, MK Nays: none

Chairman Kopnitsky convened the regular meeting of the Planning Board at 8:07 p.m.

NEW BUSINESS

None

OLD BUSINESS

Application of Mahoney First Street LLC to subdivide premises located on First Street in the Village of Canastota. A public hearing has been held on the Preliminary Plat. Chairman Kopnitsky asked the Board members if there were any questions for the Applicants regarding the Preliminary Plat.

Chairman Kopnitsky asked the applicants if there are sidewalks proposed in the front of the various lots on First Street. Mr. Arsenault responded that there are no sidewalks planned. Chairman Kopnitsky asked the applicants if driveways are planned for the units. Mr. Arsenault stated that the driveways would be constructed on the common property lines going back to a hammerhead with side-loaded garages. Chairman Kopnitsky asked about the proposed landscaping. Mr. Arsenault stated that the properties would be completely seeded with foundation planting around the front of each single-family house. Mr. Arsenault also noted that there are no proposed roads to be built in Phase I – there are two (2) rights-of-way to Lot 15. Chairman Kopnitsky noted that there are tree planting requirements as part of any Final Plat and referred Mr. Arsenault to Section 190-38 for those requirements, stating that the proposed foundation plantings will exceed the current requirements.

Board Member Sandra Eaton asked the applicants if this project was associated with Section 8 or any other public funding for development. Mr. Arsenault replied that this development is being targeted for “empty-nesters”, widows/widowers and middle-age couples. The cost of the units will start at \$150,000 and to up from there. There is no outside funding.

Motion by Vic Kopnitsky, seconded by Monica Koehler to consider the Preliminary Plat at our June 7, 2006 meeting at 7:30 first on the agenda. Ayes: VK, MK, SE, TC Nays: None. Motion Carried.

Motion by Sandra Eaton, seconded by Monica Koehler, to adjourn at 8:15 p.m. Passed 4 to 0.

Respectfully submitted,

Catherine E. Williams
Clerk/Treasurer