

TOWN OF LYSANDER
PLANNING BOARD MEETING
8220 LOOP ROAD
Thursday, December 12, 2019 @ 7:00 p.m.

The regular meeting of the Town of Lysander Planning Board was held Thursday, December 12, 2019 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: John Corey, Chairman; Joanne Daprano; Hugh Kimball; William Lester; Steve Darcangelo and Doug Beachel

MEMBERS ABSENT: Keith Ewald

OTHERS PRESENT: Al Yager, Town Engineer; Tim Frateschi, Esq.; Antonio Goncalves; Doug Reith, CNY Land Surveying; Rick Burzynski; John Switzer, Summit Solar Capital; Corey Figueiredo; Tony Figueiredo; Dan Knoblock; Frank Fava; Tom Fava; David Spotts, Summit Solar Capital; WC Nichols, Delta Engineers; Frank Costanzo, ZBA; Mark Harrison, Belgium Cold Springs Fire Department; Jason Brown, Dunn & Sgromo; Bradley Clark; Andrea Ducharme; Matt Ducharme and Karen Rice, Clerk

The meeting was called to order at 7:00 p.m.

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

- | | |
|----------------------|-------------------|
| 1. Minor Subdivision | Figueiredo, Corey |
| Case No. 2019—011 | 9237 River Road |

Corey Figueiredo was before the Board for a Minor Subdivision of property located at 9237 River Road. He is desirous of subdividing a 5.16 acre parcel from approximately 148 acres to allow the construction of a single family residence.

Rick Burzynski, 9231 River Road, is the adjacent neighbor and reviewed the location of the proposed building lot.

Antonio Goncalves, 9247 River Road, stated that he sold this property to Mr. Figueiredo with the understanding that it would never be developed and stay 'forever wild'. (There was a previous subdivision of this parcel that was approved by the Planning Board. Map No. approved by this board for the Burzynski

The Public Hearing closed at 7:05 p.m.

II. APPROVAL OF MINUTES

Review and approval of the minutes of the November 14, 2019 regular Planning Board meeting.

III. OLD BUSINESS

1. Minor Subdivision--Amended
Case No. 2019—011

Figueiredo, Corey
9237 River Road

There is a letter on file prepared by Al Yager, Town Engineer, dated December 12, 2019 that will be made part of the public record, in part:

I have completed my review of the plat for the above referenced minor subdivision prepared by Russell Getman, L.S. with a final revision date of December 9, 2019. The northern property line of the proposed lot does not meet the recommendation that the proposed property line be perpendicular to the road. However the Planning Board does have the authority to approve the lot as proposed, due to the bearing of the existing lot line to the south not being perpendicular to the road and the lot width requirements for the remnant parcel frontage. I would have no objections to the Planning Board approving this minor subdivision at this time.

This application was forwarded to the Onondaga County Planning Board for their review and recommendation, that will be made part of the public record, in part:

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board has determined that said referral will have no significant adverse inter-community or county-wide implications. The Board has offered the following COMMENTS in regards to the said referral:

The Town and applicant are encouraged to avoid strip development of road frontages, which can create conflicts with agricultural operations, changes to the rural character, increased public service demands and costs, reduction of open space and farmland, and impacts to road safety and mobility.

Alternatively, the applicant is encouraged to consider a long term strategy to cluster any new residential parcels in order to minimize fragmentation or development of viable farmland, avoid and/or buffer sensitive features such as wetlands and minimize tree and vegetation clearing. The applicant is advised to consult with the Onondaga County Health Department early in the process to discuss wastewater provisions to ensure any new parcels can accommodate wastewater management. Consideration for shared access to any clustered lots is also encouraged to minimize driveway cuts on River Road and should be coordinated with the Onondaga County Department of Transportation early in the planning process.

FINDINGS:

An Environmental Assessment Form indicates that the proposed action will not result in any significant adverse environmental impacts.

There is a letter on file from Al Yager, Town Engineer, dated December 12, 2019, that has been made part of the public record.

There is a letter on file from the Onondaga County Planning Board, dated December 11, 2019, that has been made part of the public record.

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

This action is consistent with the Town's current Zoning Ordinances.

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

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

RESOLVED, that having reviewed the Minor Subdivision application, as defined on a map dated July 28, 2010, revised December 9, 2019, prepared by Russell Getman, Licensed Land Surveyor, associated with the application of Corey Figueiredo for property located at 9237 River Road, Tax Map No. 022.-02-19.6, Phoenix, New York is hereby approved.

6 Ayes -- 0 Noes

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

RESOLVED, that in granting a subdivision to Corey Figueiredo for property located at 9237 River Road, Phoenix, New York, the Planning Board invokes its right to impose a fee of \$250.00 per lot for one (1) lot in lieu of land for the development of parks, playgrounds, recreation or open land areas in the Town.

6 Ayes -- 0 Noes

All fees associated with this application are paid.

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.

IV. NEW BUSINESS

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|-----------------------------------|-------------------|
| 1. Controlled Site Use—Solar Farm | SSC Lysander, LLC |
| Case No. 2019—014 | 8971 River Road |

W. Curtis Nichols, Delta Engineers, Architects & Land Surveyors, John Switzer and David Spotts, Summit Solar Capital were before the Board for a Controlled Site Use to allow a 'Solar Farm' on property located at 8071 River Road. A summary of the project prepared by Mr. Nichols, dated October 30, 2019 will be made part of the public record:\

ON behalf of SSC Lysander LLC ("SSC"), this letter is being submitted by Delta Engineers, Architects & Land Surveyors, DPC ("Delta") to provide a project summary in advance of Onondaga County and Town of Lysander Planning Board review of the Project. The proposed solar facility is located at 8071 River Road, Parcel #073.-01-24.1 and will be comprised of a fixed -tilt set of arrays which will generate approximately 5MWac of electrical power ("The Project").

Pursuant to the Town of Lysander Local Law No. 2 of 20189, this Project is classified as a "Solar Farm" or "Solar Power Plant". The Project shall encompass approximately 21.5 acres out of the 99.64+/- acre parcel. The entire Project is situated within the AR-40 Zoning District and is not located in or near any Agricultural Districts within Onondaga County. The parcel is currently

owned by Clark Living Trust and will be leased to SSC pursuant to a lease agreement. The contact for permitting the Project will be John H. Switzer of SSC, who can be reached at 561-866-8234 or john@summitsolarcapital.com.

The Project is located in an ideal location for solar development. The parcel is generally free from trees, reasonable flat, and easily accessible to three-phase power infrastructure along River Road. Additionally, the Project will not create any noxious or offensive odors, dust, smoke, fumes and/or noise/vibration which may be dangerous to public health and safety.

With the exception of an overhead connection to the existing 3phase power grid along River Road, no other utilities such a public water or sanitary sewer are required for the Project. In addition, following construction, only minimal routine entry onto the site is required for periodic maintenance and mowing and trimming operations around the solar panels.

Based on the preliminary design, it is estimated that the soil disturbance during construction will disturb approximately 1.13 acres of land. As such , the Project requires coverage under the SPDES General Permit for Stormwater Discharges associated with Construction Activities (Permit GP-0-15-002).

Setbacks in conformance with Local Law No. 2 of s017 are shown on the plans, and no proposed buildings or pad-mounted features will encroach on any identified setback line. In addition, no building, solar array, or structure will exceed 20-feet in height above the ground surface. The Project shall provide Setbacks in conformance with Local Law No.2 of 2017 are shown on the plans, and no proposed buildings or pad-mounted features will encroach on any identified setback line. In addition, no building, solar array, or structure will exceed 20-feet in height above the ground surface. The Project shall provide visual barriers and landscaping features which will minimize the site's visual impact, if any, on surrounding residential parcels and roads. In addition, an 8-foot security fence will encompass the entirety to the solar array and electrical facilities.

Following Planning Board approval, final engineering design, receipt of an interconnection service agreement and receipt of necessary permits, the Project is anticipated to have a 12-19 week construction duration, which includes the following tasks:

- Access Road, grading, grubbing and sediment and erosion controls: 4-6 weeks
- Racking Installation 4-6 weeks
- Module Installation 2-3 weeks
- On-site Electrical Work 1-2 weeks
- Utility Electrical work and testing 1-2 WEEKS.

The summary of the project was accompanied with the following:

- Application to the Planning Board
- Proof of Ownership
- Plan Set
- Short Environmental Assessment Form
- Wildlife Report
- OPRHP letter
- Wetland Report
- Stormwater Pollution Prevention Plan ("SWPPP")

Brad Clark, owner of the property, submitted a statement with regard to the application of Summit Solar Capital, dated December 12, 2019, that he asked to be made part of the public record:

I have had no part in Summit's presentation.

I have had no paperwork from Summit detailing this presentation for my farm.

1. This is nothing like the Option I signed.
 - The solar panel layout is much different from my option (A copy of the option has been made part of the public record)
 - The size was to be 34 acres, not 21.5 acres. That is substantial reduction in rent from \$40,800 to \$25,800.
 - Nothing was said about giving up prime building lots for no rent or 250' of prime road frontage. The 200' in front of the YMCA is probably the most valuable footage on the farm.
 - When I bring in heavy equipment I have two access points to the farm, the driveway on River Road and the road in Anita Manor. It would appear that both will be closed, plus access to the woods from my house would be blocked by the row of trees to be planted. This would make the woods landlocked to me. Check out the drawing on my option. Both access points would be open.
 - I understand that this project would have to be subdivided from the 99 acre farm. How many acres would that be? Would it include the woods on the west? How would taxes be calculated since Summit only pays taxes for land under the panels (21.5 acres).
 - Since I did not get a copy of the proposal from Summit in advance. My lawyers and surveyor have not reviewed the proposal or expressed an opinion or advice about problems there might be with this proposal. I need time for both to review this proposal. Of course this should have been done before the hearing. This hearing is premature.
 - I am not in agreement with any of the changes from the original option to lease.

Board Members Questions & Concerns:

- Landscaping/Screening from adjacent properties and River Road. Create a 4 to 5 foot view shed to cover project.

Summit: A berm will be constructed with landscaping on top of that.

- Entrance Road—will have to be approved by the Onondaga County Department of Transportation.
- Wetlands Associated with the parcel.

Summit: There is a small section of Federal wetlands that require a 25' setback; they will stay 100'.

- Size of operation

Mr. Nichols stated that there will be 9.6 acres of panels on 21.5 acres that will be fenced in.

- DEC requirements with regard to greenspace, soil types, land disturbance, stormwater practices were discussed, all of which will be reviewed by the Town Engineer.
- Rare Species, Indiana Bat concerns.

Summit: There will be no clearing of large diameter trees.

- Concern with drainage and peak run-off. The area is known for poor soils. The field has drain tiles.

Summit: The only impervious area is the access road which will be clean, washed stone. There will be a pad for the electrical equipment. The drainage currently runs into a road side culvert.

Tim Frateschi, Esq., stated that part of the Boards consideration during the SEQR process is to review the impact of the project. This will have to be addressed at that time.

- Glare from the panels distracting drivers.

Summit: They use Low glare to no glare glass to catch as much sun as you can.

- Fire risk at such a facility.

Summit: If there ever was one it would arc, circuit breakers would pop, no current.

Mark Harrison, Belgium Cold Springs Fire Department, questions, right-of-ways and hammerheads stating that the firetrucks and emergency vehicles have to be able to enter as needed and back-up to get back out and suggested a cul-de-sac or a paved driveway system all around the panels. The same goes with snow removal. The access road should be able to accommodate two vehicles.

Al Yager, Town Engineer, stated that the developer can add bump-outs.

Summit: Will work with the Town Engineer on this concern.

Mr. Harrison further stated that this property is known to have drainage issues during storms where the water pours out onto River Road. Adding a landscaping berm for screening will only make matters worse with the run-off.

Summit: A vegetative screen wall with the installation of trees is their first option. Adding a berm is an alternative method.

There was some discussion with regard to a subdivision vs a lease for tax purposes. It was determined that that is something to be discussed with the Tax Assessor.

The application was forwarded to the Onondaga County Planning Board for their review and recommendation, that will be made part of the public record, in part:

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends the following MODIFICATIONS to the proposed action prior to local board approval of the proposed action:

The applicant must contact the Onondaga County Department of Transportation to coordinate requirements for the proposed driveway on River Road, in order to satisfy commercial driveway located in the county right-of-way. To further meet Department requirements, the applicant must submit a copy of the Stormwater Pollution Prevention Plan (SWPPP) and/or any drainage reports or studies to the Onondaga County Department of Transportation for review. The municipality just ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal approval.

The Board also offers the following comments:

- 1) The installation of solar energy systems on active or prime farmland should be designed to minimize disruption to existing and future agricultural operation by avoiding configurations that fragment farm fields and production, siting solar systems in more remote areas with marginal soils and less productive lands, minimizing disturbance of topsoil, soil erosion and compaction during construction, requiring maintenance and reuse of disturbed topsoil on the same site, planting pollinator-friendly and native species between solar panels, using lands around solar panels as pasture for grazing, installing ground mounted solar systems that do not require footing, allowing for small animal movement through fencing and avoiding nearby wetlands or floodplains.
- 2) If additional non-agricultural development is envisioned for the Peninsula in future years, the solar project should not impede long-term future extension of Lucille Lane or buildout of a local road at the signalized intersection at River Road. The Town may also consider obtaining easements at this time to ensure the orderly long-term buildout of road networks.
- 3) The Town and applicant are advised to clarify the ownership of the utility easement on the site plan. Any necessary permissions for work within the easements should be obtained prior to or as a condition of municipal approval.

There being nothing further it was determined that the Board was in a position to appoint themselves Lead Agency.

RESOLUTION #4 -- Motion by Corey, Second by Lester

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 SSC Lysander, LLC, 8971 River Road, Baldwinsville, New York Controlled Site Use application for a Solar Power Plant.

6 Ayes -- 0 Noes

Representatives thanked the Board for their time.

Doug Reith, CNY Land Surveying, represented the applicant, stating that the Fusco's own approximately ten (10) acres of land on the lower portion of Patchett Road. They would like to subdivide their home and 1.02 acres out to offer for sale and build a single family residence on the remnant piece. The property is zoned AR-40 and meets all zoning requirements. It is not in an Ag Taxing District, nor is the property 'farmed'. There are no wetlands associated with this site. Public water is available. An on-site sewage disposal system will be required.

There was some discussion with regard to the current septic system with Mr. Reith stating that it does not extend into the proposed remnant piece and meets all necessary setbacks.

Bill Lester questioned the 50' Central New York Power Company easement bisecting the site.

Mr. Reith stated that CNY Power Company is now known as National Grid.

RESOLUTION #5 -- Motion by Corey, 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 Andrew Fusco, 3467 Patchett Road, Baldwinsville, New York Minor Subdivision application.

6 Ayes -- 0 Noes

The applicant has completed Part I, Project Information; John Corey, 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)? N/A
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?
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 #6 -- Motion by Corey, Second by Lester

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 Andrew Fusco, 3467 Patchett Road, Baldwinsville, New York, Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

6 Ayes -- 0 Noes

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

RESOLVED, that a Public Hearing be held at a date and time designated by the secretary, on the application of Andrew Fusco, for a subdivision of property located at 3467 Patchett, Baldwinsville, New York, Tax Map No. 072.-01-01, for a development of two (2) lots from a parcel of approximately ten (10) acres.

6 Ayes -- 0 Noes

There was some discussion with regard to the four to one ratio. It was determined that the Planning Board has some discretion in that regard:

Chapter 270, Section 270-14, Paragraph B(4): Lot depth should not exceed four times the lot width, unless approval is granted by the Planning Board.

Mr. Reith thanked the Board for their time.

V. OTHER BUSINESS

1. Info Only—Site Plan Apartments B & F Development
Case No. TBD 3285 Belgium Road

Frank Fava, B&F Development, and Jason Brown, Dunn & Sgromo introduced a Conceptual Site Plan for apartments on property located at the corner of NYS Route 31 and Drakes Landing. The proposed apartments will be similar to the Center Pointe Apartments that were constructed and approved 22 to 23 years ago within the Radisson PUD.

- The property is within the Radisson Planned Unit Development (PUD)
- The property is approximately twenty-two (22) acres in size.
- Developing approximately twelve (12) acres of the site.
- Proposing 7 apartment buildings, 26 unites in each building, with ten (10) internal garages and ten (10) external garages.
- Proposing a Clubhouse
- Total Required Parking: 364
- Surface Parking: 235
- Garage Parking: 140
- Total Parking: 375

Mr. Fava stated that Internal Garages will open up to a common hallway within the apartment building. Each unit will have a patio. Hardwood flooring throughout. Granite counter tops with Stainless steel appliances. The top units will have open ceilings.

Mr. Fava reiterated that the buildings will be the same as the Center Pointe Apartments, which are being remodeled and invited the Board to visit those units.

Hugh Kimball questioned the height of the buildings.

Mr. Fava stated that they will be 30'.

Mr. Kimball questioned Lot Coverage.

Mr. Fava stated that they are within the parameters.

There was some discussion with regard to a traffic with the developers stating that they realize that will need to be done.

Joanne Daprano questioned if the project would be done in phases.

Mr. Fava stated that they think they will start out with three (3) buildings. Center Pointe took 3 to 4 years to complete. Occupancy levels are approximately 98% to 99%.

Ms. Daprano questioned the need for 182 more apartments in the area.

Mr. Fava stated that apartments are doing well in this area. They are not the apartments of long ago. The units range from 800 square feet up to 1700 square feet.

Doug Beachel questioned if there would be a swimming pool.

Mr. Fava stated not at this time. The Onondaga County Health Department will oversee the installation of the swimming pool if and when it is installed.

Mr. Kimball stated that he recalls a 3' water table when the YMCA project was before the Board would be concerned with that if a pool is installed.

Mr. Fava stated that they are very early in the project. It is still being engineered.

Mr. Brown added that they will have to meet all stormwater management practices.

Mr. Fava stated that they are before the Board this evening just to introduce a conceptual plan, not looking for any approvals.

Mr. Kimball stated that he is also concerned with the water pressure.

Mr. Fava stated that those concerns were raised at Center Pointe and were alleviated.

Mr. Kimball questioned if the Radisson Community Association has to review and approve the plan.

Mr. Fava concurred.

Mr. Kimball asked that visual simulations be shown from Oak Brook and Sabin.

Mr. Fava stated that he talked with Karen and is aware of that.

Steve Darcangelo questioned this property is zoned for apartments.

Mr. Yager stated that it is.

Mr. Kimball questioned if walking trails will be constructed.

Mr. Fava indicated on the plan where the existing trails, stating that the RCA hasn't mentioned any new trails at this point in time. With Center Pointe we built the trails and Radisson maintains them.

Mr. Yager stated that you may want to consider a crosswalk to get to the trails across the road.

There being nothing further, this item will be tabled until such time that the applicant has made a complete application and asks to be placed back on the agenda.

Mr. Fava thanked the Board for their time.

2. Major Subdivision—Final Plat

River Pointe, Phase 4
Lot 18 & 24 Salvatore Avenue
Lot 8 Carmellas Circle

Al Yager, Town Engineer, stated that this is the same plat we have looked at three other times. The proposed lots conform to the rules and regulations of the Lysander Town Code and the Radisson Community Association.

RESOLUTION #8 -- Motion by Corey, Second by Lester

RESOLVED, that the Planning Board authorize the Chairperson to review the Final Plat for the three (3) lot subdivision application of John Rao, River Pointe at Radisson, Part of Farm Lot 61 and Part of Tax Map Number 082.-03-02.1, more particularly Lots 18 & 24 Salvatore Avenue and Lot 8 Carmellas Circle and finding that all modifications and conditions have been met; and that the Final Plat is consistent with the approved Preliminary Plat and that any differences found are not significant; the board authorizes the Chairperson to waive the Final Plat Public Hearing and sign the Final Plat.

6 Ayes -- 0 Noes

3. Review and approval of the 2020 Planning Board Meeting Schedule

RESOLUTION #9 -- Motion by Kimball, Second by Lester

RESOLVED, that the 2020 Town of Lysander Planning Board meeting schedule be approved as submitted.

6 Ayes -- 0 Noes

John Corey, Chairman, thanked the Board members for their service stating that they have made his job easier and wished everyone a blessed and joyous Christmas

VI. ADJOURN

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

RESOLVED, that the December 12, 2019 regular Planning Board meeting adjourn at 8:11 p.m.

6 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk
Planning Board