

PLANNING BOARD MEETING
Monday, April 20, 2015 @ 7:00 p.m.
8220 Loop Road
Baldwinsville, NY 13027

The Town of Lysander Planning Board meeting was held Monday, April 20, 2015 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: Fred Allen, Chairman; Hugh Kimball; James Aust; John Corey; William Lester; James Hickey

MEMBERS ABSENT: Joanne Daprano

OTHERS PRESENT: Al Yager, Town Engineer; Zach Benjamin, Planning Board Attorney; Tim Wolsey, Code Enforcement Officer, Robert Brenner, Nixon-Peabody; Dave Herbowy, Tectonic; Frank Costanzo, Zoning Board of Appeals; Hal Welsh, Northwest YMCA; Steve Sehnert, Applied Earth Technologies; Doug Reith, CNY Land Surveying; and Karen Rice, Clerk

I. PUBLIC HEARING -- 7:00 p.m.

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| 1. Minor Subdivision | Bogawitch, Alex |
| Case No. 2015—003 | Kibby/Prine Road |

The Public Hearing opened at 7:00 p.m.

Stephen Sehnert, Licensed Land Surveyor, represented the applicant stating that Mr. Bogawitch owns property at the southwest corner of Prine and Kibby Roads, approximately 28 acres with an existing single family residence. He is desirous of subdividing the house from the remaining lands, consisting of 82,530 square feet with both a well and septic system, leaving approximately 26 acres of land.

There being no public input, the Public Hearing closed at 7:01 p.m.

II. APPROVAL OF MINUTES

Review and approval of the minutes of the March 16, 2015 regular Planning Board meeting will be tabled until the May 18, 2015 regular Planning Board meeting.

III. OLD BUSINESS

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| 1. Minor Subdivision | Bogawitch, Alex |
| Case No. 2015—003 | Kibby/Prine Road |

Hugh Kimball questioned plans for the remnant piece.

Alex Bogawitch indicated that there are none.

Al Yager, Town Engineer, stated that any driveways needed for the remnant piece can be obtained through our Highway Department.

FINDINGS:

An environmental assessment indicates that this action will not result in any significant or adverse environmental impacts.

This action is consistent with the Town's Comprehensive Plan.

This action is consistent with the Town's current zoning ordinances.

This action did not require referral to the Onondaga County Planning Board.

This action will cause no adverse effects on the public health, safety and welfare in the neighborhood or district.

This subdivision does not provide suitable land, as recommended by the Parks and Recreation Commission, for the development of parks, playgrounds, recreation or open land areas in the Town.

RESOLUTION #1 -- Motion by Allen, Second by Corey

RESOLVED, that a Public Hearing having been held and there being no findings or grounds for decision contrary to the laws and regulations of the Town of Lysander, County of Onondaga or State of New York, Final Plat approval for a two (2) lot subdivision application by Alex Bogawitch for property located at Kibby & Prine Roads, Baldwinsville, New York, Part of Farm Lot No.36 and Tax Map No. 015.-04-09, as shown on a made dated December 3, 2014, prepared by Stephen Sehnert, Licensed Land Surveyor, is hereby approved.

6 Ayes -- 0 Noes:

RESOLUTION #2 -- Motion by Allen, Second by Kimball

RESOLVED, that in granting a subdivision to Alex Bogawitch for property located at Kibby & Prine Roads, Baldwinsville, New York the Planning Board invokes its right to impose a fee of \$150.00 per lot for one (1) lot, in lieu of land for the development of parks, playgrounds, recreation or open land areas in the Town.

0 Ayes -- 6 Noes

There is an existing house and the remnant piece is under agricultural.

State law states that the applicant shall file the final plat in the Onondaga County Clerk's office within sixty-two (62) days from the date of final approval or such approval shall expire. The applicant shall also file one copy of the final plat in the Lysander Clerk's office.

2. Controlled Site Use/"Subdivision/Lease" Syracuse SMSA/Verizon Wireless
Case No. 2015—001 8456 Smokey Hollow Road

Robert Brenner, Esq., Nixon Peabody, represented Syracuse SMSA/Verizon Wireless stating that through discussions/requests from the Board at previous meetings, he will review the most recent update and submittals for the proposed 190' wireless telecommunication Tower at 8456 Smokey Hollow Road, as identified in his letter of April 1, 2015:

Exhibit O: 11" x 17" copy of the revised Project Plan, revised March 18, 2015;

Exhibit P: Short Form Environmental Assessment Form;

Exhibit Q: Detail regarding the ANSI/TIA 222-G wind speed standards

Exhibit R: Structural Integrity Letter

- Ten (10) copies of the supplemental application booklet; and
- Ten (10) copies of a full size copy of the revised Project Plan set.

Mr. Brenner asked if there were any questions or concerns.

Zach Benjamin, Esq., stated that the requirement for a subdivision is not required. The applicant has provided an overall site plan with a metes and bounds description of the leased 80,000 square foot parcel, as well as a copy of the lease agreement which is sufficient.

The Planning Board, at their meeting of March 16, 2015, designated itself as Lead Agency in the review process of the Long Environmental Assessment Form. It was determined that a Short Form was all that was required. The Board will proceed with designating themselves Lead Agency in the review process of the Short Form.

RESOLUTION #3 -- Motion by Allen, Second by Hickey

RESOLVED, That the Planning Board having followed the prescribed SEQRA procedures and having received no comments to the contrary, hereby designates itself as Lead Agency for Syracuse SMSA Limited Partnership d/b/a Verizon Wireless, 8456 Smokey Hollow Road, Baldwinsville, New York, Controlled Site Use application.

6 Ayes -- 0 Noes

The applicant has completed Part I, Project Information; Fred Allen, Chairman, reviewed Part Two—Environmental Assessment, with the board.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No
2. Will the proposed action result in a change in the use or intensity of use of land? No
3. Will the proposed action impair the character or quality of the existing community? No
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate

reasonably available energy conservation or renewable energy opportunities? No

7. Will the proposed action impact existing:
 - a. public / private water supplies? No
 - b. public / private wastewater treatment utilities? No
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)? No
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No
11. Will the proposed action create a hazard to environmental resources or human health? No

RESOLUTION #4 -- Motion by Allen, Second by Aust

RESOLVED, That having reviewed the SEQR regulations, determined this is an UNLISTED ACTION, and having reviewed the Short Environmental Assessment form, and finding no significant or adverse impacts resulting from the Syracuse SMSA Limited Partnership d/b/a Verizon Wireless, 8456 Smokey Hollow Road, Baldwinsville, New York, Controlled Site Use application, the Planning Board issues a NEGATIVE DECLARATION.

6 Ayes -- 0 Noes

RESOLUTION #5 -- Motion by Allen, Second by Corey

RESOLVED, That the Planning Board, (a) having dispensed with the need for a Public Hearing pursuant to Section 117-31 of the Code of the Town of Lysander, and there being no findings or grounds for decision contrary to the laws and regulations of the Town of Lysander, County of Onondaga or State of New York, and (b) having reviewed a site plan as defined on zoning drawings dated October 2014 and last revised March 18, 2015, prepared by C&S Engineers, Inc., associated with the application of Syracuse SMSA Limited Partnership d/b/a Verizon Wireless, pertaining to a leased 80,000 square foot parcel with a metes and bounds description located at 8456 Smokey Hollow Road, Baldwinsville, New York, for a Controlled Site Use Permit to allow the construction and subsequent operation of a 190' wireless telecommunications tower, the site plan is hereby approved, conditioned upon:

- 1) The applicant provide a non-interference letter;
- 2) An amended Site Plan showing breakpoints on the telecommunication tower; and
- 3) An agreement that the Tower will be taken down within a year when it is no longer in use.

6 Ayes -- 0 Noes

Mr. Brenner thanked the board for their time.

IV. NEW BUSINESS

1. Minor Subdivision
Case No. 2015—004

Horner, Reginald
Kibby Road

Doug Reith, CNY Land Surveying, represented the applicant stating that he owns approximately 127 acres on Kibby Road. We're looking to cut out one lot, identified as Lot No. 5 coming out of Lot No. 1. The three road front lots identified as Lots Nos. 2, 3 and 4 were part of a subdivision that was done ten years ago. Lot 5 will consist of 4.38 acres with a single family residence. There is an existing driveway, well and septic. There are some wetlands associated with the property and they have been identified. The remnant piece will retain under agriculture. There is an existing driveway on the remnant piece for farm access; however it will be removed as there has been some problems with sight distance. A highway work permit will be obtained through the Town for a new driveway on the southerly boundary of the site.

In reviewing the Short Environmental Assessment Form, Bill Lester noted that the applicant entered yes, for No. 16. Is the project site located in the 100 year flood plain.

Mr. Reith concurred stating that there is a 100 year flood plain in there.

Mr. Lester asked if it was shown on the map.

Mr. Reith stated that there is a 100 year Flood Plain in two areas of the parcel; it's labeled Wetlands, but there is a Flood Plain involved.

Mr. Lester questioned what body of water it's from.

Mr. Reith stated that if he had to guess he would guess it's going over towards Ox Creek.

Jim Aust questioned if a home was going to be built on Lot 5.

Mr. Reith stated that there is an existing home on Lot 5. No new homes are proposed.

RESOLUTION #6 -- Motion by Allen, Second by Kimball

RESOLVED, That the Planning Board having followed the prescribed SEQR procedures and having received no comments to the contrary, hereby designates itself as Lead Agency for Reginald Horner, 814 Kibby Road, Baldwinsville, New York Minor Subdivision application.

6 Ayes -- 0 Noes

The applicant has completed Part I, Project Information; Fred Allen, Chairman, reviewed Part Two—Environmental Assessment, with the board.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No
2. Will the proposed action result in a change in the use or intensity of use of land? No
3. Will the proposed action impair the character or quality of the existing community? No

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
7. Will the proposed action impact existing:
 - c. public / private water supplies? No
 - d. public / private wastewater treatment utilities? No
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)? No
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No
11. Will the proposed action create a hazard to environmental resources or human health? No

RESOLUTION #7 -- Motion by Allen, Second by Corey

RESOLVED, that having reviewed the SEQR regulations, determined this is an UNLISTED ACTION, and having reviewed the Short Environmental Assessment form, and finding no significant or adverse impacts resulting from the Reginald Horner, 814 Kibby Road, Baldwinsville, New York, Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

6 Ayes -- 0 Noes

RESOLUTION #8 -- Motion by Allen, Second by Hickey

RESOLVED, that a Public Hearing be held at a date and time designated by the secretary, on the application of Reginald Horner, for a subdivision of property located at 814 Kibby Road, Baldwinsville, New York, Part of Farm Lot No. 35 and Tax Map No. 015.-04-07.1, for a development of two (2) lots from a parcel of 127 acres.

6 Ayes -- 0 Noes

Mr. Reith thanked the board for their time.

2. Site Plan Amendment--Pavillion
Case No. 2015—005

Northwest YMCA
River Road

Amy Franco, Clough Harbor, represented the applicant stating that they wanted to construct a 2452.5 square foot pavilion on the eleven acres Northwest YMCA site located on River Road, in the Timber Banks Planned Unit Development. The addition will be on the golf course side of the property. It will include restrooms, storage area and outdoor kitchen space. Utilities will be extended from the building to the restrooms so that water and sewer can be made available. The existing sidewalk will also be extended. This is a small amendment to the original plan that was initially before the board.

The application will be forwarded to the Onondaga County Planning Board for their review and recommendation.

Ms. Franco stated that she realizes no action will be taken tonight, but wanted to get it before the board to start the review process. There may be a minor modification between this meeting and the May 18th meeting and that's the location and orientation may change slightly.

Fred Allen, Chairman, questioned the use of the pavilion.

Hal Welsh, Northwest YMCA, stated that the Lysander Ice Arena changed hands and the day care facility moved out of there and will be in this location. We will use this for summer programs. We'd rather have them outside than indoors all day. It could also be used for special events, perhaps some families would like to have a picnic, that sort of thing.

There was some discussion as to whether or not the pavilion is seasonal.

Mr. Welsh concurred, stating it's a pavilion, its wide open. The restrooms are provided so that you don't have to take the kids back into the Y Facility. You usually have to take two adults with one kid for safety reasons. We'd prefer to have restrooms.

Hugh Kimball directed a question to the Town Engineer with regard to any potential drainage issues.

Al Yager, Town Engineer, stated that the Stormwater Management Facility is oversized to begin with, any change in location and orientation will not affect it. Any additions to this facility was planned for and addressed in the Stormwater Pollution Prevention Plan (SWPPP).

Mr. Allen asked if errant golf balls were taken into consideration in locating the pavilion with regard to any danger to the kids.

Ms. Franco stated that that might be one of the concerns with changing the orientation.

Mr. Welsh stated that we have a row of trees and parking established on that side. Gary Pooler, Timber Banks, preferred this location as well. The kids will be supervised.

Ms. Franco added that they are also proposing a 4' fence along the side. The height to where the roof is will be approximately 10', so there will be a 6' opening.

There being nothing further the application will be forwarded to the Onondaga County Planning Board and will be placed on the next Planning Board agenda.

3. Minor Subdivision
Case No. 2015—006

Heath, David
700 Kibby Road

David Heath stated that he owns approximately 25 acres of land between Kibby Road and County Line Road. I would like to subdivide out 5 acres for the purpose of getting a bank loan and building a home. I made a mistake in my measurement shown here on Kibby Road; instead of 263.27' from the eastern line it's going to be 202' from the eastern line by whatever length is required to achieve the five acres. The surveyor is redrawing it and we'll have it for the next meeting.

Hugh Kimball questioned the creek that is shown on the proposed parcel. Where does it come from and go?

Mr. Heath stated that it crosses the road here (indicating on the plan). I took all the appropriate measurements where I'm going to more than 100' from the creek with the house and garage. I have talked to the DEC (NYS Department of Environmental Conservation) about it. I'm going to have the property perked in the near future, before the next hearing. I guess Steve's going to do it for me, he's never met me before me, but he's going to do it for me.

Mr. Kimball stated that it would be a good idea to have the creek shown all the way.

Mr. Heath stated that he can call the surveyor before the next meeting and have it shown.

The board concurred.

RESOLUTION #9 -- Motion by Allen, Second by Corey

RESOLVED, That the Planning Board having followed the prescribed SEQR procedures and having received no comments to the contrary, hereby designates itself as LEAD AGENCY for David Heath, 700 Kibby Road, Baldwinsville, New York, Minor Subdivision application.

6 Ayes -- 0 Noes

The applicant has completed Part I, Project Information; Fred Allen, Chairman, reviewed Part Two—Environmental Assessment, with the board.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No
2. Will the proposed action result in a change in the use or intensity of use of land? No
3. Will the proposed action impair the character or quality of the existing community? No
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No

- 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
- 7. Will the proposed action impact existing:
 - e. public / private water supplies? No
 - f. public / private wastewater treatment utilities? No
- 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No
- 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)? No
- 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No
- 11. Will the proposed action create a hazard to environmental resources or human health? No

RESOLUTION #10 -- Motion by Allen, Second by Kimball

RESOLVED, that having reviewed the SEQR regulations, determined this is an UNLISTED ACTION, and having reviewed the Short Environmental Assessment form, and finding no significant or adverse impacts resulting from the David Heath, 700 Kibby Road, Baldwinsville, New York, Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

6 Ayes -- 0 Noes

RESOLUTION #11 -- Motion by Allen, Second by Corey

RESOLVED, that a Public Hearing be held at a date and time designated by the secretary, on the application of David Heath, for a subdivision of property located at 700 Kibby Road, Baldwinsville, New York, Part of Farm Lot No. 35 and Tax Map No. 015.-03-03, for a development of two (2) lots from a parcel of approximately 25 acres.

6 Ayes -- 0 Noes

Mr. Heath thanked the board for their time.

4. Site Plan Review
Case No. 2015—007

Paperworks Industrial
2900 McLane Drive

Julian Clark, Plumley Engineering, represented the owner of the former Ball Plastics Facility at 2900 McLane Drive, the facility right behind the McLane building in Radisson. There is an existing 500,000 square foot building there now with improved access and parking. They have an interested party to lease the property. As part of the lease they need to do some site improvements. The biggest improvement is adding an additional 250 car parking spots as shown in the shaded area by the existing driveway. A new truck access is also proposed. There will be no utility changes. A complete Stormwater Pollution Prevention Plan will be done with the appropriate permits from the DEC (NYS Department of Environmental Conservation).

The plans have been sent to the Empire State Development Office. Their approval letter was emailed to day to Karen. We meet all setbacks and lot coverage, therefore no variances are required.

Karen Rice, Clerk, concurred stating that there is a letter on file dated April 20, 2015, prepared by Quinn Hubbard, Empire State Development Office, in part:

As per the Radisson General Project Plan regulations requiring ESD to review and approve all site plans, I am in receipt of the Final Site Plan for the Former Ball Plastic Site Improvement from Plumley Engineering dated April 2005. This letter serves as verification that the site plan has been reviewed, conforms to the Radisson Corporate Park Development Controls and is approved by ESD.

Hugh Kimball stated that he drove in there tonight as far as he legally could, up to the signs that said No Trespassing. It looked like they were taking down some tree and grinding up some. Where is that on the plan?

Mr. Clark stated they had to "beat the bats" and this whole area of trees have been removed (indicating on plan).

Al Yager, Town Engineer, stated that you can narrow up your parking spots. Instead of 9 ½ feet you can reduce it to 9'. You can either squeeze in a few more parking spots for reduce your footprint. The new Zoning Regulations will reflect 9'. The Code should be approved by the end of May and that he's not opposed to them going to the proposed 9' spaces rather than the 9 ½.

Mr. Clark concurred, adding that he believes they would like a few more spots.

Mr. Allen asked the status of the Town Engineer's review.

Mr. Yager stated that the surveyor is working on the topo and until that's done it's hard to do the drainage review. Julian has informed me that they're under a pretty tight schedule on this and the occupants would like to take over June 1st so they would like to have this part completed by then. Know the weather that we typically have in May, that's a tight timeline when you look at when our Board meeting is, May 18th... to finish that in two weeks is pretty unrealistic. I would suggest we have a special meeting to address this and potentially the Northwest YMCA Site Plan at the same time. The YMCA would like to have their pavilion up and ready before the kids get out of school at the end of June. We have two projects that are relatively tight schedules, one is an economic driver and the other one is an asset to the community and it provides recreation and childcare for youth in the summertime.

James Aust questioned if the YMCA would have their pavilion location done by then.

Mr. Yager stated that they indicated to me that they would have it tied down. They met with Gary Pooler today and had they gotten through that meeting earlier they would have actually given us the revised location plan this evening.

William Lester and Jack Corey stated that they don't have a problem with meeting the 7th of May. James Hickey stated that he will not be available.

Karen Rice, Clerk, stated that as long as we have a quorum, we're good.

There was some discussion as to whether or not an environmental assessment is even required, as a Long Environmental Assessment Form was completed as part of the Radisson General Project Plan; however Mr. Allen stated that the applicant has completed Part 1 and he doesn't think it's a bad thing to go through the short form.

RESOLUTION #12 -- Motion by Allen, Second by Corey

RESOLVED, That the Planning Board having followed the prescribed SEQR procedures and having received no comments to the contrary, hereby designates itself as LEAD AGENCY for Paperworks Industrial, 2900 McLane Drive, Baldwinsville, New York, Site Plan Approval application.

6 Ayes -- 0 Noes

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No
2. Will the proposed action result in a change in the use or intensity of use of land? No
3. Will the proposed action impair the character or quality of the existing community? No
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? No
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No
7. Will the proposed action impact existing:
 - a. public / private water supplies? No
 - b. public / private wastewater treatment utilities? No
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)? No
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No
11. Will the proposed action create a hazard to environmental resources or human health? No

Mr. Kimball questioned if the parking was for people that are going to be working there or for the truck drivers.

Mr. Clark stated that it will be for the people that are working there. They are also going to kick up the number of shifts, so this will allow for any overlaps.

RESOLUTION #13 -- Motion by Allen, Second by Corey

RESOLVED, that having reviewed the SEQR regulations, determined this is an UNLISTED ACTION, and having reviewed the Short Environmental Assessment form, and finding no significant or adverse impacts resulting from the Paperworks Industrial, 2900 McLane Drive, Baldwinsville, New York, Site Plan Approval application, the Planning Board issues a NEGATIVE DECLARATION.

6 Ayes -- 0 Noes

5. Recommendation to Town Board: Review and recommendation of the proposed Zone Change application of David Hayes for property located at 9386 Oswego Road/NYS Route 48 from General Business (GB) to Agricultural (A) to allow the construction of a single family residence.

There was no representation; however the board had enough information to review the application of David Hayes for a Zone Change Recommendation on property located at 9386 Oswego Road from General Business to Agricultural.

Karen Rice stated that Mr. and Mrs. Hayes are desirous of building their home on the parcel and that's not allowed under the current zoning. The adjacent parcel, Galvin Farms Gourmet Mushrooms went through the same process several years ago to change the zoning from General Business to Agricultural so they could operate their farm operation.

Hugh Kimball stated that it appears that most of the area up that way is residential.

Fred Allen stated that the only issue is they want to build a house in an area where they're not allowed to.

Karen concurred saying there is a house in front of him and one adjacent to him under the General Business zoning, however they're 'grandfathered' in.

Mr. Allen questioned if the Board needed to go through SEQR.

Karen stated that the Town Board will review SEQR as part of the Zone Change request. They just want a recommendation...if you feel it fits with what's in this area, whether it's a good use.

Mr. Kimball asked if they would have to hold up making this decision until the moratorium goes away.

Karen stated that the property is not zoned AR-40.

William Lester questioned if there would be a Public Hearing.

Karen concurred stating the Town Board will hold one.

John Corey stated that he doesn't see why it would be an issue.

RESOLUTION #14 Motion by Lester, Second by Hickey

RESOLVED, that having considered the application of David Hayes, 9386 Oswego Road, Baldwinsville, New York, for a change in zoning from General Business (GB) to Agricultural (A), for property located at 9386 Oswego Road, Baldwinsville, New York, as described in the Petition for a Zone Change dated April 6, 2015, the Planning Board recommends to the Town Board that the application be approved.

6 Ayes -- 0 Noes

6. Recommendation to Town Board: Review and approval of the proposed 2015 Subdivision of Land Regulations, Chapter 117 of the Lysander Town Code, dated 1977, last amended November 16, 1987.

Fred Allen, Chairman, stated that he's assuming everybody has received a copy of the subdivision regulations and have had the opportunity to review it.

Mr. Allen questioned what the board's responsibility is this evening.

Karen Rice, Clerk, stated that Planning Board makes a recommendation to the Town Board to approve the subdivision regulation as written.

Al Yager, Town Engineer, stated that that's not the statement we got from the Town Attorney. The Town Attorney said that the Planning Board actually has the authority to review and approve the subdivision regulations and asked Zach Benjamin, Planning Board Attorney, to weigh in.

Mr. Benjamin stated that he believes that's the case. The Planning Board has the authority to review and approve...

Karen...and the Town Board won't?

Mr. Yager stated that the Town Board will adopt it. Your approval is all that's taken for this, so there's no Public Hearing requirement on it.

Karen stated that she may have it all wrong, but we normally just make a recommendation to the Town Board for approval, not approve the document. The Town Board holds the Hearing and the public gets the opportunity to speak.

Mr. Allen asked William Lester, Chairman, Comprehensive Land Use Planning Committee, to go through the process by which we came up with our document.

Mr. Lester stated that Tim Frateschi, former Planning Board Attorney, went through both the subdivision and zoning regulations several years ago and marked them up. The Planning Board was asked to review the subdivision regulations about a year ago and to make some comments. Those comments are incorporated in this document along with the changes necessary in order for this document to comply with the revised Comprehensive Plan.

Mr. Allen stated that there was a small committee that actually "tweaked" the words before it went to the Town Board.

Mr. Lester stated that the small committee was Al Yager, Town Engineer, Fred Allen, Chairman to the Planning Board, Karen Rice, Clerk to the Planning Board and himself. John Salisbury, Supervisor, and Hugh Kimball, Planning Board, sat in on parts.

Mr. Allen stated that many people have tried to incorporate the various comments and I believe we have a good document. I would make a motion that we approve the document as written.

Motion Made by Allen, Seconded by _____, to approve the Proposed Subdivision Regulations as submitted..

DISCUSSION:

Steve Sehnert, Licensed Land Surveyor, asked if he could have a word with the Board.

Jack Corey stated that it's not a Public Hearing.

Mr. Corey further questioned if Bill, Fred or Hugh had any issues with regard to the ability to approve it.

Mr. Allen stated that he doesn't think there is any conflict of interest at all. We collected the comments of the Board as a collective; the Comprehensive Land Use Planning Committee as a collective; the lawyers put it together; it was tweaked by us and the Town. All we are doing is saying that we agree this is a good document to move forward with.

Motion Made by Allen, Seconded by Lester, to approve the Proposed Subdivision Regulations, as submitted.

DISCUSSION:

James Hickey stated that he would like clarification with regard to the definition of "Division of Land Procedure", Section 117-5.1:

- A. Upon receipt of a request for Division of Land, including a location survey plan map showing all buildings, easements, existing infrastructure, existing and proposed lot lines, as well as receipt of the fee therefore as specified by the Town Board, the Town Planning Board Attorney shall review such request and may approve the same, providing that the proposed Division of Land complies with Town zoning and other laws, rules and regulations. The Attorney is my question, because it goes on to say:
- B. In the event that such Division of Land does not comply with all of the Town zoning and other laws, rules and regulations, the Town Planning Board Attorney shall disapprove such request and advise of the nature of defect

Mr. Hickey continued stating that the question being; doesn't it come to the Planning Board at all?

Mr. Yager stated that we have looked at this before. You have to go back to the beginning, Section 117-4, Definitions: DIVISION OF LAND—(1) Division of land involving a mere adjustment of existing lot lines or lot lines shown on an approved final subdivision map, without the creation of new streets, curb cuts, infrastructure or building lots.

Mr. Yager continued stating we took out the provisions that allows for five acre pieces of land to be subdivided without Planning Board involvement. These are things that we typically do already.

Mr. Benjamin stated that the way he interpreted that section was to make the process a bit more efficient for the minor items to have one party reviewing and making sure that all things comply and approving or disapproving before it gets to the board.

Mr. Hickey stated that it goes on in Section 117-5.1, Paragraph C: Upon approval of the Division of Land the Planning Board Chairman shall endorse the map... it doesn't refer back to the Planning Board, so if the attorney reviews it and says yes, then according to this it just goes to the Chairman of the Planning Board, NOT the Planning Board.

Mr. Yager concurred stating that your interpretation is correct. Do we want to tie up the Board's time for example on the little thing that we did in Clare Park, 2/10's of a foot lot line adjustment when everything is in compliance with the Code setback requirements... is that something that is worthy of a Planning Board resolution to adjust a lot line location? I don't know that it is. We're splitting hairs.

Mr. Hickey asked where it's defined of what comes to this board and doesn't.

Mr. Yager stated that you will find that under Section 117-4, Paragraph B.

Karen questioned who the application would go to, Tim and then we refer it to the Town Attorney? I guess we can just amend our fee schedule and add "Movement of a Lot Line", collect an escrow for review and have it go through the Code Enforcement Office like everything else.

Mr. Yager concurred, stating that this was one of the things included in the original Tim Frateschi rewrite of this document. We didn't hear any comments to the contrary when we reviewed it the first time so we left it in there assuming the Planning Board was ok with it.

Mr. Allen concurred stating that it does get rid of the ability of just somebody having their lawyer write up a description and then expecting the Code Enforcement Officer to be the policeman that catches it.

Mr. Kimball stated that we had an application on 370 towards Liverpool, where the gentleman bought a small portion of his neighbor's lot...

Mr. Yager stated that now no action would be required by the Planning Board.

Mr. Kimball stated that he doesn't see a problem...

Mr. Yager stated that he has seen this language in several of the Town's he has worked in before. It's not anything that is uncommon.

Mr. Kimball stated that nobody is going to build anything new.

Mr. Hickey questioned how often you anticipate that our attorney will get involved.

Mr. Yager stated that we if maybe two or three applications per year, if that. We will still have the fee that is associated with that application.

Mr. Benjamin stated that just to weigh in, what we're talking about is really just a review of the legal description and survey; so it's fairly a straight forward review. If it's something that's more complicated it won't go through this process.

Mr. Allen stated that the legal budget has not been an issue.

Mr. Hickey questioned the Major Subdivision Procedure, Section 117-8; Paragraph 5, in part: shall prepare and supply to the Planning Board five duplicates...should be changed to seven.

Karen thought we were going to keep it at five because we're getting everything in pdf.

Mr. Yager stated that we never changed it from the five, we can change it to seven.

Mr. Hickey continued..."The applicant and one or more representatives of the Town as designated by the Planning Board Chairman..." all that is fine, but we need a maximum number as there can't be more than three members of the board present.

Karen stated that there can be a quorum present if you notify the media.

Hugh Kimball stated that under State Law, as long as you don't discuss it you could do it; or you can declare a meeting.

Karen concurred stating that we've done that before; we've done walk-throughs.

Mr. Benjamin stated that the preferential thing to do is to make sure a quorum is not present. You want to avoid the appearance of impropriety.

Karen stated that the times we have done it I've notified the media that we were going and a few people actually showed up.

Mr. Yager stated that he'll make the appropriate change:
"...as designated by the Planning Board Chairman, in no instances shall a quorum be present in these walk-throughs".

Mr. Hickey questioned what happens if it is a big project and the entire board wants to walk-through.

Karen stated that she notifies the public by legal notice.

Mr. Yager continued..."as designated by the Planning Board Chairman, if a quorum of the Board wishes to be present for the site walk-through, the meeting will be advertised to the public".

Board members concurred.

Mr. Hickey stated that he didn't realize we were reviewing this for approval, I didn't go into depth into this the way I would have if I had known that.

Karen stated that she didn't either and questioned if the Zoning Board of Appeals is going to do the same thing with the Zoning Regulations.

Mr. Yager stated that the Zoning has to be Local Law.

Karen... and the Subdivision Regulations do not?

Mr. Yager...no, that's what I've been told.

Karen...that's not how we've done it in the past.

Mr. Allen stated that a Motion has been made; we'll need a new motion to amend it.

Motion made by Lester, Seconded by Hickey; to approve the Proposed Subdivision Regulations, as amended

6 Ayes -- 0 Noes

Mr. Allen determined that another motion was required to accept the complete body of the document.

RESOLUTION #15 -- Motion by Allen, Second by _____

RESOLVED, that the Proposed Town of Lysander Subdivision Regulations of 1977, amended in 2015, with the last amendment being April 20, 2015, be approved.

6 Ayes -- 0 Noes

V. OTHER BUSINESS

The Town of Lysander Planning Board will call a special meeting to be held Thursday, May 7, 2015 at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York, at 7:00 p.m.

VI. ADJOURN

RESOLUTION #16 -- Motion by Hickey, Second by Aust

RESOLVED, that the April 20, 2015 regular Planning Board meeting adjourn at 8:20 p.m.

6 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk