

*Cabbage Patch  
Whispering  
Oaks*  
Application to the Planning Board

For:  Subdivision of Land  
 Number of Lots 35  
 Controlled Site Use  
 Site Plan Approval

Date: AUGUST 5, 2016  
 Information Only  
 Preliminary  
 Final *Sec. 4*

Name of proposed development: SECTION 4 WHISPERING OAKS SUBDIVISION

**Applicant:**

Name CABBAGE PATCH PARTNERS, LLC  
Address 3250 FAR REACH DRIVE  
BALDWINSVILLE, NY 13027

Telephone: (315) 638-8365

**Owner of record:**

Name CABBAGE PATCH PARTNERS, LLC  
Address 3250 FAR REACH DRIVE  
BALDWINSVILLE, NY 13027

Telephone: (315) 638-8365

Proof of ownership attached: YES

**Site Location:**

8185 EMERICK ROAD  
BALDWINSVILLE, NY 13027

**Proposed use (s) of site:**

RESIDENTIAL SUBDIVISION

**Current use & condition of site:**

VACANT WOODED AND AGRICULTURAL  
LAND

**Plans prepared by:**

Name PLUMLEY ENGINEERING, P.C.  
Address 8232 LOOP ROAD  
BALDWINSVILLE, NY 13027

Telephone: (315) 638-8587

**Ownership intentions:**

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone: \_\_\_\_\_

Farm Lot No. 78

Tax Map No. 049-02-03.0

Current Zoning AR-40 WITHIN INCENTIVE  
ZONING

Is site in an Agricultural Tax District? NO

Area of land 26.24 acres.

**Plans for sewer and water connections**

PUBLIC SBWBR AND WATER CONNECTION

ALONG RUBICON ROAD AND EMERICK ROAD

**Character of surrounding:**

RESIDENTIAL/AGRICULTURAL

**SEE REVERSE SIDE FOR ADDITIONAL SUBMITTAL REQUIREMENTS!**

Dr. Robert Clark

Name of Owner or Representative

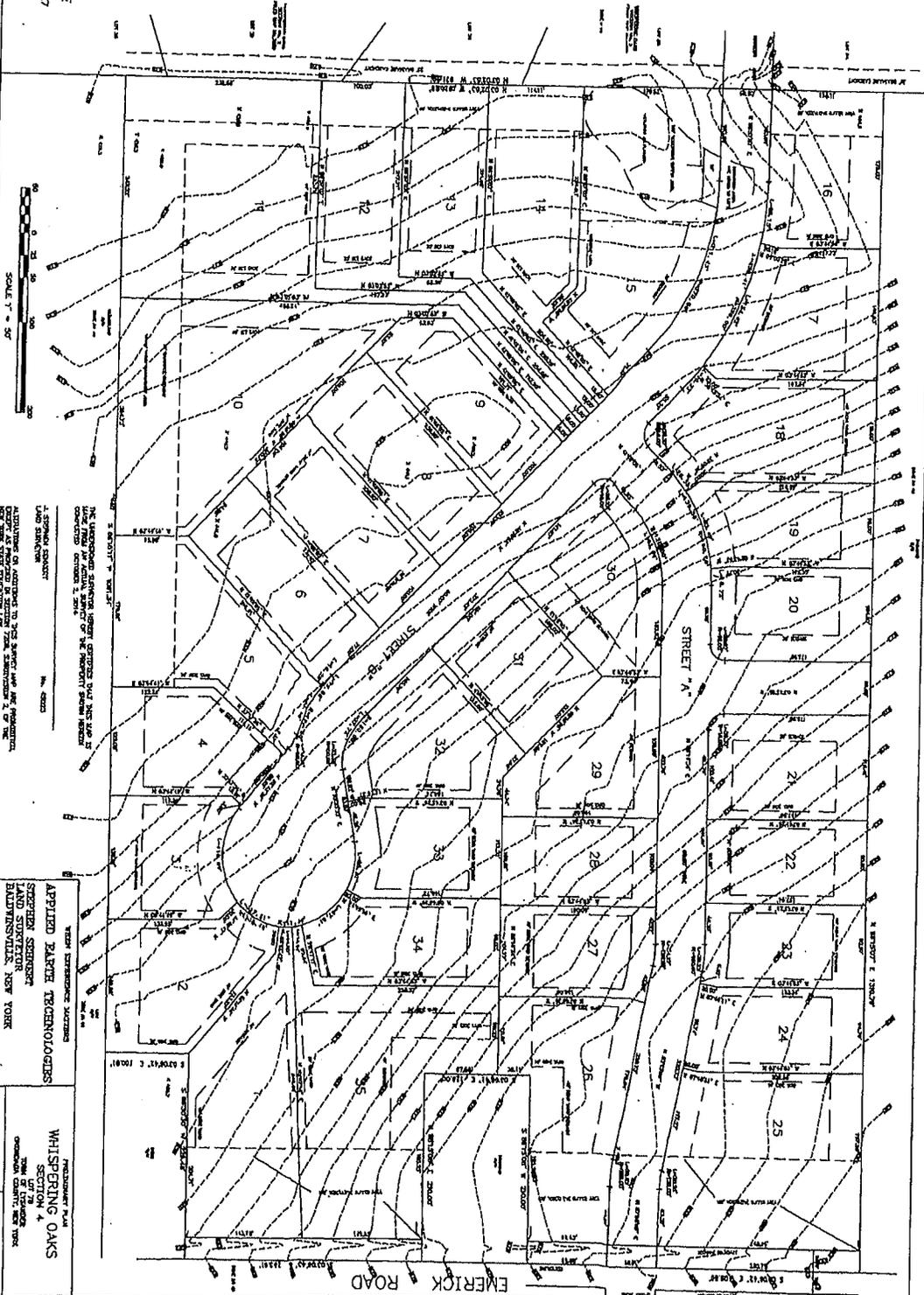
*Julian F. Clark*

Signature Julian F. Clark, P.E. w/Plumley  
Engineering, P.C. for Dr. Clark



**NOTES:**  
 1. THE LOTS SHOWN ON THIS MAP ARE THE RESULT OF A RECONSTRUCTION OF THE ORIGINAL LOTS AS SHOWN ON THE ORIGINAL PLATS AND RECORDS.  
 2. THE LOTS ARE SHOWN AS THEY WERE AT THE TIME OF THE ORIGINAL PLATS AND RECORDS.  
 3. THE LOTS ARE SHOWN AS THEY WERE AT THE TIME OF THE ORIGINAL PLATS AND RECORDS.  
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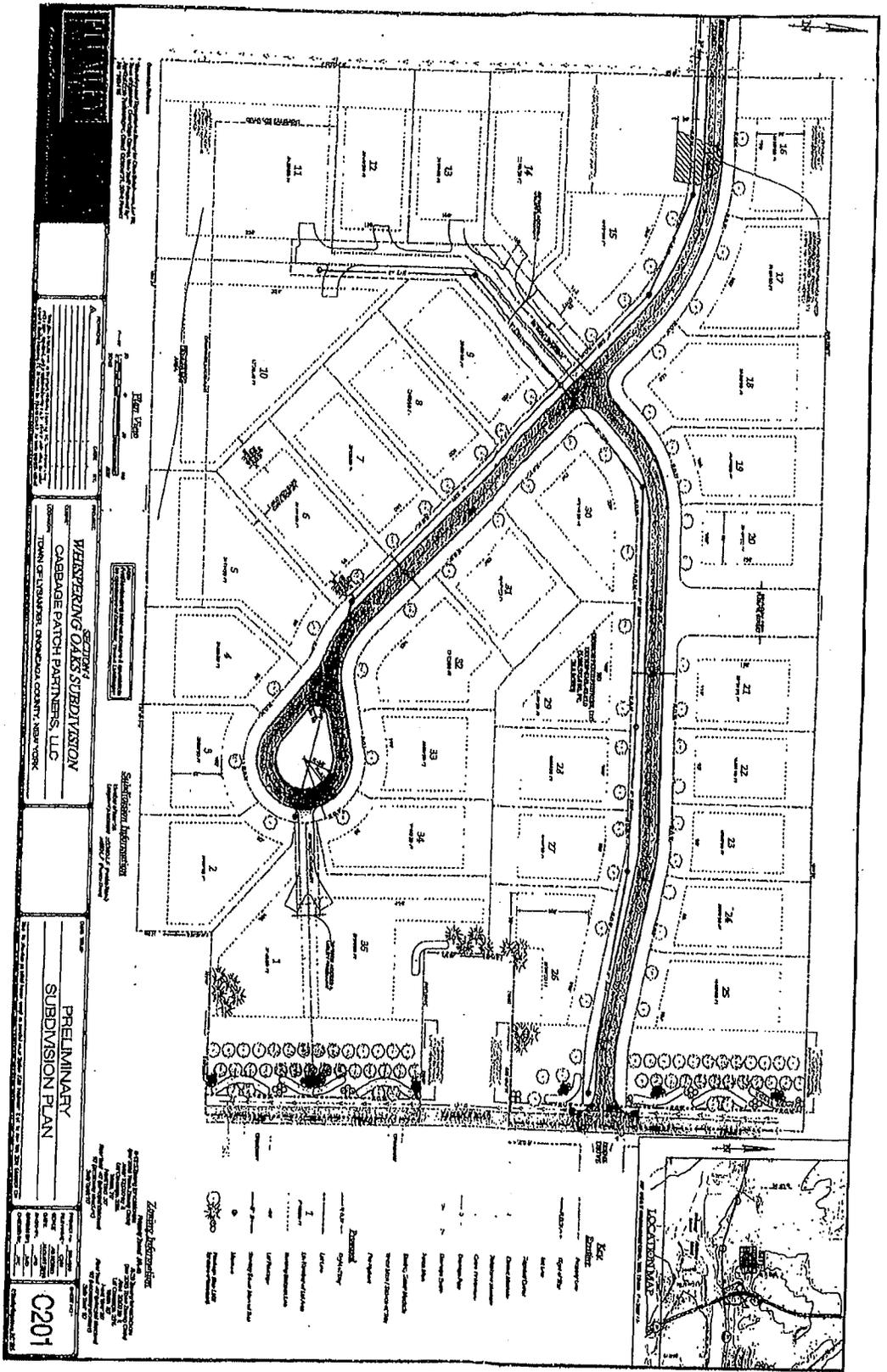
**APPROVED:**  
 ROBERT T. CARROLL - DEEDS OFFICER  
 BALDWINVILLE, NEW YORK, 13027



THE UNDERSIGNED ENGINEER HEREBY CERTIFIES THAT THIS MAP IS A TRUE AND CORRECT RECONSTRUCTION OF THE ORIGINAL LOTS AS SHOWN ON THE ORIGINAL PLATS AND RECORDS.  
 ROBERT T. CARROLL  
 DEEDS OFFICER  
 BALDWINVILLE, NEW YORK

**APPLIED SURVEY TECHNOLOGISTS**  
 GEORGE J. SHERMAN  
 LAND SURVEYOR  
 BALDWINVILLE, NEW YORK

**WHISPERING OAKS**  
 SECTION 4  
 BALDWINVILLE, NEW YORK





Joanne M. Mehoney  
County Executive

*Cabbage Patch*

# Onondaga County Planning Board

## RESOLUTION OF THE ONONDAGA COUNTY PLANNING BOARD

Meeting Date: August 31, 2016

OCPB Case # S-16-64

- WHEREAS, the Onondaga County Planning Board, pursuant to General Municipal Law, Section 239 l, m and n, has considered and reviewed the referral for a PRELIMINARY SUBDIVISION from the Town of Lysander Planning Board at the request of Cabbage Patch for the property located 8185 Emerick Road; and
- WHEREAS, General Municipal Law Section 239-n allows the County Planning Board to review the approval of subdivisions and the site is located within 500 feet of New York Route 690, a state highway; and
- WHEREAS, the applicant proposes to subdivide approximately 26 acres into 35 single-family residential building lots, utilizing the town's Incentive Zoning Overlay in an Agriculture-Residential (AR-40) zoning district; and
- WHEREAS, the Board previously recommended Disapproval of an application to apply the Incentive Zoning Overlay to the proposed project, citing lack of information relating to buildout implications, a regional wastewater strategy, fiscal impact, and encouraging additional community discussion, farmland buffering, and master planning for the entirety of the overlay area prior to individual project review; the Town has approved the Incentive Zoning application; and
- WHEREAS, the Board also previously offered no position with comment on concurrent referrals to amend the Town's Subdivision Regulations, Zoning Regulations, and Zoning Map (Z-15-142, Z-15-146, and Z-15-147), and on the Town's Draft Comprehensive Land Use Plan (CLUP) update (Z-15-25), and adoption of the Town of Lysander Zoning Map to include Incentive Zoning Overlay locations (Z-15-323); in its recommendations, the Board expressed significant concern about the costs of extending sewers and other publicly-funded infrastructure assets into the proposed Incentive Zoning Overlay District, and emphasized that cost/benefits should be carefully weighed, townwide tax implications should be examined, and fiscal analysis should include the entire useful life of both local and regional infrastructure assets; the Board also noted strong public opinion favoring preservation of open space and farmland over residential development during plan outreach; and
- WHEREAS, the Incentive Zoning ordinance text, in its purpose and intent statement, notes "it is appropriate to make adjustments to permissible density and area requirements for specific purposes of preserving farmland and open space as well as to promote the extension of roadways, sewers and other such amenities"; stated objectives of the Overlay Zone include: A) preservation /enhancement of natural and cultural features; B) accommodation of uses and arrangements not contemplated in conventional zoning that would further land use conservation and development goals of the Town; C) creation of usable open space, recreation lands and trails, D) preservation of farmland, scenic and water resources, environmentally sensitive areas, and habitats; E) provision of a more desirable environment than would be possible through strict application of existing zoning; and F) promotion of the general health, safety and welfare of the Town; and

- WHEREAS, the site is located west of the Village of Baldwinsville, adjacent to an existing subdivision; the site and other neighboring land uses are agricultural, wooded land and road-side residential; and
- WHEREAS, the Preliminary Subdivision Plan dated August 2016 shows 35 lots, ranging from 18,000-64,000 square feet, front yard lot widths of generally 100 feet, with the exception of several flag lots; 100' deep vegetated buffer areas are shown along the Emerick Road frontage, and a 50' vegetated buffer for lots adjacent to the existing Whispering Oaks subdivision; and
- WHEREAS, the lots would front on two public roads, one extending east from Rubicon Road in the existing Whispering Oaks subdivision leading to a cul-de-sac, and another from that new road leading east to Emerick Road, a local road; the plan also shows that proposed Lots 10-15 (some flag lots) would use a shared 20-foot wide driveway (no turnaround area at end) which would also be the location of a 60' wide access and utility easement; proposed Lots 1 and 35 would share a 20' wide driveway and 30' wide access and utility easement; a 60 foot right-of-way for future street is also shown leading to lands to the north; and
- WHEREAS, proposed Lot 15 shows approximately half of the lot to be encumbered by Wetlands A (federal), with a designated 150 foot vegetated buffer line; a portion of the wetland is to be removed for road construction; per documentation from the project engineer dated August 2016, depth to groundwater fluctuates from 0-6.5 feet; two wetlands occur on site, with one area determined to be an isolated wetland by the US Army Corps of Engineers; per the description, a small disturbance (0.07 acres) of the federally regulated wetland would take place, and a wetlands disturbance permit was applied for and granted in March 2015; the submitted EAF indicates wetland areas would be reduced by approximately 0.57 acres; and
- WHEREAS, if the proposed project cumulatively disturbs one acre or more of land, it must be covered under the New York State SPDES II General Permit for Stormwater Discharges from Construction Activity, and the applicant must submit a Stormwater Pollution Prevention Plan (SWPPP) to the municipality and a Notice of Intent (NOI) to the Bureau of Water Permits; the proposed project is located within a designated Municipal Separate Storm Sewer System (MS4) municipality and the applicant must consult with the municipal engineer to ensure conformance with the municipality's Storm Water Management Plan (SWMP) and submit a MS4 SWPPP Acceptance Form signed by the municipality to the Bureau of Water Permits; and
- WHEREAS, the site is to be served by Village of Baldwinsville water, and the EAF and EAF mapper indicates that the site is located over, or immediately adjoining, primary and principal aquifers; the project site or a portion of it is located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office archaeological site inventory; and
- WHEREAS, the site is located within the Baldwinsville Seneca Knolls Wastewater Treatment Plant Service Area, and would be added to the Whispering Oaks Sewer District; per the Onondaga County Department of Water Environment Protection, the project shall comply with Local Law #1 of 2011 - A Local Law Establishing a Program to Promote Capacity Management, Maintenance and Operation of the Public Sewers and Related Purposes, where applicable; information regarding this law is available at [www.ongov.net/wep/uselaws.html](http://www.ongov.net/wep/uselaws.html); the Onondaga County Department of Water Environment Protection notes that an additional pump

station may be required for ultimate build out of lots north of Route 370 under incentive and/or traditional zoning in this area, and another pump station would very likely be required for service extension to the Seneca Estates area to the west (though the Town proposal instead relies on use of individual unit grinder pumps in lieu of a more costly pump station); WEP reiterates its prior warnings as to the significant capital and life-cycle costs related to pump stations; and

WHEREAS, the entirety of the Town within the boundary of the Onondaga County Sanitary District is tributary to the Baldwinsville-Seneca Knolls Treatment Plant; during the comprehensive plan development process as well as more recently, the Onondaga County Department of Water Environment Protection met with town representatives and offered several items for consideration in relation to town development objectives and the Incentive Zoning Overlay, including:

- 1.) Biochemical Oxygen Demand (BOD) loading and capacity constraints are on the horizon for the Baldwinsville-Seneca Knolls Wastewater Treatment Plant service area, and although highly dependent on current and potential industrial users, additional residential development also consumes constrained capacity;
- 2.) the Baldwinsville-Seneca Knolls Treatment Plant is subject to significant wet weather extraneous flows due to the substantial age and deteriorated condition of portions of the Town and Village sanitary system infrastructure in the service area, which adversely impacts the quality and cost of wastewater treatment, and therefore the Town should implement a Fix It First plan to mitigate this extraneous flow before it approves and acquires additional infrastructure;
- 3.) the Towns of Lysander, Van Buren and Village of Baldwinsville are encouraged to work cooperatively to identify an allocation strategy for the limited remaining capacity within the county system, to ensure capacity is used for the most beneficial land uses for the communities and the region, especially job creating entities;
- 4.) the Department estimates the costs related to providing new Town service to Peninsula shoreline properties, existing dry sewer areas and homes currently on septic systems, in addition to this proposed new development focused on single-family homes only, would be significant and likely exceed the cost willing to be borne by the development community, and therefore the Town should think critically about the costs and benefits of such an expansion strategy, and the value of such incentives, prior to approval of the proposed Incentive Overlay development;
- 5.) the operational and long-term repair/replacement costs of pump stations serving a limited residential tax base can be excessive, and WEP encourages cost-benefit analyses, construction standards, and assurances such as performance bonds, maintenance guarantees, and spare parts as part of the development review process; and

WHEREAS, the Town's new Comprehensive Land Use Plan (CLUP) cites "Incentive Zoning provisions will be applied to create amenities such as park land and to preserve open space and farmland as well as wastewater conveyance subject to fiscal impact analysis and coordination and concurrence with regional infrastructure providers"; the CLUP also cites "As a part of the Incentive Zoning process the Town Planning Board must take an active role in working with the developer to best assure that fiscal analysis is proper for the scope of the entire development not just for capital expense but must include life cycle analysis as well. This analysis must ensure that the Town is making sound investments that it and its residents can sustain long term. The life cycle cost analysis should be used by the Town as the basis to build a reserve for the ongoing maintenance and

ultimate replacement cost of the public infrastructure.”; and  
NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board  
recommends that said application be DISAPPROVED for the following REASON(S):

The Town has not addressed the recommendations set forth in the prior  
Onondaga County Planning Boards resolution (Z-15-415) regarding application of  
the Incentive Zoning Overlay on this site, which offered the following:

As this project will likely set the precedent for future application of Incentive  
Zoning within this area from both a fiscal and site planning perspective, it is  
important to fully consider the project benefits, costs, and impacts both for the  
proposed site, but also for the entire Incentive Zoning area. Given these potential  
buildout implications, the wastewater strategy facilitated in part by this project,  
and the lack of certain fiscal impact information as required in the  
Comprehensive Land Use Plan for Incentive Zoning projects, the Board does not  
have adequate information to assess the impacts and merits of the project at this  
time.

The Board recommends more significant preliminary review, to include not only  
the applicant's quantification of provided benefits, but also Town analysis of the  
fiscal impacts of the proposed project and financing strategy for the proposed  
sewerage of additional lands to the west.

As part of that preliminary review, the Board continues to advocate for a more  
robust community discussion regarding support for the proposed development  
and the proposed sewerage strategy for properties to the west, including  
identification and notification of potentially affected property owners,  
presentation of upfront and life cycle costs and likely funding sources, and  
potential direct expenses and property tax implications to affected existing  
homeowners in the area and townwide. Reliance on increasingly competitive  
state grants at a date well into the future to offset the vast majority of capital  
costs is a risky strategy, especially in light of significant anticipated costs for  
sewer expansion the Town is also pursuing on the Peninsula - which may likely  
rely on the same funding strategy.

The Board also offers the following for consideration as part of the Incentive  
Zoning review process:

In order to better meet the open space and farmland objectives of the overlay  
district, the Town is encouraged to consider farmland and open space buffers at  
minimum in locations bordering farmland as part of the incentive zoning review,  
in order to ease the transition from developed land to farmland in this area.

The Board also encourages consideration of a more detailed planning process for  
the Incentive Zoning area prior to subdivision approval on a site by site basis, to  
ensure desired outcomes from dense buildout. Items to consider include  
wetland/woodlands protection, agricultural buffers, and road network planning  
to both minimize municipal cost and maximize interconnectivity.

The Town should also continue to work with WEP, the Village of Baldwinsville,  
and the Town of Van Buren in developing a mutually acceptable allocation plan

which prioritizes allocation of limited wastewater treatment capacity within the Baldwinsville-Seneca Knolls Wastewater Treatment Plan to the highest quality and most cost-effective uses and locations within the service area.

Douglas B. Morris

Douglas B. Morris, Chairman  
Onondaga County Planning Board  
Transmittal Date: 08-31-2016

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