

**TOWN OF MANLIUS
PLANNING BOARD MINUTES
JUNE 11, 2012**

APPROVED

The Town of Manlius Planning Board met in the Town Hall at 7:00 PM with Chairman Fred L. Gilbert presiding and the following Members were present: Susan Moliski, Donald Crossett, Richard Rossetti, Ann Kelly and Joseph Lupia Jr. Also present were Attorney Timothy Frateschi, Director of Planning & Development David W. Tessier and Town Engineer Douglas Miller.

Not in Attendance: Member Byrnes.

Also Present: Tom Oot, Bob & Sharon Caron, Kurt Honis, Greg Sgromo, Bruce Poushter, Ken Wagner, Anthony DiMento, Lee Salvetti, Mike McGrew, Garry & Margaret Nichols, Jon Hefti, Krishna Natarajan, Jim Shriver and Beth & Donald W. Savery Jr.

The Pledge of Allegiance was recited.

Minutes: Member Rossetti made a motion, seconded by Member Moliski and carried unanimously (Member Kelly abstained as she was not present at that Meeting) to approve the Minutes of April 23, 2012.

**Austin Meadows North, Manlius-Cazenovia Rd., Manlius, NY
Final Phase 1 Subdivision-31 Lots Tax Map #117-01-08.1**

Tom Oot, representing the applicant submitted a Final Phase 1 Subdivision Map consisting of 31 Lots dated June 11, 2012 by SeGuin Land Surveying, P.L.L.C., and Project No. 11132. Mr. Oot stated that the two changes that were requested by David W. Tessier and Doug Miller, the Monuments and the Cul-de-Sac circles defined by the edge of pavement, are on the Map.

Attorney Frateschi stated that he is satisfied with the legal issues and that the Developer did a very good job with the HOA Covenants.

Entered and read into the record was an E-Mail dated June 8, 2012 from Miller Engineering:
"I have reviewed the drainage information provided for the Austin Meadows North Project prepared by Napierala Consulting and find the information acceptable to move forward with the project."

Member Lupia made a motion, seconded by Member Moliski and carried unanimously to waive holding a Public Hearing for the Final Phase 1 Subdivision-31 Lots because it is substantially similar to the Preliminary Subdivision Map.

Member Rossetti stated that he normally doesn't accept or approve Maps that are turned in the night of the Meeting because it doesn't give him time to review them but will consider this
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Map because the two changes were requested by David W. Tessier and Doug Miller.

Member Crossett made a motion, seconded by Member Kelly and carried unanimously to approve the Austin Meadows North Final, Phase 1, 31 Lot Subdivision Map dated June 11, 2012 by SeGuin Land Surveying, P.L.L.C., Project No. 11132, conditioned that the Easement on Lot 60 be amended to extend to the Stormwater area and authorize the Chairman to sign the Final Map.

The applicant agreed to pay the Parkland fees of \$400.00 per Lot per Section 127.20.1 (E) of the Town of Manlius Code.

**Konrad Developers LLC, Sugarland Dr. & Glen Eagle Dr., Manlius, NY
Continued Flag Lot Sketch-5 Lots-Hollington Woods Phase 2-Engineering
Tax Map #115-04-01.2 & 02.0**

Greg Sgromo of Dunn & Sgromo Engineers, representing the applicant submitted 3 Maps, Hollington Woods Subdivision Phase 2 dated January 14, 2005, Dwrg. No. SK1.0, Floodplain Comparison Map dated March 19, 2012, FIG. 5, and Disturbed Areas dated June 7, 2012, all with File No. 1089.002 and they were all prepared by Dunn & Sgromo Engineers.

Entered into the file were the following Engineering Reports:

Miller Engineering dated November 9, 2010

Dunn & Sgromo Engineers dated October 17, 2011

Miller Engineering dated December 7, 2011

Dunn & Sgromo Engineers dated March 29, 2012

Miller Engineering dated April 11, 2012, Item 7:

Items requested for submission by the Town of Manlius Planning Board, the Town of Manlius Director of Planning & Development and Miller Engineering have not been addressed by the applicant during the last two years of reviews, meetings and conversations. After exhaustive review and meetings with the applicant it is apparent that the two parcels cannot sustain the amount of development proposed. It is therefore recommended that the Town of Manlius Planning Board act to reject this application for the Hollington Woods Phase 2 Subdivision. Based on data supplied by their applicant it is recommended that development of the site as depicted should not be allowed.

Dunn & Sgromo Engineers dated May 12, 2012

Mr. Sgromo gave a history of this project, Preliminary Plan of 13 Lots, 8 Lots in 2005, and 5 Lots on approx. 9 acres of land in 2010. He stated that he believes that this 5 Lot Subdivision Plan is a much less intense Plan than previously proposed. He felt that they have addressed a lot of the concerns of the Planning Board had including density, drainage, Floodplain and Floodway issues, and neighbor concerns.

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He talked about the culvert, Creek Channel alignment, Detention Basin, each home will have an underground stormwater infrastructure facility, the Private Road of 350 ft. in length, 20 ft. in width that will be built to Town Standards, and Public Utilities.

In reference to the Floodplain he modeled it on the existing 1992 FEMA Mapping and the proposed 2008 FEMA Mapping. He spoke about the B & L Studies and gave the history of Bentbrook and explained the Floodplain routes.

According to their study of the lines of the 1992 FEMA Maps, the hatched area shows their modeling of the Floodplain utilizing the new data showing the boundary for the 100 year Floodplain. Due to the relative inaccuracy of the FEMA TOPO provided, they cut some areas off because they were not comfortable with utilizing that so they blocked that area out. The areas that are shown on the Map were done in 1 foot contours in the field by a Surveyor.

He explained the yellow area on the Map that does flood, and what they did to elevate some of the houses relative to their site and to reduce overflow from the site to zero. There is no additional rainwater leaving the site from proposed development to pre-development. All of the impervious surface is being taken care of by infiltration so that water will not run off of the site in addition to what's currently running of the site.

They were tasked with correcting what's happening in the area of a sharp S turn in Bishops Brook which caused it to jump the bank and flow down the drainage easement. They also designed this (Pointing to a section on the Map), to keep the flood route around the culverts so it doesn't go down Sugarland Drive. It will go in the same direction that it is going today.

He stated that the only areas on the site that are impacted by the Floodway are the culvert and the area that they are planning to excavate so that it will have a more direct flow route into the existing two arch vaults culverts. Other than that they're staying out of the Floodplains.

Member Rossetti stated that this is a lot of engineering, and not being an Engineer, he doesn't know if the details presented are accurate.

Town Engineer Doug Miller stated that the Map being presented tonight by Greg Sgromo is not the Map that was presented to him. The Map that was presented to him in March for Modeling indicated 4 Homes in the Floodplain. He now sees the information submitted May 18, 2012, where the area is cross hatched with a Foot Note that says inadequate survey data for this area.

Mr. Sgromo stated that as the Plan is today relative to the only Maps that are legally recognized by the Town, there are no homes within the Floodplain. As it was submitted in March this should not have changed. As the proposed FEMA Maps show there will be 4 Homes in the Floodplain.

Director of Planning & Development David W. Tessier presented 2 Maps that were from Construction Drawings by Dunn & Sgromo. He outlined the 2010 Plan in orange showing the Floodplain per the 1992 FEMA Maps that are currently in effect. In 2008 the Town was given a new set of FEMA Maps, not yet adopted, showing an expansion of the Floodplain, outlined in pink. It shows the buildable areas left and 4 homes in the proposed Floodplain. The Town can only enforce what is in orange but the Planning Board has the ability, authority and duty to consider all other items that they need to make an informed decision. This future Floodplain line is not going to change and when the Maps are adopted all 4 Lots will be in the Floodplain. Based on the detailed engineering, his review of the documents, the drainage issues of the surrounding properties, the B & L Studies, this is a difficult and wet site which floods at certain times of the year, the proposed 5 homes will increase impervious surface, he agrees with Engineer Miller that almost anything that is built here is going to be blamed for any future bank over topping downstream. Therefore he concurs with Engineer Miller that this site should not be developed at this level and encouraged the Board to deny this application.

Chairman Gilbert stated that he doesn't feel comfortable contributing to the problem that we have had in the Town of building in Floodplains.

Mr. Sgromo stated that he felt that every question that was asked by Miller Engineering was answered and every study was submitted. With all due respect to Mr. Tessier the FEMA Flood Line is wrong. It's wrong because they used much more detailed data than FEMA uses and that's why their Study is much more accurate. Today there are zero Lots in the Floodplain. We would appeal the new FEMA Floodplain Map because it impacts the site and several of the neighbors. No water from this parcel is going to go downstream and in addition to that with the neighbors that we met today we are going to work with them to solve their problems, both at the end of Sugarland Drive and up in Glen Eagle where they are getting washed out.

He stated that this site will have little impact, and it is a 10 acre low impact development. It's flat, not a wet site, no ground water, all perkable dirt, and it's an improvement to the properties.

Member Rossetti asked Mr. Sgromo if the orange shade on the Map is his calculation of the Floodplain?

Mr. Sgromo replied, that's correct.

Member Rossetti asked that if you are going to stop the flow of water off of the 3 Lots that are within the Floodplain, so it doesn't go downstream, how do you do that if you're in the Floodplain?

Mr. Sgromo stated that he is not stopping the flow from the 3 Parcels. The light green is in an area which displaces a volume of water in that Floodplain, which they can make bigger to store

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more water on the site and alleviate some of the water coming down here. He pointed to an area on his Map that he said is going to be having an impact on this rather than their site because it is built up with dirt and hasn't been maintained.

He stated that he has contacted the ACOE and the DEC, and they are not protected Streams so certain times of the year you are allowed to go in and work on them. A neighbor is getting washed out so they can widen the stream a little bit to help them and straighten it out. A lot of the erosion that's happening here, is due to water is coming down doing turns. Rip rap would help stabilize the stream. It's a balancing act to keep the water on site and not pushing it down stream on everybody. This is a buildable piece of property.

Attorney Frateschi suggested that the Planning Board Members and the neighbors have an informal Meeting on this proposal.

The Board decided against this and against Mr. Tessiers' suggestion of a Public Hearing.

Member Moliski stated that this Board has hired an Engineer and unless that Engineer Okays this Plan there's not a lot to discuss. If you cannot get the Engineer and the Director of Planning & Development to agree with the Plan, then from her perspective it doesn't work.

Mr. Sgromo recommended to the Board that they have B & L look at this as they know this drainage area better than anyone.

Attorney Frateschi stated that we have hired our Engineer.

Member Moliski recommended that the Engineers work together further.

Attorney Frateschi stated that the issues are in the record.

Kurt Honis, property owner stated that this proposal has been going on for over 2 years and what he is hearing tonight from Dave is that this project doesn't want to be blamed for somebody's flooding property downstream. The engineering is showing that that is not the case. The neighbors upstream and downstream have had flooding for 10-12 years, which the Town has done little or anything about for many years. This doesn't make any sense.

Mr. Sgromo stated that there were no comments from the Town Engineer stating that we are adding to that flood problem.

Mr. Miller stated again that the Map presented tonight wasn't the Map presented to him for modeling. Modeling the flood study is something that we review and I send it to FEMA. As Mr. Sgromo stated he disagrees with the FEMA Floodplain Mapping, so one of the things that we should entertain is taking Mr. Sgromo's model which indicates that at least 4 more homes Town of Manlius Planning Board Minutes-6-11-2012-Page 6

should be added into the FEMA Floodplain.

Attorney Frateschi stated that the lines that are on the Sketch Plan are irregular laid out lots, and they have front, rear, and side lines that aren't in compliance in terms of uniformity, that the Board should look at.

Mr. Honis stated that all of the Lots have frontage on the Private Road that will be owned by Lot 3.

Bruce Poushter, Attorney for the Developer stated that it is considered a Flag Lot so Lot 3 owns the Lot and the other Lots have a right to use and share it. Although it's a Private Road it will be built to Town Standards.

Attorney Frateschi stated that he wants the Board to consider that these Lots are not the uniform type that we see in a Subdivision.

Chairman Gilbert stated to Mr. Sgromo that there are a lot of unanswered questions so he is to continue working with Mr. Miller and Mr. Tessier.

Attorney Frateschi stated that what Mr. Miller mentioned was that now you're talking about moving up the creek to help solve neighbor problems.

Mr. Sgromo, no we are not.

Attorney Frateschi stated, you're not, I thought that I heard you say that you talked to the neighbors and that there were issues that were taking place upstream that you would consider going in and mitigating. You didn't use that word, but I thought you said that you were working with them to solve their problems.

Mr. Sgromo stated that they had talked to the neighbors, in particular at the end of Sugarland and Glen Eagle. They're having problems and we offered to work with them and or the Town as far as straightening this Creek. As far as the entire Creek, Mr. Honis is very agreeable to give the Town an easement to maintain it. Mr. Honis is willing to mitigate or go above and beyond that, as some of these things come up with the neighbors. These neighbors have a problem and what I said was that we had spoken with them and we were in agreement that we would work with them to help elevate those problems. They are not part of this proposed Plan. We do not need to do that to mitigate any engineering on site.

Attorney Frateschi asked Mr. Miller if he had looked at the area where they are talking about straightening out the 90 degree bend at the end of Sugarland Drive. Are you proposing to straighten that out a little?

Mr. Sgromo responded, to make it a more direct route into these culverts they propose to take out that 90 degree bend and also this Basin is, not required for our water quality mitigating additional water runoff from our site, but it is to be excavated to help and also to compensate for some of the fill for these 3 homes that are within the Floodplain.

Mr. Miller stated that there are details shown on the Plan for stream re-location. We've had the ACOE and the DEC on site at other locations in the Town and we've done a lot of work in the lower areas coming up to and abutting this property. The ACOE comment was that the Town should entertain removing the culvert at Sugarland Drive and open up that culvert.

Mr. Sgromo stated that they have an issue with removing the culvert because it would take away the value of the land, and you wouldn't be able to access the property.

Member Crossett stated that you in general made the statement that whatever you were going to do isn't going to make anything worse, you're not going to increase or add to the flooding problem. That's a nice statement but what's left unsaid is what happens to the neighbors. He felt that Mr. Sgromo should continue working with Mr. Miller to try and come up with something to make things better for the neighbors and your project.

Mr. Sgromo stated that is the goal, but it's not his checkbook that were working with.

Attorney Frateschi stated that the Law states, you cannot make things worse.

Mr. Sgromo stated that he agrees with the Law. There are ways that they can help out here to help the neighbors by taking the properties out of the proposed FEMA Floodplain. The neighbors cannot afford to do the Study. It's expensive for a Map revision.

Chairman Gilbert stated that the big problem is the Floodplain. Other issues are the lot lines, access for Stream crossing and getting ACOE and DEC Permits.

Mr. Sgromo stated that they are not filing for these Permits because those agencies are going to want to know where they are with the Planning Board SEQR process.

Member Rossetti stated that until Mr. Miller and Mr. Tessier can give their Okay, he is hard pressed to vote for it.

Chairman Gilbert agrees.

Ken Wagner, 8446 Glen Eagle Drive was allowed to speak. He has skin in the game. His property is adjacent to the creek as well as many other people in this room. We have had flooding and erosion issues going on 10-12 years. Nothing has been done. The drainage fees for the District that we reside in have been increased. Very little of any of that money has

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gone into resolving issues that were slated by the former Town Supervisor that the money would be used for. Here is an Entrepreneur who has made an investment to re-engineer it. There is a dispute between two parties, without numbers, get through it. He is willing to take the monkey off the back by resolving flooding and erosion issues that would not be resolved if merely dismissed at this Meeting without talking to the people who have skin in the game. He believes it's wrong and he thinks that you'll agree with him. Thank-you for your time.

The Board decided that Mr. Sgromo is to work with Mr. Miller and Mr. Tessier and when the Board receives a Positive Recommendation this project will be considered again.

With there being no further business, Member Rossetti made a motion, seconded by Member Moliski and carried unanimously to adjourn the Meeting at 8:20 PM.

Respectfully submitted,
Barbara A. Smith, Clerk