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May 5, 2008

**AMENDED PRELIMINARY PLAT OF MINOA FARMS SUBDIVISION – SECTION II** Upon due notice to all members of the Village Board, the continuation of the Public Hearing was held on Monday, May 5, 2008 at 6:30 p.m. at the Municipal Building, 240 N. Main Street, Minoa, NY. The purpose was to consider the resolution regarding the (Amended) Preliminary Plat of Minoa Farms Subdivision prepared by D.W. Hanning, L.S., P.C. last revised on September 28, 2007.

**PRESENT:** Mayor Donovan  
Trustee Brazill  
Trustee Champagne  
Trustee Theobald  
Attorney Primo  
Clerk/Treasurer Snider

**ABSENT** Trustee Cronk

**ALSO PRESENT:** Captain Jason Cassalia (Manlius Police Department), Alex Wisniewski (LJR Engineering), and Steve Giarrusso (Minoa WWTF Supervisor), Elliot Lasky, Dan Hannig, Ryan Thompson (Ryan Homes), Chris Beers, Michael deBerjeois, Duncan Stark, Ryan Thompson, John Rosser, John Sears, Fran Stinziano, Jr., Greg Mills, Karen Alexander, Terry Vesling, Nancy Vesling, Suzanne Toole, Michael Toole, Tom Clark, Loretta Clark, Jane Izzo, and Eric Christensen

**CONTINUATION OF PUBLIC HEARING** Mayor Donovan reconvened the Public Hearing to order at 6:34 p.m. to consider the resolution regarding the (Amended) Preliminary Plat of Minoa Farms Subdivision prepared by D.W. Hanning, L.S., P.C. last revised on September 28, 2007.

Mayor Donovan welcomed everyone in the audience and requested that questions be

kept to new topics and clarification on items presented that evening. Mayor Donovan said the Board requested that Captain Jason Cassalia of the Town of Manlius Police Department, Alex Wisniewski, LJR Engineering, and Steve Giarrusso, Supervisor of the Minoa Wastewater Treatment Facility, be there to answer questions regarding the Minoa Farms Development.

Mayor Donovan explained that Steve Giarrusso is a research Biologist who has studied Wastewater Engineering, Open Channel Hydraulics, Microbiology, Bioremediation, and Phytoremediation. He said that Mr. Giarrusso has researched Green Technologies using constructed wetlands for wastewater engineering, and the use of macro and micro organisms in the removals of pathogens common in wastewater.

Mayor Donovan turned the meeting over to Attorney Primo for an overview.

Attorney Primo said that many of the residents in the audience had attended previous meetings and they all had questions regarding the comprehensive history of the project and that he would do an overview for the new people in the audience. Attorney Primo said that Engineer Wisniewski was there to talk about the engineering as his company, LJR Engineering, has been there from the beginning of the Minoa Farms project. He said that Steve Giarrusso was there to address sewer issues and the capacity of the plant to handle increased lots and respond to recent issues. Attorney Primo said that Captain Cassalia would address any security issues and concerns.

Alex Wisniewski with LJR Engineering, PC introduced himself as the consultant to the Village of Minoa, explaining that his office was involved in the review of the original Subdivision Plan for Minoa Farms, as well as the construction drawing review for Phase 1. He said they have been involved in the review of the Amended Preliminary Plat and would be involved in the review of the construction drawings for any subsequent phasing.

Engineer Wisniewski said that in particular they evaluate the design of the public infrastructure associated with the development: the roads, sewers, drainage, and water systems. He said that he knew that there had been some questions and concerns raised relative to the impacts that the proposed changes to the preliminary plan will have on these facilities. He said that he would give a "layman's" overview of the project and the proposed changes.

Engineer Wisniewski said that as they were likely aware, the originally approved subdivision plan contemplated 240 residential lots on 137 acres served by the road pattern that the audience was able to see on the map. He said the substantive changes proposed are the addition of 44 lots through greater lot density within the highlighted

area of the map and that the road layout and general utility layout was unchanged.

### **PUBLIC WATER**

Engineer Wisniewski said that in regards to public water supply, the Onondaga County Water Authority (OCWA) had taken ownership of the water supply system and any subsequent extensions of this system will be designed and constructed by OCWA and owned & maintained by OCWA. He said they have consulted with OCWA in regards to this proposed preliminary plan change, and they have confirmed in writing that they have adequate capacity to serve the additional lots.

### **DRAINAGE**

Engineer Wisniewski said the site generally drains from west to east. Stormwater management for the project is accommodated by six stormwater management ponds, five of which have been constructed to date. The majority of runoff from the site is discharged to a 24" culvert at Baird Street that ultimately drains to Limestone Creek. The balance of the site (basically the park) discharges via Pond #1 to the storm sewer system at S. Central Ave.

He said the only pond not yet constructed is Pond #2, and that would be constructed prior to the development of any lots that would drain to it.

Engineer Wisniewski said that with the exception of the park pond, all the ponds are interconnected and act in conjunction to provide stormwater detention. He said that these ponds were very conservatively sized and to better understand why this is the case, it is important to recognize that the site in its predeveloped state was very flat and portions of it lie within the floodplain. Engineer Wisniewski said that as such, the developer needed a substantial amount of fill material to appropriately fill and grade the site. The excavated material from these pond locations provided the needed fill material to allow for the site's development.

Engineer Wisniewski said that as a result, these facilities provide so much storage volume and storm detention that the projected 100-year discharge rate from the developed site to Baird St. is only about 10% of the predeveloped rate.

Engineer Wisniewski said that by all accounts these ponds have functioned as anticipated and have in fact improved drainage on the south side of the Village. He said they feel that these ponds have the ability to handle runoff from the amended development. He said that as far as the piped drainage system is concerned, they will have an opportunity to review that design as part of their construction drawing review. Specifically they will verify the adequacy of its capacity, they will look at catch basin positioning relative to low points and lot lines, etc.

## **SEWERS**

Engineer Wisniewski said that like the roads, the sewer routing is generally unaffected by the proposed Preliminary Plat changes, other than possibly repositioning of a few manholes, which they will review as part of construction drawing review.

He said the capacity of the sewage conveyance and treatment systems can handle the additional lots and them some. Engineer Wisniewski said that in summary, they have given consideration to the issues and do not anticipate any significant impact as a result of the proposed preliminary plat changes. He said that as construction moves forward, the developer will actually have an opportunity to correct some of the nuisance drainage issues that the Village has noted over time, and as lots are developed and yards are established, the Minoa Farms community would be much more enjoyable.

## **WASTEWATER TREATMENT FACILITY**

Steve Giarrusso said that he was asked if the Minoa Wastewater Treatment Facility has the ability to handle the additional flow from 44 new homes to be added to the Minoa Farms Project. He said that his answer is yes and that the plant has more than needed ability to handle the flow from a 44 new home addition to Minoa Farms. He said the plant has been rated by DEC to be at present to handle a flow of 990,000gpd (0.99mgd). Mr. Giarrusso said the flow rate at present is at 450,000gpd (0.45mgd) and using an engineering book "Wastewater Engineering by Metcalf & Eddy Fourth edition" he took the high end flow for each house to be a 6 person home which shows a daily flow rate of 300 gallons per day. He said that if you now add 300 new homes at 300 gallons per day flow that calculates to 90,000gpd and again, that is a high end number. Mr. Giarrusso said that adding that to our present day flow (0.45mgd + 0.09mgd) it is clear to see that the plant has more than enough capacity to handle the new flow.

Mr. Giarrusso said that when building a plant it has to have the ability to handle 3.2 times the flow which is known as peak flow that is set standard by DEC and Ten States Standards.

Mr. Giarrusso brought to the hearing the Engineering Report on Capacity of Major Treatment Units at the Village of Minoa Wastewater Treatment Facility prepared in August of 2004 by Clough, Harbor and Associates LLP Stamped by Richard DeGuida Licensed Professional Engineer. He brought the report in case there were any questions on how the plants rated values were calculated and offered the residents the opportunity to review the report and tour the plant.

**PUBLIC COMMENTS** Chris Beers, 113 Beresford Lane, asked that if the plant does millions of gallons a day would it handle the additional 44 lots. Mr. Giarrusso again stated that the plant only

does 450,000 gpd and that the plant was designed to handle significantly more.

Mr. Beers said there was a statement in the March 1, 2001 minutes that there was an issue with the sewer system maintaining the lots and they were reduced in size. He asked why it could not handle that many lots at the time. Mr. Giarrusso said that he did not know why the minutes said that, because at that time the plant could have easily handled more and even has the capacity to add a sewer district to the plant. Mr. Beers asked when the plant was updated and Mr. Giarrusso said the plant was updated approximately in 1998 or 1999.

Fran Stinziano, Jr. said that Charles Mullane made the statement in the Planning Board Minutes. Attorney Primo and Mr. Giarrusso both said that they don't know why he would make the statement, as the sewer plant could handle significantly more at that time.

Attorney Primo said that Mr. Giarrusso is a doctoral candidate and it is a pleasure to have him in the village with his credentials and they have no idea why the Planning Board made the comment, as Mr. Mullane was in no position to make a statement and it is not a concern. Attorney Primo said the focus should be on today and they are comfortable today that the added lots can be added safely.

Greg Mills, 113 Norbert Place, said he did not think that the minutes were reviewed and/or addressed by the Board.

Elliot Lasky said they did not ever lose lots due to sewer facilities and they may have had one plan for a certain amount of lots, but things might have been changed due to parkland, land coverage, etc. He said the pump station was made to handle more than what was coming out of the development.

Mayor Donovan said there was no need to look at the old minutes, because the focus is what the facility can handle now. He said that originally there was only one entryway, a daycare center and the only cutback was that they had to have a second entrance and room for a passive park. Mayor Donovan said they have an excellent plant operator that works closely with the DEC. He said the technology at the Wastewater Treatment Facility is by people from all over the world. Mayor Donovan said that Mr. Giarrusso has created a facility that has the ability to function in cold weather conditions and others are trying to duplicate his system. Mayor Donovan said the DEC continuously checks on the facility and they have used the WWTF as an example for other municipalities to use.

Mr. Mills said that if the plant is at .99 mgd and the village is currently using .45 mgd

and asked Mr. Giarrusso to explain the 3.2 times peak. Mr. Giarrusso that the pump needs to be able to handle three million gallons even though the Village of Minoa barely uses one million gallons, the pumps are designed to handle three times that amount. Mr. Giarrusso said the DEC demands strict standards and requirements that the Village of Minoa is in compliance with. Mr. Giarrusso said the DEC sets the limits and he provides them continuous reports. He offered Mr. Mills the opportunity to read the reports.

Mr. Mills asked if the .99 mgd is at steady capacity. Mr. Giarrusso said that 99 mgd means that every single day there would have to be 990,000 gallons a day steadily and we are at 450,000. Mr. Giarrusso said the plant has the ability to convey and grow and all of the pumps are oversized. He said the plant was built to do over one million gallons and does not understand why it was stated in the Planning Board Minutes that it couldn't handle the increase.

Attorney Primo asked Mr. Giarrusso if at full build of the projected development how many gallons more would be processed? Mr. Giarrusso said that if another 300 more homes were built it would only add an additional 90,000 gallons and at the current rate of 450,000 gallons another 90,000 gallons would be easy to handle. Mr. Giarrusso said that the plant would still have the capacity to handle an additional 460,000 gallons steadily. He said that the facility was built for future growth and is currently running at only half of its capacity. He said the facility has the ability to handle more gallons and it is as simple as turning a couple of valves and that there are three different reactors. Mr. Giarrusso said the gallons used are based on 6 people in each household and most houses have less, this amounts to 300 gallons per day per house.

John Rosser, 104 Norbert Place, asked if the increased lots would affect the water pressure. Engineer Wisniewski said he confirmed with OCWA that the additional homes would not affect the water pressure and they could accommodate the additional homes.

Mr. Rosser said the egress at Forest View Lane would bear the brunt of the traffic and could create a problem. Attorney Primo said a report was done by Jim Napoleon, a former city of Syracuse engineer. He said the findings showed that the development was at an A or B level and none of egresses went below a C level. He said this is considered above acceptable and that if the plat was approved, the distribution would be 50/50 with regard to the egresses, but it is currently at 70/30. Attorney Primo said that Elliot Lasky has offered to pay to have Jim Napoleon run the traffic study again at his own expense. Attorney Primo said that it appears that the report that in the worst case scenario, it will only end up A to a B and at worse a B to a C level. Attorney Primo said that these levels will not make the intersections fail and that is something the Board has

to consider.

Mr. Mills asked how the report would be handled and Mr. Lasky said that Mr. Napoleon would do a recount while school was in session so that the school buses could be counted. Mr. Mills expressed concern that the back section wasn't built yet and did not think that the report would be accurate. Mr. Lasky said the current study was done at peak hours and the experts have a list of standards while doing the analysis. He said the original study did not include the additional 44 lots and feels that the added lots will add a miniscule difference to the traffic.

Mr. Stinziano said the Planning Board minutes state that Mr. Mullane asked Dave Hannig the question about what impact more lots would have on the village and Mr. Hannig said the lots were reduced due to the sewer capacity levels. Mr. Lasky said there were significant design changes throughout the project and even an acquisition from Niagara Mohawk. He said the reduction of lots was historically done by changes and not due to sewer issues.

Terry Vesling, 122 Forest View Lane, said the plants, piping and hardware that handle the runoff and the wastewater appears to be flawed. He said he has concerns regarding the development as it exists. He said the management of the water to get it into the system appears to be flawed and behind Forest View Lane he can see salmon trying to swim upstream. Mr. Vesling said there appears to be an issue with getting water into the system effectively. He said that he does not see proper grading and culverts in the development as it already exists and wanted to know how future development will be handled.

Engineer Wisniewski said the site is still under construction and there is substantial water that flows through. He said that as the development expands, there will be more infrastructure and swales will be installed. He said the current swales are a temporary situation and with the grading of the roads will form a natural drainage divide that will designate the water to the appropriate ponds. He said there will be an underground drainage system and they are currently using a temporary system. Engineer Wisniewski said the developer put in swales to address the problems and further development will continue to correct water issues.

Mr. Vesling said there is a swale through the backyards of Forest View Lane, but there is also a natural culvert and there are two routes that the water is draining. He said that with new construction as the grading was done there appears to be a blocked natural drain. He said he is concerned that more natural drains will be blocked with development and asked if something was going to be in short term. Engineer Wisniewski said there is a temporary diversion ditch and the grading will allow to divert

the water towards the north.

Mr. Beers said there are storm sewer concerns in the cul-de-sac. Mr. Lasky said that Mr. Joynt will intersect and re-divert the drainage. Mr. Lasky said there currently isn't anything containing the flow until the next stage begins.

Suzanne Toole, 106 Kennsington High Street, said that she was a new purchaser in the development and asked where the developer plans to go next. Mr. Lasky said they were limited on how many sites can be added at one time and he needs to work with Ryan Homes and the site contractor. Mr. Lasky said the lot sizes were reduced to create more lots. Mrs. Toole said that it sounded like the new development would aid in the diversion of the water. Mr. Lasky said that of all of the water that is coming from the West will be intercepted into the next phase of the construction and the village engineers will have to be satisfied with the designs before they are built.

Mrs. Toole asked when the passive park would be in place and Mr. Lasky said it should be completed by August, 2008.

Mayor Donovan said the ground needs to firm up before bringing in the equipment. Mr. Lasky said there are a lot of trees that need to be removed and they need optimum site conditions.

Mrs. Toole said that when she bought her house she was informed that her home needed to be 20 feet off the property line and when she met her new neighbors they said their property line was only 5 feet. Mrs. Toole said she called the Village Office and she was informed that the home had to be at least 10 feet from the property line. Attorney Primo said that the property line was 10 feet and that Clerk/Treasurer Snider would have the Codes Enforcement Officer contact Ryan Homes to clarify.

Mrs. Toole asked if the Codes Enforcement Officer would have the time to review each of the lots and Mayor Donovan said that he could handle the job. Mrs. Toole expressed concern that he was not able to visually inspect all aspects and that he was taking verbal inspections from the builder. Mrs. Toole wanted confirmation from the Board that he physically inspects the lots himself and does not just take the word from the builder that items were completed correctly. Attorney Primo said that Richard Greene does everything by the book and if she has a specific concern she should meet with Mr. Greene.

Mr. Mills asked what consideration is being taken about construction traffic and is concerned for the safety of the children. Mr. Lasky said they have not yet decided which area they are going into next, but typically the equipment for the infrastructure

stays on site, as backhoes and dozers do not go in and out on a daily basis.

Mr. Mills said that when they worked on Beresford Lane and coming onto Forest View Lane there was a Lanco dump truck constantly and they were unable to walk with their children due to the traffic.

Mayor Donovan said the moving of the large pile of dirt was a huge project which was done quickly and not typical of construction in the project. He said they probably won't see that much vehicle concentration again and they've done a nice job of moving the project forward.

Mr. Lasky said that Ryan Homes has started 8 homes of the 42 undeveloped lots and they are way ahead of schedule. He said there would be substantial building for the existing lots and they phase the construction dependent on how they build the houses.

Mr. Mills said they are asking for a reduction in traffic and Mr. Lasky said they are listening to the request and working with the Village of Minoa. Mr. Lasky said they would be using dump trucks to some extent now, but would be using bulldozers on site for most of the work in the next section. Mr. Mills said he was voicing his concern for the record.

#### **COVENANTS**

**The proposed Declaration of Covenants and Restrictions for the Minoa Farms Subdivision is attached hereto as Schedule "A".**

Mr. Mills said he had heard that the covenants were submitted but were not approved or respected.

Attorney Primo said that Fran Stinziano provided him a copy of the covenants, but the Village was confused because it appeared that the covenants could not be imposed in the initial section, but would be imposed in the next section.

Mr. Lasky said he asked that Ryan Homes and the residents collectively agree on a set of covenants which would be given to his attorney, Dan Shulman. Mr. Lasky said there were technical and legal issues that the lenders and banks would not approve. Mr. Lasky said that some of the residents were not interested in the covenants and based on the advice of his attorney the covenants could not be placed in existing homes. Mr. Lasky said the covenants would be implemented in the next phase and Ryan Homes is willing to subscribe to those covenants. He said the covenant would give the residents in other sections comfort that the property wouldn't degenerate.

Mr. Mills said he did not agree with Mr. Lasky's statement and asked if Mr. Lasky's other developments had covenants. Mr. Lasky said they did not have covenants because they are difficult to enforce and there are architectural requirements that need to be signed off for aesthetic purposes. Mr. Lasky stated for the record that Ryan Homes does want covenants for the next phase and would file the covenants to run with the land.

Mr. Mills and Mr. Stinziano said they wanted covenants in the whole development. Attorney Primo said it appears that there are subordination issues with the mortgages.

Mr. Lasky said that 77 lots in Phase I are owned by individuals or by builders and at least 10 lots are not willing to accept the covenants. Mr. Lasky said that Harrington Homes does not want the covenants because restrictions are usually placed in the front end of the development and it is difficult, if not impossible to impose covenants on existing properties.

Mrs. Toole said that they cannot expect everyone to accept the covenants.

Mayor Donovan stated that the covenants are between the developer and the homeowners. He said the Village of Minoa does not have anything to do with the covenants and the decision making process.

Nancy Vesling, 122 Forest View Lane, said she is concerned that every home that is being built, trees are being desecrated. She said she thinks that will create a problem with increased water because lost trees remove the saturation table. She said that she can already see that the water has increased and doesn't see how adding all of those houses and removing the growth will help the problem Mrs. Vesling said they are doing a complete tearout and creating a barren area.

Mrs. Vesling said they were reassured back in January that they were meeting with developer to make a compromise and recognizes that some people don't want the covenants. She said a part of the problem is their decreased home values and now Ryan Homes is going into a new section to decrease their property values even more. Mrs. Vesling said that Mr. Lasky said they were OK and now the covenants are not OK. She said that after each meeting something else changes and they do not trust the Board. Mrs. Vesling said they were promised a park with playground and hiking trails and now there's no playground and it's a passive park.

Mayor Donovan said that he has to assume that she received the park information from a realtor, because that park was never meant to be a playground, but was supposed to be a passive park. Mayor Donovan said again that the covenants are between the developer

and the homeowners; the village has absolutely nothing to do with the covenants and to please understand that it's private property they are dealing with now. Mayor Donovan said the transaction between the residents and the developer was done originally without covenants and protection only happens between them and the developer.

Mr. Beers said that it was his responsibility to update the residents and he was unable to send an email due to time limitations. He said that he has been working closely with Mr. Lasky on the covenants.

Mrs. Toole said she was a new resident in a Ryan Home and does not have any covenants. She said they cannot ask an existing homeowner to take on covenants; you own your own home and I own mine, you have no control over Minoa Farms.

Trustee Champagne said he challenges Mrs. Vesling to go back into the minutes and find anywhere that the Board promised them that covenants would be put in place. Trustee Champagne said the responsibility of the covenants is between the homeowners and the developer only. He said any miscommunications regarding the covenants are between Chris Beers, Elliot Lasky, Ryan Homes and the residents.

Mayor Donovan said the problem appears to be legal in nature and that Mr. Lasky and Ryan Homes both wanted the covenants, but it was not legally possible to place covenants after the fact. Mayor Donovan said the Board just received a copy of the proposed covenants, but his understanding is that the residents in the development cannot decide if it has to be partial or development wide covenants.

Mr. Lasky said he agreed with having covenants, but cannot force anyone to implement the covenants if there is a legal problem with their lender. Mr. Mills said there were now 11 lots without covenants. Ryan Thompson said that since there weren't any covenants filed, he cannot force the covenants on new buyers. Mr. Lasky said that he agreed to impose the covenants in future sections, but it is difficult to go back and retroactively enforce covenants on existing properties.

Mr. Rosser asked if Mr. Lasky planned to mow the lawn on Baird Street and Mr. Lasky said he had employed a company to maintain the property. Mr. Lasky said that he has met with Mayor Donovan and Paul Joynt will remove any dead trees on the property. He said that in future phases the land will have to be filled and a vast majority of trees will be removed because filling destroys existing trees.

Mayor Donovan said the dead trees would be chipped and utilized in the passive park trails.

Mr. Mills asked if Minoa Farms was still considered a wetlands area. Engineer Wisniewski said the DEC made a determination that there are no wetlands on the site and the development commenced based on the DEC approval letter.

John Sears, 103 S. Main Street, said he would like to speak to the increased homes and is aware of the area because he would walk and ride over there. He said that on more than one occasion he has noticed a garbage can near the bridge where he lives that was used for drugs or marijuana use. Mr. Sears said that he has been waiting for five years for the police to respond and he doesn't see the police next to the weeds under the green bridge. He said there are problems with drugs and these garbage cans and that crack is highly addictive.

Captain Jason Cassalia said that he would meet with Mr. Sears after the meeting, as his comments did not pertain to the Public Hearing.

Mr. Sears said that since they are putting in cheap homes in Minoa Farms there will be more kids and he doesn't want to be run over while walking through Minoa Farms by people on drugs and alcohol.

Mayor Donovan said they are not cheap homes and if he has a problem with illegal activities he should contact the police.

Mr. Sears said the Board can ignore him on that subject until someone is killed. Mayor Donovan asked Mr. Sears to stay on the subject at hand. Mr. Sears said he will file a FOIL request so that he can bring in an attorney to review the Minoa Farms file. He said he cannot trust the Village or the DEC because he had an acre of sewage in his basement. Mayor Donovan suggested that Mr. Sears file his FOIL request.

Mr. Lasky said he would complete the traffic study if the Board would like one done and the Board agreed that another study should be completed.

Mr. Lasky said the covenants have been turned over to his attorney and would file the covenants for Phase II.

Mr. Mills said he thought that the covenants would be in section I and they are all frustrated. Attorney Primo said that he understands his frustration, but it appears that it needed unanimous approval which seemed unreasonable and there are legal problems with the lenders.

Discussion ensued regarding the covenants.

Mayor Donovan asked Mr. Mills if he was comfortable with the SEQR documentation and if he had any further questions. Mr. Mills said he was looking for more proven data and had hoped the meeting would be more formalized. He said that since they were not informed that the amended plat was going, they all want proof that the changes will work and doesn't know what else can be presented to prove it to him.

Engineer Wisniewski said the development was thoroughly considered when initially developed and they are analyzing the impacts and to the degree that they are comfortable. He said he tried to give everyone a general sense that the additional lots would be OK.

Mr. Mills said they all see flooding and they are nervous. Mayor Donovan said that building growth needs to happen and structures put in place to prevent these issues. He said there are temporary swales in place and it is an ongoing process that is reviewed by the engineers on a regular basis.

Mrs. Toole asked how it was appropriate to hold up the developers when they only own their own lots and not Minoa Farms as a whole. Mr. Lasky said they have approval to move forward with their original plan, but he is before the Board requesting the additional lots.

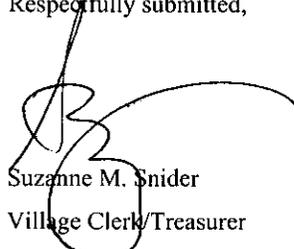
**PUBLIC HEARING  
TO BE CONTINUED**

A motion was made by Trustee Champagne and seconded by Trustee Theobald to continue the Public Hearing on June 16, 2008 at 6:30 p.m. All in favor. Motion carried.

**PUBLIC HEARING  
CLOSED**

A motion was made by Trustee Champagne and seconded by Trustee Theobald to adjourn the Public Hearing for the purpose of considering the resolution regarding the (Amended) Preliminary Plat of Minoa Farms Subdivision at 8:51 p.m. All in favor. Motion carried.

Respectfully submitted,



Suzanne M. Snider  
Village Clerk/Treasurer

# DECLARATION OF COVENANTS AND RESTRICTIONS

FOR

## MINOA FARMS SUBDIVISION

In consideration of the premises herein, Minoa Farms Development Company with an address of P.O. Box 1454, Williamsville, NY hereinafter referred to as Owner, hereby agree that for a period of fifteen (15) years from and after the date of this instrument, every homesite in the community known as MINOA FARMS SUBDIVISION, "Section \_\_\_\_" according to a map filed in the Onondaga County Clerk's Office as Map # \_\_\_\_\_ shall be subject to the provisions contained in this instrument, and upon the filing of this instrument, these provisions shall be imposed upon all homesites in the community, and shall be binding upon all parties and all persons claiming under them during the aforementioned fifteen (15) year period, after which these covenants shall be extended for successive periods of ten (10) years each, unless these covenants are terminated by a vote of the majority of the then owners of the homesites in the community.

If any party of homeowner, his/her heirs, successors or assigns, violates or attempts to violate any of these provisions, it shall be lawful for any other party of homeowner to prosecute any proceeding in law or equity against the person or persons violating or attempting to violate such provisions to prevent them from doing so.

Invalidation of any one of these provisions by judgment or court order shall in no way affect the continuing validity of the other provisions of this instrument, the remainder of which shall remain in full force and effect.

### 1. ARCHITECTURAL CONTROL COMMITTEE

An Architectural Control Committee ("ACC") shall be and it is hereby established. It shall consist of Minoa Farms Development Company. No homeowner involvement will be allowed until 100 percent of the homes are sold and closed. When Minoa Farms Development Company own no further lots in the community, the ACC will consist of three (3) homeowners chosen by the owners of the lots in the community. Thereafter, approval of the ACC of any applications shall be a majority vote.

### 2. APPROVALS

When the approval of the ACC is required, such approval shall be in writing, and signed by the chairperson of the ACC. Applications for such approval shall be in writing unless the requirement is waived by the ACC.

### 3. RESIDENTIAL USAGE

**SCHEDULE "A"**

No homesites shall be used for other than residential purposes and the usual and normal uses connected therewith. NO structure except for the home shall be used as a residence either temporarily or permanently.

#### 4. CHANGES AND ADDITIONS

No building shall be erected or altered on any homesite until locations, construction plans and specifications have been approved by the ACC, with regard to designs, quality of materials, and workmanship. NO building, additional buildings or structures on any homesites may be altered or added to in any way that affects the exterior appearance without the above-mentioned approval by the ACC; included in this are dog houses, fences, additions to the frame of the home, porches, sheds and fireplaces chases and the like. No metal sheds are permitted. A non-metal shed, tool-house, greenhouses may be placed on any homesite if the design is compatible with the main house and out of view from the street and approved by ACC.

#### 5. MAINTENANCE AND UPKEEP

Each homeowner shall maintain his/her homesite and any structures contained within it, including, but not limited to, repairing, staining and painting.

- A. Fences. Fences shall not be erected or placed on any homesite nearer to any street than the rear line of the home. Fences are limited to six (6) feet in height and are to be of wood, wrought iron or plastics material only (locations and type to be approved by ACC) and are to comply with all town and village requirements. These structures shall be maintained in such a manner so that they do not obstruct sight lines of vehicular traffic.
- B. Gardens and Lawns. Homeowners shall be responsible for additional seeding, watering and mowing of the entire homesite, including street rights-of-way. Lawns must be seeded within twelve (12) months of the date of closing the transfer of title. Responsibilities also include the trimming and pruning of trees, hedges, and plantings. No lawn or garden ornaments will be permitted unless approved by the ACC. Holiday decorations must be removed within thirty (30) days of the holiday. Decorations or ornaments shall be maintained in such a manner so that they do not obstruct sight lines of vehicular traffic.
- C. Driveways. Homeowners shall install a permanent asphalt driveway within twelve (12) month of the data of closing the transfer of title. Driveways must not be constructed of any other material other than blacktop asphalt unless approved by the ACC.
- D. Firewood. All firewood shall be stored in a building on the homesite or in the rear of the homesite in such a way it cannot be viewed from the front of the homesite.

6. PARKED AND STATIONARY VEHICLES

- A. No mobile homes, campers, snowmobiles, boats, recreational vehicles, trailers, commercial vehicles or the like are to be stored or parked on any portion of any homesite for longer than 7 days , unless they are hidden behind a fence, or are parked in a building on the homesite and out of public view.
- B. No extensive repair work on any of the items referred to in sub-paragraph A herein shall be permitted outdoors on any homesite.
- C. Non-operable and/or non-registered motor vehicles, recreational vehicles or trailers will not be permitted to be stored or parked on any portion of any homesite, except in a building on the homesite. No snowmobiles or all-terrain vehicles are permitted for operation in the community.

7. PETS

No animals/livestock or poultry of any kind shall be raised, bred or kept on any homesite except for domestic or customary household pets.

8. GARBAGE CONTAINERS AND CLOTHESLINES

Garbage and other waste materials shall be kept in sanitary containers and concealed from public view except on collection days. No clotheslines shall be permitted if viewable from the street and clothes are not to be hung or placed anywhere in public view. Clothes that are hung on clotheslines not viewable from the road are to be removed within 24 hours of when they are hung.

9. SIGNS

Signs shall not be displayed to the public on any homesite, unless it is approved by the ACC; provided, however, any sign used by the builder to advertise the property during the sales and construction period or real estate agent's signs shall be permitted without consent. These signs will be placed in a manner which will not obstruct sight lines of vehicular traffic.

10. POOLS

In-ground pools are acceptable if built and located in accordance with Village requirements and are surrounded by a fence as described in Section 5 sub-paragraph A and out of public view from the front of the home. No above-ground pools will be permitted.

11. ANTENNAS/SATELLITE DISHES

Antennas for both radios and televisions must be approved by the ACC and the homeowner must produce plans of such antennas for approval before installation. Full size satellite dishes will not be permitted in the community. Up to eighteen (18) inch satellite dishes are permitted; however, the location of each must be approved by the ACC. In no case shall any satellite dish be placed on the front elevation of the structure (front elevation means that portion of the structure facing the road). Therefore, some lots may have more than one elevation facing the road.

#### 12. WINDOW AIR CONDITIONERS

Window unit air conditioners shall not be permitted in windows located on the front elevation of the structure (front elevation means that portion of the structure facing the road).

#### 13. GARAGES

All homesites must have a minimum two (2) car garage and a maximum four (4) car garage.

#### 14. ENFORCEMENT OF COVENANTS AND RESTRICTIONS

The ACC or any homeowner shall have the right to enforce, by any proceedings at law or in equity, all restrictions, conditions or covenants now or hereafter imposed by the provisions of this instrument. Failure to enforce any restrictions, conditions, or covenants herein contained shall in on event be deemed a waiver of the right to do so thereafter. Violators must pay all attorneys' fees and expenses of enforcement.