

TOWN OF LYSANDER
PLANNING BOARD MEETING
8220 LOOP ROAD
Thursday, January 9, 2020 @ 7:00 p.m.

The regular meeting of the Town of Lysander Planning Board was held Thursday, January 9, 2020 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; Bill Massaro, Belgium Cold
Springs Fire Department; Luz Wallace; John Wallace; Doug
Reith, CNY Land Surveying; Frank Costanzo, ZBA; Jim
Stirushnik and Karen Rice, Clerk to Planning Board

I. APPOINTMENTS:

Al Yager, Engineer to the Planning Board
Timothy Frateschi, Attorney to the Planning Board
Joanne Daprano, Deputy Chairman

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

RESOLVED, that the Planning Board appoint **Joanne Daprano, Deputy Chairperson** to the Planning Board to act on behalf of the Chairman if he is unable or has a conflict of interest for the 2020 calendar year.

5 Ayes -- 1 Abstain (Daprano) -- 0 Noes

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

RESOLVED, that the Planning Board appoint **Allen Yager**, Engineer to the Planning Board for the 2020 calendar year.

6 ayes -- 0 Noes

RESOLUTION #3 -- Motion by Corey, Second by Kimball

RESOLVED, that the Planning Board appoint **Timothy Frateschi, Esq.**, Baldwin, Sutphen & Frateschi, PLLC, attorney to the Planning Board for the 2020 calendar year.

6 Ayes -- 0 Noes

PUBLIC HEARING -- 7:00 p.m.

- | | |
|-------------------------------------------|-------------------------------------|
| 1. Minor Subdivision
Case No. 2019—015 | Fusco, Andrew
3467 Patchett Road |
|-------------------------------------------|-------------------------------------|

The Public Hearing opened at 7:02 p.m.

John Corey, Chairman, questioned if there was anyone in the audience who wanted to speak in favor or against the Andrew Fusco, 3467 Patchett Road, Minor Subdivision. There being none the Public Hearing closed at 7:03 p.m.

APPROVAL OF MINUTES

Review and approval of the minutes of the December 12, 2019 regular Planning Board meeting will be tabled until the February 13, 2020 Planning Board meeting. .

II. OLD BUSINESS

1. Minor Subdivision
Case No. 2019—015

Fusco, Andrew
3467 Patchett Road

Doug Reith, CNY Land Surveying, represented Andrew Fusco, stating that the Fusco's own approximately ten (10) acres of land at 3467 Patchett Road with their existing home. They would like to cut out an acre around the existing house and build a house on the remnant piece. A new septic system is proposed for the existing house as there was a failure with the system. A septic system is not being designed at this time for the remnant piece because it's more than five (5) acres. The property is serviced by public water. The lot does not meet the four to one ratio that was mentioned at the last meeting, but we can't do anything about that as far as the width of the property is concerned

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

Steve Darcangelo stated that he doesn't like lots where you have separate parcels/homes in front of them, but we have plenty of them and they're allowed. It's just my opinion.

Hugh Kimball questioned a pond in the back corner and wondered if it connects to anything or just a place where water collects.

Mr. Reith stated that it's just an area where water collects.

Neighbor: It has been there a long while.

Mr. Darcangelo stated that there is a little discharge stream adjacent to it where the water drains down to the pond.

There is a letter on file dated January 9, 2020, prepared by Al Yager, Town Engineer, that will be made part of the public record, in part:

I have completed my review of the plat for the Fusco Minor Subdivision, prepared by CNY Land Surveying with a final revision date of December 5, 2019. The proposed lot 2 as shown does slightly exceed the 4 to 1 length to width ratio recommended in the Town Code, however the Planning Board does have the authority to approve the lot as shown. I would have no objections to the Planning Board approving this minor subdivision at this time.

FINDINGS – GROUNDS FOR DECISION

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 was referred to the Onondaga County Planning Board who made the following recommendation:

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 COMMENT:

- The Board encourages the Town to consider the potential long-term effects of land fragmentation and large-lot, strip subdivisions along road frontages on the economic viability of agricultural lands, particularly within areas containing New York State Agricultural District properties and in farm/agricultural zoning districts. Potential 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 may cumulatively occur as a result of such subdivisions.

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

RESOLUTION 4 -- Motion by Corey, Second by Lester

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 Andrew & Kerrie Fusco for property located at 3467 Patchett Road, Part of Farm Lot No.90 and Tax Map No.072.-01-01, as shown on a map dated December 5, 2019, prepared by Douglas Reith, CNY Land Surveying, is hereby approved.

DISCUSSION:

Steve Darcangelo, questioned whether or not our Code setbacks apply to easements; more particularly the power easement that goes through the corner of the property..

Al Yager, Town Engineer, stated that the way the Town’s setbacks read it’s by the property line. However, that specific easement does specify that structures can’t be built within fifty (50) feet of the centerline of the easement.

6 Ayes -- 0 Noes

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

RESOLVED, that in granting a subdivision to Andrew & Kerri Fusco for property located at 3467 Patchett Road, Baldwinsville, 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:

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.

Mr. Reith thanked the Board for their time.

III. OTHER BUSINESS

- | | |
|-------------------------------------|-----------------------------|
| 1. Major Subdivision—Final Plat | Timber Banks, Section 1B |
| Phase 5C, 2 nd Amendment | Lots 25. 26 & 27 Split Rail |

Al Yager, Town Engineer, stated that this is a three unit townhouse. The foundation is in and this is simply setting the lot line to divide the three units exactly along the common walls. The only difference is that the lot width has changed by a couple hundredths of an inch here and there; but nothing of any significance.

RESOLUTION #6 -- Motion by Corey, Second by Beachel

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the three (3) lot subdivision application of J Alberici & Sons for property located at Timber Banks, Section 1B, Phase 5C, Lots 25, 26, & 27 Split Rail Drive, Baldwinsville, NY, Part of Farm Lot No. 88 and Part of Tax Map Number 072.01-04-22 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:

2. Fees in Lieu of Land for Public Use

John Corey, Chairman, stated that when the Town adopted a new fee schedule they put a fee on apartment units and it moved us into a little different realm especially with the proposed apartment complex at the intersection of Drakes Landing and NYS Route 31. The history of the Planning Board, since the beginning of PUD’s (Planned Unit Developments) has been not to impose these fees on development. That started with Radisson and has continued with Timber Banks. The rational there is that under Lysander Code PUD’s are required to provide at least 50% of their acreage as open space as part of the project and in most cases they provide the residences their own amenities on site. Previous Planning Board’s and this Planning Board

have waived those fees in the case of anything within a PUD. I have asked Al Yager, Town Engineer, to put the topic of Fees in Lieu of Land for Public Use on the January 16, 2020 Town Board Work Session.

Mr. Corey continued stating that he'd like to get the sense of this Planning Board continuing that practice with regard to PUD's or start imposing fees where we haven't in the past.

William Lester stated that he has a couple of comments. The people of Radisson and of Timber Banks certainly have the rights to use the facilities that these fees pay for; such as a Splash Park and other facilities within the Town. We have also sent the proposed developer for the property mentioned at the corner of NYS Route 31 and Drakes Landing a list of the fees that he should be paying at \$500 a unit for 182 units. If we're going to do what our Code fees require then that developer should have to pay those fees.. My opinion is that whether it's a PUD or not the developer should pay the fees.

Steve Darcangelo stated that the fee is in lieu of parks for those that do provide parks or green space; and we might consider greenspace a linear park. If they provide that and particularly if that greenspace is not somehow dedicated only to those residents living within that. For instance I don't think the parks in Radisson is limited to Radisson. The pool might be...

Mr. Lester stated that the pool and the docks in River Park are limited to Radisson.

Mr. Darcangelo stated that he would take that into consideration when considering in lieu of parks fees, but the intent is in lieu of building a park there's a fee. If they do build a park, recreational facility or provide recreational opportunities I would waive it; but I would waive it on a case by case basis. If it's in a PUD I would look at the PUD to see if it's going to place a proportional increase of demand on the Town resources. If it does, in the future the Town will be burdened with incurring costs associated with providing recreational opportunities. The way that we cover that cost is by the 'parks fee'. If they don't provide their own park that would offset that proportional demand on our parks we should require the fee be paid.

Mr. Darcangelo continued stating that this question seems to be driven by a new fee on parklands...what is the intention of the apartment fee? What is it for?

Mr. Lester stated that it's not a new fee.

Karen Rice, Clerk, stated that it was approved in 2017. My hang-up is that fees in lieu of land for public use is assessed per lot...that's the language. These apartments are going on one lot. When they edited that fee they didn't change any language in the fees in lieu of land.

Mr. Yager concurred, however the Town Board has the discretion to set fees as they see fit. If the Town Board sees fit to charge apartments \$500 for each unit then they have the authority to do that. That's my interpretation and that's the way it reads. With that being said, this is an interesting case. The site plan that we initially saw didn't show any new trail connections. It does show a portion of the site being open and greenspace, but that portion is also wetlands; which...it's too close to houses to duck hunt back there. There is not a lot of recreational opportunities...for the vast majority of people that's not a recreational area.

Mr. Corey stated that this is part of Radisson and basically they have access to everything that Radisson offers. Every time there was a house or apartment complex built in Radisson they didn't have to have their own separate parklands because they come with a PUD.

Hugh Kimball questioned if they intend to somehow join the trails so that they can get to those amenities.

Mr. Yager stated there is not a proposed direct access nor do we know if Radisson necessarily wants one. I know Radisson has quite an existing burden with the trails that they have from a maintenance standpoint. I don't know how much desire there is from the RCA (Radisson Community Association) to accept trails especially when there is a trail immediately across the street on Drakes Landing in front of Oak Brook. I don't know if there is a desire.

Mr. Corey added that all they have to do is walk across the street.

Joanne Daprano stated that they point of the trail is not for the convenience of Radisson's maintenance, it's a mean for the residents to access the land. That's an amenity that they are expecting. That's the expectation because they're living in Radisson...that they have access to the amenities.

Mr. Darcangelo stated that his response to Radisson's Administration regarding the trail would be to say....the Town has waived in lieu of parks fees in order for your development to proceed; so there is a substantial savings in a sense that through the years there would be many, many, hundreds of thousands of dollars generated, therefore a savings to the developer and hopefully that savings was passed on to the homeowner and such. To now take and make the claim that we don't want to maintain the trails; which provide that recreational opportunity; is a poor position for them to take. You can't have the fee for recreational costs and then not carry through on the long term demand. Just like the Township now continues to carry the burden of recreation to its residents. The fee that was waived throughout the years should be reinvested by the Radisson Community to maintain their recreational opportunities that that fee was waived for.

Mr. Lester stated that he would like to know what our attorney's opinion of that is since we have, as a Board for many months if not years waived the fees. Could we reestablish it...

Mr. Corey added...since 1973 fees have been waived.

Mr. Lester continued...have we already established the precedent?

Mr. Corey stated that it's interesting because they only PUD's we have in Lysander are Radisson and Timber Banks and we have a long history, including right up to this day, of waiving those fees on the grounds that they provide their own amenities and they provide open space. That's right in our Code. The Town Planning Board is given the discretion of waiving the fees if at least 8% of the property is left in open space. Obviously that's been used. My question to the attorney would be...on what grounds do we now decide the same two PUD's, we can all of a sudden start charging this person; who within the last four years came in front of this Board and built a similar complex right down the road at Center Pointe and we didn't impose any fees there...and now because something was put on the books for apartments.

Mr. Yager stated...with that being said, the fee for what he did for Center Pointe would have been \$500 because we didn't have a fee per unit, it was per lot.

Mr. Corey questioned on what grounds do we now, retroactively decide that we can start imposing fees on these two PUD's, that is the question I want the Town Attorney to answer.

Doug Beachel stated that it's a hard position to take...my position is I would be comfortable for any new PUD, but to change the rules on one that's at the tail end of its development schedule is not fair to the developer.

Mr. Darcangelo questioned what the \$500 per unit fee is for...a fee in lieu of parks?

Mr. Yager concurred adding...or open space land.

Karen added...passive recreation.

Mr. Corey stated that you can see the challenge.

Mr. Darcangelo reiterated that the change that was made was the fee that used to be per parcel is now per unit for apartments.

Mr. Yager concurred.

Mr. Kimball stated that the quandary he has with the current proposal is that there is no easy way for them to connect to the rest of Radisson where there are those amenities available unless you want them to cross a road that is a collector road where people travel 40 mph if not more. There are no stop signs until you get to the light. There are no houses, there's nothing on it. People just zip through there because there's nothing to stop for, nothing to slow them down.

Karen added that Riverknoll has to cross NYS Route 31 to get to the trails.

Mr. Yager concurred stating that there is a crosswalk on Drakes...

Mr. Corey stated that he doesn't imagine many people will cross ...I have friends in Radisson, I golf in Radisson and use some of Radisson's amenities...I just get in my car and drive to wherever I go, park and participate. I don't have to have a trail from my house to get there. Just like I have to drive to use amenities out in Timber Banks and for Village parks. That's the issue we're kind of facing. I'm having a hard time rationalizing how at this point with these two

PUD's and the history of this Board and the history of our Code and how it's laid out...that we can now all of a sudden say, 'ok, we're going to start charging'...it's not just about apartments, it's other residential developments within a PUD. I am really struggling with that; but now that that was put on the books in 2017, Karen was required to fill out a fee schedule that showed a \$91,000 bill for the applicant for fees in lieu of land and I'm not sure that's right; but that's just my opinion. We're going to be discussing it at the work session and I wanted to get the Board's thoughts.

Mr. Darcangelo stated that trails are not necessarily the key element to get someone to a recreational facility; quite honestly there are not trails to the recreational facility on Smokey Hollow Road. We don't think that parks necessarily have to have a walking route to them; but I do think the burden should be put on the developer now that this 'new' fee is in place. Prove that as a Radisson development we incur a cost to the Radisson Community Association and that fee partially covers the cost of the recreational opportunities the people have and let them explain those opportunities...whether it's a trail, the parks; whatever it might be. The burden should be on the developer to show that they are incurring costs to maintain a recreational opportunity for their tenants moving in. That way it won't place a proportional burden on the Town's recreational facilities. If they can do that I would be willing to waive the fee. If they can't I'm going to have to ask what authority we have to waive a cost that obviously the Town Board feels is necessary. In many cases, particularly for development within a PUD, they should be able to discuss that.

Mr. Kimball stated that it appears that there is an awful lot of buildings with an awful lot of parking and questioned if there is any outside amenities proposed?

Mr. Corey stated that they talked about a swimming pool.

Mr. Kimball suggested a couple of trees or a place for grass to grow...I couldn't tell if there was even room for it.

Mr. Yager stated that there are a couple little islands of trees, but not much.

Mr. Kimball stated that if he was looking to move into an apartment building the amenities he would be looking for was an area to sit outdoors...it appears that the only place he would be able to sit would be in the middle of a wetland.

Mr. Corey reiterated that you probably wouldn't choose to move into those apartments.

Ms. Daprano questioned if the apartments have to pay Association fees, if so is it the tenants or owners...who pays the Association fee?

Mr. Lester stated that apartment renters pay it through their rent to the owner of the property...

Mr. Corey added...through their rent, just like the taxes.

Mr. Beachel stated that the property owners pay the assessment fee. There will be a discussion between the Radisson Board and the developer on paths because there is a requirement for pathways...normally 100' of pathway for every house. Lately it has been collected to offset the maintenance costs by collecting a fee rather than building new paths. Eight years ago when Crimson Ridge was developed the paths never got built because of wetland problems. So there will be that discussion.

Karen stated that they can get hit twice...by the Town and the RCA.

Mr. Corey stated that that approach by Radisson would suggest that this Board is doing it wrong and they shouldn't be charging the fee.

Mr. Beachel stated that the difference is Radisson has always done it this way.

Mr. Corey reiterated that Radisson is charging a fee instead of constructing a path.

Mr. Beachel stated that it's dollar for dollar...you either pay the equivalent of the cost of constructing a path or construct a path.

Mr. Corey thanked the Board for their thoughts and will keep everyone up to date on the discussions.

IV. ADJOURN

RESOLUTION #7 -- Motion by Lester, Second by Kimball

RESOLVED, that the January 9, 2020 regular Planning Board meeting adjourn at
7:32 p.m..

Respectfully submitted,

Karen Rice, Clerk
Planning Board