

Village of Skaneateles
Planning Board Public Hearing
June 6, 2013

Public Hearing, pursuant to Chapter 190 of the Code of the Village of Skaneateles, in the matter of the application submitted by Parkside Development for Final Subdivision Approval of Phase IV (Section 4), containing 18 lots in a subdivision called Parkside Village Subdivision for the parcel of land located north of West Elizabeth Street and west of Skaneateles Creek in the Village of Skaneateles.

Present: Bruce Kenan, Chairman
William Eberhardt, Member
Mark Roney, Member
Carol Stokes-Cawley, Member
Douglas Sutherland, Member

Riccardo Galbato, Attorney for the Planning Board
Dennis Dundon, Clerk to the Planning Board

Corinne Knupp, for the Applicant
Greg Sgromo, for the Applicant

Mary Sennett, Village Trustee
Bob Lotkowitz, Director of Municipal Operations
Constance Brace, QPK, Skaneateles
Jeremy Davidheiser, QPK, Syracuse
Anne Neibert, Chair, Tree Committee
Robert Eggleston, Skaneateles

Chairman Kenan opened the Continuation of the May 8, 2013 Public Hearing at 7:30 pm, announcing the application for the approval of Phase IV (Section 4) of the Parkside Subdivision which had been scheduled at the Board's April 11, 2013 meeting. Mr. Sgromo introduced himself and said, "Good evening. I brought some smaller plans in case anyone would like those. We also brought a letter that we sent to Stearns & Wheeler in response to their comments regarding the plans and things such as assent agreement with National Grid and crossing of the Syracuse water easement. If you'd like I can go through the letter and some of the concerns or questions that Stearns & Wheeler had quickly and address some of those. The New York State Health Department minimum separation was brought up as it was in previous sections. Essentially it is the sewers and water lines because of the configuration of the subdivision being that they are within the road right-of-way and the road itself as far as the water line goes. In some places they don't meet the minimum 10 foot separation; in those areas we have to encase or wrap the water line in a polyethylene barrier, same as the previous sections, which we are doing. The County health Department has reviewed the plans; we spoke with them today. They

are going to be submitting a letter approving them as they are – they will not officially approve them until the Board does and we have filed the official FP5 forms, which need to be signed by the Planning Board Chairman. So they have seen the plans and they are OK with them.”

Mr. Sgromo continued, “There was some concern about the water pressure being over 100 pounds. The developer is aware of that; pressure reducing valves will be installed at any homes that require them after pressure testing once the lines are in place. The steel casing detail is the same; this is the steel casing that crosses the City of Syracuse water line location. One of the requirements as part of their original ordinance allowing us to cross it with the road through there and utilities, is that any utilities are encased in steel. It’s the same detail as in previous sections and they are shown on the plans. Furthermore, the ordinance is attached as part of this letter. The City of Syracuse approved all the crossings in the initial phase so we put it back in this letter just so the conditions are part of this record. We relocated sanitary sewer MH # 22 to better serve Lot 35. That was one of the requests that was made by Stearns & Wheeler.”

Chairman Kenan, “When you say you have relocated it, was that in the plans that were submitted?” Mr. Sgromo, “Yes, that’s in the plan that were just submitted to Stearns & Wheeler.” Chairman Kenan “Like today?” Mr. Sgromo, “Yes. We have also attached a copy of the DEC SWPPP, which covered Sections 1, 2, 3 and 4 and which has been in effect since the beginning of construction, and a letter from the DEC stating that is in the back of your packet here. There was another comment about the water line for the City of Syracuse and that agreement is in this packet too – the ordinance that was passed by the Common Council. They did make a comment last time; they did have their geotek engineer check the sub base prior to us putting stone down, and we are aware of that. I think there is a note to that effect in the plans. The lighting plan I think we submitted before – lighting and tree planting; it’s still waiting. I think, for final approval from the Village. The tree species are the same as previously proposed and approved and the spacing is the same. We are more than willing to make any adjustments that the Board feels are necessary.”

Mr. Sgromo continued, “We did work with the Fire Department. They reviewed the plans and that hammerhead was enlarged per their request at the end of Orchard.” Member Eberhardt asked, “Who are we getting comments from on the planting plan?” The Chairman of the Tree Committee was noted to be present. Member Eberhardt said, “That’s what I thought.” Mr. Sgromo continued, “So Phase 3 item 9, the assent agreement from National Grid is in here. Attached to that actual assent agreement are the plans that were approved by them. Same exact language as before is my understanding. They have reviewed the actual construction documents and have approved the construction of the road and utilities as proposed. The next item is a repeat, it deals with the SWPPP. It was all previously reviewed and approved by DEC and again it’s still in effect and will be maintained in effect throughout the construction of Section 4, until final completion of all the work.”

Mr. Sgromo continued, “The signed contractor certification is now in the SWPPP that was sent to Stearns & Wheeler with a copy sent to the Village. We will continue to do the SWPPP inspections on a weekly basis once the construction starts up again.” Member Sutherland asked, “On the hammerhead. Does that really need to be bigger?” Mr. Sgromo said, “It wasn’t an issue that we brought up. The Fire Department did bring it up and it is required by the code.”

Chairman Kenan, "I think that when this subdivision was originally approved that was what everybody wanted was the hammerhead; but it sounds like there is a different viewpoint on it now."

Mr. Sgromo continued, "The Health Department did approve the plans for the water and sewer as I stated before. The Syracuse Water Department requirements are in here, and we have met those. They actually reviewed that crossing previously as part of their original agreement. More repeat comments on the Fire Department and National Grid on the easement. We are waiting for the contractor to provide the construction schedule, but we are anticipating something similar to last time – something like 3 to 4 months from start to finish." Chairman Kenan, "So this letter was sent today?" Mr. Sgromo, "Yes. We were waiting to kind of wrap everything up and just literally got it wrapped up this afternoon. From our standpoint, what we would like to do is start construction as soon as possible, primarily because we are worried about running into the fall months – not that we are asking the Board for a final approval; a conditional approval conditional upon engineering would be fantastic. Maybe get it all wrapped up before the next meeting. Legal and engineering would be ideal for us."

Chairman Kenan said, "There was a flurry of emails this afternoon as this stuff arrived. What Jon Putnam was suggesting at 5:54 pm – 'Understanding the developer's desire to begin site construction activities in Section 4' – this is his suggestion – 'please request that developer itemize work items, tasks, they would like to proceed with and send to me' – that's Jon Putnam – 'for consideration. I will comment and copy all parties on what items they may proceed with without regulatory approvals and just receiving a response letter from D&S, I would not suggest construction of any underground utilities begin until we review comment letter and regulatory approvals are obtained. I also would be interested to see if National Grid concurs with the proposed alignments of the proposed roadways and lots relative to their utility easement and assets.' I'm not clear, did they?" Mr. Sgromo, "They did. There is no way Jon could have flipped through all this and seen that. But I think when he does get a chance, he will see the assent agreement with the actual construction drawings attached to it as exhibits, will make him feel comfortable. If we need to get a meeting together with him and National Grid, or something, we would be happy to."

Chairman Kenan said, "He says 'We also need to discuss who will overseeing construction for Section 4.'" Mr. Sgromo, "We are not looking to start any underground utilities prior to him having a chance to review and comment." Chairman Kenan asked, "In the next 30 days, if you were free to proceed, what would you be proceeding with?" Mr. Sgromo, "I would say definitely the grading and within 30 days we would probably be into the sanitary sewer system, trying to install that. I doubt that we would get to the drainage in 30 days." Chairman Kenan said, "It sounds like we would want his review and approval before starting the sanitary or drainage. We certainly need Jon to finish his review and get back to the Board before the Board can issue its approval for Section 4. Is there a way in which we can authorize them to be doing grading in the interim?" Attorney Galbato said, "Yes. Jon called me at 5:00 and I encouraged him to send an email to us as well. The Chairman referenced that. I think site work contingent on the approval from the Village Engineer, Jon Putnam, for the work, could consider a motion."

Chairman Kenan said, "In a separate letter, of which there were many, he is suggesting that the Letter of Credit for Section 4, based on present estimated costs of the public infrastructure, be set at \$602,500." Ms. Knupp said, "I got that letter. One thing I wanted to talk about is the previous Letter of Credit right now that is in place. It is \$151,300. The only things that are left to be done are the sand filters, which would be about \$20,000 and then the top coat. So between the two, that's coming to about \$75,000, and we already have \$151,000." Chairman Kenan asked, "What were those numbers?" Ms. Knupp said, "I know that it's \$20,000 and then for the top coat we are thinking it's going to be about \$50,000 for the top coat. So that, say, is bringing us to about \$75,000. He already has a fairly sizable contingency in soft costs that are included in that estimate as it is. So we were hoping to take the combination instead of doing two separate Letters of Credit. To just change it to \$500,000." Chairman Kenan, "I'm not sure I follow that math. You are suggesting that \$75,000 of that would be surplus. He's suggesting \$602,000, with a \$35,000 contingency." Ms. Knupp, "In soft costs." Chairman Kenan said, "That's another thing we should get the Engineer to review and advise us on. How about you supply the Letter of Credit for the \$602,500, and upon receipt of suggestion from the Engineer, we release part of the prior one." Ms. Knupp said, "Because we are out \$500 every time we have to redo the Letter of Credit. The bank charges us to do that. So for us that's costly if we are going to turn around in a couple of weeks and release it."

Chairman Kenan, "I'm not sure the Board is equipped to agree with your assessment of how much of the existing Letter should be held." Ms. Knupp, "OK." Attorney Galbato asked, "Do you want to add to the existing Letter of Credit or have a different Letter of Credit?" Ms. Knupp, "We were hoping to adjust the current Letter of Credit." Attorney Galbato said, "Maybe the Engineers can come up; I would like to have that number as we go forward next month with a conditional . . ." Chairman Kenan said, "We don't have to wait a month for all this to take place. If the Engineer can review your suggested – how much should be reserved from the prior Letter of Credit – and agree with that and then add this to it; you could do that once. If that happens within a matter of days or a week, that could be consistent with the time frame in which you wanted to start grading." Ms. Knupp said, "Well the grading we don't need a permit for, correct?" Chairman Kenan, "No, I understand. But I think if we are going to let the grading start without having final approval that we ought to have the Letter of Credit in place." Ms. Knupp, "OK." Ms. Knupp, "So who can we get to approve; let's say he comes out and he agrees with those numbers, what would be the process?" Chairman Kenan, "Just suppose he comes back and says 'I can release \$75,000 from the prior Letter of Credit', deduct it from \$602,500 – whatever it comes out to, \$527,500 or whatever the number would be required for the new Letter of Credit." Ms. Knupp, "So we don't need Board approval for that, that would just go to Rick?" Chairman Kenan, "I think we could do it the form of a motion and let Rick receive the Engineer's estimate of what should be retained from the old one and act on it. Is that OK Rick?" Attorney Galbato, "After getting input from, after Jon reviews the input from the developer." Chairman Kenan, "Presumably within a week, if that transpired, you would be free to start grading with the understanding that anything inconsistent with the final approval would have to be corrected. Do we need to keep the Public Hearing open?" Attorney Galbato, "I don't think you have to if you choose to close it. We should be prepared to act within 62 days of closing the Public Hearing, and I think the Board is planning on acting quickly – at our next meeting, July 11."

Chairman Kenan opened the public comment portion of the hearing saying, “We do have a public hearing here and it is open. I know that Anne Neibert here who has some comments on the planting plan. Would you like to share those with us Anne?” Ms. Neibert introduced herself and said, “I am Chairman of the Tree Advisory Board. Our Board has met to, we were asked to review the tree planting plan. One of the problems with the plan is that we have all these little circles but they don’t really address as to which trees are being planted where. So it was a little difficult to visualize what was going to actually happen. I made copies of our notes and recommendations. The difficulty is that this is the last phase of this development, and for some reason, in the 3 prior phases, our Board has not been able to present to the Planning Board our ideas. The difficulty for us at this point is that we feel that this is an area of the Village where all of the wires were put underground, all of the houses are large, and the area cried for large, beautiful full trees. The developer chose to use smaller ornamental trees throughout the development. So we feel from the get-go that this would not have been our recommendation.”

Ms. Neibert continued, “We were asked to make a plan for Mr. Elstein, which we did, but the plan was rejected. I talked to him personally several years ago and his insistence that the Bradford Pear was used in all his other developments successfully – which most of his other developments were on Long Island – was his choice of tree. The unfortunate part is the Bradford Pear, when it reaches about 12 to 14 years old, has tendency to become brittle and split right down through the middle. It used to be a tree of choice here in the Village, but we lost so many of them that we took that off our list of choices. I had one that did exactly that right across the street from me. When they get to their glorious best, then they seem to break down. So all the Bradford Pears we feel – our committee – that are already in the development, are somewhere down the road going to be problematic. In any event, because the trees already there are relatively small trees, we didn’t feel that in Phase IV we could suddenly change and go with the kind of plan we’d like to see down there. So to stay within the realm of the scale of the trees that have already been planted, the trees on the first page are our choices to replace the trees on the second page. There are several other trees on their list that are probably alright, but these four in particular, the Bradford Pear, the Honey Locust, the Pin Oak and the Paper Bark Maple we did not feel are good choices. We have stated after each tree why we did not feel they were good choices. Mostly, the most difficult problem is the gravelly type conditions and of course all of that is compacted soil down there after development. It is probably one of the difficult conditions for each of these trees. But we have sort of stated the individual reasons why we feel the choices on the first page are better than the choices on the second page.”

Chairman Kenan, “So you are suggesting that the trees be from a list of three? Am I reading that correctly?” Ms. Neibert, “They have some other trees on the list, but we feel the Little Leaf Linden, the Red Spire Pear should replace the Bradford Pear, because it is a more durable variety of pear, but it is very similar in structure and it gets a nice flower like the Bradford Pear does. It is similar in shape to the Bradford pear so it wouldn’t look too different from what’s down there – but it is a hardier variety. We would have liked to have seen those put in, in the last phase. The Little Leaf Linden would be a good choice and then we give a variety of red maples – the Northwood, the Red Sunset, the October Glory and the Burgundy Belle. So that gives them four choices of smaller varieties of maples.”

Chairman Kenan, "And is the suggestion that all of the trees be the same, or they are planted in a variety?" Ms. Neibert, "There should be a variety, because the problem with planting all the same trees – and that's a problem – if a disease comes into the area it will wipe out all the trees." Member Sutherland, "Is there a patterning that you recommend? So many of each, or different streets with different types?" Ms. Neibert, "We like to see it mixed up on the streets, because if a disease hits an area it could wipe out the whole street. Then you have all that replacement cost within a year or two. The problem is, the way it has been done down there now, there's two Bradford Pears in front of every house and then they have thrown a few Locust trees in here and there. That's about all they've got down there right now." Member Sutherland, "If you were going to spot new trees in the new section, would you do a runoff a few, or do every other . . ." Ms. Neibert, "We would probably do two of this, and then two of that, and then two of something else. I not just exactly sure how we would do it – we'd have to go down and look at the area. We take a lot of things into consideration when choosing a tree for site. We look at the home, the size of home, the site itself and whether the tree could survive there. So we take into a great deal of consideration. This is really the first development that's come into the area of this scale."

Member Sutherland, "Given our circumstances, now, what would you recommend in terms of locating certain species?" Ms. Neibert, "We would be glad to go down and take a look at it and offer a plan. I don't know how soon the trees are being planted, but our Committee did offer that." Chairman Kenan, "What is your estimate? Autumn? For these trees?" Mr. Sgromo, "I would say autumn. I think he was trying to get them in if not autumn the first thing in the spring depending on how the schedule goes. But I know he wants them all planted before – not necessarily as the houses go up – but all in one shot. I think the Board kind of liked that too because then at least they are growing. So if a house didn't get built for 3 or 4 years . . ." Member Sutherland, "Kind of a finished look." Mr. Sgromo, "I think at one time we provided a plan with the trees on it in little boxes and next to them you could put A, B, C or D from a list that we had on there. I think we are OK with that."

Chairman Kenan, "So if you would suggest . . ." Ms. Neibert, "Basically the way it is now with the Bradford Pears you probably would use a lot of the Red Spire Pears and then maybe at various corners or areas – I think that when you go down the first road there, Orchard Road, there's like reservoirs there, you almost go over like a little bridge, that there's no houses on either side – I think they put a bunch of Locusts in there in a row. In some of those kinds of areas maybe some of these other choices could be used. So that we wouldn't change the look of the last phase too much from the other three. So you don't deviate too much from . . ."

Chairman Kenan, "Would you be agreeable to marking up a plan with a suggestion of which ones would go there?" Ms. Neibert, "Sure." Member Sutherland, "Do you need to see it in plan or do you need to see it with curbs and tree spots in . . ." Mr. Sgromo, "I think the plan we sent you guys was a stripped-down version that had lots and lot lines, lights..." [Multiple simultaneous conversations] Ms. Neibert, "If you're not going to do the planting 'til the fall then we could take a look at it."

Ms. Neibert, "And then there is one section – the Niagara Mohawk, I mean National Grid..." Mr. Sgromo, "We talked about that last time, you have to be careful with that..." Ms. Neibert,

“There’s no trees in front of any of those houses. I did talk to a gentlemen from National Grid...” Chairman Kenan, “Why are there so few trees on Packwood Place?” Ms. Neibert, “It’s a right-of-way situation. I just talked to a man at National Grid. He said that – this is like a 100 foot easement – he said that the rules on the easements continually change and that he was even indicating that a tree that might be 50 yards over here could fall on those wires and that they would have the right to take that if it was compromising wires. But the difficulty is that these people down here, there’s going to be no trees because of that. I don’t know if they would go ahead and give permission to put some smaller variety of tree in there...” Chairman Kenan, “I think that we suggested in an earlier discussion on this subject that if the developer were to make trees available to the property owners; who knows, in the dark of night they might plant them. What were you suggesting, Doug?” Member Sutherland, “As the infrastructure takes shape, you may see where...” {Multiple conversations} Chairman Kenan, “Anne, could we call upon you to suggest which trees go where?” Ms. Neibert, “Yes, we can take a look at that.” Chairman Kenan, “I suggested marking up the plan but Doug thinks that it would be better done...” Member Sutherland, “If you could see the curbs, sidewalks in place – spots where trees are to go – in plan is OK, in reality it may be a better...” Member Eberhardt, “We don’t have to do it in plan, we have the luxury of time.” [Multiple conversations] Ms. Neibert, “And then who would I bring this plan to?” Chairman Kenan, “To Dennis.” Attorney Galbato, “To Dennis and then dennis would distribute it to all of us and that would incorporate your suggestions in our resolution next month.” Chairman Kenan said, “Thanks Anne, we appreciate it.”

Chairman kenan said, “We are still in a public hearing. Is anyone else interested in speaking on this application?” Ms. Knupp, “I have one thing on the trees. I’m a little bit nervous about them being too big. We had a huge issue because one of the homeowners was very upset that the trees were too big, actually. So they may be small but part of that is because we ran into an issue in which she wanted us to remove it, because she said it would grow too large.” [Unintelligible] Chairman Kenan, “Normally, you would want to make sure that trees were of a certain minimum size and no smaller. I think that’s the appropriate way to proceed.” Ms. Knupp, “I think we were going with a 2.5 inch caliper. That’s been pretty standard with us.”

Cairman Kenan asked, “Anyone else care to speak on the application while the public hearing is open? If not – Rick, can we close the hearing at this point?” Attorney Galbato, “I believe you can.” **Member Sutherland said, “I move that we close the Public Hearing.” Member Eberhardt seconded the motion.** Upon the unanimous vote of the members present in favor of the motion, Chairman Kenan declared the Public Hearing closed.

Chairman Kenan discussed the structure for a possible motion to allow grading temporarily if it is the Board’s wish to do so. Member Eberhardt said, “We are trying to give temporary approval to grade until July 11th theoretically.” He went on to note that, “the grading plan would be presented, before that, to Stearns & Wheeler [GHD].” Mr.Sgromo said, “Stearns & Wheeler has seen, and the only changes to the plan that they have gotten today is that one manhole. They have seen it with the larger hammerhead, the grading is still the same as before, so he has reviewed that before and we have addressed a couple of minor comments he had on the plan itself. The other comments really dealt more with the SWPPP, the assent agreement from National Grid, the agreement from Syracuse Common Council, which was granted back in Phase I – he wanted those, and we sent him them. So I don’t see him having major comments on the

plans going forward; from the sounds of it he's reviewed it and the only suggestion was to move that one manhole to make it more available. Ideally we'd like to do some grading and maybe before the next meeting get into some sewer work – but we wouldn't start any of that without Jon Putnam actually saying that he's in agreement with it. Even the grading; we wouldn't even be starting that without; we may start it, moving dirt, but we wouldn't expect anything permanent to happen unless he's reviewed it and signed off on it."

Chairman Kenan asked, "Do you have a comment Bob?" Mr. Lotkowitz said, "I assume that SWPPP is going to be in place before you start grading?" Mr. Sgromo, "It's in place now. We will get a silt fence up the very first thing when they get on site." Chairman Kenan said, "We still need a motion."

Member Eberhardt said, "I move that we give the applicant permission to begin grading and possibly start sanitary sewers while the approval of the subdivision is still pending, contingent upon prior approval of the work plan by GHD; further, contingent upon having the SWPPP in place; further, contingent upon receipt of a revised LOC, in an amount to be recommended by GHD and in a form specified by Attorney Galbato; and the further understanding that any grading or sewer work performed would be conformed, if necessary, to the final subdivision approval granted by the Planning Board." Member Roney seconded the motion. Upon the unanimous vote of the members present in favor of the motion, Chairman Kenan declared the Public Hearing closed.

Mr. Sgromo thanked the Board. This matter will be continued to the July 11 meeting, and was concluded at 8:10 pm.

Respectfully submitted,

Dennis Dundon, Clerk to the Boards