

**Collington Pointe East Incentive Zoning Application
Public Hearing held January 19th 2017**

Written Statement Submission

Written comment submitted to the Town Board by Tom and Linda Quinn on January 17, 2017, and acknowledged by Deputy Supervisor Robert Geraci on January 19, 2017 at the Public Hearing. This statement shall be made a part of the January 19, 2017 meeting minutes.

7992 Collington Pointe Way
Baldwinsville, NY 13027
January 15, 2017

RECEIVED

JAN 17 2017

TOWN CLERK
TOWN OF LYSANDER

Town Board
Town of Lysander
Lysander Town Hall
8220 Loop Road
Baldwinsville, NY 13027

RE: Collington Pointe East Incentive Zoning Application

Dear Town Board:

We have reviewed the application, the proposed layout, and environmental assessment form. For the record, our property will be adjacent to the proposed lot number 97 which contains a wetland. The owner has shown on the layout the proposed transfer of 20 feet of wooded land to us and to the owner of 7990 Collington Pointe Way. However, the owner and realtor represented to us prior to our purchase that the land east of our lots containing the pond would "never" be built upon due to the presence of the pond and wetland. In fact, we relied on those representations as this was considered a premium lot. We were aware however that other parts of the subject property would eventually be developed. That being said, here are our other observations, comments and objections in connection with the overall application.

Patchett Road Improvements

The application is incomplete as it does not state who is responsible for the installation of the improvements and the timing as to when they would be completed. With the amount of existing traffic on this road and the increase that the development will bring, the road improvement is insufficient to protect the public.

- The application notes that the improvements to Patchett Road would be paid for over four installments. The road is narrow with no shoulder on much of it, with steep drop offs to existing ditches. As I recall, a school bus flipped over several years ago where the road dropped off. It seems that the two foot shoulder proposed is barely larger than what is there in sections of the road today. There is a dangerous blind spot on a hill crest several hundred yards west of River Road. It is common to suddenly come across stopped delivery and school bus vehicles just over the hill with little room to maneuver.

The application is unclear on the traffic impact to the intersection of Collington Pointe Way and Route 370, especially during peak periods. The traffic impact of the development will be less on Patchett Road than it will be on this intersection. The road serves as a short cut for the housing developments south and west of Collington Pointe as well as the village. This intersection is the location of multiple accidents.

Stone Dust Walking Trail

The application is incomplete as it does not show the location of the trail, access points and width. Further, not identified in the application is who is responsible for maintenance of a trail system. Or, who will assume the cost. I think that this is an attractive feature for the development but no details are provided on the location of the trail. Current residents should be able to comment on its proposed location as it could impact their property values.

Covenants

As they are part of the developer's incentive plan, covenants and deed restrictions are proposed. No draft of the proposed covenants or enforcement mechanism is included with the application. Unfortunately, what I have seen on occasion is that covenants are ignored by a few and enforcement is lacking unless a homeowner wishes to individually take on legal costs or alienate neighbors. At the joint meeting of the Planning Board and ZBA to review the application, a member of the ZBA noted from experience that a covenant is very difficult to enforce.

Retention of Open Space and Wetland Areas

The incorporation of natural resources such as woodlands, steep slopes, streams, and wetlands into the sub division design is an integral part of the Incentive Zoning Plan. At the joint meeting of the Planning Board and Zoning Board of Appeals, the owner representative noted that a property purchaser, per the covenants, would be required to plant a minimum number of trees within a certain time frame to maintain a rural feel and habitat for animals and that the developer would save existing trees where practical. I seem to recall that two trees were discussed as being the responsibility of the purchaser. See the above comment regarding enforcement of covenants.

The development of the pond area of proposed lots 97 & 98 is inconsistent with "The preservation of farmland, scenic view sheds, water resources, forests, meadows, geologic features, environmentally sensitive areas, significant plant and animal habitats, and important ecological resources" as contained in §139-72, Purpose and Intent of the Incentive Zoning Plan.

- The submittal states that a number of lots will be located adjacent to wetland areas and there will be deed restrictions. Lots number 97 and 98 are shown on the plan to have a portion of a wetland pond on each. These properties are wooded, wet, and may be part of the 15% poorly drained soils in the application's subject area. On the Exhibit 1 of the application drawing, this pond area is surrounded by large trees and brush. Per the NYS environmental Resource Mapper, this pond drains diagonally in a northwesterly direction across the proposed lot 97. Attached are copies of screen shots of the proposed lot 97 and a screen shot of the Resource Mapper showing the approximate location of drainage from the pond. A home in this area would most likely interfere with the pond drainage and be susceptible to basement flooding. We strongly object to clearing these lots for houses as it would not be in alignment with the Incentive Plan stated goal of providing a habitat for wildlife and preservation of natural resources.
- The environmental assessment form fails to note that the subject area is home to many amphibians in addition to the reptiles. The forested wetland pond areas, including lots 97& 98, are home to many spring peepers, gray tree frogs, bull frogs, green frogs, and others. In the evenings, especially during summer and mating season, they are quite loud.

As examples:

There is a small (5' x 7') plastic decorative pond on our patio; as frogs would not over winter in it due to its size, we generally catch twenty plus frogs and return them to the pond that would encompass parts of lots 97& 98.

Painted and snapping turtles regularly nest in the woods and, at times our mulch.

- The peninsula area is home to the endangered Indiana Bat. The tree areas provide a summer roosting, feeding area that helps in insect control.

Phased Construction

The Plan fails to address putting increased traffic on Collington Pointe Way.

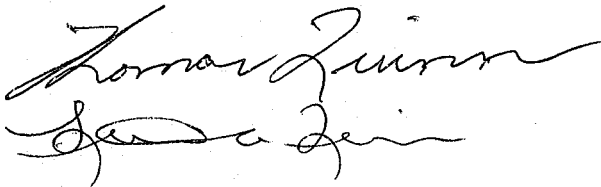
The application proposes Phase 1 to begin off of Collington Pointe Way by extending Chillingham Way. While we can understand beginning at that point due to the location of existing utilities that could be tied into as a way to defer the developer cash flow, we are concerned that the increased construction truck traffic would be detrimental to the condition of the roadway of Collington Pointe Way. The Highway Superintendent should be able to attest that the current condition of Collington Pointe Way is not good. The road has heaved to the point that it feels like there are multiple speed bumps when driving on it. I do not see it holding up to heavy construction loads. My belief is that construction traffic should be rerouted through a temporary road off of Patchett; this could be converted into the permanent road Shown as Road B in Phase 2. The temporary road could also serve as a backup for emergency vehicles.

Proposed Storm Water Management Facility

Attachments to the Incentive Application mention a facility but do not provide details as to type or location. It also mentions a current Collington Pointe Management Pond. We were not able to identify this on the application submittal.

We look forward to the response to our comments and observations.

Sincerely,

Two handwritten signatures in cursive. The top signature appears to read "Thomas Quinn" and the bottom signature is less legible but appears to be another name.

O = Quirk Home - lot 40
Pond draining across lot 97

Map of Environmental Resource Mapper showing a pond area with a red circle and a line extending across a field. The map includes a search bar, navigation tools, and a legend.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Environmental Resource Mapper

Base Map: **NYS Aerial**

Search

Tools

Layers and Legend

- Other Wetland Layers
- Reference Layers
- Tell Me More...
- Need A Permit?
- Contacts

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Location **Translate**

1:19 PM 1/17/2017

