

Village of Skaneateles
Planning Board Meeting
August 6, 2009

Update and continuing the Parkside Subdivision approvals

Present: Bruce Kenan, Chairman
Lauren Waite, Member
William Eberhardt, Member
Douglas Sutherland, Member

Jorge Batlle, Clerk to the Planning Board
Riccardo Galbato, Attorney for the Planning Board

Greg Sgromo, Engineer for the applicant

John Hennessey, from the Rotary Club

M/M Moffa, Orchard Road
Clifford Abrams, State Street

Chairman Kenan opened the meeting at 8:13pm. He asked, "what are the issues tonight?" Greg Sgromo, Engineer for the applicant said, "we are here for the creek walk. Today popped up an issue with trees. I'd like to speak about those. I know very little about it but I'll be happy to let you know what I know. I also wanted to show the Board small changes that occur at the detention basin – to get your approval on, relative to the National Grid who wanted us to move some stuff around. They finally came to see what they would like there. I want to show you guys that and hear your comments on that." The Chairman asked, "do you want to take care of them in that order?" Sgromo said, "yes, why not."

The Chairman said, "the first thing is the creek walk and Doug, you've been following this. What's the update?" Member Sutherland said, "I Have invited John Hennessey to join us. John is with the Rotary Club which would like to participate in the specifics of the creek walk and be in a position to provide enhancements at the point that the basics that are part of the initial approval of the subdivision – once those are complete, they would like to provide additional planting and maybe do some other things that make it a more attractive amenity for the Village. The first piece of that we thought was – while your contractor is on-site, we would like to get the basic path in. To do that, we'd like to also, and I think it is part of the approval – there was the expectation that we would have a small group of folks that would go out to help flag where the trail is to go specifically, so that we are avoiding trees that you'd like to keep and other conditions. So, if we could set up a day where perhaps we could meet with the site contractor and maybe you Gregg, but with John and me and perhaps some other Planning Board members and Neibert from the Tree Committee, that we could go from there and establish the trail location. And get the basics in and then let the Rotary Club and other get to work on enhancements and getting those things ordered and installed."

Sgromo said, "I think that would be a great idea. Give a little bit of notice I can make myself available just about any time. Even if it is after five o'clock." Member Sutherland said, "and if we can do that in conjunction with maybe the site contractor." Sgromo said, "we have not chosen a site contractor yet." Member Sutherland asked, "Tobin would not be doing that?" Sgromo said, "I think that they would be the choice. He's going to send it out to bid. I just want to make sure before we did that, that plans were as far as the detailing and that sort of thing were to the Planning Board's satisfaction." Member Sutherland said, "we have a spec. for the installation." Sgromo said, "we have the same spec. that EDR used." Member Sutherland said, "at this point it is just simply making the particular exact location and ideally you'd like to have that site guy there so you can talk with him directly - this tree you want to keep, and these we really don't care about." Sgromo said, "I agree. That would be the ideal time. If the Planning Board feels that the drawings are adequate, we will send them out to bid this week and hopefully have a site contractor lined up before the first meeting in September. Maybe we can do this in the beginning of September." Member Sutherland said, "we do it in September, we walk it. The site guy gets it done October, November. It sounds like there might be some things that can still happen this Fall. But a lot of planting might be early Spring." Sgromo said, "which is a good time." Member Sutherland said, "if we are doing some evergreens it would be ideal to get those in in the Fall. They will take better. For everything else, the early Spring would be fine. John is that OK with what you were imagining?"

Hennessey said, "it's actually later that I had thought and had talked about with Ann and the tree group. I have also spoken with Joyce Barnett from the Garden Club who would also like to be involved. They have a hundred members and there are 2 Rotarys in town. Our thought is the more stakeholders that you can get, the more people that will buy into the program, the better it's going to go at least with criticism. I actually have a couple of questions which may be foolish, may be not. I'm wondering what the latitude is for this specific trail itself? Would it be west of the Creek, where we are talking about? And are we talking about from West Elizabeth Street all the way to what is going to be Sinclair Street? Are we talking about that in its entirety including that crusher run area also?" Using the site map, Sgromo said, "it doesn't go all the way to West Elizabeth Street. That's not our property in there. It does go along the basin here." Member Sutherland suggested, "why don't you start by showing where West Elizabeth Street is in relation to this."

Sgromo said, "West Elizabeth Street is about this far here. There is a driveway that comes down to the Village sewer pump station." The Chairman asked, "and that's owned by the Village?" Sgromo said, "I'm not sure about that. When we were dealing with Gene LaForte there was some discussions on whether it was owned by the Village or by the City of Syracuse, and what easements and accesses are. There was some discussion with the adjacent property owners as what is there for a right-of-way, and what was allowed to go in there. That is why it was never ..." "...for my information then, we are talking about roughly a ¼ of a mile in from West Elizabeth? Is that right?" asked Hennessey. The Chairman asked, "do you have a full subdivision map here, Greg?" Sgromo said, "I don't think I do." (multiple conversations) Member Sutherland said, "it probably is not more than 150 yards." (Full map unrolled) The Chairman said, "John, take a look at this. The property you are talking about is starts here. So it is the depth of these lots, that somebody else owns."

Hennessey asked, "where are the bog concrete slabs? Are they here someplace?" Sgromo said, "the stone and the mesh, that's here." Hennessey said, "Ok, that's the Creek. Further up, there's some square or rectangular shaped cement blocks with yellow pipes. What is that? Is that a pipe that goes through there. Is that part of the property too? What's going to happen for that then to where..." "...that's the City of Syracuse's" Batlle said. Hennessey asked, "so what's going to happen with that?" Sgromo said, "that's a building lot in here. These are building lots. That's a building lot and the Creek is right here." Hennessey said, "so it follows the Creek."

Sgromo said, "we did leave an access point here to come out to the sidewalk and the road." Hennessey said, "so it really snugs up along the Creek...but it is not off more than 10 or 25 yards or so." The Chairman said, "John, there's a property line here. This would be the back of somebody's lot, and these are the back of somebody's lots. So, you'd have to stay between the property line and the Creek itself all the way along there. Has that property line been staked?" Sgromo said, "I don't know if it has been staked or not. Ianuzi and Romans supplied a monument map." Hennessey said, "some what from what I could tell. I had obvious questions."

The Chairman asked, "I wonder if the ??? would like to take it upon itself to figure out who owns this land?" Sgromo said, "I think this is owned by the Village. This piece right here was a problem because when I drove down it with Gene LaForte, the guy came out and yelled." The Chairman said, "but that's not along the Creek though, right." Sgromo said, "no, but there's a house here and a house here." Member Sutherland said, "and there's a drive in between." The Chairman said, "but the creek walk wouldn't follow the driveway, it would follow the Creek." (multiple conversations) Hennessey said, "but logically, entry from West Elizabeth would be along that walkway. It would be the only place to enter the walk, or you are going across someone's side yard to get to it." (multiple conversation) The Chairman said, "so let's take advantage of the situation we have here with the subdivider, who is doing a certain amount of work along the creek walk within the limits of its property and the Rotary's graciously agreed to work with them and add to that. And perhaps Rotary can figure out some way to work with the Village to develop the rest of it at some point in time."

Member Sutherland said, "our issue at this point is property that Greg's client controls and as part of the arrangement, they've got a responsibility to put a path in. And we have the responsibility of showing them where the path should go." Hennessey asked, "it's not where the gravel pathway is now?" Sgromo said, "no, it's in between ??? and the Creek what we are proposing will be a pedestrian bridge here. (shows drawing) Because right here it's flat. But that's the City of Syracuse's water line. Over this higher area here, it will be 5 foot wide, pressure treated lumber." Hennessey asked, "where does that fall here?" Sgromo said, "there is actually 2 of them. One is right here and the other one is over across our out-flow emergency outlet here. That will just be a single span like 12 foot, just to span that."

Chairman Kenan said, "since everyone is here tonight, why don't you pick approximate dates to do your site work. You said walking the site and taking a delineation. Everyone has agreed on following the procedure that Doug outlines." Sgromo said, "One of the reasons this can't go any much sooner than this Fall anyways is because this portion here which is in the middle of road construction at the edge of that, specially this one here where it's really needs to

be graded and that sort of thing. That will be by late September early October, it will be far enough done that we could start doing the walk.”

Member Sutherland said, “in terms of doing the walk, you are going to send this out for bid now. You have everything I think you need basically to do that. When might a site contractor be ready so we can walk this?” Sgromo said, “I’m hoping... if it’s a green light to send it out, I’ll send it out this week. If not tomorrow it will be Monday. It will definitely be Tobin and a couple of other ones that they are good size and can handle this thing. Their bids will come back in a week or two and pick one at that point. ...end of August or first week of September.”

Member Sutherland said, “if we can do the walk before our next Planning Board meeting, do we agree that that’s the goal?” Sgromo said, “yes.” Hennessey said, “that’s in less than a month.” The Chairman asked, “can you give John a copy of that?” Member Sutherland said, “before the first Thursday of September.” Member Waite said, “which is like the 3rd, right? I won’t be here.” (Side B)

Peter Moffa said, “I haven’t seen the plan for the creek walk. I want to make sure there’s enough assurance that we are not going cause any erosion into the Creek. There is quite a bit of it already. We have to make sure that we prevent anything like that. Secondly, I understand there is private ownership going all the way to the Creek. I’m just bringing that up from the point of view of getting the rights-of-way from those property owners. They claim they own to the Creek. Just raised that as a point.” Sgromo said, “I don’t believe so.” Moffa said, “well they think they do.” Mrs. Moffa said, “there are 2 or 3 families. But, we don’t and the next to use don’t but the next 2 or 3 say that they do.” The Chairman asked, “those are lots within the subdivision itself?” Sgromo said, “actually nobody own it to the Creek.” The Chairman said, “the property lines on the maps are short of the Creek.” (multiple conversations)

Attorney Galbato said, “once it is installed and approved by the Village, he’s going to be turned over by deed to the Village.” Mrs. Moffa said, “one is a lawyer and argues that they own all the way to the Creek.”

More discussion on ownership of specific parcels. Hennessey said, “it all depends on who you talk to. You talk to the City, they own it. You talk to the Village, they own it.” The Chairman said, “ok. Do you want to go to your 3rd point first and end with trees?”

Sgromo said, “you come in, the bridge is right here (pointing on the site map) and there’s the basin in this location. (NE corner) Currently the basin takes this shape here. Kind of an egg shape, and it follows the contours a little better underneath the power line. National Grid came back recently. Part of the preliminary approval – there was an approval letter from Niagara Mohawk to put the roads under the power lines in. Since then they have gotten some different procedures and one of the things that was not in the letter which is pretty standard is a *consent agreement* which working with them ??? not that it is anything other than quite a bit of time, this is probably the only real issue is that they needed to have access underneath this power line. So, they wanted a 15 foot off the centerline to have it flat. So, we just had to change the shape of that basin in this area. Where it currently goes like this – now it goes like this and now it’s going to go a little more like this. It’s the same size. It is already probably 4 times bigger than what’s

required. We originally put one in there big enough just to keep flooding away from there and make sure because of the limited pipe coming out of here that we kept less going over the overflow. That's a change with that there."

The Chairman asked, "ok, so this is not the new configuration?" Sgromo said, "this is the new configuration." The Chairman said, "the thing to do is submit it to the Village Engineer, just to get him to sign off that the storage capacity is what it should be." Sgromo said, "this was literally developed over the last couple of weeks." The Chairman said, "I don't know if anyone else has any other concern about the shape of the basin." Sgromo said, "it will be landscaped. There is no plan there for the landscaping and stuff now. The last issue is the trees." Galbato said, "before you move on to the trees, so you want Mr. Putnam to sign off on that and come back to this Board?" The Chairman replied, "yes. Have him correspond to us that he's signed off on the drainage adequacy." Member Eberhardt asked, "your time schedule, you are OK with that?" Sgromo said, "I'm OK with that. The basin - it's one of those things where we've been trying to get this before National Grid since July 17th of last year...we've been trying to get to this point since last July. Even the original plans, all 4 sections were designed in one shot. Those were all back in 2002, 3 or what ever it was. Those were all sent to National Grid when we sat down and discussed it - but people change and things happen. This is pretty minor. The trees....

Sgromo continued, "it literally just popped up on my e-mail screen about 4:30 today." The Chairman said, "I think it's about the way it hit us." Sgromo said, "I heard a couple of things. Let me start with the easier ones. Trees in Lot 18 and Lot 1. Those were not put in on purpose because there is still so much construction going on there. On all of those lots, they go in as the houses are done. I think we spoke about this Spring the reason that none of the trees were in on that one side, except for the original 2, of what ever lot that is, was because those lots, those houses just (paper noise) late last year, early Winter. This one here had the 2 trees. These 2 just got trees. These 2 just got trees and these will have it once the house is complete. Lot 2 will have them once the house is completed. I just drove by there today. If those trees were there today they'd be dead because there is still trucks and dumpsters and grading taking place and that sort of thing.

The other 4 trees, I saw the e-mails coming up, I did not have a chance to review the Code as to whether it's 2 ½ or 3 ½. I know there was a lot of work done to try to get things out there to make everybody happy. I have not been following it, to be honest with you. The last I followed it was when we got the arborist and everybody together with Dr. Elstein's landscaper and at that point I thought everything was all set. So, today it popped up. I did contact Dr. Elstein. He said that as far he was aware, the trees were supposed to be install per the Village Code as far as size goes. As far as the type of tree goes, there was some discussion as to putting in some different trees. One of the discussions was to remove 4 trees from in front of other lots. They were already planted a couple of years ago, and transplant them and then put in some different trees. It was something that he was not prepared to do. To be honest, I can agree with that 100%. First of all, those trees are now a pretty good size. There's limited space where you could excavate them with out hurting them, like the curb and the sidewalk. Then you have the risk of loosing trees that are now taken and looking pretty good. His contention is, that if you want different trees, that's fine. But he was not going to transplant trees from one side of the road to the other."

The Chairman said, "I think the issue you have to look at is the size and the species of the trees." Sgromo said, "the size is – I took the caliper off when I went down there and is 2 ½ inches." Moffa said, "no they are not. Gregg I went down and looked at them. There's one that 1 ½. None are 2 ½." Sgromo said, "I took my caliper and put it at 3 ½ but they are not 3 ½. I have pictures for Dr. Elstein tomorrow. I don't know about 1 ½ but they are not 3 ½." Moffa said, "they are noticeably small and I measured them. And there is one that's one and a half. And the others are about 2." Sgromo said, "If I measure them at the base it's about 5 inches." The Chairman said, "you measure them a foot above the ground. So take a look at that." Sgromo said, "they are not 3 ½ and I don't know if that's Village Code. If that's the Village Code..." The Chairman asked, "what is the Code?" Member Sutherland said, "the Standard Code is 2 ½ but this subdivision C & B District is 3 ½. It was written to be larger because there aren't any trees at all there now. So, you didn't want to have all small trees. You wanted to get some size so it felt like permanence earlier on. So it was specifically set out at 3 ½." Sgromo said, "they are not 3 ½."

Member Sutherland said, "just very quickly, I sent an e-mail back to Dr. Elstein when I saw it just before coming down...the Tree Committee was really trying to accomplish 3 things. One of them was getting a variety of species. So, if you have a disease that goes through, you don't lose all trees. Some of us are old enough to remember the Elm trees going down the streets." Sgromo said, "that actually is the proper planting technique." Member Sutherland continued, "the second goal was to get something else that was more durable than Bradford Pears. Bradfords, they hold their leaves late. They catch early heavy snows. They snap, they break, they don't hold up well. Then the 3rd objective which they were trying to do is they were trying to build up in scale, so that you had in later phases you had some larger trees that created more of a canopy over the street. Bradfords sort of tend to look like lollipops. They don't get that large, and given the scale of the houses that are there, something bigger – they were hoping to do really going into later phases. What they were trying to do in the early phase was getting other trees that were about the same size as Bradfords, so you didn't have big trees and little trees, but you had things that were appropriate and compatible size but different species. So, that's what they were trying to do. I think they conveyed that to Dr. Elstein and somewhere between conveying that and what actually happened."

Sgromo said, like I said, I was not privy to any of those conversations. Prior to today, I didn't know anything about trees. I talked to Bob Lotkowitz, and got the arborist's information. Transferred to Dr. Elstein and at that point it is my understanding was that the wheels were in motion for this. Then today I find out that there is..." "...I applaud Dr. Elstein in consulting with the Tree Committee, except it sounds like they made a recommendation it ignored it. I don't know that confirming with the Tree Committee is a requirement of any kind, I don't know that it is. However, there is a size requirement and there is a series of species that are listed. So, it could be anyone of those. I don't think that Bradford Pears are among them."

Sgromo said, "my understanding is that the conversation kind of fell apart when it came to transferring the trees across the street." Member Sutherland said, "I don't think that the Planning Board was expecting that he'd be moving things around. It is pretty clear on getting varieties rather than all the same tree. And getting something that had more durability than the Bradford Pear. It's unfortunate that those things kind of got lost in the shuffle." Sgromo said,

“Rick, if you could send me an e-mail something that I could just forward to Dr. Elstein relative to the size requirement, so I don’t have to look it up. If that’s possible.” Member Waite said, “it was Appendix A.” Member Sutherland said, “it was the Design Standards, the Downtown D Standards, then it is referenced that B & C Districts also follow those Standards. It was a page or two into that section.” **Member Waite leaves

Member Eberhardt said, “I don’t think those are the right trees. I want to go on record. I don’t think those are the appropriate trees for that neighborhood.”

Galbato asked,, “species, do we go back to the Subdivision Regs. for that?” Member Sutherland said, “we didn’t have species as part of the Ordinance that added the design Standards. I think the Tree Committee has, which came along later, I think they’ve got recommendations again, with the desire in getting more variety and having more durable selections going in. I’m not up on what their recommendations are.” Chairman Kenan said, “would you look into that Doug.” (multiple conversations) Member Sutherland said, “we ought to have the Tree Committee participating in species.” The Chairman said, “Rick, you will dig out the appropriate reference?” Galbato showing a section of the regs said, “or as approved. This is in the Subdivision Regulations.” Member Eberhardt said, “oak, maple, linden, ash, thorn less varieties of honey locust.” Galbato added, “or as approved by the Planning Board. You are OK with that list?”

Member Sutherland said, “the trees that Ann was describing, she had a couple of different maples and some other things.” The Chairman said, “you have the requirements right there and can e-mail them.” (multiple conversations)

Mrs. Moffa said, “we have the pear. They are gorgeous. It did not realize that they were a problem. If even in 10 or 15 years they split, they break, do we replace the trees? Or does the Village replace the tree?” The Chairman said, “once the Village accepts the improvements in the right-of-way, they become the Village’s trees.” Moffa said, “I don’t want them moved. I think that’s a tremendous expense. I love the tree.

The meeting was closed at 8:56pm.

*email to: Planning Board, Elstein, Galbato
cc: MJB, B. Lot,*