

VILLAGE OF CANASTOTA
ZONING BOARD OF APPEALS
MINUTES
May 11, 2006

MEMBERS PRESENT: Chairman Stacey Stagnitti, Jim Foster, Mark Ferriter, Gwynne Bodle

MEMBERS ABSENT: Vincent Spadafora

OTHERS PRESENT: Timothy Mahoney, Joel T. Arsenault, Mary Adasek, Richard L. Rossello, Jim Fusillo, Sharon Fusillo, John Melick, Jean Melick, Richard Slaski, Jane Slaski, Richard Stagnitti

Chairman Stacey Stagnitti called the meeting to order at 7:30 p.m. and read aloud the Notice of Public Hearing.

Motion by Mark Ferriter, seconded by Gwynne Bodle to open the Public Hearing at 6:35. Passed 4 to 0.

The Board reviewed the application and supporting documentation of Mahoney First St LLC for a Special Use Permit to subdivide property on First Street and construct 2-unit patio homes. A completed Full Environmental Assessment Form was submitted with a copy of the County GML, recommendation from the Planning Board and the Notice of Action Taken from CEO Michael Adsit were reviewed.

Chairman Stagnitti advised the Board Members that the Village Board had approved a Local Law allowing 2-unit townhouse and patio homes in the R-1 Zone. The property totals 8 acres; however the applicants are only requesting a Permit to develop just over 3 acres now.

Mr. Arsenault advised that the Planning Board had recommended that they only show Phase I on the plans and that the home would be one-story, most likely, singly-family homes with a zero lot line with 14 units currently proposed. Mr. Arsenault passed out pictures of similarly-styled homes for the Board and residents to view. The units will be 1200 - 1400 square feet with 2 bedrooms, 2 bathrooms, full basements, garage and driveway. The units will share a common wall on one side and will be 20 feet from the other side yard, giving a total of 40 feet between structures.

Chairman Stagnitti asked the applicants if there would be a buffer zone and if the Planning Board had made a buffer zone a requirement. Mr. Arsenault stated that this is a single family residence project and there is no requirement in the code to have a buffer zone. There is a natural buffer on the project.

Mr. Arsenault advised that the retention/detention pond will be built to DEC specifications and as such cannot change the rate of flow of the drainage on the lot to increase after construction. The drainage proposed will pick up water from Will New Boulevard and put it into the retention/detention pond and then control the rate at which that water will drain into the creek. This

will improve the runoff in the area. There will be approximately 2 inches of standing water in the bottom of the pond as required by DEC and after a hard rain, there should be about 1 foot at the most. The DEC requires that the silt be dredged from the pond periodically. Mr. Arsenault is not certain of the time requirement, but stated that the pond will be turned over to the Village and that the Village will be responsible for maintaining the pond.

Chairman Stagnitti asked if anyone would like to speak regarding the application.

Mary Adasek stated that she was not aware of any change in a Local Law that would permit such construction in an R-1 Zone. Clerk/Treasurer Cathi Williams stated that the Village Board had enacted the Local Law on April 6, 2006 and offered a copy of the Law for Ms. Adasek to review. Ms. Adasek requested copies of the Public Notice, Local Law and Minutes from the meeting when the Local Law was approved. Clerk/Treasurer Williams excused herself from the meeting to obtain the requested copies for Ms. Adasek.

John Melick asked about the ditch on First Street. Mr. Arsenault stated that the ditch would be filled in and widened and would be a grassy area that would be mowed. This area would be a swale to collect water and direct the runoff into the retention/detention pond where the discharge rate into the creek would be controlled. Mr. Melick stated that the runoff from Rosewood comes through the area and asked if the ditch would pick this up? Mr. Arsenault stated that this runoff would not change.

Jean Melick stated that the creek runs into her property and asked how the runoff from Rosewood was going to be affected when it is draining with this project. Mr. Arsenault stated that all of the water from the east will be collected and the discharge would be controlled from the pond into the creek.

Richard Rossello asked if the properties would have their own driveways and if they would be 60 feet back from First Street. Mr. Arsenault replied that the properties will have one driveway but they will be joined. Mr. Rossello expressed concern about the increased traffic as many people walk in that neighborhood. Mr. Arsenault responded that if the properties were developed for single family detached housing there would be more traffic as those homes would be dealing with families.

Richard Slaski asked if the sale of the homes would be restricted to singles and could the homes be rented out if he bought both units.

Mary Adasek asked if there would be an association. Mr. Arsenault advised that there would be no association but there would be deed restrictions and that a monthly fee would be charged for maintenance.

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Richard Slaski asked if there would be a total of 26 lots to which Mr. Arsenault responded that in the future there could be.

Board Member Jim Foster advised that concerns regarding traffic are better made to the Planning Board.

Richard Slaski asked about the maintenance of the retention/detention pond. Mr. Arsenault stated that in the Village of Canastota, the Village will take over the pond and take care of it.

Richard Rossello asked what the applicants were doing with the pond on the property. Mr. Arsenault stated that the knob will be taken down to make the grade even and that there were no wetlands on the property.

Mary Adasek stated that if there is an association fee that makes it an R-2 use.

Board Member Jim Foster asked the applicants why they had a fee for maintenance. Mr. Arsenault advised that in this concept, people who are buying these units are wanting to have less maintenance - they want it done for them.

Chairman Stagnitti advised that she has found nothing in Local Law that talks about an association fee.

Mary Adasek asked why, if these are single family residences, are they being built like this. Mr. Arsenault advised that there will be 20 foot side line set backs, separate lots, separate deeds, separate families, separate all the way to the roof.

Chairman Stagnitti reviewed the new local laws.

Mary Adasek asked if the lot sizes in the R-1 zone are changing. Chairman Stagnitti stated that they are not.

Mr. Arsenault stated that the applicants are trying to do something that is in demand in this area.

Richard Rossello is concerned about assessed values on the current owners.

Board Member Jim Foster advised that any of the questions asked do not affect this Board and advised those present that the Planning Board Public Hearing will be held on May 17, 2006 at 7:00 p.m.

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Motion by Jim Foster, seconded by Gwynne Bodle to close the Public Hearing at 7:25 p.m.

Motion by Mark Ferriter, seconded by Gwynne Bodle to approve the Special Use Permit as all of the specifications have been met. Passed 4 - 0.

Chairman Stagnitti read aloud the Notice of Public Hearing regarding Lisa and Larry Brooks' application for a Special Use Permit to operate a bottle return center in an Industrial District.

Motion by Mark Ferriter, seconded by Jim Foster, to open the Public Hearing at 7:30 p.m.

The plan was reviewed with the applicant.

The applicants advised that this will be a can and bottle return center. The hours of operation are 10 a.m. to 6 p.m. and they expect to employ up to 6 people. There will be no outside storage of cans and bottles.

Motion by Jim Foster, seconded by Mark Ferriter, to close the Public Hearing at 7:36 p.m.

Motion by Gwynne Bodle, seconded by Mark Ferriter, to issue a Special Use Permit to the applicant for retail in the Industrial District. Passed 4 to 0.

Motion by Jim Motion, seconded by Mark Ferriter, to adjourn at 7:40 p.m. Motion passed 4 to 0.

Respectfully submitted,

Catherine E. Williams
Clerk/Treasurer