

Town Board Work Session
SEQR Review – Mirbeau/Dower Annexation
May 12, 6:00p.m.

Present: Supervisor Sennett, Councilor Greenfield, Councilor Murray, Councilor Brace, Councilor Howard, Attorney Taylor.

Also Present: Jim Lanning, Don Kasper, Nan Pardee, Larry Pardee, Janet Aaron, Lisa Byrne, Michael Dalpos, Jonathan Dalpos, Kathleen Bennett, Bob Eggleston, Gary Dower, Peter Osborne, John Camp (Town Engineer), Holly Gregg, Mark Tucker, Tim Johnson.

Supervisor Sennett opened the work session to review the SEQR application for the Mirbeau/Dower Annexation request. She stated that the Board had requested additional information from the applicant at the last work session and the Board would review this additional information at this time.

Attorney Taylor stated that Town Engineer John Camp had reviewed the additional information regarding the storm water and drainage.

Town Engineer John camp stated that he had reviewed the Mirbeau Inn Gateway site sketch and the updated storm water calculations which were provided to him by the applicant. He responded to the Board in his April 28th memo, that he reviewed the applicant's original calculations and site drawings. He stated that he was satisfied with revisions to the storm water calculations that would be able to mitigate the storm water. He stated that his review was not a complete and technical review. The Village will do a complete review when the application is submitted to them.

Councilor Brace asked, with the potential combined project runoff and subsurface water, was the drainage control adequate as proposed? John Camp said that the final design will address all the drainage.

John stated that item number #5 in his memo addressed the Board's questions:

“According to the storm water model, the expansion of the Mirbeau Spa facility will result in an increase to storm water flows in the perimeter ditch along the northeastern property boundary of parcel 06.01-01-0. When the site plan is prepared for the spa expansion, this perimeter ditch should be upgraded accordingly. He noted that if construction of the Gateway project generates excess earthen material, this perimeter ditch could be improved relatively easily with that excess earthen material.”

Councilor Greenfield said that he was still worried about the drainage. He asked if installing another pipe alongside the pipe, that is currently there, would help with the drainage. John Camp said that could work, along with installing a catch basin. The catch basin would help with the overflow.

John Camp reviewed item # 6 in his memo:

“The topographic survey shows that the proposed townhouses will be constructed over an existing Town – owned water main. This water main will have to be relocated by the applicant at the applicant’s expense. This work will need to be engineered by a licensed professional and reviewed and approved by the Town Board as part of the petition for new public infrastructure. Any required easements will need to be secured by the applicant.”

He stated that this was not part of the SEQR review but he wanted the Board to be aware of the water main relocation.

Bob Eggleston stated that this was just a sketch and it could be possible to work around or relocate the pipe. He stated that this might be an opportunity for the applicant and the Village to redesign the intersection at Fuller Street and Route 20 for a better traffic pattern.

Attorney Taylor reviewed his May 6th letter to Kathleen Bennett, attorney for the applicant, in which the Board requested additional information from the previous drainage easements. He stated that he had received Attorney Bennett’s response this afternoon. Included with her response were documents from the 1998 Town Planning Board Notice of Decision on the original major site plan review for Mirbeau. Bob Eggleston said that the Planning Board’s Notice of Decision referenced these drainage easements. Bob Eggleston also showed the Board a site plan of revisions that were made to the original Mirbeau project that referenced the drainage easements and the book and page numbers where they were filed. Supervisor Sennett and Attorney Taylor stated that these documents will be reviewed by the Board to see if the applicant has implemented and continued to upkeep the original drainage plans and easements.

Attorney Taylor stated that a letter was received today from Village Planning & Zoning Attorney Rick Galbato for the record.

Attorney Taylor reviewed the questions in his May 6th letter to the applicant’s Attorney, Kathleen Bennett. He stated that the first question was in regards to the water and sewer lines that serviced the Mirbeau property. Attorney Bennett stated that the Mirbeau property is located in the Village, but receives water service from the Town. Mirbeau connects its sewer system directly to the portion on the sewer main that is Village owned and controlled. But, all water and sewer bills are paid directly to the town. She stated that they have requested a copy of the most recent water & sewer bill and will provide upon receipt. She stated in her letter that it is not clear how the old trailer park property and the old BP station were connected to the Village Water System, but Mr. Dower believes the water connection is made directly to the Village water main along Franklin/Fuller Street. Supervisor Sennett asked if that meant there are two water connections. Engineer John Camp stated that it was unclear what connections are there and that the applicant should be required to map out how and where the new townhomes would be connected. John Camp stated that there is an 8 inch water main that crosses the area where the townhomes are proposed. This would be the most logical section to connect. Councilor Brace asked if it is the intention to put it all on the Village system. Supervisor Sennett answered that this might not be possible due to the location of the meters. Bob Eggleston stated that this might be an opportunity to clean up the water/sewer system in that area and move the meter. John Camp stated that if the applicant wanted to move the meter it would have to go through a review

process and be at their expense. Councilor Brace stated that the applicant needs to provide a long range plan for sewer and water for the two parcels.

Bob Eggleston suggested that the Town, Village and the applicant review the water and sewer location together, since all three are involved. John Camp agreed. Attorney Taylor said he would get in touch with Village Attorney Mike Byrne to discuss this.

Attorney Bennett asked if this was a SEQR issue. Attorney Taylor said that, yes it could be. John Camp stated that yes it could be a SEQR issue since there are different qualities of service between the Town and the Village.

Attorney Taylor read question and response to #2 regarding traffic. The Board asked for an explanation of the traffic volumes being generated by the entire project. It states in Attorney Bennett's letter that information had been obtained from Gordon Stansbury of GTS Consulting. Mr. Stansbury is a traffic engineer and advised that he did not believe this would create a significant impact on existing traffic conditions. Attorney Taylor reviewed Mr. Stansbury information that was in the letter from Attorney Bennett regarding traffic.

Supervisor Sennett questioned the number of cars that were noted in the report. The applicant explained that it would be more cars coming in the morning for those who worked there that they would not be leaving till the end of the day.

Councilor Murray stated that she did not agree that there would not be any significant impact on traffic since this a difficult corner.

Bob Eggleston stated that the applicant was proposing that part of the parcel would be developed as a park for the Village. With a new configuration there is possibility that Fuller Street could be changed to run perpendicular to Route 20. Councilor Brace said that this was addressed by the Village Planning Board and that they recommend that the Village not accept the proposed park due to the location of the contamination. Jonathan Dalpos stated that the proposed park location was uphill from the contamination. Bob Eggleston said that the use of this portion of the parcel for a park or a road would not disturb below 3 feet underground which was what the DEC had stated in their "no further action" letter. Jonathan Dalpos stated that this park could be gifted to the Village when completed.

Councilor Howard stated that there should be more clarification as to where the spill actual was on the property. Bob Eggleston stated that the ground spill was at the Mobile Station on the corner of Fuller Street and Route 20. The BP Gas Station on Route 20 had tanks buried behind the building.

Attorney Taylor read the response from Pamela Parmley, NYS DOT regarding the additional curb cut on Route 20. In Attorney Bennett's letter she explained to Pamela Parmley that Mirbeau was not the owner of the property in question therefore the annexation and development of the parcels was unrelated to Mirbeau. Ms. Parmley advised in her letter that if this commercial site was under different ownership and operation than they would have to provide a curb cut for access.

Councilor Howard questioned who exactly are the owners of these two parcels. Jonathan Dalpos stated that they are owned by two different LLCs, Eleroin and Niorele. These LLCs were owned by a trust set up for the Dower children and grandchildren. Bob Eggleston stated that Gary Dower is a part of both these companies and he is only a partial owner of Mirbeau.

Councilor Brace stated that relates to the question of segmentation of the projects. We have not decided whether to look at the projects separately or together. Attorney Bennett stated that the projects should be looked at separately, that they are independent of each other. Attorney Bennett stated that she has submitted a letter to attorney Taylor stated that the projects be considered separately. She stated that she had provided supporting case law and that the Town Planning Board Attorney agreed, since the Town has no approval authority with respect to the Mirbeau expansion project which is currently in the Village. Attorney Bennett stated that the storm water drainage should be looked at together since the parcels are contingent. John Camp stated that the storm water drainage should be considered together since the applicants need to expand the storm water pond that is on the parcel being considered for annexation for the storm water drainage from the Mirbeau Expansion project planned for development on the current Mirbeau property. Bob Eggleston said that this is one option but the other option is to treat the storm water at the top of the hill, on the current Mirbeau property. John camp said yes that is an option, but not the way the applicant have it currently configured. The current calculations for storm water are based on the expansion of the storm water pond.

Attorney Bennett said that the NYS DOT would come out and look at the parcels and give any approvals for an appropriate location for any curb cuts.

Supervisor Sennett stated again the curb cut is a NYS DOT issue. Councilor Greenfield agreed that the NYS DOT would have the final say on where the curb cut would go on Route 20.

Attorney Taylor read question and response to #3 regarding odors from the project. He stated that Councilor Howard raised concerns that there will odors present during the construction phase. Attorney Bennett answered in her letter that any odors associated with the annexation and the proposed development of the annexed parcels would not be significant or adverse. Any odors associated with construction would be temporary.

Attorney Taylor read question and response to #4 regarding storm water drainage and flooding. He stated that it was determined that there are significant concerns over storm water runoff and detention of storm water related to the existing Mirbeau and its impact on the proposed project. The Board has requested that the applicant produce the requirements for storm water management associated with Mirbeau's initial approvals. Attorney Bennett's letter responded that attached to this letter are the only records they could find relating to the prior approvals, the site plan review approved by the Town of Skaneateles Planning Board in 1998. One of the conditions required that the location of all present and proposed storm drain systems be set forth on the final plans. Another condition required the applicant provide an executed agreement with Victor Ianno as the adjoining property owner, setting forth the rights and obligations of the applicant and Ianno in conjunction with the maintenance of the common surface water drainage

system. The final condition required an erosion and storm water control plan to prevent pollution, erosion, excessive runoff or flooding be followed.

Attorney Taylor stated that the Board should refer to John Camp's memo dated April 28th . He has addressed these issues with the applicant.

Attorney Taylor read question and response to #5 regarding lighting. He stated that the Board had requested more detail regarding the lighting mechanisms that will be used on the project site. Attorney Bennett stated in her letter that any parking from lighting in the parking area will be minimal, only occurring in the later afternoon during the winter months. The actual lighting layout is premature at this stage of the review, but will be provided during any site plan review.

Attorney Taylor read question and response to #6 regarding the Group Home located near the project site. The Board asked the applicant for an update on communication with the Group Home regarding any of their concerns. Attorney Bennett's letter answered that they had spoken with Teresa Young at the NY Developmental Disabilities Services Office at 94 West Genesee Street. Ms. Young replied that she would have someone contact them if anyone had any concerns. We do not have a response from her office as of this date.

Jonathan Dalpos stated that he had just received a call from Ms. Young this afternoon and she was going to get in touch with their construction and safety manager and would contact Mr. Dalpos with a response. Councilor Brace asked if the Board could receive a response in writing from the NY Developmental Disabilities Services Office to be part of the records. Mr. Dalpos answered yes.

Attorney Taylor read question and response to #7 regarding the prior spill on the property and if the applicants are amenable to conducting core sampling to address possible contamination issues. Attorney Bennett's letter responded that the properties have undergone significant soil and ground water sampling by the NYS DEC and that there are only a few areas of excavation in connection with the proposed project, which are associated with the expanded storm water management area and underground utilities. NYS DEC did not indicate there would be any issues with excavation or groundwater contamination.

Councilor Brace asked the applicant to provide a rough diagram of the plumes on an overlay of the parcel map so the Board could be comfortable with this statement from the NYS DEC. Peter Osborne, landscape architect for the proposed project, said an approximation could be easily done.

Jonathan Dalpos answered that they would look into providing this mapping.

Councilor Howard asked if the sampling is very expensive. Jonathan Dalpos stated that the core sampling is very expensive and since the NYS DEC had already done this years before, he stated that he didn't see where it would be helpful.

Supervisor Sennett asked if there were any other comments or questions from the Board.

Councilor Howard stated that she was very frustrated that the information that was requested of the applicant from the last meeting, on April 20, was not given to the Board till this afternoon and she had not had much time to review it to be prepared for this meeting.

On a motion of Councilor Brace, seconded by Councilor Murray the meeting adjourned for Attorney Advice at 7:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Julie A. Stenger". The signature is written in black ink and is positioned above the typed name.

Julie A. Stenger
Deputy Town Clerk